

By Senator Posey

24-800-07

1                                   A bill to be entitled

2           An act relating to initiative petitions;

3           amending s. 100.371, F.S.; prescribing

4           information that must be on a petition

5           initiative form, and conditions with which the

6           elector signing it must comply, before the form

7           may be verified; providing procedures for

8           revocation of a signature on a petition form;

9           requiring certain information relating to

10          petition circulators, as defined, to be

11          included on forms; requiring paid petition

12          circulators, as defined, to identify themselves

13          as such; prohibiting a supervisor from counting

14          a petition or petition-revocation form that

15          does not comply with statutory requirements;

16          providing for rules; providing for verification

17          of certain petition forms; providing

18          severability; providing an effective date.

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

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22           Section 1. Subsections (1) and (3) of section 100.371,

23 Florida Statutes, are amended, present subsection (6) of that

24 section is renumbered as subsection (9) and amended, and new

25 subsections (6), (7), and (8) are added to that section to

26 read:

27           100.371 Initiatives; procedure for placement on

28 ballot.--

29           (1) Constitutional amendments proposed by initiative

30 shall be placed on the ballot for the general election,

31 provided the initiative petition has been filed with the

1 Secretary of State no later than February 1 of the year the  
2 general election is held. A petition shall be deemed to be  
3 filed with the Secretary of State upon the date the secretary  
4 determines that valid and verified ~~the~~ petition forms have ~~has~~  
5 been signed by the constitutionally required number and  
6 distribution of electors pursuant to the election code,  
7 subject to the right of revocation established in this  
8 section.

9 (3) Each signature shall be dated when made and shall  
10 be valid for a period of 4 years following such date, provided  
11 all other requirements of law are met. The sponsor shall  
12 submit signed and dated forms to the appropriate supervisor of  
13 elections for verification as to the number of registered  
14 electors whose valid signatures appear thereon. The supervisor  
15 shall promptly verify the signatures upon payment of the fee  
16 required by s. 99.097. The supervisor shall promptly record  
17 ~~each valid signature~~ in the statewide voter registration  
18 system, in the manner prescribed by the Secretary of State,  
19 the date each form is received by the supervisor and the date  
20 the signature on the form is verified as valid. The supervisor  
21 may verify that the signature on a form is valid only if:

22 (a) The form contains the original signature of the  
23 purported elector.

24 (b) The purported elector has accurately recorded on  
25 the form the date on which he or she signed the form.

26 (c) The date the elector signed the form, as recorded  
27 by the elector, is no more than 20 days before the date the  
28 form is received by the supervisor of elections.

29 (d) The form accurately sets forth the purported  
30 elector's name, street address, county, and voter registration  
31 number or date of birth.

1       (e) The purported elector is, at the time he or she  
2 signs the form, a duly qualified and registered elector  
3 authorized to vote in the county in which his or her signature  
4 is submitted.

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6 The supervisor shall retain the signature forms for at least 1  
7 year following the election in which the issue appeared on the  
8 ballot or until the Division of Elections notifies the  
9 supervisors of elections that the committee which circulated  
10 the petition is no longer seeking to obtain ballot position.

11       (6) An elector's signature on a petition form may be  
12 revoked by submitting to the appropriate supervisor of  
13 elections a signed petition-revocation form adopted by rule  
14 for this purpose by the division. The petition-revocation form  
15 is subject to the same relevant requirements as the  
16 corresponding petition form under the election code and must  
17 be approved by the Secretary of State before any signature is  
18 obtained. The petition-revocation form shall be filed with the  
19 supervisor of elections no later than the February 1 preceding  
20 the next general election or, if the initiative amendment is  
21 not certified for ballot position in that election, no later  
22 than the February 1 preceding the next successive general  
23 election. The supervisor of elections shall promptly verify  
24 the signature on the petition-revocation form and process such  
25 revocation upon payment, in advance, of a fee of 10 cents or  
26 the actual cost of verifying such signature, whichever is  
27 less. The supervisor shall promptly record each valid and  
28 verified petition-revocation form in the statewide voter  
29 registration system in the manner prescribed by the Secretary  
30 of State.

1           (7)(a) If a person is presented with a petition form  
2 or petition-revocation form for his or her possible signature  
3 by a petition circulator, the person must record this fact on  
4 the form, and the name and address of the petition circulator  
5 must legibly appear on the form before the signature on the  
6 form may be verified by the supervisor. For purposes of this  
7 subsection, the term "petition circulator" means any person  
8 who, in the context of a direct face-to-face conversation,  
9 presents to another person for his or her possible signature a  
10 petition form or petition-revocation form regarding ballot  
11 placement for an initiative.

12           (b) A paid petition circulator shall, when engaged in  
13 the activities described in paragraph (a), wear a prominent  
14 badge, in a form and manner prescribed by rule by the  
15 division, identifying him or her as a "PAID PETITION  
16 CIRCULATOR." For purposes of this subsection, the term "paid  
17 petition circulator" means a petition circulator who receives  
18 any compensation as a direct or indirect consequence of these  
19 activities.

20           (8) A signed petition form or petition-revocation form  
21 regarding ballot placement for an initiative which does not  
22 fully comply with the applicable provisions of the elections  
23 code and the rules adopted thereunder, or which was obtained  
24 in violation of the applicable provisions of the elections  
25 code or the rules thereunder, may be verified by the  
26 supervisor of elections and counted toward the number of valid  
27 signatures required for ballot placement only after those  
28 deficiencies or violations are corrected.

29           ~~(9)(6)~~ The Department of State may adopt rules in  
30 accordance with s. 120.54 to carry out the provisions of  
31 subsections ~~(1)-(8)(1)-(5)~~.

1           Section 2. Any signature gathered on a previously  
2 approved initiative petition form that has been submitted for  
3 verification before August 1, 2008, may be verified and  
4 counted if otherwise valid. However, any initiative petition  
5 form that is submitted for verification on or after that date  
6 may be verified and counted only if it complies with this act  
7 and has been approved by the Secretary of State before  
8 obtaining elector signatures.

9           Section 3. If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 invalidity does not affect other provisions or applications of  
12 the act which can be given effect without the invalid  
13 provision or application, and to this end the provisions of  
14 this act are declared severable.

15           Section 4. Except as otherwise expressly provided in  
16 this act, this act shall take effect August 1, 2008.

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19   SENATE SUMMARY

20           Provides requirements for initiative petition forms,  
21 including information that must be included on the form  
22 before it may be verified and counted and qualifications  
23 of electors signing such forms. Provides for an elector's  
24 signature to be revoked. Requires a "paid petition  
25 circulator" to identify himself or herself as such.  
26 Provides for verification of and counting a signature on  
27 a previously approved form that has been submitted for  
28 verification before the effective date of the act.  
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