

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to elections; amending s. 97.012, F.S.;
7 authorizing the Secretary of State to delegate voter
8 registration and records maintenance duties to voter
9 registration officials; amending s. 97.021, F.S.; revising
10 and providing definitions; amending s. 97.026, F.S.;
11 correcting a cross reference; amending s. 97.051, F.S.;
12 revising the oath taken by a person registering to vote;
13 amending s. 97.052, F.S.; requiring the uniform statewide
14 voter registration application be accepted for replacement
15 of a voter information card and signature update; revising
16 the information the uniform statewide voter registration
17 application must contain and must elicit from the
18 applicant; amending s. 97.053, F.S.; revising the criteria
19 for completeness of a voter registration application;
20 specifying the possible valid recipients of a mailed voter
21 registration application; revising the information needed
22 on a voter registration application to establish an
23 applicant's eligibility; providing for verification of

24 | authenticity of certain voter registration application
25 | information; providing for a provisional ballot to be
26 | provided to an applicant if the application is not
27 | verified by a certain date; requiring a voter registration
28 | official to enter all voter registration applications into
29 | the voter registration system within a certain time period
30 | and forward such applications to the supervisor of
31 | elections; amending s. 97.0535, F.S.; providing for
32 | applicants who have no valid Florida driver's license,
33 | identification card, or social security number; amending
34 | s. 97.055, F.S.; specifying the information updates
35 | permitted for purposes of an upcoming election once
36 | registration books are closed; amending s. 97.057, F.S.;
37 | revising the voter registration procedure by the
38 | Department of Highway Safety and Motor Vehicles; amending
39 | s. 97.058, F.S.; revising duties of voter registration
40 | agencies; amending s. 97.061, F.S.; revising special
41 | registration procedures for electors requiring assistance;
42 | amending s. 97.071, F.S.; redesignating the registration
43 | identification card as the voter information card;
44 | revising the required contents of the card; amending s.
45 | 97.073, F.S.; revising the procedure by which an applicant
46 | must supply missing information on the voter registration
47 | application; revising provisions relating to cancellation
48 | of previous registration; amending s. 97.1031, F.S.;
49 | revising provisions relating to notice of change of
50 | residence, name, or party affiliation; amending s. 97.105,
51 | F.S., relating to establishment of the permanent single

52 registration system, to conform; amending s. 98.015, F.S.;
 53 revising the duties of supervisors of elections; creating
 54 s. 98.035, F.S.; establishing a statewide voter
 55 registration system; requiring the Secretary of State to
 56 be responsible for the implementation, operation, and
 57 maintenance of the system; prohibiting the department from
 58 contracting with any other entity to operate the system;
 59 authorizing the department to adopt rules relating to the
 60 access, use, and operation of the system; amending s.
 61 98.045, F.S.; revising provisions relating to
 62 administration of voter registration; providing for the
 63 responsibility of such administration to be undertaken by
 64 the department in lieu of supervisors of elections;
 65 specifying ineligibility criteria; revising provisions
 66 relating to removal of registered voters; revising
 67 provisions relating to public records access and
 68 retention; providing for the establishment of a statewide
 69 electronic database of valid residential street addresses;
 70 authorizing the department to adopt rules relating to
 71 certain voter registration system forms; amending s.
 72 98.065, F.S.; revising provisions relating to registration
 73 records maintenance; providing for change of address;
 74 providing limitations on notice and renewal; requiring
 75 supervisors of elections to certify to the department
 76 certain list maintenance activities; providing penalties;
 77 amending s. 98.075, F.S.; providing for registration
 78 records maintenance by the department; providing for
 79 duplicate registration; providing for deceased persons;

HB 1589 CS

2005
CS

80 providing for adjudication of mental incapacity; providing
81 for felony conviction; providing for other bases for
82 ineligibility; providing procedures for removal; requiring
83 supervisors of elections to certify to the department
84 certain registration records maintenance activities;
85 creating s. 98.0755, F.S.; providing for appeal of a
86 determination of ineligibility; providing for
87 jurisdiction, burden of proof, and trial costs; amending
88 s. 98.077, F.S.; revising provisions relating to updating
89 a voter's signature; amending s. 98.081, F.S., relating to
90 removal of names from the statewide voter registration
91 system, to conform; amending s. 98.093, F.S.; revising the
92 duty of officials to furnish lists of deceased persons,
93 persons adjudicated mentally incapacitated, and persons
94 convicted of a felony; creating s. 98.0981, F.S.;
95 requiring the department to establish and maintain a
96 statewide voter registration database and provide such
97 database to the Legislature; specifying the required
98 contents of the database; amending s. 98.212, F.S.,
99 relating to furnishing of statistical and other
100 information, to conform; amending s. 98.461, F.S.;
101 authorizing use of an electronic database as a precinct
102 register and use of an electronic device for voter
103 signatures and witness initials; amending s. 100.371,
104 F.S.; revising the procedure by which constitutional
105 amendments proposed by initiative shall be placed on the
106 ballot; amending s. 101.001, F.S.; providing requirements
107 relating to maps of new precincts; revising procedural

Page 4 of 86

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

hb1589-02-c2

108 requirements of supervisors of elections relating to
 109 precincts and precinct maps; amending s. 101.043, F.S.;
 110 revising requirements and procedures relating to
 111 identification required at polls; amending s. 101.045,
 112 F.S., relating to provisions for residence or name change
 113 at the polls, to conform; amending s. 101.048, F.S.,
 114 relating to provisional ballots, to conform; amending s.
 115 101.161, F.S.; correcting a cross reference; amending s.
 116 101.56062, F.S., relating to standards for accessible
 117 voting systems, to conform; amending s. 101.5608, F.S.;
 118 revising a provision relating to an elector's signature
 119 provided with identification prior to voting; amending s.
 120 101.5614, F.S.; providing for automatic tabulation of
 121 early voted ballots; including early voted ballots within
 122 the official return of an election; creating s. 101.573,
 123 F.S.; requiring supervisors of elections to file precinct-
 124 level election results; requiring the Department of State
 125 to adopt rules; amending s. 101.62, F.S.; correcting a
 126 cross reference; amending ss. 101.64 and 101.657, F.S.;
 127 requiring that the supervisor of elections indicate on
 128 each absentee or early voted ballot the precinct of the
 129 voter; amending s. 101.663, F.S., relating to change or
 130 residence, to conform; amending s. 101.6921, F.S.,
 131 relating to delivery of special absentee ballots to
 132 certain first-time voters, to conform; amending s.
 133 101.6923, F.S., relating to special absentee ballot
 134 instructions for certain first-time voters, to conform;
 135 amending s. 102.012, F.S., relating to conduct of

136 | elections by inspectors and clerks, to conform; amending
 137 | s. 104.013, F.S., relating to unauthorized use,
 138 | possession, or destruction of voter information cards, to
 139 | conform; amending s. 106.23, F.S.; authorizing the
 140 | Secretary of State to issue statements of interpretation
 141 | on the election law in certain specified instances;
 142 | providing for reconsideration and appeal of such
 143 | statements; providing penalties for failure to comply with
 144 | such statements; amending s. 196.141, F.S., relating to
 145 | homestead exemptions and duties of property appraisers, to
 146 | conform; repealing s. 98.055, F.S., relating to
 147 | registration list maintenance forms; repealing s. 98.095,
 148 | F.S., relating to county registers open to inspection and
 149 | copies; repealing s. 98.0977, F.S., relating to the
 150 | statewide voter registration database and its operation
 151 | and maintenance; repealing s. 98.0979, F.S., relating to
 152 | inspection of the statewide voter registration; repealing
 153 | s. 98.101, F.S., relating to specifications for permanent
 154 | registration binders, files, and forms; repealing s.
 155 | 98.181, F.S., relating to duty of the supervisor of
 156 | elections to make up indexes or records; repealing s.
 157 | 98.231, F.S., relating to duty of the supervisor of
 158 | elections to furnish the department the number of
 159 | registered electors; repealing s. 98.451, F.S., relating
 160 | to automation in processing registration data; repealing
 161 | s. 98.481, F.S., relating to challenges to electors;
 162 | repealing s. 101.635, F.S., relating to distribution of
 163 | blocks of printed ballots; providing effective dates.

164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191

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

Section 1. Subsection (11) of section 97.012, Florida Statutes, is amended to read:

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

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

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, subsections (38) and (39) are renumbered as subsections (39) and (40), and a new subsection (38) is added to said section, to read:

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

(13) "Lists of registered electors" means names and associated information ~~copies of printed lists~~ of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format, ~~computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.~~

HB 1589 CS

2005
CS

192 (38) "Voter registration official" means any supervisor of
 193 elections or individual authorized by the Secretary of State to
 194 accept voter registration applications and execute updates to
 195 the statewide voter registration system.

196 Section 3. Section 97.026, Florida Statutes, is amended to
 197 read:

198 97.026 Forms to be available in alternative formats and
 199 via the Internet.--It is the intent of the Legislature that all
 200 forms required to be used in chapters 97-106 shall be made
 201 available upon request, in alternative formats. Such forms shall
 202 include absentee ballots as alternative formats for such ballots
 203 become available and the Division of Elections is able to
 204 certify systems that provide them. Whenever possible, such
 205 forms, with the exception of absentee ballots, shall be made
 206 available by the Department of State via the Internet. Sections
 207 that contain such forms include, but are not limited to, ss.
 208 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073,
 209 97.1031, ~~98.055~~, 98.075, 99.021, 100.361, 100.371, 101.045,
 210 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657,
 211 105.031, 106.023, and 106.087.

212 Section 4. Section 97.051, Florida Statutes, is amended to
 213 read:

214 97.051 Oath upon registering.--A person registering to
 215 vote must subscribe to the following oath: "I do solemnly swear
 216 (or affirm) that I will protect and defend the Constitution of
 217 the United States and the Constitution of the State of Florida,
 218 that I am qualified to register as an elector under the
 219 Constitution and laws of the State of Florida, and that all

HB 1589 CS

2005
CS

220 information provided in this application is true ~~I am a citizen~~
 221 ~~of the United States and a legal resident of Florida.~~"

222 Section 5. Section 97.052, Florida Statutes, is amended to
 223 read:

224 97.052 Uniform statewide voter registration application.--

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

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

229 1. Initial registration.

230 2. Change of address.

231 3. Change of party affiliation.

232 4. Change of name.

233 5. Replacement of a voter information registration
 234 ~~identification~~ card.

235 6. Signature update.

236 (b) The department is responsible for printing the uniform
 237 statewide voter registration application and the voter
 238 registration application form prescribed by the ~~Federal~~ Election
 239 Assistance Commission pursuant to federal law ~~the National Voter~~
 240 ~~Registration Act of 1993~~. The applications and forms must be
 241 distributed, upon request, to the following:

242 1. Individuals seeking to register to vote or update a
 243 voter registration record.

244 2. Individuals or groups conducting voter registration
 245 programs. A charge of 1 cent per application shall be assessed
 246 on requests for 10,000 or more applications.

247 3. The Department of Highway Safety and Motor Vehicles.

HB 1589 CS

2005
CS

- 248 4. Voter registration agencies.
- 249 5. Armed forces recruitment offices.
- 250 6. Qualifying educational institutions.
- 251 7. Supervisors, who must make the applications and forms
- 252 available in the following manner:
- 253 a. By distributing the applications and forms in their
- 254 offices to any individual or group.
- 255 b. By distributing the applications and forms at other
- 256 locations designated by each supervisor.
- 257 c. By mailing the applications and forms to applicants
- 258 upon the request of the applicant.
- 259 (c) The uniform statewide voter registration application
- 260 may be reproduced by any private individual or group, provided
- 261 the reproduced application is in the same format as the
- 262 application prescribed under this section.
- 263 (2) The uniform statewide voter registration application
- 264 must be designed to elicit the following information from the
- 265 applicant:
- 266 (a) Last, first, and middle ~~Full~~ name, including any
- 267 suffix.
- 268 (b) Date of birth.
- 269 (c) Address of legal residence.
- 270 (d) Mailing address, if different.
- 271 (e) County of legal residence.
- 272 ~~(f) Address of property for which the applicant has been~~
- 273 ~~granted a homestead exemption, if any.~~
- 274 ~~(f)(g)~~ (f) Race or ethnicity that best describes the
- 275 applicant:

- 276 | 1. American Indian or Alaskan Native.
- 277 | 2. Asian or Pacific Islander.
- 278 | 3. Black, not Hispanic.
- 279 | 4. White, not Hispanic.
- 280 | 5. Hispanic.
- 281 | (g)~~(h)~~ State or country of birth.
- 282 | (h)~~(i)~~ Sex.
- 283 | (i)~~(j)~~ Party affiliation.
- 284 | (j)~~(k)~~ Whether the applicant needs assistance in voting.
- 285 | (k)~~(l)~~ Name and address where last registered.
- 286 | (l)~~(m)~~ Last four digits of the applicant's social security
- 287 | number.
- 288 | (m)~~(n)~~ Florida driver's license number or the
- 289 | identification number from a Florida identification card issued
- 290 | under s. 322.051.
- 291 | (n) An indication, if applicable, that the applicant has
- 292 | not been issued a Florida driver's license, a Florida
- 293 | identification card, or a social security number.
- 294 | (o) Telephone number (optional).
- 295 | (p) Signature of applicant under penalty for false
- 296 | swearing pursuant to s. 104.011, by which the person subscribes
- 297 | to the oath required by s. 3, Art. VI of the State Constitution
- 298 | and s. 97.051, and swears or affirms that the information
- 299 | contained in the registration application is true.
- 300 | (q) Whether the application is being used for initial
- 301 | registration, to update a voter registration record, or to
- 302 | request a replacement voter information ~~registration~~
- 303 | ~~identification~~ card.

HB 1589 CS

2005
CS

304 (r) Whether the applicant is a citizen of the United
 305 States by asking the question "Are you a citizen of the United
 306 States of America?" and providing boxes for the applicant to
 307 check to indicate whether the applicant is or is not a citizen
 308 of the United States.

309 (s) Whether ~~That~~ the applicant has ~~not~~ been convicted of a
 310 felony, and ~~or~~, if convicted, has had his or her civil rights
 311 restored by including the statement "I affirm I am not a
 312 convicted felon or, if I am, my rights relating to voting have
 313 been restored." and providing a box for the applicant to check
 314 to affirm the statement.

315 (t) Whether ~~That~~ the applicant has ~~not~~ been adjudicated
 316 mentally incapacitated with respect to voting or, if so
 317 adjudicated, has had his or her right to vote restored by
 318 including the statement "I affirm I have not been adjudicated
 319 mentally incapacitated with respect to voting or, if I have, my
 320 competency has been restored." and providing a box for the
 321 applicant to check to affirm the statement.

322
 323 The registration application form must be in plain language and
 324 designed so that convicted felons whose civil rights have been
 325 restored and persons who have been adjudicated mentally
 326 incapacitated and have had their voting rights restored are not
 327 required to reveal their prior conviction or adjudication.

328 (3) The uniform statewide voter registration application
 329 must also contain:

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

HB 1589 CS

2005
CS

332 (b) A statement specifying each eligibility requirement
333 under s. 97.041.

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

336 (d) A statement that, if an applicant declines to register
337 to vote, the fact that the applicant has declined to register
338 will remain confidential and may be used only for voter
339 registration purposes.

340 (e) A statement that informs the applicant who chooses to
341 register to vote or update a voter registration record that the
342 office at which the applicant submits a voter registration
343 application or updates a voter registration record will remain
344 confidential and may be used only for voter registration
345 purposes.

346 ~~(f) A statement that informs the applicant that any person~~
347 ~~who has been granted a homestead exemption in this state, and~~
348 ~~who registers to vote in any precinct other than the one in~~
349 ~~which the property for which the homestead exemption has been~~
350 ~~granted, shall have that information forwarded to the property~~
351 ~~appraiser where such property is located, which may result in~~
352 ~~the person's homestead exemption being terminated and the person~~
353 ~~being subject to assessment of back taxes under s. 193.092,~~
354 ~~unless the homestead granted the exemption is being maintained~~
355 ~~as the permanent residence of a legal or natural dependent of~~
356 ~~the owner and the owner resides elsewhere.~~

357 (f)(g) A statement informing an the applicant who has not
358 been issued a Florida driver's license, a Florida identification
359 card, or a social security number that if the application form

360 is submitted by mail and the applicant is registering for the
 361 first time in this state, the applicant will be required to
 362 provide identification prior to voting the first time.

363 (4) A supervisor may produce a voter registration
 364 application that has the supervisor's direct mailing address if
 365 the department has reviewed the application and determined that
 366 it is substantially the same as the uniform statewide voter
 367 registration application.

368 (5) The voter registration application form prescribed by
 369 the ~~Federal~~ Election Assistance Commission pursuant to federal
 370 law ~~the National Voter Registration Act of 1993~~ or the federal
 371 postcard application must be accepted as an application for
 372 registration in this state if the completed application or
 373 postcard application contains the information required by the
 374 constitution and laws of this state.

375 Section 6. Section 97.053, Florida Statutes, is amended to
 376 read:

377 97.053 Acceptance of voter registration applications.--

378 (1) Voter registration applications, changes in
 379 registration, and requests for a replacement voter information
 380 ~~registration identification~~ card must be accepted in the office
 381 of any supervisor, the division, a driver license office, a
 382 voter registration agency, or an armed forces recruitment office
 383 when hand delivered by the applicant or a third party during the
 384 hours that office is open or when mailed.

385 (2) A ~~completed~~ voter registration application is complete
 386 and that contains the information necessary to establish an
 387 ~~applicant's eligibility pursuant to s. 97.041~~ becomes the

388 | official voter registration record of that applicant when all
 389 | information necessary to establish the applicant's eligibility
 390 | pursuant to s. 97.041 is received by a voter registration
 391 | official and verified pursuant to subsection (6) ~~the appropriate~~
 392 | supervisor. If the applicant fails to complete his or her voter
 393 | registration application prior to the date of book closing for
 394 | an election, then such applicant shall not be eligible to vote
 395 | in that election.

396 | (3) The registration date for a valid initial voter
 397 | registration application that has been hand delivered is the
 398 | date that the application is ~~when~~ received by a driver license
 399 | office, a voter registration agency, an armed forces recruitment
 400 | office, the division, or the office of any supervisor in the
 401 | state.

402 | (4) The registration date for a valid initial voter
 403 | registration application that has been mailed to a driver
 404 | license office, a voter registration agency, an armed forces
 405 | recruitment office, the division, or the office of any
 406 | supervisor in the state and bears a clear postmark is that ~~the~~
 407 | date of the postmark. If an initial voter registration
 408 | application that has been mailed does not bear a postmark or if
 409 | the postmark is unclear, the registration date is the date the
 410 | application ~~registration~~ is received by any supervisor or the
 411 | division, unless it is received within 5 days after the closing
 412 | of the books for an election, excluding Saturdays, Sundays, and
 413 | legal holidays, in which case the registration date is the book-
 414 | closing date.

HB 1589 CS

2005
CS

415 (5)(a) A voter registration application is complete if it
416 contains all information necessary to establish the applicant's
417 eligibility pursuant to s. 97.041, including:

- 418 1. The applicant's name.
- 419 2. The applicant's legal residence address.
- 420 3. The applicant's date of birth.
- 421 4. A mark in the checkbox affirming ~~An indication that~~ the
422 applicant is a citizen of the United States.

423 5.a. The applicant's current and valid Florida driver's
424 license number or, the identification number from a Florida
425 identification card issued under s. 322.051, or

426 b. If the applicant has not been issued a current and
427 valid Florida driver's license or a Florida identification card,
428 the last four digits of the applicant's social security number.

429 c. In case an applicant has not been issued a current and
430 valid Florida driver's license, Florida identification card, or
431 social security number, the applicant shall affirm this fact in
432 the manner prescribed in the uniform statewide voter
433 registration application.

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

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

441 8. Original signature or a digital signature transmitted
442 by the Department of Highway Safety and Motor Vehicles of the

443 applicant swearing or affirming under the penalty for false
 444 swearing pursuant to s. 104.011 that the information contained
 445 in the registration application is true and subscribing to the
 446 oath required by s. 3, Art. VI of the State Constitution and s.
 447 97.051.

448 (b) An applicant who fails to designate party affiliation
 449 must be registered without party affiliation. The supervisor
 450 must notify the voter by mail that the voter has been registered
 451 without party affiliation and that the voter may change party
 452 affiliation as provided in s. 97.1031.

453 (6) A voter registration application may be accepted as
 454 valid only after the department has verified the authenticity or
 455 nonexistence of the driver's license number, the Florida
 456 identification card number, or the last four digits of the
 457 social security number provided by the applicant. If a completed
 458 voter registration application has been received by the book-
 459 closing deadline but the driver's license number, the Florida
 460 identification card number, or the last four digits of the
 461 social security number provided by the applicant cannot be
 462 verified prior to the applicant presenting himself or herself to
 463 vote, the applicant shall be provided a provisional ballot. The
 464 provisional ballot shall only be counted if the application is
 465 verified by the end of the canvassing period or if the applicant
 466 presents evidence to the supervisor of elections sufficient to
 467 verify the authenticity of the driver's license number, Florida
 468 identification card number, or last four digits of the social
 469 security number provided on the application no later than 5 p.m.
 470 of the third day following the election.

471 (7) All voter registration applications received by a
 472 voter registration official shall be entered into the statewide
 473 voter registration system within 15 days after receipt. Once
 474 entered, the application shall be immediately forwarded to the
 475 appropriate supervisor of elections.

476 Section 7. Subsections (1), (2), and (3) of section
 477 97.0535, Florida Statutes, are amended to read:

478 97.0535 Special requirements for certain applicants.--

479 (1) Each applicant who registers by mail and who has never
 480 previously voted in the state and who the department has
 481 verified has not been issued a current and valid Florida
 482 driver's license, Florida identification card, or social
 483 security number ~~county~~ shall be required to provide a copy of a
 484 current and valid identification, as provided in subsection (3),
 485 or indicate that he or she is exempt from the requirements prior
 486 to voting. Such ~~The applicant may provide the~~ identification or
 487 indication may be provided at the time of registering, or at any
 488 time prior to voting for the first time in the state ~~county~~. If
 489 the voter registration application clearly provides information
 490 from which a voter registration official ~~the supervisor~~ can
 491 determine that the applicant meets at least one of the
 492 exemptions in subsection (4), the voter registration official
 493 ~~supervisor~~ shall make the notation on the registration records
 494 of the statewide voter registration system and the applicant
 495 shall not be required to provide the identification required by
 496 this section ~~further information that is required of first time~~
 497 ~~voters who register by mail.~~

HB 1589 CS

2005
CS

498 (2) The voter registration official ~~supervisor of~~
 499 ~~elections~~ shall, upon accepting the voter registration
 500 application submitted pursuant to subsection (1) ~~for an~~
 501 ~~applicant who registered by mail and who has not previously~~
 502 ~~voted in the county~~, determine if the applicant provided the
 503 required identification at the time of registering. If the
 504 required identification was not provided, the supervisor shall
 505 notify the applicant that he or she must provide the
 506 identification prior to voting the first time in the state
 507 county.

508 (3)(a) The following forms of identification shall be
 509 considered current and valid if they contain the name and
 510 photograph of the applicant and have not expired:

- 511 ~~1. Florida driver's license.~~
- 512 ~~2. Florida identification card issued by the Department of~~
 513 ~~Highway Safety and Motor Vehicles.~~
- 514 ~~1.3.~~ 1.3. United States passport.
- 515 ~~2.4.~~ 2.4. Employee badge or identification.
- 516 ~~3.5.~~ 3.5. Buyer's club identification.
- 517 ~~4.6.~~ 4.6. Debit or credit card.
- 518 ~~5.7.~~ 5.7. Military identification.
- 519 ~~6.8.~~ 6.8. Student identification.
- 520 ~~7.9.~~ 7.9. Retirement center identification.
- 521 ~~8.10.~~ 8.10. Neighborhood association identification.
- 522 ~~11. Entertainment identification.~~
- 523 ~~9.12.~~ 9.12. Public assistance identification.

HB 1589 CS

2005
CS

524 (b) The following forms of identification shall be
525 considered current and valid if they contain the name and
526 current residence address of the applicant:

- 527 1. Utility bill.
- 528 2. Bank statement.
- 529 3. Government check.
- 530 4. Paycheck.
- 531 5. Other government document (excluding voter
532 identification card).

533 Section 8. Subsection (1) of section 97.055, Florida
534 Statutes, is amended to read:

535 97.055 Registration books; when closed for an election.--

536 (1) The registration books must be closed on the 29th day
537 before each election and must remain closed until after that
538 election. If an election is called and there are fewer than 29
539 days before that election, the registration books must be closed
540 immediately. When the registration books are closed for an
541 election, only updates to a voter's name, address, and signature
542 pursuant to ss. 98.077 and 101.045 will be permitted for
543 purposes of the upcoming election. Voter registration
544 applications and party changes must be accepted but only for the
545 purpose of subsequent elections. However, party changes received
546 between the book-closing date of the first primary election and
547 the date of the second primary election are not effective until
548 after the second primary election.

549 Section 9. Section 97.057, Florida Statutes, is amended to
550 read:

HB 1589 CS

2005
CS

551 97.057 Voter registration by the Department of Highway
552 Safety and Motor Vehicles.--

553 (1) The Department of Highway Safety and Motor Vehicles
554 shall provide the opportunity to register to vote or to update a
555 voter registration record to each individual who comes to an
556 office of that department to:

557 (a) Apply for or renew a driver's license;

558 (b) Apply for or renew an identification card pursuant to
559 chapter 322; or

560 (c) Change an address on an existing driver's license or
561 identification card.

562 (2) The Department of Highway Safety and Motor Vehicles
563 shall:

564 (a) Notify each individual, orally or in writing, that:

565 1. Information gathered for the completion of a driver's
566 license or identification card application, renewal, or change
567 of address can be automatically transferred to a voter
568 registration application;

569 2. If additional information and a signature are provided,
570 the voter registration application will be completed and sent to
571 the proper election authority;

572 3. Information provided can also be used to update a voter
573 registration record;

574 4. All declinations will remain confidential and may be
575 used only for voter registration purposes; and

576 5. The particular driver license office in which the
577 person applies to register to vote or updates a voter

HB 1589 CS

2005
CS

578 registration record will remain confidential and may be used
579 only for voter registration purposes.

580 (b) Require a driver's license examiner to inquire orally,
581 or, if the applicant is hearing impaired, inquire in writing if
582 ~~the applicant is hearing impaired, and~~ whether the applicant
583 wishes to register to vote or update a voter registration record
584 during the completion of a driver's license or identification
585 card application, renewal, or change of address.

586 1. If the applicant chooses to register to vote or to
587 update a voter registration record:

588 a. All applicable information received by the Department
589 of Highway Safety and Motor Vehicles in the course of filling
590 out the forms necessary under subsection (1) must be transferred
591 to a voter registration application.~~;~~

592 b. The additional necessary information must be obtained
593 by the driver's license examiner and must not duplicate any
594 information already obtained while completing the forms required
595 under subsection (1).~~;~~ ~~and~~

596 c. A voter registration application with all of the
597 applicant's voter registration information required to establish
598 the applicant's eligibility pursuant to s. 97.041 must be
599 presented to the applicant to review and verify the voter
600 registration information received and provide an electronic
601 signature affirming the accuracy of the information provided
602 sign.

603 2. If the applicant declines to register to vote, update
604 the applicant's voter registration record, or change the
605 applicant's address by either orally declining or by failing to

606 sign the voter registration application, the Department of
 607 Highway Safety and Motor Vehicles must note such declination on
 608 its records and shall forward the declination to the statewide
 609 voter registration system ~~keep the declination for 2 years but~~
 610 ~~must forward a copy of the unsigned voter registration~~
 611 ~~application within 5 days after receipt to the appropriate~~
 612 ~~supervisor of elections.~~

613 (3) For the purpose of this section, the Department of
 614 Highway Safety and Motor Vehicles, with the approval of the
 615 Department of State, shall prescribe:

616 (a) A voter registration application that is the same in
 617 content, format, and size as the uniform statewide voter
 618 registration application prescribed under s. 97.052; and

619 (b) A form that will inform applicants under subsection
 620 (1) of the information contained in paragraph (2)(a).

621 (4) The Department of Highway Safety and Motor Vehicles
 622 must electronically transmit ~~forward~~ completed voter
 623 registration applications within 24 hours after receipt to the
 624 statewide voter registration system. Completed paper voter
 625 registration applications received by the Department of Highway
 626 Safety and Motor Vehicles shall be forwarded within 5 days after
 627 receipt to the supervisor of the county where the office that
 628 processed or received that application is located.

629 (5) The Department of Highway Safety and Motor Vehicles
 630 must send, with each driver's license renewal extension
 631 application authorized pursuant to s. 322.18(8), a uniform
 632 statewide voter registration application, the voter registration
 633 application prescribed under paragraph (3)(a), or a voter

HB 1589 CS

2005
CS

634 registration application developed especially for the purposes
635 of this subsection by the Department of Highway Safety and Motor
636 Vehicles, with the approval of the Department of State, which
637 must meet the requirements of s. 97.052.

638 (6) A person providing voter registration services for a
639 driver license office may not:

640 (a) Seek to influence an applicant's political preference
641 or party registration;

642 (b) Display any political preference or party allegiance;

643 (c) Make any statement to an applicant or take any action
644 the purpose or effect of which is to discourage the applicant
645 from registering to vote; or

646 (d) Disclose any applicant's voter registration
647 information except as needed for the administration of voter
648 registration.

649 ~~(7) The Department of Highway Safety and Motor Vehicles~~
650 ~~shall compile lists, by county, of those individuals whose names~~
651 ~~have been purged from its driver's license database because they~~
652 ~~have been licensed in another state and shall provide those~~
653 ~~lists annually to the appropriate supervisors.~~

654 (7)(8) The Department of Highway Safety and Motor Vehicles
655 shall collect data determined necessary by the Department of
656 State for program evaluation and reporting to the ~~Federal~~
657 Election Assistance Commission pursuant to federal law ~~the~~
658 ~~National Voter Registration Act of 1993.~~

659 (8)(9) The Department of Highway Safety and Motor Vehicles
660 must ensure that all voter registration services provided by

661 driver license offices are in compliance with the Voting Rights
662 Act of 1965.

663 (9) The Department of Highway Safety and Motor Vehicles
664 shall retain complete records of voter registration information
665 received, processed, and submitted to the statewide voter
666 registration system by the Department of Highway Safety and
667 Motor Vehicles. These records shall be for the explicit purpose
668 of supporting audit and accounting controls established to
669 ensure accurate and complete electronic transmission of records
670 between the statewide voter registration system and the
671 Department of Highway Safety and Motor Vehicles.

672 (10) The department shall provide the Department of
673 Highway Safety and Motor Vehicles with an electronic database of
674 street addresses valid for use as the legal residence address as
675 required in s. 97.053(5). The Department of Highway Safety and
676 Motor Vehicles shall compare the address provided by the
677 applicant against the database of valid street addresses. If the
678 address provided by the applicant does not match a valid street
679 address in the database, the applicant will be asked to verify
680 the address provided. The Department of Highway Safety and Motor
681 Vehicles shall not reject any application for voter registration
682 for which a valid match cannot be made.

683 (11) The Department of Highway Safety and Motor Vehicles
684 shall enter into an agreement with the department to match
685 information in the statewide voter registration system with
686 information in the database of the Department of Highway Safety
687 and Motor Vehicles to the extent required to verify the accuracy
688 of the driver's license number, Florida identification number,

689 or last four digits of the social security number provided on
 690 applications for voter registration as required in s. 97.053.

691 (12) The Department of Highway Safety and Motor Vehicles
 692 shall enter into an agreement with the Commissioner of Social
 693 Security as required by the Help America Vote Act of 2002 to
 694 verify the last four digits of the social security number
 695 provided in applications for voter registration as required in
 696 s. 97.053.

697 Section 10. Subsections (6), (7), and (9) of section
 698 97.058, Florida Statutes, are amended to read:

699 97.058 Voter registration agencies.--

700 (6) A voter registration agency must forward all completed
 701 and incomplete voter registration applications within 5 days
 702 after receipt to the supervisor of the county where the agency
 703 that processed or received that application is located.

704 (7) A voter registration agency must retain declinations
 705 for a period of 2 years, during which time the declinations are
 706 not considered a record of the client pursuant to the laws
 707 governing the agency's records. ~~However, a voter registration~~
 708 ~~agency must forward a copy of each incompletd voter~~
 709 ~~registration application within 5 days after receipt to the~~
 710 ~~appropriate supervisor of elections.~~

711 (9) A voter registration agency must collect data
 712 determined necessary by the department for program evaluation
 713 and reporting to the ~~Federal~~ Election Assistance Commission
 714 pursuant to federal law ~~the National Voter Registration Act of~~
 715 ~~1993.~~

HB 1589 CS

2005
CS

716 Section 11. Section 97.061, Florida Statutes, is amended
717 to read:

718 97.061 Special registration for electors requiring
719 assistance.--

720 (1) Any person who is eligible to register and who is
721 unable to read or write or who, because of some disability,
722 needs assistance in voting shall upon that person's request be
723 registered ~~by the supervisor~~ under the procedure prescribed by
724 this section and shall be entitled to receive assistance at the
725 polls under the conditions prescribed by this section.

726 (2) If a person is qualified to register pursuant to this
727 section, the voter registration official ~~supervisor~~ shall note
728 in that person's registration record that the person needs
729 assistance in voting.

730 (3) The precinct register generated by the supervisor
731 shall contain ~~Upon registering any person pursuant to this~~
732 ~~section, the supervisor must make a notation on the registration~~
733 ~~books or records which are delivered to the polls on election~~
734 ~~day~~ that such person is eligible for assistance in voting, and
735 the supervisor may ~~issue such person a special registration~~
736 ~~identification card or make a~~ some notation on the voter
737 information ~~regular registration identification~~ card that such
738 person is eligible for assistance in voting. Such person shall
739 be entitled to receive the assistance of two election officials
740 or some other person of his or her own choice, other than the
741 person's employer, the agent of the person's employer, or an
742 officer or agent of the person's union, without the necessity of
743 executing the "Declaration to Secure Assistance" prescribed in

HB 1589 CS

2005
CS

744 s. 101.051. Such person shall notify the supervisor of any
745 change in his or her condition which makes it unnecessary for
746 him or her to receive assistance in voting.

747 Section 12. Section 97.071, Florida Statutes, is amended
748 to read:

749 97.071 Voter information ~~Registration identification~~
750 card.--

751 (1) A voter information ~~registration identification~~ card
752 shall ~~must~~ be furnished by the supervisor to all registered
753 voters residing in the supervisor's county. The card may
754 ~~registering under the permanent single registration system and~~
755 ~~must~~ contain:

756 (a) Voter's registration number.

757 (b) Date of registration.

758 (c) Full name.

759 (d) Party affiliation.

760 (e) Date of birth.

761 ~~(f) Race or ethnicity, if provided by the applicant.~~

762 ~~(g) Sex, if provided by the applicant.~~

763 (f)(h) Address of legal residence.

764 (g)(i) Precinct number.

765 (h)(j) Name of supervisor and contact information of
766 supervisor.

767 ~~(k) Place for voter's signature.~~

768 (i)(l) Other information deemed necessary by the
769 supervisor department.

770 (2) A voter may receive a replacement voter information ~~of~~
771 ~~a registration identification~~ card by providing a signed,

HB 1589 CS

2005
CS

772 | written request for a replacement card to a voter registration
 773 | official ~~the supervisor~~. Upon verification of registration, the
 774 | supervisor shall issue the voter a duplicate card without
 775 | charge.

776 | (3) In the case of a change of name, address, or party
 777 | affiliation, the supervisor shall ~~must~~ issue the voter a new
 778 | voter information registration identification card. However, a
 779 | voter information registration identification card indicating a
 780 | party affiliation change made between the book-closing date for
 781 | the first primary election and the date of the second primary
 782 | election may not be issued until after the second primary
 783 | election.

784 | Section 13. Section 97.073, Florida Statutes, is amended
 785 | to read:

786 | 97.073 Disposition of voter registration applications;
 787 | cancellation notice.--

788 | (1) The supervisor must notify each applicant of the
 789 | disposition of the applicant's voter registration application.
 790 | The notice must inform the applicant that the application has
 791 | been approved, is incomplete, has been denied, or is a duplicate
 792 | of a current registration. A voter information registration
 793 | ~~identification~~ card sent to an applicant constitutes notice of
 794 | approval of registration. If the application is incomplete, the
 795 | supervisor must request that the applicant supply the missing
 796 | information using a voter registration application signed by the
 797 | applicant in writing and sign a statement that the additional
 798 | ~~information is true and correct~~. A notice of denial must inform
 799 | the applicant of the reason the application was denied.

HB 1589 CS

2005
CS

800 (2) Within 2 weeks after approval of a voter registration
801 application that indicates that the applicant was previously
802 registered in another state jurisdiction, the department
803 ~~supervisor~~ must notify the registration official in the prior
804 state jurisdiction that the applicant is now registered in this
805 state the supervisor's county.

806 Section 14. Section 97.1031, Florida Statutes, is amended
807 to read:

808 97.1031 Notice of change of residence within the same
809 county, change of name, or change of party affiliation.--

810 (1) When an elector moves from the address named on that
811 person's voter registration record to another address within the
812 state or changes his or her name by marriage or other legal
813 process same county, the elector shall submit the new
814 information to a voter registration official using a voter
815 registration application signed by the elector must provide
816 ~~notification of such move to the supervisor of elections of that~~
817 ~~county. The elector may provide the supervisor a signed, written~~
818 ~~notice or may notify the supervisor by telephone or electronic~~
819 ~~means. However, notification of such move other than by signed,~~
820 ~~written notice must include the elector's date of birth. A voter~~
821 information registration identification card reflecting the new
822 information address of legal residence shall be issued to the
823 elector as provided in subsection (3)(4).

824 ~~(2) When the name of an elector is changed by marriage or~~
825 ~~other legal process, the elector must provide a signed, written~~
826 ~~notification of such change to the supervisor and obtain a~~
827 ~~registration identification card reflecting the new name.~~

HB 1589 CS

2005
CS

828 ~~(2)(3)~~ When an elector seeks to change party affiliation,
 829 the elector shall ~~must~~ provide notice ~~a signed, written~~
 830 ~~notification~~ of such intent to a voter registration official
 831 using a voter registration application signed by the elector. A
 832 voter information ~~the supervisor and obtain a registration~~
 833 ~~identification~~ card reflecting the new party affiliation shall
 834 be issued by the supervisor to the elector, subject to the
 835 issuance restriction in s. 97.071(3).

836 ~~(3)(4)~~ The voter registration official ~~supervisor~~ shall
 837 make the necessary changes in the elector's records as soon as
 838 practical upon receipt of such notice of a change of address of
 839 legal residence, name, or party affiliation and shall issue the
 840 new voter information ~~registration identification~~ card ~~as~~
 841 ~~required by s. 97.071(3).~~

842 Section 15. Section 97.105, Florida Statutes, is amended
 843 to read:

844 97.105 Permanent single registration system
 845 established.--A permanent single registration system for the
 846 registration of electors to qualify them to vote in all
 847 elections is provided for the several counties and
 848 municipalities. This system shall be put into use by all
 849 municipalities and shall be in lieu of any other system of
 850 municipal registration. Electors shall be registered pursuant to
 851 ~~in pursuance of~~ this system by a voter registration official ~~the~~
 852 ~~supervisor or by a deputy supervisor~~, and electors registered
 853 shall not thereafter be required to register or reregister
 854 except as provided by law.

HB 1589 CS

2005
CS

855 Section 16. Subsections (3), (10), and (11) of section
856 98.015, Florida Statutes, are amended, and subsection (12) is
857 added to said section, to read:

858 98.015 Supervisor of elections; election, tenure of
859 office, compensation, custody of books, office hours, successor,
860 seal; appointment of deputy supervisors; duties.--

861 (3) The supervisor is required to update voter
862 registration information and enter new voter registrations into
863 the statewide voter registration system and to act as the
864 official custodian of documents received by the supervisor
865 related to the registration of electors and changes in voter
866 registration status of electors of the supervisor's county ~~the~~
867 ~~registration books and has the exclusive control of matters~~
868 ~~pertaining to registration of electors.~~

869 (10) Each supervisor shall ~~must~~ ensure that all voter
870 registration and list maintenance procedures conducted by such
871 supervisor are in compliance with any applicable requirements
872 prescribed by the department through the statewide voter
873 registration system or prescribed by ~~for that county under the~~
874 Voting Rights Act of 1965, the National Voter Registration Act
875 of 1993, and the Help America Vote Act of 2002.

876 (11) Each supervisor shall ensure that any voter
877 registration system used by the supervisor for administering his
878 or her duties as a voter registration official complies with the
879 specifications and procedures established by the department and
880 the statewide voter registration system ~~Each supervisor of~~
881 ~~elections shall forward to the property appraiser for the county~~
882 ~~in which the homestead is claimed the name of the person and the~~

HB 1589 CS

2005
CS

883 ~~address of the homestead of each person who registers to vote at~~
 884 ~~an address other than that at which the person claims a~~
 885 ~~homestead exemption, as disclosed on the uniform statewide voter~~
 886 ~~registration application pursuant to s. 97.052.~~

887 (12) Each supervisor shall maintain a list of valid
 888 residential street addresses for purposes of verifying the legal
 889 addresses of voters residing in the supervisor's county. The
 890 supervisor shall make all reasonable efforts to coordinate with
 891 county 911 service providers, property appraisers, the United
 892 States Postal Service, or other agencies as necessary to ensure
 893 the continued accuracy of such list. The supervisor shall
 894 provide the list of valid residential addresses to the statewide
 895 voter registration system in the manner and frequency specified
 896 by the department.

897 Section 17. Section 98.035, Florida Statutes, is created
 898 to read:

899 98.035 Statewide voter registration system;
 900 implementation, operation, and maintenance.--

901 (1) The Secretary of State, as chief election officer of
 902 the state, shall be responsible for implementing, operating, and
 903 maintaining, in a uniform and nondiscriminatory manner, a
 904 single, uniform, official, centralized, interactive,
 905 computerized statewide voter registration system as required by
 906 the Help America Vote Act of 2002.

907 (2) The statewide voter registration system shall contain
 908 the name and registration information of every legally
 909 registered voter in the state. All voters shall be assigned a
 910 unique identifier. The system shall be the official list of

911 registered voters in the state and shall provide secured access
 912 by authorized voter registration officials. The system shall
 913 enable voter registration officials to provide, access, and
 914 update voter registration information.

915 (3) The department shall not contract with any other
 916 entity for the operation of the statewide voter registration
 917 system.

918 (4) The implementation of the statewide voter registration
 919 system shall not prevent any supervisor of elections from
 920 acquiring, maintaining, or using any hardware or software
 921 necessary or desirable to carry out the supervisor's
 922 responsibilities related to the use of voter registration
 923 information or the conduct of elections, provided that such
 924 hardware or software does not conflict with the operation of the
 925 statewide voter registration system.

926 (5) The department may adopt rules governing the access,
 927 use, and operation of the statewide voter registration system to
 928 ensure security, uniformity, and integrity of the system.

929 Section 18. Section 98.045, Florida Statutes, is amended
 930 to read:

931 98.045 Administration of voter registration.--

932 (1) ELIGIBILITY OF APPLICANT.--The department ~~Each~~
 933 ~~supervisor~~ must ensure that any eligible applicant for voter
 934 registration is registered to vote and that each application for
 935 voter registration is processed in accordance with law. The
 936 department shall determine whether a voter registration
 937 applicant is ineligible based on any of the following:

- 938 (a) The failure to complete a voter registration
 939 application as specified in s. 97.053.
- 940 (b) The applicant is deceased.
- 941 (c) The applicant has been convicted of a felony for which
 942 his or her civil rights have not been restored.
- 943 (d) The applicant has been adjudicated mentally
 944 incapacitated with respect to the right to vote and such right
 945 has not been restored.
- 946 (e) The applicant does not meet the age requirement
 947 pursuant to s. 97.041.
- 948 (f) The applicant is not a United States citizen.
- 949 (g) The applicant is a fictitious person.
- 950 (h) The applicant has provided an address of legal
 951 residence that is not his or her legal residence.
- 952 (i) The applicant has provided a driver's license number,
 953 Florida identification card number, or the last four digits of a
 954 social security number that is not verifiable by the department.
- 955 (2) REMOVAL OF REGISTERED VOTERS.--
- 956 (a) Once a voter is registered, the name of that voter may
 957 not be removed from the statewide voter registration system
 958 books except at the written request of the voter, by reason of
 959 the voter's conviction of a felony or adjudication as mentally
 960 incapacitated with respect to voting, by death of the voter, or
 961 pursuant to a registration list maintenance program or other
 962 registration list maintenance activity conducted pursuant to s.
 963 98.065 ~~or~~ s. 98.075, ~~or s. 98.0977.~~
- 964 (b)(2) Information received by a voter registration
 965 official ~~supervisor~~ from an election official in another state

HB 1589 CS

2005
CS

966 ~~jurisdiction~~ indicating that a registered voter in this state
 967 ~~the supervisor's county~~ has registered to vote in that other
 968 state jurisdiction shall be considered as a written request from
 969 the voter to have the voter's name removed from the statewide
 970 voter registration system ~~books of the supervisor's county.~~

971 (3) PUBLIC RECORDS ACCESS AND RETENTION. ~~Notwithstanding~~
 972 ~~the provisions of ss. 98.095 and 98.0977,~~ Each supervisor shall
 973 maintain for at least 2 years, and make available for public
 974 inspection and copying, all records concerning implementation of
 975 registration list maintenance programs and activities conducted
 976 pursuant to ss. 98.065 and, 98.075, ~~and 98.0977.~~ The records
 977 must include lists of the name and address of each person to
 978 whom a ~~an address confirmation final~~ notice was sent and
 979 information as to whether each such person responded to the
 980 mailing, but may not include any information that is
 981 confidential or exempt from public records requirements under
 982 this code.

983 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL
 984 STREET ADDRESSES. ~~--~~

985 (a) The department shall compile and maintain a statewide
 986 electronic database of valid residential street addresses from
 987 the information provided by the supervisors of elections
 988 pursuant to s. 98.015. The department shall evaluate the
 989 information provided by the supervisors of elections to identify
 990 any duplicate addresses and any address that may overlap county
 991 boundaries.

992 (b) The department shall make the statewide database of
 993 valid street addresses available to the Department of Highway

HB 1589 CS

2005
CS

994 Safety and Motor Vehicles as provided for in s. 97.057(10). The
 995 Department of Highway Safety and Motor Vehicles shall use the
 996 database for purposes of validating the legal residential
 997 addresses provided in voter registration applications received
 998 by the Department of Highway Safety and Motor Vehicles.

999 (5) FORMS.--The department may prescribe by rule forms
 1000 necessary to conduct maintenance of records in the statewide
 1001 voter registration system.

1002 Section 19. Section 98.065, Florida Statutes, as amended
 1003 by chapter 2002-281, Laws of Florida, is amended to read:

1004 98.065 Registration list maintenance programs.--

1005 (1) The supervisor must conduct a general registration
 1006 list maintenance program to protect the integrity of the
 1007 electoral process by ensuring the maintenance of accurate and
 1008 current voter registration records in the statewide voter
 1009 registration system. The program must be uniform,
 1010 nondiscriminatory, and in compliance with the Voting Rights Act
 1011 of 1965, the National Voter Registration Act of 1993, and the
 1012 Help America Vote Act of 2002. As used in this subsection, the
 1013 term "nondiscriminatory" applies to and includes persons with
 1014 disabilities.

1015 (2) A supervisor must incorporate one or more of the
 1016 following procedures in the supervisor's biennial registration
 1017 list maintenance program under which:

1018 (a) Change-of-address information supplied by the United
 1019 States Postal Service through its licensees is used to identify
 1020 registered voters whose addresses might have changed;

1021 (b) Change-of-address information is identified from
 1022 returned nonforwardable return-if-undeliverable mail sent to all
 1023 registered voters in the county; or

1024 (c) Change-of-address information is identified from
 1025 returned nonforwardable return-if-undeliverable address
 1026 confirmation requests mailed to all registered voters who have
 1027 not voted in the last 2 years and who did not make a written
 1028 request that their registration records be updated during that
 1029 time.

1030 (3) A registration list maintenance program must be
 1031 conducted by each supervisor, at a minimum, in each odd-numbered
 1032 year and must be completed not later than 90 days prior to the
 1033 date of any federal election. All list maintenance actions
 1034 associated with each voter must be entered, tracked, and
 1035 maintained in the statewide voter registration system.

1036 (4)(a) If the supervisor receives change-of-address
 1037 information pursuant to the activities conducted in subsection
 1038 (2), from jury notices signed by the voter and returned to the
 1039 courts, from the Department of Highway Safety and Motor
 1040 Vehicles, or from other sources, which information indicates
 1041 that the legal address of a registered voter might have changed,
 1042 the supervisor shall send by forwardable return-if-undeliverable
 1043 mail an address confirmation notice to the address at which the
 1044 voter was last registered. A supervisor may also send an address
 1045 confirmation notice to any voter who the supervisor has reason
 1046 to believe has moved from his or her legal residence.

1047 (b) The address confirmation notice shall contain a
 1048 postage prepaid preaddressed return form on which:

1049 1. If the voter has changed his or her address of legal
 1050 residence to a location outside the state, the voter shall mark
 1051 that the voter's legal residence has changed to a location
 1052 outside the state. The form shall also include information on
 1053 how to register in the new state in order to be eligible to
 1054 vote. The form must be returned within 30 days after the date of
 1055 the notice. The completed form shall constitute a request to be
 1056 removed from the statewide voter registration system.

1057 2. If the voter has changed his or her address of legal
 1058 residence to a location inside the state, the voter shall set
 1059 forth the updated or corrected address and submit the return
 1060 form within 30 days after the date of the notice. The completed
 1061 form shall constitute a request to update the statewide voter
 1062 registration system with the updated or corrected address
 1063 information.

1064 3. If the voter has not changed his or her address of
 1065 legal residence as printed on the address confirmation notice,
 1066 the voter shall confirm that his or her address of legal
 1067 residence has not changed and submit the form within 30 days
 1068 after the date of the notice.

1069 (c) The supervisor must designate as inactive all voters
 1070 who have been sent an address confirmation notice and who have
 1071 not returned the postage prepaid preaddressed return form within
 1072 30 days or for which an address confirmation notice has been
 1073 returned as undeliverable. Names on the inactive list may not be
 1074 used to calculate the number of signatures needed on any
 1075 petition. A voter on the inactive list may be restored to the
 1076 active list of voters upon the voter updating his or her

HB 1589 CS

2005
CS

1077 registration, requesting an absentee ballot, or appearing to
 1078 vote. However, if the voter does not update his or her voter
 1079 registration information, request an absentee ballot, or vote by
 1080 the second general election after being placed on the inactive
 1081 list, the voter's name shall be removed from the statewide voter
 1082 registration system and the voter shall be required to
 1083 reregister to have his or her name restored to the statewide
 1084 voter registration system.

1085 (5) No notice may be issued pursuant to this section and
 1086 no voter's name may be removed from the statewide voter
 1087 registration system later than 90 days prior to the date of a
 1088 federal election. However, nothing in this section shall
 1089 preclude the removal of the name of a voter from the statewide
 1090 voter registration system at any time upon the voter's written
 1091 request, by reason of the voter's death, or upon a determination
 1092 of the voter's ineligibility as provided in s. 98.075(7).

1093 (6)(a) No later than July 31 and January 31 of each year,
 1094 the supervisor must certify to the department the list
 1095 maintenance activities conducted during the first 6 months and
 1096 the second 6 months of the year, respectively, including the
 1097 number of address confirmation requests sent, the number of
 1098 voters designated as inactive, and the number of voters removed
 1099 from the statewide voter registration system.

1100 (b) If, based on the certification provided pursuant to
 1101 paragraph (a), the department determines that a supervisor has
 1102 not conducted the list maintenance activities as required by
 1103 this section, the department shall conduct the appropriate list
 1104 maintenance activities for that county. Failure to conduct list

1105 maintenance activities as required in this section shall
 1106 constitute a violation of s. 104.051. ~~A voter's name may not be~~
 1107 ~~removed from the registration books later than 90 days prior to~~
 1108 ~~the date of a federal election. However, nothing in this section~~
 1109 ~~shall preclude the removal of the name of a voter from the voter~~
 1110 ~~registration books, at any time and without prior notification,~~
 1111 ~~upon the written request of the voter, by reason of conviction~~
 1112 ~~of the voter of a felony, by reason of adjudication of the voter~~
 1113 ~~as mentally incapacitated with respect to voting, by reason of~~
 1114 ~~the death of the voter, or upon a determination of ineligibility~~
 1115 ~~as provided in s. 98.075(3).~~

1116 ~~(4) If the supervisor receives change of address~~
 1117 ~~information from the United States Postal Service or its~~
 1118 ~~licensees or from jury notices signed by the voter and returned~~
 1119 ~~to the courts, which indicates that:~~

1120 ~~(a) The voter has moved within the supervisor's county,~~
 1121 ~~the supervisor must change the registration records to show the~~
 1122 ~~new address and must send the voter a notice of the change by~~
 1123 ~~forwardable mail, including a postage prepaid preaddressed~~
 1124 ~~return form with which the voter may verify or correct the~~
 1125 ~~address information.~~

1126 ~~(b) The voter has moved outside the supervisor's county,~~
 1127 ~~or contains no forwarding address, the supervisor shall send an~~
 1128 ~~address confirmation final notice and remove the name of the~~
 1129 ~~voter from the registration record if that voter did not:~~

- 1130 ~~1. Return the postage prepaid preaddressed return form;~~
- 1131 ~~2. Appear to vote;~~
- 1132 ~~3. Change the voter's registration; or~~

HB 1589 CS

2005
CS

1133 ~~4. Request an absentee ballot~~

1134
1135 ~~during the period beginning on the date when the address~~
1136 ~~confirmation final notice was sent and ending on the day after~~
1137 ~~the date of the second general election thereafter.~~

1138 ~~(5) The supervisor must designate as inactive all voters~~
1139 ~~who have been sent an address confirmation final notice and who~~
1140 ~~have not returned the postage prepaid preaddressed return form~~
1141 ~~within 30 days. A voter on the inactive list must be allowed to~~
1142 ~~vote and to change the voter's name or address of legal~~
1143 ~~residence at the polls pursuant to s. 101.045. Names on the~~
1144 ~~inactive list may not be used to calculate the number of~~
1145 ~~signatures needed on any petition or the quantity of voting~~
1146 ~~equipment needed.~~

1147 Section 20. Section 98.075, Florida Statutes, is amended
1148 to read:

1149 (Substantial rewording of section. See
1150 s. 98.075, F.S., for present text)

1151 98.075 Registration records maintenance activities;
1152 ineligibility determinations.--

1153 (1) MAINTENANCE OF RECORDS.--The department shall protect
1154 the integrity of the electoral process by ensuring the
1155 maintenance of accurate and current voter registration records.
1156 List maintenance activities must be uniform, nondiscriminatory,
1157 and in compliance with the Voting Rights Act of 1965, the
1158 National Voter Registration Act of 1993, and the Help America
1159 Vote Act of 2002.

1160 (2) DUPLICATE REGISTRATION.--The department shall identify
 1161 those voters who are registered more than once or those
 1162 applicants whose registration applications would result in
 1163 duplicate registrations. The most recent application shall be
 1164 deemed an update to the voter registration record.

1165 (3) DECEASED PERSONS.--The department shall identify those
 1166 registered voters who are deceased by comparing information on
 1167 the lists of deceased persons received from the Department of
 1168 Health as provided in s. 98.093. Upon receipt of such
 1169 information through the statewide voter registration system, the
 1170 supervisor shall remove the name of the registered voter.

1171 (4) ADJUDICATION OF MENTAL INCAPACITY.--The department
 1172 shall identify those registered voters who have been adjudicated
 1173 mentally incapacitated with respect to voting and who have not
 1174 had their voting rights restored by comparing information
 1175 received from the clerk of the circuit court as provided in s.
 1176 98.093. The department shall review such information and make an
 1177 initial determination as to whether the information is credible
 1178 and reliable. If the department determines that the information
 1179 is credible and reliable, the department shall notify the
 1180 supervisor and provide a copy of the supporting documentation
 1181 indicating the potential ineligibility of the voter to be
 1182 registered. Upon receipt of the notice that the department has
 1183 made a determination of initial credibility and reliability, the
 1184 supervisor shall adhere to the procedures set forth in
 1185 subsection (7) prior to the removal of a registered voter from
 1186 the statewide voter registration system.

1187 (5) FELONY CONVICTION.--The department shall identify
 1188 those registered voters who have been convicted of a felony and
 1189 whose rights have not been restored by comparing information
 1190 received from, but not limited to, a clerk of the circuit court,
 1191 the Board of Executive Clemency, the Department of Corrections,
 1192 the Department of Law Enforcement, and a United States
 1193 Attorney's Office, as provided in s. 98.093. The department
 1194 shall review such information and make an initial determination
 1195 as to whether the information is credible and reliable. If the
 1196 department determines that the information is credible and
 1197 reliable, the department shall notify the supervisor and provide
 1198 a copy of the supporting documentation indicating the potential
 1199 ineligibility of the voter to be registered. Upon receipt of the
 1200 notice that the department has made a determination of initial
 1201 credibility and reliability, the supervisor shall adhere to the
 1202 procedures set forth in subsection (7) prior to the removal of a
 1203 registered voter's name from the statewide voter registration
 1204 system.

1205 (6) OTHER BASES FOR INELIGIBILITY.--If the department or
 1206 voter registration official receives information other than from
 1207 the sources identified in subsections (2)-(5) that a registered
 1208 voter does not meet the age requirement pursuant to s. 97.041,
 1209 is not a United States citizen, is a fictitious person, or has
 1210 listed a residence that is not his or her legal residence, the
 1211 supervisor shall adhere to the procedures set forth in
 1212 subsection (7) prior to the removal of a registered voter's name
 1213 from the statewide voter registration system.

1214 (7) PROCEDURES FOR REMOVAL.--

1215 (a) If the supervisor receives notice or information
 1216 pursuant to subsections (4)-(6), the supervisor of the county in
 1217 which the voter is registered shall:

1218 1. Notify the registered voter of his or her potential
 1219 ineligibility by mail within 7 days after receipt of notice or
 1220 information. The notice shall include:

1221 a. A statement of the basis for the registered voter's
 1222 potential ineligibility and a copy of any documentation upon
 1223 which the potential ineligibility is based.

1224 b. A statement that failure to respond within 30 days
 1225 after receipt of the notice may result in a determination of
 1226 ineligibility and in the removal of the registered voter's name
 1227 from the statewide voter registration system.

1228 c. A return form that requires the registered voter to
 1229 admit or deny the accuracy of the information underlying the
 1230 potential ineligibility for purposes of a final determination by
 1231 the supervisor.

1232 d. A statement that, if the voter is denying the accuracy
 1233 of the information underlying the potential ineligibility, the
 1234 voter has a right to request a hearing for the purpose of
 1235 determining eligibility.

1236 e. Instructions for the registered voter to contact the
 1237 supervisor of elections of the county in which the voter is
 1238 registered if assistance is needed in resolving the matter.

1239 f. Instructions for seeking restoration of civil rights
 1240 following a felony conviction, if applicable.

1241 2. If the mailed notice is returned as undeliverable, the
 1242 supervisor shall publish notice once in a newspaper of general

1243 circulation in the county in which the voter was last
 1244 registered. The notice shall contain the following:
 1245 a. The voter's name and address.
 1246 b. A statement that the voter is potentially ineligible to
 1247 be registered to vote.
 1248 c. A statement that failure to respond within 30 days from
 1249 the published notice may result in a determination of
 1250 ineligibility by the supervisor and the removal of the
 1251 registered voter's name from the statewide voter registration
 1252 system.
 1253 d. An instruction for the voter to contact the supervisor
 1254 no later than 30 days from the date of the published notice to
 1255 receive information regarding the basis for the potential
 1256 ineligibility and the procedure to resolve the matter.
 1257 e. An instruction to the voter that, if further assistance
 1258 is needed, the voter should contact the supervisor of elections
 1259 of the county in which the voter is registered.
 1260 3. If a registered voter fails to respond to a notice
 1261 pursuant to subparagraph 1. or subparagraph 2., the supervisor
 1262 shall make a final determination of the voter's eligibility. If
 1263 the supervisor determines that the voter is ineligible, the
 1264 supervisor shall remove the name of the registered voter from
 1265 the statewide voter registration system. The supervisor shall
 1266 notify the registered voter of his or her determination and
 1267 action.
 1268 4. If a registered voter responds to the notice pursuant
 1269 to subparagraph 1. or subparagraph 2. and admits the accuracy of
 1270 the information underlying the potential ineligibility, the

1271 supervisor shall make a final determination of ineligibility and
 1272 shall remove the voter's name from the statewide voter
 1273 registration system. The supervisor shall notify the registered
 1274 voter of his or her determination and action.

1275 5. If a registered voter responds to the notice issued
 1276 pursuant to subparagraph 1. or subparagraph 2. and denies the
 1277 accuracy of the information underlying the potential
 1278 ineligibility but does not request a hearing, the supervisor
 1279 shall review the evidence and make a final determination of
 1280 eligibility. If such registered voter requests a hearing, the
 1281 supervisor shall send notice to the registered voter to attend a
 1282 hearing at a time and place specified in the notice. Upon
 1283 hearing all evidence presented at the hearing, the supervisor
 1284 shall make a determination of eligibility. If the supervisor
 1285 determines that the registered voter is ineligible, the
 1286 supervisor shall remove the voter's name from the statewide
 1287 voter registration system and notify the registered voter of his
 1288 or her determination and action.

1289 (b) The following shall apply to this subsection:

1290 1. All determinations of eligibility shall be based on a
 1291 preponderance of the evidence.

1292 2. All proceedings are exempt from the provisions of
 1293 chapter 120.

1294 3. Any notice shall be sent by certified mail, return
 1295 receipt requested, or other means that provides a verification
 1296 of receipt to the registered voter or by publication in a
 1297 newspaper of general circulation where the voter was last
 1298 registered, whichever is applicable.

1299 4. The supervisor shall remove the name of any registered
 1300 voter from the statewide voter registration system only after
 1301 the supervisor makes a final determination that the voter is
 1302 ineligible.

1303 5. Any voter whose name has been removed from the
 1304 statewide voter registration system pursuant to a determination
 1305 of ineligibility may appeal that determination under the
 1306 provisions of s. 98.0755.

1307 6. Any voter whose name was removed from the statewide
 1308 voter registration system on the basis of a determination of
 1309 ineligibility who subsequently becomes eligible to vote shall be
 1310 required to reregister to have his or her name restored to the
 1311 statewide voter registration system.

1312 (8) CERTIFICATION.--

1313 (a) No later than July 31 and January 31 of each year, the
 1314 supervisor shall certify to the department the activities
 1315 conducted pursuant to this section during the first 6 months and
 1316 the second 6 months of the year, respectively. The certification
 1317 shall include the number of persons to whom notices were sent
 1318 pursuant to subsection (7), the number of persons who responded
 1319 to the notices, the number of notices returned as undeliverable,
 1320 the number of notices published in the newspaper, the number of
 1321 hearings conducted, and the number of persons removed from the
 1322 statewide voter registration systems and the reasons for such
 1323 removals.

1324 (b) If, based on the certification provided pursuant to
 1325 paragraph (a), the department determines that a supervisor has
 1326 not satisfied the requirements of this section, the department

HB 1589 CS

2005
CS

1327 shall satisfy the appropriate requirements for that county.
 1328 Failure to satisfy the requirements of this section shall
 1329 constitute a violation of s. 104.051.

1330 Section 21. Section 98.0755, Florida Statutes, is created
 1331 to read:

1332 98.0755 Appeal of determination of ineligibility.--Appeal
 1333 of the supervisor's determination of ineligibility pursuant to
 1334 s. 98.075(7) may be taken to the circuit court in and for the
 1335 county where the person was registered. Notice of appeal must be
 1336 filed within the time and in the manner provided by the Florida
 1337 Rules of Appellate Procedure and acts as supersedeas. Trial in
 1338 the circuit court is de novo and governed by the rules of that
 1339 court. Unless the person can show that his or her name was
 1340 erroneously or illegally removed from the statewide voter
 1341 registration system, or that he or she is indigent, the person
 1342 must bear the costs of the trial in the circuit court.
 1343 Otherwise, the cost of the appeal must be paid by the supervisor
 1344 of elections.

1345 Section 22. Section 98.077, Florida Statutes, is amended
 1346 to read:

1347 98.077 Update of voter signature.--

1348 (1) A registered voter may update his or her signature on
 1349 file in the statewide voter registration system at any time
 1350 using a voter registration application submitted to a voter
 1351 registration official.

1352 (2) The department and supervisors ~~supervisor~~ of elections
 1353 shall include in any correspondence, other than postcard
 1354 notifications and notices relating to eligibility, sent to a

HB 1589 CS

2005
CS

1355 ~~provide to each~~ registered voter information regarding ~~of the~~
 1356 ~~county the opportunity to update his or her signature on file at~~
 1357 ~~the supervisor's office by providing notification of the ability~~
 1358 ~~to do so in any correspondence, other than postcard~~
 1359 ~~notifications, sent to the voter. The notice shall advise when,~~
 1360 where, and how to update the voter's signature and shall provide
 1361 the voter information on how to obtain a voter registration
 1362 application form from a voter registration official ~~the~~
 1363 ~~supervisor~~ that can be returned to update the signature.

1364 (3) ~~In addition,~~ At least once during each general
 1365 election year, the supervisor shall publish in a newspaper of
 1366 general circulation or other newspaper in the county deemed
 1367 appropriate by the supervisor a notice specifying when, where,
 1368 or how a voter can update his or her signature that is on file
 1369 or how a voter can obtain a voter registration application form
 1370 from a voter registration official ~~the supervisor~~ to do so.

1371 (4) All signature updates for use in verifying absentee
 1372 and provisional ballots must be received by the appropriate
 1373 supervisor of elections no later than the start of the
 1374 canvassing of absentee ballots by the canvassing board. The
 1375 signature on file at the start of the canvass of the absentees
 1376 is the signature that shall be used in verifying the signature
 1377 on the absentee and provisional ballot certificates.

1378 Section 23. Section 98.081, Florida Statutes, is amended
 1379 to read:

1380 98.081 Names removed from the statewide voter registration
 1381 system books; restrictions on reregistering; recordkeeping;
 1382 restoration of erroneously or illegally removed names.--

1383 (1) Any person who requested that his or her name be
 1384 removed from the statewide voter registration system ~~books~~
 1385 between the book-closing date of the first primary and the date
 1386 of the second primary may not register in a different political
 1387 party until after the date of the second primary election.

1388 (2) When the name of any elector is removed from the
 1389 statewide voter registration system ~~books~~ pursuant to s. 98.065
 1390 ~~or, s. 98.075, or s. 98.093~~, the elector's original registration
 1391 application form shall be retained by the supervisor of
 1392 elections having custody of the application ~~filed alphabetically~~
 1393 ~~in the office of the supervisor~~. As alternatives, registrations
 1394 removed from the statewide voter registration system ~~books~~ may
 1395 be microfilmed and such microfilms substituted for the original
 1396 registration applications ~~forms~~; or, when voter registration
 1397 information, including the voter's signature, is maintained
 1398 digitally or on electronic, magnetic, or optic media, such
 1399 stored information may be substituted for the original
 1400 registration application ~~form~~. Such microfilms or stored
 1401 information shall be retained by the supervisor of elections
 1402 having in the custody of the supervisor. In the event the
 1403 original registration applications ~~forms~~ are microfilmed or
 1404 maintained digitally or on electronic or other media, such
 1405 originals may be destroyed in accordance with the schedule
 1406 approved by the Bureau of Archives and Records Management of the
 1407 Division of Library and Information Services of the department.

1408 (3) When the name of any elector has been erroneously or
 1409 illegally removed from the statewide voter registration system
 1410 ~~books~~, the name of the elector shall be restored by a voter

HB 1589 CS

2005
CS

1411 registration official ~~the supervisor~~ upon satisfactory proof,
1412 even though the registration period for that election is closed.

1413 Section 24. Section 98.093, Florida Statutes, is amended
1414 to read:

1415 98.093 Duty of officials to furnish lists of deceased
1416 persons, persons adjudicated mentally incapacitated, and persons
1417 convicted of a felony.--

1418 (1) In order to ensure the maintenance of accurate and
1419 current voter registration records, it is necessary for the
1420 department to receive certain information from state and federal
1421 officials and entities. The department shall use the information
1422 provided from the sources in subsection (2) to maintain the
1423 voter registration records.

1424 (2) To the maximum extent feasible, state and local
1425 government agencies shall facilitate provision of information
1426 and access to data to the department, including, but not limited
1427 to, databases that contain reliable criminal records and records
1428 of deceased persons. State and local government agencies that
1429 provide such data shall do so without charge if the direct cost
1430 incurred by those agencies is not significant.

1431 (a) The Department of Health shall furnish monthly to the
1432 department ~~each supervisor of elections~~ a list containing the
1433 name, address, date of birth, date of death, social security
1434 number, race, and sex of each deceased person 17 years of age or
1435 older ~~who was a resident of such supervisor's county.~~

1436 (b)~~(2)~~ Each clerk of the circuit court shall furnish
1437 monthly to the department, at least once each month, deliver to
1438 each supervisor of elections a list of those persons who have

1439 been adjudicated mentally incapacitated with respect to voting
 1440 during the preceding calendar month, a list of those persons
 1441 whose mental capacity with respect to voting has been restored
 1442 during the preceding calendar month, and a list of those persons
 1443 who have returned signed jury notices during the preceding
 1444 months to the clerk of the circuit court indicating a change of
 1445 address. Each list shall include ~~stating~~ the name, address, date
 1446 of birth, race, and sex, and, whichever is available, the
 1447 Florida driver's license number, Florida identification card
 1448 number, or social security number of each such person convicted
 1449 ~~of a felony during the preceding calendar month who was a~~
 1450 ~~resident of that supervisor's county, a list stating the name,~~
 1451 ~~address, date of birth, race, and sex of each person adjudicated~~
 1452 ~~mentally incapacitated with respect to voting during the~~
 1453 ~~preceding calendar month who was a resident of that supervisor's~~
 1454 ~~county, and a list stating the name, address, date of birth,~~
 1455 ~~race, and sex of each person whose mental capacity with respect~~
 1456 ~~to voting has been restored who was a resident of that~~
 1457 ~~supervisor's county.~~

1458 (c)(3) Upon receipt of information from the United States
 1459 Attorney, listing persons convicted of a felony in federal
 1460 court, the department shall use such information to identify
 1461 registered voters or applicants for voter registration who may
 1462 be potentially ineligible based on information provided in
 1463 accordance with s. 98.075 immediately forward such information
 1464 ~~to the supervisor of elections for the county where the offender~~
 1465 ~~resides.~~

1466 (d) The Department of Law Enforcement shall furnish
 1467 monthly to the department a list of those persons who have been
 1468 convicted of a felony in the preceding month or any updates to
 1469 prior records that may have occurred in the preceding month. The
 1470 list shall contain the name, address, date of birth, race, sex,
 1471 date of conviction, county of conviction, social security
 1472 number, and a unique identifier of each conviction of each
 1473 person.

1474 (e) The Board of Executive Clemency shall furnish monthly
 1475 to the department a list of those persons granted clemency in
 1476 the preceding month or any updates to prior records that may
 1477 have occurred in the preceding month. The list shall contain the
 1478 Board of Executive Clemency case number, name, address, date of
 1479 birth, race, sex, and, where available, the social security
 1480 number, references to record identifiers assigned by the
 1481 Department of Corrections, a unique identifier of each clemency
 1482 case, and the effective date of clemency of each person.

1483 (f) The Department of Corrections shall furnish monthly to
 1484 the department a list of those persons transferred to the
 1485 Department of Corrections in the preceding month or any updates
 1486 to prior records that may have occurred in the preceding month.
 1487 The list shall contain the name, address, date of birth, race,
 1488 sex, social security number, Department of Corrections record
 1489 identification number, and associated Department of Law
 1490 Enforcement felony conviction record number of each person.

1491 (g) The Department of Highway Safety and Motor Vehicles
 1492 shall furnish monthly to the department a list of those persons
 1493 whose names have been removed from the driver's license database

HB 1589 CS

2005
CS

1494 because they have been licensed in another state. The list shall
 1495 contain the name, address, date of birth, sex, social security
 1496 number, and driver's license number of each such person.

1497 ~~(4) Upon receipt of any such list, the supervisor shall~~
 1498 ~~remove from the registration books the name of any person listed~~
 1499 ~~who is deceased, convicted of a felony, or adjudicated mentally~~
 1500 ~~incapacitated with respect to voting. A person who has had his~~
 1501 ~~or her mental capacity with respect to voting restored or who~~
 1502 ~~has had his or her right to vote restored after conviction of a~~
 1503 ~~felony shall be required to reregister to have his or her name~~
 1504 ~~restored to the registration books.~~

1505 ~~(3)(5)~~ Nothing in this section shall limit or restrict the
 1506 department in its duty or the supervisor in his or her duty to
 1507 remove the names of such persons from the statewide voter
 1508 registration system pursuant to s. 98.075(7) based upon books
 1509 ~~after verification of information received from other sources.~~

1510 Section 25. Effective August 1, 2006, section 98.0981,
 1511 Florida Statutes, is created to read:

1512 98.0981 Statewide voter registration database.--The
 1513 department shall send to the Legislature in electronic format a
 1514 file containing all voters qualified to vote in an election. The
 1515 file shall contain a unique identifier of the voter; the
 1516 information requested in the uniform statewide voter
 1517 registration application pursuant to s. 97.052(2), except for
 1518 such information that is by statute specifically identified as
 1519 confidential or exempt from public records requirements; the
 1520 date of registration; the representative district, senatorial
 1521 district, congressional district, and precinct in which the

1522 voter resides; and whether the voter voted at the poll, by
 1523 absentee ballot, or by early vote at a designated location, or
 1524 whether the voter did not vote. If a person voted by absentee
 1525 ballot and the ballot was not counted, the file shall contain
 1526 the reason, where possible, that the ballot was not counted.
 1527 This file shall be delivered within 60 days after an election to
 1528 the Legislature.

1529 Section 26. Section 98.212, Florida Statutes, is amended
 1530 to read:

1531 98.212 Department and supervisors to furnish statistical
 1532 and other information.--

1533 (1)(a) Upon written request, the department and any
 1534 supervisor of the respective counties ~~supervisors~~ shall, as
 1535 promptly as possible, furnish to recognized public or private
 1536 universities and senior colleges within the state, to state or
 1537 county governmental agencies, and to recognized political party
 1538 committees statistical information for the purpose of analyzing
 1539 election returns and results.

1540 (b) The department and any supervisor ~~Supervisors~~ may
 1541 require reimbursement for any part or all of the actual expenses
 1542 of supplying any information requested under paragraph (a). For
 1543 the purposes of this subsection, the department and supervisors
 1544 may use the services of any research and statistical personnel
 1545 that may be supplied.

1546 (c) Lists of names submitted to the department and any
 1547 supervisor of the respective counties ~~supervisors~~ for indication
 1548 of registration or nonregistration or of party affiliation shall
 1549 be processed at any time at cost, except that in no case shall

HB 1589 CS

2005
CS

1550 the charge exceed 10 cents for each name on which the
1551 information is furnished.

1552 (2) The supervisors shall provide information as requested
1553 by the department for program evaluation and reporting to the
1554 ~~Federal~~ Election Assistance Commission pursuant to federal law
1555 ~~the National Voter Registration Act of 1993.~~

1556 Section 27. Section 98.461, Florida Statutes, is amended
1557 to read:

1558 98.461 Registration application form, precinct register;
1559 contents.--

1560 (1) A registration application form, approved by the
1561 Department of State, containing the information required in s.
1562 97.052 shall be retained by the supervisor of elections of the
1563 county of the applicant's registration filed alphabetically in
1564 ~~the office of the supervisor as the master list of electors of~~
1565 ~~the county.~~ However, the registration application forms may be
1566 microfilmed and such microfilm ~~microfilms~~ substituted for the
1567 original registration application forms; or, when voter
1568 registration information, including the voter's signature, is
1569 maintained digitally or on electronic, magnetic, or optic media,
1570 such stored information may be substituted for the original
1571 registration application form. Such microfilms or stored
1572 information shall be retained in the custody of the supervisor
1573 of elections of the county of the applicant's registration. In
1574 the event the original registration applications forms are
1575 microfilmed or maintained digitally or on electronic or other
1576 media, such originals may be destroyed in accordance with the
1577 schedule approved by the Bureau of Archives and Records

HB 1589 CS

2005
CS

1578 Management of the Division of Library and Information Services
 1579 of the Department of State. ~~As an alternative, the information~~
 1580 ~~from the registration form, including the signature, may be~~
 1581 ~~electronically reproduced and stored as provided in s. 98.451.~~

1582 (2) A computer printout or electronic database shall be
 1583 used at the polls as a precinct register ~~in lieu of the~~
 1584 ~~registration books~~. The precinct register shall contain the date
 1585 of the election, the precinct number, and the following
 1586 information concerning each registered elector: last name, first
 1587 name, ~~and~~ middle name or initial, and suffix; party affiliation;
 1588 residence address; registration number; date of birth; sex, if
 1589 provided; race, if provided; whether the voter needs assistance
 1590 in voting; and such other additional information as to readily
 1591 identify the elector. The precinct register shall also contain a
 1592 space for the elector's signature and a space for the initials
 1593 of the witnessing clerk or inspector or an electronic device may
 1594 be provided for this purpose.

1595 Section 28. Effective January 1, 2007, section 100.371,
 1596 Florida Statutes, is amended to read:

1597 100.371 Initiatives; procedure for placement on ballot.--

1598 (1) Constitutional amendments proposed by initiative shall
 1599 be placed on the ballot for the general election provided the
 1600 initiative has been filed with ~~occurring in excess of 90 days~~
 1601 ~~from the certification of ballot position by~~ the Secretary of
 1602 State no later than February 1 of the year the general election
 1603 is held. A petition shall be deemed to be filed with the
 1604 Secretary of State upon the date the secretary determines that

1605 the petition has been signed by the constitutionally required
 1606 number of electors.

1607 ~~(2) Such certification shall be issued when the Secretary~~
 1608 ~~of State has received verification certificates from the~~
 1609 ~~supervisors of elections indicating that the requisite number~~
 1610 ~~and distribution of valid signatures of electors have been~~
 1611 ~~submitted to and verified by the supervisors. Every signature~~
 1612 ~~shall be dated when made and shall be valid for a period of 4~~
 1613 ~~years following such date, provided all other requirements of~~
 1614 ~~law are complied with.~~

1615 (2)(3) The sponsor of an initiative amendment shall, prior
 1616 to obtaining any signatures, register as a political committee
 1617 pursuant to s. 106.03 and submit the text of the proposed
 1618 amendment to the Secretary of State, with the form on which the
 1619 signatures will be affixed, and shall obtain the approval of the
 1620 Secretary of State of such form. The Secretary of State shall
 1621 promulgate rules pursuant to s. 120.54 prescribing the style and
 1622 requirements of such form.

1623 (3)(4) Each signature shall be dated when made and shall
 1624 be valid for a period of 4 years following such date, provided
 1625 all other requirements of law are met. The sponsor shall submit
 1626 signed and dated forms to the appropriate supervisor of
 1627 elections for verification as to the number of registered
 1628 electors whose valid signatures appear thereon. The supervisor
 1629 shall promptly verify the signatures upon payment of the fee
 1630 required by s. 99.097. The supervisor shall promptly record each
 1631 valid signature in the statewide voter registration system in
 1632 the manner prescribed by the Secretary of State. ~~Upon completion~~

HB 1589 CS

2005
CS

1633 ~~of verification, the supervisor shall execute a certificate~~
 1634 ~~indicating the total number of signatures checked, the number of~~
 1635 ~~signatures verified as valid and as being of registered~~
 1636 ~~electors, and the distribution by congressional district. This~~
 1637 ~~certificate shall be immediately transmitted to the Secretary of~~
 1638 ~~State.~~ The supervisor shall retain the signature forms for at
 1639 least 1 year following the election in which the issue appeared
 1640 on the ballot or until the Division of Elections notifies the
 1641 supervisors of elections that the committee which circulated the
 1642 petition is no longer seeking to obtain ballot position.

1643 (4)~~(5)~~ The Secretary of State shall determine from the
 1644 signatures verified by the ~~verification certificates received~~
 1645 ~~from~~ supervisors of elections and recorded in the statewide
 1646 voter registration system the total number of verified valid
 1647 signatures and the distribution of such signatures by
 1648 congressional districts. Upon a determination that the requisite
 1649 number and distribution of valid signatures have been obtained,
 1650 the secretary shall issue a certificate of ballot position for
 1651 that proposed amendment and shall assign a designating number
 1652 pursuant to s. 101.161. ~~A petition shall be deemed to be filed~~
 1653 ~~with the Secretary of State upon the date of the receipt by the~~
 1654 ~~secretary of a certificate or certificates from supervisors of~~
 1655 ~~elections indicating the petition has been signed by the~~
 1656 ~~constitutionally required number of electors.~~

1657 (5)~~(6)~~(a) Within 45 days after receipt of a proposed
 1658 revision or amendment to the State Constitution by initiative
 1659 petition from the Secretary of State ~~or, within 30 days after~~
 1660 ~~such receipt if receipt occurs 120 days or less before the~~

HB 1589 CS

2005
CS

1661 ~~election at which the question of ratifying the amendment will~~
 1662 ~~be presented~~, the Financial Impact Estimating Conference shall
 1663 complete an analysis and financial impact statement to be placed
 1664 on the ballot of the estimated increase or decrease in any
 1665 revenues or costs to state or local governments resulting from
 1666 the proposed initiative. The Financial Impact Estimating
 1667 Conference shall submit the financial impact statement to the
 1668 Attorney General and Secretary of State.

1669 (b)1. The Financial Impact Estimating Conference shall
 1670 provide an opportunity for any proponents or opponents of the
 1671 initiative to submit information and may solicit information or
 1672 analysis from any other entities or agencies, including the
 1673 Office of Economic and Demographic Research. All meetings of the
 1674 Financial Impact Estimating Conference shall be open to the
 1675 public as provided in chapter 286.

1676 2. The Financial Impact Estimating Conference is
 1677 established to review, analyze, and estimate the financial
 1678 impact of amendments to or revisions of the State Constitution
 1679 proposed by initiative. The Financial Impact Estimating
 1680 Conference shall consist of four principals: one person from the
 1681 Executive Office of the Governor; the coordinator of the Office
 1682 of Economic and Demographic Research, or his or her designee;
 1683 one person from the professional staff of the Senate; and one
 1684 person from the professional staff of the House of
 1685 Representatives. Each principal shall have appropriate fiscal
 1686 expertise in the subject matter of the initiative. A Financial
 1687 Impact Estimating Conference may be appointed for each
 1688 initiative.

1689 3. Principals of the Financial Impact Estimating
 1690 Conference shall reach a consensus or majority concurrence on a
 1691 clear and unambiguous financial impact statement, no more than
 1692 75 words in length, and immediately submit the statement to the
 1693 Attorney General. Nothing in this subsection prohibits the
 1694 Financial Impact Estimating Conference from setting forth a
 1695 range of potential impacts in the financial impact statement.
 1696 Any financial impact statement that a court finds not to be in
 1697 accordance with this section shall be remanded solely to the
 1698 Financial Impact Estimating Conference for redrafting. The
 1699 Financial Impact Estimating Conference shall redraft the
 1700 financial impact statement within 15 days.

1701 4. If the members of the Financial Impact Estimating
 1702 Conference are unable to agree on the statement required by this
 1703 subsection, or if the Supreme Court has rejected the initial
 1704 submission by the Financial Impact Estimating Conference and no
 1705 redraft has been approved by the Supreme Court by 5 p.m. on the
 1706 75th day before the election, the following statement shall
 1707 appear on the ballot pursuant to s. 101.161(1): "The financial
 1708 impact of this measure, if any, cannot be reasonably determined
 1709 at this time."

1710 (c) The financial impact statement must be separately
 1711 contained and be set forth after the ballot summary as required
 1712 in s. 101.161(1).

1713 (d)1. Any financial impact statement that the Supreme
 1714 Court finds not to be in accordance with this subsection shall
 1715 be remanded solely to the Financial Impact Estimating Conference
 1716 for redrafting, provided the court's advisory opinion is

1717 rendered at least 75 days before the election at which the
 1718 question of ratifying the amendment will be presented. The
 1719 Financial Impact Estimating Conference shall prepare and adopt a
 1720 revised financial impact statement no later than 5 p.m. on the
 1721 15th day after the date of the court's opinion.

1722 2. If, by 5 p.m. on the 75th day before the election, the
 1723 Supreme Court has not issued an advisory opinion on the initial
 1724 financial impact statement prepared by the Financial Impact
 1725 Estimating Conference for an initiative amendment that otherwise
 1726 meets the legal requirements for ballot placement, the financial
 1727 impact statement shall be deemed approved for placement on the
 1728 ballot.

1729 3. In addition to the financial impact statement required
 1730 by this subsection, the Financial Impact Estimating Conference
 1731 shall draft an initiative financial information statement. The
 1732 initiative financial information statement should describe in
 1733 greater detail than the financial impact statement any projected
 1734 increase or decrease in revenues or costs that the state or
 1735 local governments would likely experience if the ballot measure
 1736 were approved. If appropriate, the initiative financial
 1737 information statement may include both estimated dollar amounts
 1738 and a description placing the estimated dollar amounts into
 1739 context. The initiative financial information statement must
 1740 include both a summary of not more than 500 words and additional
 1741 detailed information that includes the assumptions that were
 1742 made to develop the financial impacts, workpapers, and any other
 1743 information deemed relevant by the Financial Impact Estimating
 1744 Conference.

1745 4. The Department of State shall have printed, and shall
 1746 furnish to each supervisor of elections, a copy of the summary
 1747 from the initiative financial information statements. The
 1748 supervisors shall have the summary from the initiative financial
 1749 information statements available at each polling place and at
 1750 the main office of the supervisor of elections upon request.

1751 5. The Secretary of State and the Office of Economic and
 1752 Demographic Research shall make available on the Internet each
 1753 initiative financial information statement in its entirety. In
 1754 addition, each supervisor of elections whose office has a
 1755 website shall post the summary from each initiative financial
 1756 information statement on the website. Each supervisor shall
 1757 include the Internet addresses for the information statements on
 1758 the Secretary of State's and the Office of Economic and
 1759 Demographic Research's websites in the publication or mailing
 1760 required by s. 101.20.

1761 ~~(6)-(7)~~ The Department of State may adopt rules in
 1762 accordance with s. 120.54 to carry out the provisions of
 1763 subsections (1)-~~(5)-(6)~~.

1764 Section 29. Effective August 1, 2006, subsection (3) of
 1765 section 101.001, Florida Statutes, is amended to read:

1766 101.001 Precincts and polling places; boundaries.--

1767 (3) Each supervisor of elections shall maintain a suitable
 1768 map drawn to a scale no smaller than 3 miles to the inch and
 1769 clearly delineating all major observable features such as roads,
 1770 streams, and railway lines and showing the current geographical
 1771 boundaries of each precinct, representative district, and
 1772 senatorial district, and other type of district in the county

1773 | subject to the elections process in this code. On maps of new
 1774 | precincts, a delineation of area shall also be included for each
 1775 | precinct employing the official census county divisions, tracts,
 1776 | block numbering areas, block groups, and blocks used by the
 1777 | United States Department of Commerce, Bureau of the Census, and
 1778 | adopted by the state for the delineation of representative
 1779 | districts pursuant to s. 10.00001. The supervisor of elections
 1780 | shall notify the Secretary of State in writing within 30 days
 1781 | after ~~of~~ any new reorganization of precincts and shall furnish a
 1782 | copy of the map showing the current geographical boundaries and
 1783 | designation of each new precinct and a delineation of the census
 1784 | blocks included in each precinct. Until January 1, 2012, any
 1785 | supervisor may apply for and obtain from the Secretary of State
 1786 | a waiver of the requirement to delineate precincts by census
 1787 | geography.

1788 | Section 30. Subsections (1) and (3) of section 101.043,
 1789 | Florida Statutes, are amended to read:

1790 | 101.043 Identification required at polls.--

1791 | (1) The precinct register, as prescribed in s. 98.461,
 1792 | shall be used at the polls ~~in lieu of the registration books~~ for
 1793 | the purpose of identifying the elector at the polls prior to
 1794 | allowing him or her to vote. The clerk or inspector shall
 1795 | require each elector, upon entering the polling place, to
 1796 | present one of the following a current and valid picture
 1797 | identifications:

1798 | (a) Florida driver's license.

1799 | (b) Florida identification card issued by the Department
 1800 | of Highway Safety and Motor Vehicles.

- 1801 (c) United States passport.
- 1802 (d) Employee badge or identification.
- 1803 (e) Buyer's club identification.
- 1804 (f) Debit or credit card.
- 1805 (g) Military identification.
- 1806 (h) Student identification.
- 1807 (i) Retirement center identification.
- 1808 (j) Neighborhood association identification.
- 1809 (k) Public assistance identification as provided in s.
1810 97.0535(3)(a).

1812 If the picture identification does not contain the signature of
1813 the voter, an additional identification that provides the
1814 voter's signature shall be required. The elector shall sign his
1815 or her name in the space provided on the precinct register or on
1816 an electronic device provided for recording the voter's
1817 signature. ~~and~~ The clerk or inspector shall compare the
1818 signature with that on the identification provided by the
1819 elector and enter his or her initials in the space provided on
1820 the precinct register or on an electronic device provided for
1821 that purpose and allow the elector to vote if the clerk or
1822 inspector is satisfied as to the identity of the elector.

1823 (3) If the elector who fails to furnish the required
1824 identification is an elector subject to s. 97.0535 ~~a first-time~~
1825 ~~voter who registered by mail~~ and has not provided the required
1826 identification to a voter registration official ~~the supervisor~~
1827 ~~of elections~~ prior to election day, the elector shall be allowed

HB 1589 CS

2005
CS

1828 to vote a provisional ballot. The canvassing board shall
1829 determine the validity of the ballot pursuant to s. 101.048(2).

1830 Section 31. Subsections (2) and (3) of section 101.045,
1831 Florida Statutes, are amended to read:

1832 101.045 Electors must be registered in precinct;
1833 provisions for residence or name change.--

1834 (2)(a) An elector who moves from the precinct ~~within the~~
1835 ~~county~~ in which the elector is registered may be permitted to
1836 vote in the precinct to which he or she has moved his or her
1837 legal residence, provided such elector completes an affirmation
1838 in substantially the following form:

1839
1840 Change of Legal Residence of Registered
1841 Voter

1842
1843 Under penalties for false swearing, I, (Name of voter) ,
1844 swear (or affirm) that the former address of my legal residence
1845 was (Address of legal residence) in the municipality of
1846 _____, in _____ County, Florida, and I was registered to vote in
1847 the _____ precinct of _____ County, Florida; that I have not
1848 voted in the precinct of my former registration in this
1849 election; that I now reside at (Address of legal residence)
1850 in the Municipality of _____, in _____ County, Florida, and am
1851 therefore eligible to vote in the _____ precinct of _____
1852 County, Florida; and I further swear (or affirm) that I am
1853 otherwise legally registered and entitled to vote.

1854

HB 1589 CS

2005
CS

1855 (Signature of voter whose address of legal residence has
1856 changed)

1857
1858 (b) An elector whose name changes because of marriage or
1859 other legal process may be permitted to vote, provided such
1860 elector completes an affirmation in substantially the following
1861 form:

1862
1863 Change of Name of Registered
1864 Voter

1865
1866 Under penalties for false swearing, I, (New name of voter) ,
1867 swear (or affirm) that my name has been changed because of
1868 marriage or other legal process. My former name and address of
1869 legal residence appear on the registration records ~~books~~ of
1870 precinct _____ as follows:

- 1871 Name
- 1872 Address
- 1873 Municipality
- 1874 County
- 1875 Florida, Zip

1876 My present name and address of legal residence are as follows:

- 1877 Name
- 1878 Address
- 1879 Municipality
- 1880 County
- 1881 Florida, Zip

HB 1589 CS

2005
CS

1882 and I further swear (or affirm) that I am otherwise legally
1883 registered and entitled to vote.

1884
1885 (Signature of voter whose name has changed)

1886
1887 (c) Such affirmation, when completed and presented at the
1888 precinct in which such elector is entitled to vote, and upon
1889 verification of the elector's registration, shall entitle such
1890 elector to vote as provided in this subsection. If the elector's
1891 eligibility to vote cannot be determined, he or she shall be
1892 entitled to vote a provisional ballot, subject to the
1893 requirements and procedures in s. 101.048. Upon receipt of an
1894 affirmation certifying a change in address of legal residence or
1895 name, the supervisor shall as soon as practicable make the
1896 necessary changes in the statewide voter registration system
1897 ~~records of the county~~ to indicate the change in address of legal
1898 residence or name of such elector.

1899 (d) Instead of the affirmation contained in paragraph (a)
1900 or paragraph (b), an elector may complete a voter registration
1901 application that indicates the change of name or change of
1902 address of legal residence.

1903 ~~(e) A request for an absentee ballot pursuant to s. 101.62~~
1904 ~~which indicates that the elector has had a change of address of~~
1905 ~~legal residence from that in the supervisor's records shall be~~
1906 ~~sufficient as the notice to the supervisor of change of address~~
1907 ~~of legal residence required by this section. Upon receipt of~~
1908 ~~such request for an absentee ballot from an elector who has~~
1909 ~~changed his or her address of legal residence, the supervisor~~

HB 1589 CS

2005
CS

1910 ~~shall provide the elector with the proper ballot for the~~
 1911 ~~precinct in which the elector then has his or her legal~~
 1912 ~~residence.~~

1913 ~~(3) When an elector's name does not appear on the~~
 1914 ~~registration books of the election precinct in which the elector~~
 1915 ~~is registered, the elector may have his or her name restored if~~
 1916 ~~the supervisor is otherwise satisfied that the elector is~~
 1917 ~~validly registered, that the elector's name has been erroneously~~
 1918 ~~omitted from the books, and that the elector is entitled to have~~
 1919 ~~his or her name restored. The supervisor, if he or she is~~
 1920 ~~satisfied as to the elector's previous registration, shall allow~~
 1921 ~~such person to vote and shall thereafter issue a duplicate~~
 1922 ~~registration identification card.~~

1923 Section 32. Subsection (1) of section 101.048, Florida
 1924 Statutes, is amended to read:

1925 101.048 Provisional ballots.--

1926 (1) At all elections, a voter claiming to be properly
 1927 registered in the state county and eligible to vote at the
 1928 precinct in the election, but whose eligibility cannot be
 1929 determined, and other persons specified in the code shall be
 1930 entitled to vote a provisional ballot. Once voted, the
 1931 provisional ballot shall be placed in a secrecy envelope and
 1932 thereafter sealed in a provisional ballot envelope. The
 1933 provisional ballot shall be deposited in a ballot box. All
 1934 provisional ballots shall remain sealed in their envelopes for
 1935 return to the supervisor of elections. The department shall
 1936 prescribe the form of the provisional ballot envelope.

HB 1589 CS

2005
CS

1937 Section 33. Subsection (1) of section 101.161, Florida
 1938 Statutes, is amended to read:
 1939 101.161 Referenda; ballots.--
 1940 (1) Whenever a constitutional amendment or other public
 1941 measure is submitted to the vote of the people, the substance of
 1942 such amendment or other public measure shall be printed in clear
 1943 and unambiguous language on the ballot after the list of
 1944 candidates, followed by the word "yes" and also by the word
 1945 "no," and shall be styled in such a manner that a "yes" vote
 1946 will indicate approval of the proposal and a "no" vote will
 1947 indicate rejection. The wording of the substance of the
 1948 amendment or other public measure and the ballot title to appear
 1949 on the ballot shall be embodied in the joint resolution,
 1950 constitutional revision commission proposal, constitutional
 1951 convention proposal, taxation and budget reform commission
 1952 proposal, or enabling resolution or ordinance. Except for
 1953 amendments and ballot language proposed by joint resolution, the
 1954 substance of the amendment or other public measure shall be an
 1955 explanatory statement, not exceeding 75 words in length, of the
 1956 chief purpose of the measure. In addition, for every amendment
 1957 proposed by initiative, the ballot shall include, following the
 1958 ballot summary, a separate financial impact statement concerning
 1959 the measure prepared by the Financial Impact Estimating
 1960 Conference in accordance with s. 100.371(5)~~(6)~~. The ballot title
 1961 shall consist of a caption, not exceeding 15 words in length, by
 1962 which the measure is commonly referred to or spoken of.

HB 1589 CS

2005
CS

1963 Section 34. Subsection (2) of section 101.56062, Florida
1964 Statutes, as created by chapter 2002-281, Laws of Florida, is
1965 amended to read:

1966 101.56062 Standards for accessible voting systems.--

1967 (2) Such voting system must include at least one
1968 accessible voter interface device installed in each polling
1969 place ~~precinct~~ which meets the requirements of this section,
1970 except for paragraph (1)(d).

1971 Section 35. Subsection (1) of section 101.5608, Florida
1972 Statutes, is amended to read:

1973 101.5608 Voting by electronic or electromechanical method;
1974 procedures.--

1975 (1) Each elector desiring to vote shall be identified to
1976 the clerk or inspector of the election as a duly qualified
1977 elector of such election and shall sign his or her name on the
1978 ~~in ink or indelible pencil to an identification blank, signature~~
1979 ~~slip, precinct register, or other form or device provided by the~~
1980 supervisor ballot stub on which the ballot serial number may be
1981 ~~recorded~~. The inspector shall compare the signature with the
1982 signature on the identification provided by the elector. If the
1983 inspector is reasonably sure that the person is entitled to
1984 vote, the inspector shall provide the person with a ballot.

1985 Section 36. Subsections (7) and (8) of section 101.5614,
1986 Florida Statutes, are amended to read:

1987 101.5614 Canvass of returns.--

1988 (7) Absentee ballots and early voted ballots shall ~~may~~ be
1989 counted by automatic tabulating equipment if they have been
1990 marked in a manner that ~~which~~ will enable them to be properly

HB 1589 CS

2005
CS

1991 counted by such equipment and aggregated with the results for
1992 each precinct.

1993 (8) The return printed by the automatic tabulating
1994 equipment, to which has been added the return of write-in,
1995 absentee, early, and manually counted votes and votes from
1996 provisional ballots, shall constitute the official return of the
1997 election upon certification by the canvassing board. Upon
1998 completion of the count, the returns shall be open to the
1999 public. A copy of the returns may be posted at the central
2000 counting place or at the office of the supervisor of elections
2001 in lieu of the posting of returns at individual precincts.

2002 Section 37. Effective August 1, 2006, section 101.573,
2003 Florida Statutes, is created to read:

2004 101.573 Record of votes by precinct.--

2005 (1) Within 75 days after the date of a municipal election
2006 or runoff, whichever occurs later, a presidential preference
2007 primary, or a general election, the supervisor of elections
2008 shall file with the Department of State precinct-level election
2009 results for that election cycle. Precinct-level election results
2010 shall record for each precinct the returns tabulated at the
2011 precinct location to which have been added the returns for the
2012 precinct of absentee and early votes.

2013 (2) The Department of State shall adopt rules pursuant to
2014 ss. 120.536(1) and 120.54 prescribing the form by which
2015 supervisors of elections shall submit election results for each
2016 precinct.

2017 Section 38. Paragraph (a) of subsection (4) of section
2018 101.62, Florida Statutes, is amended to read:

HB 1589 CS

2005
CS

2019 101.62 Request for absentee ballots.--
 2020 (4)(a) To each absent qualified elector overseas who has
 2021 requested an absentee ballot, the supervisor of elections shall,
 2022 not fewer than 35 days before the first primary election, mail
 2023 an absentee ballot. Not fewer than 45 days before the second
 2024 primary and general election, the supervisor of elections shall
 2025 mail an advance absentee ballot to those persons requesting
 2026 ballots for such elections. The advance absentee ballot for the
 2027 second primary shall be the same as the first primary absentee
 2028 ballot as to the names of candidates, except that for any
 2029 offices where there are only two candidates, those offices and
 2030 all political party executive committee offices shall be
 2031 omitted. Except as provided in ss. 99.063(4) and 100.371~~(5)~~(6),
 2032 the advance absentee ballot for the general election shall be as
 2033 specified in s. 101.151, except that in the case of candidates
 2034 of political parties where nominations were not made in the
 2035 first primary, the names of the candidates placing first and
 2036 second in the first primary election shall be printed on the
 2037 advance absentee ballot. The advance absentee ballot or advance
 2038 absentee ballot information booklet shall be of a different
 2039 color for each election and also a different color from the
 2040 absentee ballots for the first primary, second primary, and
 2041 general election. The supervisor shall mail an advance absentee
 2042 ballot for the second primary and general election to each
 2043 qualified absent elector for whom a request is received until
 2044 the absentee ballots are printed. The supervisor shall enclose
 2045 with the advance second primary absentee ballot and advance
 2046 general election absentee ballot an explanation stating that the

HB 1589 CS

2005
CS

2047 absentee ballot for the election will be mailed as soon as it is
 2048 printed; and, if both the advance absentee ballot and the
 2049 absentee ballot for the election are returned in time to be
 2050 counted, only the absentee ballot will be counted. The
 2051 Department of State may prescribe by rule the requirements for
 2052 preparing and mailing absentee ballots to absent qualified
 2053 electors overseas.

2054 Section 39. Subsection (3) is added to section 101.64,
 2055 Florida Statutes, to read:

2056 101.64 Delivery of absentee ballots; envelopes; form.--

2057 (3) The supervisor shall mark, code, track, or otherwise
 2058 indicate on each absentee ballot the precinct of the absent
 2059 elector.

2060 Section 40. Paragraph (a) of subsection (1) of section
 2061 101.657, Florida Statutes, is amended to read:

2062 101.657 Early voting.--

2063 (1)(a) The supervisor of elections shall allow an elector
 2064 to vote early in the main or branch office of the supervisor by
 2065 depositing the voted ballot in a voting device used by the
 2066 supervisor to collect or tabulate ballots. The supervisor shall
 2067 mark, code, track, or otherwise indicate on each early voted
 2068 ballot the precinct to which the ballot corresponds. In order
 2069 for a branch office to be used for early voting, it shall be a
 2070 full-service facility of the supervisor and shall have been
 2071 designated as such at least 1 year prior to the election. The
 2072 supervisor may designate any city hall or public library as
 2073 early voting sites; however, if so designated, the sites must be
 2074 geographically located so as to provide all voters in the county

HB 1589 CS

2005
CS

2075 an equal opportunity to cast a ballot, insofar as is
2076 practicable. The results or tabulation may not be made before
2077 the close of the polls on election day.

2078 Section 41. Section 101.663, Florida Statutes, is amended
2079 to read:

2080 101.663 Electors; change of residence to another state.--

2081 ~~(1) An elector who changes his or her residence to another~~
2082 ~~county in Florida from the county in Florida in which he or she~~
2083 ~~is registered as an elector after the books in the county to~~
2084 ~~which the elector has changed his or her residence are closed~~
2085 ~~for any general, primary, or special election shall be permitted~~
2086 ~~to vote absentee in the county of his or her former residence in~~
2087 ~~that election for President and Vice President, United States~~
2088 ~~Senator, statewide offices, and statewide issues. Such person~~
2089 ~~shall not be permitted to vote in the county of the person's~~
2090 ~~former residence after the general election.~~

2091 ~~(2)~~ An elector registered in this state who moves his or
2092 her permanent residence to another state and who is prohibited
2093 by the laws of that state from voting for the offices of
2094 President and Vice President of the United States shall be
2095 permitted to vote absentee in the county of his or her former
2096 residence for those offices.

2097 Section 42. Subsection (1) of section 101.6921, Florida
2098 Statutes, is amended to read:

2099 101.6921 Delivery of special absentee ballot to certain
2100 first-time voters.--

2101 (1) The provisions of this section apply to voters who are
2102 subject to the provisions of s. 97.0535 ~~registered to vote by~~

HB 1589 CS

2005
CS

2103 ~~mail, who have not previously voted in the county,~~ and who have
 2104 not provided the identification or certification required by s.
 2105 97.0535 by the time the absentee ballot is mailed.

2106 Section 43. Section 101.6923, Florida Statutes, is amended
 2107 to read:

2108 101.6923 Special absentee ballot instructions for certain
 2109 first-time voters.--

2110 (1) The provisions of this section apply to voters who are
 2111 subject to the provisions of s. 97.0535 ~~registered to vote by~~
 2112 ~~mail, who have not previously voted in the county,~~ and who have
 2113 not provided the identification or information required by s.
 2114 97.0535 by the time the absentee ballot is mailed.

2115 (2) A voter covered by this section shall be provided with
 2116 ~~the following~~ printed instructions with his or her absentee
 2117 ballot in substantially the following form:

2118
 2119 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
 2120 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
 2121 YOUR BALLOT NOT TO COUNT.

2122
 2123 1. In order to ensure that your absentee ballot will be
 2124 counted, it should be completed and returned as soon as possible
 2125 so that it can reach the supervisor of elections of the county
 2126 in which your precinct is located no later than 7 p.m. on the
 2127 date of the election.

2128 2. Mark your ballot in secret as instructed on the ballot.
 2129 You must mark your own ballot unless you are unable to do so
 2130 because of blindness, disability, or inability to read or write.

HB 1589 CS

2005
CS

2131 3. Mark only the number of candidates or issue choices for
2132 a race as indicated on the ballot. If you are allowed to "Vote
2133 for One" candidate and you vote for more than one, your vote in
2134 that race will not be counted.

2135 4. Place your marked ballot in the enclosed secrecy
2136 envelope and seal the envelope.

2137 5. Insert the secrecy envelope into the enclosed envelope
2138 bearing the Voter's Certificate. Seal the envelope and
2139 completely fill out the Voter's Certificate on the back of the
2140 envelope.

2141 a. You must sign your name on the line above (Voter's
2142 Signature).

2143 b. If you are an overseas voter, you must include the date
2144 you signed the Voter's Certificate on the line above (Date) or
2145 your ballot may not be counted.

2146 6. Unless you meet one of the exemptions in Item 7., you
2147 must make a copy of one of the following forms of
2148 identification:

2149 a. Identification which must include your name and
2150 photograph: ~~current and valid Florida driver's license; Florida~~
2151 ~~identification card issued by the Department of Highway Safety~~
2152 ~~and Motor Vehicles;~~ United States passport; employee badge or
2153 identification; buyer's club identification card; debit or
2154 credit card; military identification; student identification;
2155 retirement center identification; neighborhood association
2156 identification; ~~entertainment identification;~~ or public
2157 assistance identification; or

HB 1589 CS

2005
CS

2158 b. Identification which shows your name and current
2159 residence address: current utility bill, bank statement,
2160 government check, paycheck, or government document (excluding
2161 voter identification card).

2162 7. The identification requirements of Item 6. do not apply
2163 if you meet one of the following requirements:

2164 a. You are 65 years of age or older.

2165 b. You have a temporary or permanent physical disability.

2166 c. You are a member of a uniformed service on active duty
2167 who, by reason of such active duty, will be absent from the
2168 county on election day.

2169 d. You are a member of the Merchant Marine who, by reason
2170 of service in the Merchant Marine, will be absent from the
2171 county on election day.

2172 e. You are the spouse or dependent of a member referred to
2173 in paragraph c. or paragraph d. who, by reason of the active
2174 duty or service of the member, will be absent from the county on
2175 election day.

2176 f. You are currently residing outside the United States.

2177 8. Place the envelope bearing the Voter's Certificate into
2178 the mailing envelope addressed to the supervisor. Insert a copy
2179 of your identification in the mailing envelope. DO NOT PUT YOUR
2180 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
2181 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
2182 BALLOT WILL NOT COUNT.

2183 9. Mail, deliver, or have delivered the completed mailing
2184 envelope. Be sure there is sufficient postage if mailed.

HB 1589 CS

2005
CS

2185 10. FELONY NOTICE. It is a felony under Florida law to
2186 accept any gift, payment, or gratuity in exchange for your vote
2187 for a candidate. It is also a felony under Florida law to vote
2188 in an election using a false identity or false address, or under
2189 any other circumstances making your ballot false or fraudulent.

2190 Section 44. Subsection (3) of section 102.012, Florida
2191 Statutes, is amended to read:

2192 102.012 Inspectors and clerks to conduct elections.--

2193 (3) The supervisor shall furnish inspectors of election
2194 for each precinct with the list of registered electors for that
2195 precinct ~~registration books divided alphabetically as will best~~
2196 ~~facilitate the holding of an election.~~ The supervisor shall also
2197 furnish to the inspectors of election at the polling place at
2198 each precinct in the supervisor's county a sufficient number of
2199 forms and blanks for use on election day.

2200 Section 45. Subsections (1), (2), and (3) of section
2201 104.013, Florida Statutes, are amended to read:

2202 104.013 Unauthorized use, possession, or destruction of
2203 voter information ~~registration identification~~ card.--

2204 (1) It is unlawful for any person knowingly to have in his
2205 or her possession any blank, forged, stolen, fictitious,
2206 counterfeit, or unlawfully issued voter information ~~registration~~
2207 ~~identification~~ card unless possession by such person has been
2208 duly authorized by the supervisor.

2209 (2) It is unlawful for any person to barter, trade, sell,
2210 or give away a voter information ~~registration identification~~
2211 card unless said person has been duly authorized to issue a
2212 voter information ~~registration identification~~ card.

HB 1589 CS

2005
CS

2213 (3) It is unlawful for any person willfully to destroy or
2214 deface the information ~~registration identification~~ card of a
2215 duly registered voter.

2216 Section 46. Section 106.23, Florida Statutes, is amended
2217 to read:

2218 106.23 Powers of the Division of Elections.--

2219 (1) In order to carry out the responsibilities prescribed
2220 by s. 106.22, the Division of Elections is empowered to subpoena
2221 and bring before its duly authorized representatives any person
2222 in the state, or any person doing business in the state, or any
2223 person who has filed or is required to have filed any
2224 application, document, papers, or other information with an
2225 office or agency of this state or a political subdivision
2226 thereof and to require the production of any papers, books, or
2227 other records relevant to any investigation, including the
2228 records and accounts of any bank or trust company doing business
2229 in this state. Duly authorized representatives of the division
2230 are empowered to administer all oaths and affirmations in the
2231 manner prescribed by law to witnesses who shall appear before
2232 them concerning any relevant matter. Should any witness fail to
2233 respond to the lawful subpoena of the division or, having
2234 responded, fail to answer all lawful inquiries or to turn over
2235 evidence that has been subpoenaed, the division may file a
2236 complaint before any circuit court of the state setting up such
2237 failure on the part of the witness. On the filing of such
2238 complaint, the court shall take jurisdiction of the witness and
2239 the subject matter of said complaint and shall direct the
2240 witness to respond to all lawful questions and to produce all

2241 documentary evidence in the witness's possession which is
 2242 lawfully demanded. The failure of any witness to comply with
 2243 such order of the court shall constitute a direct and criminal
 2244 contempt of court, and the court shall punish said witness
 2245 accordingly. However, the refusal by a witness to answer
 2246 inquiries or turn over evidence on the basis that such testimony
 2247 or material will tend to incriminate such witness shall not be
 2248 deemed refusal to comply with the provisions of this chapter.

2249 (2) The Division of Elections shall provide advisory
 2250 opinions when requested by any supervisor of elections,
 2251 candidate, local officer having election-related duties,
 2252 political party, political committee, committee of continuous
 2253 existence, or other person or organization engaged in political
 2254 activity, relating to any provisions or possible violations of
 2255 Florida election laws with respect to actions such supervisor,
 2256 candidate, local officer having election-related duties,
 2257 political party, committee, person, or organization has taken or
 2258 proposes to take. Requests for advisory opinions must be
 2259 submitted in accordance with rules adopted by the Department of
 2260 State. ~~A written record of all such opinions issued by the~~
 2261 ~~division, sequentially numbered, dated, and indexed by subject~~
 2262 ~~matter, shall be retained. A copy shall be sent to said person~~
 2263 ~~or organization upon request.~~ Any such person or organization,
 2264 acting in good faith upon such an advisory opinion, shall not be
 2265 subject to any criminal penalty provided for in this chapter.
 2266 The opinion, until amended or revoked, shall be binding on any
 2267 person or organization who sought the opinion or with reference

2268 | to whom the opinion was sought, unless material facts were
 2269 | omitted or misstated in the request for the advisory opinion.
 2270 | (3)(a) If the Secretary of State finds that a lack of
 2271 | uniformity in the application of the provisions of the Florida
 2272 | Election Code or rules adopted thereunder exists within the
 2273 | state, the secretary, through the Division of Elections, shall
 2274 | have the authority to issue a statement of interpretation of the
 2275 | election laws to the supervisors of elections, the county
 2276 | canvassing boards, or any other officials performing election-
 2277 | related duties or responsibilities pursuant to the Florida
 2278 | Election Code. A statement issued pursuant to this subsection
 2279 | shall describe the basis for the determination that a lack of
 2280 | uniformity exists in the application of the Florida Election
 2281 | Code or the rules adopted thereunder and shall provide direction
 2282 | as to the statutory requirements of the Florida Election Code
 2283 | and any applicable rules with regard to the matter in which the
 2284 | lack of uniformity exists. Such statement shall constitute the
 2285 | Secretary of State's official interpretation of the provisions
 2286 | of the Florida Election Code or the rules adopted thereunder for
 2287 | the purpose of maintaining the uniform application, operation,
 2288 | and interpretation of the election laws as required by s.
 2289 | 97.012(1). Such statement shall be binding on supervisors of
 2290 | elections, county canvassing boards, and other officials
 2291 | performing election-related duties or responsibilities pursuant
 2292 | to the Florida Election Code upon issuance and shall remain
 2293 | binding unless amended or revoked by the secretary or set aside
 2294 | by a court of competent jurisdiction or unless the relevant

2295 provisions of the Florida Election Code or the rules adopted
 2296 thereunder upon which the interpretation is based are repealed.

2297 (b) Within 5 days after the issuance of a statement, any
 2298 supervisor of elections, county canvassing board member, or
 2299 other official subject to the statement may request
 2300 reconsideration of the statement by the Secretary of State. Such
 2301 request must be in writing and shall specify the legal and
 2302 factual basis upon which the request for reconsideration is
 2303 made. The foregoing constitutes a condition precedent for any
 2304 supervisor of elections, county canvassing board member, or
 2305 other official subject to a statement to file an appeal pursuant
 2306 to paragraph (c). Within 3 business days after receipt of the
 2307 written request for reconsideration, the division shall issue a
 2308 response granting or denying the request for reconsideration.
 2309 Such response shall uphold the statement in its entirety, modify
 2310 the statement, or rescind the statement. If the response
 2311 modifies the statement, the response shall constitute a new
 2312 statement of interpretation for purposes of paragraphs (a) and
 2313 (c). If more than one properly filed request for reconsideration
 2314 is received, the division may consolidate the requests for the
 2315 purpose of granting or denying such requests.

2316 (c) Within 20 days after the issuance of a statement, any
 2317 supervisor of elections, county canvassing board member, or
 2318 other official subject to the statement may file a notice of
 2319 appeal or petition for review in accordance with the Florida
 2320 Rules of Appellate Procedure with the First District Court of
 2321 Appeals. The court shall only set aside the statement when it
 2322 finds that the statement is clearly erroneous or inconsistent

2323 with prior statements of interpretations issued pursuant to this
 2324 subsection and deviation therefrom is not explained by the
 2325 secretary. In the event that the court sets aside a statement
 2326 issued pursuant to this subsection, the court shall remand its
 2327 decision to the secretary, who shall issue a revised statement
 2328 consistent with the ruling of the court.

2329 (d) The secretary shall be the only proper party defendant
 2330 to any action brought challenging the validity or legality of
 2331 any statement issued by the secretary. Any person acting in good
 2332 faith in conformity with a statement issued by the secretary
 2333 shall not be subject to civil suit for such action or any
 2334 criminal penalty provided for in this chapter.

2335 (e) Any supervisor of elections, county canvassing board
 2336 member, or other official having election-related duties who
 2337 willfully fails to comply with a binding statement issued
 2338 pursuant to this subsection shall be subject to the penalties
 2339 contained in s. 104.051(2). Only the secretary may file a
 2340 complaint with the Florida Elections Commission alleging willful
 2341 failure to follow a binding statement. A member of a county
 2342 canvassing board shall not be subject to the penalties contained
 2343 in s. 104.051(2) if the member was not on the prevailing side of
 2344 a vote of the county canvassing board that is contrary to a
 2345 binding statement.

2346 (4) A written record of all advisory opinions and
 2347 statements of interpretation of the election laws issued by the
 2348 Division of Elections, sequentially numbered, dated, and indexed
 2349 by subject matter, shall be retained. A copy shall be sent to
 2350 any person or organization upon request.

2351 (5) Advisory opinions or statements of interpretation of
 2352 the election laws are exempt from the provisions of chapter 120.

2353 Section 47. Section 196.141, Florida Statutes, is amended
 2354 to read:

2355 196.141 Homestead exemptions; duty of property
 2356 appraiser.--

2357 ~~(1)~~ The property appraiser shall examine each claim for
 2358 exemption filed with or referred to him or her and shall allow
 2359 the same, if found to be in accordance with law, by marking the
 2360 same approved and by making the proper deductions on the tax
 2361 books.

2362 ~~(2) The property appraiser shall examine each referral, of~~
 2363 ~~a person registering to vote at an address different from the~~
 2364 ~~one where the person has filed for a homestead exemption, which~~
 2365 ~~has been provided by a supervisor of elections pursuant to s.~~
 2366 ~~98.015. The property appraiser shall initiate procedures to~~
 2367 ~~terminate a person's homestead exemption and assess back taxes,~~
 2368 ~~if appropriate, if the person claiming such exemption is not~~
 2369 ~~entitled to the exemption under law.~~

2370 Section 48. Sections 98.055, 98.095, 98.0977, 98.0979,
 2371 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida
 2372 Statutes, are repealed.

2373 Section 49. Except as otherwise provided herein, this act
 2374 shall take effect January 1, 2006.