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LEGISLATIVE ACTION

Senate

House

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Floor: 1b/F/2R

05/04/2011 01:50 PM

Senator Ring moved the following:

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

3
4 Delete lines 80 - 200
5 and insert:

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



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14 incomplete, the third-party voter registration organization
15 shall be presumed to be in compliance with this section.

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

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

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



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

51 1.(a) A fine in the amount of \$50 for each application
52 received by the division or the supervisor of elections more
53 than 48 hours ~~10 days~~ after the applicant delivered the
54 completed voter registration application to the third-party
55 voter registration organization or any person, entity, or agent
56 acting on its behalf or the next business day, if the office is
57 closed. A fine in the amount of \$250 for each application
58 received if the third-party voter registration organization or
59 person, entity, or agency acting on its behalf acted willfully.

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

69 3.(c) A fine in the amount of \$500 for each application
70 collected by a third-party voter registration organization or
71 any person, entity, or agent acting on its behalf, which is not



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

76
77 The aggregate fine pursuant to this paragraph ~~subsection~~ which
78 may be assessed against a third-party voter registration
79 organization, including affiliate organizations, for violations
80 committed in a calendar year is ~~shall be~~ \$1,000.

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

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

100 (6)-(4)(a) The division shall adopt by rule a form to elicit



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

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

112 ~~(7)(5)~~ The date on which an applicant signs a voter
113 registration application is presumed to be the date on which the
114 third-party voter registration organization received or
115 collected the voter registration application.

116 ~~(8)(6)~~ The civil fines provided in this section are in
117 addition to any applicable criminal penalties.

118 ~~(9)(7)~~ Fines collected pursuant to this section shall be
119 annually appropriated by the Legislature to the department for
120 enforcement of this section and for voter education.

121 ~~(10)(8)~~ The division may adopt rules to administer this
122 section.

123
124 ===== T I T L E A M E N D M E N T =====

125 And the title is amended as follows:

126 Delete lines 3944 - 3962

127 and insert:

128 and made public daily at a specified time; requiring
129 submission of all voter registration applications



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