

CHAMBER ACTION

1 The State Administration Council 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

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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 certain employees of the Department of
 118 | State full access to all premises, records, equipment, and
 119 | staff of the supervisor of elections; amending s. 101.595,
 120 | F.S.; providing for the reporting of overvotes and
 121 | undervotes in races for President and Vice President and
 122 | Governor and Lieutenant Governor or, alternatively, other
 123 | races appearing first on the ballot; amending s. 101.6103,
 124 | F.S.; 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

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131 absentee ballots to be mailed by a certain time; requiring
132 certain information to be available and updated in
133 electronic format as provided by rule adopted by the
134 division; requiring information relating to absentee
135 receipt and delivery dates to be available to the voter
136 requesting the ballot; providing for unavailable regular
137 absentee ballots for overseas electors; providing a
138 deadline by which an absentee ballot request may be
139 fulfilled by personal delivery; amending s. 101.64, F.S.;
140 providing for a certain oath to be provided to overseas
141 electors in lieu of a voter's certificate; amending s.
142 101.657, F.S.; revising requirements relating to early
143 voting locations; revising the deadline to end early
144 voting and the times for opening and closing the early
145 voting sites each day; providing for uniformity of county
146 early voting sites; requiring any person in line at the
147 closing of an early voting site to be allowed to vote;
148 providing for early voting in municipal and special
149 district elections; requiring supervisors to provide
150 certain information in electronic format to the Division
151 of Elections; amending s. 101.663, F.S.; revising
152 provisions relating to certain electors who move to
153 another state; amending s. 101.68, F.S.; providing that an
154 absentee ballot is deemed to have been cast once it has
155 been received by the supervisor; amending s. 101.69, F.S.;
156 revising a provision relating to voting in person by
157 electors who have requested absentee ballots; amending s.

158 | 101.6923, F.S.; revising a provision relating to special
 159 | absentee ballot instructions for certain voters; amending
 160 | s. 101.694, F.S.; requiring certain absentee envelopes to
 161 | meet specifications as determined by a certain federal
 162 | program; amending s. 101.697, F.S.; providing a condition
 163 | on the department's ability to accept certain election
 164 | materials by electronic transmission from overseas voters;
 165 | amending s. 102.012, F.S.; revising provisions to require
 166 | supervisors of election to appoint one election board for
 167 | each precinct; requiring each supervisor to furnish
 168 | inspectors of election in each precinct with the list of
 169 | registered voters for the precinct; amending s. 102.014,
 170 | F.S.; requiring the division to develop a uniform training
 171 | curriculum for poll workers; revising grounds upon which a
 172 | supervisor shall replace an inspector or clerk; revising
 173 | requirements relating to the provisions and availability
 174 | of a uniform polling place procedures manual; amending s.
 175 | 102.031, F.S.; revising a provision relating to
 176 | maintenance of good order at polls, authorities, persons
 177 | allowed in polling rooms, and unlawful solicitation of
 178 | voters to apply to early voting areas; increasing the
 179 | distance for the no solicitation zone; providing for the
 180 | designation of the no solicitation zone; prohibiting
 181 | photography in a polling room or early voting area;
 182 | amending s. 102.071, F.S.; decreasing the certificates of
 183 | the results needed to one; amending s. 102.111, F.S.;
 184 | providing for typographical errors in official county

185 returns to be certified by the Elections Canvassing
186 Commission; amending s. 102.112, F.S.; requiring the
187 county returns to contain a certain certification;
188 authorizing the department to correct typographical errors
189 in county returns; amending s. 102.141, F.S.; revising
190 provisions relating to county canvassing boards and their
191 duties; requiring that the county canvassing board be
192 responsible for ordering county and local recounts;
193 revising deadlines relating to submission of unofficial
194 returns; adding procedure and content requirements
195 relating to county canvassing boards' reports on conduct
196 of elections; requiring the supervisor of elections to
197 file or export files to the department from election
198 results and other statistical information as may be
199 requested by the department, the Legislature, and the
200 Election Assistance Commission; requiring the department
201 to adopt rules establishing the required content and
202 acceptable formats for certain filings; amending s.
203 102.166, F.S.; revising provisions relating to manual
204 recounts; amending s. 102.168, F.S.; revising proper party
205 defendants in actions contesting the election or
206 nomination of a candidate; amending s. 103.021, F.S.;
207 requiring the state executive committee of each political
208 party to recommend candidates for presidential electors to
209 the Governor using a specified procedure; providing
210 definitions; amending ss. 103.051 and 103.061, F.S.;
211 revising certain meeting and notice times of the

212 presidential electors; amending s. 103.121, F.S.; revising
 213 the powers and duties of executive committees; amending s.
 214 105.031, F.S.; exempting school board candidates from
 215 qualifying fee requirements; revising requirements
 216 relating to financial interest statements made by public
 217 officers; providing a time by which a qualifying officer
 218 may accept and hold certain qualifying papers; amending s.
 219 105.035, F.S.; renaming the "alternative method" of
 220 qualifying for certain offices as the "petition process";
 221 removing provisions requiring a person seeking to qualify
 222 by the petition process to file a certain oath; providing
 223 a limitation upon elector signatures needed by certain
 224 candidates; revising deadlines; transferring s. 98.122,
 225 F.S., relating to closed caption television broadcasting
 226 requirements, and renumbering the section as s. 106.165,
 227 F.S.; amending s. 106.22, F.S.; revising the duties of the
 228 Division of Elections to remove the duty to conduct
 229 certain investigations and make subsequent reports;
 230 amending s. 106.29, F.S., relating to the powers and
 231 duties of the Florida Elections Commission, to conform;
 232 amending s. 16.56, F.S.; authorizing the Office of
 233 Statewide Prosecution to investigate and prosecute the
 234 offenses of crimes involving voter registration, voting,
 235 or candidate or issue petition activities; amending s.
 236 112.3145, F.S.; deleting the requirement to file a copy of
 237 disclosure for qualification; amending s. 119.07, F.S.;
 238 placing a condition on when the supervisor of elections

239 shall notify certain candidates of ballot inspection;
 240 amending s. 145.09, F.S.; requiring the Department of
 241 State to adopt rules establishing certification
 242 requirements of supervisors of elections; repealing s.
 243 98.095, F.S., relating to county registers open to
 244 inspection and copies; repealing s. 98.0979, F.S.;
 245 relating to the statewide voter registration database's
 246 being open to inspection and copies; repealing s. 98.181,
 247 F.S., relating to supervisors of elections making up
 248 indexes or records; repealing s. 98.481, F.S., relating to
 249 challenge to electors; repealing s. 101.253, F.S.;
 250 relating to when names are not to be printed on ballots;
 251 repealing s. 101.635, F.S.; relating to distribution of
 252 blocks of printed ballots; repealing s. 102.061, F.S.;
 253 relating to duties of election board, counting, and
 254 closing polls; repealing s. 106.085, F.S., relating to
 255 independent expenditures, prohibited unfair surprise,
 256 notice requirements, and a penalty; repealing s. 106.144,
 257 F.S.; relating to endorsements or opposition by certain
 258 groups and organizations; providing for severability;
 259 providing an effective date.

260

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

262

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

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265 97.012 Secretary of State as chief election officer.--The
266 Secretary of State is the chief election officer of the state,
267 and it is his or her responsibility to:

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

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

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

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

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

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

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

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

290 (9) Ensure that all registration applications and forms
291 prescribed or approved by the department are in compliance with

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292 | the Voting Rights Act of 1965 and the National Voter
 293 | Registration Act of 1993.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

395 (15)~~(13)~~ "Lists of registered electors" means copies of
396 printed lists of registered electors, computer tapes or disks,

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397 | or any other device used by the supervisor of elections to
398 | maintain voter records.

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

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

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

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

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423 of any changes in the filing certificate within 5 days of such
424 changes.

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

434 (19)~~(17)~~ "Nominal value" means having a retail value of
435 \$10 or less.

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

439 (21)~~(19)~~ "Office that serves persons with disabilities"
440 means any state office that takes applications either in person
441 or over the telephone from persons with disabilities for any
442 program, service, or benefit primarily related to their
443 disabilities.

444 (22)~~(20)~~ "Overseas voter" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

502 (34)~~(32)~~ "Supervisor" means the supervisor of elections.

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

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

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

520 ~~(38)~~~~(35)~~ "Uniformed services" means the Army, Navy, Air
 521 Force, Marine Corps, and Coast Guard, the commissioned corps of
 522 the Public Health Service, and the commissioned corps of the
 523 National Oceanic and Atmospheric Administration.

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

528 (40)~~(37)~~ "Voter registration agency" means any office that
 529 provides public assistance, any office that serves persons with

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530 disabilities, any center for independent living, or any public
531 library.

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

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

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

544 97.029 Attorney's fees and costs.--

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

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

554 (b) The term "prevailing party" means the party that has
555 received a final judgment or order in its favor and such
556 judgment or order has not been reversed on appeal or the time

557 for seeking judicial review of the judgment or order has
558 expired. Where an action has been voluntarily dismissed or
559 dismissed pursuant to a settlement of the case, there shall be
560 no prevailing party.

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

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

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

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

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

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

596 97.052 Uniform statewide voter registration application.--

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

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

- 601 1. Initial registration.
- 602 2. Change of address.
- 603 3. Change of party affiliation.
- 604 4. Change of name.
- 605 5. Replacement of voter registration identification card.
- 606 6. Signature update.

607 (b) The department is responsible for printing the uniform
608 statewide voter registration application and the voter
609 registration application form prescribed by the ~~Federal~~ Election
610 Assistance Commission pursuant to federal law ~~the National Voter~~

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611 ~~Registration Act of 1993.~~ The applications and forms must be
 612 distributed, upon request, to the following:
 613 1. Individuals seeking to register to vote.
 614 2. Individuals or groups conducting voter registration
 615 programs. A charge of 1 cent per application shall be assessed
 616 on requests for 10,000 or more applications.
 617 3. The Department of Highway Safety and Motor Vehicles.
 618 4. Voter registration agencies.
 619 5. Armed forces recruitment offices.
 620 6. Qualifying educational institutions.
 621 7. Supervisors, who must make the applications and forms
 622 available in the following manner:
 623 a. By distributing the applications and forms in their
 624 offices to any individual or group.
 625 b. By distributing the applications and forms at other
 626 locations designated by each supervisor.
 627 c. By mailing the applications and forms to applicants
 628 upon the request of the applicant.
 629 (c) The uniform statewide voter registration application
 630 may be reproduced by any private individual or group, provided
 631 the reproduced application is in the same format as the
 632 application prescribed under this section.
 633 (2) The uniform statewide voter registration application
 634 must be designed to elicit the following information from the
 635 applicant:
 636 (a) Full name.
 637 (b) Date of birth.

- 638 (c) Address of legal residence.
- 639 (d) Mailing address, if different.
- 640 (e) County of legal residence.
- 641 ~~(f) Address of property for which the applicant has been~~
- 642 ~~granted a homestead exemption, if any.~~
- 643 (f)~~(g)~~ Race or ethnicity that best describes the
- 644 applicant:
- 645 1. American Indian or Alaskan Native.
 - 646 2. Asian or Pacific Islander.
 - 647 3. Black, not Hispanic.
 - 648 4. White, not Hispanic.
 - 649 5. Hispanic.
- 650 (g)~~(h)~~ State or country of birth.
- 651 (h)~~(i)~~ Sex.
- 652 (i)~~(j)~~ Party affiliation.
- 653 (j)~~(k)~~ Whether the applicant needs assistance in voting.
- 654 (k)~~(l)~~ Name and address where last registered.
- 655 (l)~~(m)~~ Last four digits of the applicant's social security
- 656 number.
- 657 (m)~~(n)~~ Florida driver's license number or the
- 658 identification number from a Florida identification card issued
- 659 under s. 322.051.
- 660 (n)~~(o)~~ Telephone number (optional).
- 661 (o)~~(p)~~ Signature of applicant under penalty for false
- 662 swearing pursuant to s. 104.011, by which the person subscribes
- 663 to the oath required by s. 3, Art. VI of the State Constitution

664 and s. 97.051, and swears or affirms that the information
665 contained in the registration application is true.

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

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

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

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

687
688 The registration form must be in plain language and designed so
689 that convicted felons whose civil rights have been restored and
690 persons who have been adjudicated mentally incapacitated and

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691 have had their voting rights restored are not required to reveal
692 their prior conviction or adjudication.

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

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

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

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

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

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

711 ~~(f) A statement that informs the applicant that any person~~
712 ~~who has been granted a homestead exemption in this state, and~~
713 ~~who registers to vote in any precinct other than the one in~~
714 ~~which the property for which the homestead exemption has been~~
715 ~~granted, shall have that information forwarded to the property~~
716 ~~appraiser where such property is located, which may result in~~
717 ~~the person's homestead exemption being terminated and the person~~

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718 ~~being subject to assessment of back taxes under s. 193.092,~~
 719 ~~unless the homestead granted the exemption is being maintained~~
 720 ~~as the permanent residence of a legal or natural dependent of~~
 721 ~~the owner and the owner resides elsewhere.~~

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

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

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

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

740 97.053 Acceptance of voter registration applications.--

741 (1) Voter registration applications, changes in
 742 registration, and requests for a replacement registration
 743 identification card must be accepted in the office of any
 744 supervisor, the division, a driver license office, a voter

745 registration agency, or an armed forces recruitment office when
 746 hand delivered by the applicant or a third party during the
 747 hours that office is open or when mailed.

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

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

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

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

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

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

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798 application is true and subscribing to the oath required by s.
799 3, Art. VI of the State Constitution and s. 97.051.

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

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

807 97.055 Registration books; when closed for an election.--

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

821 (2) In computing the 29-day period for the closing of the
822 registration books, the day of the election is excluded and all
823 other days are included. If the 29th day preceding an election
824 falls on a Sunday or a legal holiday, the registration books

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825 must be closed on the next day that is not a Sunday or a legal
826 holiday.

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

829 97.0575 Third-party voter registrations.--

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

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

850 (3) A third-party voter registration organization that
851 collects voter registration applications serves as a fiduciary

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

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

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

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

882

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

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

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

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

909 98.045 Administration of voter registration.--

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

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

923 98.077 Update of voter signature.--The supervisor of
924 elections shall provide to each registered voter of the county
925 the opportunity to update his or her signature on file at the
926 supervisor's office by providing notification of the ability to
927 do so in any correspondence, other than postcard notifications,
928 sent to the voter. The notice shall advise when, where, and how
929 to update the signature and shall provide the voter information
930 on how to obtain a form from the supervisor that can be returned
931 to update the signature. In addition, at least once during each

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932 | general election year, the supervisor shall publish in a
 933 | newspaper of general circulation or other newspaper in the
 934 | county deemed appropriate by the supervisor a notice specifying
 935 | when, where, or how a voter can update his or her signature that
 936 | is on file or how a voter can obtain a form from the supervisor
 937 | to do so. All signature updates for use in verifying absentee
 938 | and provisional ballots shall be received by the appropriate
 939 | supervisor of elections no later than 5 p.m. of the fifth day
 940 | prior to the election. The signature on file at 5 p.m. on the
 941 | fifth day before the election is the signature that shall be
 942 | used in verifying the signature on the absentee and provisional
 943 | ballot certificates.

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

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

948 | (1) The provisions of any special act to the contrary
 949 | notwithstanding, each person seeking to qualify for nomination
 950 | or election to a federal, state, or multicounty district office,
 951 | other than election to a judicial office as defined in chapter
 952 | 105 or the office of school board member, shall file his or her
 953 | qualification papers with, and pay the qualifying fee, which
 954 | shall consist of the filing fee and election assessment, and
 955 | party assessment, if any has been levied, to, the Department of
 956 | State, or qualify by the petition process pursuant to s. 99.095
 957 | ~~alternative method~~ with the Department of State, at any time
 958 | after noon of the 1st day for qualifying, which shall be as

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959 follows: the 120th day prior to the first primary, but not later
 960 than noon of the 116th day prior to the date of the first
 961 primary, for persons seeking to qualify for nomination or
 962 election to federal office; and noon of the 50th day prior to
 963 the first primary, but not later than noon of the 46th day prior
 964 to the date of the first primary, for persons seeking to qualify
 965 for nomination or election to a state or multicounty district
 966 office.

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

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986 | of the state executive committee of the political party to which
 987 | the candidate belongs the amount of the filing fee, two-thirds
 988 | of which shall be used to promote the candidacy of candidates
 989 | for county offices and the candidacy of members of the
 990 | Legislature.

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

997 | (b) Any person who is seeking election as a write-in
 998 | candidate shall not be required to pay a filing fee, election
 999 | assessment, or party assessment. A write-in candidate shall not
 1000 | be entitled to have his or her name printed on any ballot;
 1001 | however, space for the write-in candidate's name to be written
 1002 | in shall be provided on the general election ballot. No person
 1003 | may qualify as a write-in candidate if the person has also
 1004 | otherwise qualified for nomination or election to such office.

1005 | (4) At the time of qualifying for office, each candidate
 1006 | for a constitutional office shall file a full and public
 1007 | disclosure of financial interests pursuant to s. 8, Art. II of
 1008 | the State Constitution, and a candidate for any other office,
 1009 | including local elective office, shall file a statement of
 1010 | financial interests pursuant to s. 112.3145 if no current
 1011 | statement is already filed.

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1012 (5) The Department of State shall certify to the
 1013 supervisor of elections, within 7 days after the closing date
 1014 for qualifying, the names of all duly qualified candidates for
 1015 nomination or election who have qualified with the Department of
 1016 State.

1017 (6) Notwithstanding the qualifying period prescribed in
 1018 this section, if a candidate has submitted the necessary
 1019 petitions by the required deadline in order to qualify by the
 1020 petition process pursuant to s. 99.095 ~~alternative method~~ as a
 1021 candidate for nomination or election and the candidate is
 1022 notified after the 5th day prior to the last day for qualifying
 1023 that the required number of signatures has been obtained, the
 1024 candidate is entitled to subscribe to the candidate's oath and
 1025 file the qualifying papers at any time within 5 days from the
 1026 date the candidate is notified that the necessary number of
 1027 signatures has been obtained. Any candidate who qualifies within
 1028 the time prescribed in this subsection is entitled to have his
 1029 or her name printed on the ballot.

1030 (7)(a) In order for a candidate to be qualified, the
 1031 following items must be received by the filing officer by the
 1032 end of the qualifying period:

1033 1. A properly executed check drawn upon the candidate's
 1034 campaign account in an amount not less than the fee required by
 1035 s. 99.092 or, in lieu thereof, as applicable, the copy of the
 1036 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~
 1037 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~
 1038 ~~99.096~~. If a candidate's check is returned by the bank for any

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1039 | reason, the filing officer shall immediately notify the
 1040 | candidate and the candidate shall, the end of qualifying
 1041 | notwithstanding, have 48 hours from the time such notification
 1042 | is received, excluding Saturdays, Sundays, and legal holidays,
 1043 | to pay the fee with a cashier's check purchased from funds of
 1044 | the campaign account. Failure to pay the fee as provided in this
 1045 | subparagraph shall disqualify the candidate.

1046 | 2. The candidate's oath required by s. 99.021, which must
 1047 | contain the name of the candidate as it is to appear on the
 1048 | ballot; the office sought, including the district or group
 1049 | number if applicable; and the signature of the candidate, duly
 1050 | acknowledged.

1051 | 3. The loyalty oath required by s. 876.05, signed by the
 1052 | candidate and duly acknowledged.

1053 | 4. If the office sought is partisan, the written statement
 1054 | of political party affiliation required by s. 99.021(1)(b).

1055 | 5. The completed form for the appointment of campaign
 1056 | treasurer and designation of campaign depository, as required by
 1057 | s. 106.021.

1058 | 6. The full and public disclosure or statement of
 1059 | financial interests required by subsection (4). A public officer
 1060 | who has filed the full and public disclosure or statement of
 1061 | financial interests with the Commission on Ethics or the
 1062 | supervisor of elections prior to qualifying for office may file
 1063 | a copy of that disclosure at the time of qualifying.

1064 | (b) If the filing officer receives qualifying papers that
 1065 | do not include all items as required by paragraph (a) prior to

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1066 | the last day of qualifying, the filing officer shall make a
 1067 | reasonable effort to notify the candidate of the missing or
 1068 | incomplete items and shall inform the candidate that all
 1069 | required items must be received by the close of qualifying. A
 1070 | candidate's name as it is to appear on the ballot may not be
 1071 | changed after the end of qualifying.

1072 | (8) Notwithstanding the qualifying period prescribed in
 1073 | this section, a qualifying officer may accept and hold
 1074 | qualifying papers submitted not earlier than 14 days prior to
 1075 | the beginning of the qualifying period to be processed and filed
 1076 | during the qualifying period.

1077 | ~~(9)~~~~(8)~~ Notwithstanding the qualifying period prescribed by
 1078 | this section, in each year in which the Legislature apportions
 1079 | the state, the qualifying period for persons seeking to qualify
 1080 | for nomination or election to federal office shall be between
 1081 | noon of the 57th day prior to the first primary, but not later
 1082 | than noon of the 53rd day prior to the first primary.

1083 | ~~(10)~~~~(9)~~ The Department of State may prescribe by rule
 1084 | requirements for filing papers to qualify as a candidate under
 1085 | this section.

1086 | Section 12. Paragraph (d) of subsection (2) of section
 1087 | 99.063, Florida Statutes, is amended to read:

1088 | 99.063 Candidates for Governor and Lieutenant Governor.--

1089 | (2) No later than 5 p.m. of the 9th day following the
 1090 | second primary election, each designated candidate for
 1091 | Lieutenant Governor shall file with the Department of State:

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1092 (d) The full and public disclosure of financial interests
 1093 pursuant to s. 8, Art. II of the State Constitution. A public
 1094 officer who has filed the full and public disclosure with the
 1095 Commission on Ethics prior to qualifying for office may file a
 1096 copy of that disclosure at the time of qualifying.

1097 Section 13. Subsection (1) of section 99.092, Florida
 1098 Statutes, is amended to read:

1099 99.092 Qualifying fee of candidate; notification of
 1100 Department of State.--

1101 (1) Each person seeking to qualify for nomination or
 1102 election to any office, except a person seeking to qualify by
 1103 the petition process ~~alternative method~~ pursuant to s. 99.095,
 1104 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to qualify
 1105 as a write-in candidate, shall pay a qualifying fee, which shall
 1106 consist of a filing fee and election assessment, to the officer
 1107 with whom the person qualifies, and any party assessment levied,
 1108 and shall attach the original or signed duplicate of the receipt
 1109 for his or her party assessment or pay the same, in accordance
 1110 with the provisions of s. 103.121, at the time of filing his or
 1111 her other qualifying papers. The amount of the filing fee is 3
 1112 percent of the annual salary of the office. The amount of the
 1113 election assessment is 1 percent of the annual salary of the
 1114 office sought. The election assessment shall be deposited into
 1115 the Elections Commission Trust Fund. The amount of the party
 1116 assessment is 2 percent of the annual salary. The annual salary
 1117 of the office for purposes of computing the filing fee, election
 1118 assessment, and party assessment shall be computed by

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1119 multiplying 12 times the monthly salary, excluding any special
 1120 qualification pay, authorized for such office as of July 1
 1121 immediately preceding the first day of qualifying. No qualifying
 1122 fee shall be returned to the candidate unless the candidate
 1123 withdraws his or her candidacy before the last date to qualify.
 1124 If a candidate dies prior to an election and has not withdrawn
 1125 his or her candidacy before the last date to qualify, the
 1126 candidate's qualifying fee shall be returned to his or her
 1127 designated beneficiary, and, if the filing fee or any portion
 1128 thereof has been transferred to the political party of the
 1129 candidate, the Secretary of State shall direct the party to
 1130 return that portion to the designated beneficiary of the
 1131 candidate.

1132 Section 14. Section 99.095, Florida Statutes, is amended
 1133 to read:

1134 (Substantial rewording of section. See
 1135 s. 99.095, F.S., for present text.)

1136 99.095 Petition process in lieu of qualifying fee and
 1137 party assessment.--

1138 (1) A person seeking to qualify as a candidate for any
 1139 office is not required to pay the qualifying fee or party
 1140 assessment required by this chapter if he or she meets the
 1141 petition requirements of this section.

1142 (2)(a) A candidate shall obtain the number of signatures
 1143 of voters in the geographical area represented by the office
 1144 sought equal to at least 1 percent of the total number of
 1145 registered voters of that geographical area, as shown by the

1146 compilation by the department for the last preceding general
 1147 election. Signatures may not be obtained until the candidate has
 1148 filed the appointment of campaign treasurer and designation of
 1149 campaign depository pursuant to s. 106.021.

1150 (b) The format of the petition shall be prescribed by the
 1151 division and shall be used by candidates to reproduce petitions
 1152 for circulation. If the candidate is running for an office that
 1153 requires a group or district designation, the petition must
 1154 indicate that designation, and, if it does not, the signatures
 1155 are not valid. A separate petition is required for each
 1156 candidate.

1157 (3) Each petition shall be submitted before noon of the
 1158 28th day preceding the first day of the qualifying period for
 1159 the office sought to the supervisor of elections of the county
 1160 in which such petition was circulated. Each supervisor shall
 1161 check the signatures on the petitions to verify their status as
 1162 voters in the county, district, or other geographical area
 1163 represented by the office sought. No later than the 7th day
 1164 before the first day of the qualifying period, the supervisor
 1165 shall certify the number of valid signatures.

1166 (4)(a) Certifications for candidates for federal, state,
 1167 or multicounty district office shall be submitted by the
 1168 supervisor to the division. The division shall determine whether
 1169 the required number of signatures has been obtained and shall
 1170 notify the candidate of its determination.

1171 (b) For candidates for county or district office not
 1172 covered by paragraph (a), the supervisor shall determine whether

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1173 the required number of signatures has been obtained and shall
 1174 notify the candidate of his or her determination.

1175 (5) If the required number of signatures has been
 1176 obtained, the candidate is eligible to qualify pursuant to s.
 1177 99.061.

1178 Section 15. Section 99.0955, Florida Statutes, is amended
 1179 to read:

1180 99.0955 Candidates with no party affiliation; name on
 1181 general election ballot.--

1182 (1) Each person seeking to qualify for election as a
 1183 candidate with no party affiliation shall file his or her
 1184 qualifying ~~qualification~~ papers and pay the qualifying fee or
 1185 qualify by the petition process pursuant to s. 99.095,
 1186 ~~alternative method prescribed in subsection (3)~~ with the officer
 1187 and during the times and under the circumstances prescribed in
 1188 s. 99.061. Upon qualifying, the candidate is entitled to have
 1189 his or her name placed on the general election ballot.

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

1199 supervisor of elections shall be deposited into the general
1200 revenue fund of the county.

1201 ~~(3)(a) A candidate with no party affiliation may, in lieu~~
1202 ~~of paying the qualifying fee, qualify for office by the~~
1203 ~~alternative method prescribed in this subsection. A candidate~~
1204 ~~using this petitioning process shall file an oath with the~~
1205 ~~officer before whom the candidate would qualify for the office~~
1206 ~~stating that he or she intends to qualify by this alternative~~
1207 ~~method. If the person is running for an office that requires a~~
1208 ~~group or district designation, the candidate must indicate the~~
1209 ~~designation in his or her oath. The oath shall be filed at any~~
1210 ~~time after the first Tuesday after the first Monday in January~~
1211 ~~of the year in which the election is held, but before the 21st~~
1212 ~~day preceding the first day of the qualifying period for the~~
1213 ~~office sought. The Department of State shall prescribe the form~~
1214 ~~to be used in administering and filing the oath. Signatures may~~
1215 ~~not be obtained by a candidate on any petition until the~~
1216 ~~candidate has filed the oath required in this subsection. Upon~~
1217 ~~receipt of the written oath from a candidate, the qualifying~~
1218 ~~officer shall provide the candidate with petition forms in~~
1219 ~~sufficient numbers to facilitate the gathering of signatures. If~~
1220 ~~the candidate is running for an office that requires a group or~~
1221 ~~district designation, the petition must indicate that~~
1222 ~~designation or the signatures obtained on the petition will not~~
1223 ~~be counted.~~

1224 ~~(b) A candidate shall obtain the signatures of a number of~~
1225 ~~qualified electors in the geographical entity represented by the~~

1226 ~~office sought equal to 1 percent of the registered electors of~~
 1227 ~~the geographical entity represented by the office sought, as~~
 1228 ~~shown by the compilation by the Department of State for the~~
 1229 ~~preceding general election.~~

1230 ~~(c) Each petition must be submitted before noon of the~~
 1231 ~~21st day preceding the first day of the qualifying period for~~
 1232 ~~the office sought, to the supervisor of elections of the county~~
 1233 ~~for which such petition was circulated. Each supervisor to whom~~
 1234 ~~a petition is submitted shall check the signatures on the~~
 1235 ~~petition to verify their status as electors in the county,~~
 1236 ~~district, or other geographical entity represented by the office~~
 1237 ~~sought. Before the first day for qualifying, the supervisor~~
 1238 ~~shall certify the number shown as registered electors.~~

1239 ~~(d)1. Certifications for candidates for federal, state, or~~
 1240 ~~multicounty district office shall be submitted to the Department~~
 1241 ~~of State. The Department of State shall determine whether the~~
 1242 ~~required number of signatures has been obtained for the name of~~
 1243 ~~the candidate to be placed on the ballot and shall notify the~~
 1244 ~~candidate.~~

1245 ~~2. For candidates for county or district office not~~
 1246 ~~covered by subparagraph 1., the supervisor of elections shall~~
 1247 ~~determine whether the required number of signatures has been~~
 1248 ~~obtained for the name of the candidate to be placed on the~~
 1249 ~~ballot and shall notify the candidate.~~

1250 ~~(e) If the required number of signatures has been~~
 1251 ~~obtained, the candidate shall, during the time prescribed for~~
 1252 ~~qualifying for office, submit a copy of the notice received~~

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1253 ~~under paragraph (d) and file his or her qualifying papers and~~
 1254 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1255 Section 16. Section 99.096, Florida Statutes, is amended
 1256 to read:

1257 99.096 Minor political party candidates; names on
 1258 ballot.--

1259 (1) The executive committee of a minor political party
 1260 shall, no later than noon of the third day prior to the first
 1261 day of the qualifying period prescribed for federal candidates,
 1262 submit to the Department of State a list of federal candidates
 1263 nominated by the party to be on the general election ballot. ~~and~~
 1264 No later than noon of the third day prior to the first day of
 1265 the qualifying period for state candidates, the executive
 1266 committee of a minor political party shall ~~submit to the~~
 1267 ~~Department of State~~ the official list of the state, multicounty,
 1268 and county ~~respective~~ candidates nominated by that party to be
 1269 on the ballot in the general election to the filing officer for
 1270 each of the candidates. ~~The Department of State shall notify the~~
 1271 ~~appropriate supervisors of elections of the name of each minor~~
 1272 ~~party candidate eligible to qualify before such supervisor.~~ The
 1273 official list of nominated candidates may not be changed by the
 1274 party after having been filed with the filing officers
 1275 ~~Department of State, except that candidates who have qualified~~
 1276 ~~may withdraw from the ballot pursuant to the provisions of this~~
 1277 ~~code, and~~ vacancies in nominations may be filled pursuant to s.
 1278 100.111.

1279 (2) Each person seeking to qualify for election as a
 1280 candidate of a minor political party shall file his or her
 1281 qualifying ~~qualification~~ papers with, and pay the qualifying fee
 1282 and, if one has been levied, the party assessment, or qualify by
 1283 the petition process pursuant to s. 99.095 ~~alternative method~~
 1284 ~~prescribed in subsection (3)~~, with the officer and at the times
 1285 and under the circumstances provided in s. 99.061.

1286 ~~(3)(a) A minor party candidate may, in lieu of paying the~~
 1287 ~~qualifying fee and party assessment, qualify for office by the~~
 1288 ~~alternative method prescribed in this subsection. A candidate~~
 1289 ~~using this petitioning process shall file an oath with the~~
 1290 ~~officer before whom the candidate would qualify for the office~~
 1291 ~~stating that he or she intends to qualify by this alternative~~
 1292 ~~method. If the person is running for an office that requires a~~
 1293 ~~group or district designation, the candidate must indicate the~~
 1294 ~~designation in his or her oath. The oath must be filed at any~~
 1295 ~~time after the first Tuesday after the first Monday in January~~
 1296 ~~of the year in which the election is held, but before the 21st~~
 1297 ~~day preceding the first day of the qualifying period for the~~
 1298 ~~office sought. The Department of State shall prescribe the form~~
 1299 ~~to be used in administering and filing the oath. Signatures may~~
 1300 ~~not be obtained by a candidate on any petition until the~~
 1301 ~~candidate has filed the oath required in this section. Upon~~
 1302 ~~receipt of the written oath from a candidate, the qualifying~~
 1303 ~~officer shall provide the candidate with petition forms in~~
 1304 ~~sufficient numbers to facilitate the gathering of signatures. If~~
 1305 ~~the candidate is running for an office that requires a group or~~

1306 ~~district designation, the petition must indicate that~~
 1307 ~~designation or the signatures on such petition will not be~~
 1308 ~~counted.~~

1309 ~~(b) A candidate shall obtain the signatures of a number of~~
 1310 ~~qualified electors in the geographical entity represented by the~~
 1311 ~~office sought equal to 1 percent of the registered electors in~~
 1312 ~~the geographical entity represented by the office sought, as~~
 1313 ~~shown by the compilation by the Department of State for the last~~
 1314 ~~preceding general election.~~

1315 ~~(c) Each petition shall be submitted prior to noon of the~~
 1316 ~~21st day preceding the first day of the qualifying period for~~
 1317 ~~the office sought to the supervisor of elections of the county~~
 1318 ~~for which the petition was circulated. Each supervisor to whom a~~
 1319 ~~petition is submitted shall check the signatures on the petition~~
 1320 ~~to verify their status as electors in the county, district, or~~
 1321 ~~other geographical entity represented by the office sought.~~
 1322 ~~Before the first day for qualifying, the supervisor shall~~
 1323 ~~certify the number shown as registered electors.~~

1324 ~~(d)1. Certifications for candidates for federal, state, or~~
 1325 ~~multicounty district office shall be submitted to the Department~~
 1326 ~~of State. The Department of State shall determine whether the~~
 1327 ~~required number of signatures has been obtained for the name of~~
 1328 ~~the candidate to be placed on the ballot and shall notify the~~
 1329 ~~candidate.~~

1330 ~~2. For candidates for county or district office not~~
 1331 ~~covered by subparagraph 1., the supervisor of elections shall~~
 1332 ~~determine whether the required number of signatures has been~~

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1333 ~~obtained for the name of the candidate to be placed on the~~
1334 ~~ballot and shall notify the candidate.~~

1335 ~~(c) If the required number of signatures has been~~
1336 ~~obtained, the candidate shall, during the prescribed time for~~
1337 ~~qualifying for office, submit a copy of the notice received~~
1338 ~~under paragraph (d) and file his or her qualifying papers and~~
1339 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1340 ~~(4) A minor party candidate whose name has been submitted~~
1341 ~~pursuant to subsection (1) and who has qualified for office is~~
1342 ~~entitled to have his or her name placed on the general election~~
1343 ~~ballot.~~

1344 Section 17. Subsection (1) of section 99.09651, Florida
1345 Statutes, is amended to read:

1346 99.09651 Signature requirements for ballot position in
1347 year of apportionment.--

1348 (1) In a year of apportionment, any candidate for
1349 representative to Congress, state Senate, or state House of
1350 Representatives seeking ballot position by the petition process
1351 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~
1352 ~~99.096~~ shall obtain at least the number of signatures equal to
1353 one-third of 1 percent of the ideal population for the district
1354 of the office being sought.

1355 Section 18. Subsection (1) of section 100.011, Florida
1356 Statutes, is amended to read:

1357 100.011 Opening and closing of polls, all elections;
1358 expenses.--

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1359 (1) The polls shall be open at the voting places at 7:00
 1360 a.m., on the day of the election, and shall be kept open until
 1361 7:00 p.m., of the same day, and the time shall be regulated by
 1362 the customary time in standard use in the county seat of the
 1363 locality. The inspectors shall make public proclamation of the
 1364 opening and closing of the polls. During the election and
 1365 canvass of the votes, the ballot box shall not be concealed. Any
 1366 elector in line at the official closing of the polls shall be
 1367 allowed to cast a vote in the election.

1368 Section 19. Subsection (5) of section 100.101, Florida
 1369 Statutes, is amended to read:

1370 100.101 Special elections and special primary
 1371 elections.--Except as provided in s. 100.111(2), a special
 1372 election or special primary election shall be held in the
 1373 following cases:

1374 ~~(5) If a vacancy occurs in nomination.~~

1375 Section 20. Paragraph (c) of subsection (3) and
 1376 subsections (4) and (6) of section 100.111, Florida Statutes,
 1377 are amended to read:

1378 100.111 Filling vacancy.--

1379 (3) Whenever there is a vacancy for which a special
 1380 election is required pursuant to s. 100.101~~(1)~~~~(4)~~, the
 1381 Governor, after consultation with the Secretary of State, shall
 1382 fix the date of a special first primary election, a special
 1383 second primary election, and a special election. Nominees of
 1384 political parties other than minor political parties shall be
 1385 chosen under the primary laws of this state in the special

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1386 primary elections to become candidates in the special election.
 1387 Prior to setting the special election dates, the Governor shall
 1388 consider any upcoming elections in the jurisdiction where the
 1389 special election will be held. The dates fixed by the Governor
 1390 shall be specific days certain and shall not be established by
 1391 the happening of a condition or stated in the alternative. The
 1392 dates fixed shall provide a minimum of 2 weeks between each
 1393 election. In the event a vacancy occurs in the office of state
 1394 senator or member of the House of Representatives when the
 1395 Legislature is in regular legislative session, the minimum times
 1396 prescribed by this subsection may be waived upon concurrence of
 1397 the Governor, the Speaker of the House of Representatives, and
 1398 the President of the Senate. If a vacancy occurs in the office
 1399 of state senator and no session of the Legislature is scheduled
 1400 to be held prior to the next general election, the Governor may
 1401 fix the dates for any special primary and for the special
 1402 election to coincide with the dates of the first and second
 1403 primary and general election. If a vacancy in office occurs in
 1404 any district in the state Senate or House of Representatives or
 1405 in any congressional district, and no session of the
 1406 Legislature, or session of Congress if the vacancy is in a
 1407 congressional district, is scheduled to be held during the
 1408 unexpired portion of the term, the Governor is not required to
 1409 call a special election to fill such vacancy.

1410 (c) The dates for a candidate to qualify by the petition
 1411 process ~~alternative method~~ in such special primary or special
 1412 election shall be fixed by the Department of State. In fixing

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1413 such dates the Department of State shall take into consideration
 1414 and be governed by the practical time limitations. Any candidate
 1415 seeking to qualify by the petition process ~~alternative method~~ in
 1416 a special primary election shall obtain 25 percent of the
 1417 signatures required by s. 99.095, ~~s. 99.0955, or s. 99.096,~~ as
 1418 ~~applicable.~~

1419 (4)(a) In the event that death, ~~resignation, withdrawal,~~
 1420 ~~removal, or any other cause or event~~ should cause a party to
 1421 have a vacancy in nomination which leaves no candidate for an
 1422 office from such party, the Governor ~~shall, after conferring~~
 1423 ~~with the Secretary of State, call a special primary election~~
 1424 ~~and, if necessary, a second special primary election to select~~
 1425 ~~for such office a nominee of such political party. The dates on~~
 1426 ~~which candidates may qualify for such special primary election~~
 1427 ~~shall be fixed by the Department of State, and the candidates~~
 1428 ~~shall qualify no later than noon of the last day so fixed. The~~
 1429 ~~filing of campaign expense statements by candidates in special~~
 1430 ~~primaries shall not be later than such dates as shall be fixed~~
 1431 ~~by the Department of State. In fixing such dates, the Department~~
 1432 ~~of State shall take into consideration and be governed by the~~
 1433 ~~practical time limitations. The qualifying fees and party~~
 1434 ~~assessment of such candidates as may qualify shall be the same~~
 1435 ~~as collected for the same office at the last previous primary~~
 1436 ~~for that office. Each county canvassing board shall make as~~
 1437 ~~speedy a return of the results of such primaries as time will~~
 1438 ~~permit, and the Elections Canvassing Commission shall likewise~~

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1439 ~~make as speedy a canvass and declaration of the nominees as time~~
 1440 ~~will permit.~~

1441 ~~(b) If the vacancy in nomination occurs later than~~
 1442 ~~September 15, or if the vacancy in nomination occurs with~~
 1443 ~~respect to a candidate of a minor political party which has~~
 1444 ~~obtained a position on the ballot, no special primary election~~
 1445 ~~shall be held and the Department of State shall notify the chair~~
 1446 ~~of the appropriate state, district, or county political party~~
 1447 ~~executive committee of such party; and, within 5 7 days, the~~
 1448 ~~chair shall call a meeting of his or her executive committee to~~
 1449 ~~consider designation of a nominee to fill the vacancy. The name~~
 1450 ~~of any person so designated shall be submitted to the Department~~
 1451 ~~of State within 7 14 days of notice to the chair in order that~~
 1452 ~~the person designated may have his or her name ~~printed or~~~~
 1453 ~~otherwise placed on the ballot of the ensuing general election,~~
 1454 ~~but in no event shall the supervisor of elections be required to~~
 1455 ~~place on a ballot a name submitted less than 21 days prior to~~
 1456 ~~the election. However, if the name of the new nominee is~~
 1457 ~~submitted after the certification of results of the preceding~~
 1458 ~~primary election, the ballots shall not be changed and vacancy~~
 1459 ~~occurs less than 21 days prior to the election, the person~~
 1460 ~~designated by the political party will replace the former party~~
 1461 ~~nominee even though the former party nominee's name will appear~~
 1462 ~~be on the ballot. Any ballots cast for the former party nominee~~
 1463 ~~will be counted for the person designated by the political party~~
 1464 ~~to replace the former party nominee. If there is no opposition~~
 1465 ~~to the party nominee, the person designated by the political~~

1466 party to replace the former party nominee will be elected to
 1467 office at the general election. For purposes of this paragraph,
 1468 the term "district political party executive committee" means
 1469 the members of the state executive committee of a political
 1470 party from those counties comprising the area involving a
 1471 district office.

1472 (b)(e) When, under the circumstances set forth in the
 1473 preceding paragraph, vacancies in nomination are ~~required to be~~
 1474 filled by committee nominations, such vacancies shall be filled
 1475 by party rule. In any instance in which a nominee is selected by
 1476 a committee to fill a vacancy in nomination, such nominee shall
 1477 pay the same filing fee and take the same oath as the nominee
 1478 would have taken had he or she regularly qualified for election
 1479 to such office.

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

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1492 ~~designated as a candidate for Lieutenant Governor under s.~~
1493 ~~99.063.~~

1494 ~~(6) In the event that a vacancy occurs which leaves less~~
1495 ~~than 4 weeks for a candidate seeking to qualify by the~~
1496 ~~alternative method to gather signatures for ballot position, the~~
1497 ~~number of signatures required for ballot placement shall be 25~~
1498 ~~percent of the number of signatures required by s. 99.095, s.~~
1499 ~~99.0955, or s. 99.096, whichever is applicable.~~

1500 Section 21. Subsections (1) and (2) of section 100.141,
1501 Florida Statutes, are amended to read:

1502 100.141 Notice of special election to fill any vacancy in
1503 office ~~or nomination~~.--

1504 (1) Whenever a special election is required to fill any
1505 vacancy in office ~~or nomination~~, the Governor, after
1506 consultation with the Secretary of State, shall issue an order
1507 declaring on what day the election shall be held and deliver the
1508 order to the Department of State.

1509 (2) The Department of State shall prepare a notice stating
1510 what offices ~~and vacancies~~ are to be filled in the special
1511 election, the date set for each special primary election and the
1512 special election, the dates fixed for qualifying for office, the
1513 dates fixed for qualifying by the petition process ~~alternative~~
1514 ~~method~~, and the dates fixed for filing campaign expense
1515 statements.

1516 Section 22. Section 101.031, Florida Statutes, is amended
1517 to read:

1518 101.031 Instructions for electors.--

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1519 (2) The supervisor of elections in each county shall have
1520 posted at each polling place in the county the Voter's Bill of
1521 Rights and Responsibilities in the following form:

1522

1523 VOTER'S BILL OF RIGHTS

1524

1525 Each registered voter in this state has the right to:

- 1526 1. Vote and have his or her vote accurately counted.
- 1527 2. Cast a vote if he or she is in line at the official
1528 closing of the polls in that county.
- 1529 3. Ask for and receive assistance in voting.
- 1530 4. Receive up to two replacement ballots if he or she
1531 makes a mistake prior to the ballot being cast.

1532 5. An explanation if his or her registration is in
1533 question.

1534 6. If his or her registration or identity is in question,
1535 cast a provisional ballot.

1536 ~~7. Prove his or her identity by signing an affidavit if
1537 election officials doubt the voter's identity.~~

1538 ~~7.8.~~ Written instructions to use when voting, and, upon
1539 request, oral instructions in voting from elections officers.

1540 ~~8.9.~~ Vote free from coercion or intimidation by elections
1541 officers or any other person.

1542 ~~9.10.~~ Vote on a voting system that is in working condition
1543 and that will allow votes to be accurately cast.

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1545 VOTER RESPONSIBILITIES

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- Each registered voter in this state should:
1. Familiarize himself or herself with the candidates and issues.
 2. Maintain with the office of the supervisor of elections a current address.
 3. Know the location of his or her polling place and its hours of operation.
 4. Bring proper identification to the polling station.
 5. Familiarize himself or herself with the operation of the voting equipment in his or her precinct.
 6. Treat precinct workers with courtesy.
 7. Respect the privacy of other voters.
 8. Report any problems or violations of election laws to the supervisor of elections.
 9. Ask questions, if needed.
 10. Make sure that his or her completed ballot is correct before leaving the polling station.

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

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

101.043 Identification required at polls.--

(2) ~~Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such~~

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1573 ~~clerk or inspector shall follow the procedure prescribed in s.~~
1574 ~~101.49.~~

1575 ~~(3) If the elector who fails to furnish the required~~
1576 ~~identification is a first-time voter who registered by mail and~~
1577 ~~has not provided the required identification to the supervisor~~
1578 ~~of elections prior to election day,~~ the elector shall be allowed
1579 to vote a provisional ballot. The canvassing board shall
1580 determine the validity of the ballot pursuant to s. 101.048(2).

1581 Section 24. Section 101.048, Florida Statutes, is amended
1582 to read:

1583 101.048 Provisional ballots.--

1584 (1) At all elections, a voter claiming to be properly
1585 registered in the county and eligible to vote at the precinct in
1586 the election, but whose eligibility cannot be determined, a
1587 person who an election official asserts is not eligible and
1588 other persons specified in the code shall be entitled to vote a
1589 provisional ballot. Once voted, the provisional ballot shall be
1590 placed in a secrecy envelope and thereafter sealed in a
1591 provisional ballot envelope. The provisional ballot shall be
1592 deposited in a ballot box. All provisional ballots shall remain
1593 sealed in their envelopes for return to the supervisor of
1594 elections. The department shall prescribe the form of the
1595 provisional ballot envelope. A person casting a provisional
1596 ballot shall have the right to present written evidence
1597 supporting his or her eligibility to vote to the supervisor of
1598 elections by not later than 5 p.m. on the third day following
1599 the election.

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1600 (2)(a) The county canvassing board shall examine each
 1601 Provisional Ballot Voter's Certificate and Affirmation ~~envelope~~
 1602 to determine if the person voting that ballot was entitled to
 1603 vote at the precinct where the person cast a vote in the
 1604 election and that the person had not already cast a ballot in
 1605 the election. In determining whether a person casting a
 1606 provisional ballot is entitled to vote, the county canvassing
 1607 board shall review the information provided on the Voter's
 1608 Certificate and Affirmation, written evidence provided by the
 1609 person casting the provisional ballot pursuant to subsection
 1610 (1), any other evidence presented by the supervisor of
 1611 elections, and, in the case of a challenge, any evidence
 1612 presented by the challenger. A ballot of a person casting a
 1613 provisional ballot shall be counted unless, by a preponderance
 1614 of the evidence, the canvassing board determines that the person
 1615 was not entitled to vote.

1616 (b)1. If it is determined that the person was registered
 1617 and entitled to vote at the precinct where the person cast a
 1618 vote in the election, the canvassing board shall compare the
 1619 signature on the Provisional Ballot Voter's Certificate and
 1620 Affirmation ~~envelope~~ with the signature on the voter's
 1621 registration and, if it matches, shall count the ballot.

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

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1627 Certificate and Affirmation and the envelope shall be marked
1628 "Rejected as Illegal."

1629 (3) The Provisional Ballot Voter's Certificate and
1630 Affirmation shall be in substantially the following form:

1631
1632 STATE OF FLORIDA
1633 COUNTY OF _____

1634
1635 I do solemnly swear (or affirm) that my name is _____; that
1636 my date of birth is _____; that I am registered and qualified to
1637 vote ~~and at the time I registered I resided at _____, in the~~
1638 ~~municipality of _____, in _____ County, Florida;~~ that I am
1639 registered in the _____ Party; that I am a qualified voter of
1640 the county; and that I have not voted in this election. I
1641 understand that if I commit any fraud in connection with voting,
1642 vote a fraudulent ballot, or vote more than once in an election,
1643 I can be convicted of a felony of the third degree and fined up
1644 to \$5,000 and/or imprisoned for up to 5 years.

1645 (Signature of Voter)
1646 (Current Residence Address)
1647 (Current Mailing Address)
1648 (City, State, Zip Code)
1649 (Driver's License Number or Last Four Digits of Social
1650 Security Number)

1651
1652 Sworn to and subscribed before me this _____ day of _____,
1653 (year).

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1654 (Election Official)

1655

1656 Precinct # _____ Ballot Style/Party Issued: _____

1657 (4) Notwithstanding the requirements of subsections (1)
 1658 through (3) ~~In counties where the voting system does not utilize~~
 1659 a paper ballot, the supervisor of elections may, and for persons
 1660 with disabilities shall, provide the appropriate provisional
 1661 ballot to the voter by electronic means that meet the
 1662 requirements of s. 101.56062 as provided for by the certified
 1663 voting system. Each person casting a provisional ballot by
 1664 electronic means shall, prior to casting his or her ballot,
 1665 complete the Provisional Ballot Voter's Certificate and
 1666 Affirmation as provided in subsection (3).

1667 (5) Each person casting a provisional ballot shall be
 1668 given written instructions regarding the person's right to
 1669 provide the supervisor of elections with written evidence of
 1670 their eligibility to vote and the free access system established
 1671 pursuant to subsection (6). The instructions shall contain
 1672 information on how to access the system and the information the
 1673 voter will need to provide to obtain information on his or her
 1674 particular ballot. The instructions shall also include the
 1675 following statement: "If this is a primary election, you should
 1676 contact the supervisor of elections' office immediately to
 1677 confirm that you are registered and can vote in the general
 1678 election."

1679 (6) Each supervisor of elections shall establish a free
 1680 access system that allows each person who casts a provisional

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1681 ballot to determine whether his or her provisional ballot was
 1682 counted in the final canvass of votes and, if not, the reasons
 1683 why. Information regarding provisional ballots shall be
 1684 available no later than 30 days following the election. The
 1685 system established must restrict information regarding an
 1686 individual ballot to the person who cast the ballot.

1687 Section 25. Subsection (5) of section 101.049, Florida
 1688 Statutes, is amended to read:

1689 101.049 Provisional ballots; special circumstances.--

1690 (5) As an alternative, provisional ballots cast pursuant
 1691 to this section may, and for persons with disabilities shall, be
 1692 cast in accordance with the provisions of s. 101.048(4).

1693 Section 26. Subsection (2) of section 101.051, Florida
 1694 Statutes, is amended, subsection (5) is renumbered as subsection
 1695 (6), and a new subsection (5) is added to said section, to read:

1696 101.051 Electors seeking assistance in casting ballots;
 1697 oath to be executed; forms to be furnished.--

1698 (2) It is unlawful for any person to be in the voting
 1699 booth with any elector except as provided in subsection (1). At
 1700 the polling place or early voting site or within 100 feet of the
 1701 entrance of such locations, it is unlawful for any person to
 1702 solicit any elector in an effort to provide such elector
 1703 assistance to vote pursuant to subsection (1). Any person
 1704 violating this section commits a felony of the third degree,
 1705 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1706 (5) If an elector needing assistance requests that a
 1707 person other than an election official provide him or her

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1708 assistance to vote, the clerk or one of the inspectors shall
 1709 require the person providing assistance to take the following
 1710 oath:

1711

1712 DECLARATION TO PROVIDE ASSISTANCE

1713

1714 State of Florida

1715 County of _____

1716 Date: _____

1717 Precinct # _____

1718 I, (print name), have been requested by (print name of elector
 1719 needing assistance) to provide him or her with assistance to
 1720 vote. I swear or affirm that I am not the employer, an agent of
 1721 the employer, or an officer or agent of the union of the voter
 1722 and that I have not solicited this voter at the polling place or
 1723 early voting site or within 100 feet of such locations in an
 1724 effort to provide assistance.

1725 Signature of assistor

1726 Sworn and subscribed to before me this _____ day of
 1727 _____, (year).

1728 Signature of Official Administering Oath

1729 ~~(6)~~(5) The supervisor of elections shall deliver a
 1730 sufficient number of these forms to each precinct, along with
 1731 other election paraphernalia.

1732 Section 27. Section 101.111, Florida Statutes, is amended
 1733 to read:

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1734 | 101.111 Person desiring to vote may be challenged;
1735 | challenger to execute oath; oath of person challenged;
1736 | determination of challenge.--

1737 | (1) When the right to vote of any person who desires to
1738 | vote is challenged by any elector or poll watcher, the challenge
1739 | shall be reduced to writing with an oath as provided in this
1740 | section, giving reasons for the challenge, which shall be
1741 | delivered to the clerk or inspector. Any elector or poll watcher
1742 | challenging the right of a person to vote shall execute the oath
1743 | set forth below:

1744 |
1745 | OATH OF PERSON ENTERING CHALLENGE

1746 |
1747 | State of Florida
1748 | County of _____

1749 |
1750 | I do solemnly swear that my name is _____; that I am a member of
1751 | the _____ party; that I am a registered voter or poll watcher
1752 | ~~_____ years old~~; that my residence address is _____, in the
1753 | municipality of _____; and that I have reason to believe that
1754 | _____ is attempting to vote illegally and the reasons for my
1755 | belief are set forth herein to wit:

1756 | (Signature of person challenging voter)

1757 |
1758 | Sworn and subscribed to before me this _____ day of _____,
1759 | (year) .

1760 | (Clerk of election)

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1761 (2) ~~Before a person who is challenged is permitted to~~
 1762 ~~vote, the challenged person's right to vote shall be determined~~
 1763 ~~in accordance with the provisions of subsection (3).~~ The clerk
 1764 or inspector shall immediately deliver to the challenged person
 1765 a copy of the oath of the person entering the challenge and the
 1766 challenged person shall be allowed to cast a provisional ballot.
 1767 ~~shall request the challenged person to execute the following~~
 1768 ~~oath:~~

1770 ~~OATH OF PERSON CHALLENGED~~

1772 ~~State of Florida~~
 1773 ~~County of _____~~

1775 ~~I do solemnly swear that my name is _____; that I am a member of~~
 1776 ~~the _____ party; that my date of birth is _____; that my~~
 1777 ~~residence address is _____, in the municipality of _____, in~~
 1778 ~~this the _____ precinct of _____ county; that I personally made~~
 1779 ~~application for registration and signed my name and that I am a~~
 1780 ~~qualified voter in this election.~~

1781 ~~(Signature of person)~~

1783 ~~Sworn and subscribed to before me this _____ day of _____,~~
 1784 ~~(year)_____.~~

1785 ~~(Clerk of election or Inspector)~~

1787 ~~Any inspector or clerk of election may administer the oath.~~

1788 (3)(a) Any elector or poll watcher may challenge the right
 1789 of any voter to vote not sooner than 30 days before an election
 1790 by filing a completed copy of the oath contained in subsection
 1791 (1) to the supervisor of election's office. The challenged voter
 1792 shall be permitted to cast a provisional ballot.

1793 (4) Any elector or poll watcher filing a frivolous
 1794 challenge of any person's right to vote commits a misdemeanor of
 1795 the first degree, punishable as provided in s. 775.082, s.
 1796 775.083, or s. 775.084, provided, however, that electors or poll
 1797 watchers shall not be subject to liability for any action taken
 1798 in good faith and in furtherance of any activity or duty
 1799 permitted of such electors or poll watchers by law. Each
 1800 instance where any elector or poll watcher files a frivolous
 1801 challenge of any person's right to vote constitutes a separate
 1802 offense. ~~The clerk and inspectors shall compare the information~~
 1803 ~~in the challenged person's oath with that entered on the~~
 1804 ~~precinct register and shall take any other evidence that may be~~
 1805 ~~offered. The clerk and inspectors shall then decide by a~~
 1806 ~~majority vote whether the challenged person may vote a regular~~
 1807 ~~ballot.~~

1808 ~~(b) If the challenged person refuses to complete the oath~~
 1809 ~~or if a majority of the clerk and inspectors doubt the~~
 1810 ~~eligibility of the person to vote, the challenged person shall~~
 1811 ~~be allowed to vote a provisional ballot. The oath of the person~~
 1812 ~~entering the challenge and the oath of the person challenged~~
 1813 ~~shall be attached to the provisional ballot for transmittal to~~
 1814 ~~the canvassing board.~~

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1815 Section 28. Section 101.131, Florida Statutes, is amended
1816 to read:

1817 101.131 Watchers at polls.--

1818 (1) Each political party and each candidate may have one
1819 watcher in each polling room or early voting area at any one
1820 time during the election. A political committee, if formed for
1821 the specific purpose of expressly advocating the passage or
1822 defeat of an issue on the ballot, may have one watcher for each
1823 polling room or early voting area at any one time during the
1824 election. No watcher shall be permitted to come closer to the
1825 officials' table or the voting booths than is reasonably
1826 necessary to properly perform his or her functions, but each
1827 shall be allowed within the polling room or early voting area to
1828 watch and observe the conduct of electors and officials. The
1829 watchers shall furnish their own materials and necessities and
1830 shall not obstruct the orderly conduct of any election and shall
1831 pose any questions regarding polling place procedures directly
1832 to the clerk for resolution. Poll watchers shall not interact
1833 with electors. Each watcher shall be a qualified and registered
1834 elector of the county in which he or she serves.

1835 (2) Each party, each political committee, and each
1836 candidate requesting to have poll watchers shall designate, in
1837 writing, poll watchers for each polling room on election day
1838 ~~precinct~~ prior to noon of the second Tuesday preceding the
1839 election. Designations of poll watchers for early voting areas
1840 shall be submitted to the supervisor no later than 14 days prior
1841 to the beginning of early voting. The poll watchers for each

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1842 polling room ~~precinct~~ shall be approved by the supervisor of
 1843 elections on or before the Tuesday before the election and the
 1844 poll watchers for early voting areas shall be approved on or
 1845 before the 7th day prior to the beginning of early voting. The
 1846 supervisor shall furnish to each election board ~~precinct~~ a list
 1847 of the poll watchers designated and approved for such polling
 1848 room or early voting area ~~precinct~~.

1849 (3) No candidate or sheriff, deputy sheriff, police
 1850 officer, or other law enforcement officer may be designated as a
 1851 poll watcher.

1852 Section 29. Subsection (1) of section 101.151, Florida
 1853 Statutes, is amended to read:

1854 101.151 Specifications for ballots.--

1855 (1) Marksense ~~Paper~~ ballots shall be printed on paper of
 1856 such thickness that the printing cannot be distinguished from
 1857 the back and shall meet the specifications of the voting system
 1858 that will be used to read the ballots.

1859 Section 30. Section 101.171, Florida Statutes, is amended
 1860 to read:

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

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1868 | available at each polling room ~~precinct upon the day of~~
1869 | ~~election.~~

1870 | Section 31. Subsections (4) and (5) of section 101.294,
1871 | Florida Statutes, are added to read:

1872 | 101.294 Purchase and sale of voting equipment.--

1873 | (4) A vendor of voting equipment may not provide an
1874 | uncertified voting system, voting system component, or voting
1875 | system upgrade to a governing body or supervisor of elections in
1876 | this state.

1877 | (5) Before or in conjunction with providing a voting
1878 | system, voting system component, or voting system upgrade, the
1879 | vendor shall provide the governing body or supervisor of
1880 | elections with a sworn certification that the voting system,
1881 | voting system component, or voting system upgrade being provided
1882 | has been certified by the Division of Elections.

1883 | Section 32. Section 101.295, Florida Statutes, is amended
1884 | to read:

1885 | 101.295 Penalties for violation.--

1886 | (1) Any member of a governing body which purchases or
1887 | sells voting equipment in violation of the provisions of ss.
1888 | 101.292-101.295, which member knowingly votes to purchase or
1889 | sell voting equipment in violation of the provisions of ss.
1890 | 101.292-101.295, is guilty of a misdemeanor of the first degree,
1891 | punishable as provided by s. 775.082 or s. 775.083, and shall be
1892 | subject to suspension from office on the grounds of malfeasance.

1893 | (2) Any vendor, chief executive officer, or vendor
1894 | representative of voting equipment who provides a voting system,

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1895 voting system component, or voting system upgrade in violation
 1896 of this chapter commits a felony of the third degree, punishable
 1897 as provided in s. 775.082, s. 775.083, or s. 775.084.

1898 Section 33. Section 101.49, Florida Statutes, is amended
 1899 to read:

1900 101.49 Procedure of election officers where signatures
 1901 differ.--

1902 (1) Whenever any clerk or inspector, upon a just
 1903 comparison of the signatures, doubts that the signature on the
 1904 identification presented by the ~~of any elector who presents~~
 1905 ~~himself or herself at the polls to vote~~ is the same as the
 1906 signature ~~of~~ the elector affixed on the precinct register or
 1907 early voting certificate in the registration book, the clerk or
 1908 inspector shall deliver to the person an affidavit which shall
 1909 be in substantially the following form:

1910
 1911 STATE OF FLORIDA,
 1912 COUNTY OF _____.

1913 I do solemnly swear (or affirm) that my name is _____; that
 1914 I am _____ years old; that I was born in ~~the State of~~ _____;
 1915 that I am registered to vote, ~~and at the time I registered I~~
 1916 ~~resided on _____ Street, in the municipality of _____, County of~~
 1917 ~~_____, State of Florida;~~ that I am a qualified voter of the
 1918 county and state aforesaid and have not voted in this election.

1919 (Signature of voter)

1920 Sworn to and subscribed before me this _____ day of _____,
 1921 A. D. (year) .

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1922 (Clerk or inspector of election)

1923 Precinct No. _____.

1924 County of _____.

1925 (2) The person shall fill out, in his or her own
 1926 handwriting or with assistance from a member of the election
 1927 board, the form and make an affidavit to the facts stated in the
 1928 filled-in form; such affidavit shall then be sworn to and
 1929 subscribed before one of the inspectors or clerks of the
 1930 election who is authorized to administer the oath. Whenever the
 1931 affidavit is made and filed with the clerk or inspector, the
 1932 person shall then be admitted to cast his or her vote, but if
 1933 the person fails or refuses to make out or file such affidavit
 1934 but asserts his or her eligibility, then he or she shall be
 1935 entitled to vote a provisional ballot ~~not be permitted to vote~~.

1936 Section 34. Subsection (1) of section 101.51, Florida
 1937 Statutes, as amended by chapter 2002-281, Laws of Florida, is
 1938 amended to read:

1939 101.51 Electors to occupy booth alone.--

1940 (1) When the elector presents himself or herself to vote,
 1941 the election official shall ascertain whether the elector's name
 1942 is upon the register of electors, and, if the elector's name
 1943 appears and no challenge interposes, or, if interposed, be not
 1944 sustained, one of the election officials stationed at the
 1945 entrance shall announce the name of the elector and permit him
 1946 or her to enter the booth or compartment to cast his or her
 1947 vote, allowing only one elector at a time to pass through to
 1948 vote. An elector, while casting his or her ballot, may not

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1949 | occupy a booth or compartment already occupied or speak with
 1950 | anyone, except as provided by s. 101.051, while in the voting
 1951 | booth ~~polling place~~.

1952 | Section 35. Subsection (4) of section 101.5606, Florida
 1953 | Statutes, is amended to read:

1954 | 101.5606 Requirements for approval of systems.--No
 1955 | electronic or electromechanical voting system shall be approved
 1956 | by the Department of State unless it is so constructed that:

1957 | (4) For systems using marksense ~~paper~~ ballots, it accepts
 1958 | a rejected ballot pursuant to subsection (3) if a voter chooses
 1959 | to cast the ballot, but records no vote for any office that has
 1960 | been overvoted or undervoted.

1961 | Section 36. Subsections (2) and (3) of section 101.5608,
 1962 | Florida Statutes, are amended to read:

1963 | 101.5608 Voting by electronic or electromechanical method;
 1964 | procedures.--

1965 | (2) When an electronic or electromechanical voting system
 1966 | utilizes a ballot card or marksense ~~paper~~ ballot, the following
 1967 | procedures shall be followed:

1968 | (a) After receiving a ballot from an inspector, the
 1969 | elector shall, without leaving the polling place, retire to a
 1970 | booth or compartment and mark the ballot. After preparing his or
 1971 | her ballot, the elector shall place the ballot in a secrecy
 1972 | envelope with the stub exposed or shall fold over that portion
 1973 | on which write-in votes may be cast, as instructed, so that the
 1974 | ballot will be deposited in the ballot box without exposing the
 1975 | voter's choices. Before the ballot is deposited in the ballot

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1976 | box, the inspector shall detach the exposed stub and place it in
 1977 | a separate envelope for audit purposes; when a fold-over ballot
 1978 | is used, the entire ballot shall be placed in the ballot box.

1979 | (b) Any voter who spoils his or her ballot or makes an
 1980 | error may return the ballot to the election official and secure
 1981 | another ballot, except that in no case shall a voter be
 1982 | furnished more than three ballots. If the vote tabulation device
 1983 | has rejected a ballot, the ballot shall be considered spoiled
 1984 | and a new ballot shall be provided to the voter unless the voter
 1985 | chooses to cast the rejected ballot. The election official,
 1986 | without examining the original ballot, shall state the possible
 1987 | reasons for the rejection and shall provide instruction to the
 1988 | voter pursuant to s. 101.5611. A spoiled ballot shall be
 1989 | preserved, without examination, in an envelope provided for that
 1990 | purpose. The stub shall be removed from the ballot and placed in
 1991 | an envelope.

1992 | (c) The supervisor of elections shall prepare for each
 1993 | polling place at least one ballot box to contain the ballots of
 1994 | a particular precinct, and each ballot box shall be plainly
 1995 | marked with the name of the precinct for which it is intended.

1996 | (3) The Department of State shall promulgate rules
 1997 | regarding voting procedures to be used when an electronic or
 1998 | electromechanical voting system is of a type which does not
 1999 | utilize a ballot card or marksense ~~paper~~ ballot.

2000 | Section 37. Subsection (2) of section 101.5612, Florida
 2001 | Statutes, is amended to read:

2002 | 101.5612 Testing of tabulating equipment.--

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2003 (2) On any day not more than 10 days prior to the
 2004 commencement of early voting as provided in s. 101.657, the
 2005 supervisor of elections shall have the automatic tabulating
 2006 equipment publicly tested to ascertain that the equipment will
 2007 correctly count the votes cast for all offices and on all
 2008 measures. If the ballots to be used at the polling place on
 2009 election day are not available at the time of the testing, the
 2010 supervisor may conduct an additional test not more than 10 days
 2011 prior to election day. Public notice of the time and place of
 2012 the test shall be given at least 48 hours prior thereto by
 2013 publication once in one or more newspapers of general
 2014 circulation in the county or, if there is no newspaper of
 2015 general circulation in the county, by posting the notice in at
 2016 least four conspicuous places in the county. The supervisor or
 2017 the municipal elections official may, at the time of qualifying,
 2018 give written notice of the time and location of the public
 2019 preelection test to each candidate qualifying with that office
 2020 and obtain a signed receipt that the notice has been given. The
 2021 Department of State shall give written notice to each statewide
 2022 candidate at the time of qualifying, or immediately at the end
 2023 of qualifying, that the voting equipment will be tested and
 2024 advise each candidate to contact the county supervisor of
 2025 elections as to the time and location of the public preelection
 2026 test. The supervisor or the municipal elections official shall,
 2027 at least 15 days prior to the commencement of early voting as
 2028 provided in s. 101.657, send written notice by certified mail to
 2029 the county party chair of each political party and to all

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2030 candidates for other than statewide office whose names appear on
 2031 the ballot in the county and who did not receive written
 2032 notification from the supervisor or municipal elections official
 2033 at the time of qualifying, stating the time and location of the
 2034 public preelection test of the automatic tabulating equipment.
 2035 The canvassing board shall convene, and each member of the
 2036 canvassing board shall certify to the accuracy of the test. For
 2037 the test, the canvassing board may designate one member to
 2038 represent it. The test shall be open to representatives of the
 2039 political parties, the press, and the public. Each political
 2040 party may designate one person with expertise in the computer
 2041 field who shall be allowed in the central counting room when all
 2042 tests are being conducted and when the official votes are being
 2043 counted. The designee shall not interfere with the normal
 2044 operation of the canvassing board.

2045 Section 38. Subsection (5) of section 101.5614, Florida
 2046 Statutes, is amended to read:

2047 101.5614 Canvass of returns.--

2048 (5) If any absentee ballot is physically damaged so that
 2049 it cannot properly be counted by the automatic tabulating
 2050 equipment, a true duplicate copy shall be made of the damaged
 2051 ballot in the presence of witnesses and substituted for the
 2052 damaged ballot. Likewise, a duplicate ballot shall be made of an
 2053 absentee ballot containing an overvoted race or a marked
 2054 absentee ballot in which every race is undervoted which shall
 2055 include all valid votes as determined by the canvassing board
 2056 based on rules adopted by the division pursuant to s.

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2057 | 102.166 ~~(4)~~~~(5)~~. All duplicate ballots shall be clearly labeled
 2058 | "duplicate," bear a serial number which shall be recorded on the
 2059 | defective ballot, and be counted in lieu of the defective
 2060 | ballot. After a ballot has been duplicated, the defective ballot
 2061 | shall be placed in an envelope provided for that purpose, and
 2062 | the duplicate ballot shall be tallied with the other ballots for
 2063 | that precinct.

2064 | Section 39. Section 101.572, Florida Statutes, is amended
 2065 | to read:

2066 | 101.572 Public inspection of ballots.--The official
 2067 | ballots and ballot cards received from election boards and
 2068 | removed from absentee ballot mailing envelopes shall be open for
 2069 | public inspection or examination while in the custody of the
 2070 | supervisor of elections or the county canvassing board at any
 2071 | reasonable time, under reasonable conditions; however, no
 2072 | persons other than the supervisor of elections or his or her
 2073 | employees or the county canvassing board shall handle any
 2074 | official ballot or ballot card. If the ballots are being
 2075 | examined prior to the end of the contest period in s. 102.168,
 2076 | the supervisor of elections shall make a reasonable effort to
 2077 | notify all candidates whose names appear on such ballots or
 2078 | ballot cards by telephone or otherwise of the time and place of
 2079 | the inspection or examination. All such candidates, or their
 2080 | representatives, shall be allowed to be present during the
 2081 | inspection or examination.

2082 | Section 40. Section 101.58, Florida Statutes, is amended
 2083 | to read:

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2084 101.58 Supervising and observing registration and election
2085 processes.--

2086 (1) The Department of State may, at any time it deems fit;
2087 upon the petition of 5 percent of the registered electors; or
2088 upon the petition of any candidate, county executive committee
2089 chair, state committeeman or committeewoman, or state executive
2090 committee chair, appoint one or more deputies whose duties shall
2091 be to observe and examine the registration and election
2092 processes and the condition, custody, and operation of voting
2093 systems and equipment in any county or municipality. The deputy
2094 shall have access to all registration books and records as well
2095 as any other records or procedures relating to the voting
2096 process. The deputy may supervise preparation of the voting
2097 equipment and procedures for election, and it shall be unlawful
2098 for any person to obstruct the deputy in the performance of his
2099 or her duty. The deputy shall file with the Department of State
2100 a report of his or her findings and observations of the
2101 registration and election processes in the county or
2102 municipality, and a copy of the report shall also be filed with
2103 the clerk of the circuit court of said county. The compensation
2104 of such deputies shall be fixed by the Department of State; and
2105 costs incurred under this section shall be paid from the annual
2106 operating appropriation made to the Department of State.

2107 (2) Upon the written direction of the Secretary of State,
2108 any employee of the Department of State having expertise in the
2109 matter of concern to the Secretary of State shall have full

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2110 | access to all premises, records, equipment, and staff of the
 2111 | supervisor of elections.

2112 | Section 41. Subsection (1) of section 101.595, Florida
 2113 | Statutes, is amended to read:

2114 | 101.595 Analysis and reports of voting problems.--

2115 | (1) No later than December 15 of each general election
 2116 | year, the supervisor of elections in each county shall report to
 2117 | the Department of State the total number of overvotes and
 2118 | undervotes in either the "President and Vice President" or
 2119 | "Governor and Lieutenant Governor" race that appears first on
 2120 | the ballot or, if neither appears, the first race appearing on
 2121 | the ballot pursuant to s. 101.151(2), along with the likely
 2122 | reasons for such overvotes and undervotes and other information
 2123 | as may be useful in evaluating the performance of the voting
 2124 | system and identifying problems with ballot design and
 2125 | instructions which may have contributed to voter confusion.

2126 | Section 42. Subsection (1) of section 101.6103, Florida
 2127 | Statutes, is amended, subsection (6) is renumbered as subsection
 2128 | (7), and a new subsection (6) is added to said section, to read:

2129 | 101.6103 Mail ballot election procedure.--

2130 | (1) Except as otherwise provided in subsection (7)~~(6)~~, the
 2131 | supervisor of elections shall mail all official ballots with a
 2132 | secrecy envelope, a return mailing envelope, and instructions
 2133 | sufficient to describe the voting process to each elector
 2134 | entitled to vote in the election not sooner than the 20th day
 2135 | before the election and not later than the 10th day before the
 2136 | date of the election. All such ballots shall be mailed by first-

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2137 class mail. Ballots shall be addressed to each elector at the
2138 address appearing in the registration records and placed in an
2139 envelope which is prominently marked "Do Not Forward."

2140 (6) The canvassing board may begin the canvassing of mail
2141 ballots at 7 a.m. on the fourth day before the election,
2142 including processing the ballots through the tabulating
2143 equipment. However, results may not be released until after 7
2144 p.m. on election day. Any canvassing board member or election
2145 employee who releases any result prior to 7 p.m. on election day
2146 commits a felony of the third degree, punishable as provided in
2147 s. 775.082, s. 775.083, or s. 775.084.

2148 Section 43. Subsections (2), (3), and (4) of section
2149 101.62, Florida Statutes, are amended to read:

2150 101.62 Request for absentee ballots.--

2151 (2) ~~If~~ A request for an absentee ballot to be mailed to an
2152 elector shall be is received no later than 5 p.m. on the 6th day
2153 prior to after the Friday before the election by the supervisor
2154 of elections ~~from an absent elector overseas, the supervisor~~
2155 ~~shall send a notice to the elector acknowledging receipt of his~~
2156 ~~or her request and notifying the elector that the ballot will~~
2157 ~~not be forwarded due to insufficient time for return of the~~
2158 ~~ballot by the required deadline. The supervisor of elections~~
2159 shall mail absentee ballots to voters requesting ballots by such
2160 deadline no later than 4 days before the election.

2161 (3) For each request for an absentee ballot received, the
2162 supervisor shall record the date the request was made, the date
2163 the absentee ballot was delivered to the elector or the

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2164 | elector's designee or the date the ballot was delivered to the
 2165 | post office or other carrier ~~mailed~~, the date the ballot was
 2166 | received by the supervisor, and such other information he or she
 2167 | may deem necessary. This information shall be provided in
 2168 | electronic format as provided by rule adopted by the division.
 2169 | The information shall be updated and made available no later
 2170 | than noon of each day and shall be contemporaneously provided to
 2171 | the division. This information shall be confidential and exempt
 2172 | from the provisions of s. 119.07(1) and shall be made available
 2173 | to or reproduced only for the elector requesting the ballot, a
 2174 | canvassing board, an election official, a political party or
 2175 | official thereof, a candidate who has filed qualification papers
 2176 | and is opposed in an upcoming election, and registered political
 2177 | committees or registered committees of continuous existence, for
 2178 | political purposes only.

2179 | (4)(a) To each absent qualified elector overseas who has
 2180 | requested an absentee ballot, the supervisor of elections shall,
 2181 | not fewer than 35 days before the first primary election, mail
 2182 | an absentee ballot. Not fewer than 45 days before the second
 2183 | primary and general election, the supervisor of elections shall
 2184 | mail an absentee ballot. If the regular absentee ballots are not
 2185 | available, the supervisor shall mail an advance absentee ballot
 2186 | to those persons requesting ballots for such elections. The
 2187 | advance absentee ballot for the second primary shall be the same
 2188 | as the first primary absentee ballot as to the names of
 2189 | candidates, except that for any offices where there are only two
 2190 | candidates, those offices and all political party executive

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2191 committee offices shall be omitted. Except as provided in ss.
2192 99.063(4) and 100.371(6), the advance absentee ballot for the
2193 general election shall be as specified in s. 101.151, except
2194 that in the case of candidates of political parties where
2195 nominations were not made in the first primary, the names of the
2196 candidates placing first and second in the first primary
2197 election shall be printed on the advance absentee ballot. The
2198 advance absentee ballot or advance absentee ballot information
2199 booklet shall be of a different color for each election and also
2200 a different color from the absentee ballots for the first
2201 primary, second primary, and general election. The supervisor
2202 shall mail an advance absentee ballot for the second primary and
2203 general election to each qualified absent elector for whom a
2204 request is received until the absentee ballots are printed. The
2205 supervisor shall enclose with the advance second primary
2206 absentee ballot and advance general election absentee ballot an
2207 explanation stating that the absentee ballot for the election
2208 will be mailed as soon as it is printed; and, if both the
2209 advance absentee ballot and the absentee ballot for the election
2210 are returned in time to be counted, only the absentee ballot
2211 will be counted. The Department of State may prescribe by rule
2212 the requirements for preparing and mailing absentee ballots to
2213 absent qualified electors overseas.

2214 (b) As soon as the remainder of the absentee ballots are
2215 printed, the supervisor shall provide an absentee ballot to each
2216 elector by whom a request for that ballot has been made by one
2217 of the following means:

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2218 | 1. By nonforwardable, return-if-undeliverable mail to the
 2219 | elector's current mailing address on file with the supervisor,
 2220 | unless the elector specifies in the request that:

2221 | a. The elector is absent from the county and does not plan
 2222 | to return before the day of the election;

2223 | b. The elector is temporarily unable to occupy the
 2224 | residence because of hurricane, tornado, flood, fire, or other
 2225 | emergency or natural disaster; or

2226 | c. The elector is in a hospital, assisted-living facility,
 2227 | nursing home, short-term medical or rehabilitation facility, or
 2228 | correctional facility,
 2229 |
 2230 | in which case the supervisor shall mail the ballot by
 2231 | nonforwardable, return-if-undeliverable mail to any other
 2232 | address the elector specifies in the request.

2233 | 2. By forwardable mail to voters who are entitled to vote
 2234 | by absentee ballot under the Uniformed and Overseas Citizens
 2235 | Absentee Voting Act.

2236 | 3. By personal delivery to the elector, upon presentation
 2237 | of the identification required in s. 101.657 until 7 p.m. on the
 2238 | day of the election.

2239 | 4. By delivery to a designee on election day or up to 4
 2240 | days prior to the day of an election. Any elector may designate
 2241 | in writing a person to pick up the ballot for the elector;
 2242 | however, the person designated may not pick up more than two
 2243 | absentee ballots per election, other than the designee's own
 2244 | ballot, except that additional ballots may be picked up for

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2245 members of the designee's immediate family. For purposes of this
 2246 section, "immediate family" means the designee's spouse or the
 2247 parent, child, grandparent, or sibling of the designee or of the
 2248 designee's spouse. The designee shall provide to the supervisor
 2249 the written authorization by the elector and a picture
 2250 identification of the designee and must complete an affidavit.
 2251 The designee shall state in the affidavit that the designee is
 2252 authorized by the elector to pick up that ballot and shall
 2253 indicate if the elector is a member of the designee's immediate
 2254 family and, if so, the relationship. The department shall
 2255 prescribe the form of the affidavit. If the supervisor is
 2256 satisfied that the designee is authorized to pick up the ballot
 2257 and that the signature of the elector on the written
 2258 authorization matches the signature of the elector on file, the
 2259 supervisor shall give the ballot to that designee for delivery
 2260 to the elector.

2261 Section 44. Subsection (3) of section 101.64, Florida
 2262 Statutes, is added to read:

2263 101.64 Delivery of absentee ballots; envelopes; form.--

2264 (3) In lieu of the voter's certificate provided in this
 2265 section, the supervisor of elections shall provide each person
 2266 voting absentee under the Uniformed and Overseas Citizens
 2267 Absentee Voting Act with the standard oath prescribed by the
 2268 presidential designee.

2269 Section 45. Subsection (1) of section 101.657, Florida
 2270 Statutes, is amended, present subsection (2) is renumbered as
 2271 subsection (3), and a new subsection (2) is added, to read:

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2272 101.657 Early voting.--

2273 (1)(a) As a convenience to the voter, the supervisor of

2274 elections shall allow an elector to vote early in the main or

2275 branch office of the supervisor ~~by depositing the voted ballot~~

2276 ~~in a voting device used by the supervisor to collect or tabulate~~

2277 ~~ballots~~. In order for a branch office to be used for early

2278 voting, it shall be a permanent ~~full-service~~ facility of the

2279 supervisor and shall have been designated and used as such for

2280 at least 1 year prior to the election. The supervisor may also

2281 designate any city hall or permanent public library facility as

2282 early voting sites; however, if so designated, the sites must be

2283 geographically located so as to provide all voters in the county

2284 an equal opportunity to cast a ballot, insofar as is

2285 practicable. The results or tabulation of votes cast during

2286 early voting may not be made before the close of the polls on

2287 election day. Results shall be reported by precinct.

2288 (b) The supervisor shall designate each early voting site

2289 by no later than the 30th day prior to an election and shall

2290 designate an early voting area, as defined in s. 97.021, at each

2291 early voting site. Designation of early voting sites may not be

2292 changed except by petition to the division, which petition shall

2293 only be granted for reasons of a natural or unavoidable event

2294 resulting in the unavailability of such early voting site.

2295 (c) All early voting sites in a county shall be open on

2296 the same days for the same amount of time and shall allow any

2297 person in line at the closing of an early voting site to vote.

2298 ~~(d)(b)~~ Early voting shall begin on the 15th day before an
 2299 election and end on the 2nd day before an election. For purposes
 2300 of a special election held pursuant to s. 100.101, early voting
 2301 shall begin on the 8th day before an election and end on the 2nd
 2302 day before an election. Early voting shall be provided for ~~at~~
 2303 ~~least~~ 8 hours per weekday and 8 hours in the aggregate each
 2304 weekend during the applicable periods. Early voting sites shall
 2305 open no sooner than 7 a.m. and close no later than 7 p.m. on
 2306 each applicable day during the applicable periods. ~~Early voting~~
 2307 ~~shall also be provided for 8 hours in the aggregate for each~~
 2308 ~~weekend during the applicable periods.~~

2309 (e) Notwithstanding the requirements of s. 100.3605,
 2310 municipalities may provide early voting in municipal elections
 2311 that are not held in conjunction with county or state elections.
 2312 If a municipality provides early voting, it may designate as
 2313 many sites as necessary and shall conduct its activities in
 2314 accordance with the provisions of paragraphs (a)-(c). The
 2315 supervisor is not required to conduct early voting if it is
 2316 provided pursuant to this subsection.

2317 (f) Notwithstanding the requirements of s. 189.405,
 2318 special districts may provide early voting in any district
 2319 election not held in conjunction with county or state elections.
 2320 If a special district provides early voting, it may designate as
 2321 many sites as necessary and shall conduct its activities in
 2322 accordance with the provisions of paragraphs (a)-(c). The
 2323 supervisor is not required to conduct early voting if it is
 2324 provided pursuant to this subsection.

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2325 (2) During any early voting period, each supervisor of
 2326 elections shall make available the total number of voters
 2327 casting a ballot at each early voting location during the
 2328 previous day. Each supervisor shall prepare an electronic data
 2329 file listing the individual voters who cast a ballot during the
 2330 early voting period. This information shall be provided in
 2331 electronic format as provided by rule adopted by the division.
 2332 The information shall be updated and made available no later
 2333 than noon of each day and shall be contemporaneously provided to
 2334 the division.

2335 Section 46. Subsection (2) section 101.663, Florida
 2336 Statutes, is amended to read:

2337 101.663 Electors; change of residence.--

2338 (2) An elector registered in this state who moves his or
 2339 her permanent residence to another state after the registration
 2340 books in that state have closed ~~and who is prohibited by the~~
 2341 ~~laws of that state from voting for the offices of President and~~
 2342 ~~Vice President of the United States~~ shall be permitted to vote
 2343 absentee in the county of his or her former residence for the
 2344 ~~those offices~~ of President and Vice President.

2345 Section 47. Subsection (1) of section 101.68, Florida
 2346 Statutes, is amended to read:

2347 101.68 Canvassing of absentee ballot.--

2348 (1) The supervisor of the county where the absent elector
 2349 resides shall receive the voted ballot, at which time the
 2350 supervisor shall compare the signature of the elector on the
 2351 voter's certificate with the signature of the elector in the

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2352 registration books to determine whether the elector is duly
 2353 registered in the county and may record on the elector's
 2354 registration certificate that the elector has voted. The
 2355 supervisor shall safely keep the ballot unopened in his or her
 2356 office until the county canvassing board canvasses the vote.
 2357 Once an absentee ballot has been received by the supervisor, the
 2358 ballot is deemed to have been cast and no changes or additions
 2359 shall be made to the Voter's Certificate.

2360 Section 48. Section 101.69, Florida Statutes, is amended
 2361 to read:

2362 101.69 Voting in person; return of absentee ballot.--The
 2363 provisions of this code shall not be construed to prohibit any
 2364 elector from voting in person at the elector's precinct on the
 2365 day of an election or at an early voting site notwithstanding
 2366 that the elector has requested an absentee ballot for that
 2367 election. However, an elector who has returned a voted absentee
 2368 ballot to the supervisor is deemed to have cast his or her
 2369 ballot and shall not be entitled to vote another ballot or have
 2370 a provisional ballot counted by the county canvassing board. An
 2371 elector who has received an absentee ballot and who has not
 2372 returned the voted ballot to the supervisor, but desires to vote
 2373 in person, shall return the ballot, whether voted or not, to the
 2374 election board in the elector's precinct or to an early voting
 2375 site. The returned ballot shall be marked "canceled" by the
 2376 board and placed with other canceled ballots. However, if the
 2377 elector does not return the ballot and the election official:

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2378 (1) Confirms that the supervisor has received the
 2379 elector's absentee ballot, the elector shall not be allowed to
 2380 vote in person. If the elector maintains that he or she has not
 2381 returned the absentee ballot or remains eligible to vote, the
 2382 elector shall be provided a provisional ballot as provided in s.
 2383 101.048.

2384 (2) Confirms that the supervisor has not received the
 2385 elector's absentee ballot, the elector shall be allowed to vote
 2386 in person as provided in this code. The elector's absentee
 2387 ballot, if subsequently received, shall not be counted and shall
 2388 remain in the mailing envelope, and the envelope shall be marked
 2389 "Rejected as Illegal."

2390 (3) Cannot determine whether the supervisor has received
 2391 the elector's absentee ballot, the elector may vote a
 2392 provisional ballot as provided in s. 101.048.

2393 Section 49. Subsection (2) of section 101.6923, Florida
 2394 Statutes, is amended to read:

2395 101.6923 Special absentee ballot instructions for certain
 2396 first-time voters.--

2397 (2) A voter covered by this section shall be provided with
 2398 ~~the following~~ printed instructions with his or her absentee
 2399 ballot in substantially the following form:

2400
 2401
 2402 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2403 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2404 TO COUNT.

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

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

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

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

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

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

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

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

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2432 a. Identification which must include your name and
 2433 photograph: current and valid Florida driver's license; Florida
 2434 identification card issued by the Department of Highway Safety
 2435 and Motor Vehicles; United States passport; employee badge or
 2436 identification; buyer's club identification card; debit or
 2437 credit card; military identification; student identification;
 2438 retirement center identification; neighborhood association
 2439 identification; entertainment identification; or public
 2440 assistance identification; or

2441 b. Identification which shows your name and current
 2442 residence address: current utility bill, bank statement,
 2443 government check, paycheck, or government document (excluding
 2444 voter identification card).

2445 7. The identification requirements of Item 6. do not apply
 2446 if you meet one of the following requirements:

2447 a. You are 65 years of age or older.

2448 b. You have a temporary or permanent physical disability.

2449 c. You are a member of a uniformed service on active duty
 2450 who, by reason of such active duty, will be absent from the
 2451 county on election day.

2452 d. You are a member of the Merchant Marine who, by reason
 2453 of service in the Merchant Marine, will be absent from the
 2454 county on election day.

2455 e. You are the spouse or dependent of a member referred to
 2456 in paragraph c. or paragraph d. who, by reason of the active
 2457 duty or service of the member, will be absent from the county on
 2458 election day.

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2459 f. You are currently residing outside the United States.

2460 8. Place the envelope bearing the Voter's Certificate into
2461 the mailing envelope addressed to the supervisor. Insert a copy
2462 of your identification in the mailing envelope. DO NOT PUT YOUR
2463 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
2464 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
2465 BALLOT WILL NOT COUNT.

2466 9. Mail, deliver, or have delivered the completed mailing
2467 envelope. Be sure there is sufficient postage if mailed.

2468 10. FELONY NOTICE. It is a felony under Florida law to
2469 accept any gift, payment, or gratuity in exchange for your vote
2470 for a candidate. It is also a felony under Florida law to vote
2471 in an election using a false identity or false address, or under
2472 any other circumstances making your ballot false or fraudulent.

2473 Section 50. Subsection (3) of section 101.694, Florida
2474 Statutes, is amended to read:

2475 101.694 Mailing of ballots upon receipt of federal
2476 postcard application.--

2477 (3) Absentee envelopes printed for voters entitled to vote
2478 absentee under the Uniformed and Overseas Citizens Absentee
2479 Voting Act shall meet the specifications as determined by the
2480 Federal Voting Assistance Program of the United States
2481 Department of Defense and the United States Postal Service.

2482 ~~There shall be printed across the face of each envelope in which~~
2483 ~~a ballot is sent to a federal postcard applicant, or is returned~~
2484 ~~by such applicant to the supervisor, two parallel horizontal red~~
2485 ~~bars, each one quarter inch wide, extending from one side of the~~

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2486 ~~envelope to the other side, with an intervening space of one-~~
 2487 ~~quarter inch, the top bar to be 1 1/4 inches from the top of the~~
 2488 ~~envelope, and with the words "Official Election Balloting~~
 2489 ~~Material via Air Mail," or similar language, between the bars.~~
 2490 ~~There shall be printed in the upper right corner of each such~~
 2491 ~~envelope, in a box, the words "Free of U. S. Postage, including~~
 2492 ~~Air Mail." All printing on the face of each envelope shall be in~~
 2493 ~~red, and there shall be printed in red in the upper left corner~~
 2494 ~~of each ballot envelope an appropriate inscription or blanks for~~
 2495 ~~return address of sender. Additional specifications may be~~
 2496 ~~prescribed by rule of the Division of Elections upon~~
 2497 ~~recommendation of the presidential designee under the Uniformed~~
 2498 ~~and Overseas Citizens Absentee Voting Act. Otherwise, the~~
 2499 ~~envelopes shall be the same as those used in sending ballots to,~~
 2500 ~~or receiving them from, other absentee voters.~~

2501 Section 51. Section 101.697, Florida Statutes, is amended
 2502 to read:

2503 101.697 Electronic transmission of election
 2504 materials.--The Department of State shall adopt rules to
 2505 authorize a supervisor of elections to accept a request for an
 2506 absentee ballot and a voted absentee ballot by facsimile machine
 2507 or other electronic means from overseas voters if the department
 2508 can be assured that the security of the transmission of the
 2509 ballot is able to be established. The rules must provide that in
 2510 order to accept a voted ballot, the verification of the voter
 2511 must be established, the security of the transmission must be
 2512 established, and each ballot received must be recorded.

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2513 Section 52. Section 102.012, Florida Statutes, is amended
 2514 to read:
 2515 102.012 Inspectors and clerks to conduct elections.--
 2516 (1) The supervisor of elections of each county, at least
 2517 20 days prior to the holding of any election, shall appoint an
 2518 ~~two~~ election board comprised of poll workers who serve as clerks
 2519 or inspectors ~~boards~~ for each precinct in the county; ~~however,~~
 2520 ~~the supervisor of elections may, in any election, appoint one~~
 2521 ~~election board if the supervisor has reason to believe that only~~
 2522 ~~one is necessary.~~ The clerk shall be in charge of, and
 2523 responsible for, seeing that the election board carries out its
 2524 duties and responsibilities. Each inspector and each clerk shall
 2525 take and subscribe to an oath or affirmation, which shall be
 2526 written or printed, to the effect that he or she will perform
 2527 the duties of inspector or clerk of election, respectively,
 2528 according to law and will endeavor to prevent all fraud, deceit,
 2529 or abuse in conducting the election. The oath may be taken
 2530 before an officer authorized to administer oaths or before any
 2531 of the persons who are to act as inspectors, one of them to
 2532 swear the others, and one of the others sworn thus, in turn, to
 2533 administer the oath to the one who has not been sworn. The oaths
 2534 shall be returned with the poll list and the returns of the
 2535 election to the supervisor. In all questions that may arise
 2536 before the members of an election board, the decision of a
 2537 majority of them shall decide the question. The supervisor of
 2538 elections of each county shall be responsible for the attendance

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2539 and diligent performance of his or her duties by each clerk and
2540 inspector.

2541 (2) Each member of the election board shall be able to
2542 read and write the English language and shall be a registered
2543 qualified elector of the county in which the member is appointed
2544 or a person who has preregistered to vote, pursuant to s.
2545 97.041(1)(b), in the county in which the member is appointed. No
2546 election board shall be composed solely of members of one
2547 political party; however, in any primary in which only one party
2548 has candidates appearing on the ballot, all clerks and
2549 inspectors may be of that party. Any person whose name appears
2550 as an opposed candidate for any office shall not be eligible to
2551 serve on an election board.

2552 (3) The supervisor shall furnish inspectors of election
2553 for each precinct with the list of registered voters for the
2554 precinct ~~registration books divided alphabetically as will best~~
2555 ~~facilitate the holding of an election.~~ The supervisor shall also
2556 furnish to the inspectors of election at the polling place at
2557 each precinct in the supervisor's county a sufficient number of
2558 forms and blanks for use on election day.

2559 (4)~~(a)~~ The election board of each precinct shall attend
2560 the polling place by 6 a.m. of the day of the election and shall
2561 arrange the furniture, stationery, and voting equipment.

2562 ~~(b)~~ The ~~An~~ election board shall conduct the voting,
2563 beginning and closing at the time set forth in s. 100.011. ~~If~~
2564 ~~more than one board has been appointed, the second board shall,~~
2565 ~~upon the closing of the polls, come on duty and count the votes~~

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2566 | ~~east. In such case, the first board shall turn over to the~~
 2567 | ~~second board all closed ballot boxes, registration books, and~~
 2568 | ~~other records of the election at the time the boards change. The~~
 2569 | ~~second board shall continue counting until the count is complete~~
 2570 | ~~or until 7 a.m. the next morning, and, if the count is not~~
 2571 | ~~completed at that time, the first board that conducted the~~
 2572 | ~~election shall again report for duty and complete the count. The~~
 2573 | ~~second board shall turn over to the first board all ballots~~
 2574 | ~~counted, all ballots not counted, and all registration books and~~
 2575 | ~~other records and shall advise the first board as to what has~~
 2576 | ~~transpired in tabulating the results of the election.~~

2577 | ~~(5) In precincts in which there are more than 1,000~~
 2578 | ~~registered electors, the supervisor of elections shall appoint~~
 2579 | ~~additional election boards necessary for the election.~~

2580 | ~~(6) In any precinct in which there are fewer than 300~~
 2581 | ~~registered electors, it is not necessary to appoint two election~~
 2582 | ~~boards, but one such board will suffice. Such board shall be~~
 2583 | ~~composed of at least one inspector and one clerk.~~

2584 | Section 53. Section 102.014, Florida Statutes, is amended
 2585 | to read:

2586 | 102.014 Poll worker recruitment and training.--

2587 | (1) The supervisor of elections shall conduct training for
 2588 | inspectors, clerks, and deputy sheriffs prior to each primary,
 2589 | general, and special election for the purpose of instructing
 2590 | such persons in their duties and responsibilities as election
 2591 | officials. The Division of Elections shall develop a statewide
 2592 | uniform training curriculum for poll workers, and each

2593 supervisor shall use such curriculum in their poll worker
 2594 training. A certificate may be issued by the supervisor of
 2595 elections to each person completing such training. No person
 2596 shall serve as an inspector, clerk, or deputy sheriff for an
 2597 election unless such person has completed the training as
 2598 required. A clerk may not work at the polls unless he or she
 2599 demonstrates a working knowledge of the laws and procedures
 2600 relating to voter registration, voting system operation,
 2601 balloting and polling place procedures, and problem-solving and
 2602 conflict-resolution skills.

2603 (2) A person who has attended previous training conducted
 2604 within 2 years before the election may be appointed by the
 2605 supervisor to fill a vacancy on an election board ~~day~~. If no
 2606 person with prior training is available to fill such vacancy,
 2607 the supervisor of elections may fill such vacancy in accordance
 2608 with the provisions of subsection (3) from among persons who
 2609 have not received the training required by this section.

2610 (3) In the case of absence or refusal to act on the part
 2611 of any inspector or clerk ~~at any precinct on the day of an~~
 2612 ~~election~~, the supervisor shall appoint a replacement who meets
 2613 the qualifications prescribed in s. 102.012(2). The inspector or
 2614 clerk so appointed shall be a member of the same political party
 2615 as the clerk or inspector whom he or she replaces.

2616 (4) Each supervisor of elections shall be responsible for
 2617 training inspectors and clerks, subject to the following minimum
 2618 requirements:

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2619 (a) No clerk shall be entitled to work at the polls unless
2620 he or she has had a minimum of 3 hours of training prior to each
2621 election.

2622 (b) No inspector shall work at the polls unless he or she
2623 has had a minimum of 2 hours of training prior to each election.

2624 (c) For the purposes of this subsection, the first and
2625 second primary elections shall be considered one election.

2626 (5) The Department of State shall create a uniform polling
2627 place procedures manual and adopt the manual by rule. Each
2628 supervisor of elections shall ensure that the manual is
2629 available in hard copy or electronic form in every polling place
2630 ~~precinct in the supervisor's jurisdiction on election day~~. The
2631 manual shall guide inspectors, clerks, and deputy sheriffs in
2632 the proper implementation of election procedures and laws. The
2633 manual shall be indexed by subject, and written in plain, clear,
2634 unambiguous language. The manual shall provide specific examples
2635 of common problems encountered at the polls ~~on election day~~, and
2636 detail specific procedures for resolving those problems. The
2637 manual shall include, without limitation:

2638 (a) Regulations governing solicitation by individuals and
2639 groups at the polling place;

2640 (b) Procedures to be followed with respect to voters whose
2641 names are not on the precinct register;

2642 (c) Proper operation of the voting system;

2643 (d) Ballot handling procedures;

2644 (e) Procedures governing spoiled ballots;

2645 (f) Procedures to be followed after the polls close;

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- 2646 (g) Rights of voters at the polls;
- 2647 (h) Procedures for handling emergency situations;
- 2648 (i) Procedures for dealing with irate voters;
- 2649 (j) The handling and processing of provisional ballots;
- 2650 and
- 2651 (k) Security procedures.

2652
2653 The Department of State shall revise the manual as necessary to
2654 address new procedures in law or problems encountered by voters
2655 and poll workers at the precincts.

2656 (6) Supervisors of elections shall work with the business
2657 and local community to develop public-private programs to ensure
2658 the recruitment of skilled inspectors and clerks.

2659 (7) The Department of State shall develop a mandatory,
2660 statewide, and uniform program for training poll workers on
2661 issues of etiquette and sensitivity with respect to voters
2662 having a disability. The program must consist of approximately 1
2663 hour of the required number of hours set forth in paragraph
2664 (4)(a). The program must be conducted locally by each supervisor
2665 of elections, who shall periodically certify to the Department
2666 of State whether each poll worker has completed the program. The
2667 supervisor of elections shall contract with a recognized
2668 disability-related organization, such as a center for
2669 independent living, family network on disabilities, deaf service
2670 bureau, or other such organization, to develop and assist with
2671 training the trainers in the disability sensitivity programs.
2672 The program must include actual demonstrations of obstacles

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2673 | confronted by disabled persons during the voting process,
 2674 | including obtaining access to the polling place, traveling
 2675 | through the polling area, and using the voting system.

2676 | Section 54. Section 102.031, Florida Statutes, is amended
 2677 | to read:

2678 | 102.031 Maintenance of good order at polls; authorities;
 2679 | persons allowed in polling rooms and early voting areas;
 2680 | unlawful solicitation of voters.--

2681 | (1) Each election board shall possess full authority to
 2682 | maintain order at the polls and enforce obedience to its lawful
 2683 | commands during an election and the canvass of the votes.

2684 | (2) The sheriff shall deputize a deputy sheriff for each
 2685 | polling place and each early voting site who shall be present
 2686 | during the time the polls or early voting site are open and
 2687 | until the election is completed, who shall be subject to all
 2688 | lawful commands of the clerk or inspectors, and who shall
 2689 | maintain good order. The deputy may summon assistance from among
 2690 | bystanders to aid him or her when necessary to maintain peace
 2691 | and order at the polls or early voting sites.

2692 | (3)(a) No person may enter any polling room or polling
 2693 | place where the polling place is also a polling room or any
 2694 | early voting area, during voting hours except the following:

- 2695 | 1. Official poll watchers;
- 2696 | 2. Inspectors;
- 2697 | 3. Election clerks;
- 2698 | 4. The supervisor of elections or his or her deputy;

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2699 | 5. Persons there to vote, persons in the care of a voter,
2700 | or persons caring for such voter;

2701 | 6. Law enforcement officers or emergency service personnel
2702 | there with permission of the clerk or a majority of the
2703 | inspectors; or

2704 | 7. A person, whether or not a registered voter, who is
2705 | assisting with or participating in a simulated election for
2706 | minors, as approved by the supervisor of elections.

2707 | (b) The restriction in paragraph (a) ~~this subsection~~ does
2708 | not apply where the polling room is in an area commonly
2709 | traversed by the public in order to gain access to businesses or
2710 | homes or in an area traditionally utilized as a public area for
2711 | discussion.

2712 | (4)(a)(e) ~~No person, political committee, committee of~~
2713 | ~~continuous existence, or other group or organization may solicit~~
2714 | ~~voters inside the polling place or within 100 ~~50~~ feet of the~~
2715 | ~~entrance to any polling place, or polling room where the polling~~
2716 | ~~place is also a polling room, or early voting site. Before the~~
2717 | ~~opening of the polling place or early voting site, the clerk or~~
2718 | ~~supervisor shall designate the no solicitation zone and mark the~~
2719 | ~~boundaries on the day of any election.~~

2720 | ~~1. Solicitation shall not be restricted if:~~

2721 | ~~a. Conducted from a separately marked area within the 50-~~
2722 | ~~foot zone so as not to disturb, hinder, impede, obstruct, or~~
2723 | ~~interfere with voter access to the polling place or polling room~~
2724 | ~~entrance; and~~

2725 ~~b. The solicitation activities and subject matter are~~
 2726 ~~clearly and easily identifiable by the voters as an activity in~~
 2727 ~~which they may voluntarily participate; or~~

2728 ~~e. Conducted on property within the 50-foot zone which is~~
 2729 ~~a residence, established business, private property, sidewalk,~~
 2730 ~~park, or property traditionally utilized as a public area for~~
 2731 ~~discussion.~~

2732 ~~2. Solicitation shall not be permitted within the 50-foot~~
 2733 ~~zone on a public sidewalk or other similar means of access to~~
 2734 ~~the polling room if it is clearly identifiable to the poll~~
 2735 ~~workers that the solicitation is impeding, obstructing, or~~
 2736 ~~interfering with voter access to the polling room or polling~~
 2737 ~~place.~~

2738 ~~(b)(d)~~ For the purpose of this subsection, the term
 2739 "solicit" shall include, but not be limited to, seeking or
 2740 attempting to seek any vote, fact, opinion, or contribution;
 2741 distributing or attempting to distribute any political or
 2742 campaign material, leaflet, or handout; conducting a poll;
 2743 seeking or attempting to seek a signature on any petition; and
 2744 selling or attempting to sell any item.

2745 ~~(5)(e)~~ Each supervisor of elections shall inform the clerk
 2746 ~~of each precinct~~ of the area within which soliciting is
 2747 unlawful, based on the particular characteristics of that
 2748 polling place. The supervisor or the clerk may take any
 2749 reasonable action necessary to ensure order at the polling
 2750 places including, but not limited to, ~~which shall include:~~

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2751 ~~1. Designating a specific area for soliciting pursuant to~~
2752 ~~paragraph (c) of this subsection, or~~

2753 ~~2. having disruptive and unruly persons removed by law~~
2754 ~~enforcement officers from the polling room or place or from the~~
2755 ~~100-foot 50-foot zone surrounding the polling place.~~

2756 (6) No photography is permitted in the polling room or
2757 early voting area.

2758 Section 55. Section 102.071, Florida Statutes, is amended
2759 to read:

2760 102.071 Tabulation of votes and proclamation of results
2761 ~~where ballots are used.--~~

2762 The election board shall post at the polls, for the benefit
2763 of the public, the results of the voting for each office or
2764 other item on the ballot as the count is completed. Upon
2765 completion of all counts in all races, a certificate ~~triplicate~~
2766 ~~certificates~~ of the results shall be drawn up by the inspectors
2767 and clerk at each precinct upon a form provided by the
2768 supervisor of elections which shall contain the name of each
2769 person voted for, for each office, and the number of votes cast
2770 for each person for such office; and, if any question is
2771 submitted, the certificate shall also contain the number of
2772 votes cast for and against the question. The certificate shall
2773 be signed by the inspectors and clerk, ~~and one of the~~
2774 ~~certificates~~ shall be delivered without delay by one of the
2775 inspectors, securely sealed, to the supervisor for immediate
2776 publication; ~~the duplicate copy of the certificate shall be~~
2777 ~~delivered to the county court judge; and the remaining copy~~

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2778 ~~shall be enclosed in the ballot box together with the oaths of~~
 2779 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot
 2780 stubs, memoranda, and papers of all kinds used in the election
 2781 shall also be transmitted, after being sealed by the inspectors,
 2782 to ~~with the certificates of result of the election to be filed~~
 2783 ~~in~~ the supervisor's office. Registration books and the poll
 2784 lists shall not be placed in the ballot boxes but shall be
 2785 returned to the supervisor.

2786 Section 56. Subsection (1) of section 102.111, Florida
 2787 Statutes, is amended to read:

2788 102.111 Elections Canvassing Commission.--

2789 (1) The Elections Canvassing Commission shall consist of
 2790 the Governor and two members of the Cabinet selected by the
 2791 Governor. If a member of the Elections Canvassing Commission is
 2792 unable to serve for any reason, the Governor shall appoint a
 2793 remaining member of the Cabinet. If there is a further vacancy,
 2794 the remaining members of the commission shall agree on another
 2795 elected official to fill the vacancy. The Elections Canvassing
 2796 Commission shall, as soon as the official results are compiled
 2797 from all counties, certify the returns of the election and
 2798 determine and declare who has been elected for each federal,
 2799 state, and multicounty office. If within 5 days of the
 2800 certification by the Elections Canvassing Commission, a county
 2801 determines that a typographical error occurred in the official
 2802 returns of the county, the correction of which would result in a
 2803 change in the outcome of any election certified by the Elections
 2804 Canvassing Commission, the county must submit corrected returns

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2805 | within 24 hours and the Elections Canvassing Commission shall as
 2806 | soon as practicable correct and recertify the election returns.

2807 | Section 57. Subsections (1) and (2) of section 102.112,
 2808 | Florida Statutes, are amended to read:

2809 | 102.112 Deadline for submission of county returns to the
 2810 | Department of State.--

2811 | (1) The county canvassing board or a majority thereof
 2812 | shall file the county returns for the election of a federal or
 2813 | state officer with the Department of State immediately after
 2814 | certification of the election results. The returns must contain
 2815 | a certification by the canvassing board that the board has
 2816 | reconciled the number of persons who voted with the number of
 2817 | ballots counted and that the certification includes all valid
 2818 | votes cast in the election.

2819 | (2) Returns must be filed by 5 p.m. on the 7th day
 2820 | following a primary election and by 5 p.m. on the 11th day
 2821 | following the general election provided, however, that the
 2822 | Department of State shall have the authority to correct
 2823 | typographical errors, including the transposition of numbers, in
 2824 | any returns submitted to the Department of State pursuant to s.
 2825 | 102.111(1).

2826 | Section 58. Section 102.141, Florida Statutes, is amended
 2827 | to read:

2828 | 102.141 County canvassing board; duties.--

2829 | (1) The county canvassing board shall be composed of the
 2830 | supervisor of elections; a county court judge, who shall act as
 2831 | chair; and the chair of the board of county commissioners. In

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2832 | the event any member of the county canvassing board is unable to
 2833 | serve, is a candidate who has opposition in the election being
 2834 | canvassed, or is an active participant in the campaign or
 2835 | candidacy of any candidate who has opposition in the election
 2836 | being canvassed, such member shall be replaced as follows:

2837 | (a) If no county court judge is able to serve or if all
 2838 | are disqualified, the chief judge of the judicial circuit in
 2839 | which the county is located shall appoint as a substitute member
 2840 | a qualified elector of the county who is not a candidate with
 2841 | opposition in the election being canvassed and who is not an
 2842 | active participant in the campaign or candidacy of any candidate
 2843 | with opposition in the election being canvassed. In such event,
 2844 | the members of the county canvassing board shall meet and elect
 2845 | a chair.

2846 | (b) If the supervisor of elections is unable to serve or
 2847 | is disqualified, the chair of the board of county commissioners
 2848 | shall appoint as a substitute member a member of the board of
 2849 | county commissioners who is not a candidate with opposition in
 2850 | the election being canvassed and who is not an active
 2851 | participant in the campaign or candidacy of any candidate with
 2852 | opposition in the election being canvassed. The supervisor,
 2853 | however, shall act in an advisory capacity to the canvassing
 2854 | board.

2855 | (c) If the chair of the board of county commissioners is
 2856 | unable to serve or is disqualified, the board of county
 2857 | commissioners shall appoint as a substitute member one of its
 2858 | members who is not a candidate with opposition in the election

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2859 | being canvassed and who is not an active participant in the
 2860 | campaign or candidacy of any candidate with opposition in the
 2861 | election being canvassed.

2862 | (d) If a substitute member cannot be appointed as provided
 2863 | elsewhere in this subsection, the chief judge of the judicial
 2864 | circuit in which the county is located shall appoint as a
 2865 | substitute member a qualified elector of the county who is not a
 2866 | candidate with opposition in the election being canvassed and
 2867 | who is not an active participant in the campaign or candidacy of
 2868 | any candidate with opposition in the election being canvassed.

2869 | (2) The county canvassing board shall meet in a building
 2870 | accessible to the public in the county where the election
 2871 | occurred at a time and place to be designated by the supervisor
 2872 | of elections to publicly canvass the absentee electors' ballots
 2873 | as provided for in s. 101.68 and provisional ballots as provided
 2874 | by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
 2875 | pursuant to s. 101.049 shall be canvassed in a manner that votes
 2876 | for candidates and issues on those ballots can be segregated
 2877 | from other votes. Public notice of the time and place at which
 2878 | the county canvassing board shall meet to canvass the absentee
 2879 | electors' ballots and provisional ballots shall be given at
 2880 | least 48 hours prior thereto by publication once in one or more
 2881 | newspapers of general circulation in the county or, if there is
 2882 | no newspaper of general circulation in the county, by posting
 2883 | such notice in at least four conspicuous places in the county.
 2884 | As soon as the absentee electors' ballots and the provisional
 2885 | ballots are canvassed, the board shall proceed to publicly

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2886 canvass the vote given each candidate, nominee, constitutional
 2887 amendment, or other measure submitted to the electorate of the
 2888 county, as shown by the returns then on file in the office of
 2889 the supervisor of elections and the office of the county court
 2890 judge.

2891 (3) The canvass, except the canvass of absentee electors'
 2892 returns and the canvass of provisional ballots, shall be made
 2893 from the returns and certificates of the inspectors as signed
 2894 and filed by them with the ~~county court judge and~~ supervisor,
 2895 ~~respectively,~~ and the county canvassing board shall not change
 2896 the number of votes cast for a candidate, nominee,
 2897 constitutional amendment, or other measure submitted to the
 2898 electorate of the county, respectively, in any polling place, as
 2899 shown by the returns. All returns shall be made to the board on
 2900 or before 2 a.m. of the day following any primary, general,
 2901 special, or other election. If the returns from any precinct are
 2902 missing, if there are any omissions on the returns from any
 2903 precinct, or if there is an obvious error on any such returns,
 2904 the canvassing board shall order a retabulation ~~recount~~ of the
 2905 returns from such precinct. Before canvassing such returns, the
 2906 canvassing board shall examine the tabulation of the ballots
 2907 cast in such precinct and determine whether the returns
 2908 correctly reflect the votes cast. If there is a discrepancy
 2909 between the returns and the tabulation of the ballots cast, the
 2910 tabulation of the ballots cast shall be presumed correct and
 2911 such votes shall be canvassed accordingly.

2912 (4) The canvassing board shall submit unofficial returns
 2913 on forms or in formats provided by the division to the
 2914 Department of State for each federal, statewide, state, or
 2915 multicounty office or ballot measure no later than noon on the
 2916 third ~~second~~ day after any primary election and no later than
 2917 noon on the fifth day after any~~7~~ general~~, special, or other~~
 2918 election. Such returns shall include the canvass of all ballots
 2919 as required by subsection (2), except for provisional ballots,
 2920 which returns shall be reported at the time required for
 2921 official returns pursuant to s. 102.112(2).

2922 (5) If the county canvassing board determines that the
 2923 unofficial returns may contain a counting error in which the
 2924 vote tabulation system failed to count votes that were properly
 2925 marked in accordance with the instructions on the ballot, the
 2926 county canvassing board shall:

2927 (a) Correct the error and retabulate ~~recount~~ the affected
 2928 ballots with the vote tabulation system; or

2929 (b) Request that the Department of State verify the
 2930 tabulation software. When the Department of State verifies such
 2931 software, the department shall compare the software used to
 2932 tabulate the votes with the software filed with the department
 2933 pursuant to s. 101.5607 and check the election parameters.

2934 (6) If the unofficial returns reflect that a candidate for
 2935 any office was defeated or eliminated by one-half of a percent
 2936 or less of the votes cast for such office, that a candidate for
 2937 retention to a judicial office was retained or not retained by
 2938 one-half of a percent or less of the votes cast on the question

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2939 of retention, or that a measure appearing on the ballot was
 2940 approved or rejected by one-half of a percent or less of the
 2941 votes cast on such measure, the board responsible for certifying
 2942 the results of the vote on such race or measure shall order a
 2943 recount of the votes cast with respect to such office or
 2944 measure. The county canvassing board is the board responsible
 2945 for ordering county and local recounts. The Elections Canvassing
 2946 Commission is the board responsible for ordering federal, state,
 2947 and multicounty recounts. A recount need not be ordered with
 2948 respect to the returns for any office, however, if the candidate
 2949 or candidates defeated or eliminated from contention for such
 2950 office by one-half of a percent or less of the votes cast for
 2951 such office request in writing that a recount not be made.

2952 (a) ~~In counties with voting systems that use paper~~
 2953 ~~ballots,~~ Each canvassing board responsible for conducting a
 2954 recount shall put each marksense ballot through automatic
 2955 tabulating equipment and determine whether the returns correctly
 2956 reflect the votes cast. If any marksense ~~paper~~ ballot is
 2957 physically damaged so that it cannot be properly counted by the
 2958 automatic tabulating equipment during the recount, a true
 2959 duplicate shall be made of the damaged ballot pursuant to the
 2960 procedures in s. 101.5614(5). Immediately before the start of
 2961 the recount ~~and after completion of the count,~~ a test of the
 2962 tabulating equipment shall be conducted as provided in s.
 2963 101.5612. If the test indicates no error, the recount tabulation
 2964 of the ballots cast shall be presumed correct and such votes
 2965 shall be canvassed accordingly. If an error is detected, the

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2966 | cause therefor shall be ascertained and corrected and the
 2967 | recount repeated, as necessary. The canvassing board shall
 2968 | immediately report the error, along with the cause of the error
 2969 | and the corrective measures being taken, to the Department of
 2970 | State. No later than 11 days after the election, the canvassing
 2971 | board shall file a separate incident report with the Department
 2972 | of State, detailing the resolution of the matter and identifying
 2973 | any measures that will avoid a future recurrence of the error.

2974 | (b) ~~In counties with voting systems that do not use paper~~
 2975 | ~~ballots,~~ Each canvassing board responsible for conducting a
 2976 | recount where touchscreen ballots were used shall examine the
 2977 | counters on the precinct tabulators to ensure that the total of
 2978 | the returns on the precinct tabulators equals the overall
 2979 | election return. If there is a discrepancy between the overall
 2980 | election return and the counters of the precinct tabulators, the
 2981 | counters of the precinct tabulators shall be presumed correct
 2982 | and such votes shall be canvassed accordingly.

2983 | (c) The canvassing board shall submit a second set of
 2984 | unofficial returns on forms or in formats provided by the
 2985 | division to the Department of State for each federal, statewide,
 2986 | state, or multicounty office or ballot measure no later than 3
 2987 | p.m. noon on the fifth ~~third~~ day after any primary election and
 2988 | no later than 3 p.m. on the 8th day after any general election
 2989 | in which a recount was conducted pursuant to this subsection. If
 2990 | the canvassing board is unable to complete the recount
 2991 | prescribed in this subsection by the deadline, the second set of
 2992 | unofficial returns submitted by the canvassing board shall be

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2993 identical to the initial unofficial returns and the submission
 2994 shall also include a detailed explanation of why it was unable
 2995 to timely complete the recount. However, the canvassing board
 2996 shall complete the recount prescribed in this subsection, along
 2997 with any manual recount prescribed in s. 102.166, and certify
 2998 election returns in accordance with the requirements of this
 2999 chapter.

3000 (d) The Department of State shall adopt detailed rules
 3001 prescribing additional recount procedures for each certified
 3002 voting system, which shall be uniform to the extent practicable.

3003 (7) The canvassing board may employ such clerical help to
 3004 assist with the work of the board as it deems necessary, with at
 3005 least one member of the board present at all times, until the
 3006 canvass of the returns is completed. The clerical help shall be
 3007 paid from the same fund as inspectors and other necessary
 3008 election officials.

3009 (8)(a) At the same time that the official results of an
 3010 election are certified to the Department of State, the county
 3011 canvassing board shall file a report with the Division of
 3012 Elections on the conduct of the election. The report shall
 3013 describe:

3014 1. All contain information relating to any problems
 3015 incurred as a result of equipment or software malfunctions
 3016 either at the precinct level, or at a counting location, or
 3017 within computer and telecommunications networks supporting a
 3018 county location, including the steps taken to address the
 3019 malfunction(s).

3020 2. All election definition errors that were discovered
 3021 after the logic and accuracy test, including the steps taken to
 3022 address the error.

3023 3. All ballot printing errors or ballot supply problems,
 3024 including the steps taken to address the error or problem.

3025 4. All staffing shortages or procedural violations by
 3026 employees or precinct workers which were required to be
 3027 addressed by the supervisor of elections or the county
 3028 canvassing board during the conduct of the election, including
 3029 corrective actions.

3030 5. All instances where needs for staffing or equipment
 3031 were insufficient to meet the needs of the voters.

3032 ~~6. Any difficulties or unusual circumstances encountered~~
 3033 ~~by an election board or the canvassing board, and any other~~
 3034 additional information regarding a material issue or problems
 3035 associated with the conduct of the election ~~which the canvassing~~
 3036 ~~board feels should be made a part of the official election~~
 3037 ~~record.~~

3038 (b) After the report pursuant to subsection (1) is filed,
 3039 if the supervisor discovers new or additional information on any
 3040 of the items required to be included in the report, the
 3041 supervisor shall notify the division that new information has
 3042 been discovered no later than the next business day after the
 3043 discovery and file an amended report on the conduct of the
 3044 election within 10 days of the discovery.

3045 (c) Such reports shall be maintained on file in the
 3046 Division of Elections and shall be available for public

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3047 inspection. The division shall utilize the reports submitted by
 3048 the canvassing boards to determine what problems may be likely
 3049 to occur in other elections and disseminate such information,
 3050 along with possible solutions, to the supervisors of elections.

3051 (9) The supervisor shall file with the department a copy
 3052 of or an export file from the results database of the county's
 3053 voting system and other statistical information as may be
 3054 required by the department, the Legislature, and the Election
 3055 Assistance Commission. The department shall adopt rules
 3056 establishing the required content and acceptable formats for the
 3057 filings and time for the filings.

3058 Section 59. Section 102.166, Florida Statutes, is amended
 3059 to read:

3060 102.166 Manual recounts.--

3061 (1) If the second set of unofficial returns pursuant to s.
 3062 102.141 indicates that a candidate for any office was defeated
 3063 or eliminated by one-quarter of a percent or less of the votes
 3064 cast for such office, that a candidate for retention to a
 3065 judicial office was retained or not retained by one-quarter of a
 3066 percent or less of the votes cast on the question of retention,
 3067 or that a measure appearing on the ballot was approved or
 3068 rejected by one-quarter of a percent or less of the votes cast
 3069 on such measure, the board responsible for certifying the
 3070 results of the vote on such race or measure shall order a manual
 3071 recount of the overvotes and undervotes cast in the entire
 3072 geographic jurisdiction of such office or ballot measure.
 3073 However, a manual recount shall not be ordered if the number of

3074 overvotes, undervotes, and provisional ballots is fewer than the
 3075 number of votes needed to change the outcome of the election.

3076 ~~(2)(a) If the second set of unofficial returns pursuant to~~
 3077 ~~s. 102.141 indicates that a candidate for any office was~~
 3078 ~~defeated or eliminated by between one-quarter and one-half of a~~
 3079 ~~percent of the votes cast for such office, that a candidate for~~
 3080 ~~retention to judicial office was retained or not retained by~~
 3081 ~~between one-quarter and one-half of a percent of the votes cast~~
 3082 ~~on the question of retention, or that a measure appearing on the~~
 3083 ~~ballot was approved or rejected by between one-quarter and one-~~
 3084 ~~half of a percent of the votes cast on such measure, any such~~
 3085 ~~candidate, the political party of such candidate, or any~~
 3086 ~~political committee that supports or opposes such ballot measure~~
 3087 ~~is entitled to a manual recount of the overvotes and undervotes~~
 3088 ~~cast in the entire geographic jurisdiction of such office or~~
 3089 ~~ballot measure, provided that a request for a manual recount is~~
 3090 ~~made by 5 p.m. on the third day after the election.~~

3091 ~~(b) For federal, statewide, state, and multicounty races~~
 3092 ~~and ballot issues, requests for a manual recount shall be made~~
 3093 ~~in writing to the state Elections Canvassing Commission. For all~~
 3094 ~~other races and ballot issues, requests for a manual recount~~
 3095 ~~shall be made in writing to the county canvassing board.~~

3096 ~~(c) Upon receipt of a proper and timely request, the~~
 3097 ~~Elections Canvassing Commission or county canvassing board shall~~
 3098 ~~immediately order a manual recount of overvotes and undervotes~~
 3099 ~~in all affected jurisdictions.~~

3100 (2)~~(3)~~(a) Any hardware or software used to identify and
 3101 sort overvotes and undervotes for a given race or ballot measure
 3102 must be certified by the Department of State as part of the
 3103 voting system pursuant to s. 101.015. Any such hardware or
 3104 software must be capable of simultaneously counting votes. ~~For~~
 3105 ~~certified voting systems, the department shall certify such~~
 3106 ~~hardware or software by July 1, 2002. If the department is~~
 3107 ~~unable to certify such hardware or software for a certified~~
 3108 ~~voting system by July 1, 2002, the department shall adopt rules~~
 3109 ~~prescribing procedures for identifying and sorting such~~
 3110 ~~overvotes and undervotes. The department's rules may provide for~~
 3111 ~~the temporary use of hardware or software whose sole function is~~
 3112 ~~identifying and sorting overvotes and undervotes.~~

3113 ~~(b) This subsection does not preclude the department from~~
 3114 ~~certifying hardware or software after July 1, 2002.~~

3115 (b)~~(e)~~ Overvotes and undervotes shall be identified and
 3116 sorted while recounting ballots pursuant to s. 102.141, if the
 3117 hardware or software for this purpose has been certified or the
 3118 department's rules so provide.

3119 (3)~~(4)~~ Any manual recount shall be open to the public.

3120 (4)~~(5)~~(a) A vote for a candidate or ballot measure shall
 3121 be counted if there is a clear indication on the ballot that the
 3122 voter has made a definite choice.

3123 (b) The Department of State shall adopt specific rules for
 3124 each certified voting system prescribing what constitutes a
 3125 "clear indication on the ballot that the voter has made a
 3126 definite choice." The rules may not:

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3127 | 1. Exclusively provide that the voter must properly mark
 3128 | or designate his or her choice on the ballot; or
 3129 | 2. Contain a catch-all provision that fails to identify
 3130 | specific standards, such as "any other mark or indication
 3131 | clearly indicating that the voter has made a definite choice."
 3132 | (5)~~(6)~~ Procedures for a manual recount are as follows:
 3133 | (a) The county canvassing board shall appoint as many
 3134 | counting teams of at least two electors as is necessary to
 3135 | manually recount the ballots. A counting team must have, when
 3136 | possible, members of at least two political parties. A candidate
 3137 | involved in the race shall not be a member of the counting team.
 3138 | (b) Each duplicate ballot prepared pursuant to s.
 3139 | 101.5614(5) or s. 102.141(6) shall be compared with the original
 3140 | ballot to ensure the correctness of the duplicate.
 3141 | (c) If a counting team is unable to determine whether the
 3142 | ballot contains a clear indication that the voter has made a
 3143 | definite choice, the ballot shall be presented to the county
 3144 | canvassing board for a determination.
 3145 | (d) The Department of State shall adopt detailed rules
 3146 | prescribing additional recount procedures for each certified
 3147 | voting system which shall be uniform to the extent practicable.
 3148 | The rules shall address, at a minimum, the following areas:
 3149 | 1. Security of ballots during the recount process.;
 3150 | 2. Time and place of recounts.;
 3151 | 3. Public observance of recounts.;
 3152 | 4. Objections to ballot determinations.;
 3153 | 5. Record of recount proceedings.;~~and~~

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3154 6. Procedures relating to candidate and petitioner
3155 representatives.

3156 Section 60. Subsections (2) and (4) of section 102.168,
3157 Florida Statutes, are amended to read:

3158 102.168 Contest of election.--

3159 (2) Such contestant shall file a complaint, together with
3160 the fees prescribed in chapter 28, with the clerk of the circuit
3161 court within 10 days after midnight of the date the last board
3162 responsible for certifying the results officially ~~county~~
3163 ~~canvassing board empowered to canvass the returns~~ certifies the
3164 results of the election being contested.

3165 (4) The county canvassing board is an indispensable and ~~or~~
3166 ~~Elections Canvassing Commission shall be the proper party~~
3167 defendant in county and local elections, and the Elections
3168 Canvassing Commission is an indispensable and proper party
3169 defendant in federal, state, and multicounty races, and the
3170 successful candidate is ~~shall be~~ an indispensable party to any
3171 action brought to contest the election or nomination of a
3172 candidate.

3173 Section 61. Subsections (1) and (4) of section 103.021,
3174 Florida Statutes, are amended to read:

3175 103.021 Nomination for presidential electors.--Candidates
3176 for presidential electors shall be nominated in the following
3177 manner:

3178 (1) The Governor shall nominate the presidential electors
3179 of each political party. The state executive committee of each
3180 political party shall by resolution recommend candidates for

3181 presidential electors and deliver a certified copy thereof to
 3182 the Governor prior to September 1 of each presidential election
 3183 year. The Governor ~~He or she~~ shall nominate only the electors
 3184 recommended by the state executive committee of the respective
 3185 political party. Each such elector shall be a qualified elector
 3186 of the party he or she represents who has taken an oath that he
 3187 or she will vote for the candidates of the party that he or she
 3188 is nominated to represent. The Governor shall certify to the
 3189 Department of State on or before September 1, in each
 3190 presidential election year, the names of a number of electors
 3191 for each political party equal to the number of senators and
 3192 representatives which this state has in Congress.

3193 (4)(a) A minor political party that is affiliated with a
 3194 national party holding a national convention to nominate
 3195 candidates for President and Vice President of the United States
 3196 may have the names of its candidates for President and Vice
 3197 President of the United States printed on the general election
 3198 ballot by filing with the Department of State a certificate
 3199 naming the candidates for President and Vice President and
 3200 listing the required number of persons to serve as electors.
 3201 Notification to the Department of State under this subsection
 3202 shall be made by September 1 of the year in which the election
 3203 is held. When the Department of State has been so notified, it
 3204 shall order the names of the candidates nominated by the minor
 3205 political party to be included on the ballot and shall permit
 3206 the required number of persons to be certified as electors in
 3207 the same manner as other party candidates. For purposes of this

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3208 section, "national party" shall mean a political party
 3209 established and admitted to the ballot in at least one state
 3210 other than this state, and "national convention" shall mean any
 3211 caucus, convention, meeting, or any other assembly of a
 3212 political party gathered, whether or not such meeting is held in
 3213 person or by telephonic or electronic means, with the intent of
 3214 nominating candidates for President and Vice President of the
 3215 United States.

3216 (b) A minor political party that is not 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 printed on the general election ballot if a petition
 3221 is signed by 1 percent of the registered electors of this state,
 3222 as shown by the compilation by the Department of State for the
 3223 preceding general election. A separate petition from each county
 3224 for which signatures are solicited shall be submitted to the
 3225 supervisors of elections of the respective county no later than
 3226 July 15 of each presidential election year. The supervisor shall
 3227 check the names and, on or before the date of the first primary,
 3228 shall certify the number shown as registered electors of the
 3229 county. The supervisor shall be paid by the person requesting
 3230 the certification the cost of checking the petitions as
 3231 prescribed in s. 99.097. The supervisor shall then forward the
 3232 certificate to the Department of State, which shall determine
 3233 whether or not the percentage factor required in this section
 3234 has been met. When the percentage factor required in this

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3235 | section has been met, the Department of State shall order the
 3236 | names of the candidates for whom the petition was circulated to
 3237 | be included on the ballot and shall permit the required number
 3238 | of persons to be certified as electors in the same manner as
 3239 | other party candidates.

3240 | Section 62. Section 103.051, Florida Statutes, is amended
 3241 | to read:

3242 | 103.051 Congress sets meeting dates of electors.--The
 3243 | presidential electors shall, ~~at noon~~ on the day which is
 3244 | directed by Congress and at the time fixed by the Governor, meet
 3245 | at Tallahassee and perform the duties required of them by the
 3246 | Constitution and laws of the United States.

3247 | Section 63. Section 103.061, Florida Statutes, is amended
 3248 | to read:

3249 | 103.061 Meeting of electors and filling of
 3250 | vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
 3251 | the day fixed by Congress to elect a President and Vice
 3252 | President and at the time fixed by the Governor, give notice to
 3253 | the Governor that the elector is in Tallahassee and ready to
 3254 | perform the duties of presidential elector. The Governor shall
 3255 | forthwith deliver to the presidential electors present a
 3256 | certificate of the names of all the electors; and if, on
 3257 | examination thereof, it should be found that one or more
 3258 | electors are absent, the electors present shall elect by ballot,
 3259 | in the presence of the Governor, a person or persons to fill
 3260 | such vacancy or vacancies as may have occurred through the
 3261 | nonattendance of one or more of the electors.

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3262 Section 64. Section 103.121, Florida Statutes, is amended
3263 to read:

3264 103.121 Powers and duties of executive committees.--

3265 (1)(a) Each state and county executive committee of a
3266 political party shall have the power and duty:

3267 1. To adopt a constitution by two-thirds vote of the full
3268 committee.

3269 2. To adopt such bylaws as it may deem necessary by
3270 majority vote of the full committee.

3271 3. To conduct its meetings according to generally accepted
3272 parliamentary practice.

3273 4. To make party nomination when required by law.

3274 5. To conduct campaigns for party nominees.

3275 6. To raise and expend party funds. Such funds may not be
3276 expended or committed to be expended except after written
3277 authorization by the chair of the state or county executive
3278 committee.

3279 (b) ~~Except as otherwise provided in subsection (5),~~ The
3280 county executive committee shall receive payment of assessments
3281 upon candidates to be voted for in a single county except state
3282 senators and members of the House of Representatives and
3283 representatives to the Congress of the United States; and the
3284 state executive committees shall receive all other assessments
3285 authorized. All party assessments shall be 2 percent of the
3286 annual salary of the office sought by the respective candidate.
3287 All such committee assessments shall be remitted to the state

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3288 executive committee of the appropriate party and distributed in
3289 accordance with subsection (5)~~(6)~~.

3290 ~~(2) The state executive committee shall by resolution~~
3291 ~~recommend candidates for presidential electors and deliver a~~
3292 ~~certified copy thereof to the Governor prior to September 1 of~~
3293 ~~each presidential election year.~~

3294 (2)~~(3)~~ The chair and treasurer of an executive committee
3295 of any political party shall be accountable for the funds of
3296 such committee and jointly liable for their proper expenditure
3297 for authorized purposes only. ~~The chair and treasurer of the~~
3298 ~~state executive committee of any political party shall furnish~~
3299 ~~adequate bond, but not less than \$10,000, conditioned upon the~~
3300 ~~faithful performance by such party officers of their duties and~~
3301 ~~for the faithful accounting for party funds which shall come~~
3302 ~~into their hands; and the chair and treasurer of a county~~
3303 ~~executive committee of a political party shall furnish adequate~~
3304 ~~bond, but not less than \$5,000, conditioned as aforesaid. A bond~~
3305 ~~for the chair and treasurer of the state executive committee of~~
3306 ~~a political party shall be filed with the Department of State. A~~
3307 ~~bond for the chair and treasurer of a county executive committee~~
3308 ~~shall be filed with the supervisor of elections. The funds of~~
3309 each such state executive committee shall be publicly audited at
3310 the end of each calendar year and a copy of such audit furnished
3311 to the Department of State for its examination prior to April 1
3312 of the ensuing year. When filed with the Department of State,
3313 copies of such audit shall be public documents. The treasurer of
3314 each county executive committee shall maintain adequate records

3315 | evidencing receipt and disbursement of all party funds received
 3316 | by him or her, and such records shall be publicly audited at the
 3317 | end of each calendar year and a copy of such audit filed with
 3318 | the supervisor of elections and the state executive committee
 3319 | prior to April 1 of the ensuing year.

3320 | (3)~~(4)~~ Any chair or treasurer of a state or county
 3321 | executive committee of any political party who knowingly
 3322 | misappropriates, or makes an unlawful expenditure of, or a false
 3323 | or improper accounting for, the funds of such committee is
 3324 | guilty of a felony of the third degree, punishable as provided
 3325 | in s. 775.082, s. 775.083, or s. 775.084.

3326 | (4)~~(5)(a)~~ The central committee or other equivalent
 3327 | governing body of each state executive committee shall adopt a
 3328 | rule which governs the time and manner in which the respective
 3329 | county executive committees of such party may endorse, certify,
 3330 | screen, or otherwise recommend one or more candidates for such
 3331 | party's nomination for election. Upon adoption, such rule shall
 3332 | provide the exclusive method by which a county committee may so
 3333 | endorse, certify, screen, or otherwise recommend. No later than
 3334 | the date on which qualifying for public office begins pursuant
 3335 | to s. 99.061, the chair of each county executive committee shall
 3336 | notify in writing the supervisor of elections of his or her
 3337 | county whether the county executive committee has endorsed or
 3338 | intends to endorse, certify, screen, or otherwise recommend
 3339 | candidates for nomination pursuant to party rule. A copy of such
 3340 | notification shall be provided to the Secretary of State and to
 3341 | the chair of the appropriate state executive committee. ~~Any~~

3342 ~~county executive committee that endorses or intends to endorse,~~
 3343 ~~certify, screen, or otherwise recommend one or more candidates~~
 3344 ~~for nomination shall forfeit all party assessments which would~~
 3345 ~~otherwise be returned to the county executive committee; and~~
 3346 ~~such assessments shall be remitted instead to the state~~
 3347 ~~executive committee of such party, the provisions of paragraph~~
 3348 ~~(1)(b) to the contrary notwithstanding. No such funds so~~
 3349 ~~remitted to the state executive committee shall be paid,~~
 3350 ~~returned, or otherwise disbursed to the county executive~~
 3351 ~~committee under any circumstances. Any county executive~~
 3352 ~~committee that is in violation of any party rule after receiving~~
 3353 ~~the party assessment shall remit such party assessment to the~~
 3354 ~~state executive committee.~~

3355 ~~(b) Any state executive committee that endorses or intends~~
 3356 ~~to endorse, certify, screen, or otherwise recommend one or more~~
 3357 ~~candidates for nomination shall forfeit all party assessments~~
 3358 ~~which would otherwise be returned to the state executive~~
 3359 ~~committee; and such assessments shall be remitted instead to the~~
 3360 ~~General Revenue Fund of the state. Any state executive committee~~
 3361 ~~that is in violation of this section after receiving the party~~
 3362 ~~assessment shall remit such party assessment to the General~~
 3363 ~~Revenue Fund of the state.~~

3364 (5)~~(6)~~ The state chair of each state executive committee
 3365 shall return the 2-percent committee assessment for county
 3366 candidates to the appropriate county executive committees only
 3367 upon receipt of a written statement that such county executive
 3368 committee chooses not to endorse, certify, screen, or otherwise

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3369 recommend one or more candidates for such party's nomination for
 3370 election and upon the state chair's determination that the
 3371 county executive committee is in compliance with all Florida
 3372 statutes and all state party rules, bylaws, constitutions, and
 3373 requirements.

3374 Section 65. Subsections (1) and (3) and paragraph (a) of
 3375 subsection (5) of section 105.031, Florida Statutes, are amended,
 3376 and subsection (6) is added to said section, to read:

3377 105.031 Qualification; filing fee; candidate's oath; items
 3378 required to be filed.--

3379 (1) TIME OF QUALIFYING.--Except for candidates for
 3380 judicial office, nonpartisan candidates for multicounty office
 3381 shall qualify with the Division of Elections of the Department
 3382 of State and nonpartisan candidates for countywide or less than
 3383 countywide office shall qualify with the supervisor of
 3384 elections. Candidates for judicial office other than the office
 3385 of county court judge shall qualify with the Division of
 3386 Elections of the Department of State, and candidates for the
 3387 office of county court judge shall qualify with the supervisor
 3388 of elections of the county. Candidates for judicial office shall
 3389 qualify no earlier than noon of the 120th day, and no later than
 3390 noon of the 116th day, before the first primary election.

3391 Candidates for the office of school board member shall qualify
 3392 no earlier than noon of the 50th day, and no later than noon of
 3393 the 46th day, before the first primary election. Filing shall be
 3394 on forms provided for that purpose by the Division of Elections
 3395 and furnished by the appropriate qualifying officer. Any person

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3396 seeking to qualify by the petition process ~~alternative method~~,
 3397 as set forth in s. 105.035, who ~~if the person~~ has submitted the
 3398 necessary petitions by the required deadline and is notified
 3399 after the fifth day prior to the last day for qualifying that
 3400 the required number of signatures has been obtained, shall be
 3401 entitled to subscribe to the candidate's oath and file the
 3402 qualifying papers at any time within 5 days from the date he or
 3403 she is notified that the necessary number of signatures has been
 3404 obtained. Any person other than a write-in candidate who
 3405 qualifies within the time prescribed in this subsection shall be
 3406 entitled to have his or her name printed on the ballot.

3407 (3) QUALIFYING FEE.--Each candidate qualifying for
 3408 election to a judicial office or the office of school board
 3409 member, except write-in judicial or school board candidates,
 3410 shall, during the time for qualifying, pay to the officer with
 3411 whom he or she qualifies a qualifying fee, which shall consist
 3412 of a filing fee and an election assessment, or qualify by the
 3413 petition process ~~alternative method~~. The amount of the filing
 3414 fee is 3 percent of the annual salary of the office sought. The
 3415 amount of the election assessment is 1 percent of the annual
 3416 salary of the office sought. The Department of State shall
 3417 forward all filing fees to the Department of Revenue for deposit
 3418 in the Elections Commission Trust Fund. The supervisor of
 3419 elections shall forward all filing fees to the Elections
 3420 Commission Trust Fund. The election assessment shall be
 3421 deposited into the Elections Commission Trust Fund. The annual
 3422 salary of the office for purposes of computing the qualifying

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3423 fee shall be computed by multiplying 12 times the monthly salary
 3424 authorized for such office as of July 1 immediately preceding
 3425 the first day of qualifying. This subsection shall not apply to
 3426 candidates qualifying for retention to judicial office.

3427 (5) ITEMS REQUIRED TO BE FILED.--

3428 (a) In order for a candidate for judicial office or the
 3429 office of school board member to be qualified, the following
 3430 items must be received by the filing officer by the end of the
 3431 qualifying period:

3432 1. Except for candidates for retention to judicial office,
 3433 a properly executed check drawn upon the candidate's campaign
 3434 account in an amount not less than the fee required by
 3435 subsection (3) or, in lieu thereof, the copy of the notice of
 3436 obtaining ballot position pursuant to s. 105.035. If a
 3437 candidate's check is returned by the bank for any reason, the
 3438 filing officer shall immediately notify the candidate and the
 3439 candidate shall, the end of qualifying notwithstanding, have 48
 3440 hours from the time such notification is received, excluding
 3441 Saturdays, Sundays, and legal holidays, to pay the fee with a
 3442 cashier's check purchased from funds of the campaign account.
 3443 Failure to pay the fee as provided in this subparagraph shall
 3444 disqualify the candidate.

3445 2. The candidate's oath required by subsection (4), which
 3446 must contain the name of the candidate as it is to appear on the
 3447 ballot; the office sought, including the district or group
 3448 number if applicable; and the signature of the candidate, duly
 3449 acknowledged.

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3450 3. The loyalty oath required by s. 876.05, signed by the
3451 candidate and duly acknowledged.

3452 4. The completed form for the appointment of campaign
3453 treasurer and designation of campaign depository, as required by
3454 s. 106.021. In addition, each candidate for judicial office,
3455 including an incumbent judge, shall file a statement with the
3456 qualifying officer, within 10 days after filing the appointment
3457 of campaign treasurer and designation of campaign depository,
3458 stating that the candidate has read and understands the
3459 requirements of the Florida Code of Judicial Conduct. Such
3460 statement shall be in substantially the following form:

3461
3462 Statement of Candidate for Judicial Office

3463
3464 I, (name of candidate) , a judicial candidate, have received,
3465 read, and understand the requirements of the Florida Code of
3466 Judicial Conduct.

3467 (Signature of candidate)

3468 (Date)

3469
3470 5. The full and public disclosure of financial interests
3471 required by s. 8, Art. II of the State Constitution or the
3472 statement of financial interests required by s. 112.3145,
3473 whichever is applicable. A public officer who has filed the full
3474 and public disclosure or statement of financial interests with
3475 the Commission on Ethics or the supervisor of elections prior to

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3476 qualifying for office does not have to file a disclosure at the
3477 time of qualifying.

3478 (6) Notwithstanding the qualifying period prescribed in
3479 this section, a filing officer may accept and hold qualifying
3480 papers submitted not earlier than 14 days prior to the beginning
3481 of the qualifying period to be processed and filed during the
3482 qualifying period.

3483 Section 66. Section 105.035, Florida Statutes, is amended
3484 to read:

3485 105.035 Petition process for ~~Alternative method of~~
3486 ~~qualifying for certain judicial offices and the office of school~~
3487 ~~board member.--~~

3488 (1) A person seeking to qualify for election to the office
3489 of circuit judge or county court judge or the office of school
3490 board member may qualify for election to such office by means of
3491 the petitioning process prescribed in this section. A person
3492 qualifying by this petition process ~~alternative method~~ shall not
3493 be required to pay the qualifying fee required by this chapter.
3494 ~~A person using this petitioning process shall file an oath with~~
3495 ~~the officer before whom the candidate would qualify for the~~
3496 ~~office stating that he or she intends to qualify by this~~
3497 ~~alternative method for the office sought. Such oath shall be~~
3498 ~~filed at any time after the first Tuesday after the first Monday~~
3499 ~~in January of the year in which the election is held, but prior~~
3500 ~~to the 21st day preceding the first day of the qualifying period~~
3501 ~~for the office sought. The form of such oath shall be prescribed~~
3502 ~~by the Division of Elections. No signatures shall be obtained~~

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3503 ~~until the person has filed the oath prescribed in this~~
3504 ~~subsection.~~

3505 (2) ~~Upon receipt of a written oath from a candidate,~~ The
3506 ~~qualifying officer shall provide the candidate with a~~ petition
3507 format shall be prescribed by the Division of Elections and
3508 shall ~~to~~ be used by the candidate to reproduce petitions for
3509 circulation. If the candidate is running for an office which
3510 will be grouped on the ballot with two or more similar offices
3511 to be filled at the same election, the candidate's petition must
3512 indicate, prior to the obtaining of registered electors'
3513 signatures, for which group or district office the candidate is
3514 running.

3515 (3) Each candidate for election to a judicial office or
3516 the office of school board member shall obtain the signature of
3517 a number of qualified electors equal to at least 1 percent of
3518 the total number of registered electors of the district,
3519 circuit, county, or other geographic entity represented by the
3520 office sought as shown by the compilation by the Department of
3521 State for the last preceding general election. A separate
3522 petition shall be circulated for each candidate availing himself
3523 or herself of the provisions of this section. Signatures may not
3524 be obtained until the candidate has filed the appointment of
3525 campaign treasurer and designation of campaign depository
3526 pursuant to s. 106.021.

3527 (4)(a) Each candidate seeking to qualify for election to
3528 the office of circuit judge or the office of school board member
3529 from a multicounty school district pursuant to this section

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3530 shall file a separate petition from each county from which
 3531 signatures are sought. Each petition shall be submitted, prior
 3532 to noon of the 28th ~~21st~~ day preceding the first day of the
 3533 qualifying period for the office sought, to the supervisor of
 3534 elections of the county for which such petition was circulated.
 3535 Each supervisor of elections to whom a petition is submitted
 3536 shall check the signatures on the petition to verify their
 3537 status as electors of that county and of the geographic area
 3538 represented by the office sought. No later than the 7th day
 3539 before ~~Prior to~~ the first date for qualifying, the supervisor
 3540 shall certify the number shown as registered electors and submit
 3541 such certification to the Division of Elections. The division
 3542 shall determine whether the required number of signatures has
 3543 been obtained for the name of the candidate to be placed on the
 3544 ballot and shall notify the candidate. If the required number of
 3545 signatures has been obtained, the candidate shall, during the
 3546 time prescribed for qualifying for office, submit a copy of such
 3547 notice and file his or her qualifying papers and oath prescribed
 3548 in s. 105.031 with the Division of Elections. Upon receipt of
 3549 the copy of such notice and qualifying papers, the division
 3550 shall certify the name of the candidate to the appropriate
 3551 supervisor or supervisors of elections as having qualified for
 3552 the office sought.

3553 (b) Each candidate seeking to qualify for election to the
 3554 office of county court judge or the office of school board
 3555 member from a single county school district pursuant to this
 3556 section shall submit his or her petition, prior to noon of the

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3557 28th ~~21st~~ day preceding the first day of the qualifying period
 3558 for the office sought, to the supervisor of elections of the
 3559 county for which such petition was circulated. The supervisor
 3560 shall check the signatures on the petition to verify their
 3561 status as electors of the county and of the geographic area
 3562 represented by the office sought. No later than the 7th day
 3563 before ~~Prior to~~ the first date for qualifying, the supervisor
 3564 shall determine whether the required number of signatures has
 3565 been obtained for the name of the candidate to be placed on the
 3566 ballot and shall notify the candidate. If the required number of
 3567 signatures has been obtained, the candidate shall, during the
 3568 time prescribed for qualifying for office, submit a copy of such
 3569 notice and file his or her qualifying papers and oath prescribed
 3570 in s. 105.031 with the qualifying officer. Upon receipt of the
 3571 copy of such notice and qualifying papers, such candidate shall
 3572 be entitled to have his or her name printed on the ballot.

3573 Section 67. Section 98.122, Florida Statutes, is
 3574 transferred and renumbered as section 106.165, Florida Statutes.

3575 Section 68. Subsections (10), (11), and (12) of section
 3576 106.22, Florida Statutes, are amended to read:

3577 106.22 Duties of the Division of Elections.--It is the
 3578 duty of the Division of Elections to:

3579 ~~(11) Conduct preliminary investigations into any~~
 3580 ~~irregularities or fraud involving voter registration or voting~~
 3581 ~~and report its findings to the state attorney for the judicial~~
 3582 ~~circuit in which the alleged violation occurred for prosecution,~~
 3583 ~~where warranted. The Department of State may prescribe by rule~~

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3584 ~~requirements for filing a complaint of voter fraud and for~~
 3585 ~~investigating any such complaint.~~

3586 (11)~~(12)~~ Conduct random audits with respect to reports and
 3587 statements filed under this chapter and with respect to alleged
 3588 failure to file any reports and statements required under this
 3589 chapter.

3590 Section 69. Subsection (6) of section 106.24, Florida
 3591 Statutes, is amended to read:

3592 106.24 Florida Elections Commission; membership; powers;
 3593 duties.--

3594 (6) There is hereby established in the State Treasury an
 3595 Elections Commission Trust Fund to be utilized by the Division
 3596 of Elections and the Florida Elections Commission in order to
 3597 carry out their duties pursuant to ss. 106.24-106.28. The trust
 3598 fund may also be used by the Secretary of State ~~division~~,
 3599 pursuant to his or her ~~its~~ authority under s. 97.012(14)
 3600 ~~106.22(11)~~, to provide rewards for information leading to
 3601 criminal convictions related to voter registration fraud, voter
 3602 fraud, and vote scams.

3603 Section 70. Paragraph (a) of subsection (1) of section
 3604 16.56, Florida Statutes, is amended to read:

3605 16.56 Office of Statewide Prosecution.--

3606 (1) There is created in the Department of Legal Affairs an
 3607 Office of Statewide Prosecution. The office shall be a separate
 3608 "budget entity" as that term is defined in chapter 216. The
 3609 office may:

3610 (a) Investigate and prosecute the offenses of:

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- 3611 1. Bribery, burglary, criminal usury, extortion, gambling,
3612 kidnapping, larceny, murder, prostitution, perjury, robbery,
3613 carjacking, and home-invasion robbery;
- 3614 2. Any crime involving narcotic or other dangerous drugs;
- 3615 3. Any violation of the provisions of the Florida RICO
3616 (Racketeer Influenced and Corrupt Organization) Act, including
3617 any offense listed in the definition of racketeering activity in
3618 s. 895.02(1)(a), providing such listed offense is investigated
3619 in connection with a violation of s. 895.03 and is charged in a
3620 separate count of an information or indictment containing a
3621 count charging a violation of s. 895.03, the prosecution of
3622 which listed offense may continue independently if the
3623 prosecution of the violation of s. 895.03 is terminated for any
3624 reason;
- 3625 4. Any violation of the provisions of the Florida Anti-
3626 Fencing Act;
- 3627 5. Any violation of the provisions of the Florida
3628 Antitrust Act of 1980, as amended;
- 3629 6. Any crime involving, or resulting in, fraud or deceit
3630 upon any person;
- 3631 7. Any violation of s. 847.0135, relating to computer
3632 pornography and child exploitation prevention, or any offense
3633 related to a violation of s. 847.0135;
- 3634 8. Any violation of the provisions of chapter 815;
- 3635 9. Any criminal violation of part I of chapter 499;
- 3636 10. Any violation of the provisions of the Florida Motor
3637 Fuel Tax Relief Act of 2004; ~~or~~

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3638 11. Any criminal violation of s. 409.920 or s. 409.9201;
3639 or

3640 12. Any crime involving voter registration, voting, or
3641 candidate or issue petition activities.

3642
3643 or any attempt, solicitation, or conspiracy to commit any of the
3644 crimes specifically enumerated above. The office shall have such
3645 power only when any such offense is occurring, or has occurred,
3646 in two or more judicial circuits as part of a related
3647 transaction, or when any such offense is connected with an
3648 organized criminal conspiracy affecting two or more judicial
3649 circuits.

3650 Section 71. Subsection (8) of section 112.3145, Florida
3651 Statutes, is amended to read:

3652 112.3145 Disclosure of financial interests and clients
3653 represented before agencies.--

3654 (8) A public officer who has filed a disclosure for any
3655 calendar or fiscal year shall not be required to file a second
3656 disclosure for the same year or any part thereof,
3657 notwithstanding any requirement of this act, ~~except that any~~
3658 ~~public officer who qualifies as a candidate for public office~~
3659 ~~shall file a copy of the disclosure with the officer before whom~~
3660 ~~he or she qualifies as a candidate at the time of qualification.~~

3661 Section 72. Subsection (5) of section 119.07, Florida
3662 Statutes, is amended to read:

3663 119.07 Inspection and copying of records; photographing
3664 public records; fees; exemptions.--

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3665 (5) When ballots are produced under this section for
 3666 inspection or examination, no persons other than the supervisor
 3667 of elections or the supervisor's employees shall touch the
 3668 ballots. If the ballots are being examined prior to the end of
 3669 the contest period in s. 102.168, the supervisor of elections
 3670 shall make a reasonable effort to notify all candidates by
 3671 telephone or otherwise of the time and place of the inspection
 3672 or examination. All such candidates, or their representatives,
 3673 shall be allowed to be present during the inspection or
 3674 examination.

3675 Section 73. Paragraph (a) of subsection (3) of section
 3676 145.09, Florida Statutes, is amended to read:

3677 145.09 Supervisor of elections.--

3678 (3)(a) There shall be an additional \$2,000 per year
 3679 special qualification salary for each supervisor of elections
 3680 who has met the certification requirements established by the
 3681 Division of Elections of the Department of State. The Department
 3682 of State shall adopt rules to establish the certification
 3683 requirements. Any supervisor who is certified during a calendar
 3684 year shall receive in that year a pro rata share of the special
 3685 qualification salary based on the remaining period of the year.

3686 Section 74. Sections 98.095, 98.0979, 98.181, 98.481,
 3687 101.253, 101.635, 102.061, 106.085, and 106.144, Florida
 3688 Statutes, are repealed.

3689 Section 75. If any provision of this act or its
 3690 application to any person or circumstance is held invalid, the
 3691 invalidity does not affect other provisions or applications of

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3692 | the act which can be given effect without the invalid provision
3693 | or application and to this end the provisions of this act are
3694 | severable.

3695 | Section 76. This act shall take effect January 1, 2006.