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LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
05/03/2011 07:48 AM	.	
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Senator Braynon moved the following:

1           **Senate Amendment to Amendment (404618) (with title**  
2 **amendment)**

3  
4  
5           Delete lines 80 - 200  
6 and insert:

7           (3) A third-party voter registration organization shall  
8 turn in each voter registration application received from its  
9 authorized registration agents regardless of whether the third-  
10 party voter registration organization believes the voter  
11 registration application may be invalid or incomplete. If, when  
12 submitting a voter registration application, a third-party voter  
13 registration organization also submits information stating why



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14 the organization believes the application may be invalid or  
15 incomplete, the third-party voter registration organization  
16 shall be presumed to be in compliance with this section.

17 ~~(1) Prior to engaging in any voter registration activities,~~  
18 ~~a third-party voter registration organization shall name a~~  
19 ~~registered agent in the state and submit to the division, in a~~  
20 ~~form adopted by the division, the name of the registered agent~~  
21 ~~and the name of those individuals responsible for the day-to-day~~  
22 ~~operation of the third-party voter registration organization,~~  
23 ~~including, if applicable, the names of the entity's board of~~  
24 ~~directors, president, vice president, managing partner, or such~~  
25 ~~other individuals engaged in similar duties or functions. On or~~  
26 ~~before the 15th day after the end of each calendar quarter, each~~  
27 ~~third-party voter registration organization shall submit to the~~  
28 ~~division a report providing the date and location of any~~  
29 ~~organized voter registration drives conducted by the~~  
30 ~~organization in the prior calendar quarter.~~

31 ~~(2) The failure to submit the information required by~~  
32 ~~subsection (1) does not subject the third-party voter~~  
33 ~~registration organization to any civil or criminal penalties for~~  
34 ~~such failure, and the failure to submit such information is not~~  
35 ~~a basis for denying such third-party voter registration~~  
36 ~~organization with copies of voter registration application~~  
37 ~~forms.~~

38 (4) (a) (3) A third-party voter registration organization  
39 that collects voter registration applications serves as a  
40 fiduciary to the applicant, ensuring that any voter registration  
41 application entrusted to the ~~third-party voter registration~~  
42 organization, irrespective of party affiliation, race,



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43 ethnicity, or gender, shall be promptly delivered to the  
44 division or the supervisor of elections within 10 calendar days  
45 after the applicant completes it or the next business day if the  
46 appropriate office is closed for 10 calendar days. If a voter  
47 registration application collected by any third-party voter  
48 registration organization is not promptly delivered to the  
49 division or supervisor of elections, the third-party voter  
50 registration organization is shall be liable for the following  
51 fines:

52 1.(a) A fine in the amount of \$50 for each application  
53 received by the division or the supervisor of elections more  
54 than 10 calendar days after the applicant delivered the  
55 completed voter registration application to the third-party  
56 voter registration organization or any person, entity, or agent  
57 acting on its behalf or the next business day, if the office is  
58 closed. A fine in the amount of \$250 for each application  
59 received if the third-party voter registration organization or  
60 person, entity, or agency acting on its behalf acted willfully.

61 2.(b) A fine in the amount of \$100 for each application  
62 collected by a third-party voter registration organization or  
63 any person, entity, or agent acting on its behalf, before prior  
64 ~~to~~ book closing for any given election for federal or state  
65 office and received by the division or the supervisor of  
66 elections after the book-closing ~~book-closing~~ deadline for such  
67 election. A fine in the amount of \$500 for each application  
68 received if the third-party registration organization or person,  
69 entity, or agency acting on its behalf acted willfully.

70 3.(c) A fine in the amount of \$500 for each application  
71 collected by a third-party voter registration organization or



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72 any person, entity, or agent acting on its behalf, which is not  
73 submitted to the division or supervisor of elections. A fine in  
74 the amount of \$1,000 for any application not submitted if the  
75 third-party voter registration organization or person, entity,  
76 or agency acting on its behalf acted willfully.

77  
78 The aggregate fine pursuant to this paragraph subsection which  
79 may be assessed against a third-party voter registration  
80 organization, including affiliate organizations, for violations  
81 committed in a calendar year is shall be \$1,000.

82 (b) A showing by the fines provided in this subsection  
83 shall be reduced by three-fourths in cases in which the third-  
84 party voter registration organization that the failure to  
85 deliver the voter registration application within the required  
86 timeframe is based upon force majeure or impossibility of  
87 performance shall be an affirmative defense to a violation of  
88 this subsection has complied with subsection (1). The secretary  
89 may shall waive the fines described in this subsection upon a  
90 showing that the failure to deliver the voter registration  
91 application promptly is based upon force majeure or  
92 impossibility of performance.

93 (5) If the Secretary of State reasonably believes that a  
94 person has committed a violation of this section, the secretary  
95 may refer the matter to the Attorney General for enforcement.  
96 The Attorney General may institute a civil action for a  
97 violation of this section or to prevent a violation of this  
98 section. An action for relief may include a permanent or  
99 temporary injunction, a restraining order, or any other  
100 appropriate order.



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101        ~~(6)-(4)-(a)~~ The division shall adopt by rule a form to elicit  
102 specific information concerning the facts and circumstances from  
103 a person who claims to have been registered to vote by a third-  
104 party voter registration organization but who does not appear as  
105 an active voter on the voter registration rolls. The division  
106 shall also adopt rules to ensure the integrity of the  
107 registration process, including rules requiring third-party  
108 voter registration organizations to account for all state and  
109 federal registration forms used by their registration agents.

110        (b) The division may investigate any violation of this  
111 section. Civil fines shall be assessed by the division and  
112 enforced through any appropriate legal proceedings.

113        ~~(7)-(5)~~ The date on which an applicant signs a voter  
114 registration application is presumed to be the date on which the  
115 third-party voter registration organization received or  
116 collected the voter registration application.

117        ~~(8)-(6)~~ The civil fines provided in this section are in  
118 addition to any applicable criminal penalties.

119        ~~(9)-(7)~~ Fines collected pursuant to this section shall be  
120 annually appropriated by the Legislature to the department for  
121 enforcement of this section and for voter education.

122        ~~(10)-(8)~~ The division may adopt rules to administer this  
123 section.

124  
125 ===== T I T L E   A M E N D M E N T =====

126 And the title is amended as follows:

127        Delete lines 3944 - 3962

128 and insert:

129        and made public daily at a specified time; requiring



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130 submission of all voter registration applications  
131 received by a third-party voter registration  
132 organization; providing circumstances under which a  
133 third-party voter registration organization shall be  
134 deemed to be in compliance with the law when  
135 submitting voter registration applications; amending  
136 s. 97.071, F.S.; requiring