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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2009	.	
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	.	
	.	

The Committee on Ethics and Elections (Justice) recommended the following:

1 **Senate Amendment to Amendment (294434) (with title**
2 **amendment)**

3
4 Delete lines 1149 - 1591
5 and insert:

6 Appraiser, County Tax Collector, and District Superintendent of
7 Schools, ~~and Supervisor of Elections.~~

8 6. The official titles ~~Thereafter follows: members of the~~
9 Board of County Commissioner ~~Commissioners~~, followed by the
10 applicable district, and such other county and district offices
11 as are involved in the election, in the order fixed by the



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12 Department of State, followed, in the year of their election, by
13 "Party Offices," and thereunder the offices of state and county
14 party executive committee members.

15 (b) In a general election, in addition to the names printed
16 on the ballot, a blank space shall be provided under each
17 ~~heading for an~~ office for which a write-in candidate has
18 qualified. With respect to write-in candidates, if two or more
19 candidates are seeking election to one office, only one blank
20 space shall be provided.

21 (c) ~~(b)~~ When more than one candidate is nominated for
22 office, the candidates for such office shall qualify and run in
23 a group or district, and the group or district number shall be
24 printed beneath the name of the office. Each nominee of a
25 political party chosen in a primary shall appear on the general
26 election ballot in the same numbered group or district as on the
27 primary election ballot.

28 (d) ~~(c)~~ If in any election all the offices as set forth in
29 paragraph (a) are not involved, those offices not to be filled
30 shall be omitted and the remaining offices shall be arranged on
31 the ballot in the order named.

32 (3) (a) The names of the candidates of the party that
33 received the highest number of votes for Governor in the last
34 election in which a Governor was elected shall be placed first
35 ~~under the heading~~ for each office on the general election
36 ballot, together with an appropriate abbreviation of the party
37 name; the names of the candidates of the party that received the
38 second highest vote for Governor shall be placed second ~~under~~
39 ~~the heading~~ for each office, together with an appropriate
40 abbreviation of the party name.



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41 (b) Minor political party candidates and candidates with no
42 party affiliation shall have their names appear on the general
43 election ballot following the names of recognized political
44 parties, in the same order as they were qualified ~~certified~~.

45 Section 33. Subsection (5) of section 101.5612, Florida
46 Statutes, is amended to read:

47 101.5612 Testing of tabulating equipment.-

48 (5) Any tests involving marksense ballots pursuant to this
49 section shall employ test ~~preprinted~~ ballots created by the
50 supervisor of elections using actual ballots that have been
51 printed for the election. ~~If preprinted ballots will be used in~~
52 ~~the election, and~~ ballot-on-demand ballots will be used in the
53 election, the supervisor shall also create test ballots using
54 the, if ballot-on-demand technology that will be used to produce
55 ballots in the election, using the same paper stock as will be
56 used for ballots in the election ~~or both.~~

57 Section 34. Section 101.591, Florida Statutes, is amended
58 to read:

59 (Substantial rewording of section. See
60 s. 101.591, F.S., for present text.)

61 101.591 Postcertification manual audit.-

62 (1) The county canvassing board or the local board
63 responsible for certifying the election shall conduct a manual
64 audit of the voting system used in the election. The audit shall
65 be conducted by performing manual counts of votes on marksense
66 ballots and of ballot images on direct recording electronic
67 machines in randomly selected precincts and comparing them to
68 the corresponding certification for the purpose of ensuring that
69 the voting system used in the election properly accounted for



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70 all votes.

71 (2) Except as otherwise provided in this section, the audit
72 shall consist of a public manual count of the votes cast in
73 three randomly selected races appearing on the ballot in 3
74 percent of the precincts in which those races were conducted. If
75 3 percent of the precincts equals less than a whole number, the
76 number of precincts to be audited shall be rounded up to the
77 next whole number. The races and the precincts shall be selected
78 at a publicly noticed canvassing board meeting. The random
79 selection of the races and precincts shall be conducted at 3
80 p.m. on the 9th day after a primary election and at 3 p.m. on
81 the 14th day after a general election.

82 (3) The audit shall begin as soon as practicable after the
83 selection of races and precincts. The canvassing board shall
84 publish a notice of the audit, including the date, time, and
85 place thereof, in a newspaper of general circulation in the
86 county and post the notice on the home page of the supervisor of
87 elections' Internet website at least 48 hours before the
88 beginning of the audit.

89 (4) The audit must be completed and the results made public
90 no later than 11:59 p.m. on the 7th day after selection of the
91 races and precincts. Within 7 days after completion of the
92 audit, the county canvassing board or local board responsible
93 for conducting the audit shall provide a report with the results
94 of the audit to the Department of State in a standard format as
95 prescribed by the department.

96 (5) In any election in which a candidate or issue was
97 entitled to a review or counting of overvotes or undervotes
98 pursuant to s. 102.166, such candidate or committee chair may



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99 request in writing that a manual audit be conducted in that
100 race. For federal, state, or multicounty candidates, the request
101 shall be made to the Secretary of State, who shall immediately
102 notify all counties affected by the request. For all other
103 candidates, the request shall be made to the canvassing board
104 responsible for certifying the election. The request must be
105 received no later than 1 p.m. on the 9th day following a primary
106 election or no later than 1 p.m. on the 14th day following a
107 general election. If a request is made pursuant to this
108 subsection, that race will replace one of the races randomly
109 selected under subsection (2). If there are more than three such
110 requests, the county canvassing board shall decide by lot the
111 three races to be audited.

112 (6) The Department of State shall adopt rules to administer
113 this section.

114 Section 35. Subsection (1) of section 101.6952, Florida
115 Statutes, is amended to read:

116 101.6952 Absentee ballots for overseas voters.—

117 (1) If an overseas voter's request for an absentee ballot
118 includes an e-mail address, the supervisor of elections shall:

119 (a) Record the voter's e-mail address in the absentee
120 ballot record;

121 (b) Confirm via e-mail that the absentee request was
122 received and inform the voter of the estimated date that the
123 ballot will be sent to the voter;

124 (c) Inform the voter of the names of candidates who will be
125 on the ballots via electronic transmission. The supervisor of
126 elections shall e-mail to the voter the list of candidates for
127 the primary and general election not later than 30 days before



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128 each election; and

129 (d) Notify the voter via e-mail when the voted absentee
130 ballot is received by the supervisor of elections.

131 Section 36. Section 101.697, Florida Statutes, is amended
132 to read:

133 101.697 Electronic transmission of election materials.—The
134 Department of State shall determine whether secure electronic
135 means can be established for requesting, sending, or receiving
136 absentee ballots and ballot materials to and from overseas
137 voters. Such means may include e-mails, facsimiles, or other
138 forms of electronic transmission. If such security can be
139 established, the department shall adopt rules to authorize such
140 activities that, at a minimum, provide for a supervisor of
141 elections to accept from an overseas voter a request for an
142 absentee ballot or a voted absentee ballot by secure facsimile
143 machine transmission or other secure electronic means. The rules
144 must provide that in order to accept a voted ballot, the
145 verification of the voter's identity, secrecy of the ballot,
146 unless explicitly waived by the voter, voter must be
147 established, the security of the transmission must be
148 established, and the recording of each ballot received by the
149 supervisor must be recorded.

150 Section 37. Section 102.111, Florida Statutes, is amended
151 to read:

152 102.111 Elections Canvassing Commission.—

153 (1) The Elections Canvassing Commission shall consist of
154 the Governor and two members of the Cabinet selected by the
155 Governor, all of whom shall serve ex officio. If a member of the
156 ~~Elections Canvassing~~ commission is unable to serve for any



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157 reason, the Governor shall appoint a remaining member of the
158 Cabinet. If there is a further vacancy, the remaining members of
159 the commission shall agree on another elected official to fill
160 the vacancy.

161 (2) The Elections Canvassing Commission shall meet at 9
162 a.m. on the 9th day after a primary election and at 9 a.m. on
163 the 14th day after a general election to, ~~as soon as the~~
164 ~~official results are compiled from all counties,~~ certify the
165 returns of the election and ~~determine and declare who has been~~
166 ~~elected~~ for each federal, state, and multicounty office. If a
167 member of a county canvassing board that was constituted
168 pursuant to s. 102.141 determines, within 5 days after the
169 certification by the Elections Canvassing Commission, that a
170 typographical error occurred in the official returns of the
171 county, the correction of which could result in a change in the
172 outcome of an election, the county canvassing board must certify
173 corrected returns to the Department of State within 24 hours,
174 and the Elections Canvassing Commission must correct and
175 recertify the election returns as soon as practicable.

176 (3) ~~(2)~~ The Division of Elections shall provide the staff
177 services required by the Elections Canvassing Commission.

178 Section 38. Subsection (2) of section 102.112, Florida
179 Statutes, is amended to read:

180 102.112 Deadline for submission of county returns to the
181 Department of State.—

182 (2) Returns must be filed by 5 p.m. on the 7th day
183 following a primary election and by noon on the 12th day
184 following the general election. However, the Department of State
185 may correct typographical errors, including the transposition of



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186 numbers, in any returns submitted to the Department of State
187 pursuant to s. 102.111(2)(1).

188 Section 39. Subsection (7) of section 102.141, Florida
189 Statutes, is amended to read:

190 102.141 County canvassing board; duties.—

191 (7) If the unofficial returns reflect that a candidate for
192 any office was defeated or eliminated by one-half of a percent
193 or less of the votes cast for such office, that a candidate for
194 retention to a judicial office was retained or not retained by
195 one-half of a percent or less of the votes cast on the question
196 of retention, or that a measure appearing on the ballot was
197 approved or rejected by one-half of a percent or less of the
198 votes cast on such measure, ~~the board responsible for certifying~~
199 ~~the results of the vote on such race or measure shall order a~~
200 recount shall be ordered of the votes cast with respect to such
201 office or measure. The Secretary of State Elections Canvassing
202 Commission is ~~the board~~ responsible for ordering recounts in
203 federal, state, and multicounty races ~~recounts~~. The county
204 canvassing board or the local board responsible for certifying
205 the election is responsible for ordering recounts in all other
206 races. A recount need not be ordered with respect to the returns
207 for any office, however, if the candidate or candidates defeated
208 or eliminated from contention for such office by one-half of a
209 percent or less of the votes cast for such office request in
210 writing that a recount not be made.

211 (a) Each canvassing board responsible for conducting a
212 recount shall put each marksense ballot through automatic
213 tabulating equipment and determine whether the returns correctly
214 reflect the votes cast. If any marksense ballot is physically



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215 damaged so that it cannot be properly counted by the automatic
216 tabulating equipment during the recount, a true duplicate shall
217 be made of the damaged ballot pursuant to the procedures in s.
218 101.5614(5). Immediately before the start of the recount, a test
219 of the tabulating equipment shall be conducted as provided in s.
220 101.5612. If the test indicates no error, the recount tabulation
221 of the ballots cast shall be presumed correct and such votes
222 shall be canvassed accordingly. If an error is detected, the
223 cause therefor shall be ascertained and corrected and the
224 recount repeated, as necessary. The canvassing board shall
225 immediately report the error, along with the cause of the error
226 and the corrective measures being taken, to the Department of
227 State. No later than 11 days after the election, the canvassing
228 board shall file a separate incident report with the Department
229 of State, detailing the resolution of the matter and identifying
230 any measures that will avoid a future recurrence of the error.

231 (b) Each canvassing board responsible for conducting a
232 recount where touchscreen ballots were used shall examine the
233 counters on the precinct tabulators to ensure that the total of
234 the returns on the precinct tabulators equals the overall
235 election return. If there is a discrepancy between the overall
236 election return and the counters of the precinct tabulators, the
237 counters of the precinct tabulators shall be presumed correct
238 and such votes shall be canvassed accordingly.

239 (c) The canvassing board shall submit on forms or in
240 formats provided by the division a second set of unofficial
241 returns to the Department of State for each federal, statewide,
242 state, or multicounty office or ballot measure. Such returns
243 shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after



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244 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
245 day after any general election in which a recount was ordered by
246 the Secretary of State ~~conducted pursuant to this subsection~~. If
247 the canvassing board is unable to complete the recount
248 prescribed in this subsection by the deadline, the second set of
249 unofficial returns submitted by the canvassing board shall be
250 identical to the initial unofficial returns and the submission
251 shall also include a detailed explanation of why it was unable
252 to timely complete the recount. However, the canvassing board
253 shall complete the recount prescribed in this subsection, along
254 with any manual recount prescribed in s. 102.166, and certify
255 election returns in accordance with the requirements of this
256 chapter.

257 (d) The Department of State shall adopt detailed rules
258 prescribing additional recount procedures for each certified
259 voting system, which shall be uniform to the extent practicable.

260 Section 40. Section 102.166, Florida Statutes, is amended
261 to read:

262 102.166 Manual recounts of overvotes and undervotes.-

263 (1) If the second set of unofficial returns pursuant to s.
264 102.141 indicates that a candidate for any office was defeated
265 or eliminated by one-quarter of a percent or less of the votes
266 cast for such office, that a candidate for retention to a
267 judicial office was retained or not retained by one-quarter of a
268 percent or less of the votes cast on the question of retention,
269 or that a measure appearing on the ballot was approved or
270 rejected by one-quarter of a percent or less of the votes cast
271 on such measure, the board responsible for certifying the
272 results of the vote on such race or measure shall order a manual



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273 recount of the overvotes and undervotes cast in the entire
274 geographic jurisdiction of such office or ballot measure. A
275 manual recount may not be ordered, however, if the number of
276 overvotes, undervotes, and provisional ballots is fewer than the
277 number of votes needed to change the outcome of the election.

278 (2) (a) Any hardware or software used to identify and sort
279 overvotes and undervotes for a given race or ballot measure must
280 be certified by the Department of State as part of the voting
281 system pursuant to s. 101.015. Any such hardware or software
282 must be capable of simultaneously counting votes.

283 (b) Overvotes and undervotes shall be identified and sorted
284 while recounting ballots pursuant to s. 102.141, if the hardware
285 or software for this purpose has been certified or the
286 department's rules so provide.

287 (3) Any manual recount shall be open to the public.

288 (4) (a) A vote for a candidate or ballot measure shall be
289 counted if there is a clear indication on the ballot that the
290 voter has made a definite choice.

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

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

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

300 (5) Procedures for a manual recount are as follows:

301 (a) The county canvassing board shall appoint as many



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302 counting teams of at least two electors as is necessary to
303 manually recount the ballots. A counting team must have, when
304 possible, members of at least two political parties. A candidate
305 involved in the race shall not be a member of the counting team.

306 (b) Each duplicate ballot prepared pursuant to s.
307 101.5614(5) or s. 102.141(7) shall be compared with the original
308 ballot to ensure the correctness of the duplicate.

309 (c) If a counting team is unable to determine whether the
310 ballot contains a clear indication that the voter has made a
311 definite choice, the ballot shall be presented to the county
312 canvassing board for a determination.

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

- 317 1. Security of ballots during the recount process;
318 2. Time and place of recounts;
319 3. Public observance of recounts;
320 4. Objections to ballot determinations;
321 5. Record of recount proceedings; and
322 6. Procedures relating to candidate and petitioner
323 representatives.

324 Section 41. Subsections (2) and (4) of section 102.168,
325 Florida Statutes, are amended to read:

326 102.168 Contest of election.—

327 (2) Such contestant shall file a complaint, together with
328 the fees prescribed in chapter 28, with the clerk of the circuit
329 court no later than 5 p.m. on the 22nd day after the date of
330 ~~within 10 days after midnight of the date the last board~~



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331 ~~responsible for certifying the results~~ officially certifies the
332 ~~results of~~ the election being contested.

333 (4) The ~~county~~ canvassing board responsible for canvassing
334 the election is an indispensable ~~and proper~~ party defendant in
335 county and local elections. ~~+~~ The Elections Canvassing Commission
336 is an indispensable ~~and proper~~ party defendant in federal,
337 state, and multicounty elections and in elections for justice of
338 the Supreme Court, judge of a district court of appeal, and
339 judge of a circuit court. ~~aces; and~~ The successful candidate is
340 an indispensable party to any action brought to contest the
341 election or nomination of a candidate.

342 Section 42. Subsections (3), (4), and (5) of section
343 105.031, Florida Statutes, are amended to read:

344 105.031 Qualification; filing fee; candidate's oath; items
345 required to be filed.—

346 (3) QUALIFYING FEE.—Each candidate qualifying for election
347 to a judicial office, the office of supervisor of elections, or
348 the office of school board member, except write-in ~~judicial or~~
349 ~~school board~~ candidates, shall, during the time for qualifying,
350 pay to the officer with whom he or she qualifies a qualifying
351 fee, which shall consist of a filing fee and an election
352 assessment, or qualify by the petition process. The amount of
353 the filing fee is 3 percent of the annual salary of the office
354 sought. The amount of the election assessment is 1 percent of
355 the annual salary of the office sought. The Department of State
356 shall forward all filing fees to the Department of Revenue for
357 deposit in the Elections Commission Trust Fund. The supervisor
358 of elections shall forward all filing fees to the Elections
359 Commission Trust Fund. The election assessment shall be



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360 deposited into the Elections Commission Trust Fund. The annual
361 salary of the office for purposes of computing the qualifying
362 fee shall be computed by multiplying 12 times the monthly salary
363 authorized for such office as of July 1 immediately preceding
364 the first day of qualifying. This subsection shall not apply to
365 candidates qualifying for retention to judicial office.

366 (4) CANDIDATE'S OATH.—

367 (a) All candidates for the office of supervisor of
368 elections or the office of school board member shall subscribe
369 to the oath as prescribed in s. 99.021.

370 (b) All candidates for judicial office shall subscribe to
371 an oath or affirmation in writing to be filed with the
372 appropriate qualifying officer upon qualifying. A ~~printed~~ copy
373 of the oath or affirmation shall be made available ~~furnished~~ to
374 the candidate by the qualifying officer and shall be in
375 substantially the following form:

376

377 State of Florida

378 County of

379 Before me, an officer authorized to administer oaths,
380 personally appeared ... (please print name as you wish it to
381 appear on the ballot) ..., to me well known, who, being sworn,
382 says he or she: is a candidate for the judicial office of;
383 that his or her legal residence is County, Florida; that he
384 or she is a qualified elector of the state and of the
385 territorial jurisdiction of the court to which he or she seeks
386 election; that he or she is qualified under the constitution and
387 laws of Florida to hold the judicial office to which he or she
388 desires to be elected or in which he or she desires to be



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389 ~~retained; that he or she has taken the oath required by ss.~~
390 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
391 for no other public office in the state, the term of which
392 office or any part thereof runs concurrent to the office he or
393 she seeks; ~~and~~ that he or she has resigned from any office which
394 he or she is required to resign pursuant to s. 99.012, Florida
395 Statutes; and that he or she will support the Constitution of
396 the United States and the Constitution of the State of Florida.

397 ... (Signature of candidate) ...

398 ... (Address) ...

399
400 Sworn to and subscribed before me this day of,
401 ... (year), ... at County, Florida.

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

403 (5) ITEMS REQUIRED TO BE FILED.—

404 (a) In order for a candidate for judicial office, the
405 office of supervisor of elections, or the office of school board
406 member to be qualified, the original of the following items must
407 be received by the filing officer by the end of the qualifying
408 period:

409 1. Except for candidates for retention to judicial office,
410 a properly executed check drawn upon the candidate's campaign
411 account payable to the person or entity as prescribed by the
412 filing officer in an amount not less than the fee required by
413 subsection (3), unless the candidate obtained the required
414 number of signatures on petitions ~~or, in lieu thereof, the copy~~
415 ~~of the notice of obtaining ballot position~~ pursuant to s.
416 105.035. If a candidate's check is returned by the bank for any
417 reason, the filing officer shall immediately notify the



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418 candidate and the candidate shall, the end of qualifying
419 notwithstanding, have 48 hours from the time such notification
420 is received, excluding Saturdays, Sundays, and legal holidays,
421 to pay the fee with a cashier's check purchased from funds of
422 the campaign account. Failure to pay the fee as provided in this
423 subparagraph shall disqualify the candidate.

424 2. The candidate's oath required by subsection (4), which
425 must contain the name of the candidate as it is to appear on the
426 ballot; the office sought, including the district or group
427 number if applicable; and the signature of the candidate, duly
428 notarized pursuant to s. 117.05 ~~acknowledged~~.

429 ~~3. The loyalty oath required by s. 876.05, signed by the~~
430 ~~candidate and duly acknowledged.~~

431 3.4. The completed form for the appointment of campaign
432 treasurer and designation of campaign depository, as required by
433 s. 106.021, to include the name, address, and telephone number
434 of the candidate; the office sought, with district, circuit, or
435 group designation, as applicable; the name, address, and
436 telephone number of the campaign treasurer; the name and address
437 of the primary campaign depository; the dated signatures of the
438 candidate and the campaign treasurer; and the acceptance of the
439 appointment by the campaign treasurer. In addition, each
440 candidate for judicial office, including an incumbent judge,
441 shall file a statement with the qualifying officer, within 10
442 days after filing the appointment of campaign treasurer and
443 designation of campaign depository, stating that the candidate
444 has read and understands the requirements of the Florida Code of
445 Judicial Conduct. Such statement shall be in substantially the
446 following form:



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Statement of Candidate for Judicial Office

I, ...(name of candidate)..., a judicial candidate, have been provided access to ~~received~~, read, and understand the requirements of the Florida Code of Judicial Conduct.

...(Signature of candidate)...

...(Date)...

~~4.5.~~ The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution, duly notarized pursuant to s. 117.05, or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section that do not include all items ~~as~~ required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

Section 43. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors;



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476 duties.-

477 (1) A supervisor of elections shall be elected in a
478 nonpartisan election in each county at the general election in
479 each year the number of which is a multiple of four for a 4-year
480 term commencing on the first Tuesday after the first Monday in
481 January succeeding his or her election. Each supervisor shall,
482 before performing any of his or her duties, take the oath
483 prescribed in s. 5, Art. II of the State Constitution.

484 Section 44. Section 105.035, Florida Statutes, is amended
485 to read:

486 105.035 Petition process of qualifying for certain judicial
487 offices, the office of supervisor of elections, and the office
488 of school board member.-

489 (1) A person seeking to qualify for election to the office
490 of circuit judge, ~~or~~ county court judge, supervisor of
491 elections, or ~~the office of~~ school board member may qualify for
492 election to such office by means of the petitioning process
493 prescribed in this section. A person qualifying by this petition
494 process is not required to pay the qualifying fee required by
495 this chapter.

496 (2) The petition format shall be prescribed by the Division
497 of Elections and shall be used by the candidate to reproduce
498 petitions for circulation. If the candidate is running for an
499 office that will be grouped on the ballot with two or more
500 similar offices to be filled at the same election, the
501 candidate's petition must indicate, prior to the obtaining of
502 registered electors' signatures, for which group or district
503 office the candidate is running.

504 (3) Each candidate for election to a judicial office, the



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505 office of supervisor of elections, or the office of school board
506 member shall obtain the signature of a number of qualified
507 electors equal to at least 1 percent of the total number of
508 registered electors of the district, circuit, county, or other
509 geographic entity represented by the office sought as shown by
510 the compilation by the Department of State for the last
511 preceding general election. A separate petition shall be
512 circulated for each candidate availing himself or herself of the
513 provisions of this section. Signatures may not be obtained until
514 the candidate has filed the appointment of campaign treasurer
515 and designation of campaign depository pursuant to s. 106.021.

516 (4) (a) Each candidate seeking to qualify for election to
517 the office of circuit judge or the office of school board member
518 from a multicounty school district pursuant to this section
519 shall file a separate petition from each county from which
520 signatures are sought. Each petition shall be submitted, prior
521 to noon of the 28th day preceding the first day of the
522 qualifying period for the office sought, to the supervisor of
523 elections of the county for which such petition was circulated.
524 Each supervisor of elections to whom a petition is submitted
525 shall check the signatures on the petition to verify their
526 status as electors of that county and of the geographic area
527 represented by the office sought. No later than the 7th day
528 before the first date for qualifying, the supervisor shall
529 certify the number shown as registered electors and submit such
530 certification to the Division of Elections. The division shall
531 determine whether the required number of signatures has been
532 obtained for the name of the candidate to be placed on the
533 ballot and shall notify the candidate. If the required number of



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534 signatures has been obtained, the candidate shall, during the
535 time prescribed for qualifying for office, submit a copy of such
536 notice and file his or her qualifying papers and oath prescribed
537 in s. 105.031 with the Division of Elections. Upon receipt of
538 the copy of such notice and qualifying papers, the division
539 shall certify the name of the candidate to the appropriate
540 supervisor or supervisors of elections as having qualified for
541 the office sought.

542 (b) Each candidate seeking to qualify for election to the
543 office of county court judge, the office of supervisor of
544 elections, or the office of school board member from a single
545 county school district pursuant to this section shall submit his
546 or her petition, before ~~prior to~~ noon of the 28th day preceding
547 the first day of the qualifying period for the office sought, to
548 the supervisor of elections of the county for which such
549 petition was circulated. The supervisor shall check the
550 signatures on the petition to verify their status as electors of
551 the county and of the geographic area represented by the office
552 sought. No later than the 7th day before the first date for
553 qualifying, the supervisor shall determine whether the required
554 number of signatures has been obtained for the name of the
555 candidate to be placed on the ballot and shall notify the
556 candidate. If the required number of signatures has been
557 obtained, the candidate shall, during the time prescribed for
558 qualifying for office, submit a copy of such notice and file his
559 or her qualifying papers and oath prescribed in s. 105.031 with
560 the qualifying officer. Upon receipt of the copy of such notice
561 and qualifying papers, such candidate shall be entitled to have
562 his or her name printed on the ballot.



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563 Section 45. Subsection (4) of section 105.041, Florida
564 Statutes, is amended to read:

565 105.041 Form of ballot.—

566 (4) WRITE-IN CANDIDATES.—Space shall be made available on
567 the general election ballot for an elector to write in the name
568 of a write-in candidate for judge of a circuit court or county
569 court, the office of supervisor of elections, or member of a
570 school board if a candidate has qualified as a write-in
571 candidate for such office pursuant to s. 105.031. This
572 subsection shall not apply to the offices of justices and judges
573 seeking retention.

574 Section 46. Paragraph (a) of subsection (1) of section
575 105.051, Florida Statutes, is amended to read:

576 105.051 Determination of election or retention to office.—

577 (1) ELECTION.—In circuits and counties holding elections:

578 (a) The name of an unopposed candidate for the office of
579 circuit judge, county court judge, supervisor of elections, or
580 member of a school board shall not appear on any ballot, and
581 such candidate shall be deemed to have voted for himself or
582 herself at the general election.

583 Section 47. Subsection (3) is added to section 105.061,
584 Florida Statutes, to read:

585 105.061 Electors qualified to vote.—

586 (3) The election of the supervisor of elections shall be by
587 vote of the qualified electors of the county.

588 Section 48. Subsection (1) of section 105.08, Florida
589 Statutes, is amended to read:

590 105.08 Campaign contribution and expense; reporting.—

591 (1) A candidate for judicial office, the office of



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592 supervisor of elections, or the office of school board member
593 may accept contributions and may incur only such expenses as are
594 authorized by law. Each such candidate shall keep an accurate
595 record of his or her contributions and expenses, and shall file
596 reports pursuant to chapter 106.

597 Section 49. Section 105.09, Florida Statutes, is amended to
598 read:

599 105.09 Political activity on ~~in~~ behalf of a candidate for
600 judicial office or the office of supervisor of elections
601 limited.-

602 (1) A ~~No~~ political party or partisan political organization
603 may not shall endorse, support, or assist any candidate in a
604 campaign for election to judicial office or the office of
605 supervisor of elections.

606 (2) Any person who knowingly, in an individual capacity or
607 as an officer of an organization, violates the provisions of
608 this section commits ~~is guilty of~~ a misdemeanor of the second
609 degree, punishable as provided in s. 775.082 or s. 775.083.

610
611
612 ===== T I T L E A M E N D M E N T =====

613 And the title is amended as follows:

614 Delete lines 1940 - 1982

615 and insert:

616 deleting a provision requiring that the title
617 "supervisor of elections" and the names of candidates
618 running for such office appear under the heading
619 entitled "County" on election ballots; requiring that
620 marksense ballots be printed by precinct; revising



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621 ballot layout specifications; clarifying the order of
622 candidate offices on a ballot title; amending s.
623 101.5612, F.S.; requiring the use of certain ballots
624 and technology for preelection testing of tabulating
625 equipment; amending s. 101.591, F.S.; revising
626 provisions relating to voting system audits; requiring
627 postelection, random audits of voting systems;
628 providing audit procedures; requiring the publication
629 of an audit notice; prescribing requirements for audit
630 reports; providing procedures for requesting an audit;
631 requiring that the Department of State adopt rules;
632 amending s. 101.6952, F.S.; revising procedures for
633 processing absentee ballot requests and communicating
634 by electronic mail with overseas voters; amending s.
635 101.697, F.S.; requiring that the Department of State
636 determine whether secure electronic means can be
637 established for requesting, sending, or receiving
638 absentee ballots and ballot materials to and from
639 overseas voters; requiring that the department adopt
640 rules for specified purposes if such security can be
641 established; amending s. 102.111, F.S.; clarifying
642 that the Governor and Cabinet members shall serve ex
643 officio on the Elections Canvassing Commission;
644 establishing meeting times for the commission;
645 amending s. 102.112, F.S.; conforming a cross-
646 reference; amending s. 102.141, F.S.; providing
647 circumstances under which the Secretary of State,
648 county canvassing board, or local board is responsible
649 for ordering recounts in elections; amending s.



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650 102.166, F.S.; providing for manual recounts of
651 overvotes and undervotes; amending s. 102.168, F.S.;
652 revising the time to submit a complaint contesting an
653 election; identifying indispensable parties in actions
654 to contest an election; amending s. 105.031, F.S.;
655 requiring that candidates for the office of supervisor
656 of elections pay a specified qualifying fee, subscribe
657 to an oath, and file certain items with the supervisor
658 of elections before the end of the qualifying period;
659 requiring that a candidate's oath for candidates for
660 certain nonpartisan offices to be made available to
661 each candidate by the qualifying officer; deleting a
662 requirement that the candidate take a certain oath;
663 requiring that the candidate attest in the oath that
664 he or she will support the federal and state
665 constitutions; specifying items required to be filed
666 in order to qualify for office; amending s. 98.015,
667 F.S.; requiring that a supervisor of elections in each
668 county be elected in a nonpartisan election; amending
669 s. 105.035, F.S.; including candidates for the office
670 of supervisor of elections among the list of
671 candidates who may qualify for election by a specified
672 petition process; amending s. 105.041, F.S.; requiring
673 that space be made available on a general election
674 ballot for an elector to write in the name of a write-
675 in candidate for the office of supervisor of elections
676 if such candidate has qualified as a write-in
677 candidate pursuant to state law; amending s. 105.051,
678 F.S.; prohibiting the name of an unopposed candidate



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679 for the office of supervisor of elections from
680 appearing on any ballot; amending s. 105.061, F.S.;
681 requiring that the election of a supervisor of
682 elections be by vote of the qualified electors of a
683 county; amending s. 105.08, F.S.; limiting the
684 contributions that may be accepted and the expenses
685 that may be incurred by a candidate for the office of
686 supervisor of elections; requiring such candidates to
687 keep an accurate record of such contributions and
688 expenses; requiring that such information be reported
689 in accordance with state law; amending s. 105.09,
690 F.S.; prohibiting a political party or partisan
691 political organization from endorsing, supporting, or
692 assisting any candidate in a campaign for election to
693 the office of supervisor of elections; providing that
694 it is a second-degree misdemeanor to knowingly commit
695 such acts; amending s. 876.05,