



428410

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2009	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (14) and (15) of section 97.012, Florida Statutes are renumbered as subsections (15) and (16), respectively, and a new subsection (14) is added to that section, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state,



428410

11 and it is his or her responsibility to:

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

16 Section 2. Paragraph (a) of subsection (3) of section
17 97.0535, Florida Statutes, is amended to read:

18 97.0535 Special requirements for certain applicants.—

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

- 22 1. United States passport.
- 23 2. Debit or credit card.
- 24 3. Military identification.
- 25 4. Student identification.
- 26 ~~5. Retirement center identification.~~
- 27 ~~6. Neighborhood association identification.~~
- 28 ~~5.7. Public assistance identification.~~

29 Section 3. Subsection (3) of section 98.065, Florida
30 Statutes, is amended to read:

31 98.065 Registration list maintenance programs.—

32 (3) A registration list maintenance program must be
33 conducted by each supervisor, at a minimum, quarterly in each
34 odd-numbered year and monthly during each even-numbered year
35 ~~must be completed not later than 90 days prior to the date of~~
36 ~~any federal election.~~ All list maintenance actions associated
37 with each voter must be entered, tracked, and maintained in the
38 statewide voter registration system.

39 Section 4. Subsection (8) is added to section 99.012,



428410

40 Florida Statutes, to read:

41 99.012 Restrictions on individuals qualifying for public
42 office.—

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

46 Section 5. Paragraph (a) of subsection (4) of section
47 100.111, Florida Statutes, is amended, present subsection (5) of
48 that section is redesignated as subsection (6), and a new
49 subsection (5) is added to that section, to read:

50 100.111 Filling vacancy.—

51 (4) (a) In the event that death, resignation, withdrawal,
52 removal, or any other cause or event should cause a party to
53 have a vacancy in nomination which leaves no candidate for an
54 office from such party, the Department of State shall notify the
55 chair of the ~~appropriate state, district, or county~~ political
56 party executive committee of such party. ~~;~~ and,

57 1. In the event of a vacancy in nomination for statewide
58 office, the chair of the appropriate state party shall, within 5
59 days, ~~the chair shall~~ call a meeting of his or her executive
60 board ~~committee~~ to consider designation of a nominee to fill the
61 vacancy.

62 2. In the event of a vacancy in nomination for a
63 legislative or multicounty district office, the state party
64 chairman shall notify the appropriate county chair for each
65 county within the district and, within 5 days, the appropriate
66 county chairs shall call a meeting of the members of the state
67 executive committee in the affected counties to consider
68 designation of a nominee to fill the vacancy.



428410

69 3. In the event of a vacancy in nomination for county
70 office, the state party chairman shall notify the appropriate
71 county chair and, within 5 days, the appropriate county chair
72 shall call a meeting of his or her executive committee to
73 consider designation of a nominee to fill the vacancy.
74

75 The name of any person so designated shall be submitted to the
76 Department of State within 7 days after notice to the chair in
77 order that the person designated may have his or her name on the
78 ballot of the ensuing general election. If the name of the new
79 nominee is submitted after the certification of results of the
80 preceding primary election, however, the ballots shall not be
81 changed and the former party nominee's name will appear on the
82 ballot. Any ballots cast for the former party nominee will be
83 counted for the person designated by the political party to
84 replace the former party nominee. If there is no opposition to
85 the party nominee, the person designated by the political party
86 to replace the former party nominee will be elected to office at
87 the general election. ~~For purposes of this paragraph, the term~~
88 ~~"district political party executive committee" means the members~~
89 ~~of the state executive committee of a political party from those~~
90 ~~counties comprising the area involving a district office.~~

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

95 (6)~~(5)~~ In the event of unforeseeable circumstances not
96 contemplated in these general election laws concerning the
97 calling and holding of special primary elections and special



428410

98 elections resulting from court order or other unpredictable
99 circumstances, the Department of State shall have the authority
100 to provide for the conduct of orderly elections.

101 Section 6. Subsection (1) of section 101.043, Florida
102 Statutes, is amended to read:

103 101.043 Identification required at polls.—

104 (1) The precinct register, as prescribed in s. 98.461,
105 shall be used at the polls for the purpose of identifying the
106 elector at the polls prior to allowing him or her to vote. The
107 clerk or inspector shall require each elector, upon entering the
108 polling place, to present one of the following current and valid
109 picture identifications:

110 (a) Florida driver's license.

111 (b) Florida identification card issued by the Department of
112 Highway Safety and Motor Vehicles.

113 (c) United States passport.

114 (d) Debit or credit card.

115 (e) Military identification.

116 (f) Student identification.

117 ~~(g) Retirement center identification.~~

118 ~~(h) Neighborhood association identification.~~

119 (g)~~(i)~~ Public assistance identification.

120
121 If the picture identification does not contain the signature of
122 the voter, an additional identification that provides the
123 voter's signature shall be required. The elector shall sign his
124 or her name in the space provided on the precinct register or on
125 an electronic device provided for recording the voter's
126 signature. The clerk or inspector shall compare the signature



428410

127 with that on the identification provided by the elector and
128 enter his or her initials in the space provided on the precinct
129 register or on an electronic device provided for that purpose
130 and allow the elector to vote if the clerk or inspector is
131 satisfied as to the identity of the elector.

132 Section 7. Subsection (2) of section 101.131, Florida
133 Statutes, is amended, and subsections (4) and (5) are added to
134 that section, to read:

135 101.131 Watchers at polls.—

136 (2) Each party, each political committee, and each
137 candidate requesting to have poll watchers shall designate, in
138 writing to the supervisor of elections, on a form prescribed by
139 the division, before ~~prior to~~ noon of the second Tuesday
140 preceding the election poll watchers for each polling room on
141 election day. Designations of poll watchers for early voting
142 areas shall be submitted in writing to the supervisor of
143 elections, on a form prescribed by the division, before noon at
144 least 14 days before early voting begins. The poll watchers for
145 each polling rooms room shall be approved by the supervisor of
146 elections on or before the Tuesday before the election. Poll
147 watchers for early voting areas shall be approved by the
148 supervisor of elections no later than 7 days before early voting
149 begins. The supervisor shall furnish to each election board a
150 list of the poll watchers designated and approved for such
151 polling rooms room or early voting areas area. Poll watchers
152 shall be designated by the chairman of the county executive
153 committee of a political party, the chairman of a political
154 committee, or the candidate requesting the presence of poll
155 watchers.



428410

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

161 (5) The supervisor of elections shall provide to each
162 designated poll watcher no later than 7 days before early voting
163 begins a poll watcher identification badge, identifying the poll
164 watcher by name. Each poll watcher shall display his or her
165 identification badge while in the polling room or early voting
166 area.

167 Section 8. Subsections (3) and (4) of section 101.62,
168 Florida Statutes, are amended to read:

169 101.62 Request for absentee ballots.-

170 (3) For each request for an absentee ballot received, the
171 supervisor shall record the date the request was made, the date
172 the absentee ballot was delivered to the voter or the voter's
173 designee or the date the absentee ballot was delivered to the
174 post office or other carrier, the date the ballot was received
175 by the supervisor, and such other information he or she may deem
176 necessary. This information shall be provided in electronic
177 format as provided by rule adopted by the division. This
178 information shall be made available during the period beginning
179 45 days before a primary election and ending 15 days after the
180 general election. The information shall be updated and made
181 available no later than noon of each day and shall be
182 contemporaneously provided to the division. This information
183 shall be confidential and exempt from the provisions of s.
184 119.07(1) and shall be made available to or reproduced only for



428410

185 the voter requesting the ballot, a canvassing board, an election
186 official, a political party or official thereof, a candidate who
187 has filed qualification papers and is opposed in an upcoming
188 election, and registered political committees or registered
189 committees of continuous existence, for political purposes only.

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

194 (b) The supervisor of elections shall begin mailing
195 absentee ballots 40 days before the primary election and 50 days
196 before the general election to each absent qualified elector who
197 has requested such a ballot. Except as otherwise provided in
198 subsection (2) and after the period described in this paragraph,
199 the supervisor shall mail absentee ballots within 48 hours after
200 receiving a request for such ballot.

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

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

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

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

212 c. The elector is in a hospital, assisted living facility,
213 nursing home, short-term medical or rehabilitation facility, or



428410

214 correctional facility,

215

216 in which case the supervisor shall mail the ballot by
217 nonforwardable, return-if-undeliverable mail to any other
218 address the elector specifies in the request.

219 2. By forwardable mail to voters who are entitled to vote
220 by absentee ballot under the Uniformed and Overseas Citizens
221 Absentee Voting Act.

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

225 4. By delivery to a designee on election day or up to 5
226 days before ~~prior to~~ the day of an election. Any elector may
227 designate in writing a person to pick up the ballot for the
228 elector; however, the person designated may not pick up more
229 than two absentee ballots per election, other than the
230 designee's own ballot, except that additional ballots may be
231 picked up for members of the designee's immediate family. For
232 purposes of this section, "immediate family" means the
233 designee's spouse or the parent, child, grandparent, or sibling
234 of the designee or of the designee's spouse. The designee shall
235 provide to the supervisor the written authorization by the
236 elector and a picture identification of the designee and must
237 complete an affidavit. The designee shall state in the affidavit
238 that the designee is authorized by the elector to pick up that
239 ballot and shall indicate if the elector is a member of the
240 designee's immediate family and, if so, the relationship. The
241 department shall prescribe the form of the affidavit. If the
242 supervisor is satisfied that the designee is authorized to pick



428410

243 up the ballot and that the signature of the elector on the
244 written authorization matches the signature of the elector on
245 file, the supervisor shall give the ballot to that designee for
246 delivery to the elector.

247 Section 9. Subsection (2) of section 101.64, Florida
248 Statutes, is amended, and subsection (5) is added to that
249 section, to read:

250 101.64 Delivery of absentee ballots; envelopes; form.—

251 (2) The certificate shall be arranged on the back of the
252 mailing envelope so that the line for the signature of the
253 absent elector is across the seal of the envelope; however, no
254 statement shall appear on the envelope which indicates that a
255 signature of the voter must cross the seal of the envelope. The
256 absent elector shall execute the certificate on the envelope.
257 The supervisor of elections may not place on the mailing
258 envelope any information identifying the voter, any demographic
259 information, or any information indicating the voter's party
260 affiliation or no-party-affiliation status.

261 (5) The supervisor shall establish and maintain a prepaid
262 account with the United States Postal Service for the purpose of
263 paying postage on absentee ballots returned to the supervisor
264 with insufficient postage.

265 Section 10. Subsection (2) of section 101.6923, Florida
266 Statutes, is amended to read:

267 101.6923 Special absentee ballot instructions for certain
268 first-time voters.—

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



428410

272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300

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

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

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

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

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

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

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

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

6. Unless you meet one of the exemptions in Item 7., you
must make a copy of one of the following forms of



428410

301 identification:

302 a. Identification which must include your name and
303 photograph: United States passport; debit or credit card;
304 military identification; student identification; ~~retirement~~
305 ~~center identification; neighborhood association identification;~~
306 or public assistance identification; or

307 b. Identification which shows your name and current
308 residence address: current utility bill, bank statement,
309 government check, paycheck, or government document (excluding
310 voter identification card).

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

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

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

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

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

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

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

326 8. Place the envelope bearing the Voter's Certificate into
327 the mailing envelope addressed to the supervisor. Insert a copy
328 of your identification in the mailing envelope. DO NOT PUT YOUR
329 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR



428410

330 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
331 BALLOT WILL NOT COUNT.

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

334 10. FELONY NOTICE. It is a felony under Florida law to
335 accept any gift, payment, or gratuity in exchange for your vote
336 for a candidate. It is also a felony under Florida law to vote
337 in an election using a false identity or false address, or under
338 any other circumstances making your ballot false or fraudulent.

339 Section 11. Paragraphs (a) and (b) of subsection (4) of
340 section 102.031, Florida Statutes, are amended to read:

341 102.031 Maintenance of good order at polls; authorities;
342 persons allowed in polling rooms and early voting areas;
343 unlawful solicitation of voters.-

344 (4) (a) No person, political committee, committee of
345 continuous existence, or other group or organization may solicit
346 voters inside the polling place or within 100 feet of the
347 entrance to any polling place, or polling room where the polling
348 place is also a polling room, or early voting site, or voters
349 standing in line to enter any polling place or early voting
350 site. Before the opening of the polling place or early voting
351 site, the clerk or supervisor shall designate the no-
352 solicitation zone and mark the boundaries.

353 (b) For the purpose of this subsection, whether in person
354 or by means of audio or visual equipment, the terms "solicit" or
355 "solicitation" shall include, but not be limited to, seeking or
356 attempting to seek any vote, fact, opinion, or contribution;
357 distributing or attempting to distribute any political or
358 campaign material, leaflet, or handout; conducting a poll except



428410

359 as specified in this paragraph; seeking or attempting to seek a
360 signature on any petition; offering legal advice regarding
361 voting or ballots; and selling or attempting to sell any item.
362 The terms "solicit" or "solicitation" shall not be construed to
363 prohibit exit polling.

364 Section 12. Subsection (4), paragraph (b) of subsection
365 (6), and subsection (7) of section 103.091, Florida Statutes,
366 are amended to read:

367 103.091 Political parties.—

368 (4) (a) Any political party other than a minor political
369 party may by rule provide for the membership of its state or
370 county executive committee to be elected for 4-year terms at the
371 primary election in each year a presidential election is held.
372 The terms shall commence on the first day of the month following
373 each presidential general election; but the names of candidates
374 for political party offices shall not be placed on the ballot at
375 any other election. The results of such election shall be
376 determined by a plurality of the votes cast.

377 (b) When a political party provides for the election of its
378 executive committee members as described in paragraph (a), ~~In~~
379 such event, electors seeking to qualify for political party
380 positions ~~such office~~ shall do so with the chair of the
381 applicable county executive committee within the qualifying
382 period prescribed by s. 99.061(2). In addition to the
383 requirements imposed by law, electors seeking to qualify for
384 political party positions must satisfy any requirements adopted
385 by the political party. No later than 5 p.m. on the first Monday
386 following the qualifying period, the chair of each executive
387 committee shall transmit the names of all qualified persons to



428410

388 the appropriate supervisor of elections and to the chair of the
389 state executive committee on a form adopted by the division. If
390 no county executive committee is organized in the elector's
391 county of residence, electors shall qualify as provided in this
392 paragraph with the chair of the political party's state
393 executive committee. Department of State or supervisor of
394 elections not earlier than noon of the 71st day, or later than
395 noon of the 67th day, preceding the primary election.

396 (c) The outgoing chair of each county executive committee
397 shall, within 30 days after the committee members take office,
398 hold an organizational meeting of all newly elected members for
399 the purpose of electing officers. The chair of each state
400 executive committee shall, within 60 days after the committee
401 members take office, hold an organizational meeting of all newly
402 elected members for the purpose of electing officers.

403 (6)

404 (b) Each state executive committee shall include, as at-
405 large committeemen and committeewomen, all members of the United
406 States Congress representing the State of Florida who are
407 members of the political party, all statewide elected officials
408 who are members of the party, 10 Florida registered voters who
409 are members of the party as appointed by the Governor if the
410 Governor is a member of the party, and the President of the
411 Senate or the Minority Leader in the Senate, and the Speaker of
412 the House of Representatives or the Minority Leader in the House
413 of Representatives, whichever is a member of the political
414 party, and 20 members of the Legislature who are members of the
415 political party. The ~~Ten of the~~ legislators shall be appointed
416 with the concurrence of the state chair of the respective party,



428410

417 as follows: 10 ~~five~~ to be appointed by the President of the
418 Senate or, five by the Minority Leader in the Senate, whomever
419 is a member of the corresponding party; 10 ~~five~~ by the Speaker
420 of the House of Representatives or, and five by the Minority
421 Leader in the House, whomever is a member of the corresponding
422 party.

423 (7) Members of the state executive committee or governing
424 body may vote by proxy if proxy voting is permitted by party
425 rule.

426 Section 13. Paragraph (c) is added to subsection (1) of
427 section 103.121, Florida Statutes, to read:

428 103.121 Powers and duties of executive committees.—

429 (1)

430 (c) Venue for any action involving the constitution, rules,
431 or bylaws of a political party shall be in the Circuit Court of
432 Leon County.

433 Section 14. Subsection (16) of section 106.011, Florida
434 Statutes, is amended to read:

435 106.011 Definitions.—As used in this chapter, the following
436 terms have the following meanings unless the context clearly
437 indicates otherwise:

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

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

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

444 (c) Any person who receives contributions or makes
445 expenditures, or consents for any other person to receive



428410

446 contributions or make expenditures, with a view to bring about
447 his or her nomination or election to, or retention in, public
448 office. Expenditures related to potential candidate polls as
449 defined in s. 106.17 are not contributions or expenditures for
450 purposes of this subsection.

451 (d) Any person who appoints a treasurer and designates a
452 primary depository.

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

455

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

458 Section 15. Subsection (2) of section 106.08, Florida
459 Statutes, is amended to read:

460 106.08 Contributions; limitations on.—

461 (2) (a) A candidate may not accept contributions from
462 national, state, including any subordinate committee of a
463 national, state, or county committee of a political party, and
464 county executive committees of a political party, which
465 contributions in the aggregate exceed \$50,000, ~~no more than~~
466 ~~\$25,000 of which may be accepted prior to the 28-day period~~
467 ~~immediately preceding the date of the general election.~~

468 (b) A candidate for statewide office may not accept
469 contributions from national, state, or county executive
470 committees of a political party, including any subordinate
471 committee of a national, state, or county committee of a
472 political party, which contributions in the aggregate exceed
473 ~~\$250,000, no more than \$125,000 of which may be accepted prior~~
474 ~~to the 28-day period immediately preceding the date of the~~



428410

475 ~~general election.~~ Polling services, research services, costs for
476 campaign staff including office expenses, professional
477 consulting services, and telephone calls are not contributions
478 to be counted toward the contribution limits of paragraph (a) or
479 this paragraph. Any item not expressly identified in this
480 paragraph as nonallocable is a contribution in an amount equal
481 to the fair market value of the item and must be counted as
482 allocable toward the contribution limits of paragraph (a) or
483 this paragraph. Nonallocable, in-kind contributions must be
484 reported by the candidate under s. 106.07 and by the political
485 party under s. 106.29.

486 Section 16. Subsection (6) of section 106.141, Florida
487 Statutes, is amended to read:

488 106.141 Disposition of surplus funds by candidates.—

489 (6) Before ~~Prior to~~ disposing of funds pursuant to
490 subsection (4) or transferring funds into an office account
491 pursuant to subsection (5), any candidate who filed an oath
492 stating that he or she was unable to pay the election assessment
493 or fee for verification of petition signatures without imposing
494 an undue burden on his or her personal resources or on resources
495 otherwise available to him or her, or who filed both such oaths,
496 or who qualified by the petition process and was not required to
497 pay an election assessment, shall reimburse the state or local
498 governmental entity, whichever is applicable, for such waived
499 assessment or fee or both. Such reimbursement shall be made
500 first for the cost of petition verification and then, if funds
501 are remaining, for the amount of the election assessment. If
502 there are insufficient funds in the account to pay the full
503 amount of either the assessment or the fee or both, the



428410

504 remaining funds shall be disbursed in the above manner until no
505 funds remain. All funds disbursed pursuant to this subsection
506 shall be remitted to the qualifying officer. Any reimbursement
507 for petition verification costs which are reimbursable by the
508 state shall be forwarded by the qualifying officer to the state
509 for deposit in the General Revenue Fund. All reimbursements for
510 the amount of the election assessment shall be forwarded by the
511 qualifying officer to the Department of State for deposit in the
512 General Revenue Fund. The qualifying officer shall notify the
513 candidate no later than 7 days after the candidate becomes
514 unopposed of any amounts owed for the election assessment or
515 petition verification fee.

516 Section 17. Subsection (2) of section 106.143, Florida
517 Statutes, is amended and subsection (9) is added to that
518 section, to read:

519 106.143 Political advertisements circulated prior to
520 election; requirements.-

521 (2) (a) Any political advertisement of a candidate running
522 for partisan office shall express the name of the political
523 party of which the candidate is seeking nomination or is the
524 nominee. If the candidate for partisan office is running as a
525 candidate with no party affiliation, any political advertisement
526 of the candidate must state that the candidate has no party
527 affiliation.

528 (b) Political advertisements made pursuant to s. 106.08
529 must prominently state: "Paid political advertisement paid for
530 in kind by (name of political party). Approved by (name of
531 person, party affiliation and office sought in the political
532 advertisement).



428410

533 (9) Political advertisements paid for by political parties
534 may use names and abbreviations as registered pursuant to s.
535 103.081 in the disclaimer.

536 Section 18. Section 106.17, Florida Statutes, is amended to
537 read:

538 106.17 Polls and surveys relating to candidacies.—Any
539 candidate, political committee, committee of continuous
540 existence, electioneering communication organization, or state
541 or county executive committee of a political party may authorize
542 or conduct a political poll, survey, index, or measurement of
543 any kind relating to candidacy for public office so long as the
544 candidate, political committee, committee of continuous
545 existence, electioneering communication organization, or
546 political party maintains complete jurisdiction over the poll in
547 all its aspects. State and county executive committees of a
548 political party may authorize and conduct political polls for
549 the purpose of determining the viability of potential
550 candidates. Such poll results may be shared with potential
551 candidates if the potential candidate has not filed as a
552 candidate or write-in candidate or seeks to qualify for elective
553 office by the petition process before the results of the poll
554 are shared. Expenditures incurred by state and county executive
555 committees for potential candidate polls do not constitute
556 contributions to potential candidates.

557 Section 19. Subsection (6) of section 106.24, Florida
558 Statutes, is amended to read:

559 106.24 Florida Elections Commission; membership; powers;
560 duties.—

561 (6) There is ~~hereby~~ established in the State Treasury an



428410

562 Elections Commission Trust Fund to be utilized by the Division
563 of Elections and the Florida Elections Commission in order to
564 carry out their duties pursuant to ss. 106.24-106.28. The trust
565 fund may also be used by the Secretary of State, pursuant to his
566 or her authority under s. 97.012(15) ~~s. 97.012(14)~~, to provide
567 rewards for information leading to criminal convictions related
568 to voter registration fraud, voter fraud, and vote scams.

569 Section 20. Section 103.141, Florida Statutes, is repealed.

570 Section 21. This act shall take effect July 1, 2009.

571

572

573 ===== T I T L E A M E N D M E N T =====

574 And the title is amended as follows:

575 Delete everything before the enacting clause
576 and insert:

577 A bill to be entitled

578 An act relating to elections; amending s. 97.012,
579 F.S.; expanding the list of responsibilities of the
580 Secretary of State when acting in his or her capacity
581 as chief election officer; amending s. 97.0535, F.S.;
582 removing certain types of identification from the list
583 of acceptable forms of identification for certain
584 first-time voters; amending s. 98.065, F.S.; requiring
585 that a registration list maintenance program be
586 conducted by each supervisor of elections at specified
587 intervals during odd-numbered and even-numbered years;
588 amending s. 99.012, F.S.; providing that a person who
589 fails to meet certain requirements of state law does
590 not qualify as a candidate for election; requiring



591 that such a person be removed from the ballot;
592 amending s. 100.111, F.S.; providing procedures for
593 filling vacancies created by events causing a party to
594 have a vacancy in nomination which leaves no candidate
595 for an office from such party; providing that a
596 vacancy in nomination is not created if a nominee did
597 not properly qualify or does not meet the necessary
598 qualifications to hold the office sought; amending s.
599 101.043, F.S.; removing certain forms of
600 identification from the list of forms of
601 identification used to identify voters at a polling
602 place; amending s. 101.131, F.S.; providing procedures
603 for the designation of poll watchers; requiring that
604 the division prescribe a form for the designation of
605 poll watchers; providing conditions under which poll
606 watchers are authorized to enter polling areas and
607 watch polls; requiring that a supervisor of elections
608 provide identification to poll watchers a specified
609 period before early voting begins; requiring that poll
610 watchers display such identification at all times
611 while in a polling place; amending s. 101.62. F.S.;
612 requiring that certain information regarding absentee
613 ballots be made available during a specified period;
614 requiring that a supervisor mail absentee ballots
615 during specified periods before primary and general
616 elections, or a specified period after receiving a
617 request for an absentee ballot under certain
618 circumstances; amending s. 101.64, F.S.; prohibiting a
619 supervisor from placing certain information on a



620 mailing envelope containing an absentee ballot;
621 requiring that a supervisor establish and maintain a
622 prepaid account with the United State Postal Service
623 for specified purposes; amending s. 101.6293, F.S.;
624 revising the form for absentee ballot instructions for
625 certain first-time voters; amending s. 102.031, F.S.;
626 prohibiting certain persons and organizations from
627 soliciting a voter while the voter is standing in line
628 to enter any polling place or early voting site;
629 expanding the definition of the term "solicitation";
630 amending s. 103.091, F.S.; providing procedures for
631 electors seeking to qualify for political party
632 positions when a political party provides for the
633 election of its executive committee members by certain
634 means; providing for the selection of a specified
635 number of legislators to serve on a state executive
636 committee; authorizing members of such committee or a
637 governing body to vote by proxy if proxy voting is
638 permitted by party rule; amending s. 103.121, F.S.;
639 specifying a venue for any action involving the
640 constitution, rules, or bylaws of a political party;
641 amending s. 106.011, F.S.; providing that certain
642 expenditures are not contributions or expenditures for
643 the purpose of certain provisions of state law;
644 amending s. 106.08, F.S.; deleting provisions limiting
645 the amount of contributions certain candidates may
646 accept during a specified period preceding a general
647 election; revising the list of nonallocable items that
648 a political party may provide to candidates; amending



428410

649 s. 106.141, F.S.; requiring that a qualifying officer
650 notify a candidate of certain amounts owed no later
651 than a specified period after the candidate becomes
652 unopposed; amending s. 106.143, F.S.; requiring that
653 certain political advertisements prominently state
654 certain information; authorizing certain political
655 advertisements to use names and abbreviations in the
656 advertisement's disclaimer; amending s. 106.17, F.S.;
657 authorizing state and county executive committees of a
658 political party to conduct political polls for
659 specified purposes; authorizing the sharing of the
660 results of such polls under certain conditions;
661 providing that expenditures incurred by state and
662 county executive committees for such polls do not
663 constitute contributions to potential candidates;
664 amending s. 106.24, F.S., relating to the Florida
665 Elections Commission; conforming a cross-reference;
666 repealing s. 103.141, F.S., relating to removal of
667 county executive committee members; providing an
668 effective date.