

1                   A bill to be entitled  
2           An act relating to elections; amending s. 97.012, F.S.;  
3           revising provisions relating to the investigative duties  
4           of the Secretary of State; amending s. 97.041, F.S.;  
5           revising requirements for voter preregistration of minors;  
6           amending s. 97.053, F.S.; revising provisions relating to  
7           verification of certain information on voter registration  
8           applications; amending s. 97.0535, F.S.; revising forms of  
9           acceptable identification for certain voter registration  
10          applicants; amending s. 97.055, F.S.; providing for change  
11          of party affiliation after the closing of the registration  
12          books to apply to an upcoming election under certain  
13          circumstances; amending s. 98.065, F.S.; revising  
14          registration list maintenance provisions; creating s.  
15          98.0655, F.S.; requiring the Department of State to  
16          prescribe registration list maintenance forms; providing  
17          criteria for such forms; amending s. 98.075, F.S.;  
18          providing for the removal of the name of a deceased person  
19          from the statewide voter registration system upon receipt  
20          by the supervisor of a copy of a death certificate;  
21          amending s. 98.0981, F.S.; reducing the time by which  
22          supervisors of elections must electronically transmit  
23          certain voter history information to the department;  
24          requiring the department to prepare a detailed report  
25          containing specified voter information to legislative  
26          officers after a general election; requiring supervisors  
27          of elections to collect and submit data to the department  
28          after certain elections; defining the term "all ballots

29 | cast"; requiring the department to compile precinct-level  
30 | statistical data for counties before certain elections;  
31 | amending s. 99.012, F.S.; providing restrictions on  
32 | individuals qualifying for public office; removing an  
33 | exception from such restrictions for persons seeking any  
34 | federal public office; amending s. 99.021, F.S.; deleting  
35 | a resignation statement from the qualifying oath for  
36 | candidates for federal office; amending s. 99.063, F.S.;  
37 | revising the deadline for gubernatorial candidates to  
38 | designate running mates; revising the deadline for  
39 | Lieutenant Governor candidates to file certain information  
40 | with the Department of State; amending s. 99.097, F.S.;  
41 | prohibiting the supervisor from counting a petition if a  
42 | voter signs the petition and lists an address other than  
43 | the legal residence where the voter is registered;  
44 | requiring the mailing of a new voter registration  
45 | application for an address update in certain  
46 | circumstances; amending s. 100.221, F.S.; providing  
47 | circumstances under which early voting is not required;  
48 | amending s. 100.361, F.S.; revising provisions relating to  
49 | the recall of municipal or charter county officers, recall  
50 | committees, recall petitions, recall defense, and offenses  
51 | related thereto; amending s. 100.371, F.S.; providing that  
52 | a petition form circulated for signatures may not be  
53 | bundled with other petitions; deleting requirements  
54 | relating to the recording and determination of signature  
55 | forms; providing that an elector may complete and submit a  
56 | standard petition-revocation form directly to the

57 supervisor of elections under certain circumstances;  
58 requiring that the division adopt petition-revocation  
59 forms by rule; amending s. 101.041, F.S.; deleting a  
60 requirement for the printing and distribution of official  
61 ballots; amending s. 101.045, F.S.; authorizing the use of  
62 a voter registration application for a name or address  
63 change; amending s. 101.111, F.S.; revising methods by  
64 which a person's right to vote may be challenged; amending  
65 s. 101.23, F.S.; deleting provisions requiring an election  
66 inspector to prevent certain persons from voting; amending  
67 s. 101.51, F.S.; deleting provisions specifying certain  
68 responsibilities of election officials before allowing  
69 electors to enter a booth or compartment to vote; amending  
70 s. 101.5608, F.S.; revising certain procedures relating to  
71 the deposit of ballots; amending s. 101.5614, F.S.;  
72 conforming a cross-reference; amending s. 101.6923, F.S.;  
73 revising forms of acceptable identification for certain  
74 absentee voters; amending s. 101.75, F.S.; permitting a  
75 municipality to change by ordinance the date of a  
76 municipal election to the date of any statewide or  
77 countywide election; amending s. 102.014, F.S.; revising  
78 provisions relating to the training of poll workers;  
79 amending s. 102.031, F.S.; including the term  
80 "solicitation" as an equivalent of the term "solicit" as  
81 it relates to the unlawful solicitation of voters;  
82 providing that such terms do not prohibit exit polling;  
83 amending s. 102.112, F.S.; revising the county canvassing  
84 board's certification requirements and filing deadlines

85 | for election returns; amending s. 102.141, F.S.; revising  
86 | the county canvassing board's procedures and duties  
87 | regarding recounts; amending s. 102.166, F.S.; authorizing  
88 | candidates and political committees to request manual  
89 | recounts by a specified time under certain conditions;  
90 | deleting certain provisions relating to recount of  
91 | overvotes, undervotes, and provisional ballots; providing  
92 | circumstances under which canvassing boards are not  
93 | required to conduct manual audits; requiring canvassing  
94 | boards to track ballots under certain circumstances;  
95 | providing criteria for determining when ballots are not  
96 | properly marked; providing for canvassing boards to  
97 | include certain information for statutory reports;  
98 | amending s. 103.101, F.S.; deleting provisions related to  
99 | the placement on the ballot of presidential candidates  
100 | whose names do not appear on the list submitted to the  
101 | Secretary of State; amending s. 190.006, F.S.; deleting  
102 | certain fee and assessment provisions for candidates  
103 | seeking election to the board of supervisors of community  
104 | redevelopment districts; amending s. 105.041, F.S.;  
105 | providing procedure for determining ballot position of  
106 | candidates for the office of circuit judge; amending s.  
107 | 106.07, F.S.; providing that governing bodies of political  
108 | subdivisions may impose certain electronic filing  
109 | requirements; providing that the expenditure of public  
110 | funds for such requirements is a valid public purpose;  
111 | permitting the receipt of additional electronic filing  
112 | systems for determining when reports are received;

113 |       repealing s. 101.573, F.S., relating to the reporting of  
 114 |       precinct-level election results; repealing s. 106.082,  
 115 |       F.S., relating to campaign contribution limitations for  
 116 |       Commissioner of Agriculture candidates; providing  
 117 |       effective dates.

118 |

119 | Be It Enacted by the Legislature of the State of Florida:

120 |

121 |       Section 1. Subsection (15) of section 97.012, Florida  
 122 | Statutes, is amended to read:

123 |       97.012 Secretary of State as chief election officer.--The  
 124 | Secretary of State is the chief election officer of the state,  
 125 | and it is his or her responsibility to:

126 |       (15) Conduct preliminary investigations into any  
 127 | irregularities or fraud involving voter registration, voting, ~~or~~  
 128 | candidate petition, or issue petition activities and report his  
 129 | or her findings to the statewide prosecutor or the state  
 130 | attorney for the judicial circuit in which the alleged violation  
 131 | occurred for prosecution, if warranted. The Department of State  
 132 | may prescribe by rule requirements for filing an elections-fraud  
 133 | complaint and for investigating any such complaint.

134 |       Section 2. Paragraph (b) of subsection (1) of section  
 135 | 97.041, Florida Statutes, is amended to read:

136 |       97.041 Qualifications to register or vote.--

137 |       (1)

138 |       (b) A person who is otherwise qualified may preregister on  
 139 | or after that person's 16th ~~17th~~ birthday ~~or receipt of a valid~~  
 140 | ~~Florida driver's license, whichever occurs earlier,~~ and may vote

141 in any election occurring on or after that person's 18th  
 142 birthday.

143 Section 3. Effective upon this act becoming a law,  
 144 subsection (6) of section 97.053, Florida Statutes, is amended  
 145 to read:

146 97.053 Acceptance of voter registration applications.--

147 (6) A voter registration application may be accepted as  
 148 valid only after the department has verified the authenticity or  
 149 nonexistence of the driver's license number, the Florida  
 150 identification card number, or the last four digits of the  
 151 social security number provided by the applicant. If a completed  
 152 voter registration application has been received by the book-  
 153 closing deadline but the driver's license number, the Florida  
 154 identification card number, or the last four digits of the  
 155 social security number provided by the applicant cannot be  
 156 verified, the applicant shall be notified that the number cannot  
 157 be verified ~~application is incomplete~~ and that the applicant  
 158 ~~voter~~ must provide evidence to the supervisor sufficient to  
 159 verify the authenticity of the applicant's driver's license  
 160 number, Florida identification card number, or last four digits  
 161 of the social security number provided on the application. If  
 162 the applicant ~~voter~~ provides the necessary evidence, the  
 163 supervisor shall place the applicant's ~~voter's~~ name on the  
 164 registration rolls as an active voter. If the applicant ~~voter~~  
 165 has not provided the necessary evidence or the number has not  
 166 otherwise been verified prior to the applicant presenting  
 167 himself or herself to vote, the applicant shall be provided a  
 168 provisional ballot. The provisional ballot shall be counted only

169 if the number ~~application~~ is verified by the end of the  
 170 canvassing period or if the applicant presents evidence to the  
 171 supervisor of elections sufficient to verify the authenticity of  
 172 the applicant's driver's license number, Florida identification  
 173 card number, or last four digits of the social security number  
 174 ~~provided on the application~~ no later than 5 p.m. of the second  
 175 day following the election.

176 Section 4. Paragraph (a) of subsection (3) of section  
 177 97.0535, Florida Statutes, is amended to read:

178 97.0535 Special requirements for certain applicants.--

179 (3) (a) The following forms of identification shall be  
 180 considered current and valid if they contain the name and  
 181 photograph of the applicant and have not expired:

- 182 1. United States passport.
- 183 ~~2. Employee badge or identification.~~
- 184 ~~3. Buyer's club identification.~~
- 185 ~~2.4.~~ Debit or credit card.
- 186 ~~3.5.~~ Military identification.
- 187 ~~4.6.~~ Student identification.
- 188 ~~5.7.~~ Retirement center identification.
- 189 ~~6.8.~~ Neighborhood association identification.
- 190 ~~7.9.~~ Public assistance identification.

191 Section 5. Subsection (1) of section 97.055, Florida  
 192 Statutes, is amended to read:

193 97.055 Registration books; when closed for an election.--

194 (1) (a) The registration books must be closed on the 29th  
 195 day before each election and must remain closed until after that  
 196 election. If an election is called and there are fewer than 29

197 days before that election, the registration books must be closed  
 198 immediately.

199 (b) Except as provided in paragraph (c), when the  
 200 registration books are closed for an election, updates to a  
 201 voter's name, address, and signature pursuant to ss. 98.077 and  
 202 101.045 shall be the only changes permitted for purposes of the  
 203 upcoming election. New voter registration applications ~~and party~~  
 204 ~~changes~~ must be accepted but only for the purpose of subsequent  
 205 elections.

206 (c) When the registration books are closed for an upcoming  
 207 election, an update or change to a voter's party affiliation  
 208 made pursuant to s. 97.1031 shall be permitted for that upcoming  
 209 election unless such election is for the purpose of nominating a  
 210 political party nominee, in which case the update or change  
 211 shall be permitted only for the purpose of subsequent elections.

212 Section 6. Subsection (4) of section 98.065, Florida  
 213 Statutes, is amended to read:

214 98.065 Registration list maintenance programs.--

215 (4) (a) If the supervisor receives change-of-address  
 216 information pursuant to the activities conducted in subsection  
 217 (2), from jury notices signed by the voter and returned to the  
 218 courts, from the Department of Highway Safety and Motor  
 219 Vehicles, or from other sources, ~~which information~~ indicates  
 220 that ~~the legal address of~~ a registered voter's legal residence  
 221 ~~voter~~ might have changed to another location within the state,  
 222 the supervisor must change the registration records to reflect  
 223 the new address and must shall send the voter by forwardable  
 224 ~~return if undeliverable mail~~ an address change confirmation



225 ~~notice as provided in s. 98.0655(2) to the address at which the~~  
226 ~~voter was last registered. A supervisor may also send an address~~  
227 ~~confirmation notice to any voter who the supervisor has reason~~  
228 ~~to believe has moved from his or her legal residence.~~

229 (b) If the supervisor of elections receives change-of-  
230 address information pursuant to the activities conducted in  
231 subsection (2), from jury notices signed by the voter and  
232 returned to the courts, or from other sources which indicates  
233 that a registered voter's legal residence might have changed to  
234 a location outside the state, the supervisor of elections shall  
235 send an address confirmation final notice to the voter as  
236 provided in s. 98.0655(3). The address confirmation notice shall  
237 contain a postage prepaid, preaddressed return form on which:

238 ~~1. If the voter has changed his or her address of legal~~  
239 ~~residence to a location outside the state, the voter shall mark~~  
240 ~~that the voter's legal residence has changed to a location~~  
241 ~~outside the state. The form shall also include information on~~  
242 ~~how to register in the new state in order to be eligible to~~  
243 ~~vote. The form must be returned within 30 days after the date of~~  
244 ~~the notice. The completed form shall constitute a request to be~~  
245 ~~removed from the statewide voter registration system.~~

246 ~~2. If the voter has changed his or her address of legal~~  
247 ~~residence to a location inside the state, the voter shall set~~  
248 ~~forth the updated or corrected address and submit the return~~  
249 ~~form within 30 days after the date of the notice. The completed~~  
250 ~~form shall constitute a request to update the statewide voter~~  
251 ~~registration system with the updated or corrected address~~  
252 ~~information.~~

253 ~~3. If the voter has not changed his or her address of~~  
 254 ~~legal residence as printed on the address confirmation notice,~~  
 255 ~~the voter shall confirm that his or her address of legal~~  
 256 ~~residence has not changed and submit the form within 30 days~~  
 257 ~~after the date of the notice.~~

258 (c) The supervisor must designate as inactive all voters  
 259 who have been sent an address confirmation final notice and who  
 260 have not returned the postage prepaid, preaddressed return form  
 261 within 30 days or for which the final ~~an address confirmation~~  
 262 notice has been returned as undeliverable. Names on the inactive  
 263 list may not be used to calculate the number of signatures  
 264 needed on any petition. A voter on the inactive list may be  
 265 restored to the active list of voters upon the voter updating  
 266 his or her registration, requesting an absentee ballot, or  
 267 appearing to vote. However, if the voter does not update his or  
 268 her voter registration information, request an absentee ballot,  
 269 or vote by the second general election after being placed on the  
 270 inactive list, the voter's name shall be removed from the  
 271 statewide voter registration system and the voter shall be  
 272 required to reregister to have his or her name restored to the  
 273 statewide voter registration system.

274 Section 7. Section 98.0655, Florida Statutes, is created  
 275 to read:

276 98.0655 Registration list maintenance forms.--The  
 277 department shall prescribe registration list maintenance forms  
 278 to be used by the supervisors which must include:

- 279 (1) An address confirmation request that must contain:  
 280 (a) The voter's name and address of legal residence as

281 shown on the voter registration record; and

282 (b) A request that the voter notify the supervisor if  
 283 either the voter's name or address of legal residence is  
 284 incorrect.

285 (2) An address change notice that must be sent to the  
 286 newly recorded address of legal residence by forwardable mail,  
 287 including a postage prepaid, preaddressed return form with which  
 288 the voter may verify or correct the voter's new address  
 289 information.

290 (3) An address confirmation final notice that must be sent  
 291 to the newly recorded address of legal residence by forwardable  
 292 mail and must contain a postage prepaid, preaddressed return  
 293 form and a statement that:

294 (a) If the voter has not changed his or her legal  
 295 residence or has changed his or her legal residence within the  
 296 state, the voter should return the form within 30 days after the  
 297 date on which the notice was sent to the voter.

298 (b) If the voter has changed his or her legal residence to  
 299 a location outside the state:

300 1. The voter shall return the form, which serves as a  
 301 request to be removed from the registration books; and

302 2. The voter shall be provided with information on how to  
 303 register in the new jurisdiction in order to be eligible to  
 304 vote.

305 (c) If the return form is not returned, the voter's name  
 306 shall be designated as inactive in the statewide voter  
 307 registration system.

308 Section 8. Effective July 1, 2008, subsection (3) of

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309 section 98.075, Florida Statutes, is amended to read:

310 98.075 Registration records maintenance activities;  
 311 ineligibility determinations.--

312 (3) DECEASED PERSONS.--The department shall identify those  
 313 registered voters who are deceased by comparing information on  
 314 the lists of deceased persons received from the Department of  
 315 Health as provided in s. 98.093. Upon receipt of such  
 316 information through the statewide voter registration system, the  
 317 supervisor shall remove the name of the registered voter.  
 318 Additionally, the supervisor shall remove the name of a deceased  
 319 registered voter from the statewide voter registration system  
 320 upon receipt of a copy of a death certificate issued by a  
 321 governmental agency authorized to issue death certificates.

322 Section 9. Effective July 1, 2008, section 98.0981,  
 323 Florida Statutes, is amended to read:

324 98.0981 Reports; voting history; statewide voter  
 325 registration system information; precinct-level election  
 326 results; book-closing statistics database.--

327 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
 328 INFORMATION.--

329 (a) Within 45 ~~75~~ days after a general election, ~~or within~~  
 330 ~~15 days after all~~ supervisors of elections shall transmit to the  
 331 department, in a uniform electronic format specified by the  
 332 department, completely have updated voting voter history  
 333 information for each qualified voter who voted., whichever  
 334 ~~occurs later,~~

335 (b) After receipt of the information in paragraph (a), the  
 336 department shall prepare ~~send to the President of the Senate,~~

337 ~~the Speaker of the House of Representatives, the Senate Minority~~  
338 ~~Leader, and the House Minority Leader~~ a report in electronic  
339 format that contains the following information, separately  
340 compiled for the primary and general election for all voters  
341 qualified to vote in either election: ~~of all voters qualified to~~  
342 ~~vote in the election or primary. The report shall include for~~  
343 ~~each voter~~

344 1. The unique identifier assigned to each qualified voter  
345 within the statewide voter registration system ~~the code used by~~  
346 ~~the department to uniquely identify the voter;~~

347 2. All information provided by each qualified voter on his  
348 or her in the uniform statewide voter registration application  
349 pursuant to s. 97.052(2), except that which is ~~what is~~  
350 ~~specifically identified as~~ confidential or exempt from public  
351 records requirements;

352 3. Each qualified voter's ~~The~~ date of registration;

353 4. Each qualified voter's current state ~~the~~ representative  
354 district, state senatorial district, and congressional district,  
355 assigned by the supervisor of elections;

356 5. Each qualified voter's current ~~and~~ precinct ~~in which~~  
357 ~~the voter resides;~~ and

358 6. Voting history as transmitted under paragraph (a) to  
359 include whether the qualified voter voted at a ~~the~~ precinct  
360 location, voted during the early voting period ~~by early vote,~~  
361 voted by absentee ballot, attempted to vote by absentee ballot  
362 that was not counted, attempted to vote by provisional ballot  
363 that was not counted, or did not vote.

364 (c) Within 60 days after a general election, the

365 department shall send to the President of the Senate, the  
 366 Speaker of the House of Representatives, the Senate Minority  
 367 Leader, and the House Minority leader a report in electronic  
 368 format that includes all information set forth in paragraph (b).

369 (2) PRECINCT-LEVEL ELECTION RESULTS.--Within 45 days after  
 370 the date of a presidential preference primary election, a  
 371 special election, or a general election, the supervisors of  
 372 elections shall collect and submit to the department precinct-  
 373 level election results for the election in a uniform electronic  
 374 format specified by the department. The precinct-level election  
 375 results shall be compiled separately for the primary or special  
 376 primary election that preceded the general or special general  
 377 election, respectively. The results shall specifically include  
 378 for each precinct the aggregate total of all ballots cast for  
 379 each candidate or nominee to fill a national, state, county, or  
 380 district office or proposed constitutional amendment. "All  
 381 ballots cast" means ballots cast by voters who cast a ballot  
 382 whether at a precinct location, by absentee ballot including  
 383 overseas absentee ballots, during the early voting period, or by  
 384 provisional ballot.

385 (3) PRECINCT-LEVEL BOOK-CLOSING STATISTICS.--After the  
 386 date of book closing but before the date of an election as  
 387 defined in s. 97.021(10) to fill a national, state, county, or  
 388 district office, or to vote on a proposed constitutional  
 389 amendment, the department shall compile the following precinct-  
 390 level statistical data for each county:

391 (a) Precinct numbers.

392 (b) Total number of active registered voters by party for

393 each precinct.

394 (4) REPORTS PUBLICLY AVAILABLE.--The department shall also  
 395 make publicly available the reports and results required in  
 396 subsections (1)-(3).

397 (5) RULEMAKING.--The department shall adopt rules and  
 398 prescribe forms to carry out the purposes of this section.

399 Section 10. Subsection (2), paragraph (a) of subsection  
 400 (3), and subsections (6) and (7) of section 99.012, Florida  
 401 Statutes, are amended to read:

402 99.012 Restrictions on individuals qualifying for public  
 403 office.--

404 (2) No person may qualify as a candidate for more than one  
 405 public office, whether federal, state, district, county, or  
 406 municipal, if the terms or any part thereof run concurrently  
 407 with each other.

408 (3) (a) No officer may qualify as a candidate for another  
 409 ~~public office, whether~~ state, district, county, or municipal  
 410 public office, if the terms or any part thereof run concurrently  
 411 with each other, without resigning from the office he or she  
 412 presently holds.

413 (6) This section does not apply to:

414 (a) Political party offices.

415 (b) Persons serving without salary as members of an  
 416 appointive board or authority.

417 ~~(c) Persons seeking any federal public office.~~

418 (7) Nothing contained in subsection ~~subsections~~ (3) and  
 419 ~~(4)~~ relates to persons holding any federal office.

420 Section 11. Paragraph (a) of subsection (1) of section

421 99.021, Florida Statutes, is amended to read:

422 99.021 Form of candidate oath.--

423 (1)(a)1. Each candidate, whether a party candidate, a  
 424 candidate with no party affiliation, or a write-in candidate, in  
 425 order to qualify for nomination or election to any office other  
 426 than a judicial office as defined in chapter 105 or a federal  
 427 office, shall take and subscribe to an oath or affirmation in  
 428 writing. A printed copy of the oath or affirmation shall be  
 429 furnished to the candidate by the officer before whom such  
 430 candidate seeks to qualify and shall be substantially in the  
 431 following form:

432  
 433 State of Florida

434 County of \_\_\_\_\_

435 Before me, an officer authorized to administer oaths,  
 436 personally appeared (please print name as you wish it to  
 437 appear on the ballot) , to me well known, who, being sworn,  
 438 says that he or she is a candidate for the office of \_\_\_\_\_; that  
 439 he or she is a qualified elector of \_\_\_\_\_ County, Florida; that  
 440 he or she is qualified under the Constitution and the laws of  
 441 Florida to hold the office to which he or she desires to be  
 442 nominated or elected; that he or she has taken the oath required  
 443 by ss. 876.05-876.10, Florida Statutes; that he or she has  
 444 qualified for no other public office in the state, the term of  
 445 which office or any part thereof runs concurrent with that of  
 446 the office he or she seeks; and that he or she has resigned from  
 447 any office from which he or she is required to resign pursuant  
 448 to s. 99.012, Florida Statutes.



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449 (Signature of candidate)

450 (Address)

451

452 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 453 (year) , at \_\_\_\_\_ County, Florida.

454 (Signature and title of officer administering oath)

455

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

464

465 State of Florida

466 County of \_\_\_\_\_

467 Before me, an officer authorized to administer oaths,  
 468 personally appeared (please print name as you wish it to  
 469 appear on the ballot) , to me well known, who, being sworn,  
 470 says that he or she is a candidate for the office of \_\_\_\_\_; that  
 471 he or she is qualified under the Constitution and laws of the  
 472 United States to hold the office to which he or she desires to  
 473 be nominated or elected; and that he or she has qualified for no  
 474 other public office in the state, the term of which office or  
 475 any part thereof runs concurrent with that of the office he or  
 476 she seeks; ~~and that he or she has resigned from any office from~~

477 ~~which he or she is required to resign pursuant to s. 99.012,~~  
 478 ~~Florida Statutes.~~

479 (Signature of candidate)

480 (Address)

481

482 Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_,  
 483 (year) , at \_\_\_\_\_ County, Florida.

484 (Signature and title of officer administering oath)

485

486 Section 12. Subsections (1) and (2) of section 99.063,  
 487 Florida Statutes, are amended to read:

488 99.063 Candidates for Governor and Lieutenant Governor.--

489 (1) No later than 5 p.m. of the 10th ~~9th~~ day following the  
 490 primary election, each candidate for Governor shall designate a  
 491 Lieutenant Governor as a running mate. Such designation must be  
 492 made in writing to the Department of State.

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

496 (a) The candidate's oath required by s. 99.021, which must  
 497 contain the name of the candidate as it is to appear on the  
 498 ballot; the office sought; and the signature of the candidate,  
 499 duly acknowledged.

500 (b) The loyalty oath required by s. 876.05, signed by the  
 501 candidate and duly acknowledged.

502 (c) If the office sought is partisan, the written  
 503 statement of political party affiliation required by s.  
 504 99.021(1)(b).

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

510 Section 13. Paragraph (b) of subsection (3) of section  
 511 99.097, Florida Statutes, is amended to read:

512 99.097 Verification of signatures on petitions.--

513 (3)

514 (b) If a voter signs a petition and lists an address other  
 515 than the legal residence where the voter is registered, the  
 516 petition shall not be counted. The supervisor shall mail to the  
 517 voter a new voter registration application on which the voter  
 518 may submit an address update, along with the reason the new  
 519 application is being sent ~~treat the signature as if the voter~~  
 520 ~~had listed the address where the voter is registered.~~

521 Section 14. Section 100.221, Florida Statutes, is amended  
 522 to read:

523 100.221 General election laws to govern bond  
 524 referenda.--The laws governing the holding of general elections  
 525 are applicable to bond referenda, except as provided in ss.  
 526 100.201-100.351. A county, district, or municipality is not  
 527 required to offer early voting for a bond referendum that is not  
 528 held in conjunction with a county or state election. The places  
 529 for voting in a bond referendum shall be the same as the places  
 530 for voting in general elections, when a bond referendum is held  
 531 in the county or district; however, ~~but~~ when a bond referendum  
 532 is held in a municipality, the polling places shall be the same

533 as in other municipal elections.

534 Section 15. Section 100.361, Florida Statutes, is amended  
535 to read:

536 100.361 Municipal recall.--

537 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member  
538 of the governing body of a municipality or charter county,  
539 hereinafter referred to in this section as "municipality," may  
540 be removed from office by the electors of the municipality. When  
541 the official represents a district and is elected only by  
542 electors residing in that district, only electors from that  
543 district are eligible to sign the petition to recall that  
544 official and are entitled to vote in the recall election. When  
545 the official represents a district and is elected at-large by  
546 the electors of the municipality, all electors of the  
547 municipality are eligible to sign the petition to recall that  
548 official and are entitled to vote in the recall election. Where  
549 used in this section, the term "district" shall be construed to  
550 mean the area or region of a municipality from which a member of  
551 the governing body is elected by the electors from such area or  
552 region. Members may be removed from office pursuant to ~~by~~ the  
553 procedures provided in this section. ~~following procedure.~~ This  
554 method of removing members of the governing body of a  
555 municipality is in addition to any other method provided by  
556 state law.

557 (2) RECALL PETITION.--

558 (a) Petition content.--A petition shall contain the name  
559 of ~~be prepared naming~~ the person sought to be recalled and  
560 ~~containing~~ a statement of grounds for recall. The statement of

561 grounds may not exceed ~~in not more than~~ 200 words and the stated  
562 grounds are limited solely to those ~~the grounds~~ specified in  
563 paragraph (d) ~~(b)~~. If more than one member of the governing body  
564 is sought to be recalled, whether such member is elected by the  
565 electors of a district or by the electors of the municipality  
566 at-large, a separate recall petition shall be prepared for each  
567 member sought to be recalled. Upon request, the content of a  
568 petition should be, but is not required to be, provided by the  
569 proponent in alternative formats.

570 (b) Requisite signatures.--

571 1. In a municipality or district of fewer than 500  
572 electors, the petition shall be signed by at least 50 electors  
573 or by 10 percent of the total number of registered electors of  
574 the municipality or district as of the preceding municipal  
575 election, whichever is greater.

576 2. In a municipality or district of 500 or more but fewer  
577 than 2,000 registered electors, the petition shall be signed by  
578 at least 100 electors or by 10 percent of the total number of  
579 registered electors of the municipality or district as of the  
580 preceding municipal election, whichever is greater.

581 3. In a municipality or district of 2,000 or more but  
582 fewer than 5,000 registered electors, the petition shall be  
583 signed by at least 250 electors or by 10 percent of the total  
584 number of registered electors of the municipality or district as  
585 of the preceding municipal election, whichever is greater.

586 4. In a municipality or district of 5,000 or more but  
587 fewer than 10,000 registered electors, the petition shall be  
588 signed by at least 500 electors or by 10 percent of the total

589 number of registered electors of the municipality or district as  
 590 of the preceding municipal election, whichever is greater.

591 5. In a municipality or district of 10,000 or more but  
 592 fewer than 25,000 registered electors, the petition shall be  
 593 signed by at least 1,000 electors or by 10 percent of the total  
 594 number of registered electors of the municipality or district as  
 595 of the preceding municipal election, whichever is greater.

596 6. In a municipality or district of 25,000 or more  
 597 registered electors, the petition shall be signed by at least  
 598 1,000 electors or by 5 percent of the total number of registered  
 599 electors of the municipality or district as of the preceding  
 600 municipal election, whichever is greater.

601  
 602 ~~Electors of the municipality or district making charges~~  
 603 ~~contained in the statement of grounds for recall and those~~  
 604 ~~signing the recall petition shall be designated as the~~  
 605 ~~"committee." A specific person shall be designated in the~~  
 606 ~~petition as chair of the committee to act for the committee.~~  
 607 ~~Electors of the municipality or district are eligible to sign~~  
 608 ~~the petition. Signatures and oaths of witnesses shall be~~  
 609 ~~executed as provided in paragraph (c).~~ All signatures shall be  
 610 obtained, as provided in paragraph (e), within a period of 30  
 611 days, and all signed and dated petition forms ~~the petition~~ shall  
 612 be filed at the same time, no later than ~~within~~ 30 days after  
 613 the date on which the first signature is obtained on the  
 614 petition.

615 (c) Recall committee.--Electors of the municipality or  
 616 district making charges contained in the statement of grounds

617 for recall, as well as those signing the recall petition, shall  
 618 be designated as the recall committee. A specific person shall  
 619 be designated in the petition as chair of the committee and this  
 620 person shall act for the committee. The recall committee and the  
 621 officer being recalled are subject to the provisions of chapter  
 622 106.

623 (d)-(b) Grounds for recall.--The grounds for removal of  
 624 elected municipal officials shall, for the purposes of this act,  
 625 be limited to the following and must be contained in the  
 626 petition:

- 627 1. Malfesance;
- 628 2. Misfesance;
- 629 3. Neglect of duty;
- 630 4. Drunkenness;
- 631 5. Incompetence;
- 632 6. Permanent inability to perform official duties; and
- 633 7. Conviction of a felony involving moral turpitude.

634 (e)-(e) Signature process.--Only electors of the  
 635 municipality or district are eligible to sign the petition. Each  
 636 elector of the municipality signing a petition shall sign and  
 637 date his or her name in ink or indelible pencil as registered in  
 638 the office of the supervisor of elections and shall state on the  
 639 petition his or her place of residence and voting precinct. Each  
 640 petition shall contain appropriate lines for each elector's  
 641 original the signature, printed name, and street address, city,  
 642 county, voter registration number or date of birth, and date  
 643 signed. of the elector and The form shall also contain lines for  
 644 an oath, to be executed by a witness who is to verify thereof,

645 ~~verifying~~ the fact that the witness saw each person sign the  
 646 counterpart of the petition, that each signature appearing  
 647 thereon is the genuine signature of the person it purports to  
 648 be, and that the petition was signed in the presence of the  
 649 witness on the date indicated.

650 (f) ~~(d)~~ Filing of signed petitions.--All signed petition  
 651 forms ~~The petition~~ shall be filed at the same time, no later  
 652 than 30 days after the date on which the first signature is  
 653 obtained on the petition. ~~with the auditor or clerk of the~~  
 654 ~~municipality or charter county, or his or her equivalent,~~  
 655 ~~hereinafter referred to as clerk,~~ by The person designated as  
 656 chair of the committee shall file the signed petition forms with  
 657 the auditor or clerk of the municipality or charter county, or  
 658 his or her equivalent, hereinafter referred to as "clerk." The  
 659 petition may not be amended after it is filed with the clerk.

660 (g) Verification of signatures.--

661 1. Immediately after the filing of the petition forms,  
 662 ~~and, when the petition is filed,~~ the clerk shall submit such  
 663 forms ~~petition~~ to the county supervisor of elections. No more  
 664 than 30 days after the date on which all petition forms are  
 665 submitted to the supervisor by the clerk, the supervisor ~~who~~  
 666 shall promptly verify the signatures in accordance with s.  
 667 99.097 and, ~~within a period of not more than 30 days after the~~  
 668 ~~petition is filed with the supervisor,~~ determine whether the  
 669 requisite number of valid signatures has been obtained for the  
 670 petition contains the required valid signatures. The committee  
 671 seeking verification of the signatures shall pay in advance to  
 672 the supervisor the sum of 10 cents for each signature checked or



673 the actual cost of checking such signatures, whichever is less.  
 674 ~~The petition cannot be amended after it is filed with the clerk.~~  
 675 ~~The supervisor shall be paid by the persons or committee seeking~~  
 676 ~~verification the sum of 10 cents for each name checked.~~

677 2. Upon filing with the clerk, the petition and all  
 678 subsequent papers or forms required or permitted to be filed  
 679 with the clerk in connection with this section must, upon  
 680 request, be made available in alternative formats by the clerk.

681 3.(e) If the supervisor determines ~~it is determined~~ that  
 682 the petition does not contain the requisite number of verified  
 683 and valid ~~required~~ signatures, the clerk shall, upon receipt of  
 684 such written determination, so certify to the governing body of  
 685 the municipality or charter county and file the petition without  
 686 taking further action, and the matter shall be at an end. No  
 687 additional names may be added to the petition, and the petition  
 688 shall not be used in any other proceeding.

689 4.(f) If the supervisor determines ~~it is determined~~ that  
 690 the petition has the requisite number of verified and valid  
 691 ~~required~~ signatures, then the procedures outlined in subsection  
 692 (3) must be followed.

693 (3) RECALL PETITION AND DEFENSE.--

694 (a) Notice.--Upon receipt of a written determination that  
 695 the requisite number of signatures has been obtained, the clerk  
 696 shall at once serve upon the person sought to be recalled a  
 697 certified copy of the petition. Within 5 days after service, the  
 698 person sought to be recalled may file with the clerk a defensive  
 699 statement of not more than 200 words.

700 (b) Content and preparation.--Within 5 days after the date

701 of receipt of the defensive statement or after the last date a  
 702 defensive statement could have been filed, the clerk shall,  
 703 ~~within 5 days,~~ prepare a document entitled "Recall Petition and  
 704 Defense." The "Recall Petition and Defense" shall consist  
 705 ~~sufficient number of typewritten, printed, or mimeographed~~  
 706 ~~copies~~ of the recall petition, including copies of the  
 707 originally signed petitions and counterparts. The "Recall  
 708 Petition and Defense" must contain lines which conform to the  
 709 provisions of paragraph (2) (e), and the ~~and~~ defensive statement  
 710 or, if no defensive statement has been filed, a statement to  
 711 that effect. The clerk shall make copies of the "Recall Petition  
 712 and Defense" which are sufficient to carry the signatures of 30  
 713 percent of the registered electors. Immediately after preparing  
 714 and making sufficient copies of the "Recall Petition and  
 715 Defense," the clerk shall ~~as well as the names, addresses, and~~  
 716 ~~oaths on the original petition, and deliver the copies them~~ to  
 717 the person who has been designated as chair of the committee and  
 718 take his or her receipt therefor. ~~Such prepared copies shall be~~  
 719 ~~entitled "Recall Petition and Defense" and shall contain lines~~  
 720 ~~and spaces for signatures and printed names of registered~~  
 721 ~~electors, place of residence, election precinct number, and date~~  
 722 ~~of signing, together with oaths to be executed by the witnesses~~  
 723 ~~which conform to the provisions of paragraph (c).~~ The clerk  
 724 ~~shall deliver forms sufficient to carry the signatures of 30~~  
 725 ~~percent of the registered electors.~~

726 (c)-(g) Requisite signatures.--Upon receipt of the "recall  
 727 petition and defense," the committee may circulate them to  
 728 obtain the signatures of 15 percent of the electors. All

729 signatures shall be obtained and all signed petition forms filed  
730 with the clerk no later than 60 days after delivery of the  
731 "Recall Petition and Defense" to the chair of the committee. Any  
732 ~~elector who signs a recall petition shall have the right to~~  
733 ~~demand in writing that his or her name be stricken from the~~  
734 ~~petition. A written demand signed by the elector shall be filed~~  
735 ~~with the clerk and upon receipt of the demand the clerk shall~~  
736 ~~strike the name of the elector from the petition and place his~~  
737 ~~or her initials to the side of the signature stricken. However,~~  
738 ~~no signature may be stricken after the clerk has delivered the~~  
739 ~~"Recall Petition and Defense" to the supervisor of elections for~~  
740 ~~verification.~~

741 (d)(h) Signed petitions; request for striking  
742 name. --Within 60 days after delivery of the "Recall Petition and  
743 Defense" to the chair, the chair shall file with the clerk the  
744 "Recall Petition and Defense" which bears the signatures of  
745 electors. The clerk shall assemble all signed petitions, check  
746 to see that each petition is properly verified by the oath of a  
747 witness, and submit such petitions to the county supervisor of  
748 elections. Any elector who signs a recall petition has the right  
749 to demand in writing that his or her name be stricken from the  
750 petition. A written demand signed by the elector shall be filed  
751 with the clerk and upon receipt of the demand, the clerk shall  
752 strike the name of the elector from the petition and place his  
753 or her initials to the side of the signature stricken. However,  
754 a signature may not be stricken after the clerk has delivered  
755 the "Recall Petition and Defense" to the supervisor for  
756 verification of the signatures.

757        (e) Verification of signatures.--Within 30 days after  
758 receipt of the signed "Recall Petition and Defense," the  
759 supervisor, ~~who~~ shall determine the number of valid signatures,  
760 purge the names withdrawn, and certify ~~within 30 days~~ whether 15  
761 percent of the qualified electors of the municipality have  
762 signed the petitions, ~~and report his or her findings to the~~  
763 ~~governing body~~. The supervisor shall be paid by the persons or  
764 committee seeking verification the sum of 10 cents for each name  
765 checked.

766        (f)(i) Reporting.--If the supervisor determines that the  
767 requisite number of signatures has not been obtained ~~petitions~~  
768 ~~do not contain the required signatures~~, the clerk shall, upon  
769 receipt of such written determination, certify ~~report~~ such  
770 determination ~~fact~~ to the governing body and retain ~~file~~ the  
771 petitions. , The proceedings shall be terminated, and the  
772 petitions shall not again be used. If the supervisor determines  
773 that ~~signatures do amount to~~ at least 15 percent of the  
774 qualified electors signed the petition, the clerk shall,  
775 immediately upon receipt of such written determination, serve  
776 notice of that determination ~~fact~~ upon the person sought to be  
777 recalled and deliver to the governing body a certificate as to  
778 the percentage of qualified electors ~~voters~~ who signed.

779        (4)(2) RECALL ELECTION.--If the person designated in the  
780 petition files with the clerk, within 5 days after the last-  
781 mentioned notice, his or her written resignation, the clerk  
782 shall at once notify the governing body of that fact, and the  
783 resignation shall be irrevocable. The governing body shall then  
784 proceed to fill the vacancy according to the provisions of the

785 appropriate law. In the absence of a resignation, the chief  
 786 judge of the judicial circuit in which the municipality is  
 787 located shall fix a day for holding a recall election for the  
 788 removal of those not resigning. Any such election shall be held  
 789 not less than 30 days or more than 60 days after the expiration  
 790 of the 5-day period last-mentioned and at the same time as any  
 791 other general or special election held within the period; but if  
 792 no such election is to be held within that period, the judge  
 793 shall call a special recall election to be held within the  
 794 period aforesaid.

795 (5)~~(3)~~ BALLOTS.--The ballots at the recall election shall  
 796 conform to the following: With respect to each person whose  
 797 removal is sought, the question shall be submitted: "Shall \_\_\_\_\_  
 798 be removed from the office of \_\_\_\_\_ by recall?" Immediately  
 799 following each question there shall be printed on the ballots  
 800 the two propositions in the order here set forth:

- 801 " (name of person) should be removed from office."
- 802 " (name of person) should not be removed from office."

803 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

804 (a) If an election is held for the recall of members  
 805 elected only at-large, candidates to succeed them for the  
 806 unexpired terms shall be voted upon at the same election and  
 807 shall be elected in the same manner as provided by the  
 808 appropriate law for the election of candidates at general  
 809 elections. Candidates shall not be elected to succeed any  
 810 particular member. If only one member is removed, the candidate  
 811 receiving the highest number of votes shall be declared elected  
 812 to fill the vacancy. If more than one member is removed,

813 candidates equal in number to the number of members removed  
814 shall be declared elected to fill the vacancies; and, among the  
815 successful candidates, those receiving the greatest number of  
816 votes shall be declared elected for the longest terms. Cases of  
817 ties, and all other matters not herein specially provided for,  
818 shall be determined by the rules governing elections generally.

819 (b) If an election is held for the recall of members  
820 elected only from districts, candidates to succeed them for the  
821 unexpired terms shall be voted upon at a special election called  
822 by the chief judge of the judicial circuit in which the  
823 districts are located not less than 30 days or more than 60 days  
824 after the expiration of the recall election. The qualifying  
825 period, for purposes of this section, shall be established by  
826 the chief judge of the judicial circuit after consultation with  
827 the clerk. Any candidate seeking election to fill the unexpired  
828 term of a recalled district municipal official shall reside in  
829 the district represented by the recalled official and qualify  
830 for office in the manner required by law. Each candidate  
831 receiving the highest number of votes for each office in the  
832 special district recall election shall be declared elected to  
833 fill the unexpired term of the recalled official. Candidates  
834 seeking election to fill a vacancy created by the removal of a  
835 municipal official shall be subject to the provisions of chapter  
836 106.

837 (c) When an election is held for the recall of members of  
838 the governing body composed of both members elected at-large and  
839 from districts, candidates to succeed them for the unexpired  
840 terms shall be voted upon at a special election as provided in

841 paragraph (b).

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

847 (7)~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the  
848 governing body being recalled resigns from office prior to the  
849 recall election, the remaining members shall fill the vacancy  
850 created according to the appropriate law for filling vacancies.  
851 If all of the members of the governing body are sought to be  
852 recalled and all of the members resign prior to the recall  
853 election, the recall election shall be canceled, and a special  
854 election shall be called to fill the unexpired terms of the  
855 resigning members. If all of the members of the governing body  
856 are sought to be recalled and any of the members resign prior to  
857 the recall election, the proceedings for the recall of members  
858 not resigning and the election of successors to fill the  
859 unexpired terms shall continue and have the same effect as  
860 though there had been no resignation.

861 (8)~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall  
862 any member of the governing body of a municipality shall be  
863 filed until the member has served one-fourth of his or her term  
864 of office. No person removed by a recall, or resigning after a  
865 petition has been filed against him or her, shall be eligible to  
866 be appointed to the governing body within a period of 2 years  
867 after the date of such recall or resignation.

868 (9) RETENTION OF PETITION.--The clerk shall preserve in

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869 his or her office all papers comprising or connected with a  
870 petition for recall for a period of 2 years after they were  
871 filed. ~~This method of removing members of the governing body of~~  
872 ~~a municipality is in addition to such other methods now or~~  
873 ~~hereafter provided by the general laws of this state.~~

874 (10)~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall  
875 impersonate another, purposely write his or her name or  
876 residence falsely in the signing of any petition for recall or  
877 forge any name thereto, or sign any paper with knowledge that he  
878 or she is not a qualified elector of the municipality. ~~No~~  
879 ~~expenditures for campaigning for or against an officer being~~  
880 ~~recalled shall be made until the date on which the recall~~  
881 ~~election is to be held is publicly announced. The committee and~~  
882 ~~the officer being recalled shall be subject to chapter 106. No~~  
883 person shall employ or pay another to accept employment or  
884 payment for circulating or witnessing a recall petition. Any  
885 person violating any of the provisions of this section commits  
886 ~~shall be deemed guilty of~~ a misdemeanor of the second degree and  
887 shall, upon conviction, be punished as provided by law.

888 (11)~~(8)~~ INTENT.--It is the intent of the Legislature that  
889 the recall procedures provided in this act shall be uniform  
890 statewide. Therefore, all municipal charter and special law  
891 provisions which are contrary to the provisions of this act are  
892 hereby repealed to the extent of this conflict.

893 (12)~~(9)~~ PROVISIONS APPLICABLE.--The provisions of this act  
894 shall apply to cities and charter counties whether or not they  
895 have adopted recall provisions.

896 Section 16. Effective July 1, 2008, subsections (3), (4),



897 and (6) of section 100.371, Florida Statutes, are amended to  
 898 read:

899 100.371 Initiatives; procedure for placement on ballot.--

900 (3) An initiative petition form circulated for signature  
 901 may not be bundled with or attached to any other petition. Each  
 902 signature shall be dated when made and shall be valid for a  
 903 period of 4 years following such date, provided all other  
 904 requirements of law are met. The sponsor shall submit signed and  
 905 dated forms to the appropriate supervisor of elections for  
 906 verification as to the number of registered electors whose valid  
 907 signatures appear thereon. The supervisor shall promptly verify  
 908 the signatures within 30 days of receipt of the petition forms  
 909 and payment of the fee required by s. 99.097. The supervisor  
 910 shall promptly record ~~in the statewide voter registration~~  
 911 ~~system~~, in the manner prescribed by the Secretary of State, the  
 912 date each form is received by the supervisor, and the date the  
 913 signature on the form is verified as valid. The supervisor may  
 914 verify that the signature on a form is valid only if:

915 (a) The form contains the original signature of the  
 916 purported elector.

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

919 (c) The form accurately sets forth the purported elector's  
 920 name, street address, county, and voter registration number or  
 921 date of birth.

922 (d) The purported elector is, at the time he or she signs  
 923 the form, a duly qualified and registered elector authorized to  
 924 vote in the county in which his or her signature is submitted.

925  
 926 The supervisor shall retain the signature forms for at least 1  
 927 year following the election in which the issue appeared on the  
 928 ballot or until the Division of Elections notifies the  
 929 supervisors of elections that the committee which circulated the  
 930 petition is no longer seeking to obtain ballot position.

931 (4) The Secretary of State shall determine from the  
 932 signatures verified by the supervisors of elections ~~and recorded~~  
 933 ~~in the statewide voter registration system~~ the total number of  
 934 verified valid signatures and the distribution of such  
 935 signatures by congressional districts. Upon a determination that  
 936 the requisite number and distribution of valid signatures have  
 937 been obtained, the secretary shall issue a certificate of ballot  
 938 position for that proposed amendment and shall assign a  
 939 designating number pursuant to s. 101.161.

940 (6) (a) An elector's signature on a petition form may be  
 941 revoked within 150 days of the date on which he or she signed  
 942 the petition form by submitting to the appropriate supervisor of  
 943 elections a signed petition-revocation form ~~adopted by rule for~~  
 944 ~~this purpose by the division.~~

945 (b) The petition-revocation form and the manner in which  
 946 signatures are obtained, submitted, and verified shall be  
 947 subject to the same relevant requirements and timeframes as the  
 948 corresponding petition form and processes under this code and  
 949 shall be approved by the Secretary of State before any signature  
 950 on a petition-revocation form is obtained.

951 (c) In those circumstances in which a petition-revocation  
 952 form for a corresponding initiative petition has not been

953 submitted and approved, an elector may complete and submit a  
 954 standard petition-revocation form directly to the supervisor of  
 955 elections. All other requirements and processes apply for the  
 956 submission and verification of the signatures as for initiative  
 957 petitions.

958 (d) Supervisors of elections shall provide petition-  
 959 revocation forms to the public at all main and branch offices.

960 (e) ~~(d)~~ The petition-revocation form shall be filed with  
 961 the supervisor of elections by February 1 preceding the next  
 962 general election or, if the initiative amendment is not  
 963 certified for ballot position in that election, by February 1  
 964 preceding the next successive general election. The supervisor  
 965 of elections shall promptly verify the signature on the  
 966 petition-revocation form and process such revocation upon  
 967 payment, in advance, of a fee of 10 cents or the actual cost of  
 968 verifying such signature, whichever is less. The supervisor  
 969 shall promptly record each valid and verified signature on a  
 970 petition-revocation form in the statewide voter registration  
 971 system in the manner prescribed by the Secretary of State.

972 (f) The division shall adopt by rule the petition-  
 973 revocation forms to be used under this subsection.

974 Section 17. Section 101.041, Florida Statutes, is amended  
 975 to read:

976 101.041 Secret voting.--In all elections held on any  
 977 subject which may be submitted to a vote, and for all or any  
 978 state, county, district, or municipal officers, the voting shall  
 979 be by secret, official ballot ~~printed and distributed as~~  
 980 provided by this code, and no vote shall be received or counted

981 in any election, except as prescribed by this code.

982 Section 18. Section 101.045, Florida Statutes, is amended  
 983 to read:

984 101.045 Electors must be registered in precinct;  
 985 provisions for change of residence or name ~~change~~.--

986 (1) No person shall be permitted to vote in any election  
 987 precinct or district other than the one in which the person has  
 988 his or her legal residence and in which the person is  
 989 registered. However, a person temporarily residing outside the  
 990 county shall be registered in the precinct in which the main  
 991 office of the supervisor, as designated by the supervisor, is  
 992 located when the person has no permanent address in the county  
 993 and it is the person's intention to remain a resident of Florida  
 994 and of the county in which he or she is registered to vote. Such  
 995 persons who are registered in the precinct in which the main  
 996 office of the supervisor, as designated by the supervisor, is  
 997 located and who are residing outside the county with no  
 998 permanent address in the county shall not be registered electors  
 999 of a municipality and therefore shall not be permitted to vote  
 1000 in any municipal election.

1001 (2) (a) An elector who moves from the precinct in which the  
 1002 elector is registered may be permitted to vote in the precinct  
 1003 to which he or she has moved his or her legal residence,  
 1004 provided such elector completes an affirmation in substantially  
 1005 the following form:

1006  
 1007 Change of Legal Residence of Registered  
 1008 Voter

1009  
 1010 Under penalties for false swearing, I, (Name of voter) ,  
 1011 swear (or affirm) that the former address of my legal residence  
 1012 was (Address of legal residence) in the municipality of  
 1013 \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and I was registered to vote in  
 1014 the \_\_\_\_\_ precinct of \_\_\_\_\_ County, Florida; that I have not  
 1015 voted in the precinct of my former registration in this  
 1016 election; that I now reside at (Address of legal residence)  
 1017 in the Municipality of \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and am  
 1018 therefore eligible to vote in the \_\_\_\_\_ precinct of \_\_\_\_\_  
 1019 County, Florida; and I further swear (or affirm) that I am  
 1020 otherwise legally registered and entitled to vote.

1021  
 1022 (Signature of voter whose address of legal residence has  
 1023 changed)

1024 (b) An elector whose name changes because of marriage or  
 1025 other legal process may be permitted to vote, provided such  
 1026 elector completes an affirmation in substantially the following  
 1027 form:

1028  
 1029 Change of Name of Registered  
 1030 Voter

1031  
 1032 Under penalties for false swearing, I, (New name of voter) ,  
 1033 swear (or affirm) that my name has been changed because of  
 1034 marriage or other legal process. My former name and address of  
 1035 legal residence appear on the registration records of precinct  
 1036 \_\_\_\_\_ as follows:

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1037 Name  
 1038 Address  
 1039 Municipality  
 1040 County  
 1041 Florida, Zip

1042 My present name and address of legal residence are as follows:

1043 Name  
 1044 Address  
 1045 Municipality  
 1046 County  
 1047 Florida, Zip

1048 and I further swear (or affirm) that I am otherwise legally  
 1049 registered and entitled to vote.

1050  
 1051 (Signature of voter whose name has changed)

1052 (c) An elector may complete a voter registration  
 1053 application that indicates the change of name or change of  
 1054 address of legal residence instead of the affirmation contained  
 1055 in paragraph (a) or paragraph (b).

1056 (d) Such affirmation or application, when completed and  
 1057 presented at the precinct in which such elector is entitled to  
 1058 vote, and upon verification of the elector's registration, shall  
 1059 entitle such elector to vote as provided in this subsection. If  
 1060 the elector's eligibility to vote cannot be determined, he or  
 1061 she shall be entitled to vote a provisional ballot, subject to  
 1062 the requirements and procedures in s. 101.048. Upon receipt of  
 1063 an affirmation or application certifying a change in address of  
 1064 legal residence or name, the supervisor shall as soon as

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1065 practicable make the necessary changes in the statewide voter  
 1066 registration system to indicate the change in address of legal  
 1067 residence or name of such elector.

1068 ~~(d) Instead of the affirmation contained in paragraph (a)~~  
 1069 ~~or paragraph (b), an elector may complete a voter registration~~  
 1070 ~~application that indicates the change of name or change of~~  
 1071 ~~address of legal residence.~~

1072 Section 19. Section 101.111, Florida Statutes, is amended  
 1073 to read:

1074 101.111 Person desiring to vote may be challenged;  
 1075 challenger to execute oath; oath of person challenged;  
 1076 determination of challenge.--

1077 (1) (a) Any registered elector or poll watcher of a county  
 1078 may challenge the right of a person to vote in that county. ~~When~~  
 1079 ~~the right to vote of any person who desires to vote is~~  
 1080 ~~challenged by any elector or poll watcher,~~ The challenge must be  
 1081 in shall be reduced to writing and contain the following oath  
 1082 ~~with an oath as provided in this section, giving reasons for the~~  
 1083 ~~challenge, which shall be delivered to the clerk or inspector.~~  
 1084 ~~Any elector or poll watcher challenging the right of a person to~~  
 1085 ~~vote shall execute the oath set forth below:~~

1086  
 1087 OATH OF PERSON ENTERING CHALLENGE

1088  
 1089 State of Florida  
 1090 County of \_\_\_\_\_

1091  
 1092 I do solemnly swear or affirm that my name is \_\_\_\_\_; that I am a

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1093 member of the \_\_\_\_\_ Party; that I am a registered voter or  
 1094 pollwatcher; that my residence address is \_\_\_\_\_, in the  
 1095 municipality of \_\_\_\_\_; and that I have reason to believe that  
 1096 \_\_\_\_\_ is attempting to vote illegally and the reasons for my  
 1097 belief are set forth herein to wit:

1098 (Signature of person challenging voter)

1099  
 1100 Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 1101 (year) .

1102 (Clerk of election)

1103 (b)(2) The clerk or inspector shall immediately deliver to  
 1104 the challenged person a copy of the oath of the person entering  
 1105 the challenge, and the challenged voter shall be allowed to cast  
 1106 a provisional ballot in accordance with s. 101.048.

1107 (c)(3) Alternatively, a challenge in accordance with this  
 1108 section may be filed in advance with the supervisor of elections  
 1109 no Any elector or poll watcher may challenge the right of any  
 1110 voter to vote not sooner than 30 days before an election by  
 1111 filing a completed copy of the oath contained in subsection (1)  
 1112 to the supervisor of election's office. The supervisor shall  
 1113 promptly provide the election board in the challenged voter's  
 1114 precinct with a copy of the oath of the person entering the  
 1115 challenge. The challenged voter shall be allowed permitted to  
 1116 cast a provisional ballot in accordance with s. 101.048.

1117 (2)(4) Any elector or poll watcher filing a frivolous  
 1118 challenge of any person's right to vote commits a misdemeanor of  
 1119 the first degree, punishable as provided in s. 775.082 or s.  
 1120 775.083; however, electors or poll watchers shall not be subject



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1121 to liability for any action taken in good faith and in  
 1122 furtherance of any activity or duty permitted of such electors  
 1123 or poll watchers by law. Each instance where any elector or poll  
 1124 watcher files a frivolous challenge of any person's right to  
 1125 vote constitutes a separate offense.

1126 Section 20. Section 101.23, Florida Statutes, is amended  
 1127 to read:

1128 101.23 Election inspector to keep list of those voting.--

1129 ~~(1)~~ When any person has been admitted to vote, the  
 1130 person's name shall be checked by the clerk or one of the  
 1131 inspectors at the place indicated upon the registration books or  
 1132 voter history form provided by the supervisor. One of the  
 1133 inspectors shall, at the same time, keep a poll list containing  
 1134 names of electors who have voted or a list of registered  
 1135 electors, on which those electors who have voted are indicated.  
 1136 Such lists shall be available for inspection during regular  
 1137 voting hours by poll watchers designated and appointed pursuant  
 1138 to s. 101.131, except that the election inspector may regulate  
 1139 access to the lists so as to ensure that such inspection does  
 1140 not unreasonably interfere with the orderly operation of the  
 1141 polling place.

1142 ~~(2) The inspectors shall prevent any person from voting a~~  
 1143 ~~second time when they have reason to believe that the person has~~  
 1144 ~~voted. They shall refuse to allow any person to vote who is not~~  
 1145 ~~a qualified elector or who has become disqualified to vote in~~  
 1146 ~~the precinct, and may prevent any elector from consuming more~~  
 1147 ~~than 5 minutes in voting.~~

1148 Section 21. Effective July 1, 2008, subsection (1) of

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1149 section 101.51, Florida Statutes, is amended to read:

1150 101.51 Electors to occupy booth alone.--

1151 (1) When the elector presents himself or herself to vote,  
 1152 ~~an the election official shall ascertain whether the elector's~~  
 1153 ~~name is upon the register of electors, and, if the elector's~~  
 1154 ~~name appears and no challenge interposes, or, if interposed, be~~  
 1155 ~~not sustained, one of the election official officials stationed~~  
 1156 ~~at the entrance shall announce the name of the elector and~~  
 1157 permit the elector ~~him or her~~ to enter the booth or compartment  
 1158 to cast his or her vote, allowing only one elector at a time to  
 1159 pass through to vote. An elector, while casting his or her  
 1160 ballot, may not occupy a booth or compartment already occupied  
 1161 or speak with anyone, except as provided by s. 101.051.

1162 Section 22. Effective July 1, 2008, paragraph (a) of  
 1163 subsection (2) of section 101.5608, Florida Statutes, is amended  
 1164 to read:

1165 101.5608 Voting by electronic or electromechanical method;  
 1166 procedures.--

1167 (2) When an electronic or electromechanical voting system  
 1168 utilizes a ballot card or marksense ballot, the following  
 1169 procedures shall be followed:

1170 (a) After receiving a ballot from an inspector, the  
 1171 elector shall, without leaving the polling place, retire to a  
 1172 booth or compartment and mark the ballot. After marking  
 1173 ~~preparing~~ his or her ballot, the elector shall place the ballot  
 1174 in a secrecy envelope ~~with the stub exposed or shall fold over~~  
 1175 ~~that portion on which write-in votes may be cast, as instructed,~~  
 1176 so that the ballot will be deposited in the tabulator ~~ballot box~~

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1177 without exposing the voter's choices. ~~Before the ballot is~~  
 1178 ~~deposited in the ballot box, the inspector shall detach the~~  
 1179 ~~exposed stub and place it in a separate envelope for audit~~  
 1180 ~~purposes; when a fold over ballot is used, the entire ballot~~  
 1181 ~~shall be placed in the ballot box.~~

1182 Section 23. Effective July 1, 2008, subsection (5) of  
 1183 section 101.5614, Florida Statutes, is amended to read:

1184 101.5614 Canvass of returns.--

1185 (5) If any absentee ballot is physically damaged so that  
 1186 it cannot properly be counted by the automatic tabulating  
 1187 equipment, a true duplicate copy shall be made of the damaged  
 1188 ballot in the presence of witnesses and substituted for the  
 1189 damaged ballot. Likewise, a duplicate ballot shall be made of an  
 1190 absentee ballot containing an overvoted race or a marked  
 1191 absentee ballot in which every race is undervoted which shall  
 1192 include all valid votes as determined by the canvassing board  
 1193 based on rules adopted by the division pursuant to s. 102.166(3)  
 1194 ~~s. 102.166(4)~~. All duplicate ballots shall be clearly labeled  
 1195 "duplicate," bear a serial number which shall be recorded on the  
 1196 defective ballot, and be counted in lieu of the defective  
 1197 ballot. After a ballot has been duplicated, the defective ballot  
 1198 shall be placed in an envelope provided for that purpose, and  
 1199 the duplicate ballot shall be tallied with the other ballots for  
 1200 that precinct.

1201 Section 24. Subsection (2) of section 101.6923, Florida  
 1202 Statutes, is amended to read:

1203 101.6923 Special absentee ballot instructions for certain  
 1204 first-time voters.--

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1205 (2) A voter covered by this section shall be provided with  
1206 printed instructions with his or her absentee ballot in  
1207 substantially the following form:

1208  
1209 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
1210 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
1211 TO COUNT.

1212  
1213 1. In order to ensure that your absentee ballot will be  
1214 counted, it should be completed and returned as soon as possible  
1215 so that it can reach the supervisor of elections of the county  
1216 in which your precinct is located no later than 7 p.m. on the  
1217 date of the election.

1218 2. Mark your ballot in secret as instructed on the ballot.  
1219 You must mark your own ballot unless you are unable to do so  
1220 because of blindness, disability, or inability to read or write.

1221 3. Mark only the number of candidates or issue choices for  
1222 a race as indicated on the ballot. If you are allowed to "Vote  
1223 for One" candidate and you vote for more than one, your vote in  
1224 that race will not be counted.

1225 4. Place your marked ballot in the enclosed secrecy  
1226 envelope and seal the envelope.

1227 5. Insert the secrecy envelope into the enclosed envelope  
1228 bearing the Voter's Certificate. Seal the envelope and  
1229 completely fill out the Voter's Certificate on the back of the  
1230 envelope.

1231 a. You must sign your name on the line above (Voter's  
1232 Signature).

1233           b. If you are an overseas voter, you must include the date  
 1234 you signed the Voter's Certificate on the line above (Date) or  
 1235 your ballot may not be counted.

1236           6. Unless you meet one of the exemptions in Item 7., you  
 1237 must make a copy of one of the following forms of  
 1238 identification:

1239           a. Identification which must include your name and  
 1240 photograph: United States passport; ~~employee badge or~~  
 1241 ~~identification; buyer's club identification card;~~ debit or  
 1242 credit card; military identification; student identification;  
 1243 retirement center identification; neighborhood association  
 1244 identification; or public assistance identification; or

1245           b. Identification which shows your name and current  
 1246 residence address: current utility bill, bank statement,  
 1247 government check, paycheck, or government document (excluding  
 1248 voter identification card).

1249           7. The identification requirements of Item 6. do not apply  
 1250 if you meet one of the following requirements:

1251           a. You are 65 years of age or older.

1252           b. You have a temporary or permanent physical disability.

1253           c. You are a member of a uniformed service on active duty  
 1254 who, by reason of such active duty, will be absent from the  
 1255 county on election day.

1256           d. You are a member of the Merchant Marine who, by reason  
 1257 of service in the Merchant Marine, will be absent from the  
 1258 county on election day.

1259           e. You are the spouse or dependent of a member referred to  
 1260 in paragraph c. or paragraph d. who, by reason of the active

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1261 duty or service of the member, will be absent from the county on  
 1262 election day.

1263 f. You are currently residing outside the United States.

1264 8. Place the envelope bearing the Voter's Certificate into  
 1265 the mailing envelope addressed to the supervisor. Insert a copy  
 1266 of your identification in the mailing envelope. DO NOT PUT YOUR  
 1267 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 1268 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 1269 BALLOT WILL NOT COUNT.

1270 9. Mail, deliver, or have delivered the completed mailing  
 1271 envelope. Be sure there is sufficient postage if mailed.

1272 10. FELONY NOTICE. It is a felony under Florida law to  
 1273 accept any gift, payment, or gratuity in exchange for your vote  
 1274 for a candidate. It is also a felony under Florida law to vote  
 1275 in an election using a false identity or false address, or under  
 1276 any other circumstances making your ballot false or fraudulent.

1277 Section 25. Subsection (3) of section 101.75, Florida  
 1278 Statutes, is amended to read:

1279 101.75 Municipal elections; change of dates for cause.--

1280 (3) Notwithstanding any provision of local law or  
 1281 municipal charter, ~~for any municipality whose election is~~  
 1282 ~~scheduled to be held in March 2008~~, the governing body of a the  
 1283 municipality, ~~notwithstanding any municipal charter provision~~,  
 1284 may, by ordinance, move the date of any ~~the general~~ municipal  
 1285 election ~~in 2008 and in each subsequent year that is a multiple~~  
 1286 ~~of 4~~ to a the date concurrent with any statewide or countywide  
 1287 election ~~the presidential preference primary~~. The dates for  
 1288 qualifying for the ~~general municipal~~ election moved by the

1289 passage of such ~~an~~ ordinance shall be specifically provided for  
 1290 in the ordinance and shall run for no less than 14 days. The  
 1291 term of office for any elected municipal official shall commence  
 1292 as provided by the relevant municipal charter or ordinance, ~~and~~  
 1293 ~~the term of office for any elected municipal official whose term~~  
 1294 ~~was due to expire in March 2008 shall expire as provided by the~~  
 1295 ~~relevant municipal charter or ordinance.~~

1296 Section 26. Effective July 1, 2008, subsection (7) of  
 1297 section 102.014, Florida Statutes, is amended to read:

1298 102.014 Poll worker recruitment and training.--

1299 (7) The Department of State shall develop a mandatory,  
 1300 statewide, and uniform program for training poll workers on  
 1301 issues of etiquette and sensitivity with respect to voters  
 1302 having a disability. ~~The program must consist of approximately 1~~  
 1303 ~~hour of the required number of hours set forth in paragraph~~  
 1304 ~~(4)(a).~~ The program must be conducted locally by each supervisor  
 1305 of elections, and ~~who shall periodically certify to the~~  
 1306 ~~Department of State whether~~ each poll worker must complete ~~has~~  
 1307 ~~completed~~ the program before working during the current election  
 1308 cycle. The supervisor of elections shall contract with a  
 1309 recognized disability-related organization, such as a center for  
 1310 independent living, family network on disabilities, deaf service  
 1311 bureau, or other such organization, to develop and assist with  
 1312 training the trainers in the disability sensitivity programs.  
 1313 The program must include actual demonstrations of obstacles  
 1314 confronted by disabled persons during the voting process,  
 1315 including obtaining access to the polling place, traveling  
 1316 through the polling area, and using the voting system.

1317 Section 27. Effective July 1, 2008, paragraph (b) of  
 1318 subsection (4) of section 102.031, Florida Statutes, is amended  
 1319 to read:

1320 102.031 Maintenance of good order at polls; authorities;  
 1321 persons allowed in polling rooms and early voting areas;  
 1322 unlawful solicitation of voters.--

1323 (4)

1324 (b) For the purpose of this subsection, the terms ~~term~~  
 1325 "solicit" and "solicitation" shall include, but not be limited  
 1326 to, seeking or attempting to seek any vote, fact, opinion, or  
 1327 contribution; distributing or attempting to distribute any  
 1328 political or campaign material, leaflet, or handout; conducting  
 1329 a poll except as specified in this paragraph; seeking or  
 1330 attempting to seek a signature on any petition; and selling or  
 1331 attempting to sell any item. The terms "solicit" and  
 1332 "solicitation" shall not be construed to prohibit exit polling.

1333 Section 28. Effective July 1, 2008, subsections (1) and  
 1334 (2) of section 102.112, Florida Statutes, are amended to read:

1335 102.112 Deadline for submission of county returns to the  
 1336 Department of State.--

1337 (1) The county canvassing board or a majority thereof  
 1338 shall file the county returns for the election of a federal or  
 1339 state officer with the Department of State immediately after  
 1340 certification of the election results. The returns must contain  
 1341 a certification by the canvassing board that the board has  
 1342 compared ~~reconciled~~ the number of persons who voted with the  
 1343 number of ballots counted and that the certification includes  
 1344 all valid votes cast in the election.



1345           (2) Returns must be filed by 5 p.m. on the 9th ~~7th~~ day  
 1346 following a primary election and by noon on the 12th day  
 1347 following the general election. However, the Department of State  
 1348 may correct typographical errors, including the transposition of  
 1349 numbers, in any returns submitted to the Department of State  
 1350 pursuant to s. 102.111(1).

1351           Section 29. Effective July 1, 2008, paragraphs (b) and (c)  
 1352 of subsection (7) of section 102.141, Florida Statutes, are  
 1353 amended to read:

1354           102.141 County canvassing board; duties.--

1355           (7) If the unofficial returns reflect that a candidate for  
 1356 any office was defeated or eliminated by one-half of a percent  
 1357 or less of the votes cast for such office, that a candidate for  
 1358 retention to a judicial office was retained or not retained by  
 1359 one-half of a percent or less of the votes cast on the question  
 1360 of retention, or that a measure appearing on the ballot was  
 1361 approved or rejected by one-half of a percent or less of the  
 1362 votes cast on such measure, the board responsible for certifying  
 1363 the results of the vote on such race or measure shall order a  
 1364 recount of the votes cast with respect to such office or  
 1365 measure. The Elections Canvassing Commission is the board  
 1366 responsible for ordering federal, state, and multicounty  
 1367 recounts. A recount need not be ordered with respect to the  
 1368 returns for any office, however, if the candidate or candidates  
 1369 defeated or eliminated from contention for such office by one-  
 1370 half of a percent or less of the votes cast for such office  
 1371 request in writing that a recount not be made.

1372           (b) Each canvassing board responsible for conducting a

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1373 recount where touchscreen ballots were used shall recollect the  
1374 votes from ~~examine the counters on~~ the precinct tabulators to  
1375 ensure that the total of the returns on the precinct tabulators  
1376 equals the overall election return. If there is a discrepancy,  
1377 the canvassing board shall determine the cause and report the  
1378 results between the overall election return and the counters of  
1379 ~~the precinct tabulators, the counters of the precinct tabulators~~  
1380 ~~shall be presumed correct and such votes shall be canvassed~~  
1381 accordingly.

1382 (c) The canvassing board shall submit on forms or in  
1383 formats provided by the division a second set of unofficial  
1384 returns to the Department of State for each federal, statewide,  
1385 state, or multicounty office or ballot measure no later than 3  
1386 p.m. on the fifth day after any primary election and no later  
1387 than 3 p.m. on the ninth day after any general election in which  
1388 a recount was conducted pursuant to this subsection. ~~If the~~  
1389 ~~canvassing board is unable to complete the recount prescribed in~~  
1390 ~~this subsection by the deadline, the second set of unofficial~~  
1391 ~~returns submitted by the canvassing board shall be identical to~~  
1392 ~~the initial unofficial returns and the submission shall also~~  
1393 ~~include a detailed explanation of why it was unable to timely~~  
1394 ~~complete the recount. However, the canvassing board shall~~  
1395 ~~complete the recount prescribed in this subsection, along with~~  
1396 ~~any manual recount prescribed in s. 102.166, and certify~~  
1397 ~~election returns in accordance with the requirements of this~~  
1398 ~~chapter.~~

1399 Section 30. Effective July 1, 2008, section 102.166,  
1400 Florida Statutes, is amended to read:

1401           102.166 Manual recounts.--

1402           (1) If the second set of unofficial returns pursuant to s.

1403 102.141 indicates that a candidate for any office was defeated

1404 or eliminated by one-quarter of a percent or less of the votes

1405 cast for such office, that a candidate for retention to a

1406 judicial office was retained or not retained by one-quarter of a

1407 percent or less of the votes cast on the question of retention,

1408 or that a measure appearing on the ballot was approved or

1409 rejected by one-quarter of a percent or less of the votes cast

1410 on such measure, any candidate who was defeated or eliminated

1411 from contention by one-quarter of a percent or less or any

1412 political committee supporting or opposing an issue that was

1413 approved or rejected by one-quarter of a percent or less may

1414 request a manual recount. Such request must be filed no later

1415 than 5 p.m. on the 5th day after a primary election and no later

1416 than 5 p.m. on the 9th day after a general election. Upon timely

1417 receipt of a request, the board responsible for certifying the

1418 results of the vote on such race or measure shall order a manual

1419 recount of the votes in such race or measure ~~overvotes and~~

1420 ~~undervotes~~ cast in the entire geographic jurisdiction of such

1421 office or ballot measure. ~~A manual recount may not be ordered,~~

1422 ~~however, if the number of overvotes, undervotes, and provisional~~

1423 ~~ballots is fewer than the number of votes needed to change the~~

1424 ~~outcome of the election.~~

1425           ~~(2) (a) Any hardware or software used to identify and sort~~

1426 ~~overvotes and undervotes for a given race or ballot measure must~~

1427 ~~be certified by the Department of State as part of the voting~~

1428 ~~system pursuant to s. 101.015. Any such hardware or software~~

1429 ~~must be capable of simultaneously counting votes.~~

1430 ~~(b) Overvotes and undervotes shall be identified and~~  
1431 ~~sorted while recounting ballots pursuant to s. 102.141, if the~~  
1432 ~~hardware or software for this purpose has been certified or the~~  
1433 ~~department's rules so provide.~~

1434 (2)~~(3)~~ Any manual recount shall be open to the public.

1435 (3)~~(4)~~(a) A vote for a candidate or ballot measure shall  
1436 be counted if there is a clear indication on the ballot that the  
1437 voter has made a definite choice.

1438 (b) The Department of State shall adopt specific rules for  
1439 each certified voting system prescribing what constitutes a  
1440 "clear indication on the ballot that the voter has made a  
1441 definite choice." The rules may not:

1442 1. Exclusively provide that the voter must properly mark  
1443 or designate his or her choice on the ballot; or

1444 2. Contain a catch-all provision that fails to identify  
1445 specific standards, such as "any other mark or indication  
1446 clearly indicating that the voter has made a definite choice."

1447 (4)~~(5)~~ Procedures for a manual recount are as follows:

1448 (a) The county canvassing board shall appoint as many  
1449 counting teams of at least two electors as is necessary to  
1450 manually recount the ballots. A counting team must have, when  
1451 possible, members of at least two political parties. A candidate  
1452 involved in the race shall not be a member of the counting team.

1453 (b) Each duplicate ballot prepared pursuant to s.  
1454 101.5614(5) or s. 102.141(7) shall be compared with the original  
1455 ballot to ensure the correctness of the duplicate.

1456 (c) If a counting team is unable to determine whether the

1457 ballot contains a clear indication that the voter has made a  
 1458 definite choice, the ballot shall be presented to the county  
 1459 canvassing board for a determination.

1460 (d) The Department of State shall adopt detailed rules  
 1461 prescribing additional recount procedures for each certified  
 1462 voting system which shall be uniform to the extent practicable.  
 1463 The rules shall address, at a minimum, the following areas:

- 1464 1. Security of ballots during the recount process;
- 1465 2. Time and place of recounts;
- 1466 3. Public observance of recounts;
- 1467 4. Objections to ballot determinations;
- 1468 5. Record of recount proceedings; and
- 1469 6. Procedures relating to candidate and petitioner  
 1470 representatives.

1471 (5) Notwithstanding s. 101.591, in any instance in which a  
 1472 manual recount was conducted on a countywide race, the  
 1473 canvassing board is not required to conduct a manual audit of  
 1474 the voting system. However, the canvassing board shall track the  
 1475 ballots not properly marked for the purpose of determining  
 1476 whether the voting system accurately recorded the votes. For  
 1477 purposes of this subsection, a ballot that has not been properly  
 1478 marked is a ballot on which:

1479 (a) Votes have been marked by the voter outside the  
 1480 prescribed area;

1481 (b) Votes have been marked by the voter using a manual  
 1482 marking device that cannot be read by the voting system; or

1483 (c) In the judgment of the canvassing board, the voter  
 1484 marked the ballot in such a manner that the voting system may

1485 not have read the marks as votes cast.

1486  
 1487 The canvassing board shall include the information from the  
 1488 manual recount and from ballots not properly marked as part of  
 1489 the report required by s. 101.591.

1490 Section 31. Subsection (2) of section 103.101, Florida  
 1491 Statutes, is amended to read:

1492 103.101 Presidential preference primary.--

1493 (2) (a) There shall be a Presidential Candidate Selection  
 1494 Committee composed of the Secretary of State, who shall be a  
 1495 nonvoting chair; the Speaker of the House of Representatives;  
 1496 the President of the Senate; the minority leader of each house  
 1497 of the Legislature; and the chair of each political party  
 1498 required to have a presidential preference primary under this  
 1499 section.

1500 (b) ~~(a)~~ By October 31 of the year preceding the  
 1501 presidential preference primary, each political party shall  
 1502 submit to the Secretary of State a list of its presidential  
 1503 candidates to be placed on the presidential preference primary  
 1504 ballot or candidates entitled to have delegates appear on the  
 1505 presidential preference primary ballot. The Secretary of State  
 1506 shall prepare and publish a list of the names of the  
 1507 presidential candidates submitted. The Secretary of State shall  
 1508 submit such list of names of presidential candidates to the  
 1509 selection committee on the first Tuesday after the first Monday  
 1510 in November of the year preceding the presidential preference  
 1511 primary. Each person designated as a presidential candidate  
 1512 shall have his or her name appear, or have his or her delegates'

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1513 names appear, on the presidential preference primary ballot  
1514 unless all committee members of the same political party as the  
1515 candidate agree to delete such candidate's name from the ballot.

1516 (c) The selection committee shall meet in Tallahassee on  
1517 the first Tuesday after the first Monday in November of the year  
1518 preceding the presidential preference primary. The selection  
1519 committee shall publicly announce and submit to the Department  
1520 of State no later than 5 p.m. on the following day the names of  
1521 presidential candidates who shall have their names appear, or  
1522 who are entitled to have their delegates' names appear, on the  
1523 presidential preference primary ballot. The Department of State  
1524 shall immediately notify each presidential candidate designated  
1525 by the committee. Such notification shall be in writing, by  
1526 registered mail, with return receipt requested.

1527 ~~(b) Any presidential candidate whose name does not appear~~  
1528 ~~on the list submitted to the Secretary of State may request that~~  
1529 ~~the selection committee place his or her name on the ballot.~~  
1530 ~~Such request shall be made in writing to the Secretary of State~~  
1531 ~~no later than the second Tuesday after the first Monday in~~  
1532 ~~November of the year preceding the presidential preference~~  
1533 ~~primary.~~

1534 ~~(c) If a presidential candidate makes a request that the~~  
1535 ~~selection committee reconsider placing the candidate's name on~~  
1536 ~~the ballot, the selection committee will reconvene no later than~~  
1537 ~~the second Thursday after the first Monday in November of the~~  
1538 ~~year preceding the presidential preference primary to reconsider~~  
1539 ~~placing the candidate's name on the ballot. The Department of~~  
1540 ~~State shall immediately notify such candidate of the selection~~

1541 ~~committee's decision.~~

1542 Section 32. Paragraph (c) of subsection (3) of section  
 1543 190.006, Florida Statutes, is amended to read:

1544 190.006 Board of supervisors; members and meetings.--

1545 (3)

1546 (c) Candidates seeking election to office by qualified  
 1547 electors under this subsection shall conduct their campaigns in  
 1548 accordance with the provisions of chapter 106 and shall file  
 1549 qualifying papers and qualify for individual seats in accordance  
 1550 with s. 99.061. ~~Candidates shall pay a qualifying fee, which  
 1551 shall consist of a filing fee and an election assessment or, as  
 1552 an alternative, shall file a petition signed by not less than 1  
 1553 percent of the registered voters of the district, and take the  
 1554 oath required in s. 99.021, with the supervisor of elections in  
 1555 the county affected by such candidacy. The amount of the filing  
 1556 fee is 3 percent of \$4,800; however, if the electors have  
 1557 provided for compensation pursuant to subsection (8), the amount  
 1558 of the filing fee is 3 percent of the maximum annual  
 1559 compensation so provided. The amount of the election assessment  
 1560 is 1 percent of \$4,800; however, if the electors have provided  
 1561 for compensation pursuant to subsection (8), the amount of the  
 1562 election assessment is 1 percent of the maximum annual  
 1563 compensation so provided. The filing fee and election assessment  
 1564 shall be distributed as provided in s. 105.031(3).~~

1565 Section 33. Subsection (2) of section 105.041, Florida  
 1566 Statutes, is amended to read:

1567 105.041 Form of ballot.--

1568 (2) LISTING OF CANDIDATES.--



1569           ~~(a) Except as provided in paragraph (b),~~ The order of  
 1570 nonpartisan offices appearing on the ballot shall be determined  
 1571 by the Department of State. The names of candidates for election  
 1572 to each nonpartisan office shall be listed in alphabetical  
 1573 order. With respect to retention of justices and judges, the  
 1574 question "Shall Justice (or Judge) (name of justice or judge) of  
 1575 the (name of the court) be retained in office?" shall appear on  
 1576 the ballot in alphabetical order and thereafter the words "Yes"  
 1577 and "No."

1578           ~~(b)1. The names of candidates for the office of circuit  
 1579 judge shall be listed on the primary election ballot in the  
 1580 order determined by lot conducted by the director of the  
 1581 Division of Elections of the Department of State after the close  
 1582 of the qualifying period.~~

1583           ~~2. Candidates who have secured a position on the general  
 1584 election ballot, after having survived elimination at the  
 1585 primary election, shall have their names listed in the same  
 1586 order as on the primary election ballot, notwithstanding the  
 1587 elimination of any intervening names as a result of the primary  
 1588 election.~~

1589           Section 34. Paragraph (a) of subsection (2) and paragraph  
 1590 (b) of subsection (8) of section 106.07, Florida Statutes, are  
 1591 amended to read:

1592           106.07 Reports; certification and filing.--

1593           (2) (a) 1. All reports required of a candidate by this  
 1594 section shall be filed with the officer before whom the  
 1595 candidate is required by law to qualify. All candidates who file  
 1596 with the Department of State shall file their reports pursuant

1597 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
 1598 be filed not later than 5 p.m. of the day designated; however,  
 1599 any report postmarked by the United States Postal Service no  
 1600 later than midnight of the day designated shall be deemed to  
 1601 have been filed in a timely manner. Any report received by the  
 1602 filing officer within 5 days after the designated due date that  
 1603 was delivered by the United States Postal Service shall be  
 1604 deemed timely filed unless it has a postmark that indicates that  
 1605 the report was mailed after the designated due date. A  
 1606 certificate of mailing obtained from and dated by the United  
 1607 States Postal Service at the time of mailing, or a receipt from  
 1608 an established courier company, which bears a date on or before  
 1609 the date on which the report is due, shall be proof of mailing  
 1610 in a timely manner. Reports shall contain information of all  
 1611 previously unreported contributions received and expenditures  
 1612 made as of the preceding Friday, except that the report filed on  
 1613 the Friday immediately preceding the election shall contain  
 1614 information of all previously unreported contributions received  
 1615 and expenditures made as of the day preceding that designated  
 1616 due date. All such reports shall be open to public inspection.

1617 2. This subsection does not prohibit the governing body of  
 1618 a political subdivision, by ordinance or resolution, from  
 1619 imposing upon its own officers and candidates electronic filing  
 1620 requirements that do not conflict with s. 106.0705. The  
 1621 expenditure of public funds for the implementation of such  
 1622 requirements is deemed to be a valid public purpose.

1623 (8)

1624 (b) Upon determining that a report is late, the filing

1625 officer shall immediately notify the candidate or chair of the  
 1626 political committee as to the failure to file a report by the  
 1627 designated due date and that a fine is being assessed for each  
 1628 late day. The fine shall be \$50 per day for the first 3 days  
 1629 late and, thereafter, \$500 per day for each late day, not to  
 1630 exceed 25 percent of the total receipts or expenditures,  
 1631 whichever is greater, for the period covered by the late report.  
 1632 However, for the reports immediately preceding each primary and  
 1633 general election, the fine shall be \$500 per day for each late  
 1634 day, not to exceed 25 percent of the total receipts or  
 1635 expenditures, whichever is greater, for the period covered by  
 1636 the late report. For reports required under s. 106.141(7), the  
 1637 fine is \$50 per day for each late day, not to exceed 25 percent  
 1638 of the total receipts or expenditures, whichever is greater, for  
 1639 the period covered by the late report. Upon receipt of the  
 1640 report, the filing officer shall determine the amount of the  
 1641 fine which is due and shall notify the candidate or chair. The  
 1642 filing officer shall determine the amount of the fine due based  
 1643 upon the earliest of the following:

- 1644 1. When the report is actually received by such officer.
- 1645 2. When the report is postmarked.
- 1646 3. When the certificate of mailing is dated.
- 1647 4. When the receipt from an established courier company is  
 1648 dated.
- 1649 5. When the electronic receipt issued pursuant to s.  
 1650 106.0705 or other electronic filing system authorized in this  
 1651 section is dated.

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1653 Such fine shall be paid to the filing officer within 20 days  
1654 after receipt of the notice of payment due, unless appeal is  
1655 made to the Florida Elections Commission pursuant to paragraph  
1656 (c). In the case of a candidate, such fine shall not be an  
1657 allowable campaign expenditure and shall be paid only from  
1658 personal funds of the candidate. An officer or member of a  
1659 political committee shall not be personally liable for such  
1660 fine.

1661 Section 35. Effective July 1, 2008, sections 101.573 and  
1662 106.082, Florida Statutes, are repealed.

1663 Section 36. Except as otherwise expressly provided in this  
1664 act and except for this section, which shall take effect upon  
1665 becoming a law, this act shall take effect January 1, 2009.