

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Hooper offered the following:

2
3 **Amendment to Amendment (602599) (with title amendment)**

4 Between lines 865 and 866, insert:

5 Section 15. Section 97.0115, Florida Statutes, is
6 created to read:

7 97.0115 Preemption.—All matters set forth in Chapters
8 97-105 are preempted to the state, except as otherwise
9 specifically authorized by state or federal law. The
10 conduct of municipal elections shall be governed by s.
11 100.3605.

12 Section 16. Effective upon this act becoming a law,
13 subsections (2) through (43) of section 97.021, Florida
14 Statutes, are renumbered as subsections (3) through (44),
15 respectively, present subsection (22) of that section is

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16 amended, and a new subsection (2) is added to that section to
17 read:

18 97.021 Definitions.—For the purposes of this code, except
19 where the context clearly indicates otherwise, the term:

20 (2) "Absent uniformed services voter" means:

21 (a) A member of a uniformed service on active duty who, by
22 reason of such active duty, is absent from the place of
23 residence where the member is otherwise qualified to vote;

24 (b) A member of the merchant marine who, by reason of
25 service in the merchant marine, is absent from the place of
26 residence where the member is otherwise qualified to vote; or

27 (c) A spouse or dependent of a member referred to in
28 paragraph (a) or paragraph (b) who, by reason of the active duty
29 or service of the member, is absent from the place of residence
30 where the spouse or dependent is otherwise qualified to vote.

31 (23)-(22) "Overseas voter" means:

32 (a) An absent uniformed services voter who, by reason of
33 active duty or service, is absent from the United States on the
34 date of the election involved ~~Members of the uniformed services~~
35 ~~while in the active service who are permanent residents of the~~
36 ~~state and are temporarily residing outside the territorial~~
37 ~~limits of the United States and the District of Columbia;~~

38 (b) A person who resides outside the United States and is
39 qualified to vote in the last place in which the person was
40 domiciled before leaving the United States ~~Members of the~~
41 ~~Merchant Marine of the United States who are permanent residents~~
42 ~~of the state and are temporarily residing outside the~~

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43 ~~territorial limits of the United States and the District of~~
44 ~~Columbia; or and~~

45 (c) A person who resides outside the United States and,
46 but for such residence, would be qualified to vote in the last
47 place in which the person was domiciled before leaving the
48 United States ~~Other citizens of the United States who are~~
49 ~~permanent residents of the state and are temporarily residing~~
50 ~~outside the territorial limits of the United States and the~~
51 ~~District of Columbia, who are qualified and registered to vote~~
52 ~~as provided by law.~~

53 Section 17. Subsection (3) of section 98.0981, Florida
54 Statutes, is amended to read:

55 98.0981 Reports; voting history; statewide voter
56 registration system information; precinct-level election
57 results; book closing statistics.—

58 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date
59 of book closing but before the date of an election as defined in
60 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,
61 or district office, or to vote on a proposed constitutional
62 amendment, the department shall compile the following precinct-
63 level statistical data for each county:

64 (a) Precinct numbers.

65 (b) Total number of active registered voters by party for
66 each precinct.

67 Section 18. Section 101.111, Florida Statutes, is amended
68 to read:

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69 101.111 Voter challenges ~~Person desiring to vote may be~~
70 ~~challenged; challenger to execute oath; oath of person~~
71 ~~challenged; determination of challenge.-~~

72 (1) (a) Any registered elector or poll watcher of a county
73 may challenge the right of a person to vote in that county. The
74 challenge must be in writing and contain the following oath,
75 which shall be delivered to the clerk or inspector:

OATH OF PERSON ENTERING CHALLENGE

77 State of Florida

78 County of _____

79 I do solemnly swear or affirm that my name is _____; ~~that I am a~~
80 ~~member of the _____ Party;~~ that I am a registered voter or
81 pollwatcher; that my residence address is _____, ~~in the~~
82 ~~municipality of _____;~~ and that I have reason to believe that
83 _____ is attempting to vote illegally and the reasons for my
84 belief are set forth herein to wit:

85 _____
86 _____
87 _____

88 ... (Signature of person challenging voter) ...

89 Sworn and subscribed to before me this _____ day of _____,
90 ... (year)

91 ... (Clerk of election) ...

92 (b) 1. The clerk or inspector shall immediately deliver to
93 the challenged person a copy of the oath of the person entering
94 the challenge, and the challenged voter shall be allowed to cast
95 a provisional ballot in accordance with s. 101.048, except as
96 provided in subparagraph 2.

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97 2. If the basis for the challenge is that the person's
98 legal residence is not in that precinct, the person shall first
99 be given the opportunity to execute a change of legal residence
100 in order to be able to vote a regular ballot in accordance with
101 s. 101.045(2). If the change of legal residence is such that the
102 person is then properly registered for that precinct, the person
103 shall be allowed to vote a regular ballot. If the change of
104 legal residence places the person in another precinct, the
105 person shall be directed to the proper precinct to vote. If such
106 person insists that he or she is currently in the proper
107 precinct, the person shall be allowed to vote a provisional
108 ballot in accordance with s. 101.048.

109 (c) Alternatively, a challenge in accordance with this
110 section may be filed in advance with the supervisor of elections
111 no sooner than 30 days before an election. The supervisor shall
112 promptly provide the election board in the challenged voter's
113 precinct with a copy of the oath of the person entering the
114 challenge. The challenged voter shall be allowed to cast a
115 provisional ballot in accordance with s. 101.048, subject to the
116 provisions of subparagraph (b)2.

117 (2) Any elector or poll watcher filing a frivolous
118 challenge of any person's right to vote commits a felony
119 ~~misdemeanor~~ of the third first degree, punishable as provided in
120 s. 775.082, ~~or~~ s. 775.083, or s. 775.084; however, electors or
121 poll watchers shall not be subject to liability for any action
122 taken in good faith and in furtherance of any activity or duty
123 permitted of such electors or poll watchers by law. Each
124 instance where any elector or poll watcher files a frivolous

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125 challenge of any person's right to vote constitutes a separate
126 offense.

127 Section 19. Effective upon this act becoming a law,
128 subsections (2) and (5) of section 101.5612, Florida Statutes,
129 are amended to read:

130 101.5612 Testing of tabulating equipment.-

131 (2) On any day not more than 10 days prior to the
132 commencement of early voting as provided in s. 101.657, the
133 supervisor of elections shall have the automatic tabulating
134 equipment publicly tested to ascertain that the equipment will
135 correctly count the votes cast for all offices and on all
136 measures. If the ballots to be used at the polling place on
137 election day are not available at the time of the testing, the
138 supervisor may conduct an additional test not more than 10 days
139 before election day. Public notice of the time and place of the
140 test shall be given at least 48 hours prior thereto by
141 publication on the supervisor of elections' website and once in
142 one or more newspapers of general circulation in the county or,
143 if there is no newspaper of general circulation in the county,
144 by posting the notice in at least four conspicuous places in the
145 county. The supervisor or the municipal elections official may,
146 at the time of qualifying, give written notice of the time and
147 location of the public preelection test to each candidate
148 qualifying with that office and obtain a signed receipt that the
149 notice has been given. The Department of State shall give
150 written notice to each statewide candidate at the time of
151 qualifying, or immediately at the end of qualifying, that the
152 voting equipment will be tested and advise each candidate to
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153 contact the county supervisor of elections as to the time and
154 location of the public preelection test. The supervisor or the
155 municipal elections official shall, at least 15 days prior to
156 the commencement of early voting as provided in s. 101.657, send
157 written notice by certified mail to the county party chair of
158 each political party and to all candidates for other than
159 statewide office whose names appear on the ballot in the county
160 and who did not receive written notification from the supervisor
161 or municipal elections official at the time of qualifying,
162 stating the time and location of the public preelection test of
163 the automatic tabulating equipment. The canvassing board shall
164 convene, and each member of the canvassing board shall certify
165 to the accuracy of the test. For the test, the canvassing board
166 may designate one member to represent it. The test shall be open
167 to representatives of the political parties, the press, and the
168 public. Each political party may designate one person with
169 expertise in the computer field who shall be allowed in the
170 central counting room when all tests are being conducted and
171 when the official votes are being counted. The designee shall
172 not interfere with the normal operation of the canvassing board.

173 (5) Any tests involving marksense ballots pursuant to this
174 section shall employ test preprinted ballots created by the
175 supervisor of elections using actual ballots that have been
176 printed for the election. ~~If preprinted ballots will be used in~~
177 ~~the election, and~~ ballot-on-demand ballots will be used in the
178 election, the supervisor shall also create test ballots using
179 the, ~~if~~ ballot-on-demand technology that will be used to produce

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180 ballots in the election, using the same paper stock as will be
181 used for ballots in the election ~~or both~~.

182 Section 20. Effective upon this act becoming a law,
183 subsections (1), (3), (4), and (5) of section 101.62, Florida
184 Statutes, are amended to read:

185 101.62 Request for absentee ballots.-

186 (1) (a) The supervisor shall ~~may~~ accept a request for an
187 absentee ballot from an elector in person or in writing. ~~Except~~
188 ~~as provided in s. 101.694,~~ One request shall be deemed
189 sufficient to receive an absentee ballot for all elections
190 through the next ~~two~~ regularly scheduled general election
191 ~~elections~~, unless the elector or the elector's designee
192 indicates at the time the request is made the elections for
193 which the elector desires to receive an absentee ballot. Such
194 request may be considered canceled when any first-class mail
195 sent by the supervisor to the elector is returned as
196 undeliverable.

197 (b) The supervisor shall ~~may~~ accept a ~~written or~~
198 ~~telephonic~~ request for an absentee ballot from the elector, or,
199 if directly instructed by the elector, a member of the elector's
200 immediate family, or the elector's legal guardian. For purposes
201 of this section, the term "immediate family" has the same
202 meaning as specified in paragraph (4) (b). The person making the
203 request must disclose:

204 1. The name of the elector for whom the ballot is
205 requested. ~~†~~

206 2. The elector's address. ~~†~~

207 3. The elector's date of birth. ~~†~~

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208 4. The requester's name.~~;~~

209 5. The requester's address.~~;~~

210 ~~6. The requester's driver's license number, if available;~~

211 ~~6.7. The requester's relationship to the elector.~~;~~ and~~

212 ~~8. The requester's signature (written requests only).~~

213 (c) Upon receiving a request for an absentee ballot, the
214 supervisor of elections shall notify the voter of the free
215 access system that has been designated by the department for
216 determining the status of his or her absentee ballot.

217 (3) For each request for an absentee ballot received, the
218 supervisor shall record the date the request was made, the date
219 the absentee ballot was delivered to the voter or the voter's
220 designee or the date the absentee ballot was delivered to the
221 post office or other carrier, the date the ballot was received
222 by the supervisor, and such other information he or she may deem
223 necessary. This information shall be provided in electronic
224 format as provided by rule adopted by the division. The
225 information shall be updated and made available no later than
226 noon of each day beginning the date the first absentee ballots
227 are mailed for the election and shall be contemporaneously
228 provided to the division. This information shall be confidential
229 and exempt from the provisions of s. 119.07(1) and shall be made
230 available to or reproduced only for the voter requesting the
231 ballot, a canvassing board, an election official, a political
232 party or official thereof, a candidate who has filed
233 qualification papers and is opposed in an upcoming election, and
234 registered political committees or registered committees of
235 continuous existence, for political purposes only.

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236 (4) (a) No later than 45 days before each election, the
237 supervisor of elections shall send an absentee ballot to each
238 absent uniformed services voter and to each overseas voter as
239 provided in subparagraph (b)3. ~~To each absent qualified elector~~
240 ~~overseas who has requested an absentee ballot, the supervisor of~~
241 ~~elections shall mail an absentee ballot not less than 35 days~~
242 ~~before the primary election and not less than 45 days before the~~
243 ~~general election.~~

244 (b) The supervisor shall provide an absentee ballot to
245 each elector by whom a request for that ballot has been made by
246 one of the following means:

247 1. By nonforwardable, return-if-undeliverable mail to the
248 elector's current mailing address on file with the supervisor. ~~7~~
249 ~~unless the elector specifies in the request that:~~

250 2. By nonforwardable, return-if-undeliverable mail to any
251 address requested by an elector if the request specifies that:

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

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

257 c. The elector is in a hospital, assisted living facility,
258 nursing home, short-term medical or rehabilitation facility, or
259 correctional facility, ~~7~~

260
261 ~~in which case the supervisor shall mail the ballot by~~
262 ~~nonforwardable, return-if-undeliverable mail to any other~~
263 ~~address the elector specifies in the request.~~

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264 ~~3.2.~~ By forwardable mail, e-mail, or facsimile machine
265 transmission to absent uniformed services voters and overseas
266 voters who are entitled to vote by absentee ballot under the
267 Uniformed and Overseas Citizens Absentee Voting Act. The absent
268 uniformed services voter or overseas voter may designate in the
269 request the preferred method of transmission. If the voter does
270 not designate the method of transmission, the ballot shall be
271 mailed.

272 ~~4.3.~~ By personal delivery before 7 p.m. on election day to
273 the elector, upon presentation of the identification required in
274 s. 101.043.

275 ~~5.4.~~ By delivery to a designee on election day or up to 5
276 days prior to the day of an election. Any elector may designate
277 in writing a person to pick up the ballot for the elector;
278 however, the person designated may not pick up more than two
279 absentee ballots per election, other than the designee's own
280 ballot, except that additional ballots may be picked up for
281 members of the designee's immediate family. For purposes of this
282 section, "immediate family" means the designee's spouse or the
283 parent, child, grandparent, or sibling of the designee or of the
284 designee's spouse. The designee shall provide to the supervisor
285 the written authorization by the elector and a picture
286 identification of the designee and must complete an affidavit.
287 The designee shall state in the affidavit that the designee is
288 authorized by the elector to pick up that ballot and shall
289 indicate if the elector is a member of the designee's immediate
290 family and, if so, the relationship. The department shall
291 prescribe the form of the affidavit. If the supervisor is
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292 satisfied that the designee is authorized to pick up the ballot
293 and that the signature of the elector on the written
294 authorization matches the signature of the elector on file, the
295 supervisor shall give the ballot to that designee for delivery
296 to the elector.

297 (5) In the event that the department Elections Canvassing
298 ~~Commission~~ is unable to certify candidates for ~~the results of an~~
299 ~~election for a state office~~ in time for the supervisors to
300 comply with paragraph (4) (a) subsection (4), the Department of
301 State is authorized to prescribe rules for a ballot to be sent
302 to absent uniformed services voters and ~~electors~~ overseas
303 voters.

304 Section 21. Effective upon this act becoming a law,
305 subsection (1) of section 101.694, Florida Statutes, is amended
306 to read:

307 101.694 Mailing of ballots upon receipt of federal
308 postcard application.—

309 (1) Upon receipt of a federal postcard application for an
310 absentee ballot executed by a person whose registration is in
311 order or whose application is sufficient to register or update
312 the registration of that person, the supervisor shall send the
313 ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
314 ~~ballot, if the ballots are available for mailing. The federal~~
315 ~~postcard application request for an absentee ballot shall be~~
316 ~~effective for all elections through the next two regularly~~
317 ~~scheduled general elections.~~

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318 Section 22. Effective upon this act becoming a law,
319 subsection (2) of section 101.71, Florida Statutes, is amended
320 to read:

321 101.71 Polling place.—

322 (2) Notwithstanding the provisions of subsection (1),
323 whenever the supervisor of elections of any county determines
324 that the accommodations for holding any election at a polling
325 place designated for any precinct in the county are unavailable,
326 are inadequate for the expeditious and efficient housing and
327 handling of voting and voting paraphernalia, or do not comply
328 with the requirements of s. 101.715, the supervisor shall, not
329 less than 30 days prior to the holding of an election, provide
330 for the voting place for such precinct to be moved to another
331 site that is accessible to the public on election day in said
332 precinct or, if such is not available, to another site that is
333 accessible to the public on election day in a contiguous
334 precinct. If such action of the supervisor results in the voting
335 place for two or more precincts being located for the purposes
336 of an election in one building, the supervisor of elections
337 shall ensure that adequate supplies, equipment, and personnel
338 are available to accommodate the voters for the precincts that
339 are collocated ~~voting places for the several precincts involved~~
340 ~~shall be established and maintained separate from each other in~~
341 ~~said building.~~ When any supervisor moves any polling place
342 pursuant to this subsection, the supervisor shall, not more than
343 30 days or fewer than 7 days prior to the holding of an
344 election, give notice of the change of the polling place for the
345 precinct involved, with clear description of the voting place to
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346 which changed, at least once in a newspaper of general
347 circulation in the said county and on the supervisor of
348 elections' website. A notice of the change of the polling place
349 involved shall be mailed, at least 14 days prior to an election,
350 to each registered elector or to each household in which there
351 is a registered elector.

352 Section 23. Effective upon this act becoming a law,
353 subsection (1) of section 102.012, Florida Statutes, is amended
354 to read:

355 102.012 Inspectors and clerks to conduct elections.-

356 (1) (a) The supervisor of elections of each county, at
357 least 20 days prior to the holding of any election, shall
358 appoint an election board comprised of poll workers who serve as
359 clerks or inspectors for each precinct in the county. The clerk
360 shall be in charge of, and responsible for, seeing that the
361 election board carries out its duties and responsibilities. Each
362 inspector and each clerk shall take and subscribe to an oath or
363 affirmation, which shall be written or printed, to the effect
364 that he or she will perform the duties of inspector or clerk of
365 election, respectively, according to law and will endeavor to
366 prevent all fraud, deceit, or abuse in conducting the election.
367 The oath may be taken before an officer authorized to administer
368 oaths or before any of the persons who are to act as inspectors,
369 one of them to swear the others, and one of the others sworn
370 thus, in turn, to administer the oath to the one who has not
371 been sworn. The oaths shall be returned with the poll list and
372 the returns of the election to the supervisor. In all questions
373 that may arise before the members of an election board, the

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374 decision of a majority of them shall decide the question. The
375 supervisor of elections of each county shall be responsible for
376 the attendance and diligent performance of his or her duties by
377 each clerk and inspector.

378 (b) If two or more precincts share the same building and
379 voting place, the supervisor of elections may appoint one
380 election board for the collocated precincts. The supervisor
381 shall ensure that a sufficient number of poll workers are
382 appointed to adequately handle the processing of the voters in
383 the collocated precincts.

384 Section 24. Effective upon this act becoming a law,
385 section 102.111, Florida Statutes, is amended to read:

386 102.111 Elections Canvassing Commission.—

387 (1) The Elections Canvassing Commission shall consist of
388 the Governor and two members of the Cabinet selected by the
389 Governor, all of whom shall serve ex officio. If a member of the
390 ~~Elections Canvassing~~ commission is unable to serve for any
391 reason, the Governor shall appoint a remaining member of the
392 Cabinet. If there is a further vacancy, the remaining members of
393 the commission shall agree on another elected official to fill
394 the vacancy.

395 (2) The Elections Canvassing Commission shall meet at 9
396 a.m. on the 9th day after a primary election and at 9 a.m. on
397 the 14th day after a general election to, ~~as soon as the~~
398 ~~official results are compiled from all counties,~~ certify the
399 returns of the election and ~~determine and declare who has been~~
400 ~~elected~~ for each federal, state, and multicounty office. If a
401 member of a county canvassing board that was constituted

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402 pursuant to s. 102.141 determines, within 5 days after the
403 certification by the Elections Canvassing Commission, that a
404 typographical error occurred in the official returns of the
405 county, the correction of which could result in a change in the
406 outcome of an election, the county canvassing board must certify
407 corrected returns to the Department of State within 24 hours,
408 and the Elections Canvassing Commission must correct and
409 recertify the election returns as soon as practicable.

410 ~~(3)(2)~~ The Division of Elections shall provide the staff
411 services required by the Elections Canvassing Commission.

412 Section 25. Effective upon this act becoming a law,
413 subsection (2) of section 102.112, Florida Statutes, is amended
414 to read:

415 102.112 Deadline for submission of county returns to the
416 Department of State.—

417 (2) Returns must be filed by 5 p.m. on the 7th day
418 following a primary election and by noon on the 12th day
419 following the general election. However, the Department of State
420 may correct typographical errors, including the transposition of
421 numbers, in any returns submitted to the Department of State
422 pursuant to s. 102.111(2) ~~s. 102.111(1)~~.

423 Section 26. Effective upon this act becoming a law,
424 subsections (2) and (7) of section 102.141, Florida Statutes,
425 are amended to read:

426 102.141 County canvassing board; duties.—

427 (2) The county canvassing board shall meet in a building
428 accessible to the public in the county where the election
429 occurred at a time and place to be designated by the supervisor
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430 of elections to publicly canvass the absentee electors' ballots
431 as provided for in s. 101.68 and provisional ballots as provided
432 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
433 pursuant to s. 101.049 shall be canvassed in a manner that votes
434 for candidates and issues on those ballots can be segregated
435 from other votes. Public notice of the time and place at which
436 the county canvassing board shall meet to canvass the absentee
437 electors' ballots and provisional ballots shall be given at
438 least 48 hours prior thereto by publication on the supervisor of
439 elections' website and once in one or more newspapers of general
440 circulation in the county or, if there is no newspaper of
441 general circulation in the county, by posting such notice in at
442 least four conspicuous places in the county. As soon as the
443 absentee electors' ballots and the provisional ballots are
444 canvassed, the board shall proceed to publicly canvass the vote
445 given each candidate, nominee, constitutional amendment, or
446 other measure submitted to the electorate of the county, as
447 shown by the returns then on file in the office of the
448 supervisor of elections ~~and the office of the county court~~
449 ~~judge.~~

450 (7) If the unofficial returns reflect that a candidate for
451 any office was defeated or eliminated by one-half of a percent
452 or less of the votes cast for such office, that a candidate for
453 retention to a judicial office was retained or not retained by
454 one-half of a percent or less of the votes cast on the question
455 of retention, or that a measure appearing on the ballot was
456 approved or rejected by one-half of a percent or less of the
457 votes cast on such measure, ~~the board responsible for certifying~~
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458 ~~the results of the vote on such race or measure shall order a~~
459 ~~recount~~ shall be ordered of the votes cast with respect to such
460 office or measure. The Secretary of State Elections Canvassing
461 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in
462 federal, state, and multicounty rac~~es~~ recounts. The county
463 canvassing board or the local board responsible for certifying
464 the election is responsible for ordering recounts in all other
465 rac~~es~~. A recount need not be ordered with respect to the returns
466 for any office, however, if the candidate or candidates defeated
467 or eliminated from contention for such office by one-half of a
468 percent or less of the votes cast for such office request in
469 writing that a recount not be made.

470 (a) Each canvassing board responsible for conducting a
471 recount shall put each marksense ballot through automatic
472 tabulating equipment and determine whether the returns correctly
473 reflect the votes cast. If any marksense ballot is physically
474 damaged so that it cannot be properly counted by the automatic
475 tabulating equipment during the recount, a true duplicate shall
476 be made of the damaged ballot pursuant to the procedures in s.
477 101.5614(5). Immediately before the start of the recount, a test
478 of the tabulating equipment shall be conducted as provided in s.
479 101.5612. If the test indicates no error, the recount tabulation
480 of the ballots cast shall be presumed correct and such votes
481 shall be canvassed accordingly. If an error is detected, the
482 cause therefor shall be ascertained and corrected and the
483 recount repeated, as necessary. The canvassing board shall
484 immediately report the error, along with the cause of the error
485 and the corrective measures being taken, to the Department of
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486 State. No later than 11 days after the election, the canvassing
487 board shall file a separate incident report with the Department
488 of State, detailing the resolution of the matter and identifying
489 any measures that will avoid a future recurrence of the error.

490 (b) Each canvassing board responsible for conducting a
491 recount where touchscreen ballots were used shall examine the
492 counters on the precinct tabulators to ensure that the total of
493 the returns on the precinct tabulators equals the overall
494 election return. If there is a discrepancy between the overall
495 election return and the counters of the precinct tabulators, the
496 counters of the precinct tabulators shall be presumed correct
497 and such votes shall be canvassed accordingly.

498 (c) The canvassing board shall submit on forms or in
499 formats provided by the division a second set of unofficial
500 returns to the Department of State for each federal, statewide,
501 state, or multicounty office or ballot measure. The returns
502 shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after
503 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
504 day after any general election in which a recount was ordered by
505 the Secretary of State ~~conducted pursuant to this subsection~~. If
506 the canvassing board is unable to complete the recount
507 prescribed in this subsection by the deadline, the second set of
508 unofficial returns submitted by the canvassing board shall be
509 identical to the initial unofficial returns and the submission
510 shall also include a detailed explanation of why it was unable
511 to timely complete the recount. However, the canvassing board
512 shall complete the recount prescribed in this subsection, along
513 with any manual recount prescribed in s. 102.166, and certify
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514 election returns in accordance with the requirements of this
515 chapter.

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

519 Section 27. Effective upon this act becoming a law,
520 subsection (1) of section 102.166, Florida Statutes, is amended
521 to read:

522 102.166 Manual recounts of overvotes and undervotes.—

523 (1) If the second set of unofficial returns pursuant to s.
524 102.141 indicates that a candidate for any office was defeated
525 or eliminated by one-quarter of a percent or less of the votes
526 cast for such office, that a candidate for retention to a
527 judicial office was retained or not retained by one-quarter of a
528 percent or less of the votes cast on the question of retention,
529 or that a measure appearing on the ballot was approved or
530 rejected by one-quarter of a percent or less of the votes cast
531 on such measure, ~~the board responsible for certifying the~~
532 ~~results of the vote on such race or measure shall order~~ a manual
533 recount of the overvotes and undervotes cast in the entire
534 geographic jurisdiction of such office or ballot measure shall
535 be ordered unless:— A manual recount may not be ordered,
536 however, if

537 (a) The candidate or candidates defeated or eliminated
538 from contention by one-quarter of 1 percent or less of the votes
539 cast for such office request in writing that a recount not be
540 made; or

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541 (b) The number of overvotes and, ~~and~~
542 ~~provisional ballots~~ is fewer than the number of votes needed to
543 change the outcome of the election.

544
545 The Secretary of State is responsible for ordering a manual
546 recount for federal, state, and multicounty races. The county
547 canvassing board or local board responsible for certifying the
548 election is responsible for ordering a manual recount for all
549 other races.

550 Section 28. Subsection (11) of section 379.352, Florida
551 Statutes, is amended to read:

552 379.352 Recreational licenses, permits, and authorization
553 numbers to take wild animal life, freshwater aquatic life, and
554 marine life; issuance; costs; reporting.—

555 (11) When acting in its official capacity pursuant to this
556 section, neither the commission nor a subagent is deemed a
557 third-party registration organization, as defined in s.
558 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as
559 defined in s. 97.021(41) ~~97.021(40)~~, and is not authorized to
560 solicit, accept, or collect voter registration applications or
561 provide voter registration services.

562
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564
565 -----
566 **T I T L E A M E N D M E N T**

567 Remove line 929 and insert:

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568 cure and conform; creating s. 97.0115, F.S.; providing that all
569 matters in chapters 97 through 105, F.S., are preempted to the
570 state, unless otherwise specified; amending s. 97.021, F.S.;
571 defining the term "absent uniformed services voter"; revising
572 the definition of the term "overseas voter"; amending s.
573 98.0981, F.S.; conforming a cross-reference; amending s.
574 101.111, F.S.; revising voter challenge oath requirements;
575 providing circumstances under which a challenged voter may
576 execute a change of legal residence, be directed to the proper
577 precinct, or vote a provisional ballot; providing increased
578 penalties for filing a frivolous voter challenge; amending s.
579 101.5612, F.S.; requiring the supervisor of elections to publish
580 on his or her website a notice of testing of tabulating
581 equipment; requiring the use of certain ballots and technology
582 for preelection testing of tabulating equipment; amending s.
583 101.62, F.S.; revising the supervisor of elections'
584 responsibilities for the request and transmittal of absentee
585 ballots; revising the time an absentee ballot request is valid;
586 authorizing the Department of State to prescribe rules for a
587 ballot to be sent to uniformed services voters and overseas
588 voters; amending s. 101.694, F.S.; requiring the supervisor of
589 elections to send an absentee ballot to certain electors within
590 a specified time; deleting a requirement that an absentee ballot
591 be mailed; deleting a provision establishing that a federal
592 postcard application request is valid through two general
593 election cycles; amending s. 101.71, F.S.; requiring the
594 supervisor of elections to ensure the provision of adequate
595 supplies, equipment, and personnel when precincts are

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596 collocated; requiring the supervisor of elections to publish the
597 relocation of a polling place on his or her website; amending s.
598 102.012, F.S.; allowing the supervisor of elections to appoint
599 one election board for collocated precincts and requiring the
600 appointment of adequate personnel for the collocated precincts;
601 amending s. 102.111, F.S.; clarifying that the Governor and
602 Cabinet members shall serve ex officio on the Elections
603 Canvassing Commission; establishing meeting times for the
604 commission; amending s. 102.112, F.S.; conforming a cross-
605 reference; amending s. 102.141, F.S.; requiring the supervisor
606 of elections to publish on his or her website notice of the time
607 for canvassing absentee and provisional ballots; providing
608 circumstances under which the Secretary of State, county
609 canvassing board, or local board is responsible for ordering
610 recounts in elections; specifying the time for filing returns
611 for elections in which a recount was ordered; amending s.
612 102.166, F.S.; providing circumstances under which the Secretary
613 of State, county canvassing board, or local board is responsible
614 for ordering a manual recount of overvotes and undervotes;
615 amending s. 379.352, F.S.; conforming a cross-reference;
616 providing an effective date.

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