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CHAMBER ACTION

Senate

House

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Floor: 4/F/2R
4/23/2008 3:50 PM

Senator Justice moved the following **amendment**:

Senate Amendment (with title amendment)

Delete lines 1098-1146

and insert:

(1) When the right to vote of any person who desires to vote is challenged by any elector or poll watcher, the challenge shall be reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or poll watcher challenging the right of a person to vote shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of _____



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18
19 I do solemnly swear that my name is _____; that I am a member of
20 the _____ Party; that I am a registered voter or pollwatcher;
21 that my residence address is _____, in the municipality of _____;
22 and that I have reason to believe that _____ is attempting to
23 vote illegally and the reasons for my belief are set forth herein
24 to wit:

25 (Signature of person challenging voter)

26
27 Sworn and subscribed to before me this _____ day of _____,
28 (year) .

29 (Clerk of election)

30 (2) A voter's right to register or vote may not be
31 challenged on the basis of the following documents:

32 (a) A "voter caging document," which is defined as a
33 nonforwardable document, sent by a person other than a state or
34 local election official, and which is returned to the sender or a
35 third party as undelivered or undeliverable despite an attempt to
36 deliver such document to the address of a registered voter or
37 applicant for registration;

38 (b) A list of individuals compiled from voter caging
39 documents; or

40 (c) A list produced by matching the information of
41 registered voters or applicants for voter registration to a list
42 of individuals who are ineligible to vote by virtue of death,
43 conviction, change of address, or otherwise, unless one of the
44 pieces of information matched includes a signature, photograph,
45 or unique identifying number ensuring that the information from
46 each source refers to the same individual.



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47 (3) A person other than a state or local election official
48 may not submit a formal challenge to an individual's eligibility
49 to register to vote or to vote in any election if the basis for
50 such challenge is evidence consisting of an error or omission on
51 any record or paper relating to any application, registration, or
52 other act requisite to voting, if such error or omission is not
53 material to an individual's eligibility to vote as provided by
54 law.

55 ~~(4)~~(2) The clerk or inspector shall immediately deliver to
56 the challenged person a copy of the oath of the person entering
57 the challenge, and the challenged voter shall be allowed to cast
58 a provisional ballot.

59 ~~(5)~~(3) Any elector or poll watcher may challenge the right
60 of any voter to vote not sooner than 30 days before an election
61 by filing a completed copy of the oath contained in subsection
62 (1) to the supervisor of election's office. The challenged voter
63 shall be permitted to cast a provisional ballot.

64 ~~(6)~~(4) Any elector or poll watcher filing a frivolous
65 challenge of any person's right to vote commits a misdemeanor of
66 the first degree, punishable as provided in s. 775.082 or s.
67 775.083; however, electors or poll watchers shall not be subject
68 to liability for any action taken in good faith and in
69 furtherance of any activity or duty permitted of such electors or
70 poll watchers by law. Each instance where any elector or poll
71 watcher files a frivolous challenge of any person's right to vote
72 constitutes a separate offense.

73
74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 55 and 56



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77 | and insert:

78 | 101.111, F.S.; prohibiting a voter's right to vote from
79 | being challenged on the basis of certain documents;
80 | providing an exception; prohibiting a person other than
81 | a state or local election official from challenging
82 | another person's right to register or vote if the basis
83 | for such challenge is evidence consisting of certain
84 | information; amending s. 101.23, F.S.;