

Bill No. HB 1567, 1st Eng.

Barcode 961106

CHAMBER ACTION

Senate

House

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Senator Posey moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.--The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the application, operation, and interpretation of the election laws.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws.

(3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.

(4) Provide technical assistance to the supervisors of elections on voter education and election personnel training 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 or to the  
17 office of the state attorney or the public defender; and noon  
18 of the 50th day prior to the first primary, but not later than  
19 noon of the 46th day prior to the date of the first primary,  
20 for persons seeking to qualify for nomination or election to a  
21 state or multicounty district office, other than the office of  
22 the state attorney or the public defender.

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

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

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

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

31 (4) At the time of qualifying for office, each

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1 candidate for a constitutional office shall file a full and  
 2 public disclosure of financial interests pursuant to s. 8,  
 3 Art. II of the State Constitution, and a candidate for any  
 4 other office, including local elective office, shall file a  
 5 statement of financial interests pursuant to s. 112.3145.

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

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

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

- 28 1. A properly executed check drawn upon the
- 29 candidate's campaign account in an amount not less than the
- 30 fee required by s. 99.092 or, in lieu thereof, as applicable,
- 31 the copy of the notice of obtaining ballot position pursuant

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1 to s. 99.095 ~~or the undue burden oath authorized pursuant to~~  
2 ~~s. 99.0955 or s. 99.096~~. If a candidate's check is returned  
3 by the bank for any reason, the filing officer shall  
4 immediately notify the candidate and the candidate shall, the  
5 end of qualifying notwithstanding, have 48 hours from the time  
6 such notification is received, excluding Saturdays, Sundays,  
7 and legal holidays, to pay the fee with a cashier's check  
8 purchased from funds of the campaign account. Failure to pay  
9 the fee as provided in this subparagraph shall disqualify the  
10 candidate.

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

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

18           4. If the office sought is partisan, the written  
19 statement of political party affiliation required by s.  
20 99.021(1)(b).

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

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

30           (b) If the filing officer receives qualifying papers  
31 that do not include all items as required by paragraph (a)

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

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

22 Section 12. Section 99.063, Florida Statutes, is  
 23 amended to read:

24 99.063 Candidates for Governor and Lieutenant  
 25 Governor.--

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

31 (2) No later than 5 p.m. of the 9th day following the

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1 second primary election, each designated candidate for  
2 Lieutenant Governor shall file with the Department of State:

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

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

9 (c) If the office sought is partisan, the written  
10 statement of political party affiliation required by s.  
11 99.021(1)(b).

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

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

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

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1 specified in s. 99.061, the phrase "Not Yet Designated" must  
2 be included in lieu of the candidate's name on primary  
3 election ballots and on advance absentee ballots for the  
4 general election.

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

9 Section 13. Section 99.092, Florida Statutes, is  
10 amended to read:

11 99.092 Qualifying fee of candidate; notification of  
12 Department of State.--

13 (1) Each person seeking to qualify for nomination or  
14 election to any office, except a person seeking to qualify by  
15 the petition process ~~alternative method~~ pursuant to s. 99.095,  
16 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to  
17 qualify as a write-in candidate, shall pay a qualifying fee,  
18 which shall consist of a filing fee and election assessment,  
19 to the officer with whom the person qualifies, and any party  
20 assessment levied, and shall attach the original or signed  
21 duplicate of the receipt for his or her party assessment or  
22 pay the same, in accordance with the provisions of s. 103.121,  
23 at the time of filing his or her other qualifying papers. The  
24 amount of the filing fee is 3 percent of the annual salary of  
25 the office. The amount of the election assessment is 1  
26 percent of the annual salary of the office sought. The  
27 election assessment shall be deposited into the Elections  
28 Commission Trust Fund. The amount of the party assessment is  
29 2 percent of the annual salary. The annual salary of the  
30 office for purposes of computing the filing fee, election  
31 assessment, and party assessment shall be computed by



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1 multiplying 12 times the monthly salary, excluding any special  
 2 qualification pay, authorized for such office as of July 1  
 3 immediately preceding the first day of qualifying. No  
 4 qualifying fee shall be returned to the candidate unless the  
 5 candidate withdraws his or her candidacy before the last date  
 6 to qualify. If a candidate dies prior to an election and has  
 7 not withdrawn his or her candidacy before the last date to  
 8 qualify, the candidate's qualifying fee shall be returned to  
 9 his or her designated beneficiary, and, if the filing fee or  
 10 any portion thereof has been transferred to the political  
 11 party of the candidate, the Secretary of State shall direct  
 12 the party to return that portion to the designated beneficiary  
 13 of the candidate.

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

19 Section 14. Section 99.095, Florida Statutes, is  
 20 amended to read:

21 (Substantial rewording of section. See  
 22 s. 99.095, F.S., for present text.)  
 23 99.095 Petition process in lieu of a qualifying fee  
 24 and party assessment.--

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

29 (2)(a) A candidate shall obtain the number of  
 30 signatures of voters in the geographical area represented by  
 31 the office sought equal to at least 1 percent of the total

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1 number of registered voters of that geographical area, as  
2 shown by the compilation by the department for the last  
3 preceding general election. Signatures may not be obtained  
4 until the candidate has filed the appointment of campaign  
5 treasurer and designation of campaign depository pursuant to  
6 s. 106.021.

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

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

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

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

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1       (5) If the required number of signatures has been  
2 obtained, the candidate is eligible to qualify pursuant to s.  
3 99.061.

4           Section 15. Section 99.0955, Florida Statutes, is  
5 amended to read:

6           99.0955 Candidates with no party affiliation; name on  
7 general election ballot.--

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

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

28           ~~(3)(a) A candidate with no party affiliation may, in~~  
29 ~~lieu of paying the qualifying fee, qualify for office by the~~  
30 ~~alternative method prescribed in this subsection. A candidate~~  
31 ~~using this petitioning process shall file an oath with the~~

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

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

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

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1 ~~district, or other geographical entity represented by the~~  
2 ~~office sought. Before the first day for qualifying, the~~  
3 ~~supervisor shall certify the number shown as registered~~  
4 ~~electors.~~

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

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

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

21 Section 16. Section 99.096, Florida Statutes, is  
22 amended to read:

23 99.096 Minor political party candidates; names on  
24 ballot.--

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

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

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

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

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

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

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

31 ~~(d)1. Certifications for candidates for federal,~~

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1 ~~state, or multicounty district office shall be submitted to~~  
 2 ~~the Department of State. The Department of State shall~~  
 3 ~~determine whether the required number of signatures has been~~  
 4 ~~obtained for the name of the candidate to be placed on the~~  
 5 ~~ballot and shall notify the candidate.~~

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

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

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

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

22         99.09651 Signature requirements for ballot position in  
 23 year of apportionment.--

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

31         Section 18. Subsection (1) of section 100.011, Florida



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1 Statutes, is amended to read:

2           100.011 Opening and closing of polls, all elections;  
3 expenses.--

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

14           Section 19. Section 100.101, Florida Statutes, is  
15 amended to read:

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

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

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

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

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

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

31           Section 20. Section 100.111, Florida Statutes, is

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1 amended to read:

2 100.111 Filling vacancy.--

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

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

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

28 (2)(a) If, in any state or county office required to  
29 be filled by election, a vacancy occurs during an election  
30 year by reason of the incumbent having qualified as a  
31 candidate for federal office pursuant to s. 99.061, no special

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1 election is required. Any person seeking nomination or  
 2 election to the office so vacated shall qualify within the  
 3 time prescribed by s. 99.061 for qualifying for state or  
 4 county offices to be filled by election.

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

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

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

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

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

29 (c) The dates for a candidate to qualify by the  
30 petition process pursuant to s. 99.095 ~~alternative method~~ in  
31 such special primary or special election shall be fixed by the

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1 Department of State. In fixing such dates the Department of  
 2 State shall take into consideration and be governed by the  
 3 practical time limitations. Any candidate seeking to qualify  
 4 by the petition process ~~alternative method~~ in a special  
 5 primary election shall obtain 25 percent of the signatures  
 6 required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~  
 7 ~~applicable.~~

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

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

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

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

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

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

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

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

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1 99.063.

2 (5) In the event of unforeseeable circumstances not  
3 contemplated in these general election laws concerning the  
4 calling and holding of special primary elections and special  
5 elections resulting from court order or other unpredictable  
6 circumstances, the Department of State shall have the  
7 authority to provide for the conduct of orderly elections.

8 ~~(6) In the event that a vacancy occurs which leaves~~  
9 ~~less than 4 weeks for a candidate seeking to qualify by the~~  
10 ~~alternative method to gather signatures for ballot position,~~  
11 ~~the number of signatures required for ballot placement shall~~  
12 ~~be 25 percent of the number of signatures required by s.~~  
13 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

14 Section 21. Section 100.141, Florida Statutes, is  
15 amended to read:

16 100.141 Notice of special election to fill any vacancy  
17 in office ~~or nomination~~.--

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

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

30 (3) The department shall deliver a copy of such notice  
31 to the supervisor of elections of each county in which the



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

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

11 101.031 Instructions for electors.--

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

15  
 16 VOTER'S BILL OF RIGHTS

17  
 18 Each registered voter in this state has the right to:

- 19 1. Vote and have his or her vote accurately counted.
- 20 2. Cast a vote if he or she is in line at the official
- 21 closing of the polls in that county.
- 22 3. Ask for and receive assistance in voting.
- 23 4. Receive up to two replacement ballots if he or she
- 24 makes a mistake prior to the ballot being cast.
- 25 5. An explanation if his or her registration or
- 26 identity is in question.
- 27 6. If his or her registration or identity is in
- 28 question, cast a provisional ballot.
- 29 ~~7. Prove his or her identity by signing an affidavit~~
- 30 ~~if election officials doubt the voter's identity.~~

31 ~~7.8.~~ Written instructions to use when voting, and,

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1 upon request, oral instructions in voting from elections  
2 officers.

3 ~~8.9.~~ Vote free from coercion or intimidation by  
4 elections officers or any other person.

5 ~~9.10.~~ Vote on a voting system that is in working  
6 condition and that will allow votes to be accurately cast.

7

8

VOTER RESPONSIBILITIES

9

10 Each registered voter in this state should:

11 1. Familiarize himself or herself with the candidates  
12 and issues.

13 2. Maintain with the office of the supervisor of  
14 elections a current address.

15 3. Know the location of his or her polling place and  
16 its hours of operation.

17 4. Bring proper identification to the polling station.

18 5. Familiarize himself or herself with the operation  
19 of the voting equipment in his or her precinct.

20 6. Treat precinct workers with courtesy.

21 7. Respect the privacy of other voters.

22 8. Report any problems or violations of election laws  
23 to the supervisor of elections.

24 9. Ask questions, if needed.

25 10. Make sure that his or her completed ballot is  
26 correct before leaving the polling station.

27

28 NOTE TO VOTER: Failure to perform any of these  
29 responsibilities does not prohibit a voter from voting.

30 Section 23. Section 101.043, Florida Statutes, is  
31 amended to read:

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1           101.043 Identification required at polls.--

2           (1) The precinct register, as prescribed in s. 98.461,  
3 shall be used at the polls in lieu of the registration books  
4 for the purpose of identifying the elector at the polls prior  
5 to allowing him or her to vote. The clerk or inspector shall  
6 require each elector, upon entering the polling place, to  
7 present a current and valid picture identification as provided  
8 in s. 97.0535(3)(a). If the picture identification does not  
9 contain the signature of the voter, an additional  
10 identification that provides the voter's signature shall be  
11 required. The elector shall sign his or her name in the space  
12 provided, and the clerk or inspector shall compare the  
13 signature with that on the identification provided by the  
14 elector and enter his or her initials in the space provided  
15 and allow the elector to vote if the clerk or inspector is  
16 satisfied as to the identity of the elector.

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

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

29           Section 24. Section 101.048, Florida Statutes, is  
30 amended to read:

31           101.048 Provisional ballots.--

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

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

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1 to vote.

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

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

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

18  
19 STATE OF FLORIDA  
20 COUNTY OF ....

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

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1 up to 5 years.

2 ... (Signature of Voter) ...

3 ... (Current Residence Address) ...

4 ... (Current Mailing Address) ...

5 ... (City, State, Zip Code) ...

6 ... (Driver's License Number or Last Four Digits of Social

7 Security Number) ...

8

9 Sworn to and subscribed before me this .... day of .....,

10 ... (year) ....

11 ... (Election Official) ...

12

13 Precinct # .... Ballot Style/Party Issued: ....

14

15 (4) Notwithstanding the requirements of subsections

16 (1), (2), and (3) in counties where the voting system does not

17 utilize a paper ballot, the supervisor of elections may, and

18 for persons with disabilities shall, provide the appropriate

19 provisional ballot to the voter by electronic means that meet

20 the requirements of s. 101.56062, as provided for by the

21 certified voting system. Each person casting a provisional

22 ballot by electronic means shall, prior to casting his or her

23 ballot, complete the Provisional Ballot Voter's Certificate

24 and Affirmation as provided in subsection (3).

25 (5) Each person casting a provisional ballot shall be

26 given written instructions regarding the person's right to

27 provide the supervisor of elections with written evidence of

28 his or her eligibility to vote and regarding the free access

29 system established pursuant to subsection (6). The

30 instructions shall contain information on how to access the

31 system and the information the voter will need to provide to

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1 obtain information on his or her particular ballot. The  
2 instructions shall also include the following statement: "If  
3 this is a primary election, you should contact the supervisor  
4 of elections' office immediately to confirm that you are  
5 registered and can vote in the general election."

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

15 Section 25. Section 101.049, Florida Statutes, is  
16 amended to read:

17 101.049 Provisional ballots; special circumstances.--

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

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

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1           (3) The supervisor shall ensure that late-voted  
 2 provisional ballots are not commingled with other ballots  
 3 during the canvassing process or at any other time they are  
 4 statutorily required to be in the supervisor's possession.

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

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

12           Section 26. Effective July 1, 2005, section 101.051,  
 13 Florida Statutes, as amended by section 10 of chapter  
 14 2002-281, Laws of Florida, is amended to read:

15           101.051 Electors seeking assistance in casting  
 16 ballots; oath to be executed; forms to be furnished.--

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



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

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

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

DECLARATION TO SECURE ASSISTANCE

23 State of Florida  
24 County of ....  
25 Date ....  
26 Precinct ....

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

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1 ... (year)....

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

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

8

9 DECLARATION TO PROVIDE ASSISTANCE

10

11 State of Florida

12 County of .....

13 Date ....

14 Precinct .....

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

23 Sworn and subscribed to before me this .... day of .....,

24 ... (year)....

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

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

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

31 101.111 Person desiring to vote may be challenged;

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1 challenger to execute oath; oath of person challenged;  
2 determination of challenge.--

3 (1) When the right to vote of any person who desires  
4 to vote is challenged by any elector or poll watcher, the  
5 challenge shall be reduced to writing with an oath as provided  
6 in this section, giving reasons for the challenge, which shall  
7 be delivered to the clerk or inspector. Any elector or poll  
8 watcher challenging the right of a person to vote shall  
9 execute the oath set forth below:

10  
11 OATH OF PERSON ENTERING CHALLENGE

12  
13 State of Florida  
14 County of ....

15  
16 I do solemnly swear that my name is ....; that I am a member  
17 of the .... party; that I am a registered voter or pollwatcher  
18 ~~.... years old~~; that my residence address is ....., in the  
19 municipality of ....; and that I have reason to believe that  
20 .... is attempting to vote illegally and the reasons for my  
21 belief are set forth herein to wit: .....

22 .....  
23 .....  
24 ...(Signature of person challenging voter)...

25  
26 Sworn and subscribed to before me this .... day of .....,  
27 ...(year)....  
28 ...(Clerk of election)...

29  
30 (2) ~~Before a person who is challenged is permitted to~~  
31 ~~vote, the challenged person's right to vote shall be~~

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1 ~~determined in accordance with the provisions of subsection~~  
2 ~~(3):~~ The clerk or inspector shall immediately deliver to the  
3 challenged person a copy of the oath of the person entering  
4 the challenge and the challenged voter shall be allowed to  
5 cast a provisional ballot. ~~shall request the challenged person~~  
6 ~~to execute the following oath:~~

~~OATH OF PERSON CHALLENGED~~

10 ~~State of Florida~~

11 ~~County of ....~~

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

19 ~~...(Signature of person)...~~

21 ~~Sworn and subscribed to before me this .... day of ....,~~

22 ~~...(year)....~~

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

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

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

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

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

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

23           Section 28. Section 101.131, Florida Statutes, is  
 24 amended to read:

25           101.131 Watchers at polls.--

26           (1) Each political party and each candidate may have  
 27 one watcher in each polling room or early voting area at any  
 28 one time during the election. A political committee formed for  
 29 the specific purpose of expressly advocating the passage or  
 30 defeat of an issue on the ballot may have one watcher for each  
 31 polling room or early voting area at any one time during the

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1 election. No watcher shall be permitted to come closer to the  
2 officials' table or the voting booths than is reasonably  
3 necessary to properly perform his or her functions, but each  
4 shall be allowed within the polling room or early voting area  
5 to watch and observe the conduct of electors and officials.  
6 The poll watchers shall furnish their own materials and  
7 necessities and shall not obstruct the orderly conduct of any  
8 election. The poll watchers shall pose any questions regarding  
9 polling place procedures directly to the clerk for resolution.  
10 They may not interact with voters. Each poll watcher shall be  
11 a qualified and registered elector of the county in which he  
12 or she serves.

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

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

31 Section 29. Subsection (1) of section 101.151, Florida

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1 Statutes, is amended to read:

2 101.151 Specifications for ballots.--

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

7 Section 30. Section 101.171, Florida Statutes, is  
8 amended to read:

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

18 Section 31. Section 101.294, Florida Statutes, is  
19 amended to read:

20 101.294 Purchase and sale of voting equipment.--

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

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

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1 counties.

2 (3) The division shall inform the governing bodies of  
3 the various counties of the state of the availability of new  
4 or used voting equipment and of sources available for  
5 obtaining such equipment.

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

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

16 Section 32. Section 101.295, Florida Statutes, is  
17 amended to read:

18 101.295 Penalties for violation.--

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

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



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1 s. 775.084.

2 Section 33. Section 101.49, Florida Statutes, is  
3 amended to read:

4 101.49 Procedure of election officers where signatures  
5 differ.--

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

14  
15 STATE OF FLORIDA,  
16 COUNTY OF .....

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

24 ... (Signature of voter) ...

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

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

28 Precinct No. ....

29 County of .....

30

31 (2) The person shall fill out, in his or her own

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

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

15 101.51 Electors to occupy booth alone.--

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

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

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

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

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

7 Section 36. Subsections (2) and (3) of section  
8 101.5608, Florida Statutes, are amended to read:

9 101.5608 Voting by electronic or electromechanical  
10 method; procedures.--

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

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

26 (b) Any voter who spoils his or her ballot or makes an  
27 error may return the ballot to the election official and  
28 secure another ballot, except that in no case shall a voter be  
29 furnished more than three ballots. If the vote tabulation  
30 device has rejected a ballot, the ballot shall be considered  
31 spoiled and a new ballot shall be provided to the voter unless

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1 the voter chooses to cast the rejected ballot. The election  
2 official, without examining the original ballot, shall state  
3 the possible reasons for the rejection and shall provide  
4 instruction to the voter pursuant to s. 101.5611. A spoiled  
5 ballot shall be preserved, without examination, in an envelope  
6 provided for that purpose. The stub shall be removed from the  
7 ballot and placed in an envelope.

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

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

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

18 101.5612 Testing of tabulating equipment.--

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

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

31 Section 38. Subsection (5) of section 101.5614,

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1 Florida Statutes, is amended to read:

2 101.5614 Canvass of returns.--

3 (5) If any absentee ballot is physically damaged so  
4 that it cannot properly be counted by the automatic tabulating  
5 equipment, a true duplicate copy shall be made of the damaged  
6 ballot in the presence of witnesses and substituted for the  
7 damaged ballot. Likewise, a duplicate ballot shall be made of  
8 an absentee ballot containing an overvoted race or a marked  
9 absentee ballot in which every race is undervoted which shall  
10 include all valid votes as determined by the canvassing board  
11 based on rules adopted by the division pursuant to s.

12 102.166(4)(5). All duplicate ballots shall be clearly labeled  
13 "duplicate," bear a serial number which shall be recorded on  
14 the defective ballot, and be counted in lieu of the defective  
15 ballot. After a ballot has been duplicated, the defective  
16 ballot shall be placed in an envelope provided for that  
17 purpose, and the duplicate ballot shall be tallied with the  
18 other ballots for that precinct.

19 Section 39. Section 101.572, Florida Statutes, is  
20 amended to read:

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

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1 notify all candidates whose names appear on such ballots or  
 2 ballot cards by telephone or otherwise of the time and place  
 3 of the inspection or examination. All such candidates, or  
 4 their representatives, shall be allowed to be present during  
 5 the inspection or examination.

6 Section 40. Section 101.58, Florida Statutes, is  
 7 amended to read:

8 101.58 Supervising and observing registration and  
 9 election processes.--

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

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1 of State.

2 (2) Upon the written direction of the Secretary of  
3 State, any employee of the Department of State having  
4 expertise in the matter of concern to the Secretary of State  
5 shall have full access to all premises, records, equipment,  
6 and staff of the supervisor of elections.

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

9 101.595 Analysis and reports of voting problems.--

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

21 Section 42. Section 101.6103, Florida Statutes, is  
22 amended to read:

23 101.6103 Mail ballot election procedure.--

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



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1 each elector at the address appearing in the registration  
2 records and placed in an envelope which is prominently marked  
3 "Do Not Forward."

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

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

14  
15 VOTER'S CERTIFICATE

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

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

22 ... (Signature) ...

23 ... (Residence Address) ...  
24

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

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1 election. The supervisor of elections shall keep a record of  
 2 each replacement ballot provided under this subsection.

3 (5) A ballot shall be counted only if:

4 (a) It is returned in the return mailing envelope;

5 (b) The elector's signature has been verified as  
 6 provided in this subsection; and

7 (c) It is received by the supervisor of elections not  
 8 later than 7 p.m. on the day of the election.

9  
 10 The supervisor of elections shall verify the signature of each  
 11 elector on the return mailing envelope with the signature on  
 12 the elector's registration records. Such verification may  
 13 commence at any time prior to the canvass of votes. The  
 14 supervisor of elections shall safely keep the ballot unopened  
 15 in his or her office until the county canvassing board  
 16 canvasses the vote. If the supervisor of elections determines  
 17 that an elector to whom a replacement ballot has been issued  
 18 under subsection (4) has voted more than once, the canvassing  
 19 board shall determine which ballot, if any, is to be counted.

20 (6) The canvassing board may begin the canvassing of  
 21 mail ballots at 7 a.m. on the fourth day before the election,  
 22 including processing the ballots through the tabulating  
 23 equipment. However, results may not be released until after 7  
 24 p.m. on election day. Any canvassing board member or election  
 25 employee who releases any result before 7 p.m. on election day  
 26 commits a felony of the third degree, punishable as provided  
 27 in s. 775.082, s. 775.083, or s. 775.084.

28 (7)(6) With respect to absent electors overseas  
 29 entitled to vote in the election, the supervisor of elections  
 30 shall mail an official ballot with a secrecy envelope, a  
 31 return mailing envelope, and instructions sufficient to

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1 describe the voting process to each such elector on a date  
2 sufficient to allow such elector time to vote in the election  
3 and to have his or her marked ballot reach the supervisor by 7  
4 p.m. on the day of the election.

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

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

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

13 (c) Already in the possession of the supervisor of  
14 elections.

15 Section 43. Section 101.62, Florida Statutes, is  
16 amended to read:

17 101.62 Request for absentee ballots.--

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

28 (b) The supervisor may accept a written or telephonic  
29 request for an absentee ballot from the elector, or, if  
30 directly instructed by the elector, a member of the elector's  
31 immediate family, or the elector's legal guardian. For

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1 purposes of this section, the term "immediate family" has the  
 2 same meaning as specified in paragraph (4)(b). The person  
 3 making the request must disclose:

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

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

25 (3) For each request for an absentee ballot received,  
 26 the supervisor shall record the date the request was made, the  
 27 date the absentee ballot was delivered to the voter or the  
 28 voter's designee or the date the absentee ballot was delivered  
 29 to the post office or other carrier or mailed, the date the  
 30 ballot was received by the supervisor, and such other  
 31 information he or she may deem necessary. This information

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

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

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

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

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

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

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

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

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1 facility, or correctional facility,

2

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

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

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

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

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1 the signature of the elector on file, the supervisor shall  
2 give the ballot to that designee for delivery to the elector.

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

8 (6) Nothing other than the materials necessary to vote  
9 absentee shall be mailed or delivered with any absentee  
10 ballot.

11 Section 44. Section 101.64, Florida Statutes, is  
12 amended to read:

13 101.64 Delivery of absentee ballots; envelopes;  
14 form.--

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

22  
23 Note: Please Read Instructions Carefully Before  
24 Marking Ballot and Completing Voter's Certificate.

25  
26 VOTER'S CERTIFICATE

27 I, . . . ., do solemnly swear or affirm that I am a  
28 qualified and registered voter of . . . . County, Florida, and  
29 that I have not and will not vote more than one ballot in this  
30 election. I understand that if I commit or attempt to commit  
31 any fraud in connection with voting, vote a fraudulent ballot,



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1 or vote more than once in an election, I can be convicted of a  
 2 felony of the third degree and fined up to \$5,000 and/or  
 3 imprisoned for up to 5 years. I also understand that failure  
 4 to sign this certificate will invalidate my ballot.

5  
 6 ...(Date)... (Voter's Signature)...

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

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

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

24 101.657 Early voting.--

25 (1)(a) As a convenience to the voter, the supervisor  
 26 of elections shall allow an elector to vote early in the main  
 27 or branch office of the supervisor ~~by depositing the voted~~  
 28 ~~ballot in a voting device used by the supervisor to collect or~~  
 29 ~~tabulate ballots.~~ In order for a branch office to be used for  
 30 early voting, it shall be a permanent ~~full-service~~ facility of  
 31 the supervisor and shall have been designated and used as such

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1 for at least 1 year prior to the election. The supervisor may  
2 also designate any city hall or permanent public library  
3 facility as early voting sites; however, if so designated, the  
4 sites must be geographically located so as to provide all  
5 voters in the county an equal opportunity to cast a ballot,  
6 insofar as is practicable. The results or tabulation of votes  
7 cast during early voting may not be made before the close of  
8 the polls on election day. Results shall be reported by  
9 precinct.

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

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

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

30 (e) Notwithstanding the requirements of s. 100.3605,  
31 municipalities may provide early voting in municipal elections

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1 that are not held in conjunction with county or state  
 2 elections. If a municipality provides early voting, it may  
 3 designate as many sites as necessary and shall conduct its  
 4 activities in accordance with the provisions of paragraphs  
 5 (a)-(c). The supervisor is not required to conduct early  
 6 voting if it is provided pursuant to this subsection.

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

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

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

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

29 101.663 Electors; change of residence.--

30 (2) An elector registered in this state who moves his  
 31 or her permanent residence to another state after the

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1 ~~registration books in that state have closed and who is~~  
 2 ~~prohibited by the laws of that state from voting for the~~  
 3 ~~offices of President and Vice President of the United States~~  
 4 shall be permitted to vote absentee in the county of his or  
 5 her former residence for the offices of President and Vice  
 6 President of the United States ~~those offices.~~

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

10 101.68 Canvassing of absentee ballot.--

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

27 (2)

28 (c)1. The canvassing board shall, if the supervisor  
 29 has not already done so, compare the signature of the elector  
 30 on the voter's certificate with the signature of the elector  
 31 in the registration books to see that the elector is duly

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1 registered in the county and to determine the legality of that  
2 absentee ballot. Effective July 1, 2005, the ballot of an  
3 elector who casts an absentee ballot shall be counted even if  
4 the elector dies on or before election day, as long as, prior  
5 to the death of the voter, the ballot was postmarked by the  
6 United States Postal Service, date-stamped with a verifiable  
7 tracking number by common carrier, or already in the  
8 possession of the supervisor of elections. An absentee ballot  
9 shall be considered illegal if it does not include the  
10 signature of the elector, as shown by the registration  
11 records. However, an absentee ballot shall not be considered  
12 illegal if the signature of the elector does not cross the  
13 seal of the mailing envelope. If the canvassing board  
14 determines that any ballot is illegal, a member of the board  
15 shall, without opening the envelope, mark across the face of  
16 the envelope: "rejected as illegal." The envelope and the  
17 ballot contained therein shall be preserved in the manner that  
18 official ballots voted are preserved.

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

28         Section 48. Section 101.69, Florida Statutes, is  
29 amended to read:

30         101.69 Voting in person; return of absentee  
31 ballot.--The provisions of this code shall not be construed to

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

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

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

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

31 Section 49. Section 101.6923, Florida Statutes, is

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1 amended to read:

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

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

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

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

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

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

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

31 4. Place your marked ballot in the enclosed secrecy

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1 envelope and seal the envelope.

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

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

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

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

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

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

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

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

30           b. You have a temporary or permanent physical  
31 disability.



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

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

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

11 f. You are currently residing outside the United  
12 States.

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

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

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

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

30 101.694 Mailing of ballots upon receipt of federal  
31 postcard application.--

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

27           Section 51. Section 101.697, Florida Statutes, is  
 28 amended to read:

29           101.697 Electronic transmission of election  
 30 materials.--The Department of State shall determine whether  
 31 secure electronic means can be established for receiving

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

11 Section 52. Section 102.012, Florida Statutes, is  
 12 amended to read:

13 102.012 Inspectors and clerks to conduct elections.--

14 (1) The supervisor of elections of each county, at  
 15 least 20 days prior to the holding of any election, shall  
 16 appoint an election board comprised of poll workers who serve  
 17 as clerks or inspectors ~~two election boards~~ for each precinct  
 18 in the county; ~~however, the supervisor of elections may, in~~  
 19 ~~any election, appoint one election board if the supervisor has~~  
 20 ~~reason to believe that only one is necessary~~. The clerk shall  
 21 be in charge of, and responsible for, seeing that the election  
 22 board carries out its duties and responsibilities. Each  
 23 inspector and each clerk shall take and subscribe to an oath  
 24 or affirmation, which shall be written or printed, to the  
 25 effect that he or she will perform the duties of inspector or  
 26 clerk of election, respectively, according to law and will  
 27 endeavor to prevent all fraud, deceit, or abuse in conducting  
 28 the election. The oath may be taken before an officer  
 29 authorized to administer oaths or before any of the persons  
 30 who are to act as inspectors, one of them to swear the others,  
 31 and one of the others sworn thus, in turn, to administer the

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1 oath to the one who has not been sworn. The oaths shall be  
2 returned with the poll list and the returns of the election to  
3 the supervisor. In all questions that may arise before the  
4 members of an election board, the decision of a majority of  
5 them shall decide the question. The supervisor of elections  
6 of each county shall be responsible for the attendance and  
7 diligent performance of his or her duties by each clerk and  
8 inspector.

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

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

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

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

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

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

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

26           102.014 Poll worker recruitment and training.--

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

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

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

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

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

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

- 9 (a) Regulations governing solicitation by individuals  
10 and groups at the polling place;
- 11 (b) Procedures to be followed with respect to voters  
12 whose names are not on the precinct register;
- 13 (c) Proper operation of the voting system;
- 14 (d) Ballot handling procedures;
- 15 (e) Procedures governing spoiled ballots;
- 16 (f) Procedures to be followed after the polls close;
- 17 (g) Rights of voters at the polls;
- 18 (h) Procedures for handling emergency situations;
- 19 (i) Procedures for dealing with irate voters;
- 20 (j) The handling and processing of provisional  
21 ballots; and
- 22 (k) Security procedures.

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

27 Section 54. Section 102.031, Florida Statutes, is  
 28 amended to read:

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

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1           (1) Each election board shall possess full authority  
2 to maintain order at the polls and enforce obedience to its  
3 lawful commands during an election and the canvass of the  
4 votes.

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

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

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

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



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1           ~~(4)(a)(c)~~ No person, political committee, committee of  
2 continuous existence, or other group or organization may  
3 solicit voters inside the polling place or within 100 ~~50~~ feet  
4 of the entrance to any polling place, or polling room where  
5 the polling place is also a polling room, or early voting  
6 site. Before the opening of the polling place or early voting  
7 site, the clerk or supervisor shall designate the  
8 no-solicitation zone and mark the boundaries. ~~on the day of~~  
9 ~~any election.~~

10           ~~1. Solicitation shall not be restricted if:~~

11           ~~a. Conducted from a separately marked area within the~~  
12 ~~50-foot zone so as not to disturb, hinder, impede, obstruct,~~  
13 ~~or interfere with voter access to the polling place or polling~~  
14 ~~room entrance; and~~

15           ~~b. The solicitation activities and subject matter are~~  
16 ~~clearly and easily identifiable by the voters as an activity~~  
17 ~~in which they may voluntarily participate; or~~

18           ~~c. Conducted on property within the 50-foot zone which~~  
19 ~~is a residence, established business, private property,~~  
20 ~~sidewalk, park, or property traditionally utilized as a public~~  
21 ~~area for discussion.~~

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

28           ~~(b)(d)~~ For the purpose of this subsection, the term  
29 "solicit" shall include, but not be limited to, seeking or  
30 attempting to seek any vote, fact, opinion, or contribution;  
31 distributing or attempting to distribute any political or

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1 campaign material, leaflet, or handout; conducting a poll;  
2 seeking or attempting to seek a signature on any petition; and  
3 selling or attempting to sell any item.

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

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

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

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

17 Section 55. Section 102.071, Florida Statutes, is  
18 amended to read:

19 102.071 Tabulation of votes and proclamation of  
20 results ~~where ballots are used.~~--The election board shall post  
21 at the polls, for the benefit of the public, the results of  
22 the voting for each office or other item on the ballot as the  
23 count is completed. Upon completion of all counts in all  
24 races, a certificate ~~triplicate certificates~~ of the results  
25 shall be drawn up by the inspectors and clerk at each precinct  
26 upon a form provided by the supervisor of elections which  
27 shall contain the name of each person voted for, for each  
28 office, and the number of votes cast for each person for such  
29 office; and, if any question is submitted, the certificate  
30 shall also contain the number of votes cast for and against  
31 the question. The certificate shall be signed by the

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1 inspectors and clerk, and ~~one of the certificates~~ shall be  
 2 delivered without delay by one of the inspectors, securely  
 3 sealed, to the supervisor for immediate publication; ~~the~~  
 4 ~~duplicate copy of the certificate shall be delivered to the~~  
 5 ~~county court judge; and the remaining copy shall be enclosed~~  
 6 ~~in the ballot box together with the oaths of inspectors and~~  
 7 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,  
 8 memoranda, and papers of all kinds used in the election shall  
 9 also be transmitted, after being sealed by the inspectors, to  
 10 ~~with the certificates of result of the election to be filed in~~  
 11 the supervisor's office. Registration books and the poll lists  
 12 shall not be placed in the ballot boxes but shall be returned  
 13 to the supervisor.

14 Section 56. Section 102.111, Florida Statutes, is  
 15 amended to read:

16 102.111 Elections Canvassing Commission.--

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

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1 correction of which could result in a change in the outcome of  
 2 an election, the county canvassing board must certify  
 3 corrected returns to the Department of State within 24 hours,  
 4 and the Elections Canvassing Commission must correct and  
 5 recertify the election returns as soon as practicable.

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

8 Section 57. Section 102.112, Florida Statutes, is  
 9 amended to read:

10 102.112 Deadline for submission of county returns to  
 11 the Department of State.--

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

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

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

30 (4) If the returns are not received by the department  
 31 due to an emergency, as defined in s. 101.732, the Elections

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1 Canvassing Commission shall determine the deadline by which  
2 the returns must be received.

3 Section 58. Section 102.141, Florida Statutes, is  
4 amended to read:

5 102.141 County canvassing board; duties.--

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

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

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

31 The supervisor, however, shall act in an advisory capacity to

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1 the canvassing board.

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

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

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

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1 in at least four conspicuous places in the county. As soon as  
2 the absentee electors' ballots and the provisional ballots are  
3 canvassed, the board shall proceed to publicly canvass the  
4 vote given each candidate, nominee, constitutional amendment,  
5 or other measure submitted to the electorate of the county, as  
6 shown by the returns then on file in the office of the  
7 supervisor of elections and the office of the county court  
8 judge.

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

31 (4) The canvassing board shall submit on forms or in

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

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

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

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

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



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

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

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1 will avoid a future recurrence of the error.

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

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

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

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1 practicable.

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

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

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

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

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

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

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

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

1 election.

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

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

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

30       Section 59. Section 102.166, Florida Statutes, is  
31 amended to read:

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1           102.166 Manual recounts.--

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

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

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1 ~~request for a manual recount is made by 5 p.m. on the third~~  
2 ~~day after the election.~~

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

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

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

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

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

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1           ~~(3)(4)~~ Any manual recount shall be open to the public.

2           ~~(4)(5)~~(a) A vote for a candidate or ballot measure  
3 shall be counted if there is a clear indication on the ballot  
4 that the voter has made a definite choice.

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

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

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

15           ~~(5)(6)~~ Procedures for a manual recount are as follows:

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

22           (b) Each duplicate ballot prepared pursuant to s.  
23 101.5614(5) or s. 102.141(6) shall be compared with the  
24 original ballot to ensure the correctness of the duplicate.

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

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

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1 practicable. The rules shall address, at a minimum, the  
2 following areas:

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

10 Section 60. Subsections (2) and (4) of section  
11 102.168, Florida Statutes, are amended to read:

12 102.168 Contest of election.--

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

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

27 Section 61. Subsections (1) and (4) of section  
28 103.021, Florida Statutes, are amended to read:

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



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

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

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1 candidates. As used in this section, the term "national party"  
2 means a political party established and admitted to the ballot  
3 in at least one state other than Florida.

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

29 Section 62. Section 103.051, Florida Statutes, is  
30 amended to read:

31 103.051 Congress sets meeting dates of electors.--The

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1 presidential electors shall, ~~at noon~~ on the day that ~~which~~ is  
 2 directed by Congress and at the time fixed by the Governor,  
 3 meet at Tallahassee and perform the duties required of them by  
 4 the Constitution and laws of the United States.

5 Section 63. Section 103.061, Florida Statutes, is  
 6 amended to read:

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

20 Section 64. Section 103.121, Florida Statutes, is  
 21 amended to read:

22 103.121 Powers and duties of executive committees.--

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

25 1. To adopt a constitution by two-thirds vote of the  
 26 full committee.

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

29 3. To conduct its meetings according to generally  
 30 accepted parliamentary practice.

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

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1           5. To conduct campaigns for party nominees.

2           6. To raise and expend party funds. Such funds may  
3 not be expended or committed to be expended except after  
4 written authorization by the chair of the state or county  
5 executive committee.

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

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

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

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1 ~~party shall furnish adequate bond, but not less than \$5,000,~~  
2 ~~conditioned as aforesaid. A bond for the chair and treasurer~~  
3 ~~of the state executive committee of a political party shall be~~  
4 ~~filed with the Department of State. A bond for the chair and~~  
5 ~~treasurer of a county executive committee shall be filed with~~  
6 ~~the supervisor of elections.~~ The funds of each such state  
7 executive committee shall be publicly audited at the end of  
8 each calendar year and a copy of such audit furnished to the  
9 Department of State for its examination prior to April 1 of  
10 the ensuing year. When filed with the Department of State,  
11 copies of such audit shall be public documents. The treasurer  
12 of each county executive committee shall maintain adequate  
13 records evidencing receipt and disbursement of all party funds  
14 received by him or her, and such records shall be publicly  
15 audited at the end of each calendar year and a copy of such  
16 audit filed with the supervisor of elections and the state  
17 executive committee prior to April 1 of the ensuing year.

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

24 ~~(4)(5)(a)~~ The central committee or other equivalent  
25 governing body of each state executive committee shall adopt a  
26 rule which governs the time and manner in which the respective  
27 county executive committees of such party may endorse,  
28 certify, screen, or otherwise recommend one or more candidates  
29 for such party's nomination for election. Upon adoption, such  
30 rule shall provide the exclusive method by which a county  
31 committee may so endorse, certify, screen, or otherwise

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1 recommend. No later than the date on which qualifying for  
2 public office begins pursuant to s. 99.061, the chair of each  
3 county executive committee shall notify in writing the  
4 supervisor of elections of his or her county whether the  
5 county executive committee has endorsed or intends to endorse,  
6 certify, screen, or otherwise recommend candidates for  
7 nomination pursuant to party rule. A copy of such  
8 notification shall be provided to the Secretary of State and  
9 to the chair of the appropriate state executive committee. ~~Any~~  
10 ~~county executive committee that endorses or intends to~~  
11 ~~endorse, certify, screen, or otherwise recommend one or more~~  
12 ~~candidates for nomination shall forfeit all party assessments~~  
13 ~~which would otherwise be returned to the county executive~~  
14 ~~committee; and such assessments shall be remitted instead to~~  
15 ~~the state executive committee of such party, the provisions of~~  
16 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~  
17 ~~funds so remitted to the state executive committee shall be~~  
18 ~~paid, returned, or otherwise disbursed to the county executive~~  
19 ~~committee under any circumstances. Any county executive~~  
20 ~~committee that is in violation of any party rule after~~  
21 ~~receiving the party assessment shall remit such party~~  
22 ~~assessment to the state executive committee.~~

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

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

11           Section 65. Section 105.031, Florida Statutes, is  
12 amended to read:

13           105.031 Qualification; filing fee; candidate's oath;  
14 items required to be filed.--

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

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

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

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



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

6 (4) CANDIDATE'S OATH.--

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

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

15  
 16 State of Florida  
 17 County of ....

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

31 office or any part thereof runs concurrent to the office he or

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1 she seeks; and that he or she has resigned from any office  
2 which he or she is required to resign pursuant to s. 99.012,  
3 Florida Statutes.

4 ... (Signature of candidate) ...

5 ... (Address) ...

6  
7 Sworn to and subscribed before me this .... day of ....,  
8 ... (year) ..., at .... County, Florida.

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

10

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

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

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

29 2. The candidate's oath required by subsection (4),  
30 which must contain the name of the candidate as it is to  
31 appear on the ballot; the office sought, including the

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1 district or group number if applicable; and the signature of  
2 the candidate, duly acknowledged.

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

5 4. The completed form for the appointment of campaign  
6 treasurer and designation of campaign depository, as required  
7 by s. 106.021. In addition, each candidate for judicial  
8 office, including an incumbent judge, shall file a statement  
9 with the qualifying officer, within 10 days after filing the  
10 appointment of campaign treasurer and designation of campaign  
11 depository, stating that the candidate has read and  
12 understands the requirements of the Florida Code of Judicial  
13 Conduct. Such statement shall be in substantially the  
14 following form:

15  
16 Statement of Candidate for Judicial Office

17  
18 I, ...(name of candidate)..., a judicial candidate, have  
19 received, read, and understand the requirements of the Florida  
20 Code of Judicial Conduct.

21 ...(Signature of candidate)...

22 ...(Date)...

23  
24 5. The full and public disclosure of financial  
25 interests required by s. 8, Art. II of the State Constitution  
26 or the statement of financial interests required by s.  
27 112.3145, whichever is applicable. A public officer who has  
28 filed the full and public disclosure or statement of financial  
29 interests with the Commission on Ethics or the supervisor of  
30 elections prior to qualifying for office may file a copy of  
31 that disclosure at the time of qualifying.

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

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

14 Section 66. Section 105.035, Florida Statutes, is  
 15 amended to read:

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

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

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1 ~~first day of the qualifying period for the office sought. The~~  
2 ~~form of such oath shall be prescribed by the Division of~~  
3 ~~Elections. No signatures shall be obtained until the person~~  
4 ~~has filed the oath prescribed in this subsection.~~

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

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

27       (4)(a) Each candidate seeking to qualify for election  
28 to the office of circuit judge or the office of school board  
29 member from a multicounty school district pursuant to this  
30 section shall file a separate petition from each county from  
31 which signatures are sought. Each petition shall be

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

23 (b) Each candidate seeking to qualify for election to  
24 the office of county court judge or the office of school board  
25 member from a single county school district pursuant to this  
26 section shall submit his or her petition, prior to noon of the  
27 28th ~~21st~~ day preceding the first day of the qualifying period  
28 for the office sought, to the supervisor of elections of the  
29 county for which such petition was circulated. The supervisor  
30 shall check the signatures on the petition to verify their  
31 status as electors of the county and of the geographic area

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1 represented by the office sought. No later than the seventh  
 2 day before ~~Prior to~~ the first date for qualifying, the  
 3 supervisor shall determine whether the required number of  
 4 signatures has been obtained for the name of the candidate to  
 5 be placed on the ballot and shall notify the candidate. If  
 6 the required number of signatures has been obtained, the  
 7 candidate shall, during the time prescribed for qualifying for  
 8 office, submit a copy of such notice and file his or her  
 9 qualifying papers and oath prescribed in s. 105.031 with the  
 10 qualifying officer. Upon receipt of the copy of such notice  
 11 and qualifying papers, such candidate shall be entitled to  
 12 have his or her name printed on the ballot.

13 Section 67. Section 106.022, Florida Statutes, is  
 14 created to read:

15 106.022 Appointment of a registered agent; duties.--

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

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

24 (b) Identify the entity for whom the registered agent  
 25 serves;

26 (c) Designate the address the registered agent wishes  
 27 to use to receive mail;

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

30 (e) Provide for the registered agent's acceptance of  
 31 the appointment, which must confirm that the registered agent

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1 is familiar with and accepts the obligations of the position  
2 as set forth in this section; and

3 (f) Contain the signature of the registered agent and  
4 the entity engaging the registered agent.

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

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

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

18 106.08 Contributions; limitations on.--

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

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

30 106.24 Florida Elections Commission; membership;  
31 powers; duties.--



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

10           Section 70. Subsection (6) of section 106.141, Florida  
 11 Statutes, is amended to read:

12           106.141 Disposition of surplus funds by candidates.--

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

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1 petition verification costs which are reimbursable by the  
 2 state shall be forwarded by the qualifying officer to the  
 3 state for deposit in the General Revenue Fund. All  
 4 reimbursements for the amount of the election assessment shall  
 5 be forwarded by the qualifying officer to the Department of  
 6 State for deposit in the General Revenue Fund.

7 Section 71. Section 98.122, Florida Statutes, is  
 8 transferred and renumbered as section 106.165, Florida  
 9 Statutes.

10 Section 72. Section 106.22, Florida Statutes, is  
 11 amended to read:

12 106.22 Duties of the Division of Elections.--It is the  
 13 duty of the Division of Elections to:

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

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

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

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

29 (5) Prepare and publish such reports as it may deem  
 30 appropriate.

31 (6) Make, from time to time, audits and field

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

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

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

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

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

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

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

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

3 16.56 Office of Statewide Prosecution.--

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

8 (a) Investigate and prosecute the offenses of:

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

12 2. Any crime involving narcotic or other dangerous  
13 drugs;

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

24 4. Any violation of the provisions of the Florida  
25 Anti-Fencing Act;

26 5. Any violation of the provisions of the Florida  
27 Antitrust Act of 1980, as amended;

28 6. Any crime involving, or resulting in, fraud or  
29 deceit upon any person;

30 7. Any violation of s. 847.0135, relating to computer  
31 pornography and child exploitation prevention, or any offense

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1 related to a violation of s. 847.0135;

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

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

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

6 11. Any criminal violation of s. 409.920 or s.  
7 409.9201; or

8 12. Any crime involving voter registration, voting, or  
9 candidate or issue petition activities;

10

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

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

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

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

27 119.07 Inspection and copying of records;  
28 photographing public records; fees; exemptions.--

29 (5) When ballots are produced under this section for  
30 inspection or examination, no persons other than the  
31 supervisor of elections or the supervisor's employees shall

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1 touch the ballots. If the ballots are being examined before  
 2 the end of the contest period in s. 102.168, the supervisor of  
 3 elections shall make a reasonable effort to notify all  
 4 candidates by telephone or otherwise of the time and place of  
 5 the inspection or examination. All such candidates, or their  
 6 representatives, shall be allowed to be present during the  
 7 inspection or examination.

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

10 145.09 Supervisor of elections.--

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

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

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

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

30 104.0615 Voter intimidation or suppression prohibited;  
 31 criminal penalties.--

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

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

7           (a) Vote or refrain from voting;

8           (b) Vote or refrain from voting for any particular  
9 individual or ballot measure;

10          (c) Refrain from registering to vote; or

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

13       (3) A person may not knowingly use false information  
14 to:

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

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

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

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

25       (5) A person who violates subsection (2), subsection  
26 (3), or subsection (4) commits a felony of the third degree,  
27 punishable as provided in s. 775.082, s. 775.083, or s.  
28 775.084.

29       Section 77. Sections 98.095, 98.0979, 98.181, 98.481,  
30 101.253, 101.635, 102.061, 106.085, and 106.144, Florida  
31 Statutes, are repealed.

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1           Section 78. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity does not affect other provisions or applications of  
4 the act which can be given effect without the invalid  
5 provision or application, and to this end the provisions of  
6 this act are severable.

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

10

11

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

13 And the title is amended as follows:

14           Delete everything before the enacting clause

15

16 and insert:

17

          A bill to be entitled

18

          An act relating to elections; amending s.

19

          97.012, F.S.; authorizing the Secretary of

20

          State to investigate voter fraud; authorizing

21

          the Department of State to adopt rules;

22

          amending s. 97.021, F.S.; defining the term

23

          "marksense ballots"; defining the terms "early

24

          voting area," "early voting site," and

25

          "third-party voter registration organization";

26

          amending s. 97.051, F.S.; revising the oath

27

          required upon registering to vote; amending s.

28

          97.052, F.S.; revising the contents of the

29

          uniform statewide voter registration

30

          application; amending s. 97.053, F.S.; revising

31

          provisions governing the acceptance of voter



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

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1 amending s. 99.092, F.S., relating to  
2 qualifying fees; clarifying provisions  
3 governing qualifying for nomination or election  
4 by the petition process to conform to changes  
5 made by the act; amending s. 99.095, F.S.;  
6 revising the requirements for qualifying as a  
7 candidate by a petition process in lieu of  
8 paying a qualifying fee and party assessment;  
9 providing requirements for submitting petitions  
10 and certifications; requiring that the division  
11 or supervisor of elections, as applicable,  
12 determine whether the required number of  
13 signatures has been obtained; amending s.  
14 99.0955, F.S.; providing procedures for a  
15 candidate having no party affiliation to  
16 qualify by the petition process; amending s.  
17 99.096, F.S.; revising the procedures for a  
18 minor political party to submit nominated  
19 candidates to be on the general election  
20 ballot; providing for candidates to qualify by  
21 the petition process; amending s. 99.09651,  
22 F.S., relating to signature requirements for  
23 ballot position; conforming provisions to  
24 changes made by the act; amending s. 100.011,  
25 F.S.; requiring that an elector in line at the  
26 time the polls close be allowed to vote;  
27 amending s. 100.101, F.S.; revising the  
28 circumstances under which a special election or  
29 primary is held; amending s. 100.111, F.S.;  
30 revising requirements for filling a vacancy in  
31 a nomination; requiring that ballots cast for a

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

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1 providing a penalty for filing a frivolous  
 2 challenge; amending s. 101.131, F.S.; revising  
 3 requirements for poll watchers; authorizing  
 4 certain political committees to have poll  
 5 watchers; prohibiting a poll watcher from  
 6 interacting with a voter; providing for poll  
 7 watchers at early voting areas; amending s.  
 8 101.151, F.S.; providing requirements for  
 9 marksense ballots; amending s. 101.171, F.S.;  
 10 requiring that a copy of a proposed  
 11 constitutional amendment be available at voting  
 12 locations; amending s. 101.294, F.S.;  
 13 prohibiting a vendor of voting equipment from  
 14 providing systems, components, or system  
 15 upgrades to a local governing body or  
 16 supervisor of elections which have not been  
 17 certified by the Division of Elections;  
 18 requiring that the vendor provide sworn  
 19 certification of such equipment; amending s.  
 20 101.295, F.S.; providing a penalty for  
 21 providing voting equipment in violation of ch.  
 22 101, F.S.; amending s. 101.49, F.S.; revising  
 23 the procedures for verifying an elector's  
 24 signature; amending s. 101.51, F.S.; requiring  
 25 that an elector occupy a voting booth alone;  
 26 amending s. 101.5606, F.S., relating to  
 27 requirements for approval of voting systems, to  
 28 conform; amending s. 101.5608, F.S., relating  
 29 to voting by electronic or electromechanical  
 30 methods, to conform; amending s. 101.5612,  
 31 F.S.; providing requirements for testing voting

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1 equipment; amending s. 101.5614, F.S.;

2 correcting a cross-reference; amending s.

3 101.572, F.S.; requiring that the supervisor of

4 elections notify the candidates if ballots are

5 examined before the end of the contest;

6 amending s. 101.58, F.S.; authorizing employees

7 of the department to have access to the

8 premises, records, equipment, and staff of the

9 supervisors of elections; amending s. 101.595,

10 F.S.; requiring that certain overvotes and

11 undervotes be reported to the department;

12 amending s. 101.6103, F.S.; authorizing the

13 canvassing board to begin canvassing before the

14 election; prohibiting the release of results

15 before election day; providing a penalty for

16 any early release of results; requiring that a

17 mail ballot that otherwise satisfies the

18 requirements of law for mail ballots be counted

19 even if the elector dies after mailing the

20 ballot but before election day if certain

21 conditions are met; amending s. 101.62, F.S.;

22 revising the requirements for mailing absentee

23 ballots to voters; amending s. 101.64, F.S.;

24 providing for an oath to be provided to persons

25 voting absentee under the Uniformed and

26 Overseas Citizens Absentee Voting Act; amending

27 s. 101.657, F.S.; revising requirements

28 relating to early voting locations; revising

29 the times to begin and end early voting and the

30 times for opening and closing the early voting

31 sites each day; providing for uniformity of

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

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

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1 s. 102.166, F.S.; revising the circumstances  
2 under which a manual recount may be ordered;  
3 amending s. 102.168, F.S.; requiring that  
4 complaints be filed with the board responsible  
5 for certifying the election results; specifying  
6 the parties to an action who may contest an  
7 election or nomination; amending s. 103.021,  
8 F.S.; providing for nomination of presidential  
9 electors by the state executive committee of  
10 each political party; defining the term  
11 "national party" for purposes of nominating a  
12 candidate for President and Vice President of  
13 the United States; amending ss. 103.051 and  
14 103.061, F.S.; specifying duties of the  
15 presidential electors; amending s. 103.121,  
16 F.S.; revising powers and duties of executive  
17 committees to conform to changes made by the  
18 act; amending s. 105.031, F.S.; providing for  
19 public officers to file a statement of  
20 financial interests at the time of qualifying;  
21 requiring that a filing officer accept certain  
22 qualifying papers filed before the qualifying  
23 period; amending s. 105.035, F.S.; revising  
24 procedures for qualifying for certain judicial  
25 offices and the office of school board member;  
26 prohibiting a candidate from obtaining  
27 signatures until appointing a campaign  
28 treasurer and designating a campaign  
29 depository; revising the requirements for the  
30 supervisor of elections with respect to  
31 certifying signatures; creating s. 106.022,



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

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

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