

Bill No. SB 2176

Barcode 340502

CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

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.

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

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

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

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1 services.

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

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

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

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

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

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

17 (11) Create and administer ~~maintain~~ a statewide voter
18 registration system as required by the Help America Vote Act
19 of 2002 database. The Secretary of State may delegate duties
20 concerning voter registration and activities involving records
21 maintenance to voter registration officials. Any
22 responsibilities delegated by the Secretary of State shall be
23 performed in accordance with state and federal law.

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

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

30 Section 2. Subsection (13) of section 97.021, Florida
31 Statutes, is amended, present subsections (38) and (39) of

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1 that section are redesignated as subsections (39) and (40),
 2 respectively, and a new subsection (38) is added to that
 3 section, to read:

4 97.021 Definitions.--For the purposes of this code,
 5 except where the context clearly indicates otherwise, the
 6 term:

7 (13) "Lists of registered electors" means names and
 8 associated information ~~copies of printed lists~~ of registered
 9 electors maintained by the department in the statewide voter
 10 registration system or generated or derived from the statewide
 11 voter registration system. Lists may be produced in printed or
 12 electronic format, ~~computer tapes or disks, or any other~~
 13 ~~device used by the supervisor of elections to maintain voter~~
 14 ~~records.~~

15 (38) "Voter registration official" means any
 16 supervisor of elections or individual authorized by the
 17 Secretary of State to accept voter registration applications
 18 and execute updates to the statewide voter registration
 19 system.

20 Section 3. Section 97.026, Florida Statutes, is
 21 amended to read:

22 97.026 Forms to be available in alternative formats
 23 and via the Internet.--It is the intent of the Legislature
 24 that all forms required to be used in chapters 97-106 shall be
 25 made available upon request, in alternative formats. Such
 26 forms shall include absentee ballots as alternative formats
 27 for such ballots become available and the Division of
 28 Elections is able to certify systems that provide them.
 29 Whenever possible, such forms, with the exception of absentee
 30 ballots, shall be made available by the Department of State
 31 via the Internet. Sections that contain such forms include,

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1 but are not limited to, ss. 97.051, 97.052, 97.053, 97.057,
 2 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055~~, 98.075,
 3 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,
 4 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and
 5 106.087.

6 Section 4. Section 97.051, Florida Statutes, is
 7 amended to read:

8 97.051 Oath upon registering.--A person registering to
 9 vote must subscribe to the following oath: "I do solemnly
 10 swear (or affirm) that I will protect and defend the
 11 Constitution of the United States and the Constitution of the
 12 State of Florida, that I am qualified to register as an
 13 elector under the Constitution and laws of the State of
 14 Florida, and that all information provided in this application
 15 is true ~~I am a citizen of the United States and a legal~~
 16 ~~resident of Florida.~~"

17 Section 5. Section 97.052, Florida Statutes, is
 18 amended to read:

19 97.052 Uniform statewide voter registration
 20 application.--

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

23 (a) The uniform statewide voter registration
 24 application must be accepted for any one or more of the
 25 following purposes:

- 26 1. Initial registration.
- 27 2. Change of address.
- 28 3. Change of party affiliation.
- 29 4. Change of name.
- 30 5. Replacement of a voter information registration
 31 ~~identification~~ card.

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1 6. Signature update.

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

8 1. Individuals seeking to register to vote or update a
9 voter registration record.

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

13 3. The Department of Highway Safety and Motor
14 Vehicles.

15 4. Voter registration agencies.

16 5. Armed forces recruitment offices.

17 6. Qualifying educational institutions.

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

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

22 b. By distributing the applications and forms at other
23 locations designated by each supervisor.

24 c. By mailing the applications and forms to applicants
25 upon the request of the applicant.

26 (c) The uniform statewide voter registration
27 application may be reproduced by any private individual or
28 group, provided the reproduced application is in the same
29 format as the application prescribed under this section.

30 (2) The uniform statewide voter registration
31 application must be designed to elicit the following

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1 information from the applicant:

2 (a) Last, first, and middle ~~Full~~ name, including any
3 suffix.

4 (b) Date of birth.

5 (c) Address of legal residence.

6 (d) Mailing address, if different.

7 (e) County of legal residence.

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

10 ~~(f)(g)~~ Race or ethnicity that best describes the
11 applicant:

12 1. American Indian or Alaskan Native.

13 2. Asian or Pacific Islander.

14 3. Black, not Hispanic.

15 4. White, not Hispanic.

16 5. Hispanic.

17 ~~(g)(h)~~ State or country of birth.

18 ~~(h)(i)~~ Sex.

19 ~~(i)(j)~~ Party affiliation.

20 ~~(j)(k)~~ Whether the applicant needs assistance in
21 voting.

22 ~~(k)(l)~~ Name and address where last registered.

23 ~~(l)(m)~~ Last four digits of the applicant's social
24 security number.

25 ~~(m)(n)~~ Florida driver's license number or the
26 identification number from a Florida identification card
27 issued under s. 322.051.

28 (n) An indication if the applicant has not been issued
29 a Florida driver's license, a Florida identification card, or
30 a social security number.

31 (o) Telephone number~~(optional)~~.

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

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

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

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

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

28
 29 The registration application form must be in plain language
 30 and designed so that convicted felons whose civil rights have
 31 been restored and persons who have been adjudicated mentally

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1 incapacitated and have had their voting rights restored are
2 not required to reveal their prior conviction or adjudication.

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

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

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

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

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

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

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

1 ~~elsewhere.~~

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

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

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

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

23 97.053 Acceptance of voter registration
24 applications.--

25 (1) Voter registration applications, changes in
26 registration, and requests for a replacement voter information
27 ~~registration identification~~ card must be accepted in the
28 office of any supervisor, the division, a driver license
29 office, a voter registration agency, or an armed forces
30 recruitment office when hand delivered by the applicant or a
31 third party during the hours that office is open or when

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1 mailed.

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

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

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

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

- 4 1. The applicant's name.
- 5 2. The applicant's legal residence address.
- 6 3. The applicant's date of birth.
- 7 4. A mark in the checkbox affirming ~~An indication~~ that
8 the applicant is a citizen of the United States.

9 5.a. The applicant's current and valid Florida
10 driver's license number or~~;~~ the identification number from a
11 Florida identification card issued under s. 322.051~~;~~ or

12 b. If the applicant has not been issued a current and
13 valid Florida driver's license or a Florida identification
14 card, the last four digits of the applicant's social security
15 number.

16
17 In the case where an applicant has not been issued a current
18 and valid Florida driver's license, Florida identification
19 card, or social security number, the applicant shall affirm
20 this fact in the manner prescribed in the uniform statewide
21 voter registration application.

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

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

29 8. The original signature or a digital signature
30 transmitted by the Department of Highway Safety and Motor
31 Vehicles of the applicant swearing or affirming under the

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1 penalty for false swearing pursuant to s. 104.011 that the
2 information contained in the registration application is true
3 and subscribing to the oath required by s. 3, Art. VI of the
4 State Constitution and s. 97.051.

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

10 (6) A voter registration application may be accepted
11 as valid only after the department has verified the
12 authenticity or nonexistence of the driver's license number,
13 the Florida identification card number, or last four digits of
14 the social security number provided by the applicant. If a
15 completed voter registration application has been received by
16 the book closing deadline but the driver's license number,
17 Florida identification card number, or last four digits of the
18 social security number provided by the applicant cannot be
19 verified before the applicant presents himself or herself to
20 vote, the applicant shall be provided a provisional ballot.
21 The provisional ballot shall be counted only if the
22 application is verified by the end of the canvassing period or
23 if the applicant presents evidence to the supervisor of
24 elections which is sufficient to verify the authenticity of
25 the driver's license number, Florida identification card
26 number, or last four digits of the social security number
27 provided on the application no later than 5 p.m. of the third
28 day following the election.

29 (7) All voter registration applications received by a
30 voter registration official shall be entered into the
31 statewide voter registration system within 15 days after

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1 receipt. Once entered, the application shall be immediately
2 forwarded to the appropriate supervisor of elections.

3 Section 7. Section 97.0535, Florida Statutes, is
4 amended to read:

5 97.0535 Special requirements for certain voters
6 applicants.--

7 (1) Each voter applicant who registers by mail and who
8 has never previously voted in the state and who the department
9 has verified has not been issued a current and valid Florida
10 driver's license, Florida identification card, or social
11 security number ~~county~~ shall be required to provide a copy of
12 a current and valid identification, as provided in subsection
13 (3), or indicate that he or she is exempt from the
14 requirements prior to voting. ~~Such~~ ~~The applicant may provide~~
15 ~~the identification or indication may be provided~~ at the time
16 of registering, or at any time prior to voting for the first
17 time in the state ~~county~~. If the voter registration
18 application clearly provides information from which a voter
19 registration official ~~the supervisor~~ can determine that the
20 voter applicant meets at least one of the exemptions in
21 subsection (4), the voter registration official ~~supervisor~~
22 shall make the notation on the registration records of the
23 statewide voter registration system and the voter applicant
24 shall not be required to provide the identification required
25 by this section ~~further information that is required of first~~
26 ~~time voters who register by mail.~~

27 (2) The voter registration official ~~supervisor of~~
28 ~~elections~~ shall, upon accepting the voter registration
29 application submitted under subsection (1) ~~for an applicant~~
30 ~~who registered by mail and who has not previously voted in the~~
31 ~~county~~, determine if the voter applicant provided the required

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1 identification at the time of registering. If the required
 2 identification was not provided, the supervisor shall notify
 3 the voter applicant that he or she must provide the
 4 identification prior to voting the first time in the state
 5 county.

6 (3)(a) The following forms of identification shall be
 7 considered current and valid if they contain the name and
 8 photograph of the voter applicant and have not expired:

- 9 ~~1. Florida driver's license.~~
- 10 ~~2. Florida identification card issued by the~~
 11 ~~Department of Highway Safety and Motor Vehicles.~~
- 12 ~~1.3.~~ United States passport.
- 13 ~~2.4.~~ Employee badge or identification.
- 14 ~~3.5.~~ Buyer's club identification.
- 15 ~~4.6.~~ Debit or credit card.
- 16 ~~5.7.~~ Military identification.
- 17 ~~6.8.~~ Student identification.
- 18 ~~7.9.~~ Retirement center identification.
- 19 ~~8.10.~~ Neighborhood association identification.
- 20 ~~9.11.~~ Entertainment identification.
- 21 ~~10.12.~~ Public assistance identification.

22 (b) The following forms of identification shall be
 23 considered current and valid if they contain the name and
 24 current residence address of the voter applicant:

- 25 1. Utility bill.
- 26 2. Bank statement.
- 27 3. Government check.
- 28 4. Paycheck.
- 29 5. Other government document (excluding voter
 30 identification card).

31 (4) The following persons are exempt from the

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1 identification requirements of this section:

2 (a) Persons 65 years of age or older.

3 (b) Persons with a temporary or permanent physical
4 disability.

5 (c) Members of the uniformed service on active duty
6 who, by reason of such active duty, are absent from the county
7 on election day.

8 (d) Members of the Merchant Marine who, by reason of
9 service in the Merchant Marine, are absent from the county on
10 election day.

11 (e) The spouse or dependent of a member referred to in
12 paragraph (c) or paragraph (d) who, by reason of the active
13 duty or service of the member, is absent from the county on
14 election day.

15 (f) Persons currently residing outside the United
16 States who are eligible to vote in Florida.

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

19 97.055 Registration books; when closed for an
20 election.--

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

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1 first primary election and the date of the second primary
2 election are not effective until after the second primary
3 election.

4 Section 9. Section 97.057, Florida Statutes, is
5 amended to read:

6 97.057 Voter registration by the Department of Highway
7 Safety and Motor Vehicles.--

8 (1) The Department of Highway Safety and Motor
9 Vehicles shall provide the opportunity to register to vote or
10 to update a voter registration record to each individual who
11 comes to an office of that department to:

12 (a) Apply for or renew a driver's license;

13 (b) Apply for or renew an identification card pursuant
14 to chapter 322; or

15 (c) Change an address on an existing driver's license
16 or identification card.

17 (2) The Department of Highway Safety and Motor
18 Vehicles shall:

19 (a) Notify each individual, orally or in writing,
20 that:

21 1. Information gathered for the completion of a
22 driver's license or identification card application, renewal,
23 or change of address can be automatically transferred to a
24 voter registration application;

25 2. If additional information and a signature are
26 provided, the voter registration application will be completed
27 and sent to the proper election authority;

28 3. Information provided can also be used to update a
29 voter registration record;

30 4. All declinations will remain confidential and may
31 be used only for voter registration purposes; and

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1 5. The particular driver license office in which the
 2 person applies to register to vote or updates a voter
 3 registration record will remain confidential and may be used
 4 only for voter registration purposes.

5 (b) Require a driver's license examiner to inquire
 6 orally, or, if the applicant is hearing impaired, inquire in
 7 writing ~~if the applicant is hearing impaired,~~ and whether the
 8 applicant wishes to register to vote or update a voter
 9 registration record during the completion of a driver's
 10 license or identification card application, renewal, or change
 11 of address.

12 1. If the applicant chooses to register to vote or to
 13 update a voter registration record:

14 a. All applicable information received by the
 15 Department of Highway Safety and Motor Vehicles in the course
 16 of filling out the forms necessary under subsection (1) must
 17 be transferred to a voter registration application;

18 b. The additional necessary information must be
 19 obtained by the driver's license examiner and must not
 20 duplicate any information already obtained while completing
 21 the forms required under subsection (1); and

22 c. A voter registration application with all of the
 23 applicant's voter registration information required to
 24 establish the applicant's eligibility pursuant to s. 97.041
 25 must be presented to the applicant to review and verify the
 26 voter registration information received and provide an
 27 electronic signature affirming the accuracy of the information
 28 provided sign.

29 2. If the applicant declines to register to vote,
 30 update the applicant's voter registration record, or change
 31 the applicant's address by either orally declining or by

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1 failing to sign the voter registration application, the
2 Department of Highway Safety and Motor Vehicles must note such
3 declination on its records and shall forward the declination
4 to the statewide voter registration system ~~keep the~~
5 ~~declination for 2 years but must forward a copy of the~~
6 ~~unsigned voter registration application within 5 days after~~
7 ~~receipt to the appropriate supervisor of elections.~~

8 (3) For the purpose of this section, the Department of
9 Highway Safety and Motor Vehicles, with the approval of the
10 Department of State, shall prescribe:

11 (a) A voter registration application that is the same
12 in content, ~~format, and size~~ as the uniform statewide voter
13 registration application prescribed under s. 97.052; and

14 (b) A form that will inform applicants under
15 subsection (1) of the information contained in paragraph
16 (2)(a).

17 (4) The Department of Highway Safety and Motor
18 Vehicles must electronically transmit ~~forward~~ completed voter
19 registration applications within 24 hours to the statewide
20 voter registration system. Completed paper voter registration
21 applications received by the Department of Highway Safety and
22 Motor Vehicles shall be forwarded within 5 days after receipt
23 to the supervisor of the county where the office that
24 processed or received that application is located.

25 (5) The Department of Highway Safety and Motor
26 Vehicles must send, with each driver's license renewal
27 extension application authorized pursuant to s. 322.18(8), a
28 uniform statewide voter registration application, the voter
29 registration application prescribed under paragraph (3)(a), or
30 a voter registration application developed especially for the
31 purposes of this subsection by the Department of Highway

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1 Safety and Motor Vehicles, with the approval of the Department
2 of State, which must meet the requirements of s. 97.052.

3 (6) A person providing voter registration services for
4 a driver license office may not:

5 (a) Seek to influence an applicant's political
6 preference or party registration;

7 (b) Display any political preference or party
8 allegiance;

9 (c) Make any statement to an applicant or take any
10 action the purpose or effect of which is to discourage the
11 applicant from registering to vote; or

12 (d) Disclose any applicant's voter registration
13 information except as needed for the administration of voter
14 registration.

15 ~~(7) The Department of Highway Safety and Motor
16 Vehicles shall compile lists, by county, of those individuals
17 whose names have been purged from its driver's license
18 database because they have been licensed in another state and
19 shall provide those lists annually to the appropriate
20 supervisors.~~

21 ~~(7)(8)~~ The Department of Highway Safety and Motor
22 Vehicles shall collect data determined necessary by the
23 Department of State for program evaluation and reporting to
24 the ~~Federal~~ Election Assistance Commission pursuant to federal
25 law ~~the National Voter Registration Act of 1993.~~

26 ~~(8)(9)~~ The Department of Highway Safety and Motor
27 Vehicles must ensure that all voter registration services
28 provided by driver license offices are in compliance with the
29 Voting Rights Act of 1965.

30 (9) The Department of Highway Safety and Motor
31 Vehicles shall retain complete records of voter registration

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1 information received, processed, and submitted to the
 2 statewide voter registration system by the Department of
 3 Highway Safety and Motor Vehicles. These records shall be for
 4 the explicit purpose of supporting audit and accounting
 5 controls established to ensure accurate and complete
 6 electronic transmission of records between the statewide voter
 7 registration system and the Department of Highway Safety and
 8 Motor Vehicles.

9 (10) The department shall provide the Department of
 10 Highway Safety and Motor Vehicles with an electronic database
 11 of street addresses which is valid for use as the legal
 12 residence address as required in s. 97.053(5). The Department
 13 of Highway Safety and Motor Vehicles shall compare the address
 14 provided by the applicant against the database of valid street
 15 addresses. If the address provided by the applicant does not
 16 match a valid street address in the database, the applicant
 17 shall be asked to verify the address provided. The Department
 18 of Highway Safety and Motor Vehicles may not reject any
 19 application for voter registration for which a valid match
 20 cannot be made.

21 (11) The Department of Highway Safety and Motor
 22 Vehicles shall enter into an agreement with the department to
 23 match information in the statewide voter registration system
 24 with information in the database of the Department of Highway
 25 Safety and Motor Vehicles to the extent that is required to
 26 verify the accuracy of the driver's license number, the
 27 Florida identification number, or last four digits of the
 28 social security number provided on applications for voter
 29 registration as required in s. 97.053.

30 (12) The Department of Highway Safety and Motor
 31 Vehicles shall enter into an agreement with the Commissioner

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1 of Social Security as required by the Help America Vote Act of
 2 2002 to verify the last four digits of the social security
 3 number provided in applications for voter registration as
 4 required in s. 97.053.

5 Section 10. Subsections (6), (7), and (9) of section
 6 97.058, Florida Statutes, are amended to read:

7 97.058 Voter registration agencies.--

8 (6) A voter registration agency must forward all
 9 completed and incomplete voter registration applications
 10 within 5 days after receipt to the supervisor of the county
 11 where the agency that processed or received that application
 12 is located.

13 (7) A voter registration agency must retain
 14 declinations for a period of 2 years, during which time the
 15 declinations are not considered a record of the client
 16 pursuant to the laws governing the agency's records. ~~However,~~
 17 ~~a voter registration agency must forward a copy of each~~
 18 ~~incompleted voter registration application within 5 days after~~
 19 ~~receipt to the appropriate supervisor of elections.~~

20 (9) A voter registration agency must collect data
 21 determined necessary by the department for program evaluation
 22 and reporting to the ~~Federal~~ Election Assistance Commission
 23 pursuant to federal law ~~the National Voter Registration Act of~~
 24 ~~1993~~.

25 Section 11. Section 97.061, Florida Statutes, is
 26 amended to read:

27 97.061 Special registration for electors requiring
 28 assistance.--

29 (1) Any person who is eligible to register and who is
 30 unable to read or write or who, because of some disability,
 31 needs assistance in voting shall upon that person's request be

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1 registered ~~by the supervisor~~ under the procedure prescribed by
 2 this section and shall be entitled to receive assistance at
 3 the polls under the conditions prescribed by this section.

4 (2) If a person is qualified to register pursuant to
 5 this section, the voter registration official ~~supervisor~~ shall
 6 note in that person's registration record that the person
 7 needs assistance in voting.

8 (3) The precinct register generated by the supervisor
 9 shall contain ~~Upon registering any person pursuant to this~~
 10 ~~section, the supervisor must make a notation on the~~
 11 ~~registration books or records which are delivered to the polls~~
 12 ~~on election day~~ that such person is eligible for assistance in
 13 voting, and the supervisor may ~~issue such person a special~~
 14 ~~registration identification card~~ or make a ~~some~~ notation on
 15 the voter information ~~regular registration identification~~ card
 16 that such person is eligible for assistance in voting. Such
 17 person shall be entitled to receive the assistance of two
 18 election officials or some other person of his or her own
 19 choice, other than the person's employer, the agent of the
 20 person's employer, or an officer or agent of the person's
 21 union, without the necessity of executing the "Declaration to
 22 Secure Assistance" prescribed in s. 101.051. Such person shall
 23 notify the supervisor of any change in his or her condition
 24 which makes it unnecessary for him or her to receive
 25 assistance in voting.

26 Section 12. Section 97.071, Florida Statutes, is
 27 amended to read:

28 97.071 Voter information ~~Registration identification~~
 29 card.--

30 (1) A voter information ~~registration identification~~
 31 card must be furnished by the supervisor to all registered

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1 voters residing in the county. The card registering under the
2 permanent single registration system and 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 ~~(f)(h)~~ Address of legal residence.
- 11 ~~(g)(i)~~ Precinct number.
- 12 ~~(h)(j)~~ Name of supervisor and contact information of
13 the supervisor.
- 14 ~~(k) Place for voter's signature.~~
- 15 ~~(i)(l)~~ Other information deemed necessary by the
16 supervisor department.

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

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

31 Section 13. Section 97.073, Florida Statutes, is

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1 amended to read:

2 97.073 Disposition of voter registration applications;
3 cancellation notice.--

4 (1) The supervisor must notify each applicant of the
5 disposition of the applicant's voter registration application.
6 The notice must inform the applicant that the application has
7 been approved, is incomplete, has been denied, or is a
8 duplicate of a current registration. A voter information
9 ~~registration identification~~ card sent to an applicant
10 constitutes notice of approval of registration. If the
11 application is incomplete, the supervisor must request that
12 the applicant supply the missing information using a voter
13 registration application signed by the applicant in writing
14 ~~and sign a statement that the additional information is true~~
15 ~~and correct~~. A notice of denial must inform the applicant of
16 the reason the application was denied.

17 (2) Within 2 weeks after approval of a voter
18 registration application that indicates that the applicant was
19 previously registered in another state jurisdiction, the
20 department supervisor must notify the registration official in
21 the prior state jurisdiction that the applicant is now
22 registered in Florida ~~the supervisor's county~~.

23 Section 14. Section 97.1031, Florida Statutes, is
24 amended to read:

25 97.1031 Notice of change of residence ~~within the same~~
26 ~~county~~, change of name, or change of party.--

27 (1) When an elector moves from the address named on
28 that person's voter registration record to another address
29 within the state or changes his or her name by marriage or
30 other legal process same county, the elector must submit the
31 new information to a voter registration official using a voter

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1 registration application signed by the elector provide
2 ~~notification of such move to the supervisor of elections of~~
3 ~~that county. The elector may provide the supervisor a signed,~~
4 ~~written notice or may notify the supervisor by telephone or~~
5 ~~electronic means. However, notification of such move other~~
6 ~~than by signed, written notice must include the elector's date~~
7 ~~of birth. A voter information registration identification card~~
8 ~~reflecting the new information address of legal residence~~
9 ~~shall be issued to the elector as provided in subsection(3)~~
10 ~~(4).~~

11 ~~(2) When the name of an elector is changed by marriage~~
12 ~~or other legal process, the elector must provide a signed,~~
13 ~~written notification of such change to the supervisor and~~
14 ~~obtain a registration identification card reflecting the new~~
15 ~~name.~~

16 ~~(2)(3)~~ When an elector seeks to change party
17 affiliation, the elector must provide notice ~~a signed, written~~
18 ~~notification~~ of such intent to a voter registration official
19 using a voter registration application signed by the elector.
20 A voter information ~~the supervisor and obtain a registration~~
21 ~~identification~~ card reflecting the new party affiliation shall
22 be issued by the supervisor to the elector, subject to the
23 issuance restriction in s. 97.071(3).

24 ~~(3)(4)~~ The voter registration official ~~supervisor~~
25 shall make the necessary changes in the elector's records as
26 soon as practical upon receipt of such notice of a change of
27 address of legal residence, name, or party affiliation ~~and~~
28 ~~shall issue the new registration identification card as~~
29 ~~required by s. 97.071(3).~~

30 Section 15. Section 97.105, Florida Statutes, is
31 amended to read:

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1 97.105 Permanent single registration system
 2 established.--A permanent single registration system for the
 3 registration of electors to qualify them to vote in all
 4 elections is provided for the several counties and
 5 municipalities. This system shall be put into use by all
 6 municipalities and shall be in lieu of any other system of
 7 municipal registration. Electors shall be registered pursuant
 8 to in pursuance of this system by a voter registration
 9 official the supervisor or by a deputy supervisor, and
 10 electors registered shall not thereafter be required to
 11 register or reregister except as provided by law.

12 Section 16. Section 98.015, Florida Statutes, is
 13 amended to read:

14 98.015 Supervisor of elections; election, tenure of
 15 office, compensation, custody of books, office hours,
 16 successor, seal; appointment of deputy supervisors; duties.--

17 (1) A supervisor of elections shall be elected in each
 18 county at the general election in each year the number of
 19 which is a multiple of four for a 4-year term commencing on
 20 the first Tuesday after the first Monday in January succeeding
 21 his or her election. Each supervisor shall, before performing
 22 any of his or her duties, take the oath prescribed in s. 5,
 23 Art. II of the State Constitution.

24 (2) The supervisor's compensation shall be paid by the
 25 board of county commissioners.

26 (3) The supervisor shall update voter registration
 27 information, enter new voter registrations into the statewide
 28 voter registration system, and act as ~~is~~ the official
 29 custodian of documents received by the supervisor related to
 30 the registration of electors and changes in the status of
 31 voter registration of electors of the supervisor's county the

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1 ~~registration books and has the exclusive control of matters~~
2 ~~pertaining to registration of electors.~~

3 (4) At a minimum, the office of the supervisor must be
4 open Monday through Friday, excluding legal holidays, for a
5 period of not less than 8 hours per day, beginning no later
6 than 9 a.m.

7 (5) The supervisor shall preserve statements and other
8 information required to be filed with the supervisor's office
9 pursuant to chapter 106 for a period of 10 years from date of
10 receipt.

11 (6) The supervisor shall, upon leaving office, deliver
12 to his or her successor immediately all records belonging to
13 the office.

14 (7) Each supervisor is authorized to obtain for the
15 office an impression seal approved by the department. An
16 impression of the seal with a description thereof shall be
17 filed with the department. The supervisor is empowered to
18 attach an impression of the seal upon official documents and
19 certificates executed over the supervisor's signature and take
20 oaths and acknowledgments under the supervisor's seal in
21 matters pertaining to the office. However, said seal need not
22 be affixed to registration certificates.

23 (8) Each supervisor may select and appoint, subject to
24 removal by the supervisor, as many deputy supervisors as are
25 necessary, whose compensation must be paid by the supervisor
26 and who shall have the same powers and whose acts shall have
27 the same effect as the acts of the supervisor; except that the
28 supervisor shall limit the power to appoint deputy supervisors
29 to designated deputy supervisors. Each deputy supervisor
30 shall, before entering office, take an oath in writing that he
31 or she will faithfully perform the duties of the deputy

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1 supervisor's office, which oath must be acknowledged by the
 2 supervisor or a designated deputy supervisor and must be filed
 3 in the office of the supervisor.

4 (9) Each supervisor must make training in the proper
 5 implementation of voter registration procedures available to
 6 any individual, group, center for independent living, or
 7 public library in the supervisor's county.

8 (10) Each supervisor must ensure that all voter
 9 registration and list maintenance procedures conducted by such
 10 supervisor are in compliance with any applicable requirements
 11 prescribed by the department through the statewide voter
 12 registration system or prescribed by for that county under the
 13 Voting Rights Act of 1965, the National Voter Registration Act
 14 of 1993, or the Help America Vote Act of 2002.

15 (11) Each supervisor must ensure that any voter
 16 registration system used by the supervisor for administering
 17 his or her duties as a voter registration official complies
 18 with the specifications and procedures established by the
 19 department and the statewide voter registration system.

20 (12) Each supervisor of elections shall maintain lists
 21 of valid residential street addresses for purposes of
 22 verifying the legal address of voters residing in the county.
 23 The supervisor shall make all reasonable efforts to coordinate
 24 with county 911 service providers, property appraisers, the
 25 United States Postal Service, or other agencies as necessary
 26 to ensure the continued accuracy of such lists. The supervisor
 27 shall provide the list of valid residential addresses to the
 28 statewide voter registration system in the manner and
 29 frequency specified by the department.

30 ~~(11) Each supervisor of elections shall forward to the~~
 31 ~~property appraiser for the county in which the homestead is~~

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1 ~~claimed the name of the person and the address of the~~
 2 ~~homestead of each person who registers to vote at an address~~
 3 ~~other than that at which the person claims a homestead~~
 4 ~~exemption, as disclosed on the uniform statewide voter~~
 5 ~~registration application pursuant to s. 97.052.~~

6 Section 17. Section 98.035, Florida Statutes, is
 7 created to read:

8 98.035 Statewide voter registration system;
 9 implementation, operation, and maintenance.--

10 (1) The Secretary of State, as chief election officer
 11 of the state, shall be responsible for implementing,
 12 operating, and maintaining, in a uniform and nondiscriminatory
 13 manner, a single, uniform, official, centralized, interactive,
 14 and computerized statewide voter registration system as
 15 required by the Help America Vote Act of 2002.

16 (2) The statewide voter registration system must
 17 contain the name and registration information of every legally
 18 registered voter in the state. All voters shall be assigned a
 19 unique identifier. The system shall be the official list of
 20 registered voters in the state and shall provide secured
 21 access by authorized voter registration officials. The system
 22 shall enable voter registration officials to provide, access,
 23 and update voter registration information.

24 (3) The department may not contract with any other
 25 entity for the operation of the statewide voter registration
 26 system.

27 (4) The implementation of the statewide voter
 28 registration system does not prevent any supervisor of
 29 elections from acquiring, maintaining, or using any hardware
 30 or software necessary or desirable to carry out his or her
 31 responsibilities related to the use of voter registration

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1 information or the conduct of elections. However, such
2 hardware or software may not conflict with the operation of
3 the statewide voter registration system.

4 (5) The department may adopt rules governing the
5 access, use, and operation of the statewide voter registration
6 system to ensure the security, uniformity, and integrity of
7 the system.

8 Section 18. Section 98.045, Florida Statutes, is
9 amended to read:

10 (Substantial rewording of section. See
11 s. 98.045, F.S., for present text.)

12 98.045 Administration of voter registration.--

13 (1) ELIGIBILITY OF APPLICANT.--The department must
14 ensure that any eligible applicant for voter registration is
15 registered to vote and that each application for voter
16 registration is processed in accordance with law. The
17 department shall determine whether a voter registration
18 applicant is ineligible based on any of the following:

19 (a) The failure of the applicant to complete a voter
20 registration application as specified in s. 97.053.

21 (b) The applicant is deceased.

22 (c) The applicant has been convicted of a felony for
23 which his or her civil rights have not been restored.

24 (d) The applicant has been adjudicated mentally
25 incapacitated with respect to the right to vote and such right
26 has not been restored.

27 (e) The applicant does not meet the age requirement
28 pursuant to s. 97.041.

29 (f) The applicant is not a United States citizen.

30 (g) The applicant is a fictitious person.

31 (h) The applicant has provided an address of legal

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1 residence which is not his or her legal residence.

2 (i) The applicant has provided a driver's license
3 number, Florida identification card number, or last four
4 digits of a social security number that is not verifiable by
5 the department.

6 (2) REMOVAL OF REGISTERED VOTERS.--

7 (a) Once a voter is registered, the name of that voter
8 may not be removed from the statewide voter registration
9 system except at the written request of the voter, by reason
10 of the voter's conviction of a felony or adjudication as
11 mentally incapacitated with respect to voting, by death of the
12 voter, or pursuant to maintenance activity of the registration
13 list conducted pursuant to s. 98.065 or s. 98.075.

14 (b) Information received by a voter registration
15 official from an election official in another state indicating
16 that a registered voter in Florida has registered to vote in
17 that other state shall be considered as a written request from
18 the voter to have the voter's name removed from the statewide
19 voter registration system.

20 (3) PUBLIC RECORDS ACCESS AND RETENTION.--Each
21 supervisor of elections shall maintain for at least 2 years,
22 and make available for public inspection and copying, all
23 records concerning implementation of registration list
24 maintenance programs and activities conducted pursuant to s.
25 98.065 or s. 98.075. The records must include lists of the
26 name and address of each person to whom notices were sent and
27 information as to whether each such person responded to the
28 mailing, but may not include any information that is
29 confidential or exempt from public-records requirements under
30 this code.

31 (4) STATEWIDE ELECTRONIC DATABASE OF VALID STREET

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1 ADDRESSES.--

2 (a) The department shall compile and maintain a
3 statewide electronic database of valid street addresses from
4 the information provided by the supervisors of elections
5 pursuant to s. 98.015. The department shall evaluate the
6 information provided by the supervisors of elections to
7 identify any duplicate addresses and any address that may
8 overlap county boundaries.

9 (b) The department shall make the statewide database
10 of valid street addresses available to the Department of
11 Highway Safety and Motor Vehicles as provided in s.
12 97.057(10). The Department of Highway Safety and Motor
13 Vehicles shall use the database for purposes of validating the
14 legal residential addresses provided in voter registration
15 applications received by the Department of Highway Safety and
16 Motor Vehicles.

17 (5) FORMS.--The department may prescribe by rule forms
18 necessary to conduct maintenance of records in the statewide
19 voter registration system.

20 Section 19. Section 98.065, Florida Statutes, is
21 amended to read:

22 98.065 Registration list maintenance programs.--

23 (1) The supervisor must conduct a general registration
24 list maintenance program to protect the integrity of the
25 electoral process by ensuring the maintenance of accurate and
26 current voter registration records in the statewide voter
27 registration system. The program must be uniform,
28 nondiscriminatory, and in compliance with the Voting Rights
29 Act of 1965, the National Voter Registration Act of 1993, and
30 the Help America Vote Act of 2002. As used in this subsection,
31 the term "nondiscriminatory" applies equally to persons with

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1 disabilities.

2 (2) A supervisor must incorporate one or more of the
3 following procedures in the supervisor's biennial registration
4 list maintenance program under which:

5 (a) Change-of-address information supplied by the
6 United States Postal Service through its licensees is used to
7 identify registered voters whose addresses might have changed;

8 (b) Change-of-address information is identified from
9 returned nonforwardable return-if-undeliverable mail sent to
10 all registered voters in the county; or

11 (c) Change-of-address information is identified from
12 returned nonforwardable return-if-undeliverable address
13 confirmation requests mailed to all registered voters who have
14 not voted in the last 2 years and who did not make a written
15 request that their registration records be updated during that
16 time.

17 (3) A registration list maintenance program must be
18 conducted by each supervisor, at a minimum, in each
19 odd-numbered year and must be completed not later than 90 days
20 prior to the date of any federal election. ~~A voter's name may
21 not be removed from the registration books later than 90 days
22 prior to the date of a federal election. However, nothing in
23 this section shall preclude the removal of the name of a voter
24 from the voter registration books, at any time and without
25 prior notification, upon the written request of the voter, by
26 reason of conviction of the voter of a felony, by reason of
27 adjudication of the voter as mentally incapacitated with
28 respect to voting, by reason of the death of the voter, or
29 upon a determination of ineligibility as provided in s.~~

30 98.075(3). All list maintenance actions associated with a
31 voter must be entered, tracked, and maintained in the

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1 statewide voter registration system.

2 (4) If the supervisor receives change-of-address
3 information pursuant to the activities conducted in subsection
4 (2), from jury notices signed by the voter and returned to the
5 courts, or from the Department of Highway Safety and Motor
6 Vehicles or other sources indicating that the legal address of
7 a registered voter might have changed, the supervisor shall
8 send, by forwardable return-if-undeliverable mail, an
9 address-confirmation notice to the address where the voter was
10 last registered. A supervisor may also send an
11 address-confirmation notice to any voter whom the supervisor
12 has reason to believe has moved from his or her legal
13 residence.

14 (b) The address-confirmation notice shall contain a
15 postage-prepaid, preaddressed return form. The return form
16 shall state that:

17 1. If the voter has changed address of legal residence
18 to a location outside the state, the voter should mark on the
19 return form that the voter's legal residence has changed to a
20 location outside the state. The form shall also include
21 information on how to register in the new state in order to be
22 eligible to vote. The form shall be returned within 30 days
23 after the date of the notice. The completed form shall
24 constitute a request to be removed from the statewide voter
25 registration system.

26 2. If the voter has changed address of legal residence
27 to a location inside the state, the voter should complete the
28 return form with the updated or corrected address and submit
29 the return form within 30 days after the date of the notice.
30 The completed form shall constitute a request to update the
31 statewide voter registration system with the updated or

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1 corrected address information.

2 3. If the voter has not changed address of legal
3 residence as printed on the address-confirmation notice, the
4 voter should confirm on the return form that the voter's
5 address of legal residence has not changed and submit the form
6 within 30 days after the date of the notice.

7 (c) The supervisor must designate as inactive all
8 voters who have been sent an address-confirmation notice and
9 who have not returned the postage-prepaid, preaddressed return
10 form within 30 days or for which an address-confirmation
11 notice has been returned as undeliverable. Names on the
12 inactive list may not be used to calculate the number of
13 signatures needed on any petition. A voter on the inactive
14 list may be restored to the active list of voters upon the
15 voter updating his or her registration, requesting an absentee
16 ballot, or appearing to vote. However, if the voter does not
17 update his or her voter registration information, request an
18 absentee ballot, or vote by the second general election after
19 being placed on the inactive list, the voter's name shall be
20 removed from the statewide voter registration system and the
21 voter shall be required to reregister to have his or her name
22 restored to the statewide registration system.

23 (5) No notice may be issued pursuant to this section
24 and no voter's name may be removed from the statewide voter
25 registration system later than 90 days prior to the date of a
26 federal election. However, nothing in this section shall
27 preclude the removal of the name of a voter from the statewide
28 voter registration system at any time upon the voter's written
29 request, by reason of the voter's death, or upon a
30 determination of the voter's ineligibility as provided in s.
31 98.075(7).

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1 (6)(a) By July 31 and January 31 of each year, the
2 supervisor must certify to the department the list maintenance
3 activities conducted during the first 6 months and the second
4 6 months of the year, respectively, including the number of
5 address-confirmation requests sent, the number of voters
6 designated as inactive, and the number of voters removed from
7 the statewide voter registration system.

8 (b) If based on the certification provided pursuant to
9 paragraph (a), the department finds that a supervisor has not
10 conducted the list-maintenance activities required by this
11 section, the department shall conduct the appropriate
12 list-maintenance activities for that county. Failure to
13 conduct list-maintenance activities as required by this
14 section constitutes a violation of s. 104.051.

15 ~~(4) If the supervisor receives change of address~~
16 ~~information from the United States Postal Service or its~~
17 ~~licensees or from jury notices signed by the voter and~~
18 ~~returned to the courts, which indicates that:~~

19 ~~(a) The voter has moved within the supervisor's~~
20 ~~county, the supervisor must change the registration records to~~
21 ~~show the new address and must send the voter a notice of the~~
22 ~~change by forwardable mail, including a postage prepaid~~
23 ~~preaddressed return form with which the voter may verify or~~
24 ~~correct the address information.~~

25 ~~(b) The voter has moved outside the supervisor's~~
26 ~~county, or contains no forwarding address, the supervisor~~
27 ~~shall send an address confirmation final notice and remove the~~
28 ~~name of the voter from the registration record if that voter~~
29 ~~did not:~~

30 ~~1. Return the postage prepaid preaddressed return~~
31 ~~form.~~

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- 1 ~~2. Appear to vote;~~
- 2 ~~3. Change the voter's registration; or~~
- 3 ~~4. Request an absentee ballot~~

4

5 ~~during the period beginning on the date when the address~~
6 ~~confirmation final notice was sent and ending on the day after~~
7 ~~the date of the second general election thereafter.~~

8 ~~(5) The supervisor must designate as inactive all~~
9 ~~voters who have been sent an address confirmation final notice~~
10 ~~and who have not returned the postage prepaid preaddressed~~
11 ~~return form within 30 days. A voter on the inactive list must~~
12 ~~be allowed to vote and to change the voter's name or address~~
13 ~~of legal residence at the polls pursuant to s. 101.045. Names~~
14 ~~on the inactive list may not be used to calculate the number~~
15 ~~of signatures needed on any petition or the quantity of voting~~
16 ~~equipment needed.~~

17 Section 20. Section 98.075, Florida Statutes, is
18 amended to read:

19 (Substantial rewording of section. See
20 s. 98.075, F.S., for present text.)

21 98.075 Registration records maintenance activities;
22 ineligibility determinations.--

23 (1) MAINTENANCE OF RECORDS.--The department shall
24 protect the integrity of the electoral process by ensuring the
25 maintenance of accurate and current voter registration
26 records. List maintenance activities must be uniform,
27 nondiscriminatory, and in compliance with the Voting Rights
28 Act of 1965, the National Voter Registration Act of 1993, and
29 the Help America Vote Act of 2002.

30 (2) DUPLICATE REGISTRATION.--The department shall
31 identify those voters who are registered more than once or

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1 those applicants whose registration applications would result
 2 in duplicate registrations. The most recent application shall
 3 be deemed an update to the voter registration record.

4 (3) DECEASED PERSONS.--The department shall identify
 5 those registered voters who are deceased by comparing
 6 information on the lists of deceased persons received from the
 7 Department of Health as provided in s. 98.093. Upon receipt of
 8 such information through the statewide voter registration
 9 system, the supervisor shall remove the name of the registered
 10 voter.

11 (4) ADJUDICATION OF MENTAL INCAPACITY.--The department
 12 shall identify those registered voters who have been
 13 adjudicated mentally incapacitated with respect to voting and
 14 who have not had their voting rights restored by comparing
 15 information received from the clerk of the circuit court as
 16 provided in s. 98.093. The department shall review such
 17 information and make an initial determination whether the
 18 information is credible and reliable. If the initial
 19 determination is that the information is credible and
 20 reliable, the department shall notify the supervisor and
 21 provide a copy of the supporting documentation indicating the
 22 potential ineligibility. Upon receipt of notice that the
 23 department has made an initial determination of credibility
 24 and reliability, the supervisor shall adhere to the procedures
 25 set forth in subsection (7) before removing a registered voter
 26 from the statewide voter registration system.

27 (5) FELONY CONVICTION.--The department shall identify
 28 those registered voters who have been convicted of a felony
 29 and whose rights have not been restored by comparing
 30 information received from, but not limited to, a clerk of the
 31 circuit court, the Board of Executive Clemency, the Department

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1 of Corrections, the Department of Law Enforcement, or a United
2 States Attorney's Office, as provided in s. 98.093. The
3 department shall review such information and make an initial
4 determination whether the information is credible and
5 reliable. If the initial determination is that the information
6 is credible and reliable, the department shall notify the
7 supervisor and provide a copy of the supporting documentation
8 indicating the potential ineligibility. Upon receipt of notice
9 that the department has made an initial determination of
10 credibility and reliability, the supervisor shall adhere to
11 the procedures set forth in subsection (7) before removing a
12 registered voter's name from the statewide voter registration
13 system.

14 (6) OTHER BASIS FOR INELIGIBILITY.--If the department
15 or supervisor receives information other than from the sources
16 identified in subsections (2)-(5) that a registered voter does
17 not meet the age requirement pursuant to s. 97.041, is not a
18 United States citizen, is a fictitious person, or has listed a
19 residence that is not his or her legal residence, the
20 supervisor shall adhere to the procedures set forth in
21 subsection (7) before removing a registered voter's name from
22 the statewide voter registration system.

23 (7) PROCEDURES FOR REMOVAL.--

24 (a) If the supervisor receives notice or information
25 pursuant to subsections (4)-(6), the supervisor of the county
26 where the voter is registered shall:

27 1. Notify the registered voter of his or her potential
28 ineligibility by mail within 7 days after receipt of the
29 notice or information. The notice must include:

30 a. A statement of the basis for the registered voter's
31 potential ineligibility and a copy of any documentation upon

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1 which the potential ineligibility is based.

2 b. A statement that failure to respond within 30 days
3 after the date of the notice may result in a determination of
4 ineligibility and removal of the registered voter's name from
5 the statewide voter registration system.

6 c. A return form that requires the registered voter to
7 admit or deny the accuracy of the information underlying the
8 potential ineligibility for purposes of a final determination
9 by the supervisor.

10 d. A statement that if the voter is denying the
11 accuracy of the information underlying the potential
12 ineligibility the voter has a right to request a hearing for
13 the purpose of determining eligibility.

14 e. Instructions for the registered voter to contact
15 the supervisor of elections of the county where the voter is
16 registered if assistance is needed in resolving the matter.

17 f. Instructions for seeking restoration of civil
18 rights following a felony conviction, if applicable.

19 2. If the mailed notice is returned as undeliverable,
20 the supervisor shall publish notice once in a newspaper of
21 general circulation in the county where the voter was last
22 registered. The notice must contain the following:

23 a. The voter's name and address.

24 b. A statement that the voter is potentially
25 ineligible to be registered to vote.

26 c. A statement that failure to respond within 30 days
27 after the date the notice is published may result in a
28 determination of ineligibility by the supervisor and removal
29 of the registered voter's name from the statewide voter
30 registration system.

31 d. An instruction for the voter to contact the

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1 supervisor no later than 30 days after the date of the
2 published notice to receive information regarding the basis
3 for the potential ineligibility and the procedure to resolve
4 the matter.

5 e. An instruction to the voter that if further
6 assistance is needed the voter should contact the supervisor
7 of elections of the county where the voter is registered.

8 3. If a registered voter fails to respond to a notice
9 pursuant to subparagraph 1. or subparagraph 2., the supervisor
10 shall make a final determination of the voter's eligibility.
11 If the supervisor determines that the voter is ineligible, the
12 supervisor shall remove the name of the registered voter from
13 the statewide voter registration system. The supervisor shall
14 notify the registered voter of the supervisor's determination
15 and action.

16 4. If a registered voter responds to the notice
17 pursuant to subparagraph 1. or subparagraph 2. and admits the
18 accuracy of the information underlying the potential
19 ineligibility, the supervisor shall make a final determination
20 of ineligibility and shall remove the voter's name from the
21 statewide voter registration system. The supervisor shall
22 notify the registered voter of the supervisor's determination
23 and action.

24 5. If a registered voter responds to the notice issued
25 pursuant to subparagraph 1. or subparagraph 2. and denies the
26 accuracy of the information underlying the potential
27 ineligibility but does not request a hearing, the supervisor
28 shall review the evidence and make a final determination of
29 eligibility. If such registered voter requests a hearing, the
30 supervisor shall send notice to the registered voter to attend
31 a hearing at a time and place specified in the notice. Upon

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1 hearing all evidence presented at the hearing, the supervisor
2 shall make a final determination of eligibility. If the
3 supervisor determines that the registered voter is ineligible,
4 the supervisor shall remove the voter's name from the
5 statewide voter registration system and notify the registered
6 voter of the supervisor's determination and action.

7 (b) The following provisions apply to this subsection:

8 1. All determinations of eligibility shall be based on
9 a preponderance of the evidence.

10 2. All proceedings are exempt from the provisions of
11 chapter 120.

12 3. Any notice shall be sent to the registered voter by
13 certified mail, return receipt requested, or by other means
14 that provides a verification of receipt or shall be published
15 in a newspaper of general circulation where the voter was last
16 registered, whichever is applicable.

17 4. The supervisor shall remove the name of any
18 registered voter from the statewide voter registration system
19 only after the supervisor makes a determination that the voter
20 is ineligible to vote.

21 5. Any voter whose name has been removed from the
22 statewide voter registration system pursuant to a
23 determination of ineligibility may appeal that determination
24 under the provisions of s. 98.0755.

25 6. Any voter whose name was removed from the statewide
26 voter registration system on the basis of a determination of
27 ineligibility who subsequently becomes eligible to vote must
28 reregister in order to have his or her name restored to the
29 statewide voter registration system.

30 (8)(a) Twice each year, by July 31 and January 31, the
31 supervisor must certify to the department the activities

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1 conducted pursuant to this section during the first 6 months
2 and the second 6 months of the year, respectively. The
3 certification shall include the number of persons to whom
4 notices were sent pursuant to subsection (7), the number of
5 persons who responded to the notices, the number of notices
6 returned as undeliverable, the number of notices published in
7 the newspaper, the number of hearings conducted, and the
8 number of persons removed from the statewide voter
9 registration systems and the reasons for such removals.

10 (b) If, based on the certification provided pursuant
11 to paragraph (a), the department finds that a supervisor has
12 not conducted the activities required by this section, the
13 department shall conduct the appropriate activities for that
14 county. Failure to conduct the activities as required in this
15 section constitutes a violation of s. 104.051.

16 Section 21. Section 98.0755, Florida Statutes, is
17 created to read:

18 98.0755 Appeal of determination of ineligibility.--An
19 appeal of the supervisor's determination of ineligibility
20 pursuant to s. 98.075(7) may be taken to the circuit court in
21 and for the county where the person was registered. Notice of
22 appeal must be filed within the time and in the manner
23 provided by the Florida Rules of Appellate Procedure and acts
24 as supersedeas. Trial in the circuit court is de novo and
25 governed by the rules of that court. Unless the person can
26 show that his or her name was erroneously or illegally removed
27 from the statewide voter registration system, or that he or
28 she is indigent, the person must bear the costs of the trial
29 in the circuit court. Otherwise, the cost of the appeal must
30 be paid by the department.

31 Section 22. Section 98.077, Florida Statutes, is

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1 amended to read:

2 (Substantial rewording of section. See
3 s. 98.077, F.S., for present text.)

4 98.077 Update of voter signature.--

5 (1) A registered voter may update his or her signature
6 on file in the statewide voter registration system at any time
7 using a voter registration application submitted to a voter
8 registration official.

9 (2) The department and supervisors of elections shall
10 include in any correspondence sent to registered voters, other
11 than postcard notifications and notices relating to
12 eligibility, information regarding when, where, and how to
13 update the voter's signature and shall provide the voter with
14 information concerning how to obtain a voter registration
15 application from a voter registration official which can be
16 returned to update the signature.

17 (3) At least once during each general election year,
18 the supervisor shall publish in a newspaper of general
19 circulation or other newspaper in the county deemed
20 appropriate by the supervisor a notice specifying when, where,
21 or how a voter can update his or her signature that is on file
22 and how a voter can obtain a voter registration application
23 from a voter registration official to do so.

24 Section 23. Section 98.081, Florida Statutes, is
25 amended to read:

26 98.081 Names removed from the statewide voter
27 registration system books; restrictions on reregistering;
28 recordkeeping; restoration of erroneously or illegally removed
29 names.--

30 (1) Any person who requested that his or her name be
31 removed from the statewide voter registration system books

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1 between the book-closing date of the first primary and the
2 date of the second primary may not register in a different
3 political party until after the date of the second primary
4 election.

5 (2) When the name of any elector is removed from the
6 statewide voter registration system books pursuant to s.
7 98.065 ~~or~~, s. 98.075, ~~or s. 98.093~~, the elector's original
8 registration application form shall be retained by the
9 supervisor of elections having custody of the application
10 filed alphabetically in the office of the supervisor. As
11 alternatives, registrations removed from the statewide voter
12 registration system books may be microfilmed and such
13 microfilms substituted for the original registration
14 applications forms; or, when voter registration information,
15 including the voter's signature, is maintained digitally or on
16 electronic, magnetic, or optic media, such stored information
17 may be substituted for the original registration application
18 form. Such microfilms or stored information shall be retained
19 by the supervisor of elections having in the custody of the
20 supervisor. In the event the original registration
21 applications forms are microfilmed or maintained digitally or
22 on electronic or other media, such originals may be destroyed
23 in accordance with the schedule approved by the Bureau of
24 Archives and Records Management of the Division of Library and
25 Information Services of the department.

26 (3) When the name of any elector has been erroneously
27 or illegally removed from the statewide voter registration
28 system books, the name of the elector shall be restored by a
29 voter registration official ~~the supervisor~~ upon satisfactory
30 proof, even though the registration period for that election
31 is closed.

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1 Section 24. Section 98.093, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 98.093, F.S., for present text.)

5 98.093 Duty of officials to furnish lists of deceased
6 persons, persons adjudicated mentally incapacitated, and
7 persons convicted of a felony.--

8 (1) In order to ensure the maintenance of accurate and
9 current voter registration records, it is necessary for the
10 department to receive certain information from state and
11 federal officials and entities. The department and supervisors
12 of elections shall use the information provided from the
13 sources specified in subsection (2) to conduct maintenance of
14 the voter registration records.

15 (2) To the maximum extent feasible, state and local
16 government agencies shall facilitate provision of information
17 and access to data to the department, including, but not
18 limited to, databases that contain reliable criminal records
19 and records of deceased persons. State and local government
20 agencies that provide such data shall do so without charge if
21 the direct cost incurred by those agencies is not significant.

22 (a) The Department of Health shall furnish monthly to
23 the department a list containing the name, address, date of
24 birth, date of death, social security number, race, and sex of
25 each deceased person 17 years of age or older.

26 (b) Each clerk of the circuit court shall furnish
27 monthly to the department a list of those persons who have
28 been adjudicated mentally incapacitated with respect to voting
29 during the preceding calendar month, a list of those persons
30 whose mental capacity with respect to voting has been restored
31 during the preceding calendar month, and a list of those

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1 persons who have returned signed jury notices during the
2 preceding months to the clerk of the circuit court indicating
3 a change of address. Each list shall include the name,
4 address, date of birth, race, sex, and Florida driver's
5 license number, Florida identification card number, or social
6 security number of each such person, whichever is available.

7 (c) Upon receipt of information from the United States
8 Attorney listing persons convicted of a felony in federal
9 court, the department shall use such information to identify
10 registered voters or applicants for voter registration who may
11 be potentially ineligible based on information provided in
12 accordance with s. 98.075.

13 (d) The Department of Law Enforcement shall furnish
14 monthly to the department a list of those individuals who have
15 been convicted of a felony in the preceding month or any
16 updates to prior records which have occurred in the preceding
17 month. The list shall contain the name, address, date of
18 birth, race, sex, date of conviction, county of conviction,
19 social security number, and a unique identifier of each
20 conviction of each person.

21 (e) The Board of Executive Clemency shall furnish
22 monthly to the department a list of those individuals granted
23 clemency in the preceding month or any updates to prior
24 records which have occurred in the preceding month. The list
25 shall contain the case number of the Board of Executive
26 Clemency, name, address, date of birth, race, sex, social
27 security number if available, references to record identifiers
28 assigned by the Department of Corrections, a unique identifier
29 of each clemency case, and the effective date of clemency of
30 each individual.

31 (f) The Department of Corrections shall furnish

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1 monthly to the department a list of those individuals
 2 transferred to the Department of Corrections in the preceding
 3 month or any updates to prior records which have occurred in
 4 the preceding month. The list shall contain the name, address,
 5 date of birth, race, sex, social security number, record
 6 identification number of the Department of Corrections, and
 7 associated felony conviction record number of the Department
 8 of Law Enforcement for each individual.

9 (g) The Department of Highway Safety and Motor
 10 Vehicles shall furnish monthly to the department a list of
 11 those individuals whose names have been removed from the
 12 driver's license database because they have been licensed in
 13 another state. The list shall contain the name, address, date
 14 of birth, sex, social security number, and driver's license
 15 number of each such individual.

16 (3) This section does not limit or restrict the
 17 supervisor in his or her duty to remove the names of persons
 18 from the statewide voter registration system pursuant to s.
 19 98.075(7) upon information received from other sources.

20 Section 25. Section 98.212, Florida Statutes, is
 21 amended to read:

22 98.212 The department and supervisors to furnish
 23 statistical and other information.--

24 (1)(a) Upon written request, the department and the
 25 supervisors of the respective counties ~~supervisors~~ shall, as
 26 promptly as possible, furnish to recognized public or private
 27 universities and senior colleges within the state, to state or
 28 county governmental agencies, and to recognized political
 29 party committees statistical information for the purpose of
 30 analyzing election returns and results.

31 (b) The department and any supervisor ~~Supervisors~~ may

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1 require reimbursement for any part or all of the actual
 2 expenses of supplying any information requested under
 3 paragraph (a). For the purposes of this subsection, the
 4 department and supervisors may use the services of any
 5 research and statistical personnel that may be supplied.

6 (c) Lists of names submitted to the department and the
 7 supervisors of the respective counties ~~supervisors~~ for
 8 indication of registration or nonregistration or of party
 9 affiliation shall be processed at any time at cost, except
 10 that in no case shall the charge exceed 10 cents for each name
 11 on which the information is furnished.

12 (2) The supervisors shall provide information as
 13 requested by the department for program evaluation and
 14 reporting to the ~~Federal~~ Election Assistance Commission
 15 pursuant to federal law ~~the National Voter Registration Act of~~
 16 ~~1993~~.

17 Section 26. Section 98.461, Florida Statutes, is
 18 amended to read:

19 98.461 Registration application form, precinct
 20 register; contents.--A registration application form, approved
 21 by the Department of State, containing the information
 22 required in s. 97.052 shall be retained by the supervisor of
 23 elections of the county of the voter's registration filed
 24 ~~alphabetically in the office of the supervisor as the master~~
 25 ~~list of electors of the county~~. However, the registration
 26 applications forms may be microfilmed and such microfilms
 27 substituted for the original registration applications forms;
 28 or, when voter registration information, including the voter's
 29 signature, is maintained digitally or on electronic, magnetic,
 30 or optic media, such stored information may be substituted for
 31 the original registration application form. Such microfilms or

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1 stored information shall be retained in the custody of the
2 supervisor of elections. In the event the original
3 registration applications forms are microfilmed or maintained
4 digitally or on electronic or other media, such originals may
5 be destroyed in accordance with the schedule approved by the
6 Bureau of Archives and Records Management of the Division of
7 Library and Information Services of the Department of State.
8 ~~As an alternative, the information from the registration form,~~
9 ~~including the signature, may be electronically reproduced and~~
10 ~~stored as provided in s. 98.451.~~

11 (2) A computer printout or electronic database shall
12 be used at the polls as a precinct register ~~in lieu of the~~
13 ~~registration books~~. The precinct register shall contain the
14 date of the election, the precinct number, and the following
15 information concerning each registered elector: last name,
16 first name, ~~and~~ middle name or initial, and suffix; party
17 affiliation; residence address; registration number; date of
18 birth; sex, if provided; race, if provided; whether the voter
19 needs assistance in voting; and such other additional
20 information as to readily identify the elector. The precinct
21 register shall also contain a space for the elector's
22 signature and a space for the initials of the witnessing clerk
23 or inspector or an electronic device may be provided for this
24 purpose.

25 Section 27. Effective January 1, 2007, section
26 100.371, Florida Statutes, as amended by section 9 of chapter
27 2002-281, Laws of Florida, is amended to read:

28 100.371 Initiatives; procedure for placement on
29 ballot.--

30 (1) Constitutional amendments proposed by initiative
31 shall be placed on the ballot for the general election if the

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1 initiative has been filed with ~~occurring in excess of 90 days~~
 2 ~~from the certification of ballot position by the Secretary of~~
 3 State no later than February 1 of the year the general
 4 election is held. A petition shall be deemed to be filed with
 5 the Secretary of State upon the date the Secretary of State
 6 determines that the petition has been signed by the
 7 constitutionally required number of electors.

8 ~~(2) Such certification shall be issued when the~~
 9 ~~Secretary of State has received verification certificates from~~
 10 ~~the supervisors of elections indicating that the requisite~~
 11 ~~number and distribution of valid signatures of electors have~~
 12 ~~been submitted to and verified by the supervisors. Every~~
 13 ~~signature shall be dated when made and shall be valid for a~~
 14 ~~period of 4 years following such date, provided all other~~
 15 ~~requirements of law are complied with.~~

16 ~~(2)(3)~~ The sponsor of an initiative amendment shall,
 17 prior to obtaining any signatures, register as a political
 18 committee pursuant to s. 106.03 and submit the text of the
 19 proposed amendment to the Secretary of State, with the form on
 20 which the signatures will be affixed, and shall obtain the
 21 approval of the Secretary of State of such form. The Secretary
 22 of State shall adopt rules pursuant to s. 120.54 prescribing
 23 the style and requirements of such form. Upon filing with the
 24 Secretary of State, the text of the proposed amendment and all
 25 forms filed in connection with this section must, upon
 26 request, be made available in alternative formats.

27 ~~(3)(4)~~ Each signature must be dated when made and is
 28 valid for 4 years following such date if all other
 29 requirements of law are met. The sponsor shall submit signed
 30 and dated forms to the appropriate supervisor of elections for
 31 verification as to the number of registered electors whose

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

17 ~~(4)(5)~~ The Secretary of State shall determine from the
18 signatures verified by the ~~verification certificates received~~
19 ~~from supervisors of elections~~ and recorded in the statewide
20 voter registration system the total number of verified valid
21 signatures and the distribution of such signatures by
22 congressional districts. Upon a determination that the
23 requisite number and distribution of valid signatures have
24 been obtained, the secretary shall issue a certificate of
25 ballot position for that proposed amendment and shall assign a
26 designating number pursuant to s. 101.161. ~~A petition shall be~~
27 ~~deemed to be filed with the Secretary of State upon the date~~
28 ~~of the receipt by the secretary of a certificate or~~
29 ~~certificates from supervisors of elections indicating the~~
30 ~~petition has been signed by the constitutionally required~~
31 ~~number of electors.~~

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1 ~~(5)(6)~~(a) Within 45 days after receipt of a proposed
2 revision or amendment to the State Constitution by initiative
3 petition from the Secretary of State ~~or, within 30 days after~~
4 ~~such receipt if receipt occurs 120 days or less before the~~
5 ~~election at which the question of ratifying the amendment will~~
6 ~~be presented~~, the Financial Impact Estimating Conference shall
7 complete an analysis and financial impact statement to be
8 placed on the ballot of the estimated increase or decrease in
9 any revenues or costs to state or local governments resulting
10 from the proposed initiative. The Financial Impact Estimating
11 Conference shall submit the financial impact statement to the
12 Attorney General and Secretary of State.

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

20 2. The Financial Impact Estimating Conference is
21 established to review, analyze, and estimate the financial
22 impact of amendments to or revisions of the State Constitution
23 proposed by initiative. The Financial Impact Estimating
24 Conference shall consist of four principals: one person from
25 the Executive Office of the Governor; the coordinator of the
26 Office of Economic and Demographic Research, or his or her
27 designee; one person from the professional staff of the
28 Senate; and one person from the professional staff of the
29 House of Representatives. Each principal shall have
30 appropriate fiscal expertise in the subject matter of the
31 initiative. A Financial Impact Estimating Conference may be

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1 appointed for each initiative.

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

14 4. If the members of the Financial Impact Estimating
 15 Conference are unable to agree on the statement required by
 16 this subsection, or if the Supreme Court has rejected the
 17 initial submission by the Financial Impact Estimating
 18 Conference and no redraft has been approved by the Supreme
 19 Court by 5 p.m. on the 75th day before the election, the
 20 following statement shall appear on the ballot pursuant to s.
 21 101.161(1): "The financial impact of this measure, if any,
 22 cannot be reasonably determined at this time."

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

26 (d)1. Any financial impact statement that the Supreme
 27 Court finds not to be in accordance with this subsection shall
 28 be remanded solely to the Financial Impact Estimating
 29 Conference for redrafting, provided the court's advisory
 30 opinion is rendered at least 75 days before the election at
 31 which the question of ratifying the amendment will be

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1 presented. The Financial Impact Estimating Conference shall
2 prepare and adopt a revised financial impact statement no
3 later than 5 p.m. on the 15th day after the date of the
4 court's opinion.

5 2. If, by 5 p.m. on the 75th day before the election,
6 the Supreme Court has not issued an advisory opinion on the
7 initial financial impact statement prepared by the Financial
8 Impact Estimating Conference for an initiative amendment that
9 otherwise meets the legal requirements for ballot placement,
10 the financial impact statement shall be deemed approved for
11 placement on the ballot.

12 3. In addition to the financial impact statement
13 required by this subsection, the Financial Impact Estimating
14 Conference shall draft an initiative financial information
15 statement. The initiative financial information statement
16 should describe in greater detail than the financial impact
17 statement any projected increase or decrease in revenues or
18 costs that the state or local governments would likely
19 experience if the ballot measure were approved. If
20 appropriate, the initiative financial information statement
21 may include both estimated dollar amounts and a description
22 placing the estimated dollar amounts into context. The
23 initiative financial information statement must include both a
24 summary of not more than 500 words and additional detailed
25 information that includes the assumptions that were made to
26 develop the financial impacts, workpapers, and any other
27 information deemed relevant by the Financial Impact Estimating
28 Conference.

29 4. The Department of State shall have printed, and
30 shall furnish to each supervisor of elections, a copy of the
31 summary from the initiative financial information statements.

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1 The supervisors shall have the summary from the initiative
 2 financial information statements available at each polling
 3 place and at the main office of the supervisor of elections
 4 upon request.

5 5. The Secretary of State and the Office of Economic
 6 and Demographic Research shall make available on the Internet
 7 each initiative financial information statement in its
 8 entirety. In addition, each supervisor of elections whose
 9 office has a website shall post the summary from each
 10 initiative financial information statement on the website.
 11 Each supervisor shall include the Internet addresses for the
 12 information statements on the Secretary of State's and the
 13 Office of Economic and Demographic Research's websites in the
 14 publication or mailing required by s. 101.20.

15 ~~(6)(7)~~ The Department of State may adopt rules in
 16 accordance with s. 120.54 to carry out the provisions of
 17 subsections ~~(1)-(5)(1)-(6)~~.

18 Section 28. Section 101.043, Florida Statutes, is
 19 amended to read:

20 101.043 Identification required at polls.--

21 (1) The precinct register, as prescribed in s. 98.461,
 22 shall be used at the polls ~~in lieu of the registration books~~
 23 for the purpose of identifying the elector at the polls prior
 24 to allowing him or her to vote. The clerk or inspector shall
 25 require each elector, upon entering the polling place, to
 26 present one of the following a current and valid picture
 27 identifications: identification as provided in s.
 28 ~~97.0535(3)(a).~~

29 (a) Florida driver's license.

30 (b) Florida identification card issued by the
 31 Department of Highway Safety and Motor Vehicles.

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- 1 (c) United States passport.
- 2 (d) Employee badge or identification.
- 3 (e) Buyer's club identification.
- 4 (f) Debit or credit card.
- 5 (g) Military identification.
- 6 (h) Student identification.
- 7 (i) Retirement center identification.
- 8 (j) Neighborhood association identification.
- 9 (k) Entertainment identification.
- 10 (l) Public assistance identification.

11

12 If the picture identification does not contain the signature
 13 of the voter, an additional identification that provides the
 14 voter's signature shall be required. The elector shall sign
 15 his or her name in the space provided on the precinct register
 16 or on an electronic device provided for recording the voter's
 17 signature. ~~and~~ The clerk or inspector shall compare the
 18 signature with that on the identification provided by the
 19 elector and enter his or her initials in the space provided on
 20 the precinct register or on an electronic device provided for
 21 that purpose and allow the elector to vote if the clerk or
 22 inspector is satisfied as to the identity of the elector.

23 (2) Except as provided in subsection (3), if the
 24 elector fails to furnish the required identification, or if
 25 the clerk or inspector is in doubt as to the identity of the
 26 elector, such clerk or inspector shall follow the procedure
 27 prescribed in s. 101.49.

28 (3) If the elector who fails to furnish the required
 29 identification is a an elector subject to s. 97.0535
 30 ~~first-time voter who registered by mail~~ and has not provided
 31 the required identification to a voter registration official

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1 ~~the supervisor of elections~~ prior to election day, the elector
 2 shall be allowed to vote a provisional ballot. The canvassing
 3 board shall determine the validity of the ballot pursuant to
 4 s. 101.048(2).

5 Section 29. Section 101.045, Florida Statutes, is
 6 amended to read:

7 101.045 Electors must be registered in precinct;
 8 provisions for residence or name change.--

9 (1) No person shall be permitted to vote in any
 10 election precinct or district other than the one in which the
 11 person has his or her legal residence and in which the person
 12 is registered. However, a person temporarily residing outside
 13 the county shall be registered in the precinct in which the
 14 main office of the supervisor, as designated by the
 15 supervisor, is located when the person has no permanent
 16 address in the county and it is the person's intention to
 17 remain a resident of Florida and of the county in which he or
 18 she is registered to vote. Such persons who are registered in
 19 the precinct in which the main office of the supervisor, as
 20 designated by the supervisor, is located and who are residing
 21 outside the county with no permanent address in the county
 22 shall not be registered electors of a municipality and
 23 therefore shall not be permitted to vote in any municipal
 24 election.

25 (2)(a) An elector who moves from the precinct ~~within~~
 26 ~~the county~~ in which the elector is registered may be permitted
 27 to vote in the precinct to which he or she has moved his or
 28 her legal residence, provided such elector completes an
 29 affirmation in substantially the following form:

30
 31

Change of Legal Residence of Registered

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Voter

Under penalties for false swearing, I, ...(Name of voter)..., swear (or affirm) that the former address of my legal residence was ...(Address of legal residence)... in the municipality of, in County, Florida, and I was registered to vote in the precinct of County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at ...(Address of legal residence)... in the Municipality of, in County, Florida, and am therefore eligible to vote in the precinct of County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose address of legal residence has changed)...

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered
Voter

Under penalties for false swearing, I, ...(New name of voter)..., swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration records ~~books~~ of precinct as follows:

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1 Name.....

2 Address.....

3 Municipality.....

4 County.....

5 Florida, Zip.....

6 My present name and address of legal residence are as follows:

7 Name.....

8 Address.....

9 Municipality.....

10 County.....

11 Florida, Zip.....

12 and I further swear (or affirm) that I am otherwise legally

13 registered and entitled to vote.

14

15 ...(Signature of voter whose name has changed)...

16

17 (c) Such affirmation, when completed and presented at

18 the precinct in which such elector is entitled to vote, and

19 upon verification of the elector's registration, shall entitle

20 such elector to vote as provided in this subsection. If the

21 elector's eligibility to vote cannot be determined, he or she

22 shall be entitled to vote a provisional ballot, subject to the

23 requirements and procedures in s. 101.048. Upon receipt of an

24 affirmation certifying a change in address of legal residence

25 or name, the supervisor shall as soon as practicable make the

26 necessary changes in the statewide voter registration system

27 ~~records of the county~~ to indicate the change in address of

28 legal residence or name of such elector.

29 (d) Instead of the affirmation contained in paragraph

30 (a) or paragraph (b), an elector may complete a voter

31 registration application that indicates the change of name or

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1 change of address of legal residence.

2 ~~(e) A request for an absentee ballot pursuant to s.~~
3 ~~101.62 which indicates that the elector has had a change of~~
4 ~~address of legal residence from that in the supervisor's~~
5 ~~records shall be sufficient as the notice to the supervisor of~~
6 ~~change of address of legal residence required by this section.~~
7 ~~Upon receipt of such request for an absentee ballot from an~~
8 ~~elector who has changed his or her address of legal residence,~~
9 ~~the supervisor shall provide the elector with the proper~~
10 ~~ballot for the precinct in which the elector then has his or~~
11 ~~her legal residence.~~

12 ~~(3) When an elector's name does not appear on the~~
13 ~~registration books of the election precinct in which the~~
14 ~~elector is registered, the elector may have his or her name~~
15 ~~restored if the supervisor is otherwise satisfied that the~~
16 ~~elector is validly registered, that the elector's name has~~
17 ~~been erroneously omitted from the books, and that the elector~~
18 ~~is entitled to have his or her name restored. The supervisor,~~
19 ~~if he or she is satisfied as to the elector's previous~~
20 ~~registration, shall allow such person to vote and shall~~
21 ~~thereafter issue a duplicate registration identification card.~~

22 Section 30. Subsection (1) of section 101.048, Florida
23 Statutes, is amended to read:

24 101.048 Provisional ballots.--

25 (1) At all elections, a voter claiming to be properly
26 registered in the state ~~county~~ and eligible to vote at the
27 precinct in the election, but whose eligibility cannot be
28 determined, and other persons specified in the code shall be
29 entitled to vote a provisional ballot. Once voted, the
30 provisional ballot shall be placed in a secrecy envelope and
31 thereafter sealed in a provisional ballot envelope. The

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1 provisional ballot shall be deposited in a ballot box. All
2 provisional ballots shall remain sealed in their envelopes for
3 return to the supervisor of elections. The department shall
4 prescribe the form of the provisional ballot envelope.

5 Section 31. Subsection (1) of section 101.161, Florida
6 Statutes, is amended to read:

7 101.161 Referenda; ballots.--

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

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1 Section 32. Subsection (1) of section 101.5608,
2 Florida Statutes, is amended to read:

3 101.5608 Voting by electronic or electromechanical
4 method; procedures.--

5 (1) Each elector desiring to vote shall be identified
6 to the clerk or inspector of the election as a duly qualified
7 elector of such election and shall sign his or her name on the
8 ~~in ink or indelible pencil to an identification blank,~~
9 ~~signature slip,~~ precinct register, or other form or device
10 provided by the supervisor ballot stub on which the ballot
11 ~~serial number may be recorded.~~ The inspector shall compare the
12 signature with the signature on the identification provided by
13 the elector. If the inspector is reasonably sure that the
14 person is entitled to vote, the inspector shall provide the
15 person with a ballot.

16 Section 33. Paragraph (a) of subsection (4) of section
17 101.62, Florida Statutes, is amended to read:

18 101.62 Request for absentee ballots.--

19 (4)(a) To each absent qualified elector overseas who
20 has requested an absentee ballot, the supervisor of elections
21 shall, not fewer than 35 days before the first primary
22 election, mail an absentee ballot. Not fewer than 45 days
23 before the second primary and general election, the supervisor
24 of elections shall mail an advance absentee ballot to those
25 persons requesting ballots for such elections. The advance
26 absentee ballot for the second primary shall be the same as
27 the first primary absentee ballot as to the names of
28 candidates, except that for any offices where there are only
29 two candidates, those offices and all political party
30 executive committee offices shall be omitted. Except as
31 provided in ss. 99.063(4) and 100.371(5)(6), the advance

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

23 Section 34. Section 101.663, Florida Statutes, is
24 amended to read:

25 101.663 Electors; change of residence.--

26 ~~(1) An elector who changes his or her residence to~~
27 ~~another county in Florida from the county in Florida in which~~
28 ~~he or she is registered as an elector after the books in the~~
29 ~~county to which the elector has changed his or her residence~~
30 ~~are closed for any general, primary, or special election shall~~
31 ~~be permitted to vote absentee in the county of his or her~~

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1 ~~former residence in that election for President and Vice~~
 2 ~~President, United States Senator, statewide offices, and~~
 3 ~~statewide issues. Such person shall not be permitted to vote~~
 4 ~~in the county of the person's former residence after the~~
 5 ~~general election.~~

6 (2) An elector registered in this state who moves his
 7 or her permanent residence to another state and who is
 8 prohibited by the laws of that state from voting for the
 9 offices of President and Vice President of the United States
 10 shall be permitted to vote absentee in the county of his or
 11 her former residence for those offices.

12 Section 35. Subsection (1) of section 101.6921,
 13 Florida Statutes, is amended to read:

14 101.6921 Delivery of special absentee ballot to
 15 certain first-time voters.--

16 (1) The provisions of this section apply to voters who
 17 ~~are subject to s. 97.0535 registered to vote by mail, who have~~
 18 ~~not previously voted in the county,~~ and who have not provided
 19 the identification or certification required by s. 97.0535 by
 20 the time the absentee ballot is mailed.

21 Section 36. Section 101.6923, Florida Statutes, is
 22 amended to read:

23 101.6923 Special absentee ballot instructions for
 24 certain first-time voters.--

25 (1) The provisions of this section apply to voters who
 26 ~~are subject to s. 97.0535 registered to vote by mail, who have~~
 27 ~~not previously voted in the county,~~ and who have not provided
 28 the identification or information required by s. 97.0535 by
 29 the time the absentee ballot is mailed.

30 (2) A voter covered by this section shall be provided
 31 with the following printed instructions with his or her

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1 absentee ballot substantially the following form:

2

3 READ THESE INSTRUCTIONS CAREFULLY BEFORE
4 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
5 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
6 COUNT.

7

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

13 2. Mark your ballot in secret as instructed on the
14 ballot. You must mark your own ballot unless you are unable to
15 do so because of blindness, disability, or inability to read
16 or write.

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

21 4. Place your marked ballot in the enclosed secrecy
22 envelope and seal the envelope.

23 5. Insert the secrecy envelope into the enclosed
24 envelope bearing the Voter's Certificate. Seal the envelope
25 and completely fill out the Voter's Certificate on the back of
26 the envelope.

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

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

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

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

13 b. Identification which shows your name and current
14 residence address: current utility bill, bank statement,
15 government check, paycheck, or government document (excluding
16 voter identification card).

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

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

20 b. You have a temporary or permanent physical
21 disability.

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

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

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

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1 f. You are currently residing outside the United
2 States.

3 8. Place the envelope bearing the Voter's Certificate
4 into the mailing envelope addressed to the supervisor. Insert
5 a copy of your identification in the mailing envelope. DO NOT
6 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
7 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
8 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

12 10. FELONY NOTICE. It is a felony under Florida law to
13 accept any gift, payment, or gratuity in exchange for your
14 vote for a candidate. It is also a felony under Florida law to
15 vote in an election using a false identity or false address,
16 or under any other circumstances making your ballot false or
17 fraudulent.

18 Section 37. Subsection (3) of section 102.012, Florida
19 Statutes, is amended to read:

20 102.012 Inspectors and clerks to conduct elections.--

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

29 Section 38. Subsections (1), (2), and (3) of section
30 104.013, Florida Statutes, are amended to read:

31 104.013 Unauthorized use, possession, or destruction

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1 of voter information ~~registration identification~~ card.--

2 (1) It is unlawful for any person knowingly to have in
3 his or her possession any blank, forged, stolen, fictitious,
4 counterfeit, or unlawfully issued voter information
5 ~~registration identification~~ card unless possession by such
6 person has been duly authorized by the supervisor.

7 (2) It is unlawful for any person to barter, trade,
8 sell, or give away a voter information ~~registration~~
9 ~~identification~~ card unless said person has been duly
10 authorized to issue a voter information ~~registration~~
11 ~~identification~~ card.

12 (3) It is unlawful for any person willfully to destroy
13 or deface the information ~~registration identification~~ card of
14 a duly registered voter.

15 Section 39. Subsections (1) and (2) of section 106.23,
16 Florida Statutes, is amended to read:

17 106.23 Powers of the Division of Elections.--

18 (1) In order to carry out the responsibilities
19 prescribed by s. 106.22, the Division of Elections is
20 empowered to subpoena and bring before its duly authorized
21 representatives any person in the state, or any person doing
22 business in the state, or any person who has filed or is
23 required to have filed any application, document, papers, or
24 other information with an office or agency of this state or a
25 political subdivision thereof and to require the production of
26 any papers, books, or other records relevant to any
27 investigation, including the records and accounts of any bank
28 or trust company doing business in this state. Duly
29 authorized representatives of the division are empowered to
30 administer all oaths and affirmations in the manner prescribed
31 by law to witnesses who shall appear before them concerning

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1 any relevant matter. Should any witness fail to respond to
 2 the lawful subpoena of the division or, having responded, fail
 3 to answer all lawful inquiries or to turn over evidence that
 4 has been subpoenaed, the division may file a complaint before
 5 any circuit court of the state setting up such failure on the
 6 part of the witness. On the filing of such complaint, the
 7 court shall take jurisdiction of the witness and the subject
 8 matter of said complaint and shall direct the witness to
 9 respond to all lawful questions and to produce all documentary
 10 evidence in the witness's possession which is lawfully
 11 demanded. The failure of any witness to comply with such order
 12 of the court shall constitute a direct and criminal contempt
 13 of court, and the court shall punish said witness accordingly.
 14 However, the refusal by a witness to answer inquiries or turn
 15 over evidence on the basis that such testimony or material
 16 will tend to incriminate such witness shall not be deemed
 17 refusal to comply with the provisions of this chapter.

18 (2) The Division of Elections shall provide advisory
 19 opinions when requested by any supervisor of elections,
 20 candidate, local officer having election-related duties,
 21 political party, political committee, committee of continuous
 22 existence, or other person or organization engaged in
 23 political activity, relating to any provisions or possible
 24 violations of Florida election laws with respect to actions
 25 such supervisor, candidate, local officer having
 26 election-related duties, political party, committee, person,
 27 or organization has taken or proposes to take. Requests for
 28 advisory opinions must be submitted in accordance with rules
 29 adopted by the Department of State. ~~A written record of all~~
 30 ~~such opinions issued by the division, sequentially numbered,~~
 31 ~~dated, and indexed by subject matter, shall be retained. A~~

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1 ~~copy shall be sent to said person or organization upon~~
2 ~~request.~~ Any such person or organization, acting in good
3 faith upon such an advisory opinion, shall not be subject to
4 any criminal penalty provided for in this chapter. The
5 opinion, until amended or revoked, shall be binding on any
6 person or organization who sought the opinion or with
7 reference to whom the opinion was sought, unless material
8 facts were omitted or misstated in the request for the
9 advisory opinion.

10 (3)(a) If the Secretary of State finds that a lack of
11 uniformity in the application of the provisions of the Florida
12 Election Code or rules promulgated thereunder exists within
13 the state, the Secretary, through the Division of Elections,
14 shall have the authority to issue a statement of
15 interpretation of the election laws to the supervisors of
16 elections, county canvassing boards or any other officials
17 performing election-related duties or responsibilities
18 pursuant to the Florida Election Code. A statement issued
19 pursuant to this subsection shall describe the basis for the
20 determination that a lack of uniformity exists in the
21 application of the Florida Election Code or the rules
22 promulgated thereunder and shall provide direction as to the
23 statutory requirements of the Florida Election Code and any
24 applicable rules with regard to the matter in which the lack
25 of uniformity exists. Such statement shall constitute the
26 Secretary of State's official interpretation of the provisions
27 of the Florida Election Code or the rules promulgated
28 thereunder, for the purpose of maintaining the uniform
29 application, operation and interpretation of the election laws
30 as required by s. 97.012(1) and (2). Such statement shall be
31 binding on supervisors of elections, county canvassing boards

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1 and other officials performing election-related duties or
2 responsibilities pursuant to the Florida Election Code upon
3 issuance and remains binding unless amended or revoked by the
4 Secretary, set aside by a court of competent jurisdiction or
5 when the relevant provisions of the Florida Elections Code or
6 the rules promulgated thereunder upon which the interpretation
7 is based are repealed.

8 (b) Within five days of the issuance of a statement,
9 any supervisor of elections, canvassing board member, or
10 official subject to the statement may request reconsideration
11 of the statement by the Secretary of State. Such request must
12 be in writing and shall specify the legal and factual basis
13 upon which the request for reconsideration is made. The
14 foregoing constitutes a condition precedent for any supervisor
15 of elections, canvassing board member or official subject to a
16 statement to file an appeal pursuant to paragraph (c). Within
17 three business days of receipt of the written request for
18 reconsideration, the division shall issue a response granting
19 or denying the request for reconsideration. Such response
20 shall either uphold the statement in its entirety, modify the
21 statement or rescind the statement. If the response modifies
22 the statement, the response shall constitute a new statement
23 of interpretation for purposes of paragraphs (b) and (c). If
24 more than one properly filed request for reconsideration is
25 received, the division may consolidate the requests for the
26 purpose of granting or denying such requests.

27 (c) Within twenty days of the issuance of a statement,
28 any supervisor of elections, canvassing board member, or other
29 official subject to the statement may file a notice of appeal
30 or petition for review in accordance with the Florida Rules of
31 Appellate procedure with the First District Court of Appeals.

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1 The court shall only set aside the statement when it finds
2 that the statement is clearly erroneous or inconsistent with
3 prior statements of interpretations issued pursuant to this
4 section, if deviation therefrom is not explained by the
5 Secretary. In the event that the court sets aside a statement
6 issued pursuant to the section, the court shall remand its
7 decision to the Secretary who shall issue a revised statement
8 consistent with the ruling of the court.

9 (d) The Secretary shall be the only proper party
10 defendant to any action brought challenging the validity or
11 legality of any statement issued by the Secretary. Any person
12 acting in good faith in conformity with a statement issued by
13 the Secretary shall not be subject to civil suit for such
14 action or any criminal penalty provided for in this chapter.

15 (e) Any supervisor of elections, canvassing board
16 member, or other official having election-related duties who
17 willfully fails to comply with a binding statement issued
18 pursuant to this section shall be subject to the penalties
19 contained in s. 104.051(2). Only the Secretary of State may
20 file a complaint to the Florida Elections Commission alleging
21 willful failure to follow a binding statement. A member of a
22 canvassing board shall not be subject to the penalties
23 contained in s. 104.051(2) if the member was not on the
24 prevailing side of a vote of the canvassing board that is
25 contrary to a binding statement.

26 (4) A written record of all advisory opinions and
27 statements of interpretation of the election laws issued by
28 the division, sequentially numbered, dated, and indexed by
29 subject matter, shall be retained. A copy shall be sent to
30 any person or organization upon request.

31 (5) Advisory opinions or statements of interpretation

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1 of the election laws are exempt from the provisions of chapter
2 120.

3 Section 40. Section 196.141, Florida Statutes, is
4 amended to read:

5 196.141 Homestead exemptions; duty of property
6 appraiser.--

7 (1) The property appraiser shall examine each claim
8 for exemption filed with or referred to him or her and shall
9 allow the same, if found to be in accordance with law, by
10 marking the same approved and by making the proper deductions
11 on the tax books.

12 ~~(2) The property appraiser shall examine each~~
13 ~~referral, of a person registering to vote at an address~~
14 ~~different from the one where the person has filed for a~~
15 ~~homestead exemption, which has been provided by a supervisor~~
16 ~~of elections pursuant to s. 98.015. The property appraiser~~
17 ~~shall initiate procedures to terminate a person's homestead~~
18 ~~exemption and assess back taxes, if appropriate, if the person~~
19 ~~claiming such exemption is not entitled to the exemption under~~
20 ~~law.~~

21 Section 41. Sections 98.055, 98.095, 98.0977, 98.0979,
22 98.101, 98.181, 98.231, 98.451, and 98.481, Florida Statutes,
23 are repealed.

24 Section 42. Except as otherwise expressly provided in
25 this act, this act shall take effect January 1, 2006.

26
27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

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1 and insert:

2 A bill to be entitled

3 An act relating to electors and elections;

4 amending s. 97.012, F.S.; authorizing the

5 Secretary of State to delegate certain duties

6 to voter registration officials; amending s.

7 97.021, F.S.; redefining the term "lists of

8 registered electors" to include the information

9 maintained by the Department of State in the

10 statewide voter registration system; defining

11 the term "voter registration official";

12 amending s. 97.026, F.S.; correcting a cross

13 reference; amending s. 97.051, F.S.; revising

14 the oath required upon registering to vote;

15 amending s. 97.052, F.S.; revising the contents

16 of the uniform statewide voter registration

17 application; amending s. 97.053, F.S.; revising

18 provisions governing the acceptance of voter

19 registration applications by the supervisor of

20 elections; requiring that an applicant complete

21 a registration application before the date of

22 book closing in order to be eligible to vote in

23 that election; revising the information

24 required on the registration application;

25 requiring the Department of State to verify the

26 authenticity or nonexistence of a registrant's

27 driver's license, identification card, or

28 social security number; providing for a

29 provisional ballot to be issued if such

30 information cannot be verified by the book

31 closing date; amending s. 97.0535, F.S.;

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1 revising requirements for voters who register
2 by mail and who have not previously voted in
3 the state; amending s. 97.055, F.S.; limiting
4 the updates that may be made to registration
5 information following book closing; amending s.
6 97.057, F.S.; revising the requirements for
7 voter registration conducted by the Department
8 of Highway Safety and Motor Vehicles; requiring
9 that the department electronically transmit
10 information to the statewide voter registration
11 system; providing additional duties to the
12 Department of State and the Department of
13 Highway Safety and Motor Vehicles with respect
14 to retaining records, comparing address
15 information, and verifying the accuracy of
16 driver's license information; amending s.
17 97.058, F.S.; clarifying the duties of voter
18 registration agencies; amending s. 97.061,
19 F.S.; revising certain requirements for
20 registering electors who require assistance;
21 conforming provisions to changes made by the
22 act; amending s. 97.071, F.S.; specifying the
23 information to be included on the voter
24 information card; amending s. 97.073, F.S.,
25 relating to the disposition of voter
26 registration applications; conforming
27 provisions; amending s. 97.1031, F.S.; revising
28 requirements for a voter who changes his or her
29 residence, name, or party affiliation; amending
30 s. 97.105, F.S.; providing for the registration
31 of electors by voter registration officials;

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1 amending s. 98.015, F.S.; revising the duties
2 of the supervisor of elections with respect to
3 the statewide voter registration system;
4 requiring that each supervisor maintain lists
5 of valid residential street addresses; creating
6 s. 98.035, F.S.; requiring that the Secretary
7 of State implement, operate, and maintain the
8 statewide voter registration system;
9 prohibiting the Department of State from
10 contracting with any other entity for operation
11 of the system; authorizing the department to
12 adopt rules; amending s. 98.045, F.S.;
13 requiring that the department determine the
14 eligibility of voter applicants; providing for
15 the removal of registered voters; requiring
16 that records be maintained for a specified
17 period; requiring that the department maintain
18 a statewide electronic database of valid street
19 addresses and make such database available to
20 the Department of Highway Safety and Motor
21 Vehicles; authorizing the department to adopt
22 rules; amending s. 98.065, F.S.; providing
23 requirements for the Department of State and
24 the Supervisors of Elections in maintaining
25 voter registration records; providing
26 requirements for address-confirmation notices;
27 prohibiting the removal of a voter's name from
28 the statewide voter registration system later
29 than a specified period before a federal
30 election under certain circumstances; amending
31 s. 98.075, F.S.; requiring that the department

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1 identify duplicate registrations and
2 registrations of deceased persons, persons
3 adjudicated mentally incapacitated, and felons;
4 providing procedures for removal of such
5 persons from the statewide voter registration
6 system; creating s. 98.0755, F.S.; providing a
7 procedure for appealing a determination of
8 ineligibility in circuit court; amending s.
9 98.077, F.S.; revising the procedures for
10 updating a voter signature to conform to
11 changes made by the act; amending s. 98.081,
12 F.S.; providing requirements for the removal of
13 names from the statewide voter registration
14 system; conforming terminology; amending s.
15 98.093, F.S.; revising requirements by which
16 specified officials are required to furnish
17 information to the Department of State;
18 requiring the Department of Law Enforcement to
19 furnish lists of felons; requiring the Board of
20 Executive Clemency to furnish lists of
21 individuals who have been granted clemency;
22 requiring the Department of Corrections to
23 furnish lists of inmates; requiring the
24 Department of Highway Safety and Motor Vehicles
25 to furnish lists of individuals whose names
26 have been removed from the driver's license
27 database; amending s. 98.212, F.S.; requiring
28 that the Department of State furnish certain
29 statistical and other information to
30 universities and colleges, governmental
31 agencies, and political committees; amending s.

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1 98.461, F.S., relating to voter registration
2 information; conforming provisions to changes
3 made by the act; amending s. 100.371, F.S.;
4 revising the date for filing initiative
5 petitions with the Secretary of State; revising
6 procedures for validating signatures;
7 authorizing the department to adopt rules;
8 amending s. 101.043, F.S.; specifying the types
9 of identification that constitute valid picture
10 identification for purposes of voter
11 identification; providing for electronically
12 recording signatures; amending s. 101.045,
13 F.S., relating to voting following a change in
14 residence or name; conforming provisions to
15 changes made by the act; amending s. 101.048,
16 F.S., relating to provisional ballots;
17 conforming provisions; amending s. 101.161,
18 F.S.; correcting a cross reference; amending s.
19 101.5608, F.S.; providing for alternative
20 methods of recording a signature for purposes
21 of voting; amending s. 101.62, F.S.; correcting
22 a cross reference; amending s. 101.663, F.S.;
23 deleting provisions governing a change of
24 residence to another county in the state;
25 amending ss. 101.6921 and 101.6923, F.S.,
26 relating to absentee ballots; conforming
27 cross-references and other provisions; amending
28 s. 102.012, F.S.; requiring the supervisor to
29 provide lists of registered electors to the
30 inspectors of election; amending s. 106.23,
31 F.S.; amending s. 196.141, F.S.; relating to

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1 homestead exemptions and duties of property
2 appraisers; to conform; repealing ss. 98.055,
3 98.095, 98.0977, 98.0979, 98.101, 98.181,
4 98.231, 98.451, 98.481, and 101.635, F.S.,
5 relating to the maintenance of registration
6 lists, county registers, the voter registration
7 database, specifications for registration files
8 and forms, the supervisor's indexes and
9 records, duties of the supervisor, challenges
10 to electors and distribution of blocks of
11 printed ballots; providing effective dates.

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