

By the Committee on Ethics and Elections; and Senator Posey

582-2079-05

1 A bill to be entitled
 2 An act relating to elections; amending s.
 3 97.012, F.S.; exempting certain voter-education
 4 activities from requirements for competitive
 5 solicitation; authorizing the Secretary of
 6 State to investigate voter fraud; authorizing
 7 the Department of State to adopt rules;
 8 amending s. 97.021, F.S.; defining the term
 9 "marksense ballots"; defining the terms "early
 10 voting area," "early voting site," and
 11 "third-party voter registration organization";
 12 creating s. 97.029, F.S.; providing for
 13 attorney's fees and costs in any action for
 14 injunctive relief or an action challenging an
 15 election law or voter-registration law;
 16 requiring an itemized affidavit; providing for
 17 review of an award of attorney's fees and
 18 costs; providing a limitation on the amount
 19 awarded; amending s. 97.051, F.S.; revising the
 20 oath required upon registering to vote;
 21 amending s. 97.052, F.S.; revising the contents
 22 of the uniform statewide voter registration
 23 application; amending s. 97.053, F.S.; revising
 24 provisions governing the acceptance of voter
 25 registration applications by the supervisor of
 26 elections; requiring that an applicant complete
 27 a registration application before the date of
 28 book closing in order to be eligible to vote in
 29 that election; revising the information
 30 required on the registration application;
 31 amending s. 97.055, F.S.; limiting the updates

1 that may be made to registration information
2 following book closing; creating s. 97.0575,
3 F.S.; providing requirements for third-party
4 voter registration organizations that collect
5 voter-registration applications; providing
6 fines for failure to deliver applications as
7 required; authorizing the Division of Elections
8 to adopt rules to administer provisions
9 governing third-party voter registration
10 organizations; amending s. 97.071, F.S.;
11 specifying the information to be included on
12 the registration identification card; amending
13 s. 98.045, F.S.; deleting a cross-reference;
14 amending s. 98.077, F.S.; revising the
15 procedures for updating a voter signature used
16 to verify an absentee ballot or provisional
17 ballot; amending s. 99.061, F.S.; providing for
18 qualifying for nomination or election by the
19 petition process; requiring the filing of
20 statements of financial interest; requiring
21 that a qualifying officer accept certain
22 qualifying papers filed before the qualifying
23 period; amending s. 99.063, F.S.; providing
24 filing requirements for public officers;
25 amending s. 99.092, F.S., relating to
26 qualifying fees; clarifying provisions
27 governing qualifying for nomination or election
28 by the petition process to conform to changes
29 made by the act; amending s. 99.095, F.S.;
30 revising the requirements for qualifying as a
31 candidate by a petition process in lieu of

1 paying a qualifying fee and party assessment;
2 providing requirements for submitting petitions
3 and certifications; requiring that the division
4 or supervisor of elections, as applicable,
5 determine whether the required number of
6 signatures has been obtained; amending s.
7 99.0955, F.S.; providing procedures for a
8 candidate having no party affiliation to
9 qualify by the petition process; amending s.
10 99.096, F.S.; revising the procedures for a
11 minor political party to submit nominated
12 candidates to be on the general election
13 ballot; providing for candidates to qualify by
14 the petition process; amending s. 99.09651,
15 F.S., relating to signature requirements for
16 ballot position; conforming provisions to
17 changes made by the act; amending s. 100.011,
18 F.S.; requiring that an elector in line at the
19 time the polls close be allowed to vote;
20 amending s. 100.101, F.S.; revising the
21 circumstances under which a special election or
22 primary is held; amending s. 100.111, F.S.;
23 revising requirements for filling a vacancy in
24 a nomination; requiring that ballots cast for a
25 former nominee be counted for the person
26 designated to replace the nominee under certain
27 circumstances; amending s. 100.141, F.S.,
28 relating to the notice of a special election;
29 conforming provisions to changes made by the
30 act; amending s. 101.031, F.S.; revising the
31 Voter's Bill of Rights to authorize a

1 provisional ballot if a person's identity is in
2 question; amending s. 101.043, F.S.; revising
3 the procedures for a voter to provide
4 identification when voting; amending s.
5 101.048, F.S.; providing for certain additional
6 voters to cast provisional ballots; providing
7 requirements for presenting evidence in support
8 of a person's right to vote; requiring that the
9 county canvassing board count such a ballot
10 unless it determines by a preponderance of the
11 evidence that the person was not entitled to
12 vote; requiring that a person casting a
13 provisional ballot be informed of certain
14 rights; amending s. 101.049, F.S.; providing
15 requirements for ballots for persons with
16 disabilities; amending s. 101.051, F.S.;
17 prohibiting certain solicitations to provide
18 assistance to an elector; providing a penalty;
19 authorizing an elector to request that a person
20 other than an election official provide him or
21 her with assistance in voting; providing for
22 the form of the oath to be signed; amending s.
23 101.111, F.S.; revising the requirements for
24 challenging an elector's right to vote;
25 providing a penalty for filing a frivolous
26 challenge; amending s. 101.131, F.S.; revising
27 requirements for poll watchers; authorizing
28 certain political committees to have poll
29 watchers; prohibiting a poll watcher from
30 interacting with a voter; providing for poll
31 watchers at early voting areas; amending s.

1 101.151, F.S.; providing requirements for
2 marksense ballots; amending s. 101.171, F.S.;
3 requiring that a copy of a proposed
4 constitutional amendment be available at voting
5 locations; amending s. 101.294, F.S.;
6 prohibiting a vendor of voting equipment from
7 providing systems, components, or system
8 upgrades to a local governing body or
9 supervisor of elections which have not been
10 certified by the Division of Elections;
11 requiring that the vendor provide sworn
12 certification of such equipment; amending s.
13 101.295, F.S.; providing a penalty for
14 providing voting equipment in violation of ch.
15 101, F.S.; amending s. 101.49, F.S.; revising
16 the procedures for verifying an elector's
17 signature; amending s. 101.51, F.S.; requiring
18 that an elector occupy a voting booth alone;
19 amending s. 101.5612, F.S.; providing
20 requirements for testing voting equipment;
21 amending s. 101.572, F.S.; requiring that the
22 supervisor of elections notify the candidates
23 if ballots are examined before the end of the
24 contest; amending s. 101.58, F.S.; authorizing
25 employees of the department to have access to
26 the premises, records, equipment, and staff of
27 the supervisors of elections; amending s.
28 101.595, F.S.; requiring that certain overvotes
29 and undervotes be reported to the department;
30 amending s. 101.6103, F.S.; authorizing the
31 canvassing board to begin canvassing before the

1 election; prohibiting the release of results
2 before election day; providing a penalty for
3 any early release of results; amending s.
4 101.62, F.S.; revising the requirements for
5 mailing absentee ballots to voters; amending s.
6 101.64, F.S.; providing for an oath to be
7 provided to persons voting absentee under the
8 Uniformed and Overseas Citizens Absentee Voting
9 Act; amending s. 101.663, F.S.; providing for
10 certain persons to vote absentee after moving
11 to another state; amending s. 101.68, F.S.;
12 prohibiting changing a voter's certificate
13 after the absentee ballot is received by the
14 supervisor; amending s. 101.69, F.S.;
15 prohibiting a voter from voting another ballot
16 after casting an absentee ballot; providing for
17 a provisional ballot under certain
18 circumstances; amending s. 101.6923, F.S.;
19 providing for the form of the printed
20 instructions on an absentee ballot; amending s.
21 101.694, F.S.; providing requirements for
22 absentee envelopes printed for voters voting
23 under the Uniformed and Overseas Citizens
24 Absentee Voting Act; amending s. 101.697, F.S.;
25 requiring the Department of State to determine
26 whether secure electronic ballots may be
27 provided for overseas voters; requiring that
28 the department adopt rules for accepting
29 overseas ballots; amending s. 102.012, F.S.;
30 requiring the supervisor of elections to
31 appoint an election board before any election;

1 providing duties of the board; amending s.
2 102.014, F.S.; requiring that the Division of
3 Elections develop a uniform training curriculum
4 for poll workers; amending s. 102.031, F.S.;
5 providing requirements for maintaining order at
6 early voting areas; requiring the designation
7 of a no-solicitation zone; prohibiting
8 photography in a polling room or early voting
9 area; amending s. 102.071, F.S.; revising
10 requirements for tabulating votes; amending s.
11 102.111, F.S.; providing for corrections to be
12 made to the official election returns; amending
13 s. 102.112, F.S.; requiring that a return
14 contain a certification by the canvassing
15 board; authorizing the Department of State to
16 correct typographical errors; amending s.
17 102.141, F.S.; revising requirements for the
18 canvassing boards in submitting returns to the
19 department; providing requirements for the
20 report filed by the canvassing board; requiring
21 the department to adopt rules for filing
22 results and statistical information; amending
23 s. 102.166, F.S.; revising the circumstances
24 under which a manual recount may be ordered;
25 amending s. 102.168, F.S.; requiring that
26 complaints be filed with the board responsible
27 for certifying the election results; specifying
28 the parties to an action who may contest an
29 election or nomination; amending s. 103.021,
30 F.S.; providing for nomination of presidential
31 electors by the state executive committee of

1 each political party; defining the term
2 "national party" for purposes of nominating a
3 candidate for President and Vice President of
4 the United States; amending ss. 103.051 and
5 103.061, F.S.; specifying duties of the
6 presidential electors; amending s. 103.121,
7 F.S.; revising powers and duties of executive
8 committees to conform to changes made by the
9 act; amending s. 105.031, F.S.; providing for
10 public officers to file a statement of
11 financial interests at the time of qualifying;
12 requiring that a filing officer accept certain
13 qualifying papers filed before the qualifying
14 period; amending s. 105.035, F.S.; revising
15 procedures for qualifying for certain judicial
16 offices and the office of school board member;
17 prohibiting a candidate from obtaining
18 signatures until appointing a campaign
19 treasurer and designating a campaign
20 depository; revising the requirements for the
21 supervisor of elections with respect to
22 certifying signatures; amending s. 106.011,
23 F.S.; redefining the term "expenditure" to
24 include an obligation to make a payment;
25 creating s. 106.022, F.S.; requiring that a
26 political committee, committee of continuous
27 existence, or electioneering communications
28 entity maintain a registered office and
29 registered agent; providing requirements for
30 the statement of appointment; amending s.
31 106.07, F.S.; providing reporting requirements

1 for a committee of continuous existence or
2 other business entities; requiring that
3 contributions be reported to the Department of
4 State; revising fines for late filing of
5 reports; amending s. 106.08, F.S.; restricting
6 contributions by related entities; amending s.
7 106.24, F.S.; clarifying the duties of
8 Secretary of State; amending s. 106.265, F.S.;
9 providing civil penalties for failure to report
10 contributions or expenditures; amending s.
11 106.141, F.S., relating to the disposition of
12 surplus funds; conforming provisions to changes
13 made by the act; transferring and renumbering
14 s. 98.122, F.S., relating to the use of closed
15 captioning and descriptive narrative in
16 television broadcasts; amending s. 106.22,
17 F.S.; eliminating certain duties of the
18 Division of Elections with respect to reports
19 to the Legislature and preliminary
20 investigations; amending s. 16.56, F.S.;
21 authorizing the Office of Statewide Prosecution
22 to investigate and prosecute crimes involving
23 voter registration, voting, or certain petition
24 activities; amending s. 119.07, F.S.;
25 clarifying requirements of the supervisor of
26 elections with respect to notifying candidates
27 of the inspection of ballots; amending s.
28 145.09, F.S.; requiring that the Department of
29 State adopt rules establishing certification
30 requirements for supervisors of elections;
31 repealing ss. 98.095, 98.0979, 98.181, 98.481,

1 101.253, 101.635, 102.061, 106.085, and
2 106.144, F.S., relating to inspections of
3 county registers and the voter database,
4 indexes and records, challenges to elections,
5 the printing and distribution of ballots,
6 duties of the election board, expenditures, and
7 endorsements or opposition by certain groups;
8 providing for severability; providing effective
9 dates.

10

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

12

13 Section 1. Section 97.012, Florida Statutes, is
14 amended to read:

15

16 97.012 Secretary of State as chief election
17 officer.--The Secretary of State is the chief election officer
18 of the state, and it is his or her responsibility to:

19

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

22

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

25

26 (3) Actively seek out and collect the data and
27 statistics necessary to knowledgeably scrutinize the
28 effectiveness of election laws.

29

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

32

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

33

 (6) Provide voter education assistance to the public.

34

35 Voter education activities of the department or of the

1 department in combination with the supervisors of elections,
2 either individually or in the aggregate, or with their
3 respective professional associations, are not subject to the
4 competitive-solicitation requirements of s. 287.057(5).

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

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

10 (9) Ensure that all registration applications and
11 forms prescribed or approved by the department are in
12 compliance with the Voting Rights Act of 1965 and the National
13 Voter Registration Act of 1993.

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

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

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

23 (13) Designate an office within the department to be
24 responsible for providing information regarding voter
25 registration procedures and absentee ballot procedures to
26 absent uniformed services voters and overseas voters.

27 (14) Conduct preliminary investigations into any
28 irregularities or fraud involving voter registration, voting,
29 or candidate or issue petition activities and report his or
30 her findings to the statewide prosecutor or the state attorney
31 for the judicial circuit in which the alleged violation

1 occurred for prosecution, if warranted. The Department of
2 State may prescribe by rule requirements for filing an
3 elections-fraud complaint and for investigating any such
4 complaint.

5 Section 2. Subsection (3) and present subsections (24)
6 and (39) of section 97.021, Florida Statutes, are amended,
7 present subsections (8) through (33) of that section are
8 redesignated as subsections (10) through (35), respectively,
9 present subsections (34) through (39) of that section are
10 redesignated as subsections (37) through (42), respectively,
11 and new subsections (8), (9), and (36) are added to that
12 section, to read:

13 97.021 Definitions.--For the purposes of this code,
14 except where the context clearly indicates otherwise, the
15 term:

16 (3) "Ballot" or "official ballot" when used in
17 reference to:

18 (a) "Marksense Paper ~~Paper~~ ballots" means that printed sheet
19 of paper, used in conjunction with an electronic or
20 electromechanical vote tabulation voting system, containing
21 the names of candidates, or a statement of proposed
22 constitutional amendments or other questions or propositions
23 submitted to the electorate at any election, on which sheet of
24 paper an elector casts his or her vote.

25 (b) "Electronic or electromechanical devices" means a
26 ballot that is voted by the process of electronically
27 designating, including by touchscreen, or marking with a
28 marking device for tabulation by automatic tabulating
29 equipment or data processing equipment.

30 (8) "Early voting area" means the area designated by
31 the supervisor of elections at an early voting site at which

1 early voting activities occur, including, but not limited to,
2 lines of voters waiting to be processed, the area where voters
3 check in and are processed, and the area where voters cast
4 their ballots.

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

8 (26)(24) "Polling room" means the actual room in which
9 ballots are cast on election day and during early voting.

10 (36) "Third-party registration organization" means any
11 person, entity, or organization soliciting or collecting voter
12 registration applications. A third-party voter registration
13 organization does not include:

14 (a) A person who seeks only to register to vote or
15 collect voter registration applications from that person's
16 spouse, child, or parent; or

17 (b) A person engaged in registering to vote or
18 collecting voter registration applications as an employee or
19 agent of the division, supervisor of elections, Department of
20 Highway Safety and Motor Vehicles, or a voter registration
21 agency.

22 (42)(39) "Voting system" means a method of casting and
23 processing votes that functions wholly or partly by use of
24 electromechanical or electronic apparatus or by use of
25 marksense ~~paper~~ ballots and includes, but is not limited to,
26 the procedures for casting and processing votes and the
27 programs, operating manuals, supplies ~~tabulating cards,~~
28 printouts, and other software necessary for the system's
29 operation.

30 Section 3. Section 97.029, Florida Statutes, is
31 created to read:

1 97.029 Attorney's fees and costs.--

2 (1) An award of attorney's fees and costs shall be
3 made to the prevailing party in any court or administrative
4 proceeding, including any action for injunctive relief,
5 challenging the application, interpretation, or
6 constitutionality of any election law or voter-registration
7 law.

8 (2)(a) The term "attorney's fees and costs" means the
9 reasonable and necessary attorney's fees and costs incurred
10 for all preparations, motions, hearings, trials, and appeals
11 in a proceeding.

12 (b) The term "prevailing party" means the party that
13 received a final judgment or order in its favor and such
14 judgment or order has not been reversed on appeal or the time
15 for seeking judicial review of the judgment or order has
16 expired. If an action was voluntarily dismissed or dismissed
17 pursuant to a settlement of the case, there is no prevailing
18 party.

19 (3) Within 60 days after a party becomes a prevailing
20 party, the attorney for the prevailing party must submit an
21 itemized affidavit to the court that first conducted the
22 adversarial proceeding in the underlying action or, in the
23 case of a proceeding pursuant to chapter 120, to the Division
24 of Administrative Hearings, which shall assign an
25 administrative law judge. The affidavit must detail the nature
26 and extent of the services rendered by the attorney as well as
27 the costs incurred in preparations, motions, hearings, and
28 appeals in the proceeding.

29 (4) The court, or the administrative law judge in a
30 proceeding under chapter 120, shall promptly conduct an
31 evidentiary hearing on the application for an award of

1 attorney's fees and shall issue a judgment or a final order in
2 a proceeding under chapter 120. The final order of an
3 administrative law judge is reviewable in accordance with s.
4 120.68. If the court affirms the award of attorney's fees and
5 costs in whole or in part, it may award additional attorney's
6 fees and costs for the appeal.

7 (5) A party may not be required to pay an award of
8 attorney's fees and costs under this section in an amount that
9 exceeds \$200,000.

10 Section 4. Section 97.051, Florida Statutes, is
11 amended to read:

12 97.051 Oath upon registering.--A person registering to
13 vote must subscribe to the following oath: "I do solemnly
14 swear (or affirm) that I will protect and defend the
15 Constitution of the United States and the Constitution of the
16 State of Florida, that I am qualified to register as an
17 elector under the Constitution and laws of the State of
18 Florida, and that all information provided in this application
19 is true ~~I am a citizen of the United States and a legal~~
20 ~~resident of Florida.~~"

21 Section 5. Section 97.052, Florida Statutes, is
22 amended to read:

23 97.052 Uniform statewide voter registration
24 application.--

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

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

- 30 1. Initial registration.
31 2. Change of address.

- 1 3. Change of party affiliation.
2 4. Change of name.
3 5. Replacement of a voter registration identification
4 card.

5 6. Signature update.

6 (b) The department is responsible for printing the
7 uniform statewide voter registration application and the voter
8 registration application form prescribed by the ~~Federal~~
9 Election Assistance Commission pursuant to federal law ~~the~~
10 ~~National Voter Registration Act of 1993~~. The applications and
11 forms must be distributed, upon request, to the following:

- 12 1. Individuals seeking to register to vote.
13 2. Individuals or groups conducting voter registration
14 programs. A charge of 1 cent per application shall be assessed
15 on requests for 10,000 or more applications.

16 3. The Department of Highway Safety and Motor
17 Vehicles.

- 18 4. Voter registration agencies.
19 5. Armed forces recruitment offices.
20 6. Qualifying educational institutions.

21 7. Supervisors, who must make the applications and
22 forms available in the following manner:

23 a. By distributing the applications and forms in their
24 offices to any individual or group.

25 b. By distributing the applications and forms at other
26 locations designated by each supervisor.

27 c. By mailing the applications and forms to applicants
28 upon the request of the applicant.

29 (c) The uniform statewide voter registration
30 application may be reproduced by any private individual or
31

1 group, provided the reproduced application is in the same
2 format as the application prescribed under this section.
3 (2) The uniform statewide voter registration
4 application must be designed to elicit the following
5 information from the applicant:
6 (a) Full name.
7 (b) Date of birth.
8 (c) Address of legal residence.
9 (d) Mailing address, if different.
10 (e) County of legal residence.
11 ~~(f) Address of property for which the applicant has~~
12 ~~been granted a homestead exemption, if any.~~
13 (f)~~(g)~~ Race or ethnicity that best describes the
14 applicant:
15 1. American Indian or Alaskan Native.
16 2. Asian or Pacific Islander.
17 3. Black, not Hispanic.
18 4. White, not Hispanic.
19 5. Hispanic.
20 (g)~~(h)~~ State or country of birth.
21 (h)~~(i)~~ Sex.
22 (i)~~(j)~~ Party affiliation.
23 (j)~~(k)~~ Whether the applicant needs assistance in
24 voting.
25 (k)~~(l)~~ Name and address where last registered.
26 (l)~~(m)~~ Last four digits of the applicant's social
27 security number.
28 (m)~~(n)~~ Florida driver's license number or the
29 identification number from a Florida identification card
30 issued under s. 322.051.
31 (n)~~(o)~~ Telephone number (optional).

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

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

9 ~~(q)(r)~~ Whether the applicant is a citizen of the
10 United States by asking the question "Are you a citizen of the
11 United States of America?" and providing boxes for the
12 applicant to check to indicate whether the applicant is or is
13 not a citizen of the United States.

14 ~~(r)(s)~~ Whether ~~That~~ the applicant has ~~not~~ been
15 convicted of a felony, and ~~or~~, if convicted, has had his or
16 her civil rights restored by including the statement "I affirm
17 I am not a convicted felon, or if I am, my rights relating to
18 voting have been restored" and providing a box for the
19 applicant to affirm the statement.

20 ~~(s)(t)~~ Whether ~~That~~ the applicant has ~~not~~ been
21 adjudicated mentally incapacitated with respect to voting or,
22 if so adjudicated, has had his or her right to vote restored
23 by including the statement "I affirm I have not been
24 adjudicated mentally incapacitated with respect to voting or,
25 if I have, my competency has been restored" and providing a
26 box for the applicant to check to affirm the statement.

27
28 The registration form must be in plain language and designed
29 so that convicted felons whose civil rights have been restored
30 and persons who have been adjudicated mentally incapacitated
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1 and have had their voting rights restored are not required to
2 reveal their prior conviction or adjudication.

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

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

7 (b) A statement specifying each eligibility
8 requirement under s. 97.041.

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

11 (d) A statement that, if an applicant declines to
12 register to vote, the fact that the applicant has declined to
13 register will remain confidential and may be used only for
14 voter registration purposes.

15 (e) A statement that informs the applicant who chooses
16 to register to vote or update a voter registration record that
17 the office at which the applicant submits a voter registration
18 application or updates a voter registration record will remain
19 confidential and may be used only for voter registration
20 purposes.

21 ~~(f) A statement that informs the applicant that any~~
22 ~~person who has been granted a homestead exemption in this~~
23 ~~state, and who registers to vote in any precinct other than~~
24 ~~the one in which the property for which the homestead~~
25 ~~exemption has been granted, shall have that information~~
26 ~~forwarded to the property appraiser where such property is~~
27 ~~located, which may result in the person's homestead exemption~~
28 ~~being terminated and the person being subject to assessment of~~
29 ~~back taxes under s. 193.092, unless the homestead granted the~~
30 ~~exemption is being maintained as the permanent residence of a~~
31

1 ~~legal or natural dependent of the owner and the owner resides~~
2 ~~elsewhere.~~

3 (f)(g) A statement informing an ~~the~~ applicant who has
4 not been issued a Florida driver's license, a Florida
5 identification card, or a social security number that if the
6 application form is submitted by mail and the applicant is
7 registering for the first time in Florida, the applicant will
8 be required to provide identification prior to voting the
9 first time.

10 (4) A supervisor may produce a voter registration
11 application that has the supervisor's direct mailing address
12 if the department has reviewed the application and determined
13 that it is substantially the same as the uniform statewide
14 voter registration application.

15 (5) The voter registration application form prescribed
16 by the ~~Federal~~ Election Assistance Commission pursuant to
17 federal law ~~the National Voter Registration Act of 1993~~ or the
18 federal postcard application must be accepted as an
19 application for registration in this state if the completed
20 application or postcard application contains the information
21 required by the constitution and laws of this state.

22 Section 6. Section 97.053, Florida Statutes, is
23 amended to read:

24 97.053 Acceptance of voter registration
25 applications.--

26 (1) Voter registration applications, changes in
27 registration, and requests for a replacement registration
28 identification card must be accepted in the office of any
29 supervisor, the division, a driver license office, a voter
30 registration agency, or an armed forces recruitment office

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1 when hand delivered by the applicant or a third party during
2 the hours that office is open or when mailed.

3 (2) A ~~completed~~ voter registration application is
4 complete and that contains the information necessary to
5 establish an applicant's eligibility pursuant to s. 97.041
6 becomes the official voter registration record of that
7 applicant when all information necessary to establish the
8 applicant's eligibility pursuant to s. 97.041 is received by
9 the appropriate supervisor. If the applicant fails to complete
10 his or her voter registration application before the date of
11 book closing for an election, such applicant is not eligible
12 to vote in that election.

13 (3) The registration date for a valid initial voter
14 registration application that has been hand delivered is the
15 date when received by a driver license office, a voter
16 registration agency, an armed forces recruitment office, the
17 division, or the office of any supervisor in the state.

18 (4) The registration date for a valid initial voter
19 registration application that has been mailed to a driver
20 license office, a voter registration agency, an armed forces
21 recruitment office, the division, or the office of any
22 supervisor in the state and bears a clear postmark is the date
23 of that ~~the~~ postmark. If an initial voter registration
24 application that has been mailed does not bear a postmark or
25 if the postmark is unclear, the registration date is the date
26 the registration is received by any supervisor or the
27 division, unless it is received within 5 days after the
28 closing of the books for an election, excluding Saturdays,
29 Sundays, and legal holidays, in which case the registration
30 date is the book-closing date.

31

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

4 1. The applicant's name.

5 2. The applicant's legal residence address.

6 3. The applicant's date of birth.

7 4. A mark in the checkbox affirming ~~An indication~~ that
8 the applicant is a citizen of the United States.

9 5. The applicant's Florida driver's license number,
10 the identification number from a Florida identification card
11 issued under s. 322.051, or the last four digits of the
12 applicant's social security number.

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

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

20 8. The original signature of the applicant swearing or
21 affirming under the penalty for false swearing pursuant to s.
22 104.011 that the information contained in the registration
23 application is true and subscribing to the oath required by s.
24 3, Art. VI of the State Constitution and s. 97.051.

25 (b) An applicant who fails to designate party
26 affiliation must be registered without party affiliation. The
27 supervisor must notify the voter by mail that the voter has
28 been registered without party affiliation and that the voter
29 may change party affiliation as provided in s. 97.1031.

30 Section 7. Subsection (1) of section 97.055, Florida
31 Statutes, is amended to read:

1 97.055 Registration books; when closed for an
2 election.--

3 (1) The registration books must be closed on the 29th
4 day before each election and must remain closed until after
5 that election. If an election is called and there are fewer
6 than 29 days before that election, the registration books must
7 be closed immediately. When the registration books are closed
8 for an election, updates to a voter's name, address, and
9 signature pursuant to ss. 98.077 and 101.045 shall be the only
10 changes permitted for purposes of the upcoming election. Voter
11 registration applications and party changes must be accepted
12 but only for the purpose of subsequent elections. However,
13 party changes received between the book-closing date of the
14 first primary election and the date of the second primary
15 election are not effective until after the second primary
16 election.

17 Section 8. Section 97.0575, Florida Statutes, is
18 created to read:

19 97.0575 Third-party voter registrations.--

20 (1) Prior to engaging in any voter-registration
21 activities, a third-party voter registration organization
22 shall name a registered agent in the state and submit to the
23 division, in a form adopted by the division, the name of the
24 registered agent and the name of those individuals responsible
25 for the day-to-day operation of the third-party voter
26 registration organization, including, if applicable, the names
27 of the entity's board of directors, president, vice president,
28 managing partner, or such other individuals engaged in similar
29 duties or functions. On or before the 15th day after the end
30 of each calendar quarter, each third-party voter registration
31 organization shall submit to the division a report providing

1 the date and location of any organized voter-registration
2 drives conducted by the organization in the prior calendar
3 quarter.

4 (2) The failure to submit the information required by
5 subsection (1) does not subject the third-party voter
6 registration organization to any civil or criminal penalties
7 for such failure and the failure to submit such information is
8 not a basis for denying such third-party voter registration
9 organization with copies of voter-registration application
10 forms.

11 (3) A third-party voter registration organization that
12 collects voter-registration applications serves as a fiduciary
13 to the applicant, ensuring that any voter-registration
14 application entrusted to the third-party voter registration
15 organization, irrespective of party affiliation, race,
16 ethnicity, or gender shall be promptly delivered to the
17 division or the supervisor of elections. If a
18 voter-registration application collected by any third-party
19 voter registration organization is not delivered to the
20 division or supervisor of elections, the individual collecting
21 the voter-registration application, the registered agent, and
22 those individuals responsible for the day-to-day operation of
23 the third-party voter registration organization, including, if
24 applicable, the entity's board of directors, president, vice
25 president, managing partner, or such other individuals engaged
26 in similar duties or functions, shall be personally and
27 jointly and severally liable for the following fines:

28 (a) A fine in the amount of \$250 for each application
29 received by the division or the supervisor of elections more
30 than 10 days after the applicant delivered the completed
31 voter-registration application to the third-party voter

1 registration organization or any person, entity, or agent
2 acting on its behalf.

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

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

14
15 The fines provided in this subsection shall be reduced by
16 three-fourths in cases in which the third-party voter
17 registration organization has complied with subsection (1).

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

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

26 (5) The date on which an applicant signs a
27 voter-registration application is presumed to be the date on
28 which the third-party voter registration organization received
29 or collected the voter-registration application.

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

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

4 (8) The division may adopt rules to administer this
5 section.

6 Section 9. Section 97.071, Florida Statutes, is
7 amended to read:

8 97.071 Registration identification card.--

9 (1) The supervisor must furnish a registration
10 identification card ~~must be furnished~~ to all voters
11 registering under the permanent single registration system and
12 must contain:

- 13 (a) Voter's registration number.
- 14 (b) Date of registration.
- 15 (c) Full name.
- 16 (d) Party affiliation.
- 17 (e) Date of birth.
- 18 (f) Race or ethnicity, if provided by the applicant.
- 19 (g) Sex, if provided by the applicant.
- 20 (h) Address of legal residence.
- 21 (i) Precinct number.
- 22 (j) Name of supervisor.
- 23 (k) Place for voter's signature.
- 24 (l) Other information deemed necessary by the

25 department.

26 (2) A voter may receive a replacement of a
27 registration identification card by providing a signed,
28 written request for a replacement card to the supervisor. Upon
29 verification of registration, the supervisor shall issue the
30 voter a duplicate card without charge.

31

1 (3) In the case of a change of name, address, or party
2 affiliation, the supervisor must issue the voter a new
3 registration identification card. However, a registration
4 identification card indicating a party affiliation change made
5 between the book-closing date for the first primary election
6 and the date of the second primary election may not be issued
7 until after the second primary election.

8 Section 10. Subsection (3) of section 98.045, Florida
9 Statutes, is amended to read:

10 98.045 Administration of voter registration.--

11 (3) Notwithstanding the provisions of s. ss. 98.095
12 ~~and~~ 98.0977, each supervisor shall maintain for at least 2
13 years, and make available for public inspection and copying,
14 all records concerning implementation of registration list
15 maintenance programs and activities conducted pursuant to ss.
16 98.065, 98.075, and 98.0977. The records must include lists of
17 the name and address of each person to whom an address
18 confirmation final notice was sent and information as to
19 whether each such person responded to the mailing, but may not
20 include any information that is confidential or exempt from
21 public records requirements under this code.

22 Section 11. Section 98.077, Florida Statutes, is
23 amended to read:

24 98.077 Update of voter signature.--The supervisor of
25 elections shall provide to each registered voter of the county
26 the opportunity to update his or her signature on file at the
27 supervisor's office by providing notification of the ability
28 to do so in any correspondence, other than postcard
29 notifications, sent to the voter. The notice shall advise
30 when, where, and how to update the signature and shall provide
31 the voter information on how to obtain a form from the

1 supervisor that can be returned to update the signature. In
2 addition, at least once during each general election year, the
3 supervisor shall publish in a newspaper of general circulation
4 or other newspaper in the county deemed appropriate by the
5 supervisor a notice specifying when, where, or how a voter can
6 update his or her signature that is on file or how a voter can
7 obtain a form from the supervisor to do so. All signature
8 updates for use in verifying absentee and provisional ballots
9 must be received by the appropriate supervisor of elections no
10 later than 5 p.m. of the fifth day prior to the election. The
11 signature on file at 5 p.m. on the fifth day before the
12 election is the signature that shall be used in verifying the
13 signature on the absentee and provisional ballot certificates.

14 Section 12. Section 99.061, Florida Statutes, is
15 amended to read:

16 99.061 Method of qualifying for nomination or election
17 to federal, state, county, or district office.--

18 (1) The provisions of any special act to the contrary
19 notwithstanding, each person seeking to qualify for nomination
20 or election to a federal, state, or multicounty district
21 office, other than election to a judicial office as defined in
22 chapter 105 or the office of school board member, shall file
23 his or her qualification papers with, and pay the qualifying
24 fee, which shall consist of the filing fee and election
25 assessment, and party assessment, if any has been levied, to,
26 the Department of State, or qualify by the petition process
27 pursuant to s. 99.095 ~~alternative method~~ with the Department
28 of State, at any time after noon of the 1st day for
29 qualifying, which shall be as follows: the 120th day prior to
30 the first primary, but not later than noon of the 116th day
31 prior to the date of the first primary, for persons seeking to

1 | qualify for nomination or election to federal office; and noon
2 | of the 50th day prior to the first primary, but not later than
3 | noon of the 46th day prior to the date of the first primary,
4 | for persons seeking to qualify for nomination or election to a
5 | state or multicounty district office.

6 | (2) The provisions of any special act to the contrary
7 | notwithstanding, each person seeking to qualify for nomination
8 | or election to a county office, or district or special
9 | district office not covered by subsection (1), shall file his
10 | or her qualification papers with, and pay the qualifying fee,
11 | which shall consist of the filing fee and election assessment,
12 | and party assessment, if any has been levied, to, the
13 | supervisor of elections of the county, or shall qualify by the
14 | petition process pursuant to s. 99.095 ~~alternative method~~ with
15 | the supervisor of elections, at any time after noon of the 1st
16 | day for qualifying, which shall be the 50th day prior to the
17 | first primary or special district election, but not later than
18 | noon of the 46th day prior to the date of the first primary or
19 | special district election. However, if a special district
20 | election is held at the same time as the second primary or
21 | general election, qualifying shall be the 50th day prior to
22 | the first primary, but not later than noon of the 46th day
23 | prior to the date of the first primary. Within 30 days after
24 | the closing of qualifying time, the supervisor of elections
25 | shall remit to the secretary of the state executive committee
26 | of the political party to which the candidate belongs the
27 | amount of the filing fee, two-thirds of which shall be used to
28 | promote the candidacy of candidates for county offices and the
29 | candidacy of members of the Legislature.

30 | (3)(a) Each person seeking to qualify for election to
31 | office as a write-in candidate shall file his or her

1 | qualification papers with the respective qualifying officer at
2 | any time after noon of the 1st day for qualifying, but not
3 | later than noon of the last day of the qualifying period for
4 | the office sought.

5 | (b) Any person who is seeking election as a write-in
6 | candidate shall not be required to pay a filing fee, election
7 | assessment, or party assessment. A write-in candidate shall
8 | not be entitled to have his or her name printed on any ballot;
9 | however, space for the write-in candidate's name to be written
10 | in shall be provided on the general election ballot. No
11 | person may qualify as a write-in candidate if the person has
12 | also otherwise qualified for nomination or election to such
13 | office.

14 | (4) At the time of qualifying for office, each
15 | candidate for a constitutional office shall file a full and
16 | public disclosure of financial interests pursuant to s. 8,
17 | Art. II of the State Constitution, and a candidate for any
18 | other office, including local elective office, shall file a
19 | statement of financial interests pursuant to s. 112.3145.

20 | (5) The Department of State shall certify to the
21 | supervisor of elections, within 7 days after the closing date
22 | for qualifying, the names of all duly qualified candidates for
23 | nomination or election who have qualified with the Department
24 | of State.

25 | (6) Notwithstanding the qualifying period prescribed
26 | in this section, if a candidate has submitted the necessary
27 | petitions by the required deadline in order to qualify by the
28 | petition process pursuant to s. 99.095 ~~alternative method~~ as a
29 | candidate for nomination or election and the candidate is
30 | notified after the 5th day prior to the last day for
31 | qualifying that the required number of signatures has been

1 | obtained, the candidate is entitled to subscribe to the
2 | candidate's oath and file the qualifying papers at any time
3 | within 5 days from the date the candidate is notified that the
4 | necessary number of signatures has been obtained. Any
5 | candidate who qualifies within the time prescribed in this
6 | subsection is entitled to have his or her name printed on the
7 | ballot.

8 | (7)(a) In order for a candidate to be qualified, the
9 | following items must be received by the filing officer by the
10 | end of the qualifying period:

11 | 1. A properly executed check drawn upon the
12 | candidate's campaign account in an amount not less than the
13 | fee required by s. 99.092 or, in lieu thereof, as applicable,
14 | the copy of the notice of obtaining ballot position pursuant
15 | to s. 99.095 ~~or the undue burden oath authorized pursuant to~~
16 | ~~s. 99.0955 or s. 99.096~~. If a candidate's check is returned
17 | by the bank for any reason, the filing officer shall
18 | immediately notify the candidate and the candidate shall, the
19 | end of qualifying notwithstanding, have 48 hours from the time
20 | such notification is received, excluding Saturdays, Sundays,
21 | and legal holidays, to pay the fee with a cashier's check
22 | purchased from funds of the campaign account. Failure to pay
23 | the fee as provided in this subparagraph shall disqualify the
24 | candidate.

25 | 2. The candidate's oath required by s. 99.021, which
26 | must contain the name of the candidate as it is to appear on
27 | the ballot; the office sought, including the district or group
28 | number if applicable; and the signature of the candidate, duly
29 | acknowledged.

30 | 3. The loyalty oath required by s. 876.05, signed by
31 | the candidate and duly acknowledged.

1 4. If the office sought is partisan, the written
2 statement of political party affiliation required by s.
3 99.021(1)(b).

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

7 6. The full and public disclosure or statement of
8 financial interests required by subsection (4). A public
9 officer who has filed the full and public disclosure or
10 statement of financial interests with the Commission on Ethics
11 or the supervisor of elections prior to qualifying for office
12 may file a copy of that disclosure at the time of qualifying.

13 (b) If the filing officer receives qualifying papers
14 that do not include all items as required by paragraph (a)
15 prior to the last day of qualifying, the filing officer shall
16 make a reasonable effort to notify the candidate of the
17 missing or incomplete items and shall inform the candidate
18 that all required items must be received by the close of
19 qualifying. A candidate's name as it is to appear on the
20 ballot may not be changed after the end of qualifying.

21 (8) Notwithstanding the qualifying period prescribed
22 in this section, a qualifying office may accept and hold
23 qualifying papers submitted not earlier than 14 days prior to
24 the beginning of the qualifying period, to be processed and
25 filed during the qualifying period.

26 ~~(9)(8)~~ Notwithstanding the qualifying period
27 prescribed by this section, in each year in which the
28 Legislature apportions the state, the qualifying period for
29 persons seeking to qualify for nomination or election to
30 federal office shall be between noon of the 57th day prior to
31

1 the first primary, but not later than noon of the 53rd day
2 prior to the first primary.

3 ~~(10)(9)~~ The Department of State may prescribe by rule
4 requirements for filing papers to qualify as a candidate under
5 this section.

6 Section 13. Section 99.063, Florida Statutes, is
7 amended to read:

8 99.063 Candidates for Governor and Lieutenant
9 Governor.--

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

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

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

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

24 (c) If the office sought is partisan, the written
25 statement of political party affiliation required by s.
26 99.021(1)(b).

27 (d) The full and public disclosure of financial
28 interests pursuant to s. 8, Art. II of the State Constitution.
29 A public officer who has filed the full and public disclosure
30 with the Commission on Ethics prior to qualifying for office
31 may file a copy of that disclosure at the time of qualifying.

1 (3) A designated candidate for Lieutenant Governor is
2 not required to pay a separate qualifying fee or obtain
3 signatures on petitions. Ballot position obtained by the
4 candidate for Governor entitles the designated candidate for
5 Lieutenant Governor, upon receipt by the Department of State
6 of the qualifying papers required by subsection (2), to have
7 his or her name placed on the ballot for the joint candidacy.

8 (4) In order to have the name of the candidate for
9 Lieutenant Governor printed on the first or second primary
10 election ballot, a candidate for Governor participating in the
11 primary must designate the candidate for Lieutenant Governor,
12 and the designated candidate must qualify no later than the
13 end of the qualifying period specified in s. 99.061. If the
14 candidate for Lieutenant Governor has not been designated and
15 has not qualified by the end of the qualifying period
16 specified in s. 99.061, the phrase "Not Yet Designated" must
17 be included in lieu of the candidate's name on primary
18 election ballots and on advance absentee ballots for the
19 general election.

20 (5) Failure of the Lieutenant Governor candidate to be
21 designated and qualified by the time specified in subsection
22 (2) shall result in forfeiture of ballot position for the
23 candidate for Governor for the general election.

24 Section 14. Section 99.092, Florida Statutes, is
25 amended to read:

26 99.092 Qualifying fee of candidate; notification of
27 Department of State.--

28 (1) Each person seeking to qualify for nomination or
29 election to any office, except a person seeking to qualify by
30 the petition process ~~alternative method~~ pursuant to s. 99.095,
31 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to

1 | qualify as a write-in candidate, shall pay a qualifying fee,
2 | which shall consist of a filing fee and election assessment,
3 | to the officer with whom the person qualifies, and any party
4 | assessment levied, and shall attach the original or signed
5 | duplicate of the receipt for his or her party assessment or
6 | pay the same, in accordance with the provisions of s. 103.121,
7 | at the time of filing his or her other qualifying papers. The
8 | amount of the filing fee is 3 percent of the annual salary of
9 | the office. The amount of the election assessment is 1
10 | percent of the annual salary of the office sought. The
11 | election assessment shall be deposited into the Elections
12 | Commission Trust Fund. The amount of the party assessment is
13 | 2 percent of the annual salary. The annual salary of the
14 | office for purposes of computing the filing fee, election
15 | assessment, and party assessment shall be computed by
16 | multiplying 12 times the monthly salary, excluding any special
17 | qualification pay, authorized for such office as of July 1
18 | immediately preceding the first day of qualifying. No
19 | qualifying fee shall be returned to the candidate unless the
20 | candidate withdraws his or her candidacy before the last date
21 | to qualify. If a candidate dies prior to an election and has
22 | not withdrawn his or her candidacy before the last date to
23 | qualify, the candidate's qualifying fee shall be returned to
24 | his or her designated beneficiary, and, if the filing fee or
25 | any portion thereof has been transferred to the political
26 | party of the candidate, the Secretary of State shall direct
27 | the party to return that portion to the designated beneficiary
28 | of the candidate.

29 | (2) The supervisor of elections shall, immediately
30 | after the last day for qualifying, submit to the Department of
31 | State a list containing the names, party affiliations, and

1 addresses of all candidates and the offices for which they
2 qualified.

3 Section 15. Section 99.095, Florida Statutes, is
4 amended to read:

5 (Substantial rewording of section. See
6 s. 99.095, F.S., for present text.)
7 99.095 Petition process in lieu of a qualifying fee
8 and party assessment.--

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

13 (2)(a) A candidate shall obtain the number of
14 signatures of voters in the geographical area represented by
15 the office sought equal to at least 1 percent of the total
16 number of registered voters of that geographical area, as
17 shown by the compilation by the department for the last
18 preceding general election. Signatures may not be obtained
19 until the candidate has filed the appointment of campaign
20 treasurer and designation of campaign depository pursuant to
21 s. 106.021.

22 (b) The format of the petition shall be prescribed by
23 the division and shall be used by candidates to reproduce
24 petitions for circulation. If the candidate is running for an
25 office that requires a group or district designation, the
26 petition must indicate that designation and if it does not,
27 the signatures are not valid. A separate petition is required
28 for each candidate.

29 (3) Each petition must be submitted before noon of the
30 28th day preceding the first day of the qualifying period for
31 the office sought to the supervisor of elections of the county

1 in which such petition was circulated. Each supervisor shall
2 check the signatures on the petitions to verify their status
3 as voters in the county, district, or other geographical area
4 represented by the office sought. No later than the 7th day
5 before the first day of the qualifying period, the supervisor
6 shall certify the number of valid signatures.

7 (4)(a) Certifications for candidates for federal,
8 state, or multicounty district office shall be submitted to
9 the division. The division shall determine whether the
10 required number of signatures has been obtained and shall
11 notify the candidate.

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

16 (5) If the required number of signatures has been
17 obtained, the candidate is eligible to qualify pursuant to s.
18 99.061.

19 Section 16. Section 99.0955, Florida Statutes, is
20 amended to read:

21 99.0955 Candidates with no party affiliation; name on
22 general election ballot.--

23 (1) Each person seeking to qualify for election as a
24 candidate with no party affiliation shall file his or her
25 qualifying ~~qualification~~ papers and pay the qualifying fee or
26 qualify by the petition process pursuant to s. 99.095
27 ~~alternative method prescribed in subsection (3)~~ with the
28 officer and during the times and under the circumstances
29 prescribed in s. 99.061. Upon qualifying, the candidate is
30 entitled to have his or her name placed on the general
31 election ballot.

1 (2) The qualifying fee for candidates with no party
2 affiliation shall consist of a filing fee and an election
3 assessment as prescribed in s. 99.092. ~~The amount of the~~
4 ~~filing fee is 3 percent of the annual salary of the office~~
5 ~~sought. The amount of the election assessment is 1 percent of~~
6 ~~the annual salary of the office sought. The election~~
7 ~~assessment shall be deposited into the Elections Commission~~
8 ~~Trust Fund.~~ Filing fees paid to the Department of State shall
9 be deposited into the General Revenue Fund of the state.
10 Filing fees paid to the supervisor of elections shall be
11 deposited into the general revenue fund of the county.

12 ~~(3)(a) A candidate with no party affiliation may, in~~
13 ~~lieu of paying the qualifying fee, qualify for office by the~~
14 ~~alternative method prescribed in this subsection. A candidate~~
15 ~~using this petitioning process shall file an oath with the~~
16 ~~officer before whom the candidate would qualify for the office~~
17 ~~stating that he or she intends to qualify by this alternative~~
18 ~~method. If the person is running for an office that requires~~
19 ~~a group or district designation, the candidate must indicate~~
20 ~~the designation in his or her oath. The oath shall be filed~~
21 ~~at any time after the first Tuesday after the first Monday in~~
22 ~~January of the year in which the election is held, but before~~
23 ~~the 21st day preceding the first day of the qualifying period~~
24 ~~for the office sought. The Department of State shall~~
25 ~~prescribe the form to be used in administering and filing the~~
26 ~~oath. Signatures may not be obtained by a candidate on any~~
27 ~~petition until the candidate has filed the oath required in~~
28 ~~this subsection. Upon receipt of the written oath from a~~
29 ~~candidate, the qualifying officer shall provide the candidate~~
30 ~~with petition forms in sufficient numbers to facilitate the~~
31 ~~gathering of signatures. If the candidate is running for an~~

1 ~~office that requires a group or district designation, the~~
2 ~~petition must indicate that designation or the signatures~~
3 ~~obtained on the petition will not be counted.~~

4 ~~(b) A candidate shall obtain the signatures of a~~
5 ~~number of qualified electors in the geographical entity~~
6 ~~represented by the office sought equal to 1 percent of the~~
7 ~~registered electors of the geographical entity represented by~~
8 ~~the office sought, as shown by the compilation by the~~
9 ~~Department of State for the preceding general election.~~

10 ~~(c) Each petition must be submitted before noon of the~~
11 ~~21st day preceding the first day of the qualifying period for~~
12 ~~the office sought, to the supervisor of elections of the~~
13 ~~county for which such petition was circulated. Each supervisor~~
14 ~~to whom a petition is submitted shall check the signatures on~~
15 ~~the petition to verify their status as electors in the county,~~
16 ~~district, or other geographical entity represented by the~~
17 ~~office sought. Before the first day for qualifying, the~~
18 ~~supervisor shall certify the number shown as registered~~
19 ~~electors.~~

20 ~~(d)1. Certifications for candidates for federal,~~
21 ~~state, or multicounty district office shall be submitted to~~
22 ~~the Department of State. The Department of State shall~~
23 ~~determine whether the required number of signatures has been~~
24 ~~obtained for the name of the candidate to be placed on the~~
25 ~~ballot and shall notify the candidate.~~

26 ~~2. For candidates for county or district office not~~
27 ~~covered by subparagraph 1., the supervisor of elections shall~~
28 ~~determine whether the required number of signatures has been~~
29 ~~obtained for the name of the candidate to be placed on the~~
30 ~~ballot and shall notify the candidate.~~

31

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

6 Section 17. Section 99.096, Florida Statutes, is
7 amended to read:

8 99.096 Minor political party candidates; names on
9 ballot.--

10 (1) ~~The executive committee of a minor political party~~
11 ~~shall,~~ No later than noon of the third day prior to the first
12 day of the qualifying period prescribed for federal
13 candidates, the executive committee of a minor political party
14 shall submit to the Department of State a list of federal
15 candidates nominated by the party to be on the general
16 election ballot. ~~and~~ No later than noon of the third day prior
17 to the first day of the qualifying period for state
18 candidates, the executive committee of a minor political party
19 shall submit to the filing officer for each of the candidates
20 ~~submit to the Department of State the official list of the~~
21 state, multi-county, and county respective candidates
22 nominated by that party to be on the ballot in the general
23 election. ~~The Department of State shall notify the appropriate~~
24 ~~supervisors of elections of the name of each minor party~~
25 ~~candidate eligible to qualify before such supervisor.~~ The
26 official list of nominated candidates may not be changed by
27 the party after having been filed with the filing officers
28 ~~Department of State, except that candidates who have qualified~~
29 ~~may withdraw from the ballot pursuant to the provisions of~~
30 ~~this code, and~~ vacancies in nominations may be filled pursuant
31 to s. 100.111.

1 (2) Each person seeking to qualify for election as a
2 candidate of a minor political party shall file his or her
3 qualifying ~~qualification~~ papers with, and pay the qualifying
4 fee and, if one has been levied, the party assessment, or
5 qualify by the petition process pursuant to s. 99.095
6 ~~alternative method prescribed in subsection (3)~~, with the
7 officer and at the times and under the circumstances provided
8 in s. 99.061.

9 ~~(3)(a) A minor party candidate may, in lieu of paying~~
10 ~~the qualifying fee and party assessment, qualify for office by~~
11 ~~the alternative method prescribed in this subsection. A~~
12 ~~candidate using this petitioning process shall file an oath~~
13 ~~with the officer before whom the candidate would qualify for~~
14 ~~the office stating that he or she intends to qualify by this~~
15 ~~alternative method. If the person is running for an office~~
16 ~~that requires a group or district designation, the candidate~~
17 ~~must indicate the designation in his or her oath. The oath~~
18 ~~must be filed at any time after the first Tuesday after the~~
19 ~~first Monday in January of the year in which the election is~~
20 ~~held, but before the 21st day preceding the first day of the~~
21 ~~qualifying period for the office sought. The Department of~~
22 ~~State shall prescribe the form to be used in administering and~~
23 ~~filing the oath. Signatures may not be obtained by a~~
24 ~~candidate on any petition until the candidate has filed the~~
25 ~~oath required in this section. Upon receipt of the written~~
26 ~~oath from a candidate, the qualifying officer shall provide~~
27 ~~the candidate with petition forms in sufficient numbers to~~
28 ~~facilitate the gathering of signatures. If the candidate is~~
29 ~~running for an office that requires a group or district~~
30 ~~designation, the petition must indicate that designation or~~
31 ~~the signatures on such petition will not be counted.~~

1 ~~(b) A candidate shall obtain the signatures of a~~
2 ~~number of qualified electors in the geographical entity~~
3 ~~represented by the office sought equal to 1 percent of the~~
4 ~~registered electors in the geographical entity represented by~~
5 ~~the office sought, as shown by the compilation by the~~
6 ~~Department of State for the last preceding general election.~~

7 ~~(c) Each petition shall be submitted prior to noon of~~
8 ~~the 21st day preceding the first day of the qualifying period~~
9 ~~for the office sought to the supervisor of elections of the~~
10 ~~county for which the petition was circulated. Each supervisor~~
11 ~~to whom a petition is submitted shall check the signatures on~~
12 ~~the petition to verify their status as electors in the county,~~
13 ~~district, or other geographical entity represented by the~~
14 ~~office sought. Before the first day for qualifying, the~~
15 ~~supervisor shall certify the number shown as registered~~
16 ~~electors.~~

17 ~~(d)1. Certifications for candidates for federal,~~
18 ~~state, or multicounty district office shall be submitted to~~
19 ~~the Department of State. The Department of State shall~~
20 ~~determine whether the required number of signatures has been~~
21 ~~obtained for the name of the candidate to be placed on the~~
22 ~~ballot and shall notify the candidate.~~

23 ~~2. For candidates for county or district office not~~
24 ~~covered by subparagraph 1., the supervisor of elections shall~~
25 ~~determine whether the required number of signatures has been~~
26 ~~obtained for the name of the candidate to be placed on the~~
27 ~~ballot and shall notify the candidate.~~

28 ~~(e) If the required number of signatures has been~~
29 ~~obtained, the candidate shall, during the prescribed time for~~
30 ~~qualifying for office, submit a copy of the notice received~~
31

1 ~~under paragraph (d) and file his or her qualifying papers and~~
2 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

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

7 Section 18. Subsection (1) of section 99.09651,
8 Florida Statutes, is amended to read:

9 99.09651 Signature requirements for ballot position in
10 year of apportionment.--

11 (1) In a year of apportionment, any candidate for
12 representative to Congress, state Senate, or state House of
13 Representatives seeking ballot position by the petition
14 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~
15 ~~99.0955, or s. 99.096~~ shall obtain at least the number of
16 signatures equal to one-third of 1 percent of the ideal
17 population for the district of the office being sought.

18 Section 19. Subsection (1) of section 100.011, Florida
19 Statutes, is amended to read:

20 100.011 Opening and closing of polls, all elections;
21 expenses.--

22 (1) The polls shall be open at the voting places at
23 7:00 a.m., on the day of the election, and shall be kept open
24 until 7:00 p.m., of the same day, and the time shall be
25 regulated by the customary time in standard use in the county
26 seat of the locality. The inspectors shall make public
27 proclamation of the opening and closing of the polls. During
28 the election and canvass of the votes, the ballot box shall
29 not be concealed. Any elector who is in line at the time of
30 the official closing of the polls shall be allowed to cast a
31 vote in the election.

1 Section 20. Section 100.101, Florida Statutes, is
2 amended to read:

3 100.101 Special elections and special primary
4 elections.--Except as provided in s. 100.111(2), a special
5 election or special primary election shall be held in the
6 following cases:

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

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

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

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

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

18 Section 21. Section 100.111, Florida Statutes, is
19 amended to read:

20 100.111 Filling vacancy.--

21 (1)(a) If any vacancy occurs in any office which is
22 required to be filled pursuant to s. 1(f), Art. IV of the
23 State Constitution and the remainder of the term of such
24 office is 28 months or longer, then at the next general
25 election a person shall be elected to fill the unexpired
26 portion of such term, commencing on the first Tuesday after
27 the first Monday following such general election.

28 (b) If such a vacancy occurs prior to the first day
29 set by law for qualifying for election to office at such
30 general election, any person seeking nomination or election to
31 the unexpired portion of the term shall qualify within the

1 | time prescribed by law for qualifying for other offices to be
2 | filled by election at such general election.

3 | (c) If such a vacancy occurs prior to the first
4 | primary but on or after the first day set by law for
5 | qualifying, the Secretary of State shall set dates for
6 | qualifying for the unexpired portion of the term of such
7 | office. Any person seeking nomination or election to the
8 | unexpired portion of the term shall qualify within the time
9 | set by the Secretary of State. If time does not permit party
10 | nominations to be made in conjunction with the first and
11 | second primary elections, the Governor may call a special
12 | primary election, and, if necessary, a second special primary
13 | election, to select party nominees for the unexpired portion
14 | of such term.

15 | (2)(a) If, in any state or county office required to
16 | be filled by election, a vacancy occurs during an election
17 | year by reason of the incumbent having qualified as a
18 | candidate for federal office pursuant to s. 99.061, no special
19 | election is required. Any person seeking nomination or
20 | election to the office so vacated shall qualify within the
21 | time prescribed by s. 99.061 for qualifying for state or
22 | county offices to be filled by election.

23 | (b) If such a vacancy occurs in an election year other
24 | than the one immediately preceding expiration of the present
25 | term, the Secretary of State shall notify the supervisor of
26 | elections in each county served by the office that a vacancy
27 | has been created. Such notice shall be provided to the
28 | supervisor of elections not later than the close of the first
29 | day set for qualifying for state or county office. The
30 | supervisor shall provide public notice of the vacancy in any
31 | manner the Secretary of State deems appropriate.

1 (3) Whenever there is a vacancy for which a special
2 election is required pursuant to s. 100.101 ~~s. 100.101(1)(4)~~,
3 the Governor, after consultation with the Secretary of State,
4 shall fix the date of a special first primary election, a
5 special second primary election, and a special election.
6 Nominees of political parties other than minor political
7 parties shall be chosen under the primary laws of this state
8 in the special primary elections to become candidates in the
9 special election. Prior to setting the special election
10 dates, the Governor shall consider any upcoming elections in
11 the jurisdiction where the special election will be held. The
12 dates fixed by the Governor shall be specific days certain and
13 shall not be established by the happening of a condition or
14 stated in the alternative. The dates fixed shall provide a
15 minimum of 2 weeks between each election. In the event a
16 vacancy occurs in the office of state senator or member of the
17 House of Representatives when the Legislature is in regular
18 legislative session, the minimum times prescribed by this
19 subsection may be waived upon concurrence of the Governor, the
20 Speaker of the House of Representatives, and the President of
21 the Senate. If a vacancy occurs in the office of state
22 senator and no session of the Legislature is scheduled to be
23 held prior to the next general election, the Governor may fix
24 the dates for any special primary and for the special election
25 to coincide with the dates of the first and second primary and
26 general election. If a vacancy in office occurs in any
27 district in the state Senate or House of Representatives or in
28 any congressional district, and no session of the Legislature,
29 or session of Congress if the vacancy is in a congressional
30 district, is scheduled to be held during the unexpired portion
31

1 of the term, the Governor is not required to call a special
2 election to fill such vacancy.

3 (a) The dates for candidates to qualify in such
4 special election or special primary election shall be fixed by
5 the Department of State, and candidates shall qualify not
6 later than noon of the last day so fixed. The dates fixed for
7 qualifying shall allow a minimum of 14 days between the last
8 day of qualifying and the special first primary election.

9 (b) The filing of campaign expense statements by
10 candidates in such special elections or special primaries and
11 by committees making contributions or expenditures to
12 influence the results of such special primaries or special
13 elections shall be not later than such dates as shall be fixed
14 by the Department of State, and in fixing such dates the
15 Department of State shall take into consideration and be
16 governed by the practical time limitations.

17 (c) The dates for a candidate to qualify by the
18 petition process pursuant to s. 99.095 ~~alternative method~~ in
19 such special primary or special election shall be fixed by the
20 Department of State. In fixing such dates the Department of
21 State shall take into consideration and be governed by the
22 practical time limitations. Any candidate seeking to qualify
23 by the petition process ~~alternative method~~ in a special
24 primary election shall obtain 25 percent of the signatures
25 required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~
26 ~~applicable.~~

27 (d) The qualifying fees and party assessments of such
28 candidates as may qualify shall be the same as collected for
29 the same office at the last previous primary for that office.
30 The party assessment shall be paid to the appropriate
31

1 executive committee of the political party to which the
2 candidate belongs.

3 (e) Each county canvassing board shall make as speedy
4 a return of the result of such special elections and primaries
5 as time will permit, and the Elections Canvassing Commission
6 likewise shall make as speedy a canvass and declaration of the
7 nominees as time will permit.

8 (4)(a) In the event that death, ~~resignation,~~
9 ~~withdrawal, removal, or any other cause or event~~ should cause
10 a party to have a vacancy in nomination which leaves no
11 candidate for an office from such party, ~~the Governor shall,~~
12 ~~after conferring with the Secretary of State, call a special~~
13 ~~primary election and, if necessary, a second special primary~~
14 ~~election to select for such office a nominee of such political~~
15 ~~party. The dates on which candidates may qualify for such~~
16 ~~special primary election shall be fixed by the Department of~~
17 ~~State, and the candidates shall qualify no later than noon of~~
18 ~~the last day so fixed. The filing of campaign expense~~
19 ~~statements by candidates in special primaries shall not be~~
20 ~~later than such dates as shall be fixed by the Department of~~
21 ~~State. In fixing such dates, the Department of State shall~~
22 ~~take into consideration and be governed by the practical time~~
23 ~~limitations. The qualifying fees and party assessment of such~~
24 ~~candidates as may qualify shall be the same as collected for~~
25 ~~the same office at the last previous primary for that office.~~
26 ~~Each county canvassing board shall make as speedy a return of~~
27 ~~the results of such primaries as time will permit, and the~~
28 ~~Elections Canvassing Commission shall likewise make as speedy~~
29 ~~a canvass and declaration of the nominees as time will permit.~~
30 (b) ~~If the vacancy in nomination occurs later than~~
31 ~~September 15, or if the vacancy in nomination occurs with~~

1 ~~respect to a candidate of a minor political party which has~~
2 ~~obtained a position on the ballot, no special primary election~~
3 ~~shall be held and~~ the Department of State shall notify the
4 chair of the appropriate state, district, or county political
5 party executive committee of such party; and, within 5 ~~7~~ days,
6 the chair shall call a meeting of his or her executive
7 committee to consider designation of a nominee to fill the
8 vacancy. The name of any person so designated shall be
9 submitted to the Department of State within 7 ~~14~~ days after ~~of~~
10 notice to the chair in order that the person designated may
11 have his or her name ~~printed or otherwise placed~~ on the ballot
12 of the ensuing general election. When the name of the new
13 nominee is submitted after the certification of results of the
14 preceding primary election, however, the ballots may not be
15 changed and, but in no event shall the supervisor of elections
16 be required to place on a ballot a name submitted less than 21
17 days prior to the election. If the vacancy occurs less than
18 21 days prior to the election, the person designated by the
19 political party will replace the former party nominee even
20 though the former party nominee's name shall appear ~~will be~~ on
21 the ballot. Any ballots cast for the former party nominee
22 will be counted for the person designated by the political
23 party to replace the former party nominee. If there is no
24 opposition to the party nominee, the person designated by the
25 political party to replace the former party nominee will be
26 elected to office at the general election. For purposes of
27 this paragraph, the term "district political party executive
28 committee" means the members of the state executive committee
29 of a political party from those counties comprising the area
30 involving a district office.

31

1 **(b)(c)** When, under the circumstances set forth in the
2 preceding paragraph, vacancies in nomination are required to
3 be filled by committee nominations, such vacancies shall be
4 filled by party rule. In any instance in which a nominee is
5 selected by a committee to fill a vacancy in nomination, such
6 nominee shall pay the same filing fee and take the same oath
7 as the nominee would have taken had he or she regularly
8 qualified for election to such office.

9 ~~(d) Any person who, at the close of qualifying as~~
10 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~
11 ~~nomination or election to or retention in a public office to~~
12 ~~be filled at the ensuing general election is prohibited from~~
13 ~~qualifying as a candidate to fill a vacancy in nomination for~~
14 ~~any other office to be filled at that general election, even~~
15 ~~if such person has withdrawn or been eliminated as a candidate~~
16 ~~for the original office sought. However, this paragraph does~~
17 ~~not apply to a candidate for the office of Lieutenant Governor~~
18 ~~who applies to fill a vacancy in nomination for the office of~~
19 ~~Governor on the same ticket or to a person who has withdrawn~~
20 ~~or been eliminated as a candidate and who is subsequently~~
21 ~~designated as a candidate for Lieutenant Governor under s.~~
22 ~~99.063.~~

23 (5) In the event of unforeseeable circumstances not
24 contemplated in these general election laws concerning the
25 calling and holding of special primary elections and special
26 elections resulting from court order or other unpredictable
27 circumstances, the Department of State shall have the
28 authority to provide for the conduct of orderly elections.

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

1 ~~the number of signatures required for ballot placement shall~~
2 ~~be 25 percent of the number of signatures required by s.~~
3 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

4 Section 22. Section 100.141, Florida Statutes, is
5 amended to read:

6 100.141 Notice of special election to fill any vacancy
7 in office ~~or nomination~~.--

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

13 (2) The Department of State shall prepare a notice
14 stating what offices ~~and vacancies~~ are to be filled in the
15 special election, the date set for each special primary
16 election and the special election, the dates fixed for
17 qualifying for office, the dates fixed for qualifying by the
18 petition process pursuant to s. 99.095 ~~alternative method~~, and
19 the dates fixed for filing campaign expense statements.

20 (3) The department shall deliver a copy of such notice
21 to the supervisor of elections of each county in which the
22 special election is to be held. The supervisor shall have the
23 notice published two times in a newspaper of general
24 circulation in the county at least 10 days prior to the first
25 day set for qualifying for office. If such a newspaper is not
26 published within the period set forth, the supervisor shall
27 post at least five copies of the notice in conspicuous places
28 in the county not less than 10 days prior to the first date
29 set for qualifying.

30 Section 23. Subsection (2) of section 101.031, Florida
31 Statutes, is amended to read:

1 101.031 Instructions for electors.--

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

5

6

VOTER'S BILL OF RIGHTS

7

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

9

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

10

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

12

3. Ask for and receive assistance in voting.

13

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

15

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

17

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

19

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

21

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

24

~~8.9.~~ Vote free from coercion or intimidation by
25 elections officers or any other person.

26

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

28

29

VOTER RESPONSIBILITIES

30

31

Each registered voter in this state should:

- 1 1. Familiarize himself or herself with the candidates
- 2 and issues.
- 3 2. Maintain with the office of the supervisor of
- 4 elections a current address.
- 5 3. Know the location of his or her polling place and
- 6 its hours of operation.
- 7 4. Bring proper identification to the polling station.
- 8 5. Familiarize himself or herself with the operation
- 9 of the voting equipment in his or her precinct.
- 10 6. Treat precinct workers with courtesy.
- 11 7. Respect the privacy of other voters.
- 12 8. Report any problems or violations of election laws
- 13 to the supervisor of elections.
- 14 9. Ask questions, if needed.
- 15 10. Make sure that his or her completed ballot is
- 16 correct before leaving the polling station.

17
18 NOTE TO VOTER: Failure to perform any of these
19 responsibilities does not prohibit a voter from voting.

20 Section 24. Section 101.043, Florida Statutes, is
21 amended to read:

22 101.043 Identification required at polls.--

23 (1) The precinct register, as prescribed in s. 98.461,
24 shall be used at the polls in lieu of the registration books
25 for the purpose of identifying the elector at the polls prior
26 to allowing him or her to vote. The clerk or inspector shall
27 require each elector, upon entering the polling place, to
28 present a current and valid picture identification as provided
29 in s. 97.0535(3)(a). If the picture identification does not
30 contain the signature of the voter, an additional
31 identification that provides the voter's signature shall be

1 required. The elector shall sign his or her name in the space
2 provided, and the clerk or inspector shall compare the
3 signature with that on the identification provided by the
4 elector and enter his or her initials in the space provided
5 and allow the elector to vote if the clerk or inspector is
6 satisfied as to the identity of the elector.

7 ~~(2) Except as provided in subsection (3), if the~~
8 ~~elector fails to furnish the required identification, or if~~
9 ~~the clerk or inspector is in doubt as to the identity of the~~
10 ~~elector, such clerk or inspector shall follow the procedure~~
11 ~~prescribed in s. 101.49.~~

12 ~~(2)(3)~~ If the elector ~~who~~ fails to furnish the
13 required identification ~~is a first time voter who registered~~
14 ~~by mail and has not provided the required identification to~~
15 ~~the supervisor of elections prior to election day~~, the elector
16 shall be allowed to vote a provisional ballot. The canvassing
17 board shall determine the validity of the ballot pursuant to
18 s. 101.048(2).

19 Section 25. Section 101.048, Florida Statutes, is
20 amended to read:

21 101.048 Provisional ballots.--

22 (1) At all elections, a voter claiming to be properly
23 registered in the county and eligible to vote at the precinct
24 in the election, ~~but whose eligibility cannot be determined, a~~
25 person whom an election official asserts is not eligible, and
26 other persons specified in the code shall be entitled to vote
27 a provisional ballot. Once voted, the provisional ballot shall
28 be placed in a secrecy envelope and thereafter sealed in a
29 provisional ballot envelope. The provisional ballot shall be
30 deposited in a ballot box. All provisional ballots shall
31 remain sealed in their envelopes for return to the supervisor

1 of elections. The department shall prescribe the form of the
2 provisional ballot envelope. A person casting a provisional
3 ballot shall have the right to present written evidence
4 supporting his or her eligibility to vote to the supervisor of
5 elections by not later than 5 p.m. on the third day following
6 the election.

7 (2)(a) The county canvassing board shall examine each
8 Provisional Ballot Voter's Certificate and Affirmation
9 ~~envelope~~ to determine if the person voting that ballot was
10 entitled to vote at the precinct where the person cast a vote
11 in the election and that the person had not already cast a
12 ballot in the election. In determining whether a person
13 casting a provisional ballot is entitled to vote, the county
14 canvassing board shall review the information provided in the
15 Voter's Certificate and Affirmation, written evidence provided
16 by the person pursuant to subsection (1), any other evidence
17 presented by the supervisor of elections, and, in the case of
18 a challenge, any evidence presented by the challenger. A
19 ballot of a person casting a provisional ballot shall be
20 counted unless the canvassing board determines by a
21 preponderance of the evidence that the person was not entitled
22 to vote.

23 (b)1. If it is determined that the person was
24 registered and entitled to vote at the precinct where the
25 person cast a vote in the election, the canvassing board shall
26 compare the signature on the Provisional Ballot Voter's
27 Certificate and Affirmation ~~envelope~~ with the signature on the
28 voter's registration and, if it matches, shall count the
29 ballot.

30 2. If it is determined that the person voting the
31 provisional ballot was not registered or entitled to vote at

1 | the precinct where the person cast a vote in the election, the
2 | provisional ballot shall not be counted and the ballot shall
3 | remain in the envelope containing the Provisional Ballot
4 | Voter's Certificate and Affirmation and the envelope shall be
5 | marked "Rejected as Illegal."

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

8 |
9 | STATE OF FLORIDA

10 | COUNTY OF

11 |
12 | I do solemnly swear (or affirm) that my name is;
13 | that my date of birth is; that I am registered and
14 | qualified to vote ~~and at the time I registered I resided at~~
15 | ~~...., in the municipality of,~~ in County, Florida;
16 | that I am registered in the Party; that I am a qualified
17 | voter of the county; and that I have not voted in this
18 | election. I understand that if I commit any fraud in
19 | connection with voting, vote a fraudulent ballot, or vote more
20 | than once in an election, I can be convicted of a felony of
21 | the third degree and fined up to \$5,000 and/or imprisoned for
22 | up to 5 years.

23 | ... (Signature of Voter)...

24 | ... (Current Residence Address)...

25 | ... (Current Mailing Address)...

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

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

29 |
30 | Sworn to and subscribed before me this day of,
31 | ... (year)....

1 ... (Election Official)...

2

3 Precinct # Ballot Style/Party Issued:

4

5 (4) Notwithstanding the requirements of subsections
6 ~~(1), (2), and (3) In counties where the voting system does not~~
7 ~~utilize a paper ballot,~~ the supervisor of elections may, and
8 for persons with disabilities shall, provide the appropriate
9 provisional ballot to the voter by electronic means that meet
10 the requirements of s. 101.56062, as provided for by the
11 certified voting system. Each person casting a provisional
12 ballot by electronic means shall, prior to casting his or her
13 ballot, complete the Provisional Ballot Voter's Certificate
14 and Affirmation as provided in subsection (3).

15 (5) Each person casting a provisional ballot shall be
16 given written instructions regarding the person's right to
17 provide the supervisor of elections with written evidence of
18 his or her eligibility to vote and regarding the free access
19 system established pursuant to subsection (6). The
20 instructions shall contain information on how to access the
21 system and the information the voter will need to provide to
22 obtain information on his or her particular ballot. The
23 instructions shall also include the following statement: "If
24 this is a primary election, you should contact the supervisor
25 of elections' office immediately to confirm that you are
26 registered and can vote in the general election."

27 (6) Each supervisor of elections shall establish a
28 free access system that allows each person who casts a
29 provisional ballot to determine whether his or her provisional
30 ballot was counted in the final canvass of votes and, if not,
31 the reasons why. Information regarding provisional ballots

1 shall be available no later than 30 days following the
2 election. The system established must restrict information
3 regarding an individual ballot to the person who cast the
4 ballot.

5 Section 26. Section 101.049, Florida Statutes, is
6 amended to read:

7 101.049 Provisional ballots; special circumstances.--

8 (1) Any person who votes in an election after the
9 regular poll-closing time pursuant to a court or other order
10 extending the statutory polling hours must vote a provisional
11 ballot. Once voted, the provisional ballot shall be placed in
12 a secrecy envelope and thereafter sealed in a provisional
13 ballot envelope. The election official witnessing the voter's
14 subscription and affirmation on the Provisional Ballot Voter's
15 Certificate shall indicate whether or not the voter met all
16 requirements to vote a regular ballot at the polls. All such
17 provisional ballots shall remain sealed in their envelopes and
18 be transmitted to the supervisor of elections.

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

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

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

29 (5) As an alternative, provisional ballots cast
30 pursuant to this section may, and for persons with

31

1 disabilities shall, be cast in accordance with the provisions
2 of s. 101.048(4).

3 Section 27. Effective July 1, 2005, section 101.051,
4 Florida Statutes, as amended by section 10 of chapter
5 2002-281, Laws of Florida, is amended to read:

6 101.051 Electors seeking assistance in casting
7 ballots; oath to be executed; forms to be furnished.--

8 (1) Any elector applying to vote in any election who
9 requires assistance to vote by reason of blindness,
10 disability, or inability to read or write may request the
11 assistance of two election officials or some other person of
12 the elector's own choice, other than the elector's employer,
13 an agent of the employer, or an officer or agent of his or her
14 union, to assist the elector in casting his or her vote. Any
15 such elector, before retiring to the voting booth, may have
16 one of such persons read over to him or her, without
17 suggestion or interference, the titles of the offices to be
18 filled and the candidates therefor and the issues on the
19 ballot. After the elector requests the aid of the two election
20 officials or the person of the elector's choice, they shall
21 retire to the voting booth for the purpose of casting the
22 elector's vote according to the elector's choice.

23 (2) It is unlawful for any person to be in the voting
24 booth with any elector except as provided in subsection (1).
25 A person at a polling place or early voting site, or within
26 100 feet of the entrance of a polling place or early voting
27 site, may not solicit any elector in an effort to provide
28 assistance to vote pursuant to subsection (1). Any person who
29 violates this subsection commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 (3) Any elector applying to cast an absentee ballot in
2 the office of the supervisor, in any election, who requires
3 assistance to vote by reason of blindness, disability, or
4 inability to read or write may request the assistance of some
5 person of his or her own choice, other than the elector's
6 employer, an agent of the employer, or an officer or agent of
7 his or her union, in casting his or her absentee ballot.

8 (4) If an elector needs assistance in voting pursuant
9 to the provisions of this section, the clerk or one of the
10 inspectors shall require the elector requesting assistance in
11 voting to take the following oath:

12
13 DECLARATION TO SECURE ASSISTANCE

14
15 State of Florida
16 County of
17 Date
18 Precinct

19 I, ...(Print name)..., swear or affirm that I am a
20 registered elector and request assistance from ...(Print
21 names)... in voting at the ...(name of election)... held on
22 ...(date of election).... ...(Signature of assistor)....
23 Sworn and subscribed to before me this day of,
24 ...(year)....

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

26 (5) If an elector needing assistance requests that a
27 person other than an election official provide him or her with
28 assistance in voting, the clerk or one of the inspectors shall
29 require the person providing assistance to take the following
30 oath:

1 DECLARATION TO PROVIDE ASSISTANCE
2
3 State of Florida
4 County of
5 Date
6 Precinct
7 I, ...(Print name)..., have been requested by ...(print
8 name of elector needing assistance)... to provide him or her
9 with assistance to vote. I swear or affirm that I am not the
10 employer, an agent of the employer, or an officer or agent of
11 the union of the voter and that I have not solicited this
12 voter at the polling place or early voting site or within 100
13 feet of such locations in an effort to provide
14 assistance....(Signature of assistor)...
15 Sworn and subscribed to before me this day of,
16 ...(year)....
17 ...(Signature of Official Administering Oath)...
18 ~~(6)~~(5) The supervisor of elections shall deliver a
19 sufficient number of these forms to each precinct, along with
20 other election paraphernalia.
21 Section 28. Section 101.111, Florida Statutes, is
22 amended to read:
23 101.111 Person desiring to vote may be challenged;
24 challenger to execute oath; oath of person challenged;
25 determination of challenge.--
26 (1) When the right to vote of any person who desires
27 to vote is challenged by any elector or poll watcher, the
28 challenge shall be reduced to writing with an oath as provided
29 in this section, giving reasons for the challenge, which shall
30 be delivered to the clerk or inspector. Any elector or poll
31

1 watcher challenging the right of a person to vote shall
2 execute the oath set forth below:

3
4 OATH OF PERSON ENTERING CHALLENGE

5
6 State of Florida
7 County of

8
9 I do solemnly swear that my name is; that I am a member
10 of the party; that I am a registered voter or pollwatcher
11 ~~.... years old~~; that my residence address is, in the
12 municipality of; and that I have reason to believe that
13 is attempting to vote illegally and the reasons for my
14 belief are set forth herein to wit:

15
16
17 ...(Signature of person challenging voter)...

18
19 Sworn and subscribed to before me this day of,
20 ...(year)....

21 ...(Clerk of election)...

22
23 ~~(2) Before a person who is challenged is permitted to~~
24 ~~vote, the challenged person's right to vote shall be~~
25 ~~determined in accordance with the provisions of subsection~~
26 ~~(3).~~ The clerk or inspector shall immediately deliver to the
27 challenged person a copy of the oath of the person entering
28 the challenge and the challenged voter shall be allowed to
29 casts a provisional ballot. ~~shall request the challenged~~
30 ~~person to execute the following oath:~~

1 OATH OF PERSON CHALLENGED
2
3 State of Florida
4 County of
5
6 I do solemnly swear that my name is; that I am a member
7 of the party; that my date of birth is; that my
8 residence address is, in the municipality of, in
9 this the precinct of county; that I personally made
10 application for registration and signed my name and that I am
11 a qualified voter in this election.
12 ... (Signature of person) ...
13
14 Sworn and subscribed to before me this day of,
15 ... (year)
16 ... (Clerk of election or Inspector) ...
17
18 ~~Any inspector or clerk of election may administer the oath.~~
19 (3) Any elector or poll watcher may challenge the
20 right of any voter to vote not sooner than 30 days before an
21 election by filing a completed copy of the oath contained in
22 subsection (1) to the supervisor of election's office. The
23 challenged voter shall be permitted to cast a provisional
24 ballot.
25 (4) Any elector or poll watcher filing a frivolous
26 challenge of any person's right to vote commits a misdemeanor
27 of the first degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084; however, electors or poll watchers
29 shall not be subject to liability for any action taken in good
30 faith and in furtherance of any activity or duty permitted of
31 such electors or poll watchers by law. Each instance where any

1 elector or poll watcher files a frivolous challenge of any
2 person's right to vote constitutes a separate offense.

3 ~~(a) The clerk and inspectors shall compare the~~
4 ~~information in the challenged person's oath with that entered~~
5 ~~on the precinct register and shall take any other evidence~~
6 ~~that may be offered. The clerk and inspectors shall then~~
7 ~~decide by a majority vote whether the challenged person may~~
8 ~~vote a regular ballot.~~

9 ~~(b) If the challenged person refuses to complete the~~
10 ~~oath or if a majority of the clerk and inspectors doubt the~~
11 ~~eligibility of the person to vote, the challenged person shall~~
12 ~~be allowed to vote a provisional ballot. The oath of the~~
13 ~~person entering the challenge and the oath of the person~~
14 ~~challenged shall be attached to the provisional ballot for~~
15 ~~transmittal to the canvassing board.~~

16 Section 29. Section 101.131, Florida Statutes, is
17 amended to read:

18 101.131 Watchers at polls.--

19 (1) Each political party and each candidate may have
20 one watcher in each polling room or early voting area at any
21 one time during the election. A political committee formed for
22 the specific purpose of expressly advocating the passage or
23 defeat of an issue on the ballot may have one watcher for each
24 polling room or early voting area at any one time during the
25 election. No watcher shall be permitted to come closer to the
26 officials' table or the voting booths than is reasonably
27 necessary to properly perform his or her functions, but each
28 shall be allowed within the polling room or early voting area
29 to watch and observe the conduct of electors and officials.
30 The poll watchers shall furnish their own materials and
31 necessities and shall not obstruct the orderly conduct of any

1 election. The poll watchers shall pose any questions regarding
2 polling place procedures directly to the clerk for resolution.
3 They may not interact with voters. Each poll watcher shall be
4 a qualified and registered elector of the county in which he
5 or she serves.

6 (2) Each party, each political committee, and each
7 candidate requesting to have poll watchers shall designate, in
8 writing, ~~poll watchers for each precinct~~ prior to noon of the
9 second Tuesday preceding the election poll watchers for each
10 polling room on election day. Designations of poll watchers
11 for early voting areas shall be submitted in writing to the
12 supervisor of elections at least 14 days before early voting
13 begins. The poll watchers for each polling room ~~precinct~~
14 shall be approved by the supervisor of elections on or before
15 the Tuesday before the election. Poll watchers for early
16 voting areas shall be approved by the supervisor of elections
17 no later than 7 days before early voting begins. The
18 supervisor shall furnish to each election board ~~precinct~~ a
19 list of the poll watchers designated and approved for such
20 polling room or early voting area ~~precinct~~.

21 (3) No candidate or sheriff, deputy sheriff, police
22 officer, or other law enforcement officer may be designated as
23 a poll watcher.

24 Section 30. Subsection (1) of section 101.151, Florida
25 Statutes, is amended to read:

26 101.151 Specifications for ballots.--

27 (1) Marksense Paper ~~Paper~~ ballots shall be printed on paper
28 of such thickness that the printing cannot be distinguished
29 from the back and shall meet the specifications of the voting
30 system that will be used to tabulate the ballots.

31

1 Section 31. Section 101.171, Florida Statutes, is
2 amended to read:

3 101.171 Copy of constitutional amendment to be
4 available at voting locations ~~posted~~.--Whenever any amendment
5 to the State Constitution is to be voted upon at any election,
6 the Department of State shall have printed~~7~~ and shall furnish
7 to each supervisor of elections~~7~~ a sufficient number of copies
8 of the amendment either in poster or booklet form, and the
9 supervisor shall have a copy thereof conspicuously posted or
10 available at each polling room or early voting area ~~precinct~~
11 upon the day of election.

12 Section 32. Section 101.294, Florida Statutes, is
13 amended to read:

14 101.294 Purchase and sale of voting equipment.--

15 (1) The Division of Elections of the Department of
16 State shall adopt uniform rules for the purchase, use, and
17 sale of voting equipment in the state. No governing body
18 shall purchase or cause to be purchased any voting equipment
19 unless such equipment has been certified for use in this state
20 by the Department of State.

21 (2) Any governing body contemplating the purchase or
22 sale of voting equipment shall notify the Division of
23 Elections of such considerations. The division shall attempt
24 to coordinate the sale of excess or outmoded equipment by one
25 county with purchases of necessary equipment by other
26 counties.

27 (3) The division shall inform the governing bodies of
28 the various counties of the state of the availability of new
29 or used voting equipment and of sources available for
30 obtaining such equipment.

31

1 (4) A vendor of voting equipment may not provide an
2 uncertified voting system, voting system component, or voting
3 system upgrade to a local governing body or supervisor of
4 elections in this state.

5 (5) Before or in conjunction with providing a voting
6 system, voting system component, or voting system upgrade, the
7 vendor shall provide the local governing body or supervisor of
8 elections with a sworn certification that the voting system,
9 voting system component, or voting system upgrade being
10 provided has been certified by the Division of Elections.

11 Section 33. Section 101.295, Florida Statutes, is
12 amended to read:

13 101.295 Penalties for violation.--

14 (1) Any member of a governing body which purchases or
15 sells voting equipment in violation of the provisions of ss.
16 101.292-101.295, which member knowingly votes to purchase or
17 sell voting equipment in violation of the provisions of ss.
18 101.292-101.295, is guilty of a misdemeanor of the first
19 degree, punishable as provided by s. 775.082 or s. 775.083,
20 and shall be subject to suspension from office on the grounds
21 of malfeasance.

22 (2) Any vendor, chief executive officer, or vendor
23 representative of voting equipment who provides a voting
24 system, voting system component, or voting system upgrade in
25 violation of this chapter commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 s. 775.084.

28 Section 34. Section 101.49, Florida Statutes, is
29 amended to read:

30 101.49 Procedure of election officers where signatures
31 differ.--

1 (1) Whenever any clerk or inspector, upon a just
2 comparison of the signatures, doubts that the signature on the
3 identification presented by the ~~of any~~ elector ~~who presents~~
4 ~~himself or herself at the polls to vote~~ is the same as the
5 signature ~~of the elector~~ affixed on the precinct register or
6 early voting certificate ~~in the registration book~~, the clerk
7 or inspector shall deliver to the person an affidavit which
8 shall be in substantially the following form:

9

10 STATE OF FLORIDA,
11 COUNTY OF

12 I do solemnly swear (or affirm) that my name is;
13 that I am years old; that I was born in the State of
14; that I am registered to vote, ~~and at the time I~~
15 ~~registered I resided on Street, in the municipality of~~
16 ~~...., County of, State of Florida~~; that I am a qualified
17 voter of the county and state aforesaid and have not voted in
18 this election.

19 ... (Signature of voter) ...

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

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

23 Precinct No.

24 County of

25

26 (2) The person shall fill out, in his or her own
27 handwriting or with assistance from a member of the election
28 board, the form and make an affidavit to the facts stated in
29 the filled-in form; such affidavit shall then be sworn to and
30 subscribed before one of the inspectors or clerks of the
31 election who is authorized to administer the oath. Whenever

1 the affidavit is made and filed with the clerk or inspector,
2 the person shall then be admitted to cast his or her vote, but
3 if the person fails or refuses to make out or file such
4 affidavit and asserts his or her eligibility, then he or she
5 shall be entitled to vote a provisional ballot ~~not be~~
6 ~~permitted to vote~~.

7 Section 35. Effective July 1, 2005, subsection (1) of
8 section 101.51, Florida Statutes, as amended by section 11 of
9 chapter 2002-281, Laws of Florida, is amended to read:

10 101.51 Electors to occupy booth alone.--

11 (1) When the elector presents himself or herself to
12 vote, the election official shall ascertain whether the
13 elector's name is upon the register of electors, and, if the
14 elector's name appears and no challenge interposes, or, if
15 interposed, be not sustained, one of the election officials
16 stationed at the entrance shall announce the name of the
17 elector and permit him or her to enter the booth or
18 compartment to cast his or her vote, allowing only one elector
19 at a time to pass through to vote. An elector, while casting
20 his or her ballot, may not occupy a booth or compartment
21 already occupied or speak with anyone, except as provided by
22 s. 101.051, ~~while in the polling place~~.

23 Section 36. Subsection (2) of section 101.5612,
24 Florida Statutes, is amended to read:

25 101.5612 Testing of tabulating equipment.--

26 (2) On any day not more than 10 days prior to the
27 commencement of early voting as provided in s. 101.657, the
28 supervisor of elections shall have the automatic tabulating
29 equipment publicly tested to ascertain that the equipment will
30 correctly count the votes cast for all offices and on all
31 measures. If the ballots to be used at the polling place on

1 election day are not available at the time of the testing, the
2 supervisor may conduct an additional test not more than 10
3 days before election day. Public notice of the time and place
4 of the test shall be given at least 48 hours prior thereto by
5 publication once in one or more newspapers of general
6 circulation in the county or, if there is no newspaper of
7 general circulation in the county, by posting the notice in at
8 least four conspicuous places in the county. The supervisor or
9 the municipal elections official may, at the time of
10 qualifying, give written notice of the time and location of
11 the public preelection test to each candidate qualifying with
12 that office and obtain a signed receipt that the notice has
13 been given. The Department of State shall give written notice
14 to each statewide candidate at the time of qualifying, or
15 immediately at the end of qualifying, that the voting
16 equipment will be tested and advise each candidate to contact
17 the county supervisor of elections as to the time and location
18 of the public preelection test. The supervisor or the
19 municipal elections official shall, at least 15 days prior to
20 the commencement of early voting as provided in s. 101.657,
21 send written notice by certified mail to the county party
22 chair of each political party and to all candidates for other
23 than statewide office whose names appear on the ballot in the
24 county and who did not receive written notification from the
25 supervisor or municipal elections official at the time of
26 qualifying, stating the time and location of the public
27 preelection test of the automatic tabulating equipment. The
28 canvassing board shall convene, and each member of the
29 canvassing board shall certify to the accuracy of the test.
30 For the test, the canvassing board may designate one member to
31 represent it. The test shall be open to representatives of the

1 | political parties, the press, and the public. Each political
2 | party may designate one person with expertise in the computer
3 | field who shall be allowed in the central counting room when
4 | all tests are being conducted and when the official votes are
5 | being counted. The designee shall not interfere with the
6 | normal operation of the canvassing board.

7 | Section 37. Section 101.572, Florida Statutes, is
8 | amended to read:

9 | 101.572 Public inspection of ballots.--The official
10 | ballots and ballot cards received from election boards and
11 | removed from absentee ballot mailing envelopes shall be open
12 | for public inspection or examination while in the custody of
13 | the supervisor of elections or the county canvassing board at
14 | any reasonable time, under reasonable conditions; however, no
15 | persons other than the supervisor of elections or his or her
16 | employees or the county canvassing board shall handle any
17 | official ballot or ballot card. If the ballots are being
18 | examined prior to the end of the contest period in s. 102.168,
19 | the supervisor of elections shall make a reasonable effort to
20 | notify all candidates whose names appear on such ballots or
21 | ballot cards by telephone or otherwise of the time and place
22 | of the inspection or examination. All such candidates, or
23 | their representatives, shall be allowed to be present during
24 | the inspection or examination.

25 | Section 38. Section 101.58, Florida Statutes, is
26 | amended to read:

27 | 101.58 Supervising and observing registration and
28 | election processes.--

29 | (1) The Department of State may, at any time it deems
30 | fit; upon the petition of 5 percent of the registered
31 | electors; or upon the petition of any candidate, county

1 executive committee chair, state committeeman or
2 committeewoman, or state executive committee chair, appoint
3 one or more deputies whose duties shall be to observe and
4 examine the registration and election processes and the
5 condition, custody, and operation of voting systems and
6 equipment in any county or municipality. The deputy shall have
7 access to all registration books and records as well as any
8 other records or procedures relating to the voting process.
9 The deputy may supervise preparation of the voting equipment
10 and procedures for election, and it shall be unlawful for any
11 person to obstruct the deputy in the performance of his or her
12 duty. The deputy shall file with the Department of State a
13 report of his or her findings and observations of the
14 registration and election processes in the county or
15 municipality, and a copy of the report shall also be filed
16 with the clerk of the circuit court of said county. The
17 compensation of such deputies shall be fixed by the Department
18 of State; and costs incurred under this section shall be paid
19 from the annual operating appropriation made to the Department
20 of State.

21 (2) Upon the written direction of the Secretary of
22 State, any employee of the Department of State having
23 expertise in the matter of concern to the Secretary of State
24 shall have full access to all premises, records, equipment,
25 and staff of the supervisor of elections.

26 Section 39. Subsection (1) of section 101.595, Florida
27 Statutes, is amended to read:

28 101.595 Analysis and reports of voting problems.--

29 (1) No later than December 15 of each general election
30 year, the supervisor of elections in each county shall report
31 to the Department of State the total number of overvotes and

1 undervotes in the "President and Vice President" or "Governor
2 and Lieutenant Governor" race that appears first on the ballot
3 or, if neither appears, the first race appearing on the ballot
4 pursuant to s. 101.151(2), along with the likely reasons for
5 such overvotes and undervotes and other information as may be
6 useful in evaluating the performance of the voting system and
7 identifying problems with ballot design and instructions which
8 may have contributed to voter confusion.

9 Section 40. Section 101.6103, Florida Statutes, is
10 amended to read:

11 101.6103 Mail ballot election procedure.--

12 (1) Except as otherwise provided in subsection (7)
13 ~~(6)~~, the supervisor of elections shall mail all official
14 ballots with a secrecy envelope, a return mailing envelope,
15 and instructions sufficient to describe the voting process to
16 each elector entitled to vote in the election not sooner than
17 the 20th day before the election and not later than the 10th
18 day before the date of the election. All such ballots shall
19 be mailed by first-class mail. Ballots shall be addressed to
20 each elector at the address appearing in the registration
21 records and placed in an envelope which is prominently marked
22 "Do Not Forward."

23 (2) Upon receipt of the ballot the elector shall mark
24 the ballot, place it in the secrecy envelope, sign the return
25 mailing envelope supplied with the ballot, and comply with the
26 instructions provided with the ballot. The elector shall mail,
27 deliver, or have delivered the marked ballot so that it
28 reaches the supervisor of elections no later than 7 p.m. on
29 the day of the election. The ballot must be returned in the
30 return mailing envelope.

31

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

3
4 VOTER'S CERTIFICATE

5
6 I, (Print Name), do solemnly swear (or affirm) that I
7 am a qualified voter in this election and that I have not and
8 will not vote more than one ballot in this election.

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

11 ... (Signature) ...

12 ... (Residence Address) ...

13
14 (4) If the ballot is destroyed, spoiled, lost, or not
15 received by the elector, the elector may obtain a replacement
16 ballot from the supervisor of elections as provided in this
17 subsection. An elector seeking a replacement ballot shall
18 sign a sworn statement that the ballot was destroyed, spoiled,
19 lost, or not received and present such statement to the
20 supervisor of elections prior to 7 p.m. on the day of the
21 election. The supervisor of elections shall keep a record of
22 each replacement ballot provided under this subsection.

23 (5) A ballot shall be counted only if:

24 (a) It is returned in the return mailing envelope;

25 (b) The elector's signature has been verified as
26 provided in this subsection; and

27 (c) It is received by the supervisor of elections not
28 later than 7 p.m. on the day of the election.

29
30 The supervisor of elections shall verify the signature of each
31 elector on the return mailing envelope with the signature on

1 the elector's registration records. Such verification may
2 commence at any time prior to the canvass of votes. The
3 supervisor of elections shall safely keep the ballot unopened
4 in his or her office until the county canvassing board
5 canvasses the vote. If the supervisor of elections determines
6 that an elector to whom a replacement ballot has been issued
7 under subsection (4) has voted more than once, the canvassing
8 board shall determine which ballot, if any, is to be counted.

9 (6) The canvassing board may begin the canvassing of
10 mail ballots at 7 a.m. on the fourth day before the election,
11 including processing the ballots through the tabulating
12 equipment. However, results may not be released until after 7
13 p.m. on election day. Any canvassing board member or election
14 employee who releases any result before 7 p.m. on election day
15 commits a felony of the third degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084.

17 ~~(7)(6)~~ With respect to absent electors overseas
18 entitled to vote in the election, the supervisor of elections
19 shall mail an official ballot with a secrecy envelope, a
20 return mailing envelope, and instructions sufficient to
21 describe the voting process to each such elector on a date
22 sufficient to allow such elector time to vote in the election
23 and to have his or her marked ballot reach the supervisor by 7
24 p.m. on the day of the election.

25 Section 41. Section 101.62, Florida Statutes, is
26 amended to read:

27 101.62 Request for absentee ballots.--

28 (1)(a) The supervisor may accept a request for an
29 absentee ballot from an elector in person or in writing.
30 Except as provided in s. 101.694, one request shall be deemed
31 sufficient to receive an absentee ballot for all elections

1 | which are held within a calendar year, unless the elector or
2 | the elector's designee indicates at the time the request is
3 | made the elections for which the elector desires to receive an
4 | absentee ballot. Such request may be considered canceled when
5 | any first-class mail sent by the supervisor to the elector is
6 | returned as undeliverable.

7 | (b) The supervisor may accept a written or telephonic
8 | request for an absentee ballot from the elector, or, if
9 | directly instructed by the elector, a member of the elector's
10 | immediate family, or the elector's legal guardian. For
11 | purposes of this section, the term "immediate family" has the
12 | same meaning as specified in paragraph (4)(b). The person
13 | making the request must disclose:

- 14 | 1. The name of the elector for whom the ballot is
15 | requested;
- 16 | 2. The elector's address;
- 17 | 3. The elector's date of birth;
- 18 | 4. The requester's name;
- 19 | 5. The requester's address;
- 20 | 6. The requester's driver's license number, if
21 | available;
- 22 | 7. The requester's relationship to the elector; and
- 23 | 8. The requester's signature (written requests only).

24 | (2) ~~If~~ A request for an absentee ballot to be mailed
25 | to a voter must be is received no later than 5 p.m. on the
26 | sixth day ~~after the Friday~~ before the election by the
27 | supervisor of elections ~~from an absent elector overseas, the~~
28 | ~~supervisor shall send a notice to the elector acknowledging~~
29 | ~~receipt of his or her request and notifying the elector that~~
30 | ~~the ballot will not be forwarded due to insufficient time for~~
31 | ~~return of the ballot by the required deadline. The supervisor~~

1 of elections shall mail absentee ballots to voters requesting
2 ballots by such deadline no later than 4 days before the
3 election.

4 (3) For each request for an absentee ballot received,
5 the supervisor shall record the date the request was made, the
6 date the absentee ballot was delivered to the voter or the
7 voter's designee or the date the absentee ballot was delivered
8 to the post office or other carrier ~~or mailed~~, the date the
9 ballot was received by the supervisor, and such other
10 information he or she may deem necessary. This information
11 shall be confidential and exempt from the provisions of s.
12 119.07(1) and shall be made available to or reproduced only
13 for the voter requesting the ballot, a canvassing board, an
14 election official, a political party or official thereof, a
15 candidate who has filed qualification papers and is opposed in
16 an upcoming election, and registered political committees or
17 registered committees of continuous existence, for political
18 purposes only.

19 (4)(a) To each absent qualified elector overseas who
20 has requested an absentee ballot, the supervisor of elections
21 shall, not fewer than 35 days before the first primary
22 election, mail an absentee ballot. Not fewer than 45 days
23 before the second primary and general election, the supervisor
24 of elections shall mail an absentee ballot. If the regular
25 absentee ballots are not available, the supervisor shall mail
26 an advance absentee ballot to those persons requesting ballots
27 for such elections. The advance absentee ballot for the
28 second primary shall be the same as the first primary absentee
29 ballot as to the names of candidates, except that for any
30 offices where there are only two candidates, those offices and
31 all political party executive committee offices shall be

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

24 (b) As soon as the remainder of the absentee ballots
25 are printed, the supervisor shall provide an absentee ballot
26 to each elector by whom a request for that ballot has been
27 made by one of the following means:

28 1. By nonforwardable, return-if-undeliverable mail to
29 the elector's current mailing address on file with the
30 supervisor, unless the elector specifies in the request that:
31

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

3 b. The elector is temporarily unable to occupy the
4 residence because of hurricane, tornado, flood, fire, or other
5 emergency or natural disaster; or

6 c. The elector is in a hospital, assisted-living
7 facility, nursing home, short-term medical or rehabilitation
8 facility, or correctional facility,

9
10 in which case the supervisor shall mail the ballot by
11 nonforwardable, return-if-undeliverable mail to any other
12 address the elector specifies in the request.

13 2. By forwardable mail to voters who are entitled to
14 vote by absentee ballot under the Uniformed and Overseas
15 Citizens Absentee Voting Act.

16 3. By personal delivery before 7 p.m. on election day
17 to the elector, upon presentation of the identification
18 required in s. 101.657.

19 4. By delivery to a designee on election day or up to
20 4 days prior to the day of an election. Any elector may
21 designate in writing a person to pick up the ballot for the
22 elector; however, the person designated may not pick up more
23 than two absentee ballots per election, other than the
24 designee's own ballot, except that additional ballots may be
25 picked up for members of the designee's immediate family. For
26 purposes of this section, "immediate family" means the
27 designee's spouse or the parent, child, grandparent, or
28 sibling of the designee or of the designee's spouse. The
29 designee shall provide to the supervisor the written
30 authorization by the elector and a picture identification of
31 the designee and must complete an affidavit. The designee

1 shall state in the affidavit that the designee is authorized
2 by the elector to pick up that ballot and shall indicate if
3 the elector is a member of the designee's immediate family
4 and, if so, the relationship. The department shall prescribe
5 the form of the affidavit. If the supervisor is satisfied that
6 the designee is authorized to pick up the ballot and that the
7 signature of the elector on the written authorization matches
8 the signature of the elector on file, the supervisor shall
9 give the ballot to that designee for delivery to the elector.

10 (5) In the event that the Elections Canvassing
11 Commission is unable to certify the results of an election for
12 a state office in time to comply with subsection (4), the
13 Department of State is authorized to prescribe rules for a
14 ballot to be sent to absent electors overseas.

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

18 Section 42. Section 101.64, Florida Statutes, is
19 amended to read:

20 101.64 Delivery of absentee ballots; envelopes;
21 form.--

22 (1) The supervisor shall enclose with each absentee
23 ballot two envelopes: a secrecy envelope, into which the
24 absent elector shall enclose his or her marked ballot; and a
25 mailing envelope, into which the absent elector shall then
26 place the secrecy envelope, which shall be addressed to the
27 supervisor and also bear on the back side a certificate in
28 substantially the following form:

29
30 Note: Please Read Instructions Carefully Before
31 Marking Ballot and Completing Voter's Certificate.

1 ~~registration books in that state have closed and who is~~
2 ~~prohibited by the laws of that state from voting for the~~
3 ~~offices of President and Vice President of the United States~~
4 shall be permitted to vote absentee in the county of his or
5 her former residence for the offices of President and Vice
6 President of the United States ~~those offices.~~

7 Section 44. Subsection (1) of section 101.68, Florida
8 Statutes, is amended to read:

9 101.68 Canvassing of absentee ballot.--

10 (1) The supervisor of the county where the absent
11 elector resides shall receive the voted ballot, at which time
12 the supervisor shall compare the signature of the elector on
13 the voter's certificate with the signature of the elector in
14 the registration books to determine whether the elector is
15 duly registered in the county and may record on the elector's
16 registration certificate that the elector has voted. The
17 supervisor shall safely keep the ballot unopened in his or her
18 office until the county canvassing board canvasses the vote.
19 After an absentee ballot is received by the supervisor, the
20 ballot is deemed to have been cast, and changes or additions
21 may not be made to the voter's certificate.

22 Section 45. Section 101.69, Florida Statutes, is
23 amended to read:

24 101.69 Voting in person; return of absentee
25 ballot.--The provisions of this code shall not be construed to
26 prohibit any elector from voting in person at the elector's
27 precinct on the day of an election or at an early voting site,
28 notwithstanding that the elector has requested an absentee
29 ballot for that election. An elector who has returned a voted
30 absentee ballot to the supervisor, however, is deemed to have
31 cast his or her ballot and is not entitled to vote another

1 ballot or to have a provisional ballot counted by the county
2 canvassing board. An elector who has received an absentee
3 ballot and has not returned the voted ballot to the
4 supervisor, but desires to vote in person, shall return the
5 ballot, whether voted or not, to the election board in the
6 elector's precinct or to an early voting site. The returned
7 ballot shall be marked "canceled" by the board and placed with
8 other canceled ballots. However, if the elector does not
9 return the ballot and the election official:

10 (1) Confirms that the supervisor has received the
11 elector's absentee ballot, the elector shall not be allowed to
12 vote in person. If the elector maintains that he or she has
13 not returned the absentee ballot or remains eligible to vote,
14 the elector shall be provided a provisional ballot as provided
15 in s. 101.048.

16 (2) Confirms that the supervisor has not received the
17 elector's absentee ballot, the elector shall be allowed to
18 vote in person as provided in this code. The elector's
19 absentee ballot, if subsequently received, shall not be
20 counted and shall remain in the mailing envelope, and the
21 envelope shall be marked "Rejected as Illegal."

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

25 Section 46. Section 101.6923, Florida Statutes, is
26 amended to read:

27 101.6923 Special absentee ballot instructions for
28 certain first-time voters.--

29 (1) The provisions of this section apply to voters who
30 registered to vote by mail, who have not previously voted in
31 the county, and who have not provided the identification or

1 information required by s. 97.0535 by the time the absentee
2 ballot is mailed.

3 (2) A voter covered by this section shall be provided
4 with the following printed instructions with his or her
5 absentee ballot in substantially the following form:

6
7 READ THESE INSTRUCTIONS CAREFULLY BEFORE
8 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
9 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
10 COUNT.

11
12 1. In order to ensure that your absentee ballot will
13 be counted, it should be completed and returned as soon as
14 possible so that it can reach the supervisor of elections of
15 the county in which your precinct is located no later than 7
16 p.m. on the date of the election.

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

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

25 4. Place your marked ballot in the enclosed secrecy
26 envelope and seal the envelope.

27 5. Insert the secrecy envelope into the enclosed
28 envelope bearing the Voter's Certificate. Seal the envelope
29 and completely fill out the Voter's Certificate on the back of
30 the envelope.

31

- 1 a. You must sign your name on the line above (Voter's
2 Signature).
- 3 b. If you are an overseas voter, you must include the
4 date you signed the Voter's Certificate on the line above
5 (Date) or your ballot may not be counted.
- 6 6. Unless you meet one of the exemptions in Item 7.,
7 you must make a copy of one of the following forms of
8 identification:
- 9 a. Identification which must include your name and
10 photograph: current and valid Florida driver's license;
11 Florida identification card issued by the Department of
12 Highway Safety and Motor Vehicles; United States passport;
13 employee badge or identification; buyer's club identification
14 card; debit or credit card; military identification; student
15 identification; retirement center identification; neighborhood
16 association identification; entertainment identification; or
17 public assistance identification; or
- 18 b. Identification which shows your name and current
19 residence address: current utility bill, bank statement,
20 government check, paycheck, or government document (excluding
21 voter identification card).
- 22 7. The identification requirements of Item 6. do not
23 apply if you meet one of the following requirements:
- 24 a. You are 65 years of age or older.
- 25 b. You have a temporary or permanent physical
26 disability.
- 27 c. You are a member of a uniformed service on active
28 duty who, by reason of such active duty, will be absent from
29 the county on election day.
- 30
- 31

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

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

8 f. You are currently residing outside the United
9 States.

10 8. Place the envelope bearing the Voter's Certificate
11 into the mailing envelope addressed to the supervisor. Insert
12 a copy of your identification in the mailing envelope. DO NOT
13 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
14 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
15 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

19 10. FELONY NOTICE. It is a felony under Florida law to
20 accept any gift, payment, or gratuity in exchange for your
21 vote for a candidate. It is also a felony under Florida law to
22 vote in an election using a false identity or false address,
23 or under any other circumstances making your ballot false or
24 fraudulent.

25 Section 47. Subsection (3) of section 101.694, Florida
26 Statutes, is amended to read:

27 101.694 Mailing of ballots upon receipt of federal
28 postcard application.--

29 (3) Absentee envelopes printed for voters entitled to
30 vote absentee under the Uniformed and Overseas Citizens
31 Absentee Voting Act shall meet the specifications as

1 ~~determined by the Federal Voting Assistance Program of the~~
2 ~~United States Department of Defense and the United States~~
3 ~~Postal Service. There shall be printed across the face of each~~
4 ~~envelope in which a ballot is sent to a federal postcard~~
5 ~~applicant, or is returned by such applicant to the supervisor,~~
6 ~~two parallel horizontal red bars, each one quarter inch wide,~~
7 ~~extending from one side of the envelope to the other side,~~
8 ~~with an intervening space of one quarter inch, the top bar to~~
9 ~~be 1 1/4 inches from the top of the envelope, and with the~~
10 ~~words "Official Election Balloting Material via Air Mail," or~~
11 ~~similar language, between the bars. There shall be printed in~~
12 ~~the upper right corner of each such envelope, in a box, the~~
13 ~~words "Free of U. S. Postage, including Air Mail." All~~
14 ~~printing on the face of each envelope shall be in red, and~~
15 ~~there shall be printed in red in the upper left corner of each~~
16 ~~ballot envelope an appropriate inscription or blanks for~~
17 ~~return address of sender. Additional specifications may be~~
18 ~~prescribed by rule of the Division of Elections upon~~
19 ~~recommendation of the presidential designee under the~~
20 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~
21 ~~Otherwise, the envelopes shall be the same as those used in~~
22 ~~sending ballots to, or receiving them from, other absentee~~
23 ~~voters.~~

24 Section 48. Section 101.697, Florida Statutes, is
25 amended to read:

26 101.697 Electronic transmission of election
27 materials.--The Department of State shall determine whether
28 secure electronic means can be established for receiving
29 ballots from overseas voters. If such security can be
30 established, the department shall adopt rules to authorize a
31 supervisor of elections to accept from an overseas voter a

1 request for an absentee ballot ~~or and~~ a voted absentee ballot
2 by secure facsimile machine transmission or other secure
3 electronic means ~~from overseas voters~~. The rules must provide
4 that in order to accept a voted ballot, the verification of
5 the voter must be established, the security of the
6 transmission must be established, and each ballot received
7 must be recorded.

8 Section 49. Section 102.012, Florida Statutes, is
9 amended to read:

10 102.012 Inspectors and clerks to conduct elections.--

11 (1) The supervisor of elections of each county, at
12 least 20 days prior to the holding of any election, shall
13 appoint an election board comprised of poll workers who serve
14 as clerks or inspectors ~~two election boards~~ for each precinct
15 in the county; ~~however, the supervisor of elections may, in~~
16 ~~any election, appoint one election board if the supervisor has~~
17 ~~reason to believe that only one is necessary~~. The clerk shall
18 be in charge of, and responsible for, seeing that the election
19 board carries out its duties and responsibilities. Each
20 inspector and each clerk shall take and subscribe to an oath
21 or affirmation, which shall be written or printed, to the
22 effect that he or she will perform the duties of inspector or
23 clerk of election, respectively, according to law and will
24 endeavor to prevent all fraud, deceit, or abuse in conducting
25 the election. The oath may be taken before an officer
26 authorized to administer oaths or before any of the persons
27 who are to act as inspectors, one of them to swear the others,
28 and one of the others sworn thus, in turn, to administer the
29 oath to the one who has not been sworn. The oaths shall be
30 returned with the poll list and the returns of the election to
31 the supervisor. In all questions that may arise before the

1 members of an election board, the decision of a majority of
2 them shall decide the question. The supervisor of elections
3 of each county shall be responsible for the attendance and
4 diligent performance of his or her duties by each clerk and
5 inspector.

6 (2) Each member of the election board shall be able to
7 read and write the English language and shall be a registered
8 qualified elector of the county in which the member is
9 appointed or a person who has preregistered to vote, pursuant
10 to s. 97.041(1)(b), in the county in which the member is
11 appointed. No election board shall be composed solely of
12 members of one political party; however, in any primary in
13 which only one party has candidates appearing on the ballot,
14 all clerks and inspectors may be of that party. Any person
15 whose name appears as an opposed candidate for any office
16 shall not be eligible to serve on an election board.

17 (3) The supervisor shall furnish inspectors of
18 election for each precinct with the list of registered voters
19 for the precinct registration books divided alphabetically as
20 will best facilitate the holding of an election. The
21 supervisor shall also furnish to the inspectors of election at
22 the polling place at each precinct in the supervisor's county
23 a sufficient number of forms and blanks for use on election
24 day.

25 (4)~~(a)~~ The election board of each precinct shall
26 attend the polling place by 6 a.m. of the day of the election
27 and shall arrange the furniture, stationery, and voting
28 equipment.

29 ~~(b)~~ The An election board shall conduct the voting,
30 beginning and closing at the time set forth in s. 100.011. ~~If~~
31 ~~more than one board has been appointed, the second board~~

1 ~~shall, upon the closing of the polls, come on duty and count~~
2 ~~the votes cast. In such case, the first board shall turn over~~
3 ~~to the second board all closed ballot boxes, registration~~
4 ~~books, and other records of the election at the time the~~
5 ~~boards change. The second board shall continue counting until~~
6 ~~the count is complete or until 7 a.m. the next morning, and,~~
7 ~~if the count is not completed at that time, the first board~~
8 ~~that conducted the election shall again report for duty and~~
9 ~~complete the count. The second board shall turn over to the~~
10 ~~first board all ballots counted, all ballots not counted, and~~
11 ~~all registration books and other records and shall advise the~~
12 ~~first board as to what has transpired in tabulating the~~
13 ~~results of the election.~~

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

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

21 Section 50. Subsections (1), (2), (3), and (5) of
22 section 102.014, Florida Statutes, is amended to read:

23 102.014 Poll worker recruitment and training.--

24 (1) The supervisor of elections shall conduct training
25 for inspectors, clerks, and deputy sheriffs prior to each
26 primary, general, and special election for the purpose of
27 instructing such persons in their duties and responsibilities
28 as election officials. The Division of Elections shall develop
29 a statewide uniform training curriculum for poll workers, and
30 each supervisor shall use such curriculum in training poll
31 workers. A certificate may be issued by the supervisor of

1 | elections to each person completing such training. No person
2 | shall serve as an inspector, clerk, or deputy sheriff for an
3 | election unless such person has completed the training as
4 | required. A clerk may not work at the polls unless he or she
5 | demonstrates a working knowledge of the laws and procedures
6 | relating to voter registration, voting system operation,
7 | balloting and polling place procedures, and problem-solving
8 | and conflict-resolution skills.

9 | (2) A person who has attended previous training
10 | conducted within 2 years before the election may be appointed
11 | by the supervisor to fill a vacancy on an election board day.
12 | If no person with prior training is available to fill such
13 | vacancy, the supervisor of elections may fill such vacancy in
14 | accordance with the provisions of subsection (3) from among
15 | persons who have not received the training required by this
16 | section.

17 | (3) In the case of absence or refusal to act on the
18 | part of any inspector or clerk ~~at any precinct on the day of~~
19 | ~~an election~~, the supervisor shall appoint a replacement who
20 | meets the qualifications prescribed in s. 102.012(2). The
21 | inspector or clerk so appointed shall be a member of the same
22 | political party as the clerk or inspector whom he or she
23 | replaces.

24 | (5) The Department of State shall create a uniform
25 | polling place procedures manual and adopt the manual by rule.
26 | Each supervisor of elections shall ensure that the manual is
27 | available in hard copy or electronic form in every polling
28 | place ~~precinct in the supervisor's jurisdiction on election~~
29 | ~~day~~. The manual shall guide inspectors, clerks, and deputy
30 | sheriffs in the proper implementation of election procedures
31 | and laws. The manual shall be indexed by subject, and written

1 in plain, clear, unambiguous language. The manual shall
2 provide specific examples of common problems encountered at
3 the polls ~~on election day~~, and detail specific procedures for
4 resolving those problems. The manual shall include, without
5 limitation:

6 (a) Regulations governing solicitation by individuals
7 and groups at the polling place;

8 (b) Procedures to be followed with respect to voters
9 whose names are not on the precinct register;

10 (c) Proper operation of the voting system;

11 (d) Ballot handling procedures;

12 (e) Procedures governing spoiled ballots;

13 (f) Procedures to be followed after the polls close;

14 (g) Rights of voters at the polls;

15 (h) Procedures for handling emergency situations;

16 (i) Procedures for dealing with irate voters;

17 (j) The handling and processing of provisional

18 ballots; and

19 (k) Security procedures.

20

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

24 Section 51. Section 102.031, Florida Statutes, is
25 amended to read:

26 102.031 Maintenance of good order at polls;
27 authorities; persons allowed in polling rooms and early voting
28 areas; unlawful solicitation of voters.--

29 (1) Each election board shall possess full authority
30 to maintain order at the polls and enforce obedience to its

31

1 lawful commands during an election and the canvass of the
2 votes.

3 (2) The sheriff shall deputize a deputy sheriff for
4 each polling place and each early voting site who shall be
5 present during the time the polls or early voting sites are
6 open and until the election is completed, who shall be subject
7 to all lawful commands of the clerk or inspectors, and who
8 shall maintain good order. The deputy may summon assistance
9 from among bystanders to aid him or her when necessary to
10 maintain peace and order at the polls or early voting sites.

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

- 14 1. Official poll watchers;
- 15 2. Inspectors;
- 16 3. Election clerks;
- 17 4. The supervisor of elections or his or her deputy;
- 18 5. Persons there to vote, persons in the care of a
19 voter, or persons caring for such voter;
- 20 6. Law enforcement officers or emergency service
21 personnel there with permission of the clerk or a majority of
22 the inspectors; or
- 23 7. A person, whether or not a registered voter, who is
24 assisting with or participating in a simulated election for
25 minors, as approved by the supervisor of elections.

26 (b) The restriction in this subsection does not apply
27 where the polling room is in an area commonly traversed by the
28 public in order to gain access to businesses or homes or in an
29 area traditionally utilized as a public area for discussion.

30 ~~(4)(a)(c)~~ No person, political committee, committee of
31 continuous existence, or other group or organization may

1 solicit voters inside the polling place or within 100 ~~50~~ feet
2 of the entrance to any polling place, or polling room where
3 the polling place is also a polling room, or early voting
4 site. Before the opening of the polling place or early voting
5 site, the clerk or supervisor shall designate the
6 no-solicitation zone and mark the boundaries. ~~on the day of~~
7 ~~any election.~~

8 1. ~~Solicitation shall not be restricted if:~~

9 a. ~~Conducted from a separately marked area within the~~
10 ~~50 foot zone so as not to disturb, hinder, impede, obstruct,~~
11 ~~or interfere with voter access to the polling place or polling~~
12 ~~room entrance; and~~

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

16 c. ~~Conducted on property within the 50 foot zone which~~
17 ~~is a residence, established business, private property,~~
18 ~~sidewalk, park, or property traditionally utilized as a public~~
19 ~~area for discussion.~~

20 2. ~~Solicitation shall not be permitted within the~~
21 ~~50 foot zone on a public sidewalk or other similar means of~~
22 ~~access to the polling room if it is clearly identifiable to~~
23 ~~the poll workers that the solicitation is impeding,~~
24 ~~obstructing, or interfering with voter access to the polling~~
25 ~~room or polling place.~~

26 ~~(b)(d)~~ For the purpose of this subsection, the term
27 "solicit" shall include, but not be limited to, seeking or
28 attempting to seek any vote, fact, opinion, or contribution;
29 distributing or attempting to distribute any political or
30 campaign material, leaflet, or handout; conducting a poll;

31

1 seeking or attempting to seek a signature on any petition; and
2 selling or attempting to sell any item.

3 ~~(c)(e)~~ Each supervisor of elections shall inform the
4 clerk ~~of each precinct~~ of the area within which soliciting is
5 unlawful, based on the particular characteristics of that
6 polling place. The supervisor or the clerk may take any
7 reasonable action necessary to ensure order at the polling
8 places, including, but not limited to, which shall include:

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

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

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

16 Section 52. Section 102.071, Florida Statutes, is
17 amended to read:

18 102.071 Tabulation of votes and proclamation of
19 results ~~where ballots are used.--~~

20 (1) Beginning the 60th day before each election or 5
21 days following a primary election, whichever is sooner, each
22 supervisor of elections shall post on its website in a manner
23 specified by the Division of Elections and make publicly
24 available the total number of absentee ballots requested,
25 mailed, and returned, and the total number of rejected ballots
26 for that election as of that date. For any supervisor of
27 elections who does not maintain a website, the Division of
28 Elections shall post the required information on its website.
29 This information shall be posted with the results broken down
30 by party affiliation. Each supervisor of elections shall
31 prepare an electronic data file listing the individual voters

1 who have requested an absentee ballot, have been mailed an
2 absentee ballot, or have returned an absentee ballot. This
3 information shall be updated and made available no later than
4 noon each day. Such information shall contemporaneously be
5 provided to the Division of Elections. The Division of
6 Elections may adopt rules to administer this subsection. The
7 Division of Elections may require that such information be
8 provided to it electronically and in a manner specified by the
9 Division of Elections.

10 (2) During any early voting period, each supervisor of
11 elections shall post on its website in a manner specified by
12 the Division of Elections and make publicly available the
13 total number of early votes by party affiliation and the total
14 number of all early votes cast at each early voting location
15 for all voters who cast a ballot during early voting the
16 previous day. For any supervisor of elections who does not
17 maintain a website, the Division of Elections shall post the
18 required information on its website. Each supervisor of
19 elections shall prepare an electronic data file listing the
20 individual voters who cast a ballot during the early voting
21 period. This information shall be updated and made available
22 no later than noon each day. Such information shall
23 contemporaneously be provided to the Division of Elections.
24 The Division of Elections may adopt rules to administer this
25 subsection. The Division of Elections may require that such
26 information be provided to it electronically and in a manner
27 specified by the Division of Elections.

28 (3) The election board shall post at the polls, for
29 the benefit of the public, the results of the voting for each
30 office or other item on the ballot as the count is completed.
31 Upon completion of all counts in all races, a certificate

1 ~~triplicate certificates~~ of the results shall be drawn up by
2 the inspectors and clerk at each precinct upon a form provided
3 by the supervisor of elections which shall contain the name of
4 each person voted for, for each office, and the number of
5 votes cast for each person for such office; and, if any
6 question is submitted, the certificate shall also contain the
7 number of votes cast for and against the question. The
8 certificate shall be signed by the inspectors and clerk and,
9 ~~and one of the certificates~~ shall be delivered without delay
10 by one of the inspectors, securely sealed, to the supervisor
11 for immediate publication; ~~the duplicate copy of the~~
12 ~~certificate shall be delivered to the county court judge; and~~
13 ~~the remaining copy shall be enclosed in the ballot box~~
14 ~~together with the oaths of inspectors and clerks.~~ All the
15 ballot boxes, ballots, ballot stubs, memoranda, and papers of
16 all kinds used in the election shall also be transmitted,
17 after being sealed by the inspectors, to ~~with the certificates~~
18 ~~of result of the election to be filed in~~ the supervisor's
19 office. Registration books and the poll lists shall not be
20 placed in the ballot boxes but shall be returned to the
21 supervisor.

22 Section 53. Section 102.111, Florida Statutes, is
23 amended to read:

24 102.111 Elections Canvassing Commission.--

25 (1) The Elections Canvassing Commission shall consist
26 of the Governor and two members of the Cabinet selected by the
27 Governor. If a member of the Elections Canvassing Commission
28 is unable to serve for any reason, the Governor shall appoint
29 a remaining member of the Cabinet. If there is a further
30 vacancy, the remaining members of the commission shall agree
31 on another elected official to fill the vacancy. The Elections

1 Canvassing Commission shall, as soon as the official results
2 are compiled from all counties, certify the returns of the
3 election and determine and declare who has been elected for
4 each federal, state, and multicounty office. If a member of a
5 county canvassing board that was constituted pursuant to s.
6 102.141 determines, within 5 days after the certification by
7 the Elections Canvassing Commission, that a typographical
8 error occurred in the official returns of the county, the
9 correction of which could result in a change in the outcome of
10 an election, the county canvassing board must certify
11 corrected returns to the Department of State within 24 hours,
12 and the Elections Canvassing Commission must correct and
13 recertify the election returns as soon as practicable.

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

16 Section 54. Section 102.112, Florida Statutes, is
17 amended to read:

18 102.112 Deadline for submission of county returns to
19 the Department of State.--

20 (1) The county canvassing board or a majority thereof
21 shall file the county returns for the election of a federal or
22 state officer with the Department of State immediately after
23 certification of the election results. The returns must
24 contain a certification by the canvassing board that the board
25 has reconciled the number of persons who voted with the number
26 of ballots counted and that the certification includes all
27 valid votes cast in the election.

28 (2) Returns must be filed by 5 p.m. on the 7th day
29 following a primary election and by 5 p.m. on the 11th day
30 following the general election. However, the Department of
31 State may correct typographical errors, including the

1 transposition of numbers, in any returns submitted to the
2 Department of State pursuant to s. 102.111(1).

3 (3) If the returns are not received by the department
4 by the time specified, such returns shall be ignored and the
5 results on file at that time shall be certified by the
6 department.

7 (4) If the returns are not received by the department
8 due to an emergency, as defined in s. 101.732, the Elections
9 Canvassing Commission shall determine the deadline by which
10 the returns must be received.

11 Section 55. Section 102.141, Florida Statutes, is
12 amended to read:

13 102.141 County canvassing board; duties.--

14 (1) The county canvassing board shall be composed of
15 the supervisor of elections; a county court judge, who shall
16 act as chair; and the chair of the board of county
17 commissioners. In the event any member of the county
18 canvassing board is unable to serve, is a candidate who has
19 opposition in the election being canvassed, or is an active
20 participant in the campaign or candidacy of any candidate who
21 has opposition in the election being canvassed, such member
22 shall be replaced as follows:

23 (a) If no county court judge is able to serve or if
24 all are disqualified, the chief judge of the judicial circuit
25 in which the county is located shall appoint as a substitute
26 member a qualified elector of the county who is not a
27 candidate with opposition in the election being canvassed and
28 who is not an active participant in the campaign or candidacy
29 of any candidate with opposition in the election being
30 canvassed. In such event, the members of the county
31 canvassing board shall meet and elect a chair.

1 (b) If the supervisor of elections is unable to serve
2 or is disqualified, the chair of the board of county
3 commissioners shall appoint as a substitute member a member of
4 the board of county commissioners who is not a candidate with
5 opposition in the election being canvassed and who is not an
6 active participant in the campaign or candidacy of any
7 candidate with opposition in the election being canvassed.
8 The supervisor, however, shall act in an advisory capacity to
9 the canvassing board.

10 (c) If the chair of the board of county commissioners
11 is unable to serve or is disqualified, the board of county
12 commissioners shall appoint as a substitute member one of its
13 members who is not a candidate with opposition in the election
14 being canvassed and who is not an active participant in the
15 campaign or candidacy of any candidate with opposition in the
16 election being canvassed.

17 (d) If a substitute member cannot be appointed as
18 provided elsewhere in this subsection, the chief judge of the
19 judicial circuit in which the county is located shall appoint
20 as a substitute member a qualified elector of the county who
21 is not a candidate with opposition in the election being
22 canvassed and who is not an active participant in the campaign
23 or candidacy of any candidate with opposition in the election
24 being canvassed.

25 (2) The county canvassing board shall meet in a
26 building accessible to the public in the county where the
27 election occurred at a time and place to be designated by the
28 supervisor of elections to publicly canvass the absentee
29 electors' ballots as provided for in s. 101.68 and provisional
30 ballots as provided by ss. 101.048, 101.049, and 101.6925.
31 Provisional ballots cast pursuant to s. 101.049 shall be

1 canvassed in a manner that votes for candidates and issues on
2 those ballots can be segregated from other votes. Public
3 notice of the time and place at which the county canvassing
4 board shall meet to canvass the absentee electors' ballots and
5 provisional ballots shall be given at least 48 hours prior
6 thereto by publication once in one or more newspapers of
7 general circulation in the county or, if there is no newspaper
8 of general circulation in the county, by posting such notice
9 in at least four conspicuous places in the county. As soon as
10 the absentee electors' ballots and the provisional ballots are
11 canvassed, the board shall proceed to publicly canvass the
12 vote given each candidate, nominee, constitutional amendment,
13 or other measure submitted to the electorate of the county, as
14 shown by the returns then on file in the office of the
15 supervisor of elections and the office of the county court
16 judge.

17 (3) The canvass, except the canvass of absentee
18 electors' returns and the canvass of provisional ballots,
19 shall be made from the returns and certificates of the
20 inspectors as signed and filed by them with the ~~county court~~
21 ~~judge and supervisor, respectively,~~ and the county canvassing
22 board shall not change the number of votes cast for a
23 candidate, nominee, constitutional amendment, or other measure
24 submitted to the electorate of the county, respectively, in
25 any polling place, as shown by the returns. All returns shall
26 be made to the board on or before 2 a.m. of the day following
27 any primary, general, ~~special,~~ or other election. If the
28 returns from any precinct are missing, if there are any
29 omissions on the returns from any precinct, or if there is an
30 obvious error on any such returns, the canvassing board shall
31 order a retabulation ~~recount~~ of the returns from such

1 precinct. Before canvassing such returns, the canvassing
2 board shall examine the tabulation of the ballots cast in such
3 precinct and determine whether the returns correctly reflect
4 the votes cast. If there is a discrepancy between the returns
5 and the tabulation of the ballots cast, the tabulation of the
6 ballots cast shall be presumed correct and such votes shall be
7 canvassed accordingly.

8 (4) The canvassing board shall submit on forms or in
9 formats provided by the division unofficial returns to the
10 Department of State for each federal, statewide, state, or
11 multicounty office or ballot measure no later than noon on the
12 third ~~second~~ day after any primary election and no later than
13 noon on the fifth day after any~~,~~ general~~,~~ special~~,~~ or other
14 election. Such returns shall include the canvass of all
15 ballots as required by subsection (2), except for provisional
16 ballots, which returns shall be reported at the time required
17 for official returns pursuant to s. 102.112(2).

18 (5) If the county canvassing board determines that the
19 unofficial returns may contain a counting error in which the
20 vote tabulation system failed to count votes that were
21 properly marked in accordance with the instructions on the
22 ballot, the county canvassing board shall:

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

25 (b) Request that the Department of State verify the
26 tabulation software. When the Department of State verifies
27 such software, the department shall compare the software used
28 to tabulate the votes with the software filed with the
29 department pursuant to s. 101.5607 and check the election
30 parameters.

31

1 (6) If the unofficial returns reflect that a candidate
2 for any office was defeated or eliminated by one-half of a
3 percent or less of the votes cast for such office, that a
4 candidate for retention to a judicial office was retained or
5 not retained by one-half of a percent or less of the votes
6 cast on the question of retention, or that a measure appearing
7 on the ballot was approved or rejected by one-half of a
8 percent or less of the votes cast on such measure, the board
9 responsible for certifying the results of the vote on such
10 race or measure shall order a recount of the votes cast with
11 respect to such office or measure. The Elections Canvassing
12 Commission is the board responsible for ordering federal,
13 state, and multi county recounts. A recount need not be
14 ordered with respect to the returns for any office, however,
15 if the candidate or candidates defeated or eliminated from
16 contention for such office by one-half of a percent or less of
17 the votes cast for such office request in writing that a
18 recount not be made.

19 (a) ~~In counties with voting systems that use paper~~
20 ~~ballots,~~ Each canvassing board responsible for conducting a
21 recount shall put each marksense ballot through automatic
22 tabulating equipment and determine whether the returns
23 correctly reflect the votes cast. If any marksense ~~paper~~
24 ballot is physically damaged so that it cannot be properly
25 counted by the automatic tabulating equipment during the
26 recount, a true duplicate shall be made of the damaged ballot
27 pursuant to the procedures in s. 101.5614(5). Immediately
28 before the start of the recount ~~and after completion of the~~
29 ~~count,~~ a test of the tabulating equipment shall be conducted
30 as provided in s. 101.5612. If the test indicates no error,
31 the recount tabulation of the ballots cast shall be presumed

1 correct and such votes shall be canvassed accordingly. If an
2 error is detected, the cause therefor shall be ascertained and
3 corrected and the recount repeated, as necessary. The
4 canvassing board shall immediately report the error, along
5 with the cause of the error and the corrective measures being
6 taken, to the Department of State. No later than 11 days after
7 the election, the canvassing board shall file a separate
8 incident report with the Department of State, detailing the
9 resolution of the matter and identifying any measures that
10 will avoid a future recurrence of the error.

11 (b) ~~In counties with voting systems that do not use~~
12 ~~paper ballots,~~ Each canvassing board responsible for
13 conducting a recount where touchscreen ballots were used shall
14 examine the counters on the precinct tabulators to ensure that
15 the total of the returns on the precinct tabulators equals the
16 overall election return. If there is a discrepancy between the
17 overall election return and the counters of the precinct
18 tabulators, the counters of the precinct tabulators shall be
19 presumed correct and such votes shall be canvassed
20 accordingly.

21 (c) The canvassing board shall submit on forms or in
22 formats provided by the division a second set of unofficial
23 returns to the Department of State for each federal,
24 statewide, state, or multicounty office or ballot measure no
25 later than 3 p.m. noon on the fifth ~~third~~ day after any
26 primary election and no later than 3 p.m. on the eighth day
27 after any general election in which a recount was conducted
28 pursuant to this subsection. If the canvassing board is unable
29 to complete the recount prescribed in this subsection by the
30 deadline, the second set of unofficial returns submitted by
31 the canvassing board shall be identical to the initial

1 unofficial returns and the submission shall also include a
2 detailed explanation of why it was unable to timely complete
3 the recount. However, the canvassing board shall complete the
4 recount prescribed in this subsection, along with any manual
5 recount prescribed in s. 102.166, and certify election returns
6 in accordance with the requirements of this chapter.

7 (d) The Department of State shall adopt detailed rules
8 prescribing additional recount procedures for each certified
9 voting system, which shall be uniform to the extent
10 practicable.

11 (7) The canvassing board may employ such clerical help
12 to assist with the work of the board as it deems necessary,
13 with at least one member of the board present at all times,
14 until the canvass of the returns is completed. The clerical
15 help shall be paid from the same fund as inspectors and other
16 necessary election officials.

17 (8)(a) At the same time that the official results of
18 an election are certified to the Department of State, the
19 county canvassing board shall file a report with the Division
20 of Elections on the conduct of the election. The report must
21 describe:

22 1. All equipment or software malfunctions at the
23 precinct level, at a counting location, or within computer and
24 telecommunications networks supporting a county location, and
25 the steps that were taken to address the malfunctions;

26 2. All election definition errors that were discovered
27 after the logic and accuracy test, and the steps that were
28 taken to address the errors;

29 3. All ballot printing errors or ballot supply
30 problems, and the steps that were taken to address the errors
31 or problems;

1 4. All staffing shortages or procedural violations by
2 employees or precinct workers which were addressed by the
3 supervisor of elections or the county canvassing board during
4 the conduct of the election, and the steps that were taken to
5 correct such issues;

6 5. All instances where needs for staffing or equipment
7 were insufficient to meet the needs of the voters; and

8 6. Any additional information regarding material
9 issues or problems associated with the conduct of the
10 election.

11 (b) If a supervisor discovers new or additional
12 information on any of the items required to be included in the
13 report pursuant to paragraph (a) after the report is filed,
14 the supervisor shall notify the division that new information
15 has been discovered no later than the next business day after
16 the discovery and the supervisor shall file an amended report
17 signed by the supervisor of elections on the conduct of the
18 election within 10 days after the discovery. shall contain
19 information relating to any problems incurred as a result of
20 equipment malfunctions either at the precinct level or at a
21 counting location, any difficulties or unusual circumstances
22 encountered by an election board or the canvassing board, and
23 any other additional information which the canvassing board
24 feels should be made a part of the official election record.

25 (c) Such reports shall be maintained on file in the
26 Division of Elections and shall be available for public
27 inspection. The division shall utilize the reports submitted
28 by the canvassing boards to determine what problems may be
29 likely to occur in other elections and disseminate such
30 information, along with possible solutions, to the supervisors
31 of elections.

1 (9) The supervisor shall file with the department a
2 copy of or an export file from the results database of the
3 county's voting system and other statistical information as
4 may be required by the department, the Legislature, or the
5 Election Assistance Commission. The department shall adopt
6 rules establishing the required content and acceptable formats
7 for the filings and time for filings.

8 Section 56. Section 102.166, Florida Statutes, is
9 amended to read:

10 102.166 Manual recounts.--

11 (1) If the second set of unofficial returns pursuant
12 to s. 102.141 indicates that a candidate for any office was
13 defeated or eliminated by one-quarter of a percent or less of
14 the votes cast for such office, that a candidate for retention
15 to a judicial office was retained or not retained by
16 one-quarter of a percent or less of the votes cast on the
17 question of retention, or that a measure appearing on the
18 ballot was approved or rejected by one-quarter of a percent or
19 less of the votes cast on such measure, the board responsible
20 for certifying the results of the vote on such race or measure
21 shall order a manual recount of the overvotes and undervotes
22 cast in the entire geographic jurisdiction of such office or
23 ballot measure. A manual recount may not be ordered, however,
24 if the number of overvotes, undervotes, and provisional
25 ballots is fewer than the number of votes needed to change the
26 outcome of the election.

27 ~~(2)(a) If the second set of unofficial returns~~
28 ~~pursuant to s. 102.141 indicates that a candidate for any~~
29 ~~office was defeated or eliminated by between one quarter and~~
30 ~~one half of a percent of the votes cast for such office, that~~
31 ~~a candidate for retention to judicial office was retained or~~

1 ~~not retained by between one quarter and one half of a percent~~
2 ~~of the votes cast on the question of retention, or that a~~
3 ~~measure appearing on the ballot was approved or rejected by~~
4 ~~between one quarter and one half of a percent of the votes~~
5 ~~cast on such measure, any such candidate, the political party~~
6 ~~of such candidate, or any political committee that supports or~~
7 ~~opposes such ballot measure is entitled to a manual recount of~~
8 ~~the overvotes and undervotes cast in the entire geographic~~
9 ~~jurisdiction of such office or ballot measure, provided that a~~
10 ~~request for a manual recount is made by 5 p.m. on the third~~
11 ~~day after the election.~~

12 ~~(b) For federal, statewide, state, and multicounty~~
13 ~~races and ballot issues, requests for a manual recount shall~~
14 ~~be made in writing to the state Elections Canvassing~~
15 ~~Commission. For all other races and ballot issues, requests~~
16 ~~for a manual recount shall be made in writing to the county~~
17 ~~canvassing board.~~

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

22 (2)(3)(a) Any hardware or software used to identify
23 and sort overvotes and undervotes for a given race or ballot
24 measure must be certified by the Department of State as part
25 of the voting system pursuant to s. 101.015. Any such hardware
26 or software must be capable of simultaneously counting votes.
27 ~~For certified voting systems, the department shall certify~~
28 ~~such hardware or software by July 1, 2002. If the department~~
29 ~~is unable to certify such hardware or software for a certified~~
30 ~~voting system by July 1, 2002, the department shall adopt~~
31 ~~rules prescribing procedures for identifying and sorting such~~

1 ~~overvotes and undervotes. The department's rules may provide~~
2 ~~for the temporary use of hardware or software whose sole~~
3 ~~function is identifying and sorting overvotes and undervotes.~~

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

6 (b)(c) Overvotes and undervotes shall be identified
7 and sorted while recounting ballots pursuant to s. 102.141, if
8 the hardware or software for this purpose has been certified
9 or the department's rules so provide.

10 (3)(4) Any manual recount shall be open to the public.

11 (4)(5)(a) A vote for a candidate or ballot measure
12 shall be counted if there is a clear indication on the ballot
13 that the voter has made a definite choice.

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

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

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

24 (5)(6) Procedures for a manual recount are as follows:

25 (a) The county canvassing board shall appoint as many
26 counting teams of at least two electors as is necessary to
27 manually recount the ballots. A counting team must have, when
28 possible, members of at least two political parties. A
29 candidate involved in the race shall not be a member of the
30 counting team.

31

1 (b) Each duplicate ballot prepared pursuant to s.
2 101.5614(5) or s. 102.141(6) shall be compared with the
3 original ballot to ensure the correctness of the duplicate.

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

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

- 13 1. Security of ballots during the recount process;
- 14 2. Time and place of recounts;
- 15 3. Public observance of recounts;
- 16 4. Objections to ballot determinations;
- 17 5. Record of recount proceedings; and
- 18 6. Procedures relating to candidate and petitioner
19 representatives.

20 Section 57. Subsections (2) and (4) of section
21 102.168, Florida Statutes, are amended to read:

22 102.168 Contest of election.--

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

29 (4) The county canvassing board is an indispensable
30 ~~and or Elections Canvassing Commission shall be the proper~~
31 party defendant in county and local elections; the Elections

1 Canvassing Commission is an indispensable and proper party
2 defendant in federal, state, and multicounty races;7 and the
3 successful candidate ~~is shall be~~ an indispensable party to any
4 action brought to contest the election or nomination of a
5 candidate.

6 Section 58. Subsections (1) and (4) of section
7 103.021, Florida Statutes, are amended to read:

8 103.021 Nomination for presidential
9 electors.--Candidates for presidential electors shall be
10 nominated in the following manner:

11 (1) The Governor shall nominate the presidential
12 electors of each political party. The state executive
13 committee of each political party shall by resolution
14 recommend candidates for presidential electors and deliver a
15 certified copy thereof to the Governor before September 1 of
16 each presidential election year. The Governor ~~He or she~~ shall
17 nominate only the electors recommended by the state executive
18 committee of the respective political party. Each such
19 elector shall be a qualified elector of the party he or she
20 represents who has taken an oath that he or she will vote for
21 the candidates of the party that he or she is nominated to
22 represent. The Governor shall certify to the Department of
23 State on or before September 1, in each presidential election
24 year, the names of a number of electors for each political
25 party equal to the number of senators and representatives
26 which this state has in Congress.

27 (4)(a) A minor political party that is affiliated with
28 a national party holding a national convention to nominate
29 candidates for President and Vice President of the United
30 States may have the names of its candidates for President and
31 Vice President of the United States printed on the general

1 | election ballot by filing with the Department of State a
2 | certificate naming the candidates for President and Vice
3 | President and listing the required number of persons to serve
4 | as electors. Notification to the Department of State under
5 | this subsection shall be made by September 1 of the year in
6 | which the election is held. When the Department of State has
7 | been so notified, it shall order the names of the candidates
8 | nominated by the minor political party to be included on the
9 | ballot and shall permit the required number of persons to be
10 | certified as electors in the same manner as other party
11 | candidates. As used in this section, the term "national party"
12 | means a political party established and admitted to the ballot
13 | in at least one state other than Florida and the term
14 | "national convention" means any caucus, convention, meeting,
15 | or any other assembly of a political party gathered, whether
16 | or not such meeting is held in person or by telephonic or
17 | electronic means, with the intent of nominating candidates for
18 | President and Vice President of the United States.

19 | (b) A minor political party that is not affiliated
20 | with a national party holding a national convention to
21 | nominate candidates for President and Vice President of the
22 | United States may have the names of its candidates for
23 | President and Vice President printed on the general election
24 | ballot if a petition is signed by 1 percent of the registered
25 | electors of this state, as shown by the compilation by the
26 | Department of State for the preceding general election. A
27 | separate petition from each county for which signatures are
28 | solicited shall be submitted to the supervisors of elections
29 | of the respective county no later than July 15 of each
30 | presidential election year. The supervisor shall check the
31 | names and, on or before the date of the first primary, shall

1 certify the number shown as registered electors of the county.
2 The supervisor shall be paid by the person requesting the
3 certification the cost of checking the petitions as prescribed
4 in s. 99.097. The supervisor shall then forward the
5 certificate to the Department of State, which shall determine
6 whether or not the percentage factor required in this section
7 has been met. When the percentage factor required in this
8 section has been met, the Department of State shall order the
9 names of the candidates for whom the petition was circulated
10 to be included on the ballot and shall permit the required
11 number of persons to be certified as electors in the same
12 manner as other party candidates.

13 Section 59. Section 103.051, Florida Statutes, is
14 amended to read:

15 103.051 Congress sets meeting dates of electors.--The
16 presidential electors shall, ~~at noon~~ on the day that which is
17 directed by Congress and at the time fixed by the Governor,
18 meet at Tallahassee and perform the duties required of them by
19 the Constitution and laws of the United States.

20 Section 60. Section 103.061, Florida Statutes, is
21 amended to read:

22 103.061 Meeting of electors and filling of
23 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
24 the day fixed by Congress to elect a President and Vice
25 President and at the time fixed by the Governor, give notice
26 to the Governor that the elector is in Tallahassee and ready
27 to perform the duties of presidential elector. The Governor
28 shall forthwith deliver to the presidential electors present a
29 certificate of the names of all the electors; and if, on
30 examination thereof, it should be found that one or more
31 electors are absent, the electors present shall elect by

1 ballot, in the presence of the Governor, a person or persons
2 to fill such vacancy or vacancies as may have occurred through
3 the nonattendance of one or more of the electors.

4 Section 61. Section 103.121, Florida Statutes, is
5 amended to read:

6 103.121 Powers and duties of executive committees.--

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

9 1. To adopt a constitution by two-thirds vote of the
10 full committee.

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

13 3. To conduct its meetings according to generally
14 accepted parliamentary practice.

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

16 5. To conduct campaigns for party nominees.

17 6. To raise and expend party funds. Such funds may
18 not be expended or committed to be expended except after
19 written authorization by the chair of the state or county
20 executive committee.

21 (b) ~~Except as otherwise provided in subsection (5),~~

22 The county executive committee shall receive payment of
23 assessments upon candidates to be voted for in a single county
24 except state senators and members of the House of
25 Representatives and representatives to the Congress of the
26 United States; and the state executive committees shall
27 receive all other assessments authorized. All party
28 assessments shall be 2 percent of the annual salary of the
29 office sought by the respective candidate. All such committee
30 assessments shall be remitted to the state executive committee
31

1 of the appropriate party and distributed in accordance with
2 subsection ~~(5)~~(6).

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

7 ~~(2)~~(3) The chair and treasurer of an executive
8 committee of any political party shall be accountable for the
9 funds of such committee and jointly liable for their proper
10 expenditure for authorized purposes only. ~~The chair and~~
11 ~~treasurer of the state executive committee of any political~~
12 ~~party shall furnish adequate bond, but not less than \$10,000,~~
13 ~~conditioned upon the faithful performance by such party~~
14 ~~officers of their duties and for the faithful accounting for~~
15 ~~party funds which shall come into their hands; and the chair~~
16 ~~and treasurer of a county executive committee of a political~~
17 ~~party shall furnish adequate bond, but not less than \$5,000,~~
18 ~~conditioned as aforesaid. A bond for the chair and treasurer~~
19 ~~of the state executive committee of a political party shall be~~
20 ~~filed with the Department of State. A bond for the chair and~~
21 ~~treasurer of a county executive committee shall be filed with~~
22 ~~the supervisor of elections.~~ The funds of each such state
23 executive committee shall be publicly audited at the end of
24 each calendar year and a copy of such audit furnished to the
25 Department of State for its examination prior to April 1 of
26 the ensuing year. When filed with the Department of State,
27 copies of such audit shall be public documents. The treasurer
28 of each county executive committee shall maintain adequate
29 records evidencing receipt and disbursement of all party funds
30 received by him or her, and such records shall be publicly
31 audited at the end of each calendar year and a copy of such

1 audit filed with the supervisor of elections and the state
2 executive committee prior to April 1 of the ensuing year.

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

9 ~~(4)(5)(a)~~ The central committee or other equivalent
10 governing body of each state executive committee shall adopt a
11 rule which governs the time and manner in which the respective
12 county executive committees of such party may endorse,
13 certify, screen, or otherwise recommend one or more candidates
14 for such party's nomination for election. Upon adoption, such
15 rule shall provide the exclusive method by which a county
16 committee may so endorse, certify, screen, or otherwise
17 recommend. No later than the date on which qualifying for
18 public office begins pursuant to s. 99.061, the chair of each
19 county executive committee shall notify in writing the
20 supervisor of elections of his or her county whether the
21 county executive committee has endorsed or intends to endorse,
22 certify, screen, or otherwise recommend candidates for
23 nomination pursuant to party rule. A copy of such
24 notification shall be provided to the Secretary of State and
25 to the chair of the appropriate state executive committee. ~~Any~~
26 ~~county executive committee that endorses or intends to~~
27 ~~endorse, certify, screen, or otherwise recommend one or more~~
28 ~~candidates for nomination shall forfeit all party assessments~~
29 ~~which would otherwise be returned to the county executive~~
30 ~~committee; and such assessments shall be remitted instead to~~
31 ~~the state executive committee of such party, the provisions of~~

1 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~
2 ~~funds so remitted to the state executive committee shall be~~
3 ~~paid, returned, or otherwise disbursed to the county executive~~
4 ~~committee under any circumstances. Any county executive~~
5 ~~committee that is in violation of any party rule after~~
6 ~~receiving the party assessment shall remit such party~~
7 ~~assessment to the state executive committee.~~

8 ~~(b) Any state executive committee that endorses or~~
9 ~~intends to endorse, certify, screen, or otherwise recommend~~
10 ~~one or more candidates for nomination shall forfeit all party~~
11 ~~assessments which would otherwise be returned to the state~~
12 ~~executive committee; and such assessments shall be remitted~~
13 ~~instead to the General Revenue Fund of the state. Any state~~
14 ~~executive committee that is in violation of this section after~~
15 ~~receiving the party assessment shall remit such party~~
16 ~~assessment to the General Revenue Fund of the state.~~

17 ~~(5)(6)~~ The state chair of each state executive
18 committee shall return the 2-percent committee assessment for
19 county candidates to the appropriate county executive
20 committees only upon receipt of a written statement that such
21 county executive committee chooses not to endorse, certify,
22 screen, or otherwise recommend one or more candidates for such
23 party's nomination for election and upon the state chair's
24 determination that the county executive committee is in
25 compliance with all Florida statutes and all state party
26 rules, bylaws, constitutions, and requirements.

27 Section 62. Section 105.031, Florida Statutes, is
28 amended to read:

29 105.031 Qualification; filing fee; candidate's oath;
30 items required to be filed.--
31

1 (1) TIME OF QUALIFYING.--Except for candidates for
2 judicial office, nonpartisan candidates for multicounty office
3 shall qualify with the Division of Elections of the Department
4 of State and nonpartisan candidates for countywide or less
5 than countywide office shall qualify with the supervisor of
6 elections. Candidates for judicial office other than the
7 office of county court judge shall qualify with the Division
8 of Elections of the Department of State, and candidates for
9 the office of county court judge shall qualify with the
10 supervisor of elections of the county. Candidates for
11 judicial office shall qualify no earlier than noon of the
12 120th day, and no later than noon of the 116th day, before the
13 first primary election. Candidates for the office of school
14 board member shall qualify no earlier than noon of the 50th
15 day, and no later than noon of the 46th day, before the first
16 primary election. Filing shall be on forms provided for that
17 purpose by the Division of Elections and furnished by the
18 appropriate qualifying officer. Any person seeking to qualify
19 by the petition process ~~alternative method~~, as set forth in s.
20 105.035, who ~~if the person~~ has submitted the necessary
21 petitions by the required deadline and is notified after the
22 fifth day prior to the last day for qualifying that the
23 required number of signatures has been obtained, shall be
24 entitled to subscribe to the candidate's oath and file the
25 qualifying papers at any time within 5 days from the date he
26 or she is notified that the necessary number of signatures has
27 been obtained. Any person other than a write-in candidate who
28 qualifies within the time prescribed in this subsection shall
29 be entitled to have his or her name printed on the ballot.

30
31

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

4 (3) QUALIFYING FEE.--Each candidate qualifying for
5 election to a judicial office or the office of school board
6 member, except write-in judicial or school board candidates,
7 shall, during the time for qualifying, pay to the officer with
8 whom he or she qualifies a qualifying fee, which shall consist
9 of a filing fee and an election assessment, or qualify by the
10 petition process ~~alternative method~~. The amount of the filing
11 fee is 3 percent of the annual salary of the office sought.
12 The amount of the election assessment is 1 percent of the
13 annual salary of the office sought. The Department of State
14 shall forward all filing fees to the Department of Revenue for
15 deposit in the Elections Commission Trust Fund. The
16 supervisor of elections shall forward all filing fees to the
17 Elections Commission Trust Fund. The election assessment
18 shall be deposited into the Elections Commission Trust Fund.
19 The annual salary of the office for purposes of computing the
20 qualifying fee shall be computed by multiplying 12 times the
21 monthly salary authorized for such office as of July 1
22 immediately preceding the first day of qualifying. This
23 subsection shall not apply to candidates qualifying for
24 retention to judicial office.

25 (4) CANDIDATE'S OATH.--

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

28 (b) All candidates for judicial office shall subscribe
29 to an oath or affirmation in writing to be filed with the
30 appropriate qualifying officer upon qualifying. A printed
31 copy of the oath or affirmation shall be furnished to the

1 candidate by the qualifying officer and shall be in
2 substantially the following form:

3
4 State of Florida
5 County of

6 Before me, an officer authorized to administer oaths,
7 personally appeared ...(please print name as you wish it to
8 appear on the ballot)..., to me well known, who, being sworn,
9 says he or she: is a candidate for the judicial office of
10; that his or her legal residence is County, Florida;
11 that he or she is a qualified elector of the state and of the
12 territorial jurisdiction of the court to which he or she seeks
13 election; that he or she is qualified under the constitution
14 and laws of Florida to hold the judicial office to which he or
15 she desires to be elected or in which he or she desires to be
16 retained; that he or she has taken the oath required by ss.
17 876.05-876.10, Florida Statutes; that he or she has qualified
18 for no other public office in the state, the term of which
19 office or any part thereof runs concurrent to the office he or
20 she seeks; and that he or she has resigned from any office
21 which he or she is required to resign pursuant to s. 99.012,
22 Florida Statutes.

23 ... (Signature of candidate) ...
24 ... (Address) ...

25
26 Sworn to and subscribed before me this day of,
27 ...(year)..., at County, Florida.

28 ... (Signature and title of officer administering oath) ...

29
30 (5) ITEMS REQUIRED TO BE FILED.--

31

1 (a) In order for a candidate for judicial office or
2 the office of school board member to be qualified, the
3 following items must be received by the filing officer by the
4 end of the qualifying period:

5 1. Except for candidates for retention to judicial
6 office, a properly executed check drawn upon the candidate's
7 campaign account in an amount not less than the fee required
8 by subsection (3) or, in lieu thereof, the copy of the notice
9 of obtaining ballot position pursuant to s. 105.035. If a
10 candidate's check is returned by the bank for any reason, the
11 filing officer shall immediately notify the candidate and the
12 candidate shall, the end of qualifying notwithstanding, have
13 48 hours from the time such notification is received,
14 excluding Saturdays, Sundays, and legal holidays, to pay the
15 fee with a cashier's check purchased from funds of the
16 campaign account. Failure to pay the fee as provided in this
17 subparagraph shall disqualify the candidate.

18 2. The candidate's oath required by subsection (4),
19 which must contain the name of the candidate as it is to
20 appear on the ballot; the office sought, including the
21 district or group number if applicable; and the signature of
22 the candidate, duly acknowledged.

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

25 4. The completed form for the appointment of campaign
26 treasurer and designation of campaign depository, as required
27 by s. 106.021. In addition, each candidate for judicial
28 office, including an incumbent judge, shall file a statement
29 with the qualifying officer, within 10 days after filing the
30 appointment of campaign treasurer and designation of campaign
31 depository, stating that the candidate has read and

1 understands the requirements of the Florida Code of Judicial
2 Conduct. Such statement shall be in substantially the
3 following form:

4
5 Statement of Candidate for Judicial Office

6
7 I, ...(name of candidate)..., a judicial candidate, have
8 received, read, and understand the requirements of the Florida
9 Code of Judicial Conduct.

10 ... (Signature of candidate)...

11 ... (Date)...

12
13 5. The full and public disclosure of financial
14 interests required by s. 8, Art. II of the State Constitution
15 or the statement of financial interests required by s.
16 112.3145, whichever is applicable. A public officer who has
17 filed the full and public disclosure or statement of financial
18 interests with the Commission on Ethics or the supervisor of
19 elections prior to qualifying for office may file a copy of
20 that disclosure at the time of qualifying.

21 (b) If the filing officer receives qualifying papers
22 that do not include all items as required by paragraph (a)
23 prior to the last day of qualifying, the filing officer shall
24 make a reasonable effort to notify the candidate of the
25 missing or incomplete items and shall inform the candidate
26 that all required items must be received by the close of
27 qualifying. A candidate's name as it is to appear on the
28 ballot may not be changed after the end of qualifying.

29 (6) Notwithstanding the qualifying period prescribed
30 in this section, a filing officer may accept and hold
31 qualifying papers submitted not earlier than 14 days prior to

1 the beginning of the qualifying period, to be processed and
2 filed during the qualifying period.

3 Section 63. Section 105.035, Florida Statutes, is
4 amended to read:

5 105.035 Alternative method of qualifying for certain
6 judicial offices and the office of school board member.--

7 (1) A person seeking to qualify for election to the
8 office of circuit judge or county court judge or the office of
9 school board member may qualify for election to such office by
10 means of the petitioning process prescribed in this section.
11 A person qualifying by this petition process is alternative
12 ~~method shall not be~~ required to pay the qualifying fee
13 required by this chapter. ~~A person using this petitioning~~
14 ~~process shall file an oath with the officer before whom the~~
15 ~~candidate would qualify for the office stating that he or she~~
16 ~~intends to qualify by this alternative method for the office~~
17 ~~sought. Such oath shall be filed at any time after the first~~
18 ~~Tuesday after the first Monday in January of the year in which~~
19 ~~the election is held, but prior to the 21st day preceding the~~
20 ~~first day of the qualifying period for the office sought. The~~
21 ~~form of such oath shall be prescribed by the Division of~~
22 ~~Elections. No signatures shall be obtained until the person~~
23 ~~has filed the oath prescribed in this subsection.~~

24 (2) ~~The~~ Upon receipt of a written oath from a
25 candidate, the qualifying officer shall provide the candidate
26 with a petition format shall be prescribed by the Division of
27 Elections and shall ~~to~~ be used by the candidate to reproduce
28 petitions for circulation. If the candidate is running for an
29 office that ~~which~~ will be grouped on the ballot with two or
30 more similar offices to be filled at the same election, the
31 candidate's petition must indicate, prior to the obtaining of

1 registered electors' signatures, for which group or district
2 office the candidate is running.

3 (3) Each candidate for election to a judicial office
4 or the office of school board member shall obtain the
5 signature of a number of qualified electors equal to at least
6 1 percent of the total number of registered electors of the
7 district, circuit, county, or other geographic entity
8 represented by the office sought as shown by the compilation
9 by the Department of State for the last preceding general
10 election. A separate petition shall be circulated for each
11 candidate availing himself or herself of the provisions of
12 this section. Signatures may not be obtained until the
13 candidate has filed the appointment of campaign treasurer and
14 designation of campaign depository pursuant to s. 106.021.

15 (4)(a) Each candidate seeking to qualify for election
16 to the office of circuit judge or the office of school board
17 member from a multicounty school district pursuant to this
18 section shall file a separate petition from each county from
19 which signatures are sought. Each petition shall be
20 submitted, prior to noon of the 21st day preceding the first
21 day of the qualifying period for the office sought, to the
22 supervisor of elections of the county for which such petition
23 was circulated. Each supervisor of elections to whom a
24 petition is submitted shall check the signatures on the
25 petition to verify their status as electors of that county and
26 of the geographic area represented by the office sought. No
27 later than the seventh day before ~~Prior to~~ the first date for
28 qualifying, the supervisor shall certify the number shown as
29 registered electors and submit such certification to the
30 Division of Elections. The division shall determine whether
31 the required number of signatures has been obtained for the

1 name of the candidate to be placed on the ballot and shall
2 notify the candidate. If the required number of signatures
3 has been obtained, the candidate shall, during the time
4 prescribed for qualifying for office, submit a copy of such
5 notice and file his or her qualifying papers and oath
6 prescribed in s. 105.031 with the Division of Elections. Upon
7 receipt of the copy of such notice and qualifying papers, the
8 division shall certify the name of the candidate to the
9 appropriate supervisor or supervisors of elections as having
10 qualified for the office sought.

11 (b) Each candidate seeking to qualify for election to
12 the office of county court judge or the office of school board
13 member from a single county school district pursuant to this
14 section shall submit his or her petition, prior to noon of the
15 28th ~~21st~~ day preceding the first day of the qualifying period
16 for the office sought, to the supervisor of elections of the
17 county for which such petition was circulated. The supervisor
18 shall check the signatures on the petition to verify their
19 status as electors of the county and of the geographic area
20 represented by the office sought. No later than the seventh
21 day before ~~Prior to~~ the first date for qualifying, the
22 supervisor shall determine whether the required number of
23 signatures has been obtained for the name of the candidate to
24 be placed on the ballot and shall notify the candidate. If
25 the required number of signatures has been obtained, the
26 candidate shall, during the time prescribed for qualifying for
27 office, submit a copy of such notice and file his or her
28 qualifying papers and oath prescribed in s. 105.031 with the
29 qualifying officer. Upon receipt of the copy of such notice
30 and qualifying papers, such candidate shall be entitled to
31 have his or her name printed on the ballot.

1 Section 64. Subsection (4) of section 106.011, Florida
2 Statutes, is amended to read:

3 106.011 Definitions.--As used in this chapter, the
4 following terms have the following meanings unless the context
5 clearly indicates otherwise:

6 (4)(a) "Expenditure" means a purchase, payment or an
7 obligation to make a payment, distribution, loan, advance,
8 transfer of funds by a campaign treasurer or deputy campaign
9 treasurer between a primary depository and a separate
10 interest-bearing account or certificate of deposit, or gift of
11 money or anything of value made for the purpose of influencing
12 the results of an election or making an electioneering
13 communication. However, "expenditure" does not include a
14 purchase, payment, distribution, loan, advance, or gift of
15 money or anything of value made for the purpose of influencing
16 the results of an election when made by an organization, in
17 existence prior to the time during which a candidate qualifies
18 or an issue is placed on the ballot for that election, for the
19 purpose of printing or distributing such organization's
20 newsletter, containing a statement by such organization in
21 support of or opposition to a candidate or issue, which
22 newsletter is distributed only to members of such
23 organization.

24 (b) As used in this chapter, an "expenditure" ~~for an~~
25 ~~electioneering communication~~ is made when the earliest of the
26 following occurs:

- 27 1. A person enters into ~~executes~~ a contract for
28 applicable goods or services;
- 29 2. A person makes payment, in whole or in part, for
30 applicable goods or services; or

31

1 3. ~~An~~ The electioneering communication is publicly
2 disseminated.

3 Section 65. Section 106.022, Florida Statutes, is
4 created to read:

5 106.022 Appointment of a registered agent; duties.--

6 (1) Each political committee, committee of continuous
7 existence, or electioneering communications entity shall have
8 and continuously maintain in this state a registered office
9 and a registered agent and must file with the division a
10 statement of appointment for the registered office and
11 registered agent. The statement of appointment must:

12 (a) Provide the name of the registered agent and the
13 street address and phone number for the registered office;

14 (b) Identify the entity for whom the registered agent
15 serves;

16 (c) Designate the address the registered agent wishes
17 to use to receive mail;

18 (d) Include the entity's undertaking to inform the
19 division of any change in such designated address;

20 (e) Provide for the registered agent's acceptance of
21 the appointment, which must confirm that the registered agent
22 is familiar with and accepts the obligations of the position
23 as set forth in this section; and

24 (f) Contain the signature of the registered agent and
25 the entity engaging the registered agent.

26 (2) An entity may change its appointment of registered
27 agent and registered office under this section by executing a
28 written statement of change that identifies the former
29 registered agent and registered address and also satisfies all
30 of the requirements of subsection (1).

31

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

7 Section 66. Paragraph (a) of subsection (4) and
8 subsection (8) of section 106.07, Florida Statutes, are
9 amended to read:

10 106.07 Reports; certification and filing.--

11 (4)(a) Each report required by this section shall
12 contain:

13 1. The full name, address, and occupation, if any of
14 each person who has made one or more contributions to or for
15 such committee or candidate within the reporting period,
16 together with the amount and date of such contributions. For
17 corporations, the report must provide as clear a description
18 as practicable of the principal type of business conducted by
19 the corporation. However, if the contribution is \$100 or less
20 or is from a relative, as defined in s. 112.312, provided that
21 the relationship is reported, the occupation of the
22 contributor or the principal type of business need not be
23 listed.

24 2. The name and address of each political committee,
25 committee of continuous existence, or business entity from
26 which the reporting committee or the candidate received, or to
27 which the reporting committee or candidate made, any transfer
28 of funds, together with the amounts and dates of all
29 transfers.

30 3. Each loan for campaign purposes to or from any
31 person or political committee within the reporting period,

1 together with the full names, addresses, and occupations, and
2 principal places of business, if any, of the lender and
3 endorsers, if any, and the date and amount of such loans.

4 4. A statement of each contribution, rebate, refund,
5 or other receipt not otherwise listed under subparagraphs 1.
6 through 3.

7 5. The total sums of all loans, in-kind contributions,
8 and other receipts by or for such committee or candidate
9 during the reporting period. The reporting forms shall be
10 designed to elicit separate totals for in-kind contributions,
11 loans, and other receipts.

12 6. The full name and address of each person to whom
13 expenditures have been made by or on behalf of the committee
14 or candidate within the reporting period; the amount, date,
15 and purpose of each such expenditure; and the name and address
16 of, and office sought by, each candidate on whose behalf such
17 expenditure was made. However, expenditures made from the
18 petty cash fund provided by s. 106.12 need not be reported
19 individually.

20 7. The full name and address of each person to whom an
21 expenditure for personal services, salary, or reimbursement
22 for authorized expenses as provided in s. 106.021(3) has been
23 made and which is not otherwise reported, including the
24 amount, date, and purpose of such expenditure. However,
25 expenditures made from the petty cash fund provided for in s.
26 106.12 need not be reported individually. Any expenditure made
27 through a credit card or debit card shall be itemized to
28 disclose the ultimate intended recipient of the expenditure
29 and its purpose.

30
31

1 8. The total amount withdrawn and the total amount
2 spent for petty cash purposes pursuant to this chapter during
3 the reporting period.

4 9. The total sum of expenditures made by such
5 committee or candidate during the reporting period.

6 10. The amount and nature of debts and obligations
7 owed by or to the committee or candidate, which relate to the
8 conduct of any political campaign.

9 ~~11. A copy of each credit card statement which shall
10 be included in the next report following receipt thereof by
11 the candidate or political committee. Receipts for each credit
12 card purchase shall be retained by the treasurer with the
13 records for the campaign account.~~

14 11.12. The amount and nature of any separate
15 interest-bearing accounts or certificates of deposit and
16 identification of the financial institution in which such
17 accounts or certificates of deposit are located.

18 ~~12.13.~~ The primary purposes of an expenditure made
19 indirectly through a campaign treasurer pursuant to s.
20 106.021(3) for goods and services such as communications media
21 placement or procurement services, campaign signs, insurance,
22 and other expenditures that include multiple components as
23 part of the expenditure. The primary purpose of an expenditure
24 shall be that purpose, including integral and directly related
25 components, that comprises 80 percent of such expenditure.

26 (8)(a) Any candidate or political committee failing to
27 file a report on the designated due date shall be subject to a
28 fine as provided in paragraph (b) for each late day, and, in
29 the case of a candidate, such fine shall be paid only from
30 personal funds of the candidate. The fine shall be assessed by
31

1 the filing officer and the moneys collected shall be
2 deposited:

3 1. In the General Revenue Fund, in the case of a
4 candidate for state office or a political committee that
5 registers with the Division of Elections; or

6 2. In the general revenue fund of the political
7 subdivision, in the case of a candidate for an office of a
8 political subdivision or a political committee that registers
9 with an officer of a political subdivision.

10
11 No separate fine shall be assessed for failure to file a copy
12 of any report required by this section.

13 (b) Upon determining that a report is late, the filing
14 officer shall immediately notify the candidate or chair of the
15 political committee as to the failure to file a report by the
16 designated due date and that a fine is being assessed for each
17 late day. The fine shall be \$50 per day or 1 percent of the
18 total receipts and expenditures for the period covered by the
19 late report, whichever is greater for the first 3 days late
20 and, thereafter, \$500 per day is greater or 5 percent of the
21 total receipts and expenditures for the period covered by the
22 late report, whichever is greater, for each late day, not to
23 exceed 25 percent of the total receipts and ~~or~~ expenditures,
24 ~~whichever is greater~~, for the period covered by the late
25 report. However, for the reports immediately preceding each
26 primary and general election, the fine shall be \$500 per day
27 or 5 percent of the total receipts and expenditures for the
28 period covered by the late report, whichever is greater, for
29 each late day, not to exceed 25 percent of the total receipts
30 and ~~or~~ expenditures, ~~whichever is greater~~, for the period
31 covered by the late report. For reports required under s.

1 106.141(7), the fine is \$50 per day or 1 percent of the total
2 receipts and expenditures for the period covered by the late
3 report, whichever is greater, for each late day, not to exceed
4 25 percent of the total receipts and ~~or~~ expenditures,
5 ~~whichever is greater,~~ for the period covered by the late
6 report. Upon receipt of the report, the filing officer shall
7 determine the amount of the fine which is due and shall notify
8 the candidate or chair. The filing officer shall determine the
9 amount of the fine due based upon when the electronic receipt
10 issued pursuant to s. 106.0705 is dated or, if electronic
11 filing is not required, the earliest of the following:

- 12 1. When the report is actually received by such
13 officer.
- 14 2. When the report is postmarked.
- 15 3. When the certificate of mailing is dated.
- 16 4. When the receipt from an established courier
17 company is dated.
- 18 5. When the electronic receipt issued pursuant to s.
19 106.0705 is dated.

20
21 Such fine shall be paid to the filing officer within 20 days
22 after receipt of the notice of payment due, unless appeal is
23 made to the Florida Elections Commission pursuant to paragraph
24 (c). In the case of a candidate, such fine shall not be an
25 allowable campaign expenditure and shall be paid only from
26 personal funds of the candidate. An officer or member of a
27 political committee shall not be personally liable for such
28 fine.

29 (c) Any candidate or chair of a political committee
30 may appeal or dispute the fine, based upon, but not limited
31 to, unusual circumstances surrounding the failure to file on

1 | the designated due date, and may request and shall be entitled
2 | to a hearing before the Florida Elections Commission, which
3 | shall have the authority to waive the fine in whole or in
4 | part. The Florida Elections Commission must consider the
5 | mitigating and aggravating circumstances contained in s.
6 | 106.265(1) when determining the amount of a fine, if any, to
7 | be waived. Any such request shall be made within 20 days after
8 | receipt of the notice of payment due. In such case, the
9 | candidate or chair of the political committee shall, within
10 | the 20-day period, notify the filing officer in writing of his
11 | or her intention to bring the matter before the commission.

12 | (d) The appropriate filing officer shall notify the
13 | Florida Elections Commission of the repeated late filing by a
14 | candidate or political committee, the failure of a candidate
15 | or political committee to file a report after notice, or the
16 | failure to pay the fine imposed. The commission shall
17 | investigate only those alleged late filing violations
18 | specifically identified by the filing officer and as set forth
19 | in the notification. Any other alleged violations must be
20 | separately stated and reported by the division to the
21 | commission under s. 106.25(2).

22 | Section 67. Paragraph (d) is added to subsection (1)
23 | of section 106.08, Florida Statutes, to read:

24 | 106.08 Contributions; limitations on.--

25 | (1)

26 | (d) The contribution limits of this subsection apply
27 | to the total contributions made by related entities to any
28 | candidate for election to or retention in office or to any
29 | political committee supporting or opposing one or more
30 | candidates. For purposes of this paragraph, the term "related
31 |

1 entities" means any two or more political committees or
2 committees of continuous existence that have:

3 1. Significant common purposes and substantial common
4 membership; or

5 2. Directly or indirectly substantial common direction
6 or control.

7
8 An entity is related to another entity if either entity owns
9 or controls, directly or through one or more other entities, a
10 50-percent or greater interest in the capital, profits, or
11 assets of the other entity. An entity is related to another
12 entity with respect to a contribution if such contribution is
13 part of an attempt by such entities to avoid the application
14 of this paragraph.

15 Section 68. Subsection (6) of section 106.24, Florida
16 Statutes, is amended to read:

17 106.24 Florida Elections Commission; membership;
18 powers; duties.--

19 (6) There is hereby established in the State Treasury
20 an Elections Commission Trust Fund to be utilized by the
21 Division of Elections and the Florida Elections Commission in
22 order to carry out their duties pursuant to ss. 106.24-106.28.
23 The trust fund may also be used by the Secretary of State
24 ~~division~~, pursuant to his or her ~~its~~ authority under s.
25 97.012(14) ~~s. 106.22(11)~~, to provide rewards for information
26 leading to criminal convictions related to voter registration
27 fraud, voter fraud, and vote scams.

28 Section 69. Section 106.265, Florida Statutes, is
29 amended to read:

30 106.265 Civil penalties.--

31

1 (1) The commission may, ~~is authorized~~ upon the finding
2 of a violation of this chapter or chapter 104, ~~to~~ impose civil
3 penalties in the form of fines not to exceed \$1,000 per count
4 or, in the case of the failure of any person, political
5 committee, committee of continuous existence, or political
6 party to report contributions or expenditures pursuant to s.
7 106.07, may impose a fine of up to 25 percent of the amount of
8 the contribution or expenditure which was not accurately
9 reported. In determining the amount of such civil penalties,
10 the commission shall consider, among other mitigating and
11 aggravating circumstances:

- 12 (a) The gravity of the act or omission;
13 (b) Any previous history of similar acts or omissions;
14 (c) The appropriateness of such penalty to the
15 financial resources of the person, political committee,
16 committee of continuous existence, or political party; and
17 (d) Whether the person, political committee, committee
18 of continuous existence, or political party has shown good
19 faith in attempting to comply with the provisions of this
20 chapter or chapter 104.

21 (2) If any person, political committee, committee of
22 continuous existence, or political party fails or refuses to
23 pay to the commission any civil penalties assessed pursuant to
24 the provisions of this section, the commission shall be
25 responsible for collecting the civil penalties resulting from
26 such action.

27 (3) Any civil penalty collected pursuant to the
28 provisions of this section shall be deposited into the
29 Election Campaign Financing Trust Fund.

30 (4) Notwithstanding any other provisions of this
31 chapter, any fine assessed pursuant to the provisions of this

1 chapter, which fine is designated to be deposited or which
2 would otherwise be deposited into the General Revenue Fund of
3 the state, shall be deposited into the Election Campaign
4 Financing Trust Fund.

5 (5) In any case in which the commission determines
6 that a person has filed a complaint against another person
7 with a malicious intent to injure the reputation of the person
8 complained against by filing the complaint with knowledge that
9 the complaint contains one or more false allegations or with
10 reckless disregard for whether the complaint contains false
11 allegations of fact material to a violation of this chapter or
12 chapter 104, the complainant shall be liable for costs and
13 reasonable attorney's fees incurred in the defense of the
14 person complained against, including the costs and reasonable
15 attorney's fees incurred in proving entitlement to and the
16 amount of costs and fees. If the complainant fails to pay such
17 costs and fees voluntarily within 30 days following such
18 finding by the commission, the commission shall forward such
19 information to the Department of Legal Affairs, which shall
20 bring a civil action in a court of competent jurisdiction to
21 recover the amount of such costs and fees awarded by the
22 commission.

23 Section 70. Subsection (6) of section 106.141, Florida
24 Statutes, is amended to read:

25 106.141 Disposition of surplus funds by candidates.--

26 (6) Prior to disposing of funds pursuant to subsection
27 (4) or transferring funds into an office account pursuant to
28 subsection (5), any candidate who filed an oath stating that
29 he or she was unable to pay the election assessment or fee for
30 verification of petition signatures without imposing an undue
31 burden on his or her personal resources or on resources

1 otherwise available to him or her, or who filed both such
2 oaths, or who qualified by the petition process ~~alternative~~
3 ~~method~~ and was not required to pay an election assessment,
4 shall reimburse the state or local governmental entity,
5 whichever is applicable, for such waived assessment or fee or
6 both. Such reimbursement shall be made first for the cost of
7 petition verification and then, if funds are remaining, for
8 the amount of the election assessment. If there are
9 insufficient funds in the account to pay the full amount of
10 either the assessment or the fee or both, the remaining funds
11 shall be disbursed in the above manner until no funds remain.
12 All funds disbursed pursuant to this subsection shall be
13 remitted to the qualifying officer. Any reimbursement for
14 petition verification costs which are reimbursable by the
15 state shall be forwarded by the qualifying officer to the
16 state for deposit in the General Revenue Fund. All
17 reimbursements for the amount of the election assessment shall
18 be forwarded by the qualifying officer to the Department of
19 State for deposit in the General Revenue Fund.

20 Section 71. Section 98.122, Florida Statutes, is
21 transferred and renumbered as section 106.165, Florida
22 Statutes.

23 Section 72. Section 106.22, Florida Statutes, is
24 amended to read:

25 106.22 Duties of the Division of Elections.--It is the
26 duty of the Division of Elections to:

27 (1) Prescribe forms for statements and other
28 information required to be filed by this chapter. Such forms
29 shall be furnished by the Department of State or office of the
30 supervisor of elections to persons required to file such
31 statements and information with such agency.

1 (2) Prepare and publish manuals or brochures setting
2 forth recommended uniform methods of bookkeeping and
3 reporting, and including appropriate portions of the election
4 code, for use by persons required by this chapter to file
5 statements.

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

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

11 (5) Prepare and publish such reports as it may deem
12 appropriate.

13 (6) Make, from time to time, audits and field
14 investigations with respect to reports and statements filed
15 under the provisions of this chapter and with respect to
16 alleged failures to file any report or statement required
17 under the provisions of this chapter. The division shall
18 conduct a postelection audit of the campaign accounts of all
19 candidates receiving contributions from the Election Campaign
20 Financing Trust Fund.

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

24 (8) Employ such personnel or contract for such
25 services as are necessary to adequately carry out the intent
26 of this chapter.

27 (9) Prescribe rules and regulations to carry out the
28 provisions of this chapter. Such rules shall be prescribed
29 pursuant to chapter 120.

30 ~~(10) Make an annual report to the President of the~~
31 ~~Senate and the Speaker of the House of Representatives~~

1 ~~concerning activities of the division and recommending~~
2 ~~improvements in the election code.~~

3 ~~(11) Conduct preliminary investigations into any~~
4 ~~irregularities or fraud involving voter registration or voting~~
5 ~~and report its findings to the state attorney for the judicial~~
6 ~~circuit in which the alleged violation occurred for~~
7 ~~prosecution, where warranted. The Department of State may~~
8 ~~prescribe by rule requirements for filing a complaint of voter~~
9 ~~fraud and for investigating any such complaint.~~

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

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

16 16.56 Office of Statewide Prosecution.--

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

21 (a) Investigate and prosecute the offenses of:

22 1. Bribery, burglary, criminal usury, extortion,
23 gambling, kidnapping, larceny, murder, prostitution, perjury,
24 robbery, carjacking, and home-invasion robbery;

25 2. Any crime involving narcotic or other dangerous
26 drugs;

27 3. Any violation of the provisions of the Florida RICO
28 (Racketeer Influenced and Corrupt Organization) Act, including
29 any offense listed in the definition of racketeering activity
30 in s. 895.02(1)(a), providing such listed offense is
31 investigated in connection with a violation of s. 895.03 and

1 | is charged in a separate count of an information or indictment
2 | containing a count charging a violation of s. 895.03, the
3 | prosecution of which listed offense may continue independently
4 | if the prosecution of the violation of s. 895.03 is terminated
5 | for any reason;

6 | 4. Any violation of the provisions of the Florida
7 | Anti-Fencing Act;

8 | 5. Any violation of the provisions of the Florida
9 | Antitrust Act of 1980, as amended;

10 | 6. Any crime involving, or resulting in, fraud or
11 | deceit upon any person;

12 | 7. Any violation of s. 847.0135, relating to computer
13 | pornography and child exploitation prevention, or any offense
14 | related to a violation of s. 847.0135;

15 | 8. Any violation of the provisions of chapter 815;

16 | 9. Any criminal violation of part I of chapter 499;

17 | 10. Any violation of the provisions of the Florida
18 | Motor Fuel Tax Relief Act of 2004; ~~or~~

19 | 11. Any criminal violation of s. 409.920 or s.
20 | 409.9201; or

21 | 12. Any crime involving voter registration, voting, or
22 | candidate or issue petition activities;

23 |
24 | or any attempt, solicitation, or conspiracy to commit any of
25 | the crimes specifically enumerated above. The office shall
26 | have such power only when any such offense is occurring, or
27 | has occurred, in two or more judicial circuits as part of a
28 | related transaction, or when any such offense is connected
29 | with an organized criminal conspiracy affecting two or more
30 | judicial circuits.
31 |

1 (b) Upon request, cooperate with and assist state
2 attorneys and state and local law enforcement officials in
3 their efforts against organized crimes.

4 (c) Request and receive from any department, division,
5 board, bureau, commission, or other agency of the state, or of
6 any political subdivision thereof, cooperation and assistance
7 in the performance of its duties.

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

10 119.07 Inspection and copying of records;
11 photographing public records; fees; exemptions.--

12 (5) When ballots are produced under this section for
13 inspection or examination, no persons other than the
14 supervisor of elections or the supervisor's employees shall
15 touch the ballots. If the ballots are being examined before
16 the end of the contest period in s. 102.168, the supervisor of
17 elections shall make a reasonable effort to notify all
18 candidates by telephone or otherwise of the time and place of
19 the inspection or examination. All such candidates, or their
20 representatives, shall be allowed to be present during the
21 inspection or examination.

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

24 145.09 Supervisor of elections.--

25 (3)(a) There shall be an additional \$2,000 per year
26 special qualification salary for each supervisor of elections
27 who has met the certification requirements established by the
28 Division of Elections of the Department of State. The
29 Department of State shall adopt rules to establish the
30 certification requirements. Any supervisor who is certified
31 during a calendar year shall receive in that year a pro rata

1 share of the special qualification salary based on the
2 remaining period of the year.

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

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

11 Section 76. Sections 98.095, 98.0979, 98.181, 98.481,
12 101.253, 101.635, 102.061, 106.085, and 106.144, Florida
13 Statutes, are repealed.

14 Section 77. If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 invalidity does not affect other provisions or applications of
17 the act which can be given effect without the invalid
18 provision or application, and to this end the provisions of
19 this act are severable.

20 Section 78. Except as otherwise expressly provided in
21 this act and except for this section, which shall take effect
22 July 1, 2005, this act shall take effect January 1, 2006.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 2086

27 The Committee Substitute differs from the original Senate Bill
28 in that it adopts extensive substantive provisions in the area
29 of election administration and campaign finance; Senate Bill
30 2086 was shell bill.
31