

CHAMBER ACTION

1 The Ethics & Elections Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to elections; amending s. 97.012, F.S.;
7 revising duties of the Secretary of State as chief
8 election officer; amending s. 97.021, F.S.; revising
9 definitions; creating s. 97.029, F.S.; relating to the
10 award of attorney's fees and costs in proceedings
11 challenging election or voter registration law; amending
12 s. 97.051, F.S.; revising the oath a person must take to
13 register to vote; amending s. 97.052, F.S.; revising
14 provisions relating to the uniform statewide voter
15 registration application; removing the requirement that
16 the uniform statewide voter registration application must
17 contain certain homestead exemption information; amending
18 s. 97.053, F.S.; revising criteria for a voter
19 registration application to be deemed complete; specifying
20 where an initial voter registration application may be
21 mailed; amending s. 97.055, F.S.; providing for permitted
22 updates once registration books are closed; creating s.
23 97.0575, F.S.; regulating third-party voter registrations

24 | and registration organizations; requiring third-party
25 | voter registration organizations to name a registered
26 | agent and submit certain information to the Division of
27 | Elections; providing for a fiduciary duty of the third-
28 | party voter registration organization to the applicant;
29 | providing for joint and several liability for a breach of
30 | fiduciary duty; specifying fines; authorizing the division
31 | to investigate certain violations; providing for collected
32 | fines to be set aside by the division in a trust fund;
33 | authorizing the division to adopt certain rules; amending
34 | s. 98.045, F.S.; correcting a cross reference; amending s.
35 | 98.077, F.S.; providing for signature updates for use in
36 | verifying absentee and provisional ballots; providing a
37 | deadline for the supervisor of elections to receive voter
38 | signature updates; amending s. 99.061, F.S.; amending to
39 | conform; revising a financial disclosure requirement for
40 | candidate qualification; providing a submission deadline
41 | for qualifying papers; amending s. 99.063, F.S.; revising
42 | a financial disclosure requirement for certain designated
43 | candidates; amending s. 99.092, F.S., relating to
44 | qualifying fees of candidates, to conform; amending s.
45 | 99.095, F.S.; providing for a petition process in lieu of
46 | a qualifying fee and party assessment; providing
47 | requirements for signatures and petition format; providing
48 | submission deadlines; amending s. 99.0955, F.S.; revising
49 | provisions relating to candidates with no party
50 | affiliation; amending to conform; deleting obsolete
51 | provisions; amending s. 99.096, F.S.; revising filing

52 requirements of minor political party candidates; amending
 53 to conform; deleting obsolete provisions; amending s.
 54 99.09651, F.S., relating to signature requirements for
 55 ballot position in a year of apportionment, to conform;
 56 amending s. 100.011, F.S.; requiring electors in line at
 57 the official closing of the polls to be allowed to vote;
 58 amending s. 100.101, F.S.; deleting a provision requiring
 59 a special election to be held if a vacancy occurs in
 60 nomination; amending s. 100.111, F.S.; revising
 61 requirements relating to filling candidate vacancies;
 62 deleting provisions relating to a prohibition of qualified
 63 candidates to fill a vacancy in nomination; deleting
 64 obsolete provisions; amending s. 100.141, F.S.; conforming
 65 provisions relating to vacancies in nomination and
 66 qualifying by an alternative method; amending s. 101.031,
 67 F.S.; revising the voter's bill of rights to allow for an
 68 elector whose identity in question to cast a provisional
 69 ballot and to remove the right for an elector to prove
 70 identity by signing an affidavit; amending s. 101.043,
 71 F.S., relating to identification required at polls, to
 72 conform; amending s. 101.048, F.S.; providing a person
 73 casting a provisional ballot the right to present certain
 74 eligibility evidence by a certain date; providing for the
 75 county canvassing board to review provisional ballot
 76 voter's certificates and affirmations; providing a
 77 standard of review; revising the provisional ballot
 78 voter's certificate and affirmation form; revising
 79 provisions relating to casting provisional ballots by

80 | electronic means; amending s. 101.049, F.S.; providing for
 81 | provisional ballots and persons with disabilities;
 82 | amending s. 101.051, F.S.; prohibiting solicitation of
 83 | assistance to electors with certain disabilities at
 84 | certain locations; providing a penalty; requiring a person
 85 | providing an elector assistance to vote to take a
 86 | specified oath; amending s. 101.111, F.S.; revising the
 87 | oath taken by persons challenging the right of a person to
 88 | vote; deleting the oath required to be taken by a person
 89 | whose right to vote was challenged and allowing that
 90 | person to cast a provisional ballot; providing a
 91 | prohibition against and penalty for frivolous challenges;
 92 | amending s. 101.131, F.S.; allowing certain poll watchers
 93 | in early voting areas and polling rooms; providing
 94 | limitations and restrictions on behavior of poll watchers;
 95 | providing deadlines regarding designation and approval of
 96 | poll watchers; amending s. 101.151, F.S.; replacing paper
 97 | ballots with marksense ballots and accompanying
 98 | specifications; amending s. 101.171, F.S.; requiring a
 99 | copy of constitutional amendments to be available at
 100 | polling locations in poster or booklet form; amending s.
 101 | 101.294, F.S.; prohibiting a vendor of voting equipment
 102 | from providing an uncertified voting system or upgrade;
 103 | providing for certification of voting systems and
 104 | upgrades; amending s. 101.295, F.S.; providing a penalty;
 105 | amending s. 101.49, F.S.; revising the procedure of
 106 | election officers where signatures differ; amending s.
 107 | 101.51, F.S., relating to electors' occupation of booths,

108 | to conform; amending s. 101.5606, F.S., relating to
 109 | requirements for approval of voting systems, to conform;
 110 | amending s. 101.5608, F.S., relating to voting by
 111 | electronic or electromechanical methods, to conform;
 112 | amending s. 101.5612, F.S.; providing for additional
 113 | testing of voting systems under certain circumstances;
 114 | amending s. 101.5614, F.S.; correcting a cross reference;
 115 | amending s. 101.572, F.S.; revising a provision relating
 116 | to the public inspection of ballots; amending s. 101.58,
 117 | F.S.; authorizing any Department of State employee full
 118 | access to all premises, records, equipment, and staff of
 119 | the supervisor of elections; amending s. 101.595, F.S.;
 120 | providing for the reporting of overvotes and undervotes in
 121 | races for President and Vice President and Governor and
 122 | Lieutenant Governor or, alternatively, other races
 123 | appearing first on the ballot; amending s. 101.6103, F.S.;
 124 | correcting a cross reference; authorizing canvassing
 125 | boards to begin canvassing mail ballots before the
 126 | election; providing a time when the results may be
 127 | released; providing a penalty; amending s. 101.62, F.S.;
 128 | revising provisions relating to the deadline by which the
 129 | supervisor of elections must receive a request for an
 130 | absentee ballot to be mailed to a voter; requiring
 131 | absentee ballots to be mailed by a certain time; requiring
 132 | information relating to absentee receipt and delivery
 133 | dates to be available to the voter requesting the ballot;
 134 | providing for unavailable regular absentee ballots for
 135 | overseas electors; providing a deadline by which an

HB 1567

2005
CS

136 absentee ballot request may be fulfilled by personal
137 delivery; amending s. 101.64, F.S.; providing for a
138 certain oath to be provided to overseas electors in lieu
139 of a voter's certificate; amending s. 101.657, F.S.;
140 revising requirements relating to early voting locations;
141 revising the deadline to end early voting; providing for
142 uniformity of county early voting sites; requiring any
143 person in line at the closing of an early voting site to
144 be allowed to vote; providing for early voting in
145 municipal and special district elections; amending s.
146 101.663, F.S.; revising provisions relating to certain
147 electors who move to another state; amending s. 101.68,
148 F.S.; providing that an absentee ballot is deemed to have
149 been cast once it has been received by the supervisor;
150 amending s. 101.69, F.S.; revising a provision relating to
151 voting in person by electors who have requested absentee
152 ballots; amending s. 101.6923, F.S.; revising a provision
153 relating to special absentee ballot instructions for
154 certain voters; amending s. 101.694, F.S.; requiring
155 certain absentee envelopes to meet specifications as
156 determined by a certain federal program; amending s.
157 101.697, F.S.; providing a condition on the department's
158 ability to accept certain election materials by electronic
159 transmission from overseas voters; amending s. 102.012,
160 F.S.; revising provisions to require supervisors of
161 election to appoint one election board for each precinct;
162 requiring each supervisor to furnish inspectors of
163 election in each precinct with the list of registered

Page 6 of 134

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

hb1567-01-c1

HB 1567

2005
CS

164 voters for the precinct; amending s. 102.014, F.S.;

165 requiring the division to develop a uniform training

166 curriculum for poll workers; revising grounds upon which a

167 supervisor shall replace an inspector or clerk; revising

168 requirements relating to the provisions and availability

169 of a uniform polling place procedures manual; amending s.

170 102.031, F.S.; revising a provision relating to

171 maintenance of good order at polls, authorities, persons

172 allowed in polling rooms, and unlawful solicitation of

173 voters to apply to early voting areas; prohibiting a

174 person from bringing a camera into a polling room or early

175 voting area; increasing the distance for the no

176 solicitation zone; providing for the designation of the no

177 solicitation zone; amending s. 102.071, F.S.; requiring

178 each supervisor of elections to make certain information

179 publicly available; authorizing the Division of Elections

180 to adopt rules relating to the provision of certain

181 information; providing for civil penalties; decreasing the

182 certificates of the results needed to one; amending s.

183 102.111, F.S.; providing for typographical errors in

184 official county returns to be certified by the Elections

185 Canvassing Commission; amending s. 102.112, F.S.;

186 requiring the county returns to contain a certain

187 certification; authorizing the department to correct

188 typographical errors in county returns; amending s.

189 102.141, F.S.; revising provisions relating to county

190 canvassing boards and their duties; requiring that the

191 county canvassing board be responsible for ordering county

Page 7 of 134

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

hb1567-01-c1

192 and local recounts; revising deadlines relating to
 193 submission of unofficial returns; adding procedure and
 194 content requirements relating to county canvassing boards'
 195 reports on conduct of elections; requiring the supervisor
 196 of elections to file or export files to the department
 197 from election results and other statistical information as
 198 may be requested by the department, the Legislature, and
 199 the Election Assistance Commission; requiring the
 200 department to adopt rules establishing the required
 201 content and acceptable formats for certain filings;
 202 amending s. 102.166, F.S.; revising provisions relating to
 203 manual recounts; amending s. 102.168, F.S.; revising
 204 proper party defendants in actions contesting the election
 205 or nomination of a candidate; amending s. 103.021, F.S.;
 206 requiring the state executive committee of each political
 207 party to recommend candidates for presidential electors to
 208 the Governor using a specified procedure; providing
 209 definitions; amending ss. 103.051 and 103.061, F.S.;
 210 revising certain meeting and notice times of the
 211 presidential electors; amending s. 103.121, F.S.; revising
 212 the powers and duties of executive committees; amending s.
 213 105.031, F.S.; exempting school board candidates from
 214 qualifying fee requirements; revising requirements
 215 relating to financial interest statements made by public
 216 officers; providing a time by which a qualifying officer
 217 may accept and hold certain qualifying papers; amending s.
 218 105.035, F.S.; renaming the "alternative method" of
 219 qualifying for certain offices as the "petition process";

220 removing provisions requiring a person seeking to qualify
 221 by the petition process to file a certain oath; providing
 222 a limitation upon elector signatures needed by certain
 223 candidates; revising deadlines; transferring s. 98.122,
 224 F.S., relating to closed caption television broadcasting
 225 requirements, and renumbering the section as s. 106.165,
 226 F.S.; amending s. 106.22, F.S.; revising the duties of the
 227 Division of Elections to remove the duty to conduct
 228 certain investigations and make subsequent reports;
 229 amending s. 106.29, F.S., relating to the powers and
 230 duties of the Florida Elections Commission, to conform;
 231 amending s. 16.56, F.S.; authorizing the Office of
 232 Statewide Prosecution to investigate and prosecute the
 233 offenses of crimes involving voter registration, voting,
 234 or candidate or issue petition activities; amending s.
 235 112.3145, F.S.; deleting the requirement to file a copy of
 236 disclosure for qualification; amending s. 119.07, F.S.;
 237 placing a condition on when the supervisor of elections
 238 shall notify certain candidates of ballot inspection;
 239 amending s. 145.09, F.S.; requiring the Department of
 240 State to adopt rules establishing certification
 241 requirements of supervisors of elections; repealing s.
 242 98.095, F.S., relating to county registers open to
 243 inspection and copies; repealing s. 98.0979, F.S.;
 244 relating to the statewide voter registration database's
 245 being open to inspection and copies; repealing s. 98.181,
 246 F.S., relating to supervisors of elections making up
 247 indexes or records; repealing s. 98.481, F.S., relating to

HB 1567

2005
CS

248 challenge to electors; repealing s. 101.253, F.S.;

249 relating to when names are not to be printed on ballots;

250 repealing s. 101.635, F.S.; relating to distribution of

251 blocks of printed ballots; repealing s. 102.061, F.S.;

252 relating to duties of election board, counting, and

253 closing polls; repealing s. 106.085, F.S., relating to

254 independent expenditures, prohibited unfair surprise,

255 notice requirements, and a penalty; repealing s. 106.144,

256 F.S.; relating to endorsements or opposition by certain

257 groups and organizations; providing for severability;

258 providing an effective date.

259

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

261

262 Section 1. Section 97.012, Florida Statutes, is amended to

263 read:

264 97.012 Secretary of State as chief election officer.--The

265 Secretary of State is the chief election officer of the state,

266 and it is his or her responsibility to:

267 (1) Obtain and maintain uniformity in the application,

268 operation, and interpretation of the election laws.

269 (2) Provide uniform standards for the proper and equitable

270 implementation of the registration laws.

271 (3) Actively seek out and collect the data and statistics

272 necessary to knowledgeably scrutinize the effectiveness of

273 election laws.

HB 1567

2005
CS

274 (4) Provide technical assistance to the supervisors of
275 elections on voter education and election personnel training
276 services.

277 (5) Provide technical assistance to the supervisors of
278 elections on voting systems.

279 (6) Provide voter education assistance to the public.
280 Voter education activities of the department or the department
281 in combination with the supervisors of elections, either
282 individually or in the aggregate, or with their respective
283 professional associations, are not subject to the competitive
284 solicitation requirements of s. 287.057(5).

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

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

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

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

297 (11) Create and maintain a statewide voter registration
298 system in accordance with the Help America Vote Act of 2002
299 ~~database.~~

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

HB 1567

2005
CS

302 (13) Designate an office within the department to be
 303 responsible for providing information regarding voter
 304 registration procedures and absentee ballot procedures to absent
 305 uniformed services voters and overseas voters.

306 (14) Conduct preliminary investigations into any
 307 irregularities or fraud involving voter registration, voting, or
 308 candidate or issue petition activities and report its findings
 309 to the statewide prosecutor or the state attorney for the
 310 judicial circuit in which the alleged violation occurred for
 311 prosecution, where warranted. The department may prescribe by
 312 rule requirements for filing an elections fraud complaint and
 313 for investigating any such complaint.

314 Section 2. Section 97.021, Florida Statutes, is amended to
 315 read:

316 97.021 Definitions.--For the purposes of this code, except
 317 where the context clearly indicates otherwise, the term:

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

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

324 (3) "Ballot" or "official ballot" when used in reference
 325 to:

326 (a) "Marksense Paper ballots" means that printed sheet of
 327 paper, used in conjunction with an electronic or
 328 electromechanical vote tabulation voting system, containing the
 329 names of candidates, or a statement of proposed constitutional

330 amendments or other questions or propositions submitted to the
 331 electorate at any election, on which sheet of paper an elector
 332 casts his or her vote.

333 (b) "Electronic or electromechanical devices" means a
 334 ballot that is voted by the process of electronically
 335 designating, including by touchscreen, or marking with a marking
 336 device for tabulation by automatic tabulating equipment or data
 337 processing equipment.

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

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

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

344 (c) Any person who receives contributions or makes
 345 expenditures, or gives his or her consent for any other person
 346 to receive contributions or make expenditures, with a view to
 347 bringing about his or her nomination or election to, or
 348 retention in, public office.

349 (d) Any person who appoints a treasurer and designates a
 350 primary depository.

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

353

354 However, this definition does not include any candidate for a
 355 political party executive committee.

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

HB 1567

2005
CS

357 (6) "Division" means the Division of Elections of the
358 Department of State.

359 (7) "Early voting" means casting a ballot prior to
360 election day at a location designated by the supervisor of
361 elections and depositing the voted ballot in the tabulation
362 system.

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

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

370 (10)~~(8)~~ "Election" means any primary election, special
371 primary election, special election, general election, or
372 presidential preference primary election.

373 (11)~~(9)~~ "Election board" means the clerk and inspectors
374 appointed to conduct an election.

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

HB 1567

2005
CS

384 uniquely associated with absentee ballot preparation, poll
385 workers, and election night canvass.

386 (13)~~(11)~~ "Elector" is synonymous with the word "voter" or
387 "qualified elector or voter," except where the word is used to
388 describe presidential electors.

389 (14)~~(12)~~ "General election" means an election held on the
390 first Tuesday after the first Monday in November in the even-
391 numbered years, for the purpose of filling national, state,
392 county, and district offices and for voting on constitutional
393 amendments not otherwise provided for by law.

394 (15)~~(13)~~ "Lists of registered electors" means copies of
395 printed lists of registered electors, computer tapes or disks,
396 or any other device used by the supervisor of elections to
397 maintain voter records.

398 (16)~~(14)~~ "Member of the Merchant Marine" means an
399 individual, other than a member of a uniformed service or an
400 individual employed, enrolled, or maintained on the Great Lakes
401 for the inland waterways, who is:

402 (a) Employed as an officer or crew member of a vessel
403 documented under the laws of the United States, a vessel owned
404 by the United States, or a vessel of foreign-flag registry under
405 charter to or control of the United States; or

406 (b) Enrolled with the United States for employment or
407 training for employment, or maintained by the United States for
408 emergency relief service, as an officer or crew member of such
409 vessel.

410 (17)~~(15)~~ "Minor political party" is any group as defined
411 in this subsection which on January 1 preceding a primary

HB 1567

2005
CS

412 election does not have registered as members 5 percent of the
 413 total registered electors of the state. Any group of citizens
 414 organized for the general purposes of electing to office
 415 qualified persons and determining public issues under the
 416 democratic processes of the United States may become a minor
 417 political party of this state by filing with the department a
 418 certificate showing the name of the organization, the names of
 419 its current officers, including the members of its executive
 420 committee, and a copy of its constitution or bylaws. It shall be
 421 the duty of the minor political party to notify the department
 422 of any changes in the filing certificate within 5 days of such
 423 changes.

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

433 (19)~~(17)~~ "Nominal value" means having a retail value of
 434 \$10 or less.

435 (20)~~(18)~~ "Nonpartisan office" means an office for which a
 436 candidate is prohibited from campaigning or qualifying for
 437 election or retention in office based on party affiliation.

438 (21)~~(19)~~ "Office that serves persons with disabilities"
 439 means any state office that takes applications either in person

HB 1567

2005
CS

440 or over the telephone from persons with disabilities for any
441 program, service, or benefit primarily related to their
442 disabilities.

443 (22)~~(20)~~ "Overseas voter" means:

444 (a) Members of the uniformed services while in the active
445 service who are permanent residents of the state and are
446 temporarily residing outside the territorial limits of the
447 United States and the District of Columbia;

448 (b) Members of the Merchant Marine of the United States
449 who are permanent residents of the state and are temporarily
450 residing outside the territorial limits of the United States and
451 the District of Columbia; and

452 (c) Other citizens of the United States who are permanent
453 residents of the state and are temporarily residing outside the
454 territorial limits of the United States and the District of
455 Columbia,

456
457 who are qualified and registered to vote as provided by law.

458 (23)~~(21)~~ "Overvote" means that the elector marks or
459 designates more names than there are persons to be elected to an
460 office or designates more than one answer to a ballot question,
461 and the tabulator records no vote for the office or question.

462 (24)~~(22)~~ "Persons with disabilities" means individuals who
463 have a physical or mental impairment that substantially limits
464 one or more major life activities.

465 (25)~~(23)~~ "Polling place" is the building which contains
466 the polling room where ballots are cast.

HB 1567

2005
CS

467 ~~(26)~~~~(24)~~ "Polling room" means the actual room in which
468 ballots are cast on election day and during early voting.

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

475 ~~(28)~~~~(26)~~ "Provisional ballot" means a conditional ballot,
476 the validity of which is determined by the canvassing board.

477 ~~(29)~~~~(27)~~ "Public assistance" means assistance provided
478 through the food stamp program; the Medicaid program; the
479 Special Supplemental Food Program for Women, Infants, and
480 Children; and the WAGES Program.

481 ~~(30)~~~~(28)~~ "Public office" means any federal, state, county,
482 municipal, school, or other district office or position which is
483 filled by vote of the electors.

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

HB 1567

2005
CS

494 ~~(32)~~~~(30)~~ "Special election" is a special election called
495 for the purpose of voting on a party nominee to fill a vacancy
496 in the national, state, county, or district office.

497 ~~(33)~~~~(31)~~ "Special primary election" is a special
498 nomination election designated by the Governor, called for the
499 purpose of nominating a party nominee to be voted on in a
500 general or special election.

501 ~~(34)~~~~(32)~~ "Supervisor" means the supervisor of elections.

502 ~~(35)~~~~(33)~~ "Tactile input device" means a device that
503 provides information to a voting system by means of a voter
504 touching the device, such as a keyboard, and that complies with
505 the requirements of s. 101.56062(1)(k) and (l).

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

516 ~~(37)~~~~(34)~~ "Undervote" means that the elector does not
517 properly designate any choice for an office or ballot question,
518 and the tabulator records no vote for the office or question.

519 ~~(38)~~~~(35)~~ "Uniformed services" means the Army, Navy, Air
520 Force, Marine Corps, and Coast Guard, the commissioned corps of

HB 1567

2005
CS

521 the Public Health Service, and the commissioned corps of the
522 National Oceanic and Atmospheric Administration.

523 ~~(39)~~(36) "Voter interface device" means any device that
524 communicates voting instructions and ballot information to a
525 voter and allows the voter to select and vote for candidates and
526 issues.

527 ~~(40)~~(37) "Voter registration agency" means any office that
528 provides public assistance, any office that serves persons with
529 disabilities, any center for independent living, or any public
530 library.

531 ~~(41)~~(38) "Voting booth" or "booth" means that booth or
532 enclosure wherein an elector casts his or her ballot for
533 tabulation by an electronic or electromechanical device.

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

541 Section 3. Section 97.029, Florida Statutes, is created to
542 read:

543 97.029 Attorney's fees and costs.--

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

549 (2)(a) The term "attorney's fees and costs" means the
 550 reasonable and necessary attorney's fees and costs incurred for
 551 all preparations, motions, hearings, trials, and appeals in a
 552 proceeding.

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

560 (3) Within 60 days after the date that a party becomes a
 561 prevailing party, the attorney for the prevailing party shall
 562 submit an itemized affidavit to the court that first conducted
 563 the adversarial proceeding in the underlying action or to the
 564 Division of Administrative Hearings, which shall assign an
 565 administrative law judge in the case of a proceeding pursuant to
 566 chapter 120. The affidavit shall detail the nature and extent of
 567 the services rendered by the attorney as well as the costs
 568 incurred in preparations, motions, hearings, and appeals in the
 569 proceeding.

570 (4) The court or the administrative law judge in the case
 571 of a proceeding under chapter 120 shall promptly conduct an
 572 evidentiary hearing on the application for an award of
 573 attorney's fees and shall issue a judgment or a final order in
 574 the case of an administrative law judge. The final order of an
 575 administrative law judge is reviewable in accordance with the
 576 provisions of s. 120.68. If the court affirms the award of

HB 1567

2005
CS

577 attorney's fees and costs in whole or in part, it may, in its
 578 discretion, award additional attorney's fees and costs for the
 579 appeal.

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

583 Section 4. Section 97.051, Florida Statutes, is amended to
 584 read:

585 97.051 Oath upon registering.--A person registering to
 586 vote must subscribe to the following oath: "I do solemnly swear
 587 (or affirm) that I will protect and defend the Constitution of
 588 the United States and the Constitution of the State of Florida,
 589 that I am qualified to register as an elector under the
 590 Constitution and laws of the State of Florida, and that all
 591 information provided in this application is true ~~I am a citizen~~
 592 ~~of the United States and a legal resident of Florida.~~"

593 Section 5. Section 97.052, Florida Statutes, is amended to
 594 read:

595 97.052 Uniform statewide voter registration application.--

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

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

- 600 1. Initial registration.
- 601 2. Change of address.
- 602 3. Change of party affiliation.
- 603 4. Change of name.
- 604 5. Replacement of voter registration identification card.

HB 1567

2005
CS

605 6. Signature update.

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

- 612 1. Individuals seeking to register to vote.
- 613 2. Individuals or groups conducting voter registration
614 programs. A charge of 1 cent per application shall be assessed
615 on requests for 10,000 or more applications.
- 616 3. The Department of Highway Safety and Motor Vehicles.
- 617 4. Voter registration agencies.
- 618 5. Armed forces recruitment offices.
- 619 6. Qualifying educational institutions.
- 620 7. Supervisors, who must make the applications and forms
621 available in the following manner:
 - 622 a. By distributing the applications and forms in their
623 offices to any individual or group.
 - 624 b. By distributing the applications and forms at other
625 locations designated by each supervisor.
 - 626 c. By mailing the applications and forms to applicants
627 upon the request of the applicant.

628 (c) The uniform statewide voter registration application
629 may be reproduced by any private individual or group, provided
630 the reproduced application is in the same format as the
631 application prescribed under this section.

HB 1567

2005
CS

632 (2) The uniform statewide voter registration application
633 must be designed to elicit the following information from the
634 applicant:

635 (a) Full name.

636 (b) Date of birth.

637 (c) Address of legal residence.

638 (d) Mailing address, if different.

639 (e) County of legal residence.

640 ~~(f) Address of property for which the applicant has been~~
641 ~~granted a homestead exemption, if any.~~

642 (f)~~(g)~~ Race or ethnicity that best describes the
643 applicant:

644 1. American Indian or Alaskan Native.

645 2. Asian or Pacific Islander.

646 3. Black, not Hispanic.

647 4. White, not Hispanic.

648 5. Hispanic.

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

650 (h)~~(i)~~ Sex.

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

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

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

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

656 (m)~~(n)~~ Florida driver's license number or the
657 identification number from a Florida identification card issued
658 under s. 322.051.

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

HB 1567

2005
CS

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

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

668 ~~(q)~~~~(r)~~ Whether the applicant is a citizen of the United
 669 States by asking the question "Are you a citizen of the United
 670 States of America?" and providing boxes for the applicant to
 671 check to indicate whether the applicant is or is not a citizen
 672 of the United States.

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

679 ~~(s)~~~~(t)~~ Whether ~~That~~ the applicant has ~~not~~ been adjudicated
 680 mentally incapacitated with respect to voting or, if so
 681 adjudicated, has had his or her right to vote restored by
 682 including the statement "I affirm I have not been adjudicated
 683 mentally incapacitated with respect to voting or, if I have, my
 684 competency has been restored" and providing a box for the
 685 applicant to check to affirm the statement.
 686

HB 1567

2005
CS

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

692 (3) The uniform statewide voter registration application
693 must also contain:

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

696 (b) A statement specifying each eligibility requirement
697 under s. 97.041.

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

700 (d) A statement that, if an applicant declines to register
701 to vote, the fact that the applicant has declined to register
702 will remain confidential and may be used only for voter
703 registration purposes.

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

710 ~~(f) A statement that informs the applicant that any person~~
711 ~~who has been granted a homestead exemption in this state, and~~
712 ~~who registers to vote in any precinct other than the one in~~
713 ~~which the property for which the homestead exemption has been~~
714 ~~granted, shall have that information forwarded to the property~~

HB 1567

2005
CS

715 ~~appraiser where such property is located, which may result in~~
 716 ~~the person's homestead exemption being terminated and the person~~
 717 ~~being subject to assessment of back taxes under s. 193.092,~~
 718 ~~unless the homestead granted the exemption is being maintained~~
 719 ~~as the permanent residence of a legal or natural dependent of~~
 720 ~~the owner and the owner resides elsewhere.~~

721 (f)~~(g)~~ A statement informing the applicant that if the
 722 form is submitted by mail and the applicant is registering for
 723 the first time, the applicant will be required to provide
 724 identification prior to voting the first time.

725 (4) A supervisor may produce a voter registration
 726 application that has the supervisor's direct mailing address if
 727 the department has reviewed the application and determined that
 728 it is substantially the same as the uniform statewide voter
 729 registration application.

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

737 Section 6. Section 97.053, Florida Statutes, is amended to
 738 read:

739 97.053 Acceptance of voter registration applications.--

740 (1) Voter registration applications, changes in
 741 registration, and requests for a replacement registration
 742 identification card must be accepted in the office of any

HB 1567

2005
CS

743 supervisor, the division, a driver license office, a voter
744 registration agency, or an armed forces recruitment office when
745 hand delivered by the applicant or a third party during the
746 hours that office is open or when mailed.

747 (2) A ~~completed~~ voter registration application is complete
748 and that contains the information necessary to establish an
749 applicant's eligibility pursuant to s. 97.041 becomes the
750 official voter registration record of that applicant when all
751 information necessary to establish the applicant's eligibility
752 pursuant to s. 97.041 is received by the appropriate supervisor.
753 If the applicant fails to complete his or her voter registration
754 application prior to the date of book closing for an election,
755 then such applicant shall not be eligible to vote in that
756 election.

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

762 (4) The registration date for a valid initial voter
763 registration application that has been mailed to a driver
764 license office, a voter registration agency, an armed forces
765 recruitment office, the division, or the office of any
766 supervisor in the state and bears a clear postmark is the date
767 of that ~~the~~ postmark. If an initial voter registration
768 application that has been mailed does not bear a postmark or if
769 the postmark is unclear, the registration date is the date the
770 registration is received by any supervisor or the division,

HB 1567

2005
CS

771 unless it is received within 5 days after the closing of the
772 books for an election, excluding Saturdays, Sundays, and legal
773 holidays, in which case the registration date is the book-
774 closing date.

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

- 778 1. The applicant's name.
- 779 2. The applicant's legal residence address.
- 780 3. The applicant's date of birth.
- 781 4. A mark in the checkbox affirming ~~An indication~~ that the
782 applicant is a citizen of the United States.
- 783 5. The applicant's Florida driver's license number, the
784 identification number from a Florida identification card issued
785 under s. 322.051, or the last four digits of the applicant's
786 social security number.
- 787 6. A mark in the checkbox affirming ~~An indication~~ that the
788 applicant has not been convicted of a felony or that, if
789 convicted, has had his or her civil rights restored.
- 790 7. A mark in the checkbox affirming ~~An indication~~ that the
791 applicant has not been adjudicated mentally incapacitated with
792 respect to voting or that, if so adjudicated, has had his or her
793 right to vote restored.
- 794 8. The original signature of the applicant swearing or
795 affirming under the penalty for false swearing pursuant to s.
796 104.011 that the information contained in the registration
797 application is true and subscribing to the oath required by s.
798 3, Art. VI of the State Constitution and s. 97.051.

HB 1567

2005
CS

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

804 Section 7. Section 97.055, Florida Statutes, is amended to
 805 read:

806 97.055 Registration books; when closed for an election.--

807 (1) The registration books must be closed on the 29th day
 808 before each election and must remain closed until after that
 809 election. If an election is called and there are fewer than 29
 810 days before that election, the registration books must be closed
 811 immediately. When the registration books are closed for an
 812 election, only updates to a voter's name, address, and signature
 813 pursuant to ss. 98.077 and 101.045 will be permitted for
 814 purposes of the upcoming election. Voter registration
 815 applications and party changes must be accepted but only for the
 816 purpose of subsequent elections. However, party changes received
 817 between the book-closing date of the first primary election and
 818 the date of the second primary election are not effective until
 819 after the second primary election.

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

HB 1567

2005
CS

826 Section 8. Section 97.0575, Florida Statutes, is created
827 to read:

828 97.0575 Third-party voter registrations.--

829 (1) Prior to engaging in any voter registration
830 activities, a third-party voter registration organization shall
831 name a registered agent in the state and submit to the division,
832 in a form adopted by the division, the name of the registered
833 agent and the name of those individuals responsible for the day-
834 to-day operation of the third-party voter registration
835 organization including, if applicable, the names of the entity's
836 board of directors, president, vice president, managing partner,
837 or such other persons engaged in similar duties or functions. By
838 no later than the 15th day after the end of each calendar
839 quarter, each third-party voter registration organization shall
840 submit to the division a report providing the date and location
841 of any organized voter registration drives conducted by the
842 organization in the prior calendar quarter.

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

849 (3) A third-party voter registration organization that
850 collects voter registration applications serves as a fiduciary
851 to the applicant, ensuring that any voter registration
852 application entrusted to the third-party voter registration
853 organization, irrespective of party affiliation, race,

854 ethnicity, or gender, shall be promptly delivered to the
 855 division or the supervisor of elections. If a voter registration
 856 application collected by any third-party voter registration
 857 organization is not delivered to the division or supervisor of
 858 elections, then the individual collecting the voter registration
 859 application, the registered agent, and those individuals
 860 responsible for the day-to-day operation of the third-party
 861 voter registration organization including, if applicable, the
 862 entity's board of directors, president, vice president, managing
 863 partner, or such other individuals engaged in similar duties or
 864 functions, shall each be personally and jointly and severally
 865 liable for the following fines:

866 (a) A fine in the amount of \$250 per application received
 867 by the division or the supervisor of elections more than 10 days
 868 after the applicant delivered the completed voter registration
 869 application to the third-party voter registration organization
 870 or any person, entity, or agent acting on its behalf.

871 (b) A fine in the amount of \$500 per application collected
 872 by any third-party voter registration organization or any
 873 person, entity, or agent acting on its behalf, prior to book
 874 closing for any given election for federal or state office and
 875 submitted to the division or the supervisor of elections after
 876 the book closing deadline for such election.

877 (c) A fine in the amount of \$5,000 per application
 878 collected by the third-party voter registration organization or
 879 any person, entity, or agent acting on its behalf and not
 880 submitted to the division or supervisor of elections.

881

HB 1567

2005
CS

882 Any person claiming to have been registered by a third-party
 883 voter registration organization who does not appear as an active
 884 voter on the voter registration rolls shall be presented with a
 885 form adopted by the division to elicit additional information
 886 regarding the facts and circumstances surrounding the soliciting
 887 of the voter registration application. Any violation of this
 888 section may be investigated by the division, and civil fines
 889 shall be assessed by the division and enforced through any
 890 appropriate legal proceedings. The civil fines contained herein
 891 shall be in addition to any applicable criminal penalties. If
 892 the third-party voter registration organization has complied
 893 with the provisions of subsection (1), then the amount of the
 894 fines imposed pursuant to this subsection shall be reduced by
 895 three-fourths. The date on which the voter registration
 896 application is signed by the applicant shall be presumed to be
 897 the date on which the third-party voter registration
 898 organization received or collected the voter registration
 899 application.

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

904 (5) The division may adopt rules as necessary to implement
 905 this section.

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

908 98.045 Administration of voter registration.--

HB 1567

2005
CS

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

920 Section 10. Section 98.077, Florida Statutes, is amended
 921 to read:

922 98.077 Update of voter signature.--The supervisor of
 923 elections shall provide to each registered voter of the county
 924 the opportunity to update his or her signature on file at the
 925 supervisor's office by providing notification of the ability to
 926 do so in any correspondence, other than postcard notifications,
 927 sent to the voter. The notice shall advise when, where, and how
 928 to update the signature and shall provide the voter information
 929 on how to obtain a form from the supervisor that can be returned
 930 to update the signature. In addition, at least once during each
 931 general election year, the supervisor shall publish in a
 932 newspaper of general circulation or other newspaper in the
 933 county deemed appropriate by the supervisor a notice specifying
 934 when, where, or how a voter can update his or her signature that
 935 is on file or how a voter can obtain a form from the supervisor
 936 to do so. All signature updates for use in verifying absentee

HB 1567

2005
CS

937 and provisional ballots shall be received by the appropriate
 938 supervisor of elections no later than 5 p.m. of the fifth day
 939 prior to the election. The signature on file at 5 p.m. on the
 940 fifth day before the election is the signature that shall be
 941 used in verifying the signature on the absentee and provisional
 942 ballot certificates.

943 Section 11. Section 99.061, Florida Statutes, is amended
 944 to read:

945 99.061 Method of qualifying for nomination or election to
 946 federal, state, county, or district office.--

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

HB 1567

2005
CS

964 | for nomination or election to a state or multicounty district
965 | office.

966 | (2) The provisions of any special act to the contrary
967 | notwithstanding, each person seeking to qualify for nomination
968 | or election to a county office, or district or special district
969 | office not covered by subsection (1), shall file his or her
970 | qualification papers with, and pay the qualifying fee, which
971 | shall consist of the filing fee and election assessment, and
972 | party assessment, if any has been levied, to, the supervisor of
973 | elections of the county, or shall qualify by the petition
974 | process pursuant to s. 99.095 ~~alternative method~~ with the
975 | supervisor of elections, at any time after noon of the 1st day
976 | for qualifying, which shall be the 50th day prior to the first
977 | primary or special district election, but not later than noon of
978 | the 46th day prior to the date of the first primary or special
979 | district election. However, if a special district election is
980 | held at the same time as the second primary or general election,
981 | qualifying shall be the 50th day prior to the first primary, but
982 | not later than noon of the 46th day prior to the date of the
983 | first primary. Within 30 days after the closing of qualifying
984 | time, the supervisor of elections shall remit to the secretary
985 | of the state executive committee of the political party to which
986 | the candidate belongs the amount of the filing fee, two-thirds
987 | of which shall be used to promote the candidacy of candidates
988 | for county offices and the candidacy of members of the
989 | Legislature.

990 | (3)(a) Each person seeking to qualify for election to
991 | office as a write-in candidate shall file his or her

HB 1567

2005
CS

992 | qualification papers with the respective qualifying officer at
 993 | any time after noon of the 1st day for qualifying, but not later
 994 | than noon of the last day of the qualifying period for the
 995 | office sought.

996 | (b) Any person who is seeking election as a write-in
 997 | candidate shall not be required to pay a filing fee, election
 998 | assessment, or party assessment. A write-in candidate shall not
 999 | be entitled to have his or her name printed on any ballot;
 1000 | however, space for the write-in candidate's name to be written
 1001 | in shall be provided on the general election ballot. No person
 1002 | may qualify as a write-in candidate if the person has also
 1003 | otherwise qualified for nomination or election to such office.

1004 | (4) At the time of qualifying for office, each candidate
 1005 | for a constitutional office shall file a full and public
 1006 | disclosure of financial interests pursuant to s. 8, Art. II of
 1007 | the State Constitution, and a candidate for any other office,
 1008 | including local elective office, shall file a statement of
 1009 | financial interests pursuant to s. 112.3145 if no current
 1010 | statement is already filed.

1011 | (5) The Department of State shall certify to the
 1012 | supervisor of elections, within 7 days after the closing date
 1013 | for qualifying, the names of all duly qualified candidates for
 1014 | nomination or election who have qualified with the Department of
 1015 | State.

1016 | (6) Notwithstanding the qualifying period prescribed in
 1017 | this section, if a candidate has submitted the necessary
 1018 | petitions by the required deadline in order to qualify by the
 1019 | petition process pursuant to s. 99.095 ~~alternative method~~ as a

HB 1567

2005
CS

1020 candidate for nomination or election and the candidate is
 1021 notified after the 5th day prior to the last day for qualifying
 1022 that the required number of signatures has been obtained, the
 1023 candidate is entitled to subscribe to the candidate's oath and
 1024 file the qualifying papers at any time within 5 days from the
 1025 date the candidate is notified that the necessary number of
 1026 signatures has been obtained. Any candidate who qualifies within
 1027 the time prescribed in this subsection is entitled to have his
 1028 or her name printed on the ballot.

1029 (7)(a) In order for a candidate to be qualified, the
 1030 following items must be received by the filing officer by the
 1031 end of the qualifying period:

1032 1. A properly executed check drawn upon the candidate's
 1033 campaign account in an amount not less than the fee required by
 1034 s. 99.092 or, in lieu thereof, as applicable, the copy of the
 1035 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~
 1036 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~
 1037 ~~99.096~~. If a candidate's check is returned by the bank for any
 1038 reason, the filing officer shall immediately notify the
 1039 candidate and the candidate shall, the end of qualifying
 1040 notwithstanding, have 48 hours from the time such notification
 1041 is received, excluding Saturdays, Sundays, and legal holidays,
 1042 to pay the fee with a cashier's check purchased from funds of
 1043 the campaign account. Failure to pay the fee as provided in this
 1044 subparagraph shall disqualify the candidate.

1045 2. The candidate's oath required by s. 99.021, which must
 1046 contain the name of the candidate as it is to appear on the
 1047 ballot; the office sought, including the district or group

HB 1567

2005
CS

1048 | number if applicable; and the signature of the candidate, duly
1049 | acknowledged.

1050 | 3. The loyalty oath required by s. 876.05, signed by the
1051 | candidate and duly acknowledged.

1052 | 4. If the office sought is partisan, the written statement
1053 | of political party affiliation required by s. 99.021(1)(b).

1054 | 5. The completed form for the appointment of campaign
1055 | treasurer and designation of campaign depository, as required by
1056 | s. 106.021.

1057 | 6. The full and public disclosure or statement of
1058 | financial interests required by subsection (4). A public officer
1059 | who has filed the full and public disclosure or statement of
1060 | financial interests with the Commission on Ethics or the
1061 | supervisor of elections prior to qualifying for office may file
1062 | a copy of that disclosure at the time of qualifying.

1063 | (b) If the filing officer receives qualifying papers that
1064 | do not include all items as required by paragraph (a) prior to
1065 | the last day of qualifying, the filing officer shall make a
1066 | reasonable effort to notify the candidate of the missing or
1067 | incomplete items and shall inform the candidate that all
1068 | required items must be received by the close of qualifying. A
1069 | candidate's name as it is to appear on the ballot may not be
1070 | changed after the end of qualifying.

1071 | (8) Notwithstanding the qualifying period prescribed in
1072 | this section, a qualifying officer may accept and hold
1073 | qualifying papers submitted not earlier than 14 days prior to
1074 | the beginning of the qualifying period to be processed and filed
1075 | during the qualifying period.

HB 1567

2005
CS

1076 ~~(9)(8)~~ Notwithstanding the qualifying period prescribed by
 1077 this section, in each year in which the Legislature apportions
 1078 the state, the qualifying period for persons seeking to qualify
 1079 for nomination or election to federal office shall be between
 1080 noon of the 57th day prior to the first primary, but not later
 1081 than noon of the 53rd day prior to the first primary.

1082 ~~(10)(9)~~ The Department of State may prescribe by rule
 1083 requirements for filing papers to qualify as a candidate under
 1084 this section.

1085 Section 12. Paragraph (d) of subsection (2) of section
 1086 99.063, Florida Statutes, is amended to read:

1087 99.063 Candidates for Governor and Lieutenant Governor.--

1088 (2) No later than 5 p.m. of the 9th day following the
 1089 second primary election, each designated candidate for
 1090 Lieutenant Governor shall file with the Department of State:

1091 (d) The full and public disclosure of financial interests
 1092 pursuant to s. 8, Art. II of the State Constitution. A public
 1093 officer who has filed the full and public disclosure with the
 1094 Commission on Ethics prior to qualifying for office may file a
 1095 copy of that disclosure at the time of qualifying.

1096 Section 13. Subsection (1) of section 99.092, Florida
 1097 Statutes, is amended to read:

1098 99.092 Qualifying fee of candidate; notification of
 1099 Department of State.--

1100 (1) Each person seeking to qualify for nomination or
 1101 election to any office, except a person seeking to qualify by
 1102 the petition process ~~alternative method~~ pursuant to s. 99.095,
 1103 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to qualify

HB 1567

2005
CS

1104 as a write-in candidate, shall pay a qualifying fee, which shall
 1105 consist of a filing fee and election assessment, to the officer
 1106 with whom the person qualifies, and any party assessment levied,
 1107 and shall attach the original or signed duplicate of the receipt
 1108 for his or her party assessment or pay the same, in accordance
 1109 with the provisions of s. 103.121, at the time of filing his or
 1110 her other qualifying papers. The amount of the filing fee is 3
 1111 percent of the annual salary of the office. The amount of the
 1112 election assessment is 1 percent of the annual salary of the
 1113 office sought. The election assessment shall be deposited into
 1114 the Elections Commission Trust Fund. The amount of the party
 1115 assessment is 2 percent of the annual salary. The annual salary
 1116 of the office for purposes of computing the filing fee, election
 1117 assessment, and party assessment shall be computed by
 1118 multiplying 12 times the monthly salary, excluding any special
 1119 qualification pay, authorized for such office as of July 1
 1120 immediately preceding the first day of qualifying. No qualifying
 1121 fee shall be returned to the candidate unless the candidate
 1122 withdraws his or her candidacy before the last date to qualify.
 1123 If a candidate dies prior to an election and has not withdrawn
 1124 his or her candidacy before the last date to qualify, the
 1125 candidate's qualifying fee shall be returned to his or her
 1126 designated beneficiary, and, if the filing fee or any portion
 1127 thereof has been transferred to the political party of the
 1128 candidate, the Secretary of State shall direct the party to
 1129 return that portion to the designated beneficiary of the
 1130 candidate.

HB 1567

2005
CS

1131 Section 14. Section 99.095, Florida Statutes, is amended
1132 to read:

1133 (Substantial rewording of section. See
1134 s. 99.095, F.S., for present text.)

1135 99.095 Petition process in lieu of qualifying fee and
1136 party assessment.--

1137 (1) A person seeking to qualify as a candidate for any
1138 office is not required to pay the qualifying fee or party
1139 assessment required by this chapter if he or she meets the
1140 petition requirements of this section.

1141 (2)(a) A candidate shall obtain the number of signatures
1142 of voters in the geographical area represented by the office
1143 sought equal to at least 1 percent of the total number of
1144 registered voters of that geographical area, as shown by the
1145 compilation by the department for the last preceding general
1146 election. Signatures may not be obtained until the candidate has
1147 filed the appointment of campaign treasurer and designation of
1148 campaign depository pursuant to s. 106.021.

1149 (b) The format of the petition shall be prescribed by the
1150 division and shall be used by candidates to reproduce petitions
1151 for circulation. If the candidate is running for an office that
1152 requires a group or district designation, the petition must
1153 indicate that designation, and, if it does not, the signatures
1154 are not valid. A separate petition is required for each
1155 candidate.

1156 (3) Each petition shall be submitted before noon of the
1157 28th day preceding the first day of the qualifying period for
1158 the office sought to the supervisor of elections of the county

HB 1567

2005
CS

1159 in which such petition was circulated. Each supervisor shall
 1160 check the signatures on the petitions to verify their status as
 1161 voters in the county, district, or other geographical area
 1162 represented by the office sought. No later than the 7th day
 1163 before the first day of the qualifying period, the supervisor
 1164 shall certify the number of valid signatures.

1165 (4)(a) Certifications for candidates for federal, state,
 1166 or multicounty district office shall be submitted by the
 1167 supervisor to the division. The division shall determine whether
 1168 the required number of signatures has been obtained and shall
 1169 notify the candidate of its determination.

1170 (b) For candidates for county or district office not
 1171 covered by paragraph (a), the supervisor shall determine whether
 1172 the required number of signatures has been obtained and shall
 1173 notify the candidate of his or her determination.

1174 (5) If the required number of signatures has been
 1175 obtained, the candidate is eligible to qualify pursuant to s.
 1176 99.061.

1177 Section 15. Section 99.0955, Florida Statutes, is amended
 1178 to read:

1179 99.0955 Candidates with no party affiliation; name on
 1180 general election ballot.--

1181 (1) Each person seeking to qualify for election as a
 1182 candidate with no party affiliation shall file his or her
 1183 qualifying ~~qualification~~ papers and pay the qualifying fee or
 1184 qualify by the petition process pursuant to s. 99.095,
 1185 ~~alternative method prescribed in subsection (3)~~ with the officer
 1186 and during the times and under the circumstances prescribed in

HB 1567

2005
CS

1187 s. 99.061. Upon qualifying, the candidate is entitled to have
1188 his or her name placed on the general election ballot.

1189 (2) The qualifying fee for candidates with no party
1190 affiliation shall consist of a filing fee and an election
1191 assessment as prescribed in s. 99.092. ~~The amount of the filing~~
1192 ~~fee is 3 percent of the annual salary of the office sought. The~~
1193 ~~amount of the election assessment is 1 percent of the annual~~
1194 ~~salary of the office sought. The election assessment shall be~~
1195 ~~deposited into the Elections Commission Trust Fund. Filing fees~~
1196 paid to the Department of State shall be deposited into the
1197 General Revenue Fund of the state. Filing fees paid to the
1198 supervisor of elections shall be deposited into the general
1199 revenue fund of the county.

1200 ~~(3)(a) A candidate with no party affiliation may, in lieu~~
1201 ~~of paying the qualifying fee, qualify for office by the~~
1202 ~~alternative method prescribed in this subsection. A candidate~~
1203 ~~using this petitioning process shall file an oath with the~~
1204 ~~officer before whom the candidate would qualify for the office~~
1205 ~~stating that he or she intends to qualify by this alternative~~
1206 ~~method. If the person is running for an office that requires a~~
1207 ~~group or district designation, the candidate must indicate the~~
1208 ~~designation in his or her oath. The oath shall be filed at any~~
1209 ~~time after the first Tuesday after the first Monday in January~~
1210 ~~of the year in which the election is held, but before the 21st~~
1211 ~~day preceding the first day of the qualifying period for the~~
1212 ~~office sought. The Department of State shall prescribe the form~~
1213 ~~to be used in administering and filing the oath. Signatures may~~
1214 ~~not be obtained by a candidate on any petition until the~~

HB 1567

2005
CS

1215 ~~candidate has filed the oath required in this subsection. Upon~~
 1216 ~~receipt of the written oath from a candidate, the qualifying~~
 1217 ~~officer shall provide the candidate with petition forms in~~
 1218 ~~sufficient numbers to facilitate the gathering of signatures. If~~
 1219 ~~the candidate is running for an office that requires a group or~~
 1220 ~~district designation, the petition must indicate that~~
 1221 ~~designation or the signatures obtained on the petition will not~~
 1222 ~~be counted.~~

1223 ~~(b) A candidate shall obtain the signatures of a number of~~
 1224 ~~qualified electors in the geographical entity represented by the~~
 1225 ~~office sought equal to 1 percent of the registered electors of~~
 1226 ~~the geographical entity represented by the office sought, as~~
 1227 ~~shown by the compilation by the Department of State for the~~
 1228 ~~preceding general election.~~

1229 ~~(c) Each petition must be submitted before noon of the~~
 1230 ~~21st day preceding the first day of the qualifying period for~~
 1231 ~~the office sought, to the supervisor of elections of the county~~
 1232 ~~for which such petition was circulated. Each supervisor to whom~~
 1233 ~~a petition is submitted shall check the signatures on the~~
 1234 ~~petition to verify their status as electors in the county,~~
 1235 ~~district, or other geographical entity represented by the office~~
 1236 ~~sought. Before the first day for qualifying, the supervisor~~
 1237 ~~shall certify the number shown as registered electors.~~

1238 ~~(d)1. Certifications for candidates for federal, state, or~~
 1239 ~~multicounty district office shall be submitted to the Department~~
 1240 ~~of State. The Department of State shall determine whether the~~
 1241 ~~required number of signatures has been obtained for the name of~~

HB 1567

2005
CS

1242 ~~the candidate to be placed on the ballot and shall notify the~~
1243 ~~candidate.~~

1244 ~~2. For candidates for county or district office not~~
1245 ~~covered by subparagraph 1., the supervisor of elections shall~~
1246 ~~determine whether the required number of signatures has been~~
1247 ~~obtained for the name of the candidate to be placed on the~~
1248 ~~ballot and shall notify the candidate.~~

1249 ~~(e) If the required number of signatures has been~~
1250 ~~obtained, the candidate shall, during the time prescribed for~~
1251 ~~qualifying for office, submit a copy of the notice received~~
1252 ~~under paragraph (d) and file his or her qualifying papers and~~
1253 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1254 Section 16. Section 99.096, Florida Statutes, is amended
1255 to read:

1256 99.096 Minor political party candidates; names on
1257 ballot.--

1258 (1) The executive committee of a minor political party
1259 shall, no later than noon of the third day prior to the first
1260 day of the qualifying period prescribed for federal candidates,
1261 submit to the Department of State a list of federal candidates
1262 nominated by the party to be on the general election ballot. ~~and~~
1263 No later than noon of the third day prior to the first day of
1264 the qualifying period for state candidates, the executive
1265 committee of a minor political party shall submit to the
1266 Department of State the official list of the state, multicounty,
1267 and county ~~respective~~ candidates nominated by that party to be
1268 on the ballot in the general election to the filing officer for
1269 each of the candidates. ~~The Department of State shall notify the~~

HB 1567

2005
CS

1270 ~~appropriate supervisors of elections of the name of each minor~~
 1271 ~~party candidate eligible to qualify before such supervisor. The~~
 1272 official list of nominated candidates may not be changed by the
 1273 party after having been filed with the filing officers
 1274 ~~Department of State, except that candidates who have qualified~~
 1275 ~~may withdraw from the ballot pursuant to the provisions of this~~
 1276 ~~code, and vacancies in nominations may be filled pursuant to s.~~
 1277 100.111.

1278 (2) Each person seeking to qualify for election as a
 1279 candidate of a minor political party shall file his or her
 1280 qualifying ~~qualification~~ papers with, and pay the qualifying fee
 1281 and, if one has been levied, the party assessment, or qualify by
 1282 the petition process pursuant to s. 99.095 ~~alternative method~~
 1283 ~~prescribed in subsection (3)~~, with the officer and at the times
 1284 and under the circumstances provided in s. 99.061.

1285 ~~(3)(a) A minor party candidate may, in lieu of paying the~~
 1286 ~~qualifying fee and party assessment, qualify for office by the~~
 1287 ~~alternative method prescribed in this subsection. A candidate~~
 1288 ~~using this petitioning process shall file an oath with the~~
 1289 ~~officer before whom the candidate would qualify for the office~~
 1290 ~~stating that he or she intends to qualify by this alternative~~
 1291 ~~method. If the person is running for an office that requires a~~
 1292 ~~group or district designation, the candidate must indicate the~~
 1293 ~~designation in his or her oath. The oath must be filed at any~~
 1294 ~~time after the first Tuesday after the first Monday in January~~
 1295 ~~of the year in which the election is held, but before the 21st~~
 1296 ~~day preceding the first day of the qualifying period for the~~
 1297 ~~office sought. The Department of State shall prescribe the form~~

HB 1567

2005
CS

1298 ~~to be used in administering and filing the oath. Signatures may~~
 1299 ~~not be obtained by a candidate on any petition until the~~
 1300 ~~candidate has filed the oath required in this section. Upon~~
 1301 ~~receipt of the written oath from a candidate, the qualifying~~
 1302 ~~officer shall provide the candidate with petition forms in~~
 1303 ~~sufficient numbers to facilitate the gathering of signatures. If~~
 1304 ~~the candidate is running for an office that requires a group or~~
 1305 ~~district designation, the petition must indicate that~~
 1306 ~~designation or the signatures on such petition will not be~~
 1307 ~~counted.~~

1308 ~~(b) A candidate shall obtain the signatures of a number of~~
 1309 ~~qualified electors in the geographical entity represented by the~~
 1310 ~~office sought equal to 1 percent of the registered electors in~~
 1311 ~~the geographical entity represented by the office sought, as~~
 1312 ~~shown by the compilation by the Department of State for the last~~
 1313 ~~preceding general election.~~

1314 ~~(c) Each petition shall be submitted prior to noon of the~~
 1315 ~~21st day preceding the first day of the qualifying period for~~
 1316 ~~the office sought to the supervisor of elections of the county~~
 1317 ~~for which the petition was circulated. Each supervisor to whom a~~
 1318 ~~petition is submitted shall check the signatures on the petition~~
 1319 ~~to verify their status as electors in the county, district, or~~
 1320 ~~other geographical entity represented by the office sought.~~
 1321 ~~Before the first day for qualifying, the supervisor shall~~
 1322 ~~certify the number shown as registered electors.~~

1323 ~~(d)1. Certifications for candidates for federal, state, or~~
 1324 ~~multicounty district office shall be submitted to the Department~~
 1325 ~~of State. The Department of State shall determine whether the~~

HB 1567

2005
CS

1326 ~~required number of signatures has been obtained for the name of~~
 1327 ~~the candidate to be placed on the ballot and shall notify the~~
 1328 ~~candidate.~~

1329 ~~2. For candidates for county or district office not~~
 1330 ~~covered by subparagraph 1., the supervisor of elections shall~~
 1331 ~~determine whether the required number of signatures has been~~
 1332 ~~obtained for the name of the candidate to be placed on the~~
 1333 ~~ballot and shall notify the candidate.~~

1334 ~~(c) If the required number of signatures has been~~
 1335 ~~obtained, the candidate shall, during the prescribed time for~~
 1336 ~~qualifying for office, submit a copy of the notice received~~
 1337 ~~under paragraph (d) and file his or her qualifying papers and~~
 1338 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1339 ~~(4) A minor party candidate whose name has been submitted~~
 1340 ~~pursuant to subsection (1) and who has qualified for office is~~
 1341 ~~entitled to have his or her name placed on the general election~~
 1342 ~~ballot.~~

1343 Section 17. Subsection (1) of section 99.09651, Florida
 1344 Statutes, is amended to read:

1345 99.09651 Signature requirements for ballot position in
 1346 year of apportionment.--

1347 (1) In a year of apportionment, any candidate for
 1348 representative to Congress, state Senate, or state House of
 1349 Representatives seeking ballot position by the petition process
 1350 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~
 1351 ~~99.096~~ shall obtain at least the number of signatures equal to
 1352 one-third of 1 percent of the ideal population for the district
 1353 of the office being sought.

HB 1567

2005
CS

1354 Section 18. Subsection (1) of section 100.011, Florida
1355 Statutes, is amended to read:

1356 100.011 Opening and closing of polls, all elections;
1357 expenses.--

1358 (1) The polls shall be open at the voting places at 7:00
1359 a.m., on the day of the election, and shall be kept open until
1360 7:00 p.m., of the same day, and the time shall be regulated by
1361 the customary time in standard use in the county seat of the
1362 locality. The inspectors shall make public proclamation of the
1363 opening and closing of the polls. During the election and
1364 canvass of the votes, the ballot box shall not be concealed. Any
1365 elector in line at the official closing of the polls shall be
1366 allowed to cast a vote in the election.

1367 Section 19. Subsection (5) of section 100.101, Florida
1368 Statutes, is amended to read:

1369 100.101 Special elections and special primary
1370 elections.--Except as provided in s. 100.111(2), a special
1371 election or special primary election shall be held in the
1372 following cases:

1373 ~~(5) If a vacancy occurs in nomination.~~

1374 Section 20. Paragraph (c) of subsection (3) and
1375 subsections (4) and (6) of section 100.111, Florida Statutes,
1376 are amended to read:

1377 100.111 Filling vacancy.--

1378 (3) Whenever there is a vacancy for which a special
1379 election is required pursuant to s. 100.101~~(1)~~~~(4)~~, the
1380 Governor, after consultation with the Secretary of State, shall
1381 fix the date of a special first primary election, a special

HB 1567

2005
CS

1382 second primary election, and a special election. Nominees of
1383 political parties other than minor political parties shall be
1384 chosen under the primary laws of this state in the special
1385 primary elections to become candidates in the special election.
1386 Prior to setting the special election dates, the Governor shall
1387 consider any upcoming elections in the jurisdiction where the
1388 special election will be held. The dates fixed by the Governor
1389 shall be specific days certain and shall not be established by
1390 the happening of a condition or stated in the alternative. The
1391 dates fixed shall provide a minimum of 2 weeks between each
1392 election. In the event a vacancy occurs in the office of state
1393 senator or member of the House of Representatives when the
1394 Legislature is in regular legislative session, the minimum times
1395 prescribed by this subsection may be waived upon concurrence of
1396 the Governor, the Speaker of the House of Representatives, and
1397 the President of the Senate. If a vacancy occurs in the office
1398 of state senator and no session of the Legislature is scheduled
1399 to be held prior to the next general election, the Governor may
1400 fix the dates for any special primary and for the special
1401 election to coincide with the dates of the first and second
1402 primary and general election. If a vacancy in office occurs in
1403 any district in the state Senate or House of Representatives or
1404 in any congressional district, and no session of the
1405 Legislature, or session of Congress if the vacancy is in a
1406 congressional district, is scheduled to be held during the
1407 unexpired portion of the term, the Governor is not required to
1408 call a special election to fill such vacancy.

HB 1567

2005
CS

1409 (c) The dates for a candidate to qualify by the petition
 1410 process ~~alternative method~~ in such special primary or special
 1411 election shall be fixed by the Department of State. In fixing
 1412 such dates the Department of State shall take into consideration
 1413 and be governed by the practical time limitations. Any candidate
 1414 seeking to qualify by the petition process ~~alternative method~~ in
 1415 a special primary election shall obtain 25 percent of the
 1416 signatures required by s. 99.095, ~~s. 99.0955, or s. 99.096,~~ as
 1417 applicable.

1418 (4)(a) In the event that ~~death, resignation, withdrawal,~~
 1419 ~~removal, or any other cause or event~~ should cause a party to
 1420 have a vacancy in nomination which leaves no candidate for an
 1421 office from such party, the ~~Governor shall, after conferring~~
 1422 ~~with the Secretary of State, call a special primary election~~
 1423 ~~and, if necessary, a second special primary election to select~~
 1424 ~~for such office a nominee of such political party. The dates on~~
 1425 ~~which candidates may qualify for such special primary election~~
 1426 ~~shall be fixed by the Department of State, and the candidates~~
 1427 ~~shall qualify no later than noon of the last day so fixed. The~~
 1428 ~~filing of campaign expense statements by candidates in special~~
 1429 ~~primaries shall not be later than such dates as shall be fixed~~
 1430 ~~by the Department of State. In fixing such dates, the Department~~
 1431 ~~of State shall take into consideration and be governed by the~~
 1432 ~~practical time limitations. The qualifying fees and party~~
 1433 ~~assessment of such candidates as may qualify shall be the same~~
 1434 ~~as collected for the same office at the last previous primary~~
 1435 ~~for that office. Each county canvassing board shall make as~~
 1436 ~~speedy a return of the results of such primaries as time will~~

HB 1567

2005
CS

1437 ~~permit, and the Elections Canvassing Commission shall likewise~~
 1438 ~~make as speedy a canvass and declaration of the nominees as time~~
 1439 ~~will permit.~~

1440 ~~(b) If the vacancy in nomination occurs later than~~
 1441 ~~September 15, or if the vacancy in nomination occurs with~~
 1442 ~~respect to a candidate of a minor political party which has~~
 1443 ~~obtained a position on the ballot, no special primary election~~
 1444 ~~shall be held and the Department of State shall notify the chair~~
 1445 ~~of the appropriate state, district, or county political party~~
 1446 ~~executive committee of such party; and, within 5 7 days, the~~
 1447 ~~chair shall call a meeting of his or her executive committee to~~
 1448 ~~consider designation of a nominee to fill the vacancy. The name~~
 1449 ~~of any person so designated shall be submitted to the Department~~
 1450 ~~of State within 7 14 days of notice to the chair in order that~~
 1451 ~~the person designated may have his or her name ~~printed or~~~~
 1452 ~~otherwise placed on the ballot of the ensuing general election,~~
 1453 ~~but in no event shall the supervisor of elections be required to~~
 1454 ~~place on a ballot a name submitted less than 21 days prior to~~
 1455 ~~the election. However, if the name of the new nominee is~~
 1456 ~~submitted after the certification of results of the preceding~~
 1457 ~~primary election, the ballots shall not be changed and ~~vacancy~~~~
 1458 ~~occurs less than 21 days prior to the election, the person~~
 1459 ~~designated by the political party will replace the former party~~
 1460 ~~nominee even though the former party nominee's name will appear~~
 1461 ~~be on the ballot. Any ballots cast for the former party nominee~~
 1462 ~~will be counted for the person designated by the political party~~
 1463 ~~to replace the former party nominee. If there is no opposition~~
 1464 ~~to the party nominee, the person designated by the political~~

HB 1567

2005
CS

1465 party to replace the former party nominee will be elected to
 1466 office at the general election. For purposes of this paragraph,
 1467 the term "district political party executive committee" means
 1468 the members of the state executive committee of a political
 1469 party from those counties comprising the area involving a
 1470 district office.

1471 (b)(e) When, under the circumstances set forth in the
 1472 preceding paragraph, vacancies in nomination are ~~required to be~~
 1473 filled by committee nominations, such vacancies shall be filled
 1474 by party rule. In any instance in which a nominee is selected by
 1475 a committee to fill a vacancy in nomination, such nominee shall
 1476 pay the same filing fee and take the same oath as the nominee
 1477 would have taken had he or she regularly qualified for election
 1478 to such office.

1479 ~~(d) Any person who, at the close of qualifying as~~
 1480 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~
 1481 ~~nomination or election to or retention in a public office to be~~
 1482 ~~filled at the ensuing general election is prohibited from~~
 1483 ~~qualifying as a candidate to fill a vacancy in nomination for~~
 1484 ~~any other office to be filled at that general election, even if~~
 1485 ~~such person has withdrawn or been eliminated as a candidate for~~
 1486 ~~the original office sought. However, this paragraph does not~~
 1487 ~~apply to a candidate for the office of Lieutenant Governor who~~
 1488 ~~applies to fill a vacancy in nomination for the office of~~
 1489 ~~Governor on the same ticket or to a person who has withdrawn or~~
 1490 ~~been eliminated as a candidate and who is subsequently~~
 1491 ~~designated as a candidate for Lieutenant Governor under s.~~
 1492 ~~99.063.~~

HB 1567

2005
CS

1493 ~~(6) In the event that a vacancy occurs which leaves less~~
 1494 ~~than 4 weeks for a candidate seeking to qualify by the~~
 1495 ~~alternative method to gather signatures for ballot position, the~~
 1496 ~~number of signatures required for ballot placement shall be 25~~
 1497 ~~percent of the number of signatures required by s. 99.095, s.~~
 1498 ~~99.0955, or s. 99.096, whichever is applicable.~~

1499 Section 21. Subsections (1) and (2) of section 100.141,
 1500 Florida Statutes, are amended to read:

1501 100.141 Notice of special election to fill any vacancy in
 1502 office ~~or nomination~~.--

1503 (1) Whenever a special election is required to fill any
 1504 vacancy in office ~~or nomination~~, the Governor, after
 1505 consultation with the Secretary of State, shall issue an order
 1506 declaring on what day the election shall be held and deliver the
 1507 order to the Department of State.

1508 (2) The Department of State shall prepare a notice stating
 1509 what offices ~~and vacancies~~ are to be filled in the special
 1510 election, the date set for each special primary election and the
 1511 special election, the dates fixed for qualifying for office, the
 1512 dates fixed for qualifying by the petition process ~~alternative~~
 1513 ~~method~~, and the dates fixed for filing campaign expense
 1514 statements.

1515 Section 22. Section 101.031, Florida Statutes, is amended
 1516 to read:

1517 101.031 Instructions for electors.--

1518 (2) The supervisor of elections in each county shall have
 1519 posted at each polling place in the county the Voter's Bill of
 1520 Rights and Responsibilities in the following form:

HB 1567

2005
CS

1521
1522 VOTER'S BILL OF RIGHTS
1523
1524 Each registered voter in this state has the right to:
1525 1. Vote and have his or her vote accurately counted.
1526 2. Cast a vote if he or she is in line at the official
1527 closing of the polls in that county.
1528 3. Ask for and receive assistance in voting.
1529 4. Receive up to two replacement ballots if he or she
1530 makes a mistake prior to the ballot being cast.
1531 5. An explanation if his or her registration is in
1532 question.
1533 6. If his or her registration or identity is in question,
1534 cast a provisional ballot.
1535 ~~7. Prove his or her identity by signing an affidavit if~~
1536 ~~election officials doubt the voter's identity.~~
1537 ~~7.8.~~ Written instructions to use when voting, and, upon
1538 request, oral instructions in voting from elections officers.
1539 ~~8.9.~~ Vote free from coercion or intimidation by elections
1540 officers or any other person.
1541 ~~9.10.~~ Vote on a voting system that is in working condition
1542 and that will allow votes to be accurately cast.

1543
1544 VOTER RESPONSIBILITIES
1545

1546 Each registered voter in this state should:
1547 1. Familiarize himself or herself with the candidates and
1548 issues.

HB 1567

2005
CS

1549 2. Maintain with the office of the supervisor of elections
1550 a current address.

1551 3. Know the location of his or her polling place and its
1552 hours of operation.

1553 4. Bring proper identification to the polling station.

1554 5. Familiarize himself or herself with the operation of
1555 the voting equipment in his or her precinct.

1556 6. Treat precinct workers with courtesy.

1557 7. Respect the privacy of other voters.

1558 8. Report any problems or violations of election laws to
1559 the supervisor of elections.

1560 9. Ask questions, if needed.

1561 10. Make sure that his or her completed ballot is correct
1562 before leaving the polling station.

1563

1564 NOTE TO VOTER: Failure to perform any of these responsibilities
1565 does not prohibit a voter from voting.

1566 Section 23. Subsections (2) and (3) of section 101.043,
1567 Florida Statutes, are amended to read:

1568 101.043 Identification required at polls.--

1569 (2) ~~Except as provided in subsection (3), if the elector~~
1570 ~~fails to furnish the required identification, or if the clerk or~~
1571 ~~inspector is in doubt as to the identity of the elector, such~~
1572 ~~clerk or inspector shall follow the procedure prescribed in s.~~
1573 ~~101.49.~~

1574 ~~(3) If the elector who fails to furnish the required~~
1575 ~~identification is a first-time voter who registered by mail and~~
1576 ~~has not provided the required identification to the supervisor~~

HB 1567

2005
CS

1577 ~~of elections prior to election day~~, the elector shall be allowed
 1578 to vote a provisional ballot. The canvassing board shall
 1579 determine the validity of the ballot pursuant to s. 101.048(2).

1580 Section 24. Section 101.048, Florida Statutes, is amended
 1581 to read:

1582 101.048 Provisional ballots.--

1583 (1) At all elections, a voter claiming to be properly
 1584 registered in the county and eligible to vote at the precinct in
 1585 the election, but whose eligibility cannot be determined, a
 1586 person who an election official asserts is not eligible and
 1587 other persons specified in the code shall be entitled to vote a
 1588 provisional ballot. Once voted, the provisional ballot shall be
 1589 placed in a secrecy envelope and thereafter sealed in a
 1590 provisional ballot envelope. The provisional ballot shall be
 1591 deposited in a ballot box. All provisional ballots shall remain
 1592 sealed in their envelopes for return to the supervisor of
 1593 elections. The department shall prescribe the form of the
 1594 provisional ballot envelope. A person casting a provisional
 1595 ballot shall have the right to present written evidence
 1596 supporting his or her eligibility to vote to the supervisor of
 1597 elections by not later than 5 p.m. on the third day following
 1598 the election.

1599 (2)(a) The county canvassing board shall examine each
 1600 Provisional Ballot Voter's Certificate and Affirmation envelope
 1601 to determine if the person voting that ballot was entitled to
 1602 vote at the precinct where the person cast a vote in the
 1603 election and that the person had not already cast a ballot in
 1604 the election. In determining whether a person casting a

HB 1567

2005
CS

1605 provisional ballot is entitled to vote, the county canvassing
 1606 board shall review the information provided on the Voter's
 1607 Certificate and Affirmation, written evidence provided by the
 1608 person casting the provisional ballot pursuant to subsection
 1609 (1), any other evidence presented by the supervisor of
 1610 elections, and, in the case of a challenge, any evidence
 1611 presented by the challenger. A ballot of a person casting a
 1612 provisional ballot should be counted unless, by a preponderance
 1613 of the evidence, the canvassing board determines that the person
 1614 was not entitled to vote.

1615 (b)1. If it is determined that the person was registered
 1616 and entitled to vote at the precinct where the person cast a
 1617 vote in the election, the canvassing board shall compare the
 1618 signature on the Provisional Ballot Voter's Certificate and
 1619 Affirmation ~~envelope~~ with the signature on the voter's
 1620 registration and, if it matches, shall count the ballot.

1621 2. If it is determined that the person voting the
 1622 provisional ballot was not registered or entitled to vote at the
 1623 precinct where the person cast a vote in the election, the
 1624 provisional ballot shall not be counted and the ballot shall
 1625 remain in the envelope containing the Provisional Ballot Voter's
 1626 Certificate and Affirmation and the envelope shall be marked
 1627 "Rejected as Illegal."

1628 (3) The Provisional Ballot Voter's Certificate and
 1629 Affirmation shall be in substantially the following form:

1630
 1631 STATE OF FLORIDA
 1632 COUNTY OF _____

HB 1567

2005
CS

1633
1634 I do solemnly swear (or affirm) that my name is ____; that
1635 my date of birth is ____; that I am registered and qualified to
1636 vote ~~and at the time I registered I resided at _____, in the~~
1637 ~~municipality of _____, in _____ County, Florida; that I am~~
1638 registered in the _____ Party; that I am a qualified voter of
1639 the county; and that I have not voted in this election. I
1640 understand that if I commit any fraud in connection with voting,
1641 vote a fraudulent ballot, or vote more than once in an election,
1642 I can be convicted of a felony of the third degree and fined up
1643 to \$5,000 and/or imprisoned for up to 5 years.

1644 (Signature of Voter)
1645 (Current Residence Address)
1646 (Current Mailing Address)
1647 (City, State, Zip Code)
1648 (Driver's License Number or Last Four Digits of Social
1649 Security Number)

1650
1651 Sworn to and subscribed before me this _____ day of _____,
1652 (year).

1653 (Election Official)

1654
1655 Precinct # _____ Ballot Style/Party Issued: _____

1656 (4) Notwithstanding the requirements of subsections (1)
1657 through (3) In counties where the voting system does not utilize
1658 a paper ballot, the supervisor of elections may, and for persons
1659 with disabilities shall, provide the appropriate provisional
1660 ballot to the voter by electronic means that meet the

HB 1567

2005
CS

1661 requirements of s. 101.56062 as provided for by the certified
1662 voting system. Each person casting a provisional ballot by
1663 electronic means shall, prior to casting his or her ballot,
1664 complete the Provisional Ballot Voter's Certificate and
1665 Affirmation as provided in subsection (3).

1666 (5) Each person casting a provisional ballot shall be
1667 given written instructions regarding the person's right to
1668 provide the supervisor of elections with written evidence of
1669 their eligibility to vote and the free access system established
1670 pursuant to subsection (6). The instructions shall contain
1671 information on how to access the system and the information the
1672 voter will need to provide to obtain information on his or her
1673 particular ballot. The instructions shall also include the
1674 following statement: "If this is a primary election, you should
1675 contact the supervisor of elections' office immediately to
1676 confirm that you are registered and can vote in the general
1677 election."

1678 (6) Each supervisor of elections shall establish a free
1679 access system that allows each person who casts a provisional
1680 ballot to determine whether his or her provisional ballot was
1681 counted in the final canvass of votes and, if not, the reasons
1682 why. Information regarding provisional ballots shall be
1683 available no later than 30 days following the election. The
1684 system established must restrict information regarding an
1685 individual ballot to the person who cast the ballot.

1686 Section 25. Subsection (5) of section 101.049, Florida
1687 Statutes, is amended to read:

1688 101.049 Provisional ballots; special circumstances.--

Page 61 of 134

HB 1567

2005
CS

1689 (5) As an alternative, provisional ballots cast pursuant
1690 to this section may, and for persons with disabilities shall, be
1691 cast in accordance with the provisions of s. 101.048(4).

1692 Section 26. Subsection (2) of section 101.051, Florida
1693 Statutes, is amended, subsection (5) is renumbered as subsection
1694 (6), and a new subsection (5) is added to said section, to read:

1695 101.051 Electors seeking assistance in casting ballots;
1696 oath to be executed; forms to be furnished.--

1697 (2) It is unlawful for any person to be in the voting
1698 booth with any elector except as provided in subsection (1). At
1699 the polling place or early voting site or within 100 feet of the
1700 entrance of such locations, it is unlawful for any person to
1701 solicit any elector in an effort to provide such elector
1702 assistance to vote pursuant to subsection (1). Any person
1703 violating this section commits a felony of the third degree,
1704 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1705 (5) If an elector needing assistance requests that a
1706 person other than an election official provide him or her
1707 assistance to vote, the clerk or one of the inspectors shall
1708 require the person providing assistance to take the following
1709 oath:

1710

1711 DECLARATION TO PROVIDE ASSISTANCE

1712

1713 State of Florida

1714 County of _____

1715 Date: _____

1716 Precinct # _____

HB 1567

2005
CS

1717 | I, (print name), have been requested by (print name of elector
 1718 | needing assistance) to provide him or her with assistance to
 1719 | vote. I swear or affirm that I am not the employer, an agent of
 1720 | the employer, or an officer or agent of the union of the voter
 1721 | and that I have not solicited this voter at the polling place or
 1722 | early voting site or within 100 feet of such locations in an
 1723 | effort to provide assistance.

1724 | Signature of assistor

1725 | Sworn and subscribed to before me this _____ day of
 1726 | _____, (year).

1727 | Signature of Official Administering Oath

1728 | ~~(6)~~(5) The supervisor of elections shall deliver a
 1729 | sufficient number of these forms to each precinct, along with
 1730 | other election paraphernalia.

1731 | Section 27. Section 101.111, Florida Statutes, is amended
 1732 | to read:

1733 | 101.111 Person desiring to vote may be challenged;
 1734 | challenger to execute oath; oath of person challenged;
 1735 | determination of challenge.--

1736 | (1) When the right to vote of any person who desires to
 1737 | vote is challenged by any elector or poll watcher, the challenge
 1738 | shall be reduced to writing with an oath as provided in this
 1739 | section, giving reasons for the challenge, which shall be
 1740 | delivered to the clerk or inspector. Any elector or poll watcher
 1741 | challenging the right of a person to vote shall execute the oath
 1742 | set forth below:

1744 | OATH OF PERSON ENTERING CHALLENGE

HB 1567

2005
CS

1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772

State of Florida
County of _____

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

(Signature of person challenging voter)

Sworn and subscribed to before me this _____ day of _____, (year) .

(Clerk of election)

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

~~OATH OF PERSON CHALLENGED~~

~~State of Florida
County of _____~~

HB 1567

2005
CS

1773
1774 ~~I do solemnly swear that my name is _____; that I am a member of~~
1775 ~~the _____ party; that my date of birth is _____; that my~~
1776 ~~residence address is _____, in the municipality of _____, in~~
1777 ~~this the _____ precinct of _____ county; that I personally made~~
1778 ~~application for registration and signed my name and that I am a~~
1779 ~~qualified voter in this election.~~

1780 ~~(Signature of person)~~

1781
1782 ~~Sworn and subscribed to before me this _____ day of _____,~~
1783 ~~(year)_____.~~

1784 ~~(Clerk of election or Inspector)~~

1785
1786 ~~Any inspector or clerk of election may administer the oath.~~

1787 (3)(a) Any elector or poll watcher may challenge the right
1788 of any voter to vote not sooner than 30 days before an election
1789 by filing a completed copy of the oath contained in subsection
1790 (1) to the supervisor of election's office. The challenged voter
1791 shall be permitted to cast a provisional ballot.

1792 (4) Any elector or poll watcher filing a frivolous
1793 challenge of any person's right to vote commits a misdemeanor of
1794 the first degree, punishable as provided in s. 775.082, s.
1795 775.083, or s. 775.084, provided, however, that electors or poll
1796 watchers shall not be subject to liability for any action taken
1797 in good faith and in furtherance of any activity or duty
1798 permitted of such electors or poll watchers by law. Each
1799 instance where any elector or poll watcher files a frivolous
1800 challenge of any person's right to vote constitutes a separate

HB 1567

2005
CS

1801 ~~offense. The clerk and inspectors shall compare the information~~
 1802 ~~in the challenged person's oath with that entered on the~~
 1803 ~~precinct register and shall take any other evidence that may be~~
 1804 ~~offered. The clerk and inspectors shall then decide by a~~
 1805 ~~majority vote whether the challenged person may vote a regular~~
 1806 ~~ballot.~~

1807 ~~(b) If the challenged person refuses to complete the oath~~
 1808 ~~or if a majority of the clerk and inspectors doubt the~~
 1809 ~~eligibility of the person to vote, the challenged person shall~~
 1810 ~~be allowed to vote a provisional ballot. The oath of the person~~
 1811 ~~entering the challenge and the oath of the person challenged~~
 1812 ~~shall be attached to the provisional ballot for transmittal to~~
 1813 ~~the canvassing board.~~

1814 Section 28. Section 101.131, Florida Statutes, is amended
 1815 to read:

1816 101.131 Watchers at polls.--

1817 (1) Each political party and each candidate may have one
 1818 watcher in each polling room or early voting area at any one
 1819 time during the election. A political committee, if formed for
 1820 the specific purpose of expressly advocating the passage or
 1821 defeat of an issue on the ballot, may have one watcher for each
 1822 polling room or early voting area at any one time during the
 1823 election. No watcher shall be permitted to come closer to the
 1824 officials' table or the voting booths than is reasonably
 1825 necessary to properly perform his or her functions, but each
 1826 shall be allowed within the polling room or early voting area to
 1827 watch and observe the conduct of electors and officials. The
 1828 watchers shall furnish their own materials and necessities and

HB 1567

2005
CS

1829 shall not obstruct the orderly conduct of any election and shall
 1830 pose any questions regarding polling place procedures directly
 1831 to the clerk for resolution. Poll watchers shall not interact
 1832 with electors. Each watcher shall be a qualified and registered
 1833 elector of the county in which he or she serves.

1834 (2) Each party, each political committee, and each
 1835 candidate requesting to have poll watchers shall designate, in
 1836 writing, poll watchers for each polling room on election day
 1837 ~~precinct~~ prior to noon of the second Tuesday preceding the
 1838 election. Designations of poll watchers for early voting areas
 1839 shall be submitted to the supervisor no later than 14 days prior
 1840 to the beginning of early voting. The poll watchers for each
 1841 polling room ~~precinct~~ shall be approved by the supervisor of
 1842 elections on or before the Tuesday before the election and the
 1843 poll watchers for early voting areas shall be approved on or
 1844 before the 7th day prior to the beginning of early voting. The
 1845 supervisor shall furnish to each election board ~~precinct~~ a list
 1846 of the poll watchers designated and approved for such polling
 1847 room or early voting area ~~precinct~~.

1848 (3) No candidate or sheriff, deputy sheriff, police
 1849 officer, or other law enforcement officer may be designated as a
 1850 poll watcher.

1851 Section 29. Subsection (1) of section 101.151, Florida
 1852 Statutes, is amended to read:

1853 101.151 Specifications for ballots.--

1854 (1) Marksense Paper ~~Paper~~ ballots shall be printed on paper of
 1855 such thickness that the printing cannot be distinguished from

HB 1567

2005
CS

1856 | the back and shall meet the specifications of the voting system
 1857 | that will be used to read the ballots.

1858 | Section 30. Section 101.171, Florida Statutes, is amended
 1859 | to read:

1860 | 101.171 Copy of constitutional amendment to be available
 1861 | at polling locations ~~posted~~.--Whenever any amendment to the
 1862 | State Constitution is to be voted upon at any election, the
 1863 | Department of State shall have printed, and shall furnish to
 1864 | each supervisor of elections, a sufficient number of copies of
 1865 | the amendment, either in poster or booklet form, and the
 1866 | supervisor shall have a copy thereof conspicuously posted or
 1867 | available at each polling room ~~precinct upon the day of~~
 1868 | ~~election.~~

1869 | Section 31. Subsections (4) and (5) of section 101.294,
 1870 | Florida Statutes, are added to read:

1871 | 101.294 Purchase and sale of voting equipment.--

1872 | (4) A vendor of voting equipment may not provide an
 1873 | uncertified voting system, voting system component, or voting
 1874 | system upgrade to a governing body or supervisor of elections in
 1875 | this state.

1876 | (5) Before or in conjunction with providing a voting
 1877 | system, voting system component, or voting system upgrade, the
 1878 | vendor shall provide the governing body or supervisor of
 1879 | elections with a sworn certification that the voting system,
 1880 | voting system component, or voting system upgrade being provided
 1881 | has been certified by the Division of Elections.

1882 | Section 32. Section 101.295, Florida Statutes, is amended
 1883 | to read:

HB 1567

2005
CS

1884 | 101.295 Penalties for violation.--
 1885 | (1) Any member of a governing body which purchases or
 1886 | sells voting equipment in violation of the provisions of ss.
 1887 | 101.292-101.295, which member knowingly votes to purchase or
 1888 | sell voting equipment in violation of the provisions of ss.
 1889 | 101.292-101.295, is guilty of a misdemeanor of the first degree,
 1890 | punishable as provided by s. 775.082 or s. 775.083, and shall be
 1891 | subject to suspension from office on the grounds of malfeasance.

1892 | (2) Any vendor, chief executive officer, or vendor
 1893 | representative of voting equipment who provides a voting system,
 1894 | voting system component, or voting system upgrade in violation
 1895 | of this chapter commits a felony of the third degree, punishable
 1896 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1897 | Section 33. Section 101.49, Florida Statutes, is amended
 1898 | to read:

1899 | 101.49 Procedure of election officers where signatures
 1900 | differ.--

1901 | (1) Whenever any clerk or inspector, upon a just
 1902 | comparison of the signatures, doubts that the signature on the
 1903 | identification presented by the ~~of any elector who presents~~
 1904 | ~~himself or herself at the polls to vote~~ is the same as the
 1905 | signature ~~of~~ the elector affixed on the precinct register or
 1906 | early voting certificate in the registration book, the clerk or
 1907 | inspector shall deliver to the person an affidavit which shall
 1908 | be in substantially the following form:

1909 |
 1910 | STATE OF FLORIDA,
 1911 | COUNTY OF _____.

HB 1567

2005
CS

1912 I do solemnly swear (or affirm) that my name is ____; that
 1913 I am ____ years old; that I was born in ~~the State of~~ ____;
 1914 that I am registered to vote, ~~and at the time I registered I~~
 1915 ~~resided on~~ ____ Street, ~~in the municipality of~~ ____, County of
 1916 ~~____, State of Florida;~~ that I am a qualified voter of the
 1917 county and state aforesaid and have not voted in this election.

1918 (Signature of voter)

1919 Sworn to and subscribed before me this ____ day of ____,
 1920 A. D. (year) .

1921 (Clerk or inspector of election)

1922 Precinct No. ____.

1923 County of ____.

1924 (2) The person shall fill out, in his or her own
 1925 handwriting or with assistance from a member of the election
 1926 board, the form and make an affidavit to the facts stated in the
 1927 filled-in form; such affidavit shall then be sworn to and
 1928 subscribed before one of the inspectors or clerks of the
 1929 election who is authorized to administer the oath. Whenever the
 1930 affidavit is made and filed with the clerk or inspector, the
 1931 person shall then be admitted to cast his or her vote, but if
 1932 the person fails or refuses to make out or file such affidavit
 1933 but asserts his or her eligibility, then he or she shall be
 1934 entitled to vote a provisional ballot ~~not be permitted to vote~~.

1935 Section 34. Subsection (1) of section 101.51, Florida
 1936 Statutes, as amended by chapter 2002-281, is amended to read:

1937 101.51 Electors to occupy booth alone.--

1938 (1) When the elector presents himself or herself to vote,
 1939 the election official shall ascertain whether the elector's name

HB 1567

2005
CS

1940 is upon the register of electors, and, if the elector's name
 1941 appears and no challenge interposes, or, if interposed, be not
 1942 sustained, one of the election officials stationed at the
 1943 entrance shall announce the name of the elector and permit him
 1944 or her to enter the booth or compartment to cast his or her
 1945 vote, allowing only one elector at a time to pass through to
 1946 vote. An elector, while casting his or her ballot, may not
 1947 occupy a booth or compartment already occupied or speak with
 1948 anyone, except as provided by s. 101.051, while in the voting
 1949 booth ~~polling place~~.

1950 Section 35. Subsection (4) of section 101.5606, Florida
 1951 Statutes, is amended to read:

1952 101.5606 Requirements for approval of systems.--No
 1953 electronic or electromechanical voting system shall be approved
 1954 by the Department of State unless it is so constructed that:

1955 (4) For systems using marksense ~~paper~~ ballots, it accepts
 1956 a rejected ballot pursuant to subsection (3) if a voter chooses
 1957 to cast the ballot, but records no vote for any office that has
 1958 been overvoted or undervoted.

1959 Section 36. Subsections (2) and (3) of section 101.5608,
 1960 Florida Statutes, are amended to read:

1961 101.5608 Voting by electronic or electromechanical method;
 1962 procedures.--

1963 (2) When an electronic or electromechanical voting system
 1964 utilizes a ballot card or marksense ~~paper~~ ballot, the following
 1965 procedures shall be followed:

1966 (a) After receiving a ballot from an inspector, the
 1967 elector shall, without leaving the polling place, retire to a

HB 1567

2005
CS

1968 booth or compartment and mark the ballot. After preparing his or
 1969 her ballot, the elector shall place the ballot in a secrecy
 1970 envelope with the stub exposed or shall fold over that portion
 1971 on which write-in votes may be cast, as instructed, so that the
 1972 ballot will be deposited in the ballot box without exposing the
 1973 voter's choices. Before the ballot is deposited in the ballot
 1974 box, the inspector shall detach the exposed stub and place it in
 1975 a separate envelope for audit purposes; when a fold-over ballot
 1976 is used, the entire ballot shall be placed in the ballot box.

1977 (b) Any voter who spoils his or her ballot or makes an
 1978 error may return the ballot to the election official and secure
 1979 another ballot, except that in no case shall a voter be
 1980 furnished more than three ballots. If the vote tabulation device
 1981 has rejected a ballot, the ballot shall be considered spoiled
 1982 and a new ballot shall be provided to the voter unless the voter
 1983 chooses to cast the rejected ballot. The election official,
 1984 without examining the original ballot, shall state the possible
 1985 reasons for the rejection and shall provide instruction to the
 1986 voter pursuant to s. 101.5611. A spoiled ballot shall be
 1987 preserved, without examination, in an envelope provided for that
 1988 purpose. The stub shall be removed from the ballot and placed in
 1989 an envelope.

1990 (c) The supervisor of elections shall prepare for each
 1991 polling place at least one ballot box to contain the ballots of
 1992 a particular precinct, and each ballot box shall be plainly
 1993 marked with the name of the precinct for which it is intended.

1994 (3) The Department of State shall promulgate rules
 1995 regarding voting procedures to be used when an electronic or

HB 1567

2005
CS

1996 | electromechanical voting system is of a type which does not
1997 | utilize a ballot card or marksense ~~paper~~ ballot.

1998 | Section 37. Subsection (2) of section 101.5612, Florida
1999 | Statutes, is amended to read:

2000 | 101.5612 Testing of tabulating equipment.--

2001 | (2) On any day not more than 10 days prior to the
2002 | commencement of early voting as provided in s. 101.657, the
2003 | supervisor of elections shall have the automatic tabulating
2004 | equipment publicly tested to ascertain that the equipment will
2005 | correctly count the votes cast for all offices and on all
2006 | measures. If the ballots to be used at the polling place on
2007 | election day are not available at the time of the testing, the
2008 | supervisor may conduct an additional test not more than 10 days
2009 | prior to election day. Public notice of the time and place of
2010 | the test shall be given at least 48 hours prior thereto by
2011 | publication once in one or more newspapers of general
2012 | circulation in the county or, if there is no newspaper of
2013 | general circulation in the county, by posting the notice in at
2014 | least four conspicuous places in the county. The supervisor or
2015 | the municipal elections official may, at the time of qualifying,
2016 | give written notice of the time and location of the public
2017 | preelection test to each candidate qualifying with that office
2018 | and obtain a signed receipt that the notice has been given. The
2019 | Department of State shall give written notice to each statewide
2020 | candidate at the time of qualifying, or immediately at the end
2021 | of qualifying, that the voting equipment will be tested and
2022 | advise each candidate to contact the county supervisor of
2023 | elections as to the time and location of the public preelection

HB 1567

2005
CS

2024 test. The supervisor or the municipal elections official shall,
 2025 at least 15 days prior to the commencement of early voting as
 2026 provided in s. 101.657, send written notice by certified mail to
 2027 the county party chair of each political party and to all
 2028 candidates for other than statewide office whose names appear on
 2029 the ballot in the county and who did not receive written
 2030 notification from the supervisor or municipal elections official
 2031 at the time of qualifying, stating the time and location of the
 2032 public preelection test of the automatic tabulating equipment.
 2033 The canvassing board shall convene, and each member of the
 2034 canvassing board shall certify to the accuracy of the test. For
 2035 the test, the canvassing board may designate one member to
 2036 represent it. The test shall be open to representatives of the
 2037 political parties, the press, and the public. Each political
 2038 party may designate one person with expertise in the computer
 2039 field who shall be allowed in the central counting room when all
 2040 tests are being conducted and when the official votes are being
 2041 counted. The designee shall not interfere with the normal
 2042 operation of the canvassing board.

2043 Section 38. Subsection (5) of section 101.5614, Florida
 2044 Statutes, is amended to read:

2045 101.5614 Canvass of returns.--

2046 (5) If any absentee ballot is physically damaged so that
 2047 it cannot properly be counted by the automatic tabulating
 2048 equipment, a true duplicate copy shall be made of the damaged
 2049 ballot in the presence of witnesses and substituted for the
 2050 damaged ballot. Likewise, a duplicate ballot shall be made of an
 2051 absentee ballot containing an overvoted race or a marked

HB 1567

2005
CS

2052 absentee ballot in which every race is undervoted which shall
 2053 include all valid votes as determined by the canvassing board
 2054 based on rules adopted by the division pursuant to s.
 2055 102.166 (4)~~(5)~~. All duplicate ballots shall be clearly labeled
 2056 "duplicate," bear a serial number which shall be recorded on the
 2057 defective ballot, and be counted in lieu of the defective
 2058 ballot. After a ballot has been duplicated, the defective ballot
 2059 shall be placed in an envelope provided for that purpose, and
 2060 the duplicate ballot shall be tallied with the other ballots for
 2061 that precinct.

2062 Section 39. Section 101.572, Florida Statutes, is amended
 2063 to read:

2064 101.572 Public inspection of ballots.--The official
 2065 ballots and ballot cards received from election boards and
 2066 removed from absentee ballot mailing envelopes shall be open for
 2067 public inspection or examination while in the custody of the
 2068 supervisor of elections or the county canvassing board at any
 2069 reasonable time, under reasonable conditions; however, no
 2070 persons other than the supervisor of elections or his or her
 2071 employees or the county canvassing board shall handle any
 2072 official ballot or ballot card. If the ballots are being
 2073 examined prior to the end of the contest period in s. 102.168,
 2074 the supervisor of elections shall make a reasonable effort to
 2075 notify all candidates whose names appear on such ballots or
 2076 ballot cards by telephone or otherwise of the time and place of
 2077 the inspection or examination. All such candidates, or their
 2078 representatives, shall be allowed to be present during the
 2079 inspection or examination.

HB 1567

2005
CS

2080 Section 40. Section 101.58, Florida Statutes, is amended
2081 to read:

2082 101.58 Supervising and observing registration and election
2083 processes.--

2084 (1) The Department of State may, at any time it deems fit;
2085 upon the petition of 5 percent of the registered electors; or
2086 upon the petition of any candidate, county executive committee
2087 chair, state committeeman or committeewoman, or state executive
2088 committee chair, appoint one or more deputies whose duties shall
2089 be to observe and examine the registration and election
2090 processes and the condition, custody, and operation of voting
2091 systems and equipment in any county or municipality. The deputy
2092 shall have access to all registration books and records as well
2093 as any other records or procedures relating to the voting
2094 process. The deputy may supervise preparation of the voting
2095 equipment and procedures for election, and it shall be unlawful
2096 for any person to obstruct the deputy in the performance of his
2097 or her duty. The deputy shall file with the Department of State
2098 a report of his or her findings and observations of the
2099 registration and election processes in the county or
2100 municipality, and a copy of the report shall also be filed with
2101 the clerk of the circuit court of said county. The compensation
2102 of such deputies shall be fixed by the Department of State; and
2103 costs incurred under this section shall be paid from the annual
2104 operating appropriation made to the Department of State.

2105 (2) Upon the written direction of the Secretary of State,
2106 any employee of the Department of State shall have full access

HB 1567

2005
CS

2107 | to all premises, records, equipment, and staff of the supervisor
 2108 | of elections.

2109 | Section 41. Subsection (1) of section 101.595, Florida
 2110 | Statutes, is amended to read:

2111 | 101.595 Analysis and reports of voting problems.--

2112 | (1) No later than December 15 of each general election
 2113 | year, the supervisor of elections in each county shall report to
 2114 | the Department of State the total number of overvotes and
 2115 | undervotes in either the "President and Vice President" or
 2116 | "Governor and Lieutenant Governor" race that appears first on
 2117 | the ballot or, if neither appears, the first race appearing on
 2118 | the ballot pursuant to s. 101.151(2), along with the likely
 2119 | reasons for such overvotes and undervotes and other information
 2120 | as may be useful in evaluating the performance of the voting
 2121 | system and identifying problems with ballot design and
 2122 | instructions which may have contributed to voter confusion.

2123 | Section 42. Subsection (1) of section 101.6103, Florida
 2124 | Statutes, is amended, subsection (6) is renumbered as subsection
 2125 | (7), and a new subsection (6) is added to said section, to read:

2126 | 101.6103 Mail ballot election procedure.--

2127 | (1) Except as otherwise provided in subsection (7)~~(6)~~, the
 2128 | supervisor of elections shall mail all official ballots with a
 2129 | secrecy envelope, a return mailing envelope, and instructions
 2130 | sufficient to describe the voting process to each elector
 2131 | entitled to vote in the election not sooner than the 20th day
 2132 | before the election and not later than the 10th day before the
 2133 | date of the election. All such ballots shall be mailed by first-
 2134 | class mail. Ballots shall be addressed to each elector at the

HB 1567

2005
CS

2135 address appearing in the registration records and placed in an
2136 envelope which is prominently marked "Do Not Forward."

2137 (6) The canvassing board may begin the canvassing of mail
2138 ballots at 7 a.m. on the fourth day before the election,
2139 including processing the ballots through the tabulating
2140 equipment. However, results may not be released until after 7
2141 p.m. on election day. Any canvassing board member or election
2142 employee who releases any result prior to 7 p.m. on election day
2143 commits a felony of the third degree, punishable as provided in
2144 s. 775.082, s. 775.083, or s. 775.084.

2145 Section 43. Subsections (2), (3), and (4) of section
2146 101.62, Florida Statutes, are amended to read:

2147 101.62 Request for absentee ballots.--

2148 (2) ~~If~~ A request for an absentee ballot to be mailed to an
2149 elector shall be is received no later than 5 p.m. on the 6th day
2150 prior to after the Friday before the election by the supervisor
2151 of elections from an absent elector overseas, the supervisor
2152 shall send a notice to the elector acknowledging receipt of his
2153 or her request and notifying the elector that the ballot will
2154 not be forwarded due to insufficient time for return of the
2155 ballot by the required deadline. The supervisor of elections
2156 shall mail absentee ballots to voters requesting ballots by such
2157 deadline no later than 4 days before the election.

2158 (3) For each request for an absentee ballot received, the
2159 supervisor shall record the date the request was made, the date
2160 the absentee ballot was delivered to the elector or the
2161 elector's designee or the date the ballot was delivered to the
2162 post office or other carrier mailed, the date the ballot was

HB 1567

2005
CS

2163 received by the supervisor, and such other information he or she
 2164 may deem necessary. This information shall be confidential and
 2165 exempt from the provisions of s. 119.07(1) and shall be made
 2166 available to or reproduced only for the elector requesting the
 2167 ballot, a canvassing board, an election official, a political
 2168 party or official thereof, a candidate who has filed
 2169 qualification papers and is opposed in an upcoming election, and
 2170 registered political committees or registered committees of
 2171 continuous existence, for political purposes only.

2172 (4)(a) To each absent qualified elector overseas who has
 2173 requested an absentee ballot, the supervisor of elections shall,
 2174 not fewer than 35 days before the first primary election, mail
 2175 an absentee ballot. Not fewer than 45 days before the second
 2176 primary and general election, the supervisor of elections shall
 2177 mail an absentee ballot. If the regular absentee ballots are not
 2178 available, the supervisor shall mail an advance absentee ballot
 2179 to those persons requesting ballots for such elections. The
 2180 advance absentee ballot for the second primary shall be the same
 2181 as the first primary absentee ballot as to the names of
 2182 candidates, except that for any offices where there are only two
 2183 candidates, those offices and all political party executive
 2184 committee offices shall be omitted. Except as provided in ss.
 2185 99.063(4) and 100.371(6), the advance absentee ballot for the
 2186 general election shall be as specified in s. 101.151, except
 2187 that in the case of candidates of political parties where
 2188 nominations were not made in the first primary, the names of the
 2189 candidates placing first and second in the first primary
 2190 election shall be printed on the advance absentee ballot. The

HB 1567

2005
CS

2191 advance absentee ballot or advance absentee ballot information
 2192 booklet shall be of a different color for each election and also
 2193 a different color from the absentee ballots for the first
 2194 primary, second primary, and general election. The supervisor
 2195 shall mail an advance absentee ballot for the second primary and
 2196 general election to each qualified absent elector for whom a
 2197 request is received until the absentee ballots are printed. The
 2198 supervisor shall enclose with the advance second primary
 2199 absentee ballot and advance general election absentee ballot an
 2200 explanation stating that the absentee ballot for the election
 2201 will be mailed as soon as it is printed; and, if both the
 2202 advance absentee ballot and the absentee ballot for the election
 2203 are returned in time to be counted, only the absentee ballot
 2204 will be counted. The Department of State may prescribe by rule
 2205 the requirements for preparing and mailing absentee ballots to
 2206 absent qualified electors overseas.

2207 (b) As soon as the remainder of the absentee ballots are
 2208 printed, the supervisor shall provide an absentee ballot to each
 2209 elector by whom a request for that ballot has been made by one
 2210 of the following means:

2211 1. By nonforwardable, return-if-undeliverable mail to the
 2212 elector's current mailing address on file with the supervisor,
 2213 unless the elector specifies in the request that:

2214 a. The elector is absent from the county and does not plan
 2215 to return before the day of the election;

2216 b. The elector is temporarily unable to occupy the
 2217 residence because of hurricane, tornado, flood, fire, or other
 2218 emergency or natural disaster; or

HB 1567

2005
CS

2219 c. The elector is in a hospital, assisted-living facility,
2220 nursing home, short-term medical or rehabilitation facility, or
2221 correctional facility,

2222
2223 in which case the supervisor shall mail the ballot by
2224 nonforwardable, return-if-undeliverable mail to any other
2225 address the elector specifies in the request.

2226 2. By forwardable mail to voters who are entitled to vote
2227 by absentee ballot under the Uniformed and Overseas Citizens
2228 Absentee Voting Act.

2229 3. By personal delivery to the elector, upon presentation
2230 of the identification required in s. 101.657 until 7 p.m. on the
2231 day of the election.

2232 4. By delivery to a designee on election day or up to 4
2233 days prior to the day of an election. Any elector may designate
2234 in writing a person to pick up the ballot for the elector;
2235 however, the person designated may not pick up more than two
2236 absentee ballots per election, other than the designee's own
2237 ballot, except that additional ballots may be picked up for
2238 members of the designee's immediate family. For purposes of this
2239 section, "immediate family" means the designee's spouse or the
2240 parent, child, grandparent, or sibling of the designee or of the
2241 designee's spouse. The designee shall provide to the supervisor
2242 the written authorization by the elector and a picture
2243 identification of the designee and must complete an affidavit.
2244 The designee shall state in the affidavit that the designee is
2245 authorized by the elector to pick up that ballot and shall
2246 indicate if the elector is a member of the designee's immediate

HB 1567

2005
CS

2247 family and, if so, the relationship. The department shall
 2248 prescribe the form of the affidavit. If the supervisor is
 2249 satisfied that the designee is authorized to pick up the ballot
 2250 and that the signature of the elector on the written
 2251 authorization matches the signature of the elector on file, the
 2252 supervisor shall give the ballot to that designee for delivery
 2253 to the elector.

2254 Section 44. Subsection (3) of section 101.64, Florida
 2255 Statutes, is added to read:

2256 101.64 Delivery of absentee ballots; envelopes; form.--

2257 (3) In lieu of the voter's certificate provided in this
 2258 section, the supervisor of elections shall provide each person
 2259 voting absentee under the Uniformed and Overseas Citizens
 2260 Absentee Voting Act with the standard oath prescribed by the
 2261 presidential designee.

2262 Section 45. Subsection (1) of section 101.657, Florida
 2263 Statutes, is amended to read:

2264 101.657 Early voting.--

2265 (1)(a) As a convenience to the voter, the supervisor of
 2266 elections shall allow an elector to vote early in the main or
 2267 branch office of the supervisor ~~by depositing the voted ballot~~
 2268 ~~in a voting device used by the supervisor to collect or tabulate~~
 2269 ~~ballots~~. In order for a branch office to be used for early
 2270 voting, it shall be a permanent ~~full-service~~ facility of the
 2271 supervisor and shall have been designated and used as such for
 2272 at least 1 year prior to the election. The supervisor may also
 2273 designate any city hall or permanent public library facility as
 2274 early voting sites; however, if so designated, the sites must be

HB 1567

2005
CS

2275 geographically located so as to provide all voters in the county
 2276 an equal opportunity to cast a ballot, insofar as is
 2277 practicable. The results or tabulation of votes cast during
 2278 early voting may not be made before the close of the polls on
 2279 election day. Results shall be reported by precinct.

2280 (b) The supervisor shall designate each early voting site
 2281 by no later than the 30th day prior to an election and shall
 2282 designate an early voting area, as defined in s. 97.021, at each
 2283 early voting site. Designation of early voting sites may not be
 2284 changed except by petition to the division, which petition shall
 2285 only be granted for reasons of a natural or unavoidable event
 2286 resulting in the unavailability of such early voting site.

2287 (c) All early voting sites in a county shall be open on
 2288 the same days for the same amount of time and shall allow any
 2289 person in line at the closing of an early voting site to vote.

2290 (d)(b) Early voting shall begin on the 15th day before an
 2291 election and end on the 2nd day before an election. For purposes
 2292 of a special election held pursuant to s. 100.101, early voting
 2293 shall begin on the 8th day before an election and end on the 2nd
 2294 day before an election. Early voting shall be provided for at
 2295 least 8 hours per weekday during the applicable periods. Early
 2296 voting shall also be provided on for 8 hours in the aggregate
 2297 for each weekend during the applicable periods.

2298 (e) Notwithstanding the requirements of s. 100.3605,
 2299 municipalities may provide early voting in municipal elections
 2300 that are not held in conjunction with county or state elections.
 2301 If a municipality provides early voting, it may designate as
 2302 many sites as necessary and shall conduct its activities in

HB 1567

2005
CS

2303 accordance with the provisions of paragraphs (a)-(c). The
 2304 supervisor is not required to conduct early voting if it is
 2305 provided pursuant to this subsection.

2306 (f) Notwithstanding the requirements of s. 189.405,
 2307 special districts may provide early voting in any district
 2308 election not held in conjunction with county or state elections.
 2309 If a special district provides early voting, it may designate as
 2310 many sites as necessary and shall conduct its activities in
 2311 accordance with the provisions of paragraphs (a)-(c). The
 2312 supervisor is not required to conduct early voting if it is
 2313 provided pursuant to this subsection.

2314 Section 46. Subsection (2) section 101.663, Florida
 2315 Statutes, is amended to read:

2316 101.663 Electors; change of residence.--

2317 (2) An elector registered in this state who moves his or
 2318 her permanent residence to another state after the registration
 2319 books in that state have closed ~~and who is prohibited by the~~
 2320 ~~laws of that state from voting for the offices of President and~~
 2321 ~~Vice President of the United States~~ shall be permitted to vote
 2322 absentee in the county of his or her former residence for the
 2323 ~~these~~ offices of President and Vice President.

2324 Section 47. Subsection (1) of section 101.68, Florida
 2325 Statutes, is amended to read:

2326 101.68 Canvassing of absentee ballot.--

2327 (1) The supervisor of the county where the absent elector
 2328 resides shall receive the voted ballot, at which time the
 2329 supervisor shall compare the signature of the elector on the
 2330 voter's certificate with the signature of the elector in the

HB 1567

2005
CS

2331 registration books to determine whether the elector is duly
 2332 registered in the county and may record on the elector's
 2333 registration certificate that the elector has voted. The
 2334 supervisor shall safely keep the ballot unopened in his or her
 2335 office until the county canvassing board canvasses the vote.
 2336 Once an absentee ballot has been received by the supervisor, the
 2337 ballot is deemed to have been cast and no changes or additions
 2338 shall be made to the Voter's Certificate.

2339 Section 48. Section 101.69, Florida Statutes, is amended
 2340 to read:

2341 101.69 Voting in person; return of absentee ballot.--The
 2342 provisions of this code shall not be construed to prohibit any
 2343 elector from voting in person at the elector's precinct on the
 2344 day of an election or at an early voting site notwithstanding
 2345 that the elector has requested an absentee ballot for that
 2346 election. However, an elector who has returned a voted absentee
 2347 ballot to the supervisor is deemed to have cast his or her
 2348 ballot and shall not be entitled to vote another ballot or have
 2349 a provisional ballot counted by the county canvassing board. An
 2350 elector who has received an absentee ballot and who has not
 2351 returned the voted ballot to the supervisor, but desires to vote
 2352 in person, shall return the ballot, whether voted or not, to the
 2353 election board in the elector's precinct or to an early voting
 2354 site. The returned ballot shall be marked "canceled" by the
 2355 board and placed with other canceled ballots. However, if the
 2356 elector does not return the ballot and the election official:

2357 (1) Confirms that the supervisor has received the
 2358 elector's absentee ballot, the elector shall not be allowed to

HB 1567

2005
CS

2359 | vote in person. If the elector maintains that he or she has not
 2360 | returned the absentee ballot or remains eligible to vote, the
 2361 | elector shall be provided a provisional ballot as provided in s.
 2362 | 101.048.

2363 | (2) Confirms that the supervisor has not received the
 2364 | elector's absentee ballot, the elector shall be allowed to vote
 2365 | in person as provided in this code. The elector's absentee
 2366 | ballot, if subsequently received, shall not be counted and shall
 2367 | remain in the mailing envelope, and the envelope shall be marked
 2368 | "Rejected as Illegal."

2369 | (3) Cannot determine whether the supervisor has received
 2370 | the elector's absentee ballot, the elector may vote a
 2371 | provisional ballot as provided in s. 101.048.

2372 | Section 49. Subsection (2) of section 101.6923, Florida
 2373 | Statutes, is amended to read:

2374 | 101.6923 Special absentee ballot instructions for certain
 2375 | first-time voters.--

2376 | (2) A voter covered by this section shall be provided with
 2377 | ~~the following~~ printed instructions with his or her absentee
 2378 | ballot in substantially the following form:

2379 |

2380 |

2381 | READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2382 | FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2383 | TO COUNT.

2384 |

2385 | 1. In order to ensure that your absentee ballot will be
 2386 | counted, it should be completed and returned as soon as possible

HB 1567

2005
CS

2387 | so that it can reach the supervisor of elections of the county
2388 | in which your precinct is located no later than 7 p.m. on the
2389 | date of the election.

2390 | 2. Mark your ballot in secret as instructed on the ballot.
2391 | You must mark your own ballot unless you are unable to do so
2392 | because of blindness, disability, or inability to read or write.

2393 | 3. Mark only the number of candidates or issue choices for
2394 | a race as indicated on the ballot. If you are allowed to "Vote
2395 | for One" candidate and you vote for more than one, your vote in
2396 | that race will not be counted.

2397 | 4. Place your marked ballot in the enclosed secrecy
2398 | envelope and seal the envelope.

2399 | 5. Insert the secrecy envelope into the enclosed envelope
2400 | bearing the Voter's Certificate. Seal the envelope and
2401 | completely fill out the Voter's Certificate on the back of the
2402 | envelope.

2403 | a. You must sign your name on the line above (Voter's
2404 | Signature).

2405 | b. If you are an overseas voter, you must include the date
2406 | you signed the Voter's Certificate on the line above (Date) or
2407 | your ballot may not be counted.

2408 | 6. Unless you meet one of the exemptions in Item 7., you
2409 | must make a copy of one of the following forms of
2410 | identification:

2411 | a. Identification which must include your name and
2412 | photograph: current and valid Florida driver's license; Florida
2413 | identification card issued by the Department of Highway Safety
2414 | and Motor Vehicles; United States passport; employee badge or

HB 1567

2005
CS

2415 identification; buyer's club identification card; debit or
 2416 credit card; military identification; student identification;
 2417 retirement center identification; neighborhood association
 2418 identification; entertainment identification; or public
 2419 assistance identification; or

2420 b. Identification which shows your name and current
 2421 residence address: current utility bill, bank statement,
 2422 government check, paycheck, or government document (excluding
 2423 voter identification card).

2424 7. The identification requirements of Item 6. do not apply
 2425 if you meet one of the following requirements:

2426 a. You are 65 years of age or older.

2427 b. You have a temporary or permanent physical disability.

2428 c. You are a member of a uniformed service on active duty
 2429 who, by reason of such active duty, will be absent from the
 2430 county on election day.

2431 d. You are a member of the Merchant Marine who, by reason
 2432 of service in the Merchant Marine, will be absent from the
 2433 county on election day.

2434 e. You are the spouse or dependent of a member referred to
 2435 in paragraph c. or paragraph d. who, by reason of the active
 2436 duty or service of the member, will be absent from the county on
 2437 election day.

2438 f. You are currently residing outside the United States.

2439 8. Place the envelope bearing the Voter's Certificate into
 2440 the mailing envelope addressed to the supervisor. Insert a copy
 2441 of your identification in the mailing envelope. DO NOT PUT YOUR
 2442 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR

HB 1567

2005
CS

2443 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
2444 BALLOT WILL NOT COUNT.

2445 9. Mail, deliver, or have delivered the completed mailing
2446 envelope. Be sure there is sufficient postage if mailed.

2447 10. FELONY NOTICE. It is a felony under Florida law to
2448 accept any gift, payment, or gratuity in exchange for your vote
2449 for a candidate. It is also a felony under Florida law to vote
2450 in an election using a false identity or false address, or under
2451 any other circumstances making your ballot false or fraudulent.

2452 Section 50. Subsection (3) of section 101.694, Florida
2453 Statutes, is amended to read:

2454 101.694 Mailing of ballots upon receipt of federal
2455 postcard application.--

2456 (3) Absentee envelopes printed for voters entitled to vote
2457 absentee under the Uniformed and Overseas Citizens Absentee
2458 Voting Act shall meet the specifications as determined by the
2459 Federal Voting Assistance Program of the United States
2460 Department of Defense and the United States Postal Service.

2461 ~~There shall be printed across the face of each envelope in which~~
2462 ~~a ballot is sent to a federal postcard applicant, or is returned~~
2463 ~~by such applicant to the supervisor, two parallel horizontal red~~
2464 ~~bars, each one quarter inch wide, extending from one side of the~~
2465 ~~envelope to the other side, with an intervening space of one-~~
2466 ~~quarter inch, the top bar to be 11/4 inches from the top of the~~
2467 ~~envelope, and with the words "Official Election Balloting~~
2468 ~~Material via Air Mail," or similar language, between the bars.~~
2469 ~~There shall be printed in the upper right corner of each such~~
2470 ~~envelope, in a box, the words "Free of U. S. Postage, including~~

HB 1567

2005
CS

2471 ~~Air Mail." All printing on the face of each envelope shall be in~~
 2472 ~~red, and there shall be printed in red in the upper left corner~~
 2473 ~~of each ballot envelope an appropriate inscription or blanks for~~
 2474 ~~return address of sender. Additional specifications may be~~
 2475 ~~prescribed by rule of the Division of Elections upon~~
 2476 ~~recommendation of the presidential designee under the Uniformed~~
 2477 ~~and Overseas Citizens Absentee Voting Act. Otherwise, the~~
 2478 ~~envelopes shall be the same as those used in sending ballots to,~~
 2479 ~~or receiving them from, other absentee voters.~~

2480 Section 51. Section 101.697, Florida Statutes, is amended
 2481 to read:

2482 101.697 Electronic transmission of election
 2483 materials.--The Department of State shall adopt rules to
 2484 authorize a supervisor of elections to accept a request for an
 2485 absentee ballot and a voted absentee ballot by facsimile machine
 2486 or other electronic means from overseas voters if the department
 2487 can be assured that the security of the transmission of the
 2488 ballot is able to be established. The rules must provide that in
 2489 order to accept a voted ballot, the verification of the voter
 2490 must be established, the security of the transmission must be
 2491 established, and each ballot received must be recorded.

2492 Section 52. Section 102.012, Florida Statutes, is amended
 2493 to read:

2494 102.012 Inspectors and clerks to conduct elections.--

2495 (1) The supervisor of elections of each county, at least
 2496 20 days prior to the holding of any election, shall appoint an
 2497 two election board comprised of poll workers who serve as clerks
 2498 or inspectors boards for each precinct in the county; ~~however,~~

HB 1567

2005
CS

2499 ~~the supervisor of elections may, in any election, appoint one~~
 2500 ~~election board if the supervisor has reason to believe that only~~
 2501 ~~one is necessary.~~ The clerk shall be in charge of, and
 2502 responsible for, seeing that the election board carries out its
 2503 duties and responsibilities. Each inspector and each clerk shall
 2504 take and subscribe to an oath or affirmation, which shall be
 2505 written or printed, to the effect that he or she will perform
 2506 the duties of inspector or clerk of election, respectively,
 2507 according to law and will endeavor to prevent all fraud, deceit,
 2508 or abuse in conducting the election. The oath may be taken
 2509 before an officer authorized to administer oaths or before any
 2510 of the persons who are to act as inspectors, one of them to
 2511 swear the others, and one of the others sworn thus, in turn, to
 2512 administer the oath to the one who has not been sworn. The oaths
 2513 shall be returned with the poll list and the returns of the
 2514 election to the supervisor. In all questions that may arise
 2515 before the members of an election board, the decision of a
 2516 majority of them shall decide the question. The supervisor of
 2517 elections of each county shall be responsible for the attendance
 2518 and diligent performance of his or her duties by each clerk and
 2519 inspector.

2520 (2) Each member of the election board shall be able to
 2521 read and write the English language and shall be a registered
 2522 qualified elector of the county in which the member is appointed
 2523 or a person who has preregistered to vote, pursuant to s.
 2524 97.041(1)(b), in the county in which the member is appointed. No
 2525 election board shall be composed solely of members of one
 2526 political party; however, in any primary in which only one party

HB 1567

2005
CS

2527 has candidates appearing on the ballot, all clerks and
 2528 inspectors may be of that party. Any person whose name appears
 2529 as an opposed candidate for any office shall not be eligible to
 2530 serve on an election board.

2531 (3) The supervisor shall furnish inspectors of election
 2532 for each precinct with the list of registered voters for the
 2533 precinct ~~registration books divided alphabetically as will best~~
 2534 ~~facilitate the holding of an election.~~ The supervisor shall also
 2535 furnish to the inspectors of election at the polling place at
 2536 each precinct in the supervisor's county a sufficient number of
 2537 forms and blanks for use on election day.

2538 (4)(a) The election board of each precinct shall attend
 2539 the polling place by 6 a.m. of the day of the election and shall
 2540 arrange the furniture, stationery, and voting equipment.

2541 (b) The ~~An~~ election board shall conduct the voting,
 2542 beginning and closing at the time set forth in s. 100.011. ~~If~~
 2543 ~~more than one board has been appointed, the second board shall,~~
 2544 ~~upon the closing of the polls, come on duty and count the votes~~
 2545 ~~east. In such case, the first board shall turn over to the~~
 2546 ~~second board all closed ballot boxes, registration books, and~~
 2547 ~~other records of the election at the time the boards change. The~~
 2548 ~~second board shall continue counting until the count is complete~~
 2549 ~~or until 7 a.m. the next morning, and, if the count is not~~
 2550 ~~completed at that time, the first board that conducted the~~
 2551 ~~election shall again report for duty and complete the count. The~~
 2552 ~~second board shall turn over to the first board all ballots~~
 2553 ~~counted, all ballots not counted, and all registration books and~~

HB 1567

2005
CS

2554 ~~other records and shall advise the first board as to what has~~
 2555 ~~transpired in tabulating the results of the election.~~

2556 ~~(5) In precincts in which there are more than 1,000~~
 2557 ~~registered electors, the supervisor of elections shall appoint~~
 2558 ~~additional election boards necessary for the election.~~

2559 ~~(6) In any precinct in which there are fewer than 300~~
 2560 ~~registered electors, it is not necessary to appoint two election~~
 2561 ~~boards, but one such board will suffice. Such board shall be~~
 2562 ~~composed of at least one inspector and one clerk.~~

2563 Section 53. Section 102.014, Florida Statutes, is amended
 2564 to read:

2565 102.014 Poll worker recruitment and training.--

2566 (1) The supervisor of elections shall conduct training for
 2567 inspectors, clerks, and deputy sheriffs prior to each primary,
 2568 general, and special election for the purpose of instructing
 2569 such persons in their duties and responsibilities as election
 2570 officials. The Division of Elections shall develop a statewide
 2571 uniform training curriculum for poll workers, and each
 2572 supervisor shall use such curriculum in their poll worker
 2573 training. A certificate may be issued by the supervisor of
 2574 elections to each person completing such training. No person
 2575 shall serve as an inspector, clerk, or deputy sheriff for an
 2576 election unless such person has completed the training as
 2577 required. A clerk may not work at the polls unless he or she
 2578 demonstrates a working knowledge of the laws and procedures
 2579 relating to voter registration, voting system operation,
 2580 balloting and polling place procedures, and problem-solving and
 2581 conflict-resolution skills.

HB 1567

2005
CS

2582 (2) A person who has attended previous training conducted
 2583 within 2 years before the election may be appointed by the
 2584 supervisor to fill a vacancy on an election board ~~day~~. If no
 2585 person with prior training is available to fill such vacancy,
 2586 the supervisor of elections may fill such vacancy in accordance
 2587 with the provisions of subsection (3) from among persons who
 2588 have not received the training required by this section.

2589 (3) In the case of absence or refusal to act on the part
 2590 of any inspector or clerk ~~at any precinct on the day of an~~
 2591 ~~election~~, the supervisor shall appoint a replacement who meets
 2592 the qualifications prescribed in s. 102.012(2). The inspector or
 2593 clerk so appointed shall be a member of the same political party
 2594 as the clerk or inspector whom he or she replaces.

2595 (4) Each supervisor of elections shall be responsible for
 2596 training inspectors and clerks, subject to the following minimum
 2597 requirements:

2598 (a) No clerk shall be entitled to work at the polls unless
 2599 he or she has had a minimum of 3 hours of training prior to each
 2600 election.

2601 (b) No inspector shall work at the polls unless he or she
 2602 has had a minimum of 2 hours of training prior to each election.

2603 (c) For the purposes of this subsection, the first and
 2604 second primary elections shall be considered one election.

2605 (5) The Department of State shall create a uniform polling
 2606 place procedures manual and adopt the manual by rule. Each
 2607 supervisor of elections shall ensure that the manual is
 2608 available in hard copy or electronic form in every polling place
 2609 ~~precinct in the supervisor's jurisdiction on election day~~. The

HB 1567

2005
CS

2610 manual shall guide inspectors, clerks, and deputy sheriffs in
 2611 the proper implementation of election procedures and laws. The
 2612 manual shall be indexed by subject, and written in plain, clear,
 2613 unambiguous language. The manual shall provide specific examples
 2614 of common problems encountered at the polls ~~on election day~~, and
 2615 detail specific procedures for resolving those problems. The
 2616 manual shall include, without limitation:

- 2617 (a) Regulations governing solicitation by individuals and
- 2618 groups at the polling place;
- 2619 (b) Procedures to be followed with respect to voters whose
- 2620 names are not on the precinct register;
- 2621 (c) Proper operation of the voting system;
- 2622 (d) Ballot handling procedures;
- 2623 (e) Procedures governing spoiled ballots;
- 2624 (f) Procedures to be followed after the polls close;
- 2625 (g) Rights of voters at the polls;
- 2626 (h) Procedures for handling emergency situations;
- 2627 (i) Procedures for dealing with irate voters;
- 2628 (j) The handling and processing of provisional ballots;
- 2629 and
- 2630 (k) Security procedures.

2631
 2632 The Department of State shall revise the manual as necessary to
 2633 address new procedures in law or problems encountered by voters
 2634 and poll workers at the precincts.

2635 (6) Supervisors of elections shall work with the business
 2636 and local community to develop public-private programs to ensure
 2637 the recruitment of skilled inspectors and clerks.

HB 1567

2005
CS

2638 (7) The Department of State shall develop a mandatory,
 2639 statewide, and uniform program for training poll workers on
 2640 issues of etiquette and sensitivity with respect to voters
 2641 having a disability. The program must consist of approximately 1
 2642 hour of the required number of hours set forth in paragraph
 2643 (4)(a). The program must be conducted locally by each supervisor
 2644 of elections, who shall periodically certify to the Department
 2645 of State whether each poll worker has completed the program. The
 2646 supervisor of elections shall contract with a recognized
 2647 disability-related organization, such as a center for
 2648 independent living, family network on disabilities, deaf service
 2649 bureau, or other such organization, to develop and assist with
 2650 training the trainers in the disability sensitivity programs.
 2651 The program must include actual demonstrations of obstacles
 2652 confronted by disabled persons during the voting process,
 2653 including obtaining access to the polling place, traveling
 2654 through the polling area, and using the voting system.

2655 Section 54. Section 102.031, Florida Statutes, is amended
 2656 to read:

2657 102.031 Maintenance of good order at polls; authorities;
 2658 persons allowed in polling rooms and early voting areas;
 2659 unlawful solicitation of voters.--

2660 (1) Each election board shall possess full authority to
 2661 maintain order at the polls and enforce obedience to its lawful
 2662 commands during an election and the canvass of the votes.

2663 (2) The sheriff shall deputize a deputy sheriff for each
 2664 polling place and each early voting site who shall be present
 2665 during the time the polls or early voting site are open and

HB 1567

2005
CS

2666 | until the election is completed, who shall be subject to all
 2667 | lawful commands of the clerk or inspectors, and who shall
 2668 | maintain good order. The deputy may summon assistance from among
 2669 | bystanders to aid him or her when necessary to maintain peace
 2670 | and order at the polls or early voting sites.

2671 | (3)(a) No person may enter any polling room or polling
 2672 | place where the polling place is also a polling room or any
 2673 | early voting area, during voting hours except the following:

- 2674 | 1. Official poll watchers;
- 2675 | 2. Inspectors;
- 2676 | 3. Election clerks;
- 2677 | 4. The supervisor of elections or his or her deputy;
- 2678 | 5. Persons there to vote, persons in the care of a voter,
 2679 | or persons caring for such voter;
- 2680 | 6. Law enforcement officers or emergency service personnel
 2681 | there with permission of the clerk or a majority of the
 2682 | inspectors; or
- 2683 | 7. A person, whether or not a registered voter, who is
 2684 | assisting with or participating in a simulated election for
 2685 | minors, as approved by the supervisor of elections.

2686 |
 2687 | No person may bring a camera into the polling room or early
 2688 | voting area.

2689 | (b) The restriction in paragraph (a) ~~this subsection~~ does
 2690 | not apply where the polling room is in an area commonly
 2691 | traversed by the public in order to gain access to businesses or
 2692 | homes or in an area traditionally utilized as a public area for
 2693 | discussion.

HB 1567

2005
CS

2694 (4)(a)(e) No person, political committee, committee of
 2695 continuous existence, or other group or organization may solicit
 2696 voters inside the polling place or within 100 ~~50~~ feet of the
 2697 entrance to any polling place, or polling room where the polling
 2698 place is also a polling room, or early voting site. Before the
 2699 opening of the polling place or early voting site, the clerk or
 2700 supervisor shall designate the no solicitation zone and mark the
 2701 boundaries on the day of any election.

2702 ~~1. Solicitation shall not be restricted if:~~
 2703 ~~a. Conducted from a separately marked area within the 50-~~
 2704 ~~foot zone so as not to disturb, hinder, impede, obstruct, or~~
 2705 ~~interfere with voter access to the polling place or polling room~~
 2706 ~~entrance; and~~

2707 ~~b. The solicitation activities and subject matter are~~
 2708 ~~clearly and easily identifiable by the voters as an activity in~~
 2709 ~~which they may voluntarily participate; or~~

2710 ~~e. Conducted on property within the 50-foot zone which is~~
 2711 ~~a residence, established business, private property, sidewalk,~~
 2712 ~~park, or property traditionally utilized as a public area for~~
 2713 ~~discussion.~~

2714 ~~2. Solicitation shall not be permitted within the 50-foot~~
 2715 ~~zone on a public sidewalk or other similar means of access to~~
 2716 ~~the polling room if it is clearly identifiable to the poll~~
 2717 ~~workers that the solicitation is impeding, obstructing, or~~
 2718 ~~interfering with voter access to the polling room or polling~~
 2719 ~~place.~~

2720 (b)(d) For the purpose of this subsection, the term
 2721 "solicit" shall include, but not be limited to, seeking or

HB 1567

2005
CS

2722 attempting to seek any vote, fact, opinion, or contribution;
 2723 distributing or attempting to distribute any political or
 2724 campaign material, leaflet, or handout; conducting a poll;
 2725 seeking or attempting to seek a signature on any petition; and
 2726 selling or attempting to sell any item.

2727 (5)(e) Each supervisor of elections shall inform the clerk
 2728 ~~of each precinct~~ of the area within which soliciting is
 2729 unlawful, based on the particular characteristics of that
 2730 polling place. The supervisor or the clerk may take any
 2731 reasonable action necessary to ensure order at the polling
 2732 places including, but not limited to, ~~which shall include:~~

2733 ~~1. Designating a specific area for soliciting pursuant to~~
 2734 ~~paragraph (c) of this subsection, or~~

2735 ~~2.~~ having disruptive and unruly persons removed by law
 2736 enforcement officers from the polling room or place or from the
 2737 100-foot ~~50-foot~~ zone surrounding the polling place.

2738 Section 55. Section 102.071, Florida Statutes, is amended
 2739 to read:

2740 102.071 Tabulation of absentee ballots, early votes,
 2741 votes, and proclamation of results ~~where ballots are used.--~~

2742 (1) Beginning the 60th day before each election or 5 days
 2743 following a primary election, whichever is sooner, each
 2744 supervisor of elections shall post on its website in a manner
 2745 specified by the division and make publicly available the total
 2746 number of absentee ballots requested, mailed, and returned and
 2747 the total number of rejected ballots for that election as of
 2748 that date. For any supervisor of elections who does not maintain
 2749 a website, the division shall post the required information on

HB 1567

2005
CS

2750 its website. This information shall be posted with results
 2751 broken down by party affiliation. Each supervisor of elections
 2752 shall prepare an electronic data file listing the individual
 2753 voters who have requested an absentee ballot, voters who have
 2754 been mailed an absentee ballot, and voters who have returned an
 2755 absentee ballot. This information shall be updated and made
 2756 available no later than noon each day. Such information shall
 2757 contemporaneously be provided to the division. The division is
 2758 authorized to adopt rules necessary to effectuate this
 2759 subsection. The division may require that such information be
 2760 provided to it electronically and in a manner specified by the
 2761 division. Any supervisor who fails to comply with the
 2762 requirements of this subsection shall be subject to a civil
 2763 penalty of up to \$500 per violation, which fine shall be paid
 2764 out of the personal funds of the supervisor. Only the Secretary
 2765 of State may file a complaint to the Florida Elections
 2766 Commission alleging willful failure to comply with the
 2767 requirements of this subsection.

2768 (2) During any early voting period, each supervisor of
 2769 elections shall post on its official website in a manner
 2770 specified by the division and make publicly available the total
 2771 number of votes cast at each early vote location for all voters
 2772 who cast a ballot during early voting the previous day. For any
 2773 supervisor of elections who does not maintain a website, the
 2774 division shall post the required information on its website.
 2775 Each supervisor of elections shall prepare an electronic data
 2776 file listing the individual voters who cast a ballot during the
 2777 early voting period. This information shall be updated and made

HB 1567

2005
CS

2778 available no later than noon each day. Any supervisor who fails
 2779 to comply with the requirements of this subsection shall be
 2780 subject to a civil penalty of up to \$500 per violation, which
 2781 fine shall be paid out of the personal funds of the supervisor.
 2782 Only the Secretary of State may file a complaint to the Florida
 2783 Elections Commission alleging willful failure to comply with the
 2784 requirements of this subsection.

2785 (3) The election board shall post at the polls, for the
 2786 benefit of the public, the results of the voting for each office
 2787 or other item on the ballot as the count is completed. Upon
 2788 completion of all counts in all races, a certificate ~~triplicate~~
 2789 ~~certificates~~ of the results shall be drawn up by the inspectors
 2790 and clerk at each precinct upon a form provided by the
 2791 supervisor of elections which shall contain the name of each
 2792 person voted for, for each office, and the number of votes cast
 2793 for each person for such office; and, if any question is
 2794 submitted, the certificate shall also contain the number of
 2795 votes cast for and against the question. The certificate shall
 2796 be signed by the inspectors and clerk, ~~and one of the~~
 2797 ~~certificates~~ shall be delivered without delay by one of the
 2798 inspectors, securely sealed, to the supervisor for immediate
 2799 publication; ~~the duplicate copy of the certificate shall be~~
 2800 ~~delivered to the county court judge; and the remaining copy~~
 2801 ~~shall be enclosed in the ballot box together with the oaths of~~
 2802 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot
 2803 stubs, memoranda, and papers of all kinds used in the election
 2804 shall also be transmitted, after being sealed by the inspectors,
 2805 to ~~with the certificates of result of the election to be filed~~

HB 1567

2005
CS

2806 | ~~in~~ the supervisor's office. Registration books and the poll
2807 | lists shall not be placed in the ballot boxes but shall be
2808 | returned to the supervisor.

2809 | Section 56. Subsection (1) of section 102.111, Florida
2810 | Statutes, is amended to read:

2811 | 102.111 Elections Canvassing Commission.--

2812 | (1) The Elections Canvassing Commission shall consist of
2813 | the Governor and two members of the Cabinet selected by the
2814 | Governor. If a member of the Elections Canvassing Commission is
2815 | unable to serve for any reason, the Governor shall appoint a
2816 | remaining member of the Cabinet. If there is a further vacancy,
2817 | the remaining members of the commission shall agree on another
2818 | elected official to fill the vacancy. The Elections Canvassing
2819 | Commission shall, as soon as the official results are compiled
2820 | from all counties, certify the returns of the election and
2821 | determine and declare who has been elected for each federal,
2822 | state, and multicounty office. If within 5 days of the
2823 | certification by the Elections Canvassing Commission, a county
2824 | determines that a typographical error occurred in the official
2825 | returns of the county, the correction of which would result in a
2826 | change in the outcome of any election certified by the Elections
2827 | Canvassing Commission, the county must submit corrected returns
2828 | within 24 hours and the Elections Canvassing Commission shall as
2829 | soon as practicable correct and recertify the election returns.

2830 | Section 57. Subsections (1) and (2) of section 102.112,
2831 | Florida Statutes, are amended to read:

2832 | 102.112 Deadline for submission of county returns to the
2833 | Department of State.--

HB 1567

2005
CS

2834 (1) The county canvassing board or a majority thereof
 2835 shall file the county returns for the election of a federal or
 2836 state officer with the Department of State immediately after
 2837 certification of the election results. The returns must contain
 2838 a certification by the canvassing board that the board has
 2839 reconciled the number of persons who voted with the number of
 2840 ballots counted and that the certification includes all valid
 2841 votes cast in the election.

2842 (2) Returns must be filed by 5 p.m. on the 7th day
 2843 following a primary election and by 5 p.m. on the 11th day
 2844 following the general election provided, however, that the
 2845 Department of State shall have the authority to correct
 2846 typographical errors, including the transposition of numbers, in
 2847 any returns submitted to the Department of State pursuant to s.
 2848 102.111(1).

2849 Section 58. Section 102.141, Florida Statutes, is amended
 2850 to read:

2851 102.141 County canvassing board; duties.--

2852 (1) The county canvassing board shall be composed of the
 2853 supervisor of elections; a county court judge, who shall act as
 2854 chair; and the chair of the board of county commissioners. In
 2855 the event any member of the county canvassing board is unable to
 2856 serve, is a candidate who has opposition in the election being
 2857 canvassed, or is an active participant in the campaign or
 2858 candidacy of any candidate who has opposition in the election
 2859 being canvassed, such member shall be replaced as follows:

2860 (a) If no county court judge is able to serve or if all
 2861 are disqualified, the chief judge of the judicial circuit in

HB 1567

2005
CS

2862 | which the county is located shall appoint as a substitute member
 2863 | a qualified elector of the county who is not a candidate with
 2864 | opposition in the election being canvassed and who is not an
 2865 | active participant in the campaign or candidacy of any candidate
 2866 | with opposition in the election being canvassed. In such event,
 2867 | the members of the county canvassing board shall meet and elect
 2868 | a chair.

2869 | (b) If the supervisor of elections is unable to serve or
 2870 | is disqualified, the chair of the board of county commissioners
 2871 | shall appoint as a substitute member a member of the board of
 2872 | county commissioners who is not a candidate with opposition in
 2873 | the election being canvassed and who is not an active
 2874 | participant in the campaign or candidacy of any candidate with
 2875 | opposition in the election being canvassed. The supervisor,
 2876 | however, shall act in an advisory capacity to the canvassing
 2877 | board.

2878 | (c) If the chair of the board of county commissioners is
 2879 | unable to serve or is disqualified, the board of county
 2880 | commissioners shall appoint as a substitute member one of its
 2881 | members who is not a candidate with opposition in the election
 2882 | being canvassed and who is not an active participant in the
 2883 | campaign or candidacy of any candidate with opposition in the
 2884 | election being canvassed.

2885 | (d) If a substitute member cannot be appointed as provided
 2886 | elsewhere in this subsection, the chief judge of the judicial
 2887 | circuit in which the county is located shall appoint as a
 2888 | substitute member a qualified elector of the county who is not a
 2889 | candidate with opposition in the election being canvassed and

HB 1567

2005
CS

2890 | who is not an active participant in the campaign or candidacy of
2891 | any candidate with opposition in the election being canvassed.

2892 | (2) The county canvassing board shall meet in a building
2893 | accessible to the public in the county where the election
2894 | occurred at a time and place to be designated by the supervisor
2895 | of elections to publicly canvass the absentee electors' ballots
2896 | as provided for in s. 101.68 and provisional ballots as provided
2897 | by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
2898 | pursuant to s. 101.049 shall be canvassed in a manner that votes
2899 | for candidates and issues on those ballots can be segregated
2900 | from other votes. Public notice of the time and place at which
2901 | the county canvassing board shall meet to canvass the absentee
2902 | electors' ballots and provisional ballots shall be given at
2903 | least 48 hours prior thereto by publication once in one or more
2904 | newspapers of general circulation in the county or, if there is
2905 | no newspaper of general circulation in the county, by posting
2906 | such notice in at least four conspicuous places in the county.
2907 | As soon as the absentee electors' ballots and the provisional
2908 | ballots are canvassed, the board shall proceed to publicly
2909 | canvass the vote given each candidate, nominee, constitutional
2910 | amendment, or other measure submitted to the electorate of the
2911 | county, as shown by the returns then on file in the office of
2912 | the supervisor of elections and the office of the county court
2913 | judge.

2914 | (3) The canvass, except the canvass of absentee electors'
2915 | returns and the canvass of provisional ballots, shall be made
2916 | from the returns and certificates of the inspectors as signed
2917 | and filed by them with the ~~county court judge and~~ supervisor,

HB 1567

2005
CS

2918 ~~respectively,~~ and the county canvassing board shall not change
 2919 the number of votes cast for a candidate, nominee,
 2920 constitutional amendment, or other measure submitted to the
 2921 electorate of the county, respectively, in any polling place, as
 2922 shown by the returns. All returns shall be made to the board on
 2923 or before 2 a.m. of the day following any primary, general,
 2924 special, or other election. If the returns from any precinct are
 2925 missing, if there are any omissions on the returns from any
 2926 precinct, or if there is an obvious error on any such returns,
 2927 the canvassing board shall order a retabulation ~~recount~~ of the
 2928 returns from such precinct. Before canvassing such returns, the
 2929 canvassing board shall examine the tabulation of the ballots
 2930 cast in such precinct and determine whether the returns
 2931 correctly reflect the votes cast. If there is a discrepancy
 2932 between the returns and the tabulation of the ballots cast, the
 2933 tabulation of the ballots cast shall be presumed correct and
 2934 such votes shall be canvassed accordingly.

2935 (4) The canvassing board shall submit unofficial returns
 2936 on forms or in formats provided by the division to the
 2937 Department of State for each federal, statewide, state, or
 2938 multicounty office or ballot measure no later than noon on the
 2939 third ~~second~~ day after any primary election and no later than
 2940 noon on the fifth day after any, ~~general, special, or other~~
 2941 election. Such returns shall include the canvass of all ballots
 2942 as required by subsection (2), except for provisional ballots,
 2943 which returns shall be reported at the time required for
 2944 official returns pursuant to s. 102.112(2).

HB 1567

2005
CS

2945 (5) If the county canvassing board determines that the
 2946 unofficial returns may contain a counting error in which the
 2947 vote tabulation system failed to count votes that were properly
 2948 marked in accordance with the instructions on the ballot, the
 2949 county canvassing board shall:

2950 (a) Correct the error and retabulate ~~recount~~ the affected
 2951 ballots with the vote tabulation system; or

2952 (b) Request that the Department of State verify the
 2953 tabulation software. When the Department of State verifies such
 2954 software, the department shall compare the software used to
 2955 tabulate the votes with the software filed with the department
 2956 pursuant to s. 101.5607 and check the election parameters.

2957 (6) If the unofficial returns reflect that a candidate for
 2958 any office was defeated or eliminated by one-half of a percent
 2959 or less of the votes cast for such office, that a candidate for
 2960 retention to a judicial office was retained or not retained by
 2961 one-half of a percent or less of the votes cast on the question
 2962 of retention, or that a measure appearing on the ballot was
 2963 approved or rejected by one-half of a percent or less of the
 2964 votes cast on such measure, the board responsible for certifying
 2965 the results of the vote on such race or measure shall order a
 2966 recount of the votes cast with respect to such office or
 2967 measure. The county canvassing board is the board responsible
 2968 for ordering county and local recounts. The Elections Canvassing
 2969 Commission is the board responsible for ordering federal, state,
 2970 and multicounty recounts. A recount need not be ordered with
 2971 respect to the returns for any office, however, if the candidate
 2972 or candidates defeated or eliminated from contention for such

HB 1567

2005
CS

2973 office by one-half of a percent or less of the votes cast for
2974 such office request in writing that a recount not be made.

2975 (a) ~~In counties with voting systems that use paper~~
2976 ~~ballots,~~ Each canvassing board responsible for conducting a
2977 recount shall put each marksense ballot through automatic
2978 tabulating equipment and determine whether the returns correctly
2979 reflect the votes cast. If any marksense ~~paper~~ ballot is
2980 physically damaged so that it cannot be properly counted by the
2981 automatic tabulating equipment during the recount, a true
2982 duplicate shall be made of the damaged ballot pursuant to the
2983 procedures in s. 101.5614(5). Immediately before the start of
2984 the recount ~~and after completion of the count,~~ a test of the
2985 tabulating equipment shall be conducted as provided in s.
2986 101.5612. If the test indicates no error, the recount tabulation
2987 of the ballots cast shall be presumed correct and such votes
2988 shall be canvassed accordingly. If an error is detected, the
2989 cause therefor shall be ascertained and corrected and the
2990 recount repeated, as necessary. The canvassing board shall
2991 immediately report the error, along with the cause of the error
2992 and the corrective measures being taken, to the Department of
2993 State. No later than 11 days after the election, the canvassing
2994 board shall file a separate incident report with the Department
2995 of State, detailing the resolution of the matter and identifying
2996 any measures that will avoid a future recurrence of the error.

2997 (b) ~~In counties with voting systems that do not use paper~~
2998 ~~ballots,~~ Each canvassing board responsible for conducting a
2999 recount where touchscreen ballots were used shall examine the
3000 counters on the precinct tabulators to ensure that the total of

HB 1567

2005
CS

3001 the returns on the precinct tabulators equals the overall
 3002 election return. If there is a discrepancy between the overall
 3003 election return and the counters of the precinct tabulators, the
 3004 counters of the precinct tabulators shall be presumed correct
 3005 and such votes shall be canvassed accordingly.

3006 (c) The canvassing board shall submit a second set of
 3007 unofficial returns on forms or in formats provided by the
 3008 division to the Department of State for each federal, statewide,
 3009 state, or multicounty office or ballot measure no later than 3
 3010 p.m. noon on the fifth ~~third~~ day after any primary election and
 3011 no later than 3 p.m. on the 8th day after any general election
 3012 in which a recount was conducted pursuant to this subsection. If
 3013 the canvassing board is unable to complete the recount
 3014 prescribed in this subsection by the deadline, the second set of
 3015 unofficial returns submitted by the canvassing board shall be
 3016 identical to the initial unofficial returns and the submission
 3017 shall also include a detailed explanation of why it was unable
 3018 to timely complete the recount. However, the canvassing board
 3019 shall complete the recount prescribed in this subsection, along
 3020 with any manual recount prescribed in s. 102.166, and certify
 3021 election returns in accordance with the requirements of this
 3022 chapter.

3023 (d) The Department of State shall adopt detailed rules
 3024 prescribing additional recount procedures for each certified
 3025 voting system, which shall be uniform to the extent practicable.

3026 (7) The canvassing board may employ such clerical help to
 3027 assist with the work of the board as it deems necessary, with at
 3028 least one member of the board present at all times, until the

HB 1567

2005
CS

3029 canvass of the returns is completed. The clerical help shall be
3030 paid from the same fund as inspectors and other necessary
3031 election officials.

3032 (8)(a) At the same time that the official results of an
3033 election are certified to the Department of State, the county
3034 canvassing board shall file a report with the Division of
3035 Elections on the conduct of the election. The report shall
3036 describe:

3037 1. All contain information relating to any problems
3038 incurred as a result of equipment or software malfunctions
3039 either at the precinct level, or at a counting location, or
3040 within computer and telecommunications networks supporting a
3041 county location, including the steps taken to address the
3042 malfunction(s).

3043 2. All election definition errors that were discovered
3044 after the logic and accuracy test, including the steps taken to
3045 address the error.

3046 3. All ballot printing errors or ballot supply problems,
3047 including the steps taken to address the error or problem.

3048 4. All staffing shortages or procedural violations by
3049 employees or precinct workers which were required to be
3050 addressed by the supervisor of elections or the county
3051 canvassing board during the conduct of the election, including
3052 corrective actions.

3053 5. All instances where needs for staffing or equipment
3054 were insufficient to meet the needs of the voters.

3055 6. Any difficulties or unusual circumstances encountered
3056 by an election board or the canvassing board, and any other

HB 1567

2005
CS

3057 additional information regarding a material issue or problems
 3058 associated with the conduct of the election ~~which the canvassing~~
 3059 ~~board feels should be made a part of the official election~~
 3060 ~~record.~~

3061 (b) After the report pursuant to subsection (1) is filed,
 3062 if the supervisor discovers new or additional information on any
 3063 of the items required to be included in the report, the
 3064 supervisor shall notify the division that new information has
 3065 been discovered no later than the next business day after the
 3066 discovery and file an amended report on the conduct of the
 3067 election within 10 days of the discovery.

3068 (c) Such reports shall be maintained on file in the
 3069 Division of Elections and shall be available for public
 3070 inspection. The division shall utilize the reports submitted by
 3071 the canvassing boards to determine what problems may be likely
 3072 to occur in other elections and disseminate such information,
 3073 along with possible solutions, to the supervisors of elections.

3074 (9) The supervisor shall file with the department a copy
 3075 of or an export file from the results database of the county's
 3076 voting system and other statistical information as may be
 3077 required by the department, the Legislature, and the Election
 3078 Assistance Commission. The department shall adopt rules
 3079 establishing the required content and acceptable formats for the
 3080 filings and time for the filings.

3081 Section 59. Section 102.166, Florida Statutes, is amended
 3082 to read:

3083 102.166 Manual recounts.--

HB 1567

2005
CS

3084 (1) If the second set of unofficial returns pursuant to s.
 3085 102.141 indicates that a candidate for any office was defeated
 3086 or eliminated by one-quarter of a percent or less of the votes
 3087 cast for such office, that a candidate for retention to a
 3088 judicial office was retained or not retained by one-quarter of a
 3089 percent or less of the votes cast on the question of retention,
 3090 or that a measure appearing on the ballot was approved or
 3091 rejected by one-quarter of a percent or less of the votes cast
 3092 on such measure, the board responsible for certifying the
 3093 results of the vote on such race or measure shall order a manual
 3094 recount of the overvotes and undervotes cast in the entire
 3095 geographic jurisdiction of such office or ballot measure.
 3096 However, a manual recount shall not be ordered if the number of
 3097 overvotes, undervotes, and provisional ballots is fewer than the
 3098 number of votes needed to change the outcome of the election.

3099 ~~(2)(a) If the second set of unofficial returns pursuant to~~
 3100 ~~s. 102.141 indicates that a candidate for any office was~~
 3101 ~~defeated or eliminated by between one-quarter and one-half of a~~
 3102 ~~percent of the votes cast for such office, that a candidate for~~
 3103 ~~retention to judicial office was retained or not retained by~~
 3104 ~~between one-quarter and one-half of a percent of the votes cast~~
 3105 ~~on the question of retention, or that a measure appearing on the~~
 3106 ~~ballot was approved or rejected by between one-quarter and one-~~
 3107 ~~half of a percent of the votes cast on such measure, any such~~
 3108 ~~candidate, the political party of such candidate, or any~~
 3109 ~~political committee that supports or opposes such ballot measure~~
 3110 ~~is entitled to a manual recount of the overvotes and undervotes~~
 3111 ~~cast in the entire geographic jurisdiction of such office or~~

HB 1567

2005
CS

3112 ~~ballot measure, provided that a request for a manual recount is~~
 3113 ~~made by 5 p.m. on the third day after the election.~~

3114 ~~(b) For federal, statewide, state, and multicounty races~~
 3115 ~~and ballot issues, requests for a manual recount shall be made~~
 3116 ~~in writing to the state Elections Canvassing Commission. For all~~
 3117 ~~other races and ballot issues, requests for a manual recount~~
 3118 ~~shall be made in writing to the county canvassing board.~~

3119 ~~(c) Upon receipt of a proper and timely request, the~~
 3120 ~~Elections Canvassing Commission or county canvassing board shall~~
 3121 ~~immediately order a manual recount of overvotes and undervotes~~
 3122 ~~in all affected jurisdictions.~~

3123 ~~(2)(3)(a) Any hardware or software used to identify and~~
 3124 ~~sort overvotes and undervotes for a given race or ballot measure~~
 3125 ~~must be certified by the Department of State as part of the~~
 3126 ~~voting system pursuant to s. 101.015. Any such hardware or~~
 3127 ~~software must be capable of simultaneously counting votes. For~~
 3128 ~~certified voting systems, the department shall certify such~~
 3129 ~~hardware or software by July 1, 2002. If the department is~~
 3130 ~~unable to certify such hardware or software for a certified~~
 3131 ~~voting system by July 1, 2002, the department shall adopt rules~~
 3132 ~~prescribing procedures for identifying and sorting such~~
 3133 ~~overvotes and undervotes. The department's rules may provide for~~
 3134 ~~the temporary use of hardware or software whose sole function is~~
 3135 ~~identifying and sorting overvotes and undervotes.~~

3136 ~~(b) This subsection does not preclude the department from~~
 3137 ~~certifying hardware or software after July 1, 2002.~~

3138 ~~(b)(e)~~ (b) Overvotes and undervotes shall be identified and
 3139 sorted while recounting ballots pursuant to s. 102.141, if the

HB 1567

2005
CS

3140 hardware or software for this purpose has been certified or the
3141 department's rules so provide.

3142 (3)~~(4)~~ Any manual recount shall be open to the public.

3143 (4)~~(5)~~(a) A vote for a candidate or ballot measure shall
3144 be counted if there is a clear indication on the ballot that the
3145 voter has made a definite choice.

3146 (b) The Department of State shall adopt specific rules for
3147 each certified voting system prescribing what constitutes a
3148 "clear indication on the ballot that the voter has made a
3149 definite choice." The rules may not:

3150 1. Exclusively provide that the voter must properly mark
3151 or designate his or her choice on the ballot; or

3152 2. Contain a catch-all provision that fails to identify
3153 specific standards, such as "any other mark or indication
3154 clearly indicating that the voter has made a definite choice."

3155 (5)~~(6)~~ Procedures for a manual recount are as follows:

3156 (a) The county canvassing board shall appoint as many
3157 counting teams of at least two electors as is necessary to
3158 manually recount the ballots. A counting team must have, when
3159 possible, members of at least two political parties. A candidate
3160 involved in the race shall not be a member of the counting team.

3161 (b) Each duplicate ballot prepared pursuant to s.
3162 101.5614(5) or s. 102.141(6) shall be compared with the original
3163 ballot to ensure the correctness of the duplicate.

3164 (c) If a counting team is unable to determine whether the
3165 ballot contains a clear indication that the voter has made a
3166 definite choice, the ballot shall be presented to the county
3167 canvassing board for a determination.

HB 1567

2005
CS

3168 (d) The Department of State shall adopt detailed rules
 3169 prescribing additional recount procedures for each certified
 3170 voting system which shall be uniform to the extent practicable.
 3171 The rules shall address, at a minimum, the following areas:

- 3172 1. Security of ballots during the recount process.+
- 3173 2. Time and place of recounts.+
- 3174 3. Public observance of recounts.+
- 3175 4. Objections to ballot determinations.+
- 3176 5. Record of recount proceedings.+ ~~and~~
- 3177 6. Procedures relating to candidate and petitioner
- 3178 representatives.

3179 Section 60. Subsections (2) and (4) of section 102.168,
 3180 Florida Statutes, are amended to read:

3181 102.168 Contest of election.--

3182 (2) Such contestant shall file a complaint, together with
 3183 the fees prescribed in chapter 28, with the clerk of the circuit
 3184 court within 10 days after midnight of the date the last board
 3185 responsible for certifying the results officially ~~county~~
 3186 ~~canvassing board empowered to canvass the returns~~ certifies the
 3187 results of the election being contested.

3188 (4) The county canvassing board is an indispensable and ~~or~~
 3189 ~~Elections Canvassing Commission shall be the proper party~~
 3190 defendant in county and local elections, and the Elections
 3191 Canvassing Commission is an indispensable and proper party
 3192 defendant in federal, state, and multicounty races, and the
 3193 successful candidate is ~~shall be~~ an indispensable party to any
 3194 action brought to contest the election or nomination of a
 3195 candidate.

HB 1567

2005
CS

3196 Section 61. Subsections (1) and (4) of section 103.021,
3197 Florida Statutes, are amended to read:

3198 103.021 Nomination for presidential electors.--Candidates
3199 for presidential electors shall be nominated in the following
3200 manner:

3201 (1) The Governor shall nominate the presidential electors
3202 of each political party. The state executive committee of each
3203 political party shall by resolution recommend candidates for
3204 presidential electors and deliver a certified copy thereof to
3205 the Governor prior to September 1 of each presidential election
3206 year. The Governor ~~He or she~~ shall nominate only the electors
3207 recommended by the state executive committee of the respective
3208 political party. Each such elector shall be a qualified elector
3209 of the party he or she represents who has taken an oath that he
3210 or she will vote for the candidates of the party that he or she
3211 is nominated to represent. The Governor shall certify to the
3212 Department of State on or before September 1, in each
3213 presidential election year, the names of a number of electors
3214 for each political party equal to the number of senators and
3215 representatives which this state has in Congress.

3216 (4)(a) A minor political party that is affiliated with a
3217 national party holding a national convention to nominate
3218 candidates for President and Vice President of the United States
3219 may have the names of its candidates for President and Vice
3220 President of the United States printed on the general election
3221 ballot by filing with the Department of State a certificate
3222 naming the candidates for President and Vice President and
3223 listing the required number of persons to serve as electors.

HB 1567

2005
CS

3224 Notification to the Department of State under this subsection
 3225 shall be made by September 1 of the year in which the election
 3226 is held. When the Department of State has been so notified, it
 3227 shall order the names of the candidates nominated by the minor
 3228 political party to be included on the ballot and shall permit
 3229 the required number of persons to be certified as electors in
 3230 the same manner as other party candidates. For purposes of this
 3231 section, "national party" shall mean a political party
 3232 established and admitted to the ballot in at least one state
 3233 other than this state, and "national convention" shall mean any
 3234 caucus, convention, meeting, or any other assembly of a
 3235 political party gathered, whether or not such meeting is held in
 3236 person or by telephonic or electronic means, with the intent of
 3237 nominating candidates for President and Vice President of the
 3238 United States.

3239 (b) A minor political party that is not affiliated with a
 3240 national party holding a national convention to nominate
 3241 candidates for President and Vice President of the United States
 3242 may have the names of its candidates for President and Vice
 3243 President printed on the general election ballot if a petition
 3244 is signed by 1 percent of the registered electors of this state,
 3245 as shown by the compilation by the Department of State for the
 3246 preceding general election. A separate petition from each county
 3247 for which signatures are solicited shall be submitted to the
 3248 supervisors of elections of the respective county no later than
 3249 July 15 of each presidential election year. The supervisor shall
 3250 check the names and, on or before the date of the first primary,
 3251 shall certify the number shown as registered electors of the

HB 1567

2005
CS

3252 county. The supervisor shall be paid by the person requesting
 3253 the certification the cost of checking the petitions as
 3254 prescribed in s. 99.097. The supervisor shall then forward the
 3255 certificate to the Department of State, which shall determine
 3256 whether or not the percentage factor required in this section
 3257 has been met. When the percentage factor required in this
 3258 section has been met, the Department of State shall order the
 3259 names of the candidates for whom the petition was circulated to
 3260 be included on the ballot and shall permit the required number
 3261 of persons to be certified as electors in the same manner as
 3262 other party candidates.

3263 Section 62. Section 103.051, Florida Statutes, is amended
 3264 to read:

3265 103.051 Congress sets meeting dates of electors.--The
 3266 presidential electors shall, ~~at noon~~ on the day which is
 3267 directed by Congress and at the time fixed by the Governor, meet
 3268 at Tallahassee and perform the duties required of them by the
 3269 Constitution and laws of the United States.

3270 Section 63. Section 103.061, Florida Statutes, is amended
 3271 to read:

3272 103.061 Meeting of electors and filling of
 3273 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
 3274 the day fixed by Congress to elect a President and Vice
 3275 President and at the time fixed by the Governor, give notice to
 3276 the Governor that the elector is in Tallahassee and ready to
 3277 perform the duties of presidential elector. The Governor shall
 3278 forthwith deliver to the presidential electors present a
 3279 certificate of the names of all the electors; and if, on

HB 1567

2005
CS

3280 examination thereof, it should be found that one or more
 3281 electors are absent, the electors present shall elect by ballot,
 3282 in the presence of the Governor, a person or persons to fill
 3283 such vacancy or vacancies as may have occurred through the
 3284 nonattendance of one or more of the electors.

3285 Section 64. Section 103.121, Florida Statutes, is amended
 3286 to read:

3287 103.121 Powers and duties of executive committees.--

3288 (1)(a) Each state and county executive committee of a
 3289 political party shall have the power and duty:

3290 1. To adopt a constitution by two-thirds vote of the full
 3291 committee.

3292 2. To adopt such bylaws as it may deem necessary by
 3293 majority vote of the full committee.

3294 3. To conduct its meetings according to generally accepted
 3295 parliamentary practice.

3296 4. To make party nomination when required by law.

3297 5. To conduct campaigns for party nominees.

3298 6. To raise and expend party funds. Such funds may not be
 3299 expended or committed to be expended except after written
 3300 authorization by the chair of the state or county executive
 3301 committee.

3302 (b) ~~Except as otherwise provided in subsection (5),~~ The
 3303 county executive committee shall receive payment of assessments
 3304 upon candidates to be voted for in a single county except state
 3305 senators and members of the House of Representatives and
 3306 representatives to the Congress of the United States; and the
 3307 state executive committees shall receive all other assessments

HB 1567

2005
CS

3308 | authorized. All party assessments shall be 2 percent of the
 3309 | annual salary of the office sought by the respective candidate.
 3310 | All such committee assessments shall be remitted to the state
 3311 | executive committee of the appropriate party and distributed in
 3312 | accordance with subsection (5)~~(6)~~.

3313 | ~~(2) The state executive committee shall by resolution~~
 3314 | ~~recommend candidates for presidential electors and deliver a~~
 3315 | ~~certified copy thereof to the Governor prior to September 1 of~~
 3316 | ~~each presidential election year.~~

3317 | (2)~~(3)~~ The chair and treasurer of an executive committee
 3318 | of any political party shall be accountable for the funds of
 3319 | such committee and jointly liable for their proper expenditure
 3320 | for authorized purposes only. ~~The chair and treasurer of the~~
 3321 | ~~state executive committee of any political party shall furnish~~
 3322 | ~~adequate bond, but not less than \$10,000, conditioned upon the~~
 3323 | ~~faithful performance by such party officers of their duties and~~
 3324 | ~~for the faithful accounting for party funds which shall come~~
 3325 | ~~into their hands; and the chair and treasurer of a county~~
 3326 | ~~executive committee of a political party shall furnish adequate~~
 3327 | ~~bond, but not less than \$5,000, conditioned as aforesaid. A bond~~
 3328 | ~~for the chair and treasurer of the state executive committee of~~
 3329 | ~~a political party shall be filed with the Department of State. A~~
 3330 | ~~bond for the chair and treasurer of a county executive committee~~
 3331 | ~~shall be filed with the supervisor of elections. The funds of~~
 3332 | each such state executive committee shall be publicly audited at
 3333 | the end of each calendar year and a copy of such audit furnished
 3334 | to the Department of State for its examination prior to April 1
 3335 | of the ensuing year. When filed with the Department of State,

HB 1567

2005
CS

3336 | copies of such audit shall be public documents. The treasurer of
 3337 | each county executive committee shall maintain adequate records
 3338 | evidencing receipt and disbursement of all party funds received
 3339 | by him or her, and such records shall be publicly audited at the
 3340 | end of each calendar year and a copy of such audit filed with
 3341 | the supervisor of elections and the state executive committee
 3342 | prior to April 1 of the ensuing year.

3343 | (3)~~(4)~~ Any chair or treasurer of a state or county
 3344 | executive committee of any political party who knowingly
 3345 | misappropriates, or makes an unlawful expenditure of, or a false
 3346 | or improper accounting for, the funds of such committee is
 3347 | guilty of a felony of the third degree, punishable as provided
 3348 | in s. 775.082, s. 775.083, or s. 775.084.

3349 | (4)~~(5)~~~~(a)~~ The central committee or other equivalent
 3350 | governing body of each state executive committee shall adopt a
 3351 | rule which governs the time and manner in which the respective
 3352 | county executive committees of such party may endorse, certify,
 3353 | screen, or otherwise recommend one or more candidates for such
 3354 | party's nomination for election. Upon adoption, such rule shall
 3355 | provide the exclusive method by which a county committee may so
 3356 | endorse, certify, screen, or otherwise recommend. No later than
 3357 | the date on which qualifying for public office begins pursuant
 3358 | to s. 99.061, the chair of each county executive committee shall
 3359 | notify in writing the supervisor of elections of his or her
 3360 | county whether the county executive committee has endorsed or
 3361 | intends to endorse, certify, screen, or otherwise recommend
 3362 | candidates for nomination pursuant to party rule. A copy of such
 3363 | notification shall be provided to the Secretary of State and to

HB 1567

2005
CS

3364 the chair of the appropriate state executive committee. ~~Any~~
 3365 ~~county executive committee that endorses or intends to endorse,~~
 3366 ~~certify, screen, or otherwise recommend one or more candidates~~
 3367 ~~for nomination shall forfeit all party assessments which would~~
 3368 ~~otherwise be returned to the county executive committee; and~~
 3369 ~~such assessments shall be remitted instead to the state~~
 3370 ~~executive committee of such party, the provisions of paragraph~~
 3371 ~~(1)(b) to the contrary notwithstanding. No such funds so~~
 3372 ~~remitted to the state executive committee shall be paid,~~
 3373 ~~returned, or otherwise disbursed to the county executive~~
 3374 ~~committee under any circumstances. Any county executive~~
 3375 ~~committee that is in violation of any party rule after receiving~~
 3376 ~~the party assessment shall remit such party assessment to the~~
 3377 ~~state executive committee.~~

3378 ~~(b) Any state executive committee that endorses or intends~~
 3379 ~~to endorse, certify, screen, or otherwise recommend one or more~~
 3380 ~~candidates for nomination shall forfeit all party assessments~~
 3381 ~~which would otherwise be returned to the state executive~~
 3382 ~~committee; and such assessments shall be remitted instead to the~~
 3383 ~~General Revenue Fund of the state. Any state executive committee~~
 3384 ~~that is in violation of this section after receiving the party~~
 3385 ~~assessment shall remit such party assessment to the General~~
 3386 ~~Revenue Fund of the state.~~

3387 (5)~~(6)~~ The state chair of each state executive committee
 3388 shall return the 2-percent committee assessment for county
 3389 candidates to the appropriate county executive committees only
 3390 upon receipt of a written statement that such county executive
 3391 committee chooses not to endorse, certify, screen, or otherwise

HB 1567

2005
CS

3392 recommend one or more candidates for such party's nomination for
 3393 election and upon the state chair's determination that the
 3394 county executive committee is in compliance with all Florida
 3395 statutes and all state party rules, bylaws, constitutions, and
 3396 requirements.

3397 Section 65. Subsections (1) and (3) and paragraph (a) of
 3398 subsection (5) of section 105.031, Florida Statutes, are amended,
 3399 and subsection (6) is added to said section, to read:

3400 105.031 Qualification; filing fee; candidate's oath; items
 3401 required to be filed.--

3402 (1) TIME OF QUALIFYING.--Except for candidates for
 3403 judicial office, nonpartisan candidates for multicounty office
 3404 shall qualify with the Division of Elections of the Department
 3405 of State and nonpartisan candidates for countywide or less than
 3406 countywide office shall qualify with the supervisor of
 3407 elections. Candidates for judicial office other than the office
 3408 of county court judge shall qualify with the Division of
 3409 Elections of the Department of State, and candidates for the
 3410 office of county court judge shall qualify with the supervisor
 3411 of elections of the county. Candidates for judicial office shall
 3412 qualify no earlier than noon of the 120th day, and no later than
 3413 noon of the 116th day, before the first primary election.

3414 Candidates for the office of school board member shall qualify
 3415 no earlier than noon of the 50th day, and no later than noon of
 3416 the 46th day, before the first primary election. Filing shall be
 3417 on forms provided for that purpose by the Division of Elections
 3418 and furnished by the appropriate qualifying officer. Any person
 3419 seeking to qualify by the petition process ~~alternative method~~,

HB 1567

2005
CS

3420 as set forth in s. 105.035, who ~~if the person~~ has submitted the
 3421 necessary petitions by the required deadline and is notified
 3422 after the fifth day prior to the last day for qualifying that
 3423 the required number of signatures has been obtained, shall be
 3424 entitled to subscribe to the candidate's oath and file the
 3425 qualifying papers at any time within 5 days from the date he or
 3426 she is notified that the necessary number of signatures has been
 3427 obtained. Any person other than a write-in candidate who
 3428 qualifies within the time prescribed in this subsection shall be
 3429 entitled to have his or her name printed on the ballot.

3430 (3) QUALIFYING FEE.--Each candidate qualifying for
 3431 election to a judicial office or the office of school board
 3432 member, except write-in judicial or school board candidates,
 3433 shall, during the time for qualifying, pay to the officer with
 3434 whom he or she qualifies a qualifying fee, which shall consist
 3435 of a filing fee and an election assessment, or qualify by the
 3436 petition process ~~alternative method~~. The amount of the filing
 3437 fee is 3 percent of the annual salary of the office sought. The
 3438 amount of the election assessment is 1 percent of the annual
 3439 salary of the office sought. The Department of State shall
 3440 forward all filing fees to the Department of Revenue for deposit
 3441 in the Elections Commission Trust Fund. The supervisor of
 3442 elections shall forward all filing fees to the Elections
 3443 Commission Trust Fund. The election assessment shall be
 3444 deposited into the Elections Commission Trust Fund. The annual
 3445 salary of the office for purposes of computing the qualifying
 3446 fee shall be computed by multiplying 12 times the monthly salary
 3447 authorized for such office as of July 1 immediately preceding

HB 1567

2005
CS

3448 | the first day of qualifying. This subsection shall not apply to
3449 | candidates qualifying for retention to judicial office.

3450 | (5) ITEMS REQUIRED TO BE FILED.--

3451 | (a) In order for a candidate for judicial office or the
3452 | office of school board member to be qualified, the following
3453 | items must be received by the filing officer by the end of the
3454 | qualifying period:

3455 | 1. Except for candidates for retention to judicial office,
3456 | a properly executed check drawn upon the candidate's campaign
3457 | account in an amount not less than the fee required by
3458 | subsection (3) or, in lieu thereof, the copy of the notice of
3459 | obtaining ballot position pursuant to s. 105.035. If a
3460 | candidate's check is returned by the bank for any reason, the
3461 | filing officer shall immediately notify the candidate and the
3462 | candidate shall, the end of qualifying notwithstanding, have 48
3463 | hours from the time such notification is received, excluding
3464 | Saturdays, Sundays, and legal holidays, to pay the fee with a
3465 | cashier's check purchased from funds of the campaign account.
3466 | Failure to pay the fee as provided in this subparagraph shall
3467 | disqualify the candidate.

3468 | 2. The candidate's oath required by subsection (4), which
3469 | must contain the name of the candidate as it is to appear on the
3470 | ballot; the office sought, including the district or group
3471 | number if applicable; and the signature of the candidate, duly
3472 | acknowledged.

3473 | 3. The loyalty oath required by s. 876.05, signed by the
3474 | candidate and duly acknowledged.

HB 1567

2005
CS

3475 4. The completed form for the appointment of campaign
 3476 treasurer and designation of campaign depository, as required by
 3477 s. 106.021. In addition, each candidate for judicial office,
 3478 including an incumbent judge, shall file a statement with the
 3479 qualifying officer, within 10 days after filing the appointment
 3480 of campaign treasurer and designation of campaign depository,
 3481 stating that the candidate has read and understands the
 3482 requirements of the Florida Code of Judicial Conduct. Such
 3483 statement shall be in substantially the following form:

3484
 3485 Statement of Candidate for Judicial Office

3486
 3487 I, (name of candidate) , a judicial candidate, have received,
 3488 read, and understand the requirements of the Florida Code of
 3489 Judicial Conduct.

3490 (Signature of candidate)

3491 (Date)

3492
 3493 5. The full and public disclosure of financial interests
 3494 required by s. 8, Art. II of the State Constitution or the
 3495 statement of financial interests required by s. 112.3145,
 3496 whichever is applicable. A public officer who has filed the full
 3497 and public disclosure or statement of financial interests with
 3498 the Commission on Ethics or the supervisor of elections prior to
 3499 qualifying for office does not have to file a disclosure at the
 3500 time of qualifying.

3501 (6) Notwithstanding the qualifying period prescribed in
 3502 this section, a filing officer may accept and hold qualifying

HB 1567

2005
CS

3503 papers submitted not earlier than 14 days prior to the beginning
 3504 of the qualifying period to be processed and filed during the
 3505 qualifying period.

3506 Section 66. Section 105.035, Florida Statutes, is amended
 3507 to read:

3508 105.035 Petition process for ~~Alternative method of~~
 3509 qualifying for certain judicial offices and the office of school
 3510 board member.--

3511 (1) A person seeking to qualify for election to the office
 3512 of circuit judge or county court judge or the office of school
 3513 board member may qualify for election to such office by means of
 3514 the petitioning process prescribed in this section. A person
 3515 qualifying by this petition process ~~alternative method~~ shall not
 3516 be required to pay the qualifying fee required by this chapter.
 3517 ~~A person using this petitioning process shall file an oath with~~
 3518 ~~the officer before whom the candidate would qualify for the~~
 3519 ~~office stating that he or she intends to qualify by this~~
 3520 ~~alternative method for the office sought. Such oath shall be~~
 3521 ~~filed at any time after the first Tuesday after the first Monday~~
 3522 ~~in January of the year in which the election is held, but prior~~
 3523 ~~to the 21st day preceding the first day of the qualifying period~~
 3524 ~~for the office sought. The form of such oath shall be prescribed~~
 3525 ~~by the Division of Elections. No signatures shall be obtained~~
 3526 ~~until the person has filed the oath prescribed in this~~
 3527 ~~subsection.~~

3528 (2) ~~Upon receipt of a written oath from a candidate, The~~
 3529 ~~qualifying officer shall provide the candidate with a petition~~
 3530 format shall be prescribed by the Division of Elections and

HB 1567

2005
CS

3531 | shall ~~to~~ be used by the candidate to reproduce petitions for
 3532 | circulation. If the candidate is running for an office which
 3533 | will be grouped on the ballot with two or more similar offices
 3534 | to be filled at the same election, the candidate's petition must
 3535 | indicate, prior to the obtaining of registered electors'
 3536 | signatures, for which group or district office the candidate is
 3537 | running.

3538 | (3) Each candidate for election to a judicial office or
 3539 | the office of school board member shall obtain the signature of
 3540 | a number of qualified electors equal to at least 1 percent of
 3541 | the total number of registered electors of the district,
 3542 | circuit, county, or other geographic entity represented by the
 3543 | office sought as shown by the compilation by the Department of
 3544 | State for the last preceding general election. A separate
 3545 | petition shall be circulated for each candidate availing himself
 3546 | or herself of the provisions of this section. Signatures may not
 3547 | be obtained until the candidate has filed the appointment of
 3548 | campaign treasurer and designation of campaign depository
 3549 | pursuant to s. 106.021.

3550 | (4)(a) Each candidate seeking to qualify for election to
 3551 | the office of circuit judge or the office of school board member
 3552 | from a multicounty school district pursuant to this section
 3553 | shall file a separate petition from each county from which
 3554 | signatures are sought. Each petition shall be submitted, prior
 3555 | to noon of the 28th ~~21st~~ day preceding the first day of the
 3556 | qualifying period for the office sought, to the supervisor of
 3557 | elections of the county for which such petition was circulated.
 3558 | Each supervisor of elections to whom a petition is submitted

HB 1567

2005
CS

3559 shall check the signatures on the petition to verify their
 3560 status as electors of that county and of the geographic area
 3561 represented by the office sought. No later than the 7th day
 3562 before ~~Prior to~~ the first date for qualifying, the supervisor
 3563 shall certify the number shown as registered electors and submit
 3564 such certification to the Division of Elections. The division
 3565 shall determine whether the required number of signatures has
 3566 been obtained for the name of the candidate to be placed on the
 3567 ballot and shall notify the candidate. If the required number of
 3568 signatures has been obtained, the candidate shall, during the
 3569 time prescribed for qualifying for office, submit a copy of such
 3570 notice and file his or her qualifying papers and oath prescribed
 3571 in s. 105.031 with the Division of Elections. Upon receipt of
 3572 the copy of such notice and qualifying papers, the division
 3573 shall certify the name of the candidate to the appropriate
 3574 supervisor or supervisors of elections as having qualified for
 3575 the office sought.

3576 (b) Each candidate seeking to qualify for election to the
 3577 office of county court judge or the office of school board
 3578 member from a single county school district pursuant to this
 3579 section shall submit his or her petition, prior to noon of the
 3580 28th ~~21st~~ day preceding the first day of the qualifying period
 3581 for the office sought, to the supervisor of elections of the
 3582 county for which such petition was circulated. The supervisor
 3583 shall check the signatures on the petition to verify their
 3584 status as electors of the county and of the geographic area
 3585 represented by the office sought. No later than the 7th day
 3586 before ~~Prior to~~ the first date for qualifying, the supervisor

HB 1567

2005
CS

3587 shall determine whether the required number of signatures has
 3588 been obtained for the name of the candidate to be placed on the
 3589 ballot and shall notify the candidate. If the required number of
 3590 signatures has been obtained, the candidate shall, during the
 3591 time prescribed for qualifying for office, submit a copy of such
 3592 notice and file his or her qualifying papers and oath prescribed
 3593 in s. 105.031 with the qualifying officer. Upon receipt of the
 3594 copy of such notice and qualifying papers, such candidate shall
 3595 be entitled to have his or her name printed on the ballot.

3596 Section 67. Section 98.122, Florida Statutes, is
 3597 transferred and renumbered as section 106.165, Florida Statutes.

3598 Section 68. Subsections (10), (11), and (12) of section
 3599 106.22, Florida Statutes, are amended to read:

3600 106.22 Duties of the Division of Elections.--It is the
 3601 duty of the Division of Elections to:

3602 ~~(11) Conduct preliminary investigations into any~~
 3603 ~~irregularities or fraud involving voter registration or voting~~
 3604 ~~and report its findings to the state attorney for the judicial~~
 3605 ~~circuit in which the alleged violation occurred for prosecution,~~
 3606 ~~where warranted. The Department of State may prescribe by rule~~
 3607 ~~requirements for filing a complaint of voter fraud and for~~
 3608 ~~investigating any such complaint.~~

3609 (11)(12) Conduct random audits with respect to reports and
 3610 statements filed under this chapter and with respect to alleged
 3611 failure to file any reports and statements required under this
 3612 chapter.

3613 Section 69. Subsection (6) of section 106.24, Florida
 3614 Statutes, is amended to read:

HB 1567

2005
CS

3615 | 106.24 Florida Elections Commission; membership; powers;
3616 | duties.--

3617 | (6) There is hereby established in the State Treasury an
3618 | Elections Commission Trust Fund to be utilized by the Division
3619 | of Elections and the Florida Elections Commission in order to
3620 | carry out their duties pursuant to ss. 106.24-106.28. The trust
3621 | fund may also be used by the Secretary of State ~~division~~,
3622 | pursuant to his or her ~~its~~ authority under s. 97.012(14)
3623 | ~~106.22(11)~~, to provide rewards for information leading to
3624 | criminal convictions related to voter registration fraud, voter
3625 | fraud, and vote scams.

3626 | Section 70. Paragraph (a) of subsection (1) of section
3627 | 16.56, Florida Statutes, is amended to read:

3628 | 16.56 Office of Statewide Prosecution.--

3629 | (1) There is created in the Department of Legal Affairs an
3630 | Office of Statewide Prosecution. The office shall be a separate
3631 | "budget entity" as that term is defined in chapter 216. The
3632 | office may:

3633 | (a) Investigate and prosecute the offenses of:

3634 | 1. Bribery, burglary, criminal usury, extortion, gambling,
3635 | kidnapping, larceny, murder, prostitution, perjury, robbery,
3636 | carjacking, and home-invasion robbery;

3637 | 2. Any crime involving narcotic or other dangerous drugs;

3638 | 3. Any violation of the provisions of the Florida RICO
3639 | (Racketeer Influenced and Corrupt Organization) Act, including
3640 | any offense listed in the definition of racketeering activity in
3641 | s. 895.02(1)(a), providing such listed offense is investigated
3642 | in connection with a violation of s. 895.03 and is charged in a

HB 1567

2005
CS

3643 separate count of an information or indictment containing a
 3644 count charging a violation of s. 895.03, the prosecution of
 3645 which listed offense may continue independently if the
 3646 prosecution of the violation of s. 895.03 is terminated for any
 3647 reason;

3648 4. Any violation of the provisions of the Florida Anti-
 3649 Fencing Act;

3650 5. Any violation of the provisions of the Florida
 3651 Antitrust Act of 1980, as amended;

3652 6. Any crime involving, or resulting in, fraud or deceit
 3653 upon any person;

3654 7. Any violation of s. 847.0135, relating to computer
 3655 pornography and child exploitation prevention, or any offense
 3656 related to a violation of s. 847.0135;

3657 8. Any violation of the provisions of chapter 815;

3658 9. Any criminal violation of part I of chapter 499;

3659 10. Any violation of the provisions of the Florida Motor
 3660 Fuel Tax Relief Act of 2004; ~~or~~

3661 11. Any criminal violation of s. 409.920 or s. 409.9201;
 3662 or

3663 12. Any crime involving voter registration, voting, or
 3664 candidate or issue petition activities.

3665
 3666 or any attempt, solicitation, or conspiracy to commit any of the
 3667 crimes specifically enumerated above. The office shall have such
 3668 power only when any such offense is occurring, or has occurred,
 3669 in two or more judicial circuits as part of a related
 3670 transaction, or when any such offense is connected with an

HB 1567

2005
CS

3671 organized criminal conspiracy affecting two or more judicial
3672 circuits.

3673 Section 71. Subsection (8) of section 112.3145, Florida
3674 Statutes, is amended to read:

3675 112.3145 Disclosure of financial interests and clients
3676 represented before agencies.--

3677 (8) A public officer who has filed a disclosure for any
3678 calendar or fiscal year shall not be required to file a second
3679 disclosure for the same year or any part thereof,
3680 notwithstanding any requirement of this act, ~~except that any~~
3681 ~~public officer who qualifies as a candidate for public office~~
3682 ~~shall file a copy of the disclosure with the officer before whom~~
3683 ~~he or she qualifies as a candidate at the time of qualification.~~

3684 Section 72. Subsection (5) of section 119.07, Florida
3685 Statutes, is amended to read:

3686 119.07 Inspection and copying of records; photographing
3687 public records; fees; exemptions.--

3688 (5) When ballots are produced under this section for
3689 inspection or examination, no persons other than the supervisor
3690 of elections or the supervisor's employees shall touch the
3691 ballots. If the ballots are being examined prior to the end of
3692 the contest period in s. 102.168, the supervisor of elections
3693 shall make a reasonable effort to notify all candidates by
3694 telephone or otherwise of the time and place of the inspection
3695 or examination. All such candidates, or their representatives,
3696 shall be allowed to be present during the inspection or
3697 examination.

HB 1567

2005
CS

3698 Section 73. Paragraph (a) of subsection (3) of section
 3699 145.09, Florida Statutes, is amended to read:
 3700 145.09 Supervisor of elections.--
 3701 (3)(a) There shall be an additional \$2,000 per year
 3702 special qualification salary for each supervisor of elections
 3703 who has met the certification requirements established by the
 3704 Division of Elections of the Department of State. The Department
 3705 of State shall adopt rules to establish the certification
 3706 requirements. Any supervisor who is certified during a calendar
 3707 year shall receive in that year a pro rata share of the special
 3708 qualification salary based on the remaining period of the year.
 3709 Section 74. Sections 98.095, 98.0979, 98.181, 98.481,
 3710 101.253, 101.635, 102.061, 106.085, and 106.144, Florida
 3711 Statutes, are repealed.
 3712 Section 75. If any provision of this act or its
 3713 application to any person or circumstance is held invalid, the
 3714 invalidity does not affect other provisions or applications of
 3715 the act which can be given effect without the invalid provision
 3716 or application and to this end the provisions of this act are
 3717 severable.
 3718 Section 76. This act shall take effect January 1, 2006.