



294434

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2009	.	
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The Committee on Ethics and Elections (Diaz de la Portilla) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 97.0115, Florida Statutes, is created to read:

97.0115 Preemption.—All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically provided by law.

Section 2. Present subsections (14) and (15) of section 97.012, Florida Statutes, are renumbered as subsections (15) and



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12 (16), respectively, and a new subsection (14) is added to that
13 section, to read:

14 97.012 Secretary of State as chief election officer.—The
15 Secretary of State is the chief election officer of the state,
16 and it is his or her responsibility to:

17 (14) Provide direction and opinions to the supervisors of
18 elections on the performance of their official duties with
19 respect to chapters 97-102 and chapter 105 or rules adopted by
20 the Department of State.

21 Section 3. Subsections (1) and (2) and paragraph (a) of
22 subsection (3) of section 97.0535, Florida Statutes, are
23 amended, and subsection (5) is added to that section, to read:

24 97.0535 Special requirements for certain applicants.—

25 (1) Each applicant who registers by mail and who has never
26 previously voted in the state and who the department has
27 verified has not been issued a current and valid Florida
28 driver's license, Florida identification card, or social
29 security number shall be required to provide a copy of a current
30 and valid identification, as provided in subsection (3), or
31 indicate that he or she is exempt from the requirements ~~prior to~~
32 ~~voting~~. Such identification or indication may be provided at the
33 time of registering, or at any time before election day ~~prior to~~
34 ~~voting for the first time in the state~~. If the voter
35 registration application clearly provides information from which
36 a voter registration official can determine that the applicant
37 meets at least one of the exemptions in subsection (4), the
38 voter registration official shall make the notation on the
39 registration records of the statewide voter registration system
40 and the applicant shall not be required to provide the



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41 identification required by this section.

42 (2) The voter registration official shall, upon accepting
43 the voter registration application submitted pursuant to
44 subsection (1), determine if the applicant provided the required
45 identification at the time of registering. If the required
46 identification was not provided, the supervisor shall notify the
47 applicant that he or she must provide the identification before
48 election day ~~prior to voting the first time in the state.~~

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

- 52 1. United States passport.
- 53 2. Debit or credit card.
- 54 3. Military identification.
- 55 4. Student identification.
- 56 ~~5. Retirement center identification.~~
- 57 ~~6. Neighborhood association identification.~~
- 58 ~~5.7. Public assistance identification.~~

59 (5) The supervisor of elections must validate the
60 registration before election day. An applicant whose
61 registration has not been validated in accordance with this
62 section must vote a provisional ballot subject to the
63 requirements and procedures set forth in s. 101.048.

64 Section 4. Section 97.0575, Florida Statutes, is amended to
65 read:

66 97.0575 Third-party voter registrations.—

67 (1) A third-party voter registration organization shall
68 register and provide to the division the following information:

69 (a) The names of the officers of the organization and the



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70 name and permanent address of the organization;

71 (b) The names, permanent addresses, temporary addresses, if
72 any, and dates of birth of each registration agent registering
73 persons to vote in this state on behalf of the organization; and

74 (c) A sworn statement from each registration agent employed
75 by or volunteering for the organization stating that the agent
76 will obey all state laws and rules regarding the registration of
77 voters. Such statement must be on a form containing notice of
78 applicable criminal penalties for false registration.

79 (2) The division or the supervisor of elections shall make
80 voter registration forms available to third-party voter
81 registration organizations. All such forms must contain
82 information identifying the organization to which the forms are
83 provided. The division and the supervisor of elections shall
84 maintain a database of all third-party registration
85 organizations and the voter registration forms assigned to the
86 third-party registration organizations. Such information must be
87 provided in electronic format as provided by division rule. By
88 noon of each day, such information must also be updated, made
89 publicly available, and, with respect to records in the
90 supervisor's database, provided to the division.

91 (3) (a) A third-party voter registration organization that
92 collects voter registration applications serves as a fiduciary
93 to the applicant, ensuring that any voter registration
94 application entrusted to the organization, irrespective of party
95 affiliation, race, ethnicity, or gender, shall be promptly
96 delivered to the division or the supervisor of elections within
97 48 hours after the applicant completes it or the next business
98 day if the appropriate office is closed for that 48-hour period.



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99 (b) A showing by the organization that the failure to
100 deliver the voter registration application within the required
101 timeframe is based upon force majeure or impossibility of
102 performance shall be an affirmative defense to a violation of
103 this subsection.

104 (4) A person who willfully violates this section commits a
105 misdemeanor of the first degree, punishable as provided in s.
106 775.082 or s. 775.083, and such person's status as a
107 registration agent shall be revoked. If the person who violates
108 this subsection is an officer of an organization or an employee
109 who has decision-making authority involving the organization's
110 voter registration activities, such organization is subject to a
111 civil penalty of \$250 for each violation.

112 (5) If the Secretary of State reasonably believes that a
113 person has committed a violation of any provision of this
114 section, the secretary shall refer the matter to the Attorney
115 General or the state attorney for enforcement. The Attorney
116 General may institute a civil action for a violation of the
117 provisions of this section or to prevent a violation of the
118 provisions of this section. An action for relief may include a
119 permanent or temporary injunction, a restraining order, or any
120 other appropriate order.

121 ~~(1) Prior to engaging in any voter registration activities,~~
122 ~~a third-party voter registration organization shall name a~~
123 ~~registered agent in the state and submit to the division, in a~~
124 ~~form adopted by the division, the name of the registered agent~~
125 ~~and the name of those individuals responsible for the day-to-day~~
126 ~~operation of the third-party voter registration organization,~~
127 ~~including, if applicable, the names of the entity's board of~~



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128 ~~directors, president, vice president, managing partner, or such~~
129 ~~other individuals engaged in similar duties or functions. On or~~
130 ~~before the 15th day after the end of each calendar quarter, each~~
131 ~~third-party voter registration organization shall submit to the~~
132 ~~division a report providing the date and location of any~~
133 ~~organized voter registration drives conducted by the~~
134 ~~organization in the prior calendar quarter.~~

135 ~~(2) The failure to submit the information required by~~
136 ~~subsection (1) does not subject the third-party voter~~
137 ~~registration organization to any civil or criminal penalties for~~
138 ~~such failure, and the failure to submit such information is not~~
139 ~~a basis for denying such third-party voter registration~~
140 ~~organization with copies of voter registration application~~
141 ~~forms.~~

142 ~~(3) A third-party voter registration organization that~~
143 ~~collects voter registration applications serves as a fiduciary~~
144 ~~to the applicant, ensuring that any voter registration~~
145 ~~application entrusted to the third-party voter registration~~
146 ~~organization, irrespective of party affiliation, race,~~
147 ~~ethnicity, or gender shall be promptly delivered to the division~~
148 ~~or the supervisor of elections. If a voter registration~~
149 ~~application collected by any third-party voter registration~~
150 ~~organization is not promptly delivered to the division or~~
151 ~~supervisor of elections, the third-party voter registration~~
152 ~~organization shall be liable for the following fines:~~

153 ~~(a) A fine in the amount of \$50 for each application~~
154 ~~received by the division or the supervisor of elections more~~
155 ~~than 10 days after the applicant delivered the completed voter~~
156 ~~registration application to the third-party voter registration~~



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157 ~~organization or any person, entity, or agent acting on its~~
158 ~~behalf. A fine in the amount of \$250 for each application~~
159 ~~received if the third-party registration organization or person,~~
160 ~~entity, or agency acting on its behalf acted willfully.~~

161 ~~(b) A fine in the amount of \$100 for each application~~
162 ~~collected by a third-party voter registration organization or~~
163 ~~any person, entity, or agent acting on its behalf, prior to book~~
164 ~~closing for any given election for federal or state office and~~
165 ~~received by the division or the supervisor of elections after~~
166 ~~the book closing deadline for such election. A fine in the~~
167 ~~amount of \$500 for each application received if the third-party~~
168 ~~registration organization or person, entity, or agency acting on~~
169 ~~its behalf acted willfully.~~

170 ~~(c) A fine in the amount of \$500 for each application~~
171 ~~collected by a third-party voter registration organization or~~
172 ~~any person, entity, or agent acting on its behalf, which is not~~
173 ~~submitted to the division or supervisor of elections. A fine in~~
174 ~~the amount of \$1,000 for any application not submitted if the~~
175 ~~third-party registration organization or person, entity, or~~
176 ~~agency acting on its behalf acted willfully.~~

177
178 ~~The aggregate fine pursuant to this subsection which may be~~
179 ~~assessed against a third-party voter registration organization,~~
180 ~~including affiliate organizations, for violations committed in a~~
181 ~~calendar year shall be \$1,000. The fines provided in this~~
182 ~~subsection shall be reduced by three-fourths in cases in which~~
183 ~~the third-party voter registration organization has complied~~
184 ~~with subsection (1). The secretary shall waive the fines~~
185 ~~described in this subsection upon a showing that the failure to~~



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186 ~~deliver the voter registration application promptly is based~~
187 ~~upon force majeure or impossibility of performance.~~

188 (6) (4) (a) The division shall adopt by rule a form to elicit
189 specific information concerning the facts and circumstances from
190 a person who claims to have been registered to vote by a third-
191 party voter registration organization but who does not appear as
192 an active voter on the voter registration rolls. The division
193 shall also adopt rules to ensure the integrity of the
194 registration process, including rules requiring that third-party
195 voter registration organizations account for all state and
196 federal registration forms used by their registration agents.

197 ~~(b) The division may investigate any violation of this~~
198 ~~section. Civil fines shall be assessed by the division and~~
199 ~~enforced through any appropriate legal proceedings.~~

200 ~~(5) The date on which an applicant signs a voter~~
201 ~~registration application is presumed to be the date on which the~~
202 ~~third-party voter registration organization received or~~
203 ~~collected the voter registration application.~~

204 (7) (6) The civil fines provided in this section are in
205 addition to any applicable criminal penalties.

206 ~~(7) Fines collected pursuant to this section shall be~~
207 ~~annually appropriated by the Legislature to the department for~~
208 ~~enforcement of this section and for voter education.~~

209 ~~(8) The division may adopt rules to administer this~~
210 ~~section.~~

211 Section 5. Subsections (2) and (3) of section 98.065,
212 Florida Statutes, are amended to read:

213 98.065 Registration list maintenance programs.—

214 (2) A supervisor must incorporate one or more of the



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215 following procedures in the supervisor's ~~biennial~~ registration
216 list maintenance program under which:

217 (a) Change-of-address information supplied by the United
218 States Postal Service through its licensees is used to identify
219 registered voters whose addresses might have changed;

220 (b) Change-of-address information is identified from
221 returned nonforwardable return-if-undeliverable mail sent to all
222 registered voters in the county; or

223 (c) Change-of-address information is identified from
224 returned nonforwardable return-if-undeliverable address
225 confirmation requests mailed to all registered voters who have
226 not voted in the last 2 years and who did not make a written
227 request that their registration records be updated during that
228 time.

229 (3) A registration list maintenance program must be
230 conducted by each supervisor, at a minimum, quarterly in each
231 odd-numbered year and monthly during each even-numbered year,
232 except that the program must be completed no ~~not~~ later than 90
233 days before ~~prior to~~ the date of any federal election. All list
234 maintenance actions associated with each voter must be entered,
235 tracked, and maintained in the statewide voter registration
236 system.

237 Section 6. Subsection (8) is added to section 99.012,
238 Florida Statutes, to read:

239 99.012 Restrictions on individuals qualifying for public
240 office.—

241 (8) Any person who does not comply with this section shall
242 not be qualified as a candidate for election and shall be
243 removed from the ballot by the qualifying officer.



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244 Section 7. Paragraph (d) is added to subsection (4) of
245 section 100.111, Florida Statutes, present subsection (5) of
246 that section is redesignated as subsection (6), and a new
247 subsection (5) is added to that section, to read:

248 100.111 Filling vacancy.—

249 (4)

250 (d) A candidate for any state legislative or county office
251 who wins an open primary shall be deemed elected at that time.

252 (5) A vacancy in nomination is not created if it is
253 determined that a nominee did not properly qualify or does not
254 meet the necessary qualifications to hold the office for which
255 he or she sought to qualify.

256 Section 8. Subsection (3) and paragraph (a) of subsection
257 (6) of section 100.371, Florida Statutes, are amended to read:

258 100.371 Initiatives; procedure for placement on ballot.—

259 (3) An initiative petition form circulated for signature
260 may not be bundled with or attached to any other petition. Each
261 signature shall be dated when made and shall be valid for a
262 period of 2 4 years following such date, provided all other
263 requirements of law are met. The sponsor shall submit signed and
264 dated forms to the appropriate supervisor of elections for
265 verification as to the number of registered electors whose valid
266 signatures appear thereon. Petition forms must be submitted to
267 the supervisor of elections within 45 days after the date on
268 which the petition was signed to be valid. The supervisor shall
269 promptly verify the signatures within 30 days of receipt of the
270 petition forms and payment of the fee required by s. 99.097. The
271 supervisor shall promptly record, in the manner prescribed by
272 the Secretary of State, the date each form is received by the



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273 supervisor, and the date the signature on the form is verified
274 as valid. The supervisor may verify that the signature on a form
275 is valid only if:

276 (a) The form contains the original signature of the
277 purported elector.

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

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

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

286

287 The supervisor shall retain the signature forms for at least 1
288 year following the election in which the issue appeared on the
289 ballot or until the Division of Elections notifies the
290 supervisors of elections that the committee which circulated the
291 petition is no longer seeking to obtain ballot position.

292 (6) (a) An elector's signature on a petition form may be
293 ~~revoked within 150 days of the date on which he or she signed~~
294 ~~the petition form~~ by submitting to the appropriate supervisor of
295 elections a signed petition-revocation form.

296 Section 9. Subsection (1) of section 101.043, Florida
297 Statutes, is amended to read:

298 101.043 Identification required at polls.—

299 (1) The precinct register, as prescribed in s. 98.461,
300 shall be used at the polls for the purpose of identifying the
301 elector at the polls prior to allowing him or her to vote. The



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302 clerk or inspector shall require each elector, upon entering the
303 polling place, to present one of the following current and valid
304 picture identifications:

- 305 (a) Florida driver's license.
- 306 (b) Florida identification card issued by the Department of
307 Highway Safety and Motor Vehicles.
- 308 (c) United States passport.
- 309 (d) Debit or credit card.
- 310 (e) Military identification.
- 311 (f) Student identification.
- 312 ~~(g) Retirement center identification.~~
- 313 ~~(h) Neighborhood association identification.~~
- 314 (g) ~~(i)~~ Public assistance identification.

315
316 If the picture identification does not contain the signature of
317 the voter, an additional identification that provides the
318 voter's signature shall be required. The elector shall sign his
319 or her name in the space provided on the precinct register or on
320 an electronic device provided for recording the voter's
321 signature. The clerk or inspector shall compare the signature
322 with that on the identification provided by the elector and
323 enter his or her initials in the space provided on the precinct
324 register or on an electronic device provided for that purpose
325 and allow the elector to vote if the clerk or inspector is
326 satisfied as to the identity of the elector.

327 Section 10. Paragraph (d) of subsection (2) of section
328 101.045, Florida Statutes, is amended to read:

329 101.045 Electors must be registered in precinct; provisions
330 for change of residence or name.-



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331 (2)
332 (d) Such affirmation or application, when completed and
333 presented at the precinct in which such elector is entitled to
334 vote, and upon verification of the elector's registration, shall
335 entitle such elector to vote as provided in this subsection. If
336 the elector's eligibility to vote cannot be determined or the
337 elector presents the affirmation or application to change his or
338 her address less than 29 days before an election, he or she
339 shall be required ~~entitled~~ to vote a provisional ballot, subject
340 to the requirements and procedures in s. 101.048. Upon receipt
341 of an affirmation or application certifying a change in address
342 of legal residence or name, the supervisor shall as soon as
343 practicable make the necessary changes in the statewide voter
344 registration system to indicate the change in address of legal
345 residence or name of such elector.

346 Section 11. Subsection (2) of section 101.131, Florida
347 Statutes, is amended, and subsections (4), (5), and (6) are
348 added to that section, to read:

349 101.131 Watchers at polls.-

350 (2) Each party, each political committee, and each
351 candidate requesting to have poll watchers shall designate, in
352 writing to the supervisor of elections, on a form prescribed by
353 the division, before ~~prior to~~ noon of the second Tuesday
354 preceding the election poll watchers for each polling room on
355 election day. Designations of poll watchers for early voting
356 areas shall be submitted in writing to the supervisor of
357 elections, on a form prescribed by the division, before noon at
358 least 14 days before early voting begins. The poll watchers for
359 ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of



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360 elections on or before the Tuesday before the election. Poll
361 watchers for early voting areas shall be approved by the
362 supervisor of elections no later than 7 days before early voting
363 begins. The supervisor shall furnish to each election board a
364 list of the poll watchers designated and approved for such
365 polling rooms ~~room~~ or early voting areas ~~area~~. Poll watchers
366 shall be designated by the chairman of the county executive
367 committee of a political party, the chairman of a political
368 committee, or the candidate requesting the presence of poll
369 watchers.

370 (4) All poll watchers shall be allowed to enter and watch
371 polls at all polling rooms and early voting areas within the
372 county in which they have been designated if the number of poll
373 watchers at any particular polling place does not exceed the
374 number provided in this section.

375 (5) The supervisor of elections shall provide to each
376 designated poll watcher no later than 7 days before early voting
377 begins a poll watcher identification badge, identifying the poll
378 watcher by name. Each poll watcher shall display his or her
379 identification badge while in the polling room or early voting
380 area.

381 (6) The division shall adopt by rule the style and
382 requirements for the poll watcher form required in subsection
383 (2).

384 Section 12. Subsections (3) and (4) of section 101.62,
385 Florida Statutes, are amended to read:

386 101.62 Request for absentee ballots.—

387 (3) For each request for an absentee ballot received, the
388 supervisor shall record the date the request was made, the date



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389 the absentee ballot was delivered to the voter or the voter's
390 designee or the date the absentee ballot was delivered to the
391 post office or other carrier, the date the ballot was received
392 by the supervisor, and such other information he or she may deem
393 necessary. This information shall be provided in electronic
394 format as provided by rule adopted by the division. This
395 information shall be made available during the period beginning
396 60 days before a primary election and ending 15 days after the
397 general election. The information shall be updated and made
398 available no later than noon of each day and shall be
399 contemporaneously provided to the division. This information
400 shall be confidential and exempt from the provisions of s.
401 119.07(1) and shall be made available to or reproduced only for
402 the voter requesting the ballot, a canvassing board, an election
403 official, a political party or official thereof, a candidate who
404 has filed qualification papers and is opposed in an upcoming
405 election, and registered political committees or registered
406 committees of continuous existence, for political purposes only.

407 (4) (a) To each absent qualified elector overseas who has
408 requested an absentee ballot, the supervisor of elections shall
409 mail an absentee ballot not less than 35 days before the primary
410 election and not less than 45 days before the general election.

411 (b) The supervisor of elections shall begin mailing
412 absentee ballots 40 days before the primary election and 50 days
413 before the general election to each absent qualified elector,
414 including any absent qualified elector overseas, who has
415 requested such a ballot. Except as otherwise provided in
416 subsection (2) and after the period described in this paragraph,
417 the supervisor shall mail absentee ballots within 48 hours after



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418 receiving a request for such ballot.

419 (c) The supervisor shall provide an absentee ballot to each
420 elector by whom a request for that ballot has been made by one
421 of the following means:

422 1. By nonforwardable, return-if-undeliverable mail to the
423 elector's current mailing address on file with the supervisor,
424 unless the elector specifies in the request that:

425 a. The elector is absent from the county and does not plan
426 to return before the day of the election;

427 b. The elector is temporarily unable to occupy the
428 residence because of hurricane, tornado, flood, fire, or other
429 emergency or natural disaster; or

430 c. The elector is in a hospital, assisted living facility,
431 nursing home, short-term medical or rehabilitation facility, or
432 correctional facility,

433

434 in which case the supervisor shall mail the ballot by
435 nonforwardable, return-if-undeliverable mail to any other
436 address the elector specifies in the request.

437 2. By forwardable mail to voters who are entitled to vote
438 by absentee ballot under the Uniformed and Overseas Citizens
439 Absentee Voting Act.

440 3. By personal delivery before 7 p.m. on election day to
441 the elector, upon presentation of the identification required in
442 s. 101.043.

443 4. By delivery to a designee on election day or up to 5
444 days before ~~prior to~~ the day of an election. Any elector may
445 designate in writing a person to pick up the ballot for the
446 elector; however, the person designated may not pick up more



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447 than two absentee ballots per election, other than the
448 designee's own ballot, except that additional ballots may be
449 picked up for members of the designee's immediate family. For
450 purposes of this section, "immediate family" means the
451 designee's spouse or the parent, child, grandparent, or sibling
452 of the designee or of the designee's spouse. The designee shall
453 provide to the supervisor the written authorization by the
454 elector and a picture identification of the designee and must
455 complete an affidavit. The designee shall state in the affidavit
456 that the designee is authorized by the elector to pick up that
457 ballot and shall indicate if the elector is a member of the
458 designee's immediate family and, if so, the relationship. The
459 department shall prescribe the form of the affidavit. If the
460 supervisor is satisfied that the designee is authorized to pick
461 up the ballot and that the signature of the elector on the
462 written authorization matches the signature of the elector on
463 file, the supervisor shall give the ballot to that designee for
464 delivery to the elector.

465 Section 13. Subsection (2) of section 101.64, Florida
466 Statutes, is amended, and subsection (5) is added to that
467 section, to read:

468 101.64 Delivery of absentee ballots; envelopes; form.—

469 (2) The certificate shall be arranged on the back of the
470 mailing envelope so that the line for the signature of the
471 absent elector is across the seal of the envelope; however, no
472 statement shall appear on the envelope which indicates that a
473 signature of the voter must cross the seal of the envelope. The
474 absent elector shall execute the certificate on the envelope.
475 The supervisor of elections may not place on the mailing



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476 envelope any information indicating the voter's party
477 affiliation or no-party-affiliation status.

478 (5) The supervisor shall establish and maintain a prepaid
479 account with the United States Postal Service for the purpose of
480 paying postage on absentee ballots returned to the supervisor
481 with insufficient postage.

482 Section 14. Subsection (2) of section 101.6923, Florida
483 Statutes, is amended to read:

484 101.6923 Special absentee ballot instructions for certain
485 first-time voters.-

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

489
490 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
491 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
492 BALLOT NOT TO COUNT.

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

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

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



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- 505 4. Place your marked ballot in the enclosed secrecy
506 envelope and seal the envelope.
- 507 5. Insert the secrecy envelope into the enclosed envelope
508 bearing the Voter's Certificate. Seal the envelope and
509 completely fill out the Voter's Certificate on the back of the
510 envelope.
- 511 a. You must sign your name on the line above (Voter's
512 Signature).
- 513 b. If you are an overseas voter, you must include the date
514 you signed the Voter's Certificate on the line above (Date) or
515 your ballot may not be counted.
- 516 6. Unless you meet one of the exemptions in Item 7., you
517 must make a copy of one of the following forms of
518 identification:
- 519 a. Identification which must include your name and
520 photograph: United States passport; debit or credit card;
521 military identification; student identification; ~~retirement~~
522 ~~center identification; neighborhood association identification;~~
523 or public assistance identification; or
- 524 b. Identification which shows your name and current
525 residence address: current utility bill, bank statement,
526 government check, paycheck, or government document (excluding
527 voter identification card).
- 528 7. The identification requirements of Item 6. do not apply
529 if you meet one of the following requirements:
- 530 a. You are 65 years of age or older.
- 531 b. You have a temporary or permanent physical disability.
- 532 c. You are a member of a uniformed service on active duty
533 who, by reason of such active duty, will be absent from the



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534 county on election day.

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

538 e. You are the spouse or dependent of a member referred to
539 in paragraph c. or paragraph d. who, by reason of the active
540 duty or service of the member, will be absent from the county on
541 election day.

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

543 8. Place the envelope bearing the Voter's Certificate into
544 the mailing envelope addressed to the supervisor. Insert a copy
545 of your identification in the mailing envelope. DO NOT PUT YOUR
546 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
547 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
548 BALLOT WILL NOT COUNT.

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

551 10. FELONY NOTICE. It is a felony under Florida law to
552 accept any gift, payment, or gratuity in exchange for your vote
553 for a candidate. It is also a felony under Florida law to vote
554 in an election using a false identity or false address, or under
555 any other circumstances making your ballot false or fraudulent.

556 Section 15. Paragraphs (a) and (b) of subsection (4) of
557 section 102.031, Florida Statutes, are amended to read:

558 102.031 Maintenance of good order at polls; authorities;
559 persons allowed in polling rooms and early voting areas;
560 unlawful solicitation of voters.—

561 (4) (a) No person, political committee, committee of
562 continuous existence, or other group or organization may solicit



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563 voters inside the polling place or within 100 feet of the
564 entrance to any polling place, ~~or~~ polling room where the polling
565 place is also a polling room, or early voting site, and may not
566 solicit within 100 feet of voters standing in line to enter any
567 polling place or early voting site. Before the opening of the
568 polling place or early voting site, the clerk or supervisor
569 shall designate the no-solicitation zone and mark the
570 boundaries.

571 (b) For the purpose of this subsection, whether in person
572 or by means of audio or visual equipment, the terms "solicit" or
573 "solicitation" shall include, but not be limited to, seeking or
574 attempting to seek any vote, fact, opinion, or contribution;
575 distributing or attempting to distribute any political or
576 campaign material, leaflet, or handout; conducting a poll except
577 as specified in this paragraph; seeking or attempting to seek a
578 signature on any petition; offering legal advice regarding
579 voting or ballots; and selling or attempting to sell any item.
580 The terms "solicit" or "solicitation" shall not be construed to
581 prohibit exit polling.

582 Section 16. Subsection (4), paragraph (b) of subsection
583 (6), and subsection (7) of section 103.091, Florida Statutes,
584 are amended, present subsection (8) of that section is
585 redesignated as subsection (9), and a new subsection (8) is
586 added to that section, to read:

587 103.091 Political parties.—

588 (4) Any political party other than a minor political party
589 may by rule provide for the membership of its state or county
590 executive committee to be elected for 4-year terms at the
591 primary election in each year a presidential election is held.



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592 Such political party may adopt any additional requirements for
593 qualifying for the office of state or county executive committee
594 in addition to any other requirements imposed by law. The terms
595 shall commence on the first day of the month following each
596 presidential general election; but the names of candidates for
597 political party offices shall not be placed on the ballot at any
598 other election. The results of such election shall be determined
599 by a plurality of the votes cast. In such event, electors
600 seeking to qualify for such office shall do so with the
601 Department of State or supervisor of elections not earlier than
602 noon of the 71st day, or later than noon of the 67th day,
603 preceding the primary election. The outgoing chair of each
604 county executive committee shall, within 30 days after the
605 committee members take office, hold an organizational meeting of
606 all newly elected members for the purpose of electing officers.
607 The chair of each state executive committee shall, within 60
608 days after the committee members take office, hold an
609 organizational meeting of all newly elected members for the
610 purpose of electing officers.

611 (6)

612 (b) Each state executive committee shall include, as at-
613 large committeemen and committeewomen, all members of the United
614 States Congress representing the State of Florida who are
615 members of the political party, all statewide elected officials
616 who are members of the party, ~~10 Florida registered voters who~~
617 ~~are members of the party as appointed by the Governor if the~~
618 ~~Governor is a member of the party,~~ and the President of the
619 Senate or the Minority Leader in the Senate, and the Speaker of
620 the House of Representatives or the Minority Leader in the House



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621 of Representatives, whichever is a member of the political
622 party. The state executive committee shall also include members
623 of the political party equal to the number of elected senators
624 who are members of the political party, only half of whom must
625 be senators as appointed by the President of the Senate or the
626 Minority Leader in the Senate, whichever is a member of the
627 political party; members of the political party equal to the
628 number of elected senators who are members of the political
629 party, only half of whom must be representatives as appointed by
630 the Speaker of the House of Representatives, or the Minority
631 Leader of the House of Representatives, whichever is a member of
632 the political party; and members of the political party equal to
633 the number of elected senators who are members of the political
634 party as appointed by the Governor if the Governor is a member
635 of the political party. If the Governor is not a member of the
636 political party, the senior Florida United States Senator who is
637 a member of the political party shall appoint such members. If
638 there is no United States Senator who is a member of the
639 political party, the appointments that would otherwise be made
640 by the Governor or the United States Senator may not be made.~~7~~
641 ~~and 20 members of the Legislature who are members of the~~
642 ~~political party. Ten of the legislators shall be appointed with~~
643 ~~the concurrence of the state chair of the respective party, as~~
644 ~~follows: five to be appointed by the President of the Senate;~~
645 ~~five by the Minority Leader in the Senate; five by the Speaker~~
646 ~~of the House of Representatives; and five by the Minority Leader~~
647 ~~in the House.~~

648 (7) Members of the state executive committee or governing
649 body may vote by proxy if proxy voting is permitted by party



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650 rule.

651 (8) Each member of a state executive committee, whether
652 elected or appointed, shall be considered a full member with all
653 rights and privileges of that office.

654 Section 17. Paragraph (c) is added to subsection (1) of
655 section 103.121, Florida Statutes, to read:

656 103.121 Powers and duties of executive committees.-

657 (1)

658 (c) Venue for any action involving a political party's
659 constitution, rules, or bylaws shall be in the Circuit Court of
660 Leon County.

661 Section 18. Subsections (1) and (16) of section 106.011,
662 Florida Statutes, are amended to read:

663 106.011 Definitions.-As used in this chapter, the following
664 terms have the following meanings unless the context clearly
665 indicates otherwise:

666 (1) (a) "Political committee" means:

667 1. A combination of two or more individuals, or a person
668 other than an individual, that, in an aggregate amount in excess
669 of \$500 during a single calendar year:

670 a. Accepts contributions for the purpose of making
671 contributions to any candidate, political committee, committee
672 of continuous existence, or political party;

673 b. Accepts contributions for the purpose of expressly
674 advocating the election or defeat of a candidate or the passage
675 or defeat of an issue;

676 c. Makes expenditures that expressly advocate the election
677 or defeat of a candidate or the passage or defeat of an issue;
678 or



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679 d. Makes contributions to a common fund, other than a joint
680 checking account between spouses, from which contributions are
681 made to any candidate, political committee, committee of
682 continuous existence, or political party;

683 2. The sponsor of a proposed constitutional amendment by
684 initiative who intends to seek the signatures of registered
685 electors.

686 (b) Notwithstanding paragraph (a), the following entities
687 are not considered political committees for purposes of this
688 chapter:

689 1. Organizations which are certified by the Department of
690 State as committees of continuous existence pursuant to s.
691 106.04, national political parties, and the state and county
692 executive committees of political parties regulated by chapter
693 103.

694 2. Corporations regulated by chapter 607 or chapter 617 or
695 other business entities formed for purposes other than to
696 support or oppose issues or candidates, if their political
697 activities are limited to contributions to candidates, political
698 parties, or political committees or expenditures in support of
699 or opposition to an issue from corporate or business funds and
700 if no contributions are received by such corporations or
701 business entities.

702 3. Electioneering communications organizations as defined
703 in subsection (19); however, such organizations shall be
704 required to register with and report expenditures and
705 contributions, including contributions received from committees
706 of continuous existence, to the Division of Elections in the
707 same manner, at the same time, and subject to the same penalties



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708 as a political committee supporting or opposing an issue or a
709 legislative candidate, except as otherwise specifically provided
710 in this chapter.

711 4. Organizations registered as political committees or
712 other such similar entities with another state.

713 (16) "Candidate" means any person to whom any one or more
714 of the following apply:

715 (a) Any person who seeks to qualify for nomination or
716 election by means of the petitioning process.

717 (b) Any person who seeks to qualify for election as a
718 write-in candidate.

719 (c) Any person who receives contributions or makes
720 expenditures, or consents for any other person to receive
721 contributions or make expenditures, with a view to bring about
722 his or her nomination or election to, or retention in, public
723 office. Expenditures related to potential candidate polls as
724 defined in s. 106.17 are not contributions or expenditures for
725 purposes of this subsection.

726 (d) Any person who appoints a treasurer and designates a
727 primary depository.

728 (e) Any person who files qualification papers and
729 subscribes to a candidate's oath as required by law.

730

731 However, this definition does not include any candidate for a
732 political party executive committee.

733 Section 19. Subsection (2) of section 106.08, Florida
734 Statutes, is amended to read:

735 106.08 Contributions; limitations on.-

736 (2) (a) A candidate may not accept contributions from



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737 national, state, including any subordinate committee of a
738 national, state, or county committee of a political party, and
739 county executive committees of a political party, which
740 contributions in the aggregate exceed \$50,000, ~~no more than~~
741 ~~\$25,000 of which may be accepted prior to the 28-day period~~
742 ~~immediately preceding the date of the general election.~~

743 (b) A candidate for statewide office may not accept
744 contributions from national, state, or county executive
745 committees of a political party, including any subordinate
746 committee of a national, state, or county committee of a
747 political party, which contributions in the aggregate exceed
748 \$250,000, ~~no more than \$125,000 of which may be accepted prior~~
749 ~~to the 28-day period immediately preceding the date of the~~
750 ~~general election.~~ Polling services, research services, costs for
751 campaign staff including office expenses, professional
752 consulting services, communications media, and telephone calls
753 are not contributions to be counted toward the contribution
754 limits of paragraph (a) or this paragraph. Any item not
755 expressly identified in this paragraph as nonallocable is a
756 contribution in an amount equal to the fair market value of the
757 item and must be counted as allocable toward the contribution
758 limits of paragraph (a) or this paragraph. Nonallocable, in-kind
759 contributions must be reported by the candidate under s. 106.07
760 and by the political party under s. 106.29.

761 Section 20. Subsection (6) of section 106.141, Florida
762 Statutes, is amended to read:

763 106.141 Disposition of surplus funds by candidates.—

764 (6) Before ~~Prior to~~ disposing of funds pursuant to
765 subsection (4) or transferring funds into an office account



766 pursuant to subsection (5), any candidate who filed an oath
767 stating that he or she was unable to pay the election assessment
768 or fee for verification of petition signatures without imposing
769 an undue burden on his or her personal resources or on resources
770 otherwise available to him or her, or who filed both such oaths,
771 or who qualified by the petition process and was not required to
772 pay an election assessment, shall reimburse the state or local
773 governmental entity, whichever is applicable, for such waived
774 assessment or fee or both. Such reimbursement shall be made
775 first for the cost of petition verification and then, if funds
776 are remaining, for the amount of the election assessment. If
777 there are insufficient funds in the account to pay the full
778 amount of either the assessment or the fee or both, the
779 remaining funds shall be disbursed in the above manner until no
780 funds remain. All funds disbursed pursuant to this subsection
781 shall be remitted to the qualifying officer. Any reimbursement
782 for petition verification costs which are reimbursable by the
783 state shall be forwarded by the qualifying officer to the state
784 for deposit in the General Revenue Fund. All reimbursements for
785 the amount of the election assessment shall be forwarded by the
786 qualifying officer to the Department of State for deposit in the
787 General Revenue Fund. The qualifying officer shall notify the
788 candidate of any amounts owed for the election assessment or
789 petition verification fee no later than 7 days after the
790 candidate becomes unopposed or withdraws.

791 Section 21. Subsection (2) of section 106.143, Florida
792 Statutes, is amended, and subsection (9) is added to that
793 section, to read:

794 106.143 Political advertisements circulated prior to



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795 election; requirements.-

796 (2)(a) Any political advertisement of a candidate running
797 for partisan office shall express the name of the political
798 party of which the candidate is seeking nomination or is the
799 nominee. If the candidate for partisan office is running as a
800 candidate with no party affiliation, any political advertisement
801 of the candidate must state that the candidate has no party
802 affiliation.

803 (b) Political advertisements made pursuant to s. 106.08
804 must prominently state: "Paid political advertisement paid for
805 in kind by (name of political party). Approved by (name of
806 person, party affiliation and office sought in the political
807 advertisement).

808 (9) Political advertisements paid for by political parties
809 may use names and abbreviations as registered pursuant to s.
810 103.081 in the disclaimer.

811 Section 22. Section 106.17, Florida Statutes, is amended to
812 read:

813 106.17 Polls and surveys relating to candidacies.—Any
814 candidate, political committee, committee of continuous
815 existence, electioneering communication organization, or state
816 or county executive committee of a political party may authorize
817 or conduct a political poll, survey, index, or measurement of
818 any kind relating to candidacy for public office so long as the
819 candidate, political committee, committee of continuous
820 existence, electioneering communication organization, or
821 political party maintains complete jurisdiction over the poll in
822 all its aspects. A state or county executive committee of a
823 political party may authorize and conduct political polls for



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824 the purpose of determining the viability of a potential
825 candidate. Such poll results may be shared with the potential
826 candidate if the potential candidate has not filed as a
827 candidate or write-in candidate or sought to qualify for
828 elective office by the petition process before the results of
829 the poll are shared. Expenditures incurred by state and county
830 executive committees for potential candidate polls do not
831 constitute contributions to potential candidates.

832 Section 23. Subsections (4) and (6) of section 106.24,
833 Florida Statutes, are amended to read:

834 106.24 Florida Elections Commission; membership; powers;
835 duties.-

836 (4) The commission shall appoint an executive director,
837 subject to confirmation by the Senate. The executive director
838 ~~who~~ shall serve under the direction, supervision, and control of
839 the commission. The executive director shall be appointed for a
840 term of 2 years. An executive director may not serve for more
841 than four consecutive 2-year terms. The executive director, with
842 the consent of the commission, shall employ such staff as are
843 necessary to adequately perform the functions of the commission,
844 within budgetary limitations. All employees, except the
845 executive director and attorneys, are subject to part II of
846 chapter 110. The executive director shall serve at the pleasure
847 of the commission and be subject to part III of chapter 110,
848 except that the commission shall have complete authority for
849 setting the executive director's salary. Attorneys employed by
850 the commission shall be subject to part V of chapter 110.

851 (6) There is hereby established in the State Treasury an
852 Elections Commission Trust Fund to be utilized by the Division



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853 of Elections and the Florida Elections Commission in order to
854 carry out their duties pursuant to ss. 106.24-106.28. The trust
855 fund may also be used by the Secretary of State, pursuant to his
856 or her authority under s. 97.012(15) ~~s. 97.012(14)~~, to provide
857 rewards for information leading to criminal convictions related
858 to voter registration fraud, voter fraud, and vote scams.

859 Section 24. Subsection (1) of section 106.29, Florida
860 Statutes, is amended to read:

861 106.29 Reports by political parties; restrictions on
862 contributions and expenditures; penalties.-

863 (1) The state executive committee and each county executive
864 committee of each political party regulated by chapter 103 shall
865 file regular reports of all contributions received and all
866 expenditures made by such committee. Such reports shall contain
867 the same information as do reports required of candidates by s.
868 106.07, except that expenditures for salaries may be reported in
869 the aggregate. Such reports ~~and~~ shall be filed on the 10th day
870 following the end of each calendar quarter, except that, during
871 the period from the last day for candidate qualifying until the
872 general election, such reports shall be filed on the Friday
873 immediately preceding both the primary election and the general
874 election. In addition to the reports filed under this section,
875 the state executive committee and each county executive
876 committee shall file a copy of each prior written acceptance of
877 an in-kind contribution given by the committee during the
878 preceding calendar quarter as required under s. 106.08(6). Each
879 state executive committee shall file the original and one copy
880 of its reports with the Division of Elections. Each county
881 executive committee shall file its reports with the supervisor



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882 of elections in the county in which such committee exists. Any
883 state or county executive committee failing to file a report on
884 the designated due date shall be subject to a fine as provided
885 in subsection (3). No separate fine shall be assessed for
886 failure to file a copy of any report required by this section.

887 Section 25. Section 106.295, Florida Statutes, is amended
888 to read:

889 (1) For purposes of this section:

890 (a) "Leadership fund" means accounts comprised of any
891 moneys contributed to a political party, directly or indirectly,
892 which are designated to be used at the partial or total
893 discretion of a leader.

894 (b) "Leader" means the President of the Senate, the Speaker
895 of the House of Representatives, the majority leader and the
896 minority leader of each house, and any person designated by a
897 political caucus of members of either house to succeed to any
898 such position.

899 (2) Notwithstanding any other provision of law, leadership
900 funds are authorized ~~prohibited~~ in this state. ~~No leader shall~~
901 ~~accept any leadership funds.~~

902 ~~(3) This section applies to leadership funds in existence~~
903 ~~on or after January 1, 1990.~~

904 Section 26. Subsection (6) of section 97.052, Florida
905 Statutes, is repealed.

906 Section 27. Subsection (1) of section 97.073, Florida
907 Statutes, is amended to read:

908 97.073 Disposition of voter registration applications;
909 cancellation notice.—

910 (1) The supervisor must notify each applicant whether ~~of~~



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911 ~~the disposition of the applicant's voter registration~~
912 ~~application. The notice must inform the applicant that the~~
913 ~~application has been approved, is incomplete, has been denied,~~
914 ~~or is a duplicate of a current registration. A voter information~~
915 ~~card sent to an applicant constitutes notice of approval of~~
916 ~~registration.~~

917 (a) If the application is approved, the supervisor shall
918 send the voter information card to the applicant no later than 2
919 weeks after approval. A voter information card sent to an
920 applicant constitutes notice of approval of registration.

921 (b) If the application is incomplete because it fails to
922 provide any of the information required by s. 97.053(5), the
923 supervisor must request that the applicant supply the missing
924 information using a voter registration application signed by the
925 applicant. The notice must be sent by mail within 5 business
926 days after the supervisor has the information available in the
927 voter registration system. If the applicant does not respond
928 within 1 year after the date notice is sent, the application
929 record will be closed and the applicant shall be required to
930 submit another application.

931 (c) If the application is denied, the supervisor shall
932 include in the A notice of denial must inform the applicant of
933 the reason the application was denied. The notice must be sent
934 by mail within 5 business days after the supervisor has the
935 information available in the voter registration system.

936 (d) If the application is a duplicate of a current
937 registration record, the supervisor shall process the
938 application as an update and enter updated information,
939 including the signature, into the current registration record.



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940 The voter shall be notified that his or her voter registration
941 record has been updated and shall be issued a new voter
942 information card.

943 Section 28. Subsection (3) of section 98.075, Florida
944 Statutes, is amended to read:

945 98.075 Registration records maintenance activities;
946 ineligibility determinations.—

947 (3) DECEASED PERSONS.—

948 (a)1. The department shall identify those registered voters
949 who are deceased by comparing information on the lists of
950 deceased persons received or obtained from:

951 a. The Department of Health as provided in s. 98.093.

952 b. The United States Social Security Administration,
953 including, but not limited to, any master death file or index
954 compiled by the administration.

955 2. Within 7 days after ~~Upon~~ receipt of such information
956 through the statewide voter registration system, the supervisor
957 shall remove the name of the registered voter.

958 (b) The supervisor shall remove the name of a deceased
959 registered voter from the statewide voter registration system
960 upon receipt of a copy of a death certificate issued by a
961 governmental agency authorized to issue death certificates.

962 Section 29. Paragraph (a) of subsection (1) of section
963 99.021, Florida Statutes, is amended to read:

964 99.021 Form of candidate oath.—

965 (1) (a)1. Each candidate, whether a party candidate, a
966 candidate with no party affiliation, or a write-in candidate, in
967 order to qualify for nomination or election to any office other
968 than a judicial office as defined in chapter 105 or a federal



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969 office, shall take and subscribe to an oath or affirmation in
970 writing. A ~~printed~~ copy of the oath or affirmation shall be made
971 available ~~furnished~~ to the candidate by the officer before whom
972 such candidate seeks to qualify and shall be substantially in
973 the following form:

974
975 State of Florida
976 County of....

977 Before me, an officer authorized to administer oaths,
978 personally appeared ...(please print name as you wish it to
979 appear on the ballot)..., to me well known, who, being sworn,
980 says that he or she is a candidate for the office of; that
981 he or she is a qualified elector of County, Florida; that
982 he or she is qualified under the Constitution and the laws of
983 Florida to hold the office to which he or she desires to be
984 nominated or elected; ~~that he or she has taken the oath required~~
985 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
986 qualified for no other public office in the state, the term of
987 which office or any part thereof runs concurrent with that of
988 the office he or she seeks; ~~and~~ that he or she has resigned from
989 any office from which he or she is required to resign pursuant
990 to s. 99.012, Florida Statutes; and that he or she will support
991 the Constitution of the United States and the Constitution of
992 the State of Florida.

993 ... (Signature of candidate)...

994 ... (Address)...

995
996 Sworn to and subscribed before me this day of,
997 ...(year),... at County, Florida.



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1027 Section 30. Subsections (5) and (7) of section 99.061,
1028 Florida Statutes, are amended to read:

1029 99.061 Method of qualifying for nomination or election to
1030 federal, state, county, or district office.-

1031 (5) At the time of qualifying for office, each candidate
1032 for a constitutional office shall file a full and public
1033 disclosure of financial interests pursuant to s. 8, Art. II of
1034 the State Constitution, duly notarized pursuant to s. 117.05,
1035 and a candidate for any other office, including local elective
1036 office, shall file a statement of financial interests pursuant
1037 to s. 112.3145.

1038 (7) (a) In order for a candidate to be qualified, the
1039 original of the following items must be received by the filing
1040 officer by the end of the qualifying period:

1041 1. A properly executed check drawn upon the candidate's
1042 campaign account payable to the person or entity as prescribed
1043 by the filing officer in an amount not less than the fee
1044 required by s. 99.092, unless the candidate obtained the
1045 required number of signatures on petitions ~~or, in lieu thereof,~~
1046 ~~as applicable, the copy of the notice of obtaining ballot~~
1047 ~~position~~ pursuant to s. 99.095. The filing fee for a special
1048 district candidate is not required to be drawn upon the
1049 candidate's campaign account. If a candidate's check is returned
1050 by the bank for any reason, the filing officer shall immediately
1051 notify the candidate and the candidate shall, the end of
1052 qualifying notwithstanding, have 48 hours from the time such
1053 notification is received, excluding Saturdays, Sundays, and
1054 legal holidays, to pay the fee with a cashier's check purchased
1055 from funds of the campaign account. Failure to pay the fee as



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1056 provided in this subparagraph shall disqualify the candidate.

1057 2. The candidate's oath required by s. 99.021, which must
1058 contain the name of the candidate as it is to appear on the
1059 ballot; the office sought, including the district or group
1060 number if applicable; and the signature of the candidate, duly
1061 notarized pursuant to s. 117.05 ~~acknowledged~~.

1062 ~~3. The loyalty oath required by s. 876.05, signed by the~~
1063 ~~candidate and duly acknowledged.~~

1064 ~~3.4.~~ If the office sought is partisan, the written
1065 statement of political party affiliation required by s.
1066 99.021(1)(b).

1067 ~~4.5.~~ The ~~completed form for the~~ appointment of campaign
1068 treasurer and designation of campaign depository, as required by
1069 s. 106.021, to include the name, address, and telephone number
1070 of the candidate; the office sought, with district, circuit, or
1071 group designation, as applicable; the party affiliation, as
1072 applicable; the name, address, and telephone number of the
1073 campaign treasurer; the name and address of the primary campaign
1074 depository; the dated signatures of the candidate and the
1075 campaign treasurer; and the acceptance of the appointment by the
1076 campaign treasurer.

1077 ~~5.6.~~ The full and public disclosure or statement of
1078 financial interests required by subsection (5). A public officer
1079 who has filed the full and public disclosure or statement of
1080 financial interests with the Commission on Ethics or the
1081 supervisor of elections prior to qualifying for office may file
1082 a copy of that disclosure at the time of qualifying.

1083 (b) If the filing officer receives qualifying papers during
1084 the qualifying period prescribed in this section that do not



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1085 include all items ~~as~~ required by paragraph (a) prior to the last
1086 day of qualifying, the filing officer shall make a reasonable
1087 effort to notify the candidate of the missing or incomplete
1088 items and shall inform the candidate that all required items
1089 must be received by the close of qualifying. A candidate's name
1090 as it is to appear on the ballot may not be changed after the
1091 end of qualifying.

1092 Section 31. Subsection (2) of section 99.063, Florida
1093 Statutes, is amended to read:

1094 99.063 Candidates for Governor and Lieutenant Governor.—

1095 (2) No later than 5 p.m. of the 9th day following the
1096 primary election, each designated candidate for Lieutenant
1097 Governor shall file with the Department of State:

1098 (a) The candidate's oath required by s. 99.021, which must
1099 contain the name of the candidate as it is to appear on the
1100 ballot; the office sought; and the signature of the candidate,
1101 duly acknowledged.

1102 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
1103 ~~candidate and duly acknowledged.~~

1104 (b) ~~(e)~~ If the office sought is partisan, the written
1105 statement of political party affiliation required by s.
1106 99.021(1)(b).

1107 (c) ~~(d)~~ The full and public disclosure of financial
1108 interests pursuant to s. 8, Art. II of the State Constitution. A
1109 public officer who has filed the full and public disclosure with
1110 the Commission on Ethics prior to qualifying for office may file
1111 a copy of that disclosure at the time of qualifying.

1112 Section 32. Paragraph (c) is added to subsection (1) of
1113 section 101.151, Florida Statutes, and subsections (2) and (3)



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1114 of that section are amended, to read:

1115 101.151 Specifications for ballots.-

1116 (1)

1117 (c) Marksense ballots shall be printed by precinct.

1118 (2) (a) The ballot shall have the following office titles
1119 ~~headings~~ under which shall appear ~~the names of the offices and~~
1120 the names of the candidates for the respective offices in the
1121 following order:

1122 1. The official titles of heading "President and Vice
1123 President of the United States" and thereunder the names of the
1124 candidates for President and Vice President of the United States
1125 nominated by the political party that received the highest vote
1126 for Governor in the last general election of the Governor in
1127 this state. Then shall appear the names of other candidates for
1128 President and Vice President of the United States who have been
1129 properly nominated.

1130 2. The official titles ~~Then shall follow the heading~~
1131 ~~"Congressional"~~ and thereunder the offices of United States
1132 Senator and Representative in Congress.†

1133 3. The official titles ~~then the heading "State" and~~
1134 ~~thereunder the offices~~ of Governor and Lieutenant Governor,
1135 Attorney General, Chief Financial Officer, Commissioner of
1136 Agriculture, State Attorney, followed by the applicable judicial
1137 circuit for the office, and Public Defender, followed by the
1138 applicable judicial circuit for the office. ~~together with the~~
1139 ~~names of the candidates for each office and the title of the~~
1140 ~~office which they seek; then the heading "Legislative" and~~
1141 ~~thereunder~~

1142 4. The official titles ~~offices~~ of State Senator and State



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1143 Representative, each followed by the applicable district for the
1144 office.; ~~then the heading "County" and thereunder~~

1145 5. The official titles of County Clerk of the Circuit
1146 Court, or Clerk of the Circuit Court and Comptroller (whichever
1147 is applicable and when authorized by law), Clerk of the County
1148 Court (when authorized by law), County Sheriff, County Property
1149 Appraiser, County Tax Collector, District Superintendent of
1150 Schools, and County Supervisor of Elections.

1151 6. The official titles ~~Thereafter follows: members of the~~
1152 Board of County Commissioner Commissioners, followed by the
1153 applicable district, and such other county and district offices
1154 as are involved in the election, in the order fixed by the
1155 Department of State, followed, in the year of their election, by
1156 "Party Offices," and thereunder the offices of state and county
1157 party executive committee members.

1158 (b) In a general election, in addition to the names printed
1159 on the ballot, a blank space shall be provided under each
1160 ~~heading for an~~ office for which a write-in candidate has
1161 qualified. With respect to write-in candidates, if two or more
1162 candidates are seeking election to one office, only one blank
1163 space shall be provided.

1164 (c) ~~(b)~~ When more than one candidate is nominated for
1165 office, the candidates for such office shall qualify and run in
1166 a group or district, and the group or district number shall be
1167 printed beneath the name of the office. Each nominee of a
1168 political party chosen in a primary shall appear on the general
1169 election ballot in the same numbered group or district as on the
1170 primary election ballot.

1171 (d) ~~(c)~~ If in any election all the offices as set forth in



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1172 paragraph (a) are not involved, those offices not to be filled
1173 shall be omitted and the remaining offices shall be arranged on
1174 the ballot in the order named.

1175 (3) (a) The names of the candidates of the party that
1176 received the highest number of votes for Governor in the last
1177 election in which a Governor was elected shall be placed first
1178 ~~under the heading~~ for each office on the general election
1179 ballot, together with an appropriate abbreviation of the party
1180 name; the names of the candidates of the party that received the
1181 second highest vote for Governor shall be placed second ~~under~~
1182 ~~the heading~~ for each office, together with an appropriate
1183 abbreviation of the party name.

1184 (b) Minor political party candidates and candidates with no
1185 party affiliation shall have their names appear on the general
1186 election ballot following the names of recognized political
1187 parties, in the same order as they were qualified ~~certified~~.

1188 Section 33. Subsection (5) of section 101.5612, Florida
1189 Statutes, is amended to read:

1190 101.5612 Testing of tabulating equipment.-

1191 (5) Any tests involving marksense ballots pursuant to this
1192 section shall employ test preprinted ballots created by the
1193 supervisor of elections using actual ballots that have been
1194 printed for the election. ~~If preprinted ballots will be used in~~
1195 ~~the election, and~~ ballot-on-demand ballots will be used in the
1196 election, the supervisor shall also create test ballots using
1197 the, if ballot-on-demand technology that will be used to produce
1198 ballots in the election, using the same paper stock as will be
1199 used for ballots in the election ~~or both.~~

1200 Section 34. Section 101.591, Florida Statutes, is amended



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1201 to read:

1202 (Substantial rewording of section. See
1203 s. 101.591, F.S., for present text.)

1204 101.591 Postcertification manual audit.-

1205 (1) The county canvassing board or the local board
1206 responsible for certifying the election shall conduct a manual
1207 audit of the voting system used in the election. The audit shall
1208 be conducted by performing manual counts of votes on marksense
1209 ballots and of ballot images on direct recording electronic
1210 machines in randomly selected precincts and comparing them to
1211 the corresponding certification for the purpose of ensuring that
1212 the voting system used in the election properly accounted for
1213 all votes.

1214 (2) Except as otherwise provided in this section, the audit
1215 shall consist of a public manual count of the votes cast in
1216 three randomly selected races appearing on the ballot in 3
1217 percent of the precincts in which those races were conducted. If
1218 3 percent of the precincts equals less than a whole number, the
1219 number of precincts to be audited shall be rounded up to the
1220 next whole number. The races and the precincts shall be selected
1221 at a publicly noticed canvassing board meeting. The random
1222 selection of the races and precincts shall be conducted at 3
1223 p.m. on the 9th day after a primary election and at 3 p.m. on
1224 the 14th day after a general election.

1225 (3) The audit shall begin as soon as practicable after the
1226 selection of races and precincts. The canvassing board shall
1227 publish a notice of the audit, including the date, time, and
1228 place thereof, in a newspaper of general circulation in the
1229 county and post the notice on the home page of the supervisor of



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1230 elections' Internet website at least 48 hours before the
1231 beginning of the audit.

1232 (4) The audit must be completed and the results made public
1233 no later than 11:59 p.m. on the 7th day after selection of the
1234 racess and precincts. Within 7 days after completion of the
1235 audit, the county canvassing board or local board responsible
1236 for conducting the audit shall provide a report with the results
1237 of the audit to the Department of State in a standard format as
1238 prescribed by the department.

1239 (5) In any election in which a candidate or issue was
1240 entitled to a review or counting of overvotes or undervotes
1241 pursuant to s. 102.166, such candidate or committee chair may
1242 request in writing that a manual audit be conducted in that
1243 race. For federal, state, or multicounty candidates, the request
1244 shall be made to the Secretary of State, who shall immediately
1245 notify all counties affected by the request. For all other
1246 candidates, the request shall be made to the canvassing board
1247 responsible for certifying the election. The request must be
1248 received no later than 1 p.m. on the 9th day following a primary
1249 election or no later than 1 p.m. on the 14th day following a
1250 general election. If a request is made pursuant to this
1251 subsection, that race will replace one of the races randomly
1252 selected under subsection (2). If there are more than three such
1253 requests, the county canvassing board shall decide by lot the
1254 three races to be audited.

1255 (6) The Department of State shall adopt rules to administer
1256 this section.

1257 Section 35. Subsection (1) of section 101.6952, Florida
1258 Statutes, is amended to read:



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1259 101.6952 Absentee ballots for overseas voters.-
1260 (1) If an overseas voter's request for an absentee ballot
1261 includes an e-mail address, the supervisor of elections shall:
1262 (a) Record the voter's e-mail address in the absentee
1263 ballot record;
1264 (b) Confirm via e-mail that the absentee request was
1265 received and inform the voter of the estimated date that the
1266 ballot will be sent to the voter;
1267 (c) Inform the voter of the names of candidates who will be
1268 on the ballots via electronic transmission. The supervisor of
1269 elections shall e-mail to the voter the list of candidates for
1270 the primary and general election not later than 30 days before
1271 each election; and
1272 (d) Notify the voter via e-mail when the voted absentee
1273 ballot is received by the supervisor of elections.
1274 Section 36. Section 101.697, Florida Statutes, is amended
1275 to read:
1276 101.697 Electronic transmission of election materials.—The
1277 Department of State shall determine whether secure electronic
1278 means can be established for requesting, sending, or receiving
1279 absentee ballots and ballot materials to and from overseas
1280 voters. Such means may include e-mails, facsimiles, or other
1281 forms of electronic transmission. If such security can be
1282 established, the department shall adopt rules to authorize such
1283 activities that, at a minimum, provide for a supervisor of
1284 elections to accept from an overseas voter a request for an
1285 absentee ballot or a voted absentee ballot by secure facsimile
1286 machine transmission or other secure electronic means. The rules
1287 must provide that in order to accept a voted ballot, the



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1288 verification of the voter's identity, secrecy of the ballot,
1289 unless explicitly waived by the voter, ~~voter must be~~
1290 ~~established, the security of the transmission must be~~
1291 ~~established,~~ and the recording of each ballot received by the
1292 supervisor must be recorded.

1293 Section 37. Section 102.111, Florida Statutes, is amended
1294 to read:

1295 102.111 Elections Canvassing Commission.—

1296 (1) The Elections Canvassing Commission shall consist of
1297 the Governor and two members of the Cabinet selected by the
1298 Governor, all of whom shall serve ex officio. If a member of the
1299 ~~Elections Canvassing~~ commission is unable to serve for any
1300 reason, the Governor shall appoint a remaining member of the
1301 Cabinet. If there is a further vacancy, the remaining members of
1302 the commission shall agree on another elected official to fill
1303 the vacancy.

1304 (2) The Elections Canvassing Commission shall meet at 9
1305 a.m. on the 9th day after a primary election and at 9 a.m. on
1306 the 14th day after a general election to, ~~as soon as the~~
1307 ~~official results are compiled from all counties,~~ certify the
1308 returns of the election and ~~determine and declare who has been~~
1309 ~~elected~~ for each federal, state, and multicounty office. If a
1310 member of a county canvassing board that was constituted
1311 pursuant to s. 102.141 determines, within 5 days after the
1312 certification by the Elections Canvassing Commission, that a
1313 typographical error occurred in the official returns of the
1314 county, the correction of which could result in a change in the
1315 outcome of an election, the county canvassing board must certify
1316 corrected returns to the Department of State within 24 hours,



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1317 and the Elections Canvassing Commission must correct and
1318 recertify the election returns as soon as practicable.

1319 (3)~~(2)~~ The Division of Elections shall provide the staff
1320 services required by the Elections Canvassing Commission.

1321 Section 38. Subsection (2) of section 102.112, Florida
1322 Statutes, is amended to read:

1323 102.112 Deadline for submission of county returns to the
1324 Department of State.—

1325 (2) Returns must be filed by 5 p.m. on the 7th day
1326 following a primary election and by noon on the 12th day
1327 following the general election. However, the Department of State
1328 may correct typographical errors, including the transposition of
1329 numbers, in any returns submitted to the Department of State
1330 pursuant to s. 102.111 (2)~~(1)~~.

1331 Section 39. Subsection (7) of section 102.141, Florida
1332 Statutes, is amended to read:

1333 102.141 County canvassing board; duties.—

1334 (7) If the unofficial returns reflect that a candidate for
1335 any office was defeated or eliminated by one-half of a percent
1336 or less of the votes cast for such office, that a candidate for
1337 retention to a judicial office was retained or not retained by
1338 one-half of a percent or less of the votes cast on the question
1339 of retention, or that a measure appearing on the ballot was
1340 approved or rejected by one-half of a percent or less of the
1341 votes cast on such measure, ~~the board responsible for certifying~~
1342 ~~the results of the vote on such race or measure shall order a~~
1343 recount shall be ordered of the votes cast with respect to such
1344 office or measure. The Secretary of State Elections Canvassing
1345 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in



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1346 federal, state, and multicounty races ~~recounts~~. The county
1347 canvassing board or the local board responsible for certifying
1348 the election is responsible for ordering recounts in all other
1349 races. A recount need not be ordered with respect to the returns
1350 for any office, however, if the candidate or candidates defeated
1351 or eliminated from contention for such office by one-half of a
1352 percent or less of the votes cast for such office request in
1353 writing that a recount not be made.

1354 (a) Each canvassing board responsible for conducting a
1355 recount shall put each marksense ballot through automatic
1356 tabulating equipment and determine whether the returns correctly
1357 reflect the votes cast. If any marksense ballot is physically
1358 damaged so that it cannot be properly counted by the automatic
1359 tabulating equipment during the recount, a true duplicate shall
1360 be made of the damaged ballot pursuant to the procedures in s.
1361 101.5614(5). Immediately before the start of the recount, a test
1362 of the tabulating equipment shall be conducted as provided in s.
1363 101.5612. If the test indicates no error, the recount tabulation
1364 of the ballots cast shall be presumed correct and such votes
1365 shall be canvassed accordingly. If an error is detected, the
1366 cause therefor shall be ascertained and corrected and the
1367 recount repeated, as necessary. The canvassing board shall
1368 immediately report the error, along with the cause of the error
1369 and the corrective measures being taken, to the Department of
1370 State. No later than 11 days after the election, the canvassing
1371 board shall file a separate incident report with the Department
1372 of State, detailing the resolution of the matter and identifying
1373 any measures that will avoid a future recurrence of the error.

1374 (b) Each canvassing board responsible for conducting a



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1375 recount where touchscreen ballots were used shall examine the
1376 counters on the precinct tabulators to ensure that the total of
1377 the returns on the precinct tabulators equals the overall
1378 election return. If there is a discrepancy between the overall
1379 election return and the counters of the precinct tabulators, the
1380 counters of the precinct tabulators shall be presumed correct
1381 and such votes shall be canvassed 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. Such returns
1386 shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after
1387 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
1388 day after any general election in which a recount was ordered by
1389 the Secretary of State ~~conducted pursuant to this subsection~~. If
1390 the canvassing board is unable to complete the recount
1391 prescribed in this subsection by the deadline, the second set of
1392 unofficial returns submitted by the canvassing board shall be
1393 identical to the initial unofficial returns and the submission
1394 shall also include a detailed explanation of why it was unable
1395 to timely complete the recount. However, the canvassing board
1396 shall complete the recount prescribed in this subsection, along
1397 with any manual recount prescribed in s. 102.166, and certify
1398 election returns in accordance with the requirements of this
1399 chapter.

1400 (d) The Department of State shall adopt detailed rules
1401 prescribing additional recount procedures for each certified
1402 voting system, which shall be uniform to the extent practicable.

1403 Section 40. Section 102.166, Florida Statutes, is amended



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1404 to read:

1405 102.166 Manual recounts of overvotes and undervotes.—

1406 (1) If the second set of unofficial returns pursuant to s.
1407 102.141 indicates that a candidate for any office was defeated
1408 or eliminated by one-quarter of a percent or less of the votes
1409 cast for such office, that a candidate for retention to a
1410 judicial office was retained or not retained by one-quarter of a
1411 percent or less of the votes cast on the question of retention,
1412 or that a measure appearing on the ballot was approved or
1413 rejected by one-quarter of a percent or less of the votes cast
1414 on such measure, the board responsible for certifying the
1415 results of the vote on such race or measure shall order a manual
1416 recount of the overvotes and undervotes cast in the entire
1417 geographic jurisdiction of such office or ballot measure. A
1418 manual recount may not be ordered, however, if the number of
1419 overvotes, undervotes, and provisional ballots is fewer than the
1420 number of votes needed to change the outcome of the election.

1421 (2) (a) Any hardware or software used to identify and sort
1422 overvotes and undervotes for a given race or ballot measure must
1423 be certified by the Department of State as part of the voting
1424 system pursuant to s. 101.015. Any such hardware or software
1425 must be capable of simultaneously counting votes.

1426 (b) Overvotes and undervotes shall be identified and sorted
1427 while recounting ballots pursuant to s. 102.141, if the hardware
1428 or software for this purpose has been certified or the
1429 department's rules so provide.

1430 (3) Any manual recount shall be open to the public.

1431 (4) (a) A vote for a candidate or ballot measure shall be
1432 counted if there is a clear indication on the ballot that the



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1433 voter has made a definite choice.

1434 (b) The Department of State shall adopt specific rules for
1435 each certified voting system prescribing what constitutes a
1436 "clear indication on the ballot that the voter has made a
1437 definite choice." The rules may not:

1438 1. Exclusively provide that the voter must properly mark or
1439 designate his or her choice on the ballot; or

1440 2. Contain a catch-all provision that fails to identify
1441 specific standards, such as "any other mark or indication
1442 clearly indicating that the voter has made a definite choice."

1443 (5) Procedures for a manual recount are as follows:

1444 (a) The county canvassing board shall appoint as many
1445 counting teams of at least two electors as is necessary to
1446 manually recount the ballots. A counting team must have, when
1447 possible, members of at least two political parties. A candidate
1448 involved in the race shall not be a member of the counting team.

1449 (b) Each duplicate ballot prepared pursuant to s.
1450 101.5614(5) or s. 102.141(7) shall be compared with the original
1451 ballot to ensure the correctness of the duplicate.

1452 (c) If a counting team is unable to determine whether the
1453 ballot contains a clear indication that the voter has made a
1454 definite choice, the ballot shall be presented to the county
1455 canvassing board for a determination.

1456 (d) The Department of State shall adopt detailed rules
1457 prescribing additional recount procedures for each certified
1458 voting system which shall be uniform to the extent practicable.
1459 The rules shall address, at a minimum, the following areas:

- 1460 1. Security of ballots during the recount process;
1461 2. Time and place of recounts;



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- 1462 3. Public observance of recounts;
1463 4. Objections to ballot determinations;
1464 5. Record of recount proceedings; and
1465 6. Procedures relating to candidate and petitioner
1466 representatives.

1467 Section 41. Subsections (2) and (4) of section 102.168,
1468 Florida Statutes, are amended to read:

1469 102.168 Contest of election.—

1470 (2) Such contestant shall file a complaint, together with
1471 the fees prescribed in chapter 28, with the clerk of the circuit
1472 court no later than 5 p.m. on the 22nd day after the date of
1473 ~~within 10 days after midnight of the date the last board~~
1474 ~~responsible for certifying the results officially certifies the~~
1475 ~~results of the election being contested.~~

1476 (4) The ~~county~~ canvassing board responsible for canvassing
1477 the election is an indispensable ~~and proper~~ party defendant in
1478 county and local elections. ~~+~~ The Elections Canvassing Commission
1479 is an indispensable ~~and proper~~ party defendant in federal,
1480 state, and multicounty elections and in elections for justice of
1481 the Supreme Court, judge of a district court of appeal, and
1482 judge of a circuit court. ~~aces; and~~ The successful candidate is
1483 an indispensable party to any action brought to contest the
1484 election or nomination of a candidate.

1485 Section 42. Subsections (4) and (5) of section 105.031,
1486 Florida Statutes, are amended to read:

1487 105.031 Qualification; filing fee; candidate's oath; items
1488 required to be filed.—

1489 (4) CANDIDATE'S OATH.—

1490 (a) All candidates for the office of school board member



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1491 shall subscribe to the oath as prescribed in s. 99.021.

1492 (b) All candidates for judicial office shall subscribe to
1493 an oath or affirmation in writing to be filed with the
1494 appropriate qualifying officer upon qualifying. A ~~printed~~ copy
1495 of the oath or affirmation shall be made available ~~furnished~~ to
1496 the candidate by the qualifying officer and shall be in
1497 substantially the following form:

1498
1499 State of Florida
1500 County of

1501 Before me, an officer authorized to administer oaths,
1502 personally appeared ... (please print name as you wish it to
1503 appear on the ballot) ..., to me well known, who, being sworn,
1504 says he or she: is a candidate for the judicial office of;
1505 that his or her legal residence is County, Florida; that he
1506 or she is a qualified elector of the state and of the
1507 territorial jurisdiction of the court to which he or she seeks
1508 election; that he or she is qualified under the constitution and
1509 laws of Florida to hold the judicial office to which he or she
1510 desires to be elected or in which he or she desires to be
1511 retained; ~~that he or she has taken the oath required by ss.~~
1512 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
1513 for no other public office in the state, the term of which
1514 office or any part thereof runs concurrent to the office he or
1515 she seeks; ~~and~~ that he or she has resigned from any office which
1516 he or she is required to resign pursuant to s. 99.012, Florida
1517 Statutes; and that he or she will support the Constitution of
1518 the United States and the Constitution of the State of Florida.

1519 ... (Signature of candidate) ...



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1520 ... (Address) ...

1521

1522 Sworn to and subscribed before me this day of,

1523 ... (year), ... at County, Florida.

1524 ... (Signature and title of officer administering oath) ...

1525 (5) ITEMS REQUIRED TO BE FILED.-

1526 (a) In order for a candidate for judicial office or the
1527 office of school board member to be qualified, the original of
1528 the following items must be received by the filing officer by
1529 the end of the qualifying period:

1530 1. Except for candidates for retention to judicial office,
1531 a properly executed check drawn upon the candidate's campaign
1532 account payable to the person or entity as prescribed by the
1533 filing officer in an amount not less than the fee required by
1534 subsection (3), unless the candidate obtained the required
1535 number of signatures on petitions ~~or, in lieu thereof, the copy~~
1536 ~~of the notice of obtaining ballot position~~ pursuant to s.

1537 105.035. If a candidate's check is returned by the bank for any
1538 reason, the filing officer shall immediately notify the
1539 candidate and the candidate shall, the end of qualifying
1540 notwithstanding, have 48 hours from the time such notification
1541 is received, excluding Saturdays, Sundays, and legal holidays,
1542 to pay the fee with a cashier's check purchased from funds of
1543 the campaign account. Failure to pay the fee as provided in this
1544 subparagraph shall disqualify the candidate.

1545 2. The candidate's oath required by subsection (4), which
1546 must contain the name of the candidate as it is to appear on the
1547 ballot; the office sought, including the district or group
1548 number if applicable; and the signature of the candidate, duly



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1549 notarized pursuant to s. 117.05 ~~acknowledged.~~

1550 ~~3. The loyalty oath required by s. 876.05, signed by the~~
1551 ~~candidate and duly acknowledged.~~

1552 ~~3.4.~~ The ~~completed form for the~~ appointment of campaign
1553 treasurer and designation of campaign depository, as required by
1554 s. 106.021, to include the name, address, and telephone number
1555 of the candidate; the office sought, with district, circuit, or
1556 group designation, as applicable; the name, address, and
1557 telephone number of the campaign treasurer; the name and address
1558 of the primary campaign depository; the dated signatures of the
1559 candidate and the campaign treasurer; and the acceptance of the
1560 appointment by the campaign treasurer. In addition, each
1561 candidate for judicial office, including an incumbent judge,
1562 shall file a statement with the qualifying officer, within 10
1563 days after filing the appointment of campaign treasurer and
1564 designation of campaign depository, stating that the candidate
1565 has read and understands the requirements of the Florida Code of
1566 Judicial Conduct. Such statement shall be in substantially the
1567 following form:

1568 Statement of Candidate for Judicial Office

1570 I, ...(name of candidate)..., a judicial candidate, have
1571 been provided access to ~~received~~, read, and understand the
1572 requirements of the Florida Code of Judicial Conduct.

1573 ...(Signature of candidate)...

1574 ...(Date)...

1575 ~~4.5.~~ The full and public disclosure of financial interests
1576 required by s. 8, Art. II of the State Constitution, duly
1577 notarized pursuant to s. 117.05, or the statement of financial



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1578 interests required by s. 112.3145, whichever is applicable. A
1579 public officer who has filed the full and public disclosure or
1580 statement of financial interests with the Commission on Ethics
1581 or the supervisor of elections prior to qualifying for office
1582 may file a copy of that disclosure at the time of qualifying.

1583 (b) If the filing officer receives qualifying papers during
1584 the qualifying period prescribed in this section that do not
1585 include all items ~~as~~ required by paragraph (a) prior to the last
1586 day of qualifying, the filing officer shall make a reasonable
1587 effort to notify the candidate of the missing or incomplete
1588 items and shall inform the candidate that all required items
1589 must be received by the close of qualifying. A candidate's name
1590 as it is to appear on the ballot may not be changed after the
1591 end of qualifying.

1592 Section 43. Subsection (1) of section 876.05, Florida
1593 Statutes, is amended to read:

1594 876.05 Public employees; oath.—

1595 (1) All persons who now or hereafter are employed by or who
1596 now or hereafter are on the payroll of the state, or any of its
1597 departments and agencies, subdivisions, counties, cities, school
1598 boards and districts of the free public school system of the
1599 state or counties, or institutions of higher learning, ~~and all~~
1600 ~~candidates for public office, except candidates for federal~~
1601 ~~office,~~ are required to take an oath before any person duly
1602 authorized to take acknowledgments of instruments for public
1603 record in the state in the following form:

1604
1605 I,, a citizen of the State of Florida and of the
1606 United States of America, and being employed by or an officer of



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1607 and a recipient of public funds as such employee or
1608 officer, do hereby solemnly swear or affirm that I will support
1609 the Constitution of the United States and of the State of
1610 Florida.

1611 Section 44. Section 101.5911, Florida Statutes, is
1612 repealed.

1613 Section 45. Section 876.07, Florida Statutes, is repealed.

1614 Section 46. Section 100.372, Florida Statutes, is created
1615 to read:

1616 100.372 Paid petition circulators.-

1617 (1) DEFINITIONS.-As used in this section, the term:

1618 (a) "Department" means the Department of State.

1619 (b) "Paid petition circulator" means a petition circulator
1620 who receives compensation or other valuable consideration as a
1621 direct or indirect consequence of engaging in the activities
1622 described in paragraph (c), other than for the reimbursement of
1623 legitimate out-of-pocket expenses incurred by the petition
1624 circulator in the ordinary course of these activities, as
1625 specified by rule of the department.

1626 (c) "Petition circulator" means a person who, in the
1627 context of a direct, face-to-face interaction, presents to
1628 another person for his or her possible signature an initiative
1629 petition form.

1630 (d) "Registrant" means a person who is registered with the
1631 department as a paid petition circulator.

1632 (2) PROHIBITION ON UNREGISTERED PAID PETITION CIRCULATING.-

1633 A person may not engage in any activities as a paid petition
1634 circulator in this state without first registering with the
1635 department. A person or entity may not provide compensation or



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1636 other valuable consideration as a direct or indirect consequence
1637 of the activities described in paragraph (1)(c) to a petition
1638 circulator who is not registered with the department as a paid
1639 petition circulator.

1640 (3) REGISTRATION FOR PAID PETITION CIRCULATORS;
1641 REQUIREMENTS.—

1642 (a) A person may not engage in activities as a paid
1643 petition circulator unless the person:

1644 1. Has registered with the department;

1645 2. Submits a signed written affirmation to the department
1646 that he or she has not been convicted of a criminal offense in
1647 this state or any other state or under federal law involving
1648 fraud, forgery, perjury, or identity theft within the 4 years
1649 immediately preceding the date on which the application was
1650 submitted; and

1651 3. Does not receive compensation based upon the number of
1652 initiative petition signatures obtained.

1653 (b) A person may apply to the department for the
1654 registration required under paragraph (a). The application must
1655 include:

1656 1. The full name and any assumed name of the applicant.

1657 2. The residential street address of the applicant.

1658 3. The signature of the applicant.

1659 4. Identification of the initiative petitions that the
1660 applicant will be circulating.

1661 5. The name, street address, and telephone number of the
1662 person or entity from which the applicant will receive
1663 compensation as a direct or indirect consequence of the
1664 activities described in paragraph (1)(c).



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1665 6. A statement signed by the applicant acknowledging that
1666 the applicant has read and understands state and federal law
1667 applicable to the gathering of signatures on initiative petition
1668 forms, as the law is summarized in the training program
1669 established by the department.

1670 7. Evidence indicating that the applicant has completed the
1671 training program set forth in subsection (6).

1672 8. Two 2-inch by 2-inch passport-style photographs of the
1673 applicant.

1674 9. Such other information as the department deems necessary
1675 for the effective administration of the registration program.

1676 (c) If an applicant meets the requirements of paragraph
1677 (a), the department shall register the applicant and assign the
1678 applicant a registration number no later than 5 business days
1679 after the date on which the completed application is received.
1680 As a condition of registration, the registrant shall notify the
1681 department in writing of any change in the information submitted
1682 pursuant to this subsection within 10 business days after such
1683 change.

1684 (4) AFFIRMATION AND EVIDENCE OF REGISTRATION REQUIRED;
1685 EFFECTS OF NONCOMPLIANCE.—

1686 (a) A signed written affirmation from an authorized
1687 representative of the political committee sponsoring the
1688 initiative petition must accompany any initiative petition forms
1689 submitted for verification to a supervisor of elections if the
1690 forms were collected by a paid petition circulator. The
1691 affirmation must attest that the initiative petition forms were
1692 collected in compliance with the requirements of this section.
1693 The department shall adopt rules prescribing the form for such



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1694 affirmation. The form shall identify the potential criminal and
1695 civil penalties for submitting a false affirmation.

1696 (b) The department shall issue to a registrant evidence of
1697 registration which shall include the registrant's photograph and
1698 registration number. Such evidence of registration shall
1699 constitute valid proof of the registrant's compliance with this
1700 section. The department shall designate by rule the form of the
1701 evidence of registration.

1702 (c) Every initiative petition form presented by a
1703 registrant to a person for his or her possible signature must
1704 contain that registrant's registration number as issued by the
1705 department.

1706 (d) If a signature on a petition form regarding ballot
1707 placement for an initiative is not gathered in full compliance
1708 with this section, the signature is invalid and may not be
1709 verified and counted by the supervisor of elections. If a
1710 signature is invalidated under this section, the supervisor of
1711 elections shall return, at the expense of the political
1712 committee sponsoring the initiative petition, the invalid
1713 initiative petition form to the political committee within 30
1714 days after invalidation. The political committee shall, within
1715 30 days after receipt of an invalid initiative petition form
1716 from a supervisor of elections, provide written notice to an
1717 elector whose signature was invalidated. Such notice must inform
1718 the elector that his or her signature on the initiative petition
1719 form was invalidated due to the failure of the paid petition
1720 circulator who obtained the elector's signature on the
1721 initiative petition form to comply with Florida law, and provide
1722 the elector the opportunity to sign another initiative petition



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1723 form as a replacement for the invalidated initiative petition.
1724 An elector whose signature on an initiative petition form is
1725 invalidated under this section and who signs another initiative
1726 petition form as a replacement for the invalidated initiative
1727 petition is not subject to s. 104.185(1) for purposes of this
1728 paragraph. An initiative petition form submitted to a supervisor
1729 of elections under the conditions set forth in this section is
1730 subject to s. 100.371.

1731 (5) INVALID REGISTRATION.—If, at any time, a registered
1732 paid petition circulator no longer satisfies one or more of the
1733 requirements set forth in this section, the registration is
1734 immediately rendered invalid by operation of law and the person
1735 shall cease all activities as a paid petition circulator. The
1736 person shall also notify the department in writing of his or her
1737 failure to meet one or more of the requirements set forth in
1738 this section within 10 business days.

1739 (6) TRAINING.—The department shall create a training
1740 program to provide applicants with an overview and explanation
1741 of the state and federal laws governing the gathering of
1742 initiative petitions in Florida, including, but not limited to,
1743 all relevant statutes, rules, and court rulings. The department
1744 may conduct training programs through a secure website and may
1745 contract with a third-party vendor for the administration of the
1746 training program.

1747 (7) RULEMAKING.—The department shall adopt rules pursuant
1748 to ss. 120.536(1) and 120.54 to administer this section,
1749 including the adoption of a registration fee necessary to cover
1750 the department's cost of registration, training, and regulation.
1751 Funds collected from registrants shall be deposited into the



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1752 department's Grants and Donations Trust Fund.

1753 Section 47. Any signature gathered on a previously approved
1754 initiative petition form that is submitted for verification
1755 before October 1, 2009, may be verified and counted if otherwise
1756 valid. However, any signature gathered on an initiative petition
1757 form that is submitted for verification on or after October 1,
1758 2009, may be verified and counted only if such form complies
1759 with this act.

1760 Section 48. If any provision of this act or its application
1761 to any person or circumstance is held invalid, the invalidity
1762 does not affect other provisions or applications of the act
1763 which can be given effect without the invalid provision or
1764 application, and to this end the provisions of this act are
1765 severable.

1766 Section 49. This act shall take effect July 1, 2009.

1767
1768 ===== T I T L E A M E N D M E N T =====

1769 And the title is amended as follows:

1770 Delete everything before the enacting clause
1771 and insert:

1772 A bill to be entitled

1773 An act relating to elections; creating s. 97.0115,
1774 F.S.; providing for the preemption of certain matters
1775 to the state; providing exceptions; amending s.
1776 97.012, F.S.; expanding the list of responsibilities
1777 of the Secretary of State when acting in his or her
1778 capacity as chief election officer; amending s.
1779 97.0535, F.S.; requiring that certain first-time
1780 voters provide identification before election day;



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1781 removing certain types of identification from the list
1782 of acceptable forms of identification for certain
1783 first-time voters; requiring that the supervisor
1784 validate registrations before election day for certain
1785 first-time voters; requiring that certain applicants
1786 vote a provisional ballot; amending s. 97.0575, F.S.;
1787 requiring that third-party voter registration
1788 organizations register with the division; requiring
1789 such organizations provide the division with certain
1790 information; requiring that the Division of Elections
1791 of the Department of State or a supervisor of
1792 elections make voter registration forms available to
1793 third-party voter registration organizations;
1794 requiring that such forms contain certain information;
1795 requiring that the division and supervisors of
1796 elections maintain a database of certain information;
1797 requiring that such information be provided in
1798 electronic format; requiring that such information be
1799 updated and made public daily at a certain time;
1800 providing that a third-party voter registration
1801 organization that collects voter registration
1802 applications serves as a fiduciary to the applicant;
1803 specifying duties of such an organization; specifying
1804 an affirmative defense to certain violations of state
1805 law; providing criminal penalties for violations of
1806 certain provisions of state law; providing
1807 circumstances under which a third-party voter
1808 registration organization is subject to specified
1809 civil penalties; providing for the referral of



1810 violations to the Attorney General and state attorney;
1811 authorizing the Attorney General to initiate a civil
1812 action; providing that an action for relief may
1813 include a permanent or temporary injunction, a
1814 restraining order, or any other appropriate order;
1815 requiring that the division adopt rules for specified
1816 purposes; deleting certain requirements for third-
1817 party voter registration organizations; deleting
1818 certain fines; amending s. 98.065, F.S.; clarifying a
1819 requirement that a supervisor of election incorporate
1820 certain procedures into his or her registration list
1821 maintenance program to reflect that such programs are
1822 not conducted biennially; requiring that a
1823 registration list maintenance program be conducted by
1824 each supervisor of elections at specified intervals
1825 during odd-numbered and even-numbered years; amending
1826 s. 99.012, F.S.; providing that a person who fails to
1827 meet certain requirements of state law does not
1828 qualify as a candidate for election; requiring that
1829 such a person be removed from the ballot; amending s.
1830 100.111, F.S.; providing that a candidate for a
1831 legislative or county office is deemed elected after
1832 winning an open primary; providing that a vacancy in
1833 nomination is not created if a nominee did not
1834 properly qualify or does not meet the necessary
1835 qualifications to hold the office sought; amending s.
1836 100.371, F.S.; revising the number of years that an
1837 initiative petition is valid; requiring that a
1838 petition form be submitted within a specified period



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1839 after the date on which the petition was signed in
1840 order to be valid; deleting a limitation on the period
1841 for revoking a signature on a petition form; amending
1842 s. 101.043, F.S.; removing certain forms of
1843 identification from the list of forms of
1844 identification used to identify voters at a polling
1845 place; amending s. 101.045, F.S.; providing
1846 circumstances under which an elector is eligible for a
1847 provisional ballot; amending s. 101.131, F.S.;

1848 providing procedures for the designation of poll
1849 watchers; requiring that the division prescribe a form
1850 for the designation of poll watchers; providing
1851 conditions under which poll watchers are authorized to
1852 enter polling areas and watch polls; requiring that a
1853 supervisor of elections provide identification to poll
1854 watchers a specified period before early voting
1855 begins; requiring that poll watchers display such
1856 identification at all times while in a polling place;
1857 amending s. 101.62, F.S.; requiring that certain
1858 information regarding absentee ballots be made
1859 available during a specified period; requiring that a
1860 supervisor mail absentee ballots during specified
1861 periods before primary and general elections, or a
1862 specified period after receiving a request for an
1863 absentee ballot under certain circumstances; amending
1864 s. 101.64, F.S.; prohibiting a supervisor from placing
1865 certain information on a mailing envelope containing
1866 an absentee ballot; requiring that a supervisor
1867 establish and maintain a prepaid account with the



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1868 United State Postal Service for specified purposes;
1869 amending s. 101.6923, F.S.; revising the form for
1870 absentee ballot instructions for certain first-time
1871 voters; amending s. 102.031, F.S.; prohibiting certain
1872 persons and organizations from soliciting a voter
1873 while the voter is standing in line to enter any
1874 polling place or early voting site; expanding the
1875 definition of the terms "solicit" and "solicitation";
1876 amending s. 103.091, F.S.; authorizing a political
1877 party to adopt additional qualifying requirements for
1878 certain offices; revising membership of a state
1879 executive committee; authorizing certain members of a
1880 political party to vote by proxy if proxy voting is
1881 permitted by party rule; amending s. 103.121, F.S.;
1882 specifying a venue for any action involving the
1883 constitution, rules, or bylaws of a political party;
1884 amending s. 106.011, F.S.; expanding the list of
1885 entities not considered political committees for
1886 specified purposes; providing that certain
1887 expenditures are not contributions or expenditures for
1888 the purpose of certain provisions of state law;
1889 amending s. 106.08, F.S.; deleting provisions limiting
1890 the amount of contributions certain candidates may
1891 accept during a specified period preceding a general
1892 election; revising the list of nonallocable items that
1893 a political party may provide to candidates; amending
1894 s. 106.141, F.S.; requiring that a qualifying officer
1895 notify a candidate of certain amounts owed no later
1896 than a specified period after the candidate becomes



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1897 unopposed or withdraws; amending s. 106.143, F.S.;

1898 requiring that certain political advertisements

1899 prominently state certain information; authorizing

1900 certain political advertisements to use names and

1901 abbreviations in the advertisement's disclaimer;

1902 amending s. 106.17, F.S.; authorizing state and county

1903 executive committees of a political party to conduct

1904 political polls for specified purposes; authorizing

1905 the sharing of the results of such polls under certain

1906 conditions; providing that expenditures incurred by

1907 state and county executive committees for such polls

1908 do not constitute contributions to potential

1909 candidates; amending s. 106.24, F.S.; specifying a

1910 term of appointment for the executive director of the

1911 Florida Elections Commission; requiring that the

1912 Senate confirm such appointment; limiting the number

1913 of consecutive terms that a director may serve;

1914 conforming a cross-reference; amending s. 106.29,

1915 F.S.; authorizing the reporting of expenditures for

1916 salaries in the aggregate in certain reports; amending

1917 s. 106.295, F.S.; eliminating a prohibition on

1918 leadership funds; repealing s. 97.052(6), F.S.,

1919 relating to notification and correction subsequent to

1920 the failure of a voter registration applicant to

1921 provide required information on a voter registration

1922 application form; amending s. 97.073, F.S.; revising

1923 the responsibilities of a supervisor of elections

1924 regarding notification of applicants of the

1925 disposition of voter registration applications;



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1926 amending s. 98.075, F.S.; providing methods for
1927 removing the names of deceased persons from the
1928 statewide voter registration system; amending s.
1929 99.021, F.S.; revising a requirement for a qualifying
1930 officer to furnish a printed copy of the candidate
1931 oath to candidates; revising oath requirements;
1932 amending s. 99.061, F.S.; requiring that
1933 constitutional office candidates file notarized
1934 financial disclosure statements; requiring that
1935 candidates file certain original documentation when
1936 qualifying for office; amending s. 99.063, F.S.;
1937 deleting a requirement that candidates for Governor
1938 and Lieutenant Governor sign and acknowledge a
1939 specified loyalty oath; amending s. 101.151, F.S.;
1940 requiring that marksense ballots be printed by
1941 precinct; revising ballot layout specifications;
1942 clarifying the order of candidate offices on a ballot
1943 title; amending s. 101.5612, F.S.; requiring the use
1944 of certain ballots and technology for preelection
1945 testing of tabulating equipment; amending s. 101.591,
1946 F.S.; revising provisions relating to voting system
1947 audits; requiring postelection, random audits of
1948 voting systems; providing audit procedures; requiring
1949 the publication of an audit notice; prescribing
1950 requirements for audit reports; providing procedures
1951 for requesting an audit; requiring that the Department
1952 of State adopt rules; amending s. 101.6952, F.S.;
1953 revising procedures for processing absentee ballot
1954 requests and communicating by electronic mail with



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1955 overseas voters; amending s. 101.697, F.S.; requiring
1956 that the Department of State determine whether secure
1957 electronic means can be established for requesting,
1958 sending, or receiving absentee ballots and ballot
1959 materials to and from overseas voters; requiring that
1960 the department adopt rules for specified purposes if
1961 such security can be established; amending s. 102.111,
1962 F.S.; clarifying that the Governor and Cabinet members
1963 shall serve ex officio on the Elections Canvassing
1964 Commission; establishing meeting times for the
1965 commission; amending s. 102.112, F.S.; conforming a
1966 cross-reference; amending s. 102.141, F.S.; providing
1967 circumstances under which the Secretary of State,
1968 county canvassing board, or local board is responsible
1969 for ordering recounts in elections; amending s.
1970 102.166, F.S.; providing for manual recounts of
1971 overvotes and undervotes; amending s. 102.168, F.S.;
1972 revising the time to submit a complaint contesting an
1973 election; identifying indispensable parties in actions
1974 to contest an election; amending s. 105.031, F.S.;
1975 requiring that a candidate's oath for candidates for
1976 certain nonpartisan offices to be made available to
1977 each candidate by the qualifying officer; deleting a
1978 requirement that the candidate take a certain oath;
1979 requiring that the candidate attest in the oath that
1980 he or she will support the federal and state
1981 constitutions; specifying items required to be filed
1982 in order to qualify for office; amending s. 876.05,
1983 F.S.; deleting a requirement that candidates for



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1984 public office take the public employee oath; repealing
1985 s. 101.5911, F.S., relating to rulemaking authority
1986 for voting system audit procedures; repealing s.
1987 876.07, F.S., relating to a requirement that a
1988 candidate file the public employees' oath as a
1989 prerequisite to qualifying for public office; creating
1990 s. 100.372, F.S.; defining the terms "department,"
1991 "petition circulator," "paid petition circulator," and
1992 "registrant"; prohibiting a person from engaging in
1993 any activities as a paid petition circulator without
1994 first registering as such with the department;
1995 prohibiting a person or entity from providing
1996 compensation to a person for engaging in activities as
1997 a petition circulator if that person is not registered
1998 with the department; providing requirements for
1999 eligibility to engage in activities as a paid petition
2000 circulator; authorizing application to the department
2001 for registration and requiring certain information;
2002 requiring that the department register eligible
2003 applicants within a specified period after its receipt
2004 of the application; requiring that a registrant notify
2005 the department in writing of any change in the
2006 information submitted within a specified period after
2007 such change; requiring that certain individuals who
2008 submit an initiative petition form collected by a paid
2009 petition circulator to a supervisor of elections for
2010 verification simultaneously submit a signed, written
2011 affirmation that the initiative petition signatures on
2012 the form were collected in compliance with certain



2013 requirements of state law; requiring that the
2014 department adopt a form for such affirmation;
2015 requiring that such form identify potential criminal
2016 and civil penalties for submitting a false
2017 affirmation; requiring that the department issue
2018 evidence of registration; requiring that every
2019 petition form presented by a registrant to a person
2020 for his or her possible signature contain certain
2021 information; providing conditions under which a
2022 signature shall be deemed invalid and ineligible to be
2023 verified or counted; requiring that the supervisor of
2024 elections return, at the expense of the political
2025 committee sponsoring the initiative petition, the
2026 invalid initiative petition form within a specified
2027 period after invalidation; requiring that such
2028 political committee provide written notice to an
2029 elector whose signature was invalidated within a
2030 specified period after receipt of an invalid form from
2031 a supervisor; requiring that the notice contain
2032 certain information and provide the elector an
2033 opportunity to sign a replacement initiative petition
2034 form; providing that certain electors are exempt from
2035 certain provisions of state law for specified
2036 purposes; providing for the applicability of certain
2037 provisions of state law to initiative petition forms;
2038 providing for circumstances in which a registrant's
2039 registration is rendered invalid; requiring
2040 notification of such circumstances; requiring that the
2041 department create a training program for applicants;



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2042 providing requirements for the program; authorizing
2043 the department to conduct training through a secure
2044 website and to contract with a third-party vendor for
2045 the administration of the program; requiring that the
2046 department adopt rules; requiring that the department
2047 establish a registration fee; providing for the
2048 deposit of funds collected from the administration of
2049 such fee; providing that certain signatures gathered
2050 before a specified date may be verified and counted if
2051 otherwise valid; providing that signatures gathered on
2052 or after such date may be verified and counted only if
2053 gathered in compliance with the act; providing for
2054 severability; providing an effective date.