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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Ethics and Elections (Justice) recommended the
 2 following **amendment to amendment (417782)**:

Senate Amendment (with title amendment)

Delete lines 851-904

and insert:

Section 17. Section 101.111, Florida Statutes, is amended to read:

101.111 Person desiring to vote may be challenged; invalid
basis for challenge of voter; errors or omissions from papers;
 challenger to execute oath; oath of person challenged;
 determination of challenge.--

(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



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18 | challenging the right of a person to vote shall execute the oath
19 | set forth below:

20 |
21 | OATH OF PERSON ENTERING CHALLENGE
22 |

23 | State of Florida

24 | County of _____
25 |

26 | I do solemnly swear that my name is _____; that I am a member of
27 | the _____ Party; that I am a registered voter or pollwatcher;
28 | that my residence address is _____, in the municipality of _____;
29 | and that I have reason to believe that _____ is attempting to
30 | vote illegally and the reasons for my belief are set forth herein
31 | to wit:

32 | (Signature of person challenging voter)
33 |

34 | Sworn and subscribed to before me this _____ day of _____,
35 | (year) .

36 | (Clerk of election)

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

39 | (a) A "voter caging document," which is defined as a
40 | nonforwardable document, sent by a person other than a state or
41 | local election official, and which is returned to the sender or a
42 | third party as undelivered or undeliverable despite an attempt to
43 | deliver such document to the address of a registered voter or
44 | applicant for registration;

45 | (b) A list of individuals compiled from voter caging
46 | documents; or



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47 (c) A list produced by matching the information of
48 registered voters or applicants for voter registration to a list
49 of individuals who are ineligible to vote by virtue of death,
50 conviction, change of address, or otherwise, unless one of the
51 pieces of information matched includes a signature, photograph,
52 or unique identifying number ensuring that the information from
53 each source refers to the same individual.

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

62 (4)-(2) The clerk or inspector shall immediately deliver to
63 the challenged person a copy of the oath of the person entering
64 the challenge, and the challenged voter shall be allowed to cast
65 a provisional ballot.

66 (5)-(3) Any elector or poll watcher may challenge the right
67 of any voter to vote not sooner than 30 days before an election
68 by filing a completed copy of the oath contained in subsection
69 (1) to the supervisor of election's office. The challenged voter
70 shall be permitted to cast a provisional ballot.

71 (6)-(4) Any elector or poll watcher filing a frivolous
72 challenge of any person's right to vote commits a misdemeanor of
73 the first degree, punishable as provided in s. 775.082 or s.
74 775.083; however, electors or poll watchers shall not be subject
75 to liability for any action taken in good faith and in
76 furtherance of any activity or duty permitted of such electors or



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77 | poll watchers by law. Each instance where any elector or poll
 78 | watcher files a frivolous challenge of any person's right to vote
 79 | constitutes a separate offense.

80 |
 81 |

82 | ===== T I T L E A M E N D M E N T =====

83 | And the title is amended as follows:

84 | Delete lines 1375-1377

85 | and insert:

86 | application for a name or address change; amending s.
 87 | 101.111, F.S.; prohibiting a voter's right to vote from
 88 | being challenged on the basis of certain documents;
 89 | providing an exception; prohibiting a person other than a
 90 | state or local election official from challenging another
 91 | person's right to register or vote if the basis for such
 92 | challenge is evidence consisting of certain information;
 93 | amending s. 101.23,