

Bill No. HB 1567, 1st Eng.

Barcode 391872

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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	1/RE/3R	.	
2	05/05/2005 02:14 PM	.	
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11 Senator Posey moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

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Section 1. Section 97.012, Florida Statutes, is

18

amended to read:

19

97.012 Secretary of State as chief election

20

officer.--The Secretary of State is the chief election officer

21

of the state, and it is his or her responsibility to:

22

(1) Obtain and maintain uniformity in the application,

23

operation, and interpretation of the election laws.

24

(2) Provide uniform standards for the proper and

25

equitable implementation of the registration laws.

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(3) Actively seek out and collect the data and

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statistics necessary to knowledgeably scrutinize the

28

effectiveness of election laws.

29

(4) Provide technical assistance to the supervisors of

30

elections on voter education and election personnel training

31

services.

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1 (5) Provide technical assistance to the supervisors of
2 elections on voting systems.

3 (6) Provide voter education assistance to the public.

4 (7) Coordinate the state's responsibilities under the
5 National Voter Registration Act of 1993.

6 (8) Provide training to all affected state agencies on
7 the necessary procedures for proper implementation of this
8 chapter.

9 (9) Ensure that all registration applications and
10 forms prescribed or approved by the department are in
11 compliance with the Voting Rights Act of 1965 and the National
12 Voter Registration Act of 1993.

13 (10) Coordinate with the United States Department of
14 Defense so that armed forces recruitment offices administer
15 voter registration in a manner consistent with the procedures
16 set forth in this code for voter registration agencies.

17 (11) Create and administer ~~maintain~~ a statewide voter
18 registration system as required by the Help America Vote Act
19 of 2002 ~~database.~~

20 (12) Maintain a voter fraud hotline and provide
21 election fraud education to the public.

22 (13) Designate an office within the department to be
23 responsible for providing information regarding voter
24 registration procedures and absentee ballot procedures to
25 absent uniformed services voters and overseas voters.

26 (14) Conduct preliminary investigations into any
27 irregularities or fraud involving voter registration, voting,
28 or candidate or issue petition activities and report his or
29 her findings to the statewide prosecutor or the state attorney
30 for the judicial circuit in which the alleged violation
31 occurred for prosecution, if warranted. The Department of

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1 State may prescribe by rule requirements for filing an
2 elections-fraud complaint and for investigating any such
3 complaint.

4 Section 2. Subsection (3) and present subsections (24)
5 and (39) of section 97.021, Florida Statutes, are amended,
6 present subsections (8) through (33) of that section are
7 redesignated as subsections (10) through (35), respectively,
8 present subsections (34) through (39) of that section are
9 redesignated as subsections (37) through (42), respectively,
10 and new subsections (8), (9), and (36) are added to that
11 section, to read:

12 97.021 Definitions.--For the purposes of this code,
13 except where the context clearly indicates otherwise, the
14 term:

15 (3) "Ballot" or "official ballot" when used in
16 reference to:

17 (a) "Marksense Paper ballots" means that printed sheet
18 of paper, used in conjunction with an electronic or
19 electromechanical vote tabulation voting system, containing
20 the names of candidates, or a statement of proposed
21 constitutional amendments or other questions or propositions
22 submitted to the electorate at any election, on which sheet of
23 paper an elector casts his or her vote.

24 (b) "Electronic or electromechanical devices" means a
25 ballot that is voted by the process of electronically
26 designating, including by touchscreen, or marking with a
27 marking device for tabulation by automatic tabulating
28 equipment or data processing equipment.

29 (8) "Early voting area" means the area designated by
30 the supervisor of elections at an early voting site at which
31 early voting activities occur, including, but not limited to,

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1 lines of voters waiting to be processed, the area where voters
2 check in and are processed, and the area where voters cast
3 their ballots.

4 (9) "Early voting site" means those locations
5 specified in s. 101.657 and the building in which early voting
6 occurs.

7 (26)(24) "Polling room" means the actual room in which
8 ballots are cast on election day and during early voting.

9 (36) "Third-party registration organization" means any
10 person, entity, or organization soliciting or collecting voter
11 registration applications. A third-party voter registration
12 organization does not include:

13 (a) A political party;

14 (b) A person who seeks only to register to vote or
15 collect voter registration applications from that person's
16 spouse, child, or parent; or

17 (c) A person engaged in registering to vote or
18 collecting voter registration applications as an employee or
19 agent of the division, supervisor of elections, Department of
20 Highway Safety and Motor Vehicles, or a voter registration
21 agency.

22 (42)(39) "Voting system" means a method of casting and
23 processing votes that functions wholly or partly by use of
24 electromechanical or electronic apparatus or by use of
25 marksense ~~paper~~ ballots and includes, but is not limited to,
26 the procedures for casting and processing votes and the
27 programs, operating manuals, supplies ~~tabulating cards,~~
28 printouts, and other software necessary for the system's
29 operation.

30 Section 3. Section 97.051, Florida Statutes, is
31 amended to read:

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1 97.051 Oath upon registering.--A person registering to
2 vote must subscribe to the following oath: "I do solemnly
3 swear (or affirm) that I will protect and defend the
4 Constitution of the United States and the Constitution of the
5 State of Florida, that I am qualified to register as an
6 elector under the Constitution and laws of the State of
7 Florida, and that all information provided in this application
8 is true ~~I am a citizen of the United States and a legal~~
9 ~~resident of Florida.~~"

10 Section 4. Section 97.052, Florida Statutes, is
11 amended to read:

12 97.052 Uniform statewide voter registration
13 application.--

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

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

- 19 1. Initial registration.
- 20 2. Change of address.
- 21 3. Change of party affiliation.
- 22 4. Change of name.
- 23 5. Replacement of a voter registration identification
24 card.
- 25 6. Signature update.

26 (b) The department is responsible for printing the
27 uniform statewide voter registration application and the voter
28 registration application form prescribed by the ~~Federal~~
29 Election Assistance Commission pursuant to federal law ~~the~~
30 ~~National Voter Registration Act of 1993~~. The applications and
31 forms must be distributed, upon request, to the following:

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- 1 1. Individuals seeking to register to vote.
- 2 2. Individuals or groups conducting voter registration
- 3 programs. A charge of 1 cent per application shall be assessed
- 4 on requests for 10,000 or more applications.
- 5 3. The Department of Highway Safety and Motor
- 6 Vehicles.
- 7 4. Voter registration agencies.
- 8 5. Armed forces recruitment offices.
- 9 6. Qualifying educational institutions.
- 10 7. Supervisors, who must make the applications and
- 11 forms available in the following manner:
- 12 a. By distributing the applications and forms in their
- 13 offices to any individual or group.
- 14 b. By distributing the applications and forms at other
- 15 locations designated by each supervisor.
- 16 c. By mailing the applications and forms to applicants
- 17 upon the request of the applicant.
- 18 (c) The uniform statewide voter registration
- 19 application may be reproduced by any private individual or
- 20 group, provided the reproduced application is in the same
- 21 format as the application prescribed under this section.
- 22 (2) The uniform statewide voter registration
- 23 application must be designed to elicit the following
- 24 information from the applicant:
- 25 (a) Full name.
- 26 (b) Date of birth.
- 27 (c) Address of legal residence.
- 28 (d) Mailing address, if different.
- 29 (e) County of legal residence.
- 30 ~~(f) Address of property for which the applicant has~~
- 31 ~~been granted a homestead exemption, if any.~~

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1 ~~(f)(g)~~ Race or ethnicity that best describes the
2 applicant:

- 3 1. American Indian or Alaskan Native.
- 4 2. Asian or Pacific Islander.
- 5 3. Black, not Hispanic.
- 6 4. White, not Hispanic.
- 7 5. Hispanic.

8 ~~(g)(h)~~ State or country of birth.

9 ~~(h)(i)~~ Sex.

10 ~~(i)(j)~~ Party affiliation.

11 ~~(j)(k)~~ Whether the applicant needs assistance in
12 voting.

13 ~~(k)(l)~~ Name and address where last registered.

14 ~~(l)(m)~~ Last four digits of the applicant's social
15 security number.

16 ~~(m)(n)~~ Florida driver's license number or the
17 identification number from a Florida identification card
18 issued under s. 322.051.

19 ~~(n)(o)~~ Telephone number (optional).

20 ~~(o)(p)~~ Signature of applicant under penalty for false
21 swearing pursuant to s. 104.011, by which the person
22 subscribes to the oath required by s. 3, Art. VI of the State
23 Constitution and s. 97.051, and swears or affirms that the
24 information contained in the registration application is true.

25 ~~(p)(q)~~ Whether the application is being used for
26 initial registration, to update a voter registration record,
27 or to request a replacement registration identification card.

28 ~~(q)(r)~~ Whether the applicant is a citizen of the
29 United States by asking the question "Are you a citizen of the
30 United States of America?" and providing boxes for the
31 applicant to check to indicate whether the applicant is or is

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1 not a citizen of the United States.

2 ~~(r)(s)~~ Whether ~~That~~ the applicant has ~~not~~ been
3 convicted of a felony, and ~~or~~, if convicted, has had his or
4 her civil rights restored by including the statement "I affirm
5 I am not a convicted felon, or if I am, my rights relating to
6 voting have been restored" and providing a box for the
7 applicant to affirm the statement.

8 ~~(s)(t)~~ Whether ~~That~~ the applicant has ~~not~~ been
9 adjudicated mentally incapacitated with respect to voting or,
10 if so adjudicated, has had his or her right to vote restored
11 by including the statement "I affirm I have not been
12 adjudicated mentally incapacitated with respect to voting or,
13 if I have, my competency has been restored" and providing a
14 box for the applicant to check to affirm the statement.

15
16 The registration form must be in plain language and designed
17 so that convicted felons whose civil rights have been restored
18 and persons who have been adjudicated mentally incapacitated
19 and have had their voting rights restored are not required to
20 reveal their prior conviction or adjudication.

21 (3) The uniform statewide voter registration
22 application must also contain:

23 (a) The oath required by s. 3, Art. VI of the State
24 Constitution and s. 97.051.

25 (b) A statement specifying each eligibility
26 requirement under s. 97.041.

27 (c) The penalties provided in s. 104.011 for false
28 swearing in connection with voter registration.

29 (d) A statement that, if an applicant declines to
30 register to vote, the fact that the applicant has declined to
31 register will remain confidential and may be used only for

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1 voter registration purposes.

2 (e) A statement that informs the applicant who chooses
3 to register to vote or update a voter registration record that
4 the office at which the applicant submits a voter registration
5 application or updates a voter registration record will remain
6 confidential and may be used only for voter registration
7 purposes.

8 ~~(f) A statement that informs the applicant that any
9 person who has been granted a homestead exemption in this
10 state, and who registers to vote in any precinct other than
11 the one in which the property for which the homestead
12 exemption has been granted, shall have that information
13 forwarded to the property appraiser where such property is
14 located, which may result in the person's homestead exemption
15 being terminated and the person being subject to assessment of
16 back taxes under s. 193.092, unless the homestead granted the
17 exemption is being maintained as the permanent residence of a
18 legal or natural dependent of the owner and the owner resides
19 elsewhere.~~

20 ~~(f)(g)~~ A statement informing an the applicant who has
21 not been issued a Florida driver's license, a Florida
22 identification card, or a social security number that if the
23 application form is submitted by mail and the applicant is
24 registering for the first time in Florida, the applicant will
25 be required to provide identification prior to voting the
26 first time.

27 (4) A supervisor may produce a voter registration
28 application that has the supervisor's direct mailing address
29 if the department has reviewed the application and determined
30 that it is substantially the same as the uniform statewide
31 voter registration application.

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1 (5) The voter registration application form prescribed
 2 by the ~~Federal~~ Election Assistance Commission pursuant to
 3 federal law ~~the National Voter Registration Act of 1993~~ or the
 4 federal postcard application must be accepted as an
 5 application for registration in this state if the completed
 6 application or postcard application contains the information
 7 required by the constitution and laws of this state.

8 Section 5. Section 97.053, Florida Statutes, is
 9 amended to read:

10 97.053 Acceptance of voter registration
 11 applications.--

12 (1) Voter registration applications, changes in
 13 registration, and requests for a replacement registration
 14 identification card must be accepted in the office of any
 15 supervisor, the division, a driver license office, a voter
 16 registration agency, or an armed forces recruitment office
 17 when hand delivered by the applicant or a third party during
 18 the hours that office is open or when mailed.

19 (2) A ~~completed~~ voter registration application is
 20 complete and that contains the information necessary to
 21 establish an applicant's eligibility pursuant to s. 97.041
 22 becomes the official voter registration record of that
 23 applicant when all information necessary to establish the
 24 applicant's eligibility pursuant to s. 97.041 is received by
 25 the appropriate supervisor. If the applicant fails to complete
 26 his or her voter registration application before the date of
 27 book closing for an election, such applicant is not eligible
 28 to vote in that election.

29 (3) The registration date for a valid initial voter
 30 registration application that has been hand delivered is the
 31 date when received by a driver license office, a voter

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1 registration agency, an armed forces recruitment office, the
 2 division, or the office of any supervisor in the state.

3 (4) The registration date for a valid initial voter
 4 registration application that has been mailed to a driver
 5 license office, a voter registration agency, an armed forces
 6 recruitment office, the division, or the office of any
 7 supervisor in the state and bears a clear postmark is the date
 8 of that ~~the~~ postmark. If an initial voter registration
 9 application that has been mailed does not bear a postmark or
 10 if the postmark is unclear, the registration date is the date
 11 the registration is received by any supervisor or the
 12 division, unless it is received within 5 days after the
 13 closing of the books for an election, excluding Saturdays,
 14 Sundays, and legal holidays, in which case the registration
 15 date is the book-closing date.

16 (5)(a) A voter registration application is complete if
 17 it contains the following information necessary to establish
 18 eligibility pursuant to s. 97.041:

- 19 1. The applicant's name.
- 20 2. The applicant's legal residence address.
- 21 3. The applicant's date of birth.
- 22 4. A mark in the checkbox affirming ~~An indication~~ that
 23 the applicant is a citizen of the United States.

24 5. The applicant's Florida driver's license number,
 25 the identification number from a Florida identification card
 26 issued under s. 322.051, or the last four digits of the
 27 applicant's social security number.

28 6. A mark in the checkbox affirming ~~An indication~~ that
 29 the applicant has not been convicted of a felony or that, if
 30 convicted, has had his or her civil rights restored.

31 7. A mark in the checkbox affirming ~~An indication~~ that

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1 the applicant has not been adjudicated mentally incapacitated
2 with respect to voting or that, if so adjudicated, has had his
3 or her right to vote restored.

4 8. The original signature of the applicant swearing or
5 affirming under the penalty for false swearing pursuant to s.
6 104.011 that the information contained in the registration
7 application is true and subscribing to the oath required by s.
8 3, Art. VI of the State Constitution and s. 97.051.

9 (b) An applicant who fails to designate party
10 affiliation must be registered without party affiliation. The
11 supervisor must notify the voter by mail that the voter has
12 been registered without party affiliation and that the voter
13 may change party affiliation as provided in s. 97.1031.

14 Section 6. Subsection (1) of section 97.055, Florida
15 Statutes, is amended to read:

16 97.055 Registration books; when closed for an
17 election.--

18 (1) The registration books must be closed on the 29th
19 day before each election and must remain closed until after
20 that election. If an election is called and there are fewer
21 than 29 days before that election, the registration books must
22 be closed immediately. When the registration books are closed
23 for an election, updates to a voter's name, address, and
24 signature pursuant to ss. 98.077 and 101.045 shall be the only
25 changes permitted for purposes of the upcoming election. Voter
26 registration applications and party changes must be accepted
27 but only for the purpose of subsequent elections. However,
28 party changes received between the book-closing date of the
29 first primary election and the date of the second primary
30 election are not effective until after the second primary
31 election.

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1 Section 7. Section 97.0575, Florida Statutes, is
2 created to read:

3 97.0575 Third-party voter registrations.--

4 (1) Prior to engaging in any voter-registration
5 activities, a third-party voter registration organization
6 shall name a registered agent in the state and submit to the
7 division, in a form adopted by the division, the name of the
8 registered agent and the name of those individuals responsible
9 for the day-to-day operation of the third-party voter
10 registration organization, including, if applicable, the names
11 of the entity's board of directors, president, vice president,
12 managing partner, or such other individuals engaged in similar
13 duties or functions. On or before the 15th day after the end
14 of each calendar quarter, each third-party voter registration
15 organization shall submit to the division a report providing
16 the date and location of any organized voter-registration
17 drives conducted by the organization in the prior calendar
18 quarter.

19 (2) The failure to submit the information required by
20 subsection (1) does not subject the third-party voter
21 registration organization to any civil or criminal penalties
22 for such failure and the failure to submit such information is
23 not a basis for denying such third-party voter registration
24 organization with copies of voter-registration application
25 forms.

26 (3) A third-party voter registration organization that
27 collects voter-registration applications serves as a fiduciary
28 to the applicant, ensuring that any voter-registration
29 application entrusted to the third-party voter registration
30 organization, irrespective of party affiliation, race,
31 ethnicity, or gender shall be promptly delivered to the

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1 division or the supervisor of elections. If a
 2 voter-registration application collected by any third-party
 3 voter registration organization is not delivered to the
 4 division or supervisor of elections, the individual collecting
 5 the voter-registration application, the registered agent, and
 6 those individuals responsible for the day-to-day operation of
 7 the third-party voter registration organization, including, if
 8 applicable, the entity's board of directors, president, vice
 9 president, managing partner, or such other individuals engaged
 10 in similar duties or functions, shall be personally and
 11 jointly and severally liable for the following fines:

12 (a) A fine in the amount of \$250 for each application
 13 received by the division or the supervisor of elections more
 14 than 10 days after the applicant delivered the completed
 15 voter-registration application to the third-party voter
 16 registration organization or any person, entity, or agent
 17 acting on its behalf.

18 (b) A fine in the amount of \$500 for each application
 19 collected by a third-party voter registration organization or
 20 any person, entity, or agent acting on its behalf, prior to
 21 book closing for any given election for federal or state
 22 office and received by the division or the supervisor of
 23 elections after the book closing deadline for such election.

24 (c) A fine in the amount of \$5,000 for each
 25 application collected by a third-party voter registration
 26 organization or any person, entity, or agent acting on its
 27 behalf, which is not submitted to the division or supervisor
 28 of elections.

29
 30 The fines provided in this subsection shall be reduced by
 31 three-fourths in cases in which the third-party voter

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1 registration organization has complied with subsection (1).

2 (4)(a) The division shall adopt by rule a form to
3 elicit specific information concerning the facts and
4 circumstances from a person who claims to have been registered
5 by a third-party voter registration organization but who does
6 not appear as an active voter on the voter-registration rolls.

7 (b) The division may investigate any violation of this
8 section. Civil fines shall be assessed by the division and
9 enforced through any appropriate legal proceedings.

10 (5) The date on which an applicant signs a
11 voter-registration application is presumed to be the date on
12 which the third-party voter registration organization received
13 or collected the voter-registration application.

14 (6) The civil fines provided in this section are in
15 addition to any applicable criminal penalties.

16 (7) Fines collected pursuant to this section shall be
17 annually appropriated by the Legislature to the department for
18 enforcement of this section and for voter education.

19 (8) The division may adopt rules to administer this
20 section.

21 Section 8. Section 97.071, Florida Statutes, is
22 amended to read:

23 97.071 Registration identification card.--

24 (1) The supervisor must furnish a registration
25 identification card ~~must be furnished~~ to all voters
26 registering under the permanent single registration system and
27 must contain:

- 28 (a) Voter's registration number.
- 29 (b) Date of registration.
- 30 (c) Full name.
- 31 (d) Party affiliation.

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- 1 (e) Date of birth.
- 2 (f) Race or ethnicity, if provided by the applicant.
- 3 (g) Sex, if provided by the applicant.
- 4 (h) Address of legal residence.
- 5 (i) Precinct number.
- 6 (j) Name of supervisor.
- 7 (k) Place for voter's signature.
- 8 (l) Other information deemed necessary by the

9 department.

10 (2) A voter may receive a replacement of a

11 registration identification card by providing a signed,

12 written request for a replacement card to the supervisor. Upon

13 verification of registration, the supervisor shall issue the

14 voter a duplicate card without charge.

15 (3) In the case of a change of name, address, or party

16 affiliation, the supervisor must issue the voter a new

17 registration identification card. However, a registration

18 identification card indicating a party affiliation change made

19 between the book-closing date for the first primary election

20 and the date of the second primary election may not be issued

21 until after the second primary election.

22 Section 9. Subsection (3) of section 98.045, Florida

23 Statutes, is amended to read:

24 98.045 Administration of voter registration.--

25 (3) Notwithstanding the provisions of s. ss. 98.095

26 ~~and~~ 98.0977, each supervisor shall maintain for at least 2

27 years, and make available for public inspection and copying,

28 all records concerning implementation of registration list

29 maintenance programs and activities conducted pursuant to ss.

30 98.065, 98.075, and 98.0977. The records must include lists of

31 the name and address of each person to whom an address

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1 confirmation final notice was sent and information as to
2 whether each such person responded to the mailing, but may not
3 include any information that is confidential or exempt from
4 public records requirements under this code.

5 Section 10. Section 98.077, Florida Statutes, is
6 amended to read:

7 98.077 Update of voter signature.--The supervisor of
8 elections shall provide to each registered voter of the county
9 the opportunity to update his or her signature on file at the
10 supervisor's office by providing notification of the ability
11 to do so in any correspondence, other than postcard
12 notifications, sent to the voter. The notice shall advise
13 when, where, and how to update the signature and shall provide
14 the voter information on how to obtain a form from the
15 supervisor that can be returned to update the signature. In
16 addition, at least once during each general election year, the
17 supervisor shall publish in a newspaper of general circulation
18 or other newspaper in the county deemed appropriate by the
19 supervisor a notice specifying when, where, or how a voter can
20 update his or her signature that is on file or how a voter can
21 obtain a form from the supervisor to do so. All signature
22 updates for use in verifying absentee and provisional ballots
23 must be received by the appropriate supervisor of elections no
24 later than the start of the canvassing of absentee ballots by
25 the canvassing board. The signature on file at the start of
26 the canvas of the absentee ballots is the signature that shall
27 be used in verifying the signature on the absentee and
28 provisional ballot certificates.

29 Section 11. Section 99.061, Florida Statutes, is
30 amended to read:

31 99.061 Method of qualifying for nomination or election

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1 to federal, state, county, or district office.--

2 (1) The provisions of any special act to the contrary
3 notwithstanding, each person seeking to qualify for nomination
4 or election to a federal, state, or multicounty district
5 office, other than election to a judicial office as defined in
6 chapter 105 or the office of school board member, shall file
7 his or her qualification papers with, and pay the qualifying
8 fee, which shall consist of the filing fee and election
9 assessment, and party assessment, if any has been levied, to,
10 the Department of State, or qualify by the petition process
11 pursuant to s. 99.095 ~~alternative method~~ with the Department
12 of State, at any time after noon of the 1st day for
13 qualifying, which shall be as follows: the 120th day prior to
14 the first primary, but not later than noon of the 116th day
15 prior to the date of the first primary, for persons seeking to
16 qualify for nomination or election to federal office; and noon
17 of the 50th day prior to the first primary, but not later than
18 noon of the 46th day prior to the date of the first primary,
19 for persons seeking to qualify for nomination or election to a
20 state or multicounty district office.

21 (2) The provisions of any special act to the contrary
22 notwithstanding, each person seeking to qualify for nomination
23 or election to a county office, or district or special
24 district office not covered by subsection (1), shall file his
25 or her qualification papers with, and pay the qualifying fee,
26 which shall consist of the filing fee and election assessment,
27 and party assessment, if any has been levied, to, the
28 supervisor of elections of the county, or shall qualify by the
29 petition process pursuant to s. 99.095 ~~alternative method~~ with
30 the supervisor of elections, at any time after noon of the 1st
31 day for qualifying, which shall be the 50th day prior to the

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1 first primary or special district election, but not later than
2 noon of the 46th day prior to the date of the first primary or
3 special district election. However, if a special district
4 election is held at the same time as the second primary or
5 general election, qualifying shall be the 50th day prior to
6 the first primary, but not later than noon of the 46th day
7 prior to the date of the first primary. Within 30 days after
8 the closing of qualifying time, the supervisor of elections
9 shall remit to the secretary of the state executive committee
10 of the political party to which the candidate belongs the
11 amount of the filing fee, two-thirds of which shall be used to
12 promote the candidacy of candidates for county offices and the
13 candidacy of members of the Legislature.

14 (3)(a) Each person seeking to qualify for election to
15 office as a write-in candidate shall file his or her
16 qualification papers with the respective qualifying officer at
17 any time after noon of the 1st day for qualifying, but not
18 later than noon of the last day of the qualifying period for
19 the office sought.

20 (b) Any person who is seeking election as a write-in
21 candidate shall not be required to pay a filing fee, election
22 assessment, or party assessment. A write-in candidate shall
23 not be entitled to have his or her name printed on any ballot;
24 however, space for the write-in candidate's name to be written
25 in shall be provided on the general election ballot. No
26 person may qualify as a write-in candidate if the person has
27 also otherwise qualified for nomination or election to such
28 office.

29 (4) At the time of qualifying for office, each
30 candidate for a constitutional office shall file a full and
31 public disclosure of financial interests pursuant to s. 8,

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1 Art. II of the State Constitution, and a candidate for any
 2 other office, including local elective office, shall file a
 3 statement of financial interests pursuant to s. 112.3145.

4 (5) The Department of State shall certify to the
 5 supervisor of elections, within 7 days after the closing date
 6 for qualifying, the names of all duly qualified candidates for
 7 nomination or election who have qualified with the Department
 8 of State.

9 (6) Notwithstanding the qualifying period prescribed
 10 in this section, if a candidate has submitted the necessary
 11 petitions by the required deadline in order to qualify by the
 12 petition process pursuant to s. 99.095 ~~alternative method~~ as a
 13 candidate for nomination or election and the candidate is
 14 notified after the 5th day prior to the last day for
 15 qualifying that the required number of signatures has been
 16 obtained, the candidate is entitled to subscribe to the
 17 candidate's oath and file the qualifying papers at any time
 18 within 5 days from the date the candidate is notified that the
 19 necessary number of signatures has been obtained. Any
 20 candidate who qualifies within the time prescribed in this
 21 subsection is entitled to have his or her name printed on the
 22 ballot.

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

26 1. A properly executed check drawn upon the
 27 candidate's campaign account in an amount not less than the
 28 fee required by s. 99.092 or, in lieu thereof, as applicable,
 29 the copy of the notice of obtaining ballot position pursuant
 30 to s. 99.095 ~~or the undue burden oath authorized pursuant to~~
 31 ~~s. 99.0955 or s. 99.096~~. If a candidate's check is returned

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1 by the bank for any reason, the filing officer shall
 2 immediately notify the candidate and the candidate shall, the
 3 end of qualifying notwithstanding, have 48 hours from the time
 4 such notification is received, excluding Saturdays, Sundays,
 5 and legal holidays, to pay the fee with a cashier's check
 6 purchased from funds of the campaign account. Failure to pay
 7 the fee as provided in this subparagraph shall disqualify the
 8 candidate.

9 2. The candidate's oath required by s. 99.021, which
 10 must contain the name of the candidate as it is to appear on
 11 the ballot; the office sought, including the district or group
 12 number if applicable; and the signature of the candidate, duly
 13 acknowledged.

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

16 4. If the office sought is partisan, the written
 17 statement of political party affiliation required by s.
 18 99.021(1)(b).

19 5. The completed form for the appointment of campaign
 20 treasurer and designation of campaign depository, as required
 21 by s. 106.021.

22 6. The full and public disclosure or statement of
 23 financial interests required by subsection (4). A public
 24 officer who has filed the full and public disclosure or
 25 statement of financial interests with the Commission on Ethics
 26 or the supervisor of elections prior to qualifying for office
 27 may file a copy of that disclosure at the time of qualifying.

28 (b) If the filing officer receives qualifying papers
 29 that do not include all items as required by paragraph (a)
 30 prior to the last day of qualifying, the filing officer shall
 31 make a reasonable effort to notify the candidate of the

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1 missing or incomplete items and shall inform the candidate
2 that all required items must be received by the close of
3 qualifying. A candidate's name as it is to appear on the
4 ballot may not be changed after the end of qualifying.

5 (8) Notwithstanding the qualifying period prescribed
6 in this section, a qualifying office may accept and hold
7 qualifying papers submitted not earlier than 14 days prior to
8 the beginning of the qualifying period, to be processed and
9 filed during the qualifying period.

10 (9)(8) Notwithstanding the qualifying period
11 prescribed by this section, in each year in which the
12 Legislature apportions the state, the qualifying period for
13 persons seeking to qualify for nomination or election to
14 federal office shall be between noon of the 57th day prior to
15 the first primary, but not later than noon of the 53rd day
16 prior to the first primary.

17 (10)(9) The Department of State may prescribe by rule
18 requirements for filing papers to qualify as a candidate under
19 this section.

20 Section 12. Section 99.063, Florida Statutes, is
21 amended to read:

22 99.063 Candidates for Governor and Lieutenant
23 Governor.--

24 (1) No later than 5 p.m. of the 9th day following the
25 second primary election, each candidate for Governor shall
26 designate a Lieutenant Governor as a running mate. Such
27 designation must be made in writing to the Department of
28 State.

29 (2) No later than 5 p.m. of the 9th day following the
30 second primary election, each designated candidate for
31 Lieutenant Governor shall file with the Department of State:

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1 (a) The candidate's oath required by s. 99.021, which
 2 must contain the name of the candidate as it is to appear on
 3 the ballot; the office sought; and the signature of the
 4 candidate, duly acknowledged.

5 (b) The loyalty oath required by s. 876.05, signed by
 6 the candidate and duly acknowledged.

7 (c) If the office sought is partisan, the written
 8 statement of political party affiliation required by s.
 9 99.021(1)(b).

10 (d) The full and public disclosure of financial
 11 interests pursuant to s. 8, Art. II of the State Constitution.
 12 A public officer who has filed the full and public disclosure
 13 with the Commission on Ethics prior to qualifying for office
 14 may file a copy of that disclosure at the time of qualifying.

15 (3) A designated candidate for Lieutenant Governor is
 16 not required to pay a separate qualifying fee or obtain
 17 signatures on petitions. Ballot position obtained by the
 18 candidate for Governor entitles the designated candidate for
 19 Lieutenant Governor, upon receipt by the Department of State
 20 of the qualifying papers required by subsection (2), to have
 21 his or her name placed on the ballot for the joint candidacy.

22 (4) In order to have the name of the candidate for
 23 Lieutenant Governor printed on the first or second primary
 24 election ballot, a candidate for Governor participating in the
 25 primary must designate the candidate for Lieutenant Governor,
 26 and the designated candidate must qualify no later than the
 27 end of the qualifying period specified in s. 99.061. If the
 28 candidate for Lieutenant Governor has not been designated and
 29 has not qualified by the end of the qualifying period
 30 specified in s. 99.061, the phrase "Not Yet Designated" must
 31 be included in lieu of the candidate's name on primary

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1 election ballots and on advance absentee ballots for the
2 general election.

3 (5) Failure of the Lieutenant Governor candidate to be
4 designated and qualified by the time specified in subsection
5 (2) shall result in forfeiture of ballot position for the
6 candidate for Governor for the general election.

7 Section 13. Section 99.092, Florida Statutes, is
8 amended to read:

9 99.092 Qualifying fee of candidate; notification of
10 Department of State.--

11 (1) Each person seeking to qualify for nomination or
12 election to any office, except a person seeking to qualify by
13 the petition process ~~alternative method~~ pursuant to s. 99.0957
14 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to
15 qualify as a write-in candidate, shall pay a qualifying fee,
16 which shall consist of a filing fee and election assessment,
17 to the officer with whom the person qualifies, and any party
18 assessment levied, and shall attach the original or signed
19 duplicate of the receipt for his or her party assessment or
20 pay the same, in accordance with the provisions of s. 103.121,
21 at the time of filing his or her other qualifying papers. The
22 amount of the filing fee is 3 percent of the annual salary of
23 the office. The amount of the election assessment is 1
24 percent of the annual salary of the office sought. The
25 election assessment shall be deposited into the Elections
26 Commission Trust Fund. The amount of the party assessment is
27 2 percent of the annual salary. The annual salary of the
28 office for purposes of computing the filing fee, election
29 assessment, and party assessment shall be computed by
30 multiplying 12 times the monthly salary, excluding any special
31 qualification pay, authorized for such office as of July 1

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1 immediately preceding the first day of qualifying. No
 2 qualifying fee shall be returned to the candidate unless the
 3 candidate withdraws his or her candidacy before the last date
 4 to qualify. If a candidate dies prior to an election and has
 5 not withdrawn his or her candidacy before the last date to
 6 qualify, the candidate's qualifying fee shall be returned to
 7 his or her designated beneficiary, and, if the filing fee or
 8 any portion thereof has been transferred to the political
 9 party of the candidate, the Secretary of State shall direct
 10 the party to return that portion to the designated beneficiary
 11 of the candidate.

12 (2) The supervisor of elections shall, immediately
 13 after the last day for qualifying, submit to the Department of
 14 State a list containing the names, party affiliations, and
 15 addresses of all candidates and the offices for which they
 16 qualified.

17 Section 14. Section 99.095, Florida Statutes, is
 18 amended to read:

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

21 99.095 Petition process in lieu of a qualifying fee
 22 and party assessment.--

23 (1) A person who seeks to qualify as a candidate for
 24 any office and who meets the petition requirements of this
 25 section is not required to pay the qualifying fee or party
 26 assessment required by this chapter.

27 (2)(a) A candidate shall obtain the number of
 28 signatures of voters in the geographical area represented by
 29 the office sought equal to at least 1 percent of the total
 30 number of registered voters of that geographical area, as
 31 shown by the compilation by the department for the last

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1 preceding general election. Signatures may not be obtained
2 until the candidate has filed the appointment of campaign
3 treasurer and designation of campaign depository pursuant to
4 s. 106.021.

5 (b) The format of the petition shall be prescribed by
6 the division and shall be used by candidates to reproduce
7 petitions for circulation. If the candidate is running for an
8 office that requires a group or district designation, the
9 petition must indicate that designation and if it does not,
10 the signatures are not valid. A separate petition is required
11 for each candidate.

12 (3) Each petition must be submitted before noon of the
13 28th day preceding the first day of the qualifying period for
14 the office sought to the supervisor of elections of the county
15 in which such petition was circulated. Each supervisor shall
16 check the signatures on the petitions to verify their status
17 as voters in the county, district, or other geographical area
18 represented by the office sought. No later than the 7th day
19 before the first day of the qualifying period, the supervisor
20 shall certify the number of valid signatures.

21 (4)(a) Certifications for candidates for federal,
22 state, or multicounty district office shall be submitted to
23 the division. The division shall determine whether the
24 required number of signatures has been obtained and shall
25 notify the candidate.

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

30 (5) If the required number of signatures has been
31 obtained, the candidate is eligible to qualify pursuant to s.

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1 99.061.

2 Section 15. Section 99.0955, Florida Statutes, is
3 amended to read:

4 99.0955 Candidates with no party affiliation; name on
5 general election ballot.--

6 (1) Each person seeking to qualify for election as a
7 candidate with no party affiliation shall file his or her
8 qualifying ~~qualification~~ papers and pay the qualifying fee or
9 qualify by the petition process pursuant to s. 99.095
10 ~~alternative method prescribed in subsection (3)~~ with the
11 officer and during the times and under the circumstances
12 prescribed in s. 99.061. Upon qualifying, the candidate is
13 entitled to have his or her name placed on the general
14 election ballot.

15 (2) The qualifying fee for candidates with no party
16 affiliation shall consist of a filing fee and an election
17 assessment as prescribed in s. 99.092. ~~The amount of the~~
18 ~~filing fee is 3 percent of the annual salary of the office~~
19 ~~sought. The amount of the election assessment is 1 percent of~~
20 ~~the annual salary of the office sought. The election~~
21 ~~assessment shall be deposited into the Elections Commission~~
22 ~~Trust Fund.~~ Filing fees paid to the Department of State shall
23 be deposited into the General Revenue Fund of the state.
24 Filing fees paid to the supervisor of elections shall be
25 deposited into the general revenue fund of the county.

26 ~~(3)(a) A candidate with no party affiliation may, in~~
27 ~~lieu of paying the qualifying fee, qualify for office by the~~
28 ~~alternative method prescribed in this subsection. A candidate~~
29 ~~using this petitioning process shall file an oath with the~~
30 ~~officer before whom the candidate would qualify for the office~~
31 ~~stating that he or she intends to qualify by this alternative~~

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

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

24 ~~(c) Each petition must be submitted before noon of the~~
25 ~~21st day preceding the first day of the qualifying period for~~
26 ~~the office sought, to the supervisor of elections of the~~
27 ~~county for which such petition was circulated. Each supervisor~~
28 ~~to whom a petition is submitted shall check the signatures on~~
29 ~~the petition to verify their status as electors in the county,~~
30 ~~district, or other geographical entity represented by the~~
31 ~~office sought. Before the first day for qualifying, the~~

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1 ~~supervisor shall certify the number shown as registered~~
2 ~~electors.~~

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

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

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

19 Section 16. Section 99.096, Florida Statutes, is
20 amended to read:

21 99.096 Minor political party candidates; names on
22 ballot.--

23 (1) ~~The executive committee of a minor political party~~
24 ~~shall,~~ No later than noon of the third day prior to the first
25 day of the qualifying period prescribed for federal
26 candidates, the executive committee of a minor political party
27 shall submit to the Department of State a list of federal
28 candidates nominated by the party to be on the general
29 election ballot. ~~and~~ No later than noon of the third day prior
30 to the first day of the qualifying period for state
31 candidates, the executive committee of a minor political party

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1 shall submit to the filing officer for each of the candidates
2 ~~submit to the Department of State the official list of the~~
3 state, multicounty, and county respective candidates nominated
4 by that party to be on the ballot in the general election. ~~The~~
5 ~~Department of State shall notify the appropriate supervisors~~
6 ~~of elections of the name of each minor party candidate~~
7 ~~eligible to qualify before such supervisor.~~ The official list
8 of nominated candidates may not be changed by the party after
9 having been filed with the filing officers ~~Department of~~
10 ~~State, except that candidates who have qualified may withdraw~~
11 ~~from the ballot pursuant to the provisions of this code, and~~
12 vacancies in nominations may be filled pursuant to s. 100.111.

13 (2) Each person seeking to qualify for election as a
14 candidate of a minor political party shall file his or her
15 qualifying ~~qualification~~ papers with, and pay the qualifying
16 fee and, if one has been levied, the party assessment, or
17 qualify by the petition process pursuant to s. 99.095
18 ~~alternative method prescribed in subsection (3), with the~~
19 officer and at the times and under the circumstances provided
20 in s. 99.061.

21 ~~(3)(a) A minor party candidate may, in lieu of paying~~
22 ~~the qualifying fee and party assessment, qualify for office by~~
23 ~~the alternative method prescribed in this subsection. A~~
24 ~~candidate using this petitioning process shall file an oath~~
25 ~~with the officer before whom the candidate would qualify for~~
26 ~~the office stating that he or she intends to qualify by this~~
27 ~~alternative method. If the person is running for an office~~
28 ~~that requires a group or district designation, the candidate~~
29 ~~must indicate the designation in his or her oath. The oath~~
30 ~~must be filed at any time after the first Tuesday after the~~
31 ~~first Monday in January of the year in which the election is~~

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1 ~~held, but before the 21st day preceding the first day of the~~
2 ~~qualifying period for the office sought. The Department of~~
3 ~~State shall prescribe the form to be used in administering and~~
4 ~~filing the oath. Signatures may not be obtained by a~~
5 ~~candidate on any petition until the candidate has filed the~~
6 ~~oath required in this section. Upon receipt of the written~~
7 ~~oath from a candidate, the qualifying officer shall provide~~
8 ~~the candidate with petition forms in sufficient numbers to~~
9 ~~facilitate the gathering of signatures. If the candidate is~~
10 ~~running for an office that requires a group or district~~
11 ~~designation, the petition must indicate that designation or~~
12 ~~the signatures on such petition will not be counted.~~

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

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

29 ~~(d)1. Certifications for candidates for federal,~~
30 ~~state, or multicounty district office shall be submitted to~~
31 ~~the Department of State. The Department of State shall~~

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1 ~~determine whether the required number of signatures has been~~
2 ~~obtained for the name of the candidate to be placed on the~~
3 ~~ballot and shall notify the candidate.~~

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

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

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

18 Section 17. Subsection (1) of section 99.09651,
19 Florida Statutes, is amended to read:

20 99.09651 Signature requirements for ballot position in
21 year of apportionment.--

22 (1) In a year of apportionment, any candidate for
23 representative to Congress, state Senate, or state House of
24 Representatives seeking ballot position by the petition
25 process alternative method prescribed in s. 99.095, ~~s.~~
26 ~~99.0955, or s. 99.096~~ shall obtain at least the number of
27 signatures equal to one-third of 1 percent of the ideal
28 population for the district of the office being sought.

29 Section 18. Subsection (1) of section 100.011, Florida
30 Statutes, is amended to read:

31 100.011 Opening and closing of polls, all elections;

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1 expenses.--

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

12 Section 19. Section 100.101, Florida Statutes, is
13 amended to read:

14 100.101 Special elections and special primary
15 elections.--Except as provided in s. 100.111(2), a special
16 election or special primary election shall be held in the
17 following cases:

18 (1) If no person has been elected at a general
19 election to fill an office which was required to be filled by
20 election at such general election.

21 (2) If a vacancy occurs in the office of state senator
22 or member of the state house of representatives.

23 (3) If it is necessary to elect presidential electors,
24 by reason of the offices of President and Vice President both
25 having become vacant.

26 (4) If a vacancy occurs in the office of member from
27 Florida of the House of Representatives of Congress.

28 ~~(5) If a vacancy occurs in nomination.~~

29 Section 20. Section 100.111, Florida Statutes, is
30 amended to read:

31 100.111 Filling vacancy.--

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1 (1)(a) If any vacancy occurs in any office which is
2 required to be filled pursuant to s. 1(f), Art. IV of the
3 State Constitution and the remainder of the term of such
4 office is 28 months or longer, then at the next general
5 election a person shall be elected to fill the unexpired
6 portion of such term, commencing on the first Tuesday after
7 the first Monday following such general election.

8 (b) If such a vacancy occurs prior to the first day
9 set by law for qualifying for election to office at such
10 general election, any person seeking nomination or election to
11 the unexpired portion of the term shall qualify within the
12 time prescribed by law for qualifying for other offices to be
13 filled by election at such general election.

14 (c) If such a vacancy occurs prior to the first
15 primary but on or after the first day set by law for
16 qualifying, the Secretary of State shall set dates for
17 qualifying for the unexpired portion of the term of such
18 office. Any person seeking nomination or election to the
19 unexpired portion of the term shall qualify within the time
20 set by the Secretary of State. If time does not permit party
21 nominations to be made in conjunction with the first and
22 second primary elections, the Governor may call a special
23 primary election, and, if necessary, a second special primary
24 election, to select party nominees for the unexpired portion
25 of such term.

26 (2)(a) If, in any state or county office required to
27 be filled by election, a vacancy occurs during an election
28 year by reason of the incumbent having qualified as a
29 candidate for federal office pursuant to s. 99.061, no special
30 election is required. Any person seeking nomination or
31 election to the office so vacated shall qualify within the

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1 time prescribed by s. 99.061 for qualifying for state or
2 county offices to be filled by election.

3 (b) If such a vacancy occurs in an election year other
4 than the one immediately preceding expiration of the present
5 term, the Secretary of State shall notify the supervisor of
6 elections in each county served by the office that a vacancy
7 has been created. Such notice shall be provided to the
8 supervisor of elections not later than the close of the first
9 day set for qualifying for state or county office. The
10 supervisor shall provide public notice of the vacancy in any
11 manner the Secretary of State deems appropriate.

12 (3) Whenever there is a vacancy for which a special
13 election is required pursuant to s. 100.101 ~~s. 100.101(1)-(4)~~,
14 the Governor, after consultation with the Secretary of State,
15 shall fix the date of a special first primary election, a
16 special second primary election, and a special election.
17 Nominees of political parties other than minor political
18 parties shall be chosen under the primary laws of this state
19 in the special primary elections to become candidates in the
20 special election. Prior to setting the special election
21 dates, the Governor shall consider any upcoming elections in
22 the jurisdiction where the special election will be held. The
23 dates fixed by the Governor shall be specific days certain and
24 shall not be established by the happening of a condition or
25 stated in the alternative. The dates fixed shall provide a
26 minimum of 2 weeks between each election. In the event a
27 vacancy occurs in the office of state senator or member of the
28 House of Representatives when the Legislature is in regular
29 legislative session, the minimum times prescribed by this
30 subsection may be waived upon concurrence of the Governor, the
31 Speaker of the House of Representatives, and the President of

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1 the Senate. If a vacancy occurs in the office of state
2 senator and no session of the Legislature is scheduled to be
3 held prior to the next general election, the Governor may fix
4 the dates for any special primary and for the special election
5 to coincide with the dates of the first and second primary and
6 general election. If a vacancy in office occurs in any
7 district in the state Senate or House of Representatives or in
8 any congressional district, and no session of the Legislature,
9 or session of Congress if the vacancy is in a congressional
10 district, is scheduled to be held during the unexpired portion
11 of the term, the Governor is not required to call a special
12 election to fill such vacancy.

13 (a) The dates for candidates to qualify in such
14 special election or special primary election shall be fixed by
15 the Department of State, and candidates shall qualify not
16 later than noon of the last day so fixed. The dates fixed for
17 qualifying shall allow a minimum of 14 days between the last
18 day of qualifying and the special first primary election.

19 (b) The filing of campaign expense statements by
20 candidates in such special elections or special primaries and
21 by committees making contributions or expenditures to
22 influence the results of such special primaries or special
23 elections shall be not later than such dates as shall be fixed
24 by the Department of State, and in fixing such dates the
25 Department of State shall take into consideration and be
26 governed by the practical time limitations.

27 (c) The dates for a candidate to qualify by the
28 petition process pursuant to s. 99.095 ~~alternative method~~ in
29 such special primary or special election shall be fixed by the
30 Department of State. In fixing such dates the Department of
31 State shall take into consideration and be governed by the

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1 practical time limitations. Any candidate seeking to qualify
 2 by the petition process ~~alternative method~~ in a special
 3 primary election shall obtain 25 percent of the signatures
 4 required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~
 5 ~~applicable.~~

6 (d) The qualifying fees and party assessments of such
 7 candidates as may qualify shall be the same as collected for
 8 the same office at the last previous primary for that office.
 9 The party assessment shall be paid to the appropriate
 10 executive committee of the political party to which the
 11 candidate belongs.

12 (e) Each county canvassing board shall make as speedy
 13 a return of the result of such special elections and primaries
 14 as time will permit, and the Elections Canvassing Commission
 15 likewise shall make as speedy a canvass and declaration of the
 16 nominees as time will permit.

17 (4)(a) In the event that death, resignation,
 18 withdrawal, removal, or any other cause or event should cause
 19 a party to have a vacancy in nomination which leaves no
 20 candidate for an office from such party, ~~the Governor shall,~~
 21 ~~after conferring with the Secretary of State, call a special~~
 22 ~~primary election and, if necessary, a second special primary~~
 23 ~~election to select for such office a nominee of such political~~
 24 ~~party. The dates on which candidates may qualify for such~~
 25 ~~special primary election shall be fixed by the Department of~~
 26 ~~State, and the candidates shall qualify no later than noon of~~
 27 ~~the last day so fixed. The filing of campaign expense~~
 28 ~~statements by candidates in special primaries shall not be~~
 29 ~~later than such dates as shall be fixed by the Department of~~
 30 ~~State. In fixing such dates, the Department of State shall~~
 31 ~~take into consideration and be governed by the practical time~~

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1 ~~limitations. The qualifying fees and party assessment of such~~
 2 ~~candidates as may qualify shall be the same as collected for~~
 3 ~~the same office at the last previous primary for that office.~~
 4 ~~Each county canvassing board shall make as speedy a return of~~
 5 ~~the results of such primaries as time will permit, and the~~
 6 ~~Elections Canvassing Commission shall likewise make as speedy~~
 7 ~~a canvass and declaration of the nominees as time will permit.~~

8 ~~(b) If the vacancy in nomination occurs later than~~
 9 ~~September 15, or if the vacancy in nomination occurs with~~
 10 ~~respect to a candidate of a minor political party which has~~
 11 ~~obtained a position on the ballot, no special primary election~~
 12 ~~shall be held and the Department of State shall notify the~~
 13 ~~chair of the appropriate state, district, or county political~~
 14 ~~party executive committee of such party; and, within 5 7 days,~~
 15 ~~the chair shall call a meeting of his or her executive~~
 16 ~~committee to consider designation of a nominee to fill the~~
 17 ~~vacancy. The name of any person so designated shall be~~
 18 ~~submitted to the Department of State within 7 14 days after of~~
 19 ~~notice to the chair in order that the person designated may~~
 20 ~~have his or her name printed or otherwise placed on the ballot~~
 21 ~~of the ensuing general election, but in no event shall the~~
 22 ~~supervisor of elections be required to place on a ballot a~~
 23 ~~name submitted less than 21 days prior to the election. If the~~
 24 name of the new nominee is submitted after the certification
 25 of results of the preceding primary election, however, the
 26 ballots shall not be changed and vacancy occurs less than 21
 27 days prior to the election, the person designated by the
 28 political party will replace the former party nominee even
 29 though the former party nominee's name will appear be on the
 30 ballot. Any ballots cast for the former party nominee will be
 31 counted for the person designated by the political party to

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1 replace the former party nominee. If there is no opposition to
 2 the party nominee, the person designated by the political
 3 party to replace the former party nominee will be elected to
 4 office at the general election. For purposes of this
 5 paragraph, the term "district political party executive
 6 committee" means the members of the state executive committee
 7 of a political party from those counties comprising the area
 8 involving a district office.

9 **(b)**~~(c)~~ When, under the circumstances set forth in the
 10 preceding paragraph, vacancies in nomination are required to
 11 be filled by committee nominations, such vacancies shall be
 12 filled by party rule. In any instance in which a nominee is
 13 selected by a committee to fill a vacancy in nomination, such
 14 nominee shall pay the same filing fee and take the same oath
 15 as the nominee would have taken had he or she regularly
 16 qualified for election to such office.

17 **(c)**~~(d)~~ Any person who, at the close of qualifying as
 18 prescribed in ss. 99.061 and 105.031, was qualified for
 19 nomination or election to or retention in a public office to
 20 be filled at the ensuing general election is prohibited from
 21 qualifying as a candidate to fill a vacancy in nomination for
 22 any other office to be filled at that general election, even
 23 if such person has withdrawn or been eliminated as a candidate
 24 for the original office sought. However, this paragraph does
 25 not apply to a candidate for the office of Lieutenant Governor
 26 who applies to fill a vacancy in nomination for the office of
 27 Governor on the same ticket or to a person who has withdrawn
 28 or been eliminated as a candidate and who is subsequently
 29 designated as a candidate for Lieutenant Governor under s.
 30 99.063.

31 (5) In the event of unforeseeable circumstances not

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1 contemplated in these general election laws concerning the
2 calling and holding of special primary elections and special
3 elections resulting from court order or other unpredictable
4 circumstances, the Department of State shall have the
5 authority to provide for the conduct of orderly elections.

6 ~~(6) In the event that a vacancy occurs which leaves
7 less than 4 weeks for a candidate seeking to qualify by the
8 alternative method to gather signatures for ballot position,
9 the number of signatures required for ballot placement shall
10 be 25 percent of the number of signatures required by s.
11 99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

12 Section 21. Section 100.141, Florida Statutes, is
13 amended to read:

14 100.141 Notice of special election to fill any vacancy
15 in office ~~or nomination~~.--

16 (1) Whenever a special election is required to fill
17 any vacancy in office ~~or nomination~~, the Governor, after
18 consultation with the Secretary of State, shall issue an order
19 declaring on what day the election shall be held and deliver
20 the order to the Department of State.

21 (2) The Department of State shall prepare a notice
22 stating what offices ~~and vacancies~~ are to be filled in the
23 special election, the date set for each special primary
24 election and the special election, the dates fixed for
25 qualifying for office, the dates fixed for qualifying by the
26 petition process pursuant to s. 99.095 ~~alternative method~~, and
27 the dates fixed for filing campaign expense statements.

28 (3) The department shall deliver a copy of such notice
29 to the supervisor of elections of each county in which the
30 special election is to be held. The supervisor shall have the
31 notice published two times in a newspaper of general

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1 circulation in the county at least 10 days prior to the first
 2 day set for qualifying for office. If such a newspaper is not
 3 published within the period set forth, the supervisor shall
 4 post at least five copies of the notice in conspicuous places
 5 in the county not less than 10 days prior to the first date
 6 set for qualifying.

7 Section 22. Subsection (2) of section 101.031, Florida
 8 Statutes, is amended to read:

9 101.031 Instructions for electors.--

10 (2) The supervisor of elections in each county shall
 11 have posted at each polling place in the county the Voter's
 12 Bill of Rights and Responsibilities in the following form:

13
 14 VOTER'S BILL OF RIGHTS

15
 16 Each registered voter in this state has the right to:

- 17 1. Vote and have his or her vote accurately counted.
- 18 2. Cast a vote if he or she is in line at the official
- 19 closing of the polls in that county.
- 20 3. Ask for and receive assistance in voting.
- 21 4. Receive up to two replacement ballots if he or she
- 22 makes a mistake prior to the ballot being cast.
- 23 5. An explanation if his or her registration or
- 24 identity is in question.

25 6. If his or her registration or identity is in
 26 question, cast a provisional ballot.

27 ~~7. Prove his or her identity by signing an affidavit~~
 28 ~~if election officials doubt the voter's identity.~~

29 ~~7.8.~~ Written instructions to use when voting, and,
 30 upon request, oral instructions in voting from elections
 31 officers.

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1 shall be used at the polls in lieu of the registration books
 2 for the purpose of identifying the elector at the polls prior
 3 to allowing him or her to vote. The clerk or inspector shall
 4 require each elector, upon entering the polling place, to
 5 present a current and valid picture identification as provided
 6 in s. 97.0535(3)(a). If the picture identification does not
 7 contain the signature of the voter, an additional
 8 identification that provides the voter's signature shall be
 9 required. The elector shall sign his or her name in the space
 10 provided, and the clerk or inspector shall compare the
 11 signature with that on the identification provided by the
 12 elector and enter his or her initials in the space provided
 13 and allow the elector to vote if the clerk or inspector is
 14 satisfied as to the identity of the elector.

15 ~~(2) Except as provided in subsection (3), if the~~
 16 ~~elector fails to furnish the required identification, or if~~
 17 ~~the clerk or inspector is in doubt as to the identity of the~~
 18 ~~elector, such clerk or inspector shall follow the procedure~~
 19 ~~prescribed in s. 101.49.~~

20 ~~(2)(3)~~ If the elector ~~who~~ fails to furnish the
 21 required identification ~~is a first-time voter who registered~~
 22 ~~by mail and has not provided the required identification to~~
 23 ~~the supervisor of elections prior to election day,~~ the elector
 24 shall be allowed to vote a provisional ballot. The canvassing
 25 board shall determine the validity of the ballot pursuant to
 26 s. 101.048(2).

27 Section 24. Section 101.048, Florida Statutes, is
 28 amended to read:

29 101.048 Provisional ballots.--

30 (1) At all elections, a voter claiming to be properly
 31 registered in the county and eligible to vote at the precinct

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1 in the election, but whose eligibility cannot be determined, a
 2 person whom an election official asserts is not eligible, and
 3 other persons specified in the code shall be entitled to vote
 4 a provisional ballot. Once voted, the provisional ballot shall
 5 be placed in a secrecy envelope and thereafter sealed in a
 6 provisional ballot envelope. The provisional ballot shall be
 7 deposited in a ballot box. All provisional ballots shall
 8 remain sealed in their envelopes for return to the supervisor
 9 of elections. The department shall prescribe the form of the
 10 provisional ballot envelope. A person casting a provisional
 11 ballot shall have the right to present written evidence
 12 supporting his or her eligibility to vote to the supervisor of
 13 elections by not later than 5 p.m. on the third day following
 14 the election.

15 (2)(a) The county canvassing board shall examine each
 16 Provisional Ballot Voter's Certificate and Affirmation
 17 ~~envelope~~ to determine if the person voting that ballot was
 18 entitled to vote at the precinct where the person cast a vote
 19 in the election and that the person had not already cast a
 20 ballot in the election. In determining whether a person
 21 casting a provisional ballot is entitled to vote, the county
 22 canvassing board shall review the information provided in the
 23 Voter's Certificate and Affirmation, written evidence provided
 24 by the person pursuant to subsection (1), any other evidence
 25 presented by the supervisor of elections, and, in the case of
 26 a challenge, any evidence presented by the challenger. A
 27 ballot of a person casting a provisional ballot shall be
 28 counted unless the canvassing board determines by a
 29 preponderance of the evidence that the person was not entitled
 30 to vote.

31 (b)1. If it is determined that the person was

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1 registered and entitled to vote at the precinct where the
 2 person cast a vote in the election, the canvassing board shall
 3 compare the signature on the Provisional Ballot Voter's
 4 Certificate and Affirmation ~~envelope~~ with the signature on the
 5 voter's registration and, if it matches, shall count the
 6 ballot.

7 2. If it is determined that the person voting the
 8 provisional ballot was not registered or entitled to vote at
 9 the precinct where the person cast a vote in the election, the
 10 provisional ballot shall not be counted and the ballot shall
 11 remain in the envelope containing the Provisional Ballot
 12 Voter's Certificate and Affirmation and the envelope shall be
 13 marked "Rejected as Illegal."

14 (3) The Provisional Ballot Voter's Certificate and
 15 Affirmation shall be in substantially the following form:

16
 17 STATE OF FLORIDA
 18 COUNTY OF

19
 20 I do solemnly swear (or affirm) that my name is;
 21 that my date of birth is; that I am registered and
 22 qualified to vote ~~and at the time I registered I resided at~~
 23 ~~...., in the municipality of, in County, Florida;~~
 24 that I am registered in the Party; that I am a qualified
 25 voter of the county; and that I have not voted in this
 26 election. I understand that if I commit any fraud in
 27 connection with voting, vote a fraudulent ballot, or vote more
 28 than once in an election, I can be convicted of a felony of
 29 the third degree and fined up to \$5,000 and/or imprisoned for
 30 up to 5 years.

... (Signature of Voter) ...

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1 this is a primary election, you should contact the supervisor
2 of elections' office immediately to confirm that you are
3 registered and can vote in the general election."

4 (6) Each supervisor of elections shall establish a
5 free access system that allows each person who casts a
6 provisional ballot to determine whether his or her provisional
7 ballot was counted in the final canvass of votes and, if not,
8 the reasons why. Information regarding provisional ballots
9 shall be available no later than 30 days following the
10 election. The system established must restrict information
11 regarding an individual ballot to the person who cast the
12 ballot.

13 Section 25. Section 101.049, Florida Statutes, is
14 amended to read:

15 101.049 Provisional ballots; special circumstances.--

16 (1) Any person who votes in an election after the
17 regular poll-closing time pursuant to a court or other order
18 extending the statutory polling hours must vote a provisional
19 ballot. Once voted, the provisional ballot shall be placed in
20 a secrecy envelope and thereafter sealed in a provisional
21 ballot envelope. The election official witnessing the voter's
22 subscription and affirmation on the Provisional Ballot Voter's
23 Certificate shall indicate whether or not the voter met all
24 requirements to vote a regular ballot at the polls. All such
25 provisional ballots shall remain sealed in their envelopes and
26 be transmitted to the supervisor of elections.

27 (2) Separate and apart from all other ballots, the
28 county canvassing board shall count all late-voted provisional
29 ballots that the canvassing board determines to be valid.

30 (3) The supervisor shall ensure that late-voted
31 provisional ballots are not commingled with other ballots

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1 during the canvassing process or at any other time they are
2 statutorily required to be in the supervisor's possession.

3 (4) This section shall not apply to voters in line at
4 the poll-closing time provided in s. 100.011 who cast their
5 ballots subsequent to that time.

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

10 Section 26. Effective July 1, 2005, section 101.051,
11 Florida Statutes, as amended by section 10 of chapter
12 2002-281, Laws of Florida, is amended to read:

13 101.051 Electors seeking assistance in casting
14 ballots; oath to be executed; forms to be furnished.--

15 (1) Any elector applying to vote in any election who
16 requires assistance to vote by reason of blindness,
17 disability, or inability to read or write may request the
18 assistance of two election officials or some other person of
19 the elector's own choice, other than the elector's employer,
20 an agent of the employer, or an officer or agent of his or her
21 union, to assist the elector in casting his or her vote. Any
22 such elector, before retiring to the voting booth, may have
23 one of such persons read over to him or her, without
24 suggestion or interference, the titles of the offices to be
25 filled and the candidates therefor and the issues on the
26 ballot. After the elector requests the aid of the two election
27 officials or the person of the elector's choice, they shall
28 retire to the voting booth for the purpose of casting the
29 elector's vote according to the elector's choice.

30 (2) It is unlawful for any person to be in the voting
31 booth with any elector except as provided in subsection (1). A

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1 person at a polling place or early voting site, or within 100
 2 feet of the entrance of a polling place or early voting site,
 3 may not solicit any elector in an effort to provide assistance
 4 to vote pursuant to subsection (1). Any person who violates
 5 this subsection commits a misdemeanor of the first degree,
 6 punishable as provided in s. 775.082 or s. 775.083.

7 (3) Any elector applying to cast an absentee ballot in
 8 the office of the supervisor, in any election, who requires
 9 assistance to vote by reason of blindness, disability, or
 10 inability to read or write may request the assistance of some
 11 person of his or her own choice, other than the elector's
 12 employer, an agent of the employer, or an officer or agent of
 13 his or her union, in casting his or her absentee ballot.

14 (4) If an elector needs assistance in voting pursuant
 15 to the provisions of this section, the clerk or one of the
 16 inspectors shall require the elector requesting assistance in
 17 voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

21 State of Florida
 22 County of
 23 Date
 24 Precinct

25 I, ...(Print name)..., swear or affirm that I am a
 26 registered elector and request assistance from ...(Print
 27 names)... in voting at the ...(name of election)... held on
 28 ...(date of election).... ...(Signature of assistor)....
 29 Sworn and subscribed to before me this day of,
 30 ...(year)....

31 ...(Signature of Official Administering Oath)...

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1 (5) If an elector needing assistance requests that a
 2 person other than an election official provide him or her with
 3 assistance in voting, the clerk or one of the inspectors shall
 4 require the person providing assistance to take the following
 5 oath:

DECLARATION TO PROVIDE ASSISTANCE

6
 7
 8
 9 State of Florida
 10 County of
 11 Date
 12 Precinct

13 I, ...(Print name)..., have been requested by ...(print
 14 name of elector needing assistance)... to provide him or her
 15 with assistance to vote. I swear or affirm that I am not the
 16 employer, an agent of the employer, or an officer or agent of
 17 the union of the voter and that I have not solicited this
 18 voter at the polling place or early voting site or within 100
 19 feet of such locations in an effort to provide
 20 assistance....(Signature of assistor)...
 21 Sworn and subscribed to before me this day of,
 22 ...(year)....
 23 ...(Signature of Official Administering Oath)...

24 ~~(6)~~(5) The supervisor of elections shall deliver a
 25 sufficient number of these forms to each precinct, along with
 26 other election paraphernalia.

27 Section 27. Section 101.111, Florida Statutes, is
 28 amended to read:

29 101.111 Person desiring to vote may be challenged;
 30 challenger to execute oath; oath of person challenged;
 31 determination of challenge.--

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1 challenged person a copy of the oath of the person entering
 2 the challenge and the challenged voter shall be allowed to
 3 cast a provisional ballot. ~~shall request the challenged person~~
 4 ~~to execute the following oath:~~

OATH OF PERSON CHALLENGED

5
 6
 7
 8 ~~State of Florida~~
 9 ~~County of~~

10

11 ~~I do solemnly swear that my name is; that I am a member~~
 12 ~~of the party; that my date of birth is; that my~~
 13 ~~residence address is, in the municipality of, in~~
 14 ~~this the precinct of county; that I personally made~~
 15 ~~application for registration and signed my name and that I am~~
 16 ~~a qualified voter in this election.~~

17 ~~...(Signature of person)...~~

18

19 ~~Sworn and subscribed to before me this day of,~~
 20 ~~...(year)....~~

21 ~~...(Clerk of election or Inspector)...~~

22

23 ~~Any inspector or clerk of election may administer the oath.~~

24 (3) Any elector or poll watcher may challenge the
 25 right of any voter to vote not sooner than 30 days before an
 26 election by filing a completed copy of the oath contained in
 27 subsection (1) to the supervisor of election's office. The
 28 challenged voter shall be permitted to cast a provisional
 29 ballot.

30 (4) Any elector or poll watcher filing a frivolous
 31 challenge of any person's right to vote commits a misdemeanor

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1 of the first degree, punishable as provided in s. 775.082, s.
 2 775.083, or s. 775.084; however, electors or poll watchers
 3 shall not be subject to liability for any action taken in good
 4 faith and in furtherance of any activity or duty permitted of
 5 such electors or poll watchers by law. Each instance where any
 6 elector or poll watcher files a frivolous challenge of any
 7 person's right to vote constitutes a separate offense.

8 ~~(a) The clerk and inspectors shall compare the~~
 9 ~~information in the challenged person's oath with that entered~~
 10 ~~on the precinct register and shall take any other evidence~~
 11 ~~that may be offered. The clerk and inspectors shall then~~
 12 ~~decide by a majority vote whether the challenged person may~~
 13 ~~vote a regular ballot.~~

14 ~~(b) If the challenged person refuses to complete the~~
 15 ~~oath or if a majority of the clerk and inspectors doubt the~~
 16 ~~eligibility of the person to vote, the challenged person shall~~
 17 ~~be allowed to vote a provisional ballot. The oath of the~~
 18 ~~person entering the challenge and the oath of the person~~
 19 ~~challenged shall be attached to the provisional ballot for~~
 20 ~~transmittal to the canvassing board.~~

21 Section 28. Section 101.131, Florida Statutes, is
 22 amended to read:

23 101.131 Watchers at polls.--

24 (1) Each political party and each candidate may have
 25 one watcher in each polling room or early voting area at any
 26 one time during the election. A political committee formed for
 27 the specific purpose of expressly advocating the passage or
 28 defeat of an issue on the ballot may have one watcher for each
 29 polling room or early voting area at any one time during the
 30 election. No watcher shall be permitted to come closer to the
 31 officials' table or the voting booths than is reasonably

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1 necessary to properly perform his or her functions, but each
2 shall be allowed within the polling room or early voting area
3 to watch and observe the conduct of electors and officials.
4 The poll watchers shall furnish their own materials and
5 necessities and shall not obstruct the orderly conduct of any
6 election. The poll watchers shall pose any questions regarding
7 polling place procedures directly to the clerk for resolution.
8 They may not interact with voters. Each poll watcher shall be
9 a qualified and registered elector of the county in which he
10 or she serves.

11 (2) Each party, each political committee, and each
12 candidate requesting to have poll watchers shall designate, in
13 writing, ~~poll watchers for each precinct~~ prior to noon of the
14 second Tuesday preceding the election poll watchers for each
15 polling room on election day. Designations of poll watchers
16 for early voting areas shall be submitted in writing to the
17 supervisor of elections at least 14 days before early voting
18 begins. The poll watchers for each polling room ~~precinct~~
19 shall be approved by the supervisor of elections on or before
20 the Tuesday before the election. Poll watchers for early
21 voting areas shall be approved by the supervisor of elections
22 no later than 7 days before early voting begins. The
23 supervisor shall furnish to each election board ~~precinct~~ a
24 list of the poll watchers designated and approved for such
25 polling room or early voting area ~~precinct~~.

26 (3) No candidate or sheriff, deputy sheriff, police
27 officer, or other law enforcement officer may be designated as
28 a poll watcher.

29 Section 29. Subsection (1) of section 101.151, Florida
30 Statutes, is amended to read:

31 101.151 Specifications for ballots.--

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1 (1) Marksense Paper ballots shall be printed on paper
 2 of such thickness that the printing cannot be distinguished
 3 from the back and shall meet the specifications of the voting
 4 system that will be used to tabulate the ballots.

5 Section 30. Section 101.171, Florida Statutes, is
 6 amended to read:

7 101.171 Copy of constitutional amendment to be
 8 available at voting locations posted.--Whenever any amendment
 9 to the State Constitution is to be voted upon at any election,
 10 the Department of State shall have printed, and shall furnish
 11 to each supervisor of elections, a sufficient number of copies
 12 of the amendment either in poster or booklet form, and the
 13 supervisor shall have a copy thereof conspicuously posted or
 14 available at each polling room or early voting area precinct
 15 upon the day of election.

16 Section 31. Section 101.294, Florida Statutes, is
 17 amended to read:

18 101.294 Purchase and sale of voting equipment.--

19 (1) The Division of Elections of the Department of
 20 State shall adopt uniform rules for the purchase, use, and
 21 sale of voting equipment in the state. No governing body
 22 shall purchase or cause to be purchased any voting equipment
 23 unless such equipment has been certified for use in this state
 24 by the Department of State.

25 (2) Any governing body contemplating the purchase or
 26 sale of voting equipment shall notify the Division of
 27 Elections of such considerations. The division shall attempt
 28 to coordinate the sale of excess or outmoded equipment by one
 29 county with purchases of necessary equipment by other
 30 counties.

31 (3) The division shall inform the governing bodies of

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1 the various counties of the state of the availability of new
2 or used voting equipment and of sources available for
3 obtaining such equipment.

4 (4) A vendor of voting equipment may not provide an
5 uncertified voting system, voting system component, or voting
6 system upgrade to a local governing body or supervisor of
7 elections in this state.

8 (5) Before or in conjunction with providing a voting
9 system, voting system component, or voting system upgrade, the
10 vendor shall provide the local governing body or supervisor of
11 elections with a sworn certification that the voting system,
12 voting system component, or voting system upgrade being
13 provided has been certified by the Division of Elections.

14 Section 32. Section 101.295, Florida Statutes, is
15 amended to read:

16 101.295 Penalties for violation.--

17 (1) Any member of a governing body which purchases or
18 sells voting equipment in violation of the provisions of ss.
19 101.292-101.295, which member knowingly votes to purchase or
20 sell voting equipment in violation of the provisions of ss.
21 101.292-101.295, is guilty of a misdemeanor of the first
22 degree, punishable as provided by s. 775.082 or s. 775.083,
23 and shall be subject to suspension from office on the grounds
24 of malfeasance.

25 (2) Any vendor, chief executive officer, or vendor
26 representative of voting equipment who provides a voting
27 system, voting system component, or voting system upgrade in
28 violation of this chapter commits a felony of the third
29 degree, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084.

31 Section 33. Section 101.49, Florida Statutes, is

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1 amended to read:

2 101.49 Procedure of election officers where signatures
3 differ.--

4 (1) Whenever any clerk or inspector, upon a just
5 comparison of the signatures, doubts that the signature on the
6 identification presented by the ~~of any elector who presents~~
7 ~~himself or herself at the polls to vote~~ is the same as the
8 signature ~~of~~ the elector affixed on the precinct register or
9 early voting certificate ~~in the registration book~~, the clerk
10 or inspector shall deliver to the person an affidavit which
11 shall be in substantially the following form:

12
13 STATE OF FLORIDA,
14 COUNTY OF

15 I do solemnly swear (or affirm) that my name is;
16 that I am years old; that I was born in the State of
17; that I am registered to vote, ~~and at the time I~~
18 ~~registered I resided on Street, in the municipality of~~
19 ~~...., County of, State of Florida~~; that I am a qualified
20 voter of the county and state aforesaid and have not voted in
21 this election.

22 ...(Signature of voter)...

23 Sworn to and subscribed before me this day of
24, A. D....(year)....

25 ...(Clerk or inspector of election)...

26 Precinct No.

27 County of

28
29 (2) The person shall fill out, in his or her own
30 handwriting or with assistance from a member of the election
31 board, the form and make an affidavit to the facts stated in

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1 the filled-in form; such affidavit shall then be sworn to and
 2 subscribed before one of the inspectors or clerks of the
 3 election who is authorized to administer the oath. Whenever
 4 the affidavit is made and filed with the clerk or inspector,
 5 the person shall then be admitted to cast his or her vote, but
 6 if the person fails or refuses to make out or file such
 7 affidavit and asserts his or her eligibility, then he or she
 8 shall be entitled to vote a provisional ballot ~~not be~~
 9 ~~permitted to vote.~~

10 Section 34. Effective July 1, 2005, subsection (1) of
 11 section 101.51, Florida Statutes, as amended by section 11 of
 12 chapter 2002-281, Laws of Florida, is amended to read:

13 101.51 Electors to occupy booth alone.--

14 (1) When the elector presents himself or herself to
 15 vote, the election official shall ascertain whether the
 16 elector's name is upon the register of electors, and, if the
 17 elector's name appears and no challenge interposes, or, if
 18 interposed, be not sustained, one of the election officials
 19 stationed at the entrance shall announce the name of the
 20 elector and permit him or her to enter the booth or
 21 compartment to cast his or her vote, allowing only one elector
 22 at a time to pass through to vote. An elector, while casting
 23 his or her ballot, may not occupy a booth or compartment
 24 already occupied or speak with anyone, except as provided by
 25 s. 101.051, ~~while in the polling place.~~

26 Section 35. Subsection (4) of section 101.5606,
 27 Florida Statutes, is amended to read:

28 101.5606 Requirements for approval of systems.--No
 29 electronic or electromechanical voting system shall be
 30 approved by the Department of State unless it is so
 31 constructed that:

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

5 Section 36. Subsections (2) and (3) of section
 6 101.5608, Florida Statutes, are amended to read:

7 101.5608 Voting by electronic or electromechanical
 8 method; procedures.--

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

12 (a) After receiving a ballot from an inspector, the
 13 elector shall, without leaving the polling place, retire to a
 14 booth or compartment and mark the ballot. After preparing his
 15 or her ballot, the elector shall place the ballot in a secrecy
 16 envelope with the stub exposed or shall fold over that portion
 17 on which write-in votes may be cast, as instructed, so that
 18 the ballot will be deposited in the ballot box without
 19 exposing the voter's choices. Before the ballot is deposited
 20 in the ballot box, the inspector shall detach the exposed stub
 21 and place it in a separate envelope for audit purposes; when a
 22 fold-over ballot is used, the entire ballot shall be placed in
 23 the ballot box.

24 (b) Any voter who spoils his or her ballot or makes an
 25 error may return the ballot to the election official and
 26 secure another ballot, except that in no case shall a voter be
 27 furnished more than three ballots. If the vote tabulation
 28 device has rejected a ballot, the ballot shall be considered
 29 spoiled and a new ballot shall be provided to the voter unless
 30 the voter chooses to cast the rejected ballot. The election
 31 official, without examining the original ballot, shall state

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1 the possible reasons for the rejection and shall provide
 2 instruction to the voter pursuant to s. 101.5611. A spoiled
 3 ballot shall be preserved, without examination, in an envelope
 4 provided for that purpose. The stub shall be removed from the
 5 ballot and placed in an envelope.

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

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

14 Section 37. Subsection (2) of section 101.5612,
 15 Florida Statutes, is amended to read:

16 101.5612 Testing of tabulating equipment.--

17 (2) On any day not more than 10 days prior to the
 18 commencement of early voting as provided in s. 101.657, the
 19 supervisor of elections shall have the automatic tabulating
 20 equipment publicly tested to ascertain that the equipment will
 21 correctly count the votes cast for all offices and on all
 22 measures. If the ballots to be used at the polling place on
 23 election day are not available at the time of the testing, the
 24 supervisor may conduct an additional test not more than 10
 25 days before election day. Public notice of the time and place
 26 of the test shall be given at least 48 hours prior thereto by
 27 publication once in one or more newspapers of general
 28 circulation in the county or, if there is no newspaper of
 29 general circulation in the county, by posting the notice in at
 30 least four conspicuous places in the county. The supervisor or
 31 the municipal elections official may, at the time of

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1 qualifying, give written notice of the time and location of
 2 the public preelection test to each candidate qualifying with
 3 that office and obtain a signed receipt that the notice has
 4 been given. The Department of State shall give written notice
 5 to each statewide candidate at the time of qualifying, or
 6 immediately at the end of qualifying, that the voting
 7 equipment will be tested and advise each candidate to contact
 8 the county supervisor of elections as to the time and location
 9 of the public preelection test. The supervisor or the
 10 municipal elections official shall, at least 15 days prior to
 11 the commencement of early voting as provided in s. 101.657,
 12 send written notice by certified mail to the county party
 13 chair of each political party and to all candidates for other
 14 than statewide office whose names appear on the ballot in the
 15 county and who did not receive written notification from the
 16 supervisor or municipal elections official at the time of
 17 qualifying, stating the time and location of the public
 18 preelection test of the automatic tabulating equipment. The
 19 canvassing board shall convene, and each member of the
 20 canvassing board shall certify to the accuracy of the test.
 21 For the test, the canvassing board may designate one member to
 22 represent it. The test shall be open to representatives of the
 23 political parties, the press, and the public. Each political
 24 party may designate one person with expertise in the computer
 25 field who shall be allowed in the central counting room when
 26 all tests are being conducted and when the official votes are
 27 being counted. The designee shall not interfere with the
 28 normal operation of the canvassing board.

29 Section 38. Subsection (5) of section 101.5614,
 30 Florida Statutes, is amended to read:

31 101.5614 Canvass of returns.--

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1 (5) If any absentee ballot is physically damaged so
2 that it cannot properly be counted by the automatic tabulating
3 equipment, a true duplicate copy shall be made of the damaged
4 ballot in the presence of witnesses and substituted for the
5 damaged ballot. Likewise, a duplicate ballot shall be made of
6 an absentee ballot containing an overvoted race or a marked
7 absentee ballot in which every race is undervoted which shall
8 include all valid votes as determined by the canvassing board
9 based on rules adopted by the division pursuant to s.
10 102.166(4)~~(5)~~. All duplicate ballots shall be clearly labeled
11 "duplicate," bear a serial number which shall be recorded on
12 the defective ballot, and be counted in lieu of the defective
13 ballot. After a ballot has been duplicated, the defective
14 ballot shall be placed in an envelope provided for that
15 purpose, and the duplicate ballot shall be tallied with the
16 other ballots for that precinct.

17 Section 39. Section 101.572, Florida Statutes, is
18 amended to read:

19 101.572 Public inspection of ballots.--The official
20 ballots and ballot cards received from election boards and
21 removed from absentee ballot mailing envelopes shall be open
22 for public inspection or examination while in the custody of
23 the supervisor of elections or the county canvassing board at
24 any reasonable time, under reasonable conditions; however, no
25 persons other than the supervisor of elections or his or her
26 employees or the county canvassing board shall handle any
27 official ballot or ballot card. If the ballots are being
28 examined prior to the end of the contest period in s. 102.168,
29 the supervisor of elections shall make a reasonable effort to
30 notify all candidates whose names appear on such ballots or
31 ballot cards by telephone or otherwise of the time and place

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1 of the inspection or examination. All such candidates, or
2 their representatives, shall be allowed to be present during
3 the inspection or examination.

4 Section 40. Section 101.58, Florida Statutes, is
5 amended to read:

6 101.58 Supervising and observing registration and
7 election processes.--

8 (1) The Department of State may, at any time it deems
9 fit; upon the petition of 5 percent of the registered
10 electors; or upon the petition of any candidate, county
11 executive committee chair, state committeeman or
12 committeewoman, or state executive committee chair, appoint
13 one or more deputies whose duties shall be to observe and
14 examine the registration and election processes and the
15 condition, custody, and operation of voting systems and
16 equipment in any county or municipality. The deputy shall have
17 access to all registration books and records as well as any
18 other records or procedures relating to the voting process.
19 The deputy may supervise preparation of the voting equipment
20 and procedures for election, and it shall be unlawful for any
21 person to obstruct the deputy in the performance of his or her
22 duty. The deputy shall file with the Department of State a
23 report of his or her findings and observations of the
24 registration and election processes in the county or
25 municipality, and a copy of the report shall also be filed
26 with the clerk of the circuit court of said county. The
27 compensation of such deputies shall be fixed by the Department
28 of State; and costs incurred under this section shall be paid
29 from the annual operating appropriation made to the Department
30 of State.

31 (2) Upon the written direction of the Secretary of

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1 State, any employee of the Department of State having
 2 expertise in the matter of concern to the Secretary of State
 3 shall have full access to all premises, records, equipment,
 4 and staff of the supervisor of elections.

5 Section 41. Subsection (1) of section 101.595, Florida
 6 Statutes, is amended to read:

7 101.595 Analysis and reports of voting problems.--

8 (1) No later than December 15 of each general election
 9 year, the supervisor of elections in each county shall report
 10 to the Department of State the total number of overvotes and
 11 undervotes in the "President and Vice President" or "Governor
 12 and Lieutenant Governor" race that appears first on the ballot
 13 or, if neither appears, the first race appearing on the ballot
 14 pursuant to s. 101.151(2), along with the likely reasons for
 15 such overvotes and undervotes and other information as may be
 16 useful in evaluating the performance of the voting system and
 17 identifying problems with ballot design and instructions which
 18 may have contributed to voter confusion.

19 Section 42. Section 101.6103, Florida Statutes, is
 20 amended to read:

21 101.6103 Mail ballot election procedure.--

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

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1 "Do Not Forward."

2 (2) Upon receipt of the ballot the elector shall mark
3 the ballot, place it in the secrecy envelope, sign the return
4 mailing envelope supplied with the ballot, and comply with the
5 instructions provided with the ballot. The elector shall mail,
6 deliver, or have delivered the marked ballot so that it
7 reaches the supervisor of elections no later than 7 p.m. on
8 the day of the election. The ballot must be returned in the
9 return mailing envelope.

10 (3) The return mailing envelope shall contain a
11 statement in substantially the following form:

12
13 VOTER'S CERTIFICATE

14
15 I, (Print Name), do solemnly swear (or affirm) that I
16 am a qualified voter in this election and that I have not and
17 will not vote more than one ballot in this election.

18 I understand that failure to sign this certificate and
19 give my residence address will invalidate my ballot.

20 ... (Signature) ...

21 ... (Residence Address) ...

22
23 (4) If the ballot is destroyed, spoiled, lost, or not
24 received by the elector, the elector may obtain a replacement
25 ballot from the supervisor of elections as provided in this
26 subsection. An elector seeking a replacement ballot shall
27 sign a sworn statement that the ballot was destroyed, spoiled,
28 lost, or not received and present such statement to the
29 supervisor of elections prior to 7 p.m. on the day of the
30 election. The supervisor of elections shall keep a record of
31 each replacement ballot provided under this subsection.

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- 1 (5) A ballot shall be counted only if:
- 2 (a) It is returned in the return mailing envelope;
- 3 (b) The elector's signature has been verified as
- 4 provided in this subsection; and
- 5 (c) It is received by the supervisor of elections not
- 6 later than 7 p.m. on the day of the election.

7

8 The supervisor of elections shall verify the signature of each

9 elector on the return mailing envelope with the signature on

10 the elector's registration records. Such verification may

11 commence at any time prior to the canvass of votes. The

12 supervisor of elections shall safely keep the ballot unopened

13 in his or her office until the county canvassing board

14 canvasses the vote. If the supervisor of elections determines

15 that an elector to whom a replacement ballot has been issued

16 under subsection (4) has voted more than once, the canvassing

17 board shall determine which ballot, if any, is to be counted.

18 (6) The canvassing board may begin the canvassing of

19 mail ballots at 7 a.m. on the fourth day before the election,

20 including processing the ballots through the tabulating

21 equipment. However, results may not be released until after 7

22 p.m. on election day. Any canvassing board member or election

23 employee who releases any result before 7 p.m. on election day

24 commits a felony of the third degree, punishable as provided

25 in s. 775.082, s. 775.083, or s. 775.084.

26 ~~(7)(6)~~ With respect to absent electors overseas

27 entitled to vote in the election, the supervisor of elections

28 shall mail an official ballot with a secrecy envelope, a

29 return mailing envelope, and instructions sufficient to

30 describe the voting process to each such elector on a date

31 sufficient to allow such elector time to vote in the election

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1 and to have his or her marked ballot reach the supervisor by 7
2 p.m. on the day of the election.

3 (8) Effective July 1, 2005, a ballot that otherwise
4 satisfies the requirements of subsection (5) shall be counted
5 even if the elector dies after mailing the ballot but before
6 election day, as long as, prior to the death of the voter, the
7 ballot was:

8 (a) Postmarked by the United States Postal Service;

9 (b) Date-stamped with a verifiable tracking number by
10 common carrier; or

11 (c) Already in the possession of the supervisor of
12 elections.

13 Section 43. Section 101.62, Florida Statutes, is
14 amended to read:

15 101.62 Request for absentee ballots.--

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

26 (b) The supervisor may accept a written or telephonic
27 request for an absentee ballot from the elector, or, if
28 directly instructed by the elector, a member of the elector's
29 immediate family, or the elector's legal guardian. For
30 purposes of this section, the term "immediate family" has the
31 same meaning as specified in paragraph (4)(b). The person

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1 making the request must disclose:

- 2 1. The name of the elector for whom the ballot is
- 3 requested;
- 4 2. The elector's address;
- 5 3. The elector's date of birth;
- 6 4. The requester's name;
- 7 5. The requester's address;
- 8 6. The requester's driver's license number, if
- 9 available;
- 10 7. The requester's relationship to the elector; and
- 11 8. The requester's signature (written requests only).

12 (2) ~~If A request for an absentee ballot to be mailed~~
 13 ~~to a voter must be is received no later than 5 p.m. on the~~
 14 ~~sixth day after the Friday~~ before the election by the
 15 supervisor of elections ~~from an absent elector overseas, the~~
 16 ~~supervisor shall send a notice to the elector acknowledging~~
 17 ~~receipt of his or her request and notifying the elector that~~
 18 ~~the ballot will not be forwarded due to insufficient time for~~
 19 ~~return of the ballot by the required deadline. The supervisor~~
 20 ~~of elections shall mail absentee ballots to voters requesting~~
 21 ~~ballots by such deadline no later than 4 days before the~~
 22 ~~election.~~

23 (3) For each request for an absentee ballot received,
 24 the supervisor shall record the date the request was made, the
 25 date the absentee ballot was delivered to the voter or the
 26 voter's designee or the date the absentee ballot was delivered
 27 to the post office or other carrier ~~or mailed~~, the date the
 28 ballot was received by the supervisor, and such other
 29 information he or she may deem necessary. This information
 30 shall be provided in electronic format as provided by rule
 31 adopted by the division. The information shall be updated and

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1 made available no later than noon of each day and shall be
 2 contemporaneously provided to the division. This information
 3 shall be confidential and exempt from the provisions of s.
 4 119.07(1) and shall be made available to or reproduced only
 5 for the voter requesting the ballot, a canvassing board, an
 6 election official, a political party or official thereof, a
 7 candidate who has filed qualification papers and is opposed in
 8 an upcoming election, and registered political committees or
 9 registered committees of continuous existence, for political
 10 purposes only.

11 (4)(a) To each absent qualified elector overseas who
 12 has requested an absentee ballot, the supervisor of elections
 13 shall, not fewer than 35 days before the first primary
 14 election, mail an absentee ballot. Not fewer than 45 days
 15 before the second primary and general election, the supervisor
 16 of elections shall mail an absentee ballot. If the regular
 17 absentee ballots are not available, the supervisor shall mail
 18 an advance absentee ballot to those persons requesting ballots
 19 for such elections. The advance absentee ballot for the
 20 second primary shall be the same as the first primary absentee
 21 ballot as to the names of candidates, except that for any
 22 offices where there are only two candidates, those offices and
 23 all political party executive committee offices shall be
 24 omitted. Except as provided in ss. 99.063(4) and 100.371(6),
 25 the advance absentee ballot for the general election shall be
 26 as specified in s. 101.151, except that in the case of
 27 candidates of political parties where nominations were not
 28 made in the first primary, the names of the candidates placing
 29 first and second in the first primary election shall be
 30 printed on the advance absentee ballot. The advance absentee
 31 ballot or advance absentee ballot information booklet shall be

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

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

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

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

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

28 c. The elector is in a hospital, assisted-living
 29 facility, nursing home, short-term medical or rehabilitation
 30 facility, or correctional facility,

31

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1 in which case the supervisor shall mail the ballot by
2 nonforwardable, return-if-undeliverable mail to any other
3 address the elector specifies in the request.

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

7 3. By personal delivery before 7 p.m. on election day
8 to the elector, upon presentation of the identification
9 required in s. 101.657.

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

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1 imprisoned for up to 5 years. I also understand that failure
2 to sign this certificate will invalidate my ballot.

3
4 ... (Date) ... (Voter's Signature) ...

5
6 (2) The certificate shall be arranged on the back of
7 the mailing envelope so that the line for the signature of the
8 absent elector is across the seal of the envelope; however, no
9 statement shall appear on the envelope which indicates that a
10 signature of the voter must cross the seal of the envelope.
11 The absent elector shall execute the certificate on the
12 envelope.

13 (3) In lieu of the voter's certificate provided in
14 this section, the supervisor of elections shall provide each
15 person voting absentee under the Uniformed and Overseas
16 Citizens Absentee Voting Act with the standard oath prescribed
17 by the presidential designee.

18 Section 45. Subsection (1) of section 101.657, Florida
19 Statutes, is amended, present subsection (2) of that section
20 is renumbered as subsection (4), and new subsections (2) and
21 (3) are added to that section, to read:

22 101.657 Early voting.--

23 (1)(a) As a convenience to the voter, the supervisor
24 of elections shall allow an elector to vote early in the main
25 or branch office of the supervisor ~~by depositing the voted~~
26 ~~ballot in a voting device used by the supervisor to collect or~~
27 ~~tabulate ballots.~~ In order for a branch office to be used for
28 early voting, it shall be a permanent ~~full-service~~ facility of
29 the supervisor and shall have been designated and used as such
30 for at least 1 year prior to the election. The supervisor may
31 also designate any city hall or permanent public library

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1 facility as early voting sites; however, if so designated, the
2 sites must be geographically located so as to provide all
3 voters in the county an equal opportunity to cast a ballot,
4 insofar as is practicable. The results or tabulation of votes
5 cast during early voting may not be made before the close of
6 the polls on election day. Results shall be reported by
7 precinct.

8 (b) The supervisor shall designate each early voting
9 site by no later than the 30th day prior to an election and
10 shall designate an early voting area, as defined in s. 97.021,
11 at each early voting site.

12 (c) All early voting sites in a county shall be open
13 on the same days for the same amount of time and shall allow
14 any person in line at the closing of an early voting site to
15 vote.

16 (d)(b) Early voting shall begin on the 15th day before
17 an election and end on the 2nd day before an election. For
18 purposes of a special election held pursuant to s. 100.101,
19 early voting shall begin on the 8th day before an election and
20 end on the 2nd day before an election. Early voting shall be
21 provided for at least 8 hours per weekday and 8 hours in the
22 aggregate each weekend at each site during the applicable
23 periods. Early voting sites shall open no sooner than 7 a.m.
24 and close no later than 7 p.m. on each applicable day during
25 the applicable periods. Early voting shall also be provided
26 for 8 hours in the aggregate for each weekend during the
27 applicable periods.

28 (e) Notwithstanding the requirements of s. 100.3605,
29 municipalities may provide early voting in municipal elections
30 that are not held in conjunction with county or state
31 elections. If a municipality provides early voting, it may

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1 designate as many sites as necessary and shall conduct its
 2 activities in accordance with the provisions of paragraphs
 3 (a)-(c). The supervisor is not required to conduct early
 4 voting if it is provided pursuant to this subsection.

5 (f) Notwithstanding the requirements of s. 189.405,
 6 special districts may provide early voting in any district
 7 election not held in conjunction with county or state
 8 elections. If a special district provides early voting, it may
 9 designate as many sites as necessary and shall conduct its
 10 activities in accordance with the provisions of paragraphs
 11 (a)-(c). The supervisor is not required to conduct early
 12 voting if it is provided pursuant to this subsection.

13 (2) During any early voting period, each supervisor of
 14 elections shall make available the total number of voters
 15 casting a ballot at each early voting location during the
 16 previous day. Each supervisor shall prepare an electronic data
 17 file listing the individual voters who cast a ballot during
 18 the early voting period. This information shall be provided in
 19 electronic format as provided by rule adopted by the division.
 20 The information shall be updated and made available no later
 21 than noon of each day and shall be contemporaneously provided
 22 to the division.

23 (3) The ballot of each elector voting early shall be
 24 counted even if the elector dies on or before election day.

25 Section 46. Subsection (2) of section 101.663, Florida
 26 Statutes, is amended to read:

27 101.663 Electors; change of residence.--

28 (2) An elector registered in this state who moves his
 29 or her permanent residence to another state after the
 30 registration books in that state have closed and who is
 31 prohibited by the laws of that state from voting for the

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1 ~~offices of President and Vice President of the United States~~
 2 shall be permitted to vote absentee in the county of his or
 3 her former residence for the offices of President and Vice
 4 President of the United States ~~those offices.~~

5 Section 47. Subsection (1) and paragraph (c) of
 6 subsection (2) of section 101.68, Florida Statutes, are
 7 amended to read:

8 101.68 Canvassing of absentee ballot.--

9 (1) The supervisor of the county where the absent
 10 elector resides shall receive the voted ballot, at which time
 11 the supervisor shall compare the signature of the elector on
 12 the voter's certificate with the signature of the elector in
 13 the registration books to determine whether the elector is
 14 duly registered in the county and may record on the elector's
 15 registration certificate that the elector has voted. However,
 16 effective July 1, 2005, an elector who dies after casting an
 17 absentee ballot but on or before election day shall remain
 18 listed in the registration books until the results have been
 19 certified for the election in which the ballot was cast. The
 20 supervisor shall safely keep the ballot unopened in his or her
 21 office until the county canvassing board canvasses the vote.
 22 After an absentee ballot is received by the supervisor, the
 23 ballot is deemed to have been cast, and changes or additions
 24 may not be made to the voter's certificate.

25 (2)

26 (c)1. The canvassing board shall, if the supervisor
 27 has not already done so, compare the signature of the elector
 28 on the voter's certificate with the signature of the elector
 29 in the registration books to see that the elector is duly
 30 registered in the county and to determine the legality of that
 31 absentee ballot. Effective July 1, 2005, the ballot of an

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1 elector who casts an absentee ballot shall be counted even if
2 the elector dies on or before election day, as long as, prior
3 to the death of the voter, the ballot was postmarked by the
4 United States Postal Service, date-stamped with a verifiable
5 tracking number by common carrier, or already in the
6 possession of the supervisor of elections. An absentee ballot
7 shall be considered illegal if it does not include the
8 signature of the elector, as shown by the registration
9 records. However, an absentee ballot shall not be considered
10 illegal if the signature of the elector does not cross the
11 seal of the mailing envelope. If the canvassing board
12 determines that any ballot is illegal, a member of the board
13 shall, without opening the envelope, mark across the face of
14 the envelope: "rejected as illegal." The envelope and the
15 ballot contained therein shall be preserved in the manner that
16 official ballots voted are preserved.

17 2. If any elector or candidate present believes that
18 an absentee ballot is illegal due to a defect apparent on the
19 voter's certificate, he or she may, at any time before the
20 ballot is removed from the envelope, file with the canvassing
21 board a protest against the canvass of that ballot, specifying
22 the precinct, the ballot, and the reason he or she believes
23 the ballot to be illegal. A challenge based upon a defect in
24 the voter's certificate may not be accepted after the ballot
25 has been removed from the mailing envelope.

26 Section 48. Section 101.69, Florida Statutes, is
27 amended to read:

28 101.69 Voting in person; return of absentee
29 ballot.--The provisions of this code shall not be construed to
30 prohibit any elector from voting in person at the elector's
31 precinct on the day of an election or at an early voting site,

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1 notwithstanding that the elector has requested an absentee
 2 ballot for that election. An elector who has returned a voted
 3 absentee ballot to the supervisor, however, is deemed to have
 4 cast his or her ballot and is not entitled to vote another
 5 ballot or to have a provisional ballot counted by the county
 6 canvassing board. An elector who has received an absentee
 7 ballot and has not returned the voted ballot to the
 8 supervisor, but desires to vote in person, shall return the
 9 ballot, whether voted or not, to the election board in the
 10 elector's precinct or to an early voting site. The returned
 11 ballot shall be marked "canceled" by the board and placed with
 12 other canceled ballots. However, if the elector does not
 13 return the ballot and the election official:

14 (1) Confirms that the supervisor has received the
 15 elector's absentee ballot, the elector shall not be allowed to
 16 vote in person. If the elector maintains that he or she has
 17 not returned the absentee ballot or remains eligible to vote,
 18 the elector shall be provided a provisional ballot as provided
 19 in s. 101.048.

20 (2) Confirms that the supervisor has not received the
 21 elector's absentee ballot, the elector shall be allowed to
 22 vote in person as provided in this code. The elector's
 23 absentee ballot, if subsequently received, shall not be
 24 counted and shall remain in the mailing envelope, and the
 25 envelope shall be marked "Rejected as Illegal."

26 (3) Cannot determine whether the supervisor has
 27 received the elector's absentee ballot, the elector may vote a
 28 provisional ballot as provided in s. 101.048.

29 Section 49. Section 101.6923, Florida Statutes, is
 30 amended to read:

31 101.6923 Special absentee ballot instructions for

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1 certain first-time voters.--

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

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

10

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

15

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

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

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

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

31 5. Insert the secrecy envelope into the enclosed

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1 envelope bearing the Voter's Certificate. Seal the envelope
2 and completely fill out the Voter's Certificate on the back of
3 the envelope.

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

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

9 6. Unless you meet one of the exemptions in Item 7.,
10 you must make a copy of one of the following forms of
11 identification:

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

21 b. Identification which shows your name and current
22 residence address: current utility bill, bank statement,
23 government check, paycheck, or government document (excluding
24 voter identification card).

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

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

28 b. You have a temporary or permanent physical
29 disability.

30 c. You are a member of a uniformed service on active
31 duty who, by reason of such active duty, will be absent from

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1 the county on election day.

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

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

9 f. You are currently residing outside the United
10 States.

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

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

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

26 Section 50. Subsection (3) of section 101.694, Florida
27 Statutes, is amended to read:

28 101.694 Mailing of ballots upon receipt of federal
29 postcard application.--

30 (3) Absentee envelopes printed for voters entitled to
31 vote absentee under the Uniformed and Overseas Citizens

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

25 Section 51. Section 101.697, Florida Statutes, is
26 amended to read:

27 101.697 Electronic transmission of election
28 materials.--The Department of State shall determine whether
29 secure electronic means can be established for receiving
30 ballots from overseas voters. If such security can be
31 established, the department shall adopt rules to authorize a

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

9 Section 52. Section 102.012, Florida Statutes, is
 10 amended to read:

11 102.012 Inspectors and clerks to conduct elections.--

12 (1) The supervisor of elections of each county, at
 13 least 20 days prior to the holding of any election, shall
 14 appoint an election board comprised of poll workers who serve
 15 as clerks or inspectors ~~two election boards~~ for each precinct
 16 in the county; ~~however, the supervisor of elections may, in~~
 17 ~~any 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

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

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

30 ~~(b)~~ The ~~An~~ election board shall conduct the voting,
31 beginning and closing at the time set forth in s. 100.011. ~~ff~~

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

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

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

22 Section 53. Subsections (1), (2), (3), and (5) of
 23 section 102.014, Florida Statutes, is amended to read:

24 102.014 Poll worker recruitment and training.--

25 (1) The supervisor of elections shall conduct training
 26 for inspectors, clerks, and deputy sheriffs prior to each
 27 primary, general, and special election for the purpose of
 28 instructing such persons in their duties and responsibilities
 29 as election officials. The Division of Elections shall develop
 30 a statewide uniform training curriculum for poll workers, and
 31 each supervisor shall use such curriculum in training poll

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1 workers. A certificate may be issued by the supervisor of
 2 elections to each person completing such training. No person
 3 shall serve as an inspector, clerk, or deputy sheriff for an
 4 election unless such person has completed the training as
 5 required. A clerk may not work at the polls unless he or she
 6 demonstrates a working knowledge of the laws and procedures
 7 relating to voter registration, voting system operation,
 8 balloting and polling place procedures, and problem-solving
 9 and conflict-resolution skills.

10 (2) A person who has attended previous training
 11 conducted within 2 years before the election may be appointed
 12 by the supervisor to fill a vacancy on an election board ~~day~~.
 13 If no person with prior training is available to fill such
 14 vacancy, the supervisor of elections may fill such vacancy in
 15 accordance with the provisions of subsection (3) from among
 16 persons who have not received the training required by this
 17 section.

18 (3) In the case of absence or refusal to act on the
 19 part of any inspector or clerk ~~at any precinct on the day of~~
 20 ~~an election~~, the supervisor shall appoint a replacement who
 21 meets the qualifications prescribed in s. 102.012(2). The
 22 inspector or clerk so appointed shall be a member of the same
 23 political party as the clerk or inspector whom he or she
 24 replaces.

25 (5) The Department of State shall create a uniform
 26 polling place procedures manual and adopt the manual by rule.
 27 Each supervisor of elections shall ensure that the manual is
 28 available in hard copy or electronic form in every polling
 29 place ~~precinct in the supervisor's jurisdiction on election~~
 30 ~~day~~. The manual shall guide inspectors, clerks, and deputy
 31 sheriffs in the proper implementation of election procedures

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1 and laws. The manual shall be indexed by subject, and written
2 in plain, clear, unambiguous language. The manual shall
3 provide specific examples of common problems encountered at
4 the polls ~~on election day~~, and detail specific procedures for
5 resolving those problems. The manual shall include, without
6 limitation:

7 (a) Regulations governing solicitation by individuals
8 and groups at the polling place;

9 (b) Procedures to be followed with respect to voters
10 whose names are not on the precinct register;

11 (c) Proper operation of the voting system;

12 (d) Ballot handling procedures;

13 (e) Procedures governing spoiled ballots;

14 (f) Procedures to be followed after the polls close;

15 (g) Rights of voters at the polls;

16 (h) Procedures for handling emergency situations;

17 (i) Procedures for dealing with irate voters;

18 (j) The handling and processing of provisional

19 ballots; and

20 (k) Security procedures.

21

22 The Department of State shall revise the manual as necessary
23 to address new procedures in law or problems encountered by
24 voters and poll workers at the precincts.

25 Section 54. Section 102.031, Florida Statutes, is
26 amended to read:

27 102.031 Maintenance of good order at polls;
28 authorities; persons allowed in polling rooms and early voting
29 areas; unlawful solicitation of voters.--

30 (1) Each election board shall possess full authority
31 to maintain order at the polls and enforce obedience to its

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1 lawful commands during an election and the canvass of the
2 votes.

3 (2) The sheriff shall deputize a deputy sheriff for
4 each polling place and each early voting site who shall be
5 present during the time the polls or early voting sites are
6 open and until the election is completed, who shall be subject
7 to all lawful commands of the clerk or inspectors, and who
8 shall maintain good order. The deputy may summon assistance
9 from among bystanders to aid him or her when necessary to
10 maintain peace and order at the polls or early voting sites.

11 (3)(a) No person may enter any polling room or polling
12 place where the polling place is also a polling room, or any
13 early voting area during voting hours except the following:

- 14 1. Official poll watchers;
- 15 2. Inspectors;
- 16 3. Election clerks;
- 17 4. The supervisor of elections or his or her deputy;
- 18 5. Persons there to vote, persons in the care of a
19 voter, or persons caring for such voter;
- 20 6. Law enforcement officers or emergency service
21 personnel there with permission of the clerk or a majority of
22 the inspectors; or
- 23 7. A person, whether or not a registered voter, who is
24 assisting with or participating in a simulated election for
25 minors, as approved by the supervisor of elections.

26 (b) The restriction in this subsection does not apply
27 where the polling room is in an area commonly traversed by the
28 public in order to gain access to businesses or homes or in an
29 area traditionally utilized as a public area for discussion.

30 ~~(4)(a)(c)~~ No person, political committee, committee of
31 continuous existence, or other group or organization may

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1 solicit voters inside the polling place or within 100 ~~50~~ feet
 2 of the entrance to any polling place, or polling room where
 3 the polling place is also a polling room, or early voting
 4 site. Before the opening of the polling place or early voting
 5 site, the clerk or supervisor shall designate the
 6 no-solicitation zone and mark the boundaries. ~~on the day of~~
 7 ~~any election.~~

- 8 ~~1. Solicitation shall not be restricted if:~~
- 9 ~~a. Conducted from a separately marked area within the~~
 10 ~~50-foot zone so as not to disturb, hinder, impede, obstruct,~~
 11 ~~or interfere with voter access to the polling place or polling~~
 12 ~~room entrance; and~~
- 13 ~~b. The solicitation activities and subject matter are~~
 14 ~~clearly and easily identifiable by the voters as an activity~~
 15 ~~in which they may voluntarily participate; or~~
- 16 ~~c. Conducted on property within the 50-foot zone which~~
 17 ~~is a residence, established business, private property,~~
 18 ~~sidewalk, park, or property traditionally utilized as a public~~
 19 ~~area for discussion.~~

20 ~~2. Solicitation shall not be permitted within the~~
 21 ~~50-foot zone on a public sidewalk or other similar means of~~
 22 ~~access to the polling room if it is clearly identifiable to~~
 23 ~~the poll workers that the solicitation is impeding,~~
 24 ~~obstructing, or interfering with voter access to the polling~~
 25 ~~room or polling place.~~

26 ~~(b)(d)~~ For the purpose of this subsection, the term
 27 "solicit" shall include, but not be limited to, seeking or
 28 attempting to seek any vote, fact, opinion, or contribution;
 29 distributing or attempting to distribute any political or
 30 campaign material, leaflet, or handout; conducting a poll;
 31 seeking or attempting to seek a signature on any petition; and

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1 selling or attempting to sell any item.

2 ~~(c)(e)~~ Each supervisor of elections shall inform the
3 clerk ~~of each precinct~~ of the area within which soliciting is
4 unlawful, based on the particular characteristics of that
5 polling place. The supervisor or the clerk may take any
6 reasonable action necessary to ensure order at the polling
7 places, including, but not limited to, which shall include:

8 1. ~~Designating a specific area for soliciting pursuant~~
9 ~~to paragraph (c) of this subsection, or~~

10 2. ~~having disruptive and unruly persons removed by law~~
11 ~~enforcement officers from the polling room or place or from~~
12 ~~the 100-foot ~~50-foot~~ zone surrounding the polling place.~~

13 (5) No photography is permitted in the polling room or
14 early voting area.

15 Section 55. Section 102.071, Florida Statutes, is
16 amended to read:

17 102.071 Tabulation of votes and proclamation of
18 results ~~where ballots are used.~~--The election board shall post
19 at the polls, for the benefit of the public, the results of
20 the voting for each office or other item on the ballot as the
21 count is completed. Upon completion of all counts in all
22 races, a certificate ~~triplicate certificates~~ of the results
23 shall be drawn up by the inspectors and clerk at each precinct
24 upon a form provided by the supervisor of elections which
25 shall contain the name of each person voted for, for each
26 office, and the number of votes cast for each person for such
27 office; and, if any question is submitted, the certificate
28 shall also contain the number of votes cast for and against
29 the question. The certificate shall be signed by the
30 inspectors and clerk, ~~and one of the certificates~~ shall be
31 delivered without delay by one of the inspectors, securely

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1 sealed, to the supervisor for immediate publication; ~~the~~
2 ~~duplicate copy of the certificate shall be delivered to the~~
3 ~~county court judge; and the remaining copy shall be enclosed~~
4 ~~in the ballot box together with the oaths of inspectors and~~
5 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
6 memoranda, and papers of all kinds used in the election shall
7 also be transmitted, after being sealed by the inspectors, to
8 ~~with the certificates of result of the election to be filed in~~
9 the supervisor's office. Registration books and the poll lists
10 shall not be placed in the ballot boxes but shall be returned
11 to the supervisor.

12 Section 56. Section 102.111, Florida Statutes, is
13 amended to read:

14 102.111 Elections Canvassing Commission.--

15 (1) The Elections Canvassing Commission shall consist
16 of the Governor and two members of the Cabinet selected by the
17 Governor. If a member of the Elections Canvassing Commission
18 is unable to serve for any reason, the Governor shall appoint
19 a remaining member of the Cabinet. If there is a further
20 vacancy, the remaining members of the commission shall agree
21 on another elected official to fill the vacancy. The Elections
22 Canvassing Commission shall, as soon as the official results
23 are compiled from all counties, certify the returns of the
24 election and determine and declare who has been elected for
25 each federal, state, and multicounty office. If a member of a
26 county canvassing board that was constituted pursuant to s.
27 102.141 determines, within 5 days after the certification by
28 the Elections Canvassing Commission, that a typographical
29 error occurred in the official returns of the county, the
30 correction of which could result in a change in the outcome of
31 an election, the county canvassing board must certify

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1 corrected returns to the Department of State within 24 hours,
2 and the Elections Canvassing Commission must correct and
3 recertify the election returns as soon as practicable.

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

6 Section 57. Section 102.112, Florida Statutes, is
7 amended to read:

8 102.112 Deadline for submission of county returns to
9 the Department of State.--

10 (1) The county canvassing board or a majority thereof
11 shall file the county returns for the election of a federal or
12 state officer with the Department of State immediately after
13 certification of the election results. The returns must
14 contain a certification by the canvassing board that the board
15 has reconciled the number of persons who voted with the number
16 of ballots counted and that the certification includes all
17 valid votes cast in the election.

18 (2) Returns must be filed by 5 p.m. on the 7th day
19 following a primary election and by 5 p.m. on the 11th day
20 following the general election. However, the Department of
21 State may correct typographical errors, including the
22 transposition of numbers, in any returns submitted to the
23 Department of State pursuant to s. 102.111(1).

24 (3) If the returns are not received by the department
25 by the time specified, such returns shall be ignored and the
26 results on file at that time shall be certified by the
27 department.

28 (4) If the returns are not received by the department
29 due to an emergency, as defined in s. 101.732, the Elections
30 Canvassing Commission shall determine the deadline by which
31 the returns must be received.

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1 Section 58. Section 102.141, Florida Statutes, is
2 amended to read:

3 102.141 County canvassing board; duties.--

4 (1) The county canvassing board shall be composed of
5 the supervisor of elections; a county court judge, who shall
6 act as chair; and the chair of the board of county
7 commissioners. In the event any member of the county
8 canvassing board is unable to serve, is a candidate who has
9 opposition in the election being canvassed, or is an active
10 participant in the campaign or candidacy of any candidate who
11 has opposition in the election being canvassed, such member
12 shall be replaced as follows:

13 (a) If no county court judge is able to serve or if
14 all are disqualified, the chief judge of the judicial circuit
15 in which the county is located shall appoint as a substitute
16 member a qualified elector of the county who is not a
17 candidate with opposition in the election being canvassed and
18 who is not an active participant in the campaign or candidacy
19 of any candidate with opposition in the election being
20 canvassed. In such event, the members of the county
21 canvassing board shall meet and elect a chair.

22 (b) If the supervisor of elections is unable to serve
23 or is disqualified, the chair of the board of county
24 commissioners shall appoint as a substitute member a member of
25 the board of county commissioners who is not a candidate with
26 opposition in the election being canvassed and who is not an
27 active participant in the campaign or candidacy of any
28 candidate with opposition in the election being canvassed.
29 The supervisor, however, shall act in an advisory capacity to
30 the canvassing board.

31 (c) If the chair of the board of county commissioners

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1 is unable to serve or is disqualified, the board of county
 2 commissioners shall appoint as a substitute member one of its
 3 members who is not a candidate with opposition in the election
 4 being canvassed and who is not an active participant in the
 5 campaign or candidacy of any candidate with opposition in the
 6 election being canvassed.

7 (d) If a substitute member cannot be appointed as
 8 provided elsewhere in this subsection, the chief judge of the
 9 judicial circuit in which the county is located shall appoint
 10 as a substitute member a qualified elector of the county who
 11 is not a candidate with opposition in the election being
 12 canvassed and who is not an active participant in the campaign
 13 or candidacy of any candidate with opposition in the election
 14 being canvassed.

15 (2) The county canvassing board shall meet in a
 16 building accessible to the public in the county where the
 17 election occurred at a time and place to be designated by the
 18 supervisor of elections to publicly canvass the absentee
 19 electors' ballots as provided for in s. 101.68 and provisional
 20 ballots as provided by ss. 101.048, 101.049, and 101.6925.
 21 Provisional ballots cast pursuant to s. 101.049 shall be
 22 canvassed in a manner that votes for candidates and issues on
 23 those ballots can be segregated from other votes. Public
 24 notice of the time and place at which the county canvassing
 25 board shall meet to canvass the absentee electors' ballots and
 26 provisional ballots shall be given at least 48 hours prior
 27 thereto by publication once in one or more newspapers of
 28 general circulation in the county or, if there is no newspaper
 29 of general circulation in the county, by posting such notice
 30 in at least four conspicuous places in the county. As soon as
 31 the absentee electors' ballots and the provisional ballots are

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1 canvassed, the board shall proceed to publicly canvass the
2 vote given each candidate, nominee, constitutional amendment,
3 or other measure submitted to the electorate of the county, as
4 shown by the returns then on file in the office of the
5 supervisor of elections and the office of the county court
6 judge.

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

29 (4) The canvassing board shall submit on forms or in
30 formats provided by the division unofficial returns to the
31 Department of State for each federal, statewide, state, or

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1 multicounty office or ballot measure no later than noon on the
 2 third ~~second~~ day after any primary election and no later than
 3 noon on the fifth day after any, general, ~~special~~, or other
 4 election. Such returns shall include the canvass of all
 5 ballots as required by subsection (2), except for provisional
 6 ballots, which returns shall be reported at the time required
 7 for official returns pursuant to s. 102.112(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 Elections Canvassing

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

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

31 (b) ~~In counties with voting systems that do not use~~

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1 ~~paper ballots~~, Each canvassing board responsible for
 2 conducting a recount where touchscreen ballots were used shall
 3 examine the counters on the precinct tabulators to ensure that
 4 the total of the returns on the precinct tabulators equals the
 5 overall election return. If there is a discrepancy between the
 6 overall election return and the counters of the precinct
 7 tabulators, the counters of the precinct tabulators shall be
 8 presumed correct and such votes shall be canvassed
 9 accordingly.

10 (c) The canvassing board shall submit on forms or in
 11 formats provided by the division a second set of unofficial
 12 returns to the Department of State for each federal,
 13 statewide, state, or multicounty office or ballot measure no
 14 later than 3 p.m. noon on the fifth ~~third~~ day after any
 15 primary election and no later than 3 p.m. on the eighth day
 16 after any general election in which a recount was conducted
 17 pursuant to this subsection. If the canvassing board is unable
 18 to complete the recount prescribed in this subsection by the
 19 deadline, the second set of unofficial returns submitted by
 20 the canvassing board shall be identical to the initial
 21 unofficial returns and the submission shall also include a
 22 detailed explanation of why it was unable to timely complete
 23 the recount. However, the canvassing board shall complete the
 24 recount prescribed in this subsection, along with any manual
 25 recount prescribed in s. 102.166, and certify election returns
 26 in accordance with the 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 (7) The canvassing board may employ such clerical help

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1 to assist with the work of the board as it deems necessary,
 2 with at least one member of the board present at all times,
 3 until the canvass of the returns is completed. The clerical
 4 help shall be paid from the same fund as inspectors and other
 5 necessary election officials.

6 (8)(a) At the same time that the official results of
 7 an election are certified to the Department of State, the
 8 county canvassing board shall file a report with the Division
 9 of Elections on the conduct of the election. The report must
 10 describe:

11 1. All equipment or software malfunctions at the
 12 precinct level, at a counting location, or within computer and
 13 telecommunications networks supporting a county location, and
 14 the steps that were taken to address the malfunctions;

15 2. All election definition errors that were discovered
 16 after the logic and accuracy test, and the steps that were
 17 taken to address the errors;

18 3. All ballot printing errors or ballot supply
 19 problems, and the steps that were taken to address the errors
 20 or problems;

21 4. All staffing shortages or procedural violations by
 22 employees or precinct workers which were addressed by the
 23 supervisor of elections or the county canvassing board during
 24 the conduct of the election, and the steps that were taken to
 25 correct such issues;

26 5. All instances where needs for staffing or equipment
 27 were insufficient to meet the needs of the voters; and

28 6. Any additional information regarding material
 29 issues or problems associated with the conduct of the
 30 election.

31 (b) If a supervisor discovers new or additional

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1 information on any of the items required to be included in the
 2 report pursuant to paragraph (a) after the report is filed,
 3 the supervisor shall notify the division that new information
 4 has been discovered no later than the next business day after
 5 the discovery and the supervisor shall file an amended report
 6 signed by the supervisor of elections on the conduct of the
 7 election within 10 days after the discovery. shall contain
 8 information relating to any problems incurred as a result of
 9 equipment malfunctions either at the precinct level or at a
 10 counting location, any difficulties or unusual circumstances
 11 encountered by an election board or the canvassing board, and
 12 any other additional information which the canvassing board
 13 feels should be made a part of the official election record.

14 (c) Such reports shall be maintained on file in the
 15 Division of Elections and shall be available for public
 16 inspection. The division shall utilize the reports submitted
 17 by the canvassing boards to determine what problems may be
 18 likely to occur in other elections and disseminate such
 19 information, along with possible solutions, to the supervisors
 20 of elections.

21 (9) The supervisor shall file with the department a
 22 copy of or an export file from the results database of the
 23 county's voting system and other statistical information as
 24 may be required by the department, the Legislature, or the
 25 Election Assistance Commission. The department shall adopt
 26 rules establishing the required content and acceptable formats
 27 for the filings and time for filings.

28 Section 59. Section 102.166, Florida Statutes, is
 29 amended to read:

30 102.166 Manual recounts.--

31 (1) If the second set of unofficial returns pursuant

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1 to s. 102.141 indicates that a candidate for any office was
 2 defeated or eliminated by one-quarter of a percent or less of
 3 the votes cast for such office, that a candidate for retention
 4 to a judicial office was retained or not retained by
 5 one-quarter of a percent or less of the votes cast on the
 6 question of retention, or that a measure appearing on the
 7 ballot was approved or rejected by one-quarter of a percent or
 8 less of the votes cast on such measure, the board responsible
 9 for certifying the results of the vote on such race or measure
 10 shall order a manual recount of the overvotes and undervotes
 11 cast in the entire geographic jurisdiction of such office or
 12 ballot measure. A manual recount may not be ordered, however,
 13 if the number of overvotes, undervotes, and provisional
 14 ballots is fewer than the number of votes needed to change the
 15 outcome of the election.

16 ~~(2)(a) If the second set of unofficial returns~~
 17 ~~pursuant to s. 102.141 indicates that a candidate for any~~
 18 ~~office was defeated or eliminated by between one-quarter and~~
 19 ~~one-half of a percent of the votes cast for such office, that~~
 20 ~~a candidate for retention to judicial office was retained or~~
 21 ~~not retained by between one-quarter and one-half of a percent~~
 22 ~~of the votes cast on the question of retention, or that a~~
 23 ~~measure appearing on the ballot was approved or rejected by~~
 24 ~~between one-quarter and one-half of a percent of the votes~~
 25 ~~cast on such measure, any such candidate, the political party~~
 26 ~~of such candidate, or any political committee that supports or~~
 27 ~~opposes such ballot measure is entitled to a manual recount of~~
 28 ~~the overvotes and undervotes cast in the entire geographic~~
 29 ~~jurisdiction of such office or ballot measure, provided that a~~
 30 ~~request for a manual recount is made by 5 p.m. on the third~~
 31 ~~day after the election.~~

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1 ~~(b) For federal, statewide, state, and multicounty~~
 2 ~~races and ballot issues, requests for a manual recount shall~~
 3 ~~be made in writing to the state Elections Canvassing~~
 4 ~~Commission. For all other races and ballot issues, requests~~
 5 ~~for a manual recount shall be made in writing to the county~~
 6 ~~canvassing board.~~

7 ~~(c) Upon receipt of a proper and timely request, the~~
 8 ~~Elections Canvassing Commission or county canvassing board~~
 9 ~~shall immediately order a manual recount of overvotes and~~
 10 ~~undervotes in all affected jurisdictions.~~

11 ~~(2)(3)(a) Any hardware or software used to identify~~
 12 ~~and sort overvotes and undervotes for a given race or ballot~~
 13 ~~measure must be certified by the Department of State as part~~
 14 ~~of the voting system pursuant to s. 101.015. Any such hardware~~
 15 ~~or software must be capable of simultaneously counting votes.~~
 16 ~~For certified voting systems, the department shall certify~~
 17 ~~such hardware or software by July 1, 2002. If the department~~
 18 ~~is unable to certify such hardware or software for a certified~~
 19 ~~voting system by July 1, 2002, the department shall adopt~~
 20 ~~rules prescribing procedures for identifying and sorting such~~
 21 ~~overvotes and undervotes. The department's rules may provide~~
 22 ~~for the temporary use of hardware or software whose sole~~
 23 ~~function is identifying and sorting overvotes and undervotes.~~

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

26 ~~(b)(c) Overvotes and undervotes shall be identified~~
 27 ~~and sorted while recounting ballots pursuant to s. 102.141, if~~
 28 ~~the hardware or software for this purpose has been certified~~
 29 ~~or the department's rules so provide.~~

30 ~~(3)(4) Any manual recount shall be open to the public.~~

31 ~~(4)(5)(a) A vote for a candidate or ballot measure~~

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1 shall be counted if there is a clear indication on the ballot
2 that the voter has made a definite choice.

3 (b) The Department of State shall adopt specific rules
4 for each certified voting system prescribing what constitutes
5 a "clear indication on the ballot that the voter has made a
6 definite choice." The rules may not:

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

9 2. Contain a catch-all provision that fails to
10 identify specific standards, such as "any other mark or
11 indication clearly indicating that the voter has made a
12 definite choice."

13 ~~(5)(6)~~ Procedures for a manual recount are as follows:

14 (a) The county canvassing board shall appoint as many
15 counting teams of at least two electors as is necessary to
16 manually recount the ballots. A counting team must have, when
17 possible, members of at least two political parties. A
18 candidate involved in the race shall not be a member of the
19 counting team.

20 (b) Each duplicate ballot prepared pursuant to s.
21 101.5614(5) or s. 102.141(6) shall be compared with the
22 original ballot to ensure the correctness of the duplicate.

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

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. The rules shall address, at a minimum, the
31 following areas:

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

8 Section 60. Subsections (2) and (4) of section
 9 102.168, Florida Statutes, are amended to read:

10 102.168 Contest of election.--

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

17 (4) The county canvassing board is an indispensable
 18 ~~and or Elections Canvassing Commission shall be the proper~~
 19 ~~party defendant in county and local elections; the Elections~~
 20 ~~Canvassing Commission is an indispensable and proper party~~
 21 ~~defendant in federal, state, and multicounty races;~~ and the
 22 successful candidate ~~is shall be~~ an indispensable party to any
 23 action brought to contest the election or nomination of a
 24 candidate.

25 Section 61. Subsections (1) and (4) of section
 26 103.021, Florida Statutes, are amended to read:

27 103.021 Nomination for presidential
 28 electors.--Candidates for presidential electors shall be
 29 nominated in the following manner:

30 (1) The Governor shall nominate the presidential
 31 electors of each political party. The state executive

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1 committee of each political party shall by resolution
2 recommend candidates for presidential electors and deliver a
3 certified copy thereof to the Governor before September 1 of
4 each presidential election year. The Governor ~~He or she~~ shall
5 nominate only the electors recommended by the state executive
6 committee of the respective political party. Each such
7 elector shall be a qualified elector of the party he or she
8 represents who has taken an oath that he or she will vote for
9 the candidates of the party that he or she is nominated to
10 represent. The Governor shall certify to the Department of
11 State on or before September 1, in each presidential election
12 year, the names of a number of electors for each political
13 party equal to the number of senators and representatives
14 which this state has in Congress.

15 (4)(a) A minor political party that is affiliated with
16 a national party holding a national convention to nominate
17 candidates for President and Vice President of the United
18 States may have the names of its candidates for President and
19 Vice President of the United States printed on the general
20 election ballot by filing with the Department of State a
21 certificate naming the candidates for President and Vice
22 President and listing the required number of persons to serve
23 as electors. Notification to the Department of State under
24 this subsection shall be made by September 1 of the year in
25 which the election is held. When the Department of State has
26 been so notified, it shall order the names of the candidates
27 nominated by the minor political party to be included on the
28 ballot and shall permit the required number of persons to be
29 certified as electors in the same manner as other party
30 candidates. As used in this section, the term "national party"
31 means a political party established and admitted to the ballot

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1 in at least one state other than Florida.

2 (b) A minor political party that is not affiliated
3 with a national party holding a national convention to
4 nominate candidates for President and Vice President of the
5 United States may have the names of its candidates for
6 President and Vice President printed on the general election
7 ballot if a petition is signed by 1 percent of the registered
8 electors of this state, as shown by the compilation by the
9 Department of State for the preceding general election. A
10 separate petition from each county for which signatures are
11 solicited shall be submitted to the supervisors of elections
12 of the respective county no later than July 15 of each
13 presidential election year. The supervisor shall check the
14 names and, on or before the date of the first primary, shall
15 certify the number shown as registered electors of the county.
16 The supervisor shall be paid by the person requesting the
17 certification the cost of checking the petitions as prescribed
18 in s. 99.097. The supervisor shall then forward the
19 certificate to the Department of State, which shall determine
20 whether or not the percentage factor required in this section
21 has been met. When the percentage factor required in this
22 section has been met, the Department of State shall order the
23 names of the candidates for whom the petition was circulated
24 to be included on the ballot and shall permit the required
25 number of persons to be certified as electors in the same
26 manner as other party candidates.

27 Section 62. Section 103.051, Florida Statutes, is
28 amended to read:

29 103.051 Congress sets meeting dates of electors.--The
30 presidential electors shall, ~~at noon~~ on the day that ~~which~~ is
31 directed by Congress and at the time fixed by the Governor,

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1 meet at Tallahassee and perform the duties required of them by
2 the Constitution and laws of the United States.

3 Section 63. Section 103.061, Florida Statutes, is
4 amended to read:

5 103.061 Meeting of electors and filling of
6 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
7 the day fixed by Congress to elect a President and Vice
8 President and at the time fixed by the Governor, give notice
9 to the Governor that the elector is in Tallahassee and ready
10 to perform the duties of presidential elector. The Governor
11 shall forthwith deliver to the presidential electors present a
12 certificate of the names of all the electors; and if, on
13 examination thereof, it should be found that one or more
14 electors are absent, the electors present shall elect by
15 ballot, in the presence of the Governor, a person or persons
16 to fill such vacancy or vacancies as may have occurred through
17 the nonattendance of one or more of the electors.

18 Section 64. Section 103.121, Florida Statutes, is
19 amended to read:

20 103.121 Powers and duties of executive committees.--

21 (1)(a) Each state and county executive committee of a
22 political party shall have the power and duty:

23 1. To adopt a constitution by two-thirds vote of the
24 full committee.

25 2. To adopt such bylaws as it may deem necessary by
26 majority vote of the full committee.

27 3. To conduct its meetings according to generally
28 accepted parliamentary practice.

29 4. To make party nomination when required by law.

30 5. To conduct campaigns for party nominees.

31 6. To raise and expend party funds. Such funds may

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1 not be expended or committed to be expended except after
2 written authorization by the chair of the state or county
3 executive committee.

4 (b) ~~Except as otherwise provided in subsection (5),~~
5 The county executive committee shall receive payment of
6 assessments upon candidates to be voted for in a single county
7 except state senators and members of the House of
8 Representatives and representatives to the Congress of the
9 United States; and the state executive committees shall
10 receive all other assessments authorized. All party
11 assessments shall be 2 percent of the annual salary of the
12 office sought by the respective candidate. All such committee
13 assessments shall be remitted to the state executive committee
14 of the appropriate party and distributed in accordance with
15 subsection(5)(6).

16 ~~(2) The state executive committee shall by resolution~~
17 ~~recommend candidates for presidential electors and deliver a~~
18 ~~certified copy thereof to the Governor prior to September 1 of~~
19 ~~each presidential election year.~~

20 ~~(2)(3) The chair and treasurer of an executive~~
21 ~~committee of any political party shall be accountable for the~~
22 ~~funds of such committee and jointly liable for their proper~~
23 ~~expenditure for authorized purposes only. The chair and~~
24 ~~treasurer of the state executive committee of any political~~
25 ~~party shall furnish adequate bond, but not less than \$10,000,~~
26 ~~conditioned upon the faithful performance by such party~~
27 ~~officers of their duties and for the faithful accounting for~~
28 ~~party funds which shall come into their hands; and the chair~~
29 ~~and treasurer of a county executive committee of a political~~
30 ~~party shall furnish adequate bond, but not less than \$5,000,~~
31 ~~conditioned as aforesaid. A bond for the chair and treasurer~~

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1 ~~of the state executive committee of a political party shall be~~
2 ~~filed with the Department of State. A bond for the chair and~~
3 ~~treasurer of a county executive committee shall be filed with~~
4 ~~the supervisor of elections.~~ The funds of each such state
5 executive committee shall be publicly audited at the end of
6 each calendar year and a copy of such audit furnished to the
7 Department of State for its examination prior to April 1 of
8 the ensuing year. When filed with the Department of State,
9 copies of such audit shall be public documents. The treasurer
10 of each county executive committee shall maintain adequate
11 records evidencing receipt and disbursement of all party funds
12 received by him or her, and such records shall be publicly
13 audited at the end of each calendar year and a copy of such
14 audit filed with the supervisor of elections and the state
15 executive committee prior to April 1 of the ensuing year.

16 ~~(3)(4)~~ Any chair or treasurer of a state or county
17 executive committee of any political party who knowingly
18 misappropriates, or makes an unlawful expenditure of, or a
19 false or improper accounting for, the funds of such committee
20 is guilty of a felony of the third degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 ~~(4)(5)(a)~~ The central committee or other equivalent
23 governing body of each state executive committee shall adopt a
24 rule which governs the time and manner in which the respective
25 county executive committees of such party may endorse,
26 certify, screen, or otherwise recommend one or more candidates
27 for such party's nomination for election. Upon adoption, such
28 rule shall provide the exclusive method by which a county
29 committee may so endorse, certify, screen, or otherwise
30 recommend. No later than the date on which qualifying for
31 public office begins pursuant to s. 99.061, the chair of each

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1 county executive committee shall notify in writing the
 2 supervisor of elections of his or her county whether the
 3 county executive committee has endorsed or intends to endorse,
 4 certify, screen, or otherwise recommend candidates for
 5 nomination pursuant to party rule. A copy of such
 6 notification shall be provided to the Secretary of State and
 7 to the chair of the appropriate state executive committee. ~~Any~~
 8 ~~county executive committee that endorses or intends to~~
 9 ~~endorse, certify, screen, or otherwise recommend one or more~~
 10 ~~candidates for nomination shall forfeit all party assessments~~
 11 ~~which would otherwise be returned to the county executive~~
 12 ~~committee; and such assessments shall be remitted instead to~~
 13 ~~the state executive committee of such party, the provisions of~~
 14 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~
 15 ~~funds so remitted to the state executive committee shall be~~
 16 ~~paid, returned, or otherwise disbursed to the county executive~~
 17 ~~committee under any circumstances. Any county executive~~
 18 ~~committee that is in violation of any party rule after~~
 19 ~~receiving the party assessment shall remit such party~~
 20 ~~assessment to the state executive committee.~~

21 ~~(b) Any state executive committee that endorses or~~
 22 ~~intends to endorse, certify, screen, or otherwise recommend~~
 23 ~~one or more candidates for nomination shall forfeit all party~~
 24 ~~assessments which would otherwise be returned to the state~~
 25 ~~executive committee; and such assessments shall be remitted~~
 26 ~~instead to the General Revenue Fund of the state. Any state~~
 27 ~~executive committee that is in violation of this section after~~
 28 ~~receiving the party assessment shall remit such party~~
 29 ~~assessment to the General Revenue Fund of the state.~~

30 ~~(5)(6)~~ The state chair of each state executive
 31 committee shall return the 2-percent committee assessment for

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1 county candidates to the appropriate county executive
 2 committees only upon receipt of a written statement that such
 3 county executive committee chooses not to endorse, certify,
 4 screen, or otherwise recommend one or more candidates for such
 5 party's nomination for election and upon the state chair's
 6 determination that the county executive committee is in
 7 compliance with all Florida statutes and all state party
 8 rules, bylaws, constitutions, and requirements.

9 Section 65. Section 105.031, Florida Statutes, is
 10 amended to read:

11 105.031 Qualification; filing fee; candidate's oath;
 12 items required to be filed.--

13 (1) TIME OF QUALIFYING.--Except for candidates for
 14 judicial office, nonpartisan candidates for multicounty office
 15 shall qualify with the Division of Elections of the Department
 16 of State and nonpartisan candidates for countywide or less
 17 than countywide office shall qualify with the supervisor of
 18 elections. Candidates for judicial office other than the
 19 office of county court judge shall qualify with the Division
 20 of Elections of the Department of State, and candidates for
 21 the office of county court judge shall qualify with the
 22 supervisor of elections of the county. Candidates for
 23 judicial office shall qualify no earlier than noon of the
 24 120th day, and no later than noon of the 116th day, before the
 25 first primary election. Candidates for the office of school
 26 board member shall qualify no earlier than noon of the 50th
 27 day, and no later than noon of the 46th day, before the first
 28 primary election. Filing shall be on forms provided for that
 29 purpose by the Division of Elections and furnished by the
 30 appropriate qualifying officer. Any person seeking to qualify
 31 by the petition process ~~alternative method~~, as set forth in s.

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1 105.035, ~~who if the person~~ has submitted the necessary
2 petitions by the required deadline and is notified after the
3 fifth day prior to the last day for qualifying that the
4 required number of signatures has been obtained, shall be
5 entitled to subscribe to the candidate's oath and file the
6 qualifying papers at any time within 5 days from the date he
7 or she is notified that the necessary number of signatures has
8 been obtained. Any person other than a write-in candidate who
9 qualifies within the time prescribed in this subsection shall
10 be entitled to have his or her name printed on the ballot.

11 (2) FILING IN GROUPS OR DISTRICTS.--Candidates shall
12 qualify in groups or districts where multiple offices are to
13 be filled.

14 (3) QUALIFYING FEE.--Each candidate qualifying for
15 election to a judicial office or the office of school board
16 member, except write-in judicial or school board candidates,
17 shall, during the time for qualifying, pay to the officer with
18 whom he or she qualifies a qualifying fee, which shall consist
19 of a filing fee and an election assessment, or qualify by the
20 petition process ~~alternative method~~. The amount of the filing
21 fee is 3 percent of the annual salary of the office sought.
22 The amount of the election assessment is 1 percent of the
23 annual salary of the office sought. The Department of State
24 shall forward all filing fees to the Department of Revenue for
25 deposit in the Elections Commission Trust Fund. The
26 supervisor of elections shall forward all filing fees to the
27 Elections Commission Trust Fund. The election assessment
28 shall be deposited into the Elections Commission Trust Fund.
29 The annual salary of the office for purposes of computing the
30 qualifying fee shall be computed by multiplying 12 times the
31 monthly salary authorized for such office as of July 1

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1 immediately preceding the first day of qualifying. This
2 subsection shall not apply to candidates qualifying for
3 retention to judicial office.

4 (4) CANDIDATE'S OATH.--

5 (a) All candidates for the office of school board
6 member shall subscribe to the oath as prescribed in s. 99.021.

7 (b) All candidates for judicial office shall subscribe
8 to an oath or affirmation in writing to be filed with the
9 appropriate qualifying officer upon qualifying. A printed
10 copy of the oath or affirmation shall be furnished to the
11 candidate by the qualifying officer and shall be in
12 substantially the following form:

13

14 State of Florida

15 County of

16 Before me, an officer authorized to administer oaths,
17 personally appeared ...(please print name as you wish it to
18 appear on the ballot)..., to me well known, who, being sworn,
19 says he or she: is a candidate for the judicial office of
20; that his or her legal residence is County, Florida;
21 that he or she is a qualified elector of the state and of the
22 territorial jurisdiction of the court to which he or she seeks
23 election; that he or she is qualified under the constitution
24 and laws of Florida to hold the judicial office to which he or
25 she desires to be elected or in which he or she desires to be
26 retained; that he or she has taken the oath required by ss.
27 876.05-876.10, Florida Statutes; that he or she has qualified
28 for no other public office in the state, the term of which
29 office or any part thereof runs concurrent to the office he or
30 she seeks; and that he or she has resigned from any office
31 which he or she is required to resign pursuant to s. 99.012,

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1 Florida Statutes.

2 ... (Signature of candidate)...

3 ... (Address)...

4

5 Sworn to and subscribed before me this day of,

6 ... (year) ..., at County, Florida.

7 ... (Signature and title of officer administering oath)...

8

9 (5) ITEMS REQUIRED TO BE FILED.--

10 (a) In order for a candidate for judicial office or
11 the office of school board member to be qualified, the
12 following items must be received by the filing officer by the
13 end of the qualifying period:

14 1. Except for candidates for retention to judicial
15 office, a properly executed check drawn upon the candidate's
16 campaign account in an amount not less than the fee required
17 by subsection (3) or, in lieu thereof, the copy of the notice
18 of obtaining ballot position pursuant to s. 105.035. If a
19 candidate's check is returned by the bank for any reason, the
20 filing officer shall immediately notify the candidate and the
21 candidate shall, the end of qualifying notwithstanding, have
22 48 hours from the time such notification is received,
23 excluding Saturdays, Sundays, and legal holidays, to pay the
24 fee with a cashier's check purchased from funds of the
25 campaign account. Failure to pay the fee as provided in this
26 subparagraph shall disqualify the candidate.

27 2. The candidate's oath required by subsection (4),
28 which must contain the name of the candidate as it is to
29 appear on the ballot; the office sought, including the
30 district or group number if applicable; and the signature of
31 the candidate, duly acknowledged.

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1 prior to the last day of qualifying, the filing officer shall
 2 make a reasonable effort to notify the candidate of the
 3 missing or incomplete items and shall inform the candidate
 4 that all required items must be received by the close of
 5 qualifying. A candidate's name as it is to appear on the
 6 ballot may not be changed after the end of qualifying.

7 (6) Notwithstanding the qualifying period prescribed
 8 in this section, a filing officer may accept and hold
 9 qualifying papers submitted not earlier than 14 days prior to
 10 the beginning of the qualifying period, to be processed and
 11 filed during the qualifying period.

12 Section 66. Section 105.035, Florida Statutes, is
 13 amended to read:

14 105.035 Petition process ~~Alternative method~~ of
 15 qualifying for certain judicial offices and the office of
 16 school board member.--

17 (1) A person seeking to qualify for election to the
 18 office of circuit judge or county court judge or the office of
 19 school board member may qualify for election to such office by
 20 means of the petitioning process prescribed in this section.
 21 A person qualifying by this petition process is ~~alternative~~
 22 ~~method shall not be~~ required to pay the qualifying fee
 23 required by this chapter. ~~A person using this petitioning~~
 24 ~~process shall file an oath with the officer before whom the~~
 25 ~~candidate would qualify for the office stating that he or she~~
 26 ~~intends to qualify by this alternative method for the office~~
 27 ~~sought. Such oath shall be filed at any time after the first~~
 28 ~~Tuesday after the first Monday in January of the year in which~~
 29 ~~the election is held, but prior to the 21st day preceding the~~
 30 ~~first day of the qualifying period for the office sought. The~~
 31 ~~form of such oath shall be prescribed by the Division of~~

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1 ~~Elections. No signatures shall be obtained until the person~~
2 ~~has filed the oath prescribed in this subsection.~~

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

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

25 (4)(a) Each candidate seeking to qualify for election
26 to the office of circuit judge or the office of school board
27 member from a multicounty school district pursuant to this
28 section shall file a separate petition from each county from
29 which signatures are sought. Each petition shall be
30 submitted, prior to noon of the 28th ~~21st~~ day preceding the
31 first day of the qualifying period for the office sought, to

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1 the supervisor of elections of the county for which such
2 petition was circulated. Each supervisor of elections to whom
3 a petition is submitted shall check the signatures on the
4 petition to verify their status as electors of that county and
5 of the geographic area represented by the office sought. No
6 later than the seventh day before ~~Prior to~~ the first date for
7 qualifying, the supervisor shall certify the number shown as
8 registered electors and submit such certification to the
9 Division of Elections. The division shall determine whether
10 the required number of signatures has been obtained for the
11 name of the candidate to be placed on the ballot and shall
12 notify the candidate. If the required number of signatures
13 has been obtained, the candidate shall, during the time
14 prescribed for qualifying for office, submit a copy of such
15 notice and file his or her qualifying papers and oath
16 prescribed in s. 105.031 with the Division of Elections. Upon
17 receipt of the copy of such notice and qualifying papers, the
18 division shall certify the name of the candidate to the
19 appropriate supervisor or supervisors of elections as having
20 qualified for the office sought.

21 (b) Each candidate seeking to qualify for election to
22 the office of county court judge or the office of school board
23 member from a single county school district pursuant to this
24 section shall submit his or her petition, prior to noon of the
25 28th ~~21st~~ day preceding the first day of the qualifying period
26 for the office sought, to the supervisor of elections of the
27 county for which such petition was circulated. The supervisor
28 shall check the signatures on the petition to verify their
29 status as electors of the county and of the geographic area
30 represented by the office sought. No later than the seventh
31 day before ~~Prior to~~ the first date for qualifying, the

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1 supervisor shall determine whether the required number of
 2 signatures has been obtained for the name of the candidate to
 3 be placed on the ballot and shall notify the candidate. If
 4 the required number of signatures has been obtained, the
 5 candidate shall, during the time prescribed for qualifying for
 6 office, submit a copy of such notice and file his or her
 7 qualifying papers and oath prescribed in s. 105.031 with the
 8 qualifying officer. Upon receipt of the copy of such notice
 9 and qualifying papers, such candidate shall be entitled to
 10 have his or her name printed on the ballot.

11 Section 67. Section 106.022, Florida Statutes, is
 12 created to read:

13 106.022 Appointment of a registered agent; duties.--

14 (1) Each political committee, committee of continuous
 15 existence, or electioneering communications entity shall have
 16 and continuously maintain in this state a registered office
 17 and a registered agent and must file with the division a
 18 statement of appointment for the registered office and
 19 registered agent. The statement of appointment must:

20 (a) Provide the name of the registered agent and the
 21 street address and phone number for the registered office;

22 (b) Identify the entity for whom the registered agent
 23 serves;

24 (c) Designate the address the registered agent wishes
 25 to use to receive mail;

26 (d) Include the entity's undertaking to inform the
 27 division of any change in such designated address;

28 (e) Provide for the registered agent's acceptance of
 29 the appointment, which must confirm that the registered agent
 30 is familiar with and accepts the obligations of the position
 31 as set forth in this section; and

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1 (f) Contain the signature of the registered agent and
2 the entity engaging the registered agent.

3 (2) An entity may change its appointment of registered
4 agent and registered office under this section by executing a
5 written statement of change that identifies the former
6 registered agent and registered address and also satisfies all
7 of the requirements of subsection (1).

8 (3) A registered agent may resign his or her
9 appointment as registered agent by executing a written
10 statement of resignation and filing it with the division. An
11 entity without a registered agent may not make expenditures or
12 accept contributions until it files a written statement of
13 change as required in subsection (2).

14 Section 68. Subsection (6) of section 106.08, Florida
15 Statutes, is amended to read:

16 106.08 Contributions; limitations on.--

17 (6) A political party may not accept any contribution
18 which has been specifically designated for the partial or
19 exclusive use of a particular candidate. Any contribution so
20 designated must be returned to the contributor and may not be
21 used or expended by or on behalf of the candidate. Also, a
22 political party may not accept any in-kind contribution that
23 fails to provide a direct benefit to the political party. A
24 "direct benefit" includes, but is not limited to, fundraising
25 or furthering the objectives of the political party.

26 Section 69. Subsection (6) of section 106.24, Florida
27 Statutes, is amended to read:

28 106.24 Florida Elections Commission; membership;
29 powers; duties.--

30 (6) There is hereby established in the State Treasury
31 an Elections Commission Trust Fund to be utilized by the

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1 Division of Elections and the Florida Elections Commission in
 2 order to carry out their duties pursuant to ss. 106.24-106.28.
 3 The trust fund may also be used by the Secretary of State
 4 ~~division~~, pursuant to his or her ~~its~~ authority under s.
 5 97.012(14) ~~s. 106.22(11)~~, to provide rewards for information
 6 leading to criminal convictions related to voter registration
 7 fraud, voter fraud, and vote scams.

8 Section 70. 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 petition process ~~alternative~~
 19 ~~method~~ and was not required to pay an election assessment,
 20 shall reimburse the state or local governmental entity,
 21 whichever is applicable, for such waived assessment or fee or
 22 both. Such reimbursement shall be made first for the cost of
 23 petition verification and then, if funds are remaining, for
 24 the amount of the election assessment. If there are
 25 insufficient funds in the account to pay the full amount of
 26 either the assessment or the fee or both, the remaining funds
 27 shall be disbursed in the above manner until no funds remain.
 28 All funds disbursed pursuant to this subsection shall be
 29 remitted to the qualifying officer. Any reimbursement for
 30 petition verification costs which are reimbursable by the
 31 state shall be forwarded by the qualifying officer to the

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

5 Section 71. Section 98.122, Florida Statutes, is
 6 transferred and renumbered as section 106.165, Florida
 7 Statutes.

8 Section 72. Section 106.22, Florida Statutes, is
 9 amended to read:

10 106.22 Duties of the Division of Elections.--It is the
 11 duty of the Division of Elections to:

12 (1) Prescribe forms for statements and other
 13 information required to be filed by this chapter. Such forms
 14 shall be furnished by the Department of State or office of the
 15 supervisor of elections to persons required to file such
 16 statements and information with such agency.

17 (2) Prepare and publish manuals or brochures setting
 18 forth recommended uniform methods of bookkeeping and
 19 reporting, and including appropriate portions of the election
 20 code, for use by persons required by this chapter to file
 21 statements.

22 (3) Develop a filing, coding, and cross-indexing
 23 system consonant with the purposes of this chapter.

24 (4) Preserve statements and other information required
 25 to be filed with the division pursuant to this chapter for a
 26 period of 10 years from date of receipt.

27 (5) Prepare and publish such reports as it may deem
 28 appropriate.

29 (6) Make, from time to time, audits and field
 30 investigations with respect to reports and statements filed
 31 under the provisions of this chapter and with respect to

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1 alleged failures to file any report or statement required
2 under the provisions of this chapter. The division shall
3 conduct a postelection audit of the campaign accounts of all
4 candidates receiving contributions from the Election Campaign
5 Financing Trust Fund.

6 (7) Report to the Florida Elections Commission any
7 failure to file a report or information required by this
8 chapter or any apparent violation of this chapter.

9 (8) Employ such personnel or contract for such
10 services as are necessary to adequately carry out the intent
11 of this chapter.

12 (9) Prescribe rules and regulations to carry out the
13 provisions of this chapter. Such rules shall be prescribed
14 pursuant to chapter 120.

15 ~~(10) Make an annual report to the President of the~~
16 ~~Senate and the Speaker of the House of Representatives~~
17 ~~concerning activities of the division and recommending~~
18 ~~improvements in the election code.~~

19 ~~(11) Conduct preliminary investigations into any~~
20 ~~irregularities or fraud involving voter registration or voting~~
21 ~~and report its findings to the state attorney for the judicial~~
22 ~~circuit in which the alleged violation occurred for~~
23 ~~prosecution, where warranted. The Department of State may~~
24 ~~prescribe by rule requirements for filing a complaint of voter~~
25 ~~fraud and for investigating any such complaint.~~

26 (10)~~(12)~~ Conduct random audits with respect to reports
27 and statements filed under this chapter and with respect to
28 alleged failure to file any reports and statements required
29 under this chapter.

30 Section 73. Subsection (1) of section 16.56, Florida
31 Statutes, is amended to read:

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1 16.56 Office of Statewide Prosecution.--

2 (1) There is created in the Department of Legal
3 Affairs an Office of Statewide Prosecution. The office shall
4 be a separate "budget entity" as that term is defined in
5 chapter 216. The office may:

6 (a) Investigate and prosecute the offenses of:

7 1. Bribery, burglary, criminal usury, extortion,
8 gambling, kidnapping, larceny, murder, prostitution, perjury,
9 robbery, carjacking, and home-invasion robbery;

10 2. Any crime involving narcotic or other dangerous
11 drugs;

12 3. Any violation of the provisions of the Florida RICO
13 (Racketeer Influenced and Corrupt Organization) Act, including
14 any offense listed in the definition of racketeering activity
15 in s. 895.02(1)(a), providing such listed offense is
16 investigated in connection with a violation of s. 895.03 and
17 is charged in a separate count of an information or indictment
18 containing a count charging a violation of s. 895.03, the
19 prosecution of which listed offense may continue independently
20 if the prosecution of the violation of s. 895.03 is terminated
21 for any reason;

22 4. Any violation of the provisions of the Florida
23 Anti-Fencing Act;

24 5. Any violation of the provisions of the Florida
25 Antitrust Act of 1980, as amended;

26 6. Any crime involving, or resulting in, fraud or
27 deceit upon any person;

28 7. Any violation of s. 847.0135, relating to computer
29 pornography and child exploitation prevention, or any offense
30 related to a violation of s. 847.0135;

31 8. Any violation of the provisions of chapter 815;

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1 9. Any criminal violation of part I of chapter 499;

2 10. Any violation of the provisions of the Florida
3 Motor Fuel Tax Relief Act of 2004; ~~or~~

4 11. Any criminal violation of s. 409.920 or s.
5 409.9201; or

6 12. Any crime involving voter registration, voting, or
7 candidate or issue petition activities;

8
9 or any attempt, solicitation, or conspiracy to commit any of
10 the crimes specifically enumerated above. The office shall
11 have such power only when any such offense is occurring, or
12 has occurred, in two or more judicial circuits as part of a
13 related transaction, or when any such offense is connected
14 with an organized criminal conspiracy affecting two or more
15 judicial circuits.

16 (b) Upon request, cooperate with and assist state
17 attorneys and state and local law enforcement officials in
18 their efforts against organized crimes.

19 (c) Request and receive from any department, division,
20 board, bureau, commission, or other agency of the state, or of
21 any political subdivision thereof, cooperation and assistance
22 in the performance of its duties.

23 Section 74. Subsection (5) of section 119.07, Florida
24 Statutes, is amended to read:

25 119.07 Inspection and copying of records;
26 photographing public records; fees; exemptions.--

27 (5) When ballots are produced under this section for
28 inspection or examination, no persons other than the
29 supervisor of elections or the supervisor's employees shall
30 touch the ballots. If the ballots are being examined before
31 the end of the contest period in s. 102.168, the supervisor of

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1 elections shall make a reasonable effort to notify all
2 candidates by telephone or otherwise of the time and place of
3 the inspection or examination. All such candidates, or their
4 representatives, shall be allowed to be present during the
5 inspection or examination.

6 Section 75. Subsection (3) of section 145.09, Florida
7 Statutes, is amended to read:

8 145.09 Supervisor of elections.--

9 (3)(a) There shall be an additional \$2,000 per year
10 special qualification salary for each supervisor of elections
11 who has met the certification requirements established by the
12 Division of Elections of the Department of State. The
13 Department of State shall adopt rules to establish the
14 certification requirements. Any supervisor who is certified
15 during a calendar year shall receive in that year a pro rata
16 share of the special qualification salary based on the
17 remaining period of the year.

18 (b) In order to qualify for the special qualification
19 salary described in paragraph (a), the supervisor must
20 complete the requirements established by the Division of
21 Elections within 6 years after first taking office.

22 (c) After a supervisor meets the requirements of
23 paragraph (a), in order to remain certified the supervisor
24 shall thereafter be required to complete each year a course of
25 continuing education as prescribed by the division.

26 Section 76. Effective July 1, 2005, section 104.0615,
27 Florida Statutes, is created to read:

28 104.0615 Voter intimidation or suppression prohibited;
29 criminal penalties.--

30 (1) This section may be cited as the "Voter Protection
31 Act."

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1 (2) A person may not directly or indirectly use or
2 threaten to use force, violence, or intimidation or any tactic
3 of coercion or intimidation to induce or compel an individual
4 to:

5 (a) Vote or refrain from voting;

6 (b) Vote or refrain from voting for any particular
7 individual or ballot measure;

8 (c) Refrain from registering to vote; or

9 (d) Refrain from acting as a legally authorized
10 election official or poll watcher.

11 (3) A person may not knowingly use false information
12 to:

13 (a) Challenge an individual's right to vote;

14 (b) Induce or attempt to induce an individual to
15 refrain from voting or registering to vote; or

16 (c) Induce or attempt to induce an individual to
17 refrain from acting as a legally authorized election official
18 or poll watcher.

19 (4) A person may not knowingly destroy, mutilate, or
20 deface a voter registration form or election ballot or
21 obstruct or delay the delivery of a voter registration form or
22 election ballot.

23 (5) A person who violates subsection (2), subsection
24 (3), or subsection (4) commits a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084.

27 Section 77. Sections 98.095, 98.0979, 98.181, 98.481,
28 101.253, 101.635, 102.061, 106.085, and 106.144, Florida
29 Statutes, are repealed.

30 Section 78. If any provision of this act or its
31 application to any person or circumstance is held invalid, the

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1 invalidity does not affect other provisions or applications of
 2 the act which can be given effect without the invalid
 3 provision or application, and to this end the provisions of
 4 this act are severable.

5 Section 79. Except as otherwise expressly provided in
 6 this act and except for this section, which shall take effect
 7 July 1, 2005, this act shall take effect January 1, 2006.

8
 9

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled
 16 An act relating to elections; amending s.
 17 97.012, F.S.; authorizing the Secretary of
 18 State to investigate voter fraud; authorizing
 19 the Department of State to adopt rules;
 20 amending s. 97.021, F.S.; defining the term
 21 "marksense ballots"; defining the terms "early
 22 voting area," "early voting site," and
 23 "third-party voter registration organization";
 24 amending s. 97.051, F.S.; revising the oath
 25 required upon registering to vote; amending s.
 26 97.052, F.S.; revising the contents of the
 27 uniform statewide voter registration
 28 application; amending s. 97.053, F.S.; revising
 29 provisions governing the acceptance of voter
 30 registration applications by the supervisor of
 31 elections; requiring that an applicant complete

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1 a registration application before the date of
2 book closing in order to be eligible to vote in
3 that election; revising the information
4 required on the registration application;
5 amending s. 97.055, F.S.; limiting the updates
6 that may be made to registration information
7 following book closing; creating s. 97.0575,
8 F.S.; providing requirements for third-party
9 voter registration organizations that collect
10 voter-registration applications; providing
11 fines for failure to deliver applications as
12 required; authorizing the Division of Elections
13 to adopt rules to administer provisions
14 governing third-party voter registration
15 organizations; amending s. 97.071, F.S.;
16 specifying the information to be included on
17 the registration identification card; amending
18 s. 98.045, F.S.; deleting a cross-reference;
19 amending s. 98.077, F.S.; revising the
20 procedures for updating a voter signature used
21 to verify an absentee ballot or provisional
22 ballot; amending s. 99.061, F.S.; providing for
23 qualifying for nomination or election by the
24 petition process; requiring the filing of
25 statements of financial interest; requiring
26 that a qualifying officer accept certain
27 qualifying papers filed before the qualifying
28 period; amending s. 99.063, F.S.; providing
29 filing requirements for public officers;
30 amending s. 99.092, F.S., relating to
31 qualifying fees; clarifying provisions

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1 governing qualifying for nomination or election
2 by the petition process to conform to changes
3 made by the act; amending s. 99.095, F.S.;
4 revising the requirements for qualifying as a
5 candidate by a petition process in lieu of
6 paying a qualifying fee and party assessment;
7 providing requirements for submitting petitions
8 and certifications; requiring that the division
9 or supervisor of elections, as applicable,
10 determine whether the required number of
11 signatures has been obtained; amending s.
12 99.0955, F.S.; providing procedures for a
13 candidate having no party affiliation to
14 qualify by the petition process; amending s.
15 99.096, F.S.; revising the procedures for a
16 minor political party to submit nominated
17 candidates to be on the general election
18 ballot; providing for candidates to qualify by
19 the petition process; amending s. 99.09651,
20 F.S., relating to signature requirements for
21 ballot position; conforming provisions to
22 changes made by the act; amending s. 100.011,
23 F.S.; requiring that an elector in line at the
24 time the polls close be allowed to vote;
25 amending s. 100.101, F.S.; revising the
26 circumstances under which a special election or
27 primary is held; amending s. 100.111, F.S.;
28 revising requirements for filling a vacancy in
29 a nomination; requiring that ballots cast for a
30 former nominee be counted for the person
31 designated to replace the nominee under certain

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1 circumstances; amending s. 100.141, F.S.,
2 relating to the notice of a special election;
3 conforming provisions to changes made by the
4 act; amending s. 101.031, F.S.; revising the
5 Voter's Bill of Rights to authorize a
6 provisional ballot if a person's identity is in
7 question; amending s. 101.043, F.S.; revising
8 the procedures for a voter to provide
9 identification when voting; amending s.
10 101.048, F.S.; providing for certain additional
11 voters to cast provisional ballots; providing
12 requirements for presenting evidence in support
13 of a person's right to vote; requiring that the
14 county canvassing board count such a ballot
15 unless it determines by a preponderance of the
16 evidence that the person was not entitled to
17 vote; requiring that a person casting a
18 provisional ballot be informed of certain
19 rights; amending s. 101.049, F.S.; providing
20 requirements for ballots for persons with
21 disabilities; amending s. 101.051, F.S.;
22 prohibiting certain solicitations to provide
23 assistance to an elector; providing a penalty;
24 authorizing an elector to request that a person
25 other than an election official provide him or
26 her with assistance in voting; providing for
27 the form of the oath to be signed; amending s.
28 101.111, F.S.; revising the requirements for
29 challenging an elector's right to vote;
30 providing a penalty for filing a frivolous
31 challenge; amending s. 101.131, F.S.; revising

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1 requirements for poll watchers; authorizing
2 certain political committees to have poll
3 watchers; prohibiting a poll watcher from
4 interacting with a voter; providing for poll
5 watchers at early voting areas; amending s.
6 101.151, F.S.; providing requirements for
7 marksense ballots; amending s. 101.171, F.S.;
8 requiring that a copy of a proposed
9 constitutional amendment be available at voting
10 locations; amending s. 101.294, F.S.;
11 prohibiting a vendor of voting equipment from
12 providing systems, components, or system
13 upgrades to a local governing body or
14 supervisor of elections which have not been
15 certified by the Division of Elections;
16 requiring that the vendor provide sworn
17 certification of such equipment; amending s.
18 101.295, F.S.; providing a penalty for
19 providing voting equipment in violation of ch.
20 101, F.S.; amending s. 101.49, F.S.; revising
21 the procedures for verifying an elector's
22 signature; amending s. 101.51, F.S.; requiring
23 that an elector occupy a voting booth alone;
24 amending s. 101.5606, F.S., relating to
25 requirements for approval of voting systems, to
26 conform; amending s. 101.5608, F.S., relating
27 to voting by electronic or electromechanical
28 methods, to conform; amending s. 101.5612,
29 F.S.; providing requirements for testing voting
30 equipment; amending s. 101.5614, F.S.;
31 correcting a cross-reference; amending s.

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1 101.572, F.S.; requiring that the supervisor of
2 elections notify the candidates if ballots are
3 examined before the end of the contest;
4 amending s. 101.58, F.S.; authorizing employees
5 of the department to have access to the
6 premises, records, equipment, and staff of the
7 supervisors of elections; amending s. 101.595,
8 F.S.; requiring that certain overvotes and
9 undervotes be reported to the department;
10 amending s. 101.6103, F.S.; authorizing the
11 canvassing board to begin canvassing before the
12 election; prohibiting the release of results
13 before election day; providing a penalty for
14 any early release of results; requiring that a
15 mail ballot that otherwise satisfies the
16 requirements of law for mail ballots be counted
17 even if the elector dies after mailing the
18 ballot but before election day if certain
19 conditions are met; amending s. 101.62, F.S.;
20 revising the requirements for mailing absentee
21 ballots to voters; amending s. 101.64, F.S.;
22 providing for an oath to be provided to persons
23 voting absentee under the Uniformed and
24 Overseas Citizens Absentee Voting Act; amending
25 s. 101.657, F.S.; revising requirements
26 relating to early voting locations; revising
27 the times to begin and end early voting and the
28 times for opening and closing the early voting
29 sites each day; providing for uniformity of
30 county early voting sites; requiring any person
31 in line at the closing of an early voting site

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1 to be allowed to vote; providing for early
 2 voting in municipal and special district
 3 elections; requiring supervisors to provide
 4 certain information in electronic format to the
 5 Division of Elections; requiring that an early
 6 voting ballot that otherwise satisfies the
 7 requirements of law for early voting ballots be
 8 counted even if the elector dies on or before
 9 election day; amending s. 101.663, F.S.;
 10 providing for certain persons to vote absentee
 11 after moving to another state; amending s.
 12 101.68, F.S.; prohibiting changing a voter's
 13 certificate after the absentee ballot is
 14 received by the supervisor; providing that
 15 electors who die on or before election day and
 16 have cast an absentee ballot shall remain on
 17 the voter registration books until the election
 18 is certified; providing that the ballot of an
 19 elector who casts an absentee ballot shall be
 20 counted even if the elector dies on or before
 21 election day if certain conditions are met;
 22 amending s. 101.69, F.S.; prohibiting a voter
 23 from voting another ballot after casting an
 24 absentee ballot; providing for a provisional
 25 ballot under certain circumstances; amending s.
 26 101.6923, F.S.; providing for the form of the
 27 printed instructions on an absentee ballot;
 28 amending s. 101.694, F.S.; providing
 29 requirements for absentee envelopes printed for
 30 voters voting under the Uniformed and Overseas
 31 Citizens Absentee Voting Act; amending s.

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1 101.697, F.S.; requiring the Department of
2 State to determine whether secure electronic
3 ballots may be provided for overseas voters;
4 requiring that the department adopt rules for
5 accepting overseas ballots; amending s.
6 102.012, F.S.; requiring the supervisor of
7 elections to appoint an election board before
8 any election; providing duties of the board;
9 amending s. 102.014, F.S.; requiring that the
10 Division of Elections develop a uniform
11 training curriculum for poll workers; amending
12 s. 102.031, F.S.; providing requirements for
13 maintaining order at early voting areas;
14 requiring the designation of a no-solicitation
15 zone; prohibiting photography in a polling room
16 or early voting area; amending s. 102.071,
17 F.S.; revising requirements for tabulating
18 votes; amending s. 102.111, F.S.; providing for
19 corrections to be made to the official election
20 returns; amending s. 102.112, F.S.; requiring
21 that a return contain a certification by the
22 canvassing board; authorizing the Department of
23 State to correct typographical errors; amending
24 s. 102.141, F.S.; revising requirements for the
25 canvassing boards in submitting returns to the
26 department; providing requirements for the
27 report filed by the canvassing board; requiring
28 the department to adopt rules for filing
29 results and statistical information; amending
30 s. 102.166, F.S.; revising the circumstances
31 under which a manual recount may be ordered;

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1 amending s. 102.168, F.S.; requiring that
 2 complaints be filed with the board responsible
 3 for certifying the election results; specifying
 4 the parties to an action who may contest an
 5 election or nomination; amending s. 103.021,
 6 F.S.; providing for nomination of presidential
 7 electors by the state executive committee of
 8 each political party; defining the term
 9 "national party" for purposes of nominating a
 10 candidate for President and Vice President of
 11 the United States; amending ss. 103.051 and
 12 103.061, F.S.; specifying duties of the
 13 presidential electors; amending s. 103.121,
 14 F.S.; revising powers and duties of executive
 15 committees to conform to changes made by the
 16 act; amending s. 105.031, F.S.; providing for
 17 public officers to file a statement of
 18 financial interests at the time of qualifying;
 19 requiring that a filing officer accept certain
 20 qualifying papers filed before the qualifying
 21 period; amending s. 105.035, F.S.; revising
 22 procedures for qualifying for certain judicial
 23 offices and the office of school board member;
 24 prohibiting a candidate from obtaining
 25 signatures until appointing a campaign
 26 treasurer and designating a campaign
 27 depository; revising the requirements for the
 28 supervisor of elections with respect to
 29 certifying signatures; creating s. 106.022,
 30 F.S.; requiring that a political committee,
 31 committee of continuous existence, or

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1 electioneering communications entity maintain a
2 registered office and registered agent;
3 providing requirements for the statement of
4 appointment; prohibiting political parties from
5 accepting certain in-kind contributions;
6 amending s. 106.24, F.S.; clarifying the duties
7 of the Secretary of State; amending s. 106.141,
8 F.S., relating to the disposition of surplus
9 funds; conforming provisions to changes made by
10 the act; transferring and renumbering s.
11 98.122, F.S., relating to the use of closed
12 captioning and descriptive narrative in
13 television broadcasts; amending s. 106.22,
14 F.S.; eliminating certain duties of the
15 Division of Elections with respect to reports
16 to the Legislature and preliminary
17 investigations; amending s. 16.56, F.S.;
18 authorizing the Office of Statewide Prosecution
19 to investigate and prosecute crimes involving
20 voter registration, voting, or certain petition
21 activities; amending s. 119.07, F.S.;
22 clarifying requirements of the supervisor of
23 elections with respect to notifying candidates
24 of the inspection of ballots; amending s.
25 145.09, F.S.; requiring that the Department of
26 State adopt rules establishing certification
27 requirements for supervisors of elections;
28 creating s. 104.0615, F.S.; providing a short
29 title; prohibiting a person from using or
30 threatening to use force, violence, or
31 intimidation to induce or compel an individual

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1 to vote or refrain from voting, to refrain from
2 registering to vote, or to refrain from acting
3 as an election official or poll watcher;
4 prohibiting a person from knowingly using false
5 information to challenge an individual's right
6 to vote, to induce an individual to refrain
7 from registering to vote, or to induce or
8 attempt to induce an individual to refrain from
9 acting as an election official or poll watcher;
10 prohibiting a person from knowingly destroying,
11 mutilating, or defacing a voter registration
12 form or election ballot or obstructing or
13 delaying the delivery of a voter registration
14 form or election ballot; providing criminal
15 penalties; repealing ss. 98.095, 98.0979,
16 98.181, 98.481, 101.253, 101.635, 102.061,
17 106.085, and 106.144, F.S., relating to
18 inspections of county registers and the voter
19 database, indexes and records, challenges to
20 elections, the printing and distribution of
21 ballots, duties of the election board,
22 expenditures, and endorsements or opposition by
23 certain groups; providing for severability;
24 providing effective dates.

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