

Bill No. CS for CS for SB 1996

Barcode 363160

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Petition Fraud and Voter Protection Act."

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.--

(1) As determined by each supervisor, based upon local conditions, the verification of signatures ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of valid ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions.

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1 The sample must be such that a determination can be made as to
2 whether or not the required number of valid signatures has
3 ~~have~~ been obtained with a reliability of at least 99.5
4 percent. Rules and guidelines for this method of petition
5 verification shall be promulgated by the Department of State,
6 which may include a requirement that petitions bear an
7 additional number of names and signatures, not to exceed 15
8 percent of the names and signatures otherwise required. If the
9 petitions do not meet such criteria, then the use of the
10 verification method described in this paragraph shall not be
11 available to supervisors.

12
13 Notwithstanding any other provision of law, petitions to
14 secure ballot placement for an issue must be verified by the
15 method provided in paragraph (a).

16 (3)(a) A signature name on a petition, in a ~~which~~ name
17 that is not in substantially the same form as a name on the
18 voter registration books, shall be counted as a valid
19 signature if, after comparing the signature on the petition
20 with the signature of the alleged signer as shown on the
21 registration books, the supervisor determines that the person
22 signing the petition and the person who registered to vote are
23 one and the same. In any situation in which this code requires
24 the form of the petition to be prescribed by the division, no
25 signature shall be counted toward the number of signatures
26 required unless it is on a petition form prescribed by the
27 division. A signature on a petition may not be counted toward
28 the number of valid signatures required for ballot placement
29 unless all relevant provisions of this code have been
30 satisfied.

31 (b) If a voter signs a petition and lists an address

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1 other than the legal residence where the voter is registered,
2 the supervisor shall treat the signature as if the voter had
3 listed the address where the voter is registered.

4 (4)(a) The supervisor shall be paid in advance the sum
5 of 10 cents for each signature checked or the actual cost of
6 checking such signature, whichever is less, by the candidate
7 or, in the case of a petition to have an issue placed on the
8 ballot, by the person or organization submitting the petition.
9 However, if a candidate, person, or organization seeking to
10 have an issue placed upon the ballot cannot pay such charges
11 without imposing an undue burden on personal resources or upon
12 the resources otherwise available to such candidate, person,
13 or organization, such candidate, person, or organization
14 shall, upon written certification of such inability given
15 under oath to the supervisor, be entitled to have the
16 signatures verified at no charge. In the event a candidate,
17 person, or organization submitting a petition to have an issue
18 placed upon the ballot is entitled to have the signatures
19 verified at no charge, the supervisor of elections of each
20 county in which the signatures are verified at no charge shall
21 submit the total number of such signatures checked in the
22 county to the Chief Financial Officer no later than December 1
23 of the general election year, and the Chief Financial Officer
24 shall cause such supervisor of elections to be reimbursed from
25 the General Revenue Fund in an amount equal to 10 cents for
26 each signature ~~name~~ checked or the actual cost of checking
27 such signatures, whichever is less. In no event shall such
28 reimbursement of costs be deemed or applied as extra
29 compensation for the supervisor. Petitions shall be retained
30 by the supervisors for a period of 1 year following the
31 election for which the petitions were circulated.

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1 (b) A person or organization submitting a petition to
2 secure ballot placement for an issue which has filed a
3 certification of undue burden may not provide compensation to
4 any paid petition circulator, as defined in s. 100.372, unless
5 the person or organization first pays all supervisors for each
6 signature checked or reimburses the General Revenue Fund for
7 such costs. If a person or organization subject to this
8 paragraph provides compensation to a paid petition circulator
9 before the date the person or organization pays all
10 supervisors for each signature checked or reimburses the
11 General Revenue Fund for such costs, no signature on a
12 petition circulated by the petition circulator before that
13 date may be counted toward the number of valid signatures
14 required for ballot placement.

15 (6)(a) The alleged improper verification of a
16 signature on a petition to secure ballot placement for an
17 issue pursuant to this code may be contested in the circuit
18 court by a political committee or by an elector. The
19 contestant shall file a complaint setting forth the basis of
20 the contest, together with the fees prescribed in chapter 28,
21 with the clerk of the circuit court in the county in which the
22 petition is certified or in Leon County if the complaint is
23 directed to petitions certified in more than one county.

24 (b) If the contestant demonstrates by a preponderance
25 of the evidence that one or more petitions were improperly
26 verified, the signatures appearing on such petitions may not
27 be counted toward the number of valid signatures required for
28 ballot placement. If an action brought under this subsection
29 is resolved after the Secretary of State has issued a
30 certificate of ballot position for the issue, but the
31 contestant demonstrates by a preponderance of the evidence

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1 that the person or organization submitting the petition had
 2 obtained verification of an insufficient number of valid and
 3 verified signatures to qualify for ballot placement, the issue
 4 shall be removed from the ballot or, if such action is
 5 impractical, any votes cast for or against the issue may not
 6 be counted and shall be invalidated.

7 (c) An action under this subsection must be commenced
 8 not later than 90 days after the Secretary of State issues a
 9 certificate of ballot position for the issue.

10 Section 3. Section 100.371, Florida Statutes, as
 11 amended by section 9 of chapter 2002-281, Laws of Florida, is
 12 amended to read:

13 100.371 Initiatives; procedure for placement on
 14 ballot.--

15 (1) Constitutional amendments proposed by initiative
 16 shall be placed on the ballot for the general election
 17 provided that an initiative petition is filed with the
 18 Secretary of State by February 1 of the year in which the
 19 general election is to be held ~~occurring in excess of 90 days~~
 20 ~~from the certification of ballot position by the Secretary of~~
 21 State.

22 (2) ~~Such~~ Certification of ballot position shall be
 23 issued when the Secretary of State has received verification
 24 certificates from the supervisors of elections indicating that
 25 the requisite number and distribution of valid petitions
 26 bearing the signatures of electors have been submitted to and
 27 verified by the supervisors. Every signature shall be dated by
 28 the elector when made. Signatures are ~~and shall be~~ valid for a
 29 period of 4 years following such date, provided all other
 30 requirements of law are satisfied ~~complied with~~.

31 (3) The sponsor of an initiative amendment shall,

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1 prior to obtaining any signatures, register as a political
2 committee pursuant to s. 106.03 and submit the text of the
3 proposed amendment to the Secretary of State, with the form on
4 which the signatures will be affixed, and shall obtain the
5 approval of the Secretary of State of such form. The division
6 ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54
7 prescribing the style and requirements of such form. Upon
8 filing with the Secretary of State, the text of the proposed
9 amendment and all forms filed in connection with this section
10 must, upon request, be made available in alternative formats.
11 The contents of a petition form shall be limited to those
12 items required by statute or rule. A petition form shall be
13 deemed a political advertisement as defined in s. 106.011 and,
14 as such, must comply with all relevant requirements of chapter
15 106.

16 (4) The supervisor of elections shall record the date
17 each petition form was received by the supervisor and the date
18 the signature on the form was verified as valid. The
19 supervisor shall verify that the signature on a petition form
20 is valid only if the form complies with all of the following:

21 (a) The form must contain the original signature of
22 the purported elector;

23 (b) The purported elector must accurately record on
24 the form the date on which he or she signed the form;

25 (c) The form must accurately set forth the purported
26 elector's name, street address, county, and voter registration
27 number or date of birth;

28 (d) The purported elector must be, at the time he or
29 she signs the form, a duly qualified and registered elector
30 authorized to vote in the county for which his or her
31 signature is submitted;

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1 (e) The date the elector signed the form, as recorded
2 by the elector, must be no more than 45 days from the date the
3 form was received by the supervisor of elections;

4 (f) The elector must accurately record on the form
5 whether the elector signed the form in the presence of a
6 petition circulator, as defined in s. 100.372(1); and

7 (g) If the elector signed the petition form in the
8 presence of a petition circulator, the petition form must
9 comply with the requirements of s. 100.372.

10 (5) An elector has the right to submit his or her
11 signed form to the sponsor of the initiative amendment, by
12 mail or otherwise, at an address listed on the form for this
13 purpose.

14 (6) Each form must contain the following notices at
15 the top of the form in bold type and in a 16-point or larger
16 font, immediately following the title "Constitutional
17 Amendment Petition Form":

18
19 RIGHT TO MAIL-IN - You have the right to take
20 this petition home and study the issue before
21 signing. If you choose to sign the petition,
22 you may return it to the sponsors of the
23 amendment at the following address:

24 _____.

25
26 NATURE OF AMENDMENT - The merits of the
27 proposed change to the Florida Constitution
28 appearing below have not been officially
29 reviewed by any court or agency of state
30 government.

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1 ~~(7)(4)~~ The sponsor shall submit signed and dated forms
2 to the appropriate supervisor of elections for verification as
3 to the number of registered electors whose valid signatures
4 appear thereon. The supervisor shall promptly verify the
5 signatures upon payment of the fee required by s. 99.097. Upon
6 completion of verification, the supervisor shall execute a
7 certificate indicating the total number of signatures checked,
8 the number of signatures verified as valid and as being of
9 registered electors, and the distribution of such signatures
10 by congressional district. This certificate shall be
11 immediately transmitted to the Secretary of State. The
12 supervisor shall retain the signed ~~signature~~ forms for at
13 least 1 year following the election in which the issue
14 appeared on the ballot or until the Division of Elections
15 notifies the supervisors of elections that the committee which
16 circulated the petition is no longer seeking to obtain ballot
17 position.

18 ~~(8)(5)~~ The Secretary of State shall determine from the
19 verification certificates received from supervisors of
20 elections the total number of verified valid signatures and
21 the distribution of such signatures by congressional
22 districts. Upon a determination that the requisite number and
23 distribution of valid signatures have been obtained, the
24 secretary shall issue a certificate of ballot position for
25 that proposed amendment and shall assign a designating number
26 pursuant to s. 101.161. A petition shall be deemed to be filed
27 with the Secretary of State upon the date of the receipt by
28 the secretary of a certificate or certificates from
29 supervisors of elections indicating the petition has been
30 signed by the constitutionally required number of electors.

31 ~~(9)(6)~~(a) Within 45 days after receipt of a proposed

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1 revision or amendment to the State Constitution by initiative
2 petition from the Secretary of State ~~or, within 30 days after~~
3 ~~such receipt if receipt occurs 120 days or less before the~~
4 ~~election at which the question of ratifying the amendment will~~
5 ~~be presented~~, the Financial Impact Estimating Conference shall
6 complete an analysis and financial impact statement to be
7 placed on the ballot of the estimated increase or decrease in
8 any revenues or costs to state or local governments resulting
9 from the proposed initiative. The ballot must include a
10 statement, as prescribed by rule of the Department of State,
11 to the effect that the financial impact statement is required
12 under the State Constitution and the Florida Statutes and
13 should not be construed as an endorsement by the state of the
14 proposed revision or amendment to the State Constitution. The
15 Financial Impact Estimating Conference shall submit the
16 financial impact statement to the Attorney General and
17 Secretary of State.

18 (b)1. The Financial Impact Estimating Conference shall
19 provide an opportunity for any proponents or opponents of the
20 initiative to submit information and may solicit information
21 or analysis from any other entities or agencies, including the
22 Office of Economic and Demographic Research. All meetings of
23 the Financial Impact Estimating Conference shall be open to
24 the public as provided in chapter 286.

25 2. The Financial Impact Estimating Conference is
26 established to review, analyze, and estimate the financial
27 impact of amendments to or revisions of the State Constitution
28 proposed by initiative. The Financial Impact Estimating
29 Conference shall consist of four principals: one person from
30 the Executive Office of the Governor; the coordinator of the
31 Office of Economic and Demographic Research, or his or her

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1 designee; one person from the professional staff of the
2 Senate; and one person from the professional staff of the
3 House of Representatives. Each principal shall have
4 appropriate fiscal expertise in the subject matter of the
5 initiative. A Financial Impact Estimating Conference may be
6 appointed for each initiative.

7 3. Principals of the Financial Impact Estimating
8 Conference shall reach a consensus or majority concurrence on
9 a clear and unambiguous financial impact statement, no more
10 than 75 words in length, and immediately submit the statement
11 to the Attorney General. Nothing in this subsection prohibits
12 the Financial Impact Estimating Conference from setting forth
13 a range of potential impacts in the financial impact
14 statement. Any financial impact statement that a court finds
15 not to be in accordance with this section shall be remanded
16 solely to the Financial Impact Estimating Conference for
17 redrafting. The Financial Impact Estimating Conference shall
18 redraft the financial impact statement within 15 days.

19 4. If the members of the Financial Impact Estimating
20 Conference are unable to agree on the statement required by
21 this subsection, or if the Supreme Court has rejected the
22 initial submission by the Financial Impact Estimating
23 Conference and no redraft has been approved by the Supreme
24 Court by April 1 of the year in which the general election is
25 to be held ~~5 p.m. on the 75th day before the election~~, the
26 following statement shall appear on the ballot pursuant to s.
27 101.161(1): "The financial impact of this measure, if any,
28 cannot be reasonably determined at this time."

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

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1 (d)1. Any financial impact statement that the Supreme
2 Court finds not to be in accordance with this subsection shall
3 be remanded solely to the Financial Impact Estimating
4 Conference for redrafting, provided the court's advisory
5 opinion is rendered by April 1 of the year in which the
6 general election is to be held ~~at least 75 days before the~~
7 ~~election at which the question of ratifying the amendment will~~
8 ~~be presented~~. The Financial Impact Estimating Conference shall
9 prepare and adopt a revised financial impact statement no
10 later than 5 p.m. on the 15th day after the date of the
11 court's opinion.

12 2. If, by 5 p.m. on April 1 of the year in which the
13 general election is to be held ~~the 75th day before the~~
14 ~~election~~, the Supreme Court has not issued an advisory opinion
15 on the initial financial impact statement prepared by the
16 Financial Impact Estimating Conference for an initiative
17 amendment that otherwise meets the legal requirements for
18 ballot placement, the financial impact statement shall be
19 deemed approved for placement on the ballot.

20 3. In addition to the financial impact statement
21 required by this subsection, the Financial Impact Estimating
22 Conference shall draft an initiative financial information
23 statement. The initiative financial information statement
24 should describe in greater detail than the financial impact
25 statement any projected increase or decrease in revenues or
26 costs that the state or local governments would likely
27 experience if the ballot measure were approved. If
28 appropriate, the initiative financial information statement
29 may include both estimated dollar amounts and a description
30 placing the estimated dollar amounts into context. The
31 initiative financial information statement must include both a

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1 summary of not more than 500 words and additional detailed
2 information that includes the assumptions that were made to
3 develop the financial impacts, workpapers, and any other
4 information deemed relevant by the Financial Impact Estimating
5 Conference.

6 4. The Department of State shall have printed, and
7 shall furnish to each supervisor of elections, a copy of the
8 summary from the initiative financial information statements.
9 The supervisors shall have the summary from the initiative
10 financial information statements available at each polling
11 place and at the main office of the supervisor of elections
12 upon request.

13 5. The Secretary of State and the Office of Economic
14 and Demographic Research shall make available on the Internet
15 each initiative financial information statement in its
16 entirety. In addition, each supervisor of elections whose
17 office has a website shall post the summary from each
18 initiative financial information statement on the website.
19 Each supervisor shall include the Internet addresses for the
20 information statements on the Secretary of State's and the
21 Office of Economic and Demographic Research's websites in the
22 publication or mailing required by s. 101.20.

23 ~~(10)(7)~~ The Department of State may adopt rules in
24 accordance with s. 120.54 to carry out this section ~~the~~
25 ~~provisions of subsections (1)-(6)~~.

26 Section 4. Section 100.372, Florida Statutes, is
27 created to read:

28 100.372 Regulation of initiative petition
29 circulators.--

30 (1) For purposes of this section, a:

31 (a) "Petition circulator" is any person who, in the

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1 context of a direct face-to-face conversation, presents to
2 another person for his or her possible signature a petition
3 form regarding ballot placement for an initiative.

4 (b) "Paid petition circulator" is a petition
5 circulator who receives any compensation as either a direct or
6 indirect consequence of the activities described in paragraph
7 (a).

8 (2) At the time a petition circulator presents to any
9 person for his or her possible signature a petition form
10 regarding ballot placement for an initiative, the petition
11 circulator must:

12 (a) Be at least 18 years of age;

13 (b) Be eligible to register to vote in this or any
14 other state or territory of the United States; and

15 (c) Not be a convicted felon ineligible to register or
16 vote under s. 97.041(2)(b).

17 (3) A paid petition circulator shall, when engaged in
18 the activities described in paragraph (1)(a), wear a prominent
19 badge, in a form and manner prescribed by rule by the
20 division, identifying him or her as a "PAID PETITION
21 CIRCULATOR."

22 (4) In addition to any other practice or action
23 permissible under law, an owner, lessee, or other person
24 lawfully exercising control over private property may:

25 (a) Prohibit persons from engaging in activity on the
26 property which supports or opposes initiatives;

27 (b) Permit or prohibit persons from engaging in
28 activity on the property in support of or opposition to a
29 particular initiative; or

30 (c) Permit persons to engage in activity on the
31 property which supports or opposes initiatives, subject to

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1 time, place, and manner restrictions that are reasonable and
2 uniformly applied.

3 (5) Prior to being presented to a possible elector
4 for signature, a petition form regarding ballot placement for
5 an initiative must set forth the following information in a
6 format and manner prescribed by rule by the division:

7 (a) The name of any organization or entity with which
8 the petition circulator is affiliated and on behalf of which
9 the petition circulator is presenting forms to electors for
10 possible signature.

11 (b) The name of the sponsor of the initiative if
12 different from the entity with which the petition circulator
13 is affiliated.

14 (c) A statement directing those seeking information
15 about initiative sponsors and their contributors to the
16 Internet address of the appropriate division website; and

17 (d) A statement disclosing whether the petition
18 circulator is a paid petition circulator, and, if so, the
19 amount or rate of compensation and the name and address of the
20 person or entity paying the compensation to the paid petition
21 circulator.

22 (6)(a) A paid petition circulator shall attach to each
23 signed petition form or group of petition forms obtained by
24 the paid petition circulator a declaration under penalty of
25 perjury, executed by the paid petition circulator in a form
26 prescribed by rule by the division. If the declaration
27 pertains to a group of forms, the forms shall be consecutively
28 numbered on their face by the paid petition circulator and the
29 declaration shall refer to the forms by number.

30 (b) The declaration shall include the paid petition
31 circulator's printed name; the street address at which he or

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1 she resides, including county; the petition circulator's date
2 of birth; the petition circulator's Florida voter registration
3 number and county of registration, if applicable, or an
4 identification number from a valid government-issued photo
5 identification card, along with information identifying the
6 issuer; and the date he or she signed the declaration.

7 (c) The declaration shall attest that the paid
8 petition circulator has read and understands the laws
9 governing the circulation of petition forms regarding ballot
10 placement for an initiative; that he or she satisfied the
11 requirements of s. 100.372(2) at the time the attached form or
12 forms were circulated and signed by the listed electors; that
13 he or she circulated the attached form or forms; that each
14 signature thereon was affixed in the circulator's presence;
15 that to the best of the circulator's knowledge and belief each
16 signature thereon is the signature of the person whose name it
17 purports to be; that to the best of the circulator's knowledge
18 and belief each of the persons signing the form or forms was,
19 at the time of signing, a registered elector; that the
20 circulator has not provided or received, and will not in the
21 future provide or receive, compensation that is based,
22 directly or indirectly, upon the number of signatures obtained
23 on petitions; and that he or she has not paid or will not in
24 the future pay, and that he or she believes that no other
25 person has paid or will pay, directly or indirectly, any money
26 or other thing of value to any signer for the purpose of
27 inducing or causing such signer to affix his or her signature
28 to the form.

29 (d) A signature on a petition form regarding ballot
30 placement for an initiative to which a declaration required by
31 this subsection is not attached is invalid, may not be

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1 verified by the supervisor of elections, and may not be
2 counted toward the number of valid signatures required for
3 ballot placement.

4 (7) Each paid petition circulator shall provide to
5 the sponsor of the initiative amendment for which he or she is
6 circulating petitions a copy of a valid and current
7 government-issued photo identification card that accurately
8 indicates the address at which the paid petition circulator
9 resides. The sponsor of the initiative shall maintain the
10 copies of these identification cards in its files and shall
11 make them available for inspection by the division, a
12 supervisor of elections, or any law enforcement agency. If a
13 sponsor fails to maintain such a copy with respect to a
14 particular paid petition circulator, all petitions obtained by
15 that paid petition circulator prior to the date the sponsor
16 produces the required copy of the identification card are
17 invalid, may not be verified by the supervisor of elections,
18 and may not be counted toward the number of valid signatures
19 required for ballot placement.

20 (8) A signature on a petition form regarding ballot
21 placement for an initiative which does not fully comply with
22 the applicable provisions of this chapter, or which was
23 obtained in violation of the applicable provisions of this
24 code, is invalid, may not be verified by the supervisor of
25 elections, and may not be counted toward the number of valid
26 signatures required for ballot placement.

27 Section 5. Subsection (1) of section 101.161, Florida
28 Statutes, is amended to read:

29 101.161 Referenda; ballots.--

30 (1) Whenever a constitutional amendment or other
31 public measure is submitted to the vote of the people, the

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1 substance of such amendment or other public measure shall be
 2 printed in clear and unambiguous language on the ballot after
 3 the list of candidates, followed by the word "yes" and also by
 4 the word "no," and shall be styled in such a manner that a
 5 "yes" vote will indicate approval of the proposal and a "no"
 6 vote will indicate rejection. The wording of the substance of
 7 the amendment or other public measure and the ballot title to
 8 appear on the ballot shall be embodied in the joint
 9 resolution, constitutional revision commission proposal,
 10 constitutional convention proposal, taxation and budget reform
 11 commission proposal, or enabling resolution or ordinance.
 12 Except for amendments and ballot language proposed by joint
 13 resolution, the substance of the amendment or other public
 14 measure shall be an explanatory statement, not exceeding 75
 15 words in length, of the chief purpose of the measure. In
 16 addition, for every amendment proposed by initiative, the
 17 ballot shall include, following the ballot summary, a separate
 18 financial impact statement concerning the measure prepared by
 19 the Financial Impact Estimating Conference in accordance with
 20 s. 100.371(9)(~~6~~). The ballot title shall consist of a caption,
 21 not exceeding 15 words in length, by which the measure is
 22 commonly referred to or spoken of.

23 Section 6. Paragraph (a) of subsection (4) of section
 24 101.62, Florida Statutes, is amended to read:

25 101.62 Request for absentee ballots.--

26 (4)(a) To each absent qualified elector overseas who
 27 has requested an absentee ballot, the supervisor of elections
 28 shall, not fewer than 35 days before the first primary
 29 election, mail an absentee ballot. Not fewer than 45 days
 30 before the second primary and general election, the supervisor
 31 of elections shall mail an advance absentee ballot to those

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1 persons requesting ballots for such elections. The advance
2 absentee ballot for the second primary shall be the same as
3 the first primary absentee ballot as to the names of
4 candidates, except that for any offices where there are only
5 two candidates, those offices and all political party
6 executive committee offices shall be omitted. Except as
7 provided in ss. 99.063(4) and 100.371(9)(~~6~~), the advance
8 absentee ballot for the general election shall be as specified
9 in s. 101.151, except that in the case of candidates of
10 political parties where nominations were not made in the first
11 primary, the names of the candidates placing first and second
12 in the first primary election shall be printed on the advance
13 absentee ballot. The advance absentee ballot or advance
14 absentee ballot information booklet shall be of a different
15 color for each election and also a different color from the
16 absentee ballots for the first primary, second primary, and
17 general election. The supervisor shall mail an advance
18 absentee ballot for the second primary and general election to
19 each qualified absent elector for whom a request is received
20 until the absentee ballots are printed. The supervisor shall
21 enclose with the advance second primary absentee ballot and
22 advance general election absentee ballot an explanation
23 stating that the absentee ballot for the election will be
24 mailed as soon as it is printed; and, if both the advance
25 absentee ballot and the absentee ballot for the election are
26 returned in time to be counted, only the absentee ballot will
27 be counted. The Department of State may prescribe by rule the
28 requirements for preparing and mailing absentee ballots to
29 absent qualified electors overseas.

30 Section 7. Subsection (5) is added to section 104.012,
31 Florida Statutes, to read:

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1 104.012 Consideration for registration; interference
2 with registration; soliciting registrations for compensation;
3 alteration of registration application.--

4 (5) Any person who obtains an executed voter
5 registration application from another person and who willfully
6 fails to submit this application to the appropriate supervisor
7 of elections within 10 days commits a felony of the third
8 degree, punishable as provided in s. 775.082, s. 775.083, or
9 s. 775.084.

10 Section 8. Section 104.185, Florida Statutes, is
11 amended to read:

12 104.185 Violations involving petitions; ~~knowingly~~
13 ~~signing more than once; signing another person's name or a~~
14 ~~fictitious name.--~~

15 (1) A person who knowingly signs a petition or
16 petitions to secure ballot position for a candidate, a minor
17 political party, or an issue more than one time commits a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083 and, upon any subsequent conviction,
20 commits a felony of the third degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084.

22 (2) A person who signs another person's name or a
23 fictitious name to any petition to secure ballot position for
24 a candidate, a minor political party, or an issue commits a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083 and, upon any subsequent conviction,
27 commits a felony of the third degree, punishable as provided
28 in s. 775.082, s. 775.083, or s. 775.084.

29 (3) A person who willfully swears or affirms falsely
30 to any oath or affirmation, or willfully procures another
31 person to swear or affirm falsely to an oath or affirmation,

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1 in connection with or arising out of the petitioning process
2 commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083 and, upon any subsequent
4 conviction, commits a felony of the third degree, punishable
5 as provided in s. 775.082, s. 775.083, or s. 775.084.

6 (4) A person who willfully submits any false
7 information on a petition commits a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083
9 and, upon any subsequent conviction, commits a felony of the
10 third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

12 (5) A person who directly or indirectly gives or
13 promises anything of value to any other person to induce that
14 other person to sign a petition commits a misdemeanor of the
15 first degree, punishable as provided in s. 775.082 or s.
16 775.083 and, upon any subsequent conviction, commits a felony
17 of the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (6) A person who, by bribery, menace, threat, or other
20 corruption, directly or indirectly influences, deceives, or
21 deters, or attempts to influence, deceive, or deter, any
22 person in the free exercise of that person's right to sign a
23 petition, upon the first conviction commits a misdemeanor of
24 the first degree, punishable as provided in s. 775.082 or s.
25 775.083 and, upon any subsequent conviction, commits a felony
26 of the third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (7) A person may not provide or receive compensation
29 that is based, directly or indirectly, upon the number of
30 signatures obtained on petitions. A person who violates this
31 subsection commits a misdemeanor of the first degree,

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1 punishable as provided in s. 775.082 or s. 775.083 and, upon
2 any subsequent conviction, commits a felony of the third
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 (8) A person who alters the petition signed by any
6 other person without the other person's knowledge and consent
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083 and, upon any subsequent
9 conviction, commits a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.084.

11 (9) A person perpetrating, or attempting to perpetrate
12 or aid in the perpetration of, any fraud in connection with
13 obtaining the signature of electors on petitions commits a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083 and, upon any subsequent conviction,
16 commits a felony of the third degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 (10) In addition to any other penalty provided for by
19 law, if a paid petition circulator, as defined in s.
20 100.372(1), violates any provision of this section, the
21 Florida Elections Commission may, pursuant to s. 106.265,
22 impose a civil penalty in the form of a fine not to exceed
23 \$1,000 per violation on any person or entity on behalf of
24 which the petition circulator was acting at the time of the
25 violation.

26 Section 9. Section 104.42, Florida Statutes, is
27 amended to read:

28 104.42 Unlawful registrations, petitions, ~~Fraudulent~~
29 registration and illegal voting; investigation.--

30 (1) The supervisor of elections is authorized to
31 investigate unlawful ~~fraudulent~~ registrations, petitions, and

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1 ~~illegal~~ voting and to report his or her findings to the local
2 state attorney, the Department of Law Enforcement, and the
3 Florida Elections Commission.

4 (2) The board of county commissioners in any county
5 may appropriate funds to the supervisor of elections for the
6 purpose of investigating unlawful ~~fraudulent~~ registrations,
7 petitions, and ~~illegal~~ voting.

8 (3) The supervisor of elections shall document and
9 report suspected unlawful registrations, petitions, and voting
10 to the Florida Elections Commission within 10 days of
11 acquiring reasonable suspicion about the lawfulness of the
12 registrations, petitions, and voting.

13 Section 10. Any signature gathered on an authorized
14 form for an initiative petition that has been submitted for
15 verification prior to the effective date of this act may be
16 verified and counted if otherwise valid. However, any petition
17 form that is submitted for verification on or after the
18 effective date of this act shall be verified and counted only
19 if it complies with all the provisions of this act. Any
20 initiative petition form approved by the Secretary of State
21 prior to the effective date of this act is hereby invalidated,
22 and a new petition form must be resubmitted to the Secretary
23 of State for approval in accordance with the requirements of
24 this act prior to obtaining elector signatures.

25 Section 11. If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 invalidity does not affect other provisions or applications of
28 the act which can be given effect without the invalid
29 provision or application, and to this end the provisions of
30 this act are declared severable.

31 Section 12. This act shall take effect August 1, 2005.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to the petition process;

8 providing a popular name; amending s. 99.097,

9 F.S.; providing for certain petitions to be

10 verified by a certain method; requiring certain

11 provisions to be satisfied before a signature

12 on a petition may be counted; prohibiting

13 compensation to any paid petition circulator in

14 certain circumstances; providing the procedure

15 to contest and resolve the alleged improper

16 verification of certain signatures; amending s.

17 100.371, F.S.; revising requirements for

18 placement of constitutional amendments proposed

19 by initiative on the ballot for the general

20 election; revising and providing rulemaking

21 authority; providing limitations on the

22 contents of a petition form; establishing

23 compliance criteria for petition forms;

24 providing an elector's right to mail or deliver

25 the form to an address provided for that

26 purpose; providing notices that must be

27 contained in each petition form; revising the

28 duties of supervisors of elections; requiring a

29 statement on the ballot regarding the financial

30 impact statement; revising requirements

31 relating to the Financial Impact Estimating

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1 Conference and financial impact statements;
2 creating s. 100.372, F.S.; providing for the
3 regulation of initiative petition circulators;
4 providing definitions; providing qualification
5 requirements; providing requirements for the
6 practice of paid petition circulation;
7 specifying property owners' rights with respect
8 to petitioning activities; amending ss. 101.161
9 and 101.62, F.S.; correcting cross-references;
10 amending s. 104.012, F.S.; providing criminal
11 penalties for specified offenses involving
12 voter registration applications; amending s.
13 104.185, F.S.; revising and providing
14 violations involving petitions and providing
15 penalties therefor; amending s. 104.42, F.S.;
16 revising provisions relating to unlawful
17 registrations, petitions, and voting and the
18 investigation of such matters; requiring
19 documentation and reporting thereof to the
20 Florida Elections Commission within a specified
21 time period; providing for the validity of
22 certain petition signatures gathered before the
23 effective date of the act; requiring previously
24 approved petition forms to be resubmitted for
25 approval in accordance with the requirements of
26 the act; providing severability; providing an
27 effective date.

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