

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.012, F.S.; authorizing the Secretary of
4 State to investigate voter fraud; authorizing
5 the Department of State to adopt rules;
6 amending s. 97.021, F.S.; defining the term
7 "marksense ballots"; defining the terms "early
8 voting area," "early voting site," and
9 "third-party voter registration organization";
10 amending s. 97.051, F.S.; revising the oath
11 required upon registering to vote; amending s.
12 97.052, F.S.; revising the contents of the
13 uniform statewide voter registration
14 application; amending s. 97.053, F.S.; revising
15 provisions governing the acceptance of voter
16 registration applications by the supervisor of
17 elections; requiring that an applicant complete
18 a registration application before the date of
19 book closing in order to be eligible to vote in
20 that election; revising the information
21 required on the registration application;
22 amending s. 97.055, F.S.; limiting the updates
23 that may be made to registration information
24 following book closing; creating s. 97.0575,
25 F.S.; providing requirements for third-party
26 voter registration organizations that collect
27 voter-registration applications; providing
28 fines for failure to deliver applications as
29 required; authorizing the Division of Elections
30 to adopt rules to administer provisions
31 governing third-party voter registration

1 organizations; amending s. 97.071, F.S.;
2 specifying the information to be included on
3 the registration identification card; amending
4 s. 98.045, F.S.; deleting a cross-reference;
5 amending s. 98.077, F.S.; revising the
6 procedures for updating a voter signature used
7 to verify an absentee ballot or provisional
8 ballot; amending s. 99.061, F.S.; providing for
9 qualifying for nomination or election by the
10 petition process; requiring the filing of
11 statements of financial interest; requiring
12 that a qualifying officer accept certain
13 qualifying papers filed before the qualifying
14 period; amending s. 99.063, F.S.; providing
15 filing requirements for public officers;
16 amending s. 99.092, F.S., relating to
17 qualifying fees; clarifying provisions
18 governing qualifying for nomination or election
19 by the petition process to conform to changes
20 made by the act; amending s. 99.095, F.S.;
21 revising the requirements for qualifying as a
22 candidate by a petition process in lieu of
23 paying a qualifying fee and party assessment;
24 providing requirements for submitting petitions
25 and certifications; requiring that the division
26 or supervisor of elections, as applicable,
27 determine whether the required number of
28 signatures has been obtained; amending s.
29 99.0955, F.S.; providing procedures for a
30 candidate having no party affiliation to
31 qualify by the petition process; amending s.

1 99.096, F.S.; revising the procedures for a
2 minor political party to submit nominated
3 candidates to be on the general election
4 ballot; providing for candidates to qualify by
5 the petition process; amending s. 99.09651,
6 F.S., relating to signature requirements for
7 ballot position; conforming provisions to
8 changes made by the act; amending s. 100.011,
9 F.S.; requiring that an elector in line at the
10 time the polls close be allowed to vote;
11 amending s. 100.101, F.S.; revising the
12 circumstances under which a special election or
13 primary is held; amending s. 100.111, F.S.;
14 revising requirements for filling a vacancy in
15 a nomination; requiring that ballots cast for a
16 former nominee be counted for the person
17 designated to replace the nominee under certain
18 circumstances; amending s. 100.141, F.S.,
19 relating to the notice of a special election;
20 conforming provisions to changes made by the
21 act; amending s. 101.031, F.S.; revising the
22 Voter's Bill of Rights to authorize a
23 provisional ballot if a person's identity is in
24 question; amending s. 101.043, F.S.; revising
25 the procedures for a voter to provide
26 identification when voting; amending s.
27 101.048, F.S.; providing for certain additional
28 voters to cast provisional ballots; providing
29 requirements for presenting evidence in support
30 of a person's right to vote; requiring that the
31 county canvassing board count such a ballot

1 unless it determines by a preponderance of the
2 evidence that the person was not entitled to
3 vote; requiring that a person casting a
4 provisional ballot be informed of certain
5 rights; amending s. 101.049, F.S.; providing
6 requirements for ballots for persons with
7 disabilities; amending s. 101.051, F.S.;
8 prohibiting certain solicitations to provide
9 assistance to an elector; providing a penalty;
10 authorizing an elector to request that a person
11 other than an election official provide him or
12 her with assistance in voting; providing for
13 the form of the oath to be signed; amending s.
14 101.111, F.S.; revising the requirements for
15 challenging an elector's right to vote;
16 providing a penalty for filing a frivolous
17 challenge; amending s. 101.131, F.S.; revising
18 requirements for poll watchers; authorizing
19 certain political committees to have poll
20 watchers; prohibiting a poll watcher from
21 interacting with a voter; providing for poll
22 watchers at early voting areas; amending s.
23 101.151, F.S.; providing requirements for
24 marksense ballots; amending s. 101.171, F.S.;
25 requiring that a copy of a proposed
26 constitutional amendment be available at voting
27 locations; amending s. 101.294, F.S.;
28 prohibiting a vendor of voting equipment from
29 providing systems, components, or system
30 upgrades to a local governing body or
31 supervisor of elections which have not been

1 certified by the Division of Elections;
2 requiring that the vendor provide sworn
3 certification of such equipment; amending s.
4 101.295, F.S.; providing a penalty for
5 providing voting equipment in violation of ch.
6 101, F.S.; amending s. 101.49, F.S.; revising
7 the procedures for verifying an elector's
8 signature; amending s. 101.51, F.S.; requiring
9 that an elector occupy a voting booth alone;
10 amending s. 101.5606, F.S., relating to
11 requirements for approval of voting systems, to
12 conform; amending s. 101.5608, F.S., relating
13 to voting by electronic or electromechanical
14 methods, to conform; amending s. 101.5612,
15 F.S.; providing requirements for testing voting
16 equipment; amending s. 101.5614, F.S.;
17 correcting a cross-reference; amending s.
18 101.572, F.S.; requiring that the supervisor of
19 elections notify the candidates if ballots are
20 examined before the end of the contest;
21 amending s. 101.58, F.S.; authorizing employees
22 of the department to have access to the
23 premises, records, equipment, and staff of the
24 supervisors of elections; amending s. 101.595,
25 F.S.; requiring that certain overvotes and
26 undervotes be reported to the department;
27 amending s. 101.6103, F.S.; authorizing the
28 canvassing board to begin canvassing before the
29 election; prohibiting the release of results
30 before election day; providing a penalty for
31 any early release of results; requiring that a

1 mail ballot that otherwise satisfies the
2 requirements of law for mail ballots be counted
3 even if the elector dies after mailing the
4 ballot but before election day if certain
5 conditions are met; amending s. 101.62, F.S.;
6 revising the requirements for mailing absentee
7 ballots to voters; amending s. 101.64, F.S.;
8 providing for an oath to be provided to persons
9 voting absentee under the Uniformed and
10 Overseas Citizens Absentee Voting Act; amending
11 s. 101.657, F.S.; revising requirements
12 relating to early voting locations; revising
13 the times to begin and end early voting and the
14 times for opening and closing the early voting
15 sites each day; providing for uniformity of
16 county early voting sites; requiring any person
17 in line at the closing of an early voting site
18 to be allowed to vote; providing for early
19 voting in municipal and special district
20 elections; requiring supervisors to provide
21 certain information in electronic format to the
22 Division of Elections; requiring that an early
23 voting ballot that otherwise satisfies the
24 requirements of law for early voting ballots be
25 counted even if the elector dies on or before
26 election day; amending s. 101.663, F.S.;
27 providing for certain persons to vote absentee
28 after moving to another state; amending s.
29 101.68, F.S.; prohibiting changing a voter's
30 certificate after the absentee ballot is
31 received by the supervisor; providing that

1 electors who die on or before election day and
2 have cast an absentee ballot shall remain on
3 the voter registration books until the election
4 is certified; providing that the ballot of an
5 elector who casts an absentee ballot shall be
6 counted even if the elector dies on or before
7 election day if certain conditions are met;
8 amending s. 101.69, F.S.; prohibiting a voter
9 from voting another ballot after casting an
10 absentee ballot; providing for a provisional
11 ballot under certain circumstances; amending s.
12 101.6923, F.S.; providing for the form of the
13 printed instructions on an absentee ballot;
14 amending s. 101.694, F.S.; providing
15 requirements for absentee envelopes printed for
16 voters voting under the Uniformed and Overseas
17 Citizens Absentee Voting Act; amending s.
18 101.697, F.S.; requiring the Department of
19 State to determine whether secure electronic
20 ballots may be provided for overseas voters;
21 requiring that the department adopt rules for
22 accepting overseas ballots; amending s.
23 102.012, F.S.; requiring the supervisor of
24 elections to appoint an election board before
25 any election; providing duties of the board;
26 amending s. 102.014, F.S.; requiring that the
27 Division of Elections develop a uniform
28 training curriculum for poll workers; amending
29 s. 102.031, F.S.; providing requirements for
30 maintaining order at early voting areas;
31 requiring the designation of a no-solicitation

1 zone; prohibiting photography in a polling room
2 or early voting area; amending s. 102.071,
3 F.S.; revising requirements for tabulating
4 votes; amending s. 102.111, F.S.; providing for
5 corrections to be made to the official election
6 returns; amending s. 102.112, F.S.; requiring
7 that a return contain a certification by the
8 canvassing board; authorizing the Department of
9 State to correct typographical errors; amending
10 s. 102.141, F.S.; revising requirements for the
11 canvassing boards in submitting returns to the
12 department; providing requirements for the
13 report filed by the canvassing board; requiring
14 the department to adopt rules for filing
15 results and statistical information; amending
16 s. 102.166, F.S.; revising the circumstances
17 under which a manual recount may be ordered;
18 amending s. 102.168, F.S.; requiring that
19 complaints be filed with the board responsible
20 for certifying the election results; specifying
21 the parties to an action who may contest an
22 election or nomination; amending s. 103.021,
23 F.S.; providing for nomination of presidential
24 electors by the state executive committee of
25 each political party; defining the term
26 "national party" for purposes of nominating a
27 candidate for President and Vice President of
28 the United States; amending ss. 103.051 and
29 103.061, F.S.; specifying duties of the
30 presidential electors; amending s. 103.121,
31 F.S.; revising powers and duties of executive

1 | committees to conform to changes made by the
2 | act; amending s. 105.031, F.S.; providing for
3 | public officers to file a statement of
4 | financial interests at the time of qualifying;
5 | requiring that a filing officer accept certain
6 | qualifying papers filed before the qualifying
7 | period; amending s. 105.035, F.S.; revising
8 | procedures for qualifying for certain judicial
9 | offices and the office of school board member;
10 | prohibiting a candidate from obtaining
11 | signatures until appointing a campaign
12 | treasurer and designating a campaign
13 | depository; revising the requirements for the
14 | supervisor of elections with respect to
15 | certifying signatures; creating s. 106.022,
16 | F.S.; requiring that a political committee,
17 | committee of continuous existence, or
18 | electioneering communications entity maintain a
19 | registered office and registered agent;
20 | providing requirements for the statement of
21 | appointment; prohibiting political parties from
22 | accepting certain in-kind contributions;
23 | amending s. 106.24, F.S.; clarifying the duties
24 | of the Secretary of State; amending s. 106.141,
25 | F.S., relating to the disposition of surplus
26 | funds; conforming provisions to changes made by
27 | the act; transferring and renumbering s.
28 | 98.122, F.S., relating to the use of closed
29 | captioning and descriptive narrative in
30 | television broadcasts; amending s. 106.22,
31 | F.S.; eliminating certain duties of the

1 Division of Elections with respect to reports
2 to the Legislature and preliminary
3 investigations; amending s. 16.56, F.S.;
4 authorizing the Office of Statewide Prosecution
5 to investigate and prosecute crimes involving
6 voter registration, voting, or certain petition
7 activities; amending s. 119.07, F.S.;
8 clarifying requirements of the supervisor of
9 elections with respect to notifying candidates
10 of the inspection of ballots; amending s.
11 145.09, F.S.; requiring that the Department of
12 State adopt rules establishing certification
13 requirements for supervisors of elections;
14 creating s. 104.0615, F.S.; providing a short
15 title; prohibiting a person from using or
16 threatening to use force, violence, or
17 intimidation to induce or compel an individual
18 to vote or refrain from voting, to refrain from
19 registering to vote, or to refrain from acting
20 as an election official or poll watcher;
21 prohibiting a person from knowingly using false
22 information to challenge an individual's right
23 to vote, to induce an individual to refrain
24 from registering to vote, or to induce or
25 attempt to induce an individual to refrain from
26 acting as an election official or poll watcher;
27 prohibiting a person from knowingly destroying,
28 mutilating, or defacing a voter registration
29 form or election ballot or obstructing or
30 delaying the delivery of a voter registration
31 form or election ballot; providing criminal

1 penalties; repealing ss. 98.095, 98.0979,
2 98.181, 98.481, 101.253, 101.635, 102.061,
3 106.085, and 106.144, F.S., relating to
4 inspections of county registers and the voter
5 database, indexes and records, challenges to
6 elections, the printing and distribution of
7 ballots, duties of the election board,
8 expenditures, and endorsements or opposition by
9 certain groups; providing for severability;
10 providing effective dates.

11

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

13

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

16

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

20

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

23

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

26

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

30

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

32

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

33

(6) Provide voter education assistance to the public.

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

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

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

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

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

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

19 (13) Designate an office within the department to be
20 responsible for providing information regarding voter
21 registration procedures and absentee ballot procedures to
22 absent uniformed services voters and overseas voters.

23 (14) Conduct preliminary investigations into any
24 irregularities or fraud involving voter registration, voting,
25 or candidate or issue petition activities and report his or
26 her findings to the statewide prosecutor or the state attorney
27 for the judicial circuit in which the alleged violation
28 occurred for prosecution, if warranted. The Department of
29 State may prescribe by rule requirements for filing an
30 elections-fraud complaint and for investigating any such
31 complaint.

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

9 97.021 Definitions.--For the purposes of this code,
10 except where the context clearly indicates otherwise, the
11 term:

12 (3) "Ballot" or "official ballot" when used in
13 reference to:

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

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

26 (8) "Early voting area" means the area designated by
27 the supervisor of elections at an early voting site at which
28 early voting activities occur, including, but not limited to,
29 lines of voters waiting to be processed, the area where voters
30 check in and are processed, and the area where voters cast
31 their ballots.

1 (9) "Early voting site" means those locations
 2 specified in s. 101.657 and the building in which early voting
 3 occurs.

4 ~~(26)(24)~~ "Polling room" means the actual room in which
 5 ballots are cast on election day and during early voting.

6 (36) "Third-party registration organization" means any
 7 person, entity, or organization soliciting or collecting voter
 8 registration applications. A third-party voter registration
 9 organization does not include:

10 (a) A political party;

11 (b) A person who seeks only to register to vote or
 12 collect voter registration applications from that person's
 13 spouse, child, or parent; or

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

19 ~~(42)(39)~~ "Voting system" means a method of casting and
 20 processing votes that functions wholly or partly by use of
 21 electromechanical or electronic apparatus or by use of
 22 marksense ~~paper~~ ballots and includes, but is not limited to,
 23 the procedures for casting and processing votes and the
 24 programs, operating manuals, supplies ~~tabulating cards~~,
 25 printouts, and other software necessary for the system's
 26 operation.

27 Section 3. Section 97.051, Florida Statutes, is
 28 amended to read:

29 97.051 Oath upon registering.--A person registering to
 30 vote must subscribe to the following oath: "I do solemnly
 31 swear (or affirm) that I will protect and defend the

1 Constitution of the United States and the Constitution of the
2 State of Florida, that I am qualified to register as an
3 elector under the Constitution and laws of the State of
4 Florida, and that all information provided in this application
5 is true ~~I am a citizen of the United States and a legal~~
6 ~~resident of Florida.~~"

7 Section 4. Section 97.052, Florida Statutes, is
8 amended to read:

9 97.052 Uniform statewide voter registration
10 application.--

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

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

- 16 1. Initial registration.
- 17 2. Change of address.
- 18 3. Change of party affiliation.
- 19 4. Change of name.
- 20 5. Replacement of a voter registration identification
21 card.

22 6. Signature update.

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

- 29 1. Individuals seeking to register to vote.
- 30
31

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

4 3. The Department of Highway Safety and Motor
5 Vehicles.

6 4. Voter registration agencies.

7 5. Armed forces recruitment offices.

8 6. Qualifying educational institutions.

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

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

13 b. By distributing the applications and forms at other
14 locations designated by each supervisor.

15 c. By mailing the applications and forms to applicants
16 upon the request of the applicant.

17 (c) The uniform statewide voter registration
18 application may be reproduced by any private individual or
19 group, provided the reproduced application is in the same
20 format as the application prescribed under this section.

21 (2) The uniform statewide voter registration
22 application must be designed to elicit the following
23 information from the applicant:

24 (a) Full name.

25 (b) Date of birth.

26 (c) Address of legal residence.

27 (d) Mailing address, if different.

28 (e) County of legal residence.

29 ~~(f) Address of property for which the applicant has~~
30 ~~been granted a homestead exemption, if any.~~

31

1 ~~(f)~~~~(g)~~ Race or ethnicity that best describes the
2 applicant:
3 1. American Indian or Alaskan Native.
4 2. Asian or Pacific Islander.
5 3. Black, not Hispanic.
6 4. White, not Hispanic.
7 5. Hispanic.
8 ~~(g)~~~~(h)~~ State or country of birth.
9 ~~(h)~~~~(i)~~ Sex.
10 ~~(i)~~~~(j)~~ Party affiliation.
11 ~~(j)~~~~(k)~~ Whether the applicant needs assistance in
12 voting.
13 ~~(k)~~~~(l)~~ Name and address where last registered.
14 ~~(l)~~~~(m)~~ Last four digits of the applicant's social
15 security number.
16 ~~(m)~~~~(n)~~ Florida driver's license number or the
17 identification number from a Florida identification card
18 issued under s. 322.051.
19 ~~(n)~~~~(o)~~ Telephone number (optional).
20 ~~(o)~~~~(p)~~ Signature of applicant under penalty for false
21 swearing pursuant to s. 104.011, by which the person
22 subscribes to the oath required by s. 3, Art. VI of the State
23 Constitution and s. 97.051, and swears or affirms that the
24 information contained in the registration application is true.
25 ~~(p)~~~~(q)~~ Whether the application is being used for
26 initial registration, to update a voter registration record,
27 or to request a replacement registration identification card.
28 ~~(q)~~~~(r)~~ Whether the applicant is a citizen of the
29 United States by asking the question "Are you a citizen of the
30 United States of America?" and providing boxes for the
31

1 applicant to check to indicate whether the applicant is or is
 2 not a citizen of the United States.

3 ~~(r)(s)~~ Whether ~~That~~ the applicant has ~~not~~ been
 4 convicted of a felony, and ~~or~~, if convicted, has had his or
 5 her civil rights restored by including the statement "I affirm
 6 I am not a convicted felon, or if I am, my rights relating to
 7 voting have been restored" and providing a box for the
 8 applicant to affirm the statement.

9 ~~(s)(t)~~ Whether ~~That~~ the applicant has ~~not~~ been
 10 adjudicated mentally incapacitated with respect to voting or,
 11 if so adjudicated, has had his or her right to vote restored
 12 by including the statement "I affirm I have not been
 13 adjudicated mentally incapacitated with respect to voting or,
 14 if I have, my competency has been restored" and providing a
 15 box for the applicant to check to affirm the statement.

16
 17 The registration form must be in plain language and designed
 18 so that convicted felons whose civil rights have been restored
 19 and persons who have been adjudicated mentally incapacitated
 20 and have had their voting rights restored are not required to
 21 reveal their prior conviction or adjudication.

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

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

26 (b) A statement specifying each eligibility
 27 requirement under s. 97.041.

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

30 (d) A statement that, if an applicant declines to
 31 register to vote, the fact that the applicant has declined to

1 register will remain confidential and may be used only for
2 voter registration purposes.

3 (e) A statement that informs the applicant who chooses
4 to register to vote or update a voter registration record that
5 the office at which the applicant submits a voter registration
6 application or updates a voter registration record will remain
7 confidential and may be used only for voter registration
8 purposes.

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

21 ~~(f)(g)~~ A statement informing an the applicant who has
22 not been issued a Florida driver's license, a Florida
23 identification card, or a social security number that if the
24 application form is submitted by mail and the applicant is
25 registering for the first time in Florida, the applicant will
26 be required to provide identification prior to voting the
27 first time.

28 (4) A supervisor may produce a voter registration
29 application that has the supervisor's direct mailing address
30 if the department has reviewed the application and determined
31

1 that it is substantially the same as the uniform statewide
2 voter registration application.

3 (5) The voter registration application form prescribed
4 by the ~~Federal~~ Election Assistance Commission pursuant to
5 federal law ~~the National Voter Registration Act of 1993~~ or the
6 federal postcard application must be accepted as an
7 application for registration in this state if the completed
8 application or postcard application contains the information
9 required by the constitution and laws of this state.

10 Section 5. Section 97.053, Florida Statutes, is
11 amended to read:

12 97.053 Acceptance of voter registration
13 applications.--

14 (1) Voter registration applications, changes in
15 registration, and requests for a replacement registration
16 identification card must be accepted in the office of any
17 supervisor, the division, a driver license office, a voter
18 registration agency, or an armed forces recruitment office
19 when hand delivered by the applicant or a third party during
20 the hours that office is open or when mailed.

21 (2) A ~~completed~~ voter registration application is
22 complete and that contains the information necessary to
23 establish an applicant's eligibility pursuant to s. 97.041
24 becomes the official voter registration record of that
25 applicant when all information necessary to establish the
26 applicant's eligibility pursuant to s. 97.041 is received by
27 the appropriate supervisor. If the applicant fails to complete
28 his or her voter registration application before the date of
29 book closing for an election, such applicant is not eligible
30 to vote in that election.

31

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

6 (4) The registration date for a valid initial voter
7 registration application that has been mailed to a driver
8 license office, a voter registration agency, an armed forces
9 recruitment office, the division, or the office of any
10 supervisor in the state and bears a clear postmark is the date
11 of that ~~the~~ postmark. If an initial voter registration
12 application that has been mailed does not bear a postmark or
13 if the postmark is unclear, the registration date is the date
14 the registration is received by any supervisor or the
15 division, unless it is received within 5 days after the
16 closing of the books for an election, excluding Saturdays,
17 Sundays, and legal holidays, in which case the registration
18 date is the book-closing date.

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

- 22 1. The applicant's name.
- 23 2. The applicant's legal residence address.
- 24 3. The applicant's date of birth.
- 25 4. A mark in the checkbox affirming ~~An indication~~ that
26 the applicant is a citizen of the United States.
- 27 5. The applicant's Florida driver's license number,
28 the identification number from a Florida identification card
29 issued under s. 322.051, or the last four digits of the
30 applicant's social security number.

31

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

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

8 8. The original signature of the applicant swearing or
9 affirming under the penalty for false swearing pursuant to s.
10 104.011 that the information contained in the registration
11 application is true and subscribing to the oath required by s.
12 3, Art. VI of the State Constitution and s. 97.051.

13 (b) An applicant who fails to designate party
14 affiliation must be registered without party affiliation. The
15 supervisor must notify the voter by mail that the voter has
16 been registered without party affiliation and that the voter
17 may change party affiliation as provided in s. 97.1031.

18 Section 6. Subsection (1) of section 97.055, Florida
19 Statutes, is amended to read:

20 97.055 Registration books; when closed for an
21 election.--

22 (1) The registration books must be closed on the 29th
23 day before each election and must remain closed until after
24 that election. If an election is called and there are fewer
25 than 29 days before that election, the registration books must
26 be closed immediately. When the registration books are closed
27 for an election, updates to a voter's name, address, and
28 signature pursuant to ss. 98.077 and 101.045 shall be the only
29 changes permitted for purposes of the upcoming election. Voter
30 registration applications and party changes must be accepted
31 but only for the purpose of subsequent elections. However,

1 party changes received between the book-closing date of the
2 first primary election and the date of the second primary
3 election are not effective until after the second primary
4 election.

5 Section 7. Section 97.0575, Florida Statutes, is
6 created to read:

7 97.0575 Third-party voter registrations.--

8 (1) Prior to engaging in any voter-registration
9 activities, a third-party voter registration organization
10 shall name a registered agent in the state and submit to the
11 division, in a form adopted by the division, the name of the
12 registered agent and the name of those individuals responsible
13 for the day-to-day operation of the third-party voter
14 registration organization, including, if applicable, the names
15 of the entity's board of directors, president, vice president,
16 managing partner, or such other individuals engaged in similar
17 duties or functions. On or before the 15th day after the end
18 of each calendar quarter, each third-party voter registration
19 organization shall submit to the division a report providing
20 the date and location of any organized voter-registration
21 drives conducted by the organization in the prior calendar
22 quarter.

23 (2) The failure to submit the information required by
24 subsection (1) does not subject the third-party voter
25 registration organization to any civil or criminal penalties
26 for such failure and the failure to submit such information is
27 not a basis for denying such third-party voter registration
28 organization with copies of voter-registration application
29 forms.

30 (3) A third-party voter registration organization that
31 collects voter-registration applications serves as a fiduciary

1 to the applicant, ensuring that any voter-registration
2 application entrusted to the third-party voter registration
3 organization, irrespective of party affiliation, race,
4 ethnicity, or gender shall be promptly delivered to the
5 division or the supervisor of elections. If a
6 voter-registration application collected by any third-party
7 voter registration organization is not delivered to the
8 division or supervisor of elections, the individual collecting
9 the voter-registration application, the registered agent, and
10 those individuals responsible for the day-to-day operation of
11 the third-party voter registration organization, including, if
12 applicable, the entity's board of directors, president, vice
13 president, managing partner, or such other individuals engaged
14 in similar duties or functions, shall be personally and
15 jointly and severally liable for the following fines:

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

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

28 (c) A fine in the amount of \$5,000 for each
29 application collected by a third-party voter registration
30 organization or any person, entity, or agent acting on its
31

1 behalf, which is not submitted to the division or supervisor
2 of elections.

3
4 The fines provided in this subsection shall be reduced by
5 three-fourths in cases in which the third-party voter
6 registration organization has complied with subsection (1).

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

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

15 (5) The date on which an applicant signs a
16 voter-registration application is presumed to be the date on
17 which the third-party voter registration organization received
18 or collected the voter-registration application.

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

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

24 (8) The division may adopt rules to administer this
25 section.

26 Section 8. Section 97.071, Florida Statutes, is
27 amended to read:

28 97.071 Registration identification card.--

29 (1) The supervisor must furnish a registration
30 identification card ~~must be furnished~~ to all voters

31

1 registering under the permanent single registration system and
2 must contain:

- 3 (a) Voter's registration number.
- 4 (b) Date of registration.
- 5 (c) Full name.
- 6 (d) Party affiliation.
- 7 (e) Date of birth.
- 8 (f) Race or ethnicity, if provided by the applicant.
- 9 (g) Sex, if provided by the applicant.
- 10 (h) Address of legal residence.
- 11 (i) Precinct number.
- 12 (j) Name of supervisor.
- 13 (k) Place for voter's signature.
- 14 (l) Other information deemed necessary by the
15 department.

16 (2) A voter may receive a replacement of a
17 registration identification card by providing a signed,
18 written request for a replacement card to the supervisor. Upon
19 verification of registration, the supervisor shall issue the
20 voter a duplicate card without charge.

21 (3) In the case of a change of name, address, or party
22 affiliation, the supervisor must issue the voter a new
23 registration identification card. However, a registration
24 identification card indicating a party affiliation change made
25 between the book-closing date for the first primary election
26 and the date of the second primary election may not be issued
27 until after the second primary election.

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

30 98.045 Administration of voter registration.--
31

1 (3) Notwithstanding the provisions of s. ~~ss. 98.095~~
2 ~~and~~ 98.0977, each supervisor shall maintain for at least 2
3 years, and make available for public inspection and copying,
4 all records concerning implementation of registration list
5 maintenance programs and activities conducted pursuant to ss.
6 98.065, 98.075, and 98.0977. The records must include lists of
7 the name and address of each person to whom an address
8 confirmation final notice was sent and information as to
9 whether each such person responded to the mailing, but may not
10 include any information that is confidential or exempt from
11 public records requirements under this code.

12 Section 10. Section 98.077, Florida Statutes, is
13 amended to read:

14 98.077 Update of voter signature.--The supervisor of
15 elections shall provide to each registered voter of the county
16 the opportunity to update his or her signature on file at the
17 supervisor's office by providing notification of the ability
18 to do so in any correspondence, other than postcard
19 notifications, sent to the voter. The notice shall advise
20 when, where, and how to update the signature and shall provide
21 the voter information on how to obtain a form from the
22 supervisor that can be returned to update the signature. In
23 addition, at least once during each general election year, the
24 supervisor shall publish in a newspaper of general circulation
25 or other newspaper in the county deemed appropriate by the
26 supervisor a notice specifying when, where, or how a voter can
27 update his or her signature that is on file or how a voter can
28 obtain a form from the supervisor to do so. All signature
29 updates for use in verifying absentee and provisional ballots
30 must be received by the appropriate supervisor of elections no
31 later than the start of the canvassing of absentee ballots by

1 the canvassing board. The signature on file at the start of
2 the canvas of the absentee ballots is the signature that shall
3 be used in verifying the signature on the absentee and
4 provisional ballot certificates.

5 Section 11. Section 99.061, Florida Statutes, is
6 amended to read:

7 99.061 Method of qualifying for nomination or election
8 to federal, state, county, or district office.--

9 (1) The provisions of any special act to the contrary
10 notwithstanding, each person seeking to qualify for nomination
11 or election to a federal, state, or multicounty district
12 office, other than election to a judicial office as defined in
13 chapter 105 or the office of school board member, shall file
14 his or her qualification papers with, and pay the qualifying
15 fee, which shall consist of the filing fee and election
16 assessment, and party assessment, if any has been levied, to,
17 the Department of State, or qualify by the petition process
18 pursuant to s. 99.095 ~~alternative method~~ with the Department
19 of State, at any time after noon of the 1st day for
20 qualifying, which shall be as follows: the 120th day prior to
21 the first primary, but not later than noon of the 116th day
22 prior to the date of the first primary, for persons seeking to
23 qualify for nomination or election to federal office; and noon
24 of the 50th day prior to the first primary, but not later than
25 noon of the 46th day prior to the date of the first primary,
26 for persons seeking to qualify for nomination or election to a
27 state or multicounty district office.

28 (2) The provisions of any special act to the contrary
29 notwithstanding, each person seeking to qualify for nomination
30 or election to a county office, or district or special
31 district office not covered by subsection (1), shall file his

1 or her qualification papers with, and pay the qualifying fee,
2 which shall consist of the filing fee and election assessment,
3 and party assessment, if any has been levied, to, the
4 supervisor of elections of the county, or shall qualify by the
5 petition process pursuant to s. 99.095 ~~alternative method~~ with
6 the supervisor of elections, at any time after noon of the 1st
7 day for qualifying, which shall be the 50th day prior to the
8 first primary or special district election, but not later than
9 noon of the 46th day prior to the date of the first primary or
10 special district election. However, if a special district
11 election is held at the same time as the second primary or
12 general election, qualifying shall be the 50th day prior to
13 the first primary, but not later than noon of the 46th day
14 prior to the date of the first primary. Within 30 days after
15 the closing of qualifying time, the supervisor of elections
16 shall remit to the secretary of the state executive committee
17 of the political party to which the candidate belongs the
18 amount of the filing fee, two-thirds of which shall be used to
19 promote the candidacy of candidates for county offices and the
20 candidacy of members of the Legislature.

21 (3)(a) Each person seeking to qualify for election to
22 office as a write-in candidate shall file his or her
23 qualification papers with the respective qualifying officer at
24 any time after noon of the 1st day for qualifying, but not
25 later than noon of the last day of the qualifying period for
26 the office sought.

27 (b) Any person who is seeking election as a write-in
28 candidate shall not be required to pay a filing fee, election
29 assessment, or party assessment. A write-in candidate shall
30 not be entitled to have his or her name printed on any ballot;
31 however, space for the write-in candidate's name to be written

1 in shall be provided on the general election ballot. No
2 person may qualify as a write-in candidate if the person has
3 also otherwise qualified for nomination or election to such
4 office.

5 (4) At the time of qualifying for office, each
6 candidate for a constitutional office shall file a full and
7 public disclosure of financial interests pursuant to s. 8,
8 Art. II of the State Constitution, and a candidate for any
9 other office, including local elective office, shall file a
10 statement of financial interests pursuant to s. 112.3145.

11 (5) The Department of State shall certify to the
12 supervisor of elections, within 7 days after the closing date
13 for qualifying, the names of all duly qualified candidates for
14 nomination or election who have qualified with the Department
15 of State.

16 (6) Notwithstanding the qualifying period prescribed
17 in this section, if a candidate has submitted the necessary
18 petitions by the required deadline in order to qualify by the
19 petition process pursuant to s. 99.095 ~~alternative method~~ as a
20 candidate for nomination or election and the candidate is
21 notified after the 5th day prior to the last day for
22 qualifying that the required number of signatures has been
23 obtained, the candidate is entitled to subscribe to the
24 candidate's oath and file the qualifying papers at any time
25 within 5 days from the date the candidate is notified that the
26 necessary number of signatures has been obtained. Any
27 candidate who qualifies within the time prescribed in this
28 subsection is entitled to have his or her name printed on the
29 ballot.

30
31

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

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

18 2. The candidate's oath required by s. 99.021, which
19 must contain the name of the candidate as it is to appear on
20 the ballot; the office sought, including the district or group
21 number if applicable; and the signature of the candidate, duly
22 acknowledged.

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

25 4. If the office sought is partisan, the written
26 statement of political party affiliation required by s.
27 99.021(1)(b).

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

31

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

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

15 ~~(8)~~ Notwithstanding the qualifying period prescribed
16 in this section, a qualifying office may accept and hold
17 qualifying papers submitted not earlier than 14 days prior to
18 the beginning of the qualifying period, to be processed and
19 filed during the qualifying period.

20 ~~(9)(8)~~ Notwithstanding the qualifying period
21 prescribed by this section, in each year in which the
22 Legislature apportions the state, the qualifying period for
23 persons seeking to qualify for nomination or election to
24 federal office shall be between noon of the 57th day prior to
25 the first primary, but not later than noon of the 53rd day
26 prior to the first primary.

27 ~~(10)(9)~~ The Department of State may prescribe by rule
28 requirements for filing papers to qualify as a candidate under
29 this section.

30 Section 12. Section 99.063, Florida Statutes, is
31 amended to read:

1 99.063 Candidates for Governor and Lieutenant
2 Governor.--

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

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

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

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

17 (c) If the office sought is partisan, the written
18 statement of political party affiliation required by s.
19 99.021(1)(b).

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

25 (3) A designated candidate for Lieutenant Governor is
26 not required to pay a separate qualifying fee or obtain
27 signatures on petitions. Ballot position obtained by the
28 candidate for Governor entitles the designated candidate for
29 Lieutenant Governor, upon receipt by the Department of State
30 of the qualifying papers required by subsection (2), to have
31 his or her name placed on the ballot for the joint candidacy.

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

13 (5) Failure of the Lieutenant Governor candidate to be
14 designated and qualified by the time specified in subsection
15 (2) shall result in forfeiture of ballot position for the
16 candidate for Governor for the general election.

17 Section 13. Section 99.092, Florida Statutes, is
18 amended to read:

19 99.092 Qualifying fee of candidate; notification of
20 Department of State.--

21 (1) Each person seeking to qualify for nomination or
22 election to any office, except a person seeking to qualify by
23 the petition process ~~alternative method~~ pursuant to s. 99.095,
24 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to
25 qualify as a write-in candidate, shall pay a qualifying fee,
26 which shall consist of a filing fee and election assessment,
27 to the officer with whom the person qualifies, and any party
28 assessment levied, and shall attach the original or signed
29 duplicate of the receipt for his or her party assessment or
30 pay the same, in accordance with the provisions of s. 103.121,
31 at the time of filing his or her other qualifying papers. The

1 amount of the filing fee is 3 percent of the annual salary of
2 the office. The amount of the election assessment is 1
3 percent of the annual salary of the office sought. The
4 election assessment shall be deposited into the Elections
5 Commission Trust Fund. The amount of the party assessment is
6 2 percent of the annual salary. The annual salary of the
7 office for purposes of computing the filing fee, election
8 assessment, and party assessment shall be computed by
9 multiplying 12 times the monthly salary, excluding any special
10 qualification pay, authorized for such office as of July 1
11 immediately preceding the first day of qualifying. No
12 qualifying fee shall be returned to the candidate unless the
13 candidate withdraws his or her candidacy before the last date
14 to qualify. If a candidate dies prior to an election and has
15 not withdrawn his or her candidacy before the last date to
16 qualify, the candidate's qualifying fee shall be returned to
17 his or her designated beneficiary, and, if the filing fee or
18 any portion thereof has been transferred to the political
19 party of the candidate, the Secretary of State shall direct
20 the party to return that portion to the designated beneficiary
21 of the candidate.

22 (2) The supervisor of elections shall, immediately
23 after the last day for qualifying, submit to the Department of
24 State a list containing the names, party affiliations, and
25 addresses of all candidates and the offices for which they
26 qualified.

27 Section 14. Section 99.095, Florida Statutes, is
28 amended to read:

29 (Substantial rewording of section. See
30 s. 99.095, F.S., for present text.)
31

1 99.095 Petition process in lieu of a qualifying fee
2 and party assessment.--

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

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

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

23 (3) Each petition must be submitted before noon of the
24 28th day preceding the first day of the qualifying period for
25 the office sought to the supervisor of elections of the county
26 in which such petition was circulated. Each supervisor shall
27 check the signatures on the petitions to verify their status
28 as voters in the county, district, or other geographical area
29 represented by the office sought. No later than the 7th day
30 before the first day of the qualifying period, the supervisor
31 shall certify the number of valid signatures.

1 (4)(a) Certifications for candidates for federal,
2 state, or multicounty district office shall be submitted to
3 the division. The division shall determine whether the
4 required number of signatures has been obtained and shall
5 notify the candidate.

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

10 (5) If the required number of signatures has been
11 obtained, the candidate is eligible to qualify pursuant to s.
12 99.061.

13 Section 15. Section 99.0955, Florida Statutes, is
14 amended to read:

15 99.0955 Candidates with no party affiliation; name on
16 general election ballot.--

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

26 (2) The qualifying fee for candidates with no party
27 affiliation shall consist of a filing fee and an election
28 assessment as prescribed in s. 99.092. ~~The amount of the~~
29 ~~filing fee is 3 percent of the annual salary of the office~~
30 ~~sought. The amount of the election assessment is 1 percent of~~
31 ~~the annual salary of the office sought. The election~~

1 ~~assessment shall be deposited into the Elections Commission~~
2 ~~Trust Fund.~~ Filing fees paid to the Department of State shall
3 be deposited into the General Revenue Fund of the state.
4 Filing fees paid to the supervisor of elections shall be
5 deposited into the general revenue fund of the county.

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

29 ~~(b) A candidate shall obtain the signatures of a~~
30 ~~number of qualified electors in the geographical entity~~
31 ~~represented by the office sought equal to 1 percent of the~~

1 ~~registered electors of the geographical entity represented by~~
2 ~~the office sought, as shown by the compilation by the~~
3 ~~Department of State for the preceding general election.~~

4 ~~(c) Each petition must be submitted before noon of the~~
5 ~~21st day preceding the first day of the qualifying period for~~
6 ~~the office sought, to the supervisor of elections of the~~
7 ~~county for which such petition was circulated. Each supervisor~~
8 ~~to whom a petition is submitted shall check the signatures on~~
9 ~~the petition to verify their status as electors in the county,~~
10 ~~district, or other geographical entity represented by the~~
11 ~~office sought. Before the first day for qualifying, the~~
12 ~~supervisor shall certify the number shown as registered~~
13 ~~electors.~~

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

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

25 ~~(e) If the required number of signatures has been~~
26 ~~obtained, the candidate shall, during the time prescribed for~~
27 ~~qualifying for office, submit a copy of the notice received~~
28 ~~under paragraph (d) and file his or her qualifying papers and~~
29 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

30 Section 16. Section 99.096, Florida Statutes, is
31 amended to read:

1 99.096 Minor political party candidates; names on
2 ballot.--

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

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

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

24 ~~(b) A candidate shall obtain the signatures of a~~
25 ~~number of qualified electors in the geographical entity~~
26 ~~represented by the office sought equal to 1 percent of the~~
27 ~~registered electors in the geographical entity represented by~~
28 ~~the office sought, as shown by the compilation by the~~
29 ~~Department of State for the last preceding general election.~~

30 ~~(c) Each petition shall be submitted prior to noon of~~
31 ~~the 21st day preceding the first day of the qualifying period~~

1 ~~for the office sought to the supervisor of elections of the~~
2 ~~county for which the petition was circulated. Each supervisor~~
3 ~~to whom a petition is submitted shall check the signatures on~~
4 ~~the petition to verify their status as electors in the county,~~
5 ~~district, or other geographical entity represented by the~~
6 ~~office sought. Before the first day for qualifying, the~~
7 ~~supervisor shall certify the number shown as registered~~
8 ~~electors.~~

9 ~~(d)1. Certifications for candidates for federal,~~
10 ~~state, or multicounty district office shall be submitted to~~
11 ~~the Department of State. The Department of State shall~~
12 ~~determine whether the required number of signatures has been~~
13 ~~obtained for the name of the candidate to be placed on the~~
14 ~~ballot and shall notify the candidate.~~

15 ~~2. For candidates for county or district office not~~
16 ~~covered by subparagraph 1., the supervisor of elections shall~~
17 ~~determine whether the required number of signatures has been~~
18 ~~obtained for the name of the candidate to be placed on the~~
19 ~~ballot and shall notify the candidate.~~

20 ~~(e) If the required number of signatures has been~~
21 ~~obtained, the candidate shall, during the prescribed time for~~
22 ~~qualifying for office, submit a copy of the notice received~~
23 ~~under paragraph (d) and file his or her qualifying papers and~~
24 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

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

29 Section 17. Subsection (1) of section 99.09651,
30 Florida Statutes, is amended to read:

31

1 99.09651 Signature requirements for ballot position in
2 year of apportionment.--

3 (1) In a year of apportionment, any candidate for
4 representative to Congress, state Senate, or state House of
5 Representatives seeking ballot position by the petition
6 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~
7 ~~99.0955, or s. 99.096~~ shall obtain at least the number of
8 signatures equal to one-third of 1 percent of the ideal
9 population for the district of the office being sought.

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

12 100.011 Opening and closing of polls, all elections;
13 expenses.--

14 (1) The polls shall be open at the voting places at
15 7:00 a.m., on the day of the election, and shall be kept open
16 until 7:00 p.m., of the same day, and the time shall be
17 regulated by the customary time in standard use in the county
18 seat of the locality. The inspectors shall make public
19 proclamation of the opening and closing of the polls. During
20 the election and canvass of the votes, the ballot box shall
21 not be concealed. Any elector who is in line at the time of
22 the official closing of the polls shall be allowed to cast a
23 vote in the election.

24 Section 19. Section 100.101, Florida Statutes, is
25 amended to read:

26 100.101 Special elections and special primary
27 elections.--Except as provided in s. 100.111(2), a special
28 election or special primary election shall be held in the
29 following cases:
30
31

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

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

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

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

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

12 Section 20. Section 100.111, Florida Statutes, is
13 amended to read:

14 100.111 Filling vacancy.--

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

22 (b) If such a vacancy occurs prior to the first day
23 set by law for qualifying for election to office at such
24 general election, any person seeking nomination or election to
25 the unexpired portion of the term shall qualify within the
26 time prescribed by law for qualifying for other offices to be
27 filled by election at such general election.

28 (c) If such a vacancy occurs prior to the first
29 primary but on or after the first day set by law for
30 qualifying, the Secretary of State shall set dates for
31 qualifying for the unexpired portion of the term of such

1 office. Any person seeking nomination or election to the
2 unexpired portion of the term shall qualify within the time
3 set by the Secretary of State. If time does not permit party
4 nominations to be made in conjunction with the first and
5 second primary elections, the Governor may call a special
6 primary election, and, if necessary, a second special primary
7 election, to select party nominees for the unexpired portion
8 of such term.

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

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

26 (3) Whenever there is a vacancy for which a special
27 election is required pursuant to s. 100.101 ~~s. 100.101(1)-(4)~~,
28 the Governor, after consultation with the Secretary of State,
29 shall fix the date of a special first primary election, a
30 special second primary election, and a special election.
31 Nominees of political parties other than minor political

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

27 (a) The dates for candidates to qualify in such
28 special election or special primary election shall be fixed by
29 the Department of State, and candidates shall qualify not
30 later than noon of the last day so fixed. The dates fixed for
31

1 qualifying shall allow a minimum of 14 days between the last
2 day of qualifying and the special first primary election.

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

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

21 (d) The qualifying fees and party assessments of such
22 candidates as may qualify shall be the same as collected for
23 the same office at the last previous primary for that office.
24 The party assessment shall be paid to the appropriate
25 executive committee of the political party to which the
26 candidate belongs.

27 (e) Each county canvassing board shall make as speedy
28 a return of the result of such special elections and primaries
29 as time will permit, and the Elections Canvassing Commission
30 likewise shall make as speedy a canvass and declaration of the
31 nominees as time will permit.

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

23 ~~(b) If the vacancy in nomination occurs later than~~
24 ~~September 15, or if the vacancy in nomination occurs with~~
25 ~~respect to a candidate of a minor political party which has~~
26 ~~obtained a position on the ballot, no special primary election~~
27 ~~shall be held and the Department of State shall notify the~~
28 ~~chair of the appropriate state, district, or county political~~
29 ~~party executive committee of such party; and, within 5 ~~7~~ days,~~
30 ~~the chair shall call a meeting of his or her executive~~
31 ~~committee to consider designation of a nominee to fill the~~

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

24 ~~(b)(c)~~ When, under the circumstances set forth in the
25 preceding paragraph, vacancies in nomination are required to
26 be filled by committee nominations, such vacancies shall be
27 filled by party rule. In any instance in which a nominee is
28 selected by a committee to fill a vacancy in nomination, such
29 nominee shall pay the same filing fee and take the same oath
30 as the nominee would have taken had he or she regularly
31 qualified for election to such office.

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

15 (5) In the event of unforeseeable circumstances not
16 contemplated in these general election laws concerning the
17 calling and holding of special primary elections and special
18 elections resulting from court order or other unpredictable
19 circumstances, the Department of State shall have the
20 authority to provide for the conduct of orderly elections.

21 ~~(6) In the event that a vacancy occurs which leaves~~
22 ~~less than 4 weeks for a candidate seeking to qualify by the~~
23 ~~alternative method to gather signatures for ballot position,~~
24 ~~the number of signatures required for ballot placement shall~~
25 ~~be 25 percent of the number of signatures required by s.~~
26 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

27 Section 21. Section 100.141, Florida Statutes, is
28 amended to read:

29 100.141 Notice of special election to fill any vacancy
30 in office ~~or nomination~~.--

31

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

6 (2) The Department of State shall prepare a notice
7 stating what offices ~~and vacancies~~ are to be filled in the
8 special election, the date set for each special primary
9 election and the special election, the dates fixed for
10 qualifying for office, the dates fixed for qualifying by the
11 petition process pursuant to s. 99.095 ~~alternative method~~, and
12 the dates fixed for filing campaign expense statements.

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

23 Section 22. Subsection (2) of section 101.031, Florida
24 Statutes, is amended to read:

25 101.031 Instructions for electors.--

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

29
30 VOTER'S BILL OF RIGHTS
31

- 1 Each registered voter in this state has the right to:
- 2 1. Vote and have his or her vote accurately counted.
- 3 2. Cast a vote if he or she is in line at the official
- 4 closing of the polls in that county.
- 5 3. Ask for and receive assistance in voting.
- 6 4. Receive up to two replacement ballots if he or she
- 7 makes a mistake prior to the ballot being cast.
- 8 5. An explanation if his or her registration or
- 9 identity is in question.
- 10 6. If his or her registration or identity is in
- 11 question, cast a provisional ballot.
- 12 ~~7. Prove his or her identity by signing an affidavit~~
- 13 ~~if election officials doubt the voter's identity.~~
- 14 ~~7.8.~~ Written instructions to use when voting, and,
- 15 upon request, oral instructions in voting from elections
- 16 officers.
- 17 ~~8.9.~~ Vote free from coercion or intimidation by
- 18 elections officers or any other person.
- 19 ~~9.10.~~ Vote on a voting system that is in working
- 20 condition and that will allow votes to be accurately cast.

21

22 VOTER RESPONSIBILITIES

23

- 24 Each registered voter in this state should:
- 25 1. Familiarize himself or herself with the candidates
- 26 and issues.
- 27 2. Maintain with the office of the supervisor of
- 28 elections a current address.
- 29 3. Know the location of his or her polling place and
- 30 its hours of operation.
- 31 4. Bring proper identification to the polling station.

- 1 5. Familiarize himself or herself with the operation
- 2 of the voting equipment in his or her precinct.
- 3 6. Treat precinct workers with courtesy.
- 4 7. Respect the privacy of other voters.
- 5 8. Report any problems or violations of election laws
- 6 to the supervisor of elections.
- 7 9. Ask questions, if needed.
- 8 10. Make sure that his or her completed ballot is
- 9 correct before leaving the polling station.

10
11 NOTE TO VOTER: Failure to perform any of these
12 responsibilities does not prohibit a voter from voting.

13 Section 23. Section 101.043, Florida Statutes, is
14 amended to read:

15 101.043 Identification required at polls.--

16 (1) The precinct register, as prescribed in s. 98.461,
17 shall be used at the polls in lieu of the registration books
18 for the purpose of identifying the elector at the polls prior
19 to allowing him or her to vote. The clerk or inspector shall
20 require each elector, upon entering the polling place, to
21 present a current and valid picture identification as provided
22 in s. 97.0535(3)(a). If the picture identification does not
23 contain the signature of the voter, an additional
24 identification that provides the voter's signature shall be
25 required. The elector shall sign his or her name in the space
26 provided, and the clerk or inspector shall compare the
27 signature with that on the identification provided by the
28 elector and enter his or her initials in the space provided
29 and allow the elector to vote if the clerk or inspector is
30 satisfied as to the identity of the elector.

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

6 ~~(2)(3)~~ If the elector ~~who~~ fails to furnish the
7 required identification ~~is a first time voter who registered~~
8 ~~by mail and has not provided the required identification to~~
9 ~~the supervisor of elections prior to election day~~, the elector
10 shall be allowed to vote a provisional ballot. The canvassing
11 board shall determine the validity of the ballot pursuant to
12 s. 101.048(2).

13 Section 24. Section 101.048, Florida Statutes, is
14 amended to read:

15 101.048 Provisional ballots.--

16 (1) At all elections, a voter claiming to be properly
17 registered in the county and eligible to vote at the precinct
18 in the election, but whose eligibility cannot be determined, a
19 person whom an election official asserts is not eligible, and
20 other persons specified in the code shall be entitled to vote
21 a provisional ballot. Once voted, the provisional ballot shall
22 be placed in a secrecy envelope and thereafter sealed in a
23 provisional ballot envelope. The provisional ballot shall be
24 deposited in a ballot box. All provisional ballots shall
25 remain sealed in their envelopes for return to the supervisor
26 of elections. The department shall prescribe the form of the
27 provisional ballot envelope. A person casting a provisional
28 ballot shall have the right to present written evidence
29 supporting his or her eligibility to vote to the supervisor of
30 elections by not later than 5 p.m. on the third day following
31 the election.

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

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

24 2. If it is determined that the person voting the
25 provisional ballot was not registered or entitled to vote at
26 the precinct where the person cast a vote in the election, the
27 provisional ballot shall not be counted and the ballot shall
28 remain in the envelope containing the Provisional Ballot
29 Voter's Certificate and Affirmation and the envelope shall be
30 marked "Rejected as Illegal."
31

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

3
4 STATE OF FLORIDA
5 COUNTY OF

6
7 I do solemnly swear (or affirm) that my name is;
8 that my date of birth is; that I am registered and
9 qualified to vote ~~and at the time I registered I resided at~~
10 ~~...., in the municipality of,~~ in County, Florida;
11 that I am registered in the Party; that I am a qualified
12 voter of the county; and that I have not voted in this
13 election. I understand that if I commit any fraud in
14 connection with voting, vote a fraudulent ballot, or vote more
15 than once in an election, I can be convicted of a felony of
16 the third degree and fined up to \$5,000 and/or imprisoned for
17 up to 5 years.

18(Signature of Voter)..
19(Current Residence Address)..
20(Current Mailing Address)..
21(City, State, Zip Code)..
22(Driver's License Number or Last Four Digits of Social
23 Security Number)..
24

25 Sworn to and subscribed before me this day of,
26 ...(year)....
27 ...(Election Official)...

28
29 Precinct # Ballot Style/Party Issued:
30
31

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

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

23 (6) Each supervisor of elections shall establish a
24 free access system that allows each person who casts a
25 provisional ballot to determine whether his or her provisional
26 ballot was counted in the final canvass of votes and, if not,
27 the reasons why. Information regarding provisional ballots
28 shall be available no later than 30 days following the
29 election. The system established must restrict information
30 regarding an individual ballot to the person who cast the
31 ballot.

1 Section 25. Section 101.049, Florida Statutes, is
2 amended to read:

3 101.049 Provisional ballots; special circumstances.--

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

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

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

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

25 (5) As an alternative, provisional ballots cast
26 pursuant to this section may, and for persons with
27 disabilities shall, be cast in accordance with the provisions
28 of s. 101.048(4).

29 Section 26. Effective July 1, 2005, section 101.051,
30 Florida Statutes, as amended by section 10 of chapter
31 2002-281, Laws of Florida, is amended to read:

1 101.051 Electors seeking assistance in casting
2 ballots; oath to be executed; forms to be furnished.--

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

18 (2) It is unlawful for any person to be in the voting
19 booth with any elector except as provided in subsection (1). A
20 person at a polling place or early voting site, or within 100
21 feet of the entrance of a polling place or early voting site,
22 may not solicit any elector in an effort to provide assistance
23 to vote pursuant to subsection (1). Any person who violates
24 this subsection commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (3) Any elector applying to cast an absentee ballot in
27 the office of the supervisor, in any election, who requires
28 assistance to vote by reason of blindness, disability, or
29 inability to read or write may request the assistance of some
30 person of his or her own choice, other than the elector's
31

1 employer, an agent of the employer, or an officer or agent of
2 his or her union, in casting his or her absentee ballot.

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

7
8 DECLARATION TO SECURE ASSISTANCE

9
10 State of Florida
11 County of
12 Date
13 Precinct

14 I, ...(Print name)..., swear or affirm that I am a
15 registered elector and request assistance from ...(Print
16 names)... in voting at the ...(name of election)... held on
17 ...(date of election).... ...(Signature of assistor)....

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

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

21 (5) If an elector needing assistance requests that a
22 person other than an election official provide him or her with
23 assistance in voting, the clerk or one of the inspectors shall
24 require the person providing assistance to take the following
25 oath:

26
27 DECLARATION TO PROVIDE ASSISTANCE

28
29 State of Florida
30 County of
31 Date

1 Precinct
 2 I, ...(Print name)..., have been requested by ...(print
 3 name of elector needing assistance)... to provide him or her
 4 with assistance to vote. I swear or affirm that I am not the
 5 employer, an agent of the employer, or an officer or agent of
 6 the union of the voter and that I have not solicited this
 7 voter at the polling place or early voting site or within 100
 8 feet of such locations in an effort to provide
 9 assistance....(Signature of assistor)...
 10 Sworn and subscribed to before me this day of
 11 ...(year)....
 12 ...(Signature of Official Administering Oath)...

13 ~~(6)~~(5) The supervisor of elections shall deliver a
 14 sufficient number of these forms to each precinct, along with
 15 other election paraphernalia.

16 Section 27. Section 101.111, Florida Statutes, is
 17 amended to read:

18 101.111 Person desiring to vote may be challenged;
 19 challenger to execute oath; oath of person challenged;
 20 determination of challenge.--

21 (1) When the right to vote of any person who desires
 22 to vote is challenged by any elector or poll watcher, the
 23 challenge shall be reduced to writing with an oath as provided
 24 in this section, giving reasons for the challenge, which shall
 25 be delivered to the clerk or inspector. Any elector or poll
 26 watcher challenging the right of a person to vote shall
 27 execute the oath set forth below:

28
 29 OATH OF PERSON ENTERING CHALLENGE

30
 31 State of Florida

1 County of

2

3 I do solemnly swear that my name is; that I am a member

4 of the party; that I am a registered voter or pollwatcher

5 ~~.... years old~~; that my residence address is, in the

6 municipality of; and that I have reason to believe that

7 is attempting to vote illegally and the reasons for my

8 belief are set forth herein to wit:

9

10

11 ... (Signature of person challenging voter) ...

12

13 Sworn and subscribed to before me this day of,

14 ... (year)

15 ... (Clerk of election) ...

16

17 (2) ~~Before a person who is challenged is permitted to~~

18 ~~vote, the challenged person's right to vote shall be~~

19 ~~determined in accordance with the provisions of subsection~~

20 ~~(3).~~ The clerk or inspector shall immediately deliver to the

21 challenged person a copy of the oath of the person entering

22 the challenge and the challenged voter shall be allowed to

23 cast a provisional ballot. ~~shall request the challenged person~~

24 ~~to execute the following oath:~~

25

26 OATH OF PERSON CHALLENGED

27

28 ~~State of Florida~~

29 ~~County of~~

30

31

1 ~~I do solemnly swear that my name is; that I am a member~~
 2 ~~of the party; that my date of birth is; that my~~
 3 ~~residence address is, in the municipality of, in~~
 4 ~~this the precinct of county; that I personally made~~
 5 ~~application for registration and signed my name and that I am~~
 6 ~~a qualified voter in this election.~~

7 ~~...(Signature of person)...~~

8
 9 ~~Sworn and subscribed to before me this day of,~~

10 ~~...(year)....~~

11 ~~...(Clerk of election or Inspector)...~~

12
 13 ~~Any inspector or clerk of election may administer the oath.~~

14 (3) Any elector or poll watcher may challenge the
 15 right of any voter to vote not sooner than 30 days before an
 16 election by filing a completed copy of the oath contained in
 17 subsection (1) to the supervisor of election's office. The
 18 challenged voter shall be permitted to cast a provisional
 19 ballot.

20 (4) Any elector or poll watcher filing a frivolous
 21 challenge of any person's right to vote commits a misdemeanor
 22 of the first degree, punishable as provided in s. 775.082, s.
 23 775.083, or s. 775.084; however, electors or poll watchers
 24 shall not be subject to liability for any action taken in good
 25 faith and in furtherance of any activity or duty permitted of
 26 such electors or poll watchers by law. Each instance where any
 27 elector or poll watcher files a frivolous challenge of any
 28 person's right to vote constitutes a separate offense.

29 ~~(a) The clerk and inspectors shall compare the~~
 30 ~~information in the challenged person's oath with that entered~~
 31 ~~on the precinct register and shall take any other evidence~~

1 ~~that may be offered. The clerk and inspectors shall then~~
2 ~~decide by a majority vote whether the challenged person may~~
3 ~~vote a regular ballot.~~

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

11 Section 28. Section 101.131, Florida Statutes, is
12 amended to read:

13 101.131 Watchers at polls.--

14 (1) Each political party and each candidate may have
15 one watcher in each polling room or early voting area at any
16 one time during the election. A political committee formed for
17 the specific purpose of expressly advocating the passage or
18 defeat of an issue on the ballot may have one watcher for each
19 polling room or early voting area at any one time during the
20 election. No watcher shall be permitted to come closer to the
21 officials' table or the voting booths than is reasonably
22 necessary to properly perform his or her functions, but each
23 shall be allowed within the polling room or early voting area
24 to watch and observe the conduct of electors and officials.
25 The poll watchers shall furnish their own materials and
26 necessities and shall not obstruct the orderly conduct of any
27 election. The poll watchers shall pose any questions regarding
28 polling place procedures directly to the clerk for resolution.
29 They may not interact with voters. Each poll watcher shall be
30 a qualified and registered elector of the county in which he
31 or she serves.

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

16 (3) No candidate or sheriff, deputy sheriff, police
 17 officer, or other law enforcement officer may be designated as
 18 a poll watcher.

19 Section 29. Subsection (1) of section 101.151, Florida
 20 Statutes, is amended to read:

21 101.151 Specifications for ballots.--

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

26 Section 30. Section 101.171, Florida Statutes, is
 27 amended to read:

28 101.171 Copy of constitutional amendment to be
 29 available at voting locations ~~posted~~.--Whenever any amendment
 30 to the State Constitution is to be voted upon at any election,
 31 the Department of State shall have printed, and shall furnish

1 to each supervisor of elections, a sufficient number of copies
2 of the amendment either in poster or booklet form, and the
3 supervisor shall have a copy thereof conspicuously posted or
4 available at each polling room or early voting area precinct
5 upon the day of election.

6 Section 31. Section 101.294, Florida Statutes, is
7 amended to read:

8 101.294 Purchase and sale of voting equipment.--

9 (1) The Division of Elections of the Department of
10 State shall adopt uniform rules for the purchase, use, and
11 sale of voting equipment in the state. No governing body
12 shall purchase or cause to be purchased any voting equipment
13 unless such equipment has been certified for use in this state
14 by the Department of State.

15 (2) Any governing body contemplating the purchase or
16 sale of voting equipment shall notify the Division of
17 Elections of such considerations. The division shall attempt
18 to coordinate the sale of excess or outmoded equipment by one
19 county with purchases of necessary equipment by other
20 counties.

21 (3) The division shall inform the governing bodies of
22 the various counties of the state of the availability of new
23 or used voting equipment and of sources available for
24 obtaining such equipment.

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

29 (5) Before or in conjunction with providing a voting
30 system, voting system component, or voting system upgrade, the
31 vendor shall provide the local governing body or supervisor of

1 elections with a sworn certification that the voting system,
 2 voting system component, or voting system upgrade being
 3 provided has been certified by the Division of Elections.

4 Section 32. Section 101.295, Florida Statutes, is
 5 amended to read:

6 101.295 Penalties for violation.--

7 (1) Any member of a governing body which purchases or
 8 sells voting equipment in violation of the provisions of ss.
 9 101.292-101.295, which member knowingly votes to purchase or
 10 sell voting equipment in violation of the provisions of ss.
 11 101.292-101.295, is guilty of a misdemeanor of the first
 12 degree, punishable as provided by s. 775.082 or s. 775.083,
 13 and shall be subject to suspension from office on the grounds
 14 of malfeasance.

15 (2) Any vendor, chief executive officer, or vendor
 16 representative of voting equipment who provides a voting
 17 system, voting system component, or voting system upgrade in
 18 violation of this chapter commits a felony of the third
 19 degree, punishable as provided in s. 775.082, s. 775.083, or
 20 s. 775.084.

21 Section 33. Section 101.49, Florida Statutes, is
 22 amended to read:

23 101.49 Procedure of election officers where signatures
 24 differ.--

25 (1) Whenever any clerk or inspector, upon a just
 26 comparison of the signatures, doubts that the signature on the
 27 identification presented by the ~~of any~~ elector ~~who presents~~
 28 ~~himself or herself at the polls to vote~~ is the same as the
 29 signature ~~of~~ the elector affixed on the precinct register or
 30 early voting certificate in the registration book, the clerk
 31

1 or inspector shall deliver to the person an affidavit which
2 shall be in substantially the following form:

3
4 STATE OF FLORIDA,
5 COUNTY OF

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

13 ... (Signature of voter) ...

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

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

17 Precinct No.

18 County of

19
20 (2) The person shall fill out, in his or her own
21 handwriting or with assistance from a member of the election
22 board, the form and make an affidavit to the facts stated in
23 the filled-in form; such affidavit shall then be sworn to and
24 subscribed before one of the inspectors or clerks of the
25 election who is authorized to administer the oath. Whenever
26 the affidavit is made and filed with the clerk or inspector,
27 the person shall then be admitted to cast his or her vote, but
28 if the person fails or refuses to make out or file such
29 affidavit and asserts his or her eligibility, then he or she
30 shall be entitled to vote a provisional ballot ~~not be~~
31 ~~permitted to vote.~~

1 Section 34. Effective July 1, 2005, subsection (1) of
2 section 101.51, Florida Statutes, as amended by section 11 of
3 chapter 2002-281, Laws of Florida, is amended to read:

4 101.51 Electors to occupy booth alone.--

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

17 Section 35. Subsection (4) of section 101.5606,
18 Florida Statutes, is amended to read:

19 101.5606 Requirements for approval of systems.--No
20 electronic or electromechanical voting system shall be
21 approved by the Department of State unless it is so
22 constructed that:

23 (4) For systems using marksense ~~paper~~ ballots, it
24 accepts a rejected ballot pursuant to subsection (3) if a
25 voter chooses to cast the ballot, but records no vote for any
26 office that has been overvoted or undervoted.

27 Section 36. Subsections (2) and (3) of section
28 101.5608, Florida Statutes, are amended to read:

29 101.5608 Voting by electronic or electromechanical
30 method; procedures.--

31

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

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

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

29 (c) The supervisor of elections shall prepare for each
30 polling place at least one ballot box to contain the ballots
31

1 of a particular precinct, and each ballot box shall be plainly
2 marked with the name of the precinct for which it is intended.

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

7 Section 37. Subsection (2) of section 101.5612,
8 Florida Statutes, is amended to read:

9 101.5612 Testing of tabulating equipment.--

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

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

22 Section 38. Subsection (5) of section 101.5614,
23 Florida Statutes, is amended to read:

24 101.5614 Canvass of returns.--

25 (5) If any absentee ballot is physically damaged so
26 that it cannot properly be counted by the automatic tabulating
27 equipment, a true duplicate copy shall be made of the damaged
28 ballot in the presence of witnesses and substituted for the
29 damaged ballot. Likewise, a duplicate ballot shall be made of
30 an absentee ballot containing an overvoted race or a marked
31 absentee ballot in which every race is undervoted which shall

1 include all valid votes as determined by the canvassing board
2 based on rules adopted by the division pursuant to s.
3 102.166~~(4)~~~~(5)~~. All duplicate ballots shall be clearly labeled
4 "duplicate," bear a serial number which shall be recorded on
5 the defective ballot, and be counted in lieu of the defective
6 ballot. After a ballot has been duplicated, the defective
7 ballot shall be placed in an envelope provided for that
8 purpose, and the duplicate ballot shall be tallied with the
9 other ballots for that precinct.

10 Section 39. Section 101.572, Florida Statutes, is
11 amended to read:

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

28 Section 40. Section 101.58, Florida Statutes, is
29 amended to read:

30 101.58 Supervising and observing registration and
31 election processes.--

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

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

29 Section 41. Subsection (1) of section 101.595, Florida
30 Statutes, is amended to read:

31 101.595 Analysis and reports of voting problems.--

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

12 Section 42. Section 101.6103, Florida Statutes, is
13 amended to read:

14 101.6103 Mail ballot election procedure.--

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

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

1 the day of the election. The ballot must be returned in the
2 return mailing envelope.

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

5
6 VOTER'S CERTIFICATE

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

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

13 ... (Signature) ...

14 ... (Residence Address) ...

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

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

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

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

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

31

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

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

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

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

- 1 (a) Postmarked by the United States Postal Service;
- 2 (b) Date-stamped with a verifiable tracking number by
- 3 common carrier; or
- 4 (c) Already in the possession of the supervisor of
- 5 elections.

6 Section 43. Section 101.62, Florida Statutes, is
7 amended to read:

8 101.62 Request for absentee ballots.--

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

19 (b) The supervisor may accept a written or telephonic
20 request for an absentee ballot from the elector, or, if
21 directly instructed by the elector, a member of the elector's
22 immediate family, or the elector's legal guardian. For
23 purposes of this section, the term "immediate family" has the
24 same meaning as specified in paragraph (4)(b). The person
25 making the request must disclose:

- 26 1. The name of the elector for whom the ballot is
- 27 requested;
- 28 2. The elector's address;
- 29 3. The elector's date of birth;
- 30 4. The requester's name;
- 31 5. The requester's address;

1 6. The requester's driver's license number, if
2 available;

3 7. The requester's relationship to the elector; and

4 8. The requester's signature (written requests only).

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

16 (3) For each request for an absentee ballot received,
17 the supervisor shall record the date the request was made, the
18 date the absentee ballot was delivered to the voter or the
19 voter's designee or the date the absentee ballot was delivered
20 to the post office or other carrier or mailed, the date the
21 ballot was received by the supervisor, and such other
22 information he or she may deem necessary. This information
23 shall be provided in electronic format as provided by rule
24 adopted by the division. The information shall be updated and
25 made available no later than noon of each day and shall be
26 contemporaneously provided to the division. This information
27 shall be confidential and exempt from the provisions of s.
28 119.07(1) and shall be made available to or reproduced only
29 for the voter requesting the ballot, a canvassing board, an
30 election official, a political party or official thereof, a
31 candidate who has filed qualification papers and is opposed in

1 an upcoming election, and registered political committees or
2 registered committees of continuous existence, for political
3 purposes only.

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

1 absentee ballot and advance general election absentee ballot
2 an explanation stating that the absentee ballot for the
3 election will be mailed as soon as it is printed; and, if both
4 the advance absentee ballot and the absentee ballot for the
5 election are returned in time to be counted, only the absentee
6 ballot will be counted. The Department of State may prescribe
7 by rule the requirements for preparing and mailing absentee
8 ballots to absent qualified electors overseas.

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

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

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

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

21 c. The elector is in a hospital, assisted-living
22 facility, nursing home, short-term medical or rehabilitation
23 facility, or correctional facility,

24
25 in which case the supervisor shall mail the ballot by
26 nonforwardable, return-if-undeliverable mail to any other
27 address the elector specifies in the request.

28 2. By forwardable mail to voters who are entitled to
29 vote by absentee ballot under the Uniformed and Overseas
30 Citizens Absentee Voting Act.

31

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

4 4. By delivery to a designee on election day or up to
5 4 days prior to the day of an election. Any elector may
6 designate in writing a person to pick up the ballot for the
7 elector; however, the person designated may not pick up more
8 than two absentee ballots per election, other than the
9 designee's own ballot, except that additional ballots may be
10 picked up for members of the designee's immediate family. For
11 purposes of this section, "immediate family" means the
12 designee's spouse or the parent, child, grandparent, or
13 sibling of the designee or of the designee's spouse. The
14 designee shall provide to the supervisor the written
15 authorization by the elector and a picture identification of
16 the designee and must complete an affidavit. The designee
17 shall state in the affidavit that the designee is authorized
18 by the elector to pick up that ballot and shall indicate if
19 the elector is a member of the designee's immediate family
20 and, if so, the relationship. The department shall prescribe
21 the form of the affidavit. If the supervisor is satisfied that
22 the designee is authorized to pick up the ballot and that the
23 signature of the elector on the written authorization matches
24 the signature of the elector on file, the supervisor shall
25 give the ballot to that designee for delivery to the elector.

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

31

1 (2) The certificate shall be arranged on the back of
 2 the mailing envelope so that the line for the signature of the
 3 absent elector is across the seal of the envelope; however, no
 4 statement shall appear on the envelope which indicates that a
 5 signature of the voter must cross the seal of the envelope.
 6 The absent elector shall execute the certificate on the
 7 envelope.

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

13 Section 45. Subsection (1) of section 101.657, Florida
 14 Statutes, is amended, present subsection (2) of that section
 15 is renumbered as subsection (4), and new subsections (2) and
 16 (3) are added to that section, to read:

17 101.657 Early voting.--

18 (1)(a) As a convenience to the voter, the supervisor
 19 of elections shall allow an elector to vote early in the main
 20 or branch office of the supervisor ~~by depositing the voted~~
 21 ~~ballot in a voting device used by the supervisor to collect or~~
 22 ~~tabulate ballots.~~ In order for a branch office to be used for
 23 early voting, it shall be a permanent ~~full-service~~ facility of
 24 the supervisor and shall have been designated and used as such
 25 for at least 1 year prior to the election. The supervisor may
 26 also designate any city hall or permanent public library
 27 facility as early voting sites; however, if so designated, the
 28 sites must be geographically located so as to provide all
 29 voters in the county an equal opportunity to cast a ballot,
 30 insofar as is practicable. The results or tabulation of votes
 31 cast during early voting may not be made before the close of

1 the polls on election day. Results shall be reported by
2 precinct.

3 (b) The supervisor shall designate each early voting
4 site by no later than the 30th day prior to an election and
5 shall designate an early voting area, as defined in s. 97.021,
6 at each early voting site.

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

11 (d)(b) Early voting shall begin on the 15th day before
12 an election and end on the 2nd day before an election. For
13 purposes of a special election held pursuant to s. 100.101,
14 early voting shall begin on the 8th day before an election and
15 end on the 2nd day before an election. Early voting shall be
16 provided for at least 8 hours per weekday and 8 hours in the
17 aggregate each weekend at each site during the applicable
18 periods. Early voting sites shall open no sooner than 7 a.m.
19 and close no later than 7 p.m. on each applicable day during
20 the applicable periods. Early voting shall also be provided
21 for 8 hours in the aggregate for each weekend during the
22 applicable periods.

23 (e) Notwithstanding the requirements of s. 100.3605,
24 municipalities may provide early voting in municipal elections
25 that are not held in conjunction with county or state
26 elections. If a municipality provides early voting, it may
27 designate as many sites as necessary and shall conduct its
28 activities in accordance with the provisions of paragraphs
29 (a)-(c). The supervisor is not required to conduct early
30 voting if it is provided pursuant to this subsection.

31

1 (f) Notwithstanding the requirements of s. 189.405,
2 special districts may provide early voting in any district
3 election not held in conjunction with county or state
4 elections. If a special district 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 (2) During any early voting period, each supervisor of
10 elections shall make available the total number of voters
11 casting a ballot at each early voting location during the
12 previous day. Each supervisor shall prepare an electronic data
13 file listing the individual voters who cast a ballot during
14 the early voting period. This information shall be provided in
15 electronic format as provided by rule adopted by the division.
16 The information shall be updated and made available no later
17 than noon of each day and shall be contemporaneously provided
18 to the division.

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

21 Section 46. Subsection (2) of section 101.663, Florida
22 Statutes, is amended to read:

23 101.663 Electors; change of residence.--

24 (2) An elector registered in this state who moves his
25 or her permanent residence to another state after the
26 registration books in that state have closed and who is
27 ~~prohibited by the laws of that state from voting for the~~
28 ~~offices of President and Vice President of the United States~~
29 shall be permitted to vote absentee in the county of his or
30 her former residence for the offices of President and Vice
31 President of the United States ~~those offices.~~

1 Section 47. Subsection (1) and paragraph (c) of
2 subsection (2) of section 101.68, Florida Statutes, are
3 amended to read:

4 101.68 Canvassing of absentee ballot.--

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

21 (2)

22 (c)1. The canvassing board shall, if the supervisor
23 has not already done so, compare the signature of the elector
24 on the voter's certificate with the signature of the elector
25 in the registration books to see that the elector is duly
26 registered in the county and to determine the legality of that
27 absentee ballot. Effective July 1, 2005, the ballot of an
28 elector who casts an absentee ballot shall be counted even if
29 the elector dies on or before election day, as long as, prior
30 to the death of the voter, the ballot was postmarked by the
31 United States Postal Service, date-stamped with a verifiable

1 tracking number by common carrier, or already in the
2 possession of the supervisor of elections. An absentee ballot
3 shall be considered illegal if it does not include the
4 signature of the elector, as shown by the registration
5 records. However, an absentee ballot shall not be considered
6 illegal if the signature of the elector does not cross the
7 seal of the mailing envelope. If the canvassing board
8 determines that any ballot is illegal, a member of the board
9 shall, without opening the envelope, mark across the face of
10 the envelope: "rejected as illegal." The envelope and the
11 ballot contained therein shall be preserved in the manner that
12 official ballots voted are preserved.

13 2. If any elector or candidate present believes that
14 an absentee ballot is illegal due to a defect apparent on the
15 voter's certificate, he or she may, at any time before the
16 ballot is removed from the envelope, file with the canvassing
17 board a protest against the canvass of that ballot, specifying
18 the precinct, the ballot, and the reason he or she believes
19 the ballot to be illegal. A challenge based upon a defect in
20 the voter's certificate may not be accepted after the ballot
21 has been removed from the mailing envelope.

22 Section 48. Section 101.69, Florida Statutes, is
23 amended to read:

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

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

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

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

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

25 Section 49. Section 101.6923, Florida Statutes, is
26 amended to read:

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

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

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

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

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

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

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

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

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

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

31

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

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

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

9 a. Identification which must include your name and
10 photograph: current and valid Florida driver's license;
11 Florida identification card issued by the Department of
12 Highway Safety and Motor Vehicles; United States passport;
13 employee badge or identification; buyer's club identification
14 card; debit or credit card; military identification; student
15 identification; retirement center identification; neighborhood
16 association identification; entertainment identification; or
17 public assistance identification; or

18 b. Identification which shows your name and current
19 residence address: current utility bill, bank statement,
20 government check, paycheck, or government document (excluding
21 voter identification card).

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

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

25 b. You have a temporary or permanent physical
26 disability.

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

30

31

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

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

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

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

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

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

25 Section 50. Subsection (3) of section 101.694, Florida
26 Statutes, is amended to read:

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

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

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

24 Section 51. Section 101.697, Florida Statutes, is
25 amended to read:

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

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

8 Section 52. Section 102.012, Florida Statutes, is
9 amended to read:

10 102.012 Inspectors and clerks to conduct elections.--

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

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

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

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

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

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

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

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

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

21 Section 53. Subsections (1), (2), (3), and (5) of
22 section 102.014, Florida Statutes, is amended to read:

23 102.014 Poll worker recruitment and training.--

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

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

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

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

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

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

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

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

10 (c) Proper operation of the voting system;

11 (d) Ballot handling procedures;

12 (e) Procedures governing spoiled ballots;

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

14 (g) Rights of voters at the polls;

15 (h) Procedures for handling emergency situations;

16 (i) Procedures for dealing with irate voters;

17 (j) The handling and processing of provisional

18 ballots; and

19 (k) Security procedures.

20
21 The Department of State shall revise the manual as necessary
22 to address new procedures in law or problems encountered by
23 voters and poll workers at the precincts.

24 Section 54. Section 102.031, Florida Statutes, is
25 amended to read:

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

16 Section 55. Section 102.071, Florida Statutes, is
 17 amended to read:

18 102.071 Tabulation of votes and proclamation of
 19 results ~~where ballots are used.~~--The election board shall post
 20 at the polls, for the benefit of the public, the results of
 21 the voting for each office or other item on the ballot as the
 22 count is completed. Upon completion of all counts in all
 23 races, a certificate ~~triplicate certificates~~ of the results
 24 shall be drawn up by the inspectors and clerk at each precinct
 25 upon a form provided by the supervisor of elections which
 26 shall contain the name of each person voted for, for each
 27 office, and the number of votes cast for each person for such
 28 office; and, if any question is submitted, the certificate
 29 shall also contain the number of votes cast for and against
 30 the question. The certificate shall be signed by the
 31 inspectors and clerk, ~~and one of the certificates~~ shall be

1 delivered without delay by one of the inspectors, securely
2 sealed, to the supervisor for immediate publication; ~~the~~
3 ~~duplicate copy of the certificate shall be delivered to the~~
4 ~~county court judge; and the remaining copy shall be enclosed~~
5 ~~in the ballot box together with the oaths of inspectors and~~
6 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
7 memoranda, and papers of all kinds used in the election shall
8 also be transmitted, after being sealed by the inspectors, to
9 ~~with the certificates of result of the election to be filed in~~
10 the supervisor's office. Registration books and the poll lists
11 shall not be placed in the ballot boxes but shall be returned
12 to the supervisor.

13 Section 56. Section 102.111, Florida Statutes, is
14 amended to read:

15 102.111 Elections Canvassing Commission.--

16 (1) The Elections Canvassing Commission shall consist
17 of the Governor and two members of the Cabinet selected by the
18 Governor. If a member of the Elections Canvassing Commission
19 is unable to serve for any reason, the Governor shall appoint
20 a remaining member of the Cabinet. If there is a further
21 vacancy, the remaining members of the commission shall agree
22 on another elected official to fill the vacancy. The Elections
23 Canvassing Commission shall, as soon as the official results
24 are compiled from all counties, certify the returns of the
25 election and determine and declare who has been elected for
26 each federal, state, and multicounty office. If a member of a
27 county canvassing board that was constituted pursuant to s.
28 102.141 determines, within 5 days after the certification by
29 the Elections Canvassing Commission, that a typographical
30 error occurred in the official returns of the county, the
31 correction of which could result in a change in the outcome of

1 an election, the county canvassing board must certify
2 corrected returns to the Department of State within 24 hours,
3 and the Elections Canvassing Commission must correct and
4 recertify the election returns as soon as practicable.

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

7 Section 57. Section 102.112, Florida Statutes, is
8 amended to read:

9 102.112 Deadline for submission of county returns to
10 the Department of State.--

11 (1) The county canvassing board or a majority thereof
12 shall file the county returns for the election of a federal or
13 state officer with the Department of State immediately after
14 certification of the election results. The returns must
15 contain a certification by the canvassing board that the board
16 has reconciled the number of persons who voted with the number
17 of ballots counted and that the certification includes all
18 valid votes cast in the election.

19 (2) Returns must be filed by 5 p.m. on the 7th day
20 following a primary election and by 5 p.m. on the 11th day
21 following the general election. However, the Department of
22 State may correct typographical errors, including the
23 transposition of numbers, in any returns submitted to the
24 Department of State pursuant to s. 102.111(1).

25 (3) If the returns are not received by the department
26 by the time specified, such returns shall be ignored and the
27 results on file at that time shall be certified by the
28 department.

29 (4) If the returns are not received by the department
30 due to an emergency, as defined in s. 101.732, the Elections
31

1 Canvassing Commission shall determine the deadline by which
2 the returns must be received.

3 Section 58. Section 102.141, Florida Statutes, is
4 amended to read:

5 102.141 County canvassing board; duties.--

6 (1) The county canvassing board shall be composed of
7 the supervisor of elections; a county court judge, who shall
8 act as chair; and the chair of the board of county
9 commissioners. In the event any member of the county
10 canvassing board is unable to serve, is a candidate who has
11 opposition in the election being canvassed, or is an active
12 participant in the campaign or candidacy of any candidate who
13 has opposition in the election being canvassed, such member
14 shall be replaced as follows:

15 (a) If no county court judge is able to serve or if
16 all are disqualified, the chief judge of the judicial circuit
17 in which the county is located shall appoint as a substitute
18 member a qualified elector of the county who is not a
19 candidate with opposition in the election being canvassed and
20 who is not an active participant in the campaign or candidacy
21 of any candidate with opposition in the election being
22 canvassed. In such event, the members of the county
23 canvassing board shall meet and elect a chair.

24 (b) If the supervisor of elections is unable to serve
25 or is disqualified, the chair of the board of county
26 commissioners shall appoint as a substitute member a member of
27 the board of county commissioners who is not a candidate with
28 opposition in the election being canvassed and who is not an
29 active participant in the campaign or candidacy of any
30 candidate with opposition in the election being canvassed.

31

1 The supervisor, however, shall act in an advisory capacity to
2 the canvassing board.

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

10 (d) If a substitute member cannot be appointed as
11 provided elsewhere in this subsection, the chief judge of the
12 judicial circuit in which the county is located shall appoint
13 as a substitute member a qualified elector of the county who
14 is not a candidate with opposition in the election being
15 canvassed and who is not an active participant in the campaign
16 or candidacy of any candidate with opposition in the election
17 being canvassed.

18 (2) The county canvassing board shall meet in a
19 building accessible to the public in the county where the
20 election occurred at a time and place to be designated by the
21 supervisor of elections to publicly canvass the absentee
22 electors' ballots as provided for in s. 101.68 and provisional
23 ballots as provided by ss. 101.048, 101.049, and 101.6925.
24 Provisional ballots cast pursuant to s. 101.049 shall be
25 canvassed in a manner that votes for candidates and issues on
26 those ballots can be segregated from other votes. Public
27 notice of the time and place at which the county canvassing
28 board shall meet to canvass the absentee electors' ballots and
29 provisional ballots shall be given at least 48 hours prior
30 thereto by publication once in one or more newspapers of
31 general circulation in the county or, if there is no newspaper

1 of general circulation in the county, by posting such notice
2 in at least four conspicuous places in the county. As soon as
3 the absentee electors' ballots and the provisional ballots are
4 canvassed, the board shall proceed to publicly canvass the
5 vote given each candidate, nominee, constitutional amendment,
6 or other measure submitted to the electorate of the county, as
7 shown by the returns then on file in the office of the
8 supervisor of elections and the office of the county court
9 judge.

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

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

11 (5) If the county canvassing board determines that the
12 unofficial returns may contain a counting error in which the
13 vote tabulation system failed to count votes that were
14 properly marked in accordance with the instructions on the
15 ballot, the county canvassing board shall:

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

18 (b) Request that the Department of State verify the
19 tabulation software. When the Department of State verifies
20 such software, the department shall compare the software used
21 to tabulate the votes with the software filed with the
22 department pursuant to s. 101.5607 and check the election
23 parameters.

24 (6) If the unofficial returns reflect that a candidate
25 for any office was defeated or eliminated by one-half of a
26 percent or less of the votes cast for such office, that a
27 candidate for retention to a judicial office was retained or
28 not retained by one-half of a percent or less of the votes
29 cast on the question of retention, or that a measure appearing
30 on the ballot was approved or rejected by one-half of a
31 percent or less of the votes cast on such measure, the board

1 responsible for certifying the results of the vote on such
2 race or measure shall order a recount of the votes cast with
3 respect to such office or measure. The Elections Canvassing
4 Commission is the board responsible for ordering federal,
5 state, and multi county recounts. A recount need not be
6 ordered with respect to the returns for any office, however,
7 if the candidate or candidates defeated or eliminated from
8 contention for such office by one-half of a percent or less of
9 the votes cast for such office request in writing that a
10 recount not be made.

11 (a) ~~In counties with voting systems that use paper~~
12 ~~ballots,~~ Each canvassing board responsible for conducting a
13 recount shall put each marksense ballot through automatic
14 tabulating equipment and determine whether the returns
15 correctly reflect the votes cast. If any marksense ~~paper~~
16 ballot is physically damaged so that it cannot be properly
17 counted by the automatic tabulating equipment during the
18 recount, a true duplicate shall be made of the damaged ballot
19 pursuant to the procedures in s. 101.5614(5). Immediately
20 before the start of the recount ~~and after completion of the~~
21 ~~count,~~ a test of the tabulating equipment shall be conducted
22 as provided in s. 101.5612. If the test indicates no error,
23 the recount tabulation of the ballots cast shall be presumed
24 correct and such votes shall be canvassed accordingly. If an
25 error is detected, the cause therefor shall be ascertained and
26 corrected and the recount repeated, as necessary. The
27 canvassing board shall immediately report the error, along
28 with the cause of the error and the corrective measures being
29 taken, to the Department of State. No later than 11 days after
30 the election, the canvassing board shall file a separate
31 incident report with the Department of State, detailing the

1 resolution of the matter and identifying any measures that
2 will avoid a future recurrence of the error.

3 (b) ~~In counties with voting systems that do not use~~
4 ~~paper ballots,~~ Each canvassing board responsible for
5 conducting a recount where touchscreen ballots were used shall
6 examine the counters on the precinct tabulators to ensure that
7 the total of the returns on the precinct tabulators equals the
8 overall election return. If there is a discrepancy between the
9 overall election return and the counters of the precinct
10 tabulators, the counters of the precinct tabulators shall be
11 presumed correct and such votes shall be canvassed
12 accordingly.

13 (c) The canvassing board shall submit on forms or in
14 formats provided by the division a second set of unofficial
15 returns to the Department of State for each federal,
16 statewide, state, or multicounty office or ballot measure no
17 later than 3 p.m. noon on the fifth third day after any
18 primary election and no later than 3 p.m. on the eighth day
19 after any general election in which a recount was conducted
20 pursuant to this subsection. If the canvassing board is unable
21 to complete the recount prescribed in this subsection by the
22 deadline, the second set of unofficial returns submitted by
23 the canvassing board shall be identical to the initial
24 unofficial returns and the submission shall also include a
25 detailed explanation of why it was unable to timely complete
26 the recount. However, the canvassing board shall complete the
27 recount prescribed in this subsection, along with any manual
28 recount prescribed in s. 102.166, and certify election returns
29 in accordance with the requirements of this chapter.

30 (d) The Department of State shall adopt detailed rules
31 prescribing additional recount procedures for each certified

1 voting system, which shall be uniform to the extent
2 practicable.

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

9 (8)(a) At the same time that the official results of
10 an election are certified to the Department of State, the
11 county canvassing board shall file a report with the Division
12 of Elections on the conduct of the election. The report must
13 describe:

14 1. All equipment or software malfunctions at the
15 precinct level, at a counting location, or within computer and
16 telecommunications networks supporting a county location, and
17 the steps that were taken to address the malfunctions;

18 2. All election definition errors that were discovered
19 after the logic and accuracy test, and the steps that were
20 taken to address the errors;

21 3. All ballot printing errors or ballot supply
22 problems, and the steps that were taken to address the errors
23 or problems;

24 4. All staffing shortages or procedural violations by
25 employees or precinct workers which were addressed by the
26 supervisor of elections or the county canvassing board during
27 the conduct of the election, and the steps that were taken to
28 correct such issues;

29 5. All instances where needs for staffing or equipment
30 were insufficient to meet the needs of the voters; and
31

1 6. Any additional information regarding material
2 issues or problems associated with the conduct of the
3 election.

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

18 (c) Such reports shall be maintained on file in the
19 Division of Elections and shall be available for public
20 inspection. The division shall utilize the reports submitted
21 by the canvassing boards to determine what problems may be
22 likely to occur in other elections and disseminate such
23 information, along with possible solutions, to the supervisors
24 of elections.

25 (9) The supervisor shall file with the department a
26 copy of or an export file from the results database of the
27 county's voting system and other statistical information as
28 may be required by the department, the Legislature, or the
29 Election Assistance Commission. The department shall adopt
30 rules establishing the required content and acceptable formats
31 for the filings and time for filings.

1 Section 59. Section 102.166, Florida Statutes, is
2 amended to read:

3 102.166 Manual recounts.--

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

20 ~~(2)(a) If the second set of unofficial returns~~
21 ~~pursuant to s. 102.141 indicates that a candidate for any~~
22 ~~office was defeated or eliminated by between one quarter and~~
23 ~~one half of a percent of the votes cast for such office, that~~
24 ~~a candidate for retention to judicial office was retained or~~
25 ~~not retained by between one quarter and one half of a percent~~
26 ~~of the votes cast on the question of retention, or that a~~
27 ~~measure appearing on the ballot was approved or rejected by~~
28 ~~between one quarter and one half of a percent of the votes~~
29 ~~cast on such measure, any such candidate, the political party~~
30 ~~of such candidate, or any political committee that supports or~~
31 ~~opposes such ballot measure is entitled to a manual recount of~~

1 ~~the overvotes and undervotes cast in the entire geographic~~
2 ~~jurisdiction of such office or ballot measure, provided that a~~
3 ~~request for a manual recount is made by 5 p.m. on the third~~
4 ~~day after the election.~~

5 ~~(b) For federal, statewide, state, and multicounty~~
6 ~~races and ballot issues, requests for a manual recount shall~~
7 ~~be made in writing to the state Elections Canvassing~~
8 ~~Commission. For all other races and ballot issues, requests~~
9 ~~for a manual recount shall be made in writing to the county~~
10 ~~canvassing board.~~

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

15 (2)(3)(a) Any hardware or software used to identify
16 and sort overvotes and undervotes for a given race or ballot
17 measure must be certified by the Department of State as part
18 of the voting system pursuant to s. 101.015. Any such hardware
19 or software must be capable of simultaneously counting votes.
20 ~~For certified voting systems, the department shall certify~~
21 ~~such hardware or software by July 1, 2002. If the department~~
22 ~~is unable to certify such hardware or software for a certified~~
23 ~~voting system by July 1, 2002, the department shall adopt~~
24 ~~rules prescribing procedures for identifying and sorting such~~
25 ~~overvotes and undervotes. The department's rules may provide~~
26 ~~for the temporary use of hardware or software whose sole~~
27 ~~function is identifying and sorting overvotes and undervotes.~~

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

30 (b)(c) Overvotes and undervotes shall be identified
31 and sorted while recounting ballots pursuant to s. 102.141, if

1 the hardware or software for this purpose has been certified
2 or the department's rules so provide.

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

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

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

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

13 2. Contain a catch-all provision that fails to
14 identify specific standards, such as "any other mark or
15 indication clearly indicating that the voter has made a
16 definite choice."

17 ~~(5)~~~~(6)~~ Procedures for a manual recount are as follows:

18 (a) The county canvassing board shall appoint as many
19 counting teams of at least two electors as is necessary to
20 manually recount the ballots. A counting team must have, when
21 possible, members of at least two political parties. A
22 candidate involved in the race shall not be a member of the
23 counting team.

24 (b) Each duplicate ballot prepared pursuant to s.
25 101.5614(5) or s. 102.141(6) shall be compared with the
26 original ballot to ensure the correctness of the duplicate.

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

31

1 (d) The Department of State shall adopt detailed rules
2 prescribing additional recount procedures for each certified
3 voting system which shall be uniform to the extent
4 practicable. The rules shall address, at a minimum, the
5 following areas:

- 6 1. Security of ballots during the recount process;
- 7 2. Time and place of recounts;
- 8 3. Public observance of recounts;
- 9 4. Objections to ballot determinations;
- 10 5. Record of recount proceedings; and
- 11 6. Procedures relating to candidate and petitioner
12 representatives.

13 Section 60. Subsections (2) and (4) of section
14 102.168, Florida Statutes, are amended to read:

15 102.168 Contest of election.--

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

22 (4) The county canvassing board is an indispensable
23 ~~and or Elections Canvassing Commission shall be the proper~~
24 party defendant in county and local elections; the Elections
25 Canvassing Commission is an indispensable and proper party
26 defendant in federal, state, and multicounty races;7 and the
27 successful candidate is ~~shall be~~ an indispensable party to any
28 action brought to contest the election or nomination of a
29 candidate.

30 Section 61. Subsections (1) and (4) of section
31 103.021, Florida Statutes, are amended to read:

1 103.021 Nomination for presidential
2 electors.--Candidates for presidential electors shall be
3 nominated in the following manner:
4 (1) The Governor shall nominate the presidential
5 electors of each political party. The state executive
6 committee of each political party shall by resolution
7 recommend candidates for presidential electors and deliver a
8 certified copy thereof to the Governor before September 1 of
9 each presidential election year. The Governor ~~He or she~~ shall
10 nominate only the electors recommended by the state executive
11 committee of the respective political party. Each such
12 elector shall be a qualified elector of the party he or she
13 represents who has taken an oath that he or she will vote for
14 the candidates of the party that he or she is nominated to
15 represent. The Governor shall certify to the Department of
16 State on or before September 1, in each presidential election
17 year, the names of a number of electors for each political
18 party equal to the number of senators and representatives
19 which this state has in Congress.

20 (4)(a) A minor political party that is affiliated with
21 a national party holding a national convention to nominate
22 candidates for President and Vice President of the United
23 States may have the names of its candidates for President and
24 Vice President of the United States printed on the general
25 election ballot by filing with the Department of State a
26 certificate naming the candidates for President and Vice
27 President and listing the required number of persons to serve
28 as electors. Notification to the Department of State under
29 this subsection shall be made by September 1 of the year in
30 which the election is held. When the Department of State has
31 been so notified, it shall order the names of the candidates

1 | nominated by the minor political party to be included on the
2 | ballot and shall permit the required number of persons to be
3 | certified as electors in the same manner as other party
4 | candidates. As used in this section, the term "national party"
5 | means a political party established and admitted to the ballot
6 | in at least one state other than Florida.

7 | (b) A minor political party that is not affiliated
8 | with a national party holding a national convention to
9 | nominate candidates for President and Vice President of the
10 | United States may have the names of its candidates for
11 | President and Vice President printed on the general election
12 | ballot if a petition is signed by 1 percent of the registered
13 | electors of this state, as shown by the compilation by the
14 | Department of State for the preceding general election. A
15 | separate petition from each county for which signatures are
16 | solicited shall be submitted to the supervisors of elections
17 | of the respective county no later than July 15 of each
18 | presidential election year. The supervisor shall check the
19 | names and, on or before the date of the first primary, shall
20 | certify the number shown as registered electors of the county.
21 | The supervisor shall be paid by the person requesting the
22 | certification the cost of checking the petitions as prescribed
23 | in s. 99.097. The supervisor shall then forward the
24 | certificate to the Department of State, which shall determine
25 | whether or not the percentage factor required in this section
26 | has been met. When the percentage factor required in this
27 | section has been met, the Department of State shall order the
28 | names of the candidates for whom the petition was circulated
29 | to be included on the ballot and shall permit the required
30 | number of persons to be certified as electors in the same
31 | manner as other party candidates.

1 Section 62. Section 103.051, Florida Statutes, is
2 amended to read:

3 103.051 Congress sets meeting dates of electors.--The
4 presidential electors shall, ~~at noon~~ on the day ~~that which~~ is
5 directed by Congress and at the time fixed by the Governor,
6 meet at Tallahassee and perform the duties required of them by
7 the Constitution and laws of the United States.

8 Section 63. Section 103.061, Florida Statutes, is
9 amended to read:

10 103.061 Meeting of electors and filling of
11 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on
12 the day fixed by Congress to elect a President and Vice
13 President and at the time fixed by the Governor, give notice
14 to the Governor that the elector is in Tallahassee and ready
15 to perform the duties of presidential elector. The Governor
16 shall forthwith deliver to the presidential electors present a
17 certificate of the names of all the electors; and if, on
18 examination thereof, it should be found that one or more
19 electors are absent, the electors present shall elect by
20 ballot, in the presence of the Governor, a person or persons
21 to fill such vacancy or vacancies as may have occurred through
22 the nonattendance of one or more of the electors.

23 Section 64. Section 103.121, Florida Statutes, is
24 amended to read:

25 103.121 Powers and duties of executive committees.--

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

28 1. To adopt a constitution by two-thirds vote of the
29 full committee.

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

1 3. To conduct its meetings according to generally
2 accepted parliamentary practice.

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

4 5. To conduct campaigns for party nominees.

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

9 (b) ~~Except as otherwise provided in subsection (5),~~
10 The county executive committee shall receive payment of
11 assessments upon candidates to be voted for in a single county
12 except state senators and members of the House of
13 Representatives and representatives to the Congress of the
14 United States; and the state executive committees shall
15 receive all other assessments authorized. All party
16 assessments shall be 2 percent of the annual salary of the
17 office sought by the respective candidate. All such committee
18 assessments shall be remitted to the state executive committee
19 of the appropriate party and distributed in accordance with
20 subsection (5) ~~(6)~~.

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

25 (2) ~~(3)~~ The chair and treasurer of an executive
26 committee of any political party shall be accountable for the
27 funds of such committee and jointly liable for their proper
28 expenditure for authorized purposes only. ~~The chair and~~
29 ~~treasurer of the state executive committee of any political~~
30 ~~party shall furnish adequate bond, but not less than \$10,000,~~
31 ~~conditioned upon the faithful performance by such party~~

1 ~~officers of their duties and for the faithful accounting for~~
2 ~~party funds which shall come into their hands; and the chair~~
3 ~~and treasurer of a county executive committee of a political~~
4 ~~party shall furnish adequate bond, but not less than \$5,000,~~
5 ~~conditioned as aforesaid. A bond for the chair and treasurer~~
6 ~~of the state executive committee of a political party shall be~~
7 ~~filed with the Department of State. A bond for the chair and~~
8 ~~treasurer of a county executive committee shall be filed with~~
9 ~~the supervisor of elections.~~ The funds of each such state
10 executive committee shall be publicly audited at the end of
11 each calendar year and a copy of such audit furnished to the
12 Department of State for its examination prior to April 1 of
13 the ensuing year. When filed with the Department of State,
14 copies of such audit shall be public documents. The treasurer
15 of each county executive committee shall maintain adequate
16 records evidencing receipt and disbursement of all party funds
17 received by him or her, and such records shall be publicly
18 audited at the end of each calendar year and a copy of such
19 audit filed with the supervisor of elections and the state
20 executive committee prior to April 1 of the ensuing year.

21 (3)~~(4)~~ Any chair or treasurer of a state or county
22 executive committee of any political party who knowingly
23 misappropriates, or makes an unlawful expenditure of, or a
24 false or improper accounting for, the funds of such committee
25 is guilty of a felony of the third degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (4)~~(5)~~~~(a)~~ The central committee or other equivalent
28 governing body of each state executive committee shall adopt a
29 rule which governs the time and manner in which the respective
30 county executive committees of such party may endorse,
31 certify, screen, or otherwise recommend one or more candidates

1 for such party's nomination for election. Upon adoption, such
2 rule shall provide the exclusive method by which a county
3 committee may so endorse, certify, screen, or otherwise
4 recommend. No later than the date on which qualifying for
5 public office begins pursuant to s. 99.061, the chair of each
6 county executive committee shall notify in writing the
7 supervisor of elections of his or her county whether the
8 county executive committee has endorsed or intends to endorse,
9 certify, screen, or otherwise recommend candidates for
10 nomination pursuant to party rule. A copy of such
11 notification shall be provided to the Secretary of State and
12 to the chair of the appropriate state executive committee. ~~Any~~
13 ~~county executive committee that endorses or intends to~~
14 ~~endorse, certify, screen, or otherwise recommend one or more~~
15 ~~candidates for nomination shall forfeit all party assessments~~
16 ~~which would otherwise be returned to the county executive~~
17 ~~committee; and such assessments shall be remitted instead to~~
18 ~~the state executive committee of such party, the provisions of~~
19 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~
20 ~~funds so remitted to the state executive committee shall be~~
21 ~~paid, returned, or otherwise disbursed to the county executive~~
22 ~~committee under any circumstances. Any county executive~~
23 ~~committee that is in violation of any party rule after~~
24 ~~receiving the party assessment shall remit such party~~
25 ~~assessment to the state executive committee.~~

26 ~~(b) Any state executive committee that endorses or~~
27 ~~intends to endorse, certify, screen, or otherwise recommend~~
28 ~~one or more candidates for nomination shall forfeit all party~~
29 ~~assessments which would otherwise be returned to the state~~
30 ~~executive committee; and such assessments shall be remitted~~
31 ~~instead to the General Revenue Fund of the state. Any state~~

1 ~~executive committee that is in violation of this section after~~
2 ~~receiving the party assessment shall remit such party~~
3 ~~assessment to the General Revenue Fund of the state.~~

4 (5)~~(6)~~ The state chair of each state executive
5 committee shall return the 2-percent committee assessment for
6 county candidates to the appropriate county executive
7 committees only upon receipt of a written statement that such
8 county executive committee chooses not to endorse, certify,
9 screen, or otherwise recommend one or more candidates for such
10 party's nomination for election and upon the state chair's
11 determination that the county executive committee is in
12 compliance with all Florida statutes and all state party
13 rules, bylaws, constitutions, and requirements.

14 Section 65. Section 105.031, Florida Statutes, is
15 amended to read:

16 105.031 Qualification; filing fee; candidate's oath;
17 items required to be filed.--

18 (1) TIME OF QUALIFYING.--Except for candidates for
19 judicial office, nonpartisan candidates for multicounty office
20 shall qualify with the Division of Elections of the Department
21 of State and nonpartisan candidates for countywide or less
22 than countywide office shall qualify with the supervisor of
23 elections. Candidates for judicial office other than the
24 office of county court judge shall qualify with the Division
25 of Elections of the Department of State, and candidates for
26 the office of county court judge shall qualify with the
27 supervisor of elections of the county. Candidates for
28 judicial office shall qualify no earlier than noon of the
29 120th day, and no later than noon of the 116th day, before the
30 first primary election. Candidates for the office of school
31 board member shall qualify no earlier than noon of the 50th

1 day, and no later than noon of the 46th day, before the first
2 primary election. Filing shall be on forms provided for that
3 purpose by the Division of Elections and furnished by the
4 appropriate qualifying officer. Any person seeking to qualify
5 by the petition process ~~alternative method~~, as set forth in s.
6 105.035, who ~~if the person~~ has submitted the necessary
7 petitions by the required deadline and is notified after the
8 fifth day prior to the last day for qualifying that the
9 required number of signatures has been obtained, shall be
10 entitled to subscribe to the candidate's oath and file the
11 qualifying papers at any time within 5 days from the date he
12 or she is notified that the necessary number of signatures has
13 been obtained. Any person other than a write-in candidate who
14 qualifies within the time prescribed in this subsection shall
15 be entitled to have his or her name printed on the ballot.

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

19 (3) QUALIFYING FEE.--Each candidate qualifying for
20 election to a judicial office or the office of school board
21 member, except write-in judicial or school board candidates,
22 shall, during the time for qualifying, pay to the officer with
23 whom he or she qualifies a qualifying fee, which shall consist
24 of a filing fee and an election assessment, or qualify by the
25 petition process ~~alternative method~~. The amount of the filing
26 fee is 3 percent of the annual salary of the office sought.
27 The amount of the election assessment is 1 percent of the
28 annual salary of the office sought. The Department of State
29 shall forward all filing fees to the Department of Revenue for
30 deposit in the Elections Commission Trust Fund. The
31 supervisor of elections shall forward all filing fees to the

1 Elections Commission Trust Fund. The election assessment
 2 shall be deposited into the Elections Commission Trust Fund.
 3 The annual salary of the office for purposes of computing the
 4 qualifying fee shall be computed by multiplying 12 times the
 5 monthly salary authorized for such office as of July 1
 6 immediately preceding the first day of qualifying. This
 7 subsection shall not apply to candidates qualifying for
 8 retention to judicial office.

9 (4) CANDIDATE'S OATH.--

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

12 (b) All candidates for judicial office shall subscribe
 13 to an oath or affirmation in writing to be filed with the
 14 appropriate qualifying officer upon qualifying. A printed
 15 copy of the oath or affirmation shall be furnished to the
 16 candidate by the qualifying officer and shall be in
 17 substantially the following form:

18

19 State of Florida

20 County of

21 Before me, an officer authorized to administer oaths,
 22 personally appeared ...(please print name as you wish it to
 23 appear on the ballot)..., to me well known, who, being sworn,
 24 says he or she: is a candidate for the judicial office of
 25; that his or her legal residence is County, Florida;
 26 that he or she is a qualified elector of the state and of the
 27 territorial jurisdiction of the court to which he or she seeks
 28 election; that he or she is qualified under the constitution
 29 and laws of Florida to hold the judicial office to which he or
 30 she desires to be elected or in which he or she desires to be
 31 retained; that he or she has taken the oath required by ss.

1 876.05-876.10, Florida Statutes; that he or she has qualified
 2 for no other public office in the state, the term of which
 3 office or any part thereof runs concurrent to the office he or
 4 she seeks; and that he or she has resigned from any office
 5 which he or she is required to resign pursuant to s. 99.012,
 6 Florida Statutes.

7 ... (Signature of candidate)...

8 ... (Address)...

9
 10 Sworn to and subscribed before me this day of,
 11 ... (year) ..., at County, Florida.

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

13

14 (5) ITEMS REQUIRED TO BE FILED.--

15 (a) In order for a candidate for judicial office or
 16 the office of school board member to be qualified, the
 17 following items must be received by the filing officer by the
 18 end of the qualifying period:

- 19 1. Except for candidates for retention to judicial
 20 office, a properly executed check drawn upon the candidate's
 21 campaign account in an amount not less than the fee required
 22 by subsection (3) or, in lieu thereof, the copy of the notice
 23 of obtaining ballot position pursuant to s. 105.035. If a
 24 candidate's check is returned by the bank for any reason, the
 25 filing officer shall immediately notify the candidate and the
 26 candidate shall, the end of qualifying notwithstanding, have
 27 48 hours from the time such notification is received,
 28 excluding Saturdays, Sundays, and legal holidays, to pay the
 29 fee with a cashier's check purchased from funds of the
 30 campaign account. Failure to pay the fee as provided in this
 31 subparagraph shall disqualify the candidate.

1 interests with the Commission on Ethics or the supervisor of
2 elections prior to qualifying for office may file a copy of
3 that disclosure at the time of qualifying.

4 (b) If the filing officer receives qualifying papers
5 that do not include all items as required by paragraph (a)
6 prior to the last day of qualifying, the filing officer shall
7 make a reasonable effort to notify the candidate of the
8 missing or incomplete items and shall inform the candidate
9 that all required items must be received by the close of
10 qualifying. A candidate's name as it is to appear on the
11 ballot may not be changed after the end of qualifying.

12 (6) Notwithstanding the qualifying period prescribed
13 in this section, a filing officer may accept and hold
14 qualifying papers submitted not earlier than 14 days prior to
15 the beginning of the qualifying period, to be processed and
16 filed during the qualifying period.

17 Section 66. Section 105.035, Florida Statutes, is
18 amended to read:

19 105.035 Petition process ~~Alternative method~~ of
20 qualifying for certain judicial offices and the office of
21 school board member.--

22 (1) A person seeking to qualify for election to the
23 office of circuit judge or county court judge or the office of
24 school board member may qualify for election to such office by
25 means of the petitioning process prescribed in this section.
26 A person qualifying by this petition process ~~is alternative~~
27 ~~method shall~~ not be required to pay the qualifying fee
28 required by this chapter. ~~A person using this petitioning~~
29 ~~process shall file an oath with the officer before whom the~~
30 ~~candidate would qualify for the office stating that he or she~~
31 ~~intends to qualify by this alternative method for the office~~

1 ~~sought. Such oath shall be filed at any time after the first~~
2 ~~Tuesday after the first Monday in January of the year in which~~
3 ~~the election is held, but prior to the 21st day preceding the~~
4 ~~first day of the qualifying period for the office sought. The~~
5 ~~form of such oath shall be prescribed by the Division of~~
6 ~~Elections. No signatures shall be obtained until the person~~
7 ~~has filed the oath prescribed in this subsection.~~

8 (2) ~~The~~ Upon receipt of a written oath from a
9 ~~candidate, the qualifying officer shall provide the candidate~~
10 ~~with a~~ petition format shall be prescribed by the Division of
11 Elections and shall ~~to~~ be used by the candidate to reproduce
12 petitions for circulation. If the candidate is running for an
13 office that ~~which~~ will be grouped on the ballot with two or
14 more similar offices to be filled at the same election, the
15 candidate's petition must indicate, prior to the obtaining of
16 registered electors' signatures, for which group or district
17 office the candidate is running.

18 (3) Each candidate for election to a judicial office
19 or the office of school board member shall obtain the
20 signature of a number of qualified electors equal to at least
21 1 percent of the total number of registered electors of the
22 district, circuit, county, or other geographic entity
23 represented by the office sought as shown by the compilation
24 by the Department of State for the last preceding general
25 election. A separate petition shall be circulated for each
26 candidate availing himself or herself of the provisions of
27 this section. Signatures may not be obtained until the
28 candidate has filed the appointment of campaign treasurer and
29 designation of campaign depository pursuant to s. 106.021.

30 (4)(a) Each candidate seeking to qualify for election
31 to the office of circuit judge or the office of school board

1 member from a multicounty school district pursuant to this
2 section shall file a separate petition from each county from
3 which signatures are sought. Each petition shall be
4 submitted, prior to noon of the 28th ~~21st~~ day preceding the
5 first day of the qualifying period for the office sought, to
6 the supervisor of elections of the county for which such
7 petition was circulated. Each supervisor of elections to whom
8 a petition is submitted shall check the signatures on the
9 petition to verify their status as electors of that county and
10 of the geographic area represented by the office sought. No
11 later than the seventh day before ~~Prior to~~ the first date for
12 qualifying, the supervisor shall certify the number shown as
13 registered electors and submit such certification to the
14 Division of Elections. The division shall determine whether
15 the required number of signatures has been obtained for the
16 name of the candidate to be placed on the ballot and shall
17 notify the candidate. If the required number of signatures
18 has been obtained, the candidate shall, during the time
19 prescribed for qualifying for office, submit a copy of such
20 notice and file his or her qualifying papers and oath
21 prescribed in s. 105.031 with the Division of Elections. Upon
22 receipt of the copy of such notice and qualifying papers, the
23 division shall certify the name of the candidate to the
24 appropriate supervisor or supervisors of elections as having
25 qualified for the office sought.

26 (b) Each candidate seeking to qualify for election to
27 the office of county court judge or the office of school board
28 member from a single county school district pursuant to this
29 section shall submit his or her petition, prior to noon of the
30 28th ~~21st~~ day preceding the first day of the qualifying period
31 for the office sought, to the supervisor of elections of the

1 county for which such petition was circulated. The supervisor
 2 shall check the signatures on the petition to verify their
 3 status as electors of the county and of the geographic area
 4 represented by the office sought. No later than the seventh
 5 day before ~~Prior to~~ the first date for qualifying, the
 6 supervisor shall determine whether the required number of
 7 signatures has been obtained for the name of the candidate to
 8 be placed on the ballot and shall notify the candidate. If
 9 the required number of signatures has been obtained, the
 10 candidate shall, during the time prescribed for qualifying for
 11 office, submit a copy of such notice and file his or her
 12 qualifying papers and oath prescribed in s. 105.031 with the
 13 qualifying officer. Upon receipt of the copy of such notice
 14 and qualifying papers, such candidate shall be entitled to
 15 have his or her name printed on the ballot.

16 Section 67. Section 106.022, Florida Statutes, is
 17 created to read:

18 106.022 Appointment of a registered agent; duties.--

19 (1) Each political committee, committee of continuous
 20 existence, or electioneering communications entity shall have
 21 and continuously maintain in this state a registered office
 22 and a registered agent and must file with the division a
 23 statement of appointment for the registered office and
 24 registered agent. The statement of appointment must:

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

27 (b) Identify the entity for whom the registered agent
 28 serves;

29 (c) Designate the address the registered agent wishes
 30 to use to receive mail;

31

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

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

7 (f) Contain the signature of the registered agent and
8 the entity engaging the registered agent.

9 (2) An entity may change its appointment of registered
10 agent and registered office under this section by executing a
11 written statement of change that identifies the former
12 registered agent and registered address and also satisfies all
13 of the requirements of subsection (1).

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

20 Section 68. Subsection (6) of section 106.08, Florida
21 Statutes, is amended to read:

22 106.08 Contributions; limitations on.--

23 (6) A political party may not accept any contribution
24 which has been specifically designated for the partial or
25 exclusive use of a particular candidate. Any contribution so
26 designated must be returned to the contributor and may not be
27 used or expended by or on behalf of the candidate. Also, a
28 political party may not accept any in-kind contribution that
29 fails to provide a direct benefit to the political party. A
30 "direct benefit" includes, but is not limited to, fundraising
31 or furthering the objectives of the political party.

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

3 106.24 Florida Elections Commission; membership;
4 powers; duties.--

5 (6) There is hereby established in the State Treasury
6 an Elections Commission Trust Fund to be utilized by the
7 Division of Elections and the Florida Elections Commission in
8 order to carry out their duties pursuant to ss. 106.24-106.28.

9 The trust fund may also be used by the Secretary of State
10 ~~division~~, pursuant to his or her ~~its~~ authority under s.

11 97.012(14) ~~s. 106.22(11)~~, to provide rewards for information
12 leading to criminal convictions related to voter registration
13 fraud, voter fraud, and vote scams.

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

16 106.141 Disposition of surplus funds by candidates.--

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

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

11 Section 71. Section 98.122, Florida Statutes, is
12 transferred and renumbered as section 106.165, Florida
13 Statutes.

14 Section 72. Section 106.22, Florida Statutes, is
15 amended to read:

16 106.22 Duties of the Division of Elections.--It is the
17 duty of the Division of Elections to:

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

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

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

30
31

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.

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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.

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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
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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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