

1                   A bill to be entitled  
2           An act relating to elections; amending s. 97.021, F.S.;  
3           revising a definition; amending s. 97.053, F.S.; providing  
4           requirements relating to incomplete voter registration  
5           applications; revising the date by which persons casting  
6           provisional ballots may present voter eligibility  
7           evidence; revising the time within which voter  
8           registration applications shall be entered into the  
9           statewide voter registration system; creating s. 98.056,  
10          F.S.; requiring the Department of State to prescribe and  
11          supervisors of elections to use registration list  
12          maintenance forms; providing requirements relating to the  
13          forms; amending s. 98.065, F.S.; revising registration  
14          list maintenance requirements relating to voter change of  
15          address; amending s. 98.075, F.S.; revising requirements  
16          for supervisors relating to removal of deceased voters'  
17          names from the statewide voter registration system;  
18          amending s. 99.021, F.S.; creating a separate oath and  
19          oath requirements for candidates for federal office;  
20          amending s. 99.061, F.S.; revising the qualifying  
21          deadlines for certain candidates; revising qualification  
22          requirements for special district candidates; deleting a  
23          provision relating to qualification by the petition  
24          process; amending s. 99.093, F.S.; specifying that  
25          municipal candidates' election assessments shall be  
26          forwarded to the Florida Elections Commission instead of  
27          the department; amending s. 99.095, F.S.; providing  
28          requirements for special district candidates relating to

29 | the qualification by petition process; providing a  
30 | deadline for submission of certifications for certain  
31 | candidates qualifying by the petition process; amending s.  
32 | 99.097, F.S.; revising a requirement relating to the  
33 | verification of signatures on petitions; amending s.  
34 | 100.061, F.S.; revising the date on which the primary  
35 | election is held; amending s. 100.191, F.S.; deleting an  
36 | exception to a requirement that all general laws are  
37 | applicable to special elections; amending s. 100.361,  
38 | F.S.; revising requirements relating to the recall of  
39 | municipal or charter county officers; revising provisions  
40 | relating to recall committees, recall petitions and  
41 | signatures, recall defense and signatures, petition  
42 | retention, and offenses; amending s. 100.371, F.S.;  
43 | revising the period of time for which initiative petition  
44 | signatures remain valid; providing that such revision  
45 | apply only to petitions that are approved for circulation  
46 | after the effective date of this act; amending s. 101.041,  
47 | F.S., relating to secret voting; deleting a provision  
48 | requiring official ballots to be printed and distributed  
49 | for such purpose; amending s. 101.048, F.S.; revising the  
50 | date by which persons casting provisional ballots may  
51 | present voter eligibility evidence; amending s. 101.111,  
52 | F.S.; requiring supervisors to provide election boards  
53 | copies of voter challenges; amending s. 101.51, F.S.;  
54 | deleting a requirement that an election official announce  
55 | an elector's name before the elector enters a voting  
56 | booth; amending s. 101.6103, F.S.; revising the date the

57 canvassing of mail ballots may begin; removing an obsolete  
58 implementation date; amending s. 101.62, F.S.; providing  
59 that one request for an absentee ballot is sufficient to  
60 receive such ballots for all elections; revising the  
61 deadline by which supervisors of elections are required to  
62 mail absentee ballots before the general election;  
63 revising requirements for electors to receive an absentee  
64 ballot; amending s. 101.68, F.S.; revising the date the  
65 canvassing of absentee ballots may begin; removing an  
66 obsolete implementation date; amending s. 101.733, F.S.;  
67 revising a provision relating to the rescheduling of an  
68 election due to emergency; authorizing the Governor to  
69 provide for holding an election by mail in an emergency;  
70 requiring the department to adopt rules relating to a mail  
71 election in an emergency; amending s. 102.014, F.S.;  
72 revising provisions relating to the training of poll  
73 workers; amending s. 102.112, F.S.; revising a deadline  
74 relating to the filing of general election returns;  
75 amending s. 102.141, F.S.; revising duties of the county  
76 canvassing boards relating to the submission of  
77 preliminary and unofficial returns to the department;  
78 amending s. 102.166, F.S.; correcting a cross-reference;  
79 amending s. 103.022, F.S.; revising filing deadlines for  
80 write-in candidates for President and Vice President of  
81 the United States; creating s. 103.085, F.S.; providing  
82 filing requirements for minor political parties;  
83 authorizing the Division of Elections to adopt rules  
84 relating to the cancellation of a minor party's

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85 registration; amending s. 103.091, F.S.; revising  
86 deadlines relating to qualification for certain political  
87 parties' executive committee membership; amending s.  
88 105.031, F.S.; revising deadlines relating to  
89 qualification for the office of school board member;  
90 deleting a provision relating to qualification by the  
91 petition process; amending s. 106.07, F.S.; revising  
92 provisions relating to filing deadlines for campaign  
93 treasurer reports; amending s. 106.35, F.S.; revising the  
94 deadline for beginning distribution of funds from the  
95 Election Campaign Financing Trust Fund; amending ss.  
96 189.405 and 191.005, F.S.; revising qualification  
97 requirements for candidates for special district and  
98 independent special fire control district governing board  
99 positions; amending s. 582.18, F.S.; revising  
100 qualification requirements for candidates for supervisor  
101 of each soil and water conservation district; amending s.  
102 876.05, F.S.; providing an exception to an oath  
103 requirement for candidates for federal office; repealing  
104 s. 104.29, F.S., relating to inspectors refusing to allow  
105 watchers while ballots are counted; providing an effective  
106 date.

107  
108 Be It Enacted by the Legislature of the State of Florida:

109  
110 Section 1. Subsection (17) of section 97.021, Florida  
111 Statutes, is amended to read:

112 97.021 Definitions.--For the purposes of this code, except  
 113 where the context clearly indicates otherwise, the term:

114 (17) "Minor political party" is any group as defined in  
 115 this subsection which on January 1 preceding a primary election  
 116 does not have registered as members 5 percent of the total  
 117 registered electors of the state. ~~Any group of citizens~~  
 118 ~~organized for the general purposes of electing to office~~  
 119 ~~qualified persons and determining public issues under the~~  
 120 ~~democratic processes of the United States may become a minor~~  
 121 ~~political party of this state by filing with the department a~~  
 122 ~~certificate showing the name of the organization, the names of~~  
 123 ~~its current officers, including the members of its executive~~  
 124 ~~committee, and a copy of its constitution or bylaws. It shall be~~  
 125 ~~the duty of the minor political party to notify the department~~  
 126 ~~of any changes in the filing certificate within 5 days of such~~  
 127 ~~changes.~~

128 Section 2. Subsections (6) and (7) of section 97.053,  
 129 Florida Statutes, are amended to read:

130 97.053 Acceptance of voter registration applications.--

131 (6) A voter registration application may be accepted as  
 132 valid only after the department has verified the authenticity or  
 133 nonexistence of the driver's license number, the Florida  
 134 identification card number, or the last four digits of the  
 135 social security number provided by the applicant. If a completed  
 136 voter registration application has been received by the book-  
 137 closing deadline but the driver's license number, the Florida  
 138 identification card number, or the last four digits of the  
 139 social security number provided by the applicant cannot be

140 verified, the applicant shall be notified that the application  
 141 is incomplete and that the voter must provide evidence to the  
 142 supervisor sufficient to verify the authenticity of the number  
 143 provided on the application. If the voter provides the necessary  
 144 evidence, the supervisor shall place the voter's name on the  
 145 registration rolls as an active voter. If the voter has not  
 146 provided the necessary evidence or the number has not otherwise  
 147 been verified prior to the applicant presenting himself or  
 148 herself to vote, the applicant shall be provided a provisional  
 149 ballot. The provisional ballot shall be counted only if the  
 150 application is verified by the end of the canvassing period or  
 151 if the applicant presents evidence to the supervisor of  
 152 elections sufficient to verify the authenticity of the driver's  
 153 license number, Florida identification card number, or last four  
 154 digits of the social security number provided on the application  
 155 no later than 5 p.m. of the second ~~third~~ day following the  
 156 election.

157 (7) All voter registration applications received by a  
 158 voter registration official shall be entered into the statewide  
 159 voter registration system within 13 ~~15~~ days after receipt. Once  
 160 entered, the application shall be immediately forwarded to the  
 161 appropriate supervisor of elections.

162 Section 3. Section 98.056, Florida Statutes, is created to  
 163 read:

164 98.056 Registration list maintenance forms.--The  
 165 Department of State shall prescribe registration list  
 166 maintenance forms to be used by the supervisors that shall  
 167 include:

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168       (1) An address confirmation request that shall contain:

169       (a) The voter's name and address of legal residence as  
170 shown on the voter registration record.

171       (b) A request that the supervisor be informed if either  
172 the name or address of legal residence of the voter is  
173 incorrect.

174       (2) An address change notice that shall be sent by  
175 forwardable mail, including a postage prepaid, preaddressed  
176 return form with which the voter may verify or correct his or  
177 her address information.

178       (3) An address confirmation final notice that shall be  
179 sent by forwardable mail and must contain a postage prepaid,  
180 preaddressed return form and a statement that:

181       (a) If the voter has not changed address of legal  
182 residence or has changed address of legal residence within the  
183 state, the voter should return the return form within 30 days  
184 after the date of notice.

185       (b) If the return form is not returned and the voter does  
186 not offer to vote by the second general election thereafter, the  
187 voter's name will be removed from the voter registration books.

188       (c) If the voter has changed address of legal residence to  
189 a location outside the state:

190       1. The voter should return the return form, which return  
191 shall serve as a request to be removed from the registration  
192 books.

193       2. The voter will be provided with information on how to  
194 register in the new jurisdiction in order to be eligible to  
195 vote.

196 Section 4. Subsection (4) of section 98.065, Florida  
 197 Statutes, is amended to read:

198 98.065 Registration list maintenance programs.--

199 (4) (a) If the supervisor receives change-of-address  
 200 information pursuant to the activities conducted in subsection  
 201 (2), from jury notices signed by the voter and returned to the  
 202 courts, from the Department of Highway Safety and Motor  
 203 Vehicles, or from other sources, which information indicates  
 204 that the legal address of a registered voter might have changed  
 205 within the state, the supervisor shall change the registration  
 206 records to show the new address and shall send the voter by  
 207 ~~forwardable return if undeliverable mail~~ an address change  
 208 ~~confirmation notice to the address at which the voter was last~~  
 209 ~~registered. A supervisor may also send an address confirmation~~  
 210 ~~notice to any voter who the supervisor has reason to believe has~~  
 211 ~~moved from his or her legal residence.~~

212 (b) If the supervisor receives change of address  
 213 information pursuant to the activities conducted in subsection  
 214 (2), from jury notices signed by the voter and returned to the  
 215 courts, or from other sources, which information indicates the  
 216 legal residence of a registered voter might have changed outside  
 217 the state, the supervisor of elections shall send an address  
 218 confirmation final notice to the voter. The address confirmation  
 219 ~~notice shall contain a postage prepaid, preaddressed return form~~  
 220 ~~on which:~~

221 ~~1. If the voter has changed his or her address of legal~~  
 222 ~~residence to a location outside the state, the voter shall mark~~  
 223 ~~that the voter's legal residence has changed to a location~~



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224 ~~outside the state. The form shall also include information on~~  
225 ~~how to register in the new state in order to be eligible to~~  
226 ~~vote. The form must be returned within 30 days after the date of~~  
227 ~~the notice. The completed form shall constitute a request to be~~  
228 ~~removed from the statewide voter registration system.~~

229 ~~2. If the voter has changed his or her address of legal~~  
230 ~~residence to a location inside the state, the voter shall set~~  
231 ~~forth the updated or corrected address and submit the return~~  
232 ~~form within 30 days after the date of the notice. The completed~~  
233 ~~form shall constitute a request to update the statewide voter~~  
234 ~~registration system with the updated or corrected address~~  
235 ~~information.~~

236 ~~3. If the voter has not changed his or her address of~~  
237 ~~legal residence as printed on the address confirmation notice,~~  
238 ~~the voter shall confirm that his or her address of legal~~  
239 ~~residence has not changed and submit the form within 30 days~~  
240 ~~after the date of the notice.~~

241 (c) The supervisor must designate as inactive all voters  
242 who have been sent an address confirmation final notice and who  
243 have not returned the postage prepaid, preaddressed return form  
244 within 30 days or for which an address confirmation notice has  
245 been returned as undeliverable. Names on the inactive list may  
246 not be used to calculate the number of signatures needed on any  
247 petition. A voter on the inactive list may be restored to the  
248 active list of voters upon the voter updating his or her  
249 registration, requesting an absentee ballot, or appearing to  
250 vote. However, if the voter does not update his or her voter  
251 registration information, request an absentee ballot, or vote by

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252 the second general election after being placed on the inactive  
 253 list, the voter's name shall be removed from the statewide voter  
 254 registration system and the voter shall be required to  
 255 reregister to have his or her name restored to the statewide  
 256 voter registration system.

257 Section 5. Subsection (3) of section 98.075, Florida  
 258 Statutes, is amended to read:

259 98.075 Registration records maintenance activities;  
 260 ineligibility determinations.--

261 (3) DECEASED PERSONS.--The department shall identify those  
 262 registered voters who are deceased by comparing information on  
 263 the lists of deceased persons received from the Department of  
 264 Health as provided in s. 98.093. Upon receipt of such  
 265 information through the statewide voter registration system, the  
 266 supervisor shall remove the name of the registered voter.  
 267 Additionally, if the supervisor is presented with a copy of a  
 268 death certificate issued from a bona fide governmental agency or  
 269 has personal knowledge of the voter's death, the supervisor  
 270 shall remove the name of the deceased voter from the statewide  
 271 voter registration system.

272 Section 6. Paragraph (a) of subsection (1) of section  
 273 99.021, Florida Statutes, is amended to read:

274 99.021 Form of candidate oath.--

275 (1)(a)1. Each candidate, whether a party candidate, a  
 276 candidate with no party affiliation, or a write-in candidate, in  
 277 order to qualify for nomination or election to any office other  
 278 than a judicial office as defined in chapter 105 or a candidate  
 279 for federal office, shall take and subscribe to an oath or

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280 affirmation in writing. A printed copy of the oath or  
 281 affirmation shall be furnished to the candidate by the officer  
 282 before whom such candidate seeks to qualify and shall be  
 283 substantially in the following form:

284  
 285 State of Florida  
 286 County of \_\_\_\_\_

287  
 288 Before me, an officer authorized to administer oaths,  
 289 personally appeared (please print name as you wish it to  
 290 appear on the ballot) , to me well known, who, being sworn,  
 291 says that he or she is a candidate for the office of \_\_\_\_\_; that  
 292 he or she is a qualified elector of \_\_\_\_\_ County, Florida; that  
 293 he or she is qualified under the Constitution and the laws of  
 294 Florida to hold the office to which he or she desires to be  
 295 nominated or elected; that he or she has taken the oath required  
 296 by ss. 876.05-876.10, Florida Statutes; that he or she has  
 297 qualified for no other public office in the state, the term of  
 298 which office or any part thereof runs concurrent with that of  
 299 the office he or she seeks; and that he or she has resigned from  
 300 any office from which he or she is required to resign pursuant  
 301 to s. 99.012, Florida Statutes.

302 (Signature of candidate)

303 (Address)

304  
 305 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 306 (year) , at \_\_\_\_\_ County, Florida.

307 (Signature and title of officer administering oath)

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2. Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida  
County of \_\_\_\_\_

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of \_\_\_\_\_ ; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate)

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336           (Address)          

337

338 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

339 (year) , at \_\_\_\_\_ County, Florida.

340           (Signature and title of officer administering oath)          

341

342 Section 7. Section 99.061, Florida Statutes, is amended to  
343 read:

344 99.061 Method of qualifying for nomination or election to  
345 federal, state, county, or district office.--

346 (1) The provisions of any special act to the contrary  
347 notwithstanding, each person seeking to qualify for nomination  
348 or election to a federal, state, or multicounty district office,  
349 other than election to a judicial office as defined in chapter  
350 105 or the office of school board member, shall file his or her  
351 qualification papers with, and pay the qualifying fee, which  
352 shall consist of the filing fee and election assessment, and  
353 party assessment, if any has been levied, to, the Department of  
354 State, or qualify by the petition process pursuant to s. 99.095  
355 with the Department of State, at any time after noon of the 1st  
356 day for qualifying, which shall be as follows: the 120th day  
357 prior to the primary election, but not later than noon of the  
358 116th day prior to the date of the primary election, for persons  
359 seeking to qualify for nomination or election to federal office  
360 or to the office of the state attorney or the public defender;  
361 and noon of the 71st ~~50th~~ day prior to the primary election, but  
362 not later than noon of the 67th ~~46th~~ day prior to the date of  
363 the primary election, for persons seeking to qualify for

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364 nomination or election to a state or multicounty district  
365 office, other than the office of the state attorney or the  
366 public defender.

367       (2) The provisions of any special act to the contrary  
368 notwithstanding, each person seeking to qualify for nomination  
369 or election to a county office, or district ~~or special district~~  
370 office not covered by subsection (1), shall file his or her  
371 qualification papers with, and pay the qualifying fee, which  
372 shall consist of the filing fee and election assessment, and  
373 party assessment, if any has been levied, to, the supervisor of  
374 elections of the county, or shall qualify by the petition  
375 process pursuant to s. 99.095 with the supervisor of elections,  
376 at any time after noon of the 1st day for qualifying, which  
377 shall be the 71st ~~50th~~ day prior to the primary election ~~or~~  
378 ~~special district election~~, but not later than noon of the 67th  
379 ~~46th~~ day prior to the date of the primary election ~~or special~~  
380 ~~district election~~. However, ~~if a special district election is~~  
381 ~~held at the same time as the general election, qualifying shall~~  
382 ~~be the 50th day prior to the primary election, but not later~~  
383 ~~than noon of the 46th day prior to the date of the primary~~  
384 ~~election~~. Within 30 days after the closing of qualifying time,  
385 the supervisor of elections shall remit to the secretary of the  
386 state executive committee of the political party to which the  
387 candidate belongs the amount of the filing fee, two-thirds of  
388 which shall be used to promote the candidacy of candidates for  
389 county offices and the candidacy of members of the Legislature.

390       (3) The provisions of any special act to the contrary  
391 notwithstanding, each person seeking to qualify for election to

392 a special district office shall qualify between noon of the 71st  
393 day prior to the primary election and noon of the 67th day prior  
394 to the date of the primary election. Candidates for single  
395 county special districts shall qualify with the supervisor of  
396 elections in the county in which the district is located. If the  
397 district is a multicounty district, candidates shall qualify  
398 with the Department of State. All special district candidates  
399 shall qualify by paying a filing fee of \$25 or by the petition  
400 process pursuant to s. 99.095. Notwithstanding s. 106.021, a  
401 candidate who does not collect contributions and whose only  
402 expense is the filing fee or signature verification fee is not  
403 required to appoint a campaign treasurer or designate a primary  
404 campaign depository.

405 (4)~~(3)~~(a) Each person seeking to qualify for election to  
406 office as a write-in candidate shall file his or her  
407 qualification papers with the respective qualifying officer at  
408 any time after noon of the 1st day for qualifying, but not later  
409 than noon of the last day of the qualifying period for the  
410 office sought.

411 (b) Any person who is seeking election as a write-in  
412 candidate shall not be required to pay a filing fee, election  
413 assessment, or party assessment. A write-in candidate shall not  
414 be entitled to have his or her name printed on any ballot;  
415 however, space for the write-in candidate's name to be written  
416 in shall be provided on the general election ballot. No person  
417 may qualify as a write-in candidate if the person has also  
418 otherwise qualified for nomination or election to such office.

419        (5)~~(4)~~ At the time of qualifying for office, each  
 420 candidate for a constitutional office shall file a full and  
 421 public disclosure of financial interests pursuant to s. 8, Art.  
 422 II of the State Constitution, and a candidate for any other  
 423 office, including local elective office, shall file a statement  
 424 of financial interests pursuant to s. 112.3145.

425        (6)~~(5)~~ The Department of State shall certify to the  
 426 supervisor of elections, within 7 days after the closing date  
 427 for qualifying, the names of all duly qualified candidates for  
 428 nomination or election who have qualified with the Department of  
 429 State.

430        ~~(6) Notwithstanding the qualifying period prescribed in  
 431 this section, if a candidate has submitted the necessary  
 432 petitions by the required deadline in order to qualify by the  
 433 petition process pursuant to s. 99.095 as a candidate for  
 434 nomination or election and the candidate is notified after the  
 435 5th day prior to the last day for qualifying that the required  
 436 number of signatures has been obtained, the candidate is  
 437 entitled to subscribe to the candidate's oath and file the  
 438 qualifying papers at any time within 5 days from the date the  
 439 candidate is notified that the necessary number of signatures  
 440 has been obtained. Any candidate who qualifies within the time  
 441 prescribed in this subsection is entitled to have his or her  
 442 name printed on the ballot.~~

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



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446 1. A properly executed check drawn upon the candidate's  
447 campaign account in an amount not less than the fee required by  
448 s. 99.092 or, in lieu thereof, as applicable, the copy of the  
449 notice of obtaining ballot position pursuant to s. 99.095. The  
450 filing fee for a special district candidate is not required to  
451 be drawn upon the candidate's campaign account. If a candidate's  
452 check is returned by the bank for any reason, the filing officer  
453 shall immediately notify the candidate and the candidate shall,  
454 the end of qualifying notwithstanding, have 48 hours from the  
455 time such notification is received, excluding Saturdays,  
456 Sundays, and legal holidays, to pay the fee with a cashier's  
457 check purchased from funds of the campaign account. Failure to  
458 pay the fee as provided in this subparagraph shall disqualify  
459 the candidate.

460 2. The candidate's oath required by s. 99.021, which must  
461 contain the name of the candidate as it is to appear on the  
462 ballot; the office sought, including the district or group  
463 number if applicable; and the signature of the candidate, duly  
464 acknowledged.

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

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

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

472 6. The full and public disclosure or statement of  
473 financial interests required by subsection (5) ~~(4)~~. A public

474 officer who has filed the full and public disclosure or  
 475 statement of financial interests with the Commission on Ethics  
 476 or the supervisor of elections prior to qualifying for office  
 477 may file a copy of that disclosure at the time of qualifying.

478 (8) Notwithstanding the qualifying period prescribed in  
 479 this section, a qualifying office may accept and hold qualifying  
 480 papers submitted not earlier than 14 days prior to the beginning  
 481 of the qualifying period, to be processed and filed during the  
 482 qualifying period.

483 (9) Notwithstanding the qualifying period prescribed by  
 484 this section, in each year in which the Legislature apportions  
 485 the state, the qualifying period for persons seeking to qualify  
 486 for nomination or election to federal office shall be between  
 487 noon of the 71st ~~57th~~ day prior to the primary election, but not  
 488 later than noon of the 67th ~~53rd~~ day prior to the primary  
 489 election.

490 (10) The Department of State may prescribe by rule  
 491 requirements for filing papers to qualify as a candidate under  
 492 this section.

493 Section 8. Subsection (1) of section 99.093, Florida  
 494 Statutes, is amended to read:

495 99.093 Municipal candidates; election assessment.--

496 (1) Each person seeking to qualify for nomination or  
 497 election to a municipal office shall pay, at the time of  
 498 qualifying for office, an election assessment. The election  
 499 assessment shall be an amount equal to 1 percent of the annual  
 500 salary of the office sought. Within 30 days after the close of  
 501 qualifying, the qualifying officer shall forward all assessments

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502 collected pursuant to this section to the Florida Elections  
 503 Commission ~~Department of State~~ for deposit in the Elections  
 504 Commission Trust Fund.

505 Section 9. Subsections (2) and (4) of section 99.095,  
 506 Florida Statutes, are amended to read:

507 99.095 Petition process in lieu of a qualifying fee and  
 508 party assessment.--

509 (2) (a) Except as provided in paragraph (b), a candidate  
 510 shall obtain the number of signatures of voters in the  
 511 geographical area represented by the office sought equal to at  
 512 least 1 percent of the total number of registered voters of that  
 513 geographical area, as shown by the compilation by the department  
 514 for the last preceding general election. Signatures may not be  
 515 obtained until the candidate has filed the appointment of  
 516 campaign treasurer and designation of campaign depository  
 517 pursuant to s. 106.021.

518 (b) A candidate for a special district office shall obtain  
 519 25 signatures of voters in the geographical area represented by  
 520 the office sought.

521 (c) ~~(b)~~ The format of the petition shall be prescribed by  
 522 the division and shall be used by candidates to reproduce  
 523 petitions for circulation. If the candidate is running for an  
 524 office that requires a group or district designation, the  
 525 petition must indicate that designation and, if it does not, the  
 526 signatures are not valid. A separate petition is required for  
 527 each candidate.

528 (4) (a) Certifications for candidates for federal, state,  
 529 ~~or~~ multicounty district, or multicounty special district office

530 shall be submitted to the division no later than the 7th day  
 531 before the first day of the qualifying period for the office  
 532 sought. The division shall determine whether the required number  
 533 of signatures has been obtained and shall notify the candidate.

534 (b) For candidates for county, ~~or~~ district, or special  
 535 district office not covered by paragraph (a), the supervisor  
 536 shall determine whether the required number of signatures has  
 537 been obtained and shall notify the candidate.

538 Section 10. Paragraph (b) of subsection (3) of section  
 539 99.097, Florida Statutes, is amended to read:

540 99.097 Verification of signatures on petitions.--

541 (3)

542 (b) If a voter signs a petition and lists an address other  
 543 than the legal residence where the voter is registered, the  
 544 petition shall not be counted and the supervisor shall mail to  
 545 the voter a new voter registration application, along with the  
 546 reason the new application is being sent ~~treat the signature as~~  
 547 ~~if the voter had listed the address where the voter is~~  
 548 ~~registered.~~

549 Section 11. Section 100.061, Florida Statutes, is amended  
 550 to read:

551 100.061 Primary election.--In each year in which a general  
 552 election is held, a primary election for nomination of  
 553 candidates of political parties shall be held on the Tuesday 10  
 554 ~~9~~ weeks prior to the general election. The candidate receiving  
 555 the highest number of votes cast in each contest in the primary  
 556 election shall be declared nominated for such office. If two or  
 557 more candidates receive an equal and highest number of votes for

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558 | the same office, such candidates shall draw lots to determine  
 559 | which candidate is nominated.

560 |       Section 12. Section 100.191, Florida Statutes, is amended  
 561 | to read:

562 |       100.191 General election laws applicable to special  
 563 | elections; returns.--All laws that are applicable to general  
 564 | elections are applicable to special elections or special primary  
 565 | elections to fill a vacancy in office or nomination, ~~except that~~  
 566 | ~~the canvass of returns by the county canvassing board of each~~  
 567 | ~~county in which a special election is held shall be made on the~~  
 568 | ~~day following the election, and the certificate of the result of~~  
 569 | ~~the canvass shall be immediately forwarded to the Department of~~  
 570 | ~~State.~~ The Elections Canvassing Commission shall immediately,  
 571 | upon receipt of returns from the county in which a special  
 572 | election is held, proceed to canvass the returns and determine  
 573 | and declare the result thereof.

574 |       Section 13. Section 100.361, Florida Statutes, is amended  
 575 | to read:

576 |       100.361 Municipal recall.--

577 |       (1) APPLICATION; DEFINITIONS ~~RECALL PETITION~~.--Any member  
 578 | of the governing body of a municipality or charter county,  
 579 | hereinafter referred to in this section as "municipality," may  
 580 | be removed from office by the electors of the municipality. When  
 581 | the official represents a district and is elected only by  
 582 | electors residing in that district, only electors from that  
 583 | district are eligible to sign the petition to recall that  
 584 | official and are entitled to vote in the recall election. When  
 585 | the official represents a district and is elected at-large by

586 the electors of the municipality, all electors of the  
 587 municipality are eligible to sign the petition to recall that  
 588 official and are entitled to vote in the recall election. Where  
 589 used in this section, the term "district" shall be construed to  
 590 mean the area or region of a municipality from which a member of  
 591 the governing body is elected by the electors from such area or  
 592 region. Members may be removed from office pursuant to ~~by~~ the  
 593 procedures under this section. The method of removing members of  
 594 the governing body of a municipality under this section is in  
 595 addition to such other methods now or hereafter provided by  
 596 general law. ~~following procedure.~~

597 (2) RECALL PETITION.--

598 (a) Petition content.--A petition shall contain the name  
 599 ~~of be prepared naming~~ the person sought to be recalled and  
 600 ~~containing~~ a statement of grounds for recall. The statement of  
 601 grounds shall not exceed ~~in not more than~~ 200 words, and the  
 602 stated grounds are limited solely to those ~~the grounds~~ specified  
 603 in paragraph (d) ~~(b)~~. If more than one member of the governing  
 604 body is sought to be recalled, whether such member is elected by  
 605 the electors of a district or by the electors of the  
 606 municipality at-large, a separate recall petition shall be  
 607 prepared for each member sought to be recalled. Upon request,  
 608 the content of a petition should be, but is not required to be,  
 609 provided by the proponent in alternative formats.

610 (b) Requisite signatures.--

611 1. In a municipality or district of fewer than 500  
 612 electors, the petition shall be signed by at least 50 electors  
 613 or by 10 percent of the total number of registered electors of

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614 the municipality or district as of the preceding municipal  
615 election, whichever is greater.

616 2. In a municipality or district of 500 or more but fewer  
617 than 2,000 registered electors, the petition shall be signed by  
618 at least 100 electors or by 10 percent of the total number of  
619 registered electors of the municipality or district as of the  
620 preceding municipal election, whichever is greater.

621 3. In a municipality or district of 2,000 or more but  
622 fewer than 5,000 registered electors, the petition shall be  
623 signed by at least 250 electors or by 10 percent of the total  
624 number of registered electors of the municipality or district as  
625 of the preceding municipal election, whichever is greater.

626 4. In a municipality or district of 5,000 or more but  
627 fewer than 10,000 registered electors, the petition shall be  
628 signed by at least 500 electors or by 10 percent of the total  
629 number of registered electors of the municipality or district as  
630 of the preceding municipal election, whichever is greater.

631 5. In a municipality or district of 10,000 or more but  
632 fewer than 25,000 registered electors, the petition shall be  
633 signed by at least 1,000 electors or by 10 percent of the total  
634 number of registered electors of the municipality or district as  
635 of the preceding municipal election, whichever is greater.

636 6. In a municipality or district of 25,000 or more  
637 registered electors, the petition shall be signed by at least  
638 1,000 electors or by 5 percent of the total number of registered  
639 electors of the municipality or district as of the preceding  
640 municipal election, whichever is greater.

641

642 ~~Electors of the municipality or district making charges~~  
 643 ~~contained in the statement of grounds for recall and those~~  
 644 ~~signing the recall petition shall be designated as the~~  
 645 ~~"committee." A specific person shall be designated in the~~  
 646 ~~petition as chair of the committee to act for the committee.~~  
 647 ~~Electors of the municipality or district are eligible to sign~~  
 648 ~~the petition. Signatures and oaths of witnesses shall be~~  
 649 ~~executed as provided in paragraph (c).~~ All signatures shall be  
 650 obtained, as provided in paragraph (f), within a period of 30  
 651 days, and each signed and dated petition form the petition shall  
 652 be filed at the same time no later than ~~within~~ 30 days after the  
 653 date the first signature is obtained on the petition.

654 (c) Recall committee.--Electors of the municipality or  
 655 district making charges contained in the statement of grounds  
 656 for recall and those signing the recall petition shall be  
 657 designated as the "committee." A specific person shall be  
 658 designated in the petition as chair of the committee to act for  
 659 the committee. The recall committee and the officer being  
 660 recalled are subject to chapter 106.

661 (d)(b) Grounds for recall.--The grounds for removal of  
 662 elected municipal officials shall, for the purposes of this  
 663 section ~~act~~, be limited to the following and must be contained  
 664 in the petition:

- 665 1. Malfeasance;
- 666 2. Misfeasance;
- 667 3. Neglect of duty;
- 668 4. Drunkenness;
- 669 5. Incompetence;



- 670 6. Permanent inability to perform official duties; and
- 671 7. Conviction of a felony involving moral turpitude.

672 (e)-(e) Signature process.--Electors of the municipality or  
 673 district are eligible to sign the petition. Each elector of the  
 674 municipality signing a petition shall sign his or her name in  
 675 ink or indelible pencil as registered in the office of the  
 676 supervisor of elections and shall state on the petition his or  
 677 her place of residence and voting precinct. Each petition shall  
 678 contain appropriate lines for the signature, printed name, and  
 679 street address of the elector and an oath, to be executed by a  
 680 witness thereof, verifying the fact that the witness saw each  
 681 person sign the counterpart of the petition, that each signature  
 682 appearing thereon is the genuine signature of the person it  
 683 purports to be, and that the petition was signed in the presence  
 684 of the witness on the date indicated.

685 (f)-(d) Filing of signed petitions.--Each signed petition  
 686 form shall be filed at the same time no later than 30 days after  
 687 the date the first signature is obtained on the petition. The  
 688 ~~petition shall be filed with the auditor or clerk of the~~  
 689 ~~municipality or charter county, or his or her equivalent,~~  
 690 ~~hereinafter referred to as clerk, by~~ The person designated as  
 691 chair of the committee shall file each signed petition form with  
 692 the auditor or clerk of the municipality or charter county, or  
 693 his or her equivalent, hereinafter referred to as "clerk." The  
 694 petition cannot be amended after it is filed with the clerk.

695 (g) Verification of signatures.--  
 696 1. Immediately after the filing of the petition form, and,  
 697 ~~when the petition is filed,~~ the clerk shall submit such form

698 ~~petition~~ to the county supervisor of elections. No more than 30  
 699 days after the date all petition forms are submitted to the  
 700 supervisor by the clerk, the supervisor ~~who~~ shall promptly  
 701 verify the signatures in accordance with s. 99.097 and, ~~within a~~  
 702 period of not more than 30 days after the petition is filed with  
 703 the supervisor, determine whether the requisite number of  
 704 verified and valid signatures was obtained for the petition  
 705 ~~contains the required valid signatures. The committee seeking~~  
 706 verification of the signatures shall pay in advance to the  
 707 supervisor the sum of 10 cents for each signature checked or the  
 708 actual cost of checking such signature, whichever is less.

709 ~~2. The petition cannot be amended after it is filed with~~  
 710 ~~the clerk. The supervisor shall be paid by the persons or~~  
 711 ~~committee seeking verification the sum of 10 cents for each name~~  
 712 ~~checked. Upon filing with the clerk, the petition and all~~  
 713 ~~subsequent papers or forms required or permitted to be filed~~  
 714 ~~with the clerk in connection with this section must, upon~~  
 715 ~~request, be made available in alternative formats by the clerk.~~

716 ~~3.(e) If the supervisor determines ~~it is determined~~ that~~  
 717 ~~the petition does not contain the required signatures, the clerk~~  
 718 ~~shall, upon receipt of such determination, so certify to the~~  
 719 ~~governing body of the municipality or charter county and file~~  
 720 ~~the petition without taking further action, and the matter shall~~  
 721 ~~be at an end. No additional names may be added to the petition,~~  
 722 ~~and the petition shall not be used in any other proceeding.~~

723 ~~4.(f) If the supervisor determines ~~it is determined~~ that~~  
 724 ~~the petition has the requisite number of verified and valid~~

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725 ~~required~~ signatures, then the process described in subsection  
726 (3) is to be followed.

727 (3) RECALL PETITION AND DEFENSE.--

728 (a) Notice.--Upon a determination that the requisite  
729 number of verified and valid signatures was obtained, the clerk  
730 shall at once serve upon the person sought to be recalled a  
731 certified copy of the petition. Within 5 days after service, the  
732 person sought to be recalled may file with the clerk a defensive  
733 statement of not more than 200 words.

734 (b) Content and preparation.--Within 5 days after the date  
735 of receipt of the defensive statement or after the last date a  
736 defensive statement could have been filed, the clerk shall,  
737 within 5 days, prepare a document entitled "Recall Petition and  
738 Defense." The "Recall Petition and Defense" shall consist  
739 sufficient number of typewritten, printed, or mimeographed  
740 copies of the recall petition, including the names, addresses,  
741 and oaths on the original petition form, the and defensive  
742 statement, or if no defensive statement was filed, a statement  
743 to that effect, and lines and spaces for the signatures of  
744 registered electors, places of residence, election precinct  
745 numbers, dates of signing, and signatures of witnesses to oaths  
746 which conform to the provisions of paragraph (2)(e). The clerk  
747 shall make sufficient copies of the "Recall Petition and  
748 Defense" sufficient to carry the signatures of 30 percent of the  
749 registered electors. Upon preparing and making sufficient copies  
750 of the "Recall Petition and Defense," the clerk shall as well as  
751 the names, addresses, and oaths on the original petition, and  
752 deliver the copies them to the person who has been designated as

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753 chair of the committee and take his or her receipt therefor.  
754 ~~Such prepared copies shall be entitled "Recall Petition and~~  
755 ~~Defense" and shall contain lines and spaces for signatures and~~  
756 ~~printed names of registered electors, place of residence,~~  
757 ~~election precinct number, and date of signing, together with~~  
758 ~~oaths to be executed by the witnesses which conform to the~~  
759 ~~provisions of paragraph (c). The clerk shall deliver forms~~  
760 ~~sufficient to carry the signatures of 30 percent of the~~  
761 ~~registered electors.~~

762 (c)(g) Requisite signatures. -- Upon receipt of the "Recall  
763 Petition and Defense," the committee may circulate them to  
764 obtain the signatures of 15 percent of the electors. All  
765 signatures shall be obtained and all signed petition forms shall  
766 be filed with the clerk no later than 60 days after delivery of  
767 the "Recall Petition and Defense" to the chair of the committee.  
768 ~~Any elector who signs a recall petition shall have the right to~~  
769 ~~demand in writing that his or her name be stricken from the~~  
770 ~~petition. A written demand signed by the elector shall be filed~~  
771 ~~with the clerk and upon receipt of the demand the clerk shall~~  
772 ~~strike the name of the elector from the petition and place his~~  
773 ~~or her initials to the side of the signature stricken. However,~~  
774 ~~no signature may be stricken after the clerk has delivered the~~  
775 ~~"Recall Petition and Defense" to the supervisor of elections for~~  
776 ~~verification.~~

777 (d)(h) Signed petitions; request for striking  
778 name. -- Within 60 days after delivery of the "Recall Petition and  
779 Defense" to the chair, the chair shall file with the clerk the  
780 "Recall Petition and Defense" which bears the signatures of

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781 ~~electors.~~ The clerk shall assemble all signed petitions, check  
782 to see that each petition is properly verified by the oath of a  
783 witness, and submit such petitions to the county supervisor of  
784 elections. Any elector who signs a recall petition shall have  
785 the right to demand in writing that his or her name be stricken  
786 from the petition. A written demand signed by the elector shall  
787 be filed with the clerk, and, upon receipt of the demand, the  
788 clerk shall strike the name of the elector from the petition and  
789 place his or her initials to the side of the signature stricken.  
790 However, no signature may be stricken after the clerk has  
791 delivered the "Recall Petition and Defense" to the supervisor  
792 for verification of the signatures.

793 (e) Verification of signatures.--Within 30 days of receipt  
794 of the signed "Recall Petition and Defense," the supervisor, who  
795 shall determine the number of valid signatures, purge the names  
796 withdrawn, and certify within 30 days whether 15 percent of the  
797 qualified electors of the municipality have signed the  
798 petitions, and report his or her findings to the governing body.  
799 The supervisor shall be paid by the persons or committee seeking  
800 verification the sum of 10 cents for each name checked.

801 (f) (i) Reporting.--If the supervisor determines that the  
802 requisite number of signatures was not obtained, the petitions  
803 do not contain the required signatures, the clerk shall, upon  
804 receipt of the determination, certify report such determination  
805 fact to the governing body and retain file the petitions. 7 The  
806 proceedings shall be terminated, and the petitions shall not  
807 again be used. If the supervisor determines that signatures do  
808 amount to at least 15 percent of the qualified electors signed

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809 the petition, the clerk shall, upon receipt of the  
810 determination, serve notice of that determination ~~fact~~ upon the  
811 person sought to be recalled and deliver to the governing body a  
812 certificate as to the percentage of qualified electors ~~voters~~  
813 who signed.

814 ~~(4)(2)~~ RECALL ELECTION.--If the person designated in the  
815 petition files with the clerk, within 5 days after the last-  
816 mentioned notice, his or her written resignation, the clerk  
817 shall at once notify the governing body of that fact, and the  
818 resignation shall be irrevocable. The governing body shall then  
819 proceed to fill the vacancy according to the provisions of the  
820 appropriate law. In the absence of a resignation, the chief  
821 judge of the judicial circuit in which the municipality is  
822 located shall fix a day for holding a recall election for the  
823 removal of those not resigning. Any such election shall be held  
824 not less than 30 days or more than 60 days after the expiration  
825 of the 5-day period last-mentioned and at the same time as any  
826 other general or special election held within the period; but if  
827 no such election is to be held within that period, the judge  
828 shall call a special recall election to be held within the  
829 period aforesaid.

830 ~~(5)(3)~~ BALLOTS.--The ballots at the recall election shall  
831 conform to the following: With respect to each person whose  
832 removal is sought, the question shall be submitted: "Shall \_\_\_\_\_  
833 be removed from the office of \_\_\_\_\_ by recall?" Immediately  
834 following each question there shall be printed on the ballots  
835 the two propositions in the order here set forth:

836 " (name of person) should be removed from office."

837 " (name of person) should not be removed from office."

838 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

839 (a) If an election is held for the recall of members  
 840 elected only at-large, candidates to succeed them for the  
 841 unexpired terms shall be voted upon at the same election and  
 842 shall be elected in the same manner as provided by the  
 843 appropriate law for the election of candidates at general  
 844 elections. Candidates shall not be elected to succeed any  
 845 particular member. If only one member is removed, the candidate  
 846 receiving the highest number of votes shall be declared elected  
 847 to fill the vacancy. If more than one member is removed,  
 848 candidates equal in number to the number of members removed  
 849 shall be declared elected to fill the vacancies; and, among the  
 850 successful candidates, those receiving the greatest number of  
 851 votes shall be declared elected for the longest terms. Cases of  
 852 ties, and all other matters not herein specially provided for,  
 853 shall be determined by the rules governing elections generally.

854 (b) If an election is held for the recall of members  
 855 elected only from districts, candidates to succeed them for the  
 856 unexpired terms shall be voted upon at a special election called  
 857 by the chief judge of the judicial circuit in which the  
 858 districts are located not less than 30 days or more than 60 days  
 859 after the expiration of the recall election. The qualifying  
 860 period, for purposes of this section, shall be established by  
 861 the chief judge of the judicial circuit after consultation with  
 862 the clerk. Any candidate seeking election to fill the unexpired  
 863 term of a recalled district municipal official shall reside in  
 864 the district represented by the recalled official and qualify

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865 for office in the manner required by law. Each candidate  
866 receiving the highest number of votes for each office in the  
867 special district recall election shall be declared elected to  
868 fill the unexpired term of the recalled official. Candidates  
869 seeking election to fill a vacancy created by the removal of a  
870 municipal official shall be subject to the provisions of chapter  
871 106.

872 (c) When an election is held for the recall of members of  
873 the governing body composed of both members elected at-large and  
874 from districts, candidates to succeed them for the unexpired  
875 terms shall be voted upon at a special election as provided in  
876 paragraph (b).

877 (d) However, in any recall election held pursuant to  
878 paragraph (b) or paragraph (c), if only one member is voted to  
879 be removed from office, the vacancy created by the recall shall  
880 be filled by the governing body according to the provisions of  
881 the appropriate law for filling vacancies.

882 (7)~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the  
883 governing body being recalled resigns from office prior to the  
884 recall election, the remaining members shall fill the vacancy  
885 created according to the appropriate law for filling vacancies.  
886 If all of the members of the governing body are sought to be  
887 recalled and all of the members resign prior to the recall  
888 election, the recall election shall be canceled, and a special  
889 election shall be called to fill the unexpired terms of the  
890 resigning members. If all of the members of the governing body  
891 are sought to be recalled and any of the members resign prior to  
892 the recall election, the proceedings for the recall of members



893 not resigning and the election of successors to fill the  
 894 unexpired terms shall continue and have the same effect as  
 895 though there had been no resignation.

896 (8)~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall  
 897 any member of the governing body of a municipality shall be  
 898 filed until the member has served one-fourth of his or her term  
 899 of office. No person removed by a recall, or resigning after a  
 900 petition has been filed against him or her, shall be eligible to  
 901 be appointed to the governing body within a period of 2 years  
 902 after the date of such recall or resignation.

903 (9) RETENTION OF PETITION.--The clerk shall preserve in  
 904 his or her office all papers comprising or connected with a  
 905 petition for recall for a period of 2 years after they were  
 906 filed. ~~This method of removing members of the governing body of~~  
 907 ~~a municipality is in addition to such other methods now or~~  
 908 ~~hereafter provided by the general laws of this state.~~

909 (10)~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall  
 910 impersonate another, purposely write his or her name or  
 911 residence falsely in the signing of any petition for recall or  
 912 forge any name thereto, or sign any paper with knowledge that he  
 913 or she is not a qualified elector of the municipality. ~~No~~  
 914 ~~expenditures for campaigning for or against an officer being~~  
 915 ~~recalled shall be made until the date on which the recall~~  
 916 ~~election is to be held is publicly announced. The committee and~~  
 917 ~~the officer being recalled shall be subject to chapter 106. No~~  
 918 person shall employ or pay another to accept employment or  
 919 payment for circulating or witnessing a recall petition. Any  
 920 person violating any of the provisions of this section shall be

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921 deemed guilty of a misdemeanor of the second degree and shall,  
 922 upon conviction, be punished as provided by law.

923 (11)~~(8)~~ INTENT.--It is the intent of the Legislature that  
 924 the recall procedures provided in this act shall be uniform  
 925 statewide. Therefore, all municipal charter and special law  
 926 provisions which are contrary to the provisions of this act are  
 927 hereby repealed to the extent of this conflict.

928 (12)~~(9)~~ PROVISIONS APPLICABLE.--The provisions of this act  
 929 shall apply to cities and charter counties whether or not they  
 930 have adopted recall provisions.

931 Section 14. Subsection (3) of section 100.371, Florida  
 932 Statutes, is amended to read:

933 100.371 Initiatives; procedure for placement on ballot.--

934 (3) Each signature shall be dated when made and shall be  
 935 valid for a period of 2 4 years following such date, provided  
 936 all other requirements of law are met. The sponsor shall submit  
 937 signed and dated forms to the appropriate supervisor of  
 938 elections for verification as to the number of registered  
 939 electors whose valid signatures appear thereon. The supervisor  
 940 shall promptly verify the signatures upon payment of the fee  
 941 required by s. 99.097. The supervisor shall promptly record each  
 942 valid signature in the statewide voter registration system in  
 943 the manner prescribed by the Secretary of State. The supervisor  
 944 shall retain the signature forms for at least 1 year following  
 945 the election in which the issue appeared on the ballot or until  
 946 the Division of Elections notifies the supervisors of elections  
 947 that the committee which circulated the petition is no longer  
 948 seeking to obtain ballot position.

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949 Section 15. Section 101.041, Florida Statutes, is amended  
950 to read:

951 101.041 Secret voting.--In all elections held on any  
952 subject which may be submitted to a vote, and for all or any  
953 state, county, district, or municipal officers, the voting shall  
954 be by secret, official ballot ~~printed and distributed~~ as  
955 provided by this code, and no vote shall be received or counted  
956 in any election, except as prescribed by this code.

957 Section 16. Subsection (1) of section 101.048, Florida  
958 Statutes, is amended to read:

959 101.048 Provisional ballots.--

960 (1) At all elections, a voter claiming to be properly  
961 registered in the state and eligible to vote at the precinct in  
962 the election but whose eligibility cannot be determined, a  
963 person whom an election official asserts is not eligible, and  
964 other persons specified in the code shall be entitled to vote a  
965 provisional ballot. Once voted, the provisional ballot shall be  
966 placed in a secrecy envelope and thereafter sealed in a  
967 provisional ballot envelope. The provisional ballot shall be  
968 deposited in a ballot box. All provisional ballots shall remain  
969 sealed in their envelopes for return to the supervisor of  
970 elections. The department shall prescribe the form of the  
971 provisional ballot envelope. A person casting a provisional  
972 ballot shall have the right to present written evidence  
973 supporting his or her eligibility to vote to the supervisor of  
974 elections by not later than 5 p.m. on the second ~~third~~ day  
975 following the election.

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976 Section 17. Subsection (3) of section 101.111, Florida  
977 Statutes, is amended to read:

978 101.111 Person desiring to vote may be challenged;  
979 challenger to execute oath; oath of person challenged;  
980 determination of challenge.--

981 (3) Any elector or poll watcher may challenge the right of  
982 any voter to vote not sooner than 30 days before an election by  
983 filing a completed copy of the oath contained in subsection (1)  
984 to the supervisor of election's office. The supervisor shall  
985 provide the election board in the challenged voter's precinct  
986 with a copy of the challenge. The challenged voter shall be  
987 permitted to cast a provisional ballot.

988 Section 18. Subsection (1) of section 101.51, Florida  
989 Statutes, is amended to read:

990 101.51 Electors to occupy booth alone.--

991 (1) When the elector presents himself or herself to vote,  
992 the election official shall ascertain whether the elector's name  
993 is upon the register of electors, and, if the elector's name  
994 appears and no challenge interposes, or, if interposed, be not  
995 sustained, one of the election officials stationed at the  
996 entrance shall ~~announce the name of the elector and~~ permit him  
997 or her to enter the booth or compartment to cast his or her  
998 vote, allowing only one elector at a time to pass through to  
999 vote. An elector, while casting his or her ballot, may not  
1000 occupy a booth or compartment already occupied or speak with  
1001 anyone, except as provided by s. 101.051.

1002 Section 19. Subsections (6) and (8) of section 101.6103,  
1003 Florida Statutes, are amended to read:

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1004 101.6103 Mail ballot election procedure.--

1005 (6) The canvassing board may begin the canvassing of mail  
 1006 ballots at 7 a.m. on the sixth ~~fourth~~ day before the election,  
 1007 including processing the ballots through the tabulating  
 1008 equipment. However, results may not be released until after 7  
 1009 p.m. on election day. Any canvassing board member or election  
 1010 employee who releases any result before 7 p.m. on election day  
 1011 commits a felony of the third degree, punishable as provided in  
 1012 s. 775.082, s. 775.083, or s. 775.084.

1013 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise  
 1014 satisfies the requirements of subsection (5) shall be counted  
 1015 even if the elector dies after mailing the ballot but before  
 1016 election day, as long as, prior to the death of the voter, the  
 1017 ballot was:

1018 (a) Postmarked by the United States Postal Service;

1019 (b) Date-stamped with a verifiable tracking number by  
 1020 common carrier; or

1021 (c) Already in the possession of the supervisor of  
 1022 elections.

1023 Section 20. Paragraph (a) of subsection (1) and subsection  
 1024 (4) of section 101.62, Florida Statutes, are amended to read:

1025 101.62 Request for absentee ballots.--

1026 (1)(a) The supervisor may accept a request for an absentee  
 1027 ballot from an elector in person or in writing. Except as  
 1028 provided in s. 101.694, one request shall be deemed sufficient  
 1029 to receive an absentee ballot for all elections ~~which are held~~  
 1030 ~~within a calendar year~~, unless the elector or the elector's  
 1031 designee indicates at the time the request is made the elections

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1032 for which the elector desires to receive an absentee ballot.  
 1033 Such request may be considered canceled when any first-class  
 1034 mail sent by the supervisor to the elector is returned as  
 1035 undeliverable.

1036 (4) (a) To each absent qualified elector overseas who has  
 1037 requested an absentee ballot, the supervisor of elections shall  
 1038 mail an absentee ballot not fewer than 35 days before the  
 1039 primary and not fewer than 45 days before the ~~or~~ general  
 1040 election.

1041 (b) The supervisor shall provide an absentee ballot to  
 1042 each elector by whom a request for that ballot has been made by  
 1043 one of the following means:

1044 1. By nonforwardable, return-if-undeliverable mail to the  
 1045 elector's current mailing address on file with the supervisor,  
 1046 unless the elector specifies in the request that:

1047 a. The elector is absent from the county and does not plan  
 1048 to return before the day of the election;

1049 b. The elector is temporarily unable to occupy the  
 1050 residence because of hurricane, tornado, flood, fire, or other  
 1051 emergency or natural disaster; or

1052 c. The elector is in a hospital, assisted-living facility,  
 1053 nursing home, short-term medical or rehabilitation facility, or  
 1054 correctional facility,

1055

1056 in which case the supervisor shall mail the ballot by  
 1057 nonforwardable, return-if-undeliverable mail to any other  
 1058 address the elector specifies in the request.

1059           2. By forwardable mail to voters who are entitled to vote  
 1060 by absentee ballot under the Uniformed and Overseas Citizens  
 1061 Absentee Voting Act.

1062           3. By personal delivery before 7 p.m. on election day to  
 1063 the elector, upon presentation of the identification required in  
 1064 s. 101.043 ~~101.657~~.

1065           4. By delivery to a designee on election day or up to 5 ~~4~~  
 1066 days prior to the day of an election. Any elector may designate  
 1067 in writing a person to pick up the ballot for the elector;  
 1068 however, the person designated may not pick up more than two  
 1069 absentee ballots per election, other than the designee's own  
 1070 ballot, except that additional ballots may be picked up for  
 1071 members of the designee's immediate family. For purposes of this  
 1072 section, "immediate family" means the designee's spouse or the  
 1073 parent, child, grandparent, or sibling of the designee or of the  
 1074 designee's spouse. The designee shall provide to the supervisor  
 1075 the written authorization by the elector and a picture  
 1076 identification of the designee and must complete an affidavit.  
 1077 The designee shall state in the affidavit that the designee is  
 1078 authorized by the elector to pick up that ballot and shall  
 1079 indicate if the elector is a member of the designee's immediate  
 1080 family and, if so, the relationship. The department shall  
 1081 prescribe the form of the affidavit. If the supervisor is  
 1082 satisfied that the designee is authorized to pick up the ballot  
 1083 and that the signature of the elector on the written  
 1084 authorization matches the signature of the elector on file, the  
 1085 supervisor shall give the ballot to that designee for delivery  
 1086 to the elector.

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1087 Section 21. Paragraphs (a) and (c) of subsection (2) of  
 1088 section 101.68, Florida Statutes, are amended to read:

1089 101.68 Canvassing of absentee ballot.--

1090 (2)(a) The county canvassing board may begin the  
 1091 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~ day  
 1092 before the election, but not later than noon on the day  
 1093 following the election. In addition, for any county using  
 1094 electronic tabulating equipment, the processing of absentee  
 1095 ballots through such tabulating equipment may begin at 7 a.m. on  
 1096 the sixth ~~fourth~~ day before the election. However,  
 1097 notwithstanding any such authorization to begin canvassing or  
 1098 otherwise processing absentee ballots early, no result shall be  
 1099 released until after the closing of the polls in that county on  
 1100 election day. Any supervisor of elections, deputy supervisor of  
 1101 elections, canvassing board member, election board member, or  
 1102 election employee who releases the results of a canvassing or  
 1103 processing of absentee ballots prior to the closing of the polls  
 1104 in that county on election day commits a felony of the third  
 1105 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1106 775.084.

1107 (c)1. The canvassing board shall, if the supervisor has  
 1108 not already done so, compare the signature of the elector on the  
 1109 voter's certificate with the signature of the elector in the  
 1110 registration books to see that the elector is duly registered in  
 1111 the county and to determine the legality of that absentee  
 1112 ballot. ~~Effective July 1, 2005,~~ The ballot of an elector who  
 1113 casts an absentee ballot shall be counted even if the elector  
 1114 dies on or before election day, as long as, prior to the death



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1115 of the voter, the ballot was postmarked by the United States  
1116 Postal Service, date-stamped with a verifiable tracking number  
1117 by common carrier, or already in the possession of the  
1118 supervisor of elections. An absentee ballot shall be considered  
1119 illegal if it does not include the signature of the elector, as  
1120 shown by the registration records. However, an absentee ballot  
1121 shall not be considered illegal if the signature of the elector  
1122 does not cross the seal of the mailing envelope. If the  
1123 canvassing board determines that any ballot is illegal, a member  
1124 of the board shall, without opening the envelope, mark across  
1125 the face of the envelope: "rejected as illegal." The envelope  
1126 and the ballot contained therein shall be preserved in the  
1127 manner that official ballots voted are preserved.

1128 2. If any elector or candidate present believes that an  
1129 absentee ballot is illegal due to a defect apparent on the  
1130 voter's certificate, he or she may, at any time before the  
1131 ballot is removed from the envelope, file with the canvassing  
1132 board a protest against the canvass of that ballot, specifying  
1133 the precinct, the ballot, and the reason he or she believes the  
1134 ballot to be illegal. A challenge based upon a defect in the  
1135 voter's certificate may not be accepted after the ballot has  
1136 been removed from the mailing envelope.

1137 Section 22. Subsection (2) of section 101.733, Florida  
1138 Statutes, is amended, and subsection (4) is added to that  
1139 section, to read:

1140 101.733 Election emergency; purpose; elections emergency  
1141 contingency plan.--Because of the existing and continuing  
1142 possibility of an emergency or common disaster occurring before

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1143 or during a regularly scheduled or special election, and in  
1144 order to ensure maximum citizen participation in the electoral  
1145 process and provide a safe and orderly procedure for persons  
1146 seeking to exercise their right to vote, generally to minimize  
1147 to whatever degree possible a person's exposure to danger during  
1148 declared states of emergency, and to protect the integrity of  
1149 the electoral process, it is hereby found and declared to be  
1150 necessary to designate a procedure for the emergency suspension  
1151 or delay and rescheduling of elections.

1152 (2) The Governor, upon consultation with the Secretary of  
1153 State, shall reschedule any election suspended or delayed due to  
1154 an emergency. The election shall be held within 10 days after  
1155 the date of the suspended or delayed election or as soon  
1156 thereafter as is practicable. Notice of the election shall be  
1157 provided in any reasonable manner to include, where practicable,  
1158 publication ~~published~~ at least once in a newspaper of general  
1159 circulation in the affected area and, ~~where practicable,~~  
1160 broadcast as a public service announcement on radio and  
1161 television stations at least 1 week prior to the date the  
1162 election is to be held.

1163 (4) Notwithstanding the provisions of s. 101.6102, in lieu  
1164 of the suspension or delay of an election in cases where the  
1165 situation warrants it, the Governor may provide for holding the  
1166 election by mail. The Department of State shall adopt rules to  
1167 provide for the timelines and procedures when an emergency  
1168 exists for which the Governor has called a mail ballot election.

1169 Section 23. Subsection (7) of section 102.014, Florida  
1170 Statutes, is amended to read:

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1171 102.014 Poll worker recruitment and training.--  
 1172 (7) The Department of State shall develop a mandatory,  
 1173 statewide, and uniform program for training poll workers on  
 1174 issues of etiquette and sensitivity with respect to voters  
 1175 having a disability. ~~The program must consist of approximately 1~~  
 1176 ~~hour of the required number of hours set forth in paragraph~~  
 1177 ~~(4)(a)~~. The program must be conducted locally by each supervisor  
 1178 of elections, who shall periodically certify to the Department  
 1179 of State whether each poll worker has completed the program  
 1180 prior to working during the election cycle. The supervisor of  
 1181 elections shall contract with a recognized disability-related  
 1182 organization, such as a center for independent living, family  
 1183 network on disabilities, deaf service bureau, or other such  
 1184 organization, to develop and assist with training the trainers  
 1185 in the disability sensitivity programs. The program must include  
 1186 actual demonstrations of obstacles confronted by disabled  
 1187 persons during the voting process, including obtaining access to  
 1188 the polling place, traveling through the polling area, and using  
 1189 the voting system.

1190 Section 24. Subsection (2) of section 102.112, Florida  
 1191 Statutes, is amended to read:

1192 102.112 Deadline for submission of county returns to the  
 1193 Department of State.--

1194 (2) Returns must be filed by 5 p.m. on the 7th day  
 1195 following a primary election and by noon ~~5 p.m.~~ on the 12th ~~11th~~  
 1196 day following the general election. However, the Department of  
 1197 State may correct typographical errors, including the

1198 | transposition of numbers, in any returns submitted to the  
 1199 | Department of State pursuant to s. 102.111(1).

1200 | Section 25. Section 102.141, Florida Statutes, is amended  
 1201 | to read:

1202 | 102.141 County canvassing board; duties.--

1203 | (1) The county canvassing board shall be composed of the  
 1204 | supervisor of elections; a county court judge, who shall act as  
 1205 | chair; and the chair of the board of county commissioners. In  
 1206 | the event any member of the county canvassing board is unable to  
 1207 | serve, is a candidate who has opposition in the election being  
 1208 | canvassed, or is an active participant in the campaign or  
 1209 | candidacy of any candidate who has opposition in the election  
 1210 | being canvassed, such member shall be replaced as follows:

1211 | (a) If no county court judge is able to serve or if all  
 1212 | are disqualified, the chief judge of the judicial circuit in  
 1213 | which the county is located shall appoint as a substitute member  
 1214 | a qualified elector of the county who is not a candidate with  
 1215 | opposition in the election being canvassed and who is not an  
 1216 | active participant in the campaign or candidacy of any candidate  
 1217 | with opposition in the election being canvassed. In such event,  
 1218 | the members of the county canvassing board shall meet and elect  
 1219 | a chair.

1220 | (b) If the supervisor of elections is unable to serve or  
 1221 | is disqualified, the chair of the board of county commissioners  
 1222 | shall appoint as a substitute member a member of the board of  
 1223 | county commissioners who is not a candidate with opposition in  
 1224 | the election being canvassed and who is not an active  
 1225 | participant in the campaign or candidacy of any candidate with

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1226 opposition in the election being canvassed. The supervisor,  
1227 however, shall act in an advisory capacity to the canvassing  
1228 board.

1229 (c) If the chair of the board of county commissioners is  
1230 unable to serve or is disqualified, the board of county  
1231 commissioners shall appoint as a substitute member one of its  
1232 members who is not a candidate with opposition in the election  
1233 being canvassed and who is not an active participant in the  
1234 campaign or candidacy of any candidate with opposition in the  
1235 election being canvassed.

1236 (d) If a substitute member cannot be appointed as provided  
1237 elsewhere in this subsection, the chief judge of the judicial  
1238 circuit in which the county is located shall appoint as a  
1239 substitute member a qualified elector of the county who is not a  
1240 candidate with opposition in the election being canvassed and  
1241 who is not an active participant in the campaign or candidacy of  
1242 any candidate with opposition in the election being canvassed.

1243 (2) The county canvassing board shall meet in a building  
1244 accessible to the public in the county where the election  
1245 occurred at a time and place to be designated by the supervisor  
1246 of elections to publicly canvass the absentee electors' ballots  
1247 as provided for in s. 101.68 and provisional ballots as provided  
1248 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast  
1249 pursuant to s. 101.049 shall be canvassed in a manner that votes  
1250 for candidates and issues on those ballots can be segregated  
1251 from other votes. Public notice of the time and place at which  
1252 the county canvassing board shall meet to canvass the absentee  
1253 electors' ballots and provisional ballots shall be given at

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1254 least 48 hours prior thereto by publication once in one or more  
1255 newspapers of general circulation in the county or, if there is  
1256 no newspaper of general circulation in the county, by posting  
1257 such notice in at least four conspicuous places in the county.  
1258 As soon as the absentee electors' ballots and the provisional  
1259 ballots are canvassed, the board shall proceed to publicly  
1260 canvass the vote given each candidate, nominee, constitutional  
1261 amendment, or other measure submitted to the electorate of the  
1262 county, as shown by the returns then on file in the office of  
1263 the supervisor of elections and the office of the county court  
1264 judge.

1265 (3) The canvass, except the canvass of absentee electors'  
1266 returns and the canvass of provisional ballots, shall be made  
1267 from the returns and certificates of the inspectors as signed  
1268 and filed by them with the supervisor, and the county canvassing  
1269 board shall not change the number of votes cast for a candidate,  
1270 nominee, constitutional amendment, or other measure submitted to  
1271 the electorate of the county, respectively, in any polling  
1272 place, as shown by the returns. All returns shall be made to the  
1273 board on or before 2 a.m. of the day following any primary,  
1274 general, or other election. If the returns from any precinct are  
1275 missing, if there are any omissions on the returns from any  
1276 precinct, or if there is an obvious error on any such returns,  
1277 the canvassing board shall order a retabulation of the returns  
1278 from such precinct. Before canvassing such returns, the  
1279 canvassing board shall examine the tabulation of the ballots  
1280 cast in such precinct and determine whether the returns  
1281 correctly reflect the votes cast. If there is a discrepancy

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1282 between the returns and the tabulation of the ballots cast, the  
 1283 tabulation of the ballots cast shall be presumed correct and  
 1284 such votes shall be canvassed accordingly.

1285 (4) The canvassing board shall submit preliminary returns  
 1286 on election night to the Department of State in a format  
 1287 provided by the department.

1288 (5)~~(4)~~ The canvassing board shall submit on forms or in  
 1289 formats provided by the division unofficial returns to the  
 1290 Department of State for each federal, statewide, state, or  
 1291 multicounty office or ballot measure no later than noon on the  
 1292 third day after any primary election and no later than noon on  
 1293 the fourth ~~fifth~~ day after any general or other election. Such  
 1294 returns shall include the canvass of all ballots as required by  
 1295 subsection (2), ~~except for provisional ballots, which returns~~  
 1296 ~~shall be reported at the time required for official returns~~  
 1297 ~~pursuant to s. 102.112(2).~~

1298 (6)~~(5)~~ If the county canvassing board determines that the  
 1299 unofficial returns may contain a counting error in which the  
 1300 vote tabulation system failed to count votes that were properly  
 1301 marked in accordance with the instructions on the ballot, the  
 1302 county canvassing board shall:

1303 (a) Correct the error and retabulate the affected ballots  
 1304 with the vote tabulation system; or

1305 (b) Request that the Department of State verify the  
 1306 tabulation software. When the Department of State verifies such  
 1307 software, the department shall compare the software used to  
 1308 tabulate the votes with the software filed with the department  
 1309 pursuant to s. 101.5607 and check the election parameters.

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1310        (7)~~(6)~~ If the unofficial returns reflect that a candidate  
 1311 for any office was defeated or eliminated by one-half of a  
 1312 percent or less of the votes cast for such office, that a  
 1313 candidate for retention to a judicial office was retained or not  
 1314 retained by one-half of a percent or less of the votes cast on  
 1315 the question of retention, or that a measure appearing on the  
 1316 ballot was approved or rejected by one-half of a percent or less  
 1317 of the votes cast on such measure, the board responsible for  
 1318 certifying the results of the vote on such race or measure shall  
 1319 order a recount of the votes cast with respect to such office or  
 1320 measure. The Elections Canvassing Commission is the board  
 1321 responsible for ordering federal, state, and multicounty  
 1322 recounts. A recount need not be ordered with respect to the  
 1323 returns for any office, however, if the candidate or candidates  
 1324 defeated or eliminated from contention for such office by one-  
 1325 half of a percent or less of the votes cast for such office  
 1326 request in writing that a recount not be made.

1327        (a) Each canvassing board responsible for conducting a  
 1328 recount shall put each marksense ballot through automatic  
 1329 tabulating equipment and determine whether the returns correctly  
 1330 reflect the votes cast. If any marksense ballot is physically  
 1331 damaged so that it cannot be properly counted by the automatic  
 1332 tabulating equipment during the recount, a true duplicate shall  
 1333 be made of the damaged ballot pursuant to the procedures in s.  
 1334 101.5614(5). Immediately before the start of the recount, a test  
 1335 of the tabulating equipment shall be conducted as provided in s.  
 1336 101.5612. If the test indicates no error, the recount tabulation  
 1337 of the ballots cast shall be presumed correct and such votes



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1338 shall be canvassed accordingly. If an error is detected, the  
1339 cause therefor shall be ascertained and corrected and the  
1340 recount repeated, as necessary. The canvassing board shall  
1341 immediately report the error, along with the cause of the error  
1342 and the corrective measures being taken, to the Department of  
1343 State. No later than 11 days after the election, the canvassing  
1344 board shall file a separate incident report with the Department  
1345 of State, detailing the resolution of the matter and identifying  
1346 any measures that will avoid a future recurrence of the error.

1347 (b) Each canvassing board responsible for conducting a  
1348 recount where touchscreen ballots were used shall examine the  
1349 counters on the precinct tabulators to ensure that the total of  
1350 the returns on the precinct tabulators equals the overall  
1351 election return. If there is a discrepancy between the overall  
1352 election return and the counters of the precinct tabulators, the  
1353 counters of the precinct tabulators shall be presumed correct  
1354 and such votes shall be canvassed accordingly.

1355 (c) The canvassing board shall submit on forms or in  
1356 formats provided by the division a second set of unofficial  
1357 returns to the Department of State for each federal, statewide,  
1358 state, or multicounty office or ballot measure no later than 3  
1359 p.m. on the fifth day after any primary election and no later  
1360 than 3 p.m. on the ninth ~~eighth~~ day after any general election  
1361 in which a recount was conducted pursuant to this subsection. If  
1362 the canvassing board is unable to complete the recount  
1363 prescribed in this subsection by the deadline, the second set of  
1364 unofficial returns submitted by the canvassing board shall be  
1365 identical to the initial unofficial returns and the submission

1366 shall also include a detailed explanation of why it was unable  
 1367 to timely complete the recount. However, the canvassing board  
 1368 shall complete the recount prescribed in this subsection, along  
 1369 with any manual recount prescribed in s. 102.166, and certify  
 1370 election returns in accordance with the requirements of this  
 1371 chapter.

1372 (d) The Department of State shall adopt detailed rules  
 1373 prescribing additional recount procedures for each certified  
 1374 voting system, which shall be uniform to the extent practicable.

1375 (8)~~(7)~~ The canvassing board may employ such clerical help  
 1376 to assist with the work of the board as it deems necessary, with  
 1377 at least one member of the board present at all times, until the  
 1378 canvass of the returns is completed. The clerical help shall be  
 1379 paid from the same fund as inspectors and other necessary  
 1380 election officials.

1381 (9)~~(8)~~ (a) At the same time that the official results of an  
 1382 election are certified to the Department of State, the county  
 1383 canvassing board shall file a report with the Division of  
 1384 Elections on the conduct of the election. The report must  
 1385 describe:

1386 1. All equipment or software malfunctions at the precinct  
 1387 level, at a counting location, or within computer and  
 1388 telecommunications networks supporting a county location, and  
 1389 the steps that were taken to address the malfunctions;

1390 2. All election definition errors that were discovered  
 1391 after the logic and accuracy test, and the steps that were taken  
 1392 to address the errors;

1393 3. All ballot printing errors or ballot supply problems,

1394 and the steps that were taken to address the errors or problems;

1395 4. All staffing shortages or procedural violations by  
 1396 employees or precinct workers which were addressed by the  
 1397 supervisor of elections or the county canvassing board during  
 1398 the conduct of the election, and the steps that were taken to  
 1399 correct such issues;

1400 5. All instances where needs for staffing or equipment  
 1401 were insufficient to meet the needs of the voters; and

1402 6. Any additional information regarding material issues or  
 1403 problems associated with the conduct of the election.

1404 (b) If a supervisor discovers new or additional  
 1405 information on any of the items required to be included in the  
 1406 report pursuant to paragraph (a) after the report is filed, the  
 1407 supervisor shall notify the division that new information has  
 1408 been discovered no later than the next business day after the  
 1409 discovery, and the supervisor shall file an amended report  
 1410 signed by the supervisor of elections on the conduct of the  
 1411 election within 10 days after the discovery.

1412 (c) Such reports shall be maintained on file in the  
 1413 Division of Elections and shall be available for public  
 1414 inspection. The division shall utilize the reports submitted by  
 1415 the canvassing boards to determine what problems may be likely  
 1416 to occur in other elections and disseminate such information,  
 1417 along with possible solutions, to the supervisors of elections.

1418 (10)~~(9)~~ The supervisor shall file with the department a  
 1419 copy of or an export file from the results database of the  
 1420 county's voting system and other statistical information as may  
 1421 be required by the department, the Legislature, or the Election

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1422 Assistance Commission. The department shall adopt rules  
 1423 establishing the required content and acceptable formats for the  
 1424 filings and time for filings.

1425 Section 26. Paragraph (b) of subsection (5) of section  
 1426 102.166, Florida Statutes, is amended to read:

1427 102.166 Manual recounts.--

1428 (5) Procedures for a manual recount are as follows:

1429 (b) Each duplicate ballot prepared pursuant to s.  
 1430 101.5614(5) or s. 102.141 (7)~~(6)~~ shall be compared with the  
 1431 original ballot to ensure the correctness of the duplicate.

1432 Section 27. Section 103.022, Florida Statutes, is amended  
 1433 to read:

1434 103.022 Write-in candidates for President and Vice  
 1435 President.--Persons seeking to qualify for election as write-in  
 1436 candidates for President and Vice President of the United States  
 1437 may have a blank space provided on the general election ballot  
 1438 for their names to be written in by filing an oath with the  
 1439 Department of State on or before September 1 ~~at any time after~~  
 1440 ~~the 57th day, but before noon of the 49th day, prior to the date~~  
 1441 ~~of the primary election~~ in the year in which a presidential  
 1442 election is held. The Department of State shall prescribe the  
 1443 form to be used in administering the oath. The candidates shall  
 1444 file with the department on or before September 1 in the year in  
 1445 which a presidential election is held a certificate naming the  
 1446 required number of persons to serve as electors. Such write-in  
 1447 candidates shall not be entitled to have their names on the  
 1448 ballot.

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1449 Section 28. Section 103.085, Florida Statutes, is created  
 1450 to read:

1451 103.085 Minor political parties.--Any group of citizens  
 1452 organized for the general purposes of electing to office  
 1453 qualified persons and determining public issues under the  
 1454 democratic processes of the United States may become a minor  
 1455 political party of this state by filing with the department a  
 1456 certificate showing the name of the organization, the names of  
 1457 its current officers, including the members of its executive  
 1458 committee, and a copy of its constitution or bylaws. It shall be  
 1459 the duty of the minor political party to notify the department  
 1460 of any changes in the filing certificate within 5 days of such  
 1461 changes. The Division of Elections may adopt rules to prescribe  
 1462 the manner in which a minor party's registration may be  
 1463 canceled. Such rules shall, at a minimum, provide for notice  
 1464 that shall contain the facts and conduct that warrant the  
 1465 intended action, including, but not limited to, failure to file  
 1466 reports required by s. 106.29.

1467 Section 29. Subsection (4) of section 103.091, Florida  
 1468 Statutes, is amended to read:

1469 103.091 Political parties.--

1470 (4) Any political party other than a minor political party  
 1471 may by rule provide for the membership of its state or county  
 1472 executive committee to be elected for 4-year terms at the  
 1473 primary election in each year a presidential election is held.  
 1474 The terms shall commence on the first day of the month following  
 1475 each presidential general election; but the names of candidates  
 1476 for political party offices shall not be placed on the ballot at

1477 any other election. The results of such election shall be  
 1478 determined by a plurality of the votes cast. In such event,  
 1479 electors seeking to qualify for such office shall do so with the  
 1480 Department of State or supervisor of elections not earlier than  
 1481 noon of the 71st ~~57th~~ day, or later than noon of the 67th ~~53rd~~  
 1482 day, preceding the primary election. The outgoing chair of each  
 1483 county executive committee shall, within 30 days after the  
 1484 committee members take office, hold an organizational meeting of  
 1485 all newly elected members for the purpose of electing officers.  
 1486 The chair of each state executive committee shall, within 60  
 1487 days after the committee members take office, hold an  
 1488 organizational meeting of all newly elected members for the  
 1489 purpose of electing officers.

1490 Section 30. Subsection (1) of section 105.031, Florida  
 1491 Statutes, is amended to read:

1492 105.031 Qualification; filing fee; candidate's oath; items  
 1493 required to be filed.--

1494 (1) TIME OF QUALIFYING.--Except for candidates for  
 1495 judicial office, nonpartisan candidates for multicounty office  
 1496 shall qualify with the Division of Elections of the Department  
 1497 of State and nonpartisan candidates for countywide or less than  
 1498 countywide office shall qualify with the supervisor of  
 1499 elections. Candidates for judicial office other than the office  
 1500 of county court judge shall qualify with the Division of  
 1501 Elections of the Department of State, and candidates for the  
 1502 office of county court judge shall qualify with the supervisor  
 1503 of elections of the county. Candidates for judicial office shall  
 1504 qualify no earlier than noon of the 120th day, and no later than

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1505 noon of the 116th day, before the primary election. Candidates  
 1506 for the office of school board member shall qualify no earlier  
 1507 than noon of the 71st ~~50th~~ day, and no later than noon of the  
 1508 67th ~~46th~~ day, before the primary election. Filing shall be on  
 1509 forms provided for that purpose by the Division of Elections and  
 1510 furnished by the appropriate qualifying officer. ~~Any person~~  
 1511 ~~seeking to qualify by the petition process, as set forth in s.~~  
 1512 ~~105.035, who has submitted the necessary petitions by the~~  
 1513 ~~required deadline and is notified after the fifth day prior to~~  
 1514 ~~the last day for qualifying that the required number of~~  
 1515 ~~signatures has been obtained, shall be entitled to subscribe to~~  
 1516 ~~the candidate's oath and file the qualifying papers at any time~~  
 1517 ~~within 5 days from the date he or she is notified that the~~  
 1518 ~~necessary number of signatures has been obtained.~~ Any person  
 1519 other than a write-in candidate who qualifies within the time  
 1520 prescribed in this subsection shall be entitled to have his or  
 1521 her name printed on the ballot.

1522 Section 31. Subsection (1) of section 106.07, Florida  
 1523 Statutes, is amended to read:

1524 106.07 Reports; certification and filing.--

1525 (1) Each campaign treasurer designated by a candidate or  
 1526 political committee pursuant to s. 106.021 shall file regular  
 1527 reports of all contributions received, and all expenditures  
 1528 made, by or on behalf of such candidate or political committee.  
 1529 Reports shall be filed on the 10th day following the end of each  
 1530 calendar quarter from the time the campaign treasurer is  
 1531 appointed, except that, if the 10th day following the end of a  
 1532 calendar quarter occurs on a Saturday, Sunday, or legal holiday,

1533 the report shall be filed on the next following day which is not  
 1534 a Saturday, Sunday, or legal holiday. Quarterly reports shall  
 1535 include all contributions received and expenditures made during  
 1536 the calendar quarter which have not otherwise been reported  
 1537 pursuant to this section.

1538 (a) ~~Except as provided in paragraph (b),~~ Following the  
 1539 last day of qualifying for office, the reports shall also be  
 1540 filed on the 32nd, 18th, and 4th days immediately preceding the  
 1541 primary ~~and on the 46th, 32nd, 18th, and 4th days immediately~~  
 1542 ~~preceding the election,~~ for a candidate who is opposed in  
 1543 seeking nomination or election to any office, for a political  
 1544 committee, or for a committee of continuous existence. Following  
 1545 the primary, reports shall also be filed on the 46th, 32nd,  
 1546 18th, and 4th days immediately preceding the general election  
 1547 for a candidate who is opposed in seeking election to any  
 1548 office, for a political committee, or for a committee of  
 1549 continuous existence.

1550 (b) ~~Following the last day of qualifying for office,~~ In  
 1551 addition, any statewide candidate who has requested to receive  
 1552 contributions from the Election Campaign Financing Trust Fund or  
 1553 any statewide candidate in a race with a candidate who has  
 1554 requested to receive contributions from the trust fund shall  
 1555 file reports on the ~~4th, 11th, and 18th,~~ 25th, and 32nd days  
 1556 prior to the primary election, and on the ~~4th, 11th, 18th,~~ 25th,  
 1557 32nd, 39th, 46th, and 53rd days prior to the general election.

1558 (c) Following the last day of qualifying for office, any  
 1559 unopposed candidate need only file a report within 90 days after  
 1560 the date such candidate became unopposed. Such report shall



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1561 contain all previously unreported contributions and expenditures  
 1562 as required by this section and shall reflect disposition of  
 1563 funds as required by s. 106.141.

1564 (d)1. When a special election is called to fill a vacancy  
 1565 in office, all political committees and committees of continuous  
 1566 existence making contributions or expenditures to influence the  
 1567 results of such special election shall file campaign treasurers'  
 1568 reports with the filing officer on the dates set by the  
 1569 Department of State pursuant to s. 100.111.

1570 2. When an election is called for an issue to appear on  
 1571 the ballot at a time when no candidates are scheduled to appear  
 1572 on the ballot, all political committees making contributions or  
 1573 expenditures in support of or in opposition to such issue shall  
 1574 file reports on the 18th and 4th days prior to such election.

1575 (e) The filing officer shall provide each candidate with a  
 1576 schedule designating the beginning and end of reporting periods  
 1577 as well as the corresponding designated due dates.

1578 Section 32. Subsection (4) of section 106.35, Florida  
 1579 Statutes, is amended to read:

1580 106.35 Distribution of funds.--

1581 (4) Distribution of funds shall be made beginning on the  
 1582 33rd day prior to the primary ~~within 7 days after the close of~~  
 1583 ~~qualifying~~ and every 7 days thereafter.

1584 Section 33. Paragraph (c) of subsection (2) and paragraph  
 1585 (b) of subsection (3) of section 189.405, Florida Statutes, are  
 1586 amended to read:

1587 189.405 Elections; general requirements and procedures;  
 1588 education programs.--

1589 (2)

1590 (c) A candidate for a position on a governing board of a

1591 single-county special district that has its elections conducted

1592 by the supervisor of elections shall qualify for the office with

1593 the county supervisor of elections in whose jurisdiction the

1594 district is located. Elections for governing board members

1595 elected by registered electors shall be nonpartisan, except when

1596 partisan elections are specified by a district's charter.

1597 Candidates shall qualify as directed by chapter 99 ~~by paying a~~

1598 ~~filing fee equal to 3 percent of the salary or honorarium paid~~

1599 ~~for the office, or a filing fee of \$25, whichever is more.~~

1600 ~~Alternatively, candidates may qualify by submitting a petition~~

1601 ~~that contains the signatures of at least 3 percent of the~~

1602 ~~district's registered electors, or any lesser amount of~~

1603 ~~signatures directed by chapter 99, chapter 582, or other general~~

1604 ~~or special law. No election or party assessment shall be levied~~

1605 ~~if the election is nonpartisan. The qualifying fee shall be~~

1606 ~~remitted to the general revenue fund of the qualifying officer~~

1607 ~~to help defray the cost of the election. The petition form shall~~

1608 ~~be submitted and checked in the same manner as those for~~

1609 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~

1610 (3)

1611 (b) With the exception of those districts conducting

1612 elections on a one-acre/one-vote basis, qualifying for

1613 multicounty special district governing board positions shall be

1614 coordinated by the Department of State. Elections for governing

1615 board members elected by registered electors shall be

1616 nonpartisan, except when partisan elections are specified by a

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1617 district's charter. Candidates shall qualify as directed by  
1618 chapter 99 ~~by paying a filing fee equal to 3 percent of the~~  
1619 ~~salary or honorarium paid for the office, or a filing fee of~~  
1620 ~~\$25, whichever is more. Alternatively, candidates may qualify by~~  
1621 ~~submitting a petition that contains the signatures of at least 3~~  
1622 ~~percent of the district's registered electors, or any lesser~~  
1623 ~~amount of signatures directed by chapter 99, chapter 582, or~~  
1624 ~~other general or special law. No election or party assessment~~  
1625 ~~shall be levied if the election is nonpartisan. The qualifying~~  
1626 ~~fee shall be remitted to the Department of State. The petition~~  
1627 ~~form shall be submitted and checked in the same manner as those~~  
1628 ~~for nonpartisan judicial candidates pursuant to s. 105.035.~~

1629 Section 34. Paragraph (a) of subsection (1) of section  
1630 191.005, Florida Statutes, is amended to read:

1631 191.005 District boards of commissioners; membership,  
1632 officers, meetings.--

1633 (1) (a) With the exception of districts whose governing  
1634 boards are appointed collectively by the Governor, the county  
1635 commission, and any cooperating city within the county, the  
1636 business affairs of each district shall be conducted and  
1637 administered by a five-member board. All three-member boards  
1638 existing on the effective date of this act shall be converted to  
1639 five-member boards, except those permitted to continue as a  
1640 three-member board by special act adopted in 1997 or thereafter.  
1641 The board shall be elected in nonpartisan elections by the  
1642 electors of the district. Except as provided in this act, such  
1643 elections shall be held at the time and in the manner prescribed  
1644 by law for holding general elections in accordance with s.

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1645 189.405(2)(a) and (3), and each member shall be elected for a  
1646 term of 4 years and serve until the member's successor assumes  
1647 office. Candidates for the board of a district shall qualify as  
1648 directed by chapter 99 ~~with the county supervisor of elections~~  
1649 ~~in whose jurisdiction the district is located. If the district~~  
1650 ~~is a multicounty district, candidates shall qualify with the~~  
1651 ~~Department of State. All candidates may qualify by paying a~~  
1652 ~~filing fee of \$25 or by obtaining the signatures of at least 25~~  
1653 ~~registered electors of the district on petition forms provided~~  
1654 ~~by the supervisor of elections which petitions shall be~~  
1655 ~~submitted and checked in the same manner as petitions filed by~~  
1656 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~  
1657 ~~Notwithstanding s. 106.021, a candidate who does not collect~~  
1658 ~~contributions and whose only expense is the filing fee is not~~  
1659 ~~required to appoint a campaign treasurer or designate a primary~~  
1660 ~~campaign depository.~~

1661 Section 35. Paragraph (a) of subsection (1) of section  
1662 582.18, Florida Statutes, is amended to read:

1663 582.18 Election of supervisors of each district.--

1664 (1) The election of supervisors for each soil and water  
1665 conservation district shall be held every 2 years. The elections  
1666 shall be held at the time of the general election provided for  
1667 by s. 100.041. The office of the supervisor of a soil and water  
1668 conservation district is a nonpartisan office, and candidates  
1669 for such office are prohibited from campaigning or qualifying  
1670 for election based on party affiliation.

1671 (a) Each candidate for supervisor for such district shall  
1672 qualify as directed by chapter 99 ~~be nominated by nominating~~

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1673 ~~petition subscribed by 25 or more qualified electors of such~~  
1674 ~~district. Candidates shall obtain signatures on petition forms~~  
1675 ~~prescribed by the Department of State and furnished by the~~  
1676 ~~appropriate qualifying officer. In multicounty districts, the~~  
1677 ~~appropriate qualifying officer is the Secretary of State; in~~  
1678 ~~single county districts, the appropriate qualifying officer is~~  
1679 ~~the supervisor of elections. Such forms may be obtained at any~~  
1680 ~~time after the first Tuesday after the first Monday in January~~  
1681 ~~preceding the election, but prior to the 21st day preceding the~~  
1682 ~~first day of the qualifying period for state office. Each~~  
1683 ~~petition shall be submitted, prior to noon of the 21st day~~  
1684 ~~preceding the first day of the qualifying period for state~~  
1685 ~~office, to the supervisor of elections of the county for which~~  
1686 ~~such petition was circulated. The supervisor of elections shall~~  
1687 ~~check the signatures on the petition to verify their status as~~  
1688 ~~electors in the district. Prior to the first date for~~  
1689 ~~qualifying, the supervisor of elections shall determine whether~~  
1690 ~~the required single county signatures have been obtained; and~~  
1691 ~~she or he shall so notify the candidate. In the case of a~~  
1692 ~~multicounty candidate, the supervisor of elections shall check~~  
1693 ~~the signatures on petitions and shall, prior to the first date~~  
1694 ~~for qualifying for office, certify to the Department of State~~  
1695 ~~the number shown as registered electors of the district. The~~  
1696 ~~Department of State shall determine if the required number of~~  
1697 ~~signatures has been obtained for multicounty candidates and~~  
1698 ~~shall so notify the candidate. If the required number of~~  
1699 ~~signatures has been obtained for the name of the candidate to be~~  
1700 ~~placed on the ballot, the candidate shall, during the time~~

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1701 ~~prescribed for qualifying for office in s. 99.061, submit a copy~~  
 1702 ~~of the notice to, and file her or his qualification papers with,~~  
 1703 ~~the qualifying officer and take the oath prescribed in s.~~  
 1704 ~~99.021.~~

1705 Section 36. Subsection (1) of section 876.05, Florida  
 1706 Statutes, is amended to read:

1707 876.05 Public employees; oath.--

1708 (1) All persons who now or hereafter are employed by or  
 1709 who now or hereafter are on the payroll of the state, or any of  
 1710 its departments and agencies, subdivisions, counties, cities,  
 1711 school boards and districts of the free public school system of  
 1712 the state or counties, or institutions of higher learning, and  
 1713 all candidates for public office, except candidates for federal  
 1714 office, are required to take an oath before any person duly  
 1715 authorized to take acknowledgments of instruments for public  
 1716 record in the state in the following form:

1717  
 1718 I, \_\_\_\_\_, a citizen of the State of Florida and of the  
 1719 United States of America, and being employed by or an officer of  
 1720 \_\_\_\_\_ and a recipient of public funds as such employee or  
 1721 officer, do hereby solemnly swear or affirm that I will support  
 1722 the Constitution of the United States and of the State of  
 1723 Florida.

1724 Section 37. Section 104.29, Florida Statutes, is hereby  
 1725 repealed.

1726 Section 38. This act shall take effect January 1, 2008,  
 1727 except the amendment to section 100.371, Florida Statutes, shall

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1728 | only apply to petitions that are approved for circulation after  
1729 | January 1, 2008.