

HB 1189

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1                   A bill to be entitled  
2           An act relating to elections; amending s. 97.0575,  
3           F.S.; increasing the amount of time that third-party  
4           voter registration organizations are allowed to hold  
5           collected voter registration applications before  
6           submitting them; deleting a provision that authorizes  
7           the Secretary of State to refer matters to the  
8           Attorney General for civil action when the secretary  
9           reasonably believes that a third-party voter  
10          registration violation has occurred; amending s.  
11          100.371, F.S.; increasing the amount of time that a  
12          signature on a ballot initiative petition is valid;  
13          amending s. 101.045, F.S.; permitting an elector to  
14          vote in the precinct to which he or she has moved his  
15          or her legal residence if the elector completes a  
16          certain affirmation; amending s. 101.657, F.S.;  
17          increasing the time allowed for early voting by  
18          beginning 15 days before a state or federal election  
19          and ending on the second day before the election;  
20          providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsections (5), (6), and (7) of section  
25   97.0575, Florida Statutes, are renumbered as subsections (4),  
26   (5), and (6), respectively, and paragraph (a) of subsection (3)  
27   and present subsection (4) of that section are amended to read:  
28           97.0575 Third-party voter registrations.—

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29           (3) (a) A third-party voter registration organization that  
30 collects voter registration applications serves as a fiduciary  
31 to the applicant, ensuring that any voter registration  
32 application entrusted to the organization, irrespective of party  
33 affiliation, race, ethnicity, or gender, shall be promptly  
34 delivered to the division or the supervisor of elections within  
35 10 days ~~48 hours~~ after the applicant completes it or the next  
36 ~~business day if the appropriate office is closed for that 48-~~  
37 ~~hour period.~~ If a voter registration application collected by  
38 any third-party voter registration organization is not promptly  
39 delivered to the division or supervisor of elections, the third-  
40 party voter registration organization is liable for the  
41 following fines:

42           1. A fine in the amount of \$50 for each application  
43 received by the division or the supervisor of elections more  
44 than 10 days ~~48 hours~~ after the applicant delivered the  
45 completed voter registration application to the third-party  
46 voter registration organization or any person, entity, or agent  
47 acting on its behalf ~~or the next business day, if the office is~~  
48 ~~closed.~~ A fine in the amount of \$250 for each application  
49 received if the third-party voter registration organization or  
50 person, entity, or agency acting on its behalf acted willfully.

51           2. A fine in the amount of \$100 for each application  
52 collected by a third-party voter registration organization or  
53 any person, entity, or agent acting on its behalf, before book  
54 closing for any given election for federal or state office and  
55 received by the division or the supervisor of elections after  
56 the book-closing deadline for such election. A fine in the

57 amount of \$500 for each application received if the third-party  
 58 registration organization or person, entity, or agency acting on  
 59 its behalf acted willfully.

60 3. A fine in the amount of \$500 for each application  
 61 collected by a third-party voter registration organization or  
 62 any person, entity, or agent acting on its behalf, which is not  
 63 submitted to the division or supervisor of elections. A fine in  
 64 the amount of \$1,000 for any application not submitted if the  
 65 third-party voter registration organization or person, entity,  
 66 or agency acting on its behalf acted willfully.

67  
 68 The aggregate fine pursuant to this paragraph which may be  
 69 assessed against a third-party voter registration organization,  
 70 including affiliate organizations, for violations committed in a  
 71 calendar year is \$1,000.

72 ~~(4) If the Secretary of State reasonably believes that a~~  
 73 ~~person has committed a violation of this section, the secretary~~  
 74 ~~may refer the matter to the Attorney General for enforcement.~~  
 75 ~~The Attorney General may institute a civil action for a~~  
 76 ~~violation of this section or to prevent a violation of this~~  
 77 ~~section. An action for relief may include a permanent or~~  
 78 ~~temporary injunction, a restraining order, or any other~~  
 79 ~~appropriate order.~~

80 Section 2. Subsection (3) of section 100.371, Florida  
 81 Statutes, is amended to read:

82 100.371 Initiatives; procedure for placement on ballot.—

83 (3) An initiative petition form circulated for signature  
 84 may not be bundled with or attached to any other petition. Each

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85 signature shall be dated when made and shall be valid for a  
86 period of 4 ~~2~~ years following such date, provided all other  
87 requirements of law are met. The sponsor shall submit signed and  
88 dated forms to the supervisor of elections for the county of  
89 residence listed by the person signing the form for verification  
90 of the number of valid signatures obtained. If a signature on a  
91 petition is from a registered voter in another county, the  
92 supervisor shall notify the petition sponsor of the misfiled  
93 petition. The supervisor shall promptly verify the signatures  
94 within 30 days after receipt of the petition forms and payment  
95 of the fee required by s. 99.097. The supervisor shall promptly  
96 record, in the manner prescribed by the Secretary of State, the  
97 date each form is received by the supervisor, and the date the  
98 signature on the form is verified as valid. The supervisor may  
99 verify that the signature on a form is valid only if:

100 (a) The form contains the original signature of the  
101 purported elector.

102 (b) The purported elector has accurately recorded on the  
103 form the date on which he or she signed the form.

104 (c) The form sets forth the purported elector's name,  
105 address, city, county, and voter registration number or date of  
106 birth.

107 (d) The purported elector is, at the time he or she signs  
108 the form and at the time the form is verified, a duly qualified  
109 and registered elector in the state.

110  
111 The supervisor shall retain the signature forms for at least 1  
112 year following the election in which the issue appeared on the

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113 ballot or until the Division of Elections notifies the  
 114 supervisors of elections that the committee that circulated the  
 115 petition is no longer seeking to obtain ballot position.

116 Section 3. Subsection (2) of section 101.045, Florida  
 117 Statutes, is amended to read:

118 101.045 Electors must be registered in precinct;  
 119 provisions for change of residence or name.—

120 (2) (a) An elector who moves from the precinct in which the  
 121 elector is registered may be permitted to vote in the precinct  
 122 to which he or she has moved his or her legal residence, if the  
 123 ~~change of residence is within the same county and the~~ elector  
 124 completes an affirmation in substantially the following form:

125 Change of Legal Residence of Registered  
 126 Voter

127 Under penalties for false swearing, I, ...(Name of voter)...,  
 128 swear (or affirm) that the former address of my legal residence  
 129 was ...(Address of legal residence)... in the municipality of  
 130 ....., in .... County, Florida, and I was registered to vote in  
 131 the .... precinct of .... County, Florida; that I have not voted  
 132 in the precinct of my former registration in this election; that  
 133 I now reside at ...(Address of legal residence)... in the  
 134 Municipality of ....., in .... County, Florida, and am therefore  
 135 eligible to vote in the .... precinct of .... County, Florida;  
 136 and I further swear (or affirm) that I am otherwise legally  
 137 registered and entitled to vote.

138 ...(Signature of voter whose address of legal residence has  
 139 changed)...

140 ~~(b) Except for an active uniformed services voter or a~~

141 ~~member of his or her family, an elector whose change of address~~  
 142 ~~is from outside the county may not change his or her legal~~  
 143 ~~residence at the polling place and vote a regular ballot;~~  
 144 ~~however, such elector is entitled to vote a provisional ballot.~~

145 (b)~~(e)~~ An elector whose name changes because of marriage  
 146 or other legal process may be permitted to vote, provided such  
 147 elector completes an affirmation in substantially the following  
 148 form:

Change of Name of Registered  
 Voter

151 Under penalties for false swearing, I, ... (New name of  
 152 voter) ..., swear (or affirm) that my name has been changed  
 153 because of marriage or other legal process. My former name and  
 154 address of legal residence appear on the registration records of  
 155 precinct .... as follows:

- 156 Name
- 157 Address
- 158 Municipality
- 159 County
- 160 Florida, Zip

161 My present name and address of legal residence are as follows:

- 162 Name
- 163 Address
- 164 Municipality
- 165 County
- 166 Florida, Zip

167 and I further swear (or affirm) that I am otherwise legally  
 168 registered and entitled to vote.

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169 | ... (Signature of voter whose name has changed) ...

170 | (c) ~~(d)~~ Instead of the affirmation contained in paragraph  
 171 | (a) or paragraph (b) ~~(e)~~, an elector may complete a voter  
 172 | registration application that indicates the change of name or  
 173 | change of address of legal residence.

174 | (d) ~~(e)~~ Such affirmation or application, when completed and  
 175 | presented at the precinct in which such elector is entitled to  
 176 | vote, and upon verification of the elector's registration, shall  
 177 | entitle such elector to vote as provided in this subsection. If  
 178 | the elector's eligibility to vote cannot be determined, he or  
 179 | she shall be entitled to vote a provisional ballot, subject to  
 180 | the requirements and procedures in s. 101.048. Upon receipt of  
 181 | an affirmation or application certifying a change in address of  
 182 | legal residence or name, the supervisor shall as soon as  
 183 | practicable make the necessary changes in the statewide voter  
 184 | registration system to indicate the change in address of legal  
 185 | residence or name of such elector.

186 | Section 4. Paragraph (d) of subsection (1) of section  
 187 | 101.657, Florida Statutes, is amended to read:

188 | 101.657 Early voting.—

189 | (1)

190 | (d) Early voting shall begin on the 15th ~~10th~~ day before  
 191 | an election that contains state or federal races and end on the  
 192 | 2nd ~~3rd~~ day before the election, and shall be provided for no  
 193 | less than 6 hours and no more than 12 hours per day at each site  
 194 | during the applicable period. The supervisor of elections may  
 195 | provide early voting for elections that are not held in  
 196 | conjunction with a state or federal election. However, the

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197 | supervisor has the discretion to determine the hours of  
198 | operation of early voting sites in those elections.  
199 |       Section 5. This act shall take effect July 1, 2012.