

1 A bill to be entitled
 2 An act relating to petition procedures and standards;
 3 amending s. 99.097; revising terminology relating to
 4 verification of signatures on petitions; requiring name-
 5 by-name, signature-by-signature verification of initiative
 6 petitions and related petition revocations; providing
 7 requirements for initiative sponsors filing a certificate
 8 of undue burden; amending s. 100.371, F.S.; revising
 9 procedures for placing an initiative on the ballot;
 10 providing requirements for information to be contained in
 11 petition forms; providing procedure for revocation of a
 12 petition signature; providing regulation of initiative
 13 petition circulators; providing private property rights
 14 relating to activity on the property that supports or
 15 opposes ballot initiatives; providing for verification of
 16 signatures gathered before the effective date of the
 17 changes made by this act to ss. 99.097 and 100.371, F.S.;
 18 providing for severability; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Effective August 1, 2007, subsections (1), (3),
 23 and (4) of section 99.097, Florida Statutes, are amended to
 24 read:

25 99.097 Verification of signatures on petitions.--

26 (1) As determined by each supervisor, based upon local
 27 conditions, the verifying ~~checking~~ of signatures ~~names~~ on
 28 petitions may be based on the most inexpensive and

29 | administratively feasible of either of the following methods of
 30 | verification:

31 | (a) A name-by-name, signature-by-signature check of the
 32 | number of valid ~~authorized~~ signatures on the petitions; or

33 | (b) A check of a random sample, as provided by the
 34 | Department of State, of names and signatures on the petitions.
 35 | The sample must be such that a determination can be made as to
 36 | whether or not the required number of valid signatures ~~has~~ ~~have~~
 37 | been obtained with a reliability of at least 99.5 percent. Rules
 38 | and guidelines for this method of petition verification shall be
 39 | promulgated by the Department of State, which may include a
 40 | requirement that petitions bear an additional number of names
 41 | and signatures, not to exceed 15 percent of the names and valid
 42 | signatures otherwise required. If the petitions do not meet such
 43 | criteria, then the use of the verification method described in
 44 | this paragraph shall not be available to supervisors.

45 |
 46 | Notwithstanding subsection (2) or any other provision of law,
 47 | petitions to secure ballot placement for an initiative and
 48 | petition revocations directed thereto pursuant to s. 100.371
 49 | must be verified by the method provided in paragraph (a).

50 | (3) (a) A signature ~~name~~ on a petition of a, ~~which~~ name
 51 | that is not in substantially the same form as a name on the
 52 | voter registration books, shall be counted as a valid signature
 53 | if, after comparing the signature on the petition with the
 54 | signature of the alleged signer as shown on the registration
 55 | books, the supervisor determines that the person signing the
 56 | petition and the person who registered to vote are one and the

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57 same. In any situation in which this code requires the form of
58 the petition to be prescribed by the division, no signature
59 shall be counted toward the number of signatures required unless
60 it is on a petition form prescribed by the division.

61 (b) If a voter signs a petition and lists an address other
62 than the legal residence where the voter is registered, the
63 supervisor shall treat the signature as if the voter had listed
64 the address where the voter is registered.

65 (4) (a) The supervisor shall be paid in advance the sum of
66 10 cents for each signature verified ~~checked~~ or the actual cost
67 of verifying ~~checking~~ such signature, whichever is less, by the
68 candidate or, in the case of a petition to have an issue placed
69 on the ballot by initiative, by the initiative sponsor ~~person or~~
70 ~~organization submitting the petition~~. However, if a candidate or
71 initiative sponsor, ~~person, or organization seeking to have an~~
72 ~~issue placed upon the ballot~~ cannot pay such charges without
73 imposing an undue burden on personal resources or upon the
74 resources otherwise available to such candidate or initiative
75 sponsor, ~~person, or organization~~, such candidate or initiative
76 sponsor, ~~person, or organization~~ shall, upon written
77 certification of such inability given under oath to the
78 supervisor, be entitled to have the signatures verified at no
79 charge. In the event a candidate or initiative sponsor, ~~person,~~
80 ~~or organization submitting a petition to have an issue placed~~
81 ~~upon the ballot~~ is entitled to have the signatures verified at
82 no charge, the supervisor of elections of each county in which
83 the signatures are verified at no charge shall submit the total
84 number of such signatures checked in the county to the Chief

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85 Financial Officer no later than December 1 of the general
86 election year, and the Chief Financial Officer shall cause such
87 supervisor of elections to be reimbursed from the General
88 Revenue Fund in an amount equal to 10 cents for each signature
89 verified name-checked or the actual cost of verifying ~~checking~~
90 such signatures, whichever is less. In no event shall such
91 reimbursement of costs be deemed or applied as extra
92 compensation for the supervisor. Petitions shall be retained by
93 the supervisors for a period of 1 year following the election
94 for which the petitions were circulated.

95 (b) An initiative sponsor that has filed a certification
96 of undue burden under paragraph (a) may not provide compensation
97 to any paid petition circulator, as defined in s. 100.371,
98 unless the initiative sponsor first pays all supervisors for
99 each signature verified or reimburses the General Revenue Fund
100 for such costs. If an initiative sponsor subject to this
101 paragraph provides compensation to a paid petition circulator
102 before the date the initiative sponsor pays all supervisors for
103 each signature verified or reimburses the General Revenue Fund
104 for such costs, no signature on a petition circulated by the
105 paid petition circulator before that date may be counted toward
106 the number of valid signatures required for ballot placement
107 until the initiative sponsor pays all supervisors for each
108 signature verified or reimburses the General Revenue Fund for
109 such costs.

110 Section 2. Effective August 1, 2007, subsections (1) and
111 (3) of section 100.371, Florida Statutes, are amended,
112 subsection (6) is renumbered as subsection (10) and amended, and

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113 new subsections (6) through (9) are added to that section, to
 114 read:

115 100.371 Initiatives; procedure for placement on ballot;
 116 private property rights.--

117 (1) Constitutional amendments proposed by initiative shall
 118 be placed on the ballot for the general election, provided the
 119 initiative petition has been filed with the Secretary of State
 120 no later than February 1 of the year the general election is
 121 held. A petition shall be deemed to be filed with the Secretary
 122 of State upon the date the secretary determines that valid and
 123 verified ~~the~~ petition forms have ~~has~~ been signed by the
 124 constitutionally required number and distribution of electors
 125 pursuant to this code, subject to the right of revocation
 126 established in this section.

127 (3)(a) Each signature shall be dated when made and shall
 128 be valid for a period of 4 years after ~~following~~ such date,
 129 provided all other requirements of law are met. The sponsor
 130 shall submit signed and dated forms to the appropriate
 131 supervisor of elections for verification as to the number of
 132 registered electors whose valid signatures appear thereon. The
 133 supervisor shall promptly verify the signatures within 30 days
 134 after receipt of the petition forms and ~~upon~~ payment of the fee
 135 required by s. 99.097. The supervisor shall promptly record ~~each~~
 136 ~~valid signature~~ in the statewide voter registration system, in
 137 the manner prescribed by the Secretary of State, the date each
 138 form is received by the supervisor and the date the signature on
 139 the form is verified as valid. The supervisor shall verify that
 140 the signature on a form is valid only if the form complies with

141 the following:

142 1. The form shall contain the original signature of the
 143 purported elector.

144 2. The purported elector shall accurately record on the
 145 form the date on which he or she signed the form.

146 3. The date the purported elector signed the form, as
 147 recorded by the purported elector, shall be no more than 30 days
 148 before the date the form is received by the supervisor of
 149 elections.

150 4. The form shall accurately set forth the purported
 151 elector's name, legal residence address, county, and voter
 152 registration number or date of birth.

153 5. The purported elector shall be, at the time he or she
 154 signs the form, a duly qualified and registered elector
 155 authorized to vote in the county in which his or her signature
 156 is submitted.

157 (b) The supervisor shall retain the signature forms for at
 158 least 1 year after ~~following~~ the election in which the issue
 159 appeared on the ballot or until the Division of Elections
 160 notifies the supervisors of elections that the committee which
 161 circulated the petition is no longer seeking to obtain ballot
 162 position.

163 (6) (a) An elector's signature on a petition form may be
 164 revoked by submitting to the appropriate supervisor of elections
 165 a signed petition-revocation form adopted by rule for this
 166 purpose by the division.

167 (b) The petition-revocation form and the manner in which
 168 signatures are obtained, submitted, and verified shall be

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169 subject to the same relevant requirements and timeframes as the
170 corresponding petition form and processes under this code and
171 shall be approved by the Secretary of State before any signature
172 on a petition-revocation form is obtained.

173 (c) Supervisors of elections shall provide petition-
174 revocation forms to the public at all main and branch offices.

175 (d) The petition-revocation form shall be filed with the
176 supervisor of elections by February 1 preceding the next general
177 election or, if the initiative amendment is not certified for
178 ballot position in that election, by February 1 preceding the
179 next successive general election. The supervisor of elections
180 shall promptly verify the signature on the petition-revocation
181 form and process such revocation upon payment, in advance, of a
182 fee of 10 cents or the actual cost of verifying such signature,
183 whichever is less. The supervisor shall promptly record each
184 valid and verified petition-revocation form in the statewide
185 voter registration system in the manner prescribed by the
186 Secretary of State.

187 (7) (a) If a person is presented with a petition form or
188 petition-revocation form for his or her possible signature by a
189 petition circulator, the person shall record this fact on the
190 form and the name and address of the petition circulator shall
191 legibly appear on the form before the signature on the form may
192 be verified by the supervisor. For purposes of this subsection,
193 the term "petition circulator" means any person who, in the
194 context of a direct face-to-face conversation, presents to
195 another person for his or her possible signature a petition form
196 or petition-revocation form regarding ballot placement for an

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197 initiative.

198 (b) A paid petition circulator shall, when engaged in the
199 activities of a petition circulator described in paragraph (a),
200 wear a prominent badge, in a form and manner prescribed by rule
201 by the division, identifying him or her as a paid petition
202 circulator. For purposes of this subsection, the term "paid
203 petition circulator" means a petition circulator who receives
204 any compensation as a direct or indirect consequence of the
205 activities of a petition circulator described in paragraph (a).

206 (c) No petition circulator may receive, and no person may
207 provide to a petition circulator, compensation that is based,
208 directly or indirectly, upon the number of signatures obtained
209 on petition or petition-revocation forms.

210 (8) A signed petition form or petition-revocation form
211 regarding ballot placement for an initiative that does not fully
212 comply with the applicable provisions of this code or the rules
213 adopted under this code, or that was obtained in violation of
214 the applicable provisions of this code or the rules adopted
215 under this code, may be verified by the supervisor of elections
216 and counted toward the number of valid signatures required for
217 ballot placement only if those deficiencies or violations are
218 corrected prior to the date specified in subsection (1).

219 (9) No provision of this code shall be deemed to prohibit
220 a private person exercising lawful control over privately owned
221 property, including property held open to the public for the
222 purposes of a commercial enterprise, from excluding from such
223 property persons seeking to engage in activity supporting or
224 opposing initiative amendments.

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225 ~~(10)-(6)~~ The Department of State may adopt rules in
226 accordance with s. 120.54 to carry out the provisions of
227 subsections (1)-(9) ~~(1)-(5)~~.

228 Section 3. Any signature gathered on a previously approved
229 initiative petition form that has been submitted for
230 verification before August 1, 2007, may be verified and counted,
231 if otherwise valid. However, any initiative petition form that
232 is submitted for verification on or after that date may be
233 verified and counted only if it complies with this act and has
234 been approved by the Secretary of State before obtaining elector
235 signatures.

236 Section 4. If any provision of this act or its application
237 to any person or circumstance is held invalid, the invalidity
238 does not affect other provisions or applications of the act that
239 can be given effect without the invalid provision or
240 application, and to this end the provisions of this act are
241 severable.

242 Section 5. Except as otherwise expressly provided in this
243 act, this act shall take effect upon becoming a law.