

By the Committees on Judiciary; Ethics and Elections; and  
Senator Posey

590-2378-05

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. 101.5606, F.S., relating to  
20 requirements for approval of voting systems, to  
21 conform; amending s. 101.5608, F.S., relating  
22 to voting by electronic or electromechanical  
23 methods, to conform; amending s. 101.5612,  
24 F.S.; providing requirements for testing voting  
25 equipment; amending s. 101.5614, F.S.;  
26 correcting a cross-reference; amending s.  
27 101.572, F.S.; requiring that the supervisor of  
28 elections notify the candidates if ballots are  
29 examined before the end of the contest;  
30 amending s. 101.58, F.S.; authorizing employees  
31 of the department to have access to the

1 premises, records, equipment, and staff of the  
2 supervisors of elections; amending s. 101.595,  
3 F.S.; requiring that certain overvotes and  
4 undervotes be reported to the department;  
5 amending s. 101.6103, F.S.; authorizing the  
6 canvassing board to begin canvassing before the  
7 election; prohibiting the release of results  
8 before election day; providing a penalty for  
9 any early release of results; requiring that a  
10 mail ballot that otherwise satisfies the  
11 requirements of law for mail ballots be counted  
12 even if the elector dies after mailing the  
13 ballot but before election day if certain  
14 conditions are met; amending s. 101.62, F.S.;  
15 revising the requirements for mailing absentee  
16 ballots to voters; amending s. 101.64, F.S.;  
17 providing for an oath to be provided to persons  
18 voting absentee under the Uniformed and  
19 Overseas Citizens Absentee Voting Act; amending  
20 s. 101.657, F.S.; revising requirements  
21 relating to early voting locations; revising  
22 the deadline to end early voting and the times  
23 for opening and closing the early voting sites  
24 each day; providing for uniformity of county  
25 early voting sites; requiring any person in  
26 line at the closing of an early voting site to  
27 be allowed to vote; providing for early voting  
28 in municipal and special district elections;  
29 requiring supervisors to provide certain  
30 information in electronic format to the  
31 Division of Elections; requiring that an early

1 voting ballot that otherwise satisfies the  
2 requirements of law for early voting ballots be  
3 counted even if the elector dies on or before  
4 election day; amending s. 101.663, F.S.;  
5 providing for certain persons to vote absentee  
6 after moving to another state; amending s.  
7 101.68, F.S.; prohibiting changing a voter's  
8 certificate after the absentee ballot is  
9 received by the supervisor; providing that  
10 electors who die on or before election day and  
11 have cast an absentee ballot shall remain on  
12 the voter registration books until the election  
13 is certified; providing that the ballot of an  
14 elector who casts an absentee ballot shall be  
15 counted even if the elector dies on or before  
16 election day if certain conditions are met;  
17 amending s. 101.69, F.S.; prohibiting a voter  
18 from voting another ballot after casting an  
19 absentee ballot; providing for a provisional  
20 ballot under certain circumstances; amending s.  
21 101.6923, F.S.; providing for the form of the  
22 printed instructions on an absentee ballot;  
23 amending s. 101.694, F.S.; providing  
24 requirements for absentee envelopes printed for  
25 voters voting under the Uniformed and Overseas  
26 Citizens Absentee Voting Act; amending s.  
27 101.697, F.S.; requiring the Department of  
28 State to determine whether secure electronic  
29 ballots may be provided for overseas voters;  
30 requiring that the department adopt rules for  
31 accepting overseas ballots; amending s.

1 102.012, F.S.; requiring the supervisor of  
2 elections to appoint an election board before  
3 any election; providing duties of the board;  
4 amending s. 102.014, F.S.; requiring that the  
5 Division of Elections develop a uniform  
6 training curriculum for poll workers; amending  
7 s. 102.031, F.S.; providing requirements for  
8 maintaining order at early voting areas;  
9 requiring the designation of a no-solicitation  
10 zone; prohibiting photography in a polling room  
11 or early voting area; amending s. 102.071,  
12 F.S.; revising requirements for tabulating  
13 votes; amending s. 102.111, F.S.; providing for  
14 corrections to be made to the official election  
15 returns; amending s. 102.112, F.S.; requiring  
16 that a return contain a certification by the  
17 canvassing board; authorizing the Department of  
18 State to correct typographical errors; amending  
19 s. 102.141, F.S.; revising requirements for the  
20 canvassing boards in submitting returns to the  
21 department; providing requirements for the  
22 report filed by the canvassing board; requiring  
23 the department to adopt rules for filing  
24 results and statistical information; amending  
25 s. 102.166, F.S.; revising the circumstances  
26 under which a manual recount may be ordered;  
27 amending s. 102.168, F.S.; requiring that  
28 complaints be filed with the board responsible  
29 for certifying the election results; specifying  
30 the parties to an action who may contest an  
31 election or nomination; amending s. 103.021,



1 F.S.; providing for nomination of presidential  
2 electors by the state executive committee of  
3 each political party; defining the term  
4 "national party" for purposes of nominating a  
5 candidate for President and Vice President of  
6 the United States; amending ss. 103.051 and  
7 103.061, F.S.; specifying duties of the  
8 presidential electors; amending s. 103.121,  
9 F.S.; revising powers and duties of executive  
10 committees to conform to changes made by the  
11 act; amending s. 105.031, F.S.; providing for  
12 public officers to file a statement of  
13 financial interests at the time of qualifying;  
14 requiring that a filing officer accept certain  
15 qualifying papers filed before the qualifying  
16 period; amending s. 105.035, F.S.; revising  
17 procedures for qualifying for certain judicial  
18 offices and the office of school board member;  
19 prohibiting a candidate from obtaining  
20 signatures until appointing a campaign  
21 treasurer and designating a campaign  
22 depository; revising the requirements for the  
23 supervisor of elections with respect to  
24 certifying signatures; creating s. 106.022,  
25 F.S.; requiring that a political committee,  
26 committee of continuous existence, or  
27 electioneering communications entity maintain a  
28 registered office and registered agent;  
29 providing requirements for the statement of  
30 appointment; amending s. 106.24, F.S.;  
31 clarifying the duties of the Secretary of

1 State; amending s. 106.141, F.S., relating to  
2 the disposition of surplus funds; conforming  
3 provisions to changes made by the act;  
4 transferring and renumbering s. 98.122, F.S.,  
5 relating to the use of closed captioning and  
6 descriptive narrative in television broadcasts;  
7 amending s. 106.22, F.S.; eliminating certain  
8 duties of the Division of Elections with  
9 respect to reports to the Legislature and  
10 preliminary investigations; amending s. 16.56,  
11 F.S.; authorizing the Office of Statewide  
12 Prosecution to investigate and prosecute crimes  
13 involving voter registration, voting, or  
14 certain petition activities; amending s.  
15 119.07, F.S.; clarifying requirements of the  
16 supervisor of elections with respect to  
17 notifying candidates of the inspection of  
18 ballots; amending s. 145.09, F.S.; requiring  
19 that the Department of State adopt rules  
20 establishing certification requirements for  
21 supervisors of elections; creating s. 104.0615,  
22 F.S.; providing a short title; prohibiting a  
23 person from using or threatening to use force,  
24 violence, or intimidation to induce or compel  
25 an individual to vote or refrain from voting,  
26 to refrain from registering to vote, or to  
27 refrain from acting as an election official or  
28 poll watcher; prohibiting a person from  
29 knowingly using false information to challenge  
30 an individual's right to vote, to induce an  
31 individual to refrain from registering to vote,

1 or to induce or attempt to induce an individual  
2 to refrain from acting as an election official  
3 or poll watcher; prohibiting a person from  
4 knowingly destroying, mutilating, or defacing a  
5 voter registration form or election ballot or  
6 obstructing or delaying the delivery of a voter  
7 registration form or election ballot; providing  
8 criminal penalties; repealing ss. 98.095,  
9 98.0979, 98.181, 98.481, 101.253, 101.635,  
10 102.061, 106.085, and 106.144, F.S., relating  
11 to inspections of county registers and the  
12 voter database, indexes and records, challenges  
13 to elections, the printing and distribution of  
14 ballots, duties of the election board,  
15 expenditures, and endorsements or opposition by  
16 certain groups; providing for severability;  
17 providing effective dates.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 97.012, Florida Statutes, is  
22 amended to read:

23 97.012 Secretary of State as chief election  
24 officer.--The Secretary of State is the chief election officer  
25 of the state, and it is his or her responsibility to:

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

28 (2) Provide uniform standards for the proper and  
29 equitable implementation of the registration laws.  
30  
31

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

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

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

9           (6) Provide voter education assistance to the public.

10 Voter education activities of the department or of the  
11 department in combination with the supervisors of elections,  
12 either individually or in the aggregate, or with their  
13 respective professional associations, are not subject to the  
14 competitive-solicitation requirements of s. 287.057(5).

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

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

20           (9) Ensure that all registration applications and  
21 forms prescribed or approved by the department are in  
22 compliance with the Voting Rights Act of 1965 and the National  
23 Voter Registration Act of 1993.

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

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

31

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

3           (13) Designate an office within the department to be  
4 responsible for providing information regarding voter  
5 registration procedures and absentee ballot procedures to  
6 absent uniformed services voters and overseas voters.

7           (14) Conduct preliminary investigations into any  
8 irregularities or fraud involving voter registration, voting,  
9 or candidate or issue petition activities and report his or  
10 her findings to the statewide prosecutor or the state attorney  
11 for the judicial circuit in which the alleged violation  
12 occurred for prosecution, if warranted. The Department of  
13 State may prescribe by rule requirements for filing an  
14 elections-fraud complaint and for investigating any such  
15 complaint.

16           Section 2. Subsection (3) and present subsections (24)  
17 and (39) of section 97.021, Florida Statutes, are amended,  
18 present subsections (8) through (33) of that section are  
19 redesignated as subsections (10) through (35), respectively,  
20 present subsections (34) through (39) of that section are  
21 redesignated as subsections (37) through (42), respectively,  
22 and new subsections (8), (9), and (36) are added to that  
23 section, to read:

24           97.021 Definitions.--For the purposes of this code,  
25 except where the context clearly indicates otherwise, the  
26 term:

27           (3) "Ballot" or "official ballot" when used in  
28 reference to:

29           (a) "Marksense Paper ~~paper~~ ballots" means that printed sheet  
30 of paper, used in conjunction with an electronic or  
31 electromechanical vote tabulation voting system, containing

1 | the names of candidates, or a statement of proposed  
2 | constitutional amendments or other questions or propositions  
3 | submitted to the electorate at any election, on which sheet of  
4 | paper an elector casts his or her vote.

5 |       (b) "Electronic or electromechanical devices" means a  
6 | ballot that is voted by the process of electronically  
7 | designating, including by touchscreen, or marking with a  
8 | marking device for tabulation by automatic tabulating  
9 | equipment or data processing equipment.

10 |       (8) "Early voting area" means the area designated by  
11 | the supervisor of elections at an early voting site at which  
12 | early voting activities occur, including, but not limited to,  
13 | lines of voters waiting to be processed, the area where voters  
14 | check in and are processed, and the area where voters cast  
15 | their ballots.

16 |       (9) "Early voting site" means those locations  
17 | specified in s. 101.657 and the building in which early voting  
18 | occurs.

19 |       ~~(26)~~~~(24)~~ "Polling room" means the actual room in which  
20 | ballots are cast on election day and during early voting.

21 |       (36) "Third-party registration organization" means any  
22 | person, entity, or organization soliciting or collecting voter  
23 | registration applications. A third-party voter registration  
24 | organization does not include:

25 |       (a) A political party;

26 |       (b) A person who seeks only to register to vote or  
27 | collect voter registration applications from that person's  
28 | spouse, child, or parent; or

29 |       (c) A person engaged in registering to vote or  
30 | collecting voter registration applications as an employee or  
31 | agent of the division, supervisor of elections, Department of

1 Highway Safety and Motor Vehicles, or a voter registration  
2 agency.

3 ~~(42)(39)~~ "Voting system" means a method of casting and  
4 processing votes that functions wholly or partly by use of  
5 electromechanical or electronic apparatus or by use of  
6 marksense paper ballots and includes, but is not limited to,  
7 the procedures for casting and processing votes and the  
8 programs, operating manuals, supplies ~~tabulating cards~~,  
9 printouts, and other software necessary for the system's  
10 operation.

11 Section 3. Section 97.029, Florida Statutes, is  
12 created to read:

13 97.029 Attorney's fees and costs.--

14 (1) An award of attorney's fees and costs shall be  
15 made to the prevailing party in any court or administrative  
16 proceeding, including any action for injunctive relief,  
17 challenging the application, interpretation, or  
18 constitutionality of any election law or voter-registration  
19 law.

20 (2)(a) The term "attorney's fees and costs" means the  
21 reasonable and necessary attorney's fees and costs incurred  
22 for all preparations, motions, hearings, trials, and appeals  
23 in a proceeding.

24 (b) The term "prevailing party" means the party that  
25 received a final judgment or order in its favor and such  
26 judgment or order has not been reversed on appeal or the time  
27 for seeking judicial review of the judgment or order has  
28 expired. If an action was voluntarily dismissed or dismissed  
29 pursuant to a settlement of the case, there is no prevailing  
30 party.

1           (3) Within 60 days after a party becomes a prevailing  
2 party, the attorney for the prevailing party must submit an  
3 itemized affidavit to the court that first conducted the  
4 adversarial proceeding in the underlying action or, in the  
5 case of a proceeding pursuant to chapter 120, to the Division  
6 of Administrative Hearings, which shall assign an  
7 administrative law judge. The affidavit must detail the nature  
8 and extent of the services rendered by the attorney as well as  
9 the costs incurred in preparations, motions, hearings, and  
10 appeals in the proceeding.

11           (4) The court, or the administrative law judge in a  
12 proceeding under chapter 120, shall promptly conduct an  
13 evidentiary hearing on the application for an award of  
14 attorney's fees and shall issue a judgment or a final order in  
15 a proceeding under chapter 120. The final order of an  
16 administrative law judge is reviewable in accordance with s.  
17 120.68. If the court affirms the award of attorney's fees and  
18 costs in whole or in part, it may award additional attorney's  
19 fees and costs for the appeal.

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

23           Section 4. Section 97.051, Florida Statutes, is  
24 amended to read:

25           97.051 Oath upon registering.--A person registering to  
26 vote must subscribe to the following oath: "I do solemnly  
27 swear (or affirm) that I will protect and defend the  
28 Constitution of the United States and the Constitution of the  
29 State of Florida, that I am qualified to register as an  
30 elector under the Constitution and laws of the State of  
31 Florida, and that all information provided in this application



1 ~~is true I am a citizen of the United States and a legal~~  
2 ~~resident of Florida."~~

3 Section 5. Section 97.052, Florida Statutes, is  
4 amended to read:

5 97.052 Uniform statewide voter registration  
6 application.--

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

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

- 12 1. Initial registration.
- 13 2. Change of address.
- 14 3. Change of party affiliation.
- 15 4. Change of name.
- 16 5. Replacement of a voter registration identification  
17 card.
- 18 6. Signature update.

19 (b) The department is responsible for printing the  
20 uniform statewide voter registration application and the voter  
21 registration application form prescribed by the ~~Federal~~  
22 Election Assistance Commission pursuant to federal law ~~the~~  
23 ~~National Voter Registration Act of 1993~~. The applications and  
24 forms must be distributed, upon request, to the following:

- 25 1. Individuals seeking to register to vote.
- 26 2. Individuals or groups conducting voter registration  
27 programs. A charge of 1 cent per application shall be assessed  
28 on requests for 10,000 or more applications.
- 29 3. The Department of Highway Safety and Motor  
30 Vehicles.
- 31 4. Voter registration agencies.

- 1           5. Armed forces recruitment offices.
- 2           6. Qualifying educational institutions.
- 3           7. Supervisors, who must make the applications and
- 4 forms available in the following manner:
- 5           a. By distributing the applications and forms in their
- 6 offices to any individual or group.
- 7           b. By distributing the applications and forms at other
- 8 locations designated by each supervisor.
- 9           c. By mailing the applications and forms to applicants
- 10 upon the request of the applicant.
- 11           (c) The uniform statewide voter registration
- 12 application may be reproduced by any private individual or
- 13 group, provided the reproduced application is in the same
- 14 format as the application prescribed under this section.
- 15           (2) The uniform statewide voter registration
- 16 application must be designed to elicit the following
- 17 information from the applicant:
- 18           (a) Full name.
- 19           (b) Date of birth.
- 20           (c) Address of legal residence.
- 21           (d) Mailing address, if different.
- 22           (e) County of legal residence.
- 23           ~~(f) Address of property for which the applicant has~~
- 24 ~~been granted a homestead exemption, if any.~~
- 25           (f)(g) Race or ethnicity that best describes the
- 26 applicant:
- 27           1. American Indian or Alaskan Native.
- 28           2. Asian or Pacific Islander.
- 29           3. Black, not Hispanic.
- 30           4. White, not Hispanic.
- 31           5. Hispanic.

1           ~~(g)(h)~~ State or country of birth.  
2           ~~(h)(i)~~ Sex.  
3           ~~(i)(j)~~ Party affiliation.  
4           ~~(j)(k)~~ Whether the applicant needs assistance in  
5 voting.  
6           ~~(k)(l)~~ Name and address where last registered.  
7           ~~(l)(m)~~ Last four digits of the applicant's social  
8 security number.  
9           ~~(m)(n)~~ Florida driver's license number or the  
10 identification number from a Florida identification card  
11 issued under s. 322.051.  
12           ~~(n)(o)~~ Telephone number (optional).  
13           ~~(o)(p)~~ Signature of applicant under penalty for false  
14 swearing pursuant to s. 104.011, by which the person  
15 subscribes to the oath required by s. 3, Art. VI of the State  
16 Constitution and s. 97.051, and swears or affirms that the  
17 information contained in the registration application is true.  
18           ~~(p)(q)~~ Whether the application is being used for  
19 initial registration, to update a voter registration record,  
20 or to request a replacement registration identification card.  
21           ~~(q)(r)~~ Whether the applicant is a citizen of the  
22 United States by asking the question "Are you a citizen of the  
23 United States of America?" and providing boxes for the  
24 applicant to check to indicate whether the applicant is or is  
25 not a citizen of the United States.  
26           ~~(r)(s)~~ Whether ~~That~~ the applicant has ~~not~~ been  
27 convicted of a felony, and ~~or~~, if convicted, has had his or  
28 her civil rights restored by including the statement "I affirm  
29 I am not a convicted felon, or if I am, my rights relating to  
30 voting have been restored" and providing a box for the  
31 applicant to affirm the statement.

1           ~~(s)(t)~~ Whether ~~That~~ the applicant has ~~not~~ been  
2 adjudicated mentally incapacitated with respect to voting or,  
3 if so adjudicated, has had his or her right to vote restored  
4 by including the statement "I affirm I have not been  
5 adjudicated mentally incapacitated with respect to voting or,  
6 if I have, my competency has been restored" and providing a  
7 box for the applicant to check to affirm the statement.  
8

9 The registration form must be in plain language and designed  
10 so that convicted felons whose civil rights have been restored  
11 and persons who have been adjudicated mentally incapacitated  
12 and have had their voting rights restored are not required to  
13 reveal their prior conviction or adjudication.

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

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

18           (b) A statement specifying each eligibility  
19 requirement under s. 97.041.

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

22           (d) A statement that, if an applicant declines to  
23 register to vote, the fact that the applicant has declined to  
24 register will remain confidential and may be used only for  
25 voter registration purposes.

26           (e) A statement that informs the applicant who chooses  
27 to register to vote or update a voter registration record that  
28 the office at which the applicant submits a voter registration  
29 application or updates a voter registration record will remain  
30 confidential and may be used only for voter registration  
31 purposes.

1           ~~(f)~~ A statement that informs the applicant that any  
2 person who has been granted a homestead exemption in this  
3 state, and who registers to vote in any precinct other than  
4 the one in which the property for which the homestead  
5 exemption has been granted, shall have that information  
6 forwarded to the property appraiser where such property is  
7 located, which may result in the person's homestead exemption  
8 being terminated and the person being subject to assessment of  
9 back taxes under s. 193.092, unless the homestead granted the  
10 exemption is being maintained as the permanent residence of a  
11 legal or natural dependent of the owner and the owner resides  
12 elsewhere.

13           ~~(f)~~~~(g)~~ A statement informing an ~~the~~ applicant who has  
14 not been issued a Florida driver's license, a Florida  
15 identification card, or a social security number that if the  
16 application form is submitted by mail and the applicant is  
17 registering for the first time in Florida, the applicant will  
18 be required to provide identification prior to voting the  
19 first time.

20           (4) A supervisor may produce a voter registration  
21 application that has the supervisor's direct mailing address  
22 if the department has reviewed the application and determined  
23 that it is substantially the same as the uniform statewide  
24 voter registration application.

25           (5) The voter registration application form prescribed  
26 by the ~~Federal~~ Election Assistance Commission pursuant to  
27 federal law ~~the National Voter Registration Act of 1993~~ or the  
28 federal postcard application must be accepted as an  
29 application for registration in this state if the completed  
30 application or postcard application contains the information  
31 required by the constitution and laws of this state.

1           Section 6. Section 97.053, Florida Statutes, is  
2 amended to read:

3           97.053 Acceptance of voter registration  
4 applications.--

5           (1) Voter registration applications, changes in  
6 registration, and requests for a replacement registration  
7 identification card must be accepted in the office of any  
8 supervisor, the division, a driver license office, a voter  
9 registration agency, or an armed forces recruitment office  
10 when hand delivered by the applicant or a third party during  
11 the hours that office is open or when mailed.

12           (2) A ~~completed~~ voter registration application is  
13 complete and that contains the information necessary to  
14 establish an applicant's eligibility pursuant to s. 97.041  
15 becomes the official voter registration record of that  
16 applicant when all information necessary to establish the  
17 applicant's eligibility pursuant to s. 97.041 is received by  
18 the appropriate supervisor. If the applicant fails to complete  
19 his or her voter registration application before the date of  
20 book closing for an election, such applicant is not eligible  
21 to vote in that election.

22           (3) The registration date for a valid initial voter  
23 registration application that has been hand delivered is the  
24 date when received by a driver license office, a voter  
25 registration agency, an armed forces recruitment office, the  
26 division, or the office of any supervisor in the state.

27           (4) The registration date for a valid initial voter  
28 registration application that has been mailed to a driver  
29 license office, a voter registration agency, an armed forces  
30 recruitment office, the division, or the office of any  
31 supervisor in the state and bears a clear postmark is the date

1 of ~~that~~ ~~the~~ postmark. If an initial voter registration  
2 application that has been mailed does not bear a postmark or  
3 if the postmark is unclear, the registration date is the date  
4 the registration is received by any supervisor or the  
5 division, unless it is received within 5 days after the  
6 closing of the books for an election, excluding Saturdays,  
7 Sundays, and legal holidays, in which case the registration  
8 date is the book-closing date.

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

- 12 1. The applicant's name.
- 13 2. The applicant's legal residence address.
- 14 3. The applicant's date of birth.
- 15 4. A mark in the checkbox affirming ~~An indication~~ that  
16 the applicant is a citizen of the United States.
- 17 5. The applicant's Florida driver's license number,  
18 the identification number from a Florida identification card  
19 issued under s. 322.051, or the last four digits of the  
20 applicant's social security number.

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

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

28 8. The original signature of the applicant swearing or  
29 affirming under the penalty for false swearing pursuant to s.  
30 104.011 that the information contained in the registration  
31

1 application is true and subscribing to the oath required by s.  
2 3, Art. VI of the State Constitution and s. 97.051.

3 (b) An applicant who fails to designate party  
4 affiliation must be registered without party affiliation. The  
5 supervisor must notify the voter by mail that the voter has  
6 been registered without party affiliation and that the voter  
7 may change party affiliation as provided in s. 97.1031.

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

10 97.055 Registration books; when closed for an  
11 election.--

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

26 Section 8. Section 97.0575, Florida Statutes, is  
27 created to read:

28 97.0575 Third-party voter registrations.--

29 (1) Prior to engaging in any voter-registration  
30 activities, a third-party voter registration organization  
31 shall name a registered agent in the state and submit to the



1 division, in a form adopted by the division, the name of the  
2 registered agent and the name of those individuals responsible  
3 for the day-to-day operation of the third-party voter  
4 registration organization, including, if applicable, the names  
5 of the entity's board of directors, president, vice president,  
6 managing partner, or such other individuals engaged in similar  
7 duties or functions. On or before the 15th day after the end  
8 of each calendar quarter, each third-party voter registration  
9 organization shall submit to the division a report providing  
10 the date and location of any organized voter-registration  
11 drives conducted by the organization in the prior calendar  
12 quarter.

13 (2) The failure to submit the information required by  
14 subsection (1) does not subject the third-party voter  
15 registration organization to any civil or criminal penalties  
16 for such failure and the failure to submit such information is  
17 not a basis for denying such third-party voter registration  
18 organization with copies of voter-registration application  
19 forms.

20 (3) A third-party voter registration organization that  
21 collects voter-registration applications serves as a fiduciary  
22 to the applicant, ensuring that any voter-registration  
23 application entrusted to the third-party voter registration  
24 organization, irrespective of party affiliation, race,  
25 ethnicity, or gender shall be promptly delivered to the  
26 division or the supervisor of elections. If a  
27 voter-registration application collected by any third-party  
28 voter registration organization is not delivered to the  
29 division or supervisor of elections, the individual collecting  
30 the voter-registration application, the registered agent, and  
31 those individuals responsible for the day-to-day operation of

1 the third-party voter registration organization, including, if  
2 applicable, the entity's board of directors, president, vice  
3 president, managing partner, or such other individuals engaged  
4 in similar duties or functions, shall be personally and  
5 jointly and severally liable for the following fines:

6 (a) A fine in the amount of \$250 for each application  
7 received by the division or the supervisor of elections more  
8 than 10 days after the applicant delivered the completed  
9 voter-registration application to the third-party voter  
10 registration organization or any person, entity, or agent  
11 acting on its behalf.

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

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

23  
24 The fines provided in this subsection shall be reduced by  
25 three-fourths in cases in which the third-party voter  
26 registration organization has complied with subsection (1).

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

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

4           (5) The date on which an applicant signs a  
5 voter-registration application is presumed to be the date on  
6 which the third-party voter registration organization received  
7 or collected the voter-registration application.

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

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

13           (8) The division may adopt rules to administer this  
14 section.

15           Section 9. Section 97.071, Florida Statutes, is  
16 amended to read:

17           97.071 Registration identification card.--

18           (1) The supervisor must furnish a registration  
19 identification card ~~must be furnished~~ to all voters  
20 registering under the permanent single registration system and  
21 must contain:

- 22           (a) Voter's registration number.
- 23           (b) Date of registration.
- 24           (c) Full name.
- 25           (d) Party affiliation.
- 26           (e) Date of birth.
- 27           (f) Race or ethnicity, if provided by the applicant.
- 28           (g) Sex, if provided by the applicant.
- 29           (h) Address of legal residence.
- 30           (i) Precinct number.
- 31           (j) Name of supervisor.

1 (k) Place for voter's signature.

2 (l) Other information deemed necessary by the  
3 department.

4 (2) A voter may receive a replacement of a  
5 registration identification card by providing a signed,  
6 written request for a replacement card to the supervisor. Upon  
7 verification of registration, the supervisor shall issue the  
8 voter a duplicate card without charge.

9 (3) In the case of a change of name, address, or party  
10 affiliation, the supervisor must issue the voter a new  
11 registration identification card. However, a registration  
12 identification card indicating a party affiliation change made  
13 between the book-closing date for the first primary election  
14 and the date of the second primary election may not be issued  
15 until after the second primary election.

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

18 98.045 Administration of voter registration.--

19 (3) Notwithstanding the provisions of s. ss. 98.095  
20 ~~and~~ 98.0977, each supervisor shall maintain for at least 2  
21 years, and make available for public inspection and copying,  
22 all records concerning implementation of registration list  
23 maintenance programs and activities conducted pursuant to ss.  
24 98.065, 98.075, and 98.0977. The records must include lists of  
25 the name and address of each person to whom an address  
26 confirmation final notice was sent and information as to  
27 whether each such person responded to the mailing, but may not  
28 include any information that is confidential or exempt from  
29 public records requirements under this code.

30 Section 11. Section 98.077, Florida Statutes, is  
31 amended to read:

1           98.077 Update of voter signature.--The supervisor of  
2 elections shall provide to each registered voter of the county  
3 the opportunity to update his or her signature on file at the  
4 supervisor's office by providing notification of the ability  
5 to do so in any correspondence, other than postcard  
6 notifications, sent to the voter. The notice shall advise  
7 when, where, and how to update the signature and shall provide  
8 the voter information on how to obtain a form from the  
9 supervisor that can be returned to update the signature. In  
10 addition, at least once during each general election year, the  
11 supervisor shall publish in a newspaper of general circulation  
12 or other newspaper in the county deemed appropriate by the  
13 supervisor a notice specifying when, where, or how a voter can  
14 update his or her signature that is on file or how a voter can  
15 obtain a form from the supervisor to do so. All signature  
16 updates for use in verifying absentee and provisional ballots  
17 must be received by the appropriate supervisor of elections no  
18 later than 5 p.m. of the fifth day prior to the election. The  
19 signature on file at 5 p.m. on the fifth day before the  
20 election is the signature that shall be used in verifying the  
21 signature on the absentee and provisional ballot certificates.

22           Section 12. Section 99.061, Florida Statutes, is  
23 amended to read:

24           99.061 Method of qualifying for nomination or election  
25 to federal, state, county, or district office.--

26           (1) The provisions of any special act to the contrary  
27 notwithstanding, each person seeking to qualify for nomination  
28 or election to a federal, state, or multicounty district  
29 office, other than election to a judicial office as defined in  
30 chapter 105 or the office of school board member, shall file  
31 his or her qualification papers with, and pay the qualifying

1 fee, which shall consist of the filing fee and election  
2 assessment, and party assessment, if any has been levied, to,  
3 the Department of State, or qualify by the petition process  
4 pursuant to s. 99.095 ~~alternative method~~ with the Department  
5 of State, at any time after noon of the 1st day for  
6 qualifying, which shall be as follows: the 120th day prior to  
7 the first primary, but not later than noon of the 116th day  
8 prior to the date of the first primary, for persons seeking to  
9 qualify for nomination or election to federal office; and noon  
10 of the 50th day prior to the first primary, but not later than  
11 noon of the 46th day prior to the date of the first primary,  
12 for persons seeking to qualify for nomination or election to a  
13 state or multicounty district office.

14 (2) The provisions of any special act to the contrary  
15 notwithstanding, each person seeking to qualify for nomination  
16 or election to a county office, or district or special  
17 district office not covered by subsection (1), shall file his  
18 or her qualification papers with, and pay the qualifying fee,  
19 which shall consist of the filing fee and election assessment,  
20 and party assessment, if any has been levied, to, the  
21 supervisor of elections of the county, or shall qualify by the  
22 petition process pursuant to s. 99.095 ~~alternative method~~ with  
23 the supervisor of elections, at any time after noon of the 1st  
24 day for qualifying, which shall be the 50th day prior to the  
25 first primary or special district election, but not later than  
26 noon of the 46th day prior to the date of the first primary or  
27 special district election. However, if a special district  
28 election is held at the same time as the second primary or  
29 general election, qualifying shall be the 50th day prior to  
30 the first primary, but not later than noon of the 46th day  
31 prior to the date of the first primary. Within 30 days after

1 | the closing of qualifying time, the supervisor of elections  
2 | shall remit to the secretary of the state executive committee  
3 | of the political party to which the candidate belongs the  
4 | amount of the filing fee, two-thirds of which shall be used to  
5 | promote the candidacy of candidates for county offices and the  
6 | candidacy of members of the Legislature.

7 |       (3)(a) Each person seeking to qualify for election to  
8 | office as a write-in candidate shall file his or her  
9 | qualification papers with the respective qualifying officer at  
10 | any time after noon of the 1st day for qualifying, but not  
11 | later than noon of the last day of the qualifying period for  
12 | the office sought.

13 |       (b) Any person who is seeking election as a write-in  
14 | candidate shall not be required to pay a filing fee, election  
15 | assessment, or party assessment. A write-in candidate shall  
16 | not be entitled to have his or her name printed on any ballot;  
17 | however, space for the write-in candidate's name to be written  
18 | in shall be provided on the general election ballot. No  
19 | person may qualify as a write-in candidate if the person has  
20 | also otherwise qualified for nomination or election to such  
21 | office.

22 |       (4) At the time of qualifying for office, each  
23 | candidate for a constitutional office shall file a full and  
24 | public disclosure of financial interests pursuant to s. 8,  
25 | Art. II of the State Constitution, and a candidate for any  
26 | other office, including local elective office, shall file a  
27 | statement of financial interests pursuant to s. 112.3145.

28 |       (5) The Department of State shall certify to the  
29 | supervisor of elections, within 7 days after the closing date  
30 | for qualifying, the names of all duly qualified candidates for  
31 |

1 nomination or election who have qualified with the Department  
2 of State.

3 (6) Notwithstanding the qualifying period prescribed  
4 in this section, if a candidate has submitted the necessary  
5 petitions by the required deadline in order to qualify by the  
6 petition process pursuant to s. 99.095 ~~alternative method~~ as a  
7 candidate for nomination or election and the candidate is  
8 notified after the 5th day prior to the last day for  
9 qualifying that the required number of signatures has been  
10 obtained, the candidate is entitled to subscribe to the  
11 candidate's oath and file the qualifying papers at any time  
12 within 5 days from the date the candidate is notified that the  
13 necessary number of signatures has been obtained. Any  
14 candidate who qualifies within the time prescribed in this  
15 subsection is entitled to have his or her name printed on the  
16 ballot.

17 (7)(a) In order for a candidate to be qualified, the  
18 following items must be received by the filing officer by the  
19 end of the qualifying period:

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



1 the fee as provided in this subparagraph shall disqualify the  
2 candidate.

3         2. The candidate's oath required by s. 99.021, which  
4 must contain the name of the candidate as it is to appear on  
5 the ballot; the office sought, including the district or group  
6 number if applicable; and the signature of the candidate, duly  
7 acknowledged.

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

10         4. If the office sought is partisan, the written  
11 statement of political party affiliation required by s.  
12 99.021(1)(b).

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

16         6. The full and public disclosure or statement of  
17 financial interests required by subsection (4). A public  
18 officer who has filed the full and public disclosure or  
19 statement of financial interests with the Commission on Ethics  
20 or the supervisor of elections prior to qualifying for office  
21 may file a copy of that disclosure at the time of qualifying.

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

30         (8) Notwithstanding the qualifying period prescribed  
31 in this section, a qualifying office may accept and hold

1 qualifying papers submitted not earlier than 14 days prior to  
2 the beginning of the qualifying period, to be processed and  
3 filed during the qualifying period.

4 ~~(9)(8)~~ Notwithstanding the qualifying period  
5 prescribed by this section, in each year in which the  
6 Legislature apportions the state, the qualifying period for  
7 persons seeking to qualify for nomination or election to  
8 federal office shall be between noon of the 57th day prior to  
9 the first primary, but not later than noon of the 53rd day  
10 prior to the first primary.

11 ~~(10)(9)~~ The Department of State may prescribe by rule  
12 requirements for filing papers to qualify as a candidate under  
13 this section.

14 Section 13. Section 99.063, Florida Statutes, is  
15 amended to read:

16 99.063 Candidates for Governor and Lieutenant  
17 Governor.--

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

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

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

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

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

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

9 (3) A designated candidate for Lieutenant Governor is  
10 not required to pay a separate qualifying fee or obtain  
11 signatures on petitions. Ballot position obtained by the  
12 candidate for Governor entitles the designated candidate for  
13 Lieutenant Governor, upon receipt by the Department of State  
14 of the qualifying papers required by subsection (2), to have  
15 his or her name placed on the ballot for the joint candidacy.

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

28 (5) Failure of the Lieutenant Governor candidate to be  
29 designated and qualified by the time specified in subsection  
30 (2) shall result in forfeiture of ballot position for the  
31 candidate for Governor for the general election.

1           Section 14. Section 99.092, Florida Statutes, is  
2 amended to read:

3           99.092 Qualifying fee of candidate; notification of  
4 Department of State.--

5           (1) Each person seeking to qualify for nomination or  
6 election to any office, except a person seeking to qualify by  
7 the petition process ~~alternative method~~ pursuant to s. 99.095,  
8 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to  
9 qualify as a write-in candidate, shall pay a qualifying fee,  
10 which shall consist of a filing fee and election assessment,  
11 to the officer with whom the person qualifies, and any party  
12 assessment levied, and shall attach the original or signed  
13 duplicate of the receipt for his or her party assessment or  
14 pay the same, in accordance with the provisions of s. 103.121,  
15 at the time of filing his or her other qualifying papers. The  
16 amount of the filing fee is 3 percent of the annual salary of  
17 the office. The amount of the election assessment is 1  
18 percent of the annual salary of the office sought. The  
19 election assessment shall be deposited into the Elections  
20 Commission Trust Fund. The amount of the party assessment is  
21 2 percent of the annual salary. The annual salary of the  
22 office for purposes of computing the filing fee, election  
23 assessment, and party assessment shall be computed by  
24 multiplying 12 times the monthly salary, excluding any special  
25 qualification pay, authorized for such office as of July 1  
26 immediately preceding the first day of qualifying. No  
27 qualifying fee shall be returned to the candidate unless the  
28 candidate withdraws his or her candidacy before the last date  
29 to qualify. If a candidate dies prior to an election and has  
30 not withdrawn his or her candidacy before the last date to  
31 qualify, the candidate's qualifying fee shall be returned to

1 his or her designated beneficiary, and, if the filing fee or  
2 any portion thereof has been transferred to the political  
3 party of the candidate, the Secretary of State shall direct  
4 the party to return that portion to the designated beneficiary  
5 of the candidate.

6 (2) The supervisor of elections shall, immediately  
7 after the last day for qualifying, submit to the Department of  
8 State a list containing the names, party affiliations, and  
9 addresses of all candidates and the offices for which they  
10 qualified.

11 Section 15. Section 99.095, Florida Statutes, is  
12 amended to read:

13 (Substantial rewording of section. See  
14 s. 99.095, F.S., for present text.)

15 99.095 Petition process in lieu of a qualifying fee  
16 and party assessment.--

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

21 (2)(a) A candidate shall obtain the number of  
22 signatures of voters in the geographical area represented by  
23 the office sought equal to at least 1 percent of the total  
24 number of registered voters of that geographical area, as  
25 shown by the compilation by the department for the last  
26 preceding general election. Signatures may not be obtained  
27 until the candidate has filed the appointment of campaign  
28 treasurer and designation of campaign depository pursuant to  
29 s. 106.021.

30 (b) The format of the petition shall be prescribed by  
31 the division and shall be used by candidates to reproduce

1 petitions for circulation. If the candidate is running for an  
2 office that requires a group or district designation, the  
3 petition must indicate that designation and if it does not,  
4 the signatures are not valid. A separate petition is required  
5 for each candidate.

6 (3) Each petition must be submitted before noon of the  
7 28th day preceding the first day of the qualifying period for  
8 the office sought to the supervisor of elections of the county  
9 in which such petition was circulated. Each supervisor shall  
10 check the signatures on the petitions to verify their status  
11 as voters in the county, district, or other geographical area  
12 represented by the office sought. No later than the 7th day  
13 before the first day of the qualifying period, the supervisor  
14 shall certify the number of valid signatures.

15 (4)(a) Certifications for candidates for federal,  
16 state, or multicounty district office shall be submitted to  
17 the division. The division shall determine whether the  
18 required number of signatures has been obtained and shall  
19 notify the candidate.

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

24 (5) If the required number of signatures has been  
25 obtained, the candidate is eligible to qualify pursuant to s.  
26 99.061.

27 Section 16. Section 99.0955, Florida Statutes, is  
28 amended to read:

29 99.0955 Candidates with no party affiliation; name on  
30 general election ballot.--  
31

1           (1) Each person seeking to qualify for election as a  
2 candidate with no party affiliation shall file his or her  
3 ~~qualifying~~ qualification papers and pay the qualifying fee or  
4 qualify by the petition process pursuant to s. 99.095  
5 ~~alternative method prescribed in subsection (3)~~ with the  
6 officer and during the times and under the circumstances  
7 prescribed in s. 99.061. Upon qualifying, the candidate is  
8 entitled to have his or her name placed on the general  
9 election ballot.

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

21           ~~(3)(a) A candidate with no party affiliation may, in~~  
22 ~~lieu of paying the qualifying fee, qualify for office by the~~  
23 ~~alternative method prescribed in this subsection. A candidate~~  
24 ~~using this petitioning process shall file an oath with the~~  
25 ~~officer before whom the candidate would qualify for the office~~  
26 ~~stating that he or she intends to qualify by this alternative~~  
27 ~~method. If the person is running for an office that requires~~  
28 ~~a group or district designation, the candidate must indicate~~  
29 ~~the designation in his or her oath. The oath shall be filed~~  
30 ~~at any time after the first Tuesday after the first Monday in~~  
31 ~~January of the year in which the election is held, but before~~

1 ~~the 21st day preceding the first day of the qualifying period~~  
2 ~~for the office sought. The Department of State shall~~  
3 ~~prescribe the form to be used in administering and filing the~~  
4 ~~oath. Signatures may not be obtained by a candidate on any~~  
5 ~~petition until the candidate has filed the oath required in~~  
6 ~~this subsection. Upon receipt of the written oath from a~~  
7 ~~candidate, the qualifying officer shall provide the candidate~~  
8 ~~with petition forms in sufficient numbers to facilitate the~~  
9 ~~gathering of signatures. If the candidate is running for an~~  
10 ~~office that requires a group or district designation, the~~  
11 ~~petition must indicate that designation or the signatures~~  
12 ~~obtained on the petition will not be counted.~~

13 ~~(b) A candidate shall obtain the signatures of a~~  
14 ~~number of qualified electors in the geographical entity~~  
15 ~~represented by the office sought equal to 1 percent of the~~  
16 ~~registered electors of the geographical entity represented by~~  
17 ~~the office sought, as shown by the compilation by the~~  
18 ~~Department of State for the preceding general election.~~

19 ~~(c) Each petition must be submitted before noon of the~~  
20 ~~21st day preceding the first day of the qualifying period for~~  
21 ~~the office sought, to the supervisor of elections of the~~  
22 ~~county for which such petition was circulated. Each supervisor~~  
23 ~~to whom a petition is submitted shall check the signatures on~~  
24 ~~the petition to verify their status as electors in the county,~~  
25 ~~district, or other geographical entity represented by the~~  
26 ~~office sought. Before the first day for qualifying, the~~  
27 ~~supervisor shall certify the number shown as registered~~  
28 ~~electors.~~

29 ~~(d)1. Certifications for candidates for federal,~~  
30 ~~state, or multicounty district office shall be submitted to~~  
31 ~~the Department of State. The Department of State shall~~



1 ~~determine whether the required number of signatures has been~~  
2 ~~obtained for the name of the candidate to be placed on the~~  
3 ~~ballot and shall notify the candidate.~~

4       2. ~~For candidates for county or district office not~~  
5 ~~covered by subparagraph 1., the supervisor of elections shall~~  
6 ~~determine whether the required number of signatures has been~~  
7 ~~obtained for the name of the candidate to be placed on the~~  
8 ~~ballot and shall notify the candidate.~~

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

14       Section 17. Section 99.096, Florida Statutes, is  
15 amended to read:

16       99.096 Minor political party candidates; names on  
17 ballot.--

18       (1) ~~The executive committee of a minor political party~~  
19 ~~shall,~~ No later than noon of the third day prior to the first  
20 day of the qualifying period prescribed for federal  
21 candidates, the executive committee of a minor political party  
22 shall submit to the Department of State a list of federal  
23 candidates nominated by the party to be on the general  
24 election ballot. ~~and~~ No later than noon of the third day prior  
25 to the first day of the qualifying period for state  
26 candidates, the executive committee of a minor political party  
27 shall submit to the filing officer for each of the candidates  
28 ~~submit to the Department of State the official list of the~~  
29 state, multicounty, and county ~~respective~~ candidates nominated  
30 by that party to be on the ballot in the general election. ~~The~~  
31 ~~Department of State shall notify the appropriate supervisors~~

1 ~~of elections of the name of each minor party candidate~~  
2 ~~eligible to qualify before such supervisor.~~ The official list  
3 of nominated candidates may not be changed by the party after  
4 having been filed with the filing officers ~~Department of~~  
5 ~~State, except that candidates who have qualified may withdraw~~  
6 ~~from the ballot pursuant to the provisions of this code, and~~  
7 vacancies in nominations may be filled pursuant to s. 100.111.

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

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

1 ~~oath required in this section. Upon receipt of the written~~  
2 ~~oath from a candidate, the qualifying officer shall provide~~  
3 ~~the candidate with petition forms in sufficient numbers to~~  
4 ~~facilitate the gathering of signatures. If the candidate is~~  
5 ~~running for an office that requires a group or district~~  
6 ~~designation, the petition must indicate that designation or~~  
7 ~~the signatures on such petition will not be counted.~~

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

14 ~~(c) Each petition shall be submitted prior to noon of~~  
15 ~~the 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 the petition was circulated. Each supervisor~~  
18 ~~to whom a petition is submitted shall check the signatures on~~  
19 ~~the petition to verify their status as electors in the county,~~  
20 ~~district, or other geographical entity represented by the~~  
21 ~~office sought. Before the first day for qualifying, the~~  
22 ~~supervisor shall certify the number shown as registered~~  
23 ~~electors.~~

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

30 ~~2. For candidates for county or district office not~~  
31 ~~covered by subparagraph 1., the supervisor of elections shall~~

1 ~~determine whether the required number of signatures has been~~  
2 ~~obtained for the name of the candidate to be placed on the~~  
3 ~~ballot and shall notify the candidate.~~

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

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

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

15 99.09651 Signature requirements for ballot position in  
16 year of apportionment.--

17 (1) In a year of apportionment, any candidate for  
18 representative to Congress, state Senate, or state House of  
19 Representatives seeking ballot position by the petition  
20 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~  
21 ~~99.0955, or s. 99.096~~ shall obtain at least the number of  
22 signatures equal to one-third of 1 percent of the ideal  
23 population for the district of the office being sought.

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

26 100.011 Opening and closing of polls, all elections;  
27 expenses.--

28 (1) The polls shall be open at the voting places at  
29 7:00 a.m., on the day of the election, and shall be kept open  
30 until 7:00 p.m., of the same day, and the time shall be  
31 regulated by the customary time in standard use in the county

1 seat of the locality. The inspectors shall make public  
2 proclamation of the opening and closing of the polls. During  
3 the election and canvass of the votes, the ballot box shall  
4 not be concealed. Any elector who is in line at the time of  
5 the official closing of the polls shall be allowed to cast a  
6 vote in the election.

7 Section 20. Section 100.101, Florida Statutes, is  
8 amended to read:

9 100.101 Special elections and special primary  
10 elections.--Except as provided in s. 100.111(2), a special  
11 election or special primary election shall be held in the  
12 following cases:

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

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

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

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

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

24 Section 21. Section 100.111, Florida Statutes, is  
25 amended to read:

26 100.111 Filling vacancy.--

27 (1)(a) If any vacancy occurs in any office which is  
28 required to be filled pursuant to s. 1(f), Art. IV of the  
29 State Constitution and the remainder of the term of such  
30 office is 28 months or longer, then at the next general  
31 election a person shall be elected to fill the unexpired

1 | portion of such term, commencing on the first Tuesday after  
2 | the first Monday following such general election.

3 |         (b) If such a vacancy occurs prior to the first day  
4 | set by law for qualifying for election to office at such  
5 | general election, any person seeking nomination or election to  
6 | the unexpired portion of the term shall qualify within the  
7 | time prescribed by law for qualifying for other offices to be  
8 | filled by election at such general election.

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

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

29 |         (b) If such a vacancy occurs in an election year other  
30 | than the one immediately preceding expiration of the present  
31 | term, the Secretary of State shall notify the supervisor of

1 | elections in each county served by the office that a vacancy  
2 | has been created. Such notice shall be provided to the  
3 | supervisor of elections not later than the close of the first  
4 | day set for qualifying for state or county office. The  
5 | supervisor shall provide public notice of the vacancy in any  
6 | manner the Secretary of State deems appropriate.

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

1 | general election. If a vacancy in office occurs in any  
2 | district in the state Senate or House of Representatives or in  
3 | any congressional district, and no session of the Legislature,  
4 | or session of Congress if the vacancy is in a congressional  
5 | district, is scheduled to be held during the unexpired portion  
6 | of the term, the Governor is not required to call a special  
7 | election to fill such vacancy.

8 |         (a) The dates for candidates to qualify in such  
9 | special election or special primary election shall be fixed by  
10 | the Department of State, and candidates shall qualify not  
11 | later than noon of the last day so fixed. The dates fixed for  
12 | qualifying shall allow a minimum of 14 days between the last  
13 | day of qualifying and the special first primary election.

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

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



1           (d) The qualifying fees and party assessments of such  
2 candidates as may qualify shall be the same as collected for  
3 the same office at the last previous primary for that office.  
4 The party assessment shall be paid to the appropriate  
5 executive committee of the political party to which the  
6 candidate belongs.

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

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

1 | Elections Canvassing Commission shall likewise make as speedy  
2 | a canvass and declaration of the nominees as time will permit.  
3 |       (b) If the vacancy in nomination occurs later than  
4 | September 15, or if the vacancy in nomination occurs with  
5 | respect to a candidate of a minor political party which has  
6 | obtained a position on the ballot, no special primary election  
7 | shall be held and the Department of State shall notify the  
8 | chair of the appropriate state, district, or county political  
9 | party executive committee of such party; and, within 7 days,  
10 | the chair shall call a meeting of his or her executive  
11 | committee to consider designation of a nominee to fill the  
12 | vacancy. The name of any person so designated shall be  
13 | submitted to the Department of State within 14 days after ~~of~~  
14 | notice to the chair in order that the person designated may  
15 | have his or her name printed or otherwise placed on the ballot  
16 | of the ensuing general election, but in no event shall the  
17 | supervisor of elections be required to place on a ballot a  
18 | name submitted less than 21 days prior to the election. If  
19 | the vacancy occurs less than 21 days prior to the election,  
20 | the person designated by the political party will replace the  
21 | former party nominee even though the former party nominee's  
22 | name shall appear ~~will be~~ on the ballot. Any ballots cast for  
23 | the former party nominee will be counted for the person  
24 | designated by the political party to replace the former party  
25 | nominee. If there is no opposition to the party nominee, the  
26 | person designated by the political party to replace the former  
27 | party nominee will be elected to office at the general  
28 | election. For purposes of this paragraph, the term "district  
29 | political party executive committee" means the members of the  
30 | state executive committee of a political party from those  
31 | counties comprising the area involving a district office.

1           (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 or identity is in

18

question, 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). A  
25 person at a polling place or early voting site, or within 100  
26 feet of the entrance of a polling place or early voting site,  
27 may not solicit any elector in an effort to provide assistance  
28 to vote pursuant to subsection (1). Any person who violates  
29 this subsection commits a misdemeanor of the first degree,  
30 punishable as provided in s. 775.082 or s. 775.083.  
31

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:

31

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 cast a provisional ballot. ~~shall request the challenged person~~  
30 ~~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 (4) of section 101.5606,  
24 | Florida Statutes, is amended to read:

25 |         101.5606 Requirements for approval of systems.--No  
26 | electronic or electromechanical voting system shall be  
27 | approved by the Department of State unless it is so  
28 | constructed that:

29 |         (4) For systems using marksense ~~paper~~ ballots, it  
30 | accepts a rejected ballot pursuant to subsection (3) if a  
31 |

1 voter chooses to cast the ballot, but records no vote for any  
2 office that has been overvoted or undervoted.

3 Section 37. Subsections (2) and (3) of section  
4 101.5608, Florida Statutes, are amended to read:

5 101.5608 Voting by electronic or electromechanical  
6 method; procedures.--

7 (2) When an electronic or electromechanical voting  
8 system utilizes a ballot card or marksense ~~paper~~ ballot, the  
9 following procedures shall be followed:

10 (a) After receiving a ballot from an inspector, the  
11 elector shall, without leaving the polling place, retire to a  
12 booth or compartment and mark the ballot. After preparing his  
13 or her ballot, the elector shall place the ballot in a secrecy  
14 envelope with the stub exposed or shall fold over that portion  
15 on which write-in votes may be cast, as instructed, so that  
16 the ballot will be deposited in the ballot box without  
17 exposing the voter's choices. Before the ballot is deposited  
18 in the ballot box, the inspector shall detach the exposed stub  
19 and place it in a separate envelope for audit purposes; when a  
20 fold-over ballot is used, the entire ballot shall be placed in  
21 the ballot box.

22 (b) Any voter who spoils his or her ballot or makes an  
23 error may return the ballot to the election official and  
24 secure another ballot, except that in no case shall a voter be  
25 furnished more than three ballots. If the vote tabulation  
26 device has rejected a ballot, the ballot shall be considered  
27 spoiled and a new ballot shall be provided to the voter unless  
28 the voter chooses to cast the rejected ballot. The election  
29 official, without examining the original ballot, shall state  
30 the possible reasons for the rejection and shall provide  
31 instruction to the voter pursuant to s. 101.5611. A spoiled

1 ballot shall be preserved, without examination, in an envelope  
2 provided for that purpose. The stub shall be removed from the  
3 ballot and placed in an envelope.

4 (c) The supervisor of elections shall prepare for each  
5 polling place at least one ballot box to contain the ballots  
6 of a particular precinct, and each ballot box shall be plainly  
7 marked with the name of the precinct for which it is intended.

8 (3) The Department of State shall promulgate rules  
9 regarding voting procedures to be used when an electronic or  
10 electromechanical voting system is of a type which does not  
11 utilize a ballot card or marksense ~~paper~~ ballot.

12 Section 38. Subsection (2) of section 101.5612,  
13 Florida Statutes, is amended to read:

14 101.5612 Testing of tabulating equipment.--

15 (2) On any day not more than 10 days prior to the  
16 commencement of early voting as provided in s. 101.657, the  
17 supervisor of elections shall have the automatic tabulating  
18 equipment publicly tested to ascertain that the equipment will  
19 correctly count the votes cast for all offices and on all  
20 measures. If the ballots to be used at the polling place on  
21 election day are not available at the time of the testing, the  
22 supervisor may conduct an additional test not more than 10  
23 days before election day. Public notice of the time and place  
24 of the test shall be given at least 48 hours prior thereto by  
25 publication once in one or more newspapers of general  
26 circulation in the county or, if there is no newspaper of  
27 general circulation in the county, by posting the notice in at  
28 least four conspicuous places in the county. The supervisor or  
29 the municipal elections official may, at the time of  
30 qualifying, give written notice of the time and location of  
31 the public preelection test to each candidate qualifying with



1 | that office and obtain a signed receipt that the notice has  
2 | been given. The Department of State shall give written notice  
3 | to each statewide candidate at the time of qualifying, or  
4 | immediately at the end of qualifying, that the voting  
5 | equipment will be tested and advise each candidate to contact  
6 | the county supervisor of elections as to the time and location  
7 | of the public preelection test. The supervisor or the  
8 | municipal elections official shall, at least 15 days prior to  
9 | the commencement of early voting as provided in s. 101.657,  
10 | send written notice by certified mail to the county party  
11 | chair of each political party and to all candidates for other  
12 | than statewide office whose names appear on the ballot in the  
13 | county and who did not receive written notification from the  
14 | supervisor or municipal elections official at the time of  
15 | qualifying, stating the time and location of the public  
16 | preelection test of the automatic tabulating equipment. The  
17 | canvassing board shall convene, and each member of the  
18 | canvassing board shall certify to the accuracy of the test.  
19 | For the test, the canvassing board may designate one member to  
20 | represent it. The test shall be open to representatives of the  
21 | political parties, the press, and the public. Each political  
22 | party may designate one person with expertise in the computer  
23 | field who shall be allowed in the central counting room when  
24 | all tests are being conducted and when the official votes are  
25 | being counted. The designee shall not interfere with the  
26 | normal operation of the canvassing board.

27 |         Section 39. Subsection (5) of section 101.5614,  
28 | Florida Statutes, is amended to read:

29 |         101.5614 Canvass of returns.--

30 |         (5) If any absentee ballot is physically damaged so  
31 | that it cannot properly be counted by the automatic tabulating

1 equipment, a true duplicate copy shall be made of the damaged  
2 ballot in the presence of witnesses and substituted for the  
3 damaged ballot. Likewise, a duplicate ballot shall be made of  
4 an absentee ballot containing an overvoted race or a marked  
5 absentee ballot in which every race is undervoted which shall  
6 include all valid votes as determined by the canvassing board  
7 based on rules adopted by the division pursuant to s.  
8 102.166(4)(5). All duplicate ballots shall be clearly labeled  
9 "duplicate," bear a serial number which shall be recorded on  
10 the defective ballot, and be counted in lieu of the defective  
11 ballot. After a ballot has been duplicated, the defective  
12 ballot shall be placed in an envelope provided for that  
13 purpose, and the duplicate ballot shall be tallied with the  
14 other ballots for that precinct.

15 Section 40. Section 101.572, Florida Statutes, is  
16 amended to read:

17 101.572 Public inspection of ballots.--The official  
18 ballots and ballot cards received from election boards and  
19 removed from absentee ballot mailing envelopes shall be open  
20 for public inspection or examination while in the custody of  
21 the supervisor of elections or the county canvassing board at  
22 any reasonable time, under reasonable conditions; however, no  
23 persons other than the supervisor of elections or his or her  
24 employees or the county canvassing board shall handle any  
25 official ballot or ballot card. If the ballots are being  
26 examined prior to the end of the contest period in s. 102.168,  
27 the supervisor of elections shall make a reasonable effort to  
28 notify all candidates whose names appear on such ballots or  
29 ballot cards by telephone or otherwise of the time and place  
30 of the inspection or examination. All such candidates, or  
31

1 their representatives, shall be allowed to be present during  
2 the inspection or examination.

3 Section 41. Section 101.58, Florida Statutes, is  
4 amended to read:

5 101.58 Supervising and observing registration and  
6 election processes.--

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

30 (2) Upon the written direction of the Secretary of  
31 State, any employee of the Department of State having

1 expertise in the matter of concern to the Secretary of State  
2 shall have full access to all premises, records, equipment,  
3 and staff of the supervisor of elections.

4 Section 42. Subsection (1) of section 101.595, Florida  
5 Statutes, is amended to read:

6 101.595 Analysis and reports of voting problems.--

7 (1) No later than December 15 of each general election  
8 year, the supervisor of elections in each county shall report  
9 to the Department of State the total number of overvotes and  
10 undervotes in the "President and Vice President" or "Governor  
11 and Lieutenant Governor" race that appears first on the ballot  
12 or, if neither appears, the first race appearing on the ballot  
13 pursuant to s. 101.151(2), along with the likely reasons for  
14 such overvotes and undervotes and other information as may be  
15 useful in evaluating the performance of the voting system and  
16 identifying problems with ballot design and instructions which  
17 may have contributed to voter confusion.

18 Section 43. Section 101.6103, Florida Statutes, is  
19 amended to read:

20 101.6103 Mail ballot election procedure.--

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

1 (2) Upon receipt of the ballot the elector shall mark  
2 the ballot, place it in the secrecy envelope, sign the return  
3 mailing envelope supplied with the ballot, and comply with the  
4 instructions provided with the ballot. The elector shall mail,  
5 deliver, or have delivered the marked ballot so that it  
6 reaches the supervisor of elections no later than 7 p.m. on  
7 the day of the election. The ballot must be returned in the  
8 return mailing envelope.

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

11  
12 VOTER'S CERTIFICATE

13  
14 I, (Print Name), do solemnly swear (or affirm) that I  
15 am a qualified voter in this election and that I have not and  
16 will not vote more than one ballot in this election.

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

19 . . .(Signature) . . .

20 . . .(Residence Address) . . .

21  
22 (4) If the ballot is destroyed, spoiled, lost, or not  
23 received by the elector, the elector may obtain a replacement  
24 ballot from the supervisor of elections as provided in this  
25 subsection. An elector seeking a replacement ballot shall  
26 sign a sworn statement that the ballot was destroyed, spoiled,  
27 lost, or not received and present such statement to the  
28 supervisor of elections prior to 7 p.m. on the day of the  
29 election. The supervisor of elections shall keep a record of  
30 each replacement ballot provided under this subsection.

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

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

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

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

6  
7 The supervisor of elections shall verify the signature of each  
8 elector on the return mailing envelope with the signature on  
9 the elector's registration records. Such verification may  
10 commence at any time prior to the canvass of votes. The  
11 supervisor of elections shall safely keep the ballot unopened  
12 in his or her office until the county canvassing board  
13 canvasses the vote. If the supervisor of elections determines  
14 that an elector to whom a replacement ballot has been issued  
15 under subsection (4) has voted more than once, the canvassing  
16 board shall determine which ballot, if any, is to be counted.

17 (6) The canvassing board may begin the canvassing of  
18 mail ballots at 7 a.m. on the fourth day before the election,  
19 including processing the ballots through the tabulating  
20 equipment. However, results may not be released until after 7  
21 p.m. on election day. Any canvassing board member or election  
22 employee who releases any result before 7 p.m. on election day  
23 commits a felony of the third degree, punishable as provided  
24 in s. 775.082, s. 775.083, or s. 775.084.

25 ~~(7)(6)~~ With respect to absent electors overseas  
26 entitled to vote in the election, the supervisor of elections  
27 shall mail an official ballot with a secrecy envelope, a  
28 return mailing envelope, and instructions sufficient to  
29 describe the voting process to each such elector on a date  
30 sufficient to allow such elector time to vote in the election  
31

1 and to have his or her marked ballot reach the supervisor by 7  
2 p.m. on the day of the election.

3 (8) Effective July 1, 2005, a ballot that otherwise  
4 satisfies the requirements of subsection (5) shall be counted  
5 even if the elector dies after mailing the ballot but before  
6 election day, as long as, prior to the death of the voter, the  
7 ballot was:

8 (a) Postmarked by the United States Postal Service;

9 (b) Date-stamped with a verifiable tracking number by  
10 common carrier; or

11 (c) Already in the possession of the supervisor of  
12 elections.

13 Section 44. Section 101.62, Florida Statutes, is  
14 amended to read:

15 101.62 Request for absentee ballots.--

16 (1)(a) The supervisor may accept a request for an  
17 absentee ballot from an elector in person or in writing.  
18 Except as provided in s. 101.694, one request shall be deemed  
19 sufficient to receive an absentee ballot for all elections  
20 which are held within a calendar year, unless the elector or  
21 the elector's designee indicates at the time the request is  
22 made the elections for which the elector desires to receive an  
23 absentee ballot. Such request may be considered canceled when  
24 any first-class mail sent by the supervisor to the elector is  
25 returned as undeliverable.

26 (b) The supervisor may accept a written or telephonic  
27 request for an absentee ballot from the elector, or, if  
28 directly instructed by the elector, a member of the elector's  
29 immediate family, or the elector's legal guardian. For  
30 purposes of this section, the term "immediate family" has the  
31

1 same meaning as specified in paragraph (4)(b). The person  
2 making the request must disclose:

- 3 1. The name of the elector for whom the ballot is  
4 requested;
- 5 2. The elector's address;
- 6 3. The elector's date of birth;
- 7 4. The requester's name;
- 8 5. The requester's address;
- 9 6. The requester's driver's license number, if  
10 available;
- 11 7. The requester's relationship to the elector; and
- 12 8. The requester's signature (written requests only).

13 (2) ~~If~~ A request for an absentee ballot to be mailed  
14 to a voter must be is received no later than 5 p.m. on the  
15 sixth day after the Friday before the election by the  
16 supervisor of elections ~~from an absent elector overseas, the~~  
17 ~~supervisor shall send a notice to the elector acknowledging~~  
18 ~~receipt of his or her request and notifying the elector that~~  
19 ~~the ballot will not be forwarded due to insufficient time for~~  
20 ~~return of the ballot by the required deadline. The supervisor~~  
21 of elections shall mail absentee ballots to voters requesting  
22 ballots by such deadline no later than 4 days before the  
23 election.

24 (3) For each request for an absentee ballot received,  
25 the supervisor shall record the date the request was made, the  
26 date the absentee ballot was delivered to the voter or the  
27 voter's designee or the date the absentee ballot was delivered  
28 to the post office or other carrier ~~or mailed~~, the date the  
29 ballot was received by the supervisor, and such other  
30 information he or she may deem necessary. This information  
31 shall be provided in electronic format as provided by rule



1 adopted by the division. The information shall be updated and  
2 made available no later than noon of each day and shall be  
3 contemporaneously provided to the division. This information  
4 shall be confidential and exempt from the provisions of s.  
5 119.07(1) and shall be made available to or reproduced only  
6 for the voter requesting the ballot, a canvassing board, an  
7 election official, a political party or official thereof, a  
8 candidate who has filed qualification papers and is opposed in  
9 an upcoming election, and registered political committees or  
10 registered committees of continuous existence, for political  
11 purposes only.

12 (4)(a) To each absent qualified elector overseas who  
13 has requested an absentee ballot, the supervisor of elections  
14 shall, not fewer than 35 days before the first primary  
15 election, mail an absentee ballot. Not fewer than 45 days  
16 before the second primary and general election, the supervisor  
17 of elections shall mail an absentee ballot. If the regular  
18 absentee ballots are not available, the supervisor shall mail  
19 an advance absentee ballot to those persons requesting ballots  
20 for such elections. The advance absentee ballot for the  
21 second primary shall be the same as the first primary absentee  
22 ballot as to the names of candidates, except that for any  
23 offices where there are only two candidates, those offices and  
24 all political party executive committee offices shall be  
25 omitted. Except as provided in ss. 99.063(4) and 100.371(8)  
26 ~~100.371(6)~~, the advance absentee ballot for the general  
27 election shall be as specified in s. 101.151, except that in  
28 the case of candidates of political parties where nominations  
29 were not made in the first primary, the names of the  
30 candidates placing first and second in the first primary  
31 election shall be printed on the advance absentee ballot. The

1 advance absentee ballot or advance absentee ballot information  
2 booklet shall be of a different color for each election and  
3 also a different color from the absentee ballots for the first  
4 primary, second primary, and general election. The supervisor  
5 shall mail an advance absentee ballot for the second primary  
6 and general election to each qualified absent elector for whom  
7 a request is received until the absentee ballots are printed.  
8 The supervisor shall enclose with the advance second primary  
9 absentee ballot and advance general election absentee ballot  
10 an explanation stating that the absentee ballot for the  
11 election will be mailed as soon as it is printed; and, if both  
12 the advance absentee ballot and the absentee ballot for the  
13 election are returned in time to be counted, only the absentee  
14 ballot will be counted. The Department of State may prescribe  
15 by rule the requirements for preparing and mailing absentee  
16 ballots to absent qualified electors overseas.

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

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

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

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

29 c. The elector is in a hospital, assisted-living  
30 facility, nursing home, short-term medical or rehabilitation  
31 facility, or correctional facility,

1  
2 in which case the supervisor shall mail the ballot by  
3 nonforwardable, return-if-undeliverable mail to any other  
4 address the elector specifies in the request.

5         2. By forwardable mail to voters who are entitled to  
6 vote by absentee ballot under the Uniformed and Overseas  
7 Citizens Absentee Voting Act.

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

11         4. By delivery to a designee on election day or up to  
12 4 days prior to the day of an election. Any elector may  
13 designate in writing a person to pick up the ballot for the  
14 elector; however, the person designated may not pick up more  
15 than two absentee ballots per election, other than the  
16 designee's own ballot, except that additional ballots may be  
17 picked up for members of the designee's immediate family. For  
18 purposes of this section, "immediate family" means the  
19 designee's spouse or the parent, child, grandparent, or  
20 sibling of the designee or of the designee's spouse. The  
21 designee shall provide to the supervisor the written  
22 authorization by the elector and a picture identification of  
23 the designee and must complete an affidavit. The designee  
24 shall state in the affidavit that the designee is authorized  
25 by the elector to pick up that ballot and shall indicate if  
26 the elector is a member of the designee's immediate family  
27 and, if so, the relationship. The department shall prescribe  
28 the form of the affidavit. If the supervisor is satisfied that  
29 the designee is authorized to pick up the ballot and that the  
30 signature of the elector on the written authorization matches  
31

1 the signature of the elector on file, the supervisor shall  
2 give the ballot to that designee for delivery to the elector.

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

8 (6) Nothing other than the materials necessary to vote  
9 absentee shall be mailed or delivered with any absentee  
10 ballot.

11 Section 45. Section 101.64, Florida Statutes, is  
12 amended to read:

13 101.64 Delivery of absentee ballots; envelopes;  
14 form.--

15 (1) The supervisor shall enclose with each absentee  
16 ballot two envelopes: a secrecy envelope, into which the  
17 absent elector shall enclose his or her marked ballot; and a  
18 mailing envelope, into which the absent elector shall then  
19 place the secrecy envelope, which shall be addressed to the  
20 supervisor and also bear on the back side a certificate in  
21 substantially the following form:

22  
23 Note: Please Read Instructions Carefully Before  
24 Marking Ballot and Completing Voter's Certificate.

25  
26 VOTER'S CERTIFICATE

27 I, . . . ., do solemnly swear or affirm that I am a  
28 qualified and registered voter of . . . . County, Florida, and  
29 that I have not and will not vote more than one ballot in this  
30 election. I understand that if I commit or attempt to commit  
31 any fraud in connection with voting, vote a fraudulent ballot,

1 or vote more than once in an election, I can be convicted of a  
2 felony of the third degree and fined up to \$5,000 and/or  
3 imprisoned for up to 5 years. I also understand that failure  
4 to sign this certificate will invalidate my ballot.

5  
6 ...(Date)... (Voter's Signature)...

7  
8 (2) The certificate shall be arranged on the back of  
9 the mailing envelope so that the line for the signature of the  
10 absent elector is across the seal of the envelope; however, no  
11 statement shall appear on the envelope which indicates that a  
12 signature of the voter must cross the seal of the envelope.  
13 The absent elector shall execute the certificate on the  
14 envelope.

15 (3) In lieu of the voter's certificate provided in  
16 this section, the supervisor of elections shall provide each  
17 person voting absentee under the Uniformed and Overseas  
18 Citizens Absentee Voting Act with the standard oath prescribed  
19 by the presidential designee.

20 Section 46. Subsection (1) of section 101.657, Florida  
21 Statutes, is amended, present subsection (2) of that section  
22 is renumbered as subsection (4), and new subsections (2) and  
23 (3) are added to that section, to read:

24 101.657 Early voting.--

25 (1)(a) As a convenience to the voter, the supervisor  
26 of elections shall allow an elector to vote early in the main  
27 or branch office of the supervisor ~~by depositing the voted~~  
28 ~~ballot in a voting device used by the supervisor to collect or~~  
29 ~~tabulate ballots.~~ In order for a branch office to be used for  
30 early voting, it shall be a permanent ~~full-service~~ facility of  
31 the supervisor and shall have been designated and used as such

1 for at least 1 year prior to the election. The supervisor may  
2 also designate any city hall or permanent public library  
3 facility as early voting sites; however, if so designated, the  
4 sites must be geographically located so as to provide all  
5 voters in the county an equal opportunity to cast a ballot,  
6 insofar as is practicable. The results or tabulation of votes  
7 cast during early voting may not be made before the close of  
8 the polls on election day. Results shall be reported by  
9 precinct.

10 (b) The supervisor shall designate each early voting  
11 site by no later than the 30th day prior to an election and  
12 shall designate an early voting area, as defined in s. 97.021,  
13 at each early voting site. Designation of early voting sites  
14 may not be changed except by petition to the division, which  
15 petition shall only be granted for reasons of a natural or  
16 unavoidable event resulting in the unavailability of such  
17 early voting site.

18 (c) All early voting sites in a county shall be open  
19 on the same days for the same amount of time and shall allow  
20 any person in line at the closing of an early voting site to  
21 vote.

22 (d)(b) Early voting shall begin on the 15th day before  
23 an election and end on the day before an election. For  
24 purposes of a special election held pursuant to s. 100.101,  
25 early voting shall begin on the 8th day before an election and  
26 end on the day before an election. Early voting shall be  
27 provided for at least 8 hours per weekday during the  
28 applicable periods. Early voting shall also be provided for 8  
29 hours in the aggregate for each weekend during the applicable  
30 periods.

31

1           (e) Notwithstanding the requirements of s. 100.3605,  
2 municipalities may provide early voting in municipal elections  
3 that are not held in conjunction with county or state  
4 elections. If a municipality provides early voting, it may  
5 designate as many sites as necessary and shall conduct its  
6 activities in accordance with the provisions of paragraphs  
7 (a)-(c). The supervisor is not required to conduct early  
8 voting if it is provided pursuant to this subsection.

9           (f) Notwithstanding the requirements of s. 189.405,  
10 special districts may provide early voting in any district  
11 election not held in conjunction with county or state  
12 elections. If a special district provides early voting, it may  
13 designate as many sites as necessary and shall conduct its  
14 activities in accordance with the provisions of paragraphs  
15 (a)-(c). The supervisor is not required to conduct early  
16 voting if it is provided pursuant to this subsection.

17           (2) During any early voting period, each supervisor of  
18 elections shall make available the total number of voters  
19 casting a ballot at each early voting location during the  
20 previous day. Each supervisor shall prepare an electronic data  
21 file listing the individual voters who cast a ballot during  
22 the early voting period. This information shall be provided in  
23 electronic format as provided by rule adopted by the division.  
24 The information shall be updated and made available no later  
25 than noon of each day and shall be contemporaneously provided  
26 to the division.

27           (3) The ballot of each elector voting early shall be  
28 counted even if the elector dies on or before election day.

29           Section 47. Subsection (2) of section 101.663, Florida  
30 Statutes, is amended to read:

31           101.663 Electors; change of residence.--

1           (2) An elector registered in this state who moves his  
2 or her permanent residence to another state after the  
3 registration books in that state have closed and who is  
4 ~~prohibited by the laws of that state from voting for the~~  
5 ~~offices of President and Vice President of the United States~~  
6 shall be permitted to vote absentee in the county of his or  
7 her former residence for the offices of President and Vice  
8 President of the United States ~~those offices.~~

9           Section 48. Subsection (1) and paragraph (c) of  
10 subsection (2) of section 101.68, Florida Statutes, are  
11 amended to read:

12           101.68 Canvassing of absentee ballot.--

13           (1) The supervisor of the county where the absent  
14 elector resides shall receive the voted ballot, at which time  
15 the supervisor shall compare the signature of the elector on  
16 the voter's certificate with the signature of the elector in  
17 the registration books to determine whether the elector is  
18 duly registered in the county and may record on the elector's  
19 registration certificate that the elector has voted. However,  
20 effective July 1, 2005, an elector who dies after casting an  
21 absentee ballot but on or before election day shall remain  
22 listed in the registration books until the results have been  
23 certified for the election in which the ballot was cast. The  
24 supervisor shall safely keep the ballot unopened in his or her  
25 office until the county canvassing board canvasses the vote.  
26 After an absentee ballot is received by the supervisor, the  
27 ballot is deemed to have been cast, and changes or additions  
28 may not be made to the voter's certificate.

29           (2)

30           (c)1. The canvassing board shall, if the supervisor  
31 has not already done so, compare the signature of the elector



1 on the voter's certificate with the signature of the elector  
2 in the registration books to see that the elector is duly  
3 registered in the county and to determine the legality of that  
4 absentee ballot. Effective July 1, 2005, the ballot of an  
5 elector who casts an absentee ballot shall be counted even if  
6 the elector dies on or before election day, as long as, prior  
7 to the death of the voter, the ballot was postmarked by the  
8 United States Postal Service, date-stamped with a verifiable  
9 tracking number by common carrier, or already in the  
10 possession of the supervisor of elections. An absentee ballot  
11 shall be considered illegal if it does not include the  
12 signature of the elector, as shown by the registration  
13 records. However, an absentee ballot shall not be considered  
14 illegal if the signature of the elector does not cross the  
15 seal of the mailing envelope. If the canvassing board  
16 determines that any ballot is illegal, a member of the board  
17 shall, without opening the envelope, mark across the face of  
18 the envelope: "rejected as illegal." The envelope and the  
19 ballot contained therein shall be preserved in the manner that  
20 official ballots voted are preserved.

21         2. If any elector or candidate present believes that  
22 an absentee ballot is illegal due to a defect apparent on the  
23 voter's certificate, he or she may, at any time before the  
24 ballot is removed from the envelope, file with the canvassing  
25 board a protest against the canvass of that ballot, specifying  
26 the precinct, the ballot, and the reason he or she believes  
27 the ballot to be illegal. A challenge based upon a defect in  
28 the voter's certificate may not be accepted after the ballot  
29 has been removed from the mailing envelope.

30         Section 49. Section 101.69, Florida Statutes, is  
31 amended to read:

1           101.69 Voting in person; return of absentee  
2 ballot.--The provisions of this code shall not be construed to  
3 prohibit any elector from voting in person at the elector's  
4 precinct on the day of an election or at an early voting site,  
5 notwithstanding that the elector has requested an absentee  
6 ballot for that election. An elector who has returned a voted  
7 absentee ballot to the supervisor, however, is deemed to have  
8 cast his or her ballot and is not entitled to vote another  
9 ballot or to have a provisional ballot counted by the county  
10 canvassing board. An elector who has received an absentee  
11 ballot and has not returned the voted ballot to the  
12 supervisor, but desires to vote in person, shall return the  
13 ballot, whether voted or not, to the election board in the  
14 elector's precinct or to an early voting site. The returned  
15 ballot shall be marked "canceled" by the board and placed with  
16 other canceled ballots. However, if the elector does not  
17 return the ballot and the election official:

18           (1) Confirms that the supervisor has received the  
19 elector's absentee ballot, the elector shall not be allowed to  
20 vote in person. If the elector maintains that he or she has  
21 not returned the absentee ballot or remains eligible to vote,  
22 the elector shall be provided a provisional ballot as provided  
23 in s. 101.048.

24           (2) Confirms that the supervisor has not received the  
25 elector's absentee ballot, the elector shall be allowed to  
26 vote in person as provided in this code. The elector's  
27 absentee ballot, if subsequently received, shall not be  
28 counted and shall remain in the mailing envelope, and the  
29 envelope shall be marked "Rejected as Illegal."  
30  
31

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

4 Section 50. Section 101.6923, Florida Statutes, is  
5 amended to read:

6 101.6923 Special absentee ballot instructions for  
7 certain first-time voters.--

8 (1) The provisions of this section apply to voters who  
9 registered to vote by mail, who have not previously voted in  
10 the county, and who have not provided the identification or  
11 information required by s. 97.0535 by the time the absentee  
12 ballot is mailed.

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

16  
17 READ THESE INSTRUCTIONS CAREFULLY BEFORE  
18 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE  
19 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
20 COUNT.

21  
22 1. In order to ensure that your absentee ballot will  
23 be counted, it should be completed and returned as soon as  
24 possible so that it can reach the supervisor of elections of  
25 the county in which your precinct is located no later than 7  
26 p.m. on the date of the election.

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

31

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

5           4. Place your marked ballot in the enclosed secrecy  
6 envelope and seal the envelope.

7           5. Insert the secrecy envelope into the enclosed  
8 envelope bearing the Voter's Certificate. Seal the envelope  
9 and completely fill out the Voter's Certificate on the back of  
10 the envelope.

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

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

16           6. Unless you meet one of the exemptions in Item 7.,  
17 you must make a copy of one of the following forms of  
18 identification:

19           a. Identification which must include your name and  
20 photograph: current and valid Florida driver's license;  
21 Florida identification card issued by the Department of  
22 Highway Safety and Motor Vehicles; United States passport;  
23 employee badge or identification; buyer's club identification  
24 card; debit or credit card; military identification; student  
25 identification; retirement center identification; neighborhood  
26 association identification; entertainment identification; or  
27 public assistance identification; or

28           b. Identification which shows your name and current  
29 residence address: current utility bill, bank statement,  
30 government check, paycheck, or government document (excluding  
31 voter identification card).

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

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

4           b. You have a temporary or permanent physical  
5 disability.

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

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

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

16           f. You are currently residing outside the United  
17 States.

18           8. Place the envelope bearing the Voter's Certificate  
19 into the mailing envelope addressed to the supervisor. Insert  
20 a copy of your identification in the mailing envelope. DO NOT  
21 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE  
22 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S  
23 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

27           10. FELONY NOTICE. It is a felony under Florida law to  
28 accept any gift, payment, or gratuity in exchange for your  
29 vote for a candidate. It is also a felony under Florida law to  
30 vote in an election using a false identity or false address,  
31

1 or under any other circumstances making your ballot false or  
2 fraudulent.

3 Section 51. Subsection (3) of section 101.694, Florida  
4 Statutes, is amended to read:

5 101.694 Mailing of ballots upon receipt of federal  
6 postcard application.--

7 (3) Absentee envelopes printed for voters entitled to  
8 vote absentee under the Uniformed and Overseas Citizens  
9 Absentee Voting Act shall meet the specifications as  
10 determined by the Federal Voting Assistance Program of the  
11 United States Department of Defense and the United States  
12 Postal Service. ~~There shall be printed across the face of each~~  
13 ~~envelope in which a ballot is sent to a federal postcard~~  
14 ~~applicant, or is returned by such applicant to the supervisor,~~  
15 ~~two parallel horizontal red bars, each one quarter inch wide,~~  
16 ~~extending from one side of the envelope to the other side,~~  
17 ~~with an intervening space of one quarter inch, the top bar to~~  
18 ~~be 1 1/4 inches from the top of the envelope, and with the~~  
19 ~~words "Official Election Balloting Material via Air Mail," or~~  
20 ~~similar language, between the bars. There shall be printed in~~  
21 ~~the upper right corner of each such envelope, in a box, the~~  
22 ~~words "Free of U. S. Postage, including Air Mail." All~~  
23 ~~printing on the face of each envelope shall be in red, and~~  
24 ~~there shall be printed in red in the upper left corner of each~~  
25 ~~ballot envelope an appropriate inscription or blanks for~~  
26 ~~return address of sender. Additional specifications may be~~  
27 ~~prescribed by rule of the Division of Elections upon~~  
28 ~~recommendation of the presidential designee under the~~  
29 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~  
30 ~~Otherwise, the envelopes shall be the same as those used in~~  
31

1 ~~sending ballots to, or receiving them from, other absentee~~  
2 ~~voters.~~

3           Section 52. Section 101.697, Florida Statutes, is  
4 amended to read:

5           101.697 Electronic transmission of election  
6 materials.--The Department of State shall determine whether  
7 secure electronic means can be established for receiving  
8 ballots from overseas voters. If such security can be  
9 established, the department shall adopt rules to authorize a  
10 supervisor of elections to accept from an overseas voter a  
11 request for an absentee ballot or ~~and~~ a voted absentee ballot  
12 by secure facsimile machine transmission or other secure  
13 electronic means ~~from overseas voters~~. The rules must provide  
14 that in order to accept a voted ballot, the verification of  
15 the voter must be established, the security of the  
16 transmission must be established, and each ballot received  
17 must be recorded.

18           Section 53. Section 102.012, Florida Statutes, is  
19 amended to read:

20           102.012 Inspectors and clerks to conduct elections.--

21           (1) The supervisor of elections of each county, at  
22 least 20 days prior to the holding of any election, shall  
23 appoint an election board comprised of poll workers who serve  
24 as clerks or inspectors ~~two election boards~~ for each precinct  
25 in the county; ~~however, the supervisor of elections may, in~~  
26 ~~any election, appoint one election board if the supervisor has~~  
27 ~~reason to believe that only one is necessary~~. The clerk shall  
28 be in charge of, and responsible for, seeing that the election  
29 board carries out its duties and responsibilities. Each  
30 inspector and each clerk shall take and subscribe to an oath  
31 or affirmation, which shall be written or printed, to the

1 effect that he or she will perform the duties of inspector or  
2 clerk of election, respectively, according to law and will  
3 endeavor to prevent all fraud, deceit, or abuse in conducting  
4 the election. The oath may be taken before an officer  
5 authorized to administer oaths or before any of the persons  
6 who are to act as inspectors, one of them to swear the others,  
7 and one of the others sworn thus, in turn, to administer the  
8 oath to the one who has not been sworn. The oaths shall be  
9 returned with the poll list and the returns of the election to  
10 the supervisor. In all questions that may arise before the  
11 members of an election board, the decision of a majority of  
12 them shall decide the question. The supervisor of elections  
13 of each county shall be responsible for the attendance and  
14 diligent performance of his or her duties by each clerk and  
15 inspector.

16 (2) Each member of the election board shall be able to  
17 read and write the English language and shall be a registered  
18 qualified elector of the county in which the member is  
19 appointed or a person who has preregistered to vote, pursuant  
20 to s. 97.041(1)(b), in the county in which the member is  
21 appointed. No election board shall be composed solely of  
22 members of one political party; however, in any primary in  
23 which only one party has candidates appearing on the ballot,  
24 all clerks and inspectors may be of that party. Any person  
25 whose name appears as an opposed candidate for any office  
26 shall not be eligible to serve on an election board.

27 (3) The supervisor shall furnish inspectors of  
28 election for each precinct with the list of registered voters  
29 for the precinct ~~registration books divided alphabetically as~~  
30 ~~will best facilitate the holding of an election.~~ The  
31 supervisor shall also furnish to the inspectors of election at



1 | the polling place at each precinct in the supervisor's county  
2 | a sufficient number of forms and blanks for use on election  
3 | day.

4 |         (4)(a) The election board of each precinct shall  
5 | attend the polling place by 6 a.m. of the day of the election  
6 | and shall arrange the furniture, stationery, and voting  
7 | equipment.

8 |         (b) The ~~An~~ election board shall conduct the voting,  
9 | beginning and closing at the time set forth in s. 100.011. ~~If~~  
10 | ~~more than one board has been appointed, the second board~~  
11 | ~~shall, upon the closing of the polls, come on duty and count~~  
12 | ~~the votes cast. In such case, the first board shall turn over~~  
13 | ~~to the second board all closed ballot boxes, registration~~  
14 | ~~books, and other records of the election at the time the~~  
15 | ~~boards change. The second board shall continue counting until~~  
16 | ~~the count is complete or until 7 a.m. the next morning, and,~~  
17 | ~~if the count is not completed at that time, the first board~~  
18 | ~~that conducted the election shall again report for duty and~~  
19 | ~~complete the count. The second board shall turn over to the~~  
20 | ~~first board all ballots counted, all ballots not counted, and~~  
21 | ~~all registration books and other records and shall advise the~~  
22 | ~~first board as to what has transpired in tabulating the~~  
23 | ~~results of the election.~~

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

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

31 |

1           Section 54. Subsections (1), (2), (3), and (5) of  
2 section 102.014, Florida Statutes, is amended to read:

3           102.014 Poll worker recruitment and training.--

4           (1) The supervisor of elections shall conduct training  
5 for inspectors, clerks, and deputy sheriffs prior to each  
6 primary, general, and special election for the purpose of  
7 instructing such persons in their duties and responsibilities  
8 as election officials. The Division of Elections shall develop  
9 a statewide uniform training curriculum for poll workers, and  
10 each supervisor shall use such curriculum in training poll  
11 workers. A certificate may be issued by the supervisor of  
12 elections to each person completing such training. No person  
13 shall serve as an inspector, clerk, or deputy sheriff for an  
14 election unless such person has completed the training as  
15 required. A clerk may not work at the polls unless he or she  
16 demonstrates a working knowledge of the laws and procedures  
17 relating to voter registration, voting system operation,  
18 balloting and polling place procedures, and problem-solving  
19 and conflict-resolution skills.

20           (2) A person who has attended previous training  
21 conducted within 2 years before the election may be appointed  
22 by the supervisor to fill a vacancy on an election board ~~day~~.  
23 If no person with prior training is available to fill such  
24 vacancy, the supervisor of elections may fill such vacancy in  
25 accordance with the provisions of subsection (3) from among  
26 persons who have not received the training required by this  
27 section.

28           (3) In the case of absence or refusal to act on the  
29 part of any inspector or clerk ~~at any precinct on the day of~~  
30 ~~an election~~, the supervisor shall appoint a replacement who  
31 meets the qualifications prescribed in s. 102.012(2). The

1 inspector or clerk so appointed shall be a member of the same  
2 political party as the clerk or inspector whom he or she  
3 replaces.

4 (5) The Department of State shall create a uniform  
5 polling place procedures manual and adopt the manual by rule.  
6 Each supervisor of elections shall ensure that the manual is  
7 available in hard copy or electronic form in every polling  
8 place ~~precinct in the supervisor's jurisdiction on election~~  
9 ~~day~~. The manual shall guide inspectors, clerks, and deputy  
10 sheriffs in the proper implementation of election procedures  
11 and laws. The manual shall be indexed by subject, and written  
12 in plain, clear, unambiguous language. The manual shall  
13 provide specific examples of common problems encountered at  
14 the polls ~~on election day~~, and detail specific procedures for  
15 resolving those problems. The manual shall include, without  
16 limitation:

17 (a) Regulations governing solicitation by individuals  
18 and groups at the polling place;

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

21 (c) Proper operation of the voting system;

22 (d) Ballot handling procedures;

23 (e) Procedures governing spoiled ballots;

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

25 (g) Rights of voters at the polls;

26 (h) Procedures for handling emergency situations;

27 (i) Procedures for dealing with irate voters;

28 (j) The handling and processing of provisional  
29 ballots; and

30 (k) Security procedures.  
31

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

4 Section 55. Section 102.031, Florida Statutes, is  
5 amended to read:

6 102.031 Maintenance of good order at polls;  
7 authorities; persons allowed in polling rooms and early voting  
8 areas; unlawful solicitation of voters.--

9 (1) Each election board shall possess full authority  
10 to maintain order at the polls and enforce obedience to its  
11 lawful commands during an election and the canvass of the  
12 votes.

13 (2) The sheriff shall deputize a deputy sheriff for  
14 each polling place and each early voting site who shall be  
15 present during the time the polls or early voting sites are  
16 open and until the election is completed, who shall be subject  
17 to all lawful commands of the clerk or inspectors, and who  
18 shall maintain good order. The deputy may summon assistance  
19 from among bystanders to aid him or her when necessary to  
20 maintain peace and order at the polls or early voting sites.

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

- 24 1. Official poll watchers;
- 25 2. Inspectors;
- 26 3. Election clerks;
- 27 4. The supervisor of elections or his or her deputy;
- 28 5. Persons there to vote, persons in the care of a  
29 voter, or persons caring for such voter;

30  
31

1           6. Law enforcement officers or emergency service  
2 personnel there with permission of the clerk or a majority of  
3 the inspectors; or

4           7. A person, whether or not a registered voter, who is  
5 assisting with or participating in a simulated election for  
6 minors, as approved by the supervisor of elections.

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

11           ~~(4)(a)(e)~~ No person, political committee, committee of  
12 continuous existence, or other group or organization may  
13 solicit voters inside the polling place or within 100 50 feet  
14 of the entrance to any polling place, or polling room where  
15 the polling place is also a polling room, or early voting  
16 site. Before the opening of the polling place or early voting  
17 site, the clerk or supervisor shall designate the  
18 no-solicitation zone and mark the boundaries. on the day of  
19 any election.

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

21           ~~a. Conducted from a separately marked area within the~~  
22 ~~50 foot zone so as not to disturb, hinder, impede, obstruct,~~  
23 ~~or interfere with voter access to the polling place or polling~~  
24 ~~room entrance; and~~

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

28           ~~c. Conducted on property within the 50 foot zone which~~  
29 ~~is a residence, established business, private property,~~  
30 ~~sidewalk, park, or property traditionally utilized as a public~~  
31 ~~area for discussion.~~

1           ~~2. Solicitation shall not be permitted within the~~  
2 ~~50-foot zone on a public sidewalk or other similar means of~~  
3 ~~access to the polling room if it is clearly identifiable to~~  
4 ~~the poll workers that the solicitation is impeding,~~  
5 ~~obstructing, or interfering with voter access to the polling~~  
6 ~~room or polling place.~~

7           ~~(b)(d)~~ For the purpose of this subsection, the term  
8 "solicit" shall include, but not be limited to, seeking or  
9 attempting to seek any vote, fact, opinion, or contribution;  
10 distributing or attempting to distribute any political or  
11 campaign material, leaflet, or handout; conducting a poll;  
12 seeking or attempting to seek a signature on any petition; and  
13 selling or attempting to sell any item.

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

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

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

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

27           Section 56. Section 102.071, Florida Statutes, is  
28 amended to read:

29           102.071 Tabulation of votes and proclamation of  
30 results ~~where ballots are used.~~--The election board shall post  
31 at the polls, for the benefit of the public, the results of

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

24 |           Section 57. Section 102.111, Florida Statutes, is  
25 | amended to read:

26 |           102.111 Elections Canvassing Commission.--

27 |           (1) The Elections Canvassing Commission shall consist  
28 | of the Governor and two members of the Cabinet selected by the  
29 | Governor. If a member of the Elections Canvassing Commission  
30 | is unable to serve for any reason, the Governor shall appoint  
31 | a remaining member of the Cabinet. If there is a further

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

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

18 Section 58. Section 102.112, Florida Statutes, is  
19 amended to read:

20 102.112 Deadline for submission of county returns to  
21 the Department of State.--

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

30 (2) Returns must be filed by 5 p.m. on the 7th day  
31 following a primary election and by 5 p.m. on the 11th day



1 following the general election. However, the Department of  
2 State may correct typographical errors, including the  
3 transposition of numbers, in any returns submitted to the  
4 Department of State pursuant to s. 102.111(1).

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

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

13 Section 59. Section 102.141, Florida Statutes, is  
14 amended to read:

15 102.141 County canvassing board; duties.--

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

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

1 canvassed. In such event, the members of the county  
2 canvassing board shall meet and elect a chair.

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

10 The supervisor, however, shall act in an advisory capacity to  
11 the canvassing board.

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

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

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

1 ballots as provided by ss. 101.048, 101.049, and 101.6925.  
2 Provisional ballots cast pursuant to s. 101.049 shall be  
3 canvassed in a manner that votes for candidates and issues on  
4 those ballots can be segregated from other votes. Public  
5 notice of the time and place at which the county canvassing  
6 board shall meet to canvass the absentee electors' ballots and  
7 provisional ballots shall be given at least 48 hours prior  
8 thereto by publication once in one or more newspapers of  
9 general circulation in the county or, if there is no newspaper  
10 of general circulation in the county, by posting such notice  
11 in at least four conspicuous places in the county. As soon as  
12 the absentee electors' ballots and the provisional ballots are  
13 canvassed, the board shall proceed to publicly canvass the  
14 vote given each candidate, nominee, constitutional amendment,  
15 or other measure submitted to the electorate of the county, as  
16 shown by the returns then on file in the office of the  
17 supervisor of elections and the office of the county court  
18 judge.

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

1 obvious error on any such returns, the canvassing board shall  
2 order a retabulation ~~recount~~ of the returns from such  
3 precinct. Before canvassing such returns, the canvassing  
4 board shall examine the tabulation of the ballots cast in such  
5 precinct and determine whether the returns correctly reflect  
6 the votes cast. If there is a discrepancy between the returns  
7 and the tabulation of the ballots cast, the tabulation of the  
8 ballots cast shall be presumed correct and such votes shall be  
9 canvassed accordingly.

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

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

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

27 (b) Request that the Department of State verify the  
28 tabulation software. When the Department of State verifies  
29 such software, the department shall compare the software used  
30 to tabulate the votes with the software filed with the  
31

1 department pursuant to s. 101.5607 and check the election  
2 parameters.

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

21 (a) ~~In counties with voting systems that use paper~~  
22 ~~ballots,~~ Each canvassing board responsible for conducting a  
23 recount shall put each marksense ballot through automatic  
24 tabulating equipment and determine whether the returns  
25 correctly reflect the votes cast. If any marksense ~~paper~~  
26 ballot is physically damaged so that it cannot be properly  
27 counted by the automatic tabulating equipment during the  
28 recount, a true duplicate shall be made of the damaged ballot  
29 pursuant to the procedures in s. 101.5614(5). Immediately  
30 before the start of the recount ~~and after completion of the~~  
31 ~~count,~~ a test of the tabulating equipment shall be conducted

1 as provided in s. 101.5612. If the test indicates no error,  
2 the recount tabulation of the ballots cast shall be presumed  
3 correct and such votes shall be canvassed accordingly. If an  
4 error is detected, the cause therefor shall be ascertained and  
5 corrected and the recount repeated, as necessary. The  
6 canvassing board shall immediately report the error, along  
7 with the cause of the error and the corrective measures being  
8 taken, to the Department of State. No later than 11 days after  
9 the election, the canvassing board shall file a separate  
10 incident report with the Department of State, detailing the  
11 resolution of the matter and identifying any measures that  
12 will avoid a future recurrence of the error.

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

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

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

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

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

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

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

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

31

1           3. All ballot printing errors or ballot supply  
2 problems, and the steps that were taken to address the errors  
3 or problems;

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

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

11           6. Any additional information regarding material  
12 issues or problems associated with the conduct of the  
13 election.

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

28           (c) Such reports shall be maintained on file in the  
29 Division of Elections and shall be available for public  
30 inspection. The division shall utilize the reports submitted  
31 by the canvassing boards to determine what problems may be



1 likely to occur in other elections and disseminate such  
2 information, along with possible solutions, to the supervisors  
3 of elections.

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

11 Section 60. Section 102.166, Florida Statutes, is  
12 amended to read:

13 102.166 Manual recounts.--

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

30 ~~(2)(a) If the second set of unofficial returns~~  
31 ~~pursuant to s. 102.141 indicates that a candidate for any~~

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

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

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

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

1 ~~is unable to certify such hardware or software for a certified~~  
2 ~~voting system by July 1, 2002, the department shall adopt~~  
3 ~~rules prescribing procedures for identifying and sorting such~~  
4 ~~overvotes and undervotes. The department's rules may provide~~  
5 ~~for the temporary use of hardware or software whose sole~~  
6 ~~function is identifying and sorting overvotes and undervotes.~~

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

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

13 ~~(3)(4)~~ Any manual recount shall be open to the public.

14 ~~(4)(5)(a)~~ A vote for a candidate or ballot measure  
15 shall be counted if there is a clear indication on the ballot  
16 that the voter has made a definite choice.

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

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

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

27 ~~(5)(6)~~ Procedures for a manual recount are as follows:

28 (a) The county canvassing board shall appoint as many  
29 counting teams of at least two electors as is necessary to  
30 manually recount the ballots. A counting team must have, when  
31 possible, members of at least two political parties. A

1 candidate involved in the race shall not be a member of the  
2 counting team.

3 (b) Each duplicate ballot prepared pursuant to s.  
4 101.5614(5) or s. 102.141(6) shall be compared with the  
5 original ballot to ensure the correctness of the duplicate.

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

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

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

22 Section 61. Subsections (2) and (4) of section  
23 102.168, Florida Statutes, are amended to read:

24 102.168 Contest of election.--

25 (2) Such contestant shall file a complaint, together  
26 with the fees prescribed in chapter 28, with the clerk of the  
27 circuit court within 10 days after midnight of the date the  
28 last board responsible for certifying the results officially  
29 ~~county canvassing board empowered to canvass the returns~~  
30 certifies the results of the election being contested.  
31

1           (4) The county canvassing board is an indispensable  
2 and or Elections Canvassing Commission shall be the proper  
3 party defendant in county and local elections; the Elections  
4 Canvassing Commission is an indispensable and proper party  
5 defendant in federal, state, and multicounty races;~~7~~ and the  
6 successful candidate is ~~shall be~~ an indispensable party to any  
7 action brought to contest the election or nomination of a  
8 candidate.

9           Section 62. Subsections (1) and (4) of section  
10 103.021, Florida Statutes, are amended to read:

11           103.021 Nomination for presidential  
12 electors.--Candidates for presidential electors shall be  
13 nominated in the following manner:

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

30           (4)(a) A minor political party that is affiliated with  
31 a national party holding a national convention to nominate

1 candidates for President and Vice President of the United  
2 States may have the names of its candidates for President and  
3 Vice President of the United States printed on the general  
4 election ballot by filing with the Department of State a  
5 certificate naming the candidates for President and Vice  
6 President and listing the required number of persons to serve  
7 as electors. Notification to the Department of State under  
8 this subsection shall be made by September 1 of the year in  
9 which the election is held. When the Department of State has  
10 been so notified, it shall order the names of the candidates  
11 nominated by the minor political party to be included on the  
12 ballot and shall permit the required number of persons to be  
13 certified as electors in the same manner as other party  
14 candidates. As used in this section, the term "national party"  
15 means a political party established and admitted to the ballot  
16 in at least one state other than Florida.

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

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

11 Section 63. Section 103.051, Florida Statutes, is  
12 amended to read:

13 103.051 Congress sets meeting dates of electors.--The  
14 presidential electors shall, ~~at noon~~ on the day ~~that which~~ is  
15 directed by Congress and at the time fixed by the Governor,  
16 meet at Tallahassee and perform the duties required of them by  
17 the Constitution and laws of the United States.

18 Section 64. Section 103.061, Florida Statutes, is  
19 amended to read:

20 103.061 Meeting of electors and filling of  
21 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on  
22 the day fixed by Congress to elect a President and Vice  
23 President and at the time fixed by the Governor, give notice  
24 to the Governor that the elector is in Tallahassee and ready  
25 to perform the duties of presidential elector. The Governor  
26 shall forthwith deliver to the presidential electors present a  
27 certificate of the names of all the electors; and if, on  
28 examination thereof, it should be found that one or more  
29 electors are absent, the electors present shall elect by  
30 ballot, in the presence of the Governor, a person or persons  
31

1 to fill such vacancy or vacancies as may have occurred through  
2 the nonattendance of one or more of the electors.

3 Section 65. Section 103.121, Florida Statutes, is  
4 amended to read:

5 103.121 Powers and duties of executive committees.--

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

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

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

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

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

15 5. To conduct campaigns for party nominees.

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

20 (b) ~~Except as otherwise provided in subsection (5),~~  
21 The county executive committee shall receive payment of  
22 assessments upon candidates to be voted for in a single county  
23 except state senators and members of the House of  
24 Representatives and representatives to the Congress of the  
25 United States; and the state executive committees shall  
26 receive all other assessments authorized. All party  
27 assessments shall be 2 percent of the annual salary of the  
28 office sought by the respective candidate. All such committee  
29 assessments shall be remitted to the state executive committee  
30 of the appropriate party and distributed in accordance with  
31 subsection (5) ~~(6)~~.



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

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

1           (3)~~(4)~~ Any chair or treasurer of a state or county  
2 executive committee of any political party who knowingly  
3 misappropriates, or makes an unlawful expenditure of, or a  
4 false or improper accounting for, the funds of such committee  
5 is guilty of a felony of the third degree, punishable as  
6 provided in s. 775.082, s. 775.083, or s. 775.084.

7           (4)~~(5)(a)~~ The central committee or other equivalent  
8 governing body of each state executive committee shall adopt a  
9 rule which governs the time and manner in which the respective  
10 county executive committees of such party may endorse,  
11 certify, screen, or otherwise recommend one or more candidates  
12 for such party's nomination for election. Upon adoption, such  
13 rule shall provide the exclusive method by which a county  
14 committee may so endorse, certify, screen, or otherwise  
15 recommend. No later than the date on which qualifying for  
16 public office begins pursuant to s. 99.061, the chair of each  
17 county executive committee shall notify in writing the  
18 supervisor of elections of his or her county whether the  
19 county executive committee has endorsed or intends to endorse,  
20 certify, screen, or otherwise recommend candidates for  
21 nomination pursuant to party rule. A copy of such  
22 notification shall be provided to the Secretary of State and  
23 to the chair of the appropriate state executive committee. ~~Any~~  
24 ~~county executive committee that endorses or intends to~~  
25 ~~endorse, certify, screen, or otherwise recommend one or more~~  
26 ~~candidates for nomination shall forfeit all party assessments~~  
27 ~~which would otherwise be returned to the county executive~~  
28 ~~committee; and such assessments shall be remitted instead to~~  
29 ~~the state executive committee of such party, the provisions of~~  
30 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~  
31 ~~funds so remitted to the state executive committee shall be~~

1 ~~paid, returned, or otherwise disbursed to the county executive~~  
2 ~~committee under any circumstances. Any county executive~~  
3 ~~committee that is in violation of any party rule after~~  
4 ~~receiving the party assessment shall remit such party~~  
5 ~~assessment to the state executive committee.~~

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

15 ~~(5)(6)~~ The state chair of each state executive  
16 committee shall return the 2-percent committee assessment for  
17 county candidates to the appropriate county executive  
18 committees only upon receipt of a written statement that such  
19 county executive committee chooses not to endorse, certify,  
20 screen, or otherwise recommend one or more candidates for such  
21 party's nomination for election and upon the state chair's  
22 determination that the county executive committee is in  
23 compliance with all Florida statutes and all state party  
24 rules, bylaws, constitutions, and requirements.

25 Section 66. Section 105.031, Florida Statutes, is  
26 amended to read:

27 105.031 Qualification; filing fee; candidate's oath;  
28 items required to be filed.--

29 (1) TIME OF QUALIFYING.--Except for candidates for  
30 judicial office, nonpartisan candidates for multicounty office  
31 shall qualify with the Division of Elections of the Department

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

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

30 (3) QUALIFYING FEE.--Each candidate qualifying for  
31 election to a judicial office or the office of school board

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

20 (4) CANDIDATE'S OATH.--

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

23 (b) All candidates for judicial office shall subscribe  
24 to an oath or affirmation in writing to be filed with the  
25 appropriate qualifying officer upon qualifying. A printed  
26 copy of the oath or affirmation shall be furnished to the  
27 candidate by the qualifying officer and shall be in  
28 substantially the following form:

29

30 State of Florida

31 County of ....

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

18 ... (Signature of candidate) ...

19 ... (Address) ...

20  
21 Sworn to and subscribed before me this .... day of ....,  
22 ...(year)..., at .... County, Florida.

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

24  
25 (5) ITEMS REQUIRED TO BE FILED.--

26 (a) In order for a candidate for judicial office or  
27 the office of school board member to be qualified, the  
28 following items must be received by the filing officer by the  
29 end of the qualifying period:

30 1. Except for candidates for retention to judicial  
31 office, a properly executed check drawn upon the candidate's

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

12 |         2. The candidate's oath required by subsection (4),  
13 | which must contain the name of the candidate as it is to  
14 | appear on the ballot; the office sought, including the  
15 | district or group number if applicable; and the signature of  
16 | the candidate, duly acknowledged.

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

19 |         4. The completed form for the appointment of campaign  
20 | treasurer and designation of campaign depository, as required  
21 | by s. 106.021. In addition, each candidate for judicial  
22 | office, including an incumbent judge, shall file a statement  
23 | with the qualifying officer, within 10 days after filing the  
24 | appointment of campaign treasurer and designation of campaign  
25 | depository, stating that the candidate has read and  
26 | understands the requirements of the Florida Code of Judicial  
27 | Conduct. Such statement shall be in substantially the  
28 | following form:

29 |  
30 |                 Statement of Candidate for Judicial Office  
31 |

1 I, ...(name of candidate)..., a judicial candidate, have  
2 received, read, and understand the requirements of the Florida  
3 Code of Judicial Conduct.

4 ... (Signature of candidate)...

5 ... (Date)...

6  
7 5. The full and public disclosure of financial  
8 interests required by s. 8, Art. II of the State Constitution  
9 or the statement of financial interests required by s.  
10 112.3145, whichever is applicable. A public officer who has  
11 filed the full and public disclosure or statement of financial  
12 interests with the Commission on Ethics or the supervisor of  
13 elections prior to qualifying for office may file a copy of  
14 that disclosure at the time of qualifying.

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

23 (6) Notwithstanding the qualifying period prescribed  
24 in this section, a filing officer may accept and hold  
25 qualifying papers submitted not earlier than 14 days prior to  
26 the beginning of the qualifying period, to be processed and  
27 filed during the qualifying period.

28 Section 67. Section 105.035, Florida Statutes, is  
29 amended to read:

30  
31



1           105.035 Petition process ~~Alternative method~~ of  
2 qualifying for certain judicial offices and the office of  
3 school board member.--

4           (1) A person seeking to qualify for election to the  
5 office of circuit judge or county court judge or the office of  
6 school board member may qualify for election to such office by  
7 means of the petitioning process prescribed in this section.

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

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

31

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

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

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

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

30 Section 68. Section 106.022, Florida Statutes, is  
31 created to read:

1           106.022 Appointment of a registered agent; duties.--  
2           (1) Each political committee, committee of continuous  
3 existence, or electioneering communications entity shall have  
4 and continuously maintain in this state a registered office  
5 and a registered agent and must file with the division a  
6 statement of appointment for the registered office and  
7 registered agent. The statement of appointment must:  
8           (a) Provide the name of the registered agent and the  
9 street address and phone number for the registered office;  
10          (b) Identify the entity for whom the registered agent  
11 serves;  
12          (c) Designate the address the registered agent wishes  
13 to use to receive mail;  
14          (d) Include the entity's undertaking to inform the  
15 division of any change in such designated address;  
16          (e) Provide for the registered agent's acceptance of  
17 the appointment, which must confirm that the registered agent  
18 is familiar with and accepts the obligations of the position  
19 as set forth in this section; and  
20          (f) Contain the signature of the registered agent and  
21 the entity engaging the registered agent.  
22          (2) An entity may change its appointment of registered  
23 agent and registered office under this section by executing a  
24 written statement of change that identifies the former  
25 registered agent and registered address and also satisfies all  
26 of the requirements of subsection (1).  
27          (3) A registered agent may resign his or her  
28 appointment as registered agent by executing a written  
29 statement of resignation and filing it with the division. An  
30 entity without a registered agent may not make expenditures or  
31

1 accept contributions until it files a written statement of  
2 change as required in subsection (2).

3           Section 69. Subsection (6) of section 106.24, Florida  
4 Statutes, is amended to read:

5           106.24 Florida Elections Commission; membership;  
6 powers; duties.--

7           (6) There is hereby established in the State Treasury  
8 an Elections Commission Trust Fund to be utilized by the  
9 Division of Elections and the Florida Elections Commission in  
10 order to carry out their duties pursuant to ss. 106.24-106.28.  
11 The trust fund may also be used by the Secretary of State  
12 ~~division~~, pursuant to his or her ~~its~~ authority under s.  
13 97.012(14) ~~s. 106.22(11)~~, to provide rewards for information  
14 leading to criminal convictions related to voter registration  
15 fraud, voter fraud, and vote scams.

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

18           106.141 Disposition of surplus funds by candidates.--

19           (6) Prior to disposing of funds pursuant to subsection  
20 (4) or transferring funds into an office account pursuant to  
21 subsection (5), any candidate who filed an oath stating that  
22 he or she was unable to pay the election assessment or fee for  
23 verification of petition signatures without imposing an undue  
24 burden on his or her personal resources or on resources  
25 otherwise available to him or her, or who filed both such  
26 oaths, or who qualified by the petition process ~~alternative~~  
27 ~~method~~ and was not required to pay an election assessment,  
28 shall reimburse the state or local governmental entity,  
29 whichever is applicable, for such waived assessment or fee or  
30 both. Such reimbursement shall be made first for the cost of  
31 petition verification and then, if funds are remaining, for

1 | the amount of the election assessment. If there are  
2 | insufficient funds in the account to pay the full amount of  
3 | either the assessment or the fee or both, the remaining funds  
4 | shall be disbursed in the above manner until no funds remain.  
5 | All funds disbursed pursuant to this subsection shall be  
6 | remitted to the qualifying officer. Any reimbursement for  
7 | petition verification costs which are reimbursable by the  
8 | state shall be forwarded by the qualifying officer to the  
9 | state for deposit in the General Revenue Fund. All  
10 | reimbursements for the amount of the election assessment shall  
11 | be forwarded by the qualifying officer to the Department of  
12 | State for deposit in the General Revenue Fund.

13 |       Section 71. Section 98.122, Florida Statutes, is  
14 | transferred and renumbered as section 106.165, Florida  
15 | Statutes.

16 |       Section 72. Section 106.22, Florida Statutes, is  
17 | amended to read:

18 |       106.22 Duties of the Division of Elections.--It is the  
19 | duty of the Division of Elections to:

20 |       (1) Prescribe forms for statements and other  
21 | information required to be filed by this chapter. Such forms  
22 | shall be furnished by the Department of State or office of the  
23 | supervisor of elections to persons required to file such  
24 | statements and information with such agency.

25 |       (2) Prepare and publish manuals or brochures setting  
26 | forth recommended uniform methods of bookkeeping and  
27 | reporting, and including appropriate portions of the election  
28 | code, for use by persons required by this chapter to file  
29 | statements.

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

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

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

6           (6) Make, from time to time, audits and field  
7 investigations with respect to reports and statements filed  
8 under the provisions of this chapter and with respect to  
9 alleged failures to file any report or statement required  
10 under the provisions of this chapter. The division shall  
11 conduct a postelection audit of the campaign accounts of all  
12 candidates receiving contributions from the Election Campaign  
13 Financing Trust Fund.

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

17           (8) Employ such personnel or contract for such  
18 services as are necessary to adequately carry out the intent  
19 of this chapter.

20           (9) Prescribe rules and regulations to carry out the  
21 provisions of this chapter. Such rules shall be prescribed  
22 pursuant to chapter 120.

23           ~~(10) Make an annual report to the President of the~~  
24 ~~Senate and the Speaker of the House of Representatives~~  
25 ~~concerning activities of the division and recommending~~  
26 ~~improvements in the election code.~~

27           ~~(11) Conduct preliminary investigations into any~~  
28 ~~irregularities or fraud involving voter registration or voting~~  
29 ~~and report its findings to the state attorney for the judicial~~  
30 ~~circuit in which the alleged violation occurred for~~  
31 ~~prosecution, where warranted. The Department of State may~~

1 ~~prescribe by rule requirements for filing a complaint of voter~~  
2 ~~fraud and for investigating any such complaint.~~

3       (10)~~(12)~~ Conduct random audits with respect to reports  
4 and statements filed under this chapter and with respect to  
5 alleged failure to file any reports and statements required  
6 under this chapter.

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

9       16.56 Office of Statewide Prosecution.--

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

14       (a) Investigate and prosecute the offenses of:

15           1. Bribery, burglary, criminal usury, extortion,  
16 gambling, kidnapping, larceny, murder, prostitution, perjury,  
17 robbery, carjacking, and home-invasion robbery;

18           2. Any crime involving narcotic or other dangerous  
19 drugs;

20           3. Any violation of the provisions of the Florida RICO  
21 (Racketeer Influenced and Corrupt Organization) Act, including  
22 any offense listed in the definition of racketeering activity  
23 in s. 895.02(1)(a), providing such listed offense is  
24 investigated in connection with a violation of s. 895.03 and  
25 is charged in a separate count of an information or indictment  
26 containing a count charging a violation of s. 895.03, the  
27 prosecution of which listed offense may continue independently  
28 if the prosecution of the violation of s. 895.03 is terminated  
29 for any reason;

30           4. Any violation of the provisions of the Florida  
31 Anti-Fencing Act;



1           5. Any violation of the provisions of the Florida  
2 Antitrust Act of 1980, as amended;

3           6. Any crime involving, or resulting in, fraud or  
4 deceit upon any person;

5           7. Any violation of s. 847.0135, relating to computer  
6 pornography and child exploitation prevention, or any offense  
7 related to a violation of s. 847.0135;

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

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

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

12          11. Any criminal violation of s. 409.920 or s.  
13 409.9201; or

14          12. Any crime involving voter registration, voting, or  
15 candidate or issue petition activities;

16  
17 or any attempt, solicitation, or conspiracy to commit any of  
18 the crimes specifically enumerated above. The office shall  
19 have such power only when any such offense is occurring, or  
20 has occurred, in two or more judicial circuits as part of a  
21 related transaction, or when any such offense is connected  
22 with an organized criminal conspiracy affecting two or more  
23 judicial circuits.

24           (b) Upon request, cooperate with and assist state  
25 attorneys and state and local law enforcement officials in  
26 their efforts against organized crimes.

27           (c) Request and receive from any department, division,  
28 board, bureau, commission, or other agency of the state, or of  
29 any political subdivision thereof, cooperation and assistance  
30 in the performance of its duties.

31

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

3           119.07 Inspection and copying of records;  
4 photographing public records; fees; exemptions.--

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

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

17           145.09 Supervisor of elections.--

18           (3)(a) There shall be an additional \$2,000 per year  
19 special qualification salary for each supervisor of elections  
20 who has met the certification requirements established by the  
21 Division of Elections of the Department of State. The  
22 Department of State shall adopt rules to establish the  
23 certification requirements. Any supervisor who is certified  
24 during a calendar year shall receive in that year a pro rata  
25 share of the special qualification salary based on the  
26 remaining period of the year.

27           (b) In order to qualify for the special qualification  
28 salary described in paragraph (a), the supervisor must  
29 complete the requirements established by the Division of  
30 Elections within 6 years after first taking office.  
31

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

5 Section 76. Effective July 1, 2005, section 104.0615,  
6 Florida Statutes, is created to read:

7 104.0615 Voter intimidation or suppression prohibited;  
8 criminal penalties.--

9 (1) This section may be cited as the "Voter Protection  
10 Act."

11 (2) A person may not directly or indirectly use or  
12 threaten to use force, violence, or intimidation or any tactic  
13 of coercion or intimidation to induce or compel an individual  
14 to:

15 (a) Vote or refrain from voting;

16 (b) Vote or refrain from voting for any particular  
17 individual or ballot measure;

18 (c) Refrain from registering to vote; or

19 (d) Refrain from acting as a legally authorized  
20 election official or poll watcher.

21 (3) A person may not knowingly use false information  
22 to:

23 (a) Challenge an individual's right to vote;

24 (b) Induce or attempt to induce an individual to  
25 refrain from voting or registering to vote; or

26 (c) Induce or attempt to induce an individual to  
27 refrain from acting as a legally authorized election official  
28 or poll watcher.

29 (4) A person may not knowingly destroy, mutilate, or  
30 deface a voter registration form or election ballot or  
31

1 obstruct or delay the delivery of a voter registration form or  
2 election ballot.

3 (5) A person who violates subsection (2), subsection  
4 (3), or subsection (4) commits a felony of the third degree,  
5 punishable as provided in s. 775.082, s. 775.083, or s.  
6 775.084.

7 Section 77. Sections 98.095, 98.0979, 98.181, 98.481,  
8 101.253, 101.635, 102.061, 106.085, and 106.144, Florida  
9 Statutes, are repealed.

10 Section 78. If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 invalidity does not affect other provisions or applications of  
13 the act which can be given effect without the invalid  
14 provision or application, and to this end the provisions of  
15 this act are severable.

16 Section 79. Except as otherwise expressly provided in  
17 this act and except for this section, which shall take effect  
18 July 1, 2005, this act shall take effect January 1, 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/Senate Bill 2086

The committee substitute includes political parties in the exception to the definition of third-party registration organizations; restores language relating to filling vacancies in nominations; reduces the penalty for soliciting a voter in an attempt to provide assistance; requires the counting of a mail ballot even if the elector dies after mailing the ballot but before election day; requires supervisors of elections to designate early voting sites no later than 30-days prior to an election, and provides for a petition process to change the designations; permits supervisors to conduct early voting for municipal and special district elections; requires supervisors to prepare electronic data files of the voters casting ballots during early voting and make the data available by noon each day; requires that the vote of a voter who dies after voting early but before election day be counted; allows the ballot of a voter voting absentee who dies after voting but before election day to be counted; requires supervisors to prepare electronic data files of the voters casting absentee ballots and make the data available by noon each day; deletes the proposed definition of "national convention;" deletes provisions relating to campaign expenditures, contributions, and permissible fines; and provides for restrictions and penalties relating to voter intimidation.