

Bill No. SB 2176

Barcode 312430

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Sebesta) recommended the following **amendment to amendment**
(844124):

Senate Amendment (with title amendment)

On page 1, line 18, through
page 2, line 29, delete section 1

and insert:

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

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

(1) Obtain and maintain uniformity in the application,
operation, and interpretation of the election laws. The
Department of State shall, pursuant to ss. 120.536(1) and
120.54, adopt rules to administer the requirements of chapters
97 through 102 and 105 of the Election Code.

(2) Provide uniform standards for the proper and
equitable implementation of the registration laws by

Bill No. SB 2176

Barcode 312430

1 administrative rule of the Department of State adopted
2 pursuant to ss. 120.536(1) and 120.54.

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

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

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

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

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

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

17 (9) Ensure that all registration applications and
18 forms prescribed or approved by the department are in
19 compliance with the Voting Rights Act of 1965.

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

24 (11) Create and maintain a statewide voter
25 registration database.

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

28 (13) Designate an office within the department to be
29 responsible for providing information regarding voter
30 registration procedures and absentee ballot procedures to
31 absent uniformed services voters and overseas voters.

Bill No. SB 2176

Barcode 312430

1 (14)(a) Bring and maintain such actions at law or in
 2 equity by mandamus or injunction to enforce the performance of
 3 any duties of a county supervisor of elections or any official
 4 performing duties with respect to chapters 97 through 102 and
 5 105 or to enforce compliance with a rule of the Department of
 6 State adopted under any of those chapters.

7 (b) Venue for such actions shall be in the Circuit
 8 Court of Leon County.

9 (c) If an action is filed by the secretary under this
 10 section within 60 days after an election as defined in s.
 11 97.021, the court, including an appellate court, shall set an
 12 immediate hearing, giving the case priority over other pending
 13 cases.

14 (d) An action to enforce performance of the duties of
 15 the supervisor of elections or any official described in
 16 paragraph (a) may not be instituted unless the secretary or
 17 his or her designee has first conferred, or has made a
 18 good-faith attempt to confer, with the supervisor of elections
 19 or the official to ensure compliance with chapters 97 through
 20 102 and 105 or the rules of the Department of State adopted
 21 under any of those chapters.

22 (e) Civil penalties of up to \$5,000 per violation may
 23 be assessed against a supervisor of elections personally and
 24 individually pursuant to an action prosecuted under this
 25 section. The Department of State shall adopt rules to
 26 administer this paragraph.

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

30 And the title is amended as follows:

31 On page 75, lines 4-6, delete those lines

Bill No. SB 2176

Barcode 312430

1 and insert:

2 amending s. 97.012, F.S.; revising the duties
3 of the Secretary of State and the Department of
4 State relating to election laws; providing for
5 rulemaking; providing that the secretary has a
6 duty to bring legal action to enforce the
7 performance of county supervisors of elections
8 or other officials performing duties relating
9 to the Election Code; providing a prerequisite
10 to bringing such an action; providing for
11 venue; requiring that courts give priority to
12 such an action; providing penalties; providing
13 for the adoption of rules; amending s.

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