

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Gannon offered the following:

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3 **Amendment (with title amendment)**

4 Remove line(s) 167-178 and insert:

5 Section 1. Subsections (1), (2), and (11) of section
6 97.012, Florida Statutes, are amended, and subsection (14) is
7 added to said section, to read:

8 97.012 Secretary of State as chief election officer.--The
9 Secretary of State is the chief election officer of the state,
10 and it is his or her responsibility to:

- 11 (1) Obtain and maintain uniformity in the ~~application,~~
12 ~~operation, and~~ interpretation and implementation of the election
13 laws. In order to obtain and maintain uniformity in the
14 interpretation and implementation of the elections laws, the
15 Department of State may, pursuant to ss. 120.536(1) and 120.54,

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16 adopt by rule uniform standards for the proper and equitable
17 interpretation and implementation of the requirements of
18 chapters 97 through 102 and 105 of the Election Code.

19 (2) Provide uniform standards for the proper and equitable
20 implementation of the registration laws by administrative rule
21 of the Department of State adopted pursuant to ss. 120.536(1)
22 and 120.54.

23 (11) Create and administer ~~maintain~~ a statewide voter
24 registration system as required by the Help America Vote Act of
25 2002 database. The secretary may delegate voter registration
26 duties and records maintenance activities to voter registration
27 officials. Any responsibilities delegated by the secretary shall
28 be performed in accordance with state and federal law.

29 (14) Bring and maintain such actions at law or in equity
30 by mandamus or injunction to enforce the performance of any
31 duties of a county supervisor of elections or any official
32 performing duties with respect to chapters 97 through 102 and
33 105 or to enforce compliance with a rule of the Department of
34 State adopted to interpret or implement any of those chapters.

35 (a) Venue for such actions shall be in the Circuit Court
36 of Leon County.

37 (b) When the secretary files an action under this section
38 and not more than 60 days remain before an election as defined
39 in s. 97.121, or during the time period after the election and
40 before certification of the election pursuant to s. 102.112 or
41 s. 102.121, the court, including an appellate court, shall set

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42 an immediate hearing, giving the case priority over other
43 pending cases.

44 (c) Prior to filing an action to enforce performance of
45 the duties of the supervisor of elections or any official
46 described in this subsection, the secretary or his or her
47 designee first must confer, or must make a good-faith attempt to
48 confer, with the supervisor of elections or the official to
49 ensure compliance with chapters 97 through 102 and 105 or the
50 rules of the Department of State adopted under any of those
51 chapters.

54 ===== T I T L E A M E N D M E N T =====

55 Remove line(s) 6-9 and insert:
56 An act relating to elections; amending s. 97.012, F.S.;
57 revising the duties of the Secretary of State and the
58 Department of State relating to election laws; providing
59 for rulemaking; authorizing the Secretary of State to
60 delegate voter registration and records maintenance duties
61 to voter registration officials; providing that the
62 secretary has a duty to bring legal action to enforce the
63 performance of county supervisors of elections or other
64 officials performing duties relating to the Election Code;
65 providing a prerequisite to bringing such an action;
66 providing venue; requiring that courts give priority to
67 such an action; providing penalties; providing for the
68 adoption of rules; amending s. 97.021, F.S.; revising

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