

1 A bill to be entitled

2 An act relating to elections; amending s. 97.012, F.S.;  
3 authorizing the Secretary of State to investigate voter  
4 fraud; authorizing the Department of State to adopt rules;  
5 amending s. 97.021, F.S.; defining the term "marksense  
6 ballots"; defining the terms "early voting area," "early  
7 voting site," and "third-party voter registration  
8 organization"; amending s. 97.051, F.S.; revising the oath  
9 required upon registering to vote; amending s. 97.052,  
10 F.S.; revising the contents of the uniform statewide voter  
11 registration application; amending s. 97.053, F.S.;  
12 revising provisions governing the acceptance of voter  
13 registration applications by the supervisor of elections;  
14 requiring that an applicant complete a registration  
15 application before the date of book closing in order to be  
16 eligible to vote in that election; revising the  
17 information required on the registration application;  
18 amending s. 97.055, F.S.; limiting the updates that may be  
19 made to registration information following book closing;  
20 creating s. 97.0575, F.S.; providing requirements for  
21 third-party voter registration organizations that collect  
22 voter-registration applications; providing fines for  
23 failure to deliver applications as required; authorizing  
24 the Division of Elections to adopt rules to administer  
25 provisions governing third-party voter registration  
26 organizations; amending s. 97.071, F.S.; specifying the  
27 information to be included on the registration

28 identification card; amending s. 98.045, F.S.; deleting a  
29 cross-reference; amending s. 98.077, F.S.; revising the  
30 procedures for updating a voter signature used to verify  
31 an absentee ballot or provisional ballot; amending s.  
32 99.061, F.S.; providing for qualifying for nomination or  
33 election by the petition process; requiring the filing of  
34 statements of financial interest; requiring that a  
35 qualifying officer accept certain qualifying papers filed  
36 before the qualifying period; amending s. 99.063, F.S.;  
37 providing filing requirements for public officers;  
38 amending s. 99.092, F.S., relating to qualifying fees;  
39 clarifying provisions governing qualifying for nomination  
40 or election by the petition process to conform to changes  
41 made by the act; amending s. 99.095, F.S.; revising the  
42 requirements for qualifying as a candidate by a petition  
43 process in lieu of paying a qualifying fee and party  
44 assessment; providing requirements for submitting  
45 petitions and certifications; requiring that the division  
46 or supervisor of elections, as applicable, determine  
47 whether the required number of signatures has been  
48 obtained; amending s. 99.0955, F.S.; providing procedures  
49 for a candidate having no party affiliation to qualify by  
50 the petition process; amending s. 99.096, F.S.; revising  
51 the procedures for a minor political party to submit  
52 nominated candidates to be on the general election ballot;  
53 providing for candidates to qualify by the petition  
54 process; amending s. 99.09651, F.S., relating to signature

55 requirements for ballot position; conforming provisions to  
56 changes made by the act; amending s. 100.011, F.S.;  
57 requiring that an elector in line at the time the polls  
58 close be allowed to vote; amending s. 100.101, F.S.;  
59 revising the circumstances under which a special election  
60 or primary is held; amending s. 100.111, F.S.; revising  
61 requirements for filling a vacancy in a nomination;  
62 requiring that ballots cast for a former nominee be  
63 counted for the person designated to replace the nominee  
64 under certain circumstances; amending s. 100.141, F.S.,  
65 relating to the notice of a special election; conforming  
66 provisions to changes made by the act; amending s.  
67 101.031, F.S.; revising the Voter's Bill of Rights to  
68 authorize a provisional ballot if a person's identity is  
69 in question; amending s. 101.043, F.S.; revising the  
70 procedures for a voter to provide identification when  
71 voting; amending s. 101.048, F.S.; providing for certain  
72 additional voters to cast provisional ballots; providing  
73 requirements for presenting evidence in support of a  
74 person's right to vote; requiring that the county  
75 canvassing board count such a ballot unless it determines  
76 by a preponderance of the evidence that the person was not  
77 entitled to vote; requiring that a person casting a  
78 provisional ballot be informed of certain rights; amending  
79 s. 101.049, F.S.; providing requirements for ballots for  
80 persons with disabilities; amending s. 101.051, F.S.;  
81 prohibiting certain solicitations to provide assistance to

82 | an elector; providing a penalty; authorizing an elector to  
83 | request that a person other than an election official  
84 | provide him or her with assistance in voting; providing  
85 | for the form of the oath to be signed; amending s.  
86 | 101.111, F.S.; revising the requirements for challenging  
87 | an elector's right to vote; providing a penalty for filing  
88 | a frivolous challenge; amending s. 101.131, F.S.; revising  
89 | requirements for poll watchers; authorizing certain  
90 | political committees to have poll watchers; prohibiting a  
91 | poll watcher from interacting with a voter; providing for  
92 | poll watchers at early voting areas; amending s. 101.151,  
93 | F.S.; providing requirements for marksense ballots;  
94 | amending s. 101.171, F.S.; requiring that a copy of a  
95 | proposed constitutional amendment be available at voting  
96 | locations; amending s. 101.294, F.S.; prohibiting a vendor  
97 | of voting equipment from providing systems, components, or  
98 | system upgrades to a local governing body or supervisor of  
99 | elections which have not been certified by the Division of  
100 | Elections; requiring that the vendor provide sworn  
101 | certification of such equipment; amending s. 101.295,  
102 | F.S.; providing a penalty for providing voting equipment  
103 | in violation of ch. 101, F.S.; amending s. 101.49, F.S.;  
104 | revising the procedures for verifying an elector's  
105 | signature; amending s. 101.51, F.S.; requiring that an  
106 | elector occupy a voting booth alone; amending s. 101.5606,  
107 | F.S., relating to requirements for approval of voting  
108 | systems, to conform; amending s. 101.5608, F.S., relating

109 | to voting by electronic or electromechanical methods, to  
110 | conform; amending s. 101.5612, F.S.; providing  
111 | requirements for testing voting equipment; amending s.  
112 | 101.5614, F.S.; correcting a cross-reference; amending s.  
113 | 101.572, F.S.; requiring that the supervisor of elections  
114 | notify the candidates if ballots are examined before the  
115 | end of the contest; amending s. 101.58, F.S.; authorizing  
116 | employees of the department to have access to the  
117 | premises, records, equipment, and staff of the supervisors  
118 | of elections; amending s. 101.595, F.S.; requiring that  
119 | certain overvotes and undervotes be reported to the  
120 | department; amending s. 101.6103, F.S.; authorizing the  
121 | canvassing board to begin canvassing before the election;  
122 | prohibiting the release of results before election day;  
123 | providing a penalty for any early release of results;  
124 | requiring that a mail ballot that otherwise satisfies the  
125 | requirements of law for mail ballots be counted even if  
126 | the elector dies after mailing the ballot but before  
127 | election day if certain conditions are met; amending s.  
128 | 101.62, F.S.; revising the requirements for mailing  
129 | absentee ballots to voters; amending s. 101.64, F.S.;  
130 | providing for an oath to be provided to persons voting  
131 | absentee under the Uniformed and Overseas Citizens  
132 | Absentee Voting Act; amending s. 101.657, F.S.; revising  
133 | requirements relating to early voting locations; revising  
134 | the times to begin and end early voting and the times for  
135 | opening and closing the early voting sites each day;

136 providing for uniformity of county early voting sites;  
137 requiring any person in line at the closing of an early  
138 voting site to be allowed to vote; providing for early  
139 voting in municipal and special district elections;  
140 requiring supervisors to provide certain information in  
141 electronic format to the Division of Elections; requiring  
142 that an early voting ballot that otherwise satisfies the  
143 requirements of law for early voting ballots be counted  
144 even if the elector dies on or before election day;  
145 amending s. 101.663, F.S.; providing for certain persons  
146 to vote absentee after moving to another state; amending  
147 s. 101.68, F.S.; prohibiting changing a voter's  
148 certificate after the absentee ballot is received by the  
149 supervisor; providing that electors who die on or before  
150 election day and have cast an absentee ballot shall remain  
151 on the voter registration books until the election is  
152 certified; providing that the ballot of an elector who  
153 casts an absentee ballot shall be counted even if the  
154 elector dies on or before election day if certain  
155 conditions are met; amending s. 101.69, F.S.; prohibiting  
156 a voter from voting another ballot after casting an  
157 absentee ballot; providing for a provisional ballot under  
158 certain circumstances; amending s. 101.6923, F.S.;  
159 providing for the form of the printed instructions on an  
160 absentee ballot; amending s. 101.694, F.S.; providing  
161 requirements for absentee envelopes printed for voters  
162 voting under the Uniformed and Overseas Citizens Absentee

163 Voting Act; amending s. 101.697, F.S.; requiring the  
164 Department of State to determine whether secure electronic  
165 ballots may be provided for overseas voters; requiring  
166 that the department adopt rules for accepting overseas  
167 ballots; amending s. 102.012, F.S.; requiring the  
168 supervisor of elections to appoint an election board  
169 before any election; providing duties of the board;  
170 amending s. 102.014, F.S.; requiring that the Division of  
171 Elections develop a uniform training curriculum for poll  
172 workers; amending s. 102.031, F.S.; providing requirements  
173 for maintaining order at early voting areas; requiring the  
174 designation of a no-solicitation zone; prohibiting  
175 photography in a polling room or early voting area;  
176 amending s. 102.071, F.S.; revising requirements for  
177 tabulating votes; amending s. 102.111, F.S.; providing for  
178 corrections to be made to the official election returns;  
179 amending s. 102.112, F.S.; requiring that a return contain  
180 a certification by the canvassing board; authorizing the  
181 Department of State to correct typographical errors;  
182 amending s. 102.141, F.S.; revising requirements for the  
183 canvassing boards in submitting returns to the department;  
184 providing requirements for the report filed by the  
185 canvassing board; requiring the department to adopt rules  
186 for filing results and statistical information; amending  
187 s. 102.166, F.S.; revising the circumstances under which a  
188 manual recount may be ordered; amending s. 102.168, F.S.;  
189 requiring that complaints be filed with the board

190 responsible for certifying the election results;  
191 specifying the parties to an action who may contest an  
192 election or nomination; amending s. 103.021, F.S.;  
193 providing for nomination of presidential electors by the  
194 state executive committee of each political party;  
195 defining the term "national party" for purposes of  
196 nominating a candidate for President and Vice President of  
197 the United States; amending ss. 103.051 and 103.061, F.S.;  
198 specifying duties of the presidential electors; amending  
199 s. 103.121, F.S.; revising powers and duties of executive  
200 committees to conform to changes made by the act; amending  
201 s. 105.031, F.S.; providing for public officers to file a  
202 statement of financial interests at the time of  
203 qualifying; requiring that a filing officer accept certain  
204 qualifying papers filed before the qualifying period;  
205 amending s. 105.035, F.S.; revising procedures for  
206 qualifying for certain judicial offices and the office of  
207 school board member; prohibiting a candidate from  
208 obtaining signatures until appointing a campaign treasurer  
209 and designating a campaign depository; revising the  
210 requirements for the supervisor of elections with respect  
211 to certifying signatures; creating s. 106.022, F.S.;  
212 requiring that a political committee, committee of  
213 continuous existence, or electioneering communications  
214 entity maintain a registered office and registered agent;  
215 providing requirements for the statement of appointment;  
216 prohibiting political parties from accepting certain in-



217 kind contributions; amending s. 106.24, F.S.; clarifying  
218 the duties of the Secretary of State; amending s. 106.141,  
219 F.S., relating to the disposition of surplus funds;  
220 conforming provisions to changes made by the act;  
221 transferring and renumbering s. 98.122, F.S., relating to  
222 the use of closed captioning and descriptive narrative in  
223 television broadcasts; amending s. 106.22, F.S.;  
224 eliminating certain duties of the Division of Elections  
225 with respect to reports to the Legislature and preliminary  
226 investigations; amending s. 16.56, F.S.; authorizing the  
227 Office of Statewide Prosecution to investigate and  
228 prosecute crimes involving voter registration, voting, or  
229 certain petition activities; amending s. 119.07, F.S.;  
230 clarifying requirements of the supervisor of elections  
231 with respect to notifying candidates of the inspection of  
232 ballots; amending s. 145.09, F.S.; requiring that the  
233 Department of State adopt rules establishing certification  
234 requirements for supervisors of elections; creating s.  
235 104.0615, F.S.; providing a short title; prohibiting a  
236 person from using or threatening to use force, violence,  
237 or intimidation to induce or compel an individual to vote  
238 or refrain from voting, to refrain from registering to  
239 vote, or to refrain from acting as an election official or  
240 poll watcher; prohibiting a person from knowingly using  
241 false information to challenge an individual's right to  
242 vote, to induce an individual to refrain from registering  
243 to vote, or to induce or attempt to induce an individual

244 to refrain from acting as an election official or poll  
 245 watcher; prohibiting a person from knowingly destroying,  
 246 mutilating, or defacing a voter registration form or  
 247 election ballot or obstructing or delaying the delivery of  
 248 a voter registration form or election ballot; providing  
 249 criminal penalties; repealing ss. 98.095, 98.0979, 98.181,  
 250 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144,  
 251 F.S., relating to inspections of county registers and the  
 252 voter database, indexes and records, challenges to  
 253 elections, the printing and distribution of ballots,  
 254 duties of the election board, expenditures, and  
 255 endorsements or opposition by certain groups; providing  
 256 for severability; providing effective dates.

257

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

259

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

262 97.012 Secretary of State as chief election officer.--The  
 263 Secretary of State is the chief election officer of the state,  
 264 and it is his or her responsibility to:

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

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

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

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

275 (5) Provide technical assistance to the supervisors of  
 276 elections on voting systems.

277 (6) Provide voter education assistance to the public.

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

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

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

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

290 (11) Create and administer ~~maintain~~ a statewide voter  
 291 registration system as required by the Help America Vote Act of  
 292 2002 ~~database.~~

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

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

299 (14) Conduct preliminary investigations into any  
 300 irregularities or fraud involving voter registration, voting, or  
 301 candidate or issue petition activities and report his or her  
 302 findings to the statewide prosecutor or the state attorney for  
 303 the judicial circuit in which the alleged violation occurred for  
 304 prosecution, if warranted. The Department of State may prescribe  
 305 by rule requirements for filing an elections-fraud complaint and  
 306 for investigating any such complaint.

307 Section 2. Subsection (3) and present subsections (24) and  
 308 (39) of section 97.021, Florida Statutes, are amended, present  
 309 subsections (8) through (33) of that section are redesignated as  
 310 subsections (10) through (35), respectively, present subsections  
 311 (34) through (39) of that section are redesignated as  
 312 subsections (37) through (42), respectively, and new subsections  
 313 (8), (9), and (36) are added to that section, to read:

314 97.021 Definitions.--For the purposes of this code, except  
 315 where the context clearly indicates otherwise, the term:

316 (3) "Ballot" or "official ballot" when used in reference  
 317 to:

318 (a) "Marksense Paper ~~ballots~~" means that printed sheet of  
 319 paper, used in conjunction with an electronic or  
 320 electromechanical vote tabulation voting system, containing the  
 321 names of candidates, or a statement of proposed constitutional

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

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

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

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

337 (26)-(24) "Polling room" means the actual room in which  
338 ballots are cast on election day and during early voting.

339 (36) "Third-party registration organization" means any  
340 person, entity, or organization soliciting or collecting voter  
341 registration applications. A third-party voter registration  
342 organization does not include:

343 (a) A political party;

344 (b) A person who seeks only to register to vote or collect  
345 voter registration applications from that person's spouse,  
346 child, or parent; or

347 (c) A person engaged in registering to vote or collecting  
348 voter registration applications as an employee or agent of the

349 division, supervisor of elections, Department of Highway Safety  
 350 and Motor Vehicles, or a voter registration agency.

351 ~~(42)-(39)~~ "Voting system" means a method of casting and  
 352 processing votes that functions wholly or partly by use of  
 353 electromechanical or electronic apparatus or by use of marksense  
 354 ~~paper~~ ballots and includes, but is not limited to, the  
 355 procedures for casting and processing votes and the programs,  
 356 operating manuals, supplies ~~tabulating cards~~, printouts, and  
 357 other software necessary for the system's operation.

358 Section 3. Section 97.051, Florida Statutes, is amended to  
 359 read:

360 97.051 Oath upon registering.--A person registering to  
 361 vote must subscribe to the following oath: "I do solemnly swear  
 362 (or affirm) that I will protect and defend the Constitution of  
 363 the United States and the Constitution of the State of Florida,  
 364 that I am qualified to register as an elector under the  
 365 Constitution and laws of the State of Florida, and that all  
 366 information provided in this application is true ~~I am a citizen~~  
 367 ~~of the United States and a legal resident of Florida."~~

368 Section 4. Section 97.052, Florida Statutes, is amended to  
 369 read:

370 97.052 Uniform statewide voter registration application.--

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

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

375 1. Initial registration.

- 376 2. Change of address.
- 377 3. Change of party affiliation.
- 378 4. Change of name.
- 379 5. Replacement of a voter registration identification
- 380 card.
- 381 6. Signature update.

382 (b) The department is responsible for printing the uniform  
 383 statewide voter registration application and the voter  
 384 registration application form prescribed by the ~~Federal~~ Election  
 385 Assistance Commission pursuant to federal law ~~the National Voter~~  
 386 ~~Registration Act of 1993~~. The applications and forms must be  
 387 distributed, upon request, to the following:

- 388 1. Individuals seeking to register to vote.
- 389 2. Individuals or groups conducting voter registration
- 390 programs. A charge of 1 cent per application shall be assessed
- 391 on requests for 10,000 or more applications.
- 392 3. The Department of Highway Safety and Motor Vehicles.
- 393 4. Voter registration agencies.
- 394 5. Armed forces recruitment offices.
- 395 6. Qualifying educational institutions.
- 396 7. Supervisors, who must make the applications and forms
- 397 available in the following manner:
  - 398 a. By distributing the applications and forms in their
  - 399 offices to any individual or group.
  - 400 b. By distributing the applications and forms at other
  - 401 locations designated by each supervisor.

402 c. By mailing the applications and forms to applicants  
 403 upon the request of the applicant.

404 (c) The uniform statewide voter registration application  
 405 may be reproduced by any private individual or group, provided  
 406 the reproduced application is in the same format as the  
 407 application prescribed under this section.

408 (2) The uniform statewide voter registration application  
 409 must be designed to elicit the following information from the  
 410 applicant:

411 (a) Full name.

412 (b) Date of birth.

413 (c) Address of legal residence.

414 (d) Mailing address, if different.

415 (e) County of legal residence.

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

418 (f)~~(g)~~ Race or ethnicity that best describes the  
 419 applicant:

420 1. American Indian or Alaskan Native.

421 2. Asian or Pacific Islander.

422 3. Black, not Hispanic.

423 4. White, not Hispanic.

424 5. Hispanic.

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

426 (h)~~(i)~~ Sex.

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

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



429           ~~(k)(1)~~ Name and address where last registered.

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

432           ~~(m)(n)~~ Florida driver's license number or the  
433 identification number from a Florida identification card issued  
434 under s. 322.051.

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

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

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

444           ~~(q)(r)~~ Whether the applicant is a citizen of the United  
445 States by asking the question "Are you a citizen of the United  
446 States of America?" and providing boxes for the applicant to  
447 check to indicate whether the applicant is or is not a citizen  
448 of the United States.

449           ~~(r)(s)~~ Whether ~~That~~ the applicant has ~~not~~ been convicted  
450 of a felony, and ~~or~~, if convicted, has had his or her civil  
451 rights restored by including the statement "I affirm I am not a  
452 convicted felon, or if I am, my rights relating to voting have  
453 been restored" and providing a box for the applicant to affirm  
454 the statement.

455        (s)~~(t)~~ Whether ~~That~~ the applicant has ~~not~~ been adjudicated  
456 mentally incapacitated with respect to voting or, if so  
457 adjudicated, has had his or her right to vote restored by  
458 including the statement "I affirm I have not been adjudicated  
459 mentally incapacitated with respect to voting or, if I have, my  
460 competency has been restored" and providing a box for the  
461 applicant to check to affirm the statement.

462

463 The registration form must be in plain language and designed so  
464 that convicted felons whose civil rights have been restored and  
465 persons who have been adjudicated mentally incapacitated and  
466 have had their voting rights restored are not required to reveal  
467 their prior conviction or adjudication.

468        (3) The uniform statewide voter registration application  
469 must also contain:

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

472        (b) A statement specifying each eligibility requirement  
473 under s. 97.041.

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

476        (d) A statement that, if an applicant declines to register  
477 to vote, the fact that the applicant has declined to register  
478 will remain confidential and may be used only for voter  
479 registration purposes.

480        (e) A statement that informs the applicant who chooses to  
481 register to vote or update a voter registration record that the

482 office at which the applicant submits a voter registration  
483 application or updates a voter registration record will remain  
484 confidential and may be used only for voter registration  
485 purposes.

486 ~~(f) A statement that informs the applicant that any person~~  
487 ~~who has been granted a homestead exemption in this state, and~~  
488 ~~who registers to vote in any precinct other than the one in~~  
489 ~~which the property for which the homestead exemption has been~~  
490 ~~granted, shall have that information forwarded to the property~~  
491 ~~appraiser where such property is located, which may result in~~  
492 ~~the person's homestead exemption being terminated and the person~~  
493 ~~being subject to assessment of back taxes under s. 193.092,~~  
494 ~~unless the homestead granted the exemption is being maintained~~  
495 ~~as the permanent residence of a legal or natural dependent of~~  
496 ~~the owner and the owner resides elsewhere.~~

497 (f)(g) A statement informing an the applicant who has not  
498 been issued a Florida driver's license, a Florida identification  
499 card, or a social security number that if the application form  
500 is submitted by mail and the applicant is registering for the  
501 first time in Florida, the applicant will be required to provide  
502 identification prior to voting the first time.

503 (4) A supervisor may produce a voter registration  
504 application that has the supervisor's direct mailing address if  
505 the department has reviewed the application and determined that  
506 it is substantially the same as the uniform statewide voter  
507 registration application.

508 (5) The voter registration application form prescribed by  
509 the ~~Federal~~ Election Assistance Commission pursuant to federal  
510 law ~~the National Voter Registration Act of 1993~~ or the federal  
511 postcard application must be accepted as an application for  
512 registration in this state if the completed application or  
513 postcard application contains the information required by the  
514 constitution and laws of this state.

515 Section 5. Section 97.053, Florida Statutes, is amended to  
516 read:

517 97.053 Acceptance of voter registration applications.--

518 (1) Voter registration applications, changes in  
519 registration, and requests for a replacement registration  
520 identification card must be accepted in the office of any  
521 supervisor, the division, a driver license office, a voter  
522 registration agency, or an armed forces recruitment office when  
523 hand delivered by the applicant or a third party during the  
524 hours that office is open or when mailed.

525 (2) A ~~completed~~ voter registration application is complete  
526 and that contains the information necessary to establish an  
527 applicant's eligibility pursuant to s. 97.041 becomes the  
528 official voter registration record of that applicant when all  
529 information necessary to establish the applicant's eligibility  
530 pursuant to s. 97.041 is received by the appropriate supervisor.  
531 If the applicant fails to complete his or her voter registration  
532 application before the date of book closing for an election,  
533 such applicant is not eligible to vote in that election.

534 (3) The registration date for a valid initial voter  
535 registration application that has been hand delivered is the  
536 date when received by a driver license office, a voter  
537 registration agency, an armed forces recruitment office, the  
538 division, or the office of any supervisor in the state.

539 (4) The registration date for a valid initial voter  
540 registration application that has been mailed to a driver  
541 license office, a voter registration agency, an armed forces  
542 recruitment office, the division, or the office of any  
543 supervisor in the state and bears a clear postmark is the date  
544 of that ~~the~~ postmark. If an initial voter registration  
545 application that has been mailed does not bear a postmark or if  
546 the postmark is unclear, the registration date is the date the  
547 registration is received by any supervisor or the division,  
548 unless it is received within 5 days after the closing of the  
549 books for an election, excluding Saturdays, Sundays, and legal  
550 holidays, in which case the registration date is the book-  
551 closing date.

552 (5) (a) A voter registration application is complete if it  
553 contains the following information necessary to establish  
554 eligibility pursuant to s. 97.041:

- 555 1. The applicant's name.
- 556 2. The applicant's legal residence address.
- 557 3. The applicant's date of birth.
- 558 4. A mark in the checkbox affirming ~~An indication~~ that the  
559 applicant is a citizen of the United States.

560           5. The applicant's Florida driver's license number, the  
 561 identification number from a Florida identification card issued  
 562 under s. 322.051, or the last four digits of the applicant's  
 563 social security number.

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

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

571           8. The original signature of the applicant swearing or  
 572 affirming under the penalty for false swearing pursuant to s.  
 573 104.011 that the information contained in the registration  
 574 application is true and subscribing to the oath required by s.  
 575 3, Art. VI of the State Constitution and s. 97.051.

576           (b) An applicant who fails to designate party affiliation  
 577 must be registered without party affiliation. The supervisor  
 578 must notify the voter by mail that the voter has been registered  
 579 without party affiliation and that the voter may change party  
 580 affiliation as provided in s. 97.1031.

581           Section 6. Subsection (1) of section 97.055, Florida  
 582 Statutes, is amended to read:

583           97.055 Registration books; when closed for an election.--

584           (1) The registration books must be closed on the 29th day  
 585 before each election and must remain closed until after that  
 586 election. If an election is called and there are fewer than 29

587 days before that election, the registration books must be closed  
588 immediately. When the registration books are closed for an  
589 election, updates to a voter's name, address, and signature  
590 pursuant to ss. 98.077 and 101.045 shall be the only changes  
591 permitted for purposes of the upcoming election. Voter  
592 registration applications and party changes must be accepted but  
593 only for the purpose of subsequent elections. However, party  
594 changes received between the book-closing date of the first  
595 primary election and the date of the second primary election are  
596 not effective until after the second primary election.

597 Section 7. Section 97.0575, Florida Statutes, is created  
598 to read:

599 97.0575 Third-party voter registrations.--

600 (1) Prior to engaging in any voter-registration  
601 activities, a third-party voter registration organization shall  
602 name a registered agent in the state and submit to the division,  
603 in a form adopted by the division, the name of the registered  
604 agent and the name of those individuals responsible for the day-  
605 to-day operation of the third-party voter registration  
606 organization, including, if applicable, the names of the  
607 entity's board of directors, president, vice president, managing  
608 partner, or such other individuals engaged in similar duties or  
609 functions. On or before the 15th day after the end of each  
610 calendar quarter, each third-party voter registration  
611 organization shall submit to the division a report providing the  
612 date and location of any organized voter-registration drives  
613 conducted by the organization in the prior calendar quarter.

614       (2) The failure to submit the information required by  
615 subsection (1) does not subject the third-party voter  
616 registration organization to any civil or criminal penalties for  
617 such failure and the failure to submit such information is not a  
618 basis for denying such third-party voter registration  
619 organization with copies of voter-registration application  
620 forms.

621       (3) A third-party voter registration organization that  
622 collects voter-registration applications serves as a fiduciary  
623 to the applicant, ensuring that any voter-registration  
624 application entrusted to the third-party voter registration  
625 organization, irrespective of party affiliation, race,  
626 ethnicity, or gender shall be promptly delivered to the division  
627 or the supervisor of elections. If a voter-registration  
628 application collected by any third-party voter registration  
629 organization is not delivered to the division or supervisor of  
630 elections, the individual collecting the voter-registration  
631 application, the registered agent, and those individuals  
632 responsible for the day-to-day operation of the third-party  
633 voter registration organization, including, if applicable, the  
634 entity's board of directors, president, vice president, managing  
635 partner, or such other individuals engaged in similar duties or  
636 functions, shall be personally and jointly and severally liable  
637 for the following fines:

638       (a) A fine in the amount of \$250 for each application  
639 received by the division or the supervisor of elections more  
640 than 10 days after the applicant delivered the completed voter-



641 registration application to the third-party voter registration  
 642 organization or any person, entity, or agent acting on its  
 643 behalf.

644 (b) A fine in the amount of \$500 for each application  
 645 collected by a third-party voter registration organization or  
 646 any person, entity, or agent acting on its behalf, prior to book  
 647 closing for any given election for federal or state office and  
 648 received by the division or the supervisor of elections after  
 649 the book closing deadline for such election.

650 (c) A fine in the amount of \$5,000 for each application  
 651 collected by a third-party voter registration organization or  
 652 any person, entity, or agent acting on its behalf, which is not  
 653 submitted to the division or supervisor of elections.

654  
 655 The fines provided in this subsection shall be reduced by three-  
 656 fourths in cases in which the third-party voter registration  
 657 organization has complied with subsection (1).

658 (4) (a) The division shall adopt by rule a form to elicit  
 659 specific information concerning the facts and circumstances from  
 660 a person who claims to have been registered by a third-party  
 661 voter registration organization but who does not appear as an  
 662 active voter on the voter-registration rolls.

663 (b) The division may investigate any violation of this  
 664 section. Civil fines shall be assessed by the division and  
 665 enforced through any appropriate legal proceedings.

666 (5) The date on which an applicant signs a voter-  
 667 registration application is presumed to be the date on which the

668 third-party voter registration organization received or  
 669 collected the voter-registration application.

670 (6) The civil fines provided in this section are in  
 671 addition to any applicable criminal penalties.

672 (7) Fines collected pursuant to this section shall be  
 673 annually appropriated by the Legislature to the department for  
 674 enforcement of this section and for voter education.

675 (8) The division may adopt rules to administer this  
 676 section.

677 Section 8. Section 97.071, Florida Statutes, is amended to  
 678 read:

679 97.071 Registration identification card.--

680 (1) The supervisor must furnish a registration  
 681 identification card ~~must be furnished~~ to all voters registering  
 682 under the permanent single registration system and must contain:

- 683 (a) Voter's registration number.
- 684 (b) Date of registration.
- 685 (c) Full name.
- 686 (d) Party affiliation.
- 687 (e) Date of birth.
- 688 (f) Race or ethnicity, if provided by the applicant.
- 689 (g) Sex, if provided by the applicant.
- 690 (h) Address of legal residence.
- 691 (i) Precinct number.
- 692 (j) Name of supervisor.
- 693 (k) Place for voter's signature.
- 694 (l) Other information deemed necessary by the department.

695 (2) A voter may receive a replacement of a registration  
696 identification card by providing a signed, written request for a  
697 replacement card to the supervisor. Upon verification of  
698 registration, the supervisor shall issue the voter a duplicate  
699 card without charge.

700 (3) In the case of a change of name, address, or party  
701 affiliation, the supervisor must issue the voter a new  
702 registration identification card. However, a registration  
703 identification card indicating a party affiliation change made  
704 between the book-closing date for the first primary election and  
705 the date of the second primary election may not be issued until  
706 after the second primary election.

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

709 98.045 Administration of voter registration.--

710 (3) Notwithstanding the provisions of s. ss. 98.095 and  
711 98.0977, each supervisor shall maintain for at least 2 years,  
712 and make available for public inspection and copying, all  
713 records concerning implementation of registration list  
714 maintenance programs and activities conducted pursuant to ss.  
715 98.065, 98.075, and 98.0977. The records must include lists of  
716 the name and address of each person to whom an address  
717 confirmation final notice was sent and information as to whether  
718 each such person responded to the mailing, but may not include  
719 any information that is confidential or exempt from public  
720 records requirements under this code.

721 Section 10. Section 98.077, Florida Statutes, is amended  
722 to read:

723 98.077 Update of voter signature.--The supervisor of  
724 elections shall provide to each registered voter of the county  
725 the opportunity to update his or her signature on file at the  
726 supervisor's office by providing notification of the ability to  
727 do so in any correspondence, other than postcard notifications,  
728 sent to the voter. The notice shall advise when, where, and how  
729 to update the signature and shall provide the voter information  
730 on how to obtain a form from the supervisor that can be returned  
731 to update the signature. In addition, at least once during each  
732 general election year, the supervisor shall publish in a  
733 newspaper of general circulation or other newspaper in the  
734 county deemed appropriate by the supervisor a notice specifying  
735 when, where, or how a voter can update his or her signature that  
736 is on file or how a voter can obtain a form from the supervisor  
737 to do so. All signature updates for use in verifying absentee  
738 and provisional ballots must be received by the appropriate  
739 supervisor of elections no later than the start of the  
740 canvassing of absentee ballots by the canvassing board. The  
741 signature on file at the start of the canvas of the absentee  
742 ballots is the signature that shall be used in verifying the  
743 signature on the absentee and provisional ballot certificates.

744 Section 11. Section 99.061, Florida Statutes, is amended  
745 to read:

746 99.061 Method of qualifying for nomination or election to  
747 federal, state, county, or district office.--

748 (1) The provisions of any special act to the contrary  
749 notwithstanding, each person seeking to qualify for nomination  
750 or election to a federal, state, or multicounty district office,  
751 other than election to a judicial office as defined in chapter  
752 105 or the office of school board member, shall file his or her  
753 qualification papers with, and pay the qualifying fee, which  
754 shall consist of the filing fee and election assessment, and  
755 party assessment, if any has been levied, to, the Department of  
756 State, or qualify by the petition process pursuant to s. 99.095  
757 ~~alternative method~~ with the Department of State, at any time  
758 after noon of the 1st day for qualifying, which shall be as  
759 follows: the 120th day prior to the first primary, but not  
760 later than noon of the 116th day prior to the date of the first  
761 primary, for persons seeking to qualify for nomination or  
762 election to federal office or to the office of the state  
763 attorney or the public defender; and noon of the 50th day prior  
764 to the first primary, but not later than noon of the 46th day  
765 prior to the date of the first primary, for persons seeking to  
766 qualify for nomination or election to a state or multicounty  
767 district office, other than the office of the state attorney or  
768 the public defender.

769 (2) The provisions of any special act to the contrary  
770 notwithstanding, each person seeking to qualify for nomination  
771 or election to a county office, or district or special district  
772 office not covered by subsection (1), shall file his or her  
773 qualification papers with, and pay the qualifying fee, which  
774 shall consist of the filing fee and election assessment, and

775 party assessment, if any has been levied, to, the supervisor of  
776 elections of the county, or shall qualify by the petition  
777 process pursuant to s. 99.095 ~~alternative method~~ with the  
778 supervisor of elections, at any time after noon of the 1st day  
779 for qualifying, which shall be the 50th day prior to the first  
780 primary or special district election, but not later than noon of  
781 the 46th day prior to the date of the first primary or special  
782 district election. However, if a special district election is  
783 held at the same time as the second primary or general election,  
784 qualifying shall be the 50th day prior to the first primary, but  
785 not later than noon of the 46th day prior to the date of the  
786 first primary. Within 30 days after the closing of qualifying  
787 time, the supervisor of elections shall remit to the secretary  
788 of the state executive committee of the political party to which  
789 the candidate belongs the amount of the filing fee, two-thirds  
790 of which shall be used to promote the candidacy of candidates  
791 for county offices and the candidacy of members of the  
792 Legislature.

793 (3) (a) Each person seeking to qualify for election to  
794 office as a write-in candidate shall file his or her  
795 qualification papers with the respective qualifying officer at  
796 any time after noon of the 1st day for qualifying, but not later  
797 than noon of the last day of the qualifying period for the  
798 office sought.

799 (b) Any person who is seeking election as a write-in  
800 candidate shall not be required to pay a filing fee, election  
801 assessment, or party assessment. A write-in candidate shall not

802 | be entitled to have his or her name printed on any ballot;  
803 | however, space for the write-in candidate's name to be written  
804 | in shall be provided on the general election ballot. No person  
805 | may qualify as a write-in candidate if the person has also  
806 | otherwise qualified for nomination or election to such office.

807 |       (4) At the time of qualifying for office, each candidate  
808 | for a constitutional office shall file a full and public  
809 | disclosure of financial interests pursuant to s. 8, Art. II of  
810 | the State Constitution, and a candidate for any other office,  
811 | including local elective office, shall file a statement of  
812 | financial interests pursuant to s. 112.3145.

813 |       (5) The Department of State shall certify to the  
814 | supervisor of elections, within 7 days after the closing date  
815 | for qualifying, the names of all duly qualified candidates for  
816 | nomination or election who have qualified with the Department of  
817 | State.

818 |       (6) Notwithstanding the qualifying period prescribed in  
819 | this section, if a candidate has submitted the necessary  
820 | petitions by the required deadline in order to qualify by the  
821 | petition process pursuant to s. 99.095 ~~alternative method~~ as a  
822 | candidate for nomination or election and the candidate is  
823 | notified after the 5th day prior to the last day for qualifying  
824 | that the required number of signatures has been obtained, the  
825 | candidate is entitled to subscribe to the candidate's oath and  
826 | file the qualifying papers at any time within 5 days from the  
827 | date the candidate is notified that the necessary number of  
828 | signatures has been obtained. Any candidate who qualifies

829 within the time prescribed in this subsection is entitled to  
 830 have his or her name printed on the ballot.

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

834 1. A properly executed check drawn upon the candidate's  
 835 campaign account in an amount not less than the fee required by  
 836 s. 99.092 or, in lieu thereof, as applicable, the copy of the  
 837 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~  
 838 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~  
 839 ~~99.096~~. If a candidate's check is returned by the bank for any  
 840 reason, the filing officer shall immediately notify the  
 841 candidate and the candidate shall, the end of qualifying  
 842 notwithstanding, have 48 hours from the time such notification  
 843 is received, excluding Saturdays, Sundays, and legal holidays,  
 844 to pay the fee with a cashier's check purchased from funds of  
 845 the campaign account. Failure to pay the fee as provided in this  
 846 subparagraph shall disqualify the candidate.

847 2. The candidate's oath required by s. 99.021, which must  
 848 contain the name of the candidate as it is to appear on the  
 849 ballot; the office sought, including the district or group  
 850 number if applicable; and the signature of the candidate, duly  
 851 acknowledged.

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

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



856           5. The completed form for the appointment of campaign  
857 treasurer and designation of campaign depository, as required by  
858 s. 106.021.

859           6. The full and public disclosure or statement of  
860 financial interests required by subsection (4). A public officer  
861 who has filed the full and public disclosure or statement of  
862 financial interests with the Commission on Ethics or the  
863 supervisor of elections prior to qualifying for office may file  
864 a copy of that disclosure at the time of qualifying.

865           (b) If the filing officer receives qualifying papers that  
866 do not include all items as required by paragraph (a) prior to  
867 the last day of qualifying, the filing officer shall make a  
868 reasonable effort to notify the candidate of the missing or  
869 incomplete items and shall inform the candidate that all  
870 required items must be received by the close of qualifying. A  
871 candidate's name as it is to appear on the ballot may not be  
872 changed after the end of qualifying.

873           (8) Notwithstanding the qualifying period prescribed in  
874 this section, a qualifying office may accept and hold qualifying  
875 papers submitted not earlier than 14 days prior to the beginning  
876 of the qualifying period, to be processed and filed during the  
877 qualifying period.

878           (9)~~(8)~~ Notwithstanding the qualifying period prescribed by  
879 this section, in each year in which the Legislature apportions  
880 the state, the qualifying period for persons seeking to qualify  
881 for nomination or election to federal office shall be between

882 noon of the 57th day prior to the first primary, but not later  
883 than noon of the 53rd day prior to the first primary.

884 ~~(10)~~(9) The Department of State may prescribe by rule  
885 requirements for filing papers to qualify as a candidate under  
886 this section.

887 Section 12. Section 99.063, Florida Statutes, is amended  
888 to read:

889 99.063 Candidates for Governor and Lieutenant Governor.--

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

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

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

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

903 (c) If the office sought is partisan, the written  
904 statement of political party affiliation required by s.  
905 99.021(1)(b).

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

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

911 (3) A designated candidate for Lieutenant Governor is not  
912 required to pay a separate qualifying fee or obtain signatures  
913 on petitions. Ballot position obtained by the candidate for  
914 Governor entitles the designated candidate for Lieutenant  
915 Governor, upon receipt by the Department of State of the  
916 qualifying papers required by subsection (2), to have his or her  
917 name placed on the ballot for the joint candidacy.

918 (4) In order to have the name of the candidate for  
919 Lieutenant Governor printed on the first or second primary  
920 election ballot, a candidate for Governor participating in the  
921 primary must designate the candidate for Lieutenant Governor,  
922 and the designated candidate must qualify no later than the end  
923 of the qualifying period specified in s. 99.061. If the  
924 candidate for Lieutenant Governor has not been designated and  
925 has not qualified by the end of the qualifying period specified  
926 in s. 99.061, the phrase "Not Yet Designated" must be included  
927 in lieu of the candidate's name on primary election ballots and  
928 on advance absentee ballots for the general election.

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

933 Section 13. Section 99.092, Florida Statutes, is amended  
934 to read:

935           99.092 Qualifying fee of candidate; notification of  
936 Department of State.--

937           (1) Each person seeking to qualify for nomination or  
938 election to any office, except a person seeking to qualify by  
939 the petition process ~~alternative method~~ pursuant to s. 99.095~~7~~,  
940 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to qualify  
941 as a write-in candidate, shall pay a qualifying fee, which shall  
942 consist of a filing fee and election assessment, to the officer  
943 with whom the person qualifies, and any party assessment levied,  
944 and shall attach the original or signed duplicate of the receipt  
945 for his or her party assessment or pay the same, in accordance  
946 with the provisions of s. 103.121, at the time of filing his or  
947 her other qualifying papers. The amount of the filing fee is 3  
948 percent of the annual salary of the office. The amount of the  
949 election assessment is 1 percent of the annual salary of the  
950 office sought. The election assessment shall be deposited into  
951 the Elections Commission Trust Fund. The amount of the party  
952 assessment is 2 percent of the annual salary. The annual salary  
953 of the office for purposes of computing the filing fee, election  
954 assessment, and party assessment shall be computed by  
955 multiplying 12 times the monthly salary, excluding any special  
956 qualification pay, authorized for such office as of July 1  
957 immediately preceding the first day of qualifying. No  
958 qualifying fee shall be returned to the candidate unless the  
959 candidate withdraws his or her candidacy before the last date to  
960 qualify. If a candidate dies prior to an election and has not  
961 withdrawn his or her candidacy before the last date to qualify,

962 the candidate's qualifying fee shall be returned to his or her  
963 designated beneficiary, and, if the filing fee or any portion  
964 thereof has been transferred to the political party of the  
965 candidate, the Secretary of State shall direct the party to  
966 return that portion to the designated beneficiary of the  
967 candidate.

968 (2) The supervisor of elections shall, immediately after  
969 the last day for qualifying, submit to the Department of State a  
970 list containing the names, party affiliations, and addresses of  
971 all candidates and the offices for which they qualified.

972 Section 14. Section 99.095, Florida Statutes, is amended  
973 to read:

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

976 99.095 Petition process in lieu of a qualifying fee and  
977 party assessment.--

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

982 (2)(a) A candidate shall obtain the number of signatures  
983 of voters in the geographical area represented by the office  
984 sought equal to at least 1 percent of the total number of  
985 registered voters of that geographical area, as shown by the  
986 compilation by the department for the last preceding general  
987 election. Signatures may not be obtained until the candidate has

988 filed the appointment of campaign treasurer and designation of  
989 campaign depository pursuant to s. 106.021.

990 (b) The format of the petition shall be prescribed by the  
991 division and shall be used by candidates to reproduce petitions  
992 for circulation. If the candidate is running for an office that  
993 requires a group or district designation, the petition must  
994 indicate that designation and if it does not, the signatures are  
995 not valid. A separate petition is required for each candidate.

996 (3) Each petition must be submitted before noon of the  
997 28th day preceding the first day of the qualifying period for  
998 the office sought to the supervisor of elections of the county  
999 in which such petition was circulated. Each supervisor shall  
1000 check the signatures on the petitions to verify their status as  
1001 voters in the county, district, or other geographical area  
1002 represented by the office sought. No later than the 7th day  
1003 before the first day of the qualifying period, the supervisor  
1004 shall certify the number of valid signatures.

1005 (4) (a) Certifications for candidates for federal, state,  
1006 or multicounty district office shall be submitted to the  
1007 division. The division shall determine whether the required  
1008 number of signatures has been obtained and shall notify the  
1009 candidate.

1010 (b) For candidates for county or district office not  
1011 covered by paragraph (a), the supervisor shall determine whether  
1012 the required number of signatures has been obtained and shall  
1013 notify the candidate.

1014           (5) If the required number of signatures has been  
 1015 obtained, the candidate is eligible to qualify pursuant to s.  
 1016 99.061.

1017           Section 15. Section 99.0955, Florida Statutes, is amended  
 1018 to read:

1019           99.0955 Candidates with no party affiliation; name on  
 1020 general election ballot.--

1021           (1) Each person seeking to qualify for election as a  
 1022 candidate with no party affiliation shall file his or her  
 1023 qualifying ~~qualification~~ papers and pay the qualifying fee or  
 1024 qualify by the petition process pursuant to s. 99.095  
 1025 ~~alternative method prescribed in subsection (3)~~ with the officer  
 1026 and during the times and under the circumstances prescribed in  
 1027 s. 99.061. Upon qualifying, the candidate is entitled to have  
 1028 his or her name placed on the general election ballot.

1029           (2) The qualifying fee for candidates with no party  
 1030 affiliation shall consist of a filing fee and an election  
 1031 assessment as prescribed in s. 99.092. ~~The amount of the filing~~  
 1032 ~~fee is 3 percent of the annual salary of the office sought. The~~  
 1033 ~~amount of the election assessment is 1 percent of the annual~~  
 1034 ~~salary of the office sought. The election assessment shall be~~  
 1035 ~~deposited into the Elections Commission Trust Fund.~~ Filing fees  
 1036 paid to the Department of State shall be deposited into the  
 1037 General Revenue Fund of the state. Filing fees paid to the  
 1038 supervisor of elections shall be deposited into the general  
 1039 revenue fund of the county.

1040           ~~(3)(a) A candidate with no party affiliation may, in lieu~~  
1041 ~~of paying the qualifying fee, qualify for office by the~~  
1042 ~~alternative method prescribed in this subsection. A candidate~~  
1043 ~~using this petitioning process shall file an oath with the~~  
1044 ~~officer before whom the candidate would qualify for the office~~  
1045 ~~stating that he or she intends to qualify by this alternative~~  
1046 ~~method. If the person is running for an office that requires a~~  
1047 ~~group or district designation, the candidate must indicate the~~  
1048 ~~designation in his or her oath. The oath shall be filed at any~~  
1049 ~~time after the first Tuesday after the first Monday in January~~  
1050 ~~of the year in which the election is held, but before the 21st~~  
1051 ~~day preceding the first day of the qualifying period for the~~  
1052 ~~office sought. The Department of State shall prescribe the form~~  
1053 ~~to be used in administering and filing the oath. Signatures may~~  
1054 ~~not be obtained by a candidate on any petition until the~~  
1055 ~~candidate has filed the oath required in this subsection. Upon~~  
1056 ~~receipt of the written oath from a candidate, the qualifying~~  
1057 ~~officer shall provide the candidate with petition forms in~~  
1058 ~~sufficient numbers to facilitate the gathering of signatures.~~  
1059 ~~If the candidate is running for an office that requires a group~~  
1060 ~~or district designation, the petition must indicate that~~  
1061 ~~designation or the signatures obtained on the petition will not~~  
1062 ~~be counted.~~

1063           ~~(b) A candidate shall obtain the signatures of a number of~~  
1064 ~~qualified electors in the geographical entity represented by the~~  
1065 ~~office sought equal to 1 percent of the registered electors of~~  
1066 ~~the geographical entity represented by the office sought, as~~



1067 ~~shown by the compilation by the Department of State for the~~  
1068 ~~preceding general election.~~

1069 ~~(c) Each petition must be submitted before noon of the~~  
1070 ~~21st day preceding the first day of the qualifying period for~~  
1071 ~~the office sought, to the supervisor of elections of the county~~  
1072 ~~for which such petition was circulated. Each supervisor to whom~~  
1073 ~~a petition is submitted shall check the signatures on the~~  
1074 ~~petition to verify their status as electors in the county,~~  
1075 ~~district, or other geographical entity represented by the office~~  
1076 ~~sought. Before the first day for qualifying, the supervisor~~  
1077 ~~shall certify the number shown as registered electors.~~

1078 ~~(d)1. Certifications for candidates for federal, state, or~~  
1079 ~~multicounty district office shall be submitted to the Department~~  
1080 ~~of State. The Department of State shall determine whether the~~  
1081 ~~required number of signatures has been obtained for the name of~~  
1082 ~~the candidate to be placed on the ballot and shall notify the~~  
1083 ~~candidate.~~

1084 ~~2. For candidates for county or district office not~~  
1085 ~~covered by subparagraph 1., the supervisor of elections shall~~  
1086 ~~determine whether the required number of signatures has been~~  
1087 ~~obtained for the name of the candidate to be placed on the~~  
1088 ~~ballot and shall notify the candidate.~~

1089 ~~(e) If the required number of signatures has been~~  
1090 ~~obtained, the candidate shall, during the time prescribed for~~  
1091 ~~qualifying for office, submit a copy of the notice received~~  
1092 ~~under paragraph (d) and file his or her qualifying papers and~~  
1093 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1094 Section 16. Section 99.096, Florida Statutes, is amended  
 1095 to read:

1096 99.096 Minor political party candidates; names on ballot.-  
 1097 -

1098 (1) ~~The executive committee of a minor political party~~  
 1099 ~~shall,~~ No later than noon of the third day prior to the first  
 1100 day of the qualifying period prescribed for federal candidates,  
 1101 the executive committee of a minor political party shall submit  
 1102 to the Department of State a list of federal candidates  
 1103 nominated by the party to be on the general election ballot. ~~and~~  
 1104 No later than noon of the third day prior to the first day of  
 1105 the qualifying period for state candidates, the executive  
 1106 committee of a minor political party shall submit to the filing  
 1107 officer for each of the candidates ~~submit to the Department of~~  
 1108 ~~State~~ the official list of the state, multicounty, and county  
 1109 ~~respective~~ candidates nominated by that party to be on the  
 1110 ballot in the general election. ~~The Department of State shall~~  
 1111 ~~notify the appropriate supervisors of elections of the name of~~  
 1112 ~~each minor party candidate eligible to qualify before such~~  
 1113 ~~supervisor.~~ The official list of nominated candidates may not be  
 1114 changed by the party after having been filed with the filing  
 1115 officers ~~Department of State,~~ except that ~~candidates who have~~  
 1116 ~~qualified may withdraw from the ballot pursuant to the~~  
 1117 ~~provisions of this code,~~ and vacancies in nominations may be  
 1118 filled pursuant to s. 100.111.

1119 (2) Each person seeking to qualify for election as a  
 1120 candidate of a minor political party shall file his or her

1121 qualifying ~~qualification~~ papers with, and pay the qualifying fee  
1122 and, if one has been levied, the party assessment, or qualify by  
1123 the petition process pursuant to s. 99.095 ~~alternative method~~  
1124 ~~prescribed in subsection (3)~~, with the officer and at the times  
1125 and under the circumstances provided in s. 99.061.

1126 ~~(3)(a) A minor party candidate may, in lieu of paying the~~  
1127 ~~qualifying fee and party assessment, qualify for office by the~~  
1128 ~~alternative method prescribed in this subsection. A candidate~~  
1129 ~~using this petitioning process shall file an oath with the~~  
1130 ~~officer before whom the candidate would qualify for the office~~  
1131 ~~stating that he or she intends to qualify by this alternative~~  
1132 ~~method. If the person is running for an office that requires a~~  
1133 ~~group or district designation, the candidate must indicate the~~  
1134 ~~designation in his or her oath. The oath must be filed at any~~  
1135 ~~time after the first Tuesday after the first Monday in January~~  
1136 ~~of the year in which the election is held, but before the 21st~~  
1137 ~~day preceding the first day of the qualifying period for the~~  
1138 ~~office sought. The Department of State shall prescribe the form~~  
1139 ~~to be used in administering and filing the oath. Signatures may~~  
1140 ~~not be obtained by a candidate on any petition until the~~  
1141 ~~candidate has filed the oath required in this section. Upon~~  
1142 ~~receipt of the written oath from a candidate, the qualifying~~  
1143 ~~officer shall provide the candidate with petition forms in~~  
1144 ~~sufficient numbers to facilitate the gathering of signatures.~~  
1145 ~~If the candidate is running for an office that requires a group~~  
1146 ~~or district designation, the petition must indicate that~~

1147 ~~designation or the signatures on such petition will not be~~  
1148 ~~counted.~~

1149 ~~(b) A candidate shall obtain the signatures of a number of~~  
1150 ~~qualified electors in the geographical entity represented by the~~  
1151 ~~office sought equal to 1 percent of the registered electors in~~  
1152 ~~the geographical entity represented by the office sought, as~~  
1153 ~~shown by the compilation by the Department of State for the last~~  
1154 ~~preceding general election.~~

1155 ~~(c) Each petition shall be submitted prior to noon of the~~  
1156 ~~21st day preceding the first day of the qualifying period for~~  
1157 ~~the office sought to the supervisor of elections of the county~~  
1158 ~~for which the petition was circulated. Each supervisor to whom a~~  
1159 ~~petition is submitted shall check the signatures on the petition~~  
1160 ~~to verify their status as electors in the county, district, or~~  
1161 ~~other geographical entity represented by the office sought.~~  
1162 ~~Before the first day for qualifying, the supervisor shall~~  
1163 ~~certify the number shown as registered electors.~~

1164 ~~(d)1. Certifications for candidates for federal, state, or~~  
1165 ~~multicounty district office shall be submitted to the Department~~  
1166 ~~of State. The Department of State shall determine whether the~~  
1167 ~~required number of signatures has been obtained for the name of~~  
1168 ~~the candidate to be placed on the ballot and shall notify the~~  
1169 ~~candidate.~~

1170 ~~2. For candidates for county or district office not~~  
1171 ~~covered by subparagraph 1., the supervisor of elections shall~~  
1172 ~~determine whether the required number of signatures has been~~

1173 ~~obtained for the name of the candidate to be placed on the~~  
1174 ~~ballot and shall notify the candidate.~~

1175 ~~(c) If the required number of signatures has been~~  
1176 ~~obtained, the candidate shall, during the prescribed time for~~  
1177 ~~qualifying for office, submit a copy of the notice received~~  
1178 ~~under paragraph (d) and file his or her qualifying papers and~~  
1179 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

1180 ~~(4) A minor party candidate whose name has been submitted~~  
1181 ~~pursuant to subsection (1) and who has qualified for office is~~  
1182 ~~entitled to have his or her name placed on the general election~~  
1183 ~~ballot.~~

1184 Section 17. Subsection (1) of section 99.09651, Florida  
1185 Statutes, is amended to read:

1186 99.09651 Signature requirements for ballot position in  
1187 year of apportionment.--

1188 (1) In a year of apportionment, any candidate for  
1189 representative to Congress, state Senate, or state House of  
1190 Representatives seeking ballot position by the petition process  
1191 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~  
1192 ~~99.096~~ shall obtain at least the number of signatures equal to  
1193 one-third of 1 percent of the ideal population for the district  
1194 of the office being sought.

1195 Section 18. Subsection (1) of section 100.011, Florida  
1196 Statutes, is amended to read:

1197 100.011 Opening and closing of polls, all elections;  
1198 expenses.--

1199 (1) The polls shall be open at the voting places at 7:00  
 1200 a.m., on the day of the election, and shall be kept open until  
 1201 7:00 p.m., of the same day, and the time shall be regulated by  
 1202 the customary time in standard use in the county seat of the  
 1203 locality. The inspectors shall make public proclamation of the  
 1204 opening and closing of the polls. During the election and  
 1205 canvass of the votes, the ballot box shall not be concealed. Any  
 1206 elector who is in line at the time of the official closing of  
 1207 the polls shall be allowed to cast a vote in the election.

1208 Section 19. Section 100.101, Florida Statutes, is amended  
 1209 to read:

1210 100.101 Special elections and special primary elections.--  
 1211 Except as provided in s. 100.111(2), a special election or  
 1212 special primary election shall be held in the following cases:

1213 (1) If no person has been elected at a general election to  
 1214 fill an office which was required to be filled by election at  
 1215 such general election.

1216 (2) If a vacancy occurs in the office of state senator or  
 1217 member of the state house of representatives.

1218 (3) If it is necessary to elect presidential electors, by  
 1219 reason of the offices of President and Vice President both  
 1220 having become vacant.

1221 (4) If a vacancy occurs in the office of member from  
 1222 Florida of the House of Representatives of Congress.

1223 ~~(5) If a vacancy occurs in nomination.~~

1224 Section 20. Section 100.111, Florida Statutes, is amended  
 1225 to read:

1226 | 100.111 Filling vacancy.--

1227 | (1) (a) If any vacancy occurs in any office which is  
1228 | required to be filled pursuant to s. 1(f), Art. IV of the State  
1229 | Constitution and the remainder of the term of such office is 28  
1230 | months or longer, then at the next general election a person  
1231 | shall be elected to fill the unexpired portion of such term,  
1232 | commencing on the first Tuesday after the first Monday following  
1233 | such general election.

1234 | (b) If such a vacancy occurs prior to the first day set by  
1235 | law for qualifying for election to office at such general  
1236 | election, any person seeking nomination or election to the  
1237 | unexpired portion of the term shall qualify within the time  
1238 | prescribed by law for qualifying for other offices to be filled  
1239 | by election at such general election.

1240 | (c) If such a vacancy occurs prior to the first primary  
1241 | but on or after the first day set by law for qualifying, the  
1242 | Secretary of State shall set dates for qualifying for the  
1243 | unexpired portion of the term of such office. Any person seeking  
1244 | nomination or election to the unexpired portion of the term  
1245 | shall qualify within the time set by the Secretary of State. If  
1246 | time does not permit party nominations to be made in conjunction  
1247 | with the first and second primary elections, the Governor may  
1248 | call a special primary election, and, if necessary, a second  
1249 | special primary election, to select party nominees for the  
1250 | unexpired portion of such term.

1251 | (2) (a) If, in any state or county office required to be  
1252 | filled by election, a vacancy occurs during an election year by

1253 | reason of the incumbent having qualified as a candidate for  
1254 | federal office pursuant to s. 99.061, no special election is  
1255 | required. Any person seeking nomination or election to the  
1256 | office so vacated shall qualify within the time prescribed by s.  
1257 | 99.061 for qualifying for state or county offices to be filled  
1258 | by election.

1259 |         (b) If such a vacancy occurs in an election year other  
1260 | than the one immediately preceding expiration of the present  
1261 | term, the Secretary of State shall notify the supervisor of  
1262 | elections in each county served by the office that a vacancy has  
1263 | been created. Such notice shall be provided to the supervisor of  
1264 | elections not later than the close of the first day set for  
1265 | qualifying for state or county office. The supervisor shall  
1266 | provide public notice of the vacancy in any manner the Secretary  
1267 | of State deems appropriate.

1268 |         (3) Whenever there is a vacancy for which a special  
1269 | election is required pursuant to s. 100.101 ~~s. 100.101(1)-(4)~~,  
1270 | the Governor, after consultation with the Secretary of State,  
1271 | shall fix the date of a special first primary election, a  
1272 | special second primary election, and a special election.  
1273 | Nominees of political parties other than minor political parties  
1274 | shall be chosen under the primary laws of this state in the  
1275 | special primary elections to become candidates in the special  
1276 | election. Prior to setting the special election dates, the  
1277 | Governor shall consider any upcoming elections in the  
1278 | jurisdiction where the special election will be held. The dates  
1279 | fixed by the Governor shall be specific days certain and shall



1280 not be established by the happening of a condition or stated in  
1281 the alternative. The dates fixed shall provide a minimum of 2  
1282 weeks between each election. In the event a vacancy occurs in  
1283 the office of state senator or member of the House of  
1284 Representatives when the Legislature is in regular legislative  
1285 session, the minimum times prescribed by this subsection may be  
1286 waived upon concurrence of the Governor, the Speaker of the  
1287 House of Representatives, and the President of the Senate. If a  
1288 vacancy occurs in the office of state senator and no session of  
1289 the Legislature is scheduled to be held prior to the next  
1290 general election, the Governor may fix the dates for any special  
1291 primary and for the special election to coincide with the dates  
1292 of the first and second primary and general election. If a  
1293 vacancy in office occurs in any district in the state Senate or  
1294 House of Representatives or in any congressional district, and  
1295 no session of the Legislature, or session of Congress if the  
1296 vacancy is in a congressional district, is scheduled to be held  
1297 during the unexpired portion of the term, the Governor is not  
1298 required to call a special election to fill such vacancy.

1299 (a) The dates for candidates to qualify in such special  
1300 election or special primary election shall be fixed by the  
1301 Department of State, and candidates shall qualify not later than  
1302 noon of the last day so fixed. The dates fixed for qualifying  
1303 shall allow a minimum of 14 days between the last day of  
1304 qualifying and the special first primary election.

1305 (b) The filing of campaign expense statements by  
1306 candidates in such special elections or special primaries and by

1307 | committees making contributions or expenditures to influence the  
 1308 | results of such special primaries or special elections shall be  
 1309 | not later than such dates as shall be fixed by the Department of  
 1310 | State, and in fixing such dates the Department of State shall  
 1311 | take into consideration and be governed by the practical time  
 1312 | limitations.

1313 |         (c) The dates for a candidate to qualify by the petition  
 1314 | process pursuant to s. 99.095 ~~alternative method~~ in such special  
 1315 | primary or special election shall be fixed by the Department of  
 1316 | State. In fixing such dates the Department of State shall take  
 1317 | into consideration and be governed by the practical time  
 1318 | limitations. Any candidate seeking to qualify by the petition  
 1319 | process ~~alternative method~~ in a special primary election shall  
 1320 | obtain 25 percent of the signatures required by s. 99.095, ~~s.~~  
 1321 | ~~99.0955, or s. 99.096, as applicable.~~

1322 |         (d) The qualifying fees and party assessments of such  
 1323 | candidates as may qualify shall be the same as collected for the  
 1324 | same office at the last previous primary for that office. The  
 1325 | party assessment shall be paid to the appropriate executive  
 1326 | committee of the political party to which the candidate belongs.

1327 |         (e) Each county canvassing board shall make as speedy a  
 1328 | return of the result of such special elections and primaries as  
 1329 | time will permit, and the Elections Canvassing Commission  
 1330 | likewise shall make as speedy a canvass and declaration of the  
 1331 | nominees as time will permit.

1332 |         (4) (a) In the event that death, resignation, withdrawal,  
 1333 | removal, or any other cause or event should cause a party to

1334 have a vacancy in nomination which leaves no candidate for an  
1335 office from such party, ~~the Governor shall, after conferring~~  
1336 ~~with the Secretary of State, call a special primary election~~  
1337 ~~and, if necessary, a second special primary election to select~~  
1338 ~~for such office a nominee of such political party. The dates on~~  
1339 ~~which candidates may qualify for such special primary election~~  
1340 ~~shall be fixed by the Department of State, and the candidates~~  
1341 ~~shall qualify no later than noon of the last day so fixed. The~~  
1342 ~~filing of campaign expense statements by candidates in special~~  
1343 ~~primaries shall not be later than such dates as shall be fixed~~  
1344 ~~by the Department of State. In fixing such dates, the Department~~  
1345 ~~of State shall take into consideration and be governed by the~~  
1346 ~~practical time limitations. The qualifying fees and party~~  
1347 ~~assessment of such candidates as may qualify shall be the same~~  
1348 ~~as collected for the same office at the last previous primary~~  
1349 ~~for that office. Each county canvassing board shall make as~~  
1350 ~~speedy a return of the results of such primaries as time will~~  
1351 ~~permit, and the Elections Canvassing Commission shall likewise~~  
1352 ~~make as speedy a canvass and declaration of the nominees as time~~  
1353 ~~will permit.~~

1354 ~~(b) If the vacancy in nomination occurs later than~~  
1355 ~~September 15, or if the vacancy in nomination occurs with~~  
1356 ~~respect to a candidate of a minor political party which has~~  
1357 ~~obtained a position on the ballot, no special primary election~~  
1358 ~~shall be held and the Department of State shall notify the chair~~  
1359 ~~of the appropriate state, district, or county political party~~  
1360 ~~executive committee of such party; and, within 5 7 days, the~~

1361 chair shall call a meeting of his or her executive committee to  
 1362 consider designation of a nominee to fill the vacancy. The name  
 1363 of any person so designated shall be submitted to the Department  
 1364 of State within 7 ~~14~~ days after ~~of~~ notice to the chair in order  
 1365 that the person designated may have his or her name ~~printed or~~  
 1366 ~~otherwise placed~~ on the ballot of the ensuing general election,  
 1367 ~~but in no event shall the supervisor of elections be required to~~  
 1368 ~~place on a ballot a name submitted less than 21 days prior to~~  
 1369 ~~the election.~~ If the name of the new nominee is submitted after  
 1370 the certification of results of the preceding primary election,  
 1371 however, the ballots shall not be changed and vacancy occurs  
 1372 ~~less than 21 days prior to the election, the person designated~~  
 1373 ~~by the political party will replace the former party nominee~~  
 1374 ~~even though~~ the former party nominee's name will appear ~~be~~ on  
 1375 the ballot. Any ballots cast for the former party nominee will  
 1376 be counted for the person designated by the political party to  
 1377 replace the former party nominee. If there is no opposition to  
 1378 the party nominee, the person designated by the political party  
 1379 to replace the former party nominee will be elected to office at  
 1380 the general election. For purposes of this paragraph, the term  
 1381 "district political party executive committee" means the members  
 1382 of the state executive committee of a political party from those  
 1383 counties comprising the area involving a district office.

1384 (b)(e) When, under the circumstances set forth in the  
 1385 preceding paragraph, vacancies in nomination are required to be  
 1386 filled by committee nominations, such vacancies shall be filled  
 1387 by party rule. In any instance in which a nominee is selected by

1388 a committee to fill a vacancy in nomination, such nominee shall  
1389 pay the same filing fee and take the same oath as the nominee  
1390 would have taken had he or she regularly qualified for election  
1391 to such office.

1392 (c)~~(d)~~ Any person who, at the close of qualifying as  
1393 prescribed in ss. 99.061 and 105.031, was qualified for  
1394 nomination or election to or retention in a public office to be  
1395 filled at the ensuing general election is prohibited from  
1396 qualifying as a candidate to fill a vacancy in nomination for  
1397 any other office to be filled at that general election, even if  
1398 such person has withdrawn or been eliminated as a candidate for  
1399 the original office sought. However, this paragraph does not  
1400 apply to a candidate for the office of Lieutenant Governor who  
1401 applies to fill a vacancy in nomination for the office of  
1402 Governor on the same ticket or to a person who has withdrawn or  
1403 been eliminated as a candidate and who is subsequently  
1404 designated as a candidate for Lieutenant Governor under s.  
1405 99.063.

1406 (5) In the event of unforeseeable circumstances not  
1407 contemplated in these general election laws concerning the  
1408 calling and holding of special primary elections and special  
1409 elections resulting from court order or other unpredictable  
1410 circumstances, the Department of State shall have the authority  
1411 to provide for the conduct of orderly elections.

1412 ~~(6) In the event that a vacancy occurs which leaves less~~  
1413 ~~than 4 weeks for a candidate seeking to qualify by the~~  
1414 ~~alternative method to gather signatures for ballot position, the~~

1415 ~~number of signatures required for ballot placement shall be 25~~  
 1416 ~~percent of the number of signatures required by s. 99.095, s.~~  
 1417 ~~99.0955, or s. 99.096, whichever is applicable.~~

1418 Section 21. Section 100.141, Florida Statutes, is amended  
 1419 to read:

1420 100.141 Notice of special election to fill any vacancy in  
 1421 office ~~or nomination~~.--

1422 (1) Whenever a special election is required to fill any  
 1423 vacancy in office ~~or nomination~~, the Governor, after  
 1424 consultation with the Secretary of State, shall issue an order  
 1425 declaring on what day the election shall be held and deliver the  
 1426 order to the Department of State.

1427 (2) The Department of State shall prepare a notice stating  
 1428 what offices ~~and vacancies~~ are to be filled in the special  
 1429 election, the date set for each special primary election and the  
 1430 special election, the dates fixed for qualifying for office, the  
 1431 dates fixed for qualifying by the petition process pursuant to  
 1432 s. 99.095 ~~alternative method~~, and the dates fixed for filing  
 1433 campaign expense statements.

1434 (3) The department shall deliver a copy of such notice to  
 1435 the supervisor of elections of each county in which the special  
 1436 election is to be held. The supervisor shall have the notice  
 1437 published two times in a newspaper of general circulation in the  
 1438 county at least 10 days prior to the first day set for  
 1439 qualifying for office. If such a newspaper is not published  
 1440 within the period set forth, the supervisor shall post at least  
 1441 five copies of the notice in conspicuous places in the county

1442 not less than 10 days prior to the first date set for  
 1443 qualifying.

1444 Section 22. Subsection (2) of section 101.031, Florida  
 1445 Statutes, is amended to read:

1446 101.031 Instructions for electors.--

1447 (2) The supervisor of elections in each county shall have  
 1448 posted at each polling place in the county the Voter's Bill of  
 1449 Rights and Responsibilities in the following form:

1450

1451 VOTER'S BILL OF RIGHTS

1452

1453 Each registered voter in this state has the right to:

1454 1. Vote and have his or her vote accurately counted.

1455 2. Cast a vote if he or she is in line at the official  
 1456 closing of the polls in that county.

1457 3. Ask for and receive assistance in voting.

1458 4. Receive up to two replacement ballots if he or she  
 1459 makes a mistake prior to the ballot being cast.

1460 5. An explanation if his or her registration or identity  
 1461 is in question.

1462 6. If his or her registration or identity is in question,  
 1463 cast a provisional ballot.

1464 ~~7. Prove his or her identity by signing an affidavit if~~  
 1465 ~~election officials doubt the voter's identity.~~

1466 7.8. Written instructions to use when voting, and, upon  
 1467 request, oral instructions in voting from elections officers.





1495 Section 23. Section 101.043, Florida Statutes, is amended  
 1496 to read:

1497 101.043 Identification required at polls.--

1498 (1) The precinct register, as prescribed in s. 98.461,  
 1499 shall be used at the polls in lieu of the registration books for  
 1500 the purpose of identifying the elector at the polls prior to  
 1501 allowing him or her to vote. The clerk or inspector shall  
 1502 require each elector, upon entering the polling place, to  
 1503 present a current and valid picture identification as provided  
 1504 in s. 97.0535(3)(a). If the picture identification does not  
 1505 contain the signature of the voter, an additional identification  
 1506 that provides the voter's signature shall be required. The  
 1507 elector shall sign his or her name in the space provided, and  
 1508 the clerk or inspector shall compare the signature with that on  
 1509 the identification provided by the elector and enter his or her  
 1510 initials in the space provided and allow the elector to vote if  
 1511 the clerk or inspector is satisfied as to the identity of the  
 1512 elector.

1513 ~~(2) Except as provided in subsection (3), if the elector~~  
 1514 ~~fails to furnish the required identification, or if the clerk or~~  
 1515 ~~inspector is in doubt as to the identity of the elector, such~~  
 1516 ~~clerk or inspector shall follow the procedure prescribed in s.~~  
 1517 ~~101.49.~~

1518 (2)~~(3)~~ If the elector ~~who~~ fails to furnish the required  
 1519 identification ~~is a first-time voter who registered by mail and~~  
 1520 ~~has not provided the required identification to the supervisor~~  
 1521 ~~of elections prior to election day,~~ the elector shall be allowed

1522 to vote a provisional ballot. The canvassing board shall  
 1523 determine the validity of the ballot pursuant to s. 101.048(2).

1524 Section 24. Section 101.048, Florida Statutes, is amended  
 1525 to read:

1526 101.048 Provisional ballots.--

1527 (1) At all elections, a voter claiming to be properly  
 1528 registered in the county and eligible to vote at the precinct in  
 1529 the election, ~~but whose eligibility cannot be determined, a~~  
 1530 person whom an election official asserts is not eligible, and  
 1531 other persons specified in the code shall be entitled to vote a  
 1532 provisional ballot. Once voted, the provisional ballot shall be  
 1533 placed in a secrecy envelope and thereafter sealed in a  
 1534 provisional ballot envelope. The provisional ballot shall be  
 1535 deposited in a ballot box. All provisional ballots shall remain  
 1536 sealed in their envelopes for return to the supervisor of  
 1537 elections. The department shall prescribe the form of the  
 1538 provisional ballot envelope. A person casting a provisional  
 1539 ballot shall have the right to present written evidence  
 1540 supporting his or her eligibility to vote to the supervisor of  
 1541 elections by not later than 5 p.m. on the third day following  
 1542 the election.

1543 (2) (a) The county canvassing board shall examine each  
 1544 Provisional Ballot Voter's Certificate and Affirmation ~~envelope~~  
 1545 to determine if the person voting that ballot was entitled to  
 1546 vote at the precinct where the person cast a vote in the  
 1547 election and that the person had not already cast a ballot in  
 1548 the election. In determining whether a person casting a

1549 provisional ballot is entitled to vote, the county canvassing  
 1550 board shall review the information provided in the Voter's  
 1551 Certificate and Affirmation, written evidence provided by the  
 1552 person pursuant to subsection (1), any other evidence presented  
 1553 by the supervisor of elections, and, in the case of a challenge,  
 1554 any evidence presented by the challenger. A ballot of a person  
 1555 casting a provisional ballot shall be counted unless the  
 1556 canvassing board determines by a preponderance of the evidence  
 1557 that the person was not entitled to vote.

1558 (b)1. If it is determined that the person was registered  
 1559 and entitled to vote at the precinct where the person cast a  
 1560 vote in the election, the canvassing board shall compare the  
 1561 signature on the Provisional Ballot Voter's Certificate and  
 1562 Affirmation ~~envelope~~ with the signature on the voter's  
 1563 registration and, if it matches, shall count the ballot.

1564 2. If it is determined that the person voting the  
 1565 provisional ballot was not registered or entitled to vote at the  
 1566 precinct where the person cast a vote in the election, the  
 1567 provisional ballot shall not be counted and the ballot shall  
 1568 remain in the envelope containing the Provisional Ballot Voter's  
 1569 Certificate and Affirmation and the envelope shall be marked  
 1570 "Rejected as Illegal."

1571 (3) The Provisional Ballot Voter's Certificate and  
 1572 Affirmation shall be in substantially the following form:

1573  
 1574 STATE OF FLORIDA  
 1575 COUNTY OF ....

1576  
 1577 I do solemnly swear (or affirm) that my name is ....; that  
 1578 my date of birth is ....; that I am registered and qualified to  
 1579 vote ~~and at the time I registered I resided at ....., in the~~  
 1580 ~~municipality of .....,~~ in .... County, Florida; that I am  
 1581 registered in the .... Party; that I am a qualified voter of the  
 1582 county; and that I have not voted in this election. I  
 1583 understand that if I commit any fraud in connection with voting,  
 1584 vote a fraudulent ballot, or vote more than once in an election,  
 1585 I can be convicted of a felony of the third degree and fined up  
 1586 to \$5,000 and/or imprisoned for up to 5 years.

1587 ... (Signature of Voter) ...  
 1588 ... (Current Residence Address) ...  
 1589 ... (Current Mailing Address) ...  
 1590 ... (City, State, Zip Code) ...  
 1591 ... (Driver's License Number or Last Four Digits of Social  
 1592 Security Number) ...

1593  
 1594 Sworn to and subscribed before me this .... day of .....,  
 1595 ... (year) ....  
 1596 ... (Election Official) ...

1597  
 1598 Precinct # .... Ballot Style/Party Issued: ....

1599  
 1600 (4) Notwithstanding the requirements of subsections (1),  
 1601 (2), and (3) In counties where the voting system does not  
 1602 utilize a paper ballot, the supervisor of elections may, and for

1603 persons with disabilities shall, provide the appropriate  
1604 provisional ballot to the voter by electronic means that meet  
1605 the requirements of s. 101.56062, as provided for by the  
1606 certified voting system. Each person casting a provisional  
1607 ballot by electronic means shall, prior to casting his or her  
1608 ballot, complete the Provisional Ballot Voter's Certificate and  
1609 Affirmation as provided in subsection (3).

1610 (5) Each person casting a provisional ballot shall be  
1611 given written instructions regarding the person's right to  
1612 provide the supervisor of elections with written evidence of his  
1613 or her eligibility to vote and regarding the free access system  
1614 established pursuant to subsection (6). The instructions shall  
1615 contain information on how to access the system and the  
1616 information the voter will need to provide to obtain information  
1617 on his or her particular ballot. The instructions shall also  
1618 include the following statement: "If this is a primary election,  
1619 you should contact the supervisor of elections' office  
1620 immediately to confirm that you are registered and can vote in  
1621 the general election."

1622 (6) Each supervisor of elections shall establish a free  
1623 access system that allows each person who casts a provisional  
1624 ballot to determine whether his or her provisional ballot was  
1625 counted in the final canvass of votes and, if not, the reasons  
1626 why. Information regarding provisional ballots shall be  
1627 available no later than 30 days following the election. The  
1628 system established must restrict information regarding an  
1629 individual ballot to the person who cast the ballot.

1630 Section 25. Section 101.049, Florida Statutes, is amended  
 1631 to read:

1632 101.049 Provisional ballots; special circumstances.--

1633 (1) Any person who votes in an election after the regular  
 1634 poll-closing time pursuant to a court or other order extending  
 1635 the statutory polling hours must vote a provisional ballot. Once  
 1636 voted, the provisional ballot shall be placed in a secrecy  
 1637 envelope and thereafter sealed in a provisional ballot envelope.  
 1638 The election official witnessing the voter's subscription and  
 1639 affirmation on the Provisional Ballot Voter's Certificate shall  
 1640 indicate whether or not the voter met all requirements to vote a  
 1641 regular ballot at the polls. All such provisional ballots shall  
 1642 remain sealed in their envelopes and be transmitted to the  
 1643 supervisor of elections.

1644 (2) Separate and apart from all other ballots, the county  
 1645 canvassing board shall count all late-voted provisional ballots  
 1646 that the canvassing board determines to be valid.

1647 (3) The supervisor shall ensure that late-voted  
 1648 provisional ballots are not commingled with other ballots during  
 1649 the canvassing process or at any other time they are statutorily  
 1650 required to be in the supervisor's possession.

1651 (4) This section shall not apply to voters in line at the  
 1652 poll-closing time provided in s. 100.011 who cast their ballots  
 1653 subsequent to that time.

1654 (5) As an alternative, provisional ballots cast pursuant  
 1655 to this section may, and for persons with disabilities shall, be  
 1656 cast in accordance with the provisions of s. 101.048(4).

1657 Section 26. Effective July 1, 2005, section 101.051,  
 1658 Florida Statutes, as amended by section 10 of chapter 2002-281,  
 1659 Laws of Florida, is amended to read:

1660 101.051 Electors seeking assistance in casting ballots;  
 1661 oath to be executed; forms to be furnished.--

1662 (1) Any elector applying to vote in any election who  
 1663 requires assistance to vote by reason of blindness, disability,  
 1664 or inability to read or write may request the assistance of two  
 1665 election officials or some other person of the elector's own  
 1666 choice, other than the elector's employer, an agent of the  
 1667 employer, or an officer or agent of his or her union, to assist  
 1668 the elector in casting his or her vote. Any such elector, before  
 1669 retiring to the voting booth, may have one of such persons read  
 1670 over to him or her, without suggestion or interference, the  
 1671 titles of the offices to be filled and the candidates therefor  
 1672 and the issues on the ballot. After the elector requests the aid  
 1673 of the two election officials or the person of the elector's  
 1674 choice, they shall retire to the voting booth for the purpose of  
 1675 casting the elector's vote according to the elector's choice.

1676 (2) It is unlawful for any person to be in the voting  
 1677 booth with any elector except as provided in subsection (1). A  
 1678 person at a polling place or early voting site, or within 100  
 1679 feet of the entrance of a polling place or early voting site,  
 1680 may not solicit any elector in an effort to provide assistance  
 1681 to vote pursuant to subsection (1). Any person who violates this  
 1682 subsection commits a misdemeanor of the first degree, punishable  
 1683 as provided in s. 775.082 or s. 775.083.

1684 (3) Any elector applying to cast an absentee ballot in the  
 1685 office of the supervisor, in any election, who requires  
 1686 assistance to vote by reason of blindness, disability, or  
 1687 inability to read or write may request the assistance of some  
 1688 person of his or her own choice, other than the elector's  
 1689 employer, an agent of the employer, or an officer or agent of  
 1690 his or her union, in casting his or her absentee ballot.

1691 (4) If an elector needs assistance in voting pursuant to  
 1692 the provisions of this section, the clerk or one of the  
 1693 inspectors shall require the elector requesting assistance in  
 1694 voting to take the following oath:

1695  
 1696 DECLARATION TO SECURE ASSISTANCE  
 1697

1698 State of Florida

1699 County of ....

1700 Date ....

1701 Precinct ....

1702 I, ...(Print name)..., swear or affirm that I am a  
 1703 registered elector and request assistance from ...(Print  
 1704 names)... in voting at the ...(name of election)... held on  
 1705 ...(date of election).... ...(Signature of assistor)....

1706 Sworn and subscribed to before me this .... day of .....,  
 1707 ...(year)....

1708 ...(Signature of Official Administering Oath)...

1709 (5) If an elector needing assistance requests that a  
 1710 person other than an election official provide him or her with



1711 assistance in voting, the clerk or one of the inspectors shall  
 1712 require the person providing assistance to take the following  
 1713 oath:

1715 DECLARATION TO PROVIDE ASSISTANCE

1717 State of Florida  
 1718 County of ....  
 1719 Date ....  
 1720 Precinct ....

1721 I, ... (Print name) ..., have been requested by ... (print  
 1722 name of elector needing assistance) ... to provide him or her  
 1723 with assistance to vote. I swear or affirm that I am not the  
 1724 employer, an agent of the employer, or an officer or agent of  
 1725 the union of the voter and that I have not solicited this voter  
 1726 at the polling place or early voting site or within 100 feet of  
 1727 such locations in an effort to provide assistance.... (Signature  
 1728 of assistor) ...

1729 Sworn and subscribed to before me this .... day of ....,  
 1730 ... (year) ....  
 1731 ... (Signature of Official Administering Oath) ...

1732 (6) ~~(5)~~ The supervisor of elections shall deliver a  
 1733 sufficient number of these forms to each precinct, along with  
 1734 other election paraphernalia.

1735 Section 27. Section 101.111, Florida Statutes, is amended  
 1736 to read:

1737 | 101.111 Person desiring to vote may be challenged;  
1738 | challenger to execute oath; oath of person challenged;  
1739 | determination of challenge.--

1740 | (1) When the right to vote of any person who desires to  
1741 | vote is challenged by any elector or poll watcher, the challenge  
1742 | shall be reduced to writing with an oath as provided in this  
1743 | section, giving reasons for the challenge, which shall be  
1744 | delivered to the clerk or inspector. Any elector or poll watcher  
1745 | challenging the right of a person to vote shall execute the oath  
1746 | set forth below:

1747 |  
1748 | OATH OF PERSON ENTERING CHALLENGE  
1749 |

1750 | State of Florida  
1751 | County of ....

1752 |  
1753 | I do solemnly swear that my name is ...; that I am a member of  
1754 | the .... party; that I am a registered voter or pollwatcher ~~....~~  
1755 | ~~years old~~; that my residence address is ....., in the  
1756 | municipality of ....; and that I have reason to believe that  
1757 | .... is attempting to vote illegally and the reasons for my  
1758 | belief are set forth herein to wit:.....

1759 | .....  
1760 | .....

1761 | ... (Signature of person challenging voter) ...  
1762 |

1763 Sworn and subscribed to before me this .... day of .....,  
 1764 ... (year)....  
 1765 ... (Clerk of election)...

1767 (2) ~~Before a person who is challenged is permitted to~~  
 1768 ~~vote, the challenged person's right to vote shall be determined~~  
 1769 ~~in accordance with the provisions of subsection (3).~~ The clerk  
 1770 or inspector shall immediately deliver to the challenged person  
 1771 a copy of the oath of the person entering the challenge and the  
 1772 challenged voter shall be allowed to cast a provisional ballot.  
 1773 ~~shall request the challenged person to execute the following~~  
 1774 ~~oath:~~

1775  
 1776 OATH OF PERSON CHALLENGED

1777  
 1778 State of Florida  
 1779 County of .....

1780  
 1781 I do solemnly swear that my name is ....; that I am a member of  
 1782 the .... party; that my date of birth is ....; that my residence  
 1783 address is ....., in the municipality of ....., in this the ....  
 1784 precinct of .... county; that I personally made application for  
 1785 registration and signed my name and that I am a qualified voter  
 1786 in this election.  
 1787 ... (Signature of person)...

1789 ~~Sworn and subscribed to before me this .... day of ....,~~  
 1790 ~~... (year) ....~~  
 1791 ~~... (Clerk of election or Inspector) ...~~

1792  
 1793 ~~Any inspector or clerk of election may administer the oath.~~

1794 (3) Any elector or poll watcher may challenge the right of  
 1795 any voter to vote not sooner than 30 days before an election by  
 1796 filing a completed copy of the oath contained in subsection (1)  
 1797 to the supervisor of election's office. The challenged voter  
 1798 shall be permitted to cast a provisional ballot.

1799 (4) Any elector or poll watcher filing a frivolous  
 1800 challenge of any person's right to vote commits a misdemeanor of  
 1801 the first degree, punishable as provided in s. 775.082, s.  
 1802 775.083, or s. 775.084; however, electors or poll watchers shall  
 1803 not be subject to liability for any action taken in good faith  
 1804 and in furtherance of any activity or duty permitted of such  
 1805 electors or poll watchers by law. Each instance where any  
 1806 elector or poll watcher files a frivolous challenge of any  
 1807 person's right to vote constitutes a separate offense.

1808 ~~(a) The clerk and inspectors shall compare the information~~  
 1809 ~~in the challenged person's oath with that entered on the~~  
 1810 ~~precinct register and shall take any other evidence that may be~~  
 1811 ~~offered. The clerk and inspectors shall then decide by a~~  
 1812 ~~majority vote whether the challenged person may vote a regular~~  
 1813 ~~ballet.~~

1814 ~~(b) If the challenged person refuses to complete the oath~~  
 1815 ~~or if a majority of the clerk and inspectors doubt the~~

1816 ~~eligibility of the person to vote, the challenged person shall~~  
1817 ~~be allowed to vote a provisional ballot. The oath of the person~~  
1818 ~~entering the challenge and the oath of the person challenged~~  
1819 ~~shall be attached to the provisional ballot for transmittal to~~  
1820 ~~the canvassing board.~~

1821 Section 28. Section 101.131, Florida Statutes, is amended  
1822 to read:

1823 101.131 Watchers at polls.--

1824 (1) Each political party and each candidate may have one  
1825 watcher in each polling room or early voting area at any one  
1826 time during the election. A political committee formed for the  
1827 specific purpose of expressly advocating the passage or defeat  
1828 of an issue on the ballot may have one watcher for each polling  
1829 room or early voting area at any one time during the election.  
1830 No watcher shall be permitted to come closer to the officials'  
1831 table or the voting booths than is reasonably necessary to  
1832 properly perform his or her functions, but each shall be allowed  
1833 within the polling room or early voting area to watch and  
1834 observe the conduct of electors and officials. The poll  
1835 watchers shall furnish their own materials and necessities and  
1836 shall not obstruct the orderly conduct of any election. The poll  
1837 watchers shall pose any questions regarding polling place  
1838 procedures directly to the clerk for resolution. They may not  
1839 interact with voters. Each poll watcher shall be a qualified and  
1840 registered elector of the county in which he or she serves.  
1841 (2) Each party, each political committee, and each  
1842 candidate requesting to have poll watchers shall designate, in

1843 writing, ~~poll watchers for each precinct~~ prior to noon of the  
 1844 second Tuesday preceding the election poll watchers for each  
 1845 polling room on election day. Designations of poll watchers for  
 1846 early voting areas shall be submitted in writing to the  
 1847 supervisor of elections at least 14 days before early voting  
 1848 begins. The poll watchers for each polling room ~~precinct~~ shall  
 1849 be approved by the supervisor of elections on or before the  
 1850 Tuesday before the election. Poll watchers for early voting  
 1851 areas shall be approved by the supervisor of elections no later  
 1852 than 7 days before early voting begins. The supervisor shall  
 1853 furnish to each election board ~~precinct~~ a list of the poll  
 1854 watchers designated and approved for such polling room or early  
 1855 voting area ~~precinct~~.

1856 (3) No candidate or sheriff, deputy sheriff, police  
 1857 officer, or other law enforcement officer may be designated as a  
 1858 poll watcher.

1859 Section 29. Subsection (1) of section 101.151, Florida  
 1860 Statutes, is amended to read:

1861 101.151 Specifications for ballots.--

1862 (1) Marksense Paper ballots shall be printed on paper of  
 1863 such thickness that the printing cannot be distinguished from  
 1864 the back and shall meet the specifications of the voting system  
 1865 that will be used to tabulate the ballots.

1866 Section 30. Section 101.171, Florida Statutes, is amended  
 1867 to read:

1868 101.171 Copy of constitutional amendment to be available  
 1869 at voting locations ~~posted~~.--Whenever any amendment to the State

1870 Constitution is to be voted upon at any election, the Department  
 1871 of State shall have printed~~7~~ and shall furnish to each  
 1872 supervisor of elections~~7~~ a sufficient number of copies of the  
 1873 amendment either in poster or booklet form, and the supervisor  
 1874 shall have a copy thereof conspicuously posted or available at  
 1875 each polling room or early voting area ~~precinct~~ upon the day of  
 1876 election.

1877 Section 31. Section 101.294, Florida Statutes, is amended  
 1878 to read:

1879 101.294 Purchase and sale of voting equipment.--

1880 (1) The Division of Elections of the Department of State  
 1881 shall adopt uniform rules for the purchase, use, and sale of  
 1882 voting equipment in the state. No governing body shall purchase  
 1883 or cause to be purchased any voting equipment unless such  
 1884 equipment has been certified for use in this state by the  
 1885 Department of State.

1886 (2) Any governing body contemplating the purchase or sale  
 1887 of voting equipment shall notify the Division of Elections of  
 1888 such considerations. The division shall attempt to coordinate  
 1889 the sale of excess or outmoded equipment by one county with  
 1890 purchases of necessary equipment by other counties.

1891 (3) The division shall inform the governing bodies of the  
 1892 various counties of the state of the availability of new or used  
 1893 voting equipment and of sources available for obtaining such  
 1894 equipment.

1895 (4) A vendor of voting equipment may not provide an  
 1896 uncertified voting system, voting system component, or voting

1897 system upgrade to a local governing body or supervisor of  
 1898 elections in this state.

1899 (5) Before or in conjunction with providing a voting  
 1900 system, voting system component, or voting system upgrade, the  
 1901 vendor shall provide the local governing body or supervisor of  
 1902 elections with a sworn certification that the voting system,  
 1903 voting system component, or voting system upgrade being provided  
 1904 has been certified by the Division of Elections.

1905 Section 32. Section 101.295, Florida Statutes, is amended  
 1906 to read:

1907 101.295 Penalties for violation.--

1908 (1) Any member of a governing body which purchases or  
 1909 sells voting equipment in violation of the provisions of ss.  
 1910 101.292-101.295, which member knowingly votes to purchase or  
 1911 sell voting equipment in violation of the provisions of ss.  
 1912 101.292-101.295, is guilty of a misdemeanor of the first degree,  
 1913 punishable as provided by s. 775.082 or s. 775.083, and shall be  
 1914 subject to suspension from office on the grounds of malfeasance.

1915 (2) Any vendor, chief executive officer, or vendor  
 1916 representative of voting equipment who provides a voting system,  
 1917 voting system component, or voting system upgrade in violation  
 1918 of this chapter commits a felony of the third degree, punishable  
 1919 as provided in s. 775.082, s. 775.083, or s. 775.084.

1920 Section 33. Section 101.49, Florida Statutes, is amended  
 1921 to read:

1922 101.49 Procedure of election officers where signatures  
 1923 differ.--



1924 (1) Whenever any clerk or inspector, upon a just  
 1925 comparison of the signatures, doubts that the signature on the  
 1926 identification presented by the ~~of any~~ elector ~~who presents~~  
 1927 ~~himself or herself at the polls to vote~~ is the same as the  
 1928 signature ~~of~~ the elector affixed on the precinct register or  
 1929 early voting certificate in the registration book, the clerk or  
 1930 inspector shall deliver to the person an affidavit which shall  
 1931 be in substantially the following form:

1932  
 1933 STATE OF FLORIDA,  
 1934 COUNTY OF .....

1935 I do solemnly swear (or affirm) that my name is ....; that  
 1936 I am .... years old; that I was born in the State of ....; that  
 1937 I am registered to vote, ~~and at the time I registered I resided~~  
 1938 ~~on .... Street, in the municipality of ...., County of ....,~~  
 1939 ~~State of Florida~~; that I am a qualified voter of the county and  
 1940 state aforesaid and have not voted in this election.

1941 ... (Signature of voter) ...

1942 Sworn to and subscribed before me this .... day of  
 1943 ....., A. D.... (year)....

1944 ... (Clerk or inspector of election) ...

1945 Precinct No. ....  
 1946 County of .....

1947  
 1948 (2) The person shall fill out, in his or her own  
 1949 handwriting or with assistance from a member of the election  
 1950 board, the form and make an affidavit to the facts stated in the

1951 filled-in form; such affidavit shall then be sworn to and  
 1952 subscribed before one of the inspectors or clerks of the  
 1953 election who is authorized to administer the oath. Whenever the  
 1954 affidavit is made and filed with the clerk or inspector, the  
 1955 person shall then be admitted to cast his or her vote, but if  
 1956 the person fails or refuses to make out or file such affidavit  
 1957 and asserts his or her eligibility, then he or she shall be  
 1958 entitled to vote a provisional ballot ~~not be permitted to vote.~~

1959 Section 34. Effective July 1, 2005, subsection (1) of  
 1960 section 101.51, Florida Statutes, as amended by section 11 of  
 1961 chapter 2002-281, Laws of Florida, is amended to read:

1962 101.51 Electors to occupy booth alone.--

1963 (1) When the elector presents himself or herself to vote,  
 1964 the election official shall ascertain whether the elector's name  
 1965 is upon the register of electors, and, if the elector's name  
 1966 appears and no challenge interposes, or, if interposed, be not  
 1967 sustained, one of the election officials stationed at the  
 1968 entrance shall announce the name of the elector and permit him  
 1969 or her to enter the booth or compartment to cast his or her  
 1970 vote, allowing only one elector at a time to pass through to  
 1971 vote. An elector, while casting his or her ballot, may not  
 1972 occupy a booth or compartment already occupied or speak with  
 1973 anyone, except as provided by s. 101.051, ~~while in the polling~~  
 1974 ~~place.~~

1975 Section 35. Subsection (4) of section 101.5606, Florida  
 1976 Statutes, is amended to read:

1977 |           101.5606 Requirements for approval of systems.--No  
 1978 | electronic or electromechanical voting system shall be approved  
 1979 | by the Department of State unless it is so constructed that:

1980 |           (4) For systems using marksense ~~paper~~ ballots, it accepts  
 1981 | a rejected ballot pursuant to subsection (3) if a voter chooses  
 1982 | to cast the ballot, but records no vote for any office that has  
 1983 | been overvoted or undervoted.

1984 |           Section 36. Subsections (2) and (3) of section 101.5608,  
 1985 | Florida Statutes, are amended to read:

1986 |           101.5608 Voting by electronic or electromechanical method;  
 1987 | procedures.--

1988 |           (2) When an electronic or electromechanical voting system  
 1989 | utilizes a ballot card or marksense ~~paper~~ ballot, the following  
 1990 | procedures shall be followed:

1991 |           (a) After receiving a ballot from an inspector, the  
 1992 | elector shall, without leaving the polling place, retire to a  
 1993 | booth or compartment and mark the ballot. After preparing his or  
 1994 | her ballot, the elector shall place the ballot in a secrecy  
 1995 | envelope with the stub exposed or shall fold over that portion  
 1996 | on which write-in votes may be cast, as instructed, so that the  
 1997 | ballot will be deposited in the ballot box without exposing the  
 1998 | voter's choices. Before the ballot is deposited in the ballot  
 1999 | box, the inspector shall detach the exposed stub and place it in  
 2000 | a separate envelope for audit purposes; when a fold-over ballot  
 2001 | is used, the entire ballot shall be placed in the ballot box.

2002 |           (b) Any voter who spoils his or her ballot or makes an  
 2003 | error may return the ballot to the election official and secure

2004 another ballot, except that in no case shall a voter be  
2005 furnished more than three ballots. If the vote tabulation device  
2006 has rejected a ballot, the ballot shall be considered spoiled  
2007 and a new ballot shall be provided to the voter unless the voter  
2008 chooses to cast the rejected ballot. The election official,  
2009 without examining the original ballot, shall state the possible  
2010 reasons for the rejection and shall provide instruction to the  
2011 voter pursuant to s. 101.5611. A spoiled ballot shall be  
2012 preserved, without examination, in an envelope provided for that  
2013 purpose. The stub shall be removed from the ballot and placed in  
2014 an envelope.

2015 (c) The supervisor of elections shall prepare for each  
2016 polling place at least one ballot box to contain the ballots of  
2017 a particular precinct, and each ballot box shall be plainly  
2018 marked with the name of the precinct for which it is intended.

2019 (3) The Department of State shall promulgate rules  
2020 regarding voting procedures to be used when an electronic or  
2021 electromechanical voting system is of a type which does not  
2022 utilize a ballot card or marksense ~~paper~~ ballot.

2023 Section 37. Subsection (2) of section 101.5612, Florida  
2024 Statutes, is amended to read:

2025 101.5612 Testing of tabulating equipment.--

2026 (2) On any day not more than 10 days prior to the  
2027 commencement of early voting as provided in s. 101.657, the  
2028 supervisor of elections shall have the automatic tabulating  
2029 equipment publicly tested to ascertain that the equipment will  
2030 correctly count the votes cast for all offices and on all

2031 | measures. If the ballots to be used at the polling place on  
2032 | election day are not available at the time of the testing, the  
2033 | supervisor may conduct an additional test not more than 10 days  
2034 | before election day. Public notice of the time and place of the  
2035 | test shall be given at least 48 hours prior thereto by  
2036 | publication once in one or more newspapers of general  
2037 | circulation in the county or, if there is no newspaper of  
2038 | general circulation in the county, by posting the notice in at  
2039 | least four conspicuous places in the county. The supervisor or  
2040 | the municipal elections official may, at the time of qualifying,  
2041 | give written notice of the time and location of the public  
2042 | preelection test to each candidate qualifying with that office  
2043 | and obtain a signed receipt that the notice has been given. The  
2044 | Department of State shall give written notice to each statewide  
2045 | candidate at the time of qualifying, or immediately at the end  
2046 | of qualifying, that the voting equipment will be tested and  
2047 | advise each candidate to contact the county supervisor of  
2048 | elections as to the time and location of the public preelection  
2049 | test. The supervisor or the municipal elections official shall,  
2050 | at least 15 days prior to the commencement of early voting as  
2051 | provided in s. 101.657, send written notice by certified mail to  
2052 | the county party chair of each political party and to all  
2053 | candidates for other than statewide office whose names appear on  
2054 | the ballot in the county and who did not receive written  
2055 | notification from the supervisor or municipal elections official  
2056 | at the time of qualifying, stating the time and location of the  
2057 | public preelection test of the automatic tabulating equipment.

2058 The canvassing board shall convene, and each member of the  
2059 canvassing board shall certify to the accuracy of the test. For  
2060 the test, the canvassing board may designate one member to  
2061 represent it. The test shall be open to representatives of the  
2062 political parties, the press, and the public. Each political  
2063 party may designate one person with expertise in the computer  
2064 field who shall be allowed in the central counting room when all  
2065 tests are being conducted and when the official votes are being  
2066 counted. The designee shall not interfere with the normal  
2067 operation of the canvassing board.

2068 Section 38. Subsection (5) of section 101.5614, Florida  
2069 Statutes, is amended to read:

2070 101.5614 Canvass of returns.--

2071 (5) If any absentee ballot is physically damaged so that  
2072 it cannot properly be counted by the automatic tabulating  
2073 equipment, a true duplicate copy shall be made of the damaged  
2074 ballot in the presence of witnesses and substituted for the  
2075 damaged ballot. Likewise, a duplicate ballot shall be made of an  
2076 absentee ballot containing an overvoted race or a marked  
2077 absentee ballot in which every race is undervoted which shall  
2078 include all valid votes as determined by the canvassing board  
2079 based on rules adopted by the division pursuant to s.  
2080 102.166 (4) ~~(5)~~. All duplicate ballots shall be clearly labeled  
2081 "duplicate," bear a serial number which shall be recorded on the  
2082 defective ballot, and be counted in lieu of the defective  
2083 ballot. After a ballot has been duplicated, the defective ballot  
2084 shall be placed in an envelope provided for that purpose, and

2085 | the duplicate ballot shall be tallied with the other ballots for  
 2086 | that precinct.

2087 |       Section 39. Section 101.572, Florida Statutes, is amended  
 2088 | to read:

2089 |       101.572 Public inspection of ballots.--The official  
 2090 | ballots and ballot cards received from election boards and  
 2091 | removed from absentee ballot mailing envelopes shall be open for  
 2092 | public inspection or examination while in the custody of the  
 2093 | supervisor of elections or the county canvassing board at any  
 2094 | reasonable time, under reasonable conditions; however, no  
 2095 | persons other than the supervisor of elections or his or her  
 2096 | employees or the county canvassing board shall handle any  
 2097 | official ballot or ballot card. If the ballots are being  
 2098 | examined prior to the end of the contest period in s. 102.168,  
 2099 | the supervisor of elections shall make a reasonable effort to  
 2100 | notify all candidates whose names appear on such ballots or  
 2101 | ballot cards by telephone or otherwise of the time and place of  
 2102 | the inspection or examination. All such candidates, or their  
 2103 | representatives, shall be allowed to be present during the  
 2104 | inspection or examination.

2105 |       Section 40. Section 101.58, Florida Statutes, is amended  
 2106 | to read:

2107 |       101.58 Supervising and observing registration and election  
 2108 | processes.--

2109 |       (1) The Department of State may, at any time it deems fit;  
 2110 | upon the petition of 5 percent of the registered electors; or  
 2111 | upon the petition of any candidate, county executive committee

2112 chair, state committeeman or committeewoman, or state executive  
2113 committee chair, appoint one or more deputies whose duties shall  
2114 be to observe and examine the registration and election  
2115 processes and the condition, custody, and operation of voting  
2116 systems and equipment in any county or municipality. The deputy  
2117 shall have access to all registration books and records as well  
2118 as any other records or procedures relating to the voting  
2119 process. The deputy may supervise preparation of the voting  
2120 equipment and procedures for election, and it shall be unlawful  
2121 for any person to obstruct the deputy in the performance of his  
2122 or her duty. The deputy shall file with the Department of State  
2123 a report of his or her findings and observations of the  
2124 registration and election processes in the county or  
2125 municipality, and a copy of the report shall also be filed with  
2126 the clerk of the circuit court of said county. The compensation  
2127 of such deputies shall be fixed by the Department of State; and  
2128 costs incurred under this section shall be paid from the annual  
2129 operating appropriation made to the Department of State.

2130 (2) Upon the written direction of the Secretary of State,  
2131 any employee of the Department of State having expertise in the  
2132 matter of concern to the Secretary of State shall have full  
2133 access to all premises, records, equipment, and staff of the  
2134 supervisor of elections.

2135 Section 41. Subsection (1) of section 101.595, Florida  
2136 Statutes, is amended to read:

2137 101.595 Analysis and reports of voting problems.--



2138 (1) No later than December 15 of each general election  
 2139 year, the supervisor of elections in each county shall report to  
 2140 the Department of State the total number of overvotes and  
 2141 undervotes in the "President and Vice President" or "Governor  
 2142 and Lieutenant Governor" race that appears first on the ballot  
 2143 or, if neither appears, the first race appearing on the ballot  
 2144 pursuant to s. 101.151(2), along with the likely reasons for  
 2145 such overvotes and undervotes and other information as may be  
 2146 useful in evaluating the performance of the voting system and  
 2147 identifying problems with ballot design and instructions which  
 2148 may have contributed to voter confusion.

2149 Section 42. Section 101.6103, Florida Statutes, is amended  
 2150 to read:

2151 101.6103 Mail ballot election procedure.--

2152 (1) Except as otherwise provided in subsection (7) ~~(6)~~,  
 2153 the supervisor of elections shall mail all official ballots with  
 2154 a secrecy envelope, a return mailing envelope, and instructions  
 2155 sufficient to describe the voting process to each elector  
 2156 entitled to vote in the election not sooner than the 20th day  
 2157 before the election and not later than the 10th day before the  
 2158 date of the election. All such ballots shall be mailed by  
 2159 first-class mail. Ballots shall be addressed to each elector at  
 2160 the address appearing in the registration records and placed in  
 2161 an envelope which is prominently marked "Do Not Forward."

2162 (2) Upon receipt of the ballot the elector shall mark the  
 2163 ballot, place it in the secrecy envelope, sign the return  
 2164 mailing envelope supplied with the ballot, and comply with the

2165 instructions provided with the ballot. The elector shall mail,  
2166 deliver, or have delivered the marked ballot so that it reaches  
2167 the supervisor of elections no later than 7 p.m. on the day of  
2168 the election. The ballot must be returned in the return mailing  
2169 envelope.

2170 (3) The return mailing envelope shall contain a statement  
2171 in substantially the following form:

2172

2173 VOTER'S CERTIFICATE

2174

2175 I, (Print Name), do solemnly swear (or affirm) that I am a  
2176 qualified voter in this election and that I have not and will  
2177 not vote more than one ballot in this election.

2178 I understand that failure to sign this certificate and give  
2179 my residence address will invalidate my ballot.

2180 ... (Signature) ...

2181 ... (Residence Address) ...

2182

2183 (4) If the ballot is destroyed, spoiled, lost, or not  
2184 received by the elector, the elector may obtain a replacement  
2185 ballot from the supervisor of elections as provided in this  
2186 subsection. An elector seeking a replacement ballot shall sign  
2187 a sworn statement that the ballot was destroyed, spoiled, lost,  
2188 or not received and present such statement to the supervisor of  
2189 elections prior to 7 p.m. on the day of the election. The  
2190 supervisor of elections shall keep a record of each replacement  
2191 ballot provided under this subsection.

- 2192 (5) A ballot shall be counted only if:
- 2193 (a) It is returned in the return mailing envelope;
- 2194 (b) The elector's signature has been verified as provided
- 2195 in this subsection; and
- 2196 (c) It is received by the supervisor of elections not
- 2197 later than 7 p.m. on the day of the election.

2198

2199 The supervisor of elections shall verify the signature of each

2200 elector on the return mailing envelope with the signature on the

2201 elector's registration records. Such verification may commence

2202 at any time prior to the canvass of votes. The supervisor of

2203 elections shall safely keep the ballot unopened in his or her

2204 office until the county canvassing board canvasses the vote. If

2205 the supervisor of elections determines that an elector to whom a

2206 replacement ballot has been issued under subsection (4) has

2207 voted more than once, the canvassing board shall determine which

2208 ballot, if any, is to be counted.

2209 (6) The canvassing board may begin the canvassing of mail

2210 ballots at 7 a.m. on the fourth day before the election,

2211 including processing the ballots through the tabulating

2212 equipment. However, results may not be released until after 7

2213 p.m. on election day. Any canvassing board member or election

2214 employee who releases any result before 7 p.m. on election day

2215 commits a felony of the third degree, punishable as provided in

2216 s. 775.082, s. 775.083, or s. 775.084.

2217 (7)~~(6)~~ With respect to absent electors overseas entitled

2218 to vote in the election, the supervisor of elections shall mail

2219 an official ballot with a secrecy envelope, a return mailing  
 2220 envelope, and instructions sufficient to describe the voting  
 2221 process to each such elector on a date sufficient to allow such  
 2222 elector time to vote in the election and to have his or her  
 2223 marked ballot reach the supervisor by 7 p.m. on the day of the  
 2224 election.

2225 (8) Effective July 1, 2005, a ballot that otherwise  
 2226 satisfies the requirements of subsection (5) shall be counted  
 2227 even if the elector dies after mailing the ballot but before  
 2228 election day, as long as, prior to the death of the voter, the  
 2229 ballot was:

2230 (a) Postmarked by the United States Postal Service;

2231 (b) Date-stamped with a verifiable tracking number by  
 2232 common carrier; or

2233 (c) Already in the possession of the supervisor of  
 2234 elections.

2235 Section 43. Section 101.62, Florida Statutes, is amended  
 2236 to read:

2237 101.62 Request for absentee ballots.--

2238 (1)(a) The supervisor may accept a request for an absentee  
 2239 ballot from an elector in person or in writing. Except as  
 2240 provided in s. 101.694, one request shall be deemed sufficient  
 2241 to receive an absentee ballot for all elections which are held  
 2242 within a calendar year, unless the elector or the elector's  
 2243 designee indicates at the time the request is made the elections  
 2244 for which the elector desires to receive an absentee ballot.  
 2245 Such request may be considered canceled when any first-class

2246 mail sent by the supervisor to the elector is returned as  
 2247 undeliverable.

2248 (b) The supervisor may accept a written or telephonic  
 2249 request for an absentee ballot from the elector, or, if directly  
 2250 instructed by the elector, a member of the elector's immediate  
 2251 family, or the elector's legal guardian. For purposes of this  
 2252 section, the term "immediate family" has the same meaning as  
 2253 specified in paragraph (4)(b). The person making the request  
 2254 must disclose:

- 2255 1. The name of the elector for whom the ballot is  
 2256 requested;
- 2257 2. The elector's address;
- 2258 3. The elector's date of birth;
- 2259 4. The requester's name;
- 2260 5. The requester's address;
- 2261 6. The requester's driver's license number, if available;
- 2262 7. The requester's relationship to the elector; and
- 2263 8. The requester's signature (written requests only).

2264 (2) ~~If~~ A request for an absentee ballot to be mailed to a  
 2265 voter must be is received no later than 5 p.m. on the sixth day  
 2266 ~~after the Friday~~ before the election by the supervisor of  
 2267 elections ~~from an absent elector overseas, the supervisor shall~~  
 2268 ~~send a notice to the elector acknowledging receipt of his or her~~  
 2269 ~~request and notifying the elector that the ballot will not be~~  
 2270 ~~forwarded due to insufficient time for return of the ballot by~~  
 2271 ~~the required deadline.~~ The supervisor of elections shall mail

2272 absentee ballots to voters requesting ballots by such deadline  
 2273 no later than 4 days before the election.

2274 (3) For each request for an absentee ballot received, the  
 2275 supervisor shall record the date the request was made, the date  
 2276 the absentee ballot was delivered to the voter or the voter's  
 2277 designee or the date the absentee ballot was delivered to the  
 2278 post office or other carrier ~~or mailed~~, the date the ballot was  
 2279 received by the supervisor, and such other information he or she  
 2280 may deem necessary. This information shall be provided in  
 2281 electronic format as provided by rule adopted by the division.  
 2282 The information shall be updated and made available no later  
 2283 than noon of each day and shall be contemporaneously provided to  
 2284 the division. This information shall be confidential and exempt  
 2285 from the provisions of s. 119.07(1) and shall be made available  
 2286 to or reproduced only for the voter requesting the ballot, a  
 2287 canvassing board, an election official, a political party or  
 2288 official thereof, a candidate who has filed qualification papers  
 2289 and is opposed in an upcoming election, and registered political  
 2290 committees or registered committees of continuous existence, for  
 2291 political purposes only.

2292 (4) (a) To each absent qualified elector overseas who has  
 2293 requested an absentee ballot, the supervisor of elections shall,  
 2294 not fewer than 35 days before the first primary election, mail  
 2295 an absentee ballot. Not fewer than 45 days before the second  
 2296 primary and general election, the supervisor of elections shall  
 2297 mail an absentee ballot. If the regular absentee ballots are not  
 2298 available, the supervisor shall mail an advance absentee ballot

2299 | to those persons requesting ballots for such elections. The  
2300 | advance absentee ballot for the second primary shall be the same  
2301 | as the first primary absentee ballot as to the names of  
2302 | candidates, except that for any offices where there are only two  
2303 | candidates, those offices and all political party executive  
2304 | committee offices shall be omitted. Except as provided in ss.  
2305 | 99.063(4) and 100.371(6), the advance absentee ballot for the  
2306 | general election shall be as specified in s. 101.151, except  
2307 | that in the case of candidates of political parties where  
2308 | nominations were not made in the first primary, the names of the  
2309 | candidates placing first and second in the first primary  
2310 | election shall be printed on the advance absentee ballot. The  
2311 | advance absentee ballot or advance absentee ballot information  
2312 | booklet shall be of a different color for each election and also  
2313 | a different color from the absentee ballots for the first  
2314 | primary, second primary, and general election. The supervisor  
2315 | shall mail an advance absentee ballot for the second primary and  
2316 | general election to each qualified absent elector for whom a  
2317 | request is received until the absentee ballots are printed. The  
2318 | supervisor shall enclose with the advance second primary  
2319 | absentee ballot and advance general election absentee ballot an  
2320 | explanation stating that the absentee ballot for the election  
2321 | will be mailed as soon as it is printed; and, if both the  
2322 | advance absentee ballot and the absentee ballot for the election  
2323 | are returned in time to be counted, only the absentee ballot  
2324 | will be counted. The Department of State may prescribe by rule

2325 | the requirements for preparing and mailing absentee ballots to  
 2326 | absent qualified electors overseas.

2327 |         (b) As soon as the remainder of the absentee ballots are  
 2328 | printed, the supervisor shall provide an absentee ballot to each  
 2329 | elector by whom a request for that ballot has been made by one  
 2330 | of the following means:

2331 |             1. By nonforwardable, return-if-undeliverable mail to the  
 2332 | elector's current mailing address on file with the supervisor,  
 2333 | unless the elector specifies in the request that:

2334 |                 a. The elector is absent from the county and does not plan  
 2335 | to return before the day of the election;

2336 |                 b. The elector is temporarily unable to occupy the  
 2337 | residence because of hurricane, tornado, flood, fire, or other  
 2338 | emergency or natural disaster; or

2339 |                 c. The elector is in a hospital, assisted-living facility,  
 2340 | nursing home, short-term medical or rehabilitation facility, or  
 2341 | correctional facility,

2342 |  
 2343 | in which case the supervisor shall mail the ballot by  
 2344 | nonforwardable, return-if-undeliverable mail to any other  
 2345 | address the elector specifies in the request.

2346 |             2. By forwardable mail to voters who are entitled to vote  
 2347 | by absentee ballot under the Uniformed and Overseas Citizens  
 2348 | Absentee Voting Act.

2349 |             3. By personal delivery before 7 p.m. on election day to  
 2350 | the elector, upon presentation of the identification required in  
 2351 | s. 101.657.



2352 | 4. By delivery to a designee on election day or up to 4  
2353 | days prior to the day of an election. Any elector may designate  
2354 | in writing a person to pick up the ballot for the elector;  
2355 | however, the person designated may not pick up more than two  
2356 | absentee ballots per election, other than the designee's own  
2357 | ballot, except that additional ballots may be picked up for  
2358 | members of the designee's immediate family. For purposes of  
2359 | this section, "immediate family" means the designee's spouse or  
2360 | the parent, child, grandparent, or sibling of the designee or of  
2361 | the designee's spouse. The designee shall provide to the  
2362 | supervisor the written authorization by the elector and a  
2363 | picture identification of the designee and must complete an  
2364 | affidavit. The designee shall state in the affidavit that the  
2365 | designee is authorized by the elector to pick up that ballot and  
2366 | shall indicate if the elector is a member of the designee's  
2367 | immediate family and, if so, the relationship. The department  
2368 | shall prescribe the form of the affidavit. If the supervisor is  
2369 | satisfied that the designee is authorized to pick up the ballot  
2370 | and that the signature of the elector on the written  
2371 | authorization matches the signature of the elector on file, the  
2372 | supervisor shall give the ballot to that designee for delivery  
2373 | to the elector.

2374 | (5) In the event that the Elections Canvassing Commission  
2375 | is unable to certify the results of an election for a state  
2376 | office in time to comply with subsection (4), the Department of  
2377 | State is authorized to prescribe rules for a ballot to be sent  
2378 | to absent electors overseas.

2379 (6) Nothing other than the materials necessary to vote  
 2380 absentee shall be mailed or delivered with any absentee ballot.

2381 Section 44. Section 101.64, Florida Statutes, is amended  
 2382 to read:

2383 101.64 Delivery of absentee ballots; envelopes; form.--

2384 (1) The supervisor shall enclose with each absentee ballot  
 2385 two envelopes: a secrecy envelope, into which the absent elector  
 2386 shall enclose his or her marked ballot; and a mailing envelope,  
 2387 into which the absent elector shall then place the secrecy  
 2388 envelope, which shall be addressed to the supervisor and also  
 2389 bear on the back side a certificate in substantially the  
 2390 following form:

2391  
 2392 Note: Please Read Instructions Carefully Before  
 2393 Marking Ballot and Completing Voter's Certificate.

2394  
 2395 VOTER'S CERTIFICATE

2396 I, ....., do solemnly swear or affirm that I am a qualified  
 2397 and registered voter of .... County, Florida, and that I have  
 2398 not and will not vote more than one ballot in this election. I  
 2399 understand that if I commit or attempt to commit any fraud in  
 2400 connection with voting, vote a fraudulent ballot, or vote more  
 2401 than once in an election, I can be convicted of a felony of the  
 2402 third degree and fined up to \$5,000 and/or imprisoned for up to  
 2403 5 years. I also understand that failure to sign this certificate  
 2404 will invalidate my ballot.

2405



2433 | early voting sites; however, if so designated, the sites must be  
 2434 | geographically located so as to provide all voters in the county  
 2435 | an equal opportunity to cast a ballot, insofar as is  
 2436 | practicable. The results or tabulation of votes cast during  
 2437 | early voting may not be made before the close of the polls on  
 2438 | election day. Results shall be reported by precinct.

2439 |       (b) The supervisor shall designate each early voting site  
 2440 | by no later than the 30th day prior to an election and shall  
 2441 | designate an early voting area, as defined in s. 97.021, at each  
 2442 | early voting site.

2443 |       (c) All early voting sites in a county shall be open on  
 2444 | the same days for the same amount of time and shall allow any  
 2445 | person in line at the closing of an early voting site to vote.

2446 |       (d)-(b) Early voting shall begin on the 15th day before an  
 2447 | election and end on the 2nd day before an election. For purposes  
 2448 | of a special election held pursuant to s. 100.101, early voting  
 2449 | shall begin on the 8th day before an election and end on the 2nd  
 2450 | day before an election. Early voting shall be provided for at  
 2451 | least 8 hours per weekday and 8 hours in the aggregate each  
 2452 | weekend at each site during the applicable periods. Early voting  
 2453 | sites shall open no sooner than 7 a.m. and close no later than 7  
 2454 | p.m. on each applicable day during the applicable periods. Early  
 2455 | voting shall also be provided for 8 hours in the aggregate for  
 2456 | each weekend during the applicable periods.

2457 |       (e) Notwithstanding the requirements of s. 100.3605,  
 2458 | municipalities may provide early voting in municipal elections  
 2459 | that are not held in conjunction with county or state elections.

2460 If a municipality provides early voting, it may designate as  
2461 many sites as necessary and shall conduct its activities in  
2462 accordance with the provisions of paragraphs (a)-(c). The  
2463 supervisor is not required to conduct early voting if it is  
2464 provided pursuant to this subsection.

2465 (f) Notwithstanding the requirements of s. 189.405,  
2466 special districts may provide early voting in any district  
2467 election not held in conjunction with county or state elections.  
2468 If a special district provides early voting, it may designate as  
2469 many sites as necessary and shall conduct its activities in  
2470 accordance with the provisions of paragraphs (a)-(c). The  
2471 supervisor is not required to conduct early voting if it is  
2472 provided pursuant to this subsection.

2473 (2) During any early voting period, each supervisor of  
2474 elections shall make available the total number of voters  
2475 casting a ballot at each early voting location during the  
2476 previous day. Each supervisor shall prepare an electronic data  
2477 file listing the individual voters who cast a ballot during the  
2478 early voting period. This information shall be provided in  
2479 electronic format as provided by rule adopted by the division.  
2480 The information shall be updated and made available no later  
2481 than noon of each day and shall be contemporaneously provided to  
2482 the division.

2483 (3) The ballot of each elector voting early shall be  
2484 counted even if the elector dies on or before election day.

2485 Section 46. Subsection (2) of section 101.663, Florida  
2486 Statutes, is amended to read:

2487 | 101.663 Electors; change of residence.--

2488 | (2) An elector registered in this state who moves his or  
 2489 | her permanent residence to another state after the registration  
 2490 | books in that state have closed ~~and who is prohibited by the~~  
 2491 | ~~laws of that state from voting for the offices of President and~~  
 2492 | ~~Vice President of the United States~~ shall be permitted to vote  
 2493 | absentee in the county of his or her former residence for the  
 2494 | offices of President and Vice President of the United States  
 2495 | ~~those offices.~~

2496 | Section 47. Subsection (1) and paragraph (c) of subsection  
 2497 | (2) of section 101.68, Florida Statutes, are amended to read:

2498 | 101.68 Canvassing of absentee ballot.--

2499 | (1) The supervisor of the county where the absent elector  
 2500 | resides shall receive the voted ballot, at which time the  
 2501 | supervisor shall compare the signature of the elector on the  
 2502 | voter's certificate with the signature of the elector in the  
 2503 | registration books to determine whether the elector is duly  
 2504 | registered in the county and may record on the elector's  
 2505 | registration certificate that the elector has voted. However,  
 2506 | effective July 1, 2005, an elector who dies after casting an  
 2507 | absentee ballot but on or before election day shall remain  
 2508 | listed in the registration books until the results have been  
 2509 | certified for the election in which the ballot was cast. The  
 2510 | supervisor shall safely keep the ballot unopened in his or her  
 2511 | office until the county canvassing board canvasses the vote.  
 2512 | After an absentee ballot is received by the supervisor, the

2513 ballot is deemed to have been cast, and changes or additions may  
 2514 not be made to the voter's certificate.

2515 (2)

2516 (c)1. The canvassing board shall, if the supervisor has  
 2517 not already done so, compare the signature of the elector on the  
 2518 voter's certificate with the signature of the elector in the  
 2519 registration books to see that the elector is duly registered in  
 2520 the county and to determine the legality of that absentee  
 2521 ballot. Effective July 1, 2005, the ballot of an elector who  
 2522 casts an absentee ballot shall be counted even if the elector  
 2523 dies on or before election day, as long as, prior to the death  
 2524 of the voter, the ballot was postmarked by the United States  
 2525 Postal Service, date-stamped with a verifiable tracking number  
 2526 by common carrier, or already in the possession of the  
 2527 supervisor of elections. An absentee ballot shall be considered  
 2528 illegal if it does not include the signature of the elector, as  
 2529 shown by the registration records. However, an absentee ballot  
 2530 shall not be considered illegal if the signature of the elector  
 2531 does not cross the seal of the mailing envelope. If the  
 2532 canvassing board determines that any ballot is illegal, a member  
 2533 of the board shall, without opening the envelope, mark across  
 2534 the face of the envelope: "rejected as illegal." The envelope  
 2535 and the ballot contained therein shall be preserved in the  
 2536 manner that official ballots voted are preserved.

2537 2. If any elector or candidate present believes that an  
 2538 absentee ballot is illegal due to a defect apparent on the  
 2539 voter's certificate, he or she may, at any time before the

2540 ballot is removed from the envelope, file with the canvassing  
 2541 board a protest against the canvass of that ballot, specifying  
 2542 the precinct, the ballot, and the reason he or she believes the  
 2543 ballot to be illegal. A challenge based upon a defect in the  
 2544 voter's certificate may not be accepted after the ballot has  
 2545 been removed from the mailing envelope.

2546 Section 48. Section 101.69, Florida Statutes, is amended  
 2547 to read:

2548 101.69 Voting in person; return of absentee ballot.--The  
 2549 provisions of this code shall not be construed to prohibit any  
 2550 elector from voting in person at the elector's precinct on the  
 2551 day of an election or at an early voting site, notwithstanding  
 2552 that the elector has requested an absentee ballot for that  
 2553 election. An elector who has returned a voted absentee ballot to  
 2554 the supervisor, however, is deemed to have cast his or her  
 2555 ballot and is not entitled to vote another ballot or to have a  
 2556 provisional ballot counted by the county canvassing board. An  
 2557 elector who has received an absentee ballot and has not returned  
 2558 the voted ballot to the supervisor, but desires to vote in  
 2559 person, shall return the ballot, whether voted or not, to the  
 2560 election board in the elector's precinct or to an early voting  
 2561 site. The returned ballot shall be marked "canceled" by the  
 2562 board and placed with other canceled ballots. However, if the  
 2563 elector does not return the ballot and the election official:

2564 (1) Confirms that the supervisor has received the  
 2565 elector's absentee ballot, the elector shall not be allowed to  
 2566 vote in person. If the elector maintains that he or she has not



2567 returned the absentee ballot or remains eligible to vote, the  
 2568 elector shall be provided a provisional ballot as provided in s.  
 2569 101.048.

2570 (2) Confirms that the supervisor has not received the  
 2571 elector's absentee ballot, the elector shall be allowed to vote  
 2572 in person as provided in this code. The elector's absentee  
 2573 ballot, if subsequently received, shall not be counted and shall  
 2574 remain in the mailing envelope, and the envelope shall be marked  
 2575 "Rejected as Illegal."

2576 (3) Cannot determine whether the supervisor has received  
 2577 the elector's absentee ballot, the elector may vote a  
 2578 provisional ballot as provided in s. 101.048.

2579 Section 49. Section 101.6923, Florida Statutes, is amended  
 2580 to read:

2581 101.6923 Special absentee ballot instructions for certain  
 2582 first-time voters.--

2583 (1) The provisions of this section apply to voters who  
 2584 registered to vote by mail, who have not previously voted in the  
 2585 county, and who have not provided the identification or  
 2586 information required by s. 97.0535 by the time the absentee  
 2587 ballot is mailed.

2588 (2) A voter covered by this section shall be provided with  
 2589 the following printed instructions with his or her absentee  
 2590 ballot in substantially the following form:  
 2591

2592 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
2593 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
2594 YOUR BALLOT NOT TO COUNT.

2595

2596 1. In order to ensure that your absentee ballot will be  
2597 counted, it should be completed and returned as soon as possible  
2598 so that it can reach the supervisor of elections of the county  
2599 in which your precinct is located no later than 7 p.m. on the  
2600 date of the election.

2601 2. Mark your ballot in secret as instructed on the ballot.  
2602 You must mark your own ballot unless you are unable to do so  
2603 because of blindness, disability, or inability to read or write.

2604 3. Mark only the number of candidates or issue choices for  
2605 a race as indicated on the ballot. If you are allowed to "Vote  
2606 for One" candidate and you vote for more than one, your vote in  
2607 that race will not be counted.

2608 4. Place your marked ballot in the enclosed secrecy  
2609 envelope and seal the envelope.

2610 5. Insert the secrecy envelope into the enclosed envelope  
2611 bearing the Voter's Certificate. Seal the envelope and  
2612 completely fill out the Voter's Certificate on the back of the  
2613 envelope.

2614 a. You must sign your name on the line above (Voter's  
2615 Signature).

2616 b. If you are an overseas voter, you must include the date  
2617 you signed the Voter's Certificate on the line above (Date) or  
2618 your ballot may not be counted.

2619           6. Unless you meet one of the exemptions in Item 7., you  
2620 must make a copy of one of the following forms of  
2621 identification:

2622           a. Identification which must include your name and  
2623 photograph: current and valid Florida driver's license; Florida  
2624 identification card issued by the Department of Highway Safety  
2625 and Motor Vehicles; United States passport; employee badge or  
2626 identification; buyer's club identification card; debit or  
2627 credit card; military identification; student identification;  
2628 retirement center identification; neighborhood association  
2629 identification; entertainment identification; or public  
2630 assistance identification; or

2631           b. Identification which shows your name and current  
2632 residence address: current utility bill, bank statement,  
2633 government check, paycheck, or government document (excluding  
2634 voter identification card).

2635           7. The identification requirements of Item 6. do not apply  
2636 if you meet one of the following requirements:

2637           a. You are 65 years of age or older.

2638           b. You have a temporary or permanent physical disability.

2639           c. You are a member of a uniformed service on active duty  
2640 who, by reason of such active duty, will be absent from the  
2641 county on election day.

2642           d. You are a member of the Merchant Marine who, by reason  
2643 of service in the Merchant Marine, will be absent from the  
2644 county on election day.

2645 e. You are the spouse or dependent of a member referred to  
 2646 in paragraph c. or paragraph d. who, by reason of the active  
 2647 duty or service of the member, will be absent from the county on  
 2648 election day.

2649 f. You are currently residing outside the United States.

2650 8. Place the envelope bearing the Voter's Certificate into  
 2651 the mailing envelope addressed to the supervisor. Insert a copy  
 2652 of your identification in the mailing envelope. DO NOT PUT YOUR  
 2653 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 2654 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 2655 BALLOT WILL NOT COUNT.

2656 9. Mail, deliver, or have delivered the completed mailing  
 2657 envelope. Be sure there is sufficient postage if mailed.

2658 10. FELONY NOTICE. It is a felony under Florida law to  
 2659 accept any gift, payment, or gratuity in exchange for your vote  
 2660 for a candidate. It is also a felony under Florida law to vote  
 2661 in an election using a false identity or false address, or under  
 2662 any other circumstances making your ballot false or fraudulent.

2663 Section 50. Subsection (3) of section 101.694, Florida  
 2664 Statutes, is amended to read:

2665 101.694 Mailing of ballots upon receipt of federal  
 2666 postcard application.--

2667 (3) Absentee envelopes printed for voters entitled to vote  
 2668 absentee under the Uniformed and Overseas Citizens Absentee  
 2669 Voting Act shall meet the specifications as determined by the  
 2670 Federal Voting Assistance Program of the United States  
 2671 Department of Defense and the United States Postal Service.

2672 ~~There shall be printed across the face of each envelope in which~~  
2673 ~~a ballot is sent to a federal postcard applicant, or is returned~~  
2674 ~~by such applicant to the supervisor, two parallel horizontal red~~  
2675 ~~bars, each one quarter inch wide, extending from one side of the~~  
2676 ~~envelope to the other side, with an intervening space of one-~~  
2677 ~~quarter inch, the top bar to be 1¼ inches from the top of the~~  
2678 ~~envelope, and with the words "Official Election Balloting~~  
2679 ~~Material via Air Mail," or similar language, between the bars.~~  
2680 ~~There shall be printed in the upper right corner of each such~~  
2681 ~~envelope, in a box, the words "Free of U. S. Postage, including~~  
2682 ~~Air Mail." All printing on the face of each envelope shall be in~~  
2683 ~~red, and there shall be printed in red in the upper left corner~~  
2684 ~~of each ballot envelope an appropriate inscription or blanks for~~  
2685 ~~return address of sender. Additional specifications may be~~  
2686 ~~prescribed by rule of the Division of Elections upon~~  
2687 ~~recommendation of the presidential designee under the Uniformed~~  
2688 ~~and Overseas Citizens Absentee Voting Act. Otherwise, the~~  
2689 ~~envelopes shall be the same as those used in sending ballots to,~~  
2690 ~~or receiving them from, other absentee voters.~~

2691 Section 51. Section 101.697, Florida Statutes, is amended  
2692 to read:

2693 101.697 Electronic transmission of election materials.--  
2694 The Department of State shall determine whether secure  
2695 electronic means can be established for receiving ballots from  
2696 overseas voters. If such security can be established, the  
2697 department shall adopt rules to authorize a supervisor of  
2698 elections to accept from an overseas voter a request for an

2699 absentee ballot or ~~and~~ a voted absentee ballot by secure  
 2700 facsimile machine transmission or other secure electronic means  
 2701 ~~from overseas voters~~. The rules must provide that in order to  
 2702 accept a voted ballot, the verification of the voter must be  
 2703 established, the security of the transmission must be  
 2704 established, and each ballot received must be recorded.

2705 Section 52. Section 102.012, Florida Statutes, is amended  
 2706 to read:

2707 102.012 Inspectors and clerks to conduct elections.--

2708 (1) The supervisor of elections of each county, at least  
 2709 20 days prior to the holding of any election, shall appoint an  
 2710 election board comprised of poll workers who serve as clerks or  
 2711 inspectors ~~two election boards~~ for each precinct in the county,  
 2712 ~~however, the supervisor of elections may, in any election,~~  
 2713 ~~appoint one election board if the supervisor has reason to~~  
 2714 ~~believe that only one is necessary~~. The clerk shall be in charge  
 2715 of, and responsible for, seeing that the election board carries  
 2716 out its duties and responsibilities. Each inspector and each  
 2717 clerk shall take and subscribe to an oath or affirmation, which  
 2718 shall be written or printed, to the effect that he or she will  
 2719 perform the duties of inspector or clerk of election,  
 2720 respectively, according to law and will endeavor to prevent all  
 2721 fraud, deceit, or abuse in conducting the election. The oath may  
 2722 be taken before an officer authorized to administer oaths or  
 2723 before any of the persons who are to act as inspectors, one of  
 2724 them to swear the others, and one of the others sworn thus, in  
 2725 turn, to administer the oath to the one who has not been sworn.

2726 The oaths shall be returned with the poll list and the returns  
2727 of the election to the supervisor. In all questions that may  
2728 arise before the members of an election board, the decision of a  
2729 majority of them shall decide the question. The supervisor of  
2730 elections of each county shall be responsible for the attendance  
2731 and diligent performance of his or her duties by each clerk and  
2732 inspector.

2733 (2) Each member of the election board shall be able to  
2734 read and write the English language and shall be a registered  
2735 qualified elector of the county in which the member is appointed  
2736 or a person who has preregistered to vote, pursuant to s.  
2737 97.041(1)(b), in the county in which the member is appointed. No  
2738 election board shall be composed solely of members of one  
2739 political party; however, in any primary in which only one party  
2740 has candidates appearing on the ballot, all clerks and  
2741 inspectors may be of that party. Any person whose name appears  
2742 as an opposed candidate for any office shall not be eligible to  
2743 serve on an election board.

2744 (3) The supervisor shall furnish inspectors of election  
2745 for each precinct with the list of registered voters for the  
2746 precinct ~~registration books divided alphabetically as will best~~  
2747 ~~facilitate the holding of an election.~~ The supervisor shall also  
2748 furnish to the inspectors of election at the polling place at  
2749 each precinct in the supervisor's county a sufficient number of  
2750 forms and blanks for use on election day.

2751           (4)(a) The election board of each precinct shall attend  
 2752 the polling place by 6 a.m. of the day of the election and shall  
 2753 arrange the furniture, stationery, and voting equipment.

2754           ~~(b) The~~ An election board shall conduct the voting,  
 2755 beginning and closing at the time set forth in s. 100.011. ~~If~~  
 2756 ~~more than one board has been appointed, the second board shall,~~  
 2757 ~~upon the closing of the polls, come on duty and count the votes~~  
 2758 ~~east. In such case, the first board shall turn over to the~~  
 2759 ~~second board all closed ballot boxes, registration books, and~~  
 2760 ~~other records of the election at the time the boards change.~~  
 2761 ~~The second board shall continue counting until the count is~~  
 2762 ~~complete or until 7 a.m. the next morning, and, if the count is~~  
 2763 ~~not completed at that time, the first board that conducted the~~  
 2764 ~~election shall again report for duty and complete the count. The~~  
 2765 ~~second board shall turn over to the first board all ballots~~  
 2766 ~~counted, all ballots not counted, and all registration books and~~  
 2767 ~~other records and shall advise the first board as to what has~~  
 2768 ~~transpired in tabulating the results of the election.~~

2769           ~~(5) In precincts in which there are more than 1,000~~  
 2770 ~~registered electors, the supervisor of elections shall appoint~~  
 2771 ~~additional election boards necessary for the election.~~

2772           ~~(6) In any precinct in which there are fewer than 300~~  
 2773 ~~registered electors, it is not necessary to appoint two election~~  
 2774 ~~boards, but one such board will suffice. Such board shall be~~  
 2775 ~~composed of at least one inspector and one clerk.~~

2776           Section 53. Subsections (1), (2), (3), and (5) of section  
 2777 102.014, Florida Statutes, is amended to read:



2778 | 102.014 Poll worker recruitment and training.--  
2779 | (1) The supervisor of elections shall conduct training for  
2780 | inspectors, clerks, and deputy sheriffs prior to each primary,  
2781 | general, and special election for the purpose of instructing  
2782 | such persons in their duties and responsibilities as election  
2783 | officials. The Division of Elections shall develop a statewide  
2784 | uniform training curriculum for poll workers, and each  
2785 | supervisor shall use such curriculum in training poll workers. A  
2786 | certificate may be issued by the supervisor of elections to each  
2787 | person completing such training. No person shall serve as an  
2788 | inspector, clerk, or deputy sheriff for an election unless such  
2789 | person has completed the training as required. A clerk may not  
2790 | work at the polls unless he or she demonstrates a working  
2791 | knowledge of the laws and procedures relating to voter  
2792 | registration, voting system operation, balloting and polling  
2793 | place procedures, and problem-solving and conflict-resolution  
2794 | skills.  
2795 | (2) A person who has attended previous training conducted  
2796 | within 2 years before the election may be appointed by the  
2797 | supervisor to fill a vacancy on an election board ~~day~~. If no  
2798 | person with prior training is available to fill such vacancy,  
2799 | the supervisor of elections may fill such vacancy in accordance  
2800 | with the provisions of subsection (3) from among persons who  
2801 | have not received the training required by this section.  
2802 | (3) In the case of absence or refusal to act on the part  
2803 | of any inspector or clerk ~~at any precinct on the day of an~~  
2804 | ~~election~~, the supervisor shall appoint a replacement who meets

2805 the qualifications prescribed in s. 102.012(2). The inspector  
 2806 or clerk so appointed shall be a member of the same political  
 2807 party as the clerk or inspector whom he or she replaces.

2808 (5) The Department of State shall create a uniform polling  
 2809 place procedures manual and adopt the manual by rule. Each  
 2810 supervisor of elections shall ensure that the manual is  
 2811 available in hard copy or electronic form in every polling place  
 2812 ~~precinct in the supervisor's jurisdiction on election day~~. The  
 2813 manual shall guide inspectors, clerks, and deputy sheriffs in  
 2814 the proper implementation of election procedures and laws. The  
 2815 manual shall be indexed by subject, and written in plain, clear,  
 2816 unambiguous language. The manual shall provide specific examples  
 2817 of common problems encountered at the polls ~~on election day~~, and  
 2818 detail specific procedures for resolving those problems. The  
 2819 manual shall include, without limitation:

- 2820 (a) Regulations governing solicitation by individuals and
- 2821 groups at the polling place;
- 2822 (b) Procedures to be followed with respect to voters whose
- 2823 names are not on the precinct register;
- 2824 (c) Proper operation of the voting system;
- 2825 (d) Ballot handling procedures;
- 2826 (e) Procedures governing spoiled ballots;
- 2827 (f) Procedures to be followed after the polls close;
- 2828 (g) Rights of voters at the polls;
- 2829 (h) Procedures for handling emergency situations;
- 2830 (i) Procedures for dealing with irate voters;

2831 (j) The handling and processing of provisional ballots;  
 2832 and  
 2833 (k) Security procedures.  
 2834

2835 The Department of State shall revise the manual as necessary to  
 2836 address new procedures in law or problems encountered by voters  
 2837 and poll workers at the precincts.

2838 Section 54. Section 102.031, Florida Statutes, is amended  
 2839 to read:

2840 102.031 Maintenance of good order at polls; authorities;  
 2841 persons allowed in polling rooms and early voting areas;  
 2842 unlawful solicitation of voters.--

2843 (1) Each election board shall possess full authority to  
 2844 maintain order at the polls and enforce obedience to its lawful  
 2845 commands during an election and the canvass of the votes.

2846 (2) The sheriff shall deputize a deputy sheriff for each  
 2847 polling place and each early voting site who shall be present  
 2848 during the time the polls or early voting sites are open and  
 2849 until the election is completed, who shall be subject to all  
 2850 lawful commands of the clerk or inspectors, and who shall  
 2851 maintain good order. The deputy may summon assistance from among  
 2852 bystanders to aid him or her when necessary to maintain peace  
 2853 and order at the polls or early voting sites.

2854 (3) (a) No person may enter any polling room or polling  
 2855 place where the polling place is also a polling room, or any  
 2856 early voting area during voting hours except the following:

2857 1. Official poll watchers;

- 2858 2. Inspectors;
- 2859 3. Election clerks;
- 2860 4. The supervisor of elections or his or her deputy;
- 2861 5. Persons there to vote, persons in the care of a voter,
- 2862 or persons caring for such voter;
- 2863 6. Law enforcement officers or emergency service personnel
- 2864 there with permission of the clerk or a majority of the
- 2865 inspectors; or
- 2866 7. A person, whether or not a registered voter, who is
- 2867 assisting with or participating in a simulated election for
- 2868 minors, as approved by the supervisor of elections.
- 2869 (b) The restriction in this subsection does not apply
- 2870 where the polling room is in an area commonly traversed by the
- 2871 public in order to gain access to businesses or homes or in an
- 2872 area traditionally utilized as a public area for discussion.
- 2873 (4) (a) - (e) No person, political committee, committee of
- 2874 continuous existence, or other group or organization may solicit
- 2875 voters inside the polling place or within 100 ~~50~~-feet of the
- 2876 entrance to any polling place, or polling room where the polling
- 2877 place is also a polling room, or early voting site. Before the
- 2878 opening of the polling place or early voting site, the clerk or
- 2879 supervisor shall designate the no-solicitation zone and mark the
- 2880 boundaries. on the day of any election.
- 2881 ~~1. Solicitation shall not be restricted if:~~
- 2882 ~~a. Conducted from a separately marked area within the 50-~~
- 2883 ~~foot zone so as not to disturb, hinder, impede, obstruct, or~~

2884 ~~interfere with voter access to the polling place or polling room~~  
 2885 ~~entrance; and~~

2886 ~~b. The solicitation activities and subject matter are~~  
 2887 ~~clearly and easily identifiable by the voters as an activity in~~  
 2888 ~~which they may voluntarily participate; or~~

2889 ~~e. Conducted on property within the 50-foot zone which is~~  
 2890 ~~a residence, established business, private property, sidewalk,~~  
 2891 ~~park, or property traditionally utilized as a public area for~~  
 2892 ~~discussion.~~

2893 ~~2. Solicitation shall not be permitted within the 50-foot~~  
 2894 ~~zone on a public sidewalk or other similar means of access to~~  
 2895 ~~the polling room if it is clearly identifiable to the poll~~  
 2896 ~~workers that the solicitation is impeding, obstructing, or~~  
 2897 ~~interfering with voter access to the polling room or polling~~  
 2898 ~~place.~~

2899 ~~(b)(d)~~ For the purpose of this subsection, the term  
 2900 "solicit" shall include, but not be limited to, seeking or  
 2901 attempting to seek any vote, fact, opinion, or contribution;  
 2902 distributing or attempting to distribute any political or  
 2903 campaign material, leaflet, or handout; conducting a poll;  
 2904 seeking or attempting to seek a signature on any petition; and  
 2905 selling or attempting to sell any item.

2906 ~~(c)(e)~~ Each supervisor of elections shall inform the clerk  
 2907 ~~of each precinct~~ of the area within which soliciting is  
 2908 unlawful, based on the particular characteristics of that  
 2909 polling place. The supervisor or the clerk may take any

2910 reasonable action necessary to ensure order at the polling  
 2911 places, including, but not limited to, ~~which shall include:~~

2912 ~~1. Designating a specific area for soliciting pursuant to~~  
 2913 ~~paragraph (c) of this subsection, or~~

2914 ~~2. having disruptive and unruly persons removed by law~~  
 2915 ~~enforcement officers from the polling room or place or from the~~  
 2916 ~~100-foot 50-foot zone surrounding the polling place.~~

2917 (5) No photography is permitted in the polling room or  
 2918 early voting area.

2919 Section 55. Section 102.071, Florida Statutes, is amended  
 2920 to read:

2921 102.071 Tabulation of votes and proclamation of results  
 2922 ~~where ballots are used.--~~The election board shall post at the  
 2923 polls, for the benefit of the public, the results of the voting  
 2924 for each office or other item on the ballot as the count is  
 2925 completed. Upon completion of all counts in all races, a  
 2926 certificate ~~triplicate certificates~~ of the results shall be  
 2927 drawn up by the inspectors and clerk at each precinct upon a  
 2928 form provided by the supervisor of elections which shall contain  
 2929 the name of each person voted for, for each office, and the  
 2930 number of votes cast for each person for such office; and, if  
 2931 any question is submitted, the certificate shall also contain  
 2932 the number of votes cast for and against the question. The  
 2933 certificate shall be signed by the inspectors and clerk, ~~and one~~  
 2934 ~~of the certificates~~ shall be delivered without delay by one of  
 2935 the inspectors, securely sealed, to the supervisor for immediate  
 2936 publication, ~~the duplicate copy of the certificate shall be~~

2937 ~~delivered to the county court judge; and the remaining copy~~  
 2938 ~~shall be enclosed in the ballot box together with the oaths of~~  
 2939 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot  
 2940 stubs, memoranda, and papers of all kinds used in the election  
 2941 shall also be transmitted, after being sealed by the inspectors,  
 2942 to ~~with the certificates of result of the election to be filed~~  
 2943 ~~in~~ the supervisor's office. Registration books and the poll  
 2944 lists shall not be placed in the ballot boxes but shall be  
 2945 returned to the supervisor.

2946 Section 56. Section 102.111, Florida Statutes, is amended  
 2947 to read:

2948 102.111 Elections Canvassing Commission.--

2949 (1) The Elections Canvassing Commission shall consist of  
 2950 the Governor and two members of the Cabinet selected by the  
 2951 Governor. If a member of the Elections Canvassing Commission is  
 2952 unable to serve for any reason, the Governor shall appoint a  
 2953 remaining member of the Cabinet. If there is a further vacancy,  
 2954 the remaining members of the commission shall agree on another  
 2955 elected official to fill the vacancy. The Elections Canvassing  
 2956 Commission shall, as soon as the official results are compiled  
 2957 from all counties, certify the returns of the election and  
 2958 determine and declare who has been elected for each federal,  
 2959 state, and multicounty office. If a member of a county  
 2960 canvassing board that was constituted pursuant to s. 102.141  
 2961 determines, within 5 days after the certification by the  
 2962 Elections Canvassing Commission, that a typographical error  
 2963 occurred in the official returns of the county, the correction

2964 of which could result in a change in the outcome of an election,  
 2965 the county canvassing board must certify corrected returns to  
 2966 the Department of State within 24 hours, and the Elections  
 2967 Canvassing Commission must correct and recertify the election  
 2968 returns as soon as practicable.

2969 (2) The Division of Elections shall provide the staff  
 2970 services required by the Elections Canvassing Commission.

2971 Section 57. Section 102.112, Florida Statutes, is amended  
 2972 to read:

2973 102.112 Deadline for submission of county returns to the  
 2974 Department of State.--

2975 (1) The county canvassing board or a majority thereof  
 2976 shall file the county returns for the election of a federal or  
 2977 state officer with the Department of State immediately after  
 2978 certification of the election results. The returns must contain  
 2979 a certification by the canvassing board that the board has  
 2980 reconciled the number of persons who voted with the number of  
 2981 ballots counted and that the certification includes all valid  
 2982 votes cast in the election.

2983 (2) Returns must be filed by 5 p.m. on the 7th day  
 2984 following a primary election and by 5 p.m. on the 11th day  
 2985 following the general election. However, the Department of State  
 2986 may correct typographical errors, including the transposition of  
 2987 numbers, in any returns submitted to the Department of State  
 2988 pursuant to s. 102.111(1).

2989 (3) If the returns are not received by the department by  
 2990 the time specified, such returns shall be ignored and the



2991 results on file at that time shall be certified by the  
 2992 department.

2993 (4) If the returns are not received by the department due  
 2994 to an emergency, as defined in s. 101.732, the Elections  
 2995 Canvassing Commission shall determine the deadline by which the  
 2996 returns must be received.

2997 Section 58. Section 102.141, Florida Statutes, is amended  
 2998 to read:

2999 102.141 County canvassing board; duties.--

3000 (1) The county canvassing board shall be composed of the  
 3001 supervisor of elections; a county court judge, who shall act as  
 3002 chair; and the chair of the board of county commissioners. In  
 3003 the event any member of the county canvassing board is unable to  
 3004 serve, is a candidate who has opposition in the election being  
 3005 canvassed, or is an active participant in the campaign or  
 3006 candidacy of any candidate who has opposition in the election  
 3007 being canvassed, such member shall be replaced as follows:

3008 (a) If no county court judge is able to serve or if all  
 3009 are disqualified, the chief judge of the judicial circuit in  
 3010 which the county is located shall appoint as a substitute member  
 3011 a qualified elector of the county who is not a candidate with  
 3012 opposition in the election being canvassed and who is not an  
 3013 active participant in the campaign or candidacy of any candidate  
 3014 with opposition in the election being canvassed. In such event,  
 3015 the members of the county canvassing board shall meet and elect  
 3016 a chair.

3017 (b) If the supervisor of elections is unable to serve or  
3018 is disqualified, the chair of the board of county commissioners  
3019 shall appoint as a substitute member a member of the board of  
3020 county commissioners who is not a candidate with opposition in  
3021 the election being canvassed and who is not an active  
3022 participant in the campaign or candidacy of any candidate with  
3023 opposition in the election being canvassed. The supervisor,  
3024 however, shall act in an advisory capacity to the canvassing  
3025 board.

3026 (c) If the chair of the board of county commissioners is  
3027 unable to serve or is disqualified, the board of county  
3028 commissioners shall appoint as a substitute member one of its  
3029 members who is not a candidate with opposition in the election  
3030 being canvassed and who is not an active participant in the  
3031 campaign or candidacy of any candidate with opposition in the  
3032 election being canvassed.

3033 (d) If a substitute member cannot be appointed as provided  
3034 elsewhere in this subsection, the chief judge of the judicial  
3035 circuit in which the county is located shall appoint as a  
3036 substitute member a qualified elector of the county who is not a  
3037 candidate with opposition in the election being canvassed and  
3038 who is not an active participant in the campaign or candidacy of  
3039 any candidate with opposition in the election being canvassed.

3040 (2) The county canvassing board shall meet in a building  
3041 accessible to the public in the county where the election  
3042 occurred at a time and place to be designated by the supervisor  
3043 of elections to publicly canvass the absentee electors' ballots

3044 as provided for in s. 101.68 and provisional ballots as provided  
 3045 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast  
 3046 pursuant to s. 101.049 shall be canvassed in a manner that votes  
 3047 for candidates and issues on those ballots can be segregated  
 3048 from other votes. Public notice of the time and place at which  
 3049 the county canvassing board shall meet to canvass the absentee  
 3050 electors' ballots and provisional ballots shall be given at  
 3051 least 48 hours prior thereto by publication once in one or more  
 3052 newspapers of general circulation in the county or, if there is  
 3053 no newspaper of general circulation in the county, by posting  
 3054 such notice in at least four conspicuous places in the county.  
 3055 As soon as the absentee electors' ballots and the provisional  
 3056 ballots are canvassed, the board shall proceed to publicly  
 3057 canvass the vote given each candidate, nominee, constitutional  
 3058 amendment, or other measure submitted to the electorate of the  
 3059 county, as shown by the returns then on file in the office of  
 3060 the supervisor of elections and the office of the county court  
 3061 judge.

3062 (3) The canvass, except the canvass of absentee electors'  
 3063 returns and the canvass of provisional ballots, shall be made  
 3064 from the returns and certificates of the inspectors as signed  
 3065 and filed by them with the ~~county court judge and~~ supervisor,  
 3066 ~~respectively,~~ and the county canvassing board shall not change  
 3067 the number of votes cast for a candidate, nominee,  
 3068 constitutional amendment, or other measure submitted to the  
 3069 electorate of the county, respectively, in any polling place, as  
 3070 shown by the returns. All returns shall be made to the board on

3071 or before 2 a.m. of the day following any primary, general,  
 3072 ~~special~~, or other election. If the returns from any precinct  
 3073 are missing, if there are any omissions on the returns from any  
 3074 precinct, or if there is an obvious error on any such returns,  
 3075 the canvassing board shall order a retabulation ~~recount~~ of the  
 3076 returns from such precinct. Before canvassing such returns, the  
 3077 canvassing board shall examine the tabulation of the ballots  
 3078 cast in such precinct and determine whether the returns  
 3079 correctly reflect the votes cast. If there is a discrepancy  
 3080 between the returns and the tabulation of the ballots cast, the  
 3081 tabulation of the ballots cast shall be presumed correct and  
 3082 such votes shall be canvassed accordingly.

3083 (4) The canvassing board shall submit on forms or in  
 3084 formats provided by the division unofficial returns to the  
 3085 Department of State for each federal, statewide, state, or  
 3086 multicounty office or ballot measure no later than noon on the  
 3087 third ~~second~~ day after any primary election and no later than  
 3088 noon on the fifth day after any, ~~general, special,~~ or other  
 3089 election. Such returns shall include the canvass of all ballots  
 3090 as required by subsection (2), except for provisional ballots,  
 3091 which returns shall be reported at the time required for  
 3092 official returns pursuant to s. 102.112(2).

3093 (5) If the county canvassing board determines that the  
 3094 unofficial returns may contain a counting error in which the  
 3095 vote tabulation system failed to count votes that were properly  
 3096 marked in accordance with the instructions on the ballot, the  
 3097 county canvassing board shall:

3098 (a) Correct the error and retabulate ~~recount~~ the affected  
 3099 ballots with the vote tabulation system; or

3100 (b) Request that the Department of State verify the  
 3101 tabulation software. When the Department of State verifies such  
 3102 software, the department shall compare the software used to  
 3103 tabulate the votes with the software filed with the department  
 3104 pursuant to s. 101.5607 and check the election parameters.

3105 (6) If the unofficial returns reflect that a candidate for  
 3106 any office was defeated or eliminated by one-half of a percent  
 3107 or less of the votes cast for such office, that a candidate for  
 3108 retention to a judicial office was retained or not retained by  
 3109 one-half of a percent or less of the votes cast on the question  
 3110 of retention, or that a measure appearing on the ballot was  
 3111 approved or rejected by one-half of a percent or less of the  
 3112 votes cast on such measure, the board responsible for certifying  
 3113 the results of the vote on such race or measure shall order a  
 3114 recount of the votes cast with respect to such office or  
 3115 measure. The Elections Canvassing Commission is the board  
 3116 responsible for ordering federal, state, and multi county  
 3117 recounts. A recount need not be ordered with respect to the  
 3118 returns for any office, however, if the candidate or candidates  
 3119 defeated or eliminated from contention for such office by one-  
 3120 half of a percent or less of the votes cast for such office  
 3121 request in writing that a recount not be made.

3122 (a) ~~In counties with voting systems that use paper~~  
 3123 ~~ballots,~~ Each canvassing board responsible for conducting a  
 3124 recount shall put each marksense ballot through automatic

3125 tabulating equipment and determine whether the returns correctly  
3126 reflect the votes cast. If any marksense ~~paper~~ ballot is  
3127 physically damaged so that it cannot be properly counted by the  
3128 automatic tabulating equipment during the recount, a true  
3129 duplicate shall be made of the damaged ballot pursuant to the  
3130 procedures in s. 101.5614(5). Immediately before the start of  
3131 the recount ~~and after completion of the count~~, a test of the  
3132 tabulating equipment shall be conducted as provided in s.  
3133 101.5612. If the test indicates no error, the recount tabulation  
3134 of the ballots cast shall be presumed correct and such votes  
3135 shall be canvassed accordingly. If an error is detected, the  
3136 cause therefor shall be ascertained and corrected and the  
3137 recount repeated, as necessary. The canvassing board shall  
3138 immediately report the error, along with the cause of the error  
3139 and the corrective measures being taken, to the Department of  
3140 State. No later than 11 days after the election, the canvassing  
3141 board shall file a separate incident report with the Department  
3142 of State, detailing the resolution of the matter and identifying  
3143 any measures that will avoid a future recurrence of the error.

3144 (b) ~~In counties with voting systems that do not use paper~~  
3145 ~~ballots~~, Each canvassing board responsible for conducting a  
3146 recount where touchscreen ballots were used shall examine the  
3147 counters on the precinct tabulators to ensure that the total of  
3148 the returns on the precinct tabulators equals the overall  
3149 election return. If there is a discrepancy between the overall  
3150 election return and the counters of the precinct tabulators, the

3151 | counters of the precinct tabulators shall be presumed correct  
 3152 | and such votes shall be canvassed accordingly.

3153 |       (c) The canvassing board shall submit on forms or in  
 3154 | formats provided by the division a second set of unofficial  
 3155 | returns to the Department of State for each federal, statewide,  
 3156 | state, or multicounty office or ballot measure no later than 3  
 3157 | p.m. ~~noon~~ on the fifth ~~third~~ day after any primary election and  
 3158 | no later than 3 p.m. on the eighth day after any general  
 3159 | election in which a recount was conducted pursuant to this  
 3160 | subsection. If the canvassing board is unable to complete the  
 3161 | recount prescribed in this subsection by the deadline, the  
 3162 | second set of unofficial returns submitted by the canvassing  
 3163 | board shall be identical to the initial unofficial returns and  
 3164 | the submission shall also include a detailed explanation of why  
 3165 | it was unable to timely complete the recount. However, the  
 3166 | canvassing board shall complete the recount prescribed in this  
 3167 | subsection, along with any manual recount prescribed in s.  
 3168 | 102.166, and certify election returns in accordance with the  
 3169 | requirements of this chapter.

3170 |       (d) The Department of State shall adopt detailed rules  
 3171 | prescribing additional recount procedures for each certified  
 3172 | voting system, which shall be uniform to the extent practicable.

3173 |       (7) The canvassing board may employ such clerical help to  
 3174 | assist with the work of the board as it deems necessary, with at  
 3175 | least one member of the board present at all times, until the  
 3176 | canvass of the returns is completed. The clerical help shall be

3177 | paid from the same fund as inspectors and other necessary  
 3178 | election officials.

3179 |       (8) (a) At the same time that the official results of an  
 3180 | election are certified to the Department of State, the county  
 3181 | canvassing board shall file a report with the Division of  
 3182 | Elections on the conduct of the election. The report must  
 3183 | describe:

3184 |           1. All equipment or software malfunctions at the precinct  
 3185 | level, at a counting location, or within computer and  
 3186 | telecommunications networks supporting a county location, and  
 3187 | the steps that were taken to address the malfunctions;

3188 |           2. All election definition errors that were discovered  
 3189 | after the logic and accuracy test, and the steps that were taken  
 3190 | to address the errors;

3191 |           3. All ballot printing errors or ballot supply problems,  
 3192 | and the steps that were taken to address the errors or problems;

3193 |           4. All staffing shortages or procedural violations by  
 3194 | employees or precinct workers which were addressed by the  
 3195 | supervisor of elections or the county canvassing board during  
 3196 | the conduct of the election, and the steps that were taken to  
 3197 | correct such issues;

3198 |           5. All instances where needs for staffing or equipment  
 3199 | were insufficient to meet the needs of the voters; and

3200 |           6. Any additional information regarding material issues or  
 3201 | problems associated with the conduct of the election.

3202 |       (b) If a supervisor discovers new or additional  
 3203 | information on any of the items required to be included in the



3204 report pursuant to paragraph (a) after the report is filed, the  
 3205 supervisor shall notify the division that new information has  
 3206 been discovered no later than the next business day after the  
 3207 discovery and the supervisor shall file an amended report signed  
 3208 by the supervisor of elections on the conduct of the election  
 3209 within 10 days after the discovery. ~~shall contain information~~  
 3210 ~~relating to any problems incurred as a result of equipment~~  
 3211 ~~malfunctions either at the precinct level or at a counting~~  
 3212 ~~location, any difficulties or unusual circumstances encountered~~  
 3213 ~~by an election board or the canvassing board, and any other~~  
 3214 ~~additional information which the canvassing board feels should~~  
 3215 ~~be made a part of the official election record.~~

3216 (c) Such reports shall be maintained on file in the  
 3217 Division of Elections and shall be available for public  
 3218 inspection. The division shall utilize the reports submitted by  
 3219 the canvassing boards to determine what problems may be likely  
 3220 to occur in other elections and disseminate such information,  
 3221 along with possible solutions, to the supervisors of elections.

3222 (9) The supervisor shall file with the department a copy  
 3223 of or an export file from the results database of the county's  
 3224 voting system and other statistical information as may be  
 3225 required by the department, the Legislature, or the Election  
 3226 Assistance Commission. The department shall adopt rules  
 3227 establishing the required content and acceptable formats for the  
 3228 filings and time for filings.

3229 Section 59. Section 102.166, Florida Statutes, is amended  
 3230 to read:

3231 | 102.166 Manual recounts.--  
 3232 | (1) If the second set of unofficial returns pursuant to s.  
 3233 | 102.141 indicates that a candidate for any office was defeated  
 3234 | or eliminated by one-quarter of a percent or less of the votes  
 3235 | cast for such office, that a candidate for retention to a  
 3236 | judicial office was retained or not retained by one-quarter of a  
 3237 | percent or less of the votes cast on the question of retention,  
 3238 | or that a measure appearing on the ballot was approved or  
 3239 | rejected by one-quarter of a percent or less of the votes cast  
 3240 | on such measure, the board responsible for certifying the  
 3241 | results of the vote on such race or measure shall order a manual  
 3242 | recount of the overvotes and undervotes cast in the entire  
 3243 | geographic jurisdiction of such office or ballot measure. A  
 3244 | manual recount may not be ordered, however, if the number of  
 3245 | overvotes, undervotes, and provisional ballots is fewer than the  
 3246 | number of votes needed to change the outcome of the election.

3247 | ~~(2) (a) If the second set of unofficial returns pursuant to~~  
 3248 | ~~s. 102.141 indicates that a candidate for any office was~~  
 3249 | ~~defeated or eliminated by between one-quarter and one-half of a~~  
 3250 | ~~percent of the votes cast for such office, that a candidate for~~  
 3251 | ~~retention to judicial office was retained or not retained by~~  
 3252 | ~~between one-quarter and one-half of a percent of the votes cast~~  
 3253 | ~~on the question of retention, or that a measure appearing on the~~  
 3254 | ~~ballot was approved or rejected by between one-quarter and one-~~  
 3255 | ~~half of a percent of the votes cast on such measure, any such~~  
 3256 | ~~candidate, the political party of such candidate, or any~~  
 3257 | ~~political committee that supports or opposes such ballot measure~~

3258 ~~is entitled to a manual recount of the overvotes and undervotes~~  
3259 ~~cast in the entire geographic jurisdiction of such office or~~  
3260 ~~ballot measure, provided that a request for a manual recount is~~  
3261 ~~made by 5 p.m. on the third day after the election.~~

3262 ~~(b) For federal, statewide, state, and multicounty races~~  
3263 ~~and ballot issues, requests for a manual recount shall be made~~  
3264 ~~in writing to the state Elections Canvassing Commission. For~~  
3265 ~~all other races and ballot issues, requests for a manual recount~~  
3266 ~~shall be made in writing to the county canvassing board.~~

3267 ~~(c) Upon receipt of a proper and timely request, the~~  
3268 ~~Elections Canvassing Commission or county canvassing board shall~~  
3269 ~~immediately order a manual recount of overvotes and undervotes~~  
3270 ~~in all affected jurisdictions.~~

3271 ~~(2)(3)~~ (a) Any hardware or software used to identify and  
3272 sort overvotes and undervotes for a given race or ballot measure  
3273 must be certified by the Department of State as part of the  
3274 voting system pursuant to s. 101.015. Any such hardware or  
3275 software must be capable of simultaneously counting votes. ~~For~~  
3276 ~~certified voting systems, the department shall certify such~~  
3277 ~~hardware or software by July 1, 2002. If the department is~~  
3278 ~~unable to certify such hardware or software for a certified~~  
3279 ~~voting system by July 1, 2002, the department shall adopt rules~~  
3280 ~~prescribing procedures for identifying and sorting such~~  
3281 ~~overvotes and undervotes. The department's rules may provide for~~  
3282 ~~the temporary use of hardware or software whose sole function is~~  
3283 ~~identifying and sorting overvotes and undervotes.~~

3284 ~~(b) This subsection does not preclude the department from~~  
 3285 ~~certifying hardware or software after July 1, 2002.~~

3286 (b)~~(e)~~ Overvotes and undervotes shall be identified and  
 3287 sorted while recounting ballots pursuant to s. 102.141, if the  
 3288 hardware or software for this purpose has been certified or the  
 3289 department's rules so provide.

3290 (3)~~(4)~~ Any manual recount shall be open to the public.

3291 (4)~~(5)~~(a) A vote for a candidate or ballot measure shall  
 3292 be counted if there is a clear indication on the ballot that the  
 3293 voter has made a definite choice.

3294 (b) The Department of State shall adopt specific rules for  
 3295 each certified voting system prescribing what constitutes a  
 3296 "clear indication on the ballot that the voter has made a  
 3297 definite choice." The rules may not:

3298 1. Exclusively provide that the voter must properly mark  
 3299 or designate his or her choice on the ballot; or

3300 2. Contain a catch-all provision that fails to identify  
 3301 specific standards, such as "any other mark or indication  
 3302 clearly indicating that the voter has made a definite choice."

3303 (5)~~(6)~~ Procedures for a manual recount are as follows:

3304 (a) The county canvassing board shall appoint as many  
 3305 counting teams of at least two electors as is necessary to  
 3306 manually recount the ballots. A counting team must have, when  
 3307 possible, members of at least two political parties. A candidate  
 3308 involved in the race shall not be a member of the counting team.

3309 (b) Each duplicate ballot prepared pursuant to s.  
 3310 101.5614(5) or s. 102.141(6) shall be compared with the original  
 3311 ballot to ensure the correctness of the duplicate.

3312 (c) If a counting team is unable to determine whether the  
 3313 ballot contains a clear indication that the voter has made a  
 3314 definite choice, the ballot shall be presented to the county  
 3315 canvassing board for a determination.

3316 (d) The Department of State shall adopt detailed rules  
 3317 prescribing additional recount procedures for each certified  
 3318 voting system which shall be uniform to the extent practicable.  
 3319 The rules shall address, at a minimum, the following areas:

- 3320 1. Security of ballots during the recount process;
- 3321 2. Time and place of recounts;
- 3322 3. Public observance of recounts;
- 3323 4. Objections to ballot determinations;
- 3324 5. Record of recount proceedings; and
- 3325 6. Procedures relating to candidate and petitioner  
 3326 representatives.

3327 Section 60. Subsections (2) and (4) of section 102.168,  
 3328 Florida Statutes, are amended to read:

3329 102.168 Contest of election.--

3330 (2) Such contestant shall file a complaint, together with  
 3331 the fees prescribed in chapter 28, with the clerk of the circuit  
 3332 court within 10 days after midnight of the date the last board  
 3333 responsible for certifying the results officially ~~county~~  
 3334 ~~canvassing board empowered to canvass the returns~~ certifies the  
 3335 results of the election being contested.

3336           (4) The county canvassing board is an indispensable and ~~or~~  
 3337 ~~Elections Canvassing Commission shall be the~~ proper party  
 3338 defendant in county and local elections; the Elections  
 3339 Canvassing Commission is an indispensable and proper party  
 3340 defendant in federal, state, and multicounty races; and the  
 3341 successful candidate is ~~shall be~~ an indispensable party to any  
 3342 action brought to contest the election or nomination of a  
 3343 candidate.

3344           Section 61. Subsections (1) and (4) of section 103.021,  
 3345 Florida Statutes, are amended to read:

3346           103.021 Nomination for presidential electors.--Candidates  
 3347 for presidential electors shall be nominated in the following  
 3348 manner:

3349           (1) The Governor shall nominate the presidential electors  
 3350 of each political party. The state executive committee of each  
 3351 political party shall by resolution recommend candidates for  
 3352 presidential electors and deliver a certified copy thereof to  
 3353 the Governor before September 1 of each presidential election  
 3354 year. The Governor ~~He or she~~ shall nominate only the electors  
 3355 recommended by the state executive committee of the respective  
 3356 political party. Each such elector shall be a qualified elector  
 3357 of the party he or she represents who has taken an oath that he  
 3358 or she will vote for the candidates of the party that he or she  
 3359 is nominated to represent. The Governor shall certify to the  
 3360 Department of State on or before September 1, in each  
 3361 presidential election year, the names of a number of electors

3362 for each political party equal to the number of senators and  
 3363 representatives which this state has in Congress.

3364 (4) (a) A minor political party that is affiliated with a  
 3365 national party holding a national convention to nominate  
 3366 candidates for President and Vice President of the United States  
 3367 may have the names of its candidates for President and Vice  
 3368 President of the United States printed on the general election  
 3369 ballot by filing with the Department of State a certificate  
 3370 naming the candidates for President and Vice President and  
 3371 listing the required number of persons to serve as electors.  
 3372 Notification to the Department of State under this subsection  
 3373 shall be made by September 1 of the year in which the election  
 3374 is held. When the Department of State has been so notified, it  
 3375 shall order the names of the candidates nominated by the minor  
 3376 political party to be included on the ballot and shall permit  
 3377 the required number of persons to be certified as electors in  
 3378 the same manner as other party candidates. As used in this  
 3379 section, the term "national party" means a political party  
 3380 established and admitted to the ballot in at least one state  
 3381 other than Florida.

3382 (b) A minor political party that is not affiliated with a  
 3383 national party holding a national convention to nominate  
 3384 candidates for President and Vice President of the United States  
 3385 may have the names of its candidates for President and Vice  
 3386 President printed on the general election ballot if a petition  
 3387 is signed by 1 percent of the registered electors of this state,  
 3388 as shown by the compilation by the Department of State for the

3389 preceding general election. A separate petition from each  
 3390 county for which signatures are solicited shall be submitted to  
 3391 the supervisors of elections of the respective county no later  
 3392 than July 15 of each presidential election year. The supervisor  
 3393 shall check the names and, on or before the date of the first  
 3394 primary, shall certify the number shown as registered electors  
 3395 of the county. The supervisor shall be paid by the person  
 3396 requesting the certification the cost of checking the petitions  
 3397 as prescribed in s. 99.097. The supervisor shall then forward  
 3398 the certificate to the Department of State, which shall  
 3399 determine whether or not the percentage factor required in this  
 3400 section has been met. When the percentage factor required in  
 3401 this section has been met, the Department of State shall order  
 3402 the names of the candidates for whom the petition was circulated  
 3403 to be included on the ballot and shall permit the required  
 3404 number of persons to be certified as electors in the same manner  
 3405 as other party candidates.

3406 Section 62. Section 103.051, Florida Statutes, is amended  
 3407 to read:

3408 103.051 Congress sets meeting dates of electors.--The  
 3409 presidential electors shall, ~~at noon~~ on the day that ~~which~~ is  
 3410 directed by Congress and at the time fixed by the Governor, meet  
 3411 at Tallahassee and perform the duties required of them by the  
 3412 Constitution and laws of the United States.

3413 Section 63. Section 103.061, Florida Statutes, is amended  
 3414 to read:



3415           103.061 Meeting of electors and filling of vacancies.--  
 3416 Each presidential elector shall, ~~before 10 a.m.~~ on the day fixed  
 3417 by Congress to elect a President and Vice President and at the  
 3418 time fixed by the Governor, give notice to the Governor that the  
 3419 elector is in Tallahassee and ready to perform the duties of  
 3420 presidential elector. The Governor shall forthwith deliver to  
 3421 the presidential electors present a certificate of the names of  
 3422 all the electors; and if, on examination thereof, it should be  
 3423 found that one or more electors are absent, the electors present  
 3424 shall elect by ballot, in the presence of the Governor, a person  
 3425 or persons to fill such vacancy or vacancies as may have  
 3426 occurred through the nonattendance of one or more of the  
 3427 electors.

3428           Section 64. Section 103.121, Florida Statutes, is amended  
 3429 to read:

3430           103.121 Powers and duties of executive committees.--

3431           (1) (a) Each state and county executive committee of a  
 3432 political party shall have the power and duty:

3433           1. To adopt a constitution by two-thirds vote of the full  
 3434 committee.

3435           2. To adopt such bylaws as it may deem necessary by  
 3436 majority vote of the full committee.

3437           3. To conduct its meetings according to generally accepted  
 3438 parliamentary practice.

3439           4. To make party nomination when required by law.

3440           5. To conduct campaigns for party nominees.

3441           6. To raise and expend party funds. Such funds may not be  
 3442 expended or committed to be expended except after written  
 3443 authorization by the chair of the state or county executive  
 3444 committee.

3445           (b) ~~Except as otherwise provided in subsection (5),~~ The  
 3446 county executive committee shall receive payment of assessments  
 3447 upon candidates to be voted for in a single county except state  
 3448 senators and members of the House of Representatives and  
 3449 representatives to the Congress of the United States; and the  
 3450 state executive committees shall receive all other assessments  
 3451 authorized. All party assessments shall be 2 percent of the  
 3452 annual salary of the office sought by the respective candidate.  
 3453 All such committee assessments shall be remitted to the state  
 3454 executive committee of the appropriate party and distributed in  
 3455 accordance with subsection (5) ~~(6)~~.

3456           ~~(2) The state executive committee shall by resolution~~  
 3457 ~~recommend candidates for presidential electors and deliver a~~  
 3458 ~~certified copy thereof to the Governor prior to September 1 of~~  
 3459 ~~each presidential election year.~~

3460           (2)~~(3)~~ The chair and treasurer of an executive committee  
 3461 of any political party shall be accountable for the funds of  
 3462 such committee and jointly liable for their proper expenditure  
 3463 for authorized purposes only. ~~The chair and treasurer of the~~  
 3464 ~~state executive committee of any political party shall furnish~~  
 3465 ~~adequate bond, but not less than \$10,000, conditioned upon the~~  
 3466 ~~faithful performance by such party officers of their duties and~~  
 3467 ~~for the faithful accounting for party funds which shall come~~

3468 ~~into their hands; and the chair and treasurer of a county~~  
3469 ~~executive committee of a political party shall furnish adequate~~  
3470 ~~bond, but not less than \$5,000, conditioned as aforesaid. A~~  
3471 ~~bond for the chair and treasurer of the state executive~~  
3472 ~~committee of a political party shall be filed with the~~  
3473 ~~Department of State. A bond for the chair and treasurer of a~~  
3474 ~~county executive committee shall be filed with the supervisor of~~  
3475 ~~elections.~~ The funds of each such state executive committee  
3476 shall be publicly audited at the end of each calendar year and a  
3477 copy of such audit furnished to the Department of State for its  
3478 examination prior to April 1 of the ensuing year. When filed  
3479 with the Department of State, copies of such audit shall be  
3480 public documents. The treasurer of each county executive  
3481 committee shall maintain adequate records evidencing receipt and  
3482 disbursement of all party funds received by him or her, and such  
3483 records shall be publicly audited at the end of each calendar  
3484 year and a copy of such audit filed with the supervisor of  
3485 elections and the state executive committee prior to April 1 of  
3486 the ensuing year.

3487 (3)~~(4)~~ Any chair or treasurer of a state or county  
3488 executive committee of any political party who knowingly  
3489 misappropriates, or makes an unlawful expenditure of, or a false  
3490 or improper accounting for, the funds of such committee is  
3491 guilty of a felony of the third degree, punishable as provided  
3492 in s. 775.082, s. 775.083, or s. 775.084.

3493 (4)~~(5)~~~~(a)~~ The central committee or other equivalent  
3494 governing body of each state executive committee shall adopt a

3495 rule which governs the time and manner in which the respective  
3496 county executive committees of such party may endorse, certify,  
3497 screen, or otherwise recommend one or more candidates for such  
3498 party's nomination for election. Upon adoption, such rule shall  
3499 provide the exclusive method by which a county committee may so  
3500 endorse, certify, screen, or otherwise recommend. No later than  
3501 the date on which qualifying for public office begins pursuant  
3502 to s. 99.061, the chair of each county executive committee shall  
3503 notify in writing the supervisor of elections of his or her  
3504 county whether the county executive committee has endorsed or  
3505 intends to endorse, certify, screen, or otherwise recommend  
3506 candidates for nomination pursuant to party rule. A copy of  
3507 such notification shall be provided to the Secretary of State  
3508 and to the chair of the appropriate state executive committee.  
3509 ~~Any county executive committee that endorses or intends to~~  
3510 ~~endorse, certify, screen, or otherwise recommend one or more~~  
3511 ~~candidates for nomination shall forfeit all party assessments~~  
3512 ~~which would otherwise be returned to the county executive~~  
3513 ~~committee, and such assessments shall be remitted instead to the~~  
3514 ~~state executive committee of such party, the provisions of~~  
3515 ~~paragraph (1)(b) to the contrary notwithstanding. No such funds~~  
3516 ~~so remitted to the state executive committee shall be paid,~~  
3517 ~~returned, or otherwise disbursed to the county executive~~  
3518 ~~committee under any circumstances. Any county executive~~  
3519 ~~committee that is in violation of any party rule after receiving~~  
3520 ~~the party assessment shall remit such party assessment to the~~  
3521 ~~state executive committee.~~

3522 ~~(b) Any state executive committee that endorses or intends~~  
 3523 ~~to endorse, certify, screen, or otherwise recommend one or more~~  
 3524 ~~candidates for nomination shall forfeit all party assessments~~  
 3525 ~~which would otherwise be returned to the state executive~~  
 3526 ~~committee; and such assessments shall be remitted instead to the~~  
 3527 ~~General Revenue Fund of the state. Any state executive~~  
 3528 ~~committee that is in violation of this section after receiving~~  
 3529 ~~the party assessment shall remit such party assessment to the~~  
 3530 ~~General Revenue Fund of the state.~~

3531 (5)~~(6)~~ The state chair of each state executive committee  
 3532 shall return the 2-percent committee assessment for county  
 3533 candidates to the appropriate county executive committees only  
 3534 upon receipt of a written statement that such county executive  
 3535 committee chooses not to endorse, certify, screen, or otherwise  
 3536 recommend one or more candidates for such party's nomination for  
 3537 election and upon the state chair's determination that the  
 3538 county executive committee is in compliance with all Florida  
 3539 statutes and all state party rules, bylaws, constitutions, and  
 3540 requirements.

3541 Section 65. Section 105.031, Florida Statutes, is amended  
 3542 to read:

3543 105.031 Qualification; filing fee; candidate's oath; items  
 3544 required to be filed.--

3545 (1) TIME OF QUALIFYING.--Except for candidates for  
 3546 judicial office, nonpartisan candidates for multicounty office  
 3547 shall qualify with the Division of Elections of the Department  
 3548 of State and nonpartisan candidates for countywide or less than

3549 countywide office shall qualify with the supervisor of  
3550 elections. Candidates for judicial office other than the office  
3551 of county court judge shall qualify with the Division of  
3552 Elections of the Department of State, and candidates for the  
3553 office of county court judge shall qualify with the supervisor  
3554 of elections of the county. Candidates for judicial office  
3555 shall qualify no earlier than noon of the 120th day, and no  
3556 later than noon of the 116th day, before the first primary  
3557 election. Candidates for the office of school board member shall  
3558 qualify no earlier than noon of the 50th day, and no later than  
3559 noon of the 46th day, before the first primary election. Filing  
3560 shall be on forms provided for that purpose by the Division of  
3561 Elections and furnished by the appropriate qualifying officer.  
3562 Any person seeking to qualify by the petition process  
3563 ~~alternative method~~, as set forth in s. 105.035, who ~~if the~~  
3564 ~~person~~ has submitted the necessary petitions by the required  
3565 deadline and is notified after the fifth day prior to the last  
3566 day for qualifying that the required number of signatures has  
3567 been obtained, shall be entitled to subscribe to the candidate's  
3568 oath and file the qualifying papers at any time within 5 days  
3569 from the date he or she is notified that the necessary number of  
3570 signatures has been obtained. Any person other than a write-in  
3571 candidate who qualifies within the time prescribed in this  
3572 subsection shall be entitled to have his or her name printed on  
3573 the ballot.

3574 (2) FILING IN GROUPS OR DISTRICTS.--Candidates shall  
 3575 qualify in groups or districts where multiple offices are to be  
 3576 filled.

3577 (3) QUALIFYING FEE.--Each candidate qualifying for  
 3578 election to a judicial office or the office of school board  
 3579 member, except write-in judicial or school board candidates,  
 3580 shall, during the time for qualifying, pay to the officer with  
 3581 whom he or she qualifies a qualifying fee, which shall consist  
 3582 of a filing fee and an election assessment, or qualify by the  
 3583 petition process ~~alternative method~~. The amount of the filing  
 3584 fee is 3 percent of the annual salary of the office sought. The  
 3585 amount of the election assessment is 1 percent of the annual  
 3586 salary of the office sought. The Department of State shall  
 3587 forward all filing fees to the Department of Revenue for deposit  
 3588 in the Elections Commission Trust Fund. The supervisor of  
 3589 elections shall forward all filing fees to the Elections  
 3590 Commission Trust Fund. The election assessment shall be  
 3591 deposited into the Elections Commission Trust Fund. The annual  
 3592 salary of the office for purposes of computing the qualifying  
 3593 fee shall be computed by multiplying 12 times the monthly salary  
 3594 authorized for such office as of July 1 immediately preceding  
 3595 the first day of qualifying. This subsection shall not apply to  
 3596 candidates qualifying for retention to judicial office.

3597 (4) CANDIDATE'S OATH.--

3598 (a) All candidates for the office of school board member  
 3599 shall subscribe to the oath as prescribed in s. 99.021.

3600 (b) All candidates for judicial office shall subscribe to  
 3601 an oath or affirmation in writing to be filed with the  
 3602 appropriate qualifying officer upon qualifying. A printed copy  
 3603 of the oath or affirmation shall be furnished to the candidate  
 3604 by the qualifying officer and shall be in substantially the  
 3605 following form:

3606  
 3607 State of Florida  
 3608 County of ....

3609 Before me, an officer authorized to administer oaths,  
 3610 personally appeared ...(please print name as you wish it to  
 3611 appear on the ballot)..., to me well known, who, being sworn,  
 3612 says he or she: is a candidate for the judicial office of ....;  
 3613 that his or her legal residence is .... County, Florida; that he  
 3614 or she is a qualified elector of the state and of the  
 3615 territorial jurisdiction of the court to which he or she seeks  
 3616 election; that he or she is qualified under the constitution and  
 3617 laws of Florida to hold the judicial office to which he or she  
 3618 desires to be elected or in which he or she desires to be  
 3619 retained; that he or she has taken the oath required by ss.  
 3620 876.05-876.10, Florida Statutes; that he or she has qualified  
 3621 for no other public office in the state, the term of which  
 3622 office or any part thereof runs concurrent to the office he or  
 3623 she seeks; and that he or she has resigned from any office which  
 3624 he or she is required to resign pursuant to s. 99.012, Florida  
 3625 Statutes.

3626 ... (Signature of candidate) ...



3627 | ... (Address) ...

3628 |

3629 | Sworn to and subscribed before me this .... day of .....,  
 3630 | ... (year) ..., at .... County, Florida.

3631 | ... (Signature and title of officer administering oath) ...

3632 |

3633 | (5) ITEMS REQUIRED TO BE FILED.--

3634 | (a) In order for a candidate for judicial office or the  
 3635 | office of school board member to be qualified, the following  
 3636 | items must be received by the filing officer by the end of the  
 3637 | qualifying period:

3638 | 1. Except for candidates for retention to judicial office,  
 3639 | a properly executed check drawn upon the candidate's campaign  
 3640 | account in an amount not less than the fee required by  
 3641 | subsection (3) or, in lieu thereof, the copy of the notice of  
 3642 | obtaining ballot position pursuant to s. 105.035. If a  
 3643 | candidate's check is returned by the bank for any reason, the  
 3644 | filing officer shall immediately notify the candidate and the  
 3645 | candidate shall, the end of qualifying notwithstanding, have 48  
 3646 | hours from the time such notification is received, excluding  
 3647 | Saturdays, Sundays, and legal holidays, to pay the fee with a  
 3648 | cashier's check purchased from funds of the campaign account.  
 3649 | Failure to pay the fee as provided in this subparagraph shall  
 3650 | disqualify the candidate.

3651 | 2. The candidate's oath required by subsection (4), which  
 3652 | must contain the name of the candidate as it is to appear on the  
 3653 | ballot; the office sought, including the district or group

3654 number if applicable; and the signature of the candidate, duly  
 3655 acknowledged.

3656 3. The loyalty oath required by s. 876.05, signed by the  
 3657 candidate and duly acknowledged.

3658 4. The completed form for the appointment of campaign  
 3659 treasurer and designation of campaign depository, as required by  
 3660 s. 106.021. In addition, each candidate for judicial office,  
 3661 including an incumbent judge, shall file a statement with the  
 3662 qualifying officer, within 10 days after filing the appointment  
 3663 of campaign treasurer and designation of campaign depository,  
 3664 stating that the candidate has read and understands the  
 3665 requirements of the Florida Code of Judicial Conduct. Such  
 3666 statement shall be in substantially the following form:

3667  
 3668 Statement of Candidate for Judicial Office  
 3669

3670 I, ...(name of candidate)..., a judicial candidate, have  
 3671 received, read, and understand the requirements of the Florida  
 3672 Code of Judicial Conduct.

3673 ... (Signature of candidate) ...

3674 ... (Date) ...

3675  
 3676 5. The full and public disclosure of financial interests  
 3677 required by s. 8, Art. II of the State Constitution or the  
 3678 statement of financial interests required by s. 112.3145,  
 3679 whichever is applicable. A public officer who has filed the full  
 3680 and public disclosure or statement of financial interests with

3681 the Commission on Ethics or the supervisor of elections prior to  
3682 qualifying for office may file a copy of that disclosure at the  
3683 time of qualifying.

3684 (b) If the filing officer receives qualifying papers that  
3685 do not include all items as required by paragraph (a) prior to  
3686 the last day of qualifying, the filing officer shall make a  
3687 reasonable effort to notify the candidate of the missing or  
3688 incomplete items and shall inform the candidate that all  
3689 required items must be received by the close of qualifying. A  
3690 candidate's name as it is to appear on the ballot may not be  
3691 changed after the end of qualifying.

3692 (6) Notwithstanding the qualifying period prescribed in  
3693 this section, a filing officer may accept and hold qualifying  
3694 papers submitted not earlier than 14 days prior to the beginning  
3695 of the qualifying period, to be processed and filed during the  
3696 qualifying period.

3697 Section 66. Section 105.035, Florida Statutes, is amended  
3698 to read:

3699 105.035 Petition process ~~Alternative method~~ of qualifying  
3700 for certain judicial offices and the office of school board  
3701 member.--

3702 (1) A person seeking to qualify for election to the office  
3703 of circuit judge or county court judge or the office of school  
3704 board member may qualify for election to such office by means of  
3705 the petitioning process prescribed in this section. A person  
3706 qualifying by this petition process ~~is alternative method~~ shall  
3707 not ~~be~~ required to pay the qualifying fee required by this

3708 chapter. ~~A person using this petitioning process shall file an~~  
3709 ~~oath with the officer before whom the candidate would qualify~~  
3710 ~~for the office stating that he or she intends to qualify by this~~  
3711 ~~alternative method for the office sought. Such oath shall be~~  
3712 ~~filed at any time after the first Tuesday after the first Monday~~  
3713 ~~in January of the year in which the election is held, but prior~~  
3714 ~~to the 21st day preceding the first day of the qualifying period~~  
3715 ~~for the office sought. The form of such oath shall be prescribed~~  
3716 ~~by the Division of Elections. No signatures shall be obtained~~  
3717 ~~until the person has filed the oath prescribed in this~~  
3718 ~~subsection.~~

3719 (2) ~~The~~ Upon receipt of a written oath from a candidate,  
3720 ~~the qualifying officer shall provide the candidate with a~~  
3721 ~~petition format shall be~~ prescribed by the Division of Elections  
3722 and shall ~~to~~ be used by the candidate to reproduce petitions for  
3723 circulation. If the candidate is running for an office that  
3724 ~~which~~ will be grouped on the ballot with two or more similar  
3725 offices to be filled at the same election, the candidate's  
3726 petition must indicate, prior to the obtaining of registered  
3727 electors' signatures, for which group or district office the  
3728 candidate is running.

3729 (3) Each candidate for election to a judicial office or  
3730 the office of school board member shall obtain the signature of  
3731 a number of qualified electors equal to at least 1 percent of  
3732 the total number of registered electors of the district,  
3733 circuit, county, or other geographic entity represented by the  
3734 office sought as shown by the compilation by the Department of

3735 State for the last preceding general election. A separate  
3736 petition shall be circulated for each candidate availing himself  
3737 or herself of the provisions of this section. Signatures may not  
3738 be obtained until the candidate has filed the appointment of  
3739 campaign treasurer and designation of campaign depository  
3740 pursuant to s. 106.021.

3741 (4) (a) Each candidate seeking to qualify for election to  
3742 the office of circuit judge or the office of school board member  
3743 from a multicounty school district pursuant to this section  
3744 shall file a separate petition from each county from which  
3745 signatures are sought. Each petition shall be submitted, prior  
3746 to noon of the 28th ~~21st~~ day preceding the first day of the  
3747 qualifying period for the office sought, to the supervisor of  
3748 elections of the county for which such petition was circulated.  
3749 Each supervisor of elections to whom a petition is submitted  
3750 shall check the signatures on the petition to verify their  
3751 status as electors of that county and of the geographic area  
3752 represented by the office sought. No later than the seventh day  
3753 before ~~Prior to~~ the first date for qualifying, the supervisor  
3754 shall certify the number shown as registered electors and submit  
3755 such certification to the Division of Elections. The division  
3756 shall determine whether the required number of signatures has  
3757 been obtained for the name of the candidate to be placed on the  
3758 ballot and shall notify the candidate. If the required number  
3759 of signatures has been obtained, the candidate shall, during the  
3760 time prescribed for qualifying for office, submit a copy of such  
3761 notice and file his or her qualifying papers and oath prescribed

3762 in s. 105.031 with the Division of Elections. Upon receipt of  
3763 the copy of such notice and qualifying papers, the division  
3764 shall certify the name of the candidate to the appropriate  
3765 supervisor or supervisors of elections as having qualified for  
3766 the office sought.

3767 (b) Each candidate seeking to qualify for election to the  
3768 office of county court judge or the office of school board  
3769 member from a single county school district pursuant to this  
3770 section shall submit his or her petition, prior to noon of the  
3771 28th ~~21st~~ day preceding the first day of the qualifying period  
3772 for the office sought, to the supervisor of elections of the  
3773 county for which such petition was circulated. The supervisor  
3774 shall check the signatures on the petition to verify their  
3775 status as electors of the county and of the geographic area  
3776 represented by the office sought. No later than the seventh day  
3777 before ~~Prior to~~ the first date for qualifying, the supervisor  
3778 shall determine whether the required number of signatures has  
3779 been obtained for the name of the candidate to be placed on the  
3780 ballot and shall notify the candidate. If the required number  
3781 of signatures has been obtained, the candidate shall, during the  
3782 time prescribed for qualifying for office, submit a copy of such  
3783 notice and file his or her qualifying papers and oath prescribed  
3784 in s. 105.031 with the qualifying officer. Upon receipt of the  
3785 copy of such notice and qualifying papers, such candidate shall  
3786 be entitled to have his or her name printed on the ballot.

3787 Section 67. Section 106.022, Florida Statutes, is created  
3788 to read:

3789           106.022 Appointment of a registered agent; duties.--  
3790           (1) Each political committee, committee of continuous  
3791 existence, or electioneering communications entity shall have  
3792 and continuously maintain in this state a registered office and  
3793 a registered agent and must file with the division a statement  
3794 of appointment for the registered office and registered agent.  
3795 The statement of appointment must:  
3796           (a) Provide the name of the registered agent and the  
3797 street address and phone number for the registered office;  
3798           (b) Identify the entity for whom the registered agent  
3799 serves;  
3800           (c) Designate the address the registered agent wishes to  
3801 use to receive mail;  
3802           (d) Include the entity's undertaking to inform the  
3803 division of any change in such designated address;  
3804           (e) Provide for the registered agent's acceptance of the  
3805 appointment, which must confirm that the registered agent is  
3806 familiar with and accepts the obligations of the position as set  
3807 forth in this section; and  
3808           (f) Contain the signature of the registered agent and the  
3809 entity engaging the registered agent.  
3810           (2) An entity may change its appointment of registered  
3811 agent and registered office under this section by executing a  
3812 written statement of change that identifies the former  
3813 registered agent and registered address and also satisfies all  
3814 of the requirements of subsection (1).

3815       (3) A registered agent may resign his or her appointment  
 3816 as registered agent by executing a written statement of  
 3817 resignation and filing it with the division. An entity without a  
 3818 registered agent may not make expenditures or accept  
 3819 contributions until it files a written statement of change as  
 3820 required in subsection (2).

3821       Section 68. Subsection (6) of section 106.08, Florida  
 3822 Statutes, is amended to read:

3823       106.08 Contributions; limitations on.--

3824       (6) A political party may not accept any contribution  
 3825 which has been specifically designated for the partial or  
 3826 exclusive use of a particular candidate. Any contribution so  
 3827 designated must be returned to the contributor and may not be  
 3828 used or expended by or on behalf of the candidate. Also, a  
 3829 political party may not accept any in-kind contribution that  
 3830 fails to provide a direct benefit to the political party. A  
 3831 "direct benefit" includes, but is not limited to, fundraising or  
 3832 furthering the objectives of the political party.

3833       Section 69. Subsection (6) of section 106.24, Florida  
 3834 Statutes, is amended to read:

3835       106.24 Florida Elections Commission; membership; powers;  
 3836 duties.--

3837       (6) There is hereby established in the State Treasury an  
 3838 Elections Commission Trust Fund to be utilized by the Division  
 3839 of Elections and the Florida Elections Commission in order to  
 3840 carry out their duties pursuant to ss. 106.24-106.28. The trust  
 3841 fund may also be used by the Secretary of State ~~division~~,



3842 | pursuant to his or her ~~its~~ authority under s. 97.012(14) ~~s.~~  
 3843 | ~~106.22(11)~~, to provide rewards for information leading to  
 3844 | criminal convictions related to voter registration fraud, voter  
 3845 | fraud, and vote scams.

3846 | Section 70. Subsection (6) of section 106.141, Florida  
 3847 | Statutes, is amended to read:

3848 | 106.141 Disposition of surplus funds by candidates.--

3849 | (6) Prior to disposing of funds pursuant to subsection (4)  
 3850 | or transferring funds into an office account pursuant to  
 3851 | subsection (5), any candidate who filed an oath stating that he  
 3852 | or she was unable to pay the election assessment or fee for  
 3853 | verification of petition signatures without imposing an undue  
 3854 | burden on his or her personal resources or on resources  
 3855 | otherwise available to him or her, or who filed both such oaths,  
 3856 | or who qualified by the petition process ~~alternative method~~ and  
 3857 | was not required to pay an election assessment, shall reimburse  
 3858 | the state or local governmental entity, whichever is applicable,  
 3859 | for such waived assessment or fee or both. Such reimbursement  
 3860 | shall be made first for the cost of petition verification and  
 3861 | then, if funds are remaining, for the amount of the election  
 3862 | assessment. If there are insufficient funds in the account to  
 3863 | pay the full amount of either the assessment or the fee or both,  
 3864 | the remaining funds shall be disbursed in the above manner until  
 3865 | no funds remain. All funds disbursed pursuant to this subsection  
 3866 | shall be remitted to the qualifying officer. Any reimbursement  
 3867 | for petition verification costs which are reimbursable by the  
 3868 | state shall be forwarded by the qualifying officer to the state

3869 | for deposit in the General Revenue Fund. All reimbursements for  
 3870 | the amount of the election assessment shall be forwarded by the  
 3871 | qualifying officer to the Department of State for deposit in the  
 3872 | General Revenue Fund.

3873 |       Section 71. Section 98.122, Florida Statutes, is  
 3874 | transferred and renumbered as section 106.165, Florida Statutes.

3875 |       Section 72. Section 106.22, Florida Statutes, is amended  
 3876 | to read:

3877 |       106.22 Duties of the Division of Elections.--It is the  
 3878 | duty of the Division of Elections to:

3879 |       (1) Prescribe forms for statements and other information  
 3880 | required to be filed by this chapter. Such forms shall be  
 3881 | furnished by the Department of State or office of the supervisor  
 3882 | of elections to persons required to file such statements and  
 3883 | information with such agency.

3884 |       (2) Prepare and publish manuals or brochures setting forth  
 3885 | recommended uniform methods of bookkeeping and reporting, and  
 3886 | including appropriate portions of the election code, for use by  
 3887 | persons required by this chapter to file statements.

3888 |       (3) Develop a filing, coding, and cross-indexing system  
 3889 | consonant with the purposes of this chapter.

3890 |       (4) Preserve statements and other information required to  
 3891 | be filed with the division pursuant to this chapter for a period  
 3892 | of 10 years from date of receipt.

3893 |       (5) Prepare and publish such reports as it may deem  
 3894 | appropriate.

3895           (6) Make, from time to time, audits and field  
 3896 investigations with respect to reports and statements filed  
 3897 under the provisions of this chapter and with respect to alleged  
 3898 failures to file any report or statement required under the  
 3899 provisions of this chapter. The division shall conduct a  
 3900 postelection audit of the campaign accounts of all candidates  
 3901 receiving contributions from the Election Campaign Financing  
 3902 Trust Fund.

3903           (7) Report to the Florida Elections Commission any failure  
 3904 to file a report or information required by this chapter or any  
 3905 apparent violation of this chapter.

3906           (8) Employ such personnel or contract for such services as  
 3907 are necessary to adequately carry out the intent of this  
 3908 chapter.

3909           (9) Prescribe rules and regulations to carry out the  
 3910 provisions of this chapter. Such rules shall be prescribed  
 3911 pursuant to chapter 120.

3912           ~~(10) Make an annual report to the President of the Senate  
 3913 and the Speaker of the House of Representatives concerning  
 3914 activities of the division and recommending improvements in the  
 3915 election code.~~

3916           ~~(11) Conduct preliminary investigations into any  
 3917 irregularities or fraud involving voter registration or voting  
 3918 and report its findings to the state attorney for the judicial  
 3919 circuit in which the alleged violation occurred for prosecution,  
 3920 where warranted. The Department of State may prescribe by rule~~

3921 ~~requirements for filing a complaint of voter fraud and for~~  
 3922 ~~investigating any such complaint.~~

3923 (10)~~(12)~~ Conduct random audits with respect to reports and  
 3924 statements filed under this chapter and with respect to alleged  
 3925 failure to file any reports and statements required under this  
 3926 chapter.

3927 Section 73. Subsection (1) of section 16.56, Florida  
 3928 Statutes, is amended to read:

3929 16.56 Office of Statewide Prosecution.--

3930 (1) There is created in the Department of Legal Affairs an  
 3931 Office of Statewide Prosecution. The office shall be a separate  
 3932 "budget entity" as that term is defined in chapter 216. The  
 3933 office may:

3934 (a) Investigate and prosecute the offenses of:

3935 1. Bribery, burglary, criminal usury, extortion, gambling,  
 3936 kidnapping, larceny, murder, prostitution, perjury, robbery,  
 3937 carjacking, and home-invasion robbery;

3938 2. Any crime involving narcotic or other dangerous drugs;

3939 3. Any violation of the provisions of the Florida RICO  
 3940 (Racketeer Influenced and Corrupt Organization) Act, including  
 3941 any offense listed in the definition of racketeering activity in  
 3942 s. 895.02(1)(a), providing such listed offense is investigated  
 3943 in connection with a violation of s. 895.03 and is charged in a  
 3944 separate count of an information or indictment containing a  
 3945 count charging a violation of s. 895.03, the prosecution of  
 3946 which listed offense may continue independently if the

3947 prosecution of the violation of s. 895.03 is terminated for any  
 3948 reason;

3949 4. Any violation of the provisions of the Florida Anti-  
 3950 Fencing Act;

3951 5. Any violation of the provisions of the Florida  
 3952 Antitrust Act of 1980, as amended;

3953 6. Any crime involving, or resulting in, fraud or deceit  
 3954 upon any person;

3955 7. Any violation of s. 847.0135, relating to computer  
 3956 pornography and child exploitation prevention, or any offense  
 3957 related to a violation of s. 847.0135;

3958 8. Any violation of the provisions of chapter 815;

3959 9. Any criminal violation of part I of chapter 499;

3960 10. Any violation of the provisions of the Florida Motor  
 3961 Fuel Tax Relief Act of 2004; ~~or~~

3962 11. Any criminal violation of s. 409.920 or s. 409.9201;  
 3963 or

3964 12. Any crime involving voter registration, voting, or  
 3965 candidate or issue petition activities;

3966  
 3967 or any attempt, solicitation, or conspiracy to commit any of the  
 3968 crimes specifically enumerated above. The office shall have  
 3969 such power only when any such offense is occurring, or has  
 3970 occurred, in two or more judicial circuits as part of a related  
 3971 transaction, or when any such offense is connected with an  
 3972 organized criminal conspiracy affecting two or more judicial  
 3973 circuits.

3974 (b) Upon request, cooperate with and assist state  
 3975 attorneys and state and local law enforcement officials in their  
 3976 efforts against organized crimes.

3977 (c) Request and receive from any department, division,  
 3978 board, bureau, commission, or other agency of the state, or of  
 3979 any political subdivision thereof, cooperation and assistance in  
 3980 the performance of its duties.

3981 Section 74. Subsection (5) of section 119.07, Florida  
 3982 Statutes, is amended to read:

3983 119.07 Inspection and copying of records; photographing  
 3984 public records; fees; exemptions.--

3985 (5) When ballots are produced under this section for  
 3986 inspection or examination, no persons other than the supervisor  
 3987 of elections or the supervisor's employees shall touch the  
 3988 ballots. If the ballots are being examined before the end of the  
 3989 contest period in s. 102.168, the supervisor of elections shall  
 3990 make a reasonable effort to notify all candidates by telephone  
 3991 or otherwise of the time and place of the inspection or  
 3992 examination. All such candidates, or their representatives,  
 3993 shall be allowed to be present during the inspection or  
 3994 examination.

3995 Section 75. Subsection (3) of section 145.09, Florida  
 3996 Statutes, is amended to read:

3997 145.09 Supervisor of elections.--

3998 (3)(a) There shall be an additional \$2,000 per year  
 3999 special qualification salary for each supervisor of elections  
 4000 who has met the certification requirements established by the

4001 Division of Elections of the Department of State. The Department  
 4002 of State shall adopt rules to establish the certification  
 4003 requirements. Any supervisor who is certified during a calendar  
 4004 year shall receive in that year a pro rata share of the special  
 4005 qualification salary based on the remaining period of the year.

4006 (b) In order to qualify for the special qualification  
 4007 salary described in paragraph (a), the supervisor must complete  
 4008 the requirements established by the Division of Elections within  
 4009 6 years after first taking office.

4010 (c) After a supervisor meets the requirements of paragraph  
 4011 (a), in order to remain certified the supervisor shall  
 4012 thereafter be required to complete each year a course of  
 4013 continuing education as prescribed by the division.

4014 Section 76. Effective July 1, 2005, section 104.0615,  
 4015 Florida Statutes, is created to read:

4016 104.0615 Voter intimidation or suppression prohibited;  
 4017 criminal penalties.--

4018 (1) This section may be cited as the "Voter Protection  
 4019 Act."

4020 (2) A person may not directly or indirectly use or  
 4021 threaten to use force, violence, or intimidation or any tactic  
 4022 of coercion or intimidation to induce or compel an individual  
 4023 to:

4024 (a) Vote or refrain from voting;

4025 (b) Vote or refrain from voting for any particular  
 4026 individual or ballot measure;

4027 (c) Refrain from registering to vote; or

4028        (d) Refrain from acting as a legally authorized election  
 4029 official or poll watcher.

4030        (3) A person may not knowingly use false information to:

4031        (a) Challenge an individual's right to vote;

4032        (b) Induce or attempt to induce an individual to refrain  
 4033 from voting or registering to vote; or

4034        (c) Induce or attempt to induce an individual to refrain  
 4035 from acting as a legally authorized election official or poll  
 4036 watcher.

4037        (4) A person may not knowingly destroy, mutilate, or  
 4038 deface a voter registration form or election ballot or obstruct  
 4039 or delay the delivery of a voter registration form or election  
 4040 ballot.

4041        (5) A person who violates subsection (2), subsection (3),  
 4042 or subsection (4) commits a felony of the third degree,  
 4043 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4044        Section 77. Sections 98.095, 98.0979, 98.181, 98.481,  
 4045 101.253, 101.635, 102.061, 106.085, and 106.144, Florida  
 4046 Statutes, are repealed.

4047        Section 78. If any provision of this act or its  
 4048 application to any person or circumstance is held invalid, the  
 4049 invalidity does not affect other provisions or applications of  
 4050 the act which can be given effect without the invalid provision  
 4051 or application, and to this end the provisions of this act are  
 4052 severable.



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2005

4053 |           Section 79. Except as otherwise expressly provided in this  
4054 | act and except for this section, which shall take effect July 1,  
4055 | 2005, this act shall take effect January 1, 2006.