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HB 1567, Engrossed 2

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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

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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

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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

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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

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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;

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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

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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

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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-

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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

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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.

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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.

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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 ~~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

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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

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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.

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- 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.

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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.

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429 ~~(k)-(l)~~ 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.

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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

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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.

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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.

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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.

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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

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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.

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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-

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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

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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.

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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.

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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.--

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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

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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

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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

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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).

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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

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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

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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:

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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,
 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,

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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

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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.

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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.

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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~~

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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.~~

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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

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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~~

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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~~

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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.--

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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:

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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

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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

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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

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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

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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~~

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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

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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~~

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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

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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.

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1468 ~~8.9-~~ Vote free from coercion or intimidation by elections
 1469 officers or any other person.

1470 ~~9.10-~~ Vote on a voting system that is in working condition
 1471 and that will allow votes to be accurately cast.

1472

1473 VOTER RESPONSIBILITIES

1474

1475 Each registered voter in this state should:

1476 1. Familiarize himself or herself with the candidates and
 1477 issues.

1478 2. Maintain with the office of the supervisor of elections
 1479 a current address.

1480 3. Know the location of his or her polling place and its
 1481 hours of operation.

1482 4. Bring proper identification to the polling station.

1483 5. Familiarize himself or herself with the operation of
 1484 the voting equipment in his or her precinct.

1485 6. Treat precinct workers with courtesy.

1486 7. Respect the privacy of other voters.

1487 8. Report any problems or violations of election laws to
 1488 the supervisor of elections.

1489 9. Ask questions, if needed.

1490 10. Make sure that his or her completed ballot is correct
 1491 before leaving the polling station.

1492

1493 NOTE TO VOTER: Failure to perform any of these responsibilities
 1494 does not prohibit a voter from voting.

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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

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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

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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

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 1602

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

...(Signature of Voter)...

...(Current Residence Address)...

...(Current Mailing Address)...

...(City, State, Zip Code)...

...(Driver's License Number or Last Four Digits of Social Security Number)...

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

Precinct # Ballot Style/Party Issued:

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

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

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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.

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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).

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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.

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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

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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:

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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 |

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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:~~

~~OATH OF PERSON CHALLENGED~~

1778 ~~State of Florida~~
 1779 ~~County of~~

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)...~~

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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~~

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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

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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

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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

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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.--

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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

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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:

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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

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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

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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.

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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

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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

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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.--

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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

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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

VOTER'S CERTIFICATE

2173

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.

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- 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

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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

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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

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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

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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

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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.

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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.

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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.

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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.

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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:

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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

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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

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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

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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

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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.

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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.

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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.

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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

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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.

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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.

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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:

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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

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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;

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- 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;

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- 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~~

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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

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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~~

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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

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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

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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.

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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

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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

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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:

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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

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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

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

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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

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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

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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:

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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~~

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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.~~

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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.

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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.

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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

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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

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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:

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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.

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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~~

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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

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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.~~

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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

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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.

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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.

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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) ...

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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

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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

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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

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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

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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

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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:

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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).

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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~~,

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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

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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.

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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~~

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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

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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.

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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

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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

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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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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.