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LEGISLATIVE ACTION

Senate

.

House

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Floor: 2a/WD/3R

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04/29/2010 12:03 PM

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Senator Fasano moved the following:

1 **Senate Amendment to Amendment (710974) (with title**
2 **amendment)**

3
4 Delete lines 64 - 164

5 and insert:

6 challenge of any person's right to vote commits a misdemeanor of
7 the first degree, punishable as provided in s. 775.082 or s.
8 775.083; however, electors or poll watchers shall not be subject
9 to liability for any action taken in good faith and in
10 furtherance of any activity or duty permitted of such electors
11 or poll watchers by law. Each instance where any elector or poll
12 watcher files a frivolous challenge of any person's right to
13 vote constitutes a separate offense.



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14 Section 5. Subsection (3) of section 101.56075, Florida
15 Statutes, is amended to read:

16 101.56075 Voting methods.—

17 (3) By 2016 ~~2012~~, persons with disabilities shall vote on a
18 voter interface device that meets the voter accessibility
19 requirements for individuals with disabilities under s. 301 of
20 the federal Help America Vote Act of 2002 and s. 101.56062 which
21 are consistent with subsection (1) of this section.

22 Section 6. Subsections (2) and (5) of section 101.5612,
23 Florida Statutes, are amended to read:

24 101.5612 Testing of tabulating equipment.—

25 (2) On any day not more than 10 days prior to the
26 commencement of early voting as provided in s. 101.657, the
27 supervisor of elections shall have the automatic tabulating
28 equipment publicly tested to ascertain that the equipment will
29 correctly count the votes cast for all offices and on all
30 measures. If the ballots to be used at the polling place on
31 election day are not available at the time of the testing, the
32 supervisor may conduct an additional test not more than 10 days
33 before election day. Public notice of the time and place of the
34 test shall be given at least 48 hours prior thereto by
35 publication on the supervisor of elections' website and once in
36 one or more newspapers of general circulation in the county or,
37 if there is no newspaper of general circulation in the county,
38 by posting the notice in at least four conspicuous places in the
39 county. The supervisor or the municipal elections official may,
40 at the time of qualifying, give written notice of the time and
41 location of the public preelection test to each candidate
42 qualifying with that office and obtain a signed receipt that the



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43 notice has been given. The Department of State shall give
44 written notice to each statewide candidate at the time of
45 qualifying, or immediately at the end of qualifying, that the
46 voting equipment will be tested and advise each candidate to
47 contact the county supervisor of elections as to the time and
48 location of the public preelection test. The supervisor or the
49 municipal elections official shall, at least 15 days prior to
50 the commencement of early voting as provided in s. 101.657, send
51 written notice by certified mail to the county party chair of
52 each political party and to all candidates for other than
53 statewide office whose names appear on the ballot in the county
54 and who did not receive written notification from the supervisor
55 or municipal elections official at the time of qualifying,
56 stating the time and location of the public preelection test of
57 the automatic tabulating equipment. The canvassing board shall
58 convene, and each member of the canvassing board shall certify
59 to the accuracy of the test. For the test, the canvassing board
60 may designate one member to represent it. The test shall be open
61 to representatives of the political parties, the press, and the
62 public. Each political party may designate one person with
63 expertise in the computer field who shall be allowed in the
64 central counting room when all tests are being conducted and
65 when the official votes are being counted. The designee shall
66 not interfere with the normal operation of the canvassing board.

67 (5) Any tests involving marksense ballots pursuant to this
68 section shall employ test preprinted ballots created by the
69 supervisor of elections using actual ballots that have been
70 printed for the election. ~~If preprinted ballots will be used in~~
71 ~~the election, and~~ ballot-on-demand ballots will be used in the



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72 election, the supervisor shall also create test ballots using
73 the, ~~if~~ ballot-on-demand technology that will be used to produce
74 ballots in the election, using the same paper stock as will be
75 used for ballots in the election ~~or both.~~

76 Section 7. Subsections (1), (3), (4), and (5) of section
77 101.62, Florida Statutes, are amended to read:

78 101.62 Request for absentee ballots.-

79 (1) (a) The supervisor shall ~~may~~ accept a request for an
80 absentee ballot from an elector in person or in writing. ~~Except~~
81 ~~as provided in s. 101.694,~~ One request shall be deemed
82 sufficient to receive an absentee ballot for all elections
83 through the next ~~two~~ regularly scheduled general election
84 ~~elections~~, unless the elector or the elector's designee
85 indicates at the time the request is made the elections for
86 which the elector desires to receive an absentee ballot. Such
87 request may be considered canceled when any first-class mail
88 sent by the supervisor to the elector is returned as
89 undeliverable.

90 (b) The supervisor may accept a written or telephonic
91 request for an absentee ballot from the elector, or, if directly
92 instructed by the elector, a member of the elector's immediate
93 family, or the elector's legal guardian. For purposes of this
94 section, the term "immediate family" has the same meaning as
95 specified in paragraph (4) (b). The person making the request
96 must disclose:

- 97 1. The name of the elector for whom the ballot is
98 requested.†
99 2. The elector's address.†
100 3. The elector's date of birth.†



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- 101 4. The requester's name .†
- 102 5. The requester's address .†
- 103 6. The requester's driver's license number, if available;
- 104 7. The requester's relationship to the elector; and
- 105 8. The requester's signature (written requests only).

106
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 506 - 507

110 and insert:

111 a provisional ballot; amending s.