



1 duty; specifying fines; authorizing the  
2 division to investigate certain violations;  
3 providing for collected fines to be set aside  
4 by the division in a trust fund; authorizing  
5 the division to adopt certain rules; amending  
6 s. 98.045, F.S.; correcting a cross reference;  
7 amending s. 98.077, F.S.; providing for  
8 signature updates for use in verifying absentee  
9 and provisional ballots; providing a deadline  
10 for the supervisor of elections to receive  
11 voter signature updates; amending s. 99.061,  
12 F.S.; amending to conform; revising a financial  
13 disclosure requirement for candidate  
14 qualification; providing a submission deadline  
15 for qualifying papers; amending s. 99.063,  
16 F.S.; revising a financial disclosure  
17 requirement for certain designated candidates;  
18 amending s. 99.092, F.S., relating to  
19 qualifying fees of candidates, to conform;  
20 amending s. 99.095, F.S.; providing for a  
21 petition process in lieu of a qualifying fee  
22 and party assessment; providing requirements  
23 for signatures and petition format; providing  
24 submission deadlines; amending s. 99.0955,  
25 F.S.; revising provisions relating to  
26 candidates with no party affiliation; amending  
27 to conform; deleting obsolete provisions;  
28 amending s. 99.096, F.S.; revising filing  
29 requirements of minor political party  
30 candidates; amending to conform; deleting  
31 obsolete provisions; amending s. 99.09651,

1 F.S., relating to signature requirements for  
2 ballot position in a year of apportionment, to  
3 conform; amending s. 100.011, F.S.; requiring  
4 electors in line at the official closing of the  
5 polls to be allowed to vote; amending s.  
6 100.101, F.S.; deleting a provision requiring a  
7 special election to be held if a vacancy occurs  
8 in nomination; amending s. 100.111, F.S.;  
9 revising requirements relating to filling  
10 candidate vacancies; deleting provisions  
11 relating to a prohibition of qualified  
12 candidates to fill a vacancy in nomination;  
13 deleting obsolete provisions; amending s.  
14 100.141, F.S.; conforming provisions relating  
15 to vacancies in nomination and qualifying by an  
16 alternative method; amending s. 101.031, F.S.;  
17 revising the voter's bill of rights to allow  
18 for an elector whose identity in question to  
19 cast a provisional ballot and to remove the  
20 right for an elector to prove identity by  
21 signing an affidavit; amending s. 101.043,  
22 F.S., relating to identification required at  
23 polls, to conform; amending s. 101.048, F.S.;  
24 providing a person casting a provisional ballot  
25 the right to present certain eligibility  
26 evidence by a certain date; providing for the  
27 county canvassing board to review provisional  
28 ballot voter's certificates and affirmations;  
29 providing a standard of review; revising the  
30 provisional ballot voter's certificate and  
31 affirmation form; revising provisions relating

1 to casting provisional ballots by electronic  
2 means; amending s. 101.049, F.S.; providing for  
3 provisional ballots and persons with  
4 disabilities; amending s. 101.051, F.S.;  
5 prohibiting solicitation of assistance to  
6 electors with certain disabilities at certain  
7 locations; providing a penalty; requiring a  
8 person providing an elector assistance to vote  
9 to take a specified oath; amending s. 101.111,  
10 F.S.; revising the oath taken by persons  
11 challenging the right of a person to vote;  
12 deleting the oath required to be taken by a  
13 person whose right to vote was challenged and  
14 allowing that person to cast a provisional  
15 ballot; providing a prohibition against and  
16 penalty for frivolous challenges; amending s.  
17 101.131, F.S.; allowing certain poll watchers  
18 in early voting areas and polling rooms;  
19 providing limitations and restrictions on  
20 behavior of poll watchers; providing deadlines  
21 regarding designation and approval of poll  
22 watchers; amending s. 101.151, F.S.; replacing  
23 paper ballots with marksense ballots and  
24 accompanying specifications; amending s.  
25 101.171, F.S.; requiring a copy of  
26 constitutional amendments to be available at  
27 polls in poster or booklet form; amending s.  
28 101.294, F.S.; prohibiting a vendor of voting  
29 equipment from providing an uncertified voting  
30 system or upgrade; providing for certification  
31 of voting systems and upgrades; amending s.

1 101.295, F.S.; providing a penalty; amending s.  
2 101.49, F.S.; revising the procedure of  
3 election officers where signatures differ;  
4 amending s. 101.51, F.S., relating to electors'  
5 occupation of booths, to conform; amending s.  
6 101.5606, F.S., relating to requirements for  
7 approval of voting systems, to conform;  
8 amending s. 101.5608, F.S., relating to voting  
9 by electronic or electromechanical methods, to  
10 conform; amending s. 101.5612, F.S.; providing  
11 for additional testing of voting systems under  
12 certain circumstances; amending s. 101.5614,  
13 F.S.; correcting a cross reference; amending s.  
14 101.572, F.S.; revising a provision relating to  
15 the public inspection of ballots; amending s.  
16 101.58, F.S.; authorizing any Department of  
17 State employee full access to all premises,  
18 records, equipment, and staff of the supervisor  
19 of elections; amending s. 101.595, F.S.;  
20 providing for the reporting of overvotes and  
21 undervotes in presidential or gubernatorial  
22 races; amending s. 101.6103, F.S.; authorizing  
23 canvassing boards to begin canvassing mail  
24 ballots before the election; providing a time  
25 when the results may be released; providing a  
26 penalty; amending s. 101.62, F.S.; revising  
27 provisions relating to the deadline by which  
28 the supervisor of elections must receive a  
29 request for an absentee ballot to be mailed to  
30 a voter; requiring information relating to  
31 absentee receipt and delivery dates to be

1 available to the voter requesting the ballot;  
2 providing for unavailable regular absentee  
3 ballots for overseas electors; providing a  
4 deadline by which an absentee ballot request  
5 may be fulfilled by personal delivery; amending  
6 s. 101.64, F.S.; providing for a certain oath  
7 to be provided to overseas electors in lieu of  
8 a voter's certificate; amending s. 101.657,  
9 F.S.; revising requirements relating to early  
10 voting locations; revising the deadline to end  
11 early voting; providing for uniformity of  
12 county early voting sites; requiring any person  
13 in line at the closing of an early voting site  
14 to be allowed to vote; providing for early  
15 voting in municipal and special district  
16 elections; amending s. 101.663, F.S.; revising  
17 provisions relating to certain electors who  
18 move to another state; amending s. 101.68,  
19 F.S.; providing that an absentee ballot is  
20 deemed to have been cast once it has been  
21 received by the supervisor; amending s. 101.69,  
22 F.S.; revising a provision relating to voting  
23 in person by electors who have requested  
24 absentee ballots; amending s. 101.6923, F.S.;  
25 revising a provision relating to special  
26 absentee ballot instructions for certain  
27 voters; amending s. 101.694, F.S.; requiring  
28 certain absentee envelopes to meet  
29 specifications as determined by a certain  
30 federal program; amending s. 101.697, F.S.;  
31 providing a condition on the department's

1 ability to accept certain election materials by  
2 electronic transmission from overseas voters;  
3 amending s. 102.012, F.S.; revising provisions  
4 to require supervisors of election to appoint  
5 one election board for each precinct; requiring  
6 each supervisor to furnish inspectors of  
7 election in each precinct with the list of  
8 registered voters for the precinct; amending s.  
9 102.014, F.S.; requiring the division to  
10 develop a uniform training curriculum for poll  
11 workers; revising grounds upon which a  
12 supervisor shall replace an inspector or clerk;  
13 revising requirements relating to the  
14 provisions and availability of a uniform  
15 polling place procedures manual; amending s.  
16 102.031, F.S.; revising a provision relating to  
17 maintenance of good order at polls,  
18 authorities, persons allowed in polling rooms,  
19 and unlawful solicitation of voters to apply to  
20 early voting areas; prohibiting a person from  
21 bringing a camera into a polling room or early  
22 voting area; increasing the distance for the no  
23 solicitation zone; providing for the  
24 designation of the no solicitation zone;  
25 amending s. 102.071, F.S.; decreasing the  
26 certificates of the results needed to one;  
27 amending s. 102.111, F.S.; providing for  
28 typographical errors in official county returns  
29 to be certified by the Elections Canvassing  
30 Commission; amending s. 102.112, F.S.;  
31 requiring the county returns to contain a

1 certain certification; authorizing the  
2 department to correct typographical errors in  
3 county returns; amending s. 102.141, F.S.;  
4 revising provisions relating to county  
5 canvassing boards and their duties; requiring  
6 that the county canvassing board be responsible  
7 for ordering county and local recounts;  
8 revising deadlines relating to submission of  
9 unofficial returns; adding procedure and  
10 content requirements relating to county  
11 canvassing boards' reports on conduction of  
12 elections; requiring the department to adopt  
13 rules establishing the required content and  
14 acceptable formats for certain filings;  
15 amending s. 102.166, F.S.; revising provisions  
16 relating to manual recounts; amending s.  
17 102.168, F.S.; revising proper party defendants  
18 in actions contesting the election or  
19 nomination of a candidate; amending s. 103.021,  
20 F.S.; requiring the state executive committee  
21 of each political party to recommend candidates  
22 for presidential electors to the Governor using  
23 a specified procedure; providing definitions;  
24 amending ss. 103.051 and 103.061, F.S.;  
25 revising certain meeting and notice times of  
26 the presidential electors; amending s. 103.121,  
27 F.S.; revising the powers and duties of  
28 executive committees; amending s. 104.051,  
29 F.S.; prohibiting willful failure of a  
30 supervisor or county canvassing board member to  
31 follow a certain binding directive; providing a



1 penalty; authorizing only the Secretary of  
2 State to file certain complaints; amending s.  
3 105.031, F.S.; exempting school board  
4 candidates from qualifying fee requirements;  
5 revising requirements relating to financial  
6 interest statements made by public officers;  
7 providing a time by which a qualifying officer  
8 may accept and hold certain qualifying papers;  
9 amending s. 105.035, F.S.; renaming the  
10 "alternative method" of qualifying for certain  
11 offices as the "petition process"; removing  
12 provisions requiring a person seeking to  
13 qualify by the petition process to file a  
14 certain oath; providing a limitation upon  
15 elector signatures needed by certain  
16 candidates; revising deadlines; amending s.  
17 106.22, F.S.; revising the duties of the  
18 Division of Elections to remove the duty to  
19 conduct certain investigations and make  
20 subsequent reports; amending s. 106.29, F.S.,  
21 relating to the powers and duties of the  
22 Florida Elections Commission, to conform;  
23 amending s. 16.56, F.S.; authorizing the Office  
24 of Statewide Prosecution to investigate and  
25 prosecute the offenses of crimes involving  
26 voter registration, voting, or candidate or  
27 issue petition activities; amending s. 119.07,  
28 F.S.; placing a condition on when the  
29 supervisor of elections shall notify certain  
30 candidates of ballot inspection; amending s.  
31 120.52, F.S.; revising a definition of "rule"

1 to exempt certain Division of Election advisory  
2 opinions and Secretary of State directives;  
3 amending s. 145.09, F.S.; requiring the  
4 Department of State to adopt rules establishing  
5 certification requirements of supervisors of  
6 elections; repealing s. 98.095, F.S., relating  
7 to county registers open to inspection and  
8 copies; repealing s. 98.0979, F.S.; relating to  
9 the statewide voter registration database's  
10 being open to inspection and copies; repealing  
11 s. 98.181, F.S., relating to supervisors of  
12 elections making up indexes or records;  
13 repealing s. 98.481, F.S., relating to  
14 challenge to electors; repealing s. 101.253,  
15 F.S.; relating to when names are not to be  
16 printed on ballots; repealing s. 101.635, F.S.;  
17 relating to distribution of blocks of printed  
18 ballots; repealing s. 102.061, F.S.; relating  
19 to duties of election board, counting, and  
20 closing polls; repealing s. 106.085, F.S.,  
21 relating to independent expenditures,  
22 prohibited unfair surprise, notice  
23 requirements, and a penalty; repealing s.  
24 106.144, F.S.; relating to endorsements or  
25 opposition by certain groups and organizations;  
26 providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Section 97.012, Florida Statutes, is  
31 amended to read:

1           97.012 Secretary of State as chief election  
2 officer.--The Secretary of State is the chief election officer  
3 of the state, and it is his or her responsibility to:  
4           (1) Obtain and maintain uniformity in the application,  
5 operation, and interpretation of the election laws. In  
6 achieving this objective, the secretary or his or her designee  
7 is authorized to issue binding directives to the supervisors  
8 of elections and the county canvassing boards when the  
9 secretary determines that a lack of uniformity exists in the  
10 application, operation, or interpretation of the election  
11 laws. A willful failure to follow directives issued by the  
12 secretary shall subject the violator to the penalties in s.  
13 104.051(5). The secretary is authorized to file complaints  
14 with the Florida Elections Commission alleging a violation of  
15 s. 104.051(5).  
16           (2) Provide uniform standards for the proper and  
17 equitable implementation of the registration laws.  
18           (3) Actively seek out and collect the data and  
19 statistics necessary to knowledgeably scrutinize the  
20 effectiveness of election laws.  
21           (4) Provide technical assistance to the supervisors of  
22 elections on voter education and election personnel training  
23 services.  
24           (5) Provide technical assistance to the supervisors of  
25 elections on voting systems.  
26           (6) Provide voter education assistance to the public.  
27 Voter education activities of the department or the department  
28 in combination with the supervisors of elections, either  
29 individually or in the aggregate, or with their respective  
30 professional associations, are not subject to the competitive  
31 solicitation requirements of s. 287.057(5).

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

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

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

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

14          (11) Create and maintain a statewide voter  
15 registration system in accordance with the Help America Vote  
16 Act of 2002 ~~database.~~

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

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

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

31

1           Section 2. Section 97.021, Florida Statutes, is  
2 amended to read:

3           97.021 Definitions.--For the purposes of this code,  
4 except where the context clearly indicates otherwise, the  
5 term:

6           (1) "Absent elector" means any registered and  
7 qualified voter who casts an absentee ballot.

8           (2) "Alternative formats" has the meaning ascribed in  
9 the Americans with Disabilities Act of 1990, Pub. L. No.  
10 101-336, 42 U.S.C. ss. 12101 et seq., including specifically  
11 the technical assistance manuals promulgated thereunder, as  
12 amended.

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

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

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

27           (4) "Candidate" means any person to whom any one or  
28 more of the following applies:

29           (a) Any person who seeks to qualify for nomination or  
30 election by means of the petitioning process.

31

1 (b) Any person who seeks to qualify for election as a  
2 write-in candidate.

3 (c) Any person who receives contributions or makes  
4 expenditures, or gives his or her consent for any other person  
5 to receive contributions or make expenditures, with a view to  
6 bringing about his or her nomination or election to, or  
7 retention in, public office.

8 (d) Any person who appoints a treasurer and designates  
9 a primary depository.

10 (e) Any person who files qualification papers and  
11 subscribes to a candidate's oath as required by law.

12  
13 However, this definition does not include any candidate for a  
14 political party executive committee.

15 (5) "Department" means the Department of State.

16 (6) "Division" means the Division of Elections of the  
17 Department of State.

18 (7) "Early voting" means casting a ballot prior to  
19 election day at a location designated by the supervisor of  
20 elections and depositing the voted ballot in the tabulation  
21 system.

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

28 (9) "Early voting site" means those locations  
29 specified in s. 101.657 and is the building in which early  
30 voting occurs.

31

1           ~~(10)~~(8) "Election" means any primary election, special  
2 primary election, special election, general election, or  
3 presidential preference primary election.

4           ~~(11)~~(9) "Election board" means the clerk and  
5 inspectors appointed to conduct an election.

6           ~~(12)~~(10) "Election costs" shall include, but not be  
7 limited to, expenditures for all paper supplies such as  
8 envelopes, instructions to voters, affidavits, reports, ballot  
9 cards, ballot booklets for absentee voters, postage, notices  
10 to voters; advertisements for registration book closings,  
11 testing of voting equipment, sample ballots, and polling  
12 places; forms used to qualify candidates; polling site rental  
13 and equipment delivery and pickup; data processing time and  
14 supplies; election records retention; and labor costs,  
15 including those costs uniquely associated with absentee ballot  
16 preparation, poll workers, and election night canvass.

17           ~~(13)~~(11) "Elector" is synonymous with the word "voter"  
18 or "qualified elector or voter," except where the word is used  
19 to describe presidential electors.

20           ~~(14)~~(12) "General election" means an election held on  
21 the first Tuesday after the first Monday in November in the  
22 even-numbered years, for the purpose of filling national,  
23 state, county, and district offices and for voting on  
24 constitutional amendments not otherwise provided for by law.

25           ~~(15)~~(13) "Lists of registered electors" means copies  
26 of printed lists of registered electors, computer tapes or  
27 disks, or any other device used by the supervisor of elections  
28 to maintain voter records.

29           ~~(16)~~(14) "Member of the Merchant Marine" means an  
30 individual, other than a member of a uniformed service or an  
31

1 individual employed, enrolled, or maintained on the Great  
2 Lakes for the inland waterways, who is:

3 (a) Employed as an officer or crew member of a vessel  
4 documented under the laws of the United States, a vessel owned  
5 by the United States, or a vessel of foreign-flag registry  
6 under charter to or control of the United States; or

7 (b) Enrolled with the United States for employment or  
8 training for employment, or maintained by the United States  
9 for emergency relief service, as an officer or crew member of  
10 such vessel.

11 ~~(17)~~~~(15)~~ "Minor political party" is any group as  
12 defined in this subsection which on January 1 preceding a  
13 primary election does not have registered as members 5 percent  
14 of the total registered electors of the state. Any group of  
15 citizens organized for the general purposes of electing to  
16 office qualified persons and determining public issues under  
17 the democratic processes of the United States may become a  
18 minor political party of this state by filing with the  
19 department a certificate showing the name of the organization,  
20 the names of its current officers, including the members of  
21 its executive committee, and a copy of its constitution or  
22 bylaws. It shall be the duty of the minor political party to  
23 notify the department of any changes in the filing certificate  
24 within 5 days of such changes.

25 ~~(18)~~~~(16)~~ "Newspaper of general circulation" means a  
26 newspaper printed in the language most commonly spoken in the  
27 area within which it circulates and which is readily available  
28 for purchase by all inhabitants in the area of circulation,  
29 but does not include a newspaper intended primarily for  
30 members of a particular professional or occupational group, a  
31 newspaper the primary function of which is to carry legal



1 notices, or a newspaper that is given away primarily to  
2 distribute advertising.

3 ~~(19)~~~~(17)~~ "Nominal value" means having a retail value  
4 of \$10 or less.

5 ~~(20)~~~~(18)~~ "Nonpartisan office" means an office for  
6 which a candidate is prohibited from campaigning or qualifying  
7 for election or retention in office based on party  
8 affiliation.

9 ~~(21)~~~~(19)~~ "Office that serves persons with  
10 disabilities" means any state office that takes applications  
11 either in person or over the telephone from persons with  
12 disabilities for any program, service, or benefit primarily  
13 related to their disabilities.

14 ~~(22)~~~~(20)~~ "Overseas voter" means:

15 (a) Members of the uniformed services while in the  
16 active service who are permanent residents of the state and  
17 are temporarily residing outside the territorial limits of the  
18 United States and the District of Columbia;

19 (b) Members of the Merchant Marine of the United  
20 States who are permanent residents of the state and are  
21 temporarily residing outside the territorial limits of the  
22 United States and the District of Columbia; and

23 (c) Other citizens of the United States who are  
24 permanent residents of the state and are temporarily residing  
25 outside the territorial limits of the United States and the  
26 District of Columbia,

27  
28 who are qualified and registered to vote as provided by law.

29 ~~(23)~~~~(21)~~ "Overvote" means that the elector marks or  
30 designates more names than there are persons to be elected to  
31 an office or designates more than one answer to a ballot

1 question, and the tabulator records no vote for the office or  
2 question.

3 ~~(24)~~~~(22)~~ "Persons with disabilities" means individuals  
4 who have a physical or mental impairment that substantially  
5 limits one or more major life activities.

6 ~~(25)~~~~(23)~~ "Polling place" is the building which  
7 contains the polling room where ballots are cast.

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

10 ~~(27)~~~~(25)~~ "Primary election" means an election held  
11 preceding the general election for the purpose of nominating a  
12 party nominee to be voted for in the general election to fill  
13 a national, state, county, or district office. The first  
14 primary is a nomination or elimination election; the second  
15 primary is a nominating election only.

16 ~~(28)~~~~(26)~~ "Provisional ballot" means a conditional  
17 ballot, the validity of which is determined by the canvassing  
18 board.

19 ~~(29)~~~~(27)~~ "Public assistance" means assistance provided  
20 through the food stamp program; the Medicaid program; the  
21 Special Supplemental Food Program for Women, Infants, and  
22 Children; and the WAGES Program.

23 ~~(30)~~~~(28)~~ "Public office" means any federal, state,  
24 county, municipal, school, or other district office or  
25 position which is filled by vote of the electors.

26 ~~(31)~~~~(29)~~ "Qualifying educational institution" means  
27 any public or private educational institution receiving state  
28 financial assistance which has, as its primary mission, the  
29 provision of education or training to students who are at  
30 least 18 years of age, provided such institution has more than  
31 200 students enrolled in classes with the institution and

1 provided that the recognized student government organization  
2 has requested this designation in writing and has filed the  
3 request with the office of the supervisor of elections in the  
4 county in which the institution is located.

5 ~~(32)(30)~~ "Special election" is a special election  
6 called for the purpose of voting on a party nominee to fill a  
7 vacancy in the national, state, county, or district office.

8 ~~(33)(31)~~ "Special primary election" is a special  
9 nomination election designated by the Governor, called for the  
10 purpose of nominating a party nominee to be voted on in a  
11 general or special election.

12 ~~(34)(32)~~ "Supervisor" means the supervisor of  
13 elections.

14 ~~(35)(33)~~ "Tactile input device" means a device that  
15 provides information to a voting system by means of a voter  
16 touching the device, such as a keyboard, and that complies  
17 with the requirements of s. 101.56062(1)(k) and (l).

18 ~~(36)~~ "Third-party voter registration organization"  
19 means any person, entity, or organization soliciting or  
20 collecting voter registration applications. A third-party  
21 voter registration organization does not include any person  
22 who solely seeks to register to vote or collect voter  
23 registration applications that person's spouse, child, or  
24 parent or any person engaged in registering to vote or  
25 collecting voter registration applications as an employee or  
26 agent of the division, supervisor of elections, Department of  
27 Highway Safety and Motor Vehicles, or voter registration  
28 agency.

29 ~~(37)(34)~~ "Undervote" means that the elector does not  
30 properly designate any choice for an office or ballot  
31

1 question, and the tabulator records no vote for the office or  
2 question.

3 ~~(38)~~~~(35)~~ "Uniformed services" means the Army, Navy,  
4 Air Force, Marine Corps, and Coast Guard, the commissioned  
5 corps of the Public Health Service, and the commissioned corps  
6 of the National Oceanic and Atmospheric Administration.

7 ~~(39)~~~~(36)~~ "Voter interface device" means any device  
8 that communicates voting instructions and ballot information  
9 to a voter and allows the voter to select and vote for  
10 candidates and issues.

11 ~~(40)~~~~(37)~~ "Voter registration agency" means any office  
12 that provides public assistance, any office that serves  
13 persons with disabilities, any center for independent living,  
14 or any public library.

15 ~~(41)~~~~(38)~~ "Voting booth" or "booth" means that booth or  
16 enclosure wherein an elector casts his or her ballot for  
17 tabulation by an electronic or electromechanical device.

18 ~~(42)~~~~(39)~~ "Voting system" means a method of casting and  
19 processing votes that functions wholly or partly by use of  
20 electromechanical or electronic apparatus or by use of  
21 marksense ~~paper~~ ballots and includes, but is not limited to,  
22 the procedures for casting and processing votes and the  
23 programs, operating manuals, supplies ~~tabulating cards~~,  
24 printouts, and other software necessary for the system's  
25 operation.

26 Section 3. Section 97.029, Florida Statutes, is  
27 created to read:

28 97.029 Attorney's fees and costs.--

29 (1) An award of attorney's fees and costs shall be  
30 made to the prevailing party in any court or administrative  
31 proceeding, including any action for injunctive relief,

1 challenging the application, interpretation, or  
2 constitutionality of any election or voter registration law.

3 (2)(a) The term "attorney's fees and costs" means the  
4 reasonable and necessary attorney's fees and costs incurred  
5 for all preparations, motions, hearings, trials, and appeals  
6 in a proceeding.

7 (b) The term "prevailing party" means the party that  
8 has received a final judgment or order in its favor and such  
9 judgment or order has not been reversed on appeal or the time  
10 for seeking judicial review of the judgment or order has  
11 expired. Where an action has been voluntarily dismissed or  
12 dismissed pursuant to a settlement of the case, there shall be  
13 no prevailing party.

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

24 (4) The court or the administrative law judge in the  
25 case of a proceeding under chapter 120 shall promptly conduct  
26 an evidentiary hearing on the application for an award of  
27 attorney's fees and shall issue a judgment or a final order in  
28 the case of an administrative law judge. The final order of an  
29 administrative law judge is reviewable in accordance with the  
30 provisions of s. 120.68. If the court affirms the award of  
31 attorney's fees and costs in whole or in part, it may, in its

1 discretion, award additional attorney's fees and costs for the  
2 appeal.

3 (5) No party shall be required to pay an award of  
4 attorney's fees and costs pursuant to this section in an  
5 amount exceeding \$200,000.

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 voter registration identification  
31 card.

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

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

14           4. Voter registration agencies.  
15           5. Armed forces recruitment offices.  
16           6. Qualifying educational institutions.

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

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

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

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

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

29           (2) The uniform statewide voter registration  
30 application must be designed to elicit the following  
31 information from the applicant:

- 1 (a) Full name.
- 2 (b) Date of birth.
- 3 (c) Address of legal residence.
- 4 (d) Mailing address, if different.
- 5 (e) County of legal residence.
- 6 ~~(f) Address of property for which the applicant has~~  
7 ~~been granted a homestead exemption, if any.~~
- 8 (f)~~(g)~~ Race or ethnicity that best describes the  
9 applicant:
- 10 1. American Indian or Alaskan Native.
- 11 2. Asian or Pacific Islander.
- 12 3. Black, not Hispanic.
- 13 4. White, not Hispanic.
- 14 5. Hispanic.
- 15 (g)~~(h)~~ State or country of birth.
- 16 (h)~~(i)~~ Sex.
- 17 (i)~~(j)~~ Party affiliation.
- 18 (j)~~(k)~~ Whether the applicant needs assistance in  
19 voting.
- 20 (k)~~(l)~~ Name and address where last registered.
- 21 (l)~~(m)~~ Last four digits of the applicant's social  
22 security number.
- 23 (m)~~(n)~~ Florida driver's license number or the  
24 identification number from a Florida identification card  
25 issued under s. 322.051.
- 26 (n)~~(o)~~ Telephone number (optional).
- 27 (o) E-mail address (optional).
- 28 (p) Signature of applicant under penalty for false  
29 swearing pursuant to s. 104.011, by which the person  
30 subscribes to the oath required by s. 3, Art. VI of the State  
31



1 Constitution and s. 97.051, and swears or affirms that the  
2 information contained in the registration application is true.

3 (q) Whether the application is being used for initial  
4 registration, to update a voter registration record, or to  
5 request a replacement registration identification card.

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

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

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

24  
25 The registration form must be in plain language and designed  
26 so that convicted felons whose civil rights have been restored  
27 and persons who have been adjudicated mentally incapacitated  
28 and have had their voting rights restored are not required to  
29 reveal their prior conviction or adjudication.

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

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

3 (b) A statement specifying each eligibility  
4 requirement under s. 97.041.

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

7 (d) A statement that, if an applicant declines to  
8 register to vote, the fact that the applicant has declined to  
9 register will remain confidential and may be used only for  
10 voter registration purposes.

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

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

29 (f)(g) A statement informing the applicant that if the  
30 form is submitted by mail and the applicant is registering for  
31

1 the first time, the applicant will be required to provide  
2 identification prior to voting the first time.

3 (4) A supervisor may produce a voter registration  
4 application that has the supervisor's direct mailing address  
5 if the department has reviewed the application and determined  
6 that it is substantially the same as the uniform statewide  
7 voter registration application.

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

15 Section 6. Section 97.053, Florida Statutes, is  
16 amended to read:

17 97.053 Acceptance of voter registration  
18 applications.--

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

26 (2) A ~~completed~~ voter registration application is  
27 complete and that contains the information necessary to  
28 ~~establish an applicant's eligibility pursuant to s. 97.041~~  
29 becomes the official voter registration record of that  
30 applicant when all information necessary to establish the  
31 applicant's eligibility pursuant to s. 97.041 is received by

1 | the appropriate supervisor. If the applicant fails to complete  
2 | his or her voter registration application prior to the date of  
3 | book closing for an election, then such applicant shall not be  
4 | eligible to vote in that election.

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

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

23 |         (5)(a) A voter registration application contains all  
24 | information necessary to establish the applicant's eligibility  
25 | pursuant to s. 97.041 ~~is complete~~ if it contains:

- 26 |             1. The applicant's name.
- 27 |             2. The applicant's legal residence address.
- 28 |             3. The applicant's date of birth.
- 29 |             4. A mark in the checkbox affirming ~~An indication~~ that  
30 | the applicant is a citizen of the United States.

31 |

1           5. The applicant's Florida driver's license number,  
2 the identification number from a Florida identification card  
3 issued under s. 322.051, or the last four digits of the  
4 applicant's social security number.

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

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

12           8. The original signature of the applicant swearing or  
13 affirming under the penalty for false swearing pursuant to s.  
14 104.011 that the information contained in the registration  
15 application is true and subscribing to the oath required by s.  
16 3, Art. VI of the State Constitution and s. 97.051.

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

22           Section 7. Section 97.055, Florida Statutes, is  
23 amended to read:

24           97.055 Registration books; when closed for an  
25 election.--

26           (1) The registration books must be closed on the 29th  
27 day before each election and must remain closed until after  
28 that election. If an election is called and there are fewer  
29 than 29 days before that election, the registration books must  
30 be closed immediately. When the registration books are closed  
31 for an election, only updates to a voter's name, address, and

1 signature pursuant to ss. 98.077 and 101.045 will be permitted  
2 for purposes of the upcoming election. Voter registration  
3 applications and party changes must be accepted but only for  
4 the purpose of subsequent elections. However, party changes  
5 received between the book-closing date of the first primary  
6 election and the date of the second primary election are not  
7 effective until after the second primary election.

8 (2) In computing the 29-day period for the closing of  
9 the registration books, the day of the election is excluded  
10 and all other days are included. If the 29th day preceding an  
11 election falls on a Sunday or a legal holiday, the  
12 registration books must be closed on the next day that is not  
13 a Sunday or a legal holiday.

14 Section 8. Section 97.0575, Florida Statutes, is  
15 created to read:

16 97.0575 Third-party voter registrations.--

17 (1) Prior to engaging in any voter registration  
18 activities, a third-party voter registration organization  
19 shall name a registered agent in the state and submit to the  
20 division, in a form adopted by the division, the name of the  
21 registered agent and the name of those individuals responsible  
22 for the day-to-day operation of the third-party voter  
23 registration organization including, if applicable, the names  
24 of the entity's board of directors, president, vice president,  
25 managing partner, or such other persons engaged in similar  
26 duties or functions. By no later than the 15th day after the  
27 end of each calendar quarter, each third-party voter  
28 registration organization shall submit to the division a  
29 report providing the date and location of any organized voter  
30 registration drives conducted by the organization in the prior  
31 calendar quarter.

1           (2) The failure to submit the information required by  
2 subsection (1) shall not subject the third-party voter  
3 registration organization to any civil or criminal penalties  
4 for such failure nor shall the failure to submit such  
5 information be a basis to deny such third-party voter  
6 registration organization with copies of voter registration  
7 application forms.

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

25           (a) A fine in the amount of \$100 per application  
26 received by the division or the supervisor of elections more  
27 than 10 days after the applicant delivered the completed voter  
28 registration application to the third-party voter registration  
29 organization or any person, entity, or agent acting on its  
30 behalf.

1           (b) A fine in the amount of \$250 per application  
2 collected by any third-party voter registration organization  
3 or any person, entity, or agent acting on its behalf, prior to  
4 book closing for any given election for federal or state  
5 office and submitted to the division or the supervisor of  
6 elections after the book closing deadline for such election.

7           (c) A fine in the amount of \$1,000 per application  
8 collected by the third-party voter registration organization  
9 or any person, entity, or agent acting on its behalf and not  
10 submitted to the division or supervisor of elections.

11  
12 Any person claiming to have been registered by a third-party  
13 voter registration organization who does not appear as an  
14 active voter on the voter registration rolls shall be  
15 presented with a form adopted by the division to elicit  
16 additional information regarding the facts and circumstances  
17 surrounding the soliciting of the voter registration  
18 application. Any violation of this section may be investigated  
19 by the division, and civil fines shall be assessed by the  
20 division and enforced through any appropriate legal  
21 proceedings. The civil fines contained herein shall be in  
22 addition to any applicable criminal penalties. If the  
23 third-party voter registration organization has complied with  
24 the provisions of subsection (1), then the amount of the fines  
25 imposed pursuant to this subsection shall be reduced by  
26 three-fourths. The date on which the voter registration  
27 application is signed by the applicant shall be presumed to be  
28 the date on which the third-party voter registration  
29 organization received or collected the voter registration  
30 application.



1           (4) The amount of fines collected by the division  
2 pursuant to this section shall be set aside by the division in  
3 a trust fund administered by the department to be used for  
4 enforcement of this section and for voter education.

5           (5) The division may adopt rules as necessary to  
6 implement this section.

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

9           98.045 Administration of voter registration.--

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

21           Section 10. Section 98.077, Florida Statutes, is  
22 amended to read:

23           98.077 Update of voter signature.--The supervisor of  
24 elections shall provide to each registered voter of the county  
25 the opportunity to update his or her signature on file at the  
26 supervisor's office by providing notification of the ability  
27 to do so in any correspondence, other than postcard  
28 notifications, sent to the voter. The notice shall advise  
29 when, where, and how to update the signature and shall provide  
30 the voter information on how to obtain a form from the  
31 supervisor that can be returned to update the signature. In

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

13 Section 11. Section 99.061, Florida Statutes, is  
14 amended to read:

15 99.061 Method of qualifying for nomination or election  
16 to federal, state, county, or district office.--

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

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

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

29 (3)(a) Each person seeking to qualify for election to  
30 office as a write-in candidate shall file his or her  
31 qualification papers with the respective qualifying officer at

1 any time after noon of the 1st day for qualifying, but not  
2 later than noon of the last day of the qualifying period for  
3 the office sought.

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

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

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

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

1 | within 5 days from the date the candidate is notified that the  
2 | necessary number of signatures has been obtained. Any  
3 | candidate who qualifies within the time prescribed in this  
4 | subsection is entitled to have his or her name printed on the  
5 | ballot.

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

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

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

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

30 |  
31 |

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

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

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

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

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

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

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

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

6 Section 12. Paragraph (d) of subsection (2) of section  
7 99.063, Florida Statutes, is amended to read:

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

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

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

18 Section 13. Subsection (1) of section 99.092, Florida  
19 Statutes, is amended to read:

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

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

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

23 Section 14. Section 99.095, Florida Statutes, is  
24 amended to read:

25 (Substantial rewording of section. See  
26 s. 99.095, F.S., for present text.)  
27 99.095 Petition process in lieu of qualifying fee and  
28 party assessment.--

29 (1) A person seeking to qualify as a candidate for any  
30 office is not required to pay the qualifying fee or party  
31



1 assessment required by this chapter if he or she meets the  
2 petition requirements of this section.

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

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

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

29 (4)(a) Certifications for candidates for federal,  
30 state, or multicounty district office shall be submitted by  
31 the supervisor to the division. The division shall determine

1 whether the required number of signatures has been obtained  
2 and shall notify the candidate of its determination.

3 (b) For candidates for county or district office not  
4 covered by paragraph (a), the supervisor shall determine  
5 whether the required number of signatures has been obtained  
6 and shall notify the candidate of his or her determination.

7 (5) If the required number of signatures has been  
8 obtained, the candidate is eligible to qualify pursuant to s.  
9 99.061.

10 Section 15. Section 99.0955, Florida Statutes, is  
11 amended to read:

12 99.0955 Candidates with no party affiliation; name on  
13 general election ballot.--

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

23 (2) The qualifying fee for candidates with no party  
24 affiliation shall consist of a filing fee and an election  
25 assessment as prescribed in s. 99.092. ~~The amount of the~~  
26 ~~filing fee is 3 percent of the annual salary of the office~~  
27 ~~sought. The amount of the election assessment is 1 percent of~~  
28 ~~the annual salary of the office sought. The election~~  
29 ~~assessment shall be deposited into the Elections Commission~~  
30 ~~Trust Fund.~~ Filing fees paid to the Department of State shall  
31 be deposited into the General Revenue Fund of the state.

1 Filing fees paid to the supervisor of elections shall be  
2 deposited into the general revenue fund of the county.

3 ~~(3)(a) A candidate with no party affiliation may, in~~  
4 ~~lieu of paying the qualifying fee, qualify for office by the~~  
5 ~~alternative method prescribed in this subsection. A candidate~~  
6 ~~using this petitioning process shall file an oath with the~~  
7 ~~officer before whom the candidate would qualify for the office~~  
8 ~~stating that he or she intends to qualify by this alternative~~  
9 ~~method. If the person is running for an office that requires a~~  
10 ~~group or district designation, the candidate must indicate the~~  
11 ~~designation in his or her oath. The oath shall be filed at any~~  
12 ~~time after the first Tuesday after the first Monday in January~~  
13 ~~of the year in which the election is held, but before the 21st~~  
14 ~~day preceding the first day of the qualifying period for the~~  
15 ~~office sought. The Department of State shall prescribe the~~  
16 ~~form to be used in administering and filing the oath.~~

17 ~~Signatures may not be obtained by a candidate on any petition~~  
18 ~~until the candidate has filed the oath required in this~~  
19 ~~subsection. Upon receipt of the written oath from a candidate,~~  
20 ~~the qualifying officer shall provide the candidate with~~  
21 ~~petition forms in sufficient numbers to facilitate the~~  
22 ~~gathering of signatures. If the candidate is running for an~~  
23 ~~office that requires a group or district designation, the~~  
24 ~~petition must indicate that designation or the signatures~~  
25 ~~obtained on the petition will not be counted.~~

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

1           ~~(c) Each petition must be submitted before noon of the~~  
2 ~~21st day preceding the first day of the qualifying period for~~  
3 ~~the office sought, to the supervisor of elections of the~~  
4 ~~county for which such petition was circulated. Each supervisor~~  
5 ~~to whom a petition is submitted shall check the signatures on~~  
6 ~~the petition to verify their status as electors in the county,~~  
7 ~~district, or other geographical entity represented by the~~  
8 ~~office sought. Before the first day for qualifying, the~~  
9 ~~supervisor shall certify the number shown as registered~~  
10 ~~electors.~~

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

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

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

27           Section 16. Section 99.096, Florida Statutes, is  
28 amended to read:

29           99.096 Minor political party candidates; names on  
30 ballot.--

31

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

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

29           ~~(3)(a) A minor party candidate may, in lieu of paying~~  
30 ~~the qualifying fee and party assessment, qualify for office by~~  
31 ~~the alternative method prescribed in this subsection. A~~

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

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

27 ~~(c) Each petition shall be submitted prior to noon of~~  
28 ~~the 21st day preceding the first day of the qualifying period~~  
29 ~~for the office sought to the supervisor of elections of the~~  
30 ~~county for which the petition was circulated. Each supervisor~~  
31 ~~to whom a petition is submitted shall check the signatures on~~

1 ~~the petition to verify their status as electors in the county,~~  
2 ~~district, or other geographical entity represented by the~~  
3 ~~office sought. Before the first day for qualifying, the~~  
4 ~~supervisor shall certify the number shown as registered~~  
5 ~~electors.~~

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

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

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

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

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

28 99.09651 Signature requirements for ballot position in  
29 year of apportionment.--

30 (1) In a year of apportionment, any candidate for  
31 representative to Congress, state Senate, or state House of

1 Representatives seeking ballot position by the petition  
2 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~  
3 ~~99.0955, or s. 99.096~~ shall obtain at least the number of  
4 signatures equal to one-third of 1 percent of the ideal  
5 population for the district of the office being sought.

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

8 100.011 Opening and closing of polls, all elections;  
9 expenses.--

10 (1) The polls shall be open at the voting places at  
11 7:00 a.m., on the day of the election, and shall be kept open  
12 until 7:00 p.m., of the same day, and the time shall be  
13 regulated by the customary time in standard use in the county  
14 seat of the locality. The inspectors shall make public  
15 proclamation of the opening and closing of the polls. During  
16 the election and canvass of the votes, the ballot box shall  
17 not be concealed. Any elector in line at the official closing  
18 of the polls shall be allowed to cast a vote in the election.

19 Section 19. Subsection (5) of section 100.101, Florida  
20 Statutes, is amended to read:

21 100.101 Special elections and special primary  
22 elections.--Except as provided in s. 100.111(2), a special  
23 election or special primary election shall be held in the  
24 following cases:

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

26 Section 20. Paragraph (c) of subsection (3) and  
27 subsections (4) and (6) of section 100.111, Florida Statutes,  
28 are amended to read:

29 100.111 Filling vacancy.--

30 (3) Whenever there is a vacancy for which a special  
31 election is required pursuant to s. 100.101~~(1)~~~~(4)~~, the



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

1           (c) The dates for a candidate to qualify by the  
2 petition process ~~alternative method~~ in such special primary or  
3 special election shall be fixed by the Department of State. In  
4 fixing such dates the Department of State shall take into  
5 consideration and be governed by the practical time  
6 limitations. Any candidate seeking to qualify by the petition  
7 ~~alternative method~~ in a special primary election shall obtain  
8 25 percent of the signatures required by s. 99.095, ~~s.~~  
9 ~~99.0955, or s. 99.096, as applicable.~~

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

1           ~~(b) If the vacancy in nomination occurs later than~~  
2 ~~September 15, or if the vacancy in nomination occurs with~~  
3 ~~respect to a candidate of a minor political party which has~~  
4 ~~obtained a position on the ballot, no special primary election~~  
5 ~~shall be held and the~~ Department of State shall notify the  
6 chair of the appropriate state, district, or county political  
7 party executive committee of such party; and, within 5 ~~7~~ days,  
8 the chair shall call a meeting of his or her executive  
9 committee to consider designation of a nominee to fill the  
10 vacancy. The name of any person so designated shall be  
11 submitted to the Department of State within 7 ~~14~~ days of  
12 notice to the chair in order that the person designated may  
13 have his or her name ~~printed or otherwise placed~~ on the ballot  
14 of the ensuing general election, ~~but in no event shall the~~  
15 ~~supervisor of elections be required to place on a ballot a~~  
16 ~~name submitted less than 21 days prior to the election.~~  
17 However, if the name of the new nominee is submitted after the  
18 certification of results of the preceding primary election,  
19 the ballots shall not be changed and vacancy occurs less than  
20 21 days prior to the election, the person designated by the  
21 political party will replace the former party nominee even  
22 though the former party nominee's name will appear ~~be~~ on the  
23 ballot. Any ballots cast for the former party nominee will be  
24 counted for the person designated by the political party to  
25 replace the former party nominee. If there is no opposition to  
26 the party nominee, the person designated by the political  
27 party to replace the former party nominee will be elected to  
28 office at the general election. For purposes of this  
29 paragraph, the term "district political party executive  
30 committee" means the members of the state executive committee  
31

1 of a political party from those counties comprising the area  
2 involving a district office.

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

11 ~~(d) Any person who, at the close of qualifying as~~  
12 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~  
13 ~~nomination or election to or retention in a public office to~~  
14 ~~be filled at the ensuing general election is prohibited from~~  
15 ~~qualifying as a candidate to fill a vacancy in nomination for~~  
16 ~~any other office to be filled at that general election, even~~  
17 ~~if such person has withdrawn or been eliminated as a candidate~~  
18 ~~for the original office sought. However, this paragraph does~~  
19 ~~not apply to a candidate for the office of Lieutenant Governor~~  
20 ~~who applies to fill a vacancy in nomination for the office of~~  
21 ~~Governor on the same ticket or to a person who has withdrawn~~  
22 ~~or been eliminated as a candidate and who is subsequently~~  
23 ~~designated as a candidate for Lieutenant Governor under s.~~  
24 ~~99.063.~~

25 ~~(6) In the event that a vacancy occurs which leaves~~  
26 ~~less than 4 weeks for a candidate seeking to qualify by the~~  
27 ~~alternative method to gather signatures for ballot position,~~  
28 ~~the number of signatures required for ballot placement shall~~  
29 ~~be 25 percent of the number of signatures required by s.~~  
30 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

31



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

3           5. An explanation if his or her registration is in  
4 question.

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

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

9           ~~7.8.~~ Written instructions to use when voting, and,  
10 upon request, oral instructions in voting from elections  
11 officers.

12           ~~8.9.~~ Vote free from coercion or intimidation by  
13 elections officers or any other person.

14           ~~9.10.~~ Vote on a voting system that is in working  
15 condition and that will allow votes to be accurately cast.

16

17

#### VOTER RESPONSIBILITIES

18

19           Each registered voter in this state should:

20           1. Familiarize himself or herself with the candidates  
21 and issues.

22           2. Maintain with the office of the supervisor of  
23 elections a current address.

24           3. Know the location of his or her polling place and  
25 its hours of operation.

26           4. Bring proper identification to the polling station.

27           5. Familiarize himself or herself with the operation  
28 of the voting equipment in his or her precinct.

29           6. Treat precinct workers with courtesy.

30           7. Respect the privacy of other voters.

31

1           8. Report any problems or violations of election laws  
2 to the supervisor of elections.

3           9. Ask questions, if needed.

4           10. Make sure that his or her completed ballot is  
5 correct before leaving the polling station.

6  
7 NOTE TO VOTER: Failure to perform any of these  
8 responsibilities does not prohibit a voter from voting.

9           Section 23. Subsections (2) and (3) of section  
10 101.043, Florida Statutes, are amended to read:

11           101.043 Identification required at polls.--

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

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

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

26           101.048 Provisional ballots.--

27           (1) At all elections, a voter claiming to be properly  
28 registered in the county and eligible to vote at the precinct  
29 in the election, but whose eligibility cannot be determined, a  
30 person who an election official asserts is not eligible and  
31 other persons specified in the code shall be entitled to vote

1 a provisional ballot. Once voted, the provisional ballot shall  
2 be placed in a secrecy envelope and thereafter sealed in a  
3 provisional ballot envelope. The provisional ballot shall be  
4 deposited in a ballot box. All provisional ballots shall  
5 remain sealed in their envelopes for return to the supervisor  
6 of elections. The department shall prescribe the form of the  
7 provisional ballot envelope. A person casting a provisional  
8 ballot shall have the right to present written evidence  
9 supporting his or her eligibility to vote to the supervisor of  
10 elections by not later than 5 p.m. on the third day following  
11 the election.

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

28 (b)1. If it is determined that the person was  
29 registered and entitled to vote at the precinct where the  
30 person cast a vote in the election, the canvassing board shall  
31 compare the signature on the Provisional Ballot Voter's



1 Certificate and Affirmation ~~envelope~~ with the signature on the  
2 voter's registration and, if it matches, shall count the  
3 ballot.

4           2. If it is determined that the person voting the  
5 provisional ballot was not registered or entitled to vote at  
6 the precinct where the person cast a vote in the election, the  
7 provisional ballot shall not be counted and the ballot shall  
8 remain in the envelope containing the Provisional Ballot  
9 Voter's Certificate and Affirmation and the envelope shall be  
10 marked "Rejected as Illegal."

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

13

14 STATE OF FLORIDA

15

16 COUNTY OF \_\_\_\_\_

17

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

29

\_\_\_\_\_  
(Signature of Voter)

30

\_\_\_\_\_  
(Current Residence Address)

31

\_\_\_\_\_  
(Current Mailing Address)



1 | elections' office immediately to confirm that you are  
2 | registered and can vote in the general election."

3 |         (6) Each supervisor of elections shall establish a  
4 | free access system that allows each person who casts a  
5 | provisional ballot to determine whether his or her provisional  
6 | ballot was counted in the final canvass of votes and, if not,  
7 | the reasons why. Information regarding provisional ballots  
8 | shall be available no later than 30 days following the  
9 | election. The system established must restrict information  
10 | regarding an individual ballot to the person who cast the  
11 | ballot.

12 |         Section 25. Subsection (5) of section 101.049, Florida  
13 | Statutes, is amended to read:

14 |         101.049 Provisional ballots; special circumstances.--

15 |         (5) As an alternative, provisional ballots cast  
16 | pursuant to this section may, and for persons with  
17 | disabilities shall, be cast in accordance with the provisions  
18 | of s. 101.048(4).

19 |         Section 26. Subsection (2) of section 101.051, Florida  
20 | Statutes, is amended, subsection (5) is renumbered as  
21 | subsection (6), and a new subsection (5) is added to that  
22 | section, to read:

23 |         101.051 Electors seeking assistance in casting  
24 | ballots; oath to be executed; forms to be furnished.--

25 |         (2) It is unlawful for any person to be in the voting  
26 | booth with any elector except as provided in subsection (1).  
27 | At the polling place or early voting site or within 100 feet  
28 | of the entrance of such locations, it is unlawful for any  
29 | person to solicit any elector in an effort to provide such  
30 | elector assistance to vote pursuant to subsection (1). Any  
31 | person violating this section commits a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 (5) If an elector needing assistance requests that a  
4 person other than an election official provide him or her  
5 assistance to vote, the clerk or one of the inspectors shall  
6 require the person providing assistance to take the following  
7 oath:

8  
9 DECLARATION TO PROVIDE ASSISTANCE

10  
11 State of Florida

12  
13 County of \_\_\_\_\_

14  
15 Date: \_\_\_\_\_

16  
17 Precinct # \_\_\_\_\_

18  
19 I, (print name), have been requested by (print name of elector  
20 needing assistance) to provide him or her with assistance to  
21 vote. I swear or affirm that I am not the employer, an agent  
22 of the employer, or an officer or agent of the union of the  
23 voter and that I have not solicited this voter at the polling  
24 place or early voting site or within 100 feet of such  
25 locations in an effort to provide assistance.

26  
27 Signature of assistor

28  
29 Sworn and subscribed to before me this \_\_\_\_\_ day of  
30 \_\_\_\_\_, (year).

1 Signature of Official Administering Oath

2 ~~(6)(5)~~ The supervisor of elections shall deliver a  
3 sufficient number of these forms to each precinct, along with  
4 other election paraphernalia.

5 Section 27. Section 101.111, Florida Statutes, is  
6 amended to read:

7 101.111 Person desiring to vote may be challenged;  
8 challenger to execute oath; oath of person challenged;  
9 determination of challenge.--

10 (1) When the right to vote of any person who desires  
11 to vote is challenged by any elector or poll watcher, the  
12 challenge shall be reduced to writing with an oath as provided  
13 in this section, giving reasons for the challenge, which shall  
14 be delivered to the clerk or inspector. Any elector or poll  
15 watcher challenging the right of a person to vote shall  
16 execute the oath set forth below:

17  
18 OATH OF PERSON ENTERING CHALLENGE

19  
20 State of Florida

21  
22 County of \_\_\_\_\_

23  
24 I do solemnly swear that my name is \_\_\_\_\_; that I am a member  
25 of the \_\_\_\_\_ party; that I am a registered voter or poll  
26 watcher~~\_\_\_\_\_ years old~~; that my residence address is \_\_\_\_\_,  
27 in the municipality of \_\_\_\_\_; and that I have reason to  
28 believe that \_\_\_\_\_ is attempting to vote illegally and the  
29 reasons for my belief are set forth herein to wit:

30  
31 \_\_\_\_\_  
(Signature of person challenging voter)

1  
2 Sworn and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_,  
3 (year).

4 \_\_\_\_\_ (Clerk of election)

5  
6 ~~(2) Before a person who is challenged is permitted to~~  
7 ~~vote, the challenged person's right to vote shall be~~  
8 ~~determined in accordance with the provisions of subsection~~  
9 ~~(3). The clerk or inspector shall immediately deliver to the~~  
10 ~~challenged person a copy of the oath of the person entering~~  
11 ~~the challenge and the challenged person shall be allowed to~~  
12 ~~cast a provisional ballot. shall request the challenged person~~  
13 ~~to execute the following oath:~~

14  
15 ~~OATH OF PERSON CHALLENGED~~

16  
17 ~~State of Florida~~

18  
19 ~~County of \_\_\_\_\_~~

20  
21 ~~I do solemnly swear that my name is \_\_\_\_\_; that I am a member~~  
22 ~~of the \_\_\_\_\_ party; that my date of birth is \_\_\_\_\_; that my~~  
23 ~~residence address is \_\_\_\_\_, in the municipality of \_\_\_\_\_, in~~  
24 ~~this the \_\_\_\_\_ precinct of \_\_\_\_\_ county; that I personally~~  
25 ~~made application for registration and signed my name and that~~  
26 ~~I am a qualified voter in this election.~~

27 \_\_\_\_\_ (Signature of person)

28 Sworn and subscribed to before me this \_\_\_\_ day of  
29 \_\_\_\_\_, (year).

30  
31 \_\_\_\_\_ (Clerk of election or Inspector)

1  
2 ~~Any inspector or clerk of election may administer the oath.~~

3           (3)(a) Any elector or poll watcher filing a frivolous  
4 challenge of any person's right to vote commits a misdemeanor  
5 of the first degree, punishable as provided in s. 775.082, s.  
6 775.083, or s. 775.084. ~~The clerk and inspectors shall compare~~  
7 ~~the information in the challenged person's oath with that~~  
8 ~~entered on the precinct register and shall take any other~~  
9 ~~evidence that may be offered. The clerk and inspectors shall~~  
10 ~~then decide by a majority vote whether the challenged person~~  
11 ~~may vote a regular ballot.~~

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

19           Section 28. Section 101.131, Florida Statutes, is  
20 amended to read:

21           101.131 Watchers at polls.--

22           (1) Each political party and each candidate may have  
23 one watcher in each polling room or early voting area at any  
24 one time during the election. A political committee, if formed  
25 for the specific purpose of expressly advocating the passage  
26 or defeat of an issue on the ballot, may have one watcher for  
27 each polling room or early voting area at any one time during  
28 the election. No watcher shall be permitted to come closer to  
29 the officials' table or the voting booths than is reasonably  
30 necessary to properly perform his or her functions, but each  
31 shall be allowed within the polling room or early voting area

1 to watch and observe the conduct of electors and officials.  
2 The watchers shall furnish their own materials and necessities  
3 and shall not obstruct the orderly conduct of any election and  
4 shall pose any questions regarding polling place procedures  
5 directly to the clerk for resolution. Poll watchers shall not  
6 interact with electors. Each watcher shall be a qualified and  
7 registered elector of the county in which he or she serves.

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

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

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

27 101.151 Specifications for ballots.--

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



1           Section 30. Section 101.171, Florida Statutes, is  
2 amended to read:

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

11           Section 31. Subsections (4) and (5) of section  
12 101.294, Florida Statutes, are added to read:

13           101.294 Purchase and sale of voting equipment.--

14           (4) A vendor of voting equipment may not provide an  
15 uncertified voting system, voting system component, or voting  
16 system upgrade to a governing body or supervisor of elections  
17 in this state.

18           (5) Before or in conjunction with providing a voting  
19 system, voting system component, or voting system upgrade, the  
20 vendor shall provide the governing body or supervisor of  
21 elections with a sworn certification that the voting system,  
22 voting system component, or voting system upgrade being  
23 provided has been certified by the Division of Elections.

24           Section 32. Section 101.295, Florida Statutes, is  
25 amended to read:

26           101.295 Penalties for violation.--

27           (1) Any member of a governing body which purchases or  
28 sells voting equipment in violation of the provisions of ss.  
29 101.292-101.295, which member knowingly votes to purchase or  
30 sell voting equipment in violation of the provisions of ss.  
31 101.292-101.295, is guilty of a misdemeanor of the first

1 degree, punishable as provided by s. 775.082 or s. 775.083,  
2 and shall be subject to suspension from office on the grounds  
3 of malfeasance.

4 (2) Any vendor, chief executive officer, or vendor  
5 representative of voting equipment who provides a voting  
6 system, voting system component, or voting system upgrade in  
7 violation of this chapter commits a felony of the third  
8 degree, punishable as provided in s. 775.082, s. 775.083, or  
9 s. 775.084.

10 Section 33. Section 101.49, Florida Statutes, is  
11 amended to read:

12 101.49 Procedure of election officers where signatures  
13 differ.--

14 (1) Whenever any clerk or inspector, upon a just  
15 comparison of the signatures, doubts that the signature on the  
16 identification presented by the ~~of any~~ elector ~~who presents~~  
17 ~~himself or herself at the polls to vote~~ is the same as the  
18 signature ~~of~~ the elector affixed on the precinct register or  
19 early voting certificate in the registration book, the clerk  
20 or inspector shall deliver to the person an affidavit which  
21 shall be in substantially the following form:

22  
23 STATE OF FLORIDA,

24  
25 COUNTY OF \_\_\_\_\_.

26 I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that I  
27 am \_\_\_\_\_ years old; that I was born in ~~the State of~~ \_\_\_\_\_;  
28 that I am registered to vote, ~~and at the time I registered I~~  
29 ~~resided on~~ \_\_\_\_\_ Street, in the municipality of \_\_\_\_\_, County  
30 ~~of \_\_\_\_\_, State of Florida;~~ that I am a qualified voter of the  
31

1 county and state aforesaid and have not voted in this  
2 election.

3 (Signature of voter)

4 Sworn to and subscribed before me this \_\_\_\_ day of  
5 \_\_\_\_\_, A. D. (year).

6 (Clerk or inspector of election)

7 Precinct No. \_\_\_\_\_.

8 County of \_\_\_\_\_.

9 (2) The person shall fill out, in his or her own  
10 handwriting or with assistance from a member of the election  
11 board, the form and make an affidavit to the facts stated in  
12 the filled-in form; such affidavit shall then be sworn to and  
13 subscribed before one of the inspectors or clerks of the  
14 election who is authorized to administer the oath. Whenever  
15 the affidavit is made and filed with the clerk or inspector,  
16 the person shall then be admitted to cast his or her vote, but  
17 if the person fails or refuses to make out or file such  
18 affidavit but asserts his or her eligibility, then he or she  
19 shall be entitled to vote a provisional ballot ~~not be~~  
20 ~~permitted to vote~~.

21 Section 34. Subsection (1) of section 101.51, Florida  
22 Statutes, as amended by chapter 2002-281, is amended to read:

23 101.51 Electors to occupy booth alone.--

24 (1) When the elector presents himself or herself to  
25 vote, the election official shall ascertain whether the  
26 elector's name is upon the register of electors, and, if the  
27 elector's name appears and no challenge interposes, or, if  
28 interposed, be not sustained, one of the election officials  
29 stationed at the entrance shall announce the name of the  
30 elector and permit him or her to enter the booth or  
31 compartment to cast his or her vote, allowing only one elector

1 at a time to pass through to vote. An elector, while casting  
2 his or her ballot, may not occupy a booth or compartment  
3 already occupied or speak with anyone, except as provided by  
4 s. 101.051, while in the voting booth ~~polling place~~.

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

7 101.5606 Requirements for approval of systems.--No  
8 electronic or electromechanical voting system shall be  
9 approved by the Department of State unless it is so  
10 constructed that:

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

15 Section 36. Subsections (2) and (3) of section  
16 101.5608, Florida Statutes, are amended to read:

17 101.5608 Voting by electronic or electromechanical  
18 method; procedures.--

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

22 (a) After receiving a ballot from an inspector, the  
23 elector shall, without leaving the polling place, retire to a  
24 booth or compartment and mark the ballot. After preparing his  
25 or her ballot, the elector shall place the ballot in a secrecy  
26 envelope with the stub exposed or shall fold over that portion  
27 on which write-in votes may be cast, as instructed, so that  
28 the ballot will be deposited in the ballot box without  
29 exposing the voter's choices. Before the ballot is deposited  
30 in the ballot box, the inspector shall detach the exposed stub  
31 and place it in a separate envelope for audit purposes; when a

1 | fold-over ballot is used, the entire ballot shall be placed in  
2 | the ballot box.

3 |         (b) Any voter who spoils his or her ballot or makes an  
4 | error may return the ballot to the election official and  
5 | secure another ballot, except that in no case shall a voter be  
6 | furnished more than three ballots. If the vote tabulation  
7 | device has rejected a ballot, the ballot shall be considered  
8 | spoiled and a new ballot shall be provided to the voter unless  
9 | the voter chooses to cast the rejected ballot. The election  
10 | official, without examining the original ballot, shall state  
11 | the possible reasons for the rejection and shall provide  
12 | instruction to the voter pursuant to s. 101.5611. A spoiled  
13 | ballot shall be preserved, without examination, in an envelope  
14 | provided for that purpose. The stub shall be removed from the  
15 | ballot and placed in an envelope.

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

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

24 |         Section 37. Subsection (2) of section 101.5612,  
25 | Florida Statutes, is amended to read:

26 |             101.5612 Testing of tabulating equipment.--

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

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

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

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

10 101.5614 Canvass of returns.--

11 (5) If any absentee ballot is physically damaged so  
12 that it cannot properly be counted by the automatic tabulating  
13 equipment, a true duplicate copy shall be made of the damaged  
14 ballot in the presence of witnesses and substituted for the  
15 damaged ballot. Likewise, a duplicate ballot shall be made of  
16 an absentee ballot containing an overvoted race or a marked  
17 absentee ballot in which every race is undervoted which shall  
18 include all valid votes as determined by the canvassing board  
19 based on rules adopted by the division pursuant to s.

20 102.166~~(4)~~~~(5)~~. All duplicate ballots shall be clearly labeled  
21 "duplicate," bear a serial number which shall be recorded on  
22 the defective ballot, and be counted in lieu of the defective  
23 ballot. After a ballot has been duplicated, the defective  
24 ballot shall be placed in an envelope provided for that  
25 purpose, and the duplicate ballot shall be tallied with the  
26 other ballots for that precinct.

27 Section 39. Section 101.572, Florida Statutes, is  
28 amended to read:

29 101.572 Public inspection of ballots.--The official  
30 ballots and ballot cards received from election boards and  
31 removed from absentee ballot mailing envelopes shall be open

1 for public inspection or examination while in the custody of  
2 the supervisor of elections or the county canvassing board at  
3 any reasonable time, under reasonable conditions; however, no  
4 persons other than the supervisor of elections or his or her  
5 employees or the county canvassing board shall handle any  
6 official ballot or ballot card. If the ballots are being  
7 examined prior to the end of the contest period in s. 102.168,  
8 the supervisor of elections shall make a reasonable effort to  
9 notify all candidates whose names appear on such ballots or  
10 ballot cards by telephone or otherwise of the time and place  
11 of the inspection or examination. All such candidates, or  
12 their representatives, shall be allowed to be present during  
13 the inspection or examination.

14 Section 40. Section 101.58, Florida Statutes, is  
15 amended to read:

16 101.58 Supervising and observing registration and  
17 election processes.--

18 (1) The Department of State may, at any time it deems  
19 fit; upon the petition of 5 percent of the registered  
20 electors; or upon the petition of any candidate, county  
21 executive committee chair, state committeeman or  
22 committeewoman, or state executive committee chair, appoint  
23 one or more deputies whose duties shall be to observe and  
24 examine the registration and election processes and the  
25 condition, custody, and operation of voting systems and  
26 equipment in any county or municipality. The deputy shall have  
27 access to all registration books and records as well as any  
28 other records or procedures relating to the voting process.  
29 The deputy may supervise preparation of the voting equipment  
30 and procedures for election, and it shall be unlawful for any  
31 person to obstruct the deputy in the performance of his or her



1 duty. The deputy shall file with the Department of State a  
2 report of his or her findings and observations of the  
3 registration and election processes in the county or  
4 municipality, and a copy of the report shall also be filed  
5 with the clerk of the circuit court of said county. The  
6 compensation of such deputies shall be fixed by the Department  
7 of State; and costs incurred under this section shall be paid  
8 from the annual operating appropriation made to the Department  
9 of State.

10 (2) Upon the written direction of the Secretary of  
11 State, any employee of the Department of State shall have full  
12 access to all premises, records, equipment, and staff of the  
13 supervisor of elections.

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

16 101.595 Analysis and reports of voting problems.--

17 (1) No later than December 15 of each general election  
18 year, the supervisor of elections in each county shall report  
19 to the Department of State the total number of overvotes and  
20 undervotes in either the presidential or the gubernatorial  
21 race, whichever is applicable first race appearing on the  
22 ~~ballot pursuant to s. 101.151(2)~~, along with the likely  
23 reasons for such overvotes and undervotes and other  
24 information as may be useful in evaluating the performance of  
25 the voting system and identifying problems with ballot design  
26 and instructions which may have contributed to voter  
27 confusion.

28 Section 42. Subsection (6) of section 101.6103,  
29 Florida Statutes, is renumbered as subsection (7), and a new  
30 subsection (6) is added to that section, to read:

31 101.6103 Mail ballot election procedure.--

1           (6) The canvassing board may begin the canvassing of  
2 mail ballots at 7 a.m. on the fourth day before the election,  
3 including processing the ballots through the tabulating  
4 equipment. However, results may not be released until after 7  
5 p.m. on election day. Any canvassing board member or election  
6 employee who releases any result prior to 7 p.m. on election  
7 day commits a felony of the third degree, punishable as  
8 provided in s. 775.082, s. 775.083, or s. 775.084.

9           Section 43. Subsections (2), (3), and (4) of section  
10 101.62, Florida Statutes, are amended to read:

11           101.62 Request for absentee ballots.--

12           (2) ~~If~~ A request for an absentee ballot to be mailed  
13 to an elector shall be is received no later than 5 p.m. on the  
14 6th day prior to ~~after the Friday before~~ the election by the  
15 supervisor of elections ~~from an absent elector overseas, the~~  
16 ~~supervisor shall send a notice to the elector acknowledging~~  
17 ~~receipt of his or her request and notifying the elector that~~  
18 ~~the ballot will not be forwarded due to insufficient time for~~  
19 ~~return of the ballot by the required deadline.~~

20           (3) For each request for an absentee ballot received,  
21 the supervisor shall record the date the request was made, the  
22 date the absentee ballot was delivered to the elector or the  
23 elector's designee or the date the ballot was delivered to the  
24 post office or other carrier ~~mailed~~, the date the ballot was  
25 received by the supervisor, and such other information he or  
26 she may deem necessary. This information shall be confidential  
27 and exempt from the provisions of s. 119.07(1) and shall be  
28 made available to or reproduced only for the elector  
29 requesting the ballot, a canvassing board, an election  
30 official, a political party or official thereof, a candidate  
31 who has filed qualification papers and is opposed in an

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

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

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

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

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

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

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

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

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

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

31

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

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

26           Section 44. Subsection (3) of section 101.64, Florida  
27 Statutes, is added to read:

28           101.64 Delivery of absentee ballots; envelopes;  
29 form.--

30           (3) In lieu of the voter's certificate provided in  
31 this section, the supervisor of elections shall provide each

1 person voting absentee under the Uniformed and Overseas  
2 Citizens Absentee Voting Act with the standard oath prescribed  
3 by the presidential designee.

4 Section 45. Subsection (1) of section 101.657, Florida  
5 Statutes, is amended to read:

6 101.657 Early voting.--

7 (1)(a) As a convenience to the voter, the supervisor  
8 of elections shall allow an elector to vote early in the main  
9 or branch office of the supervisor ~~by depositing the voted~~  
10 ~~ballot in a voting device used by the supervisor to collect or~~  
11 ~~tabulate ballots. In order for a branch office to be used for~~  
12 ~~early voting, it shall be a full service facility of the~~  
13 ~~supervisor and shall have been designated as such at least 1~~  
14 ~~year prior to the election.~~ The supervisor may provide early  
15 voting at sites other than the main or branch office of the  
16 supervisor provided that such sites are located in facilities  
17 that adequately address security of the voting equipment and  
18 provide for the efficient conduct of early voting activities.  
19 When selecting an early voting site, the supervisor shall  
20 consider square footage, parking, and population density of  
21 the area serviced designate any city hall or public library as  
22 ~~early voting sites; however, if so designated, the sites must~~  
23 ~~be geographically located so as to provide all voters in the~~  
24 ~~county an equal opportunity to cast a ballot, insofar as is~~  
25 ~~practicable.~~ The results or tabulation of votes cast during  
26 early voting may not be made before the close of the polls on  
27 election day. Results shall be reported by precinct.

28 (b) The supervisor shall designate each early voting  
29 site by no later than the 30th day prior to an election and  
30 shall designate an early voting area, as defined in s. 97.021,  
31 at each early voting site. Designation of early voting sites

1 may not be changed except by petition to the division, which  
2 petition shall only be granted for reasons of a natural or  
3 unavoidable event resulting in the unavailability of such  
4 early voting site.

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

9 (d)(b) Early voting shall begin on the 15th day before  
10 an election and end on the 2nd day before an election. For  
11 purposes of a special election held pursuant to s. 100.101,  
12 early voting shall begin on the 8th day before an election and  
13 end on the 2nd day before an election. Early voting shall be  
14 provided for ~~at least~~ 8 hours per weekday during the  
15 applicable periods. Early voting shall also be provided on ~~for~~  
16 ~~8 hours in the aggregate for~~ each weekend during the  
17 applicable periods.

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

26 (f) Notwithstanding the requirements of s. 189.405,  
27 special districts may provide early voting in any district  
28 election not held in conjunction with county or state  
29 elections. If a special district provides early voting, it may  
30 designate as many sites as necessary and shall conduct its  
31 activities in accordance with the provisions of paragraphs

1 (a)-(c). The supervisor is not required to conduct early  
2 voting if it is provided pursuant to this subsection.

3           Section 46. Subsection (2) section 101.663, Florida  
4 Statutes, is amended to read:

5           101.663 Electors; change of residence.--

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

14           Section 47. Subsection (1) of section 101.68, Florida  
15 Statutes, is amended to read:

16           101.68 Canvassing of absentee ballot.--

17           (1) The supervisor of the county where the absent  
18 elector resides shall receive the voted ballot, at which time  
19 the supervisor shall compare the signature of the elector on  
20 the voter's certificate with the signature of the elector in  
21 the registration books to determine whether the elector is  
22 duly registered in the county and may record on the elector's  
23 registration certificate that the elector has voted. The  
24 supervisor shall safely keep the ballot unopened in his or her  
25 office until the county canvassing board canvasses the vote.  
26 Once an absentee ballot has been received by the supervisor,  
27 the ballot is deemed to have been cast and no changes or  
28 additions shall be made to the Voter's Certificate.

29           Section 48. Section 101.69, Florida Statutes, is  
30 amended to read:

31



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

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

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

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

4 Section 49. Subsection (2) of section 101.6923,  
5 Florida Statutes, is amended to read:

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

8 (2) A voter covered by this section shall be provided  
9 with ~~the following~~ printed instructions with his or her  
10 absentee ballot in substantially the following form:

11  
12 READ THESE INSTRUCTIONS CAREFULLY BEFORE  
13 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE  
14 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
15 COUNT.

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

22 2. Mark your ballot in secret as instructed on the  
23 ballot. You must mark your own ballot unless you are unable to  
24 do so because of blindness, disability, or inability to read  
25 or write.

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

30 4. Place your marked ballot in the enclosed secrecy  
31 envelope and seal the envelope.

1           5. Insert the secrecy envelope into the enclosed  
2 envelope bearing the Voter's Certificate. Seal the envelope  
3 and completely fill out the Voter's Certificate on the back of  
4 the envelope.

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

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

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

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

22           b. Identification which shows your name and current  
23 residence address: current utility bill, bank statement,  
24 government check, paycheck, or government document (excluding  
25 voter identification card).

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

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

29           b. You have a temporary or permanent physical  
30 disability.

31

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

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

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

11           f. You are currently residing outside the United  
12 States.

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

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

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

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

30           101.694 Mailing of ballots upon receipt of federal  
31 postcard application.--

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

27           Section 51. Section 101.697, Florida Statutes, is  
28 amended to read:

29           101.697 Electronic transmission of election  
30 materials.--The Department of State shall adopt rules to  
31 authorize a supervisor of elections to accept a request for an

1 absentee ballot and a voted absentee ballot by facsimile  
2 machine or other electronic means from overseas voters if the  
3 department can be assured that the security of the  
4 transmission of the ballot is able to be established. The  
5 rules must provide that in order to accept a voted ballot, the  
6 verification of the voter must be established, the security of  
7 the transmission must be established, and each ballot received  
8 must be recorded.

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

11 102.012 Inspectors and clerks to conduct elections.--

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

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

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

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

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

30 |         ~~(b)~~ The An election board shall conduct the voting,  
31 | beginning and closing at the time set forth in s. 100.011. ~~if~~

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

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

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

22 Section 53. Section 102.014, Florida Statutes, is  
23 amended to read:

24 102.014 Poll worker recruitment and training.--

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



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

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

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

25 (4) Each supervisor of elections shall be responsible  
26 for training inspectors and clerks, subject to the following  
27 minimum requirements:

28 (a) No clerk shall be entitled to work at the polls  
29 unless he or she has had a minimum of 3 hours of training  
30 prior to each election.  
31

1 (b) No inspector shall work at the polls unless he or  
2 she has had a minimum of 2 hours of training prior to each  
3 election.

4 (c) For the purposes of this subsection, the first and  
5 second primary elections shall be considered one election.

6 (5) The Department of State shall create a uniform  
7 polling place procedures manual and adopt the manual by rule.

8 Each supervisor of elections shall ensure that the manual is  
9 available in hard copy or electronic form in every polling

10 place ~~precinct in the supervisor's jurisdiction on election~~

11 ~~day~~. The manual shall guide inspectors, clerks, and deputy

12 sheriffs in the proper implementation of election procedures

13 and laws. The manual shall be indexed by subject, and written

14 in plain, clear, unambiguous language. The manual shall

15 provide specific examples of common problems encountered at

16 the polls ~~on election day~~, and detail specific procedures for

17 resolving those problems. The manual shall include, without

18 limitation:

19 (a) Regulations governing solicitation by individuals  
20 and groups at the polling place;

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

23 (c) Proper operation of the voting system;

24 (d) Ballot handling procedures;

25 (e) Procedures governing spoiled ballots;

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

27 (g) Rights of voters at the polls;

28 (h) Procedures for handling emergency situations;

29 (i) Procedures for dealing with irate voters;

30 (j) The handling and processing of provisional

31 ballots; and

1 (k) Security procedures.

2

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

6 (6) Supervisors of elections shall work with the  
7 business and local community to develop public-private  
8 programs to ensure the recruitment of skilled inspectors and  
9 clerks.

10 (7) The Department of State shall develop a mandatory,  
11 statewide, and uniform program for training poll workers on  
12 issues of etiquette and sensitivity with respect to voters  
13 having a disability. The program must consist of approximately  
14 1 hour of the required number of hours set forth in paragraph  
15 (4)(a). The program must be conducted locally by each  
16 supervisor of elections, who shall periodically certify to the  
17 Department of State whether each poll worker has completed the  
18 program. The supervisor of elections shall contract with a  
19 recognized disability-related organization, such as a center  
20 for independent living, family network on disabilities, deaf  
21 service bureau, or other such organization, to develop and  
22 assist with training the trainers in the disability  
23 sensitivity programs. The program must include actual  
24 demonstrations of obstacles confronted by disabled persons  
25 during the voting process, including obtaining access to the  
26 polling place, traveling through the polling area, and using  
27 the voting system.

28 Section 54. Section 102.031, Florida Statutes, is  
29 amended to read:

30

31

1           102.031 Maintenance of good order at polls;  
2 authorities; persons allowed in polling rooms and early voting  
3 areas; unlawful solicitation of voters.--

4           (1) Each election board shall possess full authority  
5 to maintain order at the polls and enforce obedience to its  
6 lawful commands during an election and the canvass of the  
7 votes.

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

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

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

31

1 No person may bring a camera into the polling room or early  
2 voting area.

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

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

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

18 a. ~~Conducted from a separately marked area within the~~  
19 ~~50 foot zone so as not to disturb, hinder, impede, obstruct,~~  
20 ~~or interfere with voter access to the polling place or polling~~  
21 ~~room entrance; and~~

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

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

29 2. ~~Solicitation shall not be permitted within the~~  
30 ~~50 foot zone on a public sidewalk or other similar means of~~  
31 ~~access to the polling room if it is clearly identifiable to~~

1 ~~the poll workers that the solicitation is impeding,~~  
2 ~~obstructing, or interfering with voter access to the polling~~  
3 ~~room or polling place.~~

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

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

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

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

22       Section 55. Section 102.071, Florida Statutes, is  
23 amended to read:

24       102.071 Tabulation of votes and proclamation of  
25 results ~~where ballots are used.~~--The election board shall post  
26 at the polls, for the benefit of the public, the results of  
27 the voting for each office or other item on the ballot as the  
28 count is completed. Upon completion of all counts in all  
29 races, a certificate ~~triplicate certificates~~ of the results  
30 shall be drawn up by the inspectors and clerk at each precinct  
31 upon a form provided by the supervisor of elections which

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

19 Section 56. Subsection (1) of section 102.111, Florida  
20 Statutes, is amended to read:

21 102.111 Elections Canvassing Commission.--

22 (1) The Elections Canvassing Commission shall consist  
23 of the Governor and two members of the Cabinet selected by the  
24 Governor. If a member of the Elections Canvassing Commission  
25 is unable to serve for any reason, the Governor shall appoint  
26 a remaining member of the Cabinet. If there is a further  
27 vacancy, the remaining members of the commission shall agree  
28 on another elected official to fill the vacancy. The Elections  
29 Canvassing Commission shall, as soon as the official results  
30 are compiled from all counties, certify the returns of the  
31 election and determine and declare who has been elected for

1 each federal, state, and multicounty office. If within 5 days  
2 of the certification by the Elections Canvassing Commission, a  
3 county determines that a typographical error occurred in the  
4 official returns of the county, the correction of which would  
5 result in a change in the outcome of any election certified by  
6 the Elections Canvassing Commission, the county must submit  
7 corrected returns within 24 hours and the Elections Canvassing  
8 Commission shall as soon as practicable correct and recertify  
9 the election returns.

10 Section 57. Subsections (1) and (2) of section  
11 102.112, Florida Statutes, are amended to read:

12 102.112 Deadline for submission of county returns to  
13 the Department of State.--

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

22 (2) Returns must be filed by 5 p.m. on the 7th day  
23 following a primary election and by 5 p.m. on the 11th day  
24 following the general election provided, however, that the  
25 Department of State shall have the authority to correct  
26 typographical errors, including the transposition of numbers,  
27 in any returns submitted to the Department of State pursuant  
28 to s. 102.111(1).

29 Section 58. Section 102.141, Florida Statutes, is  
30 amended to read:

31 102.141 County canvassing board; duties.--



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

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

19           (b) If the supervisor of elections is unable to serve  
20 or is disqualified, the chair of the board of county  
21 commissioners shall appoint as a substitute member a member of  
22 the board of county commissioners who is not a candidate with  
23 opposition in the election being canvassed and who is not an  
24 active participant in the campaign or candidacy of any  
25 candidate with opposition in the election being canvassed. The  
26 supervisor, however, shall act in an advisory capacity to the  
27 canvassing board.

28           (c) If the chair of the board of county commissioners  
29 is unable to serve or is disqualified, the board of county  
30 commissioners shall appoint as a substitute member one of its  
31 members who is not a candidate with opposition in the election

1 | being canvassed and who is not an active participant in the  
2 | campaign or candidacy of any candidate with opposition in the  
3 | election being canvassed.

4 |         (d) If a substitute member cannot be appointed as  
5 | provided elsewhere in this subsection, the chief judge of the  
6 | judicial circuit in which the county is located shall appoint  
7 | as a substitute member a qualified elector of the county who  
8 | is not a candidate with opposition in the election being  
9 | canvassed and who is not an active participant in the campaign  
10 | or candidacy of any candidate with opposition in the election  
11 | being canvassed.

12 |         (2) The county canvassing board shall meet in a  
13 | building accessible to the public in the county where the  
14 | election occurred at a time and place to be designated by the  
15 | supervisor of elections to publicly canvass the absentee  
16 | electors' ballots as provided for in s. 101.68 and provisional  
17 | ballots as provided by ss. 101.048, 101.049, and 101.6925.  
18 | Provisional ballots cast pursuant to s. 101.049 shall be  
19 | canvassed in a manner that votes for candidates and issues on  
20 | those ballots can be segregated from other votes. Public  
21 | notice of the time and place at which the county canvassing  
22 | board shall meet to canvass the absentee electors' ballots and  
23 | provisional ballots shall be given at least 48 hours prior  
24 | thereto by publication once in one or more newspapers of  
25 | general circulation in the county or, if there is no newspaper  
26 | of general circulation in the county, by posting such notice  
27 | in at least four conspicuous places in the county. As soon as  
28 | the absentee electors' ballots and the provisional ballots are  
29 | canvassed, the board shall proceed to publicly canvass the  
30 | vote given each candidate, nominee, constitutional amendment,  
31 | or other measure submitted to the electorate of the county, as

1 shown by the returns then on file in the office of the  
2 supervisor of elections and the office of the county court  
3 judge.

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

26 (4) The canvassing board shall submit unofficial  
27 returns on forms or in formats provided by the division to the  
28 Department of State for each federal, statewide, state, or  
29 multicounty office or ballot measure no later than noon on the  
30 third ~~second~~ day after any primary election and no later than  
31 noon on the fifth day after any, ~~general, special, or other~~

1 election. Such returns shall include the canvass of all  
2 ballots as required by subsection (2), except for provisional  
3 ballots, which returns shall be reported at the time required  
4 for official returns pursuant to s. 102.112(2).

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

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

12 (b) Request that the Department of State verify the  
13 tabulation software. When the Department of State verifies  
14 such software, the department shall compare the software used  
15 to tabulate the votes with the software filed with the  
16 department pursuant to s. 101.5607 and check the election  
17 parameters.

18 (6) If the unofficial returns reflect that a candidate  
19 for any office was defeated or eliminated by one-half of a  
20 percent or less of the votes cast for such office, that a  
21 candidate for retention to a judicial office was retained or  
22 not retained by one-half of a percent or less of the votes  
23 cast on the question of retention, or that a measure appearing  
24 on the ballot was approved or rejected by one-half of a  
25 percent or less of the votes cast on such measure, the board  
26 responsible for certifying the results of the vote on such  
27 race or measure shall order a recount of the votes cast with  
28 respect to such office or measure. The county canvassing board  
29 is the board responsible for ordering county and local  
30 recounts. The Elections Canvassing Commission is the board  
31 responsible for ordering federal, state, and multicounty

1 recounts. A recount need not be ordered with respect to the  
2 returns for any office, however, if the candidate or  
3 candidates defeated or eliminated from contention for such  
4 office by one-half of a percent or less of the votes cast for  
5 such office request in writing that a recount not be made.

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

29 (b) ~~In counties with voting systems that do not use~~  
30 ~~paper ballots,~~ Each canvassing board responsible for  
31 conducting a recount where touchscreen ballots were used shall

1 | examine the counters on the precinct tabulators to ensure that  
2 | the total of the returns on the precinct tabulators equals the  
3 | overall election return. If there is a discrepancy between the  
4 | overall election return and the counters of the precinct  
5 | tabulators, the counters of the precinct tabulators shall be  
6 | presumed correct and such votes shall be canvassed  
7 | accordingly.

8 |           (c) The canvassing board shall submit a second set of  
9 | unofficial returns on forms or in formats provided by the  
10 | division to the Department of State for each federal,  
11 | statewide, state, or multicounty office or ballot measure no  
12 | later than 3 p.m. noon on the fifth ~~third~~ day after any  
13 | primary election and no later than 3 p.m. on the 8th day after  
14 | any general election in which a recount was conducted pursuant  
15 | to this subsection. If the canvassing board is unable to  
16 | complete the recount prescribed in this subsection by the  
17 | deadline, the second set of unofficial returns submitted by  
18 | the canvassing board shall be identical to the initial  
19 | unofficial returns and the submission shall also include a  
20 | detailed explanation of why it was unable to timely complete  
21 | the recount. However, the canvassing board shall complete the  
22 | recount prescribed in this subsection, along with any manual  
23 | recount prescribed in s. 102.166, and certify election returns  
24 | in accordance with the requirements of this chapter.

25 |           (d) The Department of State shall adopt detailed rules  
26 | prescribing additional recount procedures for each certified  
27 | voting system, which shall be uniform to the extent  
28 | practicable.

29 |           (7) The canvassing board may employ such clerical help  
30 | to assist with the work of the board as it deems necessary,  
31 | with at least one member of the board present at all times,

1 until the canvass of the returns is completed. The clerical  
2 help shall be paid from the same fund as inspectors and other  
3 necessary election officials.

4 (8)(a) At the same time that the official results of  
5 an election are certified to the Department of State, the  
6 county canvassing board shall file a report with the Division  
7 of Elections on the conduct of the election. The report shall  
8 describe:

9 1. All contain information relating to any problems  
10 incurred as a result of equipment or software malfunctions  
11 either at the precinct level, or at a counting location, or  
12 within computer and telecommunications networks supporting a  
13 county location, including the steps taken to address the  
14 malfunction(s).

15 2. All election definition errors that were discovered  
16 after the logic and accuracy test, including the steps taken  
17 to address the error.

18 3. All ballot printing errors or ballot supply  
19 problems, including the steps taken to address the error or  
20 problem.

21 4. All staffing shortages or procedural violations by  
22 employees or precinct workers which were required to be  
23 addressed by the supervisor of elections or the county  
24 canvassing board during the conduct of the election, including  
25 corrective actions.

26 5. All instances where needs for staffing or equipment  
27 were insufficient to meet the needs of the voters.

28 6. Any difficulties or unusual circumstances  
29 encountered by an election board or the canvassing board, and  
30 any other additional information regarding a material issue or  
31 problems associated with the conduct of the election which the

1 ~~canvassing board feels should be made a part of the official~~  
2 ~~election record.~~

3 (b) After the report pursuant to subsection (1) is  
4 filed, if the supervisor discovers new or additional  
5 information on any of the items required to be included in the  
6 report, the supervisor shall notify the division that new  
7 information has been discovered no later than the next  
8 business day after the discovery and file an amended report on  
9 the conduct of the election within 10 days of the discovery.

10 (c) Such reports shall be maintained on file in the  
11 Division of Elections and shall be available for public  
12 inspection. The division shall utilize the reports submitted  
13 by the canvassing boards to determine what problems may be  
14 likely to occur in other elections and disseminate such  
15 information, along with possible solutions, to the supervisors  
16 of elections.

17 (9) Within 7 days of the time that the results of an  
18 election are certified to the Department of State, the  
19 supervisor shall file with the department a copy of or an  
20 export file from the results database of the county's voting  
21 system and other statistical information as may be required by  
22 the department, the Legislature, and the Election Assistance  
23 Commission. The department shall adopt rules establishing the  
24 required content and acceptable formats for the filings.

25 Section 59. Section 102.166, Florida Statutes, is  
26 amended to read:

27 102.166 Manual recounts.--

28 (1) If the second set of unofficial returns pursuant  
29 to s. 102.141 indicates that a candidate for any office was  
30 defeated or eliminated by one-quarter of a percent or less of  
31 the votes cast for such office, that a candidate for retention



1 | to a judicial office was retained or not retained by  
2 | one-quarter of a percent or less of the votes cast on the  
3 | question of retention, or that a measure appearing on the  
4 | ballot was approved or rejected by one-quarter of a percent or  
5 | less of the votes cast on such measure, the board responsible  
6 | for certifying the results of the vote on such race or measure  
7 | shall order a manual recount of the overvotes and undervotes  
8 | cast in the entire geographic jurisdiction of such office or  
9 | ballot measure. However, a manual recount shall not be ordered  
10 | if the number of overvotes, undervotes, and provisional  
11 | ballots is fewer than the number of votes needed to change the  
12 | outcome of the election.

13 |         ~~(2)(a) If the second set of unofficial returns~~  
14 | ~~pursuant to s. 102.141 indicates that a candidate for any~~  
15 | ~~office was defeated or eliminated by between one quarter and~~  
16 | ~~one half of a percent of the votes cast for such office, that~~  
17 | ~~a candidate for retention to judicial office was retained or~~  
18 | ~~not retained by between one quarter and one half of a percent~~  
19 | ~~of the votes cast on the question of retention, or that a~~  
20 | ~~measure appearing on the ballot was approved or rejected by~~  
21 | ~~between one quarter and one half of a percent of the votes~~  
22 | ~~cast on such measure, any such candidate, the political party~~  
23 | ~~of such candidate, or any political committee that supports or~~  
24 | ~~opposes such ballot measure is entitled to a manual recount of~~  
25 | ~~the overvotes and undervotes cast in the entire geographic~~  
26 | ~~jurisdiction of such office or ballot measure, provided that a~~  
27 | ~~request for a manual recount is made by 5 p.m. on the third~~  
28 | ~~day after the election.~~

29 |         ~~(b) For federal, statewide, state, and multicounty~~  
30 | ~~races and ballot issues, requests for a manual recount shall~~  
31 | ~~be made in writing to the state Elections Canvassing~~

1 ~~Commission. For all other races and ballot issues, requests~~  
2 ~~for a manual recount shall be made in writing to the county~~  
3 ~~canvassing board.~~

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

8 (2)~~(3)~~(a) Any hardware or software used to identify  
9 and sort overvotes and undervotes for a given race or ballot  
10 measure must be certified by the Department of State as part  
11 of the voting system pursuant to s. 101.015. Any such hardware  
12 or software must be capable of simultaneously counting votes.  
13 ~~For certified voting systems, the department shall certify~~  
14 ~~such hardware or software by July 1, 2002. If the department~~  
15 ~~is unable to certify such hardware or software for a certified~~  
16 ~~voting system by July 1, 2002, the department shall adopt~~  
17 ~~rules prescribing procedures for identifying and sorting such~~  
18 ~~overvotes and undervotes. The department's rules may provide~~  
19 ~~for the temporary use of hardware or software whose sole~~  
20 ~~function is identifying and sorting overvotes and undervotes.~~

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

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

27 (3)~~(4)~~ Any manual recount shall be open to the public.

28 (4)~~(5)~~(a) A vote for a candidate or ballot measure  
29 shall be counted if there is a clear indication on the ballot  
30 that the voter has made a definite choice.

31

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

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

7 2. Contain a catch-all provision that fails to  
8 identify specific standards, such as "any other mark or  
9 indication clearly indicating that the voter has made a  
10 definite choice."

11 ~~(5)(6)~~ Procedures for a manual recount are as follows:

12 (a) The county canvassing board shall appoint as many  
13 counting teams of at least two electors as is necessary to  
14 manually recount the ballots. A counting team must have, when  
15 possible, members of at least two political parties. A  
16 candidate involved in the race shall not be a member of the  
17 counting team.

18 (b) Each duplicate ballot prepared pursuant to s.  
19 101.5614(5) or s. 102.141(6) shall be compared with the  
20 original ballot to ensure the correctness of the duplicate.

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

25 (d) The Department of State shall adopt detailed rules  
26 prescribing additional recount procedures for each certified  
27 voting system which shall be uniform to the extent  
28 practicable. The rules shall address, at a minimum, the  
29 following areas:

30 1. Security of ballots during the recount process.+

31 2. Time and place of recounts.+

- 1           3. Public observance of recounts.~~†~~
- 2           4. Objections to ballot determinations.~~†~~
- 3           5. Record of recount proceedings.~~†~~ ~~and~~
- 4           6. Procedures relating to candidate and petitioner
- 5 representatives.

6           Section 60. Subsections (2) and (4) of section  
7 102.168, Florida Statutes, are amended to read:

8           102.168 Contest of election.--

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

15           (4) The county canvassing board is an indispensable  
16 ~~and or Elections Canvassing Commission shall be the proper~~  
17 party defendant in county and local elections, and the  
18 Elections Canvassing Commission is an indispensable and proper  
19 party defendant in federal, state, and multicounty races, and  
20 the successful candidate ~~is shall be~~ an indispensable party to  
21 any action brought to contest the election or nomination of a  
22 candidate.

23           Section 61. Subsections (1) and (4) of section  
24 103.021, Florida Statutes, are amended to read:

25           103.021 Nomination for presidential  
26 electors.--Candidates for presidential electors shall be  
27 nominated in the following manner:

28           (1) The Governor shall nominate the presidential  
29 electors of each political party. The state executive  
30 committee of each political party shall by resolution  
31 recommend candidates for presidential electors and deliver a

1 certified copy thereof to the Governor prior to September 1 of  
2 each presidential election year. The Governor ~~He or she~~ shall  
3 nominate only the electors recommended by the state executive  
4 committee of the respective political party. Each such elector  
5 shall be a qualified elector of the party he or she represents  
6 who has taken an oath that he or she will vote for the  
7 candidates of the party that he or she is nominated to  
8 represent. The Governor shall certify to the Department of  
9 State on or before September 1, in each presidential election  
10 year, the names of a number of electors for each political  
11 party equal to the number of senators and representatives  
12 which this state has in Congress.

13 (4)(a) A minor political party that is affiliated with  
14 a national party holding a national convention to nominate  
15 candidates for President and Vice President of the United  
16 States may have the names of its candidates for President and  
17 Vice President of the United States printed on the general  
18 election ballot by filing with the Department of State a  
19 certificate naming the candidates for President and Vice  
20 President and listing the required number of persons to serve  
21 as electors. Notification to the Department of State under  
22 this subsection shall be made by September 1 of the year in  
23 which the election is held. When the Department of State has  
24 been so notified, it shall order the names of the candidates  
25 nominated by the minor political party to be included on the  
26 ballot and shall permit the required number of persons to be  
27 certified as electors in the same manner as other party  
28 candidates. For purposes of this section, "national party"  
29 shall mean a political party established and admitted to the  
30 ballot in at least one state other than this state, and  
31 "national convention" shall mean any caucus, convention,

1 meeting, or any other assembly of a political party gathered,  
2 whether or not such meeting is held in person or by telephonic  
3 or electronic means, with the intent of nominating candidates  
4 for President and Vice President of the United States.

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

30 Section 62. Section 103.051, Florida Statutes, is  
31 amended to read:

1           103.051 Congress sets meeting dates of electors.--The  
2 presidential electors shall, ~~at noon~~ on the day which is  
3 directed by Congress and at the time fixed by the Governor,  
4 meet at Tallahassee and perform the duties required of them by  
5 the Constitution and laws of the United States.

6           Section 63. Section 103.061, Florida Statutes, is  
7 amended to read:

8           103.061 Meeting of electors and filling of  
9 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on  
10 the day fixed by Congress to elect a President and Vice  
11 President and at the time fixed by the Governor, give notice  
12 to the Governor that the elector is in Tallahassee and ready  
13 to perform the duties of presidential elector. The Governor  
14 shall forthwith deliver to the presidential electors present a  
15 certificate of the names of all the electors; and if, on  
16 examination thereof, it should be found that one or more  
17 electors are absent, the electors present shall elect by  
18 ballot, in the presence of the Governor, a person or persons  
19 to fill such vacancy or vacancies as may have occurred through  
20 the nonattendance of one or more of the electors.

21           Section 64. Section 103.121, Florida Statutes, is  
22 amended to read:

23           103.121 Powers and duties of executive committees.--

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

26           1. To adopt a constitution by two-thirds vote of the  
27 full committee.

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

30           3. To conduct its meetings according to generally  
31 accepted parliamentary practice.

- 1           4. To make party nomination when required by law.  
2           5. To conduct campaigns for party nominees.  
3           6. To raise and expend party funds. Such funds may not  
4 be expended or committed to be expended except after written  
5 authorization by the chair of the state or county executive  
6 committee.

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

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

23           (2) ~~(3)~~ The chair and treasurer of an executive  
24 committee of any political party shall be accountable for the  
25 funds of such committee and jointly liable for their proper  
26 expenditure for authorized purposes only. ~~The chair and~~  
27 ~~treasurer of the state executive committee of any political~~  
28 ~~party shall furnish adequate bond, but not less than \$10,000,~~  
29 ~~conditioned upon the faithful performance by such party~~  
30 ~~officers of their duties and for the faithful accounting for~~  
31 ~~party funds which shall come into their hands; and the chair~~



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

19 (3)(4) Any chair or treasurer of a state or county  
20 executive committee of any political party who knowingly  
21 misappropriates, or makes an unlawful expenditure of, or a  
22 false or improper accounting for, the funds of such committee  
23 is guilty of a felony of the third degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 (4)(5)(a) The central committee or other equivalent  
26 governing body of each state executive committee shall adopt a  
27 rule which governs the time and manner in which the respective  
28 county executive committees of such party may endorse,  
29 certify, screen, or otherwise recommend one or more candidates  
30 for such party's nomination for election. Upon adoption, such  
31 rule shall provide the exclusive method by which a county

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

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

1 ~~receiving the party assessment shall remit such party~~  
2 ~~assessment to the General Revenue Fund of the state.~~

3       ~~(5)(6)~~ The state chair of each state executive  
4 committee shall return the 2-percent committee assessment for  
5 county candidates to the appropriate county executive  
6 committees only upon receipt of a written statement that such  
7 county executive committee chooses not to endorse, certify,  
8 screen, or otherwise recommend one or more candidates for such  
9 party's nomination for election and upon the state chair's  
10 determination that the county executive committee is in  
11 compliance with all Florida statutes and all state party  
12 rules, bylaws, constitutions, and requirements.

13       Section 65. Subsection (5) of section 104.051, Florida  
14 Statutes, is added to read:

15       104.051 Violations; neglect of duty; corrupt  
16 practices.--

17       (5) Any supervisor or member of a county canvassing  
18 board who willfully fails to follow a binding directive issued  
19 pursuant to s. 97.012 shall be subject to a civil penalty of  
20 \$5,000, which fine shall be paid out of the personal funds of  
21 the supervisor or member of the county canvassing board. Only  
22 the Secretary of State may file a complaint alleging willful  
23 failure to follow a binding directive.

24       Section 66. Subsections (1) and (3) and paragraph (a)  
25 of subsection (5) of section 105.031, Florida Statutes, are  
26 amended, and subsection (6) is added to that section, to read:

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

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

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

27 (3) QUALIFYING FEE.--Each candidate qualifying for  
28 election to a judicial office or the office of school board  
29 member, except write-in judicial or school board candidates,  
30 shall, during the time for qualifying, pay to the officer with  
31 whom he or she qualifies a qualifying fee, which shall consist

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

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

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

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

1 fee with a cashier's check purchased from funds of the  
2 campaign account. Failure to pay the fee as provided in this  
3 subparagraph shall disqualify the candidate.

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

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

11         4. The completed form for the appointment of campaign  
12 treasurer and designation of campaign depository, as required  
13 by s. 106.021. In addition, each candidate for judicial  
14 office, including an incumbent judge, shall file a statement  
15 with the qualifying officer, within 10 days after filing the  
16 appointment of campaign treasurer and designation of campaign  
17 depository, stating that the candidate has read and  
18 understands the requirements of the Florida Code of Judicial  
19 Conduct. Such statement shall be in substantially the  
20 following form:

21  
22                     Statement of Candidate for Judicial Office  
23

24 I,                     (name of candidate) , a judicial candidate, have  
25 received, read, and  
26 understand the requirements of the Florida Code of Judicial  
27 Conduct.

28   (Signature of candidate)

29   (Date)  
30  
31

1           5. The full and public disclosure of financial  
2 interests required by s. 8, Art. II of the State Constitution  
3 or the statement of financial interests required by s.  
4 112.3145, whichever is applicable. A public officer who has  
5 filed the full and public disclosure or statement of financial  
6 interests with the Commission on Ethics or the supervisor of  
7 elections prior to qualifying for office, may file a copy of  
8 that disclosure at the time of qualifying.

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

14           Section 67. Section 105.035, Florida Statutes, is  
15 amended to read:

16           105.035 Petition process for ~~Alternative method of~~  
17 qualifying for certain judicial offices and the office of  
18 school board member.--

19           (1) A person seeking to qualify for election to the  
20 office of circuit judge or county court judge or the office of  
21 school board member may qualify for election to such office by  
22 means of the petitioning process prescribed in this section. A  
23 person qualifying by this petition process ~~alternative method~~  
24 shall not be required to pay the qualifying fee required by  
25 this chapter. ~~A person using this petitioning process shall~~  
26 ~~file an oath with the officer before whom the candidate would~~  
27 ~~qualify for the office stating that he or she intends to~~  
28 ~~qualify by this alternative method for the office sought. Such~~  
29 ~~oath shall be filed at any time after the first Tuesday after~~  
30 ~~the first Monday in January of the year in which the election~~  
31 ~~is held, but prior to the 21st day preceding the first day of~~

1 ~~the qualifying period for the office sought. The form of such~~  
2 ~~oath shall be prescribed by the Division of Elections. No~~  
3 ~~signatures shall be obtained until the person has filed the~~  
4 ~~oath prescribed in this subsection.~~

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

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

27       (4)(a) Each candidate seeking to qualify for election  
28 to the office of circuit judge or the office of school board  
29 member from a multicounty school district pursuant to this  
30 section shall file a separate petition from each county from  
31 which signatures are sought. Each petition shall be submitted,



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

23 (b) Each candidate seeking to qualify for election to  
24 the office of county court judge or the office of school board  
25 member from a single county school district pursuant to this  
26 section shall submit his or her petition, prior to noon of the  
27 28th ~~21st~~ day preceding the first day of the qualifying period  
28 for the office sought, to the supervisor of elections of the  
29 county for which such petition was circulated. The supervisor  
30 shall check the signatures on the petition to verify their  
31 status as electors of the county and of the geographic area

1 represented by the office sought. No later than the 7th day  
2 before ~~Prior to~~ the first date for qualifying, the supervisor  
3 shall determine whether the required number of signatures has  
4 been obtained for the name of the candidate to be placed on  
5 the ballot and shall notify the candidate. If the required  
6 number of signatures has been obtained, the candidate shall,  
7 during the time prescribed for qualifying for office, submit a  
8 copy of such notice and file his or her qualifying papers and  
9 oath prescribed in s. 105.031 with the qualifying officer.  
10 Upon receipt of the copy of such notice and qualifying papers,  
11 such candidate shall be entitled to have his or her name  
12 printed on the ballot.

13 Section 68. Subsections (10), (11), and (12) of  
14 section 106.22, Florida Statutes, are amended to read:

15 106.22 Duties of the Division of Elections.--It is the  
16 duty of the Division of Elections to:

17 ~~(11) Conduct preliminary investigations into any~~  
18 ~~irregularities or fraud involving voter registration or voting~~  
19 ~~and report its findings to the state attorney for the judicial~~  
20 ~~circuit in which the alleged violation occurred for~~  
21 ~~prosecution, where warranted. The Department of State may~~  
22 ~~prescribe by rule requirements for filing a complaint of voter~~  
23 ~~fraud and for investigating any such complaint.~~

24 (11)(12) Conduct random audits with respect to reports  
25 and statements filed under this chapter and with respect to  
26 alleged failure to file any reports and statements required  
27 under this chapter.

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

30 106.24 Florida Elections Commission; membership;  
31 powers; duties.--

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

10           Section 70. Paragraph (a) of subsection (1) of section  
11 16.56, Florida Statutes, is amended to read:

12           16.56 Office of Statewide Prosecution.--

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

17           (a) Investigate and prosecute the offenses of:

18           1. Bribery, burglary, criminal usury, extortion,  
19 gambling, kidnapping, larceny, murder, prostitution, perjury,  
20 robbery, carjacking, and home-invasion robbery;

21           2. Any crime involving narcotic or other dangerous  
22 drugs;

23           3. Any violation of the provisions of the Florida RICO  
24 (Racketeer Influenced and Corrupt Organization) Act, including  
25 any offense listed in the definition of racketeering activity  
26 in s. 895.02(1)(a), providing such listed offense is  
27 investigated in connection with a violation of s. 895.03 and  
28 is charged in a separate count of an information or indictment  
29 containing a count charging a violation of s. 895.03, the  
30 prosecution of which listed offense may continue independently  
31

1 | if the prosecution of the violation of s. 895.03 is terminated  
2 | for any reason;

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

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

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

9 |         7. Any violation of s. 847.0135, relating to computer  
10 | pornography and child exploitation prevention, or any offense  
11 | related to a violation of s. 847.0135;

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

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

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

16 |         11. Any criminal violation of s. 409.920 or s.  
17 | 409.9201; or

18 |         12. Any crime involving voter registration, voting, or  
19 | candidate or issue petition activities.

20 |

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

28 |         Section 71. Subsection (5) of section 119.07, Florida  
29 | Statutes, is amended to read:

30 |         119.07 Inspection and copying of records;  
31 | photographing public records; fees; exemptions.--

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

11           Section 72. Paragraph (d) is added to subsection (15)  
12 of section 120.52, Florida Statutes, to read:

13           120.52 Definitions.--As used in this act:

14           (15) "Rule" means each agency statement of general  
15 applicability that implements, interprets, or prescribes law  
16 or policy or describes the procedure or practice requirements  
17 of an agency and includes any form which imposes any  
18 requirement or solicits any information not specifically  
19 required by statute or by an existing rule. The term also  
20 includes the amendment or repeal of a rule. The term does not  
21 include:

22           (d) Advisory opinions issued by the Division of  
23 Elections pursuant to s. 106.23(2) and directives issued by  
24 the Secretary of State pursuant to s. 97.012(1).

25           Section 73. Paragraph (a) of subsection (3) of section  
26 145.09, Florida Statutes, is amended to read:

27           145.09 Supervisor of elections.--

28           (3)(a) There shall be an additional \$2,000 per year  
29 special qualification salary for each supervisor of elections  
30 who has met the certification requirements established by the  
31 Division of Elections of the Department of State. The

1 Department of State shall adopt rules to establish the  
2 certification requirements. Any supervisor who is certified  
3 during a calendar year shall receive in that year a pro rata  
4 share of the special qualification salary based on the  
5 remaining period of the year.

6 Section 74. Sections 98.095, 98.0979, 98.181, 98.481,  
7 101.253, 101.635, 102.061, 106.085, and 106.144, Florida  
8 Statutes, are repealed.

9 Section 75. This act shall take effect January 1,  
10 2006.

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