

Bill No. CS for CS for SB's 960 & 1010

Barcode 914508

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Aronberg moved the following amendment:

Senate Amendment (with title amendment)

On page 12, line 27, through
page 23, line 8, delete those lines

and insert:

Section 5. Effective July 1, 2008, subsection (1) and
paragraph (a) of subsection (2) of section 101.151, Florida
Statutes, are amended to read:

101.151 Specifications for ballots.--

(1)(a) Marksense ballots shall be printed on paper of
such thickness that the printing cannot be distinguished from
the back and shall meet the specifications of the voting
system that will be used to tabulate the ballots.

(b) Early voting sites may employ a ballot-on-demand
production system to print individual marksense ballots,
including provisional ballots, for eligible electors pursuant
to s. 101.657. Ballot-on-demand technology may be used to
produce marksense absentee ballots. Not later than 30 days
before an election, the Secretary of State may also authorize

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1 in writing the use of ballot-on-demand technology for the
2 production of election-day ballots.

3 (2)(a) The ballot shall have headings under which
4 shall appear the names of the offices and the names of the
5 candidates for the respective offices in the following order:
6 the heading "President and Vice President" and thereunder the
7 names of the candidates for President and Vice President of
8 the United States nominated by the political party that
9 received the highest vote for Governor in the last general
10 election of the Governor in this state. Then shall appear the
11 names of other candidates for President and Vice President of
12 the United States who have been properly nominated. Then shall
13 follow the heading "Congressional" and thereunder the offices
14 of United States Senator and Representative in Congress; then
15 the heading "State" and thereunder the offices of Governor and
16 Lieutenant Governor, Attorney General, Chief Financial
17 Officer, Commissioner of Agriculture, state attorney, and
18 public defender, together with the names of the candidates for
19 each office and the title of the office which they seek; then
20 the heading "Legislative" and thereunder the offices of state
21 senator and state representative; then the heading "County"
22 and thereunder clerk of the circuit court, clerk of the county
23 court (when authorized by law), sheriff, property appraiser,
24 tax collector, district superintendent of schools, and
25 supervisor of elections. Thereafter follows: members of the
26 board of county commissioners, and such other county and
27 district offices as are involved in the election, in the order
28 fixed by the Department of State, followed, in the year of
29 their election, by "Party Offices," and thereunder the offices
30 of state and county party executive committee members. In a
31 general election, in addition to the names printed on the

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1 ballot, a blank space shall be provided under each heading for
2 an office for which a write-in candidate has qualified. With
3 respect to write-in candidates, if two or more candidates are
4 seeking election to one office, only one blank space shall be
5 provided. However, if all party candidates for a particular
6 office share the same party affiliation, and if a write-in
7 candidate for that office has the same party affiliation as
8 those party candidates, a blank space must be placed on the
9 primary ballot instead of the general election ballot. If two
10 or more write-in candidates seek election for an office and
11 each write-in candidate has the same party affiliation as all
12 party candidates for that office, only one blank space may be
13 provided on the primary ballot.

14 Section 6. Effective July 1, 2008, section 101.56075,
15 Florida Statutes, is created to read:

16 101.56075 Voting methods.--

17 (1) Except as provided in subsection (2), all voting
18 shall be by marksense ballot utilizing a marking device for
19 the purpose of designating ballot selections.

20 (2) Persons with disabilities may vote on a voter
21 interface device that meets the voting system accessibility
22 requirements for individuals with disabilities pursuant to
23 section 301 of the federal Help America Vote Act of 2002 and
24 s. 101.56062.

25 (3) By 2012, persons with disabilities shall vote on a
26 voter interface device that meets the voter accessibility
27 requirements for individuals with disabilities under section
28 301 of the federal Help America Vote Act of 2002 and s.
29 101.56062, which are consistent with subsection (1) of this
30 section.

31 Section 7. Effective July 1, 2008, subsection (5) is

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1 added to section 101.5612, Florida Statutes, to read:

2 101.5612 Testing of tabulating equipment.--

3 (5) Any tests involving marksense ballots pursuant to
4 this section shall employ pre-printed ballots, if pre-printed
5 ballots will be used in the election, and ballot-on-demand
6 ballots, if ballot-on-demand technology will be used to
7 produce ballots in the election, or both.

8 Section 8. Effective July 1, 2008, section 101.591,
9 Florida Statutes, is amended to read:

10 (Substantial rewording of section. See
11 s. 101.591, F.S., for present text.)
12 101.591 Voting system audit.--

13 (1) Immediately following the certification of each
14 election, the county canvassing board or the local board
15 responsible for certifying the election shall conduct a manual
16 audit of the voting systems used in randomly selected
17 precincts.

18 (2) The audit shall consist of a public manual tally
19 of the votes cast in the "President and Vice President" or
20 "Governor and Lieutenant Governor" race that appears at the
21 top of the ballot or, if neither appears, the first race
22 appearing on the ballot pursuant to s. 101.151(2), or, in the
23 case of a purely municipal election, the first municipal race
24 or issue on that ballot. The tally shall include election-day,
25 absentee, early voting, provisional, and overseas ballots, in
26 at least 1 percent but no more than 2 percent of the precincts
27 chosen at random by the county canvassing board or the local
28 board responsible for certifying the election. If 1 percent of
29 the precincts is less than one entire precinct, the audit
30 shall be conducted using at least one precinct chosen at
31 random by the county canvassing board or the local board

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1 responsible for certifying the election. Such precincts shall
2 be selected at a publicly-noticed canvassing board meeting.

3 (3) The canvassing board shall post a notice of the
4 audit, including the date, time, and place, in four
5 conspicuous places in the county and on the home page of the
6 county supervisor of elections web site.

7 (4) The audit must be completed and the results made
8 public no later than 11:59 p.m. on the 7th day following
9 certification of the election by the county canvassing board
10 or the local board responsible for certifying the election.

11 (5) Within 15 days after completion of the audit, the
12 county canvassing board or the board responsible for
13 certifying the election shall provide a report with the
14 results of the audit to the Department of State in a standard
15 format as prescribed by the department. The report shall
16 contain, but is not limited to, the following items:

17 (a) The overall accuracy of audit.

18 (b) A description of any problems or discrepancies
19 encountered.

20 (c) The likely cause of such problems or
21 discrepancies.

22 (d) Recommended corrective action with respect to
23 avoiding or mitigating such circumstances in future elections.

24 Section 9. Effective upon this act becoming a law, the
25 Department of State shall adopt rules to implement the
26 provisions of s. 101.591, Florida Statutes, as amended by
27 section 8 which prescribe detailed audit procedures for each
28 voting system, which shall be uniform to the extent
29 practicable, along with the standard form for audit reports.

30 Section 10. Effective upon this act becoming a law:

31 (1) Notwithstanding ss. 101.292-101.295 and s.

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1 101.5604, Florida Statutes, as a condition of the state
2 purchasing optical scan voting equipment and ballot-on-demand
3 equipment to replace touchscreen equipment as provided in
4 section 11, each recipient county hereby authorizes the
5 Secretary of State to act as its agent to negotiate the
6 purchase of new equipment and the sale, exchange, or other
7 disposition of existing touchscreen voting equipment that is
8 not necessary to conduct voting for individuals with
9 disabilities. Further, each such county hereby designates the
10 Secretary of State as the authorized recipient of all proceeds
11 realized from the sale, exchange, or other disposition of the
12 voting equipment up to and including the state's cost to fund
13 the county's new equipment. The secretary shall deposit the
14 proceeds in the Grants and Donations Trust Fund within 60 days
15 after the sale, exchange, or other disposition.

16 (2) A county commission may choose to opt out of this
17 state funding scheme by filing a notice to that effect with
18 the Department of State no later than June 30, 2007. Any
19 county choosing to opt out shall continue to be governed by
20 the provisions of ss. 101.292-101.295 and s. 101.5604, Florida
21 Statutes, with respect to the purchase of new voting systems
22 and equipment.

23 Section 11. Effective July 1, 2007:

24 (1) The Department of State is authorized to purchase:

25 (a) Election-day optical scan voting equipment, for
26 the following counties: Broward, Charlotte, Collier,
27 Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade,
28 Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.

29 (b) Ballot-on-demand equipment for use at early voting
30 sites, including optical scan tabulators, for the following
31 counties: Bay, Brevard, Broward, Charlotte, Clay, Collier,

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1 Escambia, Hillsborough, Indian River, Jackson, Lake, Lee,
 2 Levy, Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange,
 3 Osceola, Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota,
 4 St. Johns, Sumter, Taylor, and Washington.

5 (2) The sum of \$27,861,850 is appropriated from the
 6 Grants and Donations Trust Fund to the Division of Elections
 7 within the Department of State for the purpose of implementing
 8 this section.

9 Section 12. Paragraph (b) of subsection (1) of section
 10 97.041, Florida Statutes, is amended to read:

11 97.041 Qualifications to register or vote.--

12 (1)

13 (b) A person who is otherwise qualified may
 14 preregister on or after that person's 17th birthday or receipt
 15 of a valid Florida driver's license, whichever occurs earlier,
 16 and may vote in any election occurring on or after that
 17 person's 18th birthday.

18 Section 13. Subsections (6) and (7) of section 97.053,
 19 Florida Statutes, are amended to read:

20 97.053 Acceptance of voter registration
 21 applications.--

22 (6) A voter registration application may be accepted
 23 as valid only after the department has verified the
 24 authenticity or nonexistence of the driver's license number,
 25 the Florida identification card number, or the last four
 26 digits of the social security number provided by the
 27 applicant. If a completed voter registration application has
 28 been received by the book-closing deadline but the driver's
 29 license number, the Florida identification card number, or the
 30 last four digits of the social security number provided by the
 31 applicant cannot be verified, the applicant shall be notified

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1 that the application is incomplete and that the voter must
 2 provide evidence to the supervisor sufficient to verify the
 3 authenticity of the number provided on the application. If the
 4 voter provides the necessary evidence, the supervisor shall
 5 place the voter's name on the registration rolls as an active
 6 voter. If the voter has not provided the necessary evidence or
 7 the number has not otherwise been verified prior to the
 8 applicant presenting himself or herself to vote, the applicant
 9 shall be provided a provisional ballot. The provisional ballot
 10 shall be counted only if the application is verified by the
 11 end of the canvassing period or if the applicant presents
 12 evidence to the supervisor of elections sufficient to verify
 13 the authenticity of the driver's license number, Florida
 14 identification card number, or last four digits of the social
 15 security number provided on the application no later than 5
 16 p.m. of the second ~~third~~ day following the election.

17 (7) All voter registration applications received by a
 18 voter registration official shall be entered into the
 19 statewide voter registration system within 13 ~~15~~ days after
 20 receipt. Once entered, the application shall be immediately
 21 forwarded to the appropriate supervisor of elections.

22 Section 14. Paragraph (a) of subsection (1) of section
 23 99.021, Florida Statutes, is amended, present paragraph (c) is
 24 redesignated as paragraph (d), and a new paragraph (c) is
 25 added to that subsection, to read:

26 99.021 Form of candidate oath.--

27 (1)(a)1. Each candidate, whether a party candidate, a
 28 candidate with no party affiliation, or a write-in candidate,
 29 in order to qualify for nomination or election to any office
 30 other than a judicial office as defined in chapter 105 or a
 31 federal office, shall take and subscribe to an oath or

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1 affirmation in writing. A printed copy of the oath or
2 affirmation shall be furnished to the candidate by the officer
3 before whom such candidate seeks to qualify and shall be
4 substantially in the following form:

5
6 State of Florida
7 County of....

8 Before me, an officer authorized to administer oaths,
9 personally appeared ...(please print name as you wish it to
10 appear on the ballot)..., to me well known, who, being sworn,
11 says that he or she is a candidate for the office of;
12 that he or she is a qualified elector of County, Florida;
13 that he or she is qualified under the Constitution and the
14 laws of Florida to hold the office to which he or she desires
15 to be nominated or elected; that he or she has taken the oath
16 required by ss. 876.05-876.10, Florida Statutes; that he or
17 she has qualified for no other public office in the state, the
18 term of which office or any part thereof runs concurrent with
19 that of the office he or she seeks; and that he or she has
20 resigned from any office from which he or she is required to
21 resign pursuant to s. 99.012, Florida Statutes.

22 ...(Signature of candidate)...
23 ...(Address)...

24
25 Sworn to and subscribed before me this day of,
26 ...(year)..., at County, Florida.

27 ...(Signature and title of officer administering oath)...

28
29 2. Each candidate for federal office, whether a party
30 candidate, a candidate with no party affiliation, or a
31 write-in candidate, in order to qualify for nomination or

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1 election to office shall take and subscribe to an oath or
 2 affirmation in writing. A printed copy of the oath or
 3 affirmation shall be furnished to the candidate by the officer
 4 before whom such candidate seeks to qualify and shall be
 5 substantially in the following form:

6
7 State of Florida

8 County of _____

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

21 _____ (Signature of candidate)

22 _____ (Address)

23
 24 Sworn to and subscribed before me this _____ day of _____
 25 (year), at _____ County, Florida.

26 ...(Signature and title of officer administering oath)...

27
 28 (c) In addition to the requirements set forth in
 29 paragraph (a), any person seeking to qualify as a write-in
 30 candidate shall, at the time of subscribing to the oath or
 31 affirmation, state in writing:

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1 1. The party of which the person is a member. If the
2 person is not a member of any party, that person shall so
3 indicate by writing "no party affiliation."

4 2. That the person has had the same party affiliation,
5 or "no party affiliation," for the immediately preceding
6 6-month period.

7 ~~(d)(c)~~ The officer before whom such person qualifies
8 shall certify the name of such person to the supervisor of
9 elections in each county affected by such candidacy so that
10 the name of such person may be printed on the ballot. Each
11 person seeking election as a write-in candidate shall
12 subscribe to the oath prescribed in this section in order to
13 be entitled to have write-in ballots cast for him or her
14 counted.

15 Section 15. Section 99.061, Florida Statutes, is
16 amended to read:

17 99.061 Method of qualifying for nomination or election
18 to federal, state, county, or district office.--

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

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1 primary election, for persons seeking to qualify for
2 nomination or election to federal office or to the office of
3 the state attorney or the public defender; and noon of the
4 71st ~~50th~~ day prior to the primary election, but not later
5 than noon of the 67th ~~46th~~ day prior to the date of the
6 primary election, for persons seeking to qualify for
7 nomination or election to a state or multicounty district
8 office, other than the office of the state attorney or the
9 public defender.

10 (2) The provisions of any special act to the contrary
11 notwithstanding, each person seeking to qualify for nomination
12 or election to a county office, or district ~~or special~~
13 ~~district~~ office not covered by subsection (1), shall file his
14 or her qualification papers with, and pay the qualifying fee,
15 which shall consist of the filing fee and election assessment,
16 and party assessment, if any has been levied, to, the
17 supervisor of elections of the county, or shall qualify by the
18 petition process pursuant to s. 99.095 with the supervisor of
19 elections, at any time after noon of the 1st day for
20 qualifying, which shall be the 71st ~~50th~~ day prior to the
21 primary election ~~or special district election~~, but not later
22 than noon of the 67th ~~46th~~ day prior to the date of the
23 primary election ~~or special district election. However, if a~~
24 ~~special district election is held at the same time as the~~
25 ~~general election, qualifying shall be the 50th day prior to~~
26 ~~the primary election, but not later than noon of the 46th day~~
27 ~~prior to the date of the primary election.~~ Within 30 days
28 after the closing of qualifying time, the supervisor of
29 elections shall remit to the secretary of the state executive
30 committee of the political party to which the candidate
31 belongs the amount of the filing fee, two-thirds of which

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1 shall be used to promote the candidacy of candidates for
 2 county offices and the candidacy of members of the
 3 Legislature.

4 (3) Notwithstanding the provisions of any special act
 5 to the contrary, each person seeking to qualify for election
 6 to a special district office shall qualify between noon of the
 7 71st day prior to the primary election and noon of the 67th
 8 day prior to the date of the primary election. Candidates for
 9 single county special districts shall qualify with the
 10 supervisor of elections in the county in which the district is
 11 located. If the district is a multicounty district, candidates
 12 shall qualify with the Department of State. All special
 13 district candidates shall qualify by paying a filing fee of
 14 \$25 or qualify by the petition process pursuant to s. 99.095.
 15 Notwithstanding s. 106.021, a candidate who does not collect
 16 contributions and whose only expense is the filing fee or
 17 signature verification fee is not required to appoint a
 18 campaign treasurer or designate a primary campaign depository.

19 (4)(3)(a) Each person seeking to qualify for election
 20 to office as a write-in candidate shall file his or her
 21 qualification papers with the respective qualifying officer at
 22 any time after noon of the 1st day for qualifying, but not
 23 later than noon of the last day of the qualifying period for
 24 the office sought.

25 (b) Any person who is seeking election as a write-in
 26 candidate shall not be required to pay a filing fee, election
 27 assessment, or party assessment. A write-in candidate is shall
 28 not be entitled to have his or her name printed on any ballot;
 29 however, space for the write-in candidate's name to be written
 30 in must shall be provided on the general election ballot or
 31 primary election ballot as required in s. 101.151(2). A No

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

2 And the title is amended as follows:

3 On page 1, line 15, through
4 page 2, line 24, delete those lines

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6 and insert:

7 produce certain marksense ballots; providing
8 for the placement of spaces for write-in
9 candidates on primary and general election
10 ballots; creating s. 101.56075, F.S.; requiring
11 all voting to be by marksense ballot; providing
12 an exemption for voters with disabilities;
13 requiring voter interface devices for
14 individuals with disabilities by a specified
15 date; amending s. 101.5612, F.S.; requiring the
16 use of certain marksense ballots for
17 pre-election testing; amending s. 101.591,
18 F.S.; requiring post-election, random audits of
19 voting systems; providing general audit
20 procedures; mandating that audit results be
21 reported to the Department of State;
22 prescribing requirements for audit reports;
23 granting rulemaking authority to the department
24 to adopt detailed, uniform audit procedures and
25 a standard audit reporting form; providing
26 procedures for the purchase of new voting
27 systems and ballot equipment and the
28 disposition of existing touchscreen voting
29 systems for certain counties; authorizing the
30 Department of State to purchase optical scan
31 voting equipment and ballot-on-demand equipment

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1 for certain counties; appropriating funds for
2 such purpose; amending s. 97.041, F.S.;
3 authorizing qualified persons to preregister to
4 vote on or after receipt of a valid driver's
5 license; amending s. 97.053, F.S.; requiring an
6 applicant for voter registration to be notified
7 when the application cannot be verified;
8 providing for registration upon presentation of
9 evidence of a driver's license number,
10 identification card number, or the last four
11 digits of the applicant's social security
12 number; changing the time within which a person
13 casting a provisional ballot may present
14 evidence of eligibility to vote; changing the
15 time for voter registrations to be entered into
16 the statewide voter registration system;
17 amending s. 99.021, F.S.; prescribing form of
18 oath for candidates for federal office;
19 requiring write-in candidates to state certain
20 information in writing; amending s.

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