

1 A bill to be entitled

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

28 | breach of fiduciary duty; specifying fines; authorizing
29 | the division to investigate certain violations; providing
30 | for collected fines to be set aside by the division in a
31 | trust fund; authorizing the division to adopt certain
32 | rules; amending s. 98.045, F.S.; correcting a cross
33 | reference; amending s. 98.077, F.S.; providing for
34 | signature updates for use in verifying absentee and
35 | provisional ballots; providing a deadline for the
36 | supervisor of elections to receive voter signature
37 | updates; amending s. 99.061, F.S.; amending to conform;
38 | revising a financial disclosure requirement for candidate
39 | qualification; providing a submission deadline for
40 | qualifying papers; amending s. 99.063, F.S.; revising a
41 | financial disclosure requirement for certain designated
42 | candidates; amending s. 99.092, F.S., relating to
43 | qualifying fees of candidates, to conform; amending s.
44 | 99.095, F.S.; providing for a petition process in lieu of
45 | a qualifying fee and party assessment; providing
46 | requirements for signatures and petition format; providing
47 | submission deadlines; amending s. 99.0955, F.S.; revising
48 | provisions relating to candidates with no party
49 | affiliation; amending to conform; deleting obsolete
50 | provisions; amending s. 99.096, F.S.; revising filing
51 | requirements of minor political party candidates; amending
52 | to conform; deleting obsolete provisions; amending s.
53 | 99.09651, F.S., relating to signature requirements for
54 | ballot position in a year of apportionment, to conform;

55 | amending s. 100.011, F.S.; requiring electors in line at
56 | the official closing of the polls to be allowed to vote;
57 | amending s. 100.101, F.S.; deleting a provision requiring
58 | a special election to be held if a vacancy occurs in
59 | nomination; amending s. 100.111, F.S.; revising
60 | requirements relating to filling candidate vacancies;
61 | deleting provisions relating to a prohibition of qualified
62 | candidates to fill a vacancy in nomination; deleting
63 | obsolete provisions; amending s. 100.141, F.S.; conforming
64 | provisions relating to vacancies in nomination and
65 | qualifying by an alternative method; amending s. 101.031,
66 | F.S.; revising the voter's bill of rights to allow for an
67 | elector whose identity in question to cast a provisional
68 | ballot and to remove the right for an elector to prove
69 | identity by signing an affidavit; amending s. 101.043,
70 | F.S., relating to identification required at polls, to
71 | conform; amending s. 101.048, F.S.; providing a person
72 | casting a provisional ballot the right to present certain
73 | eligibility evidence by a certain date; providing for the
74 | county canvassing board to review provisional ballot
75 | voter's certificates and affirmations; providing a
76 | standard of review; revising the provisional ballot
77 | voter's certificate and affirmation form; revising
78 | provisions relating to casting provisional ballots by
79 | electronic means; amending s. 101.049, F.S.; providing for
80 | provisional ballots and persons with disabilities;
81 | amending s. 101.051, F.S.; prohibiting solicitation of

82 assistance to electors with certain disabilities at
83 certain locations; providing a penalty; requiring a person
84 providing an elector assistance to vote to take a
85 specified oath; amending s. 101.111, F.S.; revising the
86 oath taken by persons challenging the right of a person to
87 vote; deleting the oath required to be taken by a person
88 whose right to vote was challenged and allowing that
89 person to cast a provisional ballot; providing a
90 prohibition against and penalty for frivolous challenges;
91 amending s. 101.131, F.S.; allowing certain poll watchers
92 in early voting areas and polling rooms; providing
93 limitations and restrictions on behavior of poll watchers;
94 providing deadlines regarding designation and approval of
95 poll watchers; amending s. 101.151, F.S.; replacing paper
96 ballots with marksense ballots and accompanying
97 specifications; amending s. 101.171, F.S.; requiring a
98 copy of constitutional amendments to be available at
99 polling locations in poster or booklet form; amending s.
100 101.294, F.S.; prohibiting a vendor of voting equipment
101 from providing an uncertified voting system or upgrade;
102 providing for certification of voting systems and
103 upgrades; amending s. 101.295, F.S.; providing a penalty;
104 amending s. 101.49, F.S.; revising the procedure of
105 election officers where signatures differ; amending s.
106 101.51, F.S., relating to electors' occupation of booths,
107 to conform; amending s. 101.5606, F.S., relating to
108 requirements for approval of voting systems, to conform;

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

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

163 materials by electronic transmission from overseas voters;
164 amending s. 102.012, F.S.; revising provisions to require
165 supervisors of election to appoint one election board for
166 each precinct; requiring each supervisor to furnish
167 inspectors of election in each precinct with the list of
168 registered voters for the precinct; amending s. 102.014,
169 F.S.; requiring the division to develop a uniform training
170 curriculum for poll workers; revising grounds upon which a
171 supervisor shall replace an inspector or clerk; revising
172 requirements relating to the provisions and availability
173 of a uniform polling place procedures manual; amending s.
174 102.031, F.S.; revising a provision relating to
175 maintenance of good order at polls, authorities, persons
176 allowed in polling rooms, and unlawful solicitation of
177 voters to apply to early voting areas; providing for the
178 designation of the no solicitation zone; prohibiting
179 photography in a polling room or early voting area;
180 amending s. 102.071, F.S.; decreasing the certificates of
181 the results needed to one; amending s. 102.111, F.S.;
182 providing for typographical errors in official county
183 returns to be certified by the Elections Canvassing
184 Commission; amending s. 102.112, F.S.; requiring the
185 county returns to contain a certain certification;
186 authorizing the department to correct typographical errors
187 in county returns; amending s. 102.141, F.S.; revising
188 provisions relating to county canvassing boards and their
189 duties; requiring that the county canvassing board be

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

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

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

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

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

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

248 relating to duties of election board, counting, and

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

250 independent expenditures, prohibited unfair surprise,

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

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

253 groups and organizations; providing for severability;

254 providing an effective date.

255

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

257

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

259 read:

260 97.012 Secretary of State as chief election officer.--The

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

262 and it is his or her responsibility to:

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

264 operation, and interpretation of the election laws.

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

266 implementation of the registration laws.

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

268 necessary to knowledgeably scrutinize the effectiveness of

269 election laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

371 (12)~~(10)~~ "Election costs" shall include, but not be
 372 limited to, expenditures for all paper supplies such as
 373 envelopes, instructions to voters, affidavits, reports, ballot
 374 cards, ballot booklets for absentee voters, postage, notices to
 375 voters; advertisements for registration book closings, testing

376 of voting equipment, sample ballots, and polling places; forms
377 used to qualify candidates; polling site rental and equipment
378 delivery and pickup; data processing time and supplies; election
379 records retention; and labor costs, including those costs
380 uniquely associated with absentee ballot preparation, poll
381 workers, and election night canvass.

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

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

390 (15)~~(13)~~ "Lists of registered electors" means copies of
391 printed lists of registered electors, computer tapes or disks,
392 or any other device used by the supervisor of elections to
393 maintain voter records.

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

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

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

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

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

429 (19)~~(17)~~ "Nominal value" means having a retail value of
 430 \$10 or less.

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

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

439 (22)~~(20)~~ "Overseas voter" means:

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

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

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

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

454 (23)~~(21)~~ "Overvote" means that the elector marks or
 455 designates more names than there are persons to be elected to an

456 office or designates more than one answer to a ballot question,
457 and the tabulator records no vote for the office or question.

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

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

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

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

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

473 (29)~~(27)~~ "Public assistance" means assistance provided
474 through the food stamp program; the Medicaid program; the
475 Special Supplemental Food Program for Women, Infants, and
476 Children; and the WAGES Program.

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

480 (31)~~(29)~~ "Qualifying educational institution" means any
481 public or private educational institution receiving state
482 financial assistance which has, as its primary mission, the

483 provision of education or training to students who are at least
 484 18 years of age, provided such institution has more than 200
 485 students enrolled in classes with the institution and provided
 486 that the recognized student government organization has
 487 requested this designation in writing and has filed the request
 488 with the office of the supervisor of elections in the county in
 489 which the institution is located.

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

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

497 ~~(34)-(32)~~ "Supervisor" means the supervisor of elections.

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

502 (36) "Third-party voter registration organization" means
 503 any person, entity, or organization soliciting or collecting
 504 voter registration applications. A third-party voter
 505 registration organization does not include a political party or
 506 any person who solely seeks to register to vote or collect voter
 507 registration applications from that person's spouse, child, or
 508 parent or any person engaged in registering to vote or
 509 collecting voter registration applications as an employee or

510 agent of the division, supervisor of elections, Department of
511 Highway Safety and Motor Vehicles, or voter registration agency.

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

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

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

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

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

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

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

539 97.029 Attorney's fees and costs.--

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

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

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

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

564 incurred in preparations, motions, hearings, and appeals in the
 565 proceeding.

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

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

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

581 97.051 Oath upon registering.--A person registering to
 582 vote must subscribe to the following oath: "I do solemnly swear
 583 (or affirm) that I will protect and defend the Constitution of
 584 the United States and the Constitution of the State of Florida,
 585 that I am qualified to register as an elector under the
 586 Constitution and laws of the State of Florida, and that all
 587 information provided in this application is true ~~I am a citizen~~
 588 ~~of the United States and a legal resident of Florida.~~"

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

591 | 97.052 Uniform statewide voter registration application.--

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

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

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

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

- 608 | 1. Individuals seeking to register to vote.
- 609 | 2. Individuals or groups conducting voter registration
610 | programs. A charge of 1 cent per application shall be assessed
611 | on requests for 10,000 or more applications.
- 612 | 3. The Department of Highway Safety and Motor Vehicles.
- 613 | 4. Voter registration agencies.
- 614 | 5. Armed forces recruitment offices.
- 615 | 6. Qualifying educational institutions.
- 616 | 7. Supervisors, who must make the applications and forms
617 | available in the following manner:

618 a. By distributing the applications and forms in their
619 offices to any individual or group.

620 b. By distributing the applications and forms at other
621 locations designated by each supervisor.

622 c. By mailing the applications and forms to applicants
623 upon the request of the applicant.

624 (c) The uniform statewide voter registration application
625 may be reproduced by any private individual or group, provided
626 the reproduced application is in the same format as the
627 application prescribed under this section.

628 (2) The uniform statewide voter registration application
629 must be designed to elicit the following information from the
630 applicant:

631 (a) Full name.

632 (b) Date of birth.

633 (c) Address of legal residence.

634 (d) Mailing address, if different.

635 (e) County of legal residence.

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

638 (f)(g) Race or ethnicity that best describes the
639 applicant:

640 1. American Indian or Alaskan Native.

641 2. Asian or Pacific Islander.

642 3. Black, not Hispanic.

643 4. White, not Hispanic.

644 5. Hispanic.

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

646 (h)~~(i)~~ Sex.

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

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

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

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

652 (m)~~(n)~~ Florida driver's license number or the
653 identification number from a Florida identification card issued
654 under s. 322.051.

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

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

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

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

669 (r)~~(s)~~ Whether ~~That~~ the applicant has ~~not~~ been convicted
670 of a felony and ~~or~~, if convicted, has had his or her civil
671 rights restored by including the statement "I affirm I am not a

672 convicted felon, or if I am, my rights relating to voting have
673 been restored" and providing a box for the applicant to check to
674 affirm the statement.

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

682

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

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

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

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

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

696 (d) A statement that, if an applicant declines to register
697 to vote, the fact that the applicant has declined to register

698 will remain confidential and may be used only for voter
699 registration purposes.

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

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

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

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

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

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

733 (6) If a voter registration applicant fails to answer any
734 of the required information on the voter registration
735 application form, the supervisor shall notify the applicant of
736 the failure by mail within 5 business days after the supervisor
737 has made the information available in the voter registration
738 system. The applicant shall have an opportunity to complete the
739 application form to vote in the next election up until the book
740 closing for that next election.

741 Section 6. Section 97.053, Florida Statutes, is amended to
742 read:

743 97.053 Acceptance of voter registration applications.--

744 (1) Voter registration applications, changes in
745 registration, and requests for a replacement registration
746 identification card must be accepted in the office of any
747 supervisor, the division, a driver license office, a voter
748 registration agency, or an armed forces recruitment office when
749 hand delivered by the applicant or a third party during the
750 hours that office is open or when mailed.

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

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

766 (4) The registration date for a valid initial voter
767 registration application that has been mailed to a driver
768 license office, a voter registration agency, an armed forces
769 recruitment office, the division, or the office of any
770 supervisor in the state and bears a clear postmark is the date
771 of that ~~the~~ postmark. If an initial voter registration
772 application that has been mailed does not bear a postmark or if
773 the postmark is unclear, the registration date is the date the
774 registration is received by any supervisor or the division,
775 unless it is received within 5 days after the closing of the
776 books for an election, excluding Saturdays, Sundays, and legal

777 holidays, in which case the registration date is the book-
 778 closing date.

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

- 782 1. The applicant's name.
- 783 2. The applicant's legal residence address.
- 784 3. The applicant's date of birth.
- 785 4. A mark in the checkbox affirming ~~An indication~~ that the
 786 applicant is a citizen of the United States.
- 787 5. The applicant's Florida driver's license number, the
 788 identification number from a Florida identification card issued
 789 under s. 322.051, or the last four digits of the applicant's
 790 social security number.
- 791 6. A mark in the checkbox affirming ~~An indication~~ that the
 792 applicant has not been convicted of a felony or that, if
 793 convicted, has had his or her civil rights restored.
- 794 7. A mark in the checkbox affirming ~~An indication~~ that the
 795 applicant has not been adjudicated mentally incapacitated with
 796 respect to voting or that, if so adjudicated, has had his or her
 797 right to vote restored.
- 798 8. The original signature of the applicant swearing or
 799 affirming under the penalty for false swearing pursuant to s.
 800 104.011 that the information contained in the registration
 801 application is true and subscribing to the oath required by s.
 802 3, Art. VI of the State Constitution and s. 97.051.

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

808 Section 7. Section 97.055, Florida Statutes, is amended to
809 read:

810 97.055 Registration books; when closed for an election.--

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

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

830 Section 8. Section 97.0575, Florida Statutes, is created
831 to read:

832 97.0575 Third-party voter registrations.--

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

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

853 (3) A third-party voter registration organization that
854 collects voter registration applications serves as a fiduciary
855 to the applicant, ensuring that any voter registration
856 application entrusted to the third-party voter registration

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

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

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

881 (c) A fine in the amount of \$5,000 per application
882 collected by the third-party voter registration organization or

883 any person, entity, or agent acting on its behalf and not
884 submitted to the division or supervisor of elections.

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

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

908 (5) The division may adopt rules as necessary to implement
909 this section.

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

912 98.045 Administration of voter registration.--

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

924 Section 10. Section 98.077, Florida Statutes, is amended
 925 to read:

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

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

947 Section 11. Section 99.061, Florida Statutes, is amended
 948 to read:

949 99.061 Method of qualifying for nomination or election to
 950 federal, state, county, or district office.--

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

964 primary, for persons seeking to qualify for nomination or
965 election to federal office; and noon of the 50th day prior to
966 the first primary, but not later than noon of the 46th day prior
967 to the date of the first primary, for persons seeking to qualify
968 for nomination or election to a state or multicounty district
969 office.

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

991 | of which shall be used to promote the candidacy of candidates
992 | for county offices and the candidacy of members of the
993 | Legislature.

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

1000 | (b) Any person who is seeking election as a write-in
1001 | candidate shall not be required to pay a filing fee, election
1002 | assessment, or party assessment. A write-in candidate shall not
1003 | be entitled to have his or her name printed on any ballot;
1004 | however, space for the write-in candidate's name to be written
1005 | in shall be provided on the general election ballot. No person
1006 | may qualify as a write-in candidate if the person has also
1007 | otherwise qualified for nomination or election to such office.

1008 | (4) At the time of qualifying for office, each candidate
1009 | for a constitutional office shall file a full and public
1010 | disclosure of financial interests pursuant to s. 8, Art. II of
1011 | the State Constitution, and a candidate for any other office,
1012 | including local elective office, shall file a statement of
1013 | financial interests pursuant to s. 112.3145.

1014 | (5) The Department of State shall certify to the
1015 | supervisor of elections, within 7 days after the closing date
1016 | for qualifying, the names of all duly qualified candidates for

1017 nomination or election who have qualified with the Department of
 1018 State.

1019 (6) Notwithstanding the qualifying period prescribed in
 1020 this section, if a candidate has submitted the necessary
 1021 petitions by the required deadline in order to qualify by the
 1022 petition process pursuant to s. 99.095 ~~alternative method~~ as a
 1023 candidate for nomination or election and the candidate is
 1024 notified after the 5th day prior to the last day for qualifying
 1025 that the required number of signatures has been obtained, the
 1026 candidate is entitled to subscribe to the candidate's oath and
 1027 file the qualifying papers at any time within 5 days from the
 1028 date the candidate is notified that the necessary number of
 1029 signatures has been obtained. Any candidate who qualifies within
 1030 the time prescribed in this subsection is entitled to have his
 1031 or her name printed on the ballot.

1032 (7) (a) In order for a candidate to be qualified, the
 1033 following items must be received by the filing officer by the
 1034 end of the qualifying period:

1035 1. A properly executed check drawn upon the candidate's
 1036 campaign account in an amount not less than the fee required by
 1037 s. 99.092 or, in lieu thereof, as applicable, the copy of the
 1038 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~
 1039 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~
 1040 ~~99.096~~. If a candidate's check is returned by the bank for any
 1041 reason, the filing officer shall immediately notify the
 1042 candidate and the candidate shall, the end of qualifying
 1043 notwithstanding, have 48 hours from the time such notification

1044 is received, excluding Saturdays, Sundays, and legal holidays,
1045 to pay the fee with a cashier's check purchased from funds of
1046 the campaign account. Failure to pay the fee as provided in this
1047 subparagraph shall disqualify the candidate.

1048 2. The candidate's oath required by s. 99.021, which must
1049 contain the name of the candidate as it is to appear on the
1050 ballot; the office sought, including the district or group
1051 number if applicable; and the signature of the candidate, duly
1052 acknowledged.

1053 3. The loyalty oath required by s. 876.05, signed by the
1054 candidate and duly acknowledged.

1055 4. If the office sought is partisan, the written statement
1056 of political party affiliation required by s. 99.021(1)(b).

1057 5. The completed form for the appointment of campaign
1058 treasurer and designation of campaign depository, as required by
1059 s. 106.021.

1060 6. The full and public disclosure or statement of
1061 financial interests required by subsection (4). A public officer
1062 who has filed the full and public disclosure or statement of
1063 financial interests with the Commission on Ethics or the
1064 supervisor of elections prior to qualifying for office may file
1065 a copy of that disclosure at the time of qualifying.

1066 (b) If the filing officer receives qualifying papers that
1067 do not include all items as required by paragraph (a) prior to
1068 the last day of qualifying, the filing officer shall make a
1069 reasonable effort to notify the candidate of the missing or
1070 incomplete items and shall inform the candidate that all

1071 required items must be received by the close of qualifying. A
 1072 candidate's name as it is to appear on the ballot may not be
 1073 changed after the end of qualifying.

1074 (8) Notwithstanding the qualifying period prescribed in
 1075 this section, a qualifying officer may accept and hold
 1076 qualifying papers submitted not earlier than 14 days prior to
 1077 the beginning of the qualifying period to be processed and filed
 1078 during the qualifying period.

1079 (9)-(8) Notwithstanding the qualifying period prescribed by
 1080 this section, in each year in which the Legislature apportions
 1081 the state, the qualifying period for persons seeking to qualify
 1082 for nomination or election to federal office shall be between
 1083 noon of the 57th day prior to the first primary, but not later
 1084 than noon of the 53rd day prior to the first primary.

1085 (10)-(9) The Department of State may prescribe by rule
 1086 requirements for filing papers to qualify as a candidate under
 1087 this section.

1088 Section 12. Paragraph (d) of subsection (2) of section
 1089 99.063, Florida Statutes, is amended to read:

1090 99.063 Candidates for Governor and Lieutenant Governor.--

1091 (2) No later than 5 p.m. of the 9th day following the
 1092 second primary election, each designated candidate for
 1093 Lieutenant Governor shall file with the Department of State:

1094 (d) The full and public disclosure of financial interests
 1095 pursuant to s. 8, Art. II of the State Constitution. A public
 1096 officer who has filed the full and public disclosure with the

1097 Commission on Ethics prior to qualifying for office may file a
 1098 copy of that disclosure at the time of qualifying.

1099 Section 13. Subsection (1) of section 99.092, Florida
 1100 Statutes, is amended to read:

1101 99.092 Qualifying fee of candidate; notification of
 1102 Department of State.--

1103 (1) Each person seeking to qualify for nomination or
 1104 election to any office, except a person seeking to qualify by
 1105 the petition process ~~alternative method~~ pursuant to s. 99.095,
 1106 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to qualify
 1107 as a write-in candidate, shall pay a qualifying fee, which shall
 1108 consist of a filing fee and election assessment, to the officer
 1109 with whom the person qualifies, and any party assessment levied,
 1110 and shall attach the original or signed duplicate of the receipt
 1111 for his or her party assessment or pay the same, in accordance
 1112 with the provisions of s. 103.121, at the time of filing his or
 1113 her other qualifying papers. The amount of the filing fee is 3
 1114 percent of the annual salary of the office. The amount of the
 1115 election assessment is 1 percent of the annual salary of the
 1116 office sought. The election assessment shall be deposited into
 1117 the Elections Commission Trust Fund. The amount of the party
 1118 assessment is 2 percent of the annual salary. The annual salary
 1119 of the office for purposes of computing the filing fee, election
 1120 assessment, and party assessment shall be computed by
 1121 multiplying 12 times the monthly salary, excluding any special
 1122 qualification pay, authorized for such office as of July 1
 1123 immediately preceding the first day of qualifying. No qualifying

1124 fee shall be returned to the candidate unless the candidate
1125 withdraws his or her candidacy before the last date to qualify.
1126 If a candidate dies prior to an election and has not withdrawn
1127 his or her candidacy before the last date to qualify, the
1128 candidate's qualifying fee shall be returned to his or her
1129 designated beneficiary, and, if the filing fee or any portion
1130 thereof has been transferred to the political party of the
1131 candidate, the Secretary of State shall direct the party to
1132 return that portion to the designated beneficiary of the
1133 candidate.

1134 Section 14. Section 99.095, Florida Statutes, is amended
1135 to read:

1136 (Substantial rewording of section. See
1137 s. 99.095, F.S., for present text.)

1138 99.095 Petition process in lieu of qualifying fee and
1139 party assessment.--

1140 (1) A person seeking to qualify as a candidate for any
1141 office is not required to pay the qualifying fee or party
1142 assessment required by this chapter if he or she meets the
1143 petition requirements of this section.

1144 (2)(a) A candidate shall obtain the number of signatures
1145 of voters in the geographical area represented by the office
1146 sought equal to at least 1 percent of the total number of
1147 registered voters of that geographical area, as shown by the
1148 compilation by the department for the last preceding general
1149 election. Signatures may not be obtained until the candidate has

1150 filed the appointment of campaign treasurer and designation of
1151 campaign depository pursuant to s. 106.021.

1152 (b) The format of the petition shall be prescribed by the
1153 division and shall be used by candidates to reproduce petitions
1154 for circulation. If the candidate is running for an office that
1155 requires a group or district designation, the petition must
1156 indicate that designation, and, if it does not, the signatures
1157 are not valid. A separate petition is required for each
1158 candidate.

1159 (3) Each petition shall be submitted before noon of the
1160 28th day preceding the first day of the qualifying period for
1161 the office sought to the supervisor of elections of the county
1162 in which such petition was circulated. Each supervisor shall
1163 check the signatures on the petitions to verify their status as
1164 voters in the county, district, or other geographical area
1165 represented by the office sought. No later than the 7th day
1166 before the first day of the qualifying period, the supervisor
1167 shall certify the number of valid signatures.

1168 (4) (a) Certifications for candidates for federal, state,
1169 or multicounty district office shall be submitted by the
1170 supervisor to the division. The division shall determine whether
1171 the required number of signatures has been obtained and shall
1172 notify the candidate of its determination.

1173 (b) For candidates for county or district office not
1174 covered by paragraph (a), the supervisor shall determine whether
1175 the required number of signatures has been obtained and shall
1176 notify the candidate of his or her determination.

1177 (5) If the required number of signatures has been
 1178 obtained, the candidate is eligible to qualify pursuant to s.
 1179 99.061.

1180 Section 15. Section 99.0955, Florida Statutes, is amended
 1181 to read:

1182 99.0955 Candidates with no party affiliation; name on
 1183 general election ballot.--

1184 (1) Each person seeking to qualify for election as a
 1185 candidate with no party affiliation shall file his or her
 1186 qualifying ~~qualification~~ papers and pay the qualifying fee or
 1187 qualify by the petition process pursuant to s. 99.095,
 1188 ~~alternative method prescribed in subsection (3)~~ with the officer
 1189 and during the times and under the circumstances prescribed in
 1190 s. 99.061. Upon qualifying, the candidate is entitled to have
 1191 his or her name placed on the general election ballot.

1192 (2) The qualifying fee for candidates with no party
 1193 affiliation shall consist of a filing fee and an election
 1194 assessment as prescribed in s. 99.092. ~~The amount of the filing~~
 1195 ~~fee is 3 percent of the annual salary of the office sought. The~~
 1196 ~~amount of the election assessment is 1 percent of the annual~~
 1197 ~~salary of the office sought. The election assessment shall be~~
 1198 ~~deposited into the Elections Commission Trust Fund.~~ Filing fees
 1199 paid to the Department of State shall be deposited into the
 1200 General Revenue Fund of the state. Filing fees paid to the
 1201 supervisor of elections shall be deposited into the general
 1202 revenue fund of the county.

1203 ~~(3)(a) A candidate with no party affiliation may, in lieu~~
1204 ~~of paying the qualifying fee, qualify for office by the~~
1205 ~~alternative method prescribed in this subsection. A candidate~~
1206 ~~using this petitioning process shall file an oath with the~~
1207 ~~officer before whom the candidate would qualify for the office~~
1208 ~~stating that he or she intends to qualify by this alternative~~
1209 ~~method. If the person is running for an office that requires a~~
1210 ~~group or district designation, the candidate must indicate the~~
1211 ~~designation in his or her oath. The oath shall be filed at any~~
1212 ~~time after the first Tuesday after the first Monday in January~~
1213 ~~of the year in which the election is held, but before the 21st~~
1214 ~~day preceding the first day of the qualifying period for the~~
1215 ~~office sought. The Department of State shall prescribe the form~~
1216 ~~to be used in administering and filing the oath. Signatures may~~
1217 ~~not be obtained by a candidate on any petition until the~~
1218 ~~candidate has filed the oath required in this subsection. Upon~~
1219 ~~receipt of the written oath from a candidate, the qualifying~~
1220 ~~officer shall provide the candidate with petition forms in~~
1221 ~~sufficient numbers to facilitate the gathering of signatures. If~~
1222 ~~the candidate is running for an office that requires a group or~~
1223 ~~district designation, the petition must indicate that~~
1224 ~~designation or the signatures obtained on the petition will not~~
1225 ~~be counted.~~

1226 ~~(b) A candidate shall obtain the signatures of a number of~~
1227 ~~qualified electors in the geographical entity represented by the~~
1228 ~~office sought equal to 1 percent of the registered electors of~~
1229 ~~the geographical entity represented by the office sought, as~~

1230 ~~shown by the compilation by the Department of State for the~~
 1231 ~~preceding general election.~~

1232 ~~(c) Each petition must be submitted before noon of the~~
 1233 ~~21st day preceding the first day of the qualifying period for~~
 1234 ~~the office sought, to the supervisor of elections of the county~~
 1235 ~~for which such petition was circulated. Each supervisor to whom~~
 1236 ~~a petition is submitted shall check the signatures on the~~
 1237 ~~petition to verify their status as electors in the county,~~
 1238 ~~district, or other geographical entity represented by the office~~
 1239 ~~sought. Before the first day for qualifying, the supervisor~~
 1240 ~~shall certify the number shown as registered electors.~~

1241 ~~(d)1. Certifications for candidates for federal, state, or~~
 1242 ~~multicounty district office shall be submitted to the Department~~
 1243 ~~of State. The Department of State shall determine whether the~~
 1244 ~~required number of signatures has been obtained for the name of~~
 1245 ~~the candidate to be placed on the ballot and shall notify the~~
 1246 ~~candidate.~~

1247 ~~2. For candidates for county or district office not~~
 1248 ~~covered by subparagraph 1., the supervisor of elections shall~~
 1249 ~~determine whether the required number of signatures has been~~
 1250 ~~obtained for the name of the candidate to be placed on the~~
 1251 ~~ballot and shall notify the candidate.~~

1252 ~~(e) If the required number of signatures has been~~
 1253 ~~obtained, the candidate shall, during the time prescribed for~~
 1254 ~~qualifying for office, submit a copy of the notice received~~
 1255 ~~under paragraph (d) and file his or her qualifying papers and~~
 1256 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1257 Section 16. Section 99.096, Florida Statutes, is amended
 1258 to read:

1259 99.096 Minor political party candidates; names on
 1260 ballot.--

1261 (1) The executive committee of a minor political party
 1262 shall, no later than noon of the third day prior to the first
 1263 day of the qualifying period prescribed for federal candidates,
 1264 submit to the Department of State a list of federal candidates
 1265 nominated by the party to be on the general election ballot. ~~and~~
 1266 No later than noon of the third day prior to the first day of
 1267 the qualifying period for state candidates, the executive
 1268 committee of a minor political party shall ~~submit to the~~
 1269 ~~Department of State~~ the official list of the state, multicounty,
 1270 and county ~~respective~~ candidates nominated by that party to be
 1271 on the ballot in the general election to the filing officer for
 1272 each of the candidates. ~~The Department of State shall notify the~~
 1273 ~~appropriate supervisors of elections of the name of each minor~~
 1274 ~~party candidate eligible to qualify before such supervisor.~~ The
 1275 official list of nominated candidates may not be changed by the
 1276 party after having been filed with the filing officers
 1277 ~~Department of State, except that candidates who have qualified~~
 1278 ~~may withdraw from the ballot pursuant to the provisions of this~~
 1279 ~~code, and~~ vacancies in nominations may be filled pursuant to s.
 1280 100.111.

1281 (2) Each person seeking to qualify for election as a
 1282 candidate of a minor political party shall file his or her
 1283 qualifying ~~qualification~~ papers with, and pay the qualifying fee

1284 and, if one has been levied, the party assessment, or qualify by
1285 the petition process pursuant to s. 99.095 ~~alternative method~~
1286 ~~prescribed in subsection (3)~~, with the officer and at the times
1287 and under the circumstances provided in s. 99.061.

1288 ~~(3)(a) A minor party candidate may, in lieu of paying the~~
1289 ~~qualifying fee and party assessment, qualify for office by the~~
1290 ~~alternative method prescribed in this subsection. A candidate~~
1291 ~~using this petitioning process shall file an oath with the~~
1292 ~~officer before whom the candidate would qualify for the office~~
1293 ~~stating that he or she intends to qualify by this alternative~~
1294 ~~method. If the person is running for an office that requires a~~
1295 ~~group or district designation, the candidate must indicate the~~
1296 ~~designation in his or her oath. The oath must be filed at any~~
1297 ~~time after the first Tuesday after the first Monday in January~~
1298 ~~of the year in which the election is held, but before the 21st~~
1299 ~~day preceding the first day of the qualifying period for the~~
1300 ~~office sought. The Department of State shall prescribe the form~~
1301 ~~to be used in administering and filing the oath. Signatures may~~
1302 ~~not be obtained by a candidate on any petition until the~~
1303 ~~candidate has filed the oath required in this section. Upon~~
1304 ~~receipt of the written oath from a candidate, the qualifying~~
1305 ~~officer shall provide the candidate with petition forms in~~
1306 ~~sufficient numbers to facilitate the gathering of signatures. If~~
1307 ~~the candidate is running for an office that requires a group or~~
1308 ~~district designation, the petition must indicate that~~
1309 ~~designation or the signatures on such petition will not be~~
1310 ~~counted.~~

1311 ~~(b) A candidate shall obtain the signatures of a number of~~
1312 ~~qualified electors in the geographical entity represented by the~~
1313 ~~office sought equal to 1 percent of the registered electors in~~
1314 ~~the geographical entity represented by the office sought, as~~
1315 ~~shown by the compilation by the Department of State for the last~~
1316 ~~preceding general election.~~

1317 ~~(c) Each petition shall be submitted prior to noon of the~~
1318 ~~21st day preceding the first day of the qualifying period for~~
1319 ~~the office sought to the supervisor of elections of the county~~
1320 ~~for which the petition was circulated. Each supervisor to whom a~~
1321 ~~petition is submitted shall check the signatures on the petition~~
1322 ~~to verify their status as electors in the county, district, or~~
1323 ~~other geographical entity represented by the office sought.~~
1324 ~~Before the first day for qualifying, the supervisor shall~~
1325 ~~certify the number shown as registered electors.~~

1326 ~~(d)1. Certifications for candidates for federal, state, or~~
1327 ~~multicounty district office shall be submitted to the Department~~
1328 ~~of State. The Department of State shall determine whether the~~
1329 ~~required number of signatures has been obtained for the name of~~
1330 ~~the candidate to be placed on the ballot and shall notify the~~
1331 ~~candidate.~~

1332 ~~2. For candidates for county or district office not~~
1333 ~~covered by subparagraph 1., the supervisor of elections shall~~
1334 ~~determine whether the required number of signatures has been~~
1335 ~~obtained for the name of the candidate to be placed on the~~
1336 ~~ballot and shall notify the candidate.~~

1337 ~~(c) If the required number of signatures has been~~
 1338 ~~obtained, the candidate shall, during the prescribed time for~~
 1339 ~~qualifying for office, submit a copy of the notice received~~
 1340 ~~under paragraph (d) and file his or her qualifying papers and~~
 1341 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1342 ~~(4) A minor party candidate whose name has been submitted~~
 1343 ~~pursuant to subsection (1) and who has qualified for office is~~
 1344 ~~entitled to have his or her name placed on the general election~~
 1345 ~~ballot.~~

1346 Section 17. Subsection (1) of section 99.09651, Florida
 1347 Statutes, is amended to read:

1348 99.09651 Signature requirements for ballot position in
 1349 year of apportionment.--

1350 (1) In a year of apportionment, any candidate for
 1351 representative to Congress, state Senate, or state House of
 1352 Representatives seeking ballot position by the petition process
 1353 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~
 1354 ~~99.096~~ shall obtain at least the number of signatures equal to
 1355 one-third of 1 percent of the ideal population for the district
 1356 of the office being sought.

1357 Section 18. Subsection (1) of section 100.011, Florida
 1358 Statutes, is amended to read:

1359 100.011 Opening and closing of polls, all elections;
 1360 expenses.--

1361 (1) The polls shall be open at the voting places at 7:00
 1362 a.m., on the day of the election, and shall be kept open until
 1363 7:00 p.m., of the same day, and the time shall be regulated by

1364 the customary time in standard use in the county seat of the
 1365 locality. The inspectors shall make public proclamation of the
 1366 opening and closing of the polls. During the election and
 1367 canvass of the votes, the ballot box shall not be concealed. Any
 1368 elector in line at the official closing of the polls shall be
 1369 allowed to cast a vote in the election.

1370 Section 19. Subsection (5) of section 100.101, Florida
 1371 Statutes, is amended to read:

1372 100.101 Special elections and special primary
 1373 elections.--Except as provided in s. 100.111(2), a special
 1374 election or special primary election shall be held in the
 1375 following cases:

1376 ~~(5) If a vacancy occurs in nomination.~~

1377 Section 20. Paragraph (c) of subsection (3) and
 1378 subsections (4) and (6) of section 100.111, Florida Statutes,
 1379 are amended to read:

1380 100.111 Filling vacancy.--

1381 (3) Whenever there is a vacancy for which a special
 1382 election is required pursuant to s. 100.101~~(1)~~~~(4)~~, the
 1383 Governor, after consultation with the Secretary of State, shall
 1384 fix the date of a special first primary election, a special
 1385 second primary election, and a special election. Nominees of
 1386 political parties other than minor political parties shall be
 1387 chosen under the primary laws of this state in the special
 1388 primary elections to become candidates in the special election.
 1389 Prior to setting the special election dates, the Governor shall
 1390 consider any upcoming elections in the jurisdiction where the

1391 special election will be held. The dates fixed by the Governor
1392 shall be specific days certain and shall not be established by
1393 the happening of a condition or stated in the alternative. The
1394 dates fixed shall provide a minimum of 2 weeks between each
1395 election. In the event a vacancy occurs in the office of state
1396 senator or member of the House of Representatives when the
1397 Legislature is in regular legislative session, the minimum times
1398 prescribed by this subsection may be waived upon concurrence of
1399 the Governor, the Speaker of the House of Representatives, and
1400 the President of the Senate. If a vacancy occurs in the office
1401 of state senator and no session of the Legislature is scheduled
1402 to be held prior to the next general election, the Governor may
1403 fix the dates for any special primary and for the special
1404 election to coincide with the dates of the first and second
1405 primary and general election. If a vacancy in office occurs in
1406 any district in the state Senate or House of Representatives or
1407 in any congressional district, and no session of the
1408 Legislature, or session of Congress if the vacancy is in a
1409 congressional district, is scheduled to be held during the
1410 unexpired portion of the term, the Governor is not required to
1411 call a special election to fill such vacancy.

1412 (c) The dates for a candidate to qualify by the petition
1413 process ~~alternative method~~ in such special primary or special
1414 election shall be fixed by the Department of State. In fixing
1415 such dates the Department of State shall take into consideration
1416 and be governed by the practical time limitations. Any candidate
1417 seeking to qualify by the petition process ~~alternative method~~ in

1418 a special primary election shall obtain 25 percent of the
1419 signatures required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~
1420 applicable.

1421 (4) (a) In the event that death, ~~resignation, withdrawal,~~
1422 ~~removal, or any other cause or event~~ should cause a party to
1423 have a vacancy in nomination which leaves no candidate for an
1424 office from such party, the Governor shall, ~~after conferring~~
1425 ~~with the Secretary of State, call a special primary election~~
1426 ~~and, if necessary, a second special primary election to select~~
1427 ~~for such office a nominee of such political party. The dates on~~
1428 ~~which candidates may qualify for such special primary election~~
1429 ~~shall be fixed by the Department of State, and the candidates~~
1430 ~~shall qualify no later than noon of the last day so fixed. The~~
1431 ~~filing of campaign expense statements by candidates in special~~
1432 ~~primaries shall not be later than such dates as shall be fixed~~
1433 ~~by the Department of State. In fixing such dates, the Department~~
1434 ~~of State shall take into consideration and be governed by the~~
1435 ~~practical time limitations. The qualifying fees and party~~
1436 ~~assessment of such candidates as may qualify shall be the same~~
1437 ~~as collected for the same office at the last previous primary~~
1438 ~~for that office. Each county canvassing board shall make as~~
1439 ~~speedy a return of the results of such primaries as time will~~
1440 ~~permit, and the Elections Canvassing Commission shall likewise~~
1441 ~~make as speedy a canvass and declaration of the nominees as time~~
1442 ~~will permit.~~

1443 (b) ~~If the vacancy in nomination occurs later than~~
1444 ~~September 15, or if the vacancy in nomination occurs with~~

1445 ~~respect to a candidate of a minor political party which has~~
1446 ~~obtained a position on the ballot, no special primary election~~
1447 ~~shall be held and the~~ Department of State shall notify the chair
1448 of the appropriate state, district, or county political party
1449 executive committee of such party; and, within 5 ~~7~~ days, the
1450 chair shall call a meeting of his or her executive committee to
1451 consider designation of a nominee to fill the vacancy. The name
1452 of any person so designated shall be submitted to the Department
1453 of State within 7 ~~14~~ days of notice to the chair in order that
1454 the person designated may have his or her name ~~printed or~~
1455 ~~otherwise placed~~ on the ballot of the ensuing general election,
1456 ~~but in no event shall the supervisor of elections be required to~~
1457 ~~place on a ballot a name submitted less than 21 days prior to~~
1458 ~~the election. However, if the name of the new nominee is~~
1459 submitted after the certification of results of the preceding
1460 primary election, the ballots shall not be changed and vacancy
1461 ~~occurs less than 21 days prior to the election, the person~~
1462 ~~designated by the political party will replace the former party~~
1463 ~~nominee even though~~ the former party nominee's name will appear
1464 ~~be~~ on the ballot. Any ballots cast for the former party nominee
1465 will be counted for the person designated by the political party
1466 to replace the former party nominee. If there is no opposition
1467 to the party nominee, the person designated by the political
1468 party to replace the former party nominee will be elected to
1469 office at the general election. For purposes of this paragraph,
1470 the term "district political party executive committee" means
1471 the members of the state executive committee of a political

1472 party from those counties comprising the area involving a
 1473 district office.

1474 (b)~~(e)~~ When, under the circumstances set forth in the
 1475 preceding paragraph, vacancies in nomination are ~~required to be~~
 1476 filled by committee nominations, such vacancies shall be filled
 1477 by party rule. In any instance in which a nominee is selected by
 1478 a committee to fill a vacancy in nomination, such nominee shall
 1479 pay the same filing fee and take the same oath as the nominee
 1480 would have taken had he or she regularly qualified for election
 1481 to such office.

1482 ~~(d) Any person who, at the close of qualifying as~~
 1483 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~
 1484 ~~nomination or election to or retention in a public office to be~~
 1485 ~~filled at the ensuing general election is prohibited from~~
 1486 ~~qualifying as a candidate to fill a vacancy in nomination for~~
 1487 ~~any other office to be filled at that general election, even if~~
 1488 ~~such person has withdrawn or been eliminated as a candidate for~~
 1489 ~~the original office sought. However, this paragraph does not~~
 1490 ~~apply to a candidate for the office of Lieutenant Governor who~~
 1491 ~~applies to fill a vacancy in nomination for the office of~~
 1492 ~~Governor on the same ticket or to a person who has withdrawn or~~
 1493 ~~been eliminated as a candidate and who is subsequently~~
 1494 ~~designated as a candidate for Lieutenant Governor under s.~~
 1495 ~~99.063.~~

1496 ~~(6) In the event that a vacancy occurs which leaves less~~
 1497 ~~than 4 weeks for a candidate seeking to qualify by the~~
 1498 ~~alternative method to gather signatures for ballot position, the~~

1499 ~~number of signatures required for ballot placement shall be 25~~
 1500 ~~percent of the number of signatures required by s. 99.095, s.~~
 1501 ~~99.0955, or s. 99.096, whichever is applicable.~~

1502 Section 21. Subsections (1) and (2) of section 100.141,
 1503 Florida Statutes, are amended to read:

1504 100.141 Notice of special election to fill any vacancy in
 1505 office ~~or nomination~~.--

1506 (1) Whenever a special election is required to fill any
 1507 vacancy in office ~~or nomination~~, the Governor, after
 1508 consultation with the Secretary of State, shall issue an order
 1509 declaring on what day the election shall be held and deliver the
 1510 order to the Department of State.

1511 (2) The Department of State shall prepare a notice stating
 1512 what offices ~~and vacancies~~ are to be filled in the special
 1513 election, the date set for each special primary election and the
 1514 special election, the dates fixed for qualifying for office, the
 1515 dates fixed for qualifying by the petition process ~~alternative~~
 1516 ~~method~~, and the dates fixed for filing campaign expense
 1517 statements.

1518 Section 22. Section 101.031, Florida Statutes, is amended
 1519 to read:

1520 101.031 Instructions for electors.--

1521 (2) The supervisor of elections in each county shall have
 1522 posted at each polling place in the county the Voter's Bill of
 1523 Rights and Responsibilities in the following form:

1524
 1525 VOTER'S BILL OF RIGHTS

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- Each registered voter in this state has the right to:
1. Vote and have his or her vote accurately counted.
 2. Cast a vote if he or she is in line at the official closing of the polls in that county.
 3. Ask for and receive assistance in voting.
 4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
 5. An explanation if his or her registration is in question.
 6. If his or her registration or identity is in question, cast a provisional ballot.
 - ~~7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.~~
 - ~~7.8.~~ Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
 - ~~8.9.~~ Vote free from coercion or intimidation by elections officers or any other person.
 - ~~9.10.~~ Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

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

1552 2. Maintain with the office of the supervisor of elections
1553 a current address.

1554 3. Know the location of his or her polling place and its
1555 hours of operation.

1556 4. Bring proper identification to the polling station.

1557 5. Familiarize himself or herself with the operation of
1558 the voting equipment in his or her precinct.

1559 6. Treat precinct workers with courtesy.

1560 7. Respect the privacy of other voters.

1561 8. Report any problems or violations of election laws to
1562 the supervisor of elections.

1563 9. Ask questions, if needed.

1564 10. Make sure that his or her completed ballot is correct
1565 before leaving the polling station.

1566

1567 NOTE TO VOTER: Failure to perform any of these responsibilities
1568 does not prohibit a voter from voting.

1569 Section 23. Subsections (2) and (3) of section 101.043,
1570 Florida Statutes, are amended to read:

1571 101.043 Identification required at polls.--

1572 (2) ~~Except as provided in subsection (3), if the elector~~
1573 ~~fails to furnish the required identification, or if the clerk or~~
1574 ~~inspector is in doubt as to the identity of the elector, such~~
1575 ~~elrk or inspector shall follow the procedure prescribed in s.~~
1576 ~~101.49.~~

1577 ~~(3) If the elector who fails to furnish the required~~
1578 ~~identification is a first-time voter who registered by mail and~~

1579 ~~has not provided the required identification to the supervisor~~
 1580 ~~of elections prior to election day,~~ the elector shall be allowed
 1581 to vote a provisional ballot. The canvassing board shall
 1582 determine the validity of the ballot pursuant to s. 101.048(2).

1583 Section 24. Section 101.048, Florida Statutes, is amended
 1584 to read:

1585 101.048 Provisional ballots.--

1586 (1) At all elections, a voter claiming to be properly
 1587 registered in the county and eligible to vote at the precinct in
 1588 the election, but whose eligibility cannot be determined, a
 1589 person who an election official asserts is not eligible and
 1590 other persons specified in the code shall be entitled to vote a
 1591 provisional ballot. Once voted, the provisional ballot shall be
 1592 placed in a secrecy envelope and thereafter sealed in a
 1593 provisional ballot envelope. The provisional ballot shall be
 1594 deposited in a ballot box. All provisional ballots shall remain
 1595 sealed in their envelopes for return to the supervisor of
 1596 elections. The department shall prescribe the form of the
 1597 provisional ballot envelope. A person casting a provisional
 1598 ballot shall have the right to present written evidence
 1599 supporting his or her eligibility to vote to the supervisor of
 1600 elections by not later than 5 p.m. on the third day following
 1601 the election.

1602 (2) (a) The county canvassing board shall examine each
 1603 Provisional Ballot Voter's Certificate and Affirmation envelope
 1604 to determine if the person voting that ballot was entitled to
 1605 vote at the precinct where the person cast a vote in the

1606 election and that the person had not already cast a ballot in
 1607 the election. In determining whether a person casting a
 1608 provisional ballot is entitled to vote, the county canvassing
 1609 board shall review the information provided on the Voter's
 1610 Certificate and Affirmation, written evidence provided by the
 1611 person casting the provisional ballot pursuant to subsection
 1612 (1), any other evidence presented by the supervisor of
 1613 elections, and, in the case of a challenge, any evidence
 1614 presented by the challenger. A ballot of a person casting a
 1615 provisional ballot shall be counted unless, by a preponderance
 1616 of the evidence, the canvassing board determines that the person
 1617 was not entitled to vote.

1618 (b)1. If it is determined that the person was registered
 1619 and entitled to vote at the precinct where the person cast a
 1620 vote in the election, the canvassing board shall compare the
 1621 signature on the Provisional Ballot Voter's Certificate and
 1622 Affirmation ~~envelope~~ with the signature on the voter's
 1623 registration and, if it matches, shall count the ballot.

1624 2. If it is determined that the person voting the
 1625 provisional ballot was not registered or entitled to vote at the
 1626 precinct where the person cast a vote in the election, the
 1627 provisional ballot shall not be counted and the ballot shall
 1628 remain in the envelope containing the Provisional Ballot Voter's
 1629 Certificate and Affirmation and the envelope shall be marked
 1630 "Rejected as Illegal."

1631 (3) The Provisional Ballot Voter's Certificate and
 1632 Affirmation shall be in substantially the following form:

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STATE OF FLORIDA
COUNTY OF _____

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

- (Signature of Voter)
- (Current Residence Address)
- (Current Mailing Address)
- (City, State, Zip Code)
- (Driver's License Number or Last Four Digits of Social Security Number)

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

(Election Official)

Precinct # _____ Ballot Style/Party Issued: _____

1659 (4) Notwithstanding the requirements of subsections (1)
1660 through (3) In counties where the voting system does not utilize
1661 a paper ballot, the supervisor of elections may, and for persons
1662 with disabilities shall, provide the appropriate provisional
1663 ballot to the voter by electronic means that meet the
1664 requirements of s. 101.56062 as provided for by the certified
1665 voting system. Each person casting a provisional ballot by
1666 electronic means shall, prior to casting his or her ballot,
1667 complete the Provisional Ballot Voter's Certificate and
1668 Affirmation as provided in subsection (3).

1669 (5) Each person casting a provisional ballot shall be
1670 given written instructions regarding the person's right to
1671 provide the supervisor of elections with written evidence of
1672 their eligibility to vote and the free access system established
1673 pursuant to subsection (6). The instructions shall contain
1674 information on how to access the system and the information the
1675 voter will need to provide to obtain information on his or her
1676 particular ballot. The instructions shall also include the
1677 following statement: "If this is a primary election, you should
1678 contact the supervisor of elections' office immediately to
1679 confirm that you are registered and can vote in the general
1680 election."

1681 (6) Each supervisor of elections shall establish a free
1682 access system that allows each person who casts a provisional
1683 ballot to determine whether his or her provisional ballot was
1684 counted in the final canvass of votes and, if not, the reasons
1685 why. Information regarding provisional ballots shall be

1686 available no later than 30 days following the election. The
 1687 system established must restrict information regarding an
 1688 individual ballot to the person who cast the ballot.

1689 Section 25. Subsection (5) of section 101.049, Florida
 1690 Statutes, is amended to read:

1691 101.049 Provisional ballots; special circumstances.--

1692 (5) As an alternative, provisional ballots cast pursuant
 1693 to this section may, and for persons with disabilities shall, be
 1694 cast in accordance with the provisions of s. 101.048(4).

1695 Section 26. Subsection (2) of section 101.051, Florida
 1696 Statutes, is amended, subsection (5) is renumbered as subsection
 1697 (6), and a new subsection (5) is added to said section, to read:

1698 101.051 Electors seeking assistance in casting ballots;
 1699 oath to be executed; forms to be furnished.--

1700 (2) It is unlawful for any person to be in the voting
 1701 booth with any elector except as provided in subsection (1). At
 1702 the polling place or early voting site or within 50 feet of the
 1703 entrance of such locations, it is unlawful for any person to
 1704 solicit any elector in an effort to provide such elector
 1705 assistance to vote pursuant to subsection (1). Any person
 1706 violating this section commits a felony of the third degree,
 1707 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1708 (5) If an elector needing assistance requests that a
 1709 person other than an election official provide him or her
 1710 assistance to vote, the clerk or one of the inspectors shall
 1711 require the person providing assistance to take the following
 1712 oath:

1713
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DECLARATION TO PROVIDE ASSISTANCE

State of Florida

County of _____

Date: _____

Precinct # _____

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

Signature of assistor

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

Signature of Official Administering Oath

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

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

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

1739 (1) When the right to vote of any person who desires to
 1740 vote is challenged by any elector or poll watcher, the challenge
 1741 shall be reduced to writing with an oath as provided in this
 1742 section, giving reasons for the challenge, which shall be
 1743 delivered to the clerk or inspector. Any elector or poll watcher
 1744 challenging the right of a person to vote shall execute the oath
 1745 set forth below:

1746
 1747 OATH OF PERSON ENTERING CHALLENGE

1748
 1749 State of Florida
 1750 County of _____

1751
 1752 I do solemnly swear that my name is _____; that I am a member of
 1753 the _____ party; that I am a registered voter or poll watcher
 1754 ~~_____ years old~~; that my residence address is _____, in the
 1755 municipality of _____; and that I have reason to believe that
 1756 _____ is attempting to vote illegally and the reasons for my
 1757 belief are set forth herein to wit:

1758 (Signature of person challenging voter)

1759
 1760 Sworn and subscribed to before me this _____ day of _____,
 1761 (year) .

1762 (Clerk of election)

1763 (2) ~~Before a person who is challenged is permitted to~~
 1764 ~~vote, the challenged person's right to vote shall be determined~~
 1765 ~~in accordance with the provisions of subsection (3).~~ The clerk

1766 or inspector shall immediately deliver to the challenged person
 1767 a copy of the oath of the person entering the challenge and the
 1768 challenged person shall be allowed to cast a provisional ballot.
 1769 ~~shall request the challenged person to execute the following~~
 1770 ~~oath:~~

1771
 1772 ~~OATH OF PERSON CHALLENGED~~

1773
 1774 ~~State of Florida~~
 1775 ~~County of _____~~

1776
 1777 ~~I do solemnly swear that my name is _____; that I am a member of~~
 1778 ~~the _____ party; that my date of birth is _____; that my~~
 1779 ~~residence address is _____, in the municipality of _____, in~~
 1780 ~~this the _____ precinct of _____ county; that I personally made~~
 1781 ~~application for registration and signed my name and that I am a~~
 1782 ~~qualified voter in this election.~~

1783 ~~(Signature of person)~~

1784
 1785 ~~Sworn and subscribed to before me this _____ day of _____,~~
 1786 ~~(year)_____.~~

1787 ~~(Clerk of election or Inspector)~~

1788
 1789 ~~Any inspector or clerk of election may administer the oath.~~

1790 (3)(a) Any elector or poll watcher may challenge the right
 1791 of any voter to vote not sooner than 30 days before an election
 1792 by filing a completed copy of the oath contained in subsection

1793 (1) to the supervisor of election's office. The challenged voter
1794 shall be permitted to cast a provisional ballot.

1795 (4) Any elector or poll watcher filing a frivolous
1796 challenge of any person's right to vote commits a misdemeanor of
1797 the first degree, punishable as provided in s. 775.082, s.
1798 775.083, or s. 775.084, provided, however, that electors or poll
1799 watchers shall not be subject to liability for any action taken
1800 in good faith and in furtherance of any activity or duty
1801 permitted of such electors or poll watchers by law. Each
1802 instance where any elector or poll watcher files a frivolous
1803 challenge of any person's right to vote constitutes a separate
1804 offense. ~~The clerk and inspectors shall compare the information~~
1805 ~~in the challenged person's oath with that entered on the~~
1806 ~~precinct register and shall take any other evidence that may be~~
1807 ~~offered. The clerk and inspectors shall then decide by a~~
1808 ~~majority vote whether the challenged person may vote a regular~~
1809 ~~ballot.~~

1810 ~~(b) If the challenged person refuses to complete the oath~~
1811 ~~or if a majority of the clerk and inspectors doubt the~~
1812 ~~eligibility of the person to vote, the challenged person shall~~
1813 ~~be allowed to vote a provisional ballot. The oath of the person~~
1814 ~~entering the challenge and the oath of the person challenged~~
1815 ~~shall be attached to the provisional ballot for transmittal to~~
1816 ~~the canvassing board.~~

1817 Section 28. Section 101.131, Florida Statutes, is amended
1818 to read:

1819 101.131 Watchers at polls.--

1820 (1) Each political party and each candidate may have one
 1821 watcher in each polling room or early voting area at any one
 1822 time during the election. A political committee, if formed for
 1823 the specific purpose of expressly advocating the passage or
 1824 defeat of an issue on the ballot, may have one watcher for each
 1825 polling room or early voting area at any one time during the
 1826 election. No watcher shall be permitted to come closer to the
 1827 officials' table or the voting booths than is reasonably
 1828 necessary to properly perform his or her functions, but each
 1829 shall be allowed within the polling room or early voting area to
 1830 watch and observe the conduct of electors and officials. The
 1831 watchers shall furnish their own materials and necessities and
 1832 shall not obstruct the orderly conduct of any election and shall
 1833 pose any questions regarding polling place procedures directly
 1834 to the clerk for resolution. Poll watchers shall not interact
 1835 with electors. Each watcher shall be a qualified and registered
 1836 elector of the county in which he or she serves.

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

1847 before the 7th day prior to the beginning of early voting. The
 1848 supervisor shall furnish to each election board ~~precinct~~ a list
 1849 of the poll watchers designated and approved for such polling
 1850 room or early voting area ~~precinct~~.

1851 (3) No candidate or sheriff, deputy sheriff, police
 1852 officer, or other law enforcement officer may be designated as a
 1853 poll watcher.

1854 Section 29. Subsection (1) of section 101.151, Florida
 1855 Statutes, is amended to read:

1856 101.151 Specifications for ballots.--

1857 (1) Marksense ~~Paper~~ ballots shall be printed on paper of
 1858 such thickness that the printing cannot be distinguished from
 1859 the back and shall meet the specifications of the voting system
 1860 that will be used to read the ballots.

1861 Section 30. Section 101.171, Florida Statutes, is amended
 1862 to read:

1863 101.171 Copy of constitutional amendment to be available
 1864 at polling locations ~~posted~~.--Whenever any amendment to the
 1865 State Constitution is to be voted upon at any election, the
 1866 Department of State shall have printed, and shall furnish to
 1867 each supervisor of elections, a sufficient number of copies of
 1868 the amendment, either in poster or booklet form, and the
 1869 supervisor shall have a copy thereof conspicuously posted or
 1870 available at each polling room ~~precinct upon the day of~~
 1871 ~~election.~~

1872 Section 31. Subsections (4) and (5) of section 101.294,
 1873 Florida Statutes, are added to read:

1874 101.294 Purchase and sale of voting equipment.--

1875 (4) A vendor of voting equipment may not provide an
 1876 uncertified voting system, voting system component, or voting
 1877 system upgrade to a governing body or supervisor of elections in
 1878 this state.

1879 (5) Before or in conjunction with providing a voting
 1880 system, voting system component, or voting system upgrade, the
 1881 vendor shall provide the governing body or supervisor of
 1882 elections with a sworn certification that the voting system,
 1883 voting system component, or voting system upgrade being provided
 1884 has been certified by the Division of Elections.

1885 Section 32. Section 101.295, Florida Statutes, is amended
 1886 to read:

1887 101.295 Penalties for violation.--

1888 (1) Any member of a governing body which purchases or
 1889 sells voting equipment in violation of the provisions of ss.
 1890 101.292-101.295, which member knowingly votes to purchase or
 1891 sell voting equipment in violation of the provisions of ss.
 1892 101.292-101.295, is guilty of a misdemeanor of the first degree,
 1893 punishable as provided by s. 775.082 or s. 775.083, and shall be
 1894 subject to suspension from office on the grounds of malfeasance.

1895 (2) Any vendor, chief executive officer, or vendor
 1896 representative of voting equipment who provides a voting system,
 1897 voting system component, or voting system upgrade in violation
 1898 of this chapter commits a felony of the third degree, punishable
 1899 as provided in s. 775.082, s. 775.083, or s. 775.084.

1900 Section 33. Section 101.49, Florida Statutes, is amended
 1901 to read:

1902 101.49 Procedure of election officers where signatures
 1903 differ.--

1904 (1) Whenever any clerk or inspector, upon a just
 1905 comparison of the signatures, doubts that the signature on the
 1906 identification presented by the ~~of any~~ elector ~~who presents~~
 1907 ~~himself or herself at the polls to vote~~ is the same as the
 1908 signature ~~of~~ the elector affixed on the precinct register or
 1909 early voting certificate in the registration book, the clerk or
 1910 inspector shall deliver to the person an affidavit which shall
 1911 be in substantially the following form:

1912
 1913 STATE OF FLORIDA,
 1914 COUNTY OF _____.

1915 I do solemnly swear (or affirm) that my name is _____; that
 1916 I am _____ years old; that I was born in ~~the State of~~ _____;
 1917 that I am registered to vote, and ~~at the time I registered I~~
 1918 ~~resided on _____ Street, in the municipality of _____, County of~~
 1919 ~~_____, State of Florida;~~ that I am a qualified voter of the
 1920 county and state aforesaid and have not voted in this election.

1921 (Signature of voter)

1922 Sworn to and subscribed before me this _____ day of _____,
 1923 A. D. (year) .

1924 (Clerk or inspector of election)

1925 Precinct No. _____.

1926 County of _____.

1927 (2) The person shall fill out, in his or her own
 1928 handwriting or with assistance from a member of the election
 1929 board, the form and make an affidavit to the facts stated in the
 1930 filled-in form; such affidavit shall then be sworn to and
 1931 subscribed before one of the inspectors or clerks of the
 1932 election who is authorized to administer the oath. Whenever the
 1933 affidavit is made and filed with the clerk or inspector, the
 1934 person shall then be admitted to cast his or her vote, but if
 1935 the person fails or refuses to make out or file such affidavit
 1936 but asserts his or her eligibility, then he or she shall be
 1937 entitled to vote a provisional ballot ~~not be permitted to vote.~~

1938 Section 34. Subsection (1) of section 101.51, Florida
 1939 Statutes, as amended by chapter 2002-281, Laws of Florida, is
 1940 amended to read:

1941 101.51 Electors to occupy booth alone.--

1942 (1) When the elector presents himself or herself to vote,
 1943 the election official shall ascertain whether the elector's name
 1944 is upon the register of electors, and, if the elector's name
 1945 appears and no challenge interposes, or, if interposed, be not
 1946 sustained, one of the election officials stationed at the
 1947 entrance shall announce the name of the elector and permit him
 1948 or her to enter the booth or compartment to cast his or her
 1949 vote, allowing only one elector at a time to pass through to
 1950 vote. An elector, while casting his or her ballot, may not
 1951 occupy a booth or compartment already occupied or speak with
 1952 anyone, except as provided by s. 101.051, while in the voting
 1953 booth ~~polling place~~.

1954 Section 35. Subsection (4) of section 101.5606, Florida
 1955 Statutes, is amended to read:

1956 101.5606 Requirements for approval of systems.--No
 1957 electronic or electromechanical voting system shall be approved
 1958 by the Department of State unless it is so constructed that:

1959 (4) For systems using marksense ~~paper~~ ballots, it accepts
 1960 a rejected ballot pursuant to subsection (3) if a voter chooses
 1961 to cast the ballot, but records no vote for any office that has
 1962 been overvoted or undervoted.

1963 Section 36. Subsections (2) and (3) of section 101.5608,
 1964 Florida Statutes, are amended to read:

1965 101.5608 Voting by electronic or electromechanical method;
 1966 procedures.--

1967 (2) When an electronic or electromechanical voting system
 1968 utilizes a ballot card or marksense ~~paper~~ ballot, the following
 1969 procedures shall be followed:

1970 (a) After receiving a ballot from an inspector, the
 1971 elector shall, without leaving the polling place, retire to a
 1972 booth or compartment and mark the ballot. After preparing his or
 1973 her ballot, the elector shall place the ballot in a secrecy
 1974 envelope with the stub exposed or shall fold over that portion
 1975 on which write-in votes may be cast, as instructed, so that the
 1976 ballot will be deposited in the ballot box without exposing the
 1977 voter's choices. Before the ballot is deposited in the ballot
 1978 box, the inspector shall detach the exposed stub and place it in
 1979 a separate envelope for audit purposes; when a fold-over ballot
 1980 is used, the entire ballot shall be placed in the ballot box.

1981 (b) Any voter who spoils his or her ballot or makes an
 1982 error may return the ballot to the election official and secure
 1983 another ballot, except that in no case shall a voter be
 1984 furnished more than three ballots. If the vote tabulation device
 1985 has rejected a ballot, the ballot shall be considered spoiled
 1986 and a new ballot shall be provided to the voter unless the voter
 1987 chooses to cast the rejected ballot. The election official,
 1988 without examining the original ballot, shall state the possible
 1989 reasons for the rejection and shall provide instruction to the
 1990 voter pursuant to s. 101.5611. A spoiled ballot shall be
 1991 preserved, without examination, in an envelope provided for that
 1992 purpose. The stub shall be removed from the ballot and placed in
 1993 an envelope.

1994 (c) The supervisor of elections shall prepare for each
 1995 polling place at least one ballot box to contain the ballots of
 1996 a particular precinct, and each ballot box shall be plainly
 1997 marked with the name of the precinct for which it is intended.

1998 (3) The Department of State shall promulgate rules
 1999 regarding voting procedures to be used when an electronic or
 2000 electromechanical voting system is of a type which does not
 2001 utilize a ballot card or marksense ~~paper~~ ballot.

2002 Section 37. Subsection (2) of section 101.5612, Florida
 2003 Statutes, is amended to read:

2004 101.5612 Testing of tabulating equipment.--

2005 (2) On any day not more than 10 days prior to the
 2006 commencement of early voting as provided in s. 101.657, the
 2007 supervisor of elections shall have the automatic tabulating

2008 equipment publicly tested to ascertain that the equipment will
2009 correctly count the votes cast for all offices and on all
2010 measures. If the ballots to be used at the polling place on
2011 election day are not available at the time of the testing, the
2012 supervisor may conduct an additional test not more than 10 days
2013 prior to election day. Public notice of the time and place of
2014 the test shall be given at least 48 hours prior thereto by
2015 publication once in one or more newspapers of general
2016 circulation in the county or, if there is no newspaper of
2017 general circulation in the county, by posting the notice in at
2018 least four conspicuous places in the county. The supervisor or
2019 the municipal elections official may, at the time of qualifying,
2020 give written notice of the time and location of the public
2021 preelection test to each candidate qualifying with that office
2022 and obtain a signed receipt that the notice has been given. The
2023 Department of State shall give written notice to each statewide
2024 candidate at the time of qualifying, or immediately at the end
2025 of qualifying, that the voting equipment will be tested and
2026 advise each candidate to contact the county supervisor of
2027 elections as to the time and location of the public preelection
2028 test. The supervisor or the municipal elections official shall,
2029 at least 15 days prior to the commencement of early voting as
2030 provided in s. 101.657, send written notice by certified mail to
2031 the county party chair of each political party and to all
2032 candidates for other than statewide office whose names appear on
2033 the ballot in the county and who did not receive written
2034 notification from the supervisor or municipal elections official

2035 at the time of qualifying, stating the time and location of the
2036 public preelection test of the automatic tabulating equipment.
2037 The canvassing board shall convene, and each member of the
2038 canvassing board shall certify to the accuracy of the test. For
2039 the test, the canvassing board may designate one member to
2040 represent it. The test shall be open to representatives of the
2041 political parties, the press, and the public. Each political
2042 party may designate one person with expertise in the computer
2043 field who shall be allowed in the central counting room when all
2044 tests are being conducted and when the official votes are being
2045 counted. The designee shall not interfere with the normal
2046 operation of the canvassing board.

2047 Section 38. Subsection (5) of section 101.5614, Florida
2048 Statutes, is amended to read:

2049 101.5614 Canvass of returns.--

2050 (5) If any absentee ballot is physically damaged so that
2051 it cannot properly be counted by the automatic tabulating
2052 equipment, a true duplicate copy shall be made of the damaged
2053 ballot in the presence of witnesses and substituted for the
2054 damaged ballot. Likewise, a duplicate ballot shall be made of an
2055 absentee ballot containing an overvoted race or a marked
2056 absentee ballot in which every race is undervoted which shall
2057 include all valid votes as determined by the canvassing board
2058 based on rules adopted by the division pursuant to s.

2059 102.166 (4) ~~(5)~~. All duplicate ballots shall be clearly labeled
2060 "duplicate," bear a serial number which shall be recorded on the
2061 defective ballot, and be counted in lieu of the defective

2062 ballot. After a ballot has been duplicated, the defective ballot
2063 shall be placed in an envelope provided for that purpose, and
2064 the duplicate ballot shall be tallied with the other ballots for
2065 that precinct.

2066 Section 39. Section 101.572, Florida Statutes, is amended
2067 to read:

2068 101.572 Public inspection of ballots.--The official
2069 ballots and ballot cards received from election boards and
2070 removed from absentee ballot mailing envelopes shall be open for
2071 public inspection or examination while in the custody of the
2072 supervisor of elections or the county canvassing board at any
2073 reasonable time, under reasonable conditions; however, no
2074 persons other than the supervisor of elections or his or her
2075 employees or the county canvassing board shall handle any
2076 official ballot or ballot card. If the ballots are being
2077 examined prior to the end of the contest period in s. 102.168,
2078 the supervisor of elections shall make a reasonable effort to
2079 notify all candidates whose names appear on such ballots or
2080 ballot cards by telephone or otherwise of the time and place of
2081 the inspection or examination. All such candidates, or their
2082 representatives, shall be allowed to be present during the
2083 inspection or examination.

2084 Section 40. Section 101.58, Florida Statutes, is amended
2085 to read:

2086 101.58 Supervising and observing registration and election
2087 processes.--

2088 (1) The Department of State may, at any time it deems fit;
2089 upon the petition of 5 percent of the registered electors; or
2090 upon the petition of any candidate, county executive committee
2091 chair, state committeeman or committeewoman, or state executive
2092 committee chair, appoint one or more deputies whose duties shall
2093 be to observe and examine the registration and election
2094 processes and the condition, custody, and operation of voting
2095 systems and equipment in any county or municipality. The deputy
2096 shall have access to all registration books and records as well
2097 as any other records or procedures relating to the voting
2098 process. The deputy may supervise preparation of the voting
2099 equipment and procedures for election, and it shall be unlawful
2100 for any person to obstruct the deputy in the performance of his
2101 or her duty. The deputy shall file with the Department of State
2102 a report of his or her findings and observations of the
2103 registration and election processes in the county or
2104 municipality, and a copy of the report shall also be filed with
2105 the clerk of the circuit court of said county. The compensation
2106 of such deputies shall be fixed by the Department of State; and
2107 costs incurred under this section shall be paid from the annual
2108 operating appropriation made to the Department of State.

2109 (2) Upon the written direction of the Secretary of State,
2110 any employee of the Department of State having expertise in the
2111 matter of concern to the Secretary of State shall have full
2112 access to all premises, records, equipment, and staff of the
2113 supervisor of elections.

2114 Section 41. Subsection (1) of section 101.595, Florida
 2115 Statutes, is amended to read:

2116 101.595 Analysis and reports of voting problems.--

2117 (1) No later than December 15 of each general election
 2118 year, the supervisor of elections in each county shall report to
 2119 the Department of State the total number of overvotes and
 2120 undervotes in either the "President and Vice President" or
 2121 "Governor and Lieutenant Governor" race that appears first on
 2122 the ballot or, if neither appears, the first race appearing on
 2123 the ballot pursuant to s. 101.151(2), along with the likely
 2124 reasons for such overvotes and undervotes and other information
 2125 as may be useful in evaluating the performance of the voting
 2126 system and identifying problems with ballot design and
 2127 instructions which may have contributed to voter confusion.

2128 Section 42. Subsection (1) of section 101.6103, Florida
 2129 Statutes, is amended, subsection (6) is renumbered as subsection
 2130 (7), and a new subsection (6) is added to said section, to read:

2131 101.6103 Mail ballot election procedure.--

2132 (1) Except as otherwise provided in subsection (7)~~(6)~~, the
 2133 supervisor of elections shall mail all official ballots with a
 2134 secrecy envelope, a return mailing envelope, and instructions
 2135 sufficient to describe the voting process to each elector
 2136 entitled to vote in the election not sooner than the 20th day
 2137 before the election and not later than the 10th day before the
 2138 date of the election. All such ballots shall be mailed by first-
 2139 class mail. Ballots shall be addressed to each elector at the

2140 address appearing in the registration records and placed in an
 2141 envelope which is prominently marked "Do Not Forward."

2142 (6) The canvassing board may begin the canvassing of mail
 2143 ballots at 7 a.m. on the fourth day before the election,
 2144 including processing the ballots through the tabulating
 2145 equipment. However, results may not be released until after 7
 2146 p.m. on election day. Any canvassing board member or election
 2147 employee who releases any result prior to 7 p.m. on election day
 2148 commits a felony of the third degree, punishable as provided in
 2149 s. 775.082, s. 775.083, or s. 775.084.

2150 Section 43. Subsections (2), (3), and (4) of section
 2151 101.62, Florida Statutes, are amended to read:

2152 101.62 Request for absentee ballots.--

2153 (2) ~~If~~ A request for an absentee ballot to be mailed to an
 2154 elector shall be is received no later than 5 p.m. on the 6th day
 2155 prior to after the Friday before the election by the supervisor
 2156 of elections from an absent elector overseas, the supervisor
 2157 shall send a notice to the elector acknowledging receipt of his
 2158 or her request and notifying the elector that the ballot will
 2159 not be forwarded due to insufficient time for return of the
 2160 ballot by the required deadline. The supervisor of elections
 2161 shall mail absentee ballots to voters requesting ballots by such
 2162 deadline no later than 4 days before the election.

2163 (3) For each request for an absentee ballot received, the
 2164 supervisor shall record the date the request was made, the date
 2165 the absentee ballot was delivered to the elector or the
 2166 elector's designee or the date the ballot was delivered to the

2167 post office or other carrier ~~mailed~~, the date the ballot was
2168 received by the supervisor, and such other information he or she
2169 may deem necessary. This information shall be provided in
2170 electronic format as provided by rule adopted by the division.
2171 The information shall be updated and made available no later
2172 than noon of each day and shall be contemporaneously provided to
2173 the division. This information shall be confidential and exempt
2174 from the provisions of s. 119.07(1) and shall be made available
2175 to or reproduced only for the elector requesting the ballot, a
2176 canvassing board, an election official, a political party or
2177 official thereof, a candidate who has filed qualification papers
2178 and is opposed in an upcoming election, and registered political
2179 committees or registered committees of continuous existence, for
2180 political purposes only.

2181 (4) (a) To each absent qualified elector overseas who has
2182 requested an absentee ballot, the supervisor of elections shall,
2183 not fewer than 35 days before the first primary election, mail
2184 an absentee ballot. Not fewer than 45 days before the second
2185 primary and general election, the supervisor of elections shall
2186 mail an absentee ballot. If the regular absentee ballots are not
2187 available, the supervisor shall mail an advance absentee ballot
2188 to those persons requesting ballots for such elections. The
2189 advance absentee ballot for the second primary shall be the same
2190 as the first primary absentee ballot as to the names of
2191 candidates, except that for any offices where there are only two
2192 candidates, those offices and all political party executive
2193 committee offices shall be omitted. Except as provided in ss.

2194 99.063(4) and 100.371(6), the advance absentee ballot for the
2195 general election shall be as specified in s. 101.151, except
2196 that in the case of candidates of political parties where
2197 nominations were not made in the first primary, the names of the
2198 candidates placing first and second in the first primary
2199 election shall be printed on the advance absentee ballot. The
2200 advance absentee ballot or advance absentee ballot information
2201 booklet shall be of a different color for each election and also
2202 a different color from the absentee ballots for the first
2203 primary, second primary, and general election. The supervisor
2204 shall mail an advance absentee ballot for the second primary and
2205 general election to each qualified absent elector for whom a
2206 request is received until the absentee ballots are printed. The
2207 supervisor shall enclose with the advance second primary
2208 absentee ballot and advance general election absentee ballot an
2209 explanation stating that the absentee ballot for the election
2210 will be mailed as soon as it is printed; and, if both the
2211 advance absentee ballot and the absentee ballot for the election
2212 are returned in time to be counted, only the absentee ballot
2213 will be counted. The Department of State may prescribe by rule
2214 the requirements for preparing and mailing absentee ballots to
2215 absent qualified electors overseas.

2216 (b) As soon as the remainder of the absentee ballots are
2217 printed, the supervisor shall provide an absentee ballot to each
2218 elector by whom a request for that ballot has been made by one
2219 of the following means:

2220 1. By nonforwardable, return-if-undeliverable mail to the
 2221 elector's current mailing address on file with the supervisor,
 2222 unless the elector specifies in the request that:

2223 a. The elector is absent from the county and does not plan
 2224 to return before the day of the election;

2225 b. The elector is temporarily unable to occupy the
 2226 residence because of hurricane, tornado, flood, fire, or other
 2227 emergency or natural disaster; or

2228 c. The elector is in a hospital, assisted-living facility,
 2229 nursing home, short-term medical or rehabilitation facility, or
 2230 correctional facility,
 2231
 2232 in which case the supervisor shall mail the ballot by
 2233 nonforwardable, return-if-undeliverable mail to any other
 2234 address the elector specifies in the request.

2235 2. By forwardable mail to voters who are entitled to vote
 2236 by absentee ballot under the Uniformed and Overseas Citizens
 2237 Absentee Voting Act.

2238 3. By personal delivery to the elector, upon presentation
 2239 of the identification required in s. 101.657 until 7 p.m. on the
 2240 day of the election.

2241 4. By delivery to a designee on election day or up to 4
 2242 days prior to the day of an election. Any elector may designate
 2243 in writing a person to pick up the ballot for the elector;
 2244 however, the person designated may not pick up more than two
 2245 absentee ballots per election, other than the designee's own
 2246 ballot, except that additional ballots may be picked up for

2247 members of the designee's immediate family. For purposes of this
 2248 section, "immediate family" means the designee's spouse or the
 2249 parent, child, grandparent, or sibling of the designee or of the
 2250 designee's spouse. The designee shall provide to the supervisor
 2251 the written authorization by the elector and a picture
 2252 identification of the designee and must complete an affidavit.
 2253 The designee shall state in the affidavit that the designee is
 2254 authorized by the elector to pick up that ballot and shall
 2255 indicate if the elector is a member of the designee's immediate
 2256 family and, if so, the relationship. The department shall
 2257 prescribe the form of the affidavit. If the supervisor is
 2258 satisfied that the designee is authorized to pick up the ballot
 2259 and that the signature of the elector on the written
 2260 authorization matches the signature of the elector on file, the
 2261 supervisor shall give the ballot to that designee for delivery
 2262 to the elector.

2263 Section 44. Subsection (3) of section 101.64, Florida
 2264 Statutes, is added to read:

2265 101.64 Delivery of absentee ballots; envelopes; form.--

2266 (3) In lieu of the voter's certificate provided in this
 2267 section, the supervisor of elections shall provide each person
 2268 voting absentee under the Uniformed and Overseas Citizens
 2269 Absentee Voting Act with the standard oath prescribed by the
 2270 presidential designee.

2271 Section 45. Subsection (1) of section 101.657, Florida
 2272 Statutes, is amended, present subsection (2) is renumbered as
 2273 subsection (3), and a new subsection (2) is added, to read:

2274 | 101.657 Early voting.--

2275 | (1) (a) As a convenience to the voter, the supervisor of
 2276 | elections shall allow an elector to vote early in the main or
 2277 | branch office of the supervisor ~~by depositing the voted ballot~~
 2278 | ~~in a voting device used by the supervisor to collect or tabulate~~
 2279 | ~~ballots.~~ In order for a branch office to be used for early
 2280 | voting, it shall be a permanent ~~full-service~~ facility of the
 2281 | supervisor and shall have been designated and used as such for
 2282 | at least 1 year prior to the election. The supervisor may also
 2283 | designate any city hall or permanent public library facility as
 2284 | early voting sites; however, if so designated, the sites must be
 2285 | geographically located so as to provide all voters in the county
 2286 | an equal opportunity to cast a ballot, insofar as is
 2287 | practicable. The results or tabulation of votes cast during
 2288 | early voting may not be made before the close of the polls on
 2289 | election day. Results shall be reported by precinct.

2290 | (b) The supervisor shall designate each early voting site
 2291 | by no later than the 30th day prior to an election and shall
 2292 | designate an early voting area, as defined in s. 97.021, at each
 2293 | early voting site. Designation of early voting sites may not be
 2294 | changed except by petition to the division, which petition shall
 2295 | only be granted for reasons of a natural or unavoidable event
 2296 | resulting in the unavailability of such early voting site.

2297 | (c) All early voting sites in a county shall be open on
 2298 | the same days for the same amount of time and shall allow any
 2299 | person in line at the closing of an early voting site to vote.

2300 (d) ~~(b)~~ Early voting shall begin on the 15th day before an
 2301 election and end on the 2nd day before an election. For purposes
 2302 of a special election held pursuant to s. 100.101, early voting
 2303 shall begin on the 8th day before an election and end on the 2nd
 2304 day before an election. Early voting shall be provided for ~~at~~
 2305 ~~least~~ 8 hours per weekday and 8 hours in the aggregate each
 2306 weekend at each site during the applicable periods. Early voting
 2307 sites shall open no sooner than 7 a.m. and close no later than 7
 2308 p.m. on each applicable day during the applicable periods. Early
 2309 ~~voting shall also be provided for 8 hours in the aggregate for~~
 2310 ~~each weekend during the applicable periods.~~

2311 (e) Notwithstanding the requirements of s. 100.3605,
 2312 municipalities may provide early voting in municipal elections
 2313 that are not held in conjunction with county or state elections.
 2314 If a municipality provides early voting, it may designate as
 2315 many sites as necessary and shall conduct its activities in
 2316 accordance with the provisions of paragraphs (a) - (c). The
 2317 supervisor is not required to conduct early voting if it is
 2318 provided pursuant to this subsection.

2319 (f) Notwithstanding the requirements of s. 189.405,
 2320 special districts may provide early voting in any district
 2321 election not held in conjunction with county or state elections.
 2322 If a special district provides early voting, it may designate as
 2323 many sites as necessary and shall conduct its activities in
 2324 accordance with the provisions of paragraphs (a) - (c). The
 2325 supervisor is not required to conduct early voting if it is
 2326 provided pursuant to this subsection.

2327 (2) During any early voting period, each supervisor of
 2328 elections shall make available the total number of voters
 2329 casting a ballot at each early voting location during the
 2330 previous day. Each supervisor shall prepare an electronic data
 2331 file listing the individual voters who cast a ballot during the
 2332 early voting period. This information shall be provided in
 2333 electronic format as provided by rule adopted by the division.
 2334 The information shall be updated and made available no later
 2335 than noon of each day and shall be contemporaneously provided to
 2336 the division.

2337 Section 46. Subsection (2) section 101.663, Florida
 2338 Statutes, is amended to read:

2339 101.663 Electors; change of residence.--

2340 (2) An elector registered in this state who moves his or
 2341 her permanent residence to another state after the registration
 2342 books in that state have closed ~~and who is prohibited by the~~
 2343 ~~laws of that state from voting for the offices of President and~~
 2344 ~~Vice President of the United States~~ shall be permitted to vote
 2345 absentee in the county of his or her former residence for the
 2346 ~~those offices~~ of President and Vice President.

2347 Section 47. Subsection (1) of section 101.68, Florida
 2348 Statutes, is amended to read:

2349 101.68 Canvassing of absentee ballot.--

2350 (1) The supervisor of the county where the absent elector
 2351 resides shall receive the voted ballot, at which time the
 2352 supervisor shall compare the signature of the elector on the
 2353 voter's certificate with the signature of the elector in the

2354 registration books to determine whether the elector is duly
 2355 registered in the county and may record on the elector's
 2356 registration certificate that the elector has voted. The
 2357 supervisor shall safely keep the ballot unopened in his or her
 2358 office until the county canvassing board canvasses the vote.
 2359 Once an absentee ballot has been received by the supervisor, the
 2360 ballot is deemed to have been cast and no changes or additions
 2361 shall be made to the Voter's Certificate.

2362 Section 48. Section 101.69, Florida Statutes, is amended
 2363 to read:

2364 101.69 Voting in person; return of absentee ballot.--The
 2365 provisions of this code shall not be construed to prohibit any
 2366 elector from voting in person at the elector's precinct on the
 2367 day of an election or at an early voting site notwithstanding
 2368 that the elector has requested an absentee ballot for that
 2369 election. However, an elector who has returned a voted absentee
 2370 ballot to the supervisor is deemed to have cast his or her
 2371 ballot and shall not be entitled to vote another ballot or have
 2372 a provisional ballot counted by the county canvassing board. An
 2373 elector who has received an absentee ballot and who has not
 2374 returned the voted ballot to the supervisor, but desires to vote
 2375 in person, shall return the ballot, whether voted or not, to the
 2376 election board in the elector's precinct or to an early voting
 2377 site. The returned ballot shall be marked "canceled" by the
 2378 board and placed with other canceled ballots. However, if the
 2379 elector does not return the ballot and the election official:

2380 (1) Confirms that the supervisor has received the
 2381 elector's absentee ballot, the elector shall not be allowed to
 2382 vote in person. If the elector maintains that he or she has not
 2383 returned the absentee ballot or remains eligible to vote, the
 2384 elector shall be provided a provisional ballot as provided in s.
 2385 101.048.

2386 (2) Confirms that the supervisor has not received the
 2387 elector's absentee ballot, the elector shall be allowed to vote
 2388 in person as provided in this code. The elector's absentee
 2389 ballot, if subsequently received, shall not be counted and shall
 2390 remain in the mailing envelope, and the envelope shall be marked
 2391 "Rejected as Illegal."

2392 (3) Cannot determine whether the supervisor has received
 2393 the elector's absentee ballot, the elector may vote a
 2394 provisional ballot as provided in s. 101.048.

2395 Section 49. Subsection (2) of section 101.6923, Florida
 2396 Statutes, is amended to read:

2397 101.6923 Special absentee ballot instructions for certain
 2398 first-time voters.--

2399 (2) A voter covered by this section shall be provided with
 2400 ~~the following~~ printed instructions with his or her absentee
 2401 ballot in substantially the following form:

2402
 2403
 2404 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2405 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2406 TO COUNT.

- 2407
- 2408 1. In order to ensure that your absentee ballot will be
2409 counted, it should be completed and returned as soon as possible
2410 so that it can reach the supervisor of elections of the county
2411 in which your precinct is located no later than 7 p.m. on the
2412 date of the election.
- 2413 2. Mark your ballot in secret as instructed on the ballot.
2414 You must mark your own ballot unless you are unable to do so
2415 because of blindness, disability, or inability to read or write.
- 2416 3. Mark only the number of candidates or issue choices for
2417 a race as indicated on the ballot. If you are allowed to "Vote
2418 for One" candidate and you vote for more than one, your vote in
2419 that race will not be counted.
- 2420 4. Place your marked ballot in the enclosed secrecy
2421 envelope and seal the envelope.
- 2422 5. Insert the secrecy envelope into the enclosed envelope
2423 bearing the Voter's Certificate. Seal the envelope and
2424 completely fill out the Voter's Certificate on the back of the
2425 envelope.
- 2426 a. You must sign your name on the line above (Voter's
2427 Signature).
- 2428 b. If you are an overseas voter, you must include the date
2429 you signed the Voter's Certificate on the line above (Date) or
2430 your ballot may not be counted.
- 2431 6. Unless you meet one of the exemptions in Item 7., you
2432 must make a copy of one of the following forms of
2433 identification:

2434 a. Identification which must include your name and
 2435 photograph: current and valid Florida driver's license; Florida
 2436 identification card issued by the Department of Highway Safety
 2437 and Motor Vehicles; United States passport; employee badge or
 2438 identification; buyer's club identification card; debit or
 2439 credit card; military identification; student identification;
 2440 retirement center identification; neighborhood association
 2441 identification; entertainment identification; or public
 2442 assistance identification; or

2443 b. Identification which shows your name and current
 2444 residence address: current utility bill, bank statement,
 2445 government check, paycheck, or government document (excluding
 2446 voter identification card).

2447 7. The identification requirements of Item 6. do not apply
 2448 if you meet one of the following requirements:

2449 a. You are 65 years of age or older.

2450 b. You have a temporary or permanent physical disability.

2451 c. You are a member of a uniformed service on active duty
 2452 who, by reason of such active duty, will be absent from the
 2453 county on election day.

2454 d. You are a member of the Merchant Marine who, by reason
 2455 of service in the Merchant Marine, will be absent from the
 2456 county on election day.

2457 e. You are the spouse or dependent of a member referred to
 2458 in paragraph c. or paragraph d. who, by reason of the active
 2459 duty or service of the member, will be absent from the county on
 2460 election day.

2461 f. You are currently residing outside the United States.

2462 8. Place the envelope bearing the Voter's Certificate into
 2463 the mailing envelope addressed to the supervisor. Insert a copy
 2464 of your identification in the mailing envelope. DO NOT PUT YOUR
 2465 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2466 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2467 BALLOT WILL NOT COUNT.

2468 9. Mail, deliver, or have delivered the completed mailing
 2469 envelope. Be sure there is sufficient postage if mailed.

2470 10. FELONY NOTICE. It is a felony under Florida law to
 2471 accept any gift, payment, or gratuity in exchange for your vote
 2472 for a candidate. It is also a felony under Florida law to vote
 2473 in an election using a false identity or false address, or under
 2474 any other circumstances making your ballot false or fraudulent.

2475 Section 50. Subsection (3) of section 101.694, Florida
 2476 Statutes, is amended to read:

2477 101.694 Mailing of ballots upon receipt of federal
 2478 postcard application.--

2479 (3) Absentee envelopes printed for voters entitled to vote
 2480 absentee under the Uniformed and Overseas Citizens Absentee
 2481 Voting Act shall meet the specifications as determined by the
 2482 Federal Voting Assistance Program of the United States
 2483 Department of Defense and the United States Postal Service.

2484 ~~There shall be printed across the face of each envelope in which~~
 2485 ~~a ballot is sent to a federal postcard applicant, or is returned~~
 2486 ~~by such applicant to the supervisor, two parallel horizontal red~~
 2487 ~~bars, each one quarter inch wide, extending from one side of the~~

2488 ~~envelope to the other side, with an intervening space of one-~~
2489 ~~quarter inch, the top bar to be 1 1/4 inches from the top of the~~
2490 ~~envelope, and with the words "Official Election Balloting~~
2491 ~~Material via Air Mail," or similar language, between the bars.~~
2492 ~~There shall be printed in the upper right corner of each such~~
2493 ~~envelope, in a box, the words "Free of U. S. Postage, including~~
2494 ~~Air Mail." All printing on the face of each envelope shall be in~~
2495 ~~red, and there shall be printed in red in the upper left corner~~
2496 ~~of each ballot envelope an appropriate inscription or blanks for~~
2497 ~~return address of sender. Additional specifications may be~~
2498 ~~prescribed by rule of the Division of Elections upon~~
2499 ~~recommendation of the presidential designee under the Uniformed~~
2500 ~~and Overseas Citizens Absentee Voting Act. Otherwise, the~~
2501 ~~envelopes shall be the same as those used in sending ballots to,~~
2502 ~~or receiving them from, other absentee voters.~~

2503 Section 51. Section 101.697, Florida Statutes, is amended
2504 to read:

2505 101.697 Electronic transmission of election
2506 materials.--The Department of State shall adopt rules to
2507 authorize a supervisor of elections to accept a request for an
2508 absentee ballot and a voted absentee ballot by facsimile machine
2509 or other electronic means from overseas voters if the department
2510 can be assured that the security of the transmission of the
2511 ballot is able to be established. The rules must provide that in
2512 order to accept a voted ballot, the verification of the voter
2513 must be established, the security of the transmission must be
2514 established, and each ballot received must be recorded.

2515 Section 52. Section 102.012, Florida Statutes, is amended
 2516 to read:

2517 102.012 Inspectors and clerks to conduct elections.--

2518 (1) The supervisor of elections of each county, at least
 2519 20 days prior to the holding of any election, shall appoint an
 2520 ~~two~~ election board comprised of poll workers who serve as clerks
 2521 or inspectors ~~boards~~ for each precinct in the county, ~~however,~~
 2522 ~~the supervisor of elections may, in any election, appoint one~~
 2523 ~~election board if the supervisor has reason to believe that only~~
 2524 ~~one is necessary.~~ The clerk shall be in charge of, and
 2525 responsible for, seeing that the election board carries out its
 2526 duties and responsibilities. Each inspector and each clerk shall
 2527 take and subscribe to an oath or affirmation, which shall be
 2528 written or printed, to the effect that he or she will perform
 2529 the duties of inspector or clerk of election, respectively,
 2530 according to law and will endeavor to prevent all fraud, deceit,
 2531 or abuse in conducting the election. The oath may be taken
 2532 before an officer authorized to administer oaths or before any
 2533 of the persons who are to act as inspectors, one of them to
 2534 swear the others, and one of the others sworn thus, in turn, to
 2535 administer the oath to the one who has not been sworn. The oaths
 2536 shall be returned with the poll list and the returns of the
 2537 election to the supervisor. In all questions that may arise
 2538 before the members of an election board, the decision of a
 2539 majority of them shall decide the question. The supervisor of
 2540 elections of each county shall be responsible for the attendance

2541 and diligent performance of his or her duties by each clerk and
 2542 inspector.

2543 (2) Each member of the election board shall be able to
 2544 read and write the English language and shall be a registered
 2545 qualified elector of the county in which the member is appointed
 2546 or a person who has preregistered to vote, pursuant to s.
 2547 97.041(1)(b), in the county in which the member is appointed. No
 2548 election board shall be composed solely of members of one
 2549 political party; however, in any primary in which only one party
 2550 has candidates appearing on the ballot, all clerks and
 2551 inspectors may be of that party. Any person whose name appears
 2552 as an opposed candidate for any office shall not be eligible to
 2553 serve on an election board.

2554 (3) The supervisor shall furnish inspectors of election
 2555 for each precinct with the list of registered voters for the
 2556 precinct registration books ~~divided alphabetically as will best~~
 2557 ~~facilitate the holding of an election.~~ The supervisor shall also
 2558 furnish to the inspectors of election at the polling place at
 2559 each precinct in the supervisor's county a sufficient number of
 2560 forms and blanks for use on election day.

2561 (4) ~~(a)~~ The election board of each precinct shall attend
 2562 the polling place by 6 a.m. of the day of the election and shall
 2563 arrange the furniture, stationery, and voting equipment.

2564 ~~(b)~~ The ~~An~~ election board shall conduct the voting,
 2565 beginning and closing at the time set forth in s. 100.011. ~~If~~
 2566 ~~more than one board has been appointed, the second board shall,~~
 2567 ~~upon the closing of the polls, come on duty and count the votes~~

2568 ~~east. In such case, the first board shall turn over to the~~
2569 ~~second board all closed ballot boxes, registration books, and~~
2570 ~~other records of the election at the time the boards change. The~~
2571 ~~second board shall continue counting until the count is complete~~
2572 ~~or until 7 a.m. the next morning, and, if the count is not~~
2573 ~~completed at that time, the first board that conducted the~~
2574 ~~election shall again report for duty and complete the count. The~~
2575 ~~second board shall turn over to the first board all ballots~~
2576 ~~counted, all ballots not counted, and all registration books and~~
2577 ~~other records and shall advise the first board as to what has~~
2578 ~~transpired in tabulating the results of the election.~~

2579 ~~(5) In precincts in which there are more than 1,000~~
2580 ~~registered electors, the supervisor of elections shall appoint~~
2581 ~~additional election boards necessary for the election.~~

2582 ~~(6) In any precinct in which there are fewer than 300~~
2583 ~~registered electors, it is not necessary to appoint two election~~
2584 ~~boards, but one such board will suffice. Such board shall be~~
2585 ~~composed of at least one inspector and one clerk.~~

2586 Section 53. Section 102.014, Florida Statutes, is amended
2587 to read:

2588 102.014 Poll worker recruitment and training.--

2589 (1) The supervisor of elections shall conduct training for
2590 inspectors, clerks, and deputy sheriffs prior to each primary,
2591 general, and special election for the purpose of instructing
2592 such persons in their duties and responsibilities as election
2593 officials. The Division of Elections shall develop a statewide
2594 uniform training curriculum for poll workers, and each

2595 supervisor shall use such curriculum in their poll worker
2596 training. A certificate may be issued by the supervisor of
2597 elections to each person completing such training. No person
2598 shall serve as an inspector, clerk, or deputy sheriff for an
2599 election unless such person has completed the training as
2600 required. A clerk may not work at the polls unless he or she
2601 demonstrates a working knowledge of the laws and procedures
2602 relating to voter registration, voting system operation,
2603 balloting and polling place procedures, and problem-solving and
2604 conflict-resolution skills.

2605 (2) A person who has attended previous training conducted
2606 within 2 years before the election may be appointed by the
2607 supervisor to fill a vacancy on an election board ~~day~~. If no
2608 person with prior training is available to fill such vacancy,
2609 the supervisor of elections may fill such vacancy in accordance
2610 with the provisions of subsection (3) from among persons who
2611 have not received the training required by this section.

2612 (3) In the case of absence or refusal to act on the part
2613 of any inspector or clerk ~~at any precinct on the day of an~~
2614 ~~election~~, the supervisor shall appoint a replacement who meets
2615 the qualifications prescribed in s. 102.012(2). The inspector or
2616 clerk so appointed shall be a member of the same political party
2617 as the clerk or inspector whom he or she replaces.

2618 (4) Each supervisor of elections shall be responsible for
2619 training inspectors and clerks, subject to the following minimum
2620 requirements:

2621 (a) No clerk shall be entitled to work at the polls unless
 2622 he or she has had a minimum of 3 hours of training prior to each
 2623 election.

2624 (b) No inspector shall work at the polls unless he or she
 2625 has had a minimum of 2 hours of training prior to each election.

2626 (c) For the purposes of this subsection, the first and
 2627 second primary elections shall be considered one election.

2628 (5) The Department of State shall create a uniform polling
 2629 place procedures manual and adopt the manual by rule. Each
 2630 supervisor of elections shall ensure that the manual is
 2631 available in hard copy or electronic form in every polling place
 2632 ~~precinct in the supervisor's jurisdiction on election day~~. The
 2633 manual shall guide inspectors, clerks, and deputy sheriffs in
 2634 the proper implementation of election procedures and laws. The
 2635 manual shall be indexed by subject, and written in plain, clear,
 2636 unambiguous language. The manual shall provide specific examples
 2637 of common problems encountered at the polls ~~on election day~~, and
 2638 detail specific procedures for resolving those problems. The
 2639 manual shall include, without limitation:

2640 (a) Regulations governing solicitation by individuals and
 2641 groups at the polling place;

2642 (b) Procedures to be followed with respect to voters whose
 2643 names are not on the precinct register;

2644 (c) Proper operation of the voting system;

2645 (d) Ballot handling procedures;

2646 (e) Procedures governing spoiled ballots;

2647 (f) Procedures to be followed after the polls close;

- 2648 (g) Rights of voters at the polls;
- 2649 (h) Procedures for handling emergency situations;
- 2650 (i) Procedures for dealing with irate voters;
- 2651 (j) The handling and processing of provisional ballots;
- 2652 and
- 2653 (k) Security procedures.

2654
 2655 The Department of State shall revise the manual as necessary to
 2656 address new procedures in law or problems encountered by voters
 2657 and poll workers at the precincts.

2658 (6) Supervisors of elections shall work with the business
 2659 and local community to develop public-private programs to ensure
 2660 the recruitment of skilled inspectors and clerks.

2661 (7) The Department of State shall develop a mandatory,
 2662 statewide, and uniform program for training poll workers on
 2663 issues of etiquette and sensitivity with respect to voters
 2664 having a disability. The program must consist of approximately 1
 2665 hour of the required number of hours set forth in paragraph
 2666 (4) (a). The program must be conducted locally by each supervisor
 2667 of elections, who shall periodically certify to the Department
 2668 of State whether each poll worker has completed the program. The
 2669 supervisor of elections shall contract with a recognized
 2670 disability-related organization, such as a center for
 2671 independent living, family network on disabilities, deaf service
 2672 bureau, or other such organization, to develop and assist with
 2673 training the trainers in the disability sensitivity programs.
 2674 The program must include actual demonstrations of obstacles

2675 | confronted by disabled persons during the voting process,
 2676 | including obtaining access to the polling place, traveling
 2677 | through the polling area, and using the voting system.

2678 | Section 54. Section 102.031, Florida Statutes, is amended
 2679 | to read:

2680 | 102.031 Maintenance of good order at polls; authorities;
 2681 | persons allowed in polling rooms and early voting areas;
 2682 | unlawful solicitation of voters.--

2683 | (1) Each election board shall possess full authority to
 2684 | maintain order at the polls and enforce obedience to its lawful
 2685 | commands during an election and the canvass of the votes.

2686 | (2) The sheriff shall deputize a deputy sheriff for each
 2687 | polling place and each early voting site who shall be present
 2688 | during the time the polls or early voting site are open and
 2689 | until the election is completed, who shall be subject to all
 2690 | lawful commands of the clerk or inspectors, and who shall
 2691 | maintain good order. The deputy may summon assistance from among
 2692 | bystanders to aid him or her when necessary to maintain peace
 2693 | and order at the polls or early voting sites.

2694 | (3) (a) No person may enter any polling room or polling
 2695 | place where the polling place is also a polling room or any
 2696 | early voting area, during voting hours except the following:

- 2697 | 1. Official poll watchers;
- 2698 | 2. Inspectors;
- 2699 | 3. Election clerks;
- 2700 | 4. The supervisor of elections or his or her deputy;

2701 5. Persons there to vote, persons in the care of a voter,
2702 or persons caring for such voter;

2703 6. Law enforcement officers or emergency service personnel
2704 there with permission of the clerk or a majority of the
2705 inspectors; or

2706 7. A person, whether or not a registered voter, who is
2707 assisting with or participating in a simulated election for
2708 minors, as approved by the supervisor of elections.

2709 (b) The restriction in paragraph (a) ~~this subsection~~ does
2710 not apply where the polling room is in an area commonly
2711 traversed by the public in order to gain access to businesses or
2712 homes or in an area traditionally utilized as a public area for
2713 discussion.

2714 (4) (a) (e) No person, political committee, committee of
2715 continuous existence, or other group or organization may solicit
2716 voters inside the polling place or within 50 feet of the
2717 entrance to any polling place, or polling room where the polling
2718 place is also a polling room, or early voting site. Before the
2719 opening of the polling place or early voting site, the clerk or
2720 supervisor shall designate the no solicitation zone and mark the
2721 boundaries ~~on the day of any election.~~

2722 ~~1. Solicitation shall not be restricted if:~~

2723 ~~a. Conducted from a separately marked area within the 50-~~
2724 ~~foot zone so as not to disturb, hinder, impede, obstruct, or~~
2725 ~~interfere with voter access to the polling place or polling room~~
2726 ~~entrance; and~~

2727 ~~b. The solicitation activities and subject matter are~~
 2728 ~~clearly and easily identifiable by the voters as an activity in~~
 2729 ~~which they may voluntarily participate; or~~

2730 ~~e. Conducted on property within the 50 foot zone which is~~
 2731 ~~a residence, established business, private property, sidewalk,~~
 2732 ~~park, or property traditionally utilized as a public area for~~
 2733 ~~discussion.~~

2734 ~~2. Solicitation shall not be permitted within the 50 foot~~
 2735 ~~zone on a public sidewalk or other similar means of access to~~
 2736 ~~the polling room if it is clearly identifiable to the poll~~
 2737 ~~workers that the solicitation is impeding, obstructing, or~~
 2738 ~~interfering with voter access to the polling room or polling~~
 2739 ~~place.~~

2740 (b)-(d) For the purpose of this subsection, the term
 2741 "solicit" shall include, but not be limited to, seeking or
 2742 attempting to seek any vote, fact, opinion, or contribution;
 2743 distributing or attempting to distribute any political or
 2744 campaign material, leaflet, or handout; conducting a poll;
 2745 seeking or attempting to seek a signature on any petition; and
 2746 selling or attempting to sell any item.

2747 (5)-(e) Each supervisor of elections shall inform the clerk
 2748 ~~of each precinct~~ of the area within which soliciting is
 2749 unlawful, based on the particular characteristics of that
 2750 polling place. The supervisor or the clerk may take any
 2751 reasonable action necessary to ensure order at the polling
 2752 places including, but not limited to, ~~which shall include:~~

2753 | 1. ~~Designating a specific area for soliciting pursuant to~~
 2754 | ~~paragraph (c) of this subsection, or~~

2755 | 2. having disruptive and unruly persons removed by law
 2756 | enforcement officers from the polling room or place or from the
 2757 | 50-foot zone surrounding the polling place.

2758 | (6) No photography is permitted in the polling room or
 2759 | early voting area.

2760 | Section 55. Section 102.071, Florida Statutes, is amended
 2761 | to read:

2762 | 102.071 Tabulation of votes and proclamation of results
 2763 | ~~where ballots are used.--~~

2764 | The election board shall post at the polls, for the benefit
 2765 | of the public, the results of the voting for each office or
 2766 | other item on the ballot as the count is completed. Upon
 2767 | completion of all counts in all races, a certificate ~~triplicate~~
 2768 | ~~certificates~~ of the results shall be drawn up by the inspectors
 2769 | and clerk at each precinct upon a form provided by the
 2770 | supervisor of elections which shall contain the name of each
 2771 | person voted for, for each office, and the number of votes cast
 2772 | for each person for such office; and, if any question is
 2773 | submitted, the certificate shall also contain the number of
 2774 | votes cast for and against the question. The certificate shall
 2775 | be signed by the inspectors and clerk, ~~and one of the~~
 2776 | ~~certificates~~ shall be delivered without delay by one of the
 2777 | inspectors, securely sealed, to the supervisor for immediate
 2778 | publication; ~~the duplicate copy of the certificate shall be~~
 2779 | ~~delivered to the county court judge, and the remaining copy~~

2780 ~~shall be enclosed in the ballot box together with the oaths of~~
2781 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot
2782 stubs, memoranda, and papers of all kinds used in the election
2783 shall also be transmitted, after being sealed by the inspectors,
2784 to with the certificates of result of the election to be filed
2785 ~~in~~ the supervisor's office. Registration books and the poll
2786 lists shall not be placed in the ballot boxes but shall be
2787 returned to the supervisor.

2788 Section 56. Subsection (1) of section 102.111, Florida
2789 Statutes, is amended to read:

2790 102.111 Elections Canvassing Commission.--

2791 (1) The Elections Canvassing Commission shall consist of
2792 the Governor and two members of the Cabinet selected by the
2793 Governor. If a member of the Elections Canvassing Commission is
2794 unable to serve for any reason, the Governor shall appoint a
2795 remaining member of the Cabinet. If there is a further vacancy,
2796 the remaining members of the commission shall agree on another
2797 elected official to fill the vacancy. The Elections Canvassing
2798 Commission shall, as soon as the official results are compiled
2799 from all counties, certify the returns of the election and
2800 determine and declare who has been elected for each federal,
2801 state, and multicounty office. If within 5 days of the
2802 certification by the Elections Canvassing Commission, a county
2803 determines that a typographical error occurred in the official
2804 returns of the county, the correction of which would result in a
2805 change in the outcome of any election certified by the Elections
2806 Canvassing Commission, the county must submit corrected returns

2807 within 24 hours and the Elections Canvassing Commission shall as
 2808 soon as practicable correct and recertify the election returns.

2809 Section 57. Subsections (1) and (2) of section 102.112,
 2810 Florida Statutes, are amended to read:

2811 102.112 Deadline for submission of county returns to the
 2812 Department of State.--

2813 (1) The county canvassing board or a majority thereof
 2814 shall file the county returns for the election of a federal or
 2815 state officer with the Department of State immediately after
 2816 certification of the election results. The returns must contain
 2817 a certification by the canvassing board that the board has
 2818 reconciled the number of persons who voted with the number of
 2819 ballots counted and that the certification includes all valid
 2820 votes cast in the election.

2821 (2) Returns must be filed by 5 p.m. on the 7th day
 2822 following a primary election and by 5 p.m. on the 11th day
 2823 following the general election provided, however, that the
 2824 Department of State shall have the authority to correct
 2825 typographical errors, including the transposition of numbers, in
 2826 any returns submitted to the Department of State pursuant to s.
 2827 102.111(1).

2828 Section 58. Section 102.141, Florida Statutes, is amended
 2829 to read:

2830 102.141 County canvassing board; duties.--

2831 (1) The county canvassing board shall be composed of the
 2832 supervisor of elections; a county court judge, who shall act as
 2833 chair; and the chair of the board of county commissioners. In

2834 the event any member of the county canvassing board is unable to
2835 serve, is a candidate who has opposition in the election being
2836 canvassed, or is an active participant in the campaign or
2837 candidacy of any candidate who has opposition in the election
2838 being canvassed, such member shall be replaced as follows:

2839 (a) If no county court judge is able to serve or if all
2840 are disqualified, the chief judge of the judicial circuit in
2841 which the county is located shall appoint as a substitute member
2842 a qualified elector of the county who is not a candidate with
2843 opposition in the election being canvassed and who is not an
2844 active participant in the campaign or candidacy of any candidate
2845 with opposition in the election being canvassed. In such event,
2846 the members of the county canvassing board shall meet and elect
2847 a chair.

2848 (b) If the supervisor of elections is unable to serve or
2849 is disqualified, the chair of the board of county commissioners
2850 shall appoint as a substitute member a member of the board of
2851 county commissioners who is not a candidate with opposition in
2852 the election being canvassed and who is not an active
2853 participant in the campaign or candidacy of any candidate with
2854 opposition in the election being canvassed. The supervisor,
2855 however, shall act in an advisory capacity to the canvassing
2856 board.

2857 (c) If the chair of the board of county commissioners is
2858 unable to serve or is disqualified, the board of county
2859 commissioners shall appoint as a substitute member one of its
2860 members who is not a candidate with opposition in the election

2861 | being canvassed and who is not an active participant in the
2862 | campaign or candidacy of any candidate with opposition in the
2863 | election being canvassed.

2864 | (d) If a substitute member cannot be appointed as provided
2865 | elsewhere in this subsection, the chief judge of the judicial
2866 | circuit in which the county is located shall appoint as a
2867 | substitute member a qualified elector of the county who is not a
2868 | candidate with opposition in the election being canvassed and
2869 | who is not an active participant in the campaign or candidacy of
2870 | any candidate with opposition in the election being canvassed.

2871 | (2) The county canvassing board shall meet in a building
2872 | accessible to the public in the county where the election
2873 | occurred at a time and place to be designated by the supervisor
2874 | of elections to publicly canvass the absentee electors' ballots
2875 | as provided for in s. 101.68 and provisional ballots as provided
2876 | by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
2877 | pursuant to s. 101.049 shall be canvassed in a manner that votes
2878 | for candidates and issues on those ballots can be segregated
2879 | from other votes. Public notice of the time and place at which
2880 | the county canvassing board shall meet to canvass the absentee
2881 | electors' ballots and provisional ballots shall be given at
2882 | least 48 hours prior thereto by publication once in one or more
2883 | newspapers of general circulation in the county or, if there is
2884 | no newspaper of general circulation in the county, by posting
2885 | such notice in at least four conspicuous places in the county.
2886 | As soon as the absentee electors' ballots and the provisional
2887 | ballots are canvassed, the board shall proceed to publicly

2888 canvass the vote given each candidate, nominee, constitutional
 2889 amendment, or other measure submitted to the electorate of the
 2890 county, as shown by the returns then on file in the office of
 2891 the supervisor of elections and the office of the county court
 2892 judge.

2893 (3) The canvass, except the canvass of absentee electors'
 2894 returns and the canvass of provisional ballots, shall be made
 2895 from the returns and certificates of the inspectors as signed
 2896 and filed by them with the ~~county court judge and~~ supervisor,
 2897 ~~respectively~~, and the county canvassing board shall not change
 2898 the number of votes cast for a candidate, nominee,
 2899 constitutional amendment, or other measure submitted to the
 2900 electorate of the county, respectively, in any polling place, as
 2901 shown by the returns. All returns shall be made to the board on
 2902 or before 2 a.m. of the day following any primary, general,
 2903 special, or other election. If the returns from any precinct are
 2904 missing, if there are any omissions on the returns from any
 2905 precinct, or if there is an obvious error on any such returns,
 2906 the canvassing board shall order a retabulation ~~recount~~ of the
 2907 returns from such precinct. Before canvassing such returns, the
 2908 canvassing board shall examine the tabulation of the ballots
 2909 cast in such precinct and determine whether the returns
 2910 correctly reflect the votes cast. If there is a discrepancy
 2911 between the returns and the tabulation of the ballots cast, the
 2912 tabulation of the ballots cast shall be presumed correct and
 2913 such votes shall be canvassed accordingly.

2914 (4) The canvassing board shall submit unofficial returns
 2915 on forms or in formats provided by the division to the
 2916 Department of State for each federal, statewide, state, or
 2917 multicounty office or ballot measure no later than noon on the
 2918 third ~~second~~ day after any primary election and no later than
 2919 noon on the fifth day after any, general, special, or other
 2920 election. Such returns shall include the canvass of all ballots
 2921 as required by subsection (2), except for provisional ballots,
 2922 which returns shall be reported at the time required for
 2923 official returns pursuant to s. 102.112(2).

2924 (5) If the county canvassing board determines that the
 2925 unofficial returns may contain a counting error in which the
 2926 vote tabulation system failed to count votes that were properly
 2927 marked in accordance with the instructions on the ballot, the
 2928 county canvassing board shall:

2929 (a) Correct the error and retabulate ~~recount~~ the affected
 2930 ballots with the vote tabulation system; or

2931 (b) Request that the Department of State verify the
 2932 tabulation software. When the Department of State verifies such
 2933 software, the department shall compare the software used to
 2934 tabulate the votes with the software filed with the department
 2935 pursuant to s. 101.5607 and check the election parameters.

2936 (6) If the unofficial returns reflect that a candidate for
 2937 any office was defeated or eliminated by one-half of a percent
 2938 or less of the votes cast for such office, that a candidate for
 2939 retention to a judicial office was retained or not retained by
 2940 one-half of a percent or less of the votes cast on the question

2941 of retention, or that a measure appearing on the ballot was
 2942 approved or rejected by one-half of a percent or less of the
 2943 votes cast on such measure, the board responsible for certifying
 2944 the results of the vote on such race or measure shall order a
 2945 recount of the votes cast with respect to such office or
 2946 measure. The county canvassing board is the board responsible
 2947 for ordering county and local recounts. The Elections Canvassing
 2948 Commission is the board responsible for ordering federal, state,
 2949 and multicounty recounts. A recount need not be ordered with
 2950 respect to the returns for any office, however, if the candidate
 2951 or candidates defeated or eliminated from contention for such
 2952 office by one-half of a percent or less of the votes cast for
 2953 such office request in writing that a recount not be made.

2954 (a) ~~In counties with voting systems that use paper~~
 2955 ~~ballots,~~ Each canvassing board responsible for conducting a
 2956 recount shall put each marksense ballot through automatic
 2957 tabulating equipment and determine whether the returns correctly
 2958 reflect the votes cast. If any marksense ~~paper~~ ballot is
 2959 physically damaged so that it cannot be properly counted by the
 2960 automatic tabulating equipment during the recount, a true
 2961 duplicate shall be made of the damaged ballot pursuant to the
 2962 procedures in s. 101.5614(5). Immediately before the start of
 2963 the recount ~~and after completion of the count,~~ a test of the
 2964 tabulating equipment shall be conducted as provided in s.
 2965 101.5612. If the test indicates no error, the recount tabulation
 2966 of the ballots cast shall be presumed correct and such votes
 2967 shall be canvassed accordingly. If an error is detected, the

2968 cause therefor shall be ascertained and corrected and the
 2969 recount repeated, as necessary. The canvassing board shall
 2970 immediately report the error, along with the cause of the error
 2971 and the corrective measures being taken, to the Department of
 2972 State. No later than 11 days after the election, the canvassing
 2973 board shall file a separate incident report with the Department
 2974 of State, detailing the resolution of the matter and identifying
 2975 any measures that will avoid a future recurrence of the error.

2976 (b) ~~In counties with voting systems that do not use paper~~
 2977 ~~ballots,~~ Each canvassing board responsible for conducting a
 2978 recount where touchscreen ballots were used shall examine the
 2979 counters on the precinct tabulators to ensure that the total of
 2980 the returns on the precinct tabulators equals the overall
 2981 election return. If there is a discrepancy between the overall
 2982 election return and the counters of the precinct tabulators, the
 2983 counters of the precinct tabulators shall be presumed correct
 2984 and such votes shall be canvassed accordingly.

2985 (c) The canvassing board shall submit a second set of
 2986 unofficial returns on forms or in formats provided by the
 2987 division to the Department of State for each federal, statewide,
 2988 state, or multicounty office or ballot measure no later than 3
 2989 p.m. noon on the fifth ~~third~~ day after any primary election and
 2990 no later than 3 p.m. on the 8th day after any general election
 2991 in which a recount was conducted pursuant to this subsection. If
 2992 the canvassing board is unable to complete the recount
 2993 prescribed in this subsection by the deadline, the second set of
 2994 unofficial returns submitted by the canvassing board shall be

2995 identical to the initial unofficial returns and the submission
 2996 shall also include a detailed explanation of why it was unable
 2997 to timely complete the recount. However, the canvassing board
 2998 shall complete the recount prescribed in this subsection, along
 2999 with any manual recount prescribed in s. 102.166, and certify
 3000 election returns in accordance with the requirements of this
 3001 chapter.

3002 (d) The Department of State shall adopt detailed rules
 3003 prescribing additional recount procedures for each certified
 3004 voting system, which shall be uniform to the extent practicable.

3005 (7) The canvassing board may employ such clerical help to
 3006 assist with the work of the board as it deems necessary, with at
 3007 least one member of the board present at all times, until the
 3008 canvass of the returns is completed. The clerical help shall be
 3009 paid from the same fund as inspectors and other necessary
 3010 election officials.

3011 (8) (a) At the same time that the official results of an
 3012 election are certified to the Department of State, the county
 3013 canvassing board shall file a report with the Division of
 3014 Elections on the conduct of the election. The report shall
 3015 describe:

3016 1. All ~~contain information relating to any problems~~
 3017 ~~incurred as a result of~~ equipment or software malfunctions
 3018 ~~either~~ at the precinct level, ~~or~~ at a counting location, or
 3019 ~~within computer and telecommunications networks supporting a~~
 3020 ~~county location, including the steps taken to address the~~
 3021 ~~malfunction(s).~~

3022 2. All election definition errors that were discovered
 3023 after the logic and accuracy test, including the steps taken to
 3024 address the error.

3025 3. All ballot printing errors or ballot supply problems,
 3026 including the steps taken to address the error or problem.

3027 4. All staffing shortages or procedural violations by
 3028 employees or precinct workers which were required to be
 3029 addressed by the supervisor of elections or the county
 3030 canvassing board during the conduct of the election, including
 3031 corrective actions.

3032 5. All instances where needs for staffing or equipment
 3033 were insufficient to meet the needs of the voters.

3034 ~~6. Any difficulties or unusual circumstances encountered~~
 3035 ~~by an election board or the canvassing board, and any other~~
 3036 additional information regarding a material issue or problems
 3037 associated with the conduct of the election which the canvassing
 3038 ~~board feels should be made a part of the official election~~
 3039 ~~record.~~

3040 (b) After the report pursuant to subsection (1) is filed,
 3041 if the supervisor discovers new or additional information on any
 3042 of the items required to be included in the report, the
 3043 supervisor shall notify the division that new information has
 3044 been discovered no later than the next business day after the
 3045 discovery and file an amended report on the conduct of the
 3046 election within 10 days of the discovery.

3047 (c) Such reports shall be maintained on file in the
 3048 Division of Elections and shall be available for public

3049 inspection. The division shall utilize the reports submitted by
3050 the canvassing boards to determine what problems may be likely
3051 to occur in other elections and disseminate such information,
3052 along with possible solutions, to the supervisors of elections.

3053 (9) The supervisor shall file with the department a copy
3054 of or an export file from the results database of the county's
3055 voting system and other statistical information as may be
3056 required by the department, the Legislature, and the Election
3057 Assistance Commission. The department shall adopt rules
3058 establishing the required content and acceptable formats for the
3059 filings and time for the filings.

3060 Section 59. Section 102.166, Florida Statutes, is amended
3061 to read:

3062 102.166 Manual recounts.--

3063 (1) If the second set of unofficial returns pursuant to s.
3064 102.141 indicates that a candidate for any office was defeated
3065 or eliminated by one-quarter of a percent or less of the votes
3066 cast for such office, that a candidate for retention to a
3067 judicial office was retained or not retained by one-quarter of a
3068 percent or less of the votes cast on the question of retention,
3069 or that a measure appearing on the ballot was approved or
3070 rejected by one-quarter of a percent or less of the votes cast
3071 on such measure, the board responsible for certifying the
3072 results of the vote on such race or measure shall order a manual
3073 recount of the overvotes and undervotes cast in the entire
3074 geographic jurisdiction of such office or ballot measure.
3075 However, a manual recount shall not be ordered if the number of

3076 overvotes, undervotes, and provisional ballots is fewer than the
3077 number of votes needed to change the outcome of the election.

3078 ~~(2)(a) If the second set of unofficial returns pursuant to~~
3079 ~~s. 102.141 indicates that a candidate for any office was~~
3080 ~~defeated or eliminated by between one quarter and one half of a~~
3081 ~~percent of the votes cast for such office, that a candidate for~~
3082 ~~retention to judicial office was retained or not retained by~~
3083 ~~between one quarter and one half of a percent of the votes cast~~
3084 ~~on the question of retention, or that a measure appearing on the~~
3085 ~~ballot was approved or rejected by between one quarter and one~~
3086 ~~half of a percent of the votes cast on such measure, any such~~
3087 ~~candidate, the political party of such candidate, or any~~
3088 ~~political committee that supports or opposes such ballot measure~~
3089 ~~is entitled to a manual recount of the overvotes and undervotes~~
3090 ~~cast in the entire geographic jurisdiction of such office or~~
3091 ~~ballot measure, provided that a request for a manual recount is~~
3092 ~~made by 5 p.m. on the third day after the election.~~

3093 ~~(b) For federal, statewide, state, and multicounty races~~
3094 ~~and ballot issues, requests for a manual recount shall be made~~
3095 ~~in writing to the state Elections Canvassing Commission. For all~~
3096 ~~other races and ballot issues, requests for a manual recount~~
3097 ~~shall be made in writing to the county canvassing board.~~

3098 ~~(c) Upon receipt of a proper and timely request, the~~
3099 ~~Elections Canvassing Commission or county canvassing board shall~~
3100 ~~immediately order a manual recount of overvotes and undervotes~~
3101 ~~in all affected jurisdictions.~~

3102 (2)~~(3)~~(a) Any hardware or software used to identify and
 3103 sort overvotes and undervotes for a given race or ballot measure
 3104 must be certified by the Department of State as part of the
 3105 voting system pursuant to s. 101.015. Any such hardware or
 3106 software must be capable of simultaneously counting votes. ~~For~~
 3107 ~~certified voting systems, the department shall certify such~~
 3108 ~~hardware or software by July 1, 2002. If the department is~~
 3109 ~~unable to certify such hardware or software for a certified~~
 3110 ~~voting system by July 1, 2002, the department shall adopt rules~~
 3111 ~~prescribing procedures for identifying and sorting such~~
 3112 ~~overvotes and undervotes. The department's rules may provide for~~
 3113 ~~the temporary use of hardware or software whose sole function is~~
 3114 ~~identifying and sorting overvotes and undervotes.~~

3115 ~~(b) This subsection does not preclude the department from~~
 3116 ~~certifying hardware or software after July 1, 2002.~~

3117 (b)~~(e)~~ Overvotes and undervotes shall be identified and
 3118 sorted while recounting ballots pursuant to s. 102.141, if the
 3119 hardware or software for this purpose has been certified or the
 3120 department's rules so provide.

3121 (3)~~(4)~~ Any manual recount shall be open to the public.

3122 (4)~~(5)~~(a) A vote for a candidate or ballot measure shall
 3123 be counted if there is a clear indication on the ballot that the
 3124 voter has made a definite choice.

3125 (b) The Department of State shall adopt specific rules for
 3126 each certified voting system prescribing what constitutes a
 3127 "clear indication on the ballot that the voter has made a
 3128 definite choice." The rules may not:

3129 | 1. Exclusively provide that the voter must properly mark
 3130 | or designate his or her choice on the ballot; or

3131 | 2. Contain a catch-all provision that fails to identify
 3132 | specific standards, such as "any other mark or indication
 3133 | clearly indicating that the voter has made a definite choice."

3134 | (5)~~(6)~~ Procedures for a manual recount are as follows:

3135 | (a) The county canvassing board shall appoint as many
 3136 | counting teams of at least two electors as is necessary to
 3137 | manually recount the ballots. A counting team must have, when
 3138 | possible, members of at least two political parties. A candidate
 3139 | involved in the race shall not be a member of the counting team.

3140 | (b) Each duplicate ballot prepared pursuant to s.
 3141 | 101.5614(5) or s. 102.141(6) shall be compared with the original
 3142 | ballot to ensure the correctness of the duplicate.

3143 | (c) If a counting team is unable to determine whether the
 3144 | ballot contains a clear indication that the voter has made a
 3145 | definite choice, the ballot shall be presented to the county
 3146 | canvassing board for a determination.

3147 | (d) The Department of State shall adopt detailed rules
 3148 | prescribing additional recount procedures for each certified
 3149 | voting system which shall be uniform to the extent practicable.
 3150 | The rules shall address, at a minimum, the following areas:

- 3151 | 1. Security of ballots during the recount process.†
- 3152 | 2. Time and place of recounts.†
- 3153 | 3. Public observance of recounts.†
- 3154 | 4. Objections to ballot determinations.†
- 3155 | 5. Record of recount proceedings.† ~~and~~

3156 6. Procedures relating to candidate and petitioner
 3157 representatives.

3158 Section 60. Subsections (2) and (4) of section 102.168,
 3159 Florida Statutes, are amended to read:

3160 102.168 Contest of election.--

3161 (2) Such contestant shall file a complaint, together with
 3162 the fees prescribed in chapter 28, with the clerk of the circuit
 3163 court within 10 days after midnight of the date the last board
 3164 responsible for certifying the results officially ~~county~~
 3165 ~~canvassing board empowered to canvass the returns~~ certifies the
 3166 results of the election being contested.

3167 (4) The county canvassing board is an indispensable and ~~or~~
 3168 ~~Elections Canvassing Commission shall be the proper party~~
 3169 ~~defendant in county and local elections, and the Elections~~
 3170 Canvassing Commission is an indispensable and proper party
 3171 defendant in federal, state, and multicounty races, and the
 3172 successful candidate is ~~shall be~~ an indispensable party to any
 3173 action brought to contest the election or nomination of a
 3174 candidate.

3175 Section 61. Subsections (1) and (4) of section 103.021,
 3176 Florida Statutes, are amended to read:

3177 103.021 Nomination for presidential electors.--Candidates
 3178 for presidential electors shall be nominated in the following
 3179 manner:

3180 (1) The Governor shall nominate the presidential electors
 3181 of each political party. The state executive committee of each
 3182 political party shall by resolution recommend candidates for

3183 presidential electors and deliver a certified copy thereof to
 3184 the Governor prior to September 1 of each presidential election
 3185 year. The Governor ~~He or she~~ shall nominate only the electors
 3186 recommended by the state executive committee of the respective
 3187 political party. Each such elector shall be a qualified elector
 3188 of the party he or she represents who has taken an oath that he
 3189 or she will vote for the candidates of the party that he or she
 3190 is nominated to represent. The Governor shall certify to the
 3191 Department of State on or before September 1, in each
 3192 presidential election year, the names of a number of electors
 3193 for each political party equal to the number of senators and
 3194 representatives which this state has in Congress.

3195 (4) (a) A minor political party that is affiliated with a
 3196 national party holding a national convention to nominate
 3197 candidates for President and Vice President of the United States
 3198 may have the names of its candidates for President and Vice
 3199 President of the United States printed on the general election
 3200 ballot by filing with the Department of State a certificate
 3201 naming the candidates for President and Vice President and
 3202 listing the required number of persons to serve as electors.
 3203 Notification to the Department of State under this subsection
 3204 shall be made by September 1 of the year in which the election
 3205 is held. When the Department of State has been so notified, it
 3206 shall order the names of the candidates nominated by the minor
 3207 political party to be included on the ballot and shall permit
 3208 the required number of persons to be certified as electors in
 3209 the same manner as other party candidates. For purposes of this

3210 section, "national party" shall mean a political party
3211 established and admitted to the ballot in at least one state
3212 other than this state, and "national convention" shall mean any
3213 caucus, convention, meeting, or any other assembly of a
3214 political party gathered, whether or not such meeting is held in
3215 person or by telephonic or electronic means, with the intent of
3216 nominating candidates for President and Vice President of the
3217 United States.

3218 (b) A minor political party that is not affiliated with a
3219 national party holding a national convention to nominate
3220 candidates for President and Vice President of the United States
3221 may have the names of its candidates for President and Vice
3222 President printed on the general election ballot if a petition
3223 is signed by 1 percent of the registered electors of this state,
3224 as shown by the compilation by the Department of State for the
3225 preceding general election. A separate petition from each county
3226 for which signatures are solicited shall be submitted to the
3227 supervisors of elections of the respective county no later than
3228 July 15 of each presidential election year. The supervisor shall
3229 check the names and, on or before the date of the first primary,
3230 shall certify the number shown as registered electors of the
3231 county. The supervisor shall be paid by the person requesting
3232 the certification the cost of checking the petitions as
3233 prescribed in s. 99.097. The supervisor shall then forward the
3234 certificate to the Department of State, which shall determine
3235 whether or not the percentage factor required in this section
3236 has been met. When the percentage factor required in this

3237 section has been met, the Department of State shall order the
 3238 names of the candidates for whom the petition was circulated to
 3239 be included on the ballot and shall permit the required number
 3240 of persons to be certified as electors in the same manner as
 3241 other party candidates.

3242 Section 62. Section 103.051, Florida Statutes, is amended
 3243 to read:

3244 103.051 Congress sets meeting dates of electors.--The
 3245 presidential electors shall, ~~at noon~~ on the day which is
 3246 directed by Congress and at the time fixed by the Governor, meet
 3247 at Tallahassee and perform the duties required of them by the
 3248 Constitution and laws of the United States.

3249 Section 63. Section 103.061, Florida Statutes, is amended
 3250 to read:

3251 103.061 Meeting of electors and filling of
 3252 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
 3253 the day fixed by Congress to elect a President and Vice
 3254 President and at the time fixed by the Governor, give notice to
 3255 the Governor that the elector is in Tallahassee and ready to
 3256 perform the duties of presidential elector. The Governor shall
 3257 forthwith deliver to the presidential electors present a
 3258 certificate of the names of all the electors; and if, on
 3259 examination thereof, it should be found that one or more
 3260 electors are absent, the electors present shall elect by ballot,
 3261 in the presence of the Governor, a person or persons to fill
 3262 such vacancy or vacancies as may have occurred through the
 3263 nonattendance of one or more of the electors.

3264 Section 64. Section 103.121, Florida Statutes, is amended
 3265 to read:

3266 103.121 Powers and duties of executive committees.--

3267 (1) (a) Each state and county executive committee of a
 3268 political party shall have the power and duty:

3269 1. To adopt a constitution by two-thirds vote of the full
 3270 committee.

3271 2. To adopt such bylaws as it may deem necessary by
 3272 majority vote of the full committee.

3273 3. To conduct its meetings according to generally accepted
 3274 parliamentary practice.

3275 4. To make party nomination when required by law.

3276 5. To conduct campaigns for party nominees.

3277 6. To raise and expend party funds. Such funds may not be
 3278 expended or committed to be expended except after written
 3279 authorization by the chair of the state or county executive
 3280 committee.

3281 (b) ~~Except as otherwise provided in subsection (5),~~ The
 3282 county executive committee shall receive payment of assessments
 3283 upon candidates to be voted for in a single county except state
 3284 senators and members of the House of Representatives and
 3285 representatives to the Congress of the United States; and the
 3286 state executive committees shall receive all other assessments
 3287 authorized. All party assessments shall be 2 percent of the
 3288 annual salary of the office sought by the respective candidate.
 3289 All such committee assessments shall be remitted to the state

3290 executive committee of the appropriate party and distributed in
 3291 accordance with subsection (5) ~~(6)~~.

3292 ~~(2) The state executive committee shall by resolution~~
 3293 ~~recommend candidates for presidential electors and deliver a~~
 3294 ~~certified copy thereof to the Governor prior to September 1 of~~
 3295 ~~each presidential election year.~~

3296 (2) ~~(3)~~ The chair and treasurer of an executive committee
 3297 of any political party shall be accountable for the funds of
 3298 such committee and jointly liable for their proper expenditure
 3299 for authorized purposes only. ~~The chair and treasurer of the~~
 3300 ~~state executive committee of any political party shall furnish~~
 3301 ~~adequate bond, but not less than \$10,000, conditioned upon the~~
 3302 ~~faithful performance by such party officers of their duties and~~
 3303 ~~for the faithful accounting for party funds which shall come~~
 3304 ~~into their hands; and the chair and treasurer of a county~~
 3305 ~~executive committee of a political party shall furnish adequate~~
 3306 ~~bond, but not less than \$5,000, conditioned as aforesaid. A bond~~
 3307 ~~for the chair and treasurer of the state executive committee of~~
 3308 ~~a political party shall be filed with the Department of State. A~~
 3309 ~~bond for the chair and treasurer of a county executive committee~~
 3310 ~~shall be filed with the supervisor of elections. The funds of~~
 3311 each such state executive committee shall be publicly audited at
 3312 the end of each calendar year and a copy of such audit furnished
 3313 to the Department of State for its examination prior to April 1
 3314 of the ensuing year. When filed with the Department of State,
 3315 copies of such audit shall be public documents. The treasurer of
 3316 each county executive committee shall maintain adequate records

3317 | evidencing receipt and disbursement of all party funds received
 3318 | by him or her, and such records shall be publicly audited at the
 3319 | end of each calendar year and a copy of such audit filed with
 3320 | the supervisor of elections and the state executive committee
 3321 | prior to April 1 of the ensuing year.

3322 | (3)~~(4)~~ Any chair or treasurer of a state or county
 3323 | executive committee of any political party who knowingly
 3324 | misappropriates, or makes an unlawful expenditure of, or a false
 3325 | or improper accounting for, the funds of such committee is
 3326 | guilty of a felony of the third degree, punishable as provided
 3327 | in s. 775.082, s. 775.083, or s. 775.084.

3328 | (4)~~(5)~~~~(a)~~ The central committee or other equivalent
 3329 | governing body of each state executive committee shall adopt a
 3330 | rule which governs the time and manner in which the respective
 3331 | county executive committees of such party may endorse, certify,
 3332 | screen, or otherwise recommend one or more candidates for such
 3333 | party's nomination for election. Upon adoption, such rule shall
 3334 | provide the exclusive method by which a county committee may so
 3335 | endorse, certify, screen, or otherwise recommend. No later than
 3336 | the date on which qualifying for public office begins pursuant
 3337 | to s. 99.061, the chair of each county executive committee shall
 3338 | notify in writing the supervisor of elections of his or her
 3339 | county whether the county executive committee has endorsed or
 3340 | intends to endorse, certify, screen, or otherwise recommend
 3341 | candidates for nomination pursuant to party rule. A copy of such
 3342 | notification shall be provided to the Secretary of State and to
 3343 | the chair of the appropriate state executive committee. ~~Any~~

3344 ~~county executive committee that endorses or intends to endorse,~~
 3345 ~~certify, screen, or otherwise recommend one or more candidates~~
 3346 ~~for nomination shall forfeit all party assessments which would~~
 3347 ~~otherwise be returned to the county executive committee; and~~
 3348 ~~such assessments shall be remitted instead to the state~~
 3349 ~~executive committee of such party, the provisions of paragraph~~
 3350 ~~(1) (b) to the contrary notwithstanding. No such funds so~~
 3351 ~~remitted to the state executive committee shall be paid,~~
 3352 ~~returned, or otherwise disbursed to the county executive~~
 3353 ~~committee under any circumstances. Any county executive~~
 3354 ~~committee that is in violation of any party rule after receiving~~
 3355 ~~the party assessment shall remit such party assessment to the~~
 3356 ~~state executive committee.~~

3357 ~~(b) Any state executive committee that endorses or intends~~
 3358 ~~to endorse, certify, screen, or otherwise recommend one or more~~
 3359 ~~candidates for nomination shall forfeit all party assessments~~
 3360 ~~which would otherwise be returned to the state executive~~
 3361 ~~committee; and such assessments shall be remitted instead to the~~
 3362 ~~General Revenue Fund of the state. Any state executive committee~~
 3363 ~~that is in violation of this section after receiving the party~~
 3364 ~~assessment shall remit such party assessment to the General~~
 3365 ~~Revenue Fund of the state.~~

3366 (5)~~(6)~~ The state chair of each state executive committee
 3367 shall return the 2-percent committee assessment for county
 3368 candidates to the appropriate county executive committees only
 3369 upon receipt of a written statement that such county executive
 3370 committee chooses not to endorse, certify, screen, or otherwise

3371 recommend one or more candidates for such party's nomination for
 3372 election and upon the state chair's determination that the
 3373 county executive committee is in compliance with all Florida
 3374 statutes and all state party rules, bylaws, constitutions, and
 3375 requirements.

3376 Section 65. Subsections (1) and (3) and paragraph (a) of
 3377 subsection (5) of section 105.031, Florida Statutes, are amended,
 3378 and subsection (6) is added to said section, to read:

3379 105.031 Qualification; filing fee; candidate's oath; items
 3380 required to be filed.--

3381 (1) TIME OF QUALIFYING.--Except for candidates for
 3382 judicial office, nonpartisan candidates for multicounty office
 3383 shall qualify with the Division of Elections of the Department
 3384 of State and nonpartisan candidates for countywide or less than
 3385 countywide office shall qualify with the supervisor of
 3386 elections. Candidates for judicial office other than the office
 3387 of county court judge shall qualify with the Division of
 3388 Elections of the Department of State, and candidates for the
 3389 office of county court judge shall qualify with the supervisor
 3390 of elections of the county. Candidates for judicial office shall
 3391 qualify no earlier than noon of the 120th day, and no later than
 3392 noon of the 116th day, before the first primary election.
 3393 Candidates for the office of school board member shall qualify
 3394 no earlier than noon of the 50th day, and no later than noon of
 3395 the 46th day, before the first primary election. Filing shall be
 3396 on forms provided for that purpose by the Division of Elections
 3397 and furnished by the appropriate qualifying officer. Any person

3398 seeking to qualify by the petition process ~~alternative method~~,
 3399 as set forth in s. 105.035, who ~~if the person~~ has submitted the
 3400 necessary petitions by the required deadline and is notified
 3401 after the fifth day prior to the last day for qualifying that
 3402 the required number of signatures has been obtained, shall be
 3403 entitled to subscribe to the candidate's oath and file the
 3404 qualifying papers at any time within 5 days from the date he or
 3405 she is notified that the necessary number of signatures has been
 3406 obtained. Any person other than a write-in candidate who
 3407 qualifies within the time prescribed in this subsection shall be
 3408 entitled to have his or her name printed on the ballot.

3409 (3) QUALIFYING FEE.--Each candidate qualifying for
 3410 election to a judicial office or the office of school board
 3411 member, except write-in judicial or school board candidates,
 3412 shall, during the time for qualifying, pay to the officer with
 3413 whom he or she qualifies a qualifying fee, which shall consist
 3414 of a filing fee and an election assessment, or qualify by the
 3415 petition process ~~alternative method~~. The amount of the filing
 3416 fee is 3 percent of the annual salary of the office sought. The
 3417 amount of the election assessment is 1 percent of the annual
 3418 salary of the office sought. The Department of State shall
 3419 forward all filing fees to the Department of Revenue for deposit
 3420 in the Elections Commission Trust Fund. The supervisor of
 3421 elections shall forward all filing fees to the Elections
 3422 Commission Trust Fund. The election assessment shall be
 3423 deposited into the Elections Commission Trust Fund. The annual
 3424 salary of the office for purposes of computing the qualifying

3425 fee shall be computed by multiplying 12 times the monthly salary
3426 authorized for such office as of July 1 immediately preceding
3427 the first day of qualifying. This subsection shall not apply to
3428 candidates qualifying for retention to judicial office.

3429 (5) ITEMS REQUIRED TO BE FILED.--

3430 (a) In order for a candidate for judicial office or the
3431 office of school board member to be qualified, the following
3432 items must be received by the filing officer by the end of the
3433 qualifying period:

3434 1. Except for candidates for retention to judicial office,
3435 a properly executed check drawn upon the candidate's campaign
3436 account in an amount not less than the fee required by
3437 subsection (3) or, in lieu thereof, the copy of the notice of
3438 obtaining ballot position pursuant to s. 105.035. If a
3439 candidate's check is returned by the bank for any reason, the
3440 filing officer shall immediately notify the candidate and the
3441 candidate shall, the end of qualifying notwithstanding, have 48
3442 hours from the time such notification is received, excluding
3443 Saturdays, Sundays, and legal holidays, to pay the fee with a
3444 cashier's check purchased from funds of the campaign account.
3445 Failure to pay the fee as provided in this subparagraph shall
3446 disqualify the candidate.

3447 2. The candidate's oath required by subsection (4), which
3448 must contain the name of the candidate as it is to appear on the
3449 ballot; the office sought, including the district or group
3450 number if applicable; and the signature of the candidate, duly
3451 acknowledged.

3452 3. The loyalty oath required by s. 876.05, signed by the
3453 candidate and duly acknowledged.

3454 4. The completed form for the appointment of campaign
3455 treasurer and designation of campaign depository, as required by
3456 s. 106.021. In addition, each candidate for judicial office,
3457 including an incumbent judge, shall file a statement with the
3458 qualifying officer, within 10 days after filing the appointment
3459 of campaign treasurer and designation of campaign depository,
3460 stating that the candidate has read and understands the
3461 requirements of the Florida Code of Judicial Conduct. Such
3462 statement shall be in substantially the following form:

3463
3464 Statement of Candidate for Judicial Office

3465
3466 I, (name of candidate) , a judicial candidate, have received,
3467 read, and understand the requirements of the Florida Code of
3468 Judicial Conduct.

3469 (Signature of candidate)

3470 (Date)

3471
3472 5. The full and public disclosure of financial interests
3473 required by s. 8, Art. II of the State Constitution or the
3474 statement of financial interests required by s. 112.3145,
3475 whichever is applicable.

3476 (6) Notwithstanding the qualifying period prescribed in
3477 this section, a filing officer may accept and hold qualifying
3478 papers submitted not earlier than 14 days prior to the beginning

3479 of the qualifying period to be processed and filed during the
 3480 qualifying period.

3481 Section 66. Section 105.035, Florida Statutes, is amended
 3482 to read:

3483 105.035 Petition process for ~~Alternative method of~~
 3484 qualifying for certain judicial offices and the office of school
 3485 board member.--

3486 (1) A person seeking to qualify for election to the office
 3487 of circuit judge or county court judge or the office of school
 3488 board member may qualify for election to such office by means of
 3489 the petitioning process prescribed in this section. A person
 3490 qualifying by this petition process ~~alternative method~~ shall not
 3491 be required to pay the qualifying fee required by this chapter.
 3492 ~~A person using this petitioning process shall file an oath with~~
 3493 ~~the officer before whom the candidate would qualify for the~~
 3494 ~~office stating that he or she intends to qualify by this~~
 3495 ~~alternative method for the office sought. Such oath shall be~~
 3496 ~~filed at any time after the first Tuesday after the first Monday~~
 3497 ~~in January of the year in which the election is held, but prior~~
 3498 ~~to the 21st day preceding the first day of the qualifying period~~
 3499 ~~for the office sought. The form of such oath shall be prescribed~~
 3500 ~~by the Division of Elections. No signatures shall be obtained~~
 3501 ~~until the person has filed the oath prescribed in this~~
 3502 ~~subsection.~~

3503 (2) ~~Upon receipt of a written oath from a candidate, The~~
 3504 ~~qualifying officer shall provide the candidate with a petition~~
 3505 ~~format~~ shall be prescribed by the Division of Elections and

3506 shall ~~to~~ be used by the candidate to reproduce petitions for
 3507 circulation. If the candidate is running for an office which
 3508 will be grouped on the ballot with two or more similar offices
 3509 to be filled at the same election, the candidate's petition must
 3510 indicate, prior to the obtaining of registered electors'
 3511 signatures, for which group or district office the candidate is
 3512 running.

3513 (3) Each candidate for election to a judicial office or
 3514 the office of school board member shall obtain the signature of
 3515 a number of qualified electors equal to at least 1 percent of
 3516 the total number of registered electors of the district,
 3517 circuit, county, or other geographic entity represented by the
 3518 office sought as shown by the compilation by the Department of
 3519 State for the last preceding general election. A separate
 3520 petition shall be circulated for each candidate availing himself
 3521 or herself of the provisions of this section. Signatures may not
 3522 be obtained until the candidate has filed the appointment of
 3523 campaign treasurer and designation of campaign depository
 3524 pursuant to s. 106.021.

3525 (4) (a) Each candidate seeking to qualify for election to
 3526 the office of circuit judge or the office of school board member
 3527 from a multicounty school district pursuant to this section
 3528 shall file a separate petition from each county from which
 3529 signatures are sought. Each petition shall be submitted, prior
 3530 to noon of the 28th ~~21st~~ day preceding the first day of the
 3531 qualifying period for the office sought, to the supervisor of
 3532 elections of the county for which such petition was circulated.

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

3551 (b) Each candidate seeking to qualify for election to the
3552 office of county court judge or the office of school board
3553 member from a single county school district pursuant to this
3554 section shall submit his or her petition, prior to noon of the
3555 28th ~~21st~~ day preceding the first day of the qualifying period
3556 for the office sought, to the supervisor of elections of the
3557 county for which such petition was circulated. The supervisor
3558 shall check the signatures on the petition to verify their
3559 status as electors of the county and of the geographic area

3560 represented by the office sought. No later than the 7th day
3561 before ~~Prior to~~ the first date for qualifying, the supervisor
3562 shall determine whether the required number of signatures has
3563 been obtained for the name of the candidate to be placed on the
3564 ballot and shall notify the candidate. If the required number of
3565 signatures has been obtained, the candidate shall, during the
3566 time prescribed for qualifying for office, submit a copy of such
3567 notice and file his or her qualifying papers and oath prescribed
3568 in s. 105.031 with the qualifying officer. Upon receipt of the
3569 copy of such notice and qualifying papers, such candidate shall
3570 be entitled to have his or her name printed on the ballot.

3571 Section 67. Section 98.122, Florida Statutes, is
3572 transferred and renumbered as section 106.165, Florida Statutes.

3573 Section 68. Subsections (10), (11), and (12) of section
3574 106.22, Florida Statutes, are amended to read:

3575 106.22 Duties of the Division of Elections.--It is the
3576 duty of the Division of Elections to:

3577 ~~(11) Conduct preliminary investigations into any~~
3578 ~~irregularities or fraud involving voter registration or voting~~
3579 ~~and report its findings to the state attorney for the judicial~~
3580 ~~circuit in which the alleged violation occurred for prosecution,~~
3581 ~~where warranted. The Department of State may prescribe by rule~~
3582 ~~requirements for filing a complaint of voter fraud and for~~
3583 ~~investigating any such complaint.~~

3584 (11) ~~(12)~~ Conduct random audits with respect to reports and
3585 statements filed under this chapter and with respect to alleged

3586 failure to file any reports and statements required under this
 3587 chapter.

3588 Section 69. Subsection (6) of section 106.24, Florida
 3589 Statutes, is amended to read:

3590 106.24 Florida Elections Commission; membership; powers;
 3591 duties.--

3592 (6) There is hereby established in the State Treasury an
 3593 Elections Commission Trust Fund to be utilized by the Division
 3594 of Elections and the Florida Elections Commission in order to
 3595 carry out their duties pursuant to ss. 106.24-106.28. The trust
 3596 fund may also be used by the Secretary of State ~~division~~,
 3597 pursuant to his or her ~~its~~ authority under s. 97.012(14)
 3598 ~~106.22(11)~~, to provide rewards for information leading to
 3599 criminal convictions related to voter registration fraud, voter
 3600 fraud, and vote scams.

3601 Section 70. Paragraph (a) of subsection (1) of section
 3602 16.56, Florida Statutes, is amended to read:

3603 16.56 Office of Statewide Prosecution.--

3604 (1) There is created in the Department of Legal Affairs an
 3605 Office of Statewide Prosecution. The office shall be a separate
 3606 "budget entity" as that term is defined in chapter 216. The
 3607 office may:

3608 (a) Investigate and prosecute the offenses of:

3609 1. Bribery, burglary, criminal usury, extortion, gambling,
 3610 kidnapping, larceny, murder, prostitution, perjury, robbery,
 3611 carjacking, and home-invasion robbery;

3612 2. Any crime involving narcotic or other dangerous drugs;

- 3613 3. Any violation of the provisions of the Florida RICO
 3614 (Racketeer Influenced and Corrupt Organization) Act, including
 3615 any offense listed in the definition of racketeering activity in
 3616 s. 895.02(1)(a), providing such listed offense is investigated
 3617 in connection with a violation of s. 895.03 and is charged in a
 3618 separate count of an information or indictment containing a
 3619 count charging a violation of s. 895.03, the prosecution of
 3620 which listed offense may continue independently if the
 3621 prosecution of the violation of s. 895.03 is terminated for any
 3622 reason;
- 3623 4. Any violation of the provisions of the Florida Anti-
 3624 Fencing Act;
- 3625 5. Any violation of the provisions of the Florida
 3626 Antitrust Act of 1980, as amended;
- 3627 6. Any crime involving, or resulting in, fraud or deceit
 3628 upon any person;
- 3629 7. Any violation of s. 847.0135, relating to computer
 3630 pornography and child exploitation prevention, or any offense
 3631 related to a violation of s. 847.0135;
- 3632 8. Any violation of the provisions of chapter 815;
- 3633 9. Any criminal violation of part I of chapter 499;
- 3634 10. Any violation of the provisions of the Florida Motor
 3635 Fuel Tax Relief Act of 2004; ~~or~~
- 3636 11. Any criminal violation of s. 409.920 or s. 409.9201;
 3637 or
- 3638 12. Any crime involving voter registration, voting, or
 3639 candidate or issue petition activities.

3640
3641 or any attempt, solicitation, or conspiracy to commit any of the
3642 crimes specifically enumerated above. The office shall have such
3643 power only when any such offense is occurring, or has occurred,
3644 in two or more judicial circuits as part of a related
3645 transaction, or when any such offense is connected with an
3646 organized criminal conspiracy affecting two or more judicial
3647 circuits.

3648 Section 71. Subsection (5) of section 119.07, Florida
3649 Statutes, is amended to read:

3650 119.07 Inspection and copying of records; photographing
3651 public records; fees; exemptions.--

3652 (5) When ballots are produced under this section for
3653 inspection or examination, no persons other than the supervisor
3654 of elections or the supervisor's employees shall touch the
3655 ballots. If the ballots are being examined prior to the end of
3656 the contest period in s. 102.168, the supervisor of elections
3657 shall make a reasonable effort to notify all candidates by
3658 telephone or otherwise of the time and place of the inspection
3659 or examination. All such candidates, or their representatives,
3660 shall be allowed to be present during the inspection or
3661 examination.

3662 Section 72. Paragraph (a) of subsection (3) of section
3663 145.09, Florida Statutes, is amended to read:

3664 145.09 Supervisor of elections.--

3665 (3)(a) There shall be an additional \$2,000 per year
3666 special qualification salary for each supervisor of elections

3667 who has met the certification requirements established by the
3668 Division of Elections of the Department of State. The Department
3669 of State shall adopt rules to establish the certification
3670 requirements. Any supervisor who is certified during a calendar
3671 year shall receive in that year a pro rata share of the special
3672 qualification salary based on the remaining period of the year.

3673 Section 73. Sections 98.095, 98.0979, 98.181, 98.481,
3674 101.253, 101.635, 102.061, 106.085, and 106.144, Florida
3675 Statutes, are repealed.

3676 Section 74. If any provision of this act or its
3677 application to any person or circumstance is held invalid, the
3678 invalidity does not affect other provisions or applications of
3679 the act which can be given effect without the invalid provision
3680 or application and to this end the provisions of this act are
3681 severable.

3682 Section 75. This act shall take effect January 1, 2006.