

1                   A bill to be entitled  
2     An act relating to elections; amending s. 97.012, F.S.;  
3     revising duties of the Secretary of State as chief  
4     election officer; amending s. 97.021, F.S.; revising  
5     definitions; creating s. 97.029, F.S.; relating to the  
6     award of attorney's fees and costs in proceedings  
7     challenging election or voter registration law; amending  
8     s. 97.051, F.S.; revising the oath a person must take to  
9     register to vote; amending s. 97.052, F.S.; revising  
10    provisions relating to the uniform statewide voter  
11    registration application; removing the requirement that  
12    the uniform statewide voter registration application must  
13    contain certain homestead exemption information; amending  
14    s. 97.053, F.S.; revising criteria for a voter  
15    registration application to be deemed complete; specifying  
16    where an initial voter registration application may be  
17    mailed; amending s. 97.055, F.S.; providing for permitted  
18    updates once registration books are closed; creating s.  
19    97.0575, F.S.; regulating third-party voter registrations  
20    and registration organizations; requiring third-party  
21    voter registration organizations to name a registered  
22    agent and submit certain information to the Division of  
23    Elections; providing for a fiduciary duty of the third-  
24    party voter registration organization to the applicant;  
25    providing for joint and several liability for a breach of  
26    fiduciary duty; specifying fines; authorizing the division  
27    to investigate certain violations; providing for collected  
28    fines to be set aside by the division in a trust fund;

29 | authorizing the division to adopt certain rules; amending  
30 | s. 98.045, F.S.; correcting a cross reference; amending s.  
31 | 98.077, F.S.; providing for signature updates for use in  
32 | verifying absentee and provisional ballots; providing a  
33 | deadline for the supervisor of elections to receive voter  
34 | signature updates; amending s. 99.061, F.S.; amending to  
35 | conform; revising a financial disclosure requirement for  
36 | candidate qualification; providing a submission deadline  
37 | for qualifying papers; amending s. 99.063, F.S.; revising  
38 | a financial disclosure requirement for certain designated  
39 | candidates; amending s. 99.092, F.S., relating to  
40 | qualifying fees of candidates, to conform; amending s.  
41 | 99.095, F.S.; providing for a petition process in lieu of  
42 | a qualifying fee and party assessment; providing  
43 | requirements for signatures and petition format; providing  
44 | submission deadlines; amending s. 99.0955, F.S.; revising  
45 | provisions relating to candidates with no party  
46 | affiliation; amending to conform; deleting obsolete  
47 | provisions; amending s. 99.096, F.S.; revising filing  
48 | requirements of minor political party candidates; amending  
49 | to conform; deleting obsolete provisions; amending s.  
50 | 99.09651, F.S., relating to signature requirements for  
51 | ballot position in a year of apportionment, to conform;  
52 | amending s. 100.011, F.S.; requiring electors in line at  
53 | the official closing of the polls to be allowed to vote;  
54 | amending s. 100.101, F.S.; deleting a provision requiring  
55 | a special election to be held if a vacancy occurs in  
56 | nomination; amending s. 100.111, F.S.; revising

57 requirements relating to filling candidate vacancies;  
58 deleting provisions relating to a prohibition of qualified  
59 candidates to fill a vacancy in nomination; deleting  
60 obsolete provisions; amending s. 100.141, F.S.; conforming  
61 provisions relating to vacancies in nomination and  
62 qualifying by an alternative method; amending s. 101.031,  
63 F.S.; revising the voter's bill of rights to allow for an  
64 elector whose identity in question to cast a provisional  
65 ballot and to remove the right for an elector to prove  
66 identity by signing an affidavit; amending s. 101.043,  
67 F.S., relating to identification required at polls, to  
68 conform; amending s. 101.048, F.S.; providing a person  
69 casting a provisional ballot the right to present certain  
70 eligibility evidence by a certain date; providing for the  
71 county canvassing board to review provisional ballot  
72 voter's certificates and affirmations; providing a  
73 standard of review; revising the provisional ballot  
74 voter's certificate and affirmation form; revising  
75 provisions relating to casting provisional ballots by  
76 electronic means; amending s. 101.049, F.S.; providing for  
77 provisional ballots and persons with disabilities;  
78 amending s. 101.051, F.S.; prohibiting solicitation of  
79 assistance to electors with certain disabilities at  
80 certain locations; providing a penalty; requiring a person  
81 providing an elector assistance to vote to take a  
82 specified oath; amending s. 101.111, F.S.; revising the  
83 oath taken by persons challenging the right of a person to  
84 vote; deleting the oath required to be taken by a person

85 | whose right to vote was challenged and allowing that  
86 | person to cast a provisional ballot; providing a  
87 | prohibition against and penalty for frivolous challenges;  
88 | amending s. 101.131, F.S.; allowing certain poll watchers  
89 | in early voting areas and polling rooms; providing  
90 | limitations and restrictions on behavior of poll watchers;  
91 | providing deadlines regarding designation and approval of  
92 | poll watchers; amending s. 101.151, F.S.; replacing paper  
93 | ballots with marksense ballots and accompanying  
94 | specifications; amending s. 101.171, F.S.; requiring a  
95 | copy of constitutional amendments to be available at polls  
96 | in poster or booklet form; amending s. 101.294, F.S.;  
97 | prohibiting a vendor of voting equipment from providing an  
98 | uncertified voting system or upgrade; providing for  
99 | certification of voting systems and upgrades; amending s.  
100 | 101.295, F.S.; providing a penalty; amending s. 101.49,  
101 | F.S.; revising the procedure of election officers where  
102 | signatures differ; amending s. 101.51, F.S., relating to  
103 | electors' occupation of booths, to conform; amending s.  
104 | 101.5606, F.S., relating to requirements for approval of  
105 | voting systems, to conform; amending s. 101.5608, F.S.,  
106 | relating to voting by electronic or electromechanical  
107 | methods, to conform; amending s. 101.5612, F.S.; providing  
108 | for additional testing of voting systems under certain  
109 | circumstances; amending s. 101.5614, F.S.; correcting a  
110 | cross reference; amending s. 101.572, F.S.; revising a  
111 | provision relating to the public inspection of ballots;  
112 | amending s. 101.58, F.S.; authorizing any Department of

113 State employee full access to all premises, records,  
 114 equipment, and staff of the supervisor of elections;  
 115 amending s. 101.595, F.S.; providing for the reporting of  
 116 overvotes and undervotes in presidential or gubernatorial  
 117 races; amending s. 101.6103, F.S.; authorizing canvassing  
 118 boards to begin canvassing mail ballots before the  
 119 election; providing a time when the results may be  
 120 released; providing a penalty; amending s. 101.62, F.S.;  
 121 revising provisions relating to the deadline by which the  
 122 supervisor of elections must receive a request for an  
 123 absentee ballot to be mailed to a voter; requiring  
 124 information relating to absentee receipt and delivery  
 125 dates to be available to the voter requesting the ballot;  
 126 providing for unavailable regular absentee ballots for  
 127 overseas electors; providing a deadline by which an  
 128 absentee ballot request may be fulfilled by personal  
 129 delivery; amending s. 101.64, F.S.; providing for a  
 130 certain oath to be provided to overseas electors in lieu  
 131 of a voter's certificate; amending s. 101.657, F.S.;  
 132 revising requirements relating to early voting locations;  
 133 revising the deadline to end early voting; providing for  
 134 uniformity of county early voting sites; requiring any  
 135 person in line at the closing of an early voting site to  
 136 be allowed to vote; providing for early voting in  
 137 municipal and special district elections; amending s.  
 138 101.663, F.S.; revising provisions relating to certain  
 139 electors who move to another state; amending s. 101.68,  
 140 F.S.; providing that an absentee ballot is deemed to have

141 |        been cast once it has been received by the supervisor;  
 142 |        amending s. 101.69, F.S.; revising a provision relating to  
 143 |        voting in person by electors who have requested absentee  
 144 |        ballots; amending s. 101.6923, F.S.; revising a provision  
 145 |        relating to special absentee ballot instructions for  
 146 |        certain voters; amending s. 101.694, F.S.; requiring  
 147 |        certain absentee envelopes to meet specifications as  
 148 |        determined by a certain federal program; amending s.  
 149 |        101.697, F.S.; providing a condition on the department's  
 150 |        ability to accept certain election materials by electronic  
 151 |        transmission from overseas voters; amending s. 102.012,  
 152 |        F.S.; revising provisions to require supervisors of  
 153 |        election to appoint one election board for each precinct;  
 154 |        requiring each supervisor to furnish inspectors of  
 155 |        election in each precinct with the list of registered  
 156 |        voters for the precinct; amending s. 102.014, F.S.;  
 157 |        requiring the division to develop a uniform training  
 158 |        curriculum for poll workers; revising grounds upon which a  
 159 |        supervisor shall replace an inspector or clerk; revising  
 160 |        requirements relating to the provisions and availability  
 161 |        of a uniform polling place procedures manual; amending s.  
 162 |        102.031, F.S.; revising a provision relating to  
 163 |        maintenance of good order at polls, authorities, persons  
 164 |        allowed in polling rooms, and unlawful solicitation of  
 165 |        voters to apply to early voting areas; prohibiting a  
 166 |        person from bringing a camera into a polling room or early  
 167 |        voting area; increasing the distance for the no  
 168 |        solicitation zone; providing for the designation of the no

169 solicitation zone; amending s. 102.071, F.S.; decreasing  
 170 the certificates of the results needed to one; amending s.  
 171 102.111, F.S.; providing for typographical errors in  
 172 official county returns to be certified by the Elections  
 173 Canvassing Commission; amending s. 102.112, F.S.;  
 174 requiring the county returns to contain a certain  
 175 certification; authorizing the department to correct  
 176 typographical errors in county returns; amending s.  
 177 102.141, F.S.; revising provisions relating to county  
 178 canvassing boards and their duties; requiring that the  
 179 county canvassing board be responsible for ordering county  
 180 and local recounts; revising deadlines relating to  
 181 submission of unofficial returns; adding procedure and  
 182 content requirements relating to county canvassing boards'  
 183 reports on conduction of elections; requiring the  
 184 department to adopt rules establishing the required  
 185 content and acceptable formats for certain filings;  
 186 amending s. 102.166, F.S.; revising provisions relating to  
 187 manual recounts; amending s. 102.168, F.S.; revising  
 188 proper party defendants in actions contesting the election  
 189 or nomination of a candidate; amending s. 103.021, F.S.;  
 190 requiring the state executive committee of each political  
 191 party to recommend candidates for presidential electors to  
 192 the Governor using a specified procedure; providing  
 193 definitions; amending ss. 103.051 and 103.061, F.S.;  
 194 revising certain meeting and notice times of the  
 195 presidential electors; amending s. 103.121, F.S.; revising  
 196 the powers and duties of executive committees; amending s.

197 | 104.051, F.S.; prohibiting willful failure of a supervisor  
 198 | or county canvassing board member to follow a certain  
 199 | binding directive; providing a penalty; authorizing only  
 200 | the Secretary of State to file certain complaints;  
 201 | amending s. 105.031, F.S.; exempting school board  
 202 | candidates from qualifying fee requirements; revising  
 203 | requirements relating to financial interest statements  
 204 | made by public officers; providing a time by which a  
 205 | qualifying officer may accept and hold certain qualifying  
 206 | papers; amending s. 105.035, F.S.; renaming the  
 207 | "alternative method" of qualifying for certain offices as  
 208 | the "petition process"; removing provisions requiring a  
 209 | person seeking to qualify by the petition process to file  
 210 | a certain oath; providing a limitation upon elector  
 211 | signatures needed by certain candidates; revising  
 212 | deadlines; amending s. 106.22, F.S.; revising the duties  
 213 | of the Division of Elections to remove the duty to conduct  
 214 | certain investigations and make subsequent reports;  
 215 | amending s. 106.29, F.S., relating to the powers and  
 216 | duties of the Florida Elections Commission, to conform;  
 217 | amending s. 16.56, F.S.; authorizing the Office of  
 218 | Statewide Prosecution to investigate and prosecute the  
 219 | offenses of crimes involving voter registration, voting,  
 220 | or candidate or issue petition activities; amending s.  
 221 | 119.07, F.S.; placing a condition on when the supervisor  
 222 | of elections shall notify certain candidates of ballot  
 223 | inspection; amending s. 120.52, F.S.; revising a  
 224 | definition of "rule" to exempt certain Division of



225 Election advisory opinions and Secretary of State  
 226 directives; amending s. 145.09, F.S.; requiring the  
 227 Department of State to adopt rules establishing  
 228 certification requirements of supervisors of elections;  
 229 repealing s. 98.095, F.S., relating to county registers  
 230 open to inspection and copies; repealing s. 98.0979, F.S.;  
 231 relating to the statewide voter registration database's  
 232 being open to inspection and copies; repealing s. 98.181,  
 233 F.S., relating to supervisors of elections making up  
 234 indexes or records; repealing s. 98.481, F.S., relating to  
 235 challenge to electors; repealing s. 101.253, F.S.;  
 236 relating to when names are not to be printed on ballots;  
 237 repealing s. 101.635, F.S.; relating to distribution of  
 238 blocks of printed ballots; repealing s. 102.061, F.S.;  
 239 relating to duties of election board, counting, and  
 240 closing polls; repealing s. 106.085, F.S., relating to  
 241 independent expenditures, prohibited unfair surprise,  
 242 notice requirements, and a penalty; repealing s. 106.144,  
 243 F.S.; relating to endorsements or opposition by certain  
 244 groups and organizations; providing an effective date.

245

246 Be It Enacted by the Legislature of the State of Florida:

247

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

250 97.012 Secretary of State as chief election officer.--The  
 251 Secretary of State is the chief election officer of the state,  
 252 and it is his or her responsibility to:

253 (1) Obtain and maintain uniformity in the application,  
 254 operation, and interpretation of the election laws. In achieving  
 255 this objective, the secretary or his or her designee is  
 256 authorized to issue binding directives to the supervisors of  
 257 elections and the county canvassing boards when the secretary  
 258 determines that a lack of uniformity exists in the application,  
 259 operation, or interpretation of the election laws. A willful  
 260 failure to follow directives issued by the secretary shall  
 261 subject the violator to the penalties in s. 104.051(5). The  
 262 secretary is authorized to file complaints with the Florida  
 263 Elections Commission alleging a violation of s. 104.051(5).

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

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

269 (4) Provide technical assistance to the supervisors of  
 270 elections on voter education and election personnel training  
 271 services.

272 (5) Provide technical assistance to the supervisors of  
 273 elections on voting systems.

274 (6) Provide voter education assistance to the public.  
 275 Voter education activities of the department or the department  
 276 in combination with the supervisors of elections, either  
 277 individually or in the aggregate, or with their respective  
 278 professional associations, are not subject to the competitive  
 279 solicitation requirements of s. 287.057(5).

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

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

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

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

292 (11) Create and maintain a statewide voter registration  
 293 system in accordance with the Help America Vote Act of 2002  
 294 database.

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

297 (13) Designate an office within the department to be  
 298 responsible for providing information regarding voter  
 299 registration procedures and absentee ballot procedures to absent  
 300 uniformed services voters and overseas voters.

301 (14) Conduct preliminary investigations into any  
 302 irregularities or fraud involving voter registration, voting, or  
 303 candidate or issue petition activities and report its findings  
 304 to the statewide prosecutor or the state attorney for the  
 305 judicial circuit in which the alleged violation occurred for  
 306 prosecution, where warranted. The department may prescribe by

307 rule requirements for filing an elections fraud complaint and  
 308 for investigating any such complaint.

309 Section 2. Section 97.021, Florida Statutes, is amended to  
 310 read:

311 97.021 Definitions.--For the purposes of this code, except  
 312 where the context clearly indicates otherwise, the term:

313 (1) "Absent elector" means any registered and qualified  
 314 voter who casts an absentee ballot.

315 (2) "Alternative formats" has the meaning ascribed in the  
 316 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42  
 317 U.S.C. ss. 12101 et seq., including specifically the technical  
 318 assistance manuals promulgated thereunder, as amended.

319 (3) "Ballot" or "official ballot" when used in reference  
 320 to:

321 (a) Marksense Paper ~~paper~~ ballots" means that printed sheet of  
 322 paper, used in conjunction with an electronic or  
 323 electromechanical vote tabulation voting system, containing the  
 324 names of candidates, or a statement of proposed constitutional  
 325 amendments or other questions or propositions submitted to the  
 326 electorate at any election, on which sheet of paper an elector  
 327 casts his or her vote.

328 (b) "Electronic or electromechanical devices" means a  
 329 ballot that is voted by the process of electronically  
 330 designating, including by touchscreen, or marking with a marking  
 331 device for tabulation by automatic tabulating equipment or data  
 332 processing equipment.

333 (4) "Candidate" means any person to whom any one or more  
 334 of the following applies:

335 (a) Any person who seeks to qualify for nomination or  
 336 election by means of the petitioning process.

337 (b) Any person who seeks to qualify for election as a  
 338 write-in candidate.

339 (c) Any person who receives contributions or makes  
 340 expenditures, or gives his or her consent for any other person  
 341 to receive contributions or make expenditures, with a view to  
 342 bringing about his or her nomination or election to, or  
 343 retention in, public office.

344 (d) Any person who appoints a treasurer and designates a  
 345 primary depository.

346 (e) Any person who files qualification papers and  
 347 subscribes to a candidate's oath as required by law.

348  
 349 However, this definition does not include any candidate for a  
 350 political party executive committee.

351 (5) "Department" means the Department of State.

352 (6) "Division" means the Division of Elections of the  
 353 Department of State.

354 (7) "Early voting" means casting a ballot prior to  
 355 election day at a location designated by the supervisor of  
 356 elections and depositing the voted ballot in the tabulation  
 357 system.

358 (8) "Early voting area" means the area designated by the  
 359 supervisor of elections at an early voting site at which early  
 360 voting activities occur including, but not limited to, lines of  
 361 voters waiting to be processed, the area where voters check in  
 362 and are processed, and the area where voters cast their ballots.

363           (9) "Early voting site" means those locations specified in  
 364 s. 101.657 and is the building in which early voting occurs.

365           ~~(10)(8)~~ "Election" means any primary election, special  
 366 primary election, special election, general election, or  
 367 presidential preference primary election.

368           ~~(11)(9)~~ "Election board" means the clerk and inspectors  
 369 appointed to conduct an election.

370           ~~(12)(10)~~ "Election costs" shall include, but not be  
 371 limited to, expenditures for all paper supplies such as  
 372 envelopes, instructions to voters, affidavits, reports, ballot  
 373 cards, ballot booklets for absentee voters, postage, notices to  
 374 voters; advertisements for registration book closings, testing  
 375 of voting equipment, sample ballots, and polling places; forms  
 376 used to qualify candidates; polling site rental and equipment  
 377 delivery and pickup; data processing time and supplies; election  
 378 records retention; and labor costs, including those costs  
 379 uniquely associated with absentee ballot preparation, poll  
 380 workers, and election night canvass.

381           ~~(13)(11)~~ "Elector" is synonymous with the word "voter" or  
 382 "qualified elector or voter," except where the word is used to  
 383 describe presidential electors.

384           ~~(14)(12)~~ "General election" means an election held on the  
 385 first Tuesday after the first Monday in November in the even-  
 386 numbered years, for the purpose of filling national, state,  
 387 county, and district offices and for voting on constitutional  
 388 amendments not otherwise provided for by law.

389           ~~(15)(13)~~ "Lists of registered electors" means copies of  
 390 printed lists of registered electors, computer tapes or disks,

391 or any other device used by the supervisor of elections to  
 392 maintain voter records.

393 (16)~~(14)~~ "Member of the Merchant Marine" means an  
 394 individual, other than a member of a uniformed service or an  
 395 individual employed, enrolled, or maintained on the Great Lakes  
 396 for the inland waterways, who is:

397 (a) Employed as an officer or crew member of a vessel  
 398 documented under the laws of the United States, a vessel owned  
 399 by the United States, or a vessel of foreign-flag registry under  
 400 charter to or control of the United States; or

401 (b) Enrolled with the United States for employment or  
 402 training for employment, or maintained by the United States for  
 403 emergency relief service, as an officer or crew member of such  
 404 vessel.

405 (17)~~(15)~~ "Minor political party" is any group as defined  
 406 in this subsection which on January 1 preceding a primary  
 407 election does not have registered as members 5 percent of the  
 408 total registered electors of the state. Any group of citizens  
 409 organized for the general purposes of electing to office  
 410 qualified persons and determining public issues under the  
 411 democratic processes of the United States may become a minor  
 412 political party of this state by filing with the department a  
 413 certificate showing the name of the organization, the names of  
 414 its current officers, including the members of its executive  
 415 committee, and a copy of its constitution or bylaws. It shall be  
 416 the duty of the minor political party to notify the department  
 417 of any changes in the filing certificate within 5 days of such  
 418 changes.

419        (18)~~(16)~~ "Newspaper of general circulation" means a  
 420 newspaper printed in the language most commonly spoken in the  
 421 area within which it circulates and which is readily available  
 422 for purchase by all inhabitants in the area of circulation, but  
 423 does not include a newspaper intended primarily for members of a  
 424 particular professional or occupational group, a newspaper the  
 425 primary function of which is to carry legal notices, or a  
 426 newspaper that is given away primarily to distribute  
 427 advertising.

428        (19)~~(17)~~ "Nominal value" means having a retail value of  
 429 \$10 or less.

430        (20)~~(18)~~ "Nonpartisan office" means an office for which a  
 431 candidate is prohibited from campaigning or qualifying for  
 432 election or retention in office based on party affiliation.

433        (21)~~(19)~~ "Office that serves persons with disabilities"  
 434 means any state office that takes applications either in person  
 435 or over the telephone from persons with disabilities for any  
 436 program, service, or benefit primarily related to their  
 437 disabilities.

438        (22)~~(20)~~ "Overseas voter" means:

439        (a) Members of the uniformed services while in the active  
 440 service who are permanent residents of the state and are  
 441 temporarily residing outside the territorial limits of the  
 442 United States and the District of Columbia;

443        (b) Members of the Merchant Marine of the United States  
 444 who are permanent residents of the state and are temporarily  
 445 residing outside the territorial limits of the United States and  
 446 the District of Columbia; and



447 (c) Other citizens of the United States who are permanent  
 448 residents of the state and are temporarily residing outside the  
 449 territorial limits of the United States and the District of  
 450 Columbia,

451  
 452 who are qualified and registered to vote as provided by law.

453 (23)~~(21)~~ "Overvote" means that the elector marks or  
 454 designates more names than there are persons to be elected to an  
 455 office or designates more than one answer to a ballot question,  
 456 and the tabulator records no vote for the office or question.

457 (24)~~(22)~~ "Persons with disabilities" means individuals who  
 458 have a physical or mental impairment that substantially limits  
 459 one or more major life activities.

460 (25)~~(23)~~ "Polling place" is the building which contains  
 461 the polling room where ballots are cast.

462 (26)~~(24)~~ "Polling room" means the actual room in which  
 463 ballots are cast on election day and during early voting.

464 (27)~~(25)~~ "Primary election" means an election held  
 465 preceding the general election for the purpose of nominating a  
 466 party nominee to be voted for in the general election to fill a  
 467 national, state, county, or district office. The first primary  
 468 is a nomination or elimination election; the second primary is a  
 469 nominating election only.

470 (28)~~(26)~~ "Provisional ballot" means a conditional ballot,  
 471 the validity of which is determined by the canvassing board.

472 (29)~~(27)~~ "Public assistance" means assistance provided  
 473 through the food stamp program; the Medicaid program; the

474 Special Supplemental Food Program for Women, Infants, and  
475 Children; and the WAGES Program.

476 (30)~~(28)~~ "Public office" means any federal, state, county,  
477 municipal, school, or other district office or position which is  
478 filled by vote of the electors.

479 (31)~~(29)~~ "Qualifying educational institution" means any  
480 public or private educational institution receiving state  
481 financial assistance which has, as its primary mission, the  
482 provision of education or training to students who are at least  
483 18 years of age, provided such institution has more than 200  
484 students enrolled in classes with the institution and provided  
485 that the recognized student government organization has  
486 requested this designation in writing and has filed the request  
487 with the office of the supervisor of elections in the county in  
488 which the institution is located.

489 (32)~~(30)~~ "Special election" is a special election called  
490 for the purpose of voting on a party nominee to fill a vacancy  
491 in the national, state, county, or district office.

492 (33)~~(31)~~ "Special primary election" is a special  
493 nomination election designated by the Governor, called for the  
494 purpose of nominating a party nominee to be voted on in a  
495 general or special election.

496 (34)~~(32)~~ "Supervisor" means the supervisor of elections.

497 (35)~~(33)~~ "Tactile input device" means a device that  
498 provides information to a voting system by means of a voter  
499 touching the device, such as a keyboard, and that complies with  
500 the requirements of s. 101.56062(1)(k) and (l).

501        (36) "Third-party voter registration organization" means  
 502 any person, entity, or organization soliciting or collecting  
 503 voter registration applications. A third-party voter  
 504 registration organization does not include any person who solely  
 505 seeks to register to vote or collect voter registration  
 506 applications that person's spouse, child, or parent or any  
 507 person engaged in registering to vote or collecting voter  
 508 registration applications as an employee or agent of the  
 509 division, supervisor of elections, Department of Highway Safety  
 510 and Motor Vehicles, or voter registration agency.

511        ~~(37)~~~~(34)~~ "Undervote" means that the elector does not  
 512 properly designate any choice for an office or ballot question,  
 513 and the tabulator records no vote for the office or question.

514        ~~(38)~~~~(35)~~ "Uniformed services" means the Army, Navy, Air  
 515 Force, Marine Corps, and Coast Guard, the commissioned corps of  
 516 the Public Health Service, and the commissioned corps of the  
 517 National Oceanic and Atmospheric Administration.

518        ~~(39)~~~~(36)~~ "Voter interface device" means any device that  
 519 communicates voting instructions and ballot information to a  
 520 voter and allows the voter to select and vote for candidates and  
 521 issues.

522        ~~(40)~~~~(37)~~ "Voter registration agency" means any office that  
 523 provides public assistance, any office that serves persons with  
 524 disabilities, any center for independent living, or any public  
 525 library.

526        ~~(41)~~~~(38)~~ "Voting booth" or "booth" means that booth or  
 527 enclosure wherein an elector casts his or her ballot for  
 528 tabulation by an electronic or electromechanical device.

529           ~~(42)(39)~~ "Voting system" means a method of casting and  
 530 processing votes that functions wholly or partly by use of  
 531 electromechanical or electronic apparatus or by use of marksense  
 532 ~~paper~~ ballots and includes, but is not limited to, the  
 533 procedures for casting and processing votes and the programs,  
 534 operating manuals, supplies ~~tabulating cards~~, printouts, and  
 535 other software necessary for the system's operation.

536           Section 3. Section 97.029, Florida Statutes, is created to  
 537 read:

538           97.029 Attorney's fees and costs.--

539           (1) An award of attorney's fees and costs shall be made to  
 540 the prevailing party in any court or administrative proceeding,  
 541 including any action for injunctive relief, challenging the  
 542 application, interpretation, or constitutionality of any  
 543 election or voter registration law.

544           (2)(a) The term "attorney's fees and costs" means the  
 545 reasonable and necessary attorney's fees and costs incurred for  
 546 all preparations, motions, hearings, trials, and appeals in a  
 547 proceeding.

548           (b) The term "prevailing party" means the party that has  
 549 received a final judgment or order in its favor and such  
 550 judgment or order has not been reversed on appeal or the time  
 551 for seeking judicial review of the judgment or order has  
 552 expired. Where an action has been voluntarily dismissed or  
 553 dismissed pursuant to a settlement of the case, there shall be  
 554 no prevailing party.

555           (3) Within 60 days after the date that a party becomes a  
 556 prevailing party, the attorney for the prevailing party shall

557 submit an itemized affidavit to the court that first conducted  
 558 the adversarial proceeding in the underlying action or to the  
 559 Division of Administrative Hearings, which shall assign an  
 560 administrative law judge in the case of a proceeding pursuant to  
 561 chapter 120. The affidavit shall detail the nature and extent of  
 562 the services rendered by the attorney as well as the costs  
 563 incurred in preparations, motions, hearings, and appeals in the  
 564 proceeding.

565 (4) The court or the administrative law judge in the case  
 566 of a proceeding under chapter 120 shall promptly conduct an  
 567 evidentiary hearing on the application for an award of  
 568 attorney's fees and shall issue a judgment or a final order in  
 569 the case of an administrative law judge. The final order of an  
 570 administrative law judge is reviewable in accordance with the  
 571 provisions of s. 120.68. If the court affirms the award of  
 572 attorney's fees and costs in whole or in part, it may, in its  
 573 discretion, award additional attorney's fees and costs for the  
 574 appeal.

575 (5) No party shall be required to pay an award of  
 576 attorney's fees and costs pursuant to this section in an amount  
 577 exceeding \$200,000.

578 Section 4. Section 97.051, Florida Statutes, is amended to  
 579 read:

580 97.051 Oath upon registering.--A person registering to  
 581 vote must subscribe to the following oath: "I do solemnly swear  
 582 (or affirm) that I will protect and defend the Constitution of  
 583 the United States and the Constitution of the State of Florida,  
 584 that I am qualified to register as an elector under the

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585 Constitution and laws of the State of Florida, and that all  
 586 information provided in this application is true ~~I am a citizen~~  
 587 ~~of the United States and a legal resident of Florida.~~"

588 Section 5. Section 97.052, Florida Statutes, is amended to  
 589 read:

590 97.052 Uniform statewide voter registration application.--

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

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

- 595 1. Initial registration.
- 596 2. Change of address.
- 597 3. Change of party affiliation.
- 598 4. Change of name.
- 599 5. Replacement of voter registration identification card.
- 600 6. Signature update.

601 (b) The department is responsible for printing the uniform  
 602 statewide voter registration application and the voter  
 603 registration application form prescribed by the ~~Federal~~ Election  
 604 Assistance Commission pursuant to federal law ~~the National Voter~~  
 605 ~~Registration Act of 1993~~. The applications and forms must be  
 606 distributed, upon request, to the following:

- 607 1. Individuals seeking to register to vote.
- 608 2. Individuals or groups conducting voter registration  
 609 programs. A charge of 1 cent per application shall be assessed  
 610 on requests for 10,000 or more applications.
- 611 3. The Department of Highway Safety and Motor Vehicles.
- 612 4. Voter registration agencies.

- 613           5. Armed forces recruitment offices.
- 614           6. Qualifying educational institutions.
- 615           7. Supervisors, who must make the applications and forms
- 616 available in the following manner:
- 617           a. By distributing the applications and forms in their
- 618 offices to any individual or group.
- 619           b. By distributing the applications and forms at other
- 620 locations designated by each supervisor.
- 621           c. By mailing the applications and forms to applicants
- 622 upon the request of the applicant.
- 623           (c) The uniform statewide voter registration application
- 624 may be reproduced by any private individual or group, provided
- 625 the reproduced application is in the same format as the
- 626 application prescribed under this section.
- 627           (2) The uniform statewide voter registration application
- 628 must be designed to elicit the following information from the
- 629 applicant:
- 630           (a) Full name.
- 631           (b) Date of birth.
- 632           (c) Address of legal residence.
- 633           (d) Mailing address, if different.
- 634           (e) County of legal residence.
- 635           ~~(f) Address of property for which the applicant has been~~
- 636 ~~granted a homestead exemption, if any.~~
- 637           (f)(g) Race or ethnicity that best describes the
- 638 applicant:
- 639           1. American Indian or Alaskan Native.
- 640           2. Asian or Pacific Islander.

- 641 3. Black, not Hispanic.
- 642 4. White, not Hispanic.
- 643 5. Hispanic.
- 644 ~~(g)(h)~~ State or country of birth.
- 645 ~~(h)(i)~~ Sex.
- 646 ~~(i)(j)~~ Party affiliation.
- 647 ~~(j)(k)~~ Whether the applicant needs assistance in voting.
- 648 ~~(k)(l)~~ Name and address where last registered.
- 649 ~~(l)(m)~~ Last four digits of the applicant's social security  
650 number.
- 651 ~~(m)(n)~~ Florida driver's license number or the  
652 identification number from a Florida identification card issued  
653 under s. 322.051.
- 654 ~~(n)(o)~~ Telephone number (optional).
- 655 (o) E-mail address (optional).
- 656 (p) Signature of applicant under penalty for false  
657 swearing pursuant to s. 104.011, by which the person subscribes  
658 to the oath required by s. 3, Art. VI of the State Constitution  
659 and s. 97.051, and swears or affirms that the information  
660 contained in the registration application is true.
- 661 (q) Whether the application is being used for initial  
662 registration, to update a voter registration record, or to  
663 request a replacement registration identification card.
- 664 (r) Whether the applicant is a citizen of the United  
665 States by asking the question "Are you a citizen of the United  
666 States of America?" and providing boxes for the applicant to  
667 check to indicate whether the applicant is or is not a citizen  
668 of the United States.



669           (s) Whether ~~That~~ the applicant has ~~not~~ been convicted of a  
670 felony and ~~or~~, if convicted, has had his or her civil rights  
671 restored by including the statement "I affirm I am not a  
672 convicted felon, or if I am, my rights relating to voting have  
673 been restored" and providing a box for the applicant to check to  
674 affirm the statement.

675           (t) Whether ~~That~~ the applicant has ~~not~~ been adjudicated  
676 mentally incapacitated with respect to voting or, if so  
677 adjudicated, has had his or her right to vote restored by  
678 including the statement "I affirm I have not been adjudicated  
679 mentally incapacitated with respect to voting or, if I have, my  
680 competency has been restored" and providing a box for the  
681 applicant to check to affirm the statement.

682  
683 The registration form must be in plain language and designed so  
684 that convicted felons whose civil rights have been restored and  
685 persons who have been adjudicated mentally incapacitated and  
686 have had their voting rights restored are not required to reveal  
687 their prior conviction or adjudication.

688           (3) The uniform statewide voter registration application  
689 must also contain:

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

692           (b) A statement specifying each eligibility requirement  
693 under s. 97.041.

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

696 (d) A statement that, if an applicant declines to register  
 697 to vote, the fact that the applicant has declined to register  
 698 will remain confidential and may be used only for voter  
 699 registration purposes.

700 (e) A statement that informs the applicant who chooses to  
 701 register to vote or update a voter registration record that the  
 702 office at which the applicant submits a voter registration  
 703 application or updates a voter registration record will remain  
 704 confidential and may be used only for voter registration  
 705 purposes.

706 ~~(f) A statement that informs the applicant that any person~~  
 707 ~~who has been granted a homestead exemption in this state, and~~  
 708 ~~who registers to vote in any precinct other than the one in~~  
 709 ~~which the property for which the homestead exemption has been~~  
 710 ~~granted, shall have that information forwarded to the property~~  
 711 ~~appraiser where such property is located, which may result in~~  
 712 ~~the person's homestead exemption being terminated and the person~~  
 713 ~~being subject to assessment of back taxes under s. 193.092,~~  
 714 ~~unless the homestead granted the exemption is being maintained~~  
 715 ~~as the permanent residence of a legal or natural dependent of~~  
 716 ~~the owner and the owner resides elsewhere.~~

717 (f)(g) A statement informing the applicant that if the  
 718 form is submitted by mail and the applicant is registering for  
 719 the first time, the applicant will be required to provide  
 720 identification prior to voting the first time.

721 (4) A supervisor may produce a voter registration  
 722 application that has the supervisor's direct mailing address if  
 723 the department has reviewed the application and determined that

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724 it is substantially the same as the uniform statewide voter  
725 registration application.

726 (5) The voter registration application form prescribed by  
727 the ~~Federal~~ Election Assistance Commission pursuant to federal  
728 law ~~the National Voter Registration Act of 1993~~ or the federal  
729 postcard application must be accepted as an application for  
730 registration in this state if the completed application or  
731 postcard application contains the information required by the  
732 constitution and laws of this state.

733 Section 6. Section 97.053, Florida Statutes, is amended to  
734 read:

735 97.053 Acceptance of voter registration applications.--

736 (1) Voter registration applications, changes in  
737 registration, and requests for a replacement registration  
738 identification card must be accepted in the office of any  
739 supervisor, the division, a driver license office, a voter  
740 registration agency, or an armed forces recruitment office when  
741 hand delivered by the applicant or a third party during the  
742 hours that office is open or when mailed.

743 (2) A ~~completed~~ voter registration application is complete  
744 and that contains the information necessary to establish an  
745 applicant's eligibility pursuant to s. 97.041 becomes the  
746 official voter registration record of that applicant when all  
747 information necessary to establish the applicant's eligibility  
748 pursuant to s. 97.041 is received by the appropriate supervisor.  
749 If the applicant fails to complete his or her voter registration  
750 application prior to the date of book closing for an election,

751 then such applicant shall not be eligible to vote in that  
 752 election.

753 (3) The registration date for a valid initial voter  
 754 registration application that has been hand delivered is the  
 755 date when received by a driver license office, a voter  
 756 registration agency, an armed forces recruitment office, the  
 757 division, or the office of any supervisor in the state.

758 (4) The registration date for a valid initial voter  
 759 registration application that has been mailed to a driver  
 760 license office, a voter registration agency, an armed forces  
 761 recruitment office, the division, or the office of any  
 762 supervisor in the state and bears a clear postmark is the date  
 763 of that ~~the~~ postmark. If an initial voter registration  
 764 application that has been mailed does not bear a postmark or if  
 765 the postmark is unclear, the registration date is the date the  
 766 registration is received by any supervisor or the division,  
 767 unless it is received within 5 days after the closing of the  
 768 books for an election, excluding Saturdays, Sundays, and legal  
 769 holidays, in which case the registration date is the book-  
 770 closing date.

771 (5)(a) A voter registration application contains all  
 772 information necessary to establish the applicant's eligibility  
 773 pursuant to s. 97.041 ~~is complete~~ if it contains:

- 774 1. The applicant's name.
- 775 2. The applicant's legal residence address.
- 776 3. The applicant's date of birth.
- 777 4. A mark in the checkbox affirming ~~An indication~~ that the  
 778 applicant is a citizen of the United States.

779           5. The applicant's Florida driver's license number, the  
780 identification number from a Florida identification card issued  
781 under s. 322.051, or the last four digits of the applicant's  
782 social security number.

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

786           7. A mark in the checkbox affirming ~~An indication~~ that the  
787 applicant has not been adjudicated mentally incapacitated with  
788 respect to voting or that, if so adjudicated, has had his or her  
789 right to vote restored.

790           8. The original signature of the applicant swearing or  
791 affirming under the penalty for false swearing pursuant to s.  
792 104.011 that the information contained in the registration  
793 application is true and subscribing to the oath required by s.  
794 3, Art. VI of the State Constitution and s. 97.051.

795           (b) An applicant who fails to designate party affiliation  
796 must be registered without party affiliation. The supervisor  
797 must notify the voter by mail that the voter has been registered  
798 without party affiliation and that the voter may change party  
799 affiliation as provided in s. 97.1031.

800           Section 7. Section 97.055, Florida Statutes, is amended to  
801 read:

802           97.055 Registration books; when closed for an election.--

803           (1) The registration books must be closed on the 29th day  
804 before each election and must remain closed until after that  
805 election. If an election is called and there are fewer than 29  
806 days before that election, the registration books must be closed

807 immediately. When the registration books are closed for an  
 808 election, only updates to a voter's name, address, and signature  
 809 pursuant to ss. 98.077 and 101.045 will be permitted for  
 810 purposes of the upcoming election. Voter registration  
 811 applications and party changes must be accepted but only for the  
 812 purpose of subsequent elections. However, party changes received  
 813 between the book-closing date of the first primary election and  
 814 the date of the second primary election are not effective until  
 815 after the second primary election.

816 (2) In computing the 29-day period for the closing of the  
 817 registration books, the day of the election is excluded and all  
 818 other days are included. If the 29th day preceding an election  
 819 falls on a Sunday or a legal holiday, the registration books  
 820 must be closed on the next day that is not a Sunday or a legal  
 821 holiday.

822 Section 8. Section 97.0575, Florida Statutes, is created  
 823 to read:

824 97.0575 Third-party voter registrations.--

825 (1) Prior to engaging in any voter registration  
 826 activities, a third-party voter registration organization shall  
 827 name a registered agent in the state and submit to the division,  
 828 in a form adopted by the division, the name of the registered  
 829 agent and the name of those individuals responsible for the day-  
 830 to-day operation of the third-party voter registration  
 831 organization including, if applicable, the names of the entity's  
 832 board of directors, president, vice president, managing partner,  
 833 or such other persons engaged in similar duties or functions. By  
 834 no later than the 15th day after the end of each calendar

835 quarter, each third-party voter registration organization shall  
 836 submit to the division a report providing the date and location  
 837 of any organized voter registration drives conducted by the  
 838 organization in the prior calendar quarter.

839 (2) The failure to submit the information required by  
 840 subsection (1) shall not subject the third-party voter  
 841 registration organization to any civil or criminal penalties for  
 842 such failure nor shall the failure to submit such information be  
 843 a basis to deny such third-party voter registration organization  
 844 with copies of voter registration application forms.

845 (3) A third-party voter registration organization that  
 846 collects voter registration applications serves as a fiduciary  
 847 to the applicant, ensuring that any voter registration  
 848 application entrusted to the third-party voter registration  
 849 organization, irrespective of party affiliation, race,  
 850 ethnicity, or gender, shall be promptly delivered to the  
 851 division or the supervisor of elections. If a voter registration  
 852 application collected by any third-party voter registration  
 853 organization is not delivered to the division or supervisor of  
 854 elections, then the individual collecting the voter registration  
 855 application, the registered agent, and those individuals  
 856 responsible for the day-to-day operation of the third-party  
 857 voter registration organization including, if applicable, the  
 858 entity's board of directors, president, vice president, managing  
 859 partner, or such other individuals engaged in similar duties or  
 860 functions, shall each be personally and jointly and severally  
 861 liable for the following fines:

862       (a) A fine in the amount of \$100 per application received  
 863 by the division or the supervisor of elections more than 10 days  
 864 after the applicant delivered the completed voter registration  
 865 application to the third-party voter registration organization  
 866 or any person, entity, or agent acting on its behalf.

867       (b) A fine in the amount of \$250 per application collected  
 868 by any third-party voter registration organization or any  
 869 person, entity, or agent acting on its behalf, prior to book  
 870 closing for any given election for federal or state office and  
 871 submitted to the division or the supervisor of elections after  
 872 the book closing deadline for such election.

873       (c) A fine in the amount of \$1,000 per application  
 874 collected by the third-party voter registration organization or  
 875 any person, entity, or agent acting on its behalf and not  
 876 submitted to the division or supervisor of elections.

877  
 878 Any person claiming to have been registered by a third-party  
 879 voter registration organization who does not appear as an active  
 880 voter on the voter registration rolls shall be presented with a  
 881 form adopted by the division to elicit additional information  
 882 regarding the facts and circumstances surrounding the soliciting  
 883 of the voter registration application. Any violation of this  
 884 section may be investigated by the division, and civil fines  
 885 shall be assessed by the division and enforced through any  
 886 appropriate legal proceedings. The civil fines contained herein  
 887 shall be in addition to any applicable criminal penalties. If  
 888 the third-party voter registration organization has complied  
 889 with the provisions of subsection (1), then the amount of the



890 finer imposed pursuant to this subsection shall be reduced by  
 891 three-fourths. The date on which the voter registration  
 892 application is signed by the applicant shall be presumed to be  
 893 the date on which the third-party voter registration  
 894 organization received or collected the voter registration  
 895 application.

896 (4) The amount of fines collected by the division pursuant  
 897 to this section shall be set aside by the division in a trust  
 898 fund administered by the department to be used for enforcement  
 899 of this section and for voter education.

900 (5) The division may adopt rules as necessary to implement  
 901 this section.

902 Section 9. Subsection (3) of section 98.045, Florida  
 903 Statutes, is amended to read:

904 98.045 Administration of voter registration.--

905 (3) Notwithstanding the provisions of s. ss. 98.095 and  
 906 98.0977, each supervisor shall maintain for at least 2 years,  
 907 and make available for public inspection and copying, all  
 908 records concerning implementation of registration list  
 909 maintenance programs and activities conducted pursuant to ss.  
 910 98.065, 98.075, and 98.0977. The records must include lists of  
 911 the name and address of each person to whom an address  
 912 confirmation final notice was sent and information as to whether  
 913 each such person responded to the mailing, but may not include  
 914 any information that is confidential or exempt from public  
 915 records requirements under this code.

916 Section 10. Section 98.077, Florida Statutes, is amended  
 917 to read:

918           98.077 Update of voter signature.--The supervisor of  
 919 elections shall provide to each registered voter of the county  
 920 the opportunity to update his or her signature on file at the  
 921 supervisor's office by providing notification of the ability to  
 922 do so in any correspondence, other than postcard notifications,  
 923 sent to the voter. The notice shall advise when, where, and how  
 924 to update the signature and shall provide the voter information  
 925 on how to obtain a form from the supervisor that can be returned  
 926 to update the signature. In addition, at least once during each  
 927 general election year, the supervisor shall publish in a  
 928 newspaper of general circulation or other newspaper in the  
 929 county deemed appropriate by the supervisor a notice specifying  
 930 when, where, or how a voter can update his or her signature that  
 931 is on file or how a voter can obtain a form from the supervisor  
 932 to do so. All signature updates for use in verifying absentee  
 933 and provisional ballots shall be received by the appropriate  
 934 supervisor of elections no later than 5 p.m. of the fifth day  
 935 prior to the election. The signature on file at 5 p.m. on the  
 936 fifth day before the election is the signature that shall be  
 937 used in verifying the signature on the absentee and provisional  
 938 ballot certificates.

939           Section 11. Section 99.061, Florida Statutes, is amended  
 940 to read:

941           99.061 Method of qualifying for nomination or election to  
 942 federal, state, county, or district office.--

943           (1) The provisions of any special act to the contrary  
 944 notwithstanding, each person seeking to qualify for nomination  
 945 or election to a federal, state, or multicounty district office,

946 other than election to a judicial office as defined in chapter  
 947 105 or the office of school board member, shall file his or her  
 948 qualification papers with, and pay the qualifying fee, which  
 949 shall consist of the filing fee and election assessment, and  
 950 party assessment, if any has been levied, to, the Department of  
 951 State, or qualify by the petition process pursuant to s. 99.095  
 952 ~~alternative method~~ with the Department of State, at any time  
 953 after noon of the 1st day for qualifying, which shall be as  
 954 follows: the 120th day prior to the first primary, but not later  
 955 than noon of the 116th day prior to the date of the first  
 956 primary, for persons seeking to qualify for nomination or  
 957 election to federal office; and noon of the 50th day prior to  
 958 the first primary, but not later than noon of the 46th day prior  
 959 to the date of the first primary, for persons seeking to qualify  
 960 for nomination or election to a state or multicounty district  
 961 office.

962 (2) The provisions of any special act to the contrary  
 963 notwithstanding, each person seeking to qualify for nomination  
 964 or election to a county office, or district or special district  
 965 office not covered by subsection (1), shall file his or her  
 966 qualification papers with, and pay the qualifying fee, which  
 967 shall consist of the filing fee and election assessment, and  
 968 party assessment, if any has been levied, to, the supervisor of  
 969 elections of the county, or shall qualify by the petition  
 970 process pursuant to s. 99.095 ~~alternative method~~ with the  
 971 supervisor of elections, at any time after noon of the 1st day  
 972 for qualifying, which shall be the 50th day prior to the first  
 973 primary or special district election, but not later than noon of

974 the 46th day prior to the date of the first primary or special  
975 district election. However, if a special district election is  
976 held at the same time as the second primary or general election,  
977 qualifying shall be the 50th day prior to the first primary, but  
978 not later than noon of the 46th day prior to the date of the  
979 first primary. Within 30 days after the closing of qualifying  
980 time, the supervisor of elections shall remit to the secretary  
981 of the state executive committee of the political party to which  
982 the candidate belongs the amount of the filing fee, two-thirds  
983 of which shall be used to promote the candidacy of candidates  
984 for county offices and the candidacy of members of the  
985 Legislature.

986 (3)(a) Each person seeking to qualify for election to  
987 office as a write-in candidate shall file his or her  
988 qualification papers with the respective qualifying officer at  
989 any time after noon of the 1st day for qualifying, but not later  
990 than noon of the last day of the qualifying period for the  
991 office sought.

992 (b) Any person who is seeking election as a write-in  
993 candidate shall not be required to pay a filing fee, election  
994 assessment, or party assessment. A write-in candidate shall not  
995 be entitled to have his or her name printed on any ballot;  
996 however, space for the write-in candidate's name to be written  
997 in shall be provided on the general election ballot. No person  
998 may qualify as a write-in candidate if the person has also  
999 otherwise qualified for nomination or election to such office.

1000 (4) At the time of qualifying for office, each candidate  
1001 for a constitutional office shall file a full and public

1002 disclosure of financial interests pursuant to s. 8, Art. II of  
 1003 the State Constitution, and a candidate for any other office,  
 1004 including local elective office, shall file a statement of  
 1005 financial interests pursuant to s. 112.3145.

1006 (5) The Department of State shall certify to the  
 1007 supervisor of elections, within 7 days after the closing date  
 1008 for qualifying, the names of all duly qualified candidates for  
 1009 nomination or election who have qualified with the Department of  
 1010 State.

1011 (6) Notwithstanding the qualifying period prescribed in  
 1012 this section, if a candidate has submitted the necessary  
 1013 petitions by the required deadline in order to qualify by the  
 1014 petition process pursuant to s. 99.095 ~~alternative method~~ as a  
 1015 candidate for nomination or election and the candidate is  
 1016 notified after the 5th day prior to the last day for qualifying  
 1017 that the required number of signatures has been obtained, the  
 1018 candidate is entitled to subscribe to the candidate's oath and  
 1019 file the qualifying papers at any time within 5 days from the  
 1020 date the candidate is notified that the necessary number of  
 1021 signatures has been obtained. Any candidate who qualifies within  
 1022 the time prescribed in this subsection is entitled to have his  
 1023 or her name printed on the ballot.

1024 (7)(a) In order for a candidate to be qualified, the  
 1025 following items must be received by the filing officer by the  
 1026 end of the qualifying period:

1027 1. A properly executed check drawn upon the candidate's  
 1028 campaign account in an amount not less than the fee required by  
 1029 s. 99.092 or, in lieu thereof, as applicable, the copy of the

1030 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~  
 1031 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~  
 1032 ~~99.096~~. If a candidate's check is returned by the bank for any  
 1033 reason, the filing officer shall immediately notify the  
 1034 candidate and the candidate shall, the end of qualifying  
 1035 notwithstanding, have 48 hours from the time such notification  
 1036 is received, excluding Saturdays, Sundays, and legal holidays,  
 1037 to pay the fee with a cashier's check purchased from funds of  
 1038 the campaign account. Failure to pay the fee as provided in this  
 1039 subparagraph shall disqualify the candidate.

1040 2. The candidate's oath required by s. 99.021, which must  
 1041 contain the name of the candidate as it is to appear on the  
 1042 ballot; the office sought, including the district or group  
 1043 number if applicable; and the signature of the candidate, duly  
 1044 acknowledged.

1045 3. The loyalty oath required by s. 876.05, signed by the  
 1046 candidate and duly acknowledged.

1047 4. If the office sought is partisan, the written statement  
 1048 of political party affiliation required by s. 99.021(1)(b).

1049 5. The completed form for the appointment of campaign  
 1050 treasurer and designation of campaign depository, as required by  
 1051 s. 106.021.

1052 6. The full and public disclosure or statement of  
 1053 financial interests required by subsection (4). A public officer  
 1054 who has filed the full and public disclosure or statement of  
 1055 financial interests with the Commission on Ethics or the  
 1056 supervisor of elections prior to qualifying for office may file  
 1057 a copy of that disclosure at the time of qualifying.

1058 (b) If the filing officer receives qualifying papers that  
 1059 do not include all items as required by paragraph (a) prior to  
 1060 the last day of qualifying, the filing officer shall make a  
 1061 reasonable effort to notify the candidate of the missing or  
 1062 incomplete items and shall inform the candidate that all  
 1063 required items must be received by the close of qualifying. A  
 1064 candidate's name as it is to appear on the ballot may not be  
 1065 changed after the end of qualifying.

1066 (8) Notwithstanding the qualifying period prescribed in  
 1067 this section, a qualifying officer may accept and hold  
 1068 qualifying papers submitted not earlier than 14 days prior to  
 1069 the beginning of the qualifying period to be processed and filed  
 1070 during the qualifying period.

1071 (9)~~(8)~~ Notwithstanding the qualifying period prescribed by  
 1072 this section, in each year in which the Legislature apportions  
 1073 the state, the qualifying period for persons seeking to qualify  
 1074 for nomination or election to federal office shall be between  
 1075 noon of the 57th day prior to the first primary, but not later  
 1076 than noon of the 53rd day prior to the first primary.

1077 (10)~~(9)~~ The Department of State may prescribe by rule  
 1078 requirements for filing papers to qualify as a candidate under  
 1079 this section.

1080 Section 12. Paragraph (d) of subsection (2) of section  
 1081 99.063, Florida Statutes, is amended to read:

1082 99.063 Candidates for Governor and Lieutenant Governor.--

1083 (2) No later than 5 p.m. of the 9th day following the  
 1084 second primary election, each designated candidate for  
 1085 Lieutenant Governor shall file with the Department of State:

1086 (d) The full and public disclosure of financial interests  
 1087 pursuant to s. 8, Art. II of the State Constitution. A public  
 1088 officer who has filed the full and public disclosure with the  
 1089 Commission on Ethics prior to qualifying for office may file a  
 1090 copy of that disclosure at the time of qualifying.

1091 Section 13. Subsection (1) of section 99.092, Florida  
 1092 Statutes, is amended to read:

1093 99.092 Qualifying fee of candidate; notification of  
 1094 Department of State.--

1095 (1) Each person seeking to qualify for nomination or  
 1096 election to any office, except a person seeking to qualify by  
 1097 the petition process ~~alternative method~~ pursuant to s. 99.095,  
 1098 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to qualify  
 1099 as a write-in candidate, shall pay a qualifying fee, which shall  
 1100 consist of a filing fee and election assessment, to the officer  
 1101 with whom the person qualifies, and any party assessment levied,  
 1102 and shall attach the original or signed duplicate of the receipt  
 1103 for his or her party assessment or pay the same, in accordance  
 1104 with the provisions of s. 103.121, at the time of filing his or  
 1105 her other qualifying papers. The amount of the filing fee is 3  
 1106 percent of the annual salary of the office. The amount of the  
 1107 election assessment is 1 percent of the annual salary of the  
 1108 office sought. The election assessment shall be deposited into  
 1109 the Elections Commission Trust Fund. The amount of the party  
 1110 assessment is 2 percent of the annual salary. The annual salary  
 1111 of the office for purposes of computing the filing fee, election  
 1112 assessment, and party assessment shall be computed by  
 1113 multiplying 12 times the monthly salary, excluding any special



1114 qualification pay, authorized for such office as of July 1  
 1115 immediately preceding the first day of qualifying. No qualifying  
 1116 fee shall be returned to the candidate unless the candidate  
 1117 withdraws his or her candidacy before the last date to qualify.  
 1118 If a candidate dies prior to an election and has not withdrawn  
 1119 his or her candidacy before the last date to qualify, the  
 1120 candidate's qualifying fee shall be returned to his or her  
 1121 designated beneficiary, and, if the filing fee or any portion  
 1122 thereof has been transferred to the political party of the  
 1123 candidate, the Secretary of State shall direct the party to  
 1124 return that portion to the designated beneficiary of the  
 1125 candidate.

1126 Section 14. Section 99.095, Florida Statutes, is amended  
 1127 to read:

1128 (Substantial rewording of section. See  
 1129 s. 99.095, F.S., for present text.)

1130 99.095 Petition process in lieu of qualifying fee and  
 1131 party assessment.--

1132 (1) A person seeking to qualify as a candidate for any  
 1133 office is not required to pay the qualifying fee or party  
 1134 assessment required by this chapter if he or she meets the  
 1135 petition requirements of this section.

1136 (2)(a) A candidate shall obtain the number of signatures  
 1137 of voters in the geographical area represented by the office  
 1138 sought equal to at least 1 percent of the total number of  
 1139 registered voters of that geographical area, as shown by the  
 1140 compilation by the department for the last preceding general  
 1141 election. Signatures may not be obtained until the candidate has

1142 filed the appointment of campaign treasurer and designation of  
 1143 campaign depository pursuant to s. 106.021.

1144 (b) The format of the petition shall be prescribed by the  
 1145 division and shall be used by candidates to reproduce petitions  
 1146 for circulation. If the candidate is running for an office that  
 1147 requires a group or district designation, the petition must  
 1148 indicate that designation, and, if it does not, the signatures  
 1149 are not valid. A separate petition is required for each voter.

1150 (3) Each petition shall be submitted before noon of the  
 1151 28th day preceding the first day of the qualifying period for  
 1152 the office sought to the supervisor of elections of the county  
 1153 in which such petition was circulated. Each supervisor shall  
 1154 check the signatures on the petitions to verify their status as  
 1155 voters in the county, district, or other geographical area  
 1156 represented by the office sought. No later than the 7th day  
 1157 before the first day of the qualifying period, the supervisor  
 1158 shall certify the number of valid signatures.

1159 (4)(a) Certifications for candidates for federal, state,  
 1160 or multicounty district office shall be submitted by the  
 1161 supervisor to the division. The division shall determine whether  
 1162 the required number of signatures has been obtained and shall  
 1163 notify the candidate of its determination.

1164 (b) For candidates for county or district office not  
 1165 covered by paragraph (a), the supervisor shall determine whether  
 1166 the required number of signatures has been obtained and shall  
 1167 notify the candidate of his or her determination.

1168           (5) If the required number of signatures has been  
 1169 obtained, the candidate is eligible to qualify pursuant to s.  
 1170 99.061.

1171           Section 15. Section 99.0955, Florida Statutes, is amended  
 1172 to read:

1173           99.0955 Candidates with no party affiliation; name on  
 1174 general election ballot.--

1175           (1) Each person seeking to qualify for election as a  
 1176 candidate with no party affiliation shall file his or her  
 1177 qualifying ~~qualification~~ papers and pay the qualifying fee or  
 1178 qualify by the petition process pursuant to s. 99.095,  
 1179 ~~alternative method prescribed in subsection (3)~~ with the officer  
 1180 and during the times and under the circumstances prescribed in  
 1181 s. 99.061. Upon qualifying, the candidate is entitled to have  
 1182 his or her name placed on the general election ballot.

1183           (2) The qualifying fee for candidates with no party  
 1184 affiliation shall consist of a filing fee and an election  
 1185 assessment as prescribed in s. 99.092. ~~The amount of the filing~~  
 1186 ~~fee is 3 percent of the annual salary of the office sought. The~~  
 1187 ~~amount of the election assessment is 1 percent of the annual~~  
 1188 ~~salary of the office sought. The election assessment shall be~~  
 1189 ~~deposited into the Elections Commission Trust Fund. Filing fees~~  
 1190 paid to the Department of State shall be deposited into the  
 1191 General Revenue Fund of the state. Filing fees paid to the  
 1192 supervisor of elections shall be deposited into the general  
 1193 revenue fund of the county.

1194           ~~(3)(a) A candidate with no party affiliation may, in lieu~~  
 1195 ~~of paying the qualifying fee, qualify for office by the~~

1196 ~~alternative method prescribed in this subsection. A candidate~~  
 1197 ~~using this petitioning process shall file an oath with the~~  
 1198 ~~officer before whom the candidate would qualify for the office~~  
 1199 ~~stating that he or she intends to qualify by this alternative~~  
 1200 ~~method. If the person is running for an office that requires a~~  
 1201 ~~group or district designation, the candidate must indicate the~~  
 1202 ~~designation in his or her oath. The oath shall be filed at any~~  
 1203 ~~time after the first Tuesday after the first Monday in January~~  
 1204 ~~of the year in which the election is held, but before the 21st~~  
 1205 ~~day preceding the first day of the qualifying period for the~~  
 1206 ~~office sought. The Department of State shall prescribe the form~~  
 1207 ~~to be used in administering and filing the oath. Signatures may~~  
 1208 ~~not be obtained by a candidate on any petition until the~~  
 1209 ~~candidate has filed the oath required in this subsection. Upon~~  
 1210 ~~receipt of the written oath from a candidate, the qualifying~~  
 1211 ~~officer shall provide the candidate with petition forms in~~  
 1212 ~~sufficient numbers to facilitate the gathering of signatures. If~~  
 1213 ~~the candidate is running for an office that requires a group or~~  
 1214 ~~district designation, the petition must indicate that~~  
 1215 ~~designation or the signatures obtained on the petition will not~~  
 1216 ~~be counted.~~

1217 ~~(b) A candidate shall obtain the signatures of a number of~~  
 1218 ~~qualified electors in the geographical entity represented by the~~  
 1219 ~~office sought equal to 1 percent of the registered electors of~~  
 1220 ~~the geographical entity represented by the office sought, as~~  
 1221 ~~shown by the compilation by the Department of State for the~~  
 1222 ~~preceding general election.~~

1223           ~~(c) Each petition must be submitted before noon of the~~  
 1224 ~~21st day preceding the first day of the qualifying period for~~  
 1225 ~~the office sought, to the supervisor of elections of the county~~  
 1226 ~~for which such petition was circulated. Each supervisor to whom~~  
 1227 ~~a petition is submitted shall check the signatures on the~~  
 1228 ~~petition to verify their status as electors in the county,~~  
 1229 ~~district, or other geographical entity represented by the office~~  
 1230 ~~sought. Before the first day for qualifying, the supervisor~~  
 1231 ~~shall certify the number shown as registered electors.~~

1232           ~~(d)1. Certifications for candidates for federal, state, or~~  
 1233 ~~multicounty district office shall be submitted to the Department~~  
 1234 ~~of State. The Department of State shall determine whether the~~  
 1235 ~~required number of signatures has been obtained for the name of~~  
 1236 ~~the candidate to be placed on the ballot and shall notify the~~  
 1237 ~~candidate.~~

1238           ~~2. For candidates for county or district office not~~  
 1239 ~~covered by subparagraph 1., the supervisor of elections shall~~  
 1240 ~~determine whether the required number of signatures has been~~  
 1241 ~~obtained for the name of the candidate to be placed on the~~  
 1242 ~~ballot and shall notify the candidate.~~

1243           ~~(e) If the required number of signatures has been~~  
 1244 ~~obtained, the candidate shall, during the time prescribed for~~  
 1245 ~~qualifying for office, submit a copy of the notice received~~  
 1246 ~~under paragraph (d) and file his or her qualifying papers and~~  
 1247 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1248           Section 16. Section 99.096, Florida Statutes, is amended  
 1249 to read:

1250           99.096 Minor political party candidates; names on  
 1251 ballot.--

1252           (1) The executive committee of a minor political party  
 1253 shall, no later than noon of the third day prior to the first  
 1254 day of the qualifying period prescribed for federal candidates,  
 1255 submit to the Department of State a list of federal candidates  
 1256 nominated by the party to be on the general election ballot. ~~and~~  
 1257 No later than noon of the third day prior to the first day of  
 1258 the qualifying period for state candidates, the executive  
 1259 committee of a minor political party shall ~~submit to the~~  
 1260 ~~Department of State~~ the official list of the state, multicounty,  
 1261 and county ~~respective~~ candidates nominated by that party to be  
 1262 on the ballot in the general election to the filing officer for  
 1263 each of the candidates. ~~The Department of State shall notify the~~  
 1264 ~~appropriate supervisors of elections of the name of each minor~~  
 1265 ~~party candidate eligible to qualify before such supervisor.~~ The  
 1266 official list of nominated candidates may not be changed by the  
 1267 party after having been filed with the filing officers  
 1268 ~~Department of State, except that candidates who have qualified~~  
 1269 ~~may withdraw from the ballot pursuant to the provisions of this~~  
 1270 ~~code, and~~ vacancies in nominations may be filled pursuant to s.  
 1271 100.111.

1272           (2) Each person seeking to qualify for election as a  
 1273 candidate of a minor political party shall file his or her  
 1274 qualifying ~~qualification~~ papers with, and pay the qualifying fee  
 1275 and, if one has been levied, the party assessment, or qualify by  
 1276 the petition process pursuant to s. 99.095 ~~alternative method~~

1277 ~~prescribed in subsection (3), with the officer and at the times~~  
 1278 ~~and under the circumstances provided in s. 99.061.~~

1279 ~~(3)(a) A minor party candidate may, in lieu of paying the~~  
 1280 ~~qualifying fee and party assessment, qualify for office by the~~  
 1281 ~~alternative method prescribed in this subsection. A candidate~~  
 1282 ~~using this petitioning process shall file an oath with the~~  
 1283 ~~officer before whom the candidate would qualify for the office~~  
 1284 ~~stating that he or she intends to qualify by this alternative~~  
 1285 ~~method. If the person is running for an office that requires a~~  
 1286 ~~group or district designation, the candidate must indicate the~~  
 1287 ~~designation in his or her oath. The oath must be filed at any~~  
 1288 ~~time after the first Tuesday after the first Monday in January~~  
 1289 ~~of the year in which the election is held, but before the 21st~~  
 1290 ~~day preceding the first day of the qualifying period for the~~  
 1291 ~~office sought. The Department of State shall prescribe the form~~  
 1292 ~~to be used in administering and filing the oath. Signatures may~~  
 1293 ~~not be obtained by a candidate on any petition until the~~  
 1294 ~~candidate has filed the oath required in this section. Upon~~  
 1295 ~~receipt of the written oath from a candidate, the qualifying~~  
 1296 ~~officer shall provide the candidate with petition forms in~~  
 1297 ~~sufficient numbers to facilitate the gathering of signatures. If~~  
 1298 ~~the candidate is running for an office that requires a group or~~  
 1299 ~~district designation, the petition must indicate that~~  
 1300 ~~designation or the signatures on such petition will not be~~  
 1301 ~~counted.~~

1302 ~~(b) A candidate shall obtain the signatures of a number of~~  
 1303 ~~qualified electors in the geographical entity represented by the~~  
 1304 ~~office sought equal to 1 percent of the registered electors in~~

1305 ~~the geographical entity represented by the office sought, as~~  
 1306 ~~shown by the compilation by the Department of State for the last~~  
 1307 ~~preceding general election.~~

1308 ~~(c) Each petition shall be submitted prior to noon of the~~  
 1309 ~~21st day preceding the first day of the qualifying period for~~  
 1310 ~~the office sought to the supervisor of elections of the county~~  
 1311 ~~for which the petition was circulated. Each supervisor to whom a~~  
 1312 ~~petition is submitted shall check the signatures on the petition~~  
 1313 ~~to verify their status as electors in the county, district, or~~  
 1314 ~~other geographical entity represented by the office sought.~~  
 1315 ~~Before the first day for qualifying, the supervisor shall~~  
 1316 ~~certify the number shown as registered electors.~~

1317 ~~(d)1. Certifications for candidates for federal, state, or~~  
 1318 ~~multicounty district office shall be submitted to the Department~~  
 1319 ~~of State. The Department of State shall determine whether the~~  
 1320 ~~required number of signatures has been obtained for the name of~~  
 1321 ~~the candidate to be placed on the ballot and shall notify the~~  
 1322 ~~candidate.~~

1323 ~~2. For candidates for county or district office not~~  
 1324 ~~covered by subparagraph 1., the supervisor of elections shall~~  
 1325 ~~determine whether the required number of signatures has been~~  
 1326 ~~obtained for the name of the candidate to be placed on the~~  
 1327 ~~ballot and shall notify the candidate.~~

1328 ~~(e) If the required number of signatures has been~~  
 1329 ~~obtained, the candidate shall, during the prescribed time for~~  
 1330 ~~qualifying for office, submit a copy of the notice received~~  
 1331 ~~under paragraph (d) and file his or her qualifying papers and~~  
 1332 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~



1333           ~~(4) A minor party candidate whose name has been submitted~~  
 1334 ~~pursuant to subsection (1) and who has qualified for office is~~  
 1335 ~~entitled to have his or her name placed on the general election~~  
 1336 ~~ballot.~~

1337           Section 17. Subsection (1) of section 99.09651, Florida  
 1338 Statutes, is amended to read:

1339           99.09651 Signature requirements for ballot position in  
 1340 year of apportionment.--

1341           (1) In a year of apportionment, any candidate for  
 1342 representative to Congress, state Senate, or state House of  
 1343 Representatives seeking ballot position by the petition process  
 1344 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~  
 1345 ~~99.096~~ shall obtain at least the number of signatures equal to  
 1346 one-third of 1 percent of the ideal population for the district  
 1347 of the office being sought.

1348           Section 18. Subsection (1) of section 100.011, Florida  
 1349 Statutes, is amended to read:

1350           100.011 Opening and closing of polls, all elections;  
 1351 expenses.--

1352           (1) The polls shall be open at the voting places at 7:00  
 1353 a.m., on the day of the election, and shall be kept open until  
 1354 7:00 p.m., of the same day, and the time shall be regulated by  
 1355 the customary time in standard use in the county seat of the  
 1356 locality. The inspectors shall make public proclamation of the  
 1357 opening and closing of the polls. During the election and  
 1358 canvass of the votes, the ballot box shall not be concealed. Any  
 1359 elector in line at the official closing of the polls shall be  
 1360 allowed to cast a vote in the election.

1361 Section 19. Subsection (5) of section 100.101, Florida  
 1362 Statutes, is amended to read:

1363 100.101 Special elections and special primary  
 1364 elections.--Except as provided in s. 100.111(2), a special  
 1365 election or special primary election shall be held in the  
 1366 following cases:

1367 ~~(5) If a vacancy occurs in nomination.~~

1368 Section 20. Paragraph (c) of subsection (3) and  
 1369 subsections (4) and (6) of section 100.111, Florida Statutes,  
 1370 are amended to read:

1371 100.111 Filling vacancy.--

1372 (3) Whenever there is a vacancy for which a special  
 1373 election is required pursuant to s. 100.101~~(1)~~~~(4)~~, the  
 1374 Governor, after consultation with the Secretary of State, shall  
 1375 fix the date of a special first primary election, a special  
 1376 second primary election, and a special election. Nominees of  
 1377 political parties other than minor political parties shall be  
 1378 chosen under the primary laws of this state in the special  
 1379 primary elections to become candidates in the special election.  
 1380 Prior to setting the special election dates, the Governor shall  
 1381 consider any upcoming elections in the jurisdiction where the  
 1382 special election will be held. The dates fixed by the Governor  
 1383 shall be specific days certain and shall not be established by  
 1384 the happening of a condition or stated in the alternative. The  
 1385 dates fixed shall provide a minimum of 2 weeks between each  
 1386 election. In the event a vacancy occurs in the office of state  
 1387 senator or member of the House of Representatives when the  
 1388 Legislature is in regular legislative session, the minimum times

1389 prescribed by this subsection may be waived upon concurrence of  
 1390 the Governor, the Speaker of the House of Representatives, and  
 1391 the President of the Senate. If a vacancy occurs in the office  
 1392 of state senator and no session of the Legislature is scheduled  
 1393 to be held prior to the next general election, the Governor may  
 1394 fix the dates for any special primary and for the special  
 1395 election to coincide with the dates of the first and second  
 1396 primary and general election. If a vacancy in office occurs in  
 1397 any district in the state Senate or House of Representatives or  
 1398 in any congressional district, and no session of the  
 1399 Legislature, or session of Congress if the vacancy is in a  
 1400 congressional district, is scheduled to be held during the  
 1401 unexpired portion of the term, the Governor is not required to  
 1402 call a special election to fill such vacancy.

1403 (c) The dates for a candidate to qualify by the petition  
 1404 process ~~alternative method~~ in such special primary or special  
 1405 election shall be fixed by the Department of State. In fixing  
 1406 such dates the Department of State shall take into consideration  
 1407 and be governed by the practical time limitations. Any candidate  
 1408 seeking to qualify by the petition ~~alternative method~~ in a  
 1409 special primary election shall obtain 25 percent of the  
 1410 signatures required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~  
 1411 ~~applicable.~~

1412 (4)(a) In the event that death, ~~resignation, withdrawal,~~  
 1413 ~~removal, or any other cause or event~~ should cause a party to  
 1414 have a vacancy in nomination which leaves no candidate for an  
 1415 office from such party, the ~~Governor shall, after conferring~~  
 1416 ~~with the Secretary of State, call a special primary election~~

1417 ~~and, if necessary, a second special primary election to select~~  
 1418 ~~for such office a nominee of such political party. The dates on~~  
 1419 ~~which candidates may qualify for such special primary election~~  
 1420 ~~shall be fixed by the Department of State, and the candidates~~  
 1421 ~~shall qualify no later than noon of the last day so fixed. The~~  
 1422 ~~filing of campaign expense statements by candidates in special~~  
 1423 ~~primaries shall not be later than such dates as shall be fixed~~  
 1424 ~~by the Department of State. In fixing such dates, the Department~~  
 1425 ~~of State shall take into consideration and be governed by the~~  
 1426 ~~practical time limitations. The qualifying fees and party~~  
 1427 ~~assessment of such candidates as may qualify shall be the same~~  
 1428 ~~as collected for the same office at the last previous primary~~  
 1429 ~~for that office. Each county canvassing board shall make as~~  
 1430 ~~speedy a return of the results of such primaries as time will~~  
 1431 ~~permit, and the Elections Canvassing Commission shall likewise~~  
 1432 ~~make as speedy a canvass and declaration of the nominees as time~~  
 1433 ~~will permit.~~

1434 ~~(b) If the vacancy in nomination occurs later than~~  
 1435 ~~September 15, or if the vacancy in nomination occurs with~~  
 1436 ~~respect to a candidate of a minor political party which has~~  
 1437 ~~obtained a position on the ballot, no special primary election~~  
 1438 ~~shall be held and the Department of State shall notify the chair~~  
 1439 ~~of the appropriate state, district, or county political party~~  
 1440 ~~executive committee of such party; and, within 5 7 days, the~~  
 1441 ~~chair shall call a meeting of his or her executive committee to~~  
 1442 ~~consider designation of a nominee to fill the vacancy. The name~~  
 1443 ~~of any person so designated shall be submitted to the Department~~  
 1444 ~~of State within 7 14 days of notice to the chair in order that~~

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1445 the person designated may have his or her name ~~printed or~~  
1446 ~~otherwise placed~~ on the ballot of the ensuing general election,  
1447 ~~but in no event shall the supervisor of elections be required to~~  
1448 ~~place on a ballot a name submitted less than 21 days prior to~~  
1449 ~~the election. However, if the name of the new nominee is~~  
1450 submitted after the certification of results of the preceding  
1451 primary election, the ballots shall not be changed and vacancy  
1452 ~~occurs less than 21 days prior to the election, the person~~  
1453 ~~designated by the political party will replace the former party~~  
1454 ~~nominee even though the former party nominee's name will appear~~  
1455 ~~be~~ on the ballot. Any ballots cast for the former party nominee  
1456 will be counted for the person designated by the political party  
1457 to replace the former party nominee. If there is no opposition  
1458 to the party nominee, the person designated by the political  
1459 party to replace the former party nominee will be elected to  
1460 office at the general election. For purposes of this paragraph,  
1461 the term "district political party executive committee" means  
1462 the members of the state executive committee of a political  
1463 party from those counties comprising the area involving a  
1464 district office.

1465 (b)(e) When, under the circumstances set forth in the  
1466 preceding paragraph, vacancies in nomination are ~~required to be~~  
1467 filled by committee nominations, such vacancies shall be filled  
1468 by party rule. In any instance in which a nominee is selected by  
1469 a committee to fill a vacancy in nomination, such nominee shall  
1470 pay the same filing fee and take the same oath as the nominee  
1471 would have taken had he or she regularly qualified for election  
1472 to such office.

1473           ~~(d) Any person who, at the close of qualifying as~~  
 1474 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~  
 1475 ~~nomination or election to or retention in a public office to be~~  
 1476 ~~filled at the ensuing general election is prohibited from~~  
 1477 ~~qualifying as a candidate to fill a vacancy in nomination for~~  
 1478 ~~any other office to be filled at that general election, even if~~  
 1479 ~~such person has withdrawn or been eliminated as a candidate for~~  
 1480 ~~the original office sought. However, this paragraph does not~~  
 1481 ~~apply to a candidate for the office of Lieutenant Governor who~~  
 1482 ~~applies to fill a vacancy in nomination for the office of~~  
 1483 ~~Governor on the same ticket or to a person who has withdrawn or~~  
 1484 ~~been eliminated as a candidate and who is subsequently~~  
 1485 ~~designated as a candidate for Lieutenant Governor under s.~~  
 1486 ~~99.063.~~

1487           ~~(6) In the event that a vacancy occurs which leaves less~~  
 1488 ~~than 4 weeks for a candidate seeking to qualify by the~~  
 1489 ~~alternative method to gather signatures for ballot position, the~~  
 1490 ~~number of signatures required for ballot placement shall be 25~~  
 1491 ~~percent of the number of signatures required by s. 99.095, s.~~  
 1492 ~~99.0955, or s. 99.096, whichever is applicable.~~

1493           Section 21. Subsections (1) and (2) of section 100.141,  
 1494 Florida Statutes, are amended to read:

1495           100.141 Notice of special election to fill any vacancy in  
 1496 office ~~or nomination~~.--

1497           (1) Whenever a special election is required to fill any  
 1498 vacancy in office ~~or nomination~~, the Governor, after  
 1499 consultation with the Secretary of State, shall issue an order

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1500 declaring on what day the election shall be held and deliver the  
 1501 order to the Department of State.

1502 (2) The Department of State shall prepare a notice stating  
 1503 what offices ~~and vacancies~~ are to be filled in the special  
 1504 election, the date set for each special primary election and the  
 1505 special election, the dates fixed for qualifying for office, the  
 1506 dates fixed for qualifying by the petition process ~~alternative~~  
 1507 ~~method~~, and the dates fixed for filing campaign expense  
 1508 statements.

1509 Section 22.031, Florida Statutes, is amended to read:  
 1510 101.031 Instructions for electors.--

1511 (2) The supervisor of elections in each county shall have  
 1512 posted at each polling place in the county the Voter's Bill of  
 1513 Rights and Responsibilities in the following form:

1514  
 1515 VOTER'S BILL OF RIGHTS

1516  
 1517 Each registered voter in this state has the right to:

- 1518 1. Vote and have his or her vote accurately counted.
- 1519 2. Cast a vote if he or she is in line at the official  
 1520 closing of the polls in that county.
- 1521 3. Ask for and receive assistance in voting.
- 1522 4. Receive up to two replacement ballots if he or she  
 1523 makes a mistake prior to the ballot being cast.
- 1524 5. An explanation if his or her registration is in  
 1525 question.
- 1526 6. If his or her registration or identity is in question,  
 1527 cast a provisional ballot.

1528 ~~7. Prove his or her identity by signing an affidavit if~~  
 1529 ~~election officials doubt the voter's identity.~~

1530 7.8. Written instructions to use when voting, and, upon  
 1531 request, oral instructions in voting from elections officers.

1532 8.9. Vote free from coercion or intimidation by elections  
 1533 officers or any other person.

1534 9.10. Vote on a voting system that is in working condition  
 1535 and that will allow votes to be accurately cast.

1536

1537 VOTER RESPONSIBILITIES

1538

1539 Each registered voter in this state should:

1540 1. Familiarize himself or herself with the candidates and  
 1541 issues.

1542 2. Maintain with the office of the supervisor of elections  
 1543 a current address.

1544 3. Know the location of his or her polling place and its  
 1545 hours of operation.

1546 4. Bring proper identification to the polling station.

1547 5. Familiarize himself or herself with the operation of  
 1548 the voting equipment in his or her precinct.

1549 6. Treat precinct workers with courtesy.

1550 7. Respect the privacy of other voters.

1551 8. Report any problems or violations of election laws to  
 1552 the supervisor of elections.

1553 9. Ask questions, if needed.

1554 10. Make sure that his or her completed ballot is correct  
 1555 before leaving the polling station.



1556  
 1557 NOTE TO VOTER: Failure to perform any of these responsibilities  
 1558 does not prohibit a voter from voting.

1559 Section 23. Subsections (2) and (3) of section 101.043,  
 1560 Florida Statutes, are amended to read:

1561 101.043 Identification required at polls.--

1562 (2) ~~Except as provided in subsection (3), if the elector~~  
 1563 ~~fails to furnish the required identification, or if the clerk or~~  
 1564 ~~inspector is in doubt as to the identity of the elector, such~~  
 1565 ~~clerk or inspector shall follow the procedure prescribed in s.~~  
 1566 ~~101.49.~~

1567 ~~(3) If the elector who fails to furnish the required~~  
 1568 ~~identification is a first-time voter who registered by mail and~~  
 1569 ~~has not provided the required identification to the supervisor~~  
 1570 ~~of elections prior to election day, the elector shall be allowed~~  
 1571 ~~to vote a provisional ballot. The canvassing board shall~~  
 1572 ~~determine the validity of the ballot pursuant to s. 101.048(2).~~

1573 Section 24. Section 101.048, Florida Statutes, is amended  
 1574 to read:

1575 101.048 Provisional ballots.--

1576 (1) At all elections, a voter claiming to be properly  
 1577 registered in the county and eligible to vote at the precinct in  
 1578 the election, but whose eligibility cannot be determined, a  
 1579 person who an election official asserts is not eligible and  
 1580 other persons specified in the code shall be entitled to vote a  
 1581 provisional ballot. Once voted, the provisional ballot shall be  
 1582 placed in a secrecy envelope and thereafter sealed in a  
 1583 provisional ballot envelope. The provisional ballot shall be

1584 deposited in a ballot box. All provisional ballots shall remain  
 1585 sealed in their envelopes for return to the supervisor of  
 1586 elections. The department shall prescribe the form of the  
 1587 provisional ballot envelope. A person casting a provisional  
 1588 ballot shall have the right to present written evidence  
 1589 supporting his or her eligibility to vote to the supervisor of  
 1590 elections by not later than 5 p.m. on the third day following  
 1591 the election.

1592 (2)(a) The county canvassing board shall examine each  
 1593 Provisional Ballot Voter's Certificate and Affirmation envelope  
 1594 to determine if the person voting that ballot was entitled to  
 1595 vote at the precinct where the person cast a vote in the  
 1596 election and that the person had not already cast a ballot in  
 1597 the election. In determining whether a person casting a  
 1598 provisional ballot is entitled to vote, the county canvassing  
 1599 board shall review the information provided on the Voter's  
 1600 Certificate and Affirmation, written evidence provided by the  
 1601 person casting the provisional ballot pursuant to subsection  
 1602 (1), any other evidence presented by the supervisor of  
 1603 elections, and, in the case of a challenge, any evidence  
 1604 presented by the challenger. A ballot of a person casting a  
 1605 provisional ballot should be counted unless, by a preponderance  
 1606 of the evidence, the canvassing board determines that the person  
 1607 was not entitled to vote.

1608 (b)1. If it is determined that the person was registered  
 1609 and entitled to vote at the precinct where the person cast a  
 1610 vote in the election, the canvassing board shall compare the  
 1611 signature on the Provisional Ballot Voter's Certificate and

1612 Affirmation ~~envelope~~ with the signature on the voter's  
 1613 registration and, if it matches, shall count the ballot.

1614 2. If it is determined that the person voting the  
 1615 provisional ballot was not registered or entitled to vote at the  
 1616 precinct where the person cast a vote in the election, the  
 1617 provisional ballot shall not be counted and the ballot shall  
 1618 remain in the envelope containing the Provisional Ballot Voter's  
 1619 Certificate and Affirmation and the envelope shall be marked  
 1620 "Rejected as Illegal."

1621 (3) The Provisional Ballot Voter's Certificate and  
 1622 Affirmation shall be in substantially the following form:

1623  
 1624 STATE OF FLORIDA  
 1625 COUNTY OF \_\_\_\_\_

1626  
 1627 I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that  
 1628 my date of birth is \_\_\_\_\_; that I am registered and qualified to  
 1629 vote ~~and at the time I registered I resided at \_\_\_\_\_, in the~~  
 1630 ~~municipality of \_\_\_\_\_, in \_\_\_\_\_ County, Florida;~~ that I am  
 1631 registered in the \_\_\_\_\_ Party; that I am a qualified voter of  
 1632 the county; and that I have not voted in this election. I  
 1633 understand that if I commit any fraud in connection with voting,  
 1634 vote a fraudulent ballot, or vote more than once in an election,  
 1635 I can be convicted of a felony of the third degree and fined up  
 1636 to \$5,000 and/or imprisoned for up to 5 years.

1637 (Signature of Voter)  
 1638 (Current Residence Address)  
 1639 (Current Mailing Address)

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1640 (City, State, Zip Code)  
 1641 (Driver's License Number or Last Four Digits of Social  
 1642 Security Number)  
 1643  
 1644 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 1645 (year).  
 1646 (Election Official)

1647  
 1648 Precinct # \_\_\_\_\_ Ballot Style/Party Issued: \_\_\_\_\_

1649 (4) Notwithstanding the requirements of subsections (1)  
 1650 through (3) In counties where the voting system does not utilize  
 1651 a paper ballot, the supervisor of elections may, and for persons  
 1652 with disabilities shall, provide the appropriate provisional  
 1653 ballot to the voter by electronic means that meet the  
 1654 requirements of s. 101.56062 as provided for by the certified  
 1655 voting system. Each person casting a provisional ballot by  
 1656 electronic means shall, prior to casting his or her ballot,  
 1657 complete the Provisional Ballot Voter's Certificate and  
 1658 Affirmation as provided in subsection (3).

1659 (5) Each person casting a provisional ballot shall be  
 1660 given written instructions regarding the person's right to  
 1661 provide the supervisor of elections with written evidence of  
 1662 their eligibility to vote and the free access system established  
 1663 pursuant to subsection (6). The instructions shall contain  
 1664 information on how to access the system and the information the  
 1665 voter will need to provide to obtain information on his or her  
 1666 particular ballot. The instructions shall also include the  
 1667 following statement: "If this is a primary election, you should

1668 | contact the supervisor of elections' office immediately to  
 1669 | confirm that you are registered and can vote in the general  
 1670 | election."

1671 |         (6) Each supervisor of elections shall establish a free  
 1672 | access system that allows each person who casts a provisional  
 1673 | ballot to determine whether his or her provisional ballot was  
 1674 | counted in the final canvass of votes and, if not, the reasons  
 1675 | why. Information regarding provisional ballots shall be  
 1676 | available no later than 30 days following the election. The  
 1677 | system established must restrict information regarding an  
 1678 | individual ballot to the person who cast the ballot.

1679 |         Section 25. Subsection (5) of section 101.049, Florida  
 1680 | Statutes, is amended to read:

1681 |         101.049 Provisional ballots; special circumstances.--

1682 |         (5) As an alternative, provisional ballots cast pursuant  
 1683 | to this section may, and for persons with disabilities shall, be  
 1684 | cast in accordance with the provisions of s. 101.048(4).

1685 |         Section 26. Subsection (2) of section 101.051, Florida  
 1686 | Statutes, is amended, subsection (5) is renumbered as subsection  
 1687 | (6), and a new subsection (5) is added to said section, to read:

1688 |         101.051 Electors seeking assistance in casting ballots;  
 1689 | oath to be executed; forms to be furnished.--

1690 |         (2) It is unlawful for any person to be in the voting  
 1691 | booth with any elector except as provided in subsection (1). At  
 1692 | the polling place or early voting site or within 100 feet of the  
 1693 | entrance of such locations, it is unlawful for any person to  
 1694 | solicit any elector in an effort to provide such elector  
 1695 | assistance to vote pursuant to subsection (1). Any person

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1696 violating this section commits a felony of the third degree,  
 1697 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1698 (5) If an elector needing assistance requests that a  
 1699 person other than an election official provide him or her  
 1700 assistance to vote, the clerk or one of the inspectors shall  
 1701 require the person providing assistance to take the following  
 1702 oath:

1704 DECLARATION TO PROVIDE ASSISTANCE

1706 State of Florida

1707 County of \_\_\_\_\_

1708 Date: \_\_\_\_\_

1709 Precinct # \_\_\_\_\_

1710 I, (print name), have been requested by (print name of elector  
 1711 needing assistance) to provide him or her with assistance to  
 1712 vote. I swear or affirm that I am not the employer, an agent of  
 1713 the employer, or an officer or agent of the union of the voter  
 1714 and that I have not solicited this voter at the polling place or  
 1715 early voting site or within 100 feet of such locations in an  
 1716 effort to provide assistance.

1717 Signature of assistor

1718 Sworn and subscribed to before me this \_\_\_\_\_ day of  
 1719 \_\_\_\_\_, (year).

1720 Signature of Official Administering Oath

1721 (6)+(5) The supervisor of elections shall deliver a  
 1722 sufficient number of these forms to each precinct, along with  
 1723 other election paraphernalia.

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1724 Section 27. Section 101.111, Florida Statutes, is amended  
 1725 to read:

1726 101.111 Person desiring to vote may be challenged;  
 1727 challenger to execute oath; oath of person challenged;  
 1728 determination of challenge.--

1729 (1) When the right to vote of any person who desires to  
 1730 vote is challenged by any elector or poll watcher, the challenge  
 1731 shall be reduced to writing with an oath as provided in this  
 1732 section, giving reasons for the challenge, which shall be  
 1733 delivered to the clerk or inspector. Any elector or poll watcher  
 1734 challenging the right of a person to vote shall execute the oath  
 1735 set forth below:

1736  
 1737 OATH OF PERSON ENTERING CHALLENGE

1738  
 1739 State of Florida  
 1740 County of \_\_\_\_\_

1741  
 1742 I do solemnly swear that my name is \_\_\_\_\_; that I am a member of  
 1743 the \_\_\_\_\_ party; that I am a registered voter or poll watcher  
 1744 ~~\_\_\_\_\_ years old~~; that my residence address is \_\_\_\_\_, in the  
 1745 municipality of \_\_\_\_\_; and that I have reason to believe that  
 1746 \_\_\_\_\_ is attempting to vote illegally and the reasons for my  
 1747 belief are set forth herein to wit:

1748 (Signature of person challenging voter)

1749  
 1750 Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 1751 (year) .

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1752 (Clerk of election)  
 1753 (2) ~~Before a person who is challenged is permitted to~~  
 1754 ~~vote, the challenged person's right to vote shall be determined~~  
 1755 ~~in accordance with the provisions of subsection (3).~~ The clerk  
 1756 or inspector shall immediately deliver to the challenged person  
 1757 a copy of the oath of the person entering the challenge and the  
 1758 challenged person shall be allowed to cast a provisional ballot.  
 1759 ~~shall request the challenged person to execute the following~~  
 1760 ~~oath:~~

1761  
 1762 ~~OATH OF PERSON CHALLENGED~~

1763  
 1764 ~~State of Florida~~  
 1765 ~~County of \_\_\_\_\_~~

1766  
 1767 ~~I do solemnly swear that my name is \_\_\_\_\_; that I am a member of~~  
 1768 ~~the \_\_\_\_\_ party; that my date of birth is \_\_\_\_\_; that my~~  
 1769 ~~residence address is \_\_\_\_\_, in the municipality of \_\_\_\_\_, in~~  
 1770 ~~this the \_\_\_\_\_ precinct of \_\_\_\_\_ county; that I personally made~~  
 1771 ~~application for registration and signed my name and that I am a~~  
 1772 ~~qualified voter in this election.~~

1773 ~~(Signature of person)~~

1774  
 1775 ~~Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,~~  
 1776 ~~(year)\_\_\_\_\_.~~

1777 ~~(Clerk of election or Inspector)~~

1778  
 1779 ~~Any inspector or clerk of election may administer the oath.~~



1780           (3)~~(a)~~ Any elector or poll watcher filing a frivolous  
 1781 challenge of any person's right to vote commits a misdemeanor of  
 1782 the first degree, punishable as provided in s. 775.082, s.  
 1783 775.083, or s. 775.084. ~~The clerk and inspectors shall compare~~  
 1784 ~~the information in the challenged person's oath with that~~  
 1785 ~~entered on the precinct register and shall take any other~~  
 1786 ~~evidence that may be offered. The clerk and inspectors shall~~  
 1787 ~~then decide by a majority vote whether the challenged person may~~  
 1788 ~~vote a regular ballot.~~

1789           ~~(b) If the challenged person refuses to complete the oath~~  
 1790 ~~or if a majority of the clerk and inspectors doubt the~~  
 1791 ~~eligibility of the person to vote, the challenged person shall~~  
 1792 ~~be allowed to vote a provisional ballot. The oath of the person~~  
 1793 ~~entering the challenge and the oath of the person challenged~~  
 1794 ~~shall be attached to the provisional ballot for transmittal to~~  
 1795 ~~the canvassing board.~~

1796           Section 28. Section 101.131, Florida Statutes, is amended  
 1797 to read:

1798           101.131 Watchers at polls.--

1799           (1) Each political party and each candidate may have one  
 1800 watcher in each polling room or early voting area at any one  
 1801 time during the election. A political committee, if formed for  
 1802 the specific purpose of expressly advocating the passage or  
 1803 defeat of an issue on the ballot, may have one watcher for each  
 1804 polling room or early voting area at any one time during the  
 1805 election. No watcher shall be permitted to come closer to the  
 1806 officials' table or the voting booths than is reasonably  
 1807 necessary to properly perform his or her functions, but each

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1808 shall be allowed within the polling room or early voting area to  
 1809 watch and observe the conduct of electors and officials. The  
 1810 watchers shall furnish their own materials and necessities and  
 1811 shall not obstruct the orderly conduct of any election and shall  
 1812 pose any questions regarding polling place procedures directly  
 1813 to the clerk for resolution. Poll watchers shall not interact  
 1814 with electors. Each watcher shall be a qualified and registered  
 1815 elector of the county in which he or she serves.

1816 (2) Each party, each political committee, and each  
 1817 candidate requesting to have poll watchers shall designate, in  
 1818 writing, poll watchers for each polling room on election day  
 1819 ~~precinct~~ prior to noon of the second Tuesday preceding the  
 1820 election. Designations of poll watchers for early voting areas  
 1821 shall be submitted to the supervisor no later than 14 days prior  
 1822 to the beginning of early voting. The poll watchers for each  
 1823 precinct shall be approved by the supervisor of elections on or  
 1824 before the Tuesday before the election and the poll watchers for  
 1825 early voting areas shall be approved on or before the 7th day  
 1826 prior to the beginning of early voting. The supervisor shall  
 1827 furnish to each election board ~~precinct~~ a list of the poll  
 1828 watchers designated and approved for such polling room or early  
 1829 voting area ~~precinct~~.

1830 (3) No candidate or sheriff, deputy sheriff, police  
 1831 officer, or other law enforcement officer may be designated as a  
 1832 poll watcher.

1833 Section 29. Subsection (1) of section 101.151, Florida  
 1834 Statutes, is amended to read:

1835 101.151 Specifications for ballots.--

1836           (1) Marksense Paper ballots shall be printed on paper of  
 1837 such thickness that the printing cannot be distinguished from  
 1838 the back and shall meet the specifications of the voting system  
 1839 that will be used to read the ballots.

1840           Section 30. Section 101.171, Florida Statutes, is amended  
 1841 to read:

1842           101.171 Copy of constitutional amendment to be available  
 1843 at polls posted.--Whenever any amendment to the State  
 1844 Constitution is to be voted upon at any election, the Department  
 1845 of State shall have printed, and shall furnish to each  
 1846 supervisor of elections, a sufficient number of copies of the  
 1847 amendment, either in poster or booklet form, and the supervisor  
 1848 shall have a copy thereof conspicuously posted or available at  
 1849 each precinct upon the day of election.

1850           Section 31. Subsections (4) and (5) of section 101.294,  
 1851 Florida Statutes, are added to read:

1852           101.294 Purchase and sale of voting equipment.--

1853           (4) A vendor of voting equipment may not provide an  
 1854 uncertified voting system, voting system component, or voting  
 1855 system upgrade to a governing body or supervisor of elections in  
 1856 this state.

1857           (5) Before or in conjunction with providing a voting  
 1858 system, voting system component, or voting system upgrade, the  
 1859 vendor shall provide the governing body or supervisor of  
 1860 elections with a sworn certification that the voting system,  
 1861 voting system component, or voting system upgrade being provided  
 1862 has been certified by the Division of Elections.

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1863 Section 32. Section 101.295, Florida Statutes, is amended  
 1864 to read:

1865 101.295 Penalties for violation.--

1866 (1) Any member of a governing body which purchases or  
 1867 sells voting equipment in violation of the provisions of ss.  
 1868 101.292-101.295, which member knowingly votes to purchase or  
 1869 sell voting equipment in violation of the provisions of ss.  
 1870 101.292-101.295, is guilty of a misdemeanor of the first degree,  
 1871 punishable as provided by s. 775.082 or s. 775.083, and shall be  
 1872 subject to suspension from office on the grounds of malfeasance.

1873 (2) Any vendor, chief executive officer, or vendor  
 1874 representative of voting equipment who provides a voting system,  
 1875 voting system component, or voting system upgrade in violation  
 1876 of this chapter commits a felony of the third degree, punishable  
 1877 as provided in s. 775.082, s. 775.083, or s. 775.084.

1878 Section 33. Section 101.49, Florida Statutes, is amended  
 1879 to read:

1880 101.49 Procedure of election officers where signatures  
 1881 differ.--

1882 (1) Whenever any clerk or inspector, upon a just  
 1883 comparison of the signatures, doubts that the signature on the  
 1884 identification presented by the ~~of any elector who presents~~  
 1885 ~~himself or herself at the polls to vote~~ is the same as the  
 1886 signature ~~of~~ the elector affixed on the precinct register or  
 1887 early voting certificate in the registration book, the clerk or  
 1888 inspector shall deliver to the person an affidavit which shall  
 1889 be in substantially the following form:

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1891 STATE OF FLORIDA,  
 1892 COUNTY OF \_\_\_\_\_.

1893 I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that  
 1894 I am \_\_\_\_\_ years old; that I was born in ~~the State of~~ \_\_\_\_\_;  
 1895 that I am registered to vote, ~~and at the time I registered I~~  
 1896 ~~resided on \_\_\_\_\_ Street, in the municipality of \_\_\_\_\_, County of~~  
 1897 ~~\_\_\_\_\_ State of Florida;~~ that I am a qualified voter of the  
 1898 county and state aforesaid and have not voted in this election.

1899 (Signature of voter)

1900 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 1901 A. D. (year) .

1902 (Clerk or inspector of election)

1903 Precinct No. \_\_\_\_\_.  
 1904 County of \_\_\_\_\_.

1905 (2) The person shall fill out, in his or her own  
 1906 handwriting or with assistance from a member of the election  
 1907 board, the form and make an affidavit to the facts stated in the  
 1908 filled-in form; such affidavit shall then be sworn to and  
 1909 subscribed before one of the inspectors or clerks of the  
 1910 election who is authorized to administer the oath. Whenever the  
 1911 affidavit is made and filed with the clerk or inspector, the  
 1912 person shall then be admitted to cast his or her vote, but if  
 1913 the person fails or refuses to make out or file such affidavit  
 1914 but asserts his or her eligibility, then he or she shall be  
 1915 entitled to vote a provisional ballot ~~not be permitted to vote~~.

1916 Section 34. Subsection (1) of section 101.51, Florida  
 1917 Statutes, as amended by chapter 2002-281, is amended to read:

1918 101.51 Electors to occupy booth alone.--

1919 (1) When the elector presents himself or herself to vote,  
 1920 the election official shall ascertain whether the elector's name  
 1921 is upon the register of electors, and, if the elector's name  
 1922 appears and no challenge interposes, or, if interposed, be not  
 1923 sustained, one of the election officials stationed at the  
 1924 entrance shall announce the name of the elector and permit him  
 1925 or her to enter the booth or compartment to cast his or her  
 1926 vote, allowing only one elector at a time to pass through to  
 1927 vote. An elector, while casting his or her ballot, may not  
 1928 occupy a booth or compartment already occupied or speak with  
 1929 anyone, except as provided by s. 101.051, while in the voting  
 1930 booth ~~polling place~~.

1931 Section 35. Subsection (4) of section 101.5606, Florida  
 1932 Statutes, is amended to read:

1933 101.5606 Requirements for approval of systems.--No  
 1934 electronic or electromechanical voting system shall be approved  
 1935 by the Department of State unless it is so constructed that:

1936 (4) For systems using marksense ~~paper~~ ballots, it accepts  
 1937 a rejected ballot pursuant to subsection (3) if a voter chooses  
 1938 to cast the ballot, but records no vote for any office that has  
 1939 been overvoted or undervoted.

1940 Section 36. Subsections (2) and (3) of section 101.5608,  
 1941 Florida Statutes, are amended to read:

1942 101.5608 Voting by electronic or electromechanical method;  
 1943 procedures.--

1944 (2) When an electronic or electromechanical voting system  
 1945 utilizes a ballot card or marksense ~~paper~~ ballot, the following  
 1946 procedures shall be followed:

1947 (a) After receiving a ballot from an inspector, the  
 1948 elector shall, without leaving the polling place, retire to a  
 1949 booth or compartment and mark the ballot. After preparing his or  
 1950 her ballot, the elector shall place the ballot in a secrecy  
 1951 envelope with the stub exposed or shall fold over that portion  
 1952 on which write-in votes may be cast, as instructed, so that the  
 1953 ballot will be deposited in the ballot box without exposing the  
 1954 voter's choices. Before the ballot is deposited in the ballot  
 1955 box, the inspector shall detach the exposed stub and place it in  
 1956 a separate envelope for audit purposes; when a fold-over ballot  
 1957 is used, the entire ballot shall be placed in the ballot box.

1958 (b) Any voter who spoils his or her ballot or makes an  
 1959 error may return the ballot to the election official and secure  
 1960 another ballot, except that in no case shall a voter be  
 1961 furnished more than three ballots. If the vote tabulation device  
 1962 has rejected a ballot, the ballot shall be considered spoiled  
 1963 and a new ballot shall be provided to the voter unless the voter  
 1964 chooses to cast the rejected ballot. The election official,  
 1965 without examining the original ballot, shall state the possible  
 1966 reasons for the rejection and shall provide instruction to the  
 1967 voter pursuant to s. 101.5611. A spoiled ballot shall be  
 1968 preserved, without examination, in an envelope provided for that  
 1969 purpose. The stub shall be removed from the ballot and placed in  
 1970 an envelope.

1971 (c) The supervisor of elections shall prepare for each  
 1972 polling place at least one ballot box to contain the ballots of  
 1973 a particular precinct, and each ballot box shall be plainly  
 1974 marked with the name of the precinct for which it is intended.

1975 (3) The Department of State shall promulgate rules  
 1976 regarding voting procedures to be used when an electronic or  
 1977 electromechanical voting system is of a type which does not  
 1978 utilize a ballot card or marksense ~~paper~~ ballot.

1979 Section 37. Subsection (2) of section 101.5612, Florida  
 1980 Statutes, is amended to read:

1981 101.5612 Testing of tabulating equipment.--

1982 (2) On any day not more than 10 days prior to the  
 1983 commencement of early voting as provided in s. 101.657, the  
 1984 supervisor of elections shall have the automatic tabulating  
 1985 equipment publicly tested to ascertain that the equipment will  
 1986 correctly count the votes cast for all offices and on all  
 1987 measures. If the ballots to be used at the polling place on  
 1988 election day are not available at the time of the testing, the  
 1989 supervisor may conduct an additional test not more than 10 days  
 1990 prior to election day. Public notice of the time and place of  
 1991 the test shall be given at least 48 hours prior thereto by  
 1992 publication once in one or more newspapers of general  
 1993 circulation in the county or, if there is no newspaper of  
 1994 general circulation in the county, by posting the notice in at  
 1995 least four conspicuous places in the county. The supervisor or  
 1996 the municipal elections official may, at the time of qualifying,  
 1997 give written notice of the time and location of the public  
 1998 preelection test to each candidate qualifying with that office  
 1999 and obtain a signed receipt that the notice has been given. The  
 2000 Department of State shall give written notice to each statewide  
 2001 candidate at the time of qualifying, or immediately at the end  
 2002 of qualifying, that the voting equipment will be tested and



2003 advise each candidate to contact the county supervisor of  
 2004 elections as to the time and location of the public preelection  
 2005 test. The supervisor or the municipal elections official shall,  
 2006 at least 15 days prior to the commencement of early voting as  
 2007 provided in s. 101.657, send written notice by certified mail to  
 2008 the county party chair of each political party and to all  
 2009 candidates for other than statewide office whose names appear on  
 2010 the ballot in the county and who did not receive written  
 2011 notification from the supervisor or municipal elections official  
 2012 at the time of qualifying, stating the time and location of the  
 2013 public preelection test of the automatic tabulating equipment.  
 2014 The canvassing board shall convene, and each member of the  
 2015 canvassing board shall certify to the accuracy of the test. For  
 2016 the test, the canvassing board may designate one member to  
 2017 represent it. The test shall be open to representatives of the  
 2018 political parties, the press, and the public. Each political  
 2019 party may designate one person with expertise in the computer  
 2020 field who shall be allowed in the central counting room when all  
 2021 tests are being conducted and when the official votes are being  
 2022 counted. The designee shall not interfere with the normal  
 2023 operation of the canvassing board.

2024 Section 38. Subsection (5) of section 101.5614, Florida  
 2025 Statutes, is amended to read:

2026 101.5614 Canvass of returns.--

2027 (5) If any absentee ballot is physically damaged so that  
 2028 it cannot properly be counted by the automatic tabulating  
 2029 equipment, a true duplicate copy shall be made of the damaged  
 2030 ballot in the presence of witnesses and substituted for the

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2031 | damaged ballot. Likewise, a duplicate ballot shall be made of an  
 2032 | absentee ballot containing an overvoted race or a marked  
 2033 | absentee ballot in which every race is undervoted which shall  
 2034 | include all valid votes as determined by the canvassing board  
 2035 | based on rules adopted by the division pursuant to s.  
 2036 | 102.166 ~~(4)-(5)~~. All duplicate ballots shall be clearly labeled  
 2037 | "duplicate," bear a serial number which shall be recorded on the  
 2038 | defective ballot, and be counted in lieu of the defective  
 2039 | ballot. After a ballot has been duplicated, the defective ballot  
 2040 | shall be placed in an envelope provided for that purpose, and  
 2041 | the duplicate ballot shall be tallied with the other ballots for  
 2042 | that precinct.

2043 |         Section 39. Section 101.572, Florida Statutes, is amended  
 2044 | to read:

2045 |         101.572 Public inspection of ballots.--The official  
 2046 | ballots and ballot cards received from election boards and  
 2047 | removed from absentee ballot mailing envelopes shall be open for  
 2048 | public inspection or examination while in the custody of the  
 2049 | supervisor of elections or the county canvassing board at any  
 2050 | reasonable time, under reasonable conditions; however, no  
 2051 | persons other than the supervisor of elections or his or her  
 2052 | employees or the county canvassing board shall handle any  
 2053 | official ballot or ballot card. If the ballots are being  
 2054 | examined prior to the end of the contest period in s. 102.168,  
 2055 | the supervisor of elections shall make a reasonable effort to  
 2056 | notify all candidates whose names appear on such ballots or  
 2057 | ballot cards by telephone or otherwise of the time and place of  
 2058 | the inspection or examination. All such candidates, or their

2059 representatives, shall be allowed to be present during the  
 2060 inspection or examination.

2061 Section 40. Section 101.58, Florida Statutes, is amended  
 2062 to read:

2063 101.58 Supervising and observing registration and election  
 2064 processes.--

2065 (1) The Department of State may, at any time it deems fit;  
 2066 upon the petition of 5 percent of the registered electors; or  
 2067 upon the petition of any candidate, county executive committee  
 2068 chair, state committeeman or committeewoman, or state executive  
 2069 committee chair, appoint one or more deputies whose duties shall  
 2070 be to observe and examine the registration and election  
 2071 processes and the condition, custody, and operation of voting  
 2072 systems and equipment in any county or municipality. The deputy  
 2073 shall have access to all registration books and records as well  
 2074 as any other records or procedures relating to the voting  
 2075 process. The deputy may supervise preparation of the voting  
 2076 equipment and procedures for election, and it shall be unlawful  
 2077 for any person to obstruct the deputy in the performance of his  
 2078 or her duty. The deputy shall file with the Department of State  
 2079 a report of his or her findings and observations of the  
 2080 registration and election processes in the county or  
 2081 municipality, and a copy of the report shall also be filed with  
 2082 the clerk of the circuit court of said county. The compensation  
 2083 of such deputies shall be fixed by the Department of State; and  
 2084 costs incurred under this section shall be paid from the annual  
 2085 operating appropriation made to the Department of State.

2086           (2) Upon the written direction of the Secretary of State,  
 2087 any employee of the Department of State shall have full access  
 2088 to all premises, records, equipment, and staff of the supervisor  
 2089 of elections.

2090           Section 41. Subsection (1) of section 101.595, Florida  
 2091 Statutes, is amended to read:

2092           101.595 Analysis and reports of voting problems.--

2093           (1) No later than December 15 of each general election  
 2094 year, the supervisor of elections in each county shall report to  
 2095 the Department of State the total number of overvotes and  
 2096 undervotes in either the presidential or the gubernatorial race,  
 2097 whichever is applicable ~~first race appearing on the ballot~~  
 2098 ~~pursuant to s. 101.151(2)~~, along with the likely reasons for  
 2099 such overvotes and undervotes and other information as may be  
 2100 useful in evaluating the performance of the voting system and  
 2101 identifying problems with ballot design and instructions which  
 2102 may have contributed to voter confusion.

2103           Section 42. Subsection (6) of section 101.6103, Florida  
 2104 Statutes, is renumbered as subsection (7), and a new subsection  
 2105 (6) is added to said section, to read:

2106           101.6103 Mail ballot election procedure.--

2107           (6) The canvassing board may begin the canvassing of mail  
 2108 ballots at 7 a.m. on the fourth day before the election,  
 2109 including processing the ballots through the tabulating  
 2110 equipment. However, results may not be released until after 7  
 2111 p.m. on election day. Any canvassing board member or election  
 2112 employee who releases any result prior to 7 p.m. on election day

2113 commits a felony of the third degree, punishable as provided in  
 2114 s. 775.082, s. 775.083, or s. 775.084.

2115 Section 43. Subsections (2), (3), and (4) of section  
 2116 101.62, Florida Statutes, are amended to read:

2117 101.62 Request for absentee ballots.--

2118 (2) ~~If~~ A request for an absentee ballot to be mailed to an  
 2119 elector shall be ~~is~~ received no later than 5 p.m. on the 6th day  
 2120 prior to ~~after the Friday before~~ the election by the supervisor  
 2121 of elections ~~from an absent elector overseas, the supervisor~~  
 2122 ~~shall send a notice to the elector acknowledging receipt of his~~  
 2123 ~~or her request and notifying the elector that the ballot will~~  
 2124 ~~not be forwarded due to insufficient time for return of the~~  
 2125 ~~ballot by the required deadline.~~

2126 (3) For each request for an absentee ballot received, the  
 2127 supervisor shall record the date the request was made, the date  
 2128 the absentee ballot was delivered to the elector or the  
 2129 elector's designee or the date the ballot was delivered to the  
 2130 post office or other carrier ~~mailed~~, the date the ballot was  
 2131 received by the supervisor, and such other information he or she  
 2132 may deem necessary. This information shall be confidential and  
 2133 exempt from the provisions of s. 119.07(1) and shall be made  
 2134 available to or reproduced only for the elector requesting the  
 2135 ballot, a canvassing board, an election official, a political  
 2136 party or official thereof, a candidate who has filed  
 2137 qualification papers and is opposed in an upcoming election, and  
 2138 registered political committees or registered committees of  
 2139 continuous existence, for political purposes only.

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2140 (4)(a) To each absent qualified elector overseas who has  
2141 requested an absentee ballot, the supervisor of elections shall,  
2142 not fewer than 35 days before the first primary election, mail  
2143 an absentee ballot. Not fewer than 45 days before the second  
2144 primary and general election, the supervisor of elections shall  
2145 mail an absentee ballot. If the regular absentee ballots are not  
2146 available, the supervisor shall mail an advance absentee ballot  
2147 to those persons requesting ballots for such elections. The  
2148 advance absentee ballot for the second primary shall be the same  
2149 as the first primary absentee ballot as to the names of  
2150 candidates, except that for any offices where there are only two  
2151 candidates, those offices and all political party executive  
2152 committee offices shall be omitted. Except as provided in ss.  
2153 99.063(4) and 100.371(6), the advance absentee ballot for the  
2154 general election shall be as specified in s. 101.151, except  
2155 that in the case of candidates of political parties where  
2156 nominations were not made in the first primary, the names of the  
2157 candidates placing first and second in the first primary  
2158 election shall be printed on the advance absentee ballot. The  
2159 advance absentee ballot or advance absentee ballot information  
2160 booklet shall be of a different color for each election and also  
2161 a different color from the absentee ballots for the first  
2162 primary, second primary, and general election. The supervisor  
2163 shall mail an advance absentee ballot for the second primary and  
2164 general election to each qualified absent elector for whom a  
2165 request is received until the absentee ballots are printed. The  
2166 supervisor shall enclose with the advance second primary  
2167 absentee ballot and advance general election absentee ballot an

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2168 explanation stating that the absentee ballot for the election  
2169 will be mailed as soon as it is printed; and, if both the  
2170 advance absentee ballot and the absentee ballot for the election  
2171 are returned in time to be counted, only the absentee ballot  
2172 will be counted. The Department of State may prescribe by rule  
2173 the requirements for preparing and mailing absentee ballots to  
2174 absent qualified electors overseas.

2175 (b) As soon as the remainder of the absentee ballots are  
2176 printed, the supervisor shall provide an absentee ballot to each  
2177 elector by whom a request for that ballot has been made by one  
2178 of the following means:

2179 1. By nonforwardable, return-if-undeliverable mail to the  
2180 elector's current mailing address on file with the supervisor,  
2181 unless the elector specifies in the request that:

2182 a. The elector is absent from the county and does not plan  
2183 to return before the day of the election;

2184 b. The elector is temporarily unable to occupy the  
2185 residence because of hurricane, tornado, flood, fire, or other  
2186 emergency or natural disaster; or

2187 c. The elector is in a hospital, assisted-living facility,  
2188 nursing home, short-term medical or rehabilitation facility, or  
2189 correctional facility,

2190  
2191 in which case the supervisor shall mail the ballot by  
2192 nonforwardable, return-if-undeliverable mail to any other  
2193 address the elector specifies in the request.

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2194           2. By forwardable mail to voters who are entitled to vote  
2195 by absentee ballot under the Uniformed and Overseas Citizens  
2196 Absentee Voting Act.

2197           3. By personal delivery to the elector, upon presentation  
2198 of the identification required in s. 101.657 until 7 p.m. on the  
2199 day of the election.

2200           4. By delivery to a designee on election day or up to 4  
2201 days prior to the day of an election. Any elector may designate  
2202 in writing a person to pick up the ballot for the elector;  
2203 however, the person designated may not pick up more than two  
2204 absentee ballots per election, other than the designee's own  
2205 ballot, except that additional ballots may be picked up for  
2206 members of the designee's immediate family. For purposes of this  
2207 section, "immediate family" means the designee's spouse or the  
2208 parent, child, grandparent, or sibling of the designee or of the  
2209 designee's spouse. The designee shall provide to the supervisor  
2210 the written authorization by the elector and a picture  
2211 identification of the designee and must complete an affidavit.  
2212 The designee shall state in the affidavit that the designee is  
2213 authorized by the elector to pick up that ballot and shall  
2214 indicate if the elector is a member of the designee's immediate  
2215 family and, if so, the relationship. The department shall  
2216 prescribe the form of the affidavit. If the supervisor is  
2217 satisfied that the designee is authorized to pick up the ballot  
2218 and that the signature of the elector on the written  
2219 authorization matches the signature of the elector on file, the  
2220 supervisor shall give the ballot to that designee for delivery  
2221 to the elector.



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2222 Section 44. Subsection (3) of section 101.64, Florida  
 2223 Statutes, is added to read:

2224 101.64 Delivery of absentee ballots; envelopes; form.--

2225 (3) In lieu of the voter's certificate provided in this  
 2226 section, the supervisor of elections shall provide each person  
 2227 voting absentee under the Uniformed and Overseas Citizens  
 2228 Absentee Voting Act with the standard oath prescribed by the  
 2229 presidential designee.

2230 Section 45. Subsection (1) of section 101.657, Florida  
 2231 Statutes, is amended to read:

2232 101.657 Early voting.--

2233 (1)(a) As a convenience to the voter, the supervisor of  
 2234 elections shall allow an elector to vote early in the main or  
 2235 branch office of the supervisor ~~by depositing the voted ballot~~  
 2236 ~~in a voting device used by the supervisor to collect or tabulate~~  
 2237 ~~ballots. In order for a branch office to be used for early~~  
 2238 ~~voting, it shall be a full-service facility of the supervisor~~  
 2239 ~~and shall have been designated as such at least 1 year prior to~~  
 2240 ~~the election.~~ The supervisor may provide early voting at sites  
 2241 other than the main or branch office of the supervisor provided  
 2242 that such sites are located in facilities that adequately  
 2243 address security of the voting equipment and provide for the  
 2244 efficient conduct of early voting activities. When selecting an  
 2245 early voting site, the supervisor shall consider square footage,  
 2246 parking, and population density of the area serviced designate  
 2247 ~~any city hall or public library as early voting sites; however,~~  
 2248 ~~if so designated, the sites must be geographically located so as~~  
 2249 ~~to provide all voters in the county an equal opportunity to cast~~

2250 ~~a ballot, insofar as is practicable.~~ The results or tabulation  
 2251 of votes cast during early voting may not be made before the  
 2252 close of the polls on election day. Results shall be reported by  
 2253 precinct.

2254 (b) The supervisor shall designate each early voting site  
 2255 by no later than the 30th day prior to an election and shall  
 2256 designate an early voting area, as defined in s. 97.021, at each  
 2257 early voting site. Designation of early voting sites may not be  
 2258 changed except by petition to the division, which petition shall  
 2259 only be granted for reasons of a natural or unavoidable event  
 2260 resulting in the unavailability of such early voting site.

2261 (c) All early voting sites in a county shall be open on  
 2262 the same days for the same amount of time and shall allow any  
 2263 person in line at the closing of an early voting site to vote.

2264 ~~(d)~~ (b) Early voting shall begin on the 15th day before an  
 2265 election and end on the 2nd day before an election. For purposes  
 2266 of a special election held pursuant to s. 100.101, early voting  
 2267 shall begin on the 8th day before an election and end on the 2nd  
 2268 day before an election. Early voting shall be provided for ~~at~~  
 2269 ~~least~~ 8 hours per weekday during the applicable periods. Early  
 2270 voting shall also be provided on ~~for 8 hours in the aggregate~~  
 2271 ~~for~~ each weekend during the applicable periods.

2272 (e) Notwithstanding the requirements of s. 100.3605,  
 2273 municipalities may provide early voting in municipal elections  
 2274 that are not held in conjunction with county or state elections.  
 2275 If a municipality provides early voting, it may designate as  
 2276 many sites as necessary and shall conduct its activities in  
 2277 accordance with the provisions of paragraphs (a)-(c). The

2278 supervisor is not required to conduct early voting if it is  
 2279 provided pursuant to this subsection.

2280 (f) Notwithstanding the requirements of s. 189.405,  
 2281 special districts may provide early voting in any district  
 2282 election not held in conjunction with county or state elections.  
 2283 If a special district provides early voting, it may designate as  
 2284 many sites as necessary and shall conduct its activities in  
 2285 accordance with the provisions of paragraphs (a)-(c). The  
 2286 supervisor is not required to conduct early voting if it is  
 2287 provided pursuant to this subsection.

2288 Section 46. Subsection (2) section 101.663, Florida  
 2289 Statutes, is amended to read:

2290 101.663 Electors; change of residence.--

2291 (2) An elector registered in this state who moves his or  
 2292 her permanent residence to another state after the registration  
 2293 books in that state have closed ~~and who is prohibited by the~~  
 2294 ~~laws of that state from voting for the offices of President and~~  
 2295 ~~Vice President of the United States~~ shall be permitted to vote  
 2296 absentee in the county of his or her former residence for the  
 2297 those offices of President and Vice President.

2298 Section 47. Subsection (1) of section 101.68, Florida  
 2299 Statutes, is amended to read:

2300 101.68 Canvassing of absentee ballot.--

2301 (1) The supervisor of the county where the absent elector  
 2302 resides shall receive the voted ballot, at which time the  
 2303 supervisor shall compare the signature of the elector on the  
 2304 voter's certificate with the signature of the elector in the  
 2305 registration books to determine whether the elector is duly

2306 registered in the county and may record on the elector's  
 2307 registration certificate that the elector has voted. The  
 2308 supervisor shall safely keep the ballot unopened in his or her  
 2309 office until the county canvassing board canvasses the vote.  
 2310 Once an absentee ballot has been received by the supervisor, the  
 2311 ballot is deemed to have been cast and no changes or additions  
 2312 shall be made to the Voter's Certificate.

2313 Section 48. Section 101.69, Florida Statutes, is amended  
 2314 to read:

2315 101.69 Voting in person; return of absentee ballot.--The  
 2316 provisions of this code shall not be construed to prohibit any  
 2317 elector from voting in person at the elector's precinct on the  
 2318 day of an election or at an early voting site notwithstanding  
 2319 that the elector has requested an absentee ballot for that  
 2320 election. However, an elector who has returned a voted absentee  
 2321 ballot to the supervisor is deemed to have cast his or her  
 2322 ballot and shall not be entitled to vote another ballot or have  
 2323 a provisional ballot counted by the county canvassing board. An  
 2324 elector who has received an absentee ballot and who has not  
 2325 returned the voted ballot to the supervisor, but desires to vote  
 2326 in person, shall return the ballot, whether voted or not, to the  
 2327 election board in the elector's precinct or to an early voting  
 2328 site. The returned ballot shall be marked "canceled" by the  
 2329 board and placed with other canceled ballots. However, if the  
 2330 elector does not return the ballot and the election official:

2331 (1) Confirms that the supervisor has received the  
 2332 elector's absentee ballot, the elector shall not be allowed to  
 2333 vote in person. If the elector maintains that he or she has not

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2334 returned the absentee ballot or remains eligible to vote, the  
 2335 elector shall be provided a provisional ballot as provided in s.  
 2336 101.048.

2337 (2) Confirms that the supervisor has not received the  
 2338 elector's absentee ballot, the elector shall be allowed to vote  
 2339 in person as provided in this code. The elector's absentee  
 2340 ballot, if subsequently received, shall not be counted and shall  
 2341 remain in the mailing envelope, and the envelope shall be marked  
 2342 "Rejected as Illegal."

2343 (3) Cannot determine whether the supervisor has received  
 2344 the elector's absentee ballot, the elector may vote a  
 2345 provisional ballot as provided in s. 101.048.

2346 Section 49. Subsection (2) of section 101.6923, Florida  
 2347 Statutes, is amended to read:

2348 101.6923 Special absentee ballot instructions for certain  
 2349 first-time voters.--

2350 (2) A voter covered by this section shall be provided with  
 2351 ~~the following~~ printed instructions with his or her absentee  
 2352 ballot in substantially the following form:

2353  
 2354  
 2355 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
 2356 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
 2357 TO COUNT.

2358  
 2359 1. In order to ensure that your absentee ballot will be  
 2360 counted, it should be completed and returned as soon as possible  
 2361 so that it can reach the supervisor of elections of the county

2362 | in which your precinct is located no later than 7 p.m. on the  
 2363 | date of the election.

2364 |         2. Mark your ballot in secret as instructed on the ballot.  
 2365 | You must mark your own ballot unless you are unable to do so  
 2366 | because of blindness, disability, or inability to read or write.

2367 |         3. Mark only the number of candidates or issue choices for  
 2368 | a race as indicated on the ballot. If you are allowed to "Vote  
 2369 | for One" candidate and you vote for more than one, your vote in  
 2370 | that race will not be counted.

2371 |         4. Place your marked ballot in the enclosed secrecy  
 2372 | envelope and seal the envelope.

2373 |         5. Insert the secrecy envelope into the enclosed envelope  
 2374 | bearing the Voter's Certificate. Seal the envelope and  
 2375 | completely fill out the Voter's Certificate on the back of the  
 2376 | envelope.

2377 |             a. You must sign your name on the line above (Voter's  
 2378 | Signature).

2379 |             b. If you are an overseas voter, you must include the date  
 2380 | you signed the Voter's Certificate on the line above (Date) or  
 2381 | your ballot may not be counted.

2382 |         6. Unless you meet one of the exemptions in Item 7., you  
 2383 | must make a copy of one of the following forms of  
 2384 | identification:

2385 |             a. Identification which must include your name and  
 2386 | photograph: current and valid Florida driver's license; Florida  
 2387 | identification card issued by the Department of Highway Safety  
 2388 | and Motor Vehicles; United States passport; employee badge or  
 2389 | identification; buyer's club identification card; debit or

2390 credit card; military identification; student identification;  
 2391 retirement center identification; neighborhood association  
 2392 identification; entertainment identification; or public  
 2393 assistance identification; or

2394 b. Identification which shows your name and current  
 2395 residence address: current utility bill, bank statement,  
 2396 government check, paycheck, or government document (excluding  
 2397 voter identification card).

2398 7. The identification requirements of Item 6. do not apply  
 2399 if you meet one of the following requirements:

2400 a. You are 65 years of age or older.

2401 b. You have a temporary or permanent physical disability.

2402 c. You are a member of a uniformed service on active duty  
 2403 who, by reason of such active duty, will be absent from the  
 2404 county on election day.

2405 d. You are a member of the Merchant Marine who, by reason  
 2406 of service in the Merchant Marine, will be absent from the  
 2407 county on election day.

2408 e. You are the spouse or dependent of a member referred to  
 2409 in paragraph c. or paragraph d. who, by reason of the active  
 2410 duty or service of the member, will be absent from the county on  
 2411 election day.

2412 f. You are currently residing outside the United States.

2413 8. Place the envelope bearing the Voter's Certificate into  
 2414 the mailing envelope addressed to the supervisor. Insert a copy  
 2415 of your identification in the mailing envelope. DO NOT PUT YOUR  
 2416 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR

2417 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 2418 BALLOT WILL NOT COUNT.

2419 9. Mail, deliver, or have delivered the completed mailing  
 2420 envelope. Be sure there is sufficient postage if mailed.

2421 10. FELONY NOTICE. It is a felony under Florida law to  
 2422 accept any gift, payment, or gratuity in exchange for your vote  
 2423 for a candidate. It is also a felony under Florida law to vote  
 2424 in an election using a false identity or false address, or under  
 2425 any other circumstances making your ballot false or fraudulent.

2426 Section 50. Subsection (3) of section 101.694, Florida  
 2427 Statutes, is amended to read:

2428 101.694 Mailing of ballots upon receipt of federal  
 2429 postcard application.--

2430 (3) Absentee envelopes printed for voters entitled to vote  
 2431 absentee under the Uniformed and Overseas Citizens Absentee  
 2432 Voting Act shall meet the specifications as determined by the  
 2433 Federal Voting Assistance Program of the United States  
 2434 Department of Defense and the United States Postal Service.

2435 ~~There shall be printed across the face of each envelope in which~~  
 2436 ~~a ballot is sent to a federal postcard applicant, or is returned~~  
 2437 ~~by such applicant to the supervisor, two parallel horizontal red~~  
 2438 ~~bars, each one-quarter inch wide, extending from one side of the~~  
 2439 ~~envelope to the other side, with an intervening space of one-~~  
 2440 ~~quarter inch, the top bar to be 1 1/4 inches from the top of the~~  
 2441 ~~envelope, and with the words "Official Election Balloting~~  
 2442 ~~Material via Air Mail," or similar language, between the bars.~~

2443 ~~There shall be printed in the upper right corner of each such~~  
 2444 ~~envelope, in a box, the words "Free of U. S. Postage, including~~



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2445 ~~Air Mail." All printing on the face of each envelope shall be in~~  
 2446 ~~red, and there shall be printed in red in the upper left corner~~  
 2447 ~~of each ballot envelope an appropriate inscription or blanks for~~  
 2448 ~~return address of sender. Additional specifications may be~~  
 2449 ~~prescribed by rule of the Division of Elections upon~~  
 2450 ~~recommendation of the presidential designee under the Uniformed~~  
 2451 ~~and Overseas Citizens Absentee Voting Act. Otherwise, the~~  
 2452 ~~envelopes shall be the same as those used in sending ballots to,~~  
 2453 ~~or receiving them from, other absentee voters.~~

2454 Section 51. Section 101.697, Florida Statutes, is amended  
 2455 to read:

2456 101.697 Electronic transmission of election  
 2457 materials.--The Department of State shall adopt rules to  
 2458 authorize a supervisor of elections to accept a request for an  
 2459 absentee ballot and a voted absentee ballot by facsimile machine  
 2460 or other electronic means from overseas voters if the department  
 2461 can be assured that the security of the transmission of the  
 2462 ballot is able to be established. The rules must provide that in  
 2463 order to accept a voted ballot, the verification of the voter  
 2464 must be established, the security of the transmission must be  
 2465 established, and each ballot received must be recorded.

2466 Section 52. Section 102.012, Florida Statutes, is amended  
 2467 to read:

2468 102.012 Inspectors and clerks to conduct elections.--

2469 (1) The supervisor of elections of each county, at least  
 2470 20 days prior to the holding of any election, shall appoint an  
 2471 two election board comprised of poll workers who serve as clerks  
 2472 or inspectors boards for each precinct in the county; ~~however,~~

2473 ~~the supervisor of elections may, in any election, appoint one~~  
 2474 ~~election board if the supervisor has reason to believe that only~~  
 2475 ~~one is necessary.~~ The clerk shall be in charge of, and  
 2476 responsible for, seeing that the election board carries out its  
 2477 duties and responsibilities. Each inspector and each clerk shall  
 2478 take and subscribe to an oath or affirmation, which shall be  
 2479 written or printed, to the effect that he or she will perform  
 2480 the duties of inspector or clerk of election, respectively,  
 2481 according to law and will endeavor to prevent all fraud, deceit,  
 2482 or abuse in conducting the election. The oath may be taken  
 2483 before an officer authorized to administer oaths or before any  
 2484 of the persons who are to act as inspectors, one of them to  
 2485 swear the others, and one of the others sworn thus, in turn, to  
 2486 administer the oath to the one who has not been sworn. The oaths  
 2487 shall be returned with the poll list and the returns of the  
 2488 election to the supervisor. In all questions that may arise  
 2489 before the members of an election board, the decision of a  
 2490 majority of them shall decide the question. The supervisor of  
 2491 elections of each county shall be responsible for the attendance  
 2492 and diligent performance of his or her duties by each clerk and  
 2493 inspector.

2494 (2) Each member of the election board shall be able to  
 2495 read and write the English language and shall be a registered  
 2496 qualified elector of the county in which the member is appointed  
 2497 or a person who has preregistered to vote, pursuant to s.  
 2498 97.041(1)(b), in the county in which the member is appointed. No  
 2499 election board shall be composed solely of members of one  
 2500 political party; however, in any primary in which only one party

2501 has candidates appearing on the ballot, all clerks and  
 2502 inspectors may be of that party. Any person whose name appears  
 2503 as an opposed candidate for any office shall not be eligible to  
 2504 serve on an election board.

2505 (3) The supervisor shall furnish inspectors of election  
 2506 for each precinct with the list of registered voters for the  
 2507 precinct ~~registration books divided alphabetically as will best~~  
 2508 ~~facilitate the holding of an election.~~ The supervisor shall also  
 2509 furnish to the inspectors of election at the polling place at  
 2510 each precinct in the supervisor's county a sufficient number of  
 2511 forms and blanks for use on election day.

2512 (4)(a) The election board of each precinct shall attend  
 2513 the polling place by 6 a.m. of the day of the election and shall  
 2514 arrange the furniture, stationery, and voting equipment.

2515 (b) The ~~An~~ election board shall conduct the voting,  
 2516 beginning and closing at the time set forth in s. 100.011. ~~If~~  
 2517 ~~more than one board has been appointed, the second board shall,~~  
 2518 ~~upon the closing of the polls, come on duty and count the votes~~  
 2519 ~~east. In such case, the first board shall turn over to the~~  
 2520 ~~second board all closed ballot boxes, registration books, and~~  
 2521 ~~other records of the election at the time the boards change. The~~  
 2522 ~~second board shall continue counting until the count is complete~~  
 2523 ~~or until 7 a.m. the next morning, and, if the count is not~~  
 2524 ~~completed at that time, the first board that conducted the~~  
 2525 ~~election shall again report for duty and complete the count. The~~  
 2526 ~~second board shall turn over to the first board all ballots~~  
 2527 ~~counted, all ballots not counted, and all registration books and~~

2528 ~~other records and shall advise the first board as to what has~~  
 2529 ~~transpired in tabulating the results of the election.~~

2530 ~~(5) In precincts in which there are more than 1,000~~  
 2531 ~~registered electors, the supervisor of elections shall appoint~~  
 2532 ~~additional election boards necessary for the election.~~

2533 ~~(6) In any precinct in which there are fewer than 300~~  
 2534 ~~registered electors, it is not necessary to appoint two election~~  
 2535 ~~boards, but one such board will suffice. Such board shall be~~  
 2536 ~~composed of at least one inspector and one clerk.~~

2537 Section 53. Section 102.014, Florida Statutes, is amended  
 2538 to read:

2539 102.014 Poll worker recruitment and training.--

2540 (1) The supervisor of elections shall conduct training for  
 2541 inspectors, clerks, and deputy sheriffs prior to each primary,  
 2542 general, and special election for the purpose of instructing  
 2543 such persons in their duties and responsibilities as election  
 2544 officials. The Division of Elections shall develop a statewide  
 2545 uniform training curriculum for poll workers, and each  
 2546 supervisor shall use such curriculum in their poll worker  
 2547 training. A certificate may be issued by the supervisor of  
 2548 elections to each person completing such training. No person  
 2549 shall serve as an inspector, clerk, or deputy sheriff for an  
 2550 election unless such person has completed the training as  
 2551 required. A clerk may not work at the polls unless he or she  
 2552 demonstrates a working knowledge of the laws and procedures  
 2553 relating to voter registration, voting system operation,  
 2554 balloting and polling place procedures, and problem-solving and  
 2555 conflict-resolution skills.

2556 (2) A person who has attended previous training conducted  
 2557 within 2 years before the election may be appointed by the  
 2558 supervisor to fill a vacancy on an election board ~~day~~. If no  
 2559 person with prior training is available to fill such vacancy,  
 2560 the supervisor of elections may fill such vacancy in accordance  
 2561 with the provisions of subsection (3) from among persons who  
 2562 have not received the training required by this section.

2563 (3) In the case of absence or refusal to act on the part  
 2564 of any inspector or clerk ~~at any precinct on the day of an~~  
 2565 ~~election~~, the supervisor shall appoint a replacement who meets  
 2566 the qualifications prescribed in s. 102.012(2). The inspector or  
 2567 clerk so appointed shall be a member of the same political party  
 2568 as the clerk or inspector whom he or she replaces.

2569 (4) Each supervisor of elections shall be responsible for  
 2570 training inspectors and clerks, subject to the following minimum  
 2571 requirements:

2572 (a) No clerk shall be entitled to work at the polls unless  
 2573 he or she has had a minimum of 3 hours of training prior to each  
 2574 election.

2575 (b) No inspector shall work at the polls unless he or she  
 2576 has had a minimum of 2 hours of training prior to each election.

2577 (c) For the purposes of this subsection, the first and  
 2578 second primary elections shall be considered one election.

2579 (5) The Department of State shall create a uniform polling  
 2580 place procedures manual and adopt the manual by rule. Each  
 2581 supervisor of elections shall ensure that the manual is  
 2582 available in hard copy or electronic form in every polling place  
 2583 ~~precinct in the supervisor's jurisdiction on election day~~. The

2584 manual shall guide inspectors, clerks, and deputy sheriffs in  
 2585 the proper implementation of election procedures and laws. The  
 2586 manual shall be indexed by subject, and written in plain, clear,  
 2587 unambiguous language. The manual shall provide specific examples  
 2588 of common problems encountered at the polls ~~on election day~~, and  
 2589 detail specific procedures for resolving those problems. The  
 2590 manual shall include, without limitation:

- 2591 (a) Regulations governing solicitation by individuals and
- 2592 groups at the polling place;
- 2593 (b) Procedures to be followed with respect to voters whose
- 2594 names are not on the precinct register;
- 2595 (c) Proper operation of the voting system;
- 2596 (d) Ballot handling procedures;
- 2597 (e) Procedures governing spoiled ballots;
- 2598 (f) Procedures to be followed after the polls close;
- 2599 (g) Rights of voters at the polls;
- 2600 (h) Procedures for handling emergency situations;
- 2601 (i) Procedures for dealing with irate voters;
- 2602 (j) The handling and processing of provisional ballots;
- 2603 and
- 2604 (k) Security procedures.

2605  
 2606 The Department of State shall revise the manual as necessary to  
 2607 address new procedures in law or problems encountered by voters  
 2608 and poll workers at the precincts.

2609 (6) Supervisors of elections shall work with the business  
 2610 and local community to develop public-private programs to ensure  
 2611 the recruitment of skilled inspectors and clerks.

2612 (7) The Department of State shall develop a mandatory,  
 2613 statewide, and uniform program for training poll workers on  
 2614 issues of etiquette and sensitivity with respect to voters  
 2615 having a disability. The program must consist of approximately 1  
 2616 hour of the required number of hours set forth in paragraph  
 2617 (4)(a). The program must be conducted locally by each supervisor  
 2618 of elections, who shall periodically certify to the Department  
 2619 of State whether each poll worker has completed the program. The  
 2620 supervisor of elections shall contract with a recognized  
 2621 disability-related organization, such as a center for  
 2622 independent living, family network on disabilities, deaf service  
 2623 bureau, or other such organization, to develop and assist with  
 2624 training the trainers in the disability sensitivity programs.  
 2625 The program must include actual demonstrations of obstacles  
 2626 confronted by disabled persons during the voting process,  
 2627 including obtaining access to the polling place, traveling  
 2628 through the polling area, and using the voting system.

2629 Section 54. Section 102.031, Florida Statutes, is amended  
 2630 to read:

2631 102.031 Maintenance of good order at polls; authorities;  
 2632 persons allowed in polling rooms and early voting areas;  
 2633 unlawful solicitation of voters.--

2634 (1) Each election board shall possess full authority to  
 2635 maintain order at the polls and enforce obedience to its lawful  
 2636 commands during an election and the canvass of the votes.

2637 (2) The sheriff shall deputize a deputy sheriff for each  
 2638 polling place and each early voting site who shall be present  
 2639 during the time the polls or early voting site are open and

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2640 until the election is completed, who shall be subject to all  
 2641 lawful commands of the clerk or inspectors, and who shall  
 2642 maintain good order. The deputy may summon assistance from among  
 2643 bystanders to aid him or her when necessary to maintain peace  
 2644 and order at the polls or early voting sites.

2645 (3)(a) No person may enter any polling room or polling  
 2646 place where the polling place is also a polling room or any  
 2647 early voting area, during voting hours except the following:

- 2648 1. Official poll watchers;
- 2649 2. Inspectors;
- 2650 3. Election clerks;
- 2651 4. The supervisor of elections or his or her deputy;
- 2652 5. Persons there to vote, persons in the care of a voter,  
 2653 or persons caring for such voter;
- 2654 6. Law enforcement officers or emergency service personnel  
 2655 there with permission of the clerk or a majority of the  
 2656 inspectors; or
- 2657 7. A person, whether or not a registered voter, who is  
 2658 assisting with or participating in a simulated election for  
 2659 minors, as approved by the supervisor of elections.

2660  
 2661 No person may bring a camera into the polling room or early  
 2662 voting area.

2663 (b) The restriction in paragraph (a) ~~this subsection~~ does  
 2664 not apply where the polling room is in an area commonly  
 2665 traversed by the public in order to gain access to businesses or  
 2666 homes or in an area traditionally utilized as a public area for  
 2667 discussion.



2668            (4)(a)(e) No person, political committee, committee of  
 2669 continuous existence, or other group or organization may solicit  
 2670 voters inside the polling place or within 100 50 feet of the  
 2671 entrance to any polling place, or polling room where the polling  
 2672 place is also a polling room, or early voting site. Before the  
 2673 opening of the polling place or early voting site, the clerk or  
 2674 supervisor shall designate the no solicitation zone and mark the  
 2675 boundaries on the day of any election.

2676            1. ~~Solicitation shall not be restricted if:~~  
 2677            a. ~~Conducted from a separately marked area within the 50-~~  
 2678 ~~foot zone so as not to disturb, hinder, impede, obstruct, or~~  
 2679 ~~interfere with voter access to the polling place or polling room~~  
 2680 ~~entrance; and~~

2681            b. ~~The solicitation activities and subject matter are~~  
 2682 ~~clearly and easily identifiable by the voters as an activity in~~  
 2683 ~~which they may voluntarily participate; or~~

2684            c. ~~Conducted on property within the 50-foot zone which is~~  
 2685 ~~a residence, established business, private property, sidewalk,~~  
 2686 ~~park, or property traditionally utilized as a public area for~~  
 2687 ~~discussion.~~

2688            2. ~~Solicitation shall not be permitted within the 50-foot~~  
 2689 ~~zone on a public sidewalk or other similar means of access to~~  
 2690 ~~the polling room if it is clearly identifiable to the poll~~  
 2691 ~~workers that the solicitation is impeding, obstructing, or~~  
 2692 ~~interfering with voter access to the polling room or polling~~  
 2693 ~~place.~~

2694            (b)(d) For the purpose of this subsection, the term  
 2695 "solicit" shall include, but not be limited to, seeking or

2696 attempting to seek any vote, fact, opinion, or contribution;  
 2697 distributing or attempting to distribute any political or  
 2698 campaign material, leaflet, or handout; conducting a poll;  
 2699 seeking or attempting to seek a signature on any petition; and  
 2700 selling or attempting to sell any item.

2701 (5)(e) Each supervisor of elections shall inform the clerk  
 2702 ~~of each precinct~~ of the area within which soliciting is  
 2703 unlawful, based on the particular characteristics of that  
 2704 polling place. The supervisor or the clerk may take any  
 2705 reasonable action necessary to ensure order at the polling  
 2706 places including, but not limited to, ~~which shall include:~~

2707 ~~1. Designating a specific area for soliciting pursuant to~~  
 2708 ~~paragraph (c) of this subsection, or~~

2709 ~~2.~~ having disruptive and unruly persons removed by law  
 2710 enforcement officers from the polling room or place or from the  
 2711 100-foot ~~50-foot~~ zone surrounding the polling place.

2712 Section 55. Section 102.071, Florida Statutes, is amended  
 2713 to read:

2714 102.071 Tabulation of votes and proclamation of results  
 2715 ~~where ballots are used.~~--The election board shall post at the  
 2716 polls, for the benefit of the public, the results of the voting  
 2717 for each office or other item on the ballot as the count is  
 2718 completed. Upon completion of all counts in all races, a  
 2719 certificate ~~triplicate certificates~~ of the results shall be  
 2720 drawn up by the inspectors and clerk at each precinct upon a  
 2721 form provided by the supervisor of elections which shall contain  
 2722 the name of each person voted for, for each office, and the  
 2723 number of votes cast for each person for such office; and, if

2724 any question is submitted, the certificate shall also contain  
 2725 the number of votes cast for and against the question. The  
 2726 certificate shall be signed by the inspectors and clerk, and ~~one~~  
 2727 ~~of the certificates~~ shall be delivered without delay by one of  
 2728 the inspectors, securely sealed, to the supervisor for immediate  
 2729 publication; ~~the duplicate copy of the certificate shall be~~  
 2730 ~~delivered to the county court judge; and the remaining copy~~  
 2731 ~~shall be enclosed in the ballot box together with the oaths of~~  
 2732 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot  
 2733 stubs, memoranda, and papers of all kinds used in the election  
 2734 shall also be transmitted, after being sealed by the inspectors,  
 2735 to ~~with the certificates of result of the election to be filed~~  
 2736 ~~in~~ the supervisor's office. Registration books and the poll  
 2737 lists shall not be placed in the ballot boxes but shall be  
 2738 returned to the supervisor.

2739 Section 56. Subsection (1) of section 102.111, Florida  
 2740 Statutes, is amended to read:

2741 102.111 Elections Canvassing Commission.--

2742 (1) The Elections Canvassing Commission shall consist of  
 2743 the Governor and two members of the Cabinet selected by the  
 2744 Governor. If a member of the Elections Canvassing Commission is  
 2745 unable to serve for any reason, the Governor shall appoint a  
 2746 remaining member of the Cabinet. If there is a further vacancy,  
 2747 the remaining members of the commission shall agree on another  
 2748 elected official to fill the vacancy. The Elections Canvassing  
 2749 Commission shall, as soon as the official results are compiled  
 2750 from all counties, certify the returns of the election and  
 2751 determine and declare who has been elected for each federal,

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2752 state, and multicounty office. If within 5 days of the  
2753 certification by the Elections Canvassing Commission, a county  
2754 determines that a typographical error occurred in the official  
2755 returns of the county, the correction of which would result in a  
2756 change in the outcome of any election certified by the Elections  
2757 Canvassing Commission, the county must submit corrected returns  
2758 within 24 hours and the Elections Canvassing Commission shall as  
2759 soon as practicable correct and recertify the election returns.

2760 Section 57. Subsections (1) and (2) of section 102.112,  
2761 Florida Statutes, are amended to read:

2762 102.112 Deadline for submission of county returns to the  
2763 Department of State.--

2764 (1) The county canvassing board or a majority thereof  
2765 shall file the county returns for the election of a federal or  
2766 state officer with the Department of State immediately after  
2767 certification of the election results. The returns must contain  
2768 a certification by the canvassing board that the board has  
2769 reconciled the number of persons who voted with the number of  
2770 ballots counted and that the certification includes all valid  
2771 votes cast in the election.

2772 (2) Returns must be filed by 5 p.m. on the 7th day  
2773 following a primary election and by 5 p.m. on the 11th day  
2774 following the general election provided, however, that the  
2775 Department of State shall have the authority to correct  
2776 typographical errors, including the transposition of numbers, in  
2777 any returns submitted to the Department of State pursuant to s.  
2778 102.111(1).

2779 Section 58. Section 102.141, Florida Statutes, is amended  
 2780 to read:

2781 102.141 County canvassing board; duties.--

2782 (1) The county canvassing board shall be composed of the  
 2783 supervisor of elections; a county court judge, who shall act as  
 2784 chair; and the chair of the board of county commissioners. In  
 2785 the event any member of the county canvassing board is unable to  
 2786 serve, is a candidate who has opposition in the election being  
 2787 canvassed, or is an active participant in the campaign or  
 2788 candidacy of any candidate who has opposition in the election  
 2789 being canvassed, such member shall be replaced as follows:

2790 (a) If no county court judge is able to serve or if all  
 2791 are disqualified, the chief judge of the judicial circuit in  
 2792 which the county is located shall appoint as a substitute member  
 2793 a qualified elector of the county who is not a candidate with  
 2794 opposition in the election being canvassed and who is not an  
 2795 active participant in the campaign or candidacy of any candidate  
 2796 with opposition in the election being canvassed. In such event,  
 2797 the members of the county canvassing board shall meet and elect  
 2798 a chair.

2799 (b) If the supervisor of elections is unable to serve or  
 2800 is disqualified, the chair of the board of county commissioners  
 2801 shall appoint as a substitute member a member of the board of  
 2802 county commissioners who is not a candidate with opposition in  
 2803 the election being canvassed and who is not an active  
 2804 participant in the campaign or candidacy of any candidate with  
 2805 opposition in the election being canvassed. The supervisor,

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2806 | however, shall act in an advisory capacity to the canvassing  
2807 | board.

2808 |       (c) If the chair of the board of county commissioners is  
2809 | unable to serve or is disqualified, the board of county  
2810 | commissioners shall appoint as a substitute member one of its  
2811 | members who is not a candidate with opposition in the election  
2812 | being canvassed and who is not an active participant in the  
2813 | campaign or candidacy of any candidate with opposition in the  
2814 | election being canvassed.

2815 |       (d) If a substitute member cannot be appointed as provided  
2816 | elsewhere in this subsection, the chief judge of the judicial  
2817 | circuit in which the county is located shall appoint as a  
2818 | substitute member a qualified elector of the county who is not a  
2819 | candidate with opposition in the election being canvassed and  
2820 | who is not an active participant in the campaign or candidacy of  
2821 | any candidate with opposition in the election being canvassed.

2822 |       (2) The county canvassing board shall meet in a building  
2823 | accessible to the public in the county where the election  
2824 | occurred at a time and place to be designated by the supervisor  
2825 | of elections to publicly canvass the absentee electors' ballots  
2826 | as provided for in s. 101.68 and provisional ballots as provided  
2827 | by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast  
2828 | pursuant to s. 101.049 shall be canvassed in a manner that votes  
2829 | for candidates and issues on those ballots can be segregated  
2830 | from other votes. Public notice of the time and place at which  
2831 | the county canvassing board shall meet to canvass the absentee  
2832 | electors' ballots and provisional ballots shall be given at  
2833 | least 48 hours prior thereto by publication once in one or more

2834 newspapers of general circulation in the county or, if there is  
 2835 no newspaper of general circulation in the county, by posting  
 2836 such notice in at least four conspicuous places in the county.  
 2837 As soon as the absentee electors' ballots and the provisional  
 2838 ballots are canvassed, the board shall proceed to publicly  
 2839 canvass the vote given each candidate, nominee, constitutional  
 2840 amendment, or other measure submitted to the electorate of the  
 2841 county, as shown by the returns then on file in the office of  
 2842 the supervisor of elections and the office of the county court  
 2843 judge.

2844 (3) The canvass, except the canvass of absentee electors'  
 2845 returns and the canvass of provisional ballots, shall be made  
 2846 from the returns and certificates of the inspectors as signed  
 2847 and filed by them with the ~~county court judge and~~ supervisor,  
 2848 ~~respectively,~~ and the county canvassing board shall not change  
 2849 the number of votes cast for a candidate, nominee,  
 2850 constitutional amendment, or other measure submitted to the  
 2851 electorate of the county, respectively, in any polling place, as  
 2852 shown by the returns. All returns shall be made to the board on  
 2853 or before 2 a.m. of the day following any primary, general,  
 2854 special, or other election. If the returns from any precinct are  
 2855 missing, if there are any omissions on the returns from any  
 2856 precinct, or if there is an obvious error on any such returns,  
 2857 the canvassing board shall order a retabulation ~~recount~~ of the  
 2858 returns from such precinct. Before canvassing such returns, the  
 2859 canvassing board shall examine the tabulation of the ballots  
 2860 cast in such precinct and determine whether the returns  
 2861 correctly reflect the votes cast. If there is a discrepancy

2862 between the returns and the tabulation of the ballots cast, the  
 2863 tabulation of the ballots cast shall be presumed correct and  
 2864 such votes shall be canvassed accordingly.

2865 (4) The canvassing board shall submit unofficial returns  
 2866 on forms or in formats provided by the division to the  
 2867 Department of State for each federal, statewide, state, or  
 2868 multicounty office or ballot measure no later than noon on the  
 2869 third ~~second~~ day after any primary election and no later than  
 2870 noon on the fifth day after any, general, special, or other  
 2871 election. Such returns shall include the canvass of all ballots  
 2872 as required by subsection (2), except for provisional ballots,  
 2873 which returns shall be reported at the time required for  
 2874 official returns pursuant to s. 102.112(2).

2875 (5) If the county canvassing board determines that the  
 2876 unofficial returns may contain a counting error in which the  
 2877 vote tabulation system failed to count votes that were properly  
 2878 marked in accordance with the instructions on the ballot, the  
 2879 county canvassing board shall:

2880 (a) Correct the error and retabulate ~~recount~~ the affected  
 2881 ballots with the vote tabulation system; or

2882 (b) Request that the Department of State verify the  
 2883 tabulation software. When the Department of State verifies such  
 2884 software, the department shall compare the software used to  
 2885 tabulate the votes with the software filed with the department  
 2886 pursuant to s. 101.5607 and check the election parameters.

2887 (6) If the unofficial returns reflect that a candidate for  
 2888 any office was defeated or eliminated by one-half of a percent  
 2889 or less of the votes cast for such office, that a candidate for



2890 retention to a judicial office was retained or not retained by  
 2891 one-half of a percent or less of the votes cast on the question  
 2892 of retention, or that a measure appearing on the ballot was  
 2893 approved or rejected by one-half of a percent or less of the  
 2894 votes cast on such measure, the board responsible for certifying  
 2895 the results of the vote on such race or measure shall order a  
 2896 recount of the votes cast with respect to such office or  
 2897 measure. The county canvassing board is the board responsible  
 2898 for ordering county and local recounts. The Elections Canvassing  
 2899 Commission is the board responsible for ordering federal, state,  
 2900 and multicounty recounts. A recount need not be ordered with  
 2901 respect to the returns for any office, however, if the candidate  
 2902 or candidates defeated or eliminated from contention for such  
 2903 office by one-half of a percent or less of the votes cast for  
 2904 such office request in writing that a recount not be made.

2905 (a) ~~In counties with voting systems that use paper~~  
 2906 ~~ballots,~~ Each canvassing board responsible for conducting a  
 2907 recount shall put each marksense ballot through automatic  
 2908 tabulating equipment and determine whether the returns correctly  
 2909 reflect the votes cast. If any marksense ~~paper~~ ballot is  
 2910 physically damaged so that it cannot be properly counted by the  
 2911 automatic tabulating equipment during the recount, a true  
 2912 duplicate shall be made of the damaged ballot pursuant to the  
 2913 procedures in s. 101.5614(5). Immediately before the start of  
 2914 the recount ~~and after completion of the count,~~ a test of the  
 2915 tabulating equipment shall be conducted as provided in s.  
 2916 101.5612. If the test indicates no error, the recount tabulation  
 2917 of the ballots cast shall be presumed correct and such votes

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2918 shall be canvassed accordingly. If an error is detected, the  
 2919 cause therefor shall be ascertained and corrected and the  
 2920 recount repeated, as necessary. The canvassing board shall  
 2921 immediately report the error, along with the cause of the error  
 2922 and the corrective measures being taken, to the Department of  
 2923 State. No later than 11 days after the election, the canvassing  
 2924 board shall file a separate incident report with the Department  
 2925 of State, detailing the resolution of the matter and identifying  
 2926 any measures that will avoid a future recurrence of the error.

2927 (b) ~~In counties with voting systems that do not use paper~~  
 2928 ~~ballots,~~ Each canvassing board responsible for conducting a  
 2929 recount where touchscreen ballots were used shall examine the  
 2930 counters on the precinct tabulators to ensure that the total of  
 2931 the returns on the precinct tabulators equals the overall  
 2932 election return. If there is a discrepancy between the overall  
 2933 election return and the counters of the precinct tabulators, the  
 2934 counters of the precinct tabulators shall be presumed correct  
 2935 and such votes shall be canvassed accordingly.

2936 (c) The canvassing board shall submit a second set of  
 2937 unofficial returns on forms or in formats provided by the  
 2938 division to the Department of State for each federal, statewide,  
 2939 state, or multicounty office or ballot measure no later than 3  
 2940 p.m. ~~noon~~ on the fifth ~~third~~ day after any primary election and  
 2941 no later than 3 p.m. on the 8th day after any general election  
 2942 in which a recount was conducted pursuant to this subsection. If  
 2943 the canvassing board is unable to complete the recount  
 2944 prescribed in this subsection by the deadline, the second set of  
 2945 unofficial returns submitted by the canvassing board shall be

2946 identical to the initial unofficial returns and the submission  
 2947 shall also include a detailed explanation of why it was unable  
 2948 to timely complete the recount. However, the canvassing board  
 2949 shall complete the recount prescribed in this subsection, along  
 2950 with any manual recount prescribed in s. 102.166, and certify  
 2951 election returns in accordance with the requirements of this  
 2952 chapter.

2953 (d) The Department of State shall adopt detailed rules  
 2954 prescribing additional recount procedures for each certified  
 2955 voting system, which shall be uniform to the extent practicable.

2956 (7) The canvassing board may employ such clerical help to  
 2957 assist with the work of the board as it deems necessary, with at  
 2958 least one member of the board present at all times, until the  
 2959 canvass of the returns is completed. The clerical help shall be  
 2960 paid from the same fund as inspectors and other necessary  
 2961 election officials.

2962 (8)(a) At the same time that the official results of an  
 2963 election are certified to the Department of State, the county  
 2964 canvassing board shall file a report with the Division of  
 2965 Elections on the conduct of the election. The report shall  
 2966 describe:

2967 1. All contain information relating to any problems  
 2968 incurred as a result of equipment or software malfunctions  
 2969 either at the precinct level, or at a counting location, or  
 2970 within computer and telecommunications networks supporting a  
 2971 county location, including the steps taken to address the  
 2972 malfunction(s).

2973           2. All election definition errors that were discovered  
 2974 after the logic and accuracy test, including the steps taken to  
 2975 address the error.

2976           3. All ballot printing errors or ballot supply problems,  
 2977 including the steps taken to address the error or problem.

2978           4. All staffing shortages or procedural violations by  
 2979 employees or precinct workers which were required to be  
 2980 addressed by the supervisor of elections or the county  
 2981 canvassing board during the conduct of the election, including  
 2982 corrective actions.

2983           5. All instances where needs for staffing or equipment  
 2984 were insufficient to meet the needs of the voters.

2985           6. Any difficulties or unusual circumstances encountered  
 2986 by an election board or the canvassing board, and any other  
 2987 additional information regarding a material issue or problems  
 2988 associated with the conduct of the election which the canvassing  
 2989 board feels should be made a part of the official election  
 2990 record.

2991           (b) After the report pursuant to subsection (1) is filed,  
 2992 if the supervisor discovers new or additional information on any  
 2993 of the items required to be included in the report, the  
 2994 supervisor shall notify the division that new information has  
 2995 been discovered no later than the next business day after the  
 2996 discovery and file an amended report on the conduct of the  
 2997 election within 10 days of the discovery.

2998           (c) Such reports shall be maintained on file in the  
 2999 Division of Elections and shall be available for public  
 3000 inspection. The division shall utilize the reports submitted by

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3001 the canvassing boards to determine what problems may be likely  
 3002 to occur in other elections and disseminate such information,  
 3003 along with possible solutions, to the supervisors of elections.

3004 (9) Within 7 days of the time that the results of an  
 3005 election are certified to the Department of State, the  
 3006 supervisor shall file with the department a copy of or an export  
 3007 file from the results database of the county's voting system and  
 3008 other statistical information as may be required by the  
 3009 department, the Legislature, and the Election Assistance  
 3010 Commission. The department shall adopt rules establishing the  
 3011 required content and acceptable formats for the filings.

3012 Section 59. Section 102.166, Florida Statutes, is amended  
 3013 to read:

3014 102.166 Manual recounts.--

3015 (1) If the second set of unofficial returns pursuant to s.  
 3016 102.141 indicates that a candidate for any office was defeated  
 3017 or eliminated by one-quarter of a percent or less of the votes  
 3018 cast for such office, that a candidate for retention to a  
 3019 judicial office was retained or not retained by one-quarter of a  
 3020 percent or less of the votes cast on the question of retention,  
 3021 or that a measure appearing on the ballot was approved or  
 3022 rejected by one-quarter of a percent or less of the votes cast  
 3023 on such measure, the board responsible for certifying the  
 3024 results of the vote on such race or measure shall order a manual  
 3025 recount of the overvotes and undervotes cast in the entire  
 3026 geographic jurisdiction of such office or ballot measure.  
 3027 However, a manual recount shall not be ordered if the number of

3028 overvotes, undervotes, and provisional ballots is fewer than the  
 3029 number of votes needed to change the outcome of the election.

3030 ~~(2)(a) If the second set of unofficial returns pursuant to~~  
 3031 ~~s. 102.141 indicates that a candidate for any office was~~  
 3032 ~~defeated or eliminated by between one-quarter and one-half of a~~  
 3033 ~~percent of the votes cast for such office, that a candidate for~~  
 3034 ~~retention to judicial office was retained or not retained by~~  
 3035 ~~between one-quarter and one-half of a percent of the votes cast~~  
 3036 ~~on the question of retention, or that a measure appearing on the~~  
 3037 ~~ballot was approved or rejected by between one-quarter and one-~~  
 3038 ~~half of a percent of the votes cast on such measure, any such~~  
 3039 ~~candidate, the political party of such candidate, or any~~  
 3040 ~~political committee that supports or opposes such ballot measure~~  
 3041 ~~is entitled to a manual recount of the overvotes and undervotes~~  
 3042 ~~cast in the entire geographic jurisdiction of such office or~~  
 3043 ~~ballot measure, provided that a request for a manual recount is~~  
 3044 ~~made by 5 p.m. on the third day after the election.~~

3045 ~~(b) For federal, statewide, state, and multicounty races~~  
 3046 ~~and ballot issues, requests for a manual recount shall be made~~  
 3047 ~~in writing to the state Elections Canvassing Commission. For all~~  
 3048 ~~other races and ballot issues, requests for a manual recount~~  
 3049 ~~shall be made in writing to the county canvassing board.~~

3050 ~~(c) Upon receipt of a proper and timely request, the~~  
 3051 ~~Elections Canvassing Commission or county canvassing board shall~~  
 3052 ~~immediately order a manual recount of overvotes and undervotes~~  
 3053 ~~in all affected jurisdictions.~~

3054 (2)(3)(a) Any hardware or software used to identify and  
 3055 sort overvotes and undervotes for a given race or ballot measure

3056 must be certified by the Department of State as part of the  
 3057 voting system pursuant to s. 101.015. Any such hardware or  
 3058 software must be capable of simultaneously counting votes. ~~For~~  
 3059 ~~certified voting systems, the department shall certify such~~  
 3060 ~~hardware or software by July 1, 2002. If the department is~~  
 3061 ~~unable to certify such hardware or software for a certified~~  
 3062 ~~voting system by July 1, 2002, the department shall adopt rules~~  
 3063 ~~prescribing procedures for identifying and sorting such~~  
 3064 ~~overvotes and undervotes. The department's rules may provide for~~  
 3065 ~~the temporary use of hardware or software whose sole function is~~  
 3066 ~~identifying and sorting overvotes and undervotes.~~

3067 ~~(b) This subsection does not preclude the department from~~  
 3068 ~~certifying hardware or software after July 1, 2002.~~

3069 (b)(e) Overvotes and undervotes shall be identified and  
 3070 sorted while recounting ballots pursuant to s. 102.141, if the  
 3071 hardware or software for this purpose has been certified or the  
 3072 department's rules so provide.

3073 (3)(4) Any manual recount shall be open to the public.

3074 (4)(5)(a) A vote for a candidate or ballot measure shall  
 3075 be counted if there is a clear indication on the ballot that the  
 3076 voter has made a definite choice.

3077 (b) The Department of State shall adopt specific rules for  
 3078 each certified voting system prescribing what constitutes a  
 3079 "clear indication on the ballot that the voter has made a  
 3080 definite choice." The rules may not:

- 3081 1. Exclusively provide that the voter must properly mark
- 3082 or designate his or her choice on the ballot; or

3083           2. Contain a catch-all provision that fails to identify  
 3084 specific standards, such as "any other mark or indication  
 3085 clearly indicating that the voter has made a definite choice."

3086           (5)~~(6)~~ Procedures for a manual recount are as follows:

3087           (a) The county canvassing board shall appoint as many  
 3088 counting teams of at least two electors as is necessary to  
 3089 manually recount the ballots. A counting team must have, when  
 3090 possible, members of at least two political parties. A candidate  
 3091 involved in the race shall not be a member of the counting team.

3092           (b) Each duplicate ballot prepared pursuant to s.  
 3093 101.5614(5) or s. 102.141(6) shall be compared with the original  
 3094 ballot to ensure the correctness of the duplicate.

3095           (c) If a counting team is unable to determine whether the  
 3096 ballot contains a clear indication that the voter has made a  
 3097 definite choice, the ballot shall be presented to the county  
 3098 canvassing board for a determination.

3099           (d) The Department of State shall adopt detailed rules  
 3100 prescribing additional recount procedures for each certified  
 3101 voting system which shall be uniform to the extent practicable.  
 3102 The rules shall address, at a minimum, the following areas:

- 3103           1. Security of ballots during the recount process.+
- 3104           2. Time and place of recounts.+
- 3105           3. Public observance of recounts.+
- 3106           4. Objections to ballot determinations.+
- 3107           5. Record of recount proceedings.+~~and~~
- 3108           6. Procedures relating to candidate and petitioner
- 3109 representatives.



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3110 Section 60. Subsections (2) and (4) of section 102.168,  
 3111 Florida Statutes, are amended to read:

3112 102.168 Contest of election.--

3113 (2) Such contestant shall file a complaint, together with  
 3114 the fees prescribed in chapter 28, with the clerk of the circuit  
 3115 court within 10 days after midnight of the date the last board  
 3116 responsible for certifying the results officially ~~county~~  
 3117 ~~canvassing board empowered to canvass the returns~~ certifies the  
 3118 results of the election being contested.

3119 (4) The county canvassing board is an indispensable and ~~or~~  
 3120 ~~Elections Canvassing Commission shall be the~~ proper party  
 3121 defendant in county and local elections, and the Elections  
 3122 Canvassing Commission is an indispensable and proper party  
 3123 defendant in federal, state, and multicounty races, and the  
 3124 successful candidate is ~~shall be~~ an indispensable party to any  
 3125 action brought to contest the election or nomination of a  
 3126 candidate.

3127 Section 61. Subsections (1) and (4) of section 103.021,  
 3128 Florida Statutes, are amended to read:

3129 103.021 Nomination for presidential electors.--Candidates  
 3130 for presidential electors shall be nominated in the following  
 3131 manner:

3132 (1) The Governor shall nominate the presidential electors  
 3133 of each political party. The state executive committee of each  
 3134 political party shall by resolution recommend candidates for  
 3135 presidential electors and deliver a certified copy thereof to  
 3136 the Governor prior to September 1 of each presidential election  
 3137 year. The Governor ~~He or she~~ shall nominate only the electors

3138 recommended by the state executive committee of the respective  
 3139 political party. Each such elector shall be a qualified elector  
 3140 of the party he or she represents who has taken an oath that he  
 3141 or she will vote for the candidates of the party that he or she  
 3142 is nominated to represent. The Governor shall certify to the  
 3143 Department of State on or before September 1, in each  
 3144 presidential election year, the names of a number of electors  
 3145 for each political party equal to the number of senators and  
 3146 representatives which this state has in Congress.

3147 (4)(a) A minor political party that is affiliated with a  
 3148 national party holding a national convention to nominate  
 3149 candidates for President and Vice President of the United States  
 3150 may have the names of its candidates for President and Vice  
 3151 President of the United States printed on the general election  
 3152 ballot by filing with the Department of State a certificate  
 3153 naming the candidates for President and Vice President and  
 3154 listing the required number of persons to serve as electors.  
 3155 Notification to the Department of State under this subsection  
 3156 shall be made by September 1 of the year in which the election  
 3157 is held. When the Department of State has been so notified, it  
 3158 shall order the names of the candidates nominated by the minor  
 3159 political party to be included on the ballot and shall permit  
 3160 the required number of persons to be certified as electors in  
 3161 the same manner as other party candidates. For purposes of this  
 3162 section, "national party" shall mean a political party  
 3163 established and admitted to the ballot in at least one state  
 3164 other than this state, and "national convention" shall mean any  
 3165 caucus, convention, meeting, or any other assembly of a

3166 political party gathered, whether or not such meeting is held in  
 3167 person or by telephonic or electronic means, with the intent of  
 3168 nominating candidates for President and Vice President of the  
 3169 United States.

3170 (b) A minor political party that is not affiliated with a  
 3171 national party holding a national convention to nominate  
 3172 candidates for President and Vice President of the United States  
 3173 may have the names of its candidates for President and Vice  
 3174 President printed on the general election ballot if a petition  
 3175 is signed by 1 percent of the registered electors of this state,  
 3176 as shown by the compilation by the Department of State for the  
 3177 preceding general election. A separate petition from each county  
 3178 for which signatures are solicited shall be submitted to the  
 3179 supervisors of elections of the respective county no later than  
 3180 July 15 of each presidential election year. The supervisor shall  
 3181 check the names and, on or before the date of the first primary,  
 3182 shall certify the number shown as registered electors of the  
 3183 county. The supervisor shall be paid by the person requesting  
 3184 the certification the cost of checking the petitions as  
 3185 prescribed in s. 99.097. The supervisor shall then forward the  
 3186 certificate to the Department of State, which shall determine  
 3187 whether or not the percentage factor required in this section  
 3188 has been met. When the percentage factor required in this  
 3189 section has been met, the Department of State shall order the  
 3190 names of the candidates for whom the petition was circulated to  
 3191 be included on the ballot and shall permit the required number  
 3192 of persons to be certified as electors in the same manner as  
 3193 other party candidates.

3194 Section 62. Section 103.051, Florida Statutes, is amended  
 3195 to read:

3196 103.051 Congress sets meeting dates of electors.--The  
 3197 presidential electors shall, ~~at noon~~ on the day which is  
 3198 directed by Congress and at the time fixed by the Governor, meet  
 3199 at Tallahassee and perform the duties required of them by the  
 3200 Constitution and laws of the United States.

3201 Section 63. Section 103.061, Florida Statutes, is amended  
 3202 to read:

3203 103.061 Meeting of electors and filling of  
 3204 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on  
 3205 the day fixed by Congress to elect a President and Vice  
 3206 President and at the time fixed by the Governor, give notice to  
 3207 the Governor that the elector is in Tallahassee and ready to  
 3208 perform the duties of presidential elector. The Governor shall  
 3209 forthwith deliver to the presidential electors present a  
 3210 certificate of the names of all the electors; and if, on  
 3211 examination thereof, it should be found that one or more  
 3212 electors are absent, the electors present shall elect by ballot,  
 3213 in the presence of the Governor, a person or persons to fill  
 3214 such vacancy or vacancies as may have occurred through the  
 3215 nonattendance of one or more of the electors.

3216 Section 64. Section 103.121, Florida Statutes, is amended  
 3217 to read:

3218 103.121 Powers and duties of executive committees.--  
 3219 (1)(a) Each state and county executive committee of a  
 3220 political party shall have the power and duty:

3221 1. To adopt a constitution by two-thirds vote of the full  
3222 committee.

3223 2. To adopt such bylaws as it may deem necessary by  
3224 majority vote of the full committee.

3225 3. To conduct its meetings according to generally accepted  
3226 parliamentary practice.

3227 4. To make party nomination when required by law.

3228 5. To conduct campaigns for party nominees.

3229 6. To raise and expend party funds. Such funds may not be  
3230 expended or committed to be expended except after written  
3231 authorization by the chair of the state or county executive  
3232 committee.

3233 (b) ~~Except as otherwise provided in subsection (5),~~ The  
3234 county executive committee shall receive payment of assessments  
3235 upon candidates to be voted for in a single county except state  
3236 senators and members of the House of Representatives and  
3237 representatives to the Congress of the United States; and the  
3238 state executive committees shall receive all other assessments  
3239 authorized. All party assessments shall be 2 percent of the  
3240 annual salary of the office sought by the respective candidate.  
3241 All such committee assessments shall be remitted to the state  
3242 executive committee of the appropriate party and distributed in  
3243 accordance with subsection (5)~~(6)~~.

3244 ~~(2) The state executive committee shall by resolution~~  
3245 ~~recommend candidates for presidential electors and deliver a~~  
3246 ~~certified copy thereof to the Governor prior to September 1 of~~  
3247 ~~each presidential election year.~~

3248        (2)~~(3)~~ The chair and treasurer of an executive committee  
 3249 of any political party shall be accountable for the funds of  
 3250 such committee and jointly liable for their proper expenditure  
 3251 for authorized purposes only. ~~The chair and treasurer of the~~  
 3252 ~~state executive committee of any political party shall furnish~~  
 3253 ~~adequate bond, but not less than \$10,000, conditioned upon the~~  
 3254 ~~faithful performance by such party officers of their duties and~~  
 3255 ~~for the faithful accounting for party funds which shall come~~  
 3256 ~~into their hands; and the chair and treasurer of a county~~  
 3257 ~~executive committee of a political party shall furnish adequate~~  
 3258 ~~bond, but not less than \$5,000, conditioned as aforesaid. A bond~~  
 3259 ~~for the chair and treasurer of the state executive committee of~~  
 3260 ~~a political party shall be filed with the Department of State. A~~  
 3261 ~~bond for the chair and treasurer of a county executive committee~~  
 3262 ~~shall be filed with the supervisor of elections. The funds of~~  
 3263 each such state executive committee shall be publicly audited at  
 3264 the end of each calendar year and a copy of such audit furnished  
 3265 to the Department of State for its examination prior to April 1  
 3266 of the ensuing year. When filed with the Department of State,  
 3267 copies of such audit shall be public documents. The treasurer of  
 3268 each county executive committee shall maintain adequate records  
 3269 evidencing receipt and disbursement of all party funds received  
 3270 by him or her, and such records shall be publicly audited at the  
 3271 end of each calendar year and a copy of such audit filed with  
 3272 the supervisor of elections and the state executive committee  
 3273 prior to April 1 of the ensuing year.

3274        (3)~~(4)~~ Any chair or treasurer of a state or county  
 3275 executive committee of any political party who knowingly

3276 misappropriates, or makes an unlawful expenditure of, or a false  
 3277 or improper accounting for, the funds of such committee is  
 3278 guilty of a felony of the third degree, punishable as provided  
 3279 in s. 775.082, s. 775.083, or s. 775.084.

3280 (4)(5)(a) The central committee or other equivalent  
 3281 governing body of each state executive committee shall adopt a  
 3282 rule which governs the time and manner in which the respective  
 3283 county executive committees of such party may endorse, certify,  
 3284 screen, or otherwise recommend one or more candidates for such  
 3285 party's nomination for election. Upon adoption, such rule shall  
 3286 provide the exclusive method by which a county committee may so  
 3287 endorse, certify, screen, or otherwise recommend. No later than  
 3288 the date on which qualifying for public office begins pursuant  
 3289 to s. 99.061, the chair of each county executive committee shall  
 3290 notify in writing the supervisor of elections of his or her  
 3291 county whether the county executive committee has endorsed or  
 3292 intends to endorse, certify, screen, or otherwise recommend  
 3293 candidates for nomination pursuant to party rule. A copy of such  
 3294 notification shall be provided to the Secretary of State and to  
 3295 the chair of the appropriate state executive committee. ~~Any~~  
 3296 ~~county executive committee that endorses or intends to endorse,~~  
 3297 ~~certify, screen, or otherwise recommend one or more candidates~~  
 3298 ~~for nomination shall forfeit all party assessments which would~~  
 3299 ~~otherwise be returned to the county executive committee; and~~  
 3300 ~~such assessments shall be remitted instead to the state~~  
 3301 ~~executive committee of such party, the provisions of paragraph~~  
 3302 ~~(1)(b) to the contrary notwithstanding. No such funds so~~  
 3303 ~~remitted to the state executive committee shall be paid,~~

3304 ~~returned, or otherwise disbursed to the county executive~~  
 3305 ~~committee under any circumstances. Any county executive~~  
 3306 ~~committee that is in violation of any party rule after receiving~~  
 3307 ~~the party assessment shall remit such party assessment to the~~  
 3308 ~~state executive committee.~~

3309 ~~(b) Any state executive committee that endorses or intends~~  
 3310 ~~to endorse, certify, screen, or otherwise recommend one or more~~  
 3311 ~~candidates for nomination shall forfeit all party assessments~~  
 3312 ~~which would otherwise be returned to the state executive~~  
 3313 ~~committee; and such assessments shall be remitted instead to the~~  
 3314 ~~General Revenue Fund of the state. Any state executive committee~~  
 3315 ~~that is in violation of this section after receiving the party~~  
 3316 ~~assessment shall remit such party assessment to the General~~  
 3317 ~~Revenue Fund of the state.~~

3318 (5)~~(6)~~ The state chair of each state executive committee  
 3319 shall return the 2-percent committee assessment for county  
 3320 candidates to the appropriate county executive committees only  
 3321 upon receipt of a written statement that such county executive  
 3322 committee chooses not to endorse, certify, screen, or otherwise  
 3323 recommend one or more candidates for such party's nomination for  
 3324 election and upon the state chair's determination that the  
 3325 county executive committee is in compliance with all Florida  
 3326 statutes and all state party rules, bylaws, constitutions, and  
 3327 requirements.

3328 Section 65. Subsection (5) of section 104.051, Florida  
 3329 Statutes, is added to read:

3330 104.051 Violations; neglect of duty; corrupt practices.--



3331       (5) Any supervisor or member of a county canvassing board  
 3332 who willfully fails to follow a binding directive issued  
 3333 pursuant to s. 97.012 shall be subject to a civil penalty of  
 3334 \$5,000, which fine shall be paid out of the personal funds of  
 3335 the supervisor or member of the county canvassing board. Only  
 3336 the Secretary of State may file a complaint alleging willful  
 3337 failure to follow a binding directive.

3338       Section 66. Subsections (1) and (3) and paragraph (a) of  
 3339 subsection (5) of section 105.031, Florida Statutes, are amended,  
 3340 and subsection (6) is added to said section, to read:

3341       105.031 Qualification; filing fee; candidate's oath; items  
 3342 required to be filed.--

3343       (1) TIME OF QUALIFYING.--Except for candidates for  
 3344 judicial office, nonpartisan candidates for multicounty office  
 3345 shall qualify with the Division of Elections of the Department  
 3346 of State and nonpartisan candidates for countywide or less than  
 3347 countywide office shall qualify with the supervisor of  
 3348 elections. Candidates for judicial office other than the office  
 3349 of county court judge shall qualify with the Division of  
 3350 Elections of the Department of State, and candidates for the  
 3351 office of county court judge shall qualify with the supervisor  
 3352 of elections of the county. Candidates for judicial office shall  
 3353 qualify no earlier than noon of the 120th day, and no later than  
 3354 noon of the 116th day, before the first primary election.  
 3355 Candidates for the office of school board member shall qualify  
 3356 no earlier than noon of the 50th day, and no later than noon of  
 3357 the 46th day, before the first primary election. Filing shall be  
 3358 on forms provided for that purpose by the Division of Elections

3359 and furnished by the appropriate qualifying officer. Any person  
 3360 seeking to qualify by the petition process ~~alternative method~~,  
 3361 as set forth in s. 105.035, who ~~if the person~~ has submitted the  
 3362 necessary petitions by the required deadline and is notified  
 3363 after the fifth day prior to the last day for qualifying that  
 3364 the required number of signatures has been obtained, shall be  
 3365 entitled to subscribe to the candidate's oath and file the  
 3366 qualifying papers at any time within 5 days from the date he or  
 3367 she is notified that the necessary number of signatures has been  
 3368 obtained. Any person other than a write-in candidate who  
 3369 qualifies within the time prescribed in this subsection shall be  
 3370 entitled to have his or her name printed on the ballot.

3371 (3) QUALIFYING FEE.--Each candidate qualifying for  
 3372 election to a judicial office or the office of school board  
 3373 member, except write-in judicial or school board candidates,  
 3374 shall, during the time for qualifying, pay to the officer with  
 3375 whom he or she qualifies a qualifying fee, which shall consist  
 3376 of a filing fee and an election assessment, or qualify by the  
 3377 petition process ~~alternative method~~. The amount of the filing  
 3378 fee is 3 percent of the annual salary of the office sought. The  
 3379 amount of the election assessment is 1 percent of the annual  
 3380 salary of the office sought. The Department of State shall  
 3381 forward all filing fees to the Department of Revenue for deposit  
 3382 in the Elections Commission Trust Fund. The supervisor of  
 3383 elections shall forward all filing fees to the Elections  
 3384 Commission Trust Fund. The election assessment shall be  
 3385 deposited into the Elections Commission Trust Fund. The annual  
 3386 salary of the office for purposes of computing the qualifying

3387 fee shall be computed by multiplying 12 times the monthly salary  
 3388 authorized for such office as of July 1 immediately preceding  
 3389 the first day of qualifying. This subsection shall not apply to  
 3390 candidates qualifying for retention to judicial office.

3391 (5) ITEMS REQUIRED TO BE FILED.--

3392 (a) In order for a candidate for judicial office or the  
 3393 office of school board member to be qualified, the following  
 3394 items must be received by the filing officer by the end of the  
 3395 qualifying period:

3396 1. Except for candidates for retention to judicial office,  
 3397 a properly executed check drawn upon the candidate's campaign  
 3398 account in an amount not less than the fee required by  
 3399 subsection (3) or, in lieu thereof, the copy of the notice of  
 3400 obtaining ballot position pursuant to s. 105.035. If a  
 3401 candidate's check is returned by the bank for any reason, the  
 3402 filing officer shall immediately notify the candidate and the  
 3403 candidate shall, the end of qualifying notwithstanding, have 48  
 3404 hours from the time such notification is received, excluding  
 3405 Saturdays, Sundays, and legal holidays, to pay the fee with a  
 3406 cashier's check purchased from funds of the campaign account.  
 3407 Failure to pay the fee as provided in this subparagraph shall  
 3408 disqualify the candidate.

3409 2. The candidate's oath required by subsection (4), which  
 3410 must contain the name of the candidate as it is to appear on the  
 3411 ballot; the office sought, including the district or group  
 3412 number if applicable; and the signature of the candidate, duly  
 3413 acknowledged.

3414           3. The loyalty oath required by s. 876.05, signed by the  
3415 candidate and duly acknowledged.

3416           4. The completed form for the appointment of campaign  
3417 treasurer and designation of campaign depository, as required by  
3418 s. 106.021. In addition, each candidate for judicial office,  
3419 including an incumbent judge, shall file a statement with the  
3420 qualifying officer, within 10 days after filing the appointment  
3421 of campaign treasurer and designation of campaign depository,  
3422 stating that the candidate has read and understands the  
3423 requirements of the Florida Code of Judicial Conduct. Such  
3424 statement shall be in substantially the following form:

3425  
3426 Statement of Candidate for Judicial Office

3427  
3428 I, (name of candidate) , a judicial candidate, have received,  
3429 read, and understand the requirements of the Florida Code of  
3430 Judicial Conduct.

3431 (Signature of candidate)  
3432 (Date)

3433  
3434           5. The full and public disclosure of financial interests  
3435 required by s. 8, Art. II of the State Constitution or the  
3436 statement of financial interests required by s. 112.3145,  
3437 whichever is applicable. A public officer who has filed the full  
3438 and public disclosure or statement of financial interests with  
3439 the Commission on Ethics or the supervisor of elections prior to  
3440 qualifying for office, may file a copy of that disclosure at the  
3441 time of qualifying.

3442           (6) Notwithstanding the qualifying period prescribed in  
 3443 this section, a filing officer may accept and hold qualifying  
 3444 papers submitted not earlier than 14 days prior to the beginning  
 3445 of the qualifying period to be processed and filed during the  
 3446 qualifying period.

3447           Section 67. Section 105.035, Florida Statutes, is amended  
 3448 to read:

3449           105.035 Petition process for ~~Alternative method of~~  
 3450 qualifying for certain judicial offices and the office of school  
 3451 board member.--

3452           (1) A person seeking to qualify for election to the office  
 3453 of circuit judge or county court judge or the office of school  
 3454 board member may qualify for election to such office by means of  
 3455 the petitioning process prescribed in this section. A person  
 3456 qualifying by this petition process ~~alternative method~~ shall not  
 3457 be required to pay the qualifying fee required by this chapter.  
 3458 ~~A person using this petitioning process shall file an oath with~~  
 3459 ~~the officer before whom the candidate would qualify for the~~  
 3460 ~~office stating that he or she intends to qualify by this~~  
 3461 ~~alternative method for the office sought. Such oath shall be~~  
 3462 ~~filed at any time after the first Tuesday after the first Monday~~  
 3463 ~~in January of the year in which the election is held, but prior~~  
 3464 ~~to the 21st day preceding the first day of the qualifying period~~  
 3465 ~~for the office sought. The form of such oath shall be prescribed~~  
 3466 ~~by the Division of Elections. No signatures shall be obtained~~  
 3467 ~~until the person has filed the oath prescribed in this~~  
 3468 ~~subsection.~~

3469           (2) ~~Upon receipt of a written oath from a candidate, The~~  
 3470 ~~qualifying officer shall provide the candidate with a petition~~  
 3471 ~~format shall be prescribed by the Division of Elections and~~  
 3472 ~~shall~~ to be used by the candidate to reproduce petitions for  
 3473 circulation. If the candidate is running for an office which  
 3474 will be grouped on the ballot with two or more similar offices  
 3475 to be filled at the same election, the candidate's petition must  
 3476 indicate, prior to the obtaining of registered electors'  
 3477 signatures, for which group or district office the candidate is  
 3478 running.

3479           (3) Each candidate for election to a judicial office or  
 3480 the office of school board member shall obtain the signature of  
 3481 a number of qualified electors equal to at least 1 percent of  
 3482 the total number of registered electors of the district,  
 3483 circuit, county, or other geographic entity represented by the  
 3484 office sought as shown by the compilation by the Department of  
 3485 State for the last preceding general election. A separate  
 3486 petition shall be circulated for each candidate availing himself  
 3487 or herself of the provisions of this section. Signatures may not  
 3488 be obtained until the candidate has filed the appointment of  
 3489 campaign treasurer and designation of campaign depository  
 3490 pursuant to s. 106.021.

3491           (4)(a) Each candidate seeking to qualify for election to  
 3492 the office of circuit judge or the office of school board member  
 3493 from a multicounty school district pursuant to this section  
 3494 shall file a separate petition from each county from which  
 3495 signatures are sought. Each petition shall be submitted, prior  
 3496 to noon of the 28th ~~21st~~ day preceding the first day of the

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3497 | qualifying period for the office sought, to the supervisor of  
3498 | elections of the county for which such petition was circulated.  
3499 | Each supervisor of elections to whom a petition is submitted  
3500 | shall check the signatures on the petition to verify their  
3501 | status as electors of that county and of the geographic area  
3502 | represented by the office sought. No later than the 7th day  
3503 | before ~~Prior to~~ the first date for qualifying, the supervisor  
3504 | shall certify the number shown as registered electors and submit  
3505 | such certification to the Division of Elections. The division  
3506 | shall determine whether the required number of signatures has  
3507 | been obtained for the name of the candidate to be placed on the  
3508 | ballot and shall notify the candidate. If the required number of  
3509 | signatures has been obtained, the candidate shall, during the  
3510 | time prescribed for qualifying for office, submit a copy of such  
3511 | notice and file his or her qualifying papers and oath prescribed  
3512 | in s. 105.031 with the Division of Elections. Upon receipt of  
3513 | the copy of such notice and qualifying papers, the division  
3514 | shall certify the name of the candidate to the appropriate  
3515 | supervisor or supervisors of elections as having qualified for  
3516 | the office sought.

3517 |       (b) Each candidate seeking to qualify for election to the  
3518 | office of county court judge or the office of school board  
3519 | member from a single county school district pursuant to this  
3520 | section shall submit his or her petition, prior to noon of the  
3521 | 28th ~~21st~~ day preceding the first day of the qualifying period  
3522 | for the office sought, to the supervisor of elections of the  
3523 | county for which such petition was circulated. The supervisor  
3524 | shall check the signatures on the petition to verify their

3525 status as electors of the county and of the geographic area  
 3526 represented by the office sought. No later than the 7th day  
 3527 before ~~Prior to~~ the first date for qualifying, the supervisor  
 3528 shall determine whether the required number of signatures has  
 3529 been obtained for the name of the candidate to be placed on the  
 3530 ballot and shall notify the candidate. If the required number of  
 3531 signatures has been obtained, the candidate shall, during the  
 3532 time prescribed for qualifying for office, submit a copy of such  
 3533 notice and file his or her qualifying papers and oath prescribed  
 3534 in s. 105.031 with the qualifying officer. Upon receipt of the  
 3535 copy of such notice and qualifying papers, such candidate shall  
 3536 be entitled to have his or her name printed on the ballot.

3537 Section 68. Subsections (10), (11), and (12) of section  
 3538 106.22, Florida Statutes, are amended to read:

3539 106.22 Duties of the Division of Elections.--It is the  
 3540 duty of the Division of Elections to:

3541 ~~(11) Conduct preliminary investigations into any~~  
 3542 ~~irregularities or fraud involving voter registration or voting~~  
 3543 ~~and report its findings to the state attorney for the judicial~~  
 3544 ~~circuit in which the alleged violation occurred for prosecution,~~  
 3545 ~~where warranted. The Department of State may prescribe by rule~~  
 3546 ~~requirements for filing a complaint of voter fraud and for~~  
 3547 ~~investigating any such complaint.~~

3548 (11)~~(12)~~ Conduct random audits with respect to reports and  
 3549 statements filed under this chapter and with respect to alleged  
 3550 failure to file any reports and statements required under this  
 3551 chapter.



3552 Section 69. Subsection (6) of section 106.24, Florida  
 3553 Statutes, is amended to read:

3554 106.24 Florida Elections Commission; membership; powers;  
 3555 duties.--

3556 (6) There is hereby established in the State Treasury an  
 3557 Elections Commission Trust Fund to be utilized by the Division  
 3558 of Elections and the Florida Elections Commission in order to  
 3559 carry out their duties pursuant to ss. 106.24-106.28. The trust  
 3560 fund may also be used by the Secretary of State ~~division~~,  
 3561 pursuant to his or her ~~its~~ authority under s. 97.012(14)  
 3562 ~~106.22(11)~~, to provide rewards for information leading to  
 3563 criminal convictions related to voter registration fraud, voter  
 3564 fraud, and vote scams.

3565 Section 70. Paragraph (a) of subsection (1) of section  
 3566 16.56, Florida Statutes, is amended to read:

3567 16.56 Office of Statewide Prosecution.--

3568 (1) There is created in the Department of Legal Affairs an  
 3569 Office of Statewide Prosecution. The office shall be a separate  
 3570 "budget entity" as that term is defined in chapter 216. The  
 3571 office may:

3572 (a) Investigate and prosecute the offenses of:

3573 1. Bribery, burglary, criminal usury, extortion, gambling,  
 3574 kidnapping, larceny, murder, prostitution, perjury, robbery,  
 3575 carjacking, and home-invasion robbery;

3576 2. Any crime involving narcotic or other dangerous drugs;

3577 3. Any violation of the provisions of the Florida RICO  
 3578 (Racketeer Influenced and Corrupt Organization) Act, including  
 3579 any offense listed in the definition of racketeering activity in

3580 s. 895.02(1)(a), providing such listed offense is investigated  
 3581 in connection with a violation of s. 895.03 and is charged in a  
 3582 separate count of an information or indictment containing a  
 3583 count charging a violation of s. 895.03, the prosecution of  
 3584 which listed offense may continue independently if the  
 3585 prosecution of the violation of s. 895.03 is terminated for any  
 3586 reason;

3587 4. Any violation of the provisions of the Florida Anti-  
 3588 Fencing Act;

3589 5. Any violation of the provisions of the Florida  
 3590 Antitrust Act of 1980, as amended;

3591 6. Any crime involving, or resulting in, fraud or deceit  
 3592 upon any person;

3593 7. Any violation of s. 847.0135, relating to computer  
 3594 pornography and child exploitation prevention, or any offense  
 3595 related to a violation of s. 847.0135;

3596 8. Any violation of the provisions of chapter 815;

3597 9. Any criminal violation of part I of chapter 499;

3598 10. Any violation of the provisions of the Florida Motor  
 3599 Fuel Tax Relief Act of 2004; ~~or~~

3600 11. Any criminal violation of s. 409.920 or s. 409.9201;

3601 or

3602 12. Any crime involving voter registration, voting, or  
 3603 candidate or issue petition activities.

3604  
 3605 or any attempt, solicitation, or conspiracy to commit any of the  
 3606 crimes specifically enumerated above. The office shall have such  
 3607 power only when any such offense is occurring, or has occurred,

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3608 | in two or more judicial circuits as part of a related  
 3609 | transaction, or when any such offense is connected with an  
 3610 | organized criminal conspiracy affecting two or more judicial  
 3611 | circuits.

3612 | Section 71. Subsection (5) of section 119.07, Florida  
 3613 | Statutes, is amended to read:

3614 | 119.07 Inspection and copying of records; photographing  
 3615 | public records; fees; exemptions.--

3616 | (5) When ballots are produced under this section for  
 3617 | inspection or examination, no persons other than the supervisor  
 3618 | of elections or the supervisor's employees shall touch the  
 3619 | ballots. If the ballots are being examined prior to the end of  
 3620 | the contest period in s. 102.168, the supervisor of elections  
 3621 | shall make a reasonable effort to notify all candidates by  
 3622 | telephone or otherwise of the time and place of the inspection  
 3623 | or examination. All such candidates, or their representatives,  
 3624 | shall be allowed to be present during the inspection or  
 3625 | examination.

3626 | Section 72. Paragraph (d) is added to subsection (15) of  
 3627 | section 120.52, Florida Statutes, to read:

3628 | 120.52 Definitions.--As used in this act:

3629 | (15) "Rule" means each agency statement of general  
 3630 | applicability that implements, interprets, or prescribes law or  
 3631 | policy or describes the procedure or practice requirements of an  
 3632 | agency and includes any form which imposes any requirement or  
 3633 | solicits any information not specifically required by statute or  
 3634 | by an existing rule. The term also includes the amendment or  
 3635 | repeal of a rule. The term does not include:

3636           (d) Advisory opinions issued by the Division of Elections  
 3637 pursuant to s. 106.23(2) and directives issued by the Secretary  
 3638 of State pursuant to s. 97.012(1).

3639           Section 73. Paragraph (a) of subsection (3) of section  
 3640 145.09, Florida Statutes, is amended to read:

3641           145.09 Supervisor of elections.--

3642           (3)(a) There shall be an additional \$2,000 per year  
 3643 special qualification salary for each supervisor of elections  
 3644 who has met the certification requirements established by the  
 3645 Division of Elections of the Department of State. The Department  
 3646 of State shall adopt rules to establish the certification  
 3647 requirements. Any supervisor who is certified during a calendar  
 3648 year shall receive in that year a pro rata share of the special  
 3649 qualification salary based on the remaining period of the year.

3650           Section 74. Sections 98.095, 98.0979, 98.181, 98.481,  
 3651 101.253, 101.635, 102.061, 106.085, and 106.144, Florida  
 3652 Statutes, are repealed.

3653           Section 75. This act shall take effect January 1, 2006.