

By Senator Sachs

34-01445-13

20131198

1                   A bill to be entitled  
2           An act relating to elections; amending s. 101.045,  
3           F.S.; authorizing an elector who changes his or her  
4           legal residence to vote in the precinct to which he or  
5           she has moved even if the change of residence is not  
6           within the same county; amending s. 101.161, F.S.;  
7           limiting the ballot summary of a joint resolution to  
8           75 words in length; deleting a provision that  
9           authorizes the use of multiple ballot statements to  
10          explain a joint resolution proposal; deleting a  
11          presumption that a ballot statement consisting of the  
12          full text of an amendment or revision is a clear and  
13          unambiguous statement of the substance and effect of  
14          the measure; amending s. 101.62, F.S.; revising the  
15          dates for when an absentee ballot request must be  
16          received and mailed; amending s. 101.657, F.S.;  
17          revising and expanding locations that may be  
18          designated as early voting sites; deleting a  
19          requirement that an early voting site be designated  
20          and used as such for at least 1 year before an  
21          election; increasing and specifying the days and hours  
22          for conducting early voting at certain elections;  
23          providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Subsection (2) of section 101.045, Florida  
28   Statutes, is amended to read:

29           101.045 Electors must be registered in precinct; provisions

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30 for change of residence or name.—

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

36  
 37 Change of Legal Residence of Registered  
 38 Voter

39  
 40 Under penalties for false swearing, I, ...(Name of voter)...,  
 41 swear (or affirm) that the former address of my legal residence  
 42 was ...(Address of legal residence)... in the municipality of  
 43 ....., in .... County, Florida, and I was registered to vote in  
 44 the .... precinct of .... County, Florida; that I have not voted  
 45 in the precinct of my former registration in this election; that  
 46 I now reside at ...(Address of legal residence)... in the  
 47 Municipality of ....., in .... County, Florida, and am therefore  
 48 eligible to vote in the .... precinct of .... County, Florida;  
 49 and I further swear (or affirm) that I am otherwise legally  
 50 registered and entitled to vote.

51  
 52 ...(Signature of voter whose address of legal residence has  
 53 changed)...

54  
 55 ~~(b) Except for an active uniformed services voter or a~~  
 56 ~~member of his or her family, an elector whose change of address~~  
 57 ~~is from outside the county may not change his or her legal~~  
 58 ~~residence at the polling place and vote a regular ballot;~~

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59 ~~however, such elector is entitled to vote a provisional ballot.~~

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

64  
 65 Change of Name of Registered  
 66 Voter

67  
 68 Under penalties for false swearing, I, ... (New name of  
 69 voter) ..., swear (or affirm) that my name has been changed  
 70 because of marriage or other legal process. My former name and  
 71 address of legal residence appear on the registration records of  
 72 precinct .... as follows:

- 73 Name....
- 74 Address....
- 75 Municipality....
- 76 County....
- 77 Florida, Zip....

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

- 79 Name....
- 80 Address....
- 81 Municipality....
- 82 County....
- 83 Florida, Zip....

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

86  
 87 ... (Signature of voter whose name has changed) ...

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89        (c)~~(d)~~ Instead of the affirmation contained in paragraph  
90 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter  
91 registration application that indicates the change of name or  
92 change of address of legal residence.

93        (d)~~(e)~~ Such affirmation or application, when completed and  
94 presented at the precinct in which such elector is entitled to  
95 vote, and upon verification of the elector's registration, shall  
96 entitle such elector to vote as provided in this subsection. If  
97 the elector's eligibility to vote cannot be determined, he or  
98 she shall be entitled to vote a provisional ballot, subject to  
99 the requirements and procedures in s. 101.048. Upon receipt of  
100 an affirmation or application certifying a change in address of  
101 legal residence or name, the supervisor shall as soon as  
102 practicable make the necessary changes in the statewide voter  
103 registration system to indicate the change in address of legal  
104 residence or name of such elector.

105        Section 2. Subsections (1) and (3) of section 101.161,  
106 Florida Statutes, are amended to read:

107        101.161 Referenda; ballots.—

108        (1) Whenever a constitutional amendment or other public  
109 measure is submitted to the vote of the people, a ballot summary  
110 of such amendment or other public measure shall be printed in  
111 clear and unambiguous language on the ballot after the list of  
112 candidates, followed by the word "yes" and also by the word  
113 "no," and shall be styled in such a manner that a "yes" vote  
114 will indicate approval of the proposal and a "no" vote will  
115 indicate rejection. The ballot summary of the amendment or other  
116 public measure and the ballot title to appear on the ballot

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117 shall be embodied in the joint resolution, constitutional  
118 revision commission proposal, constitutional convention  
119 proposal, taxation and budget reform commission proposal, or  
120 enabling resolution or ordinance. The ballot summary of the  
121 amendment or other public measure shall be an explanatory  
122 statement, not exceeding 75 words in length, of the chief  
123 purpose of the measure. In addition, for every amendment  
124 proposed by initiative, the ballot shall include, following the  
125 ballot summary, a separate financial impact statement concerning  
126 the measure prepared by the Financial Impact Estimating  
127 Conference in accordance with s. 100.371(5). The ballot title  
128 shall consist of a caption, not exceeding 15 words in length, by  
129 which the measure is commonly referred to or spoken of. This  
130 subsection does not apply to constitutional amendments or  
131 revisions proposed by joint resolution.

132 (3) (a) ~~Each joint resolution that proposes a constitutional~~  
133 ~~amendment or revision shall include one or more ballot~~  
134 ~~statements set forth in order of priority. Each ballot statement~~  
135 ~~shall consist of a ballot title, by which the measure is~~  
136 ~~commonly referred to or spoken of, not exceeding 15 words in~~  
137 ~~length, and either a ballot summary that describes the chief~~  
138 ~~purpose of the amendment or revision in clear and unambiguous~~  
139 ~~language, or the full text of the amendment or revision. The~~  
140 ~~Department of State shall furnish a designating number pursuant~~  
141 ~~to subsection (2) and the appropriate ballot statement to the~~  
142 ~~supervisor of elections of each county. The ballot statement~~  
143 ~~shall be printed on the ballot after the list of candidates,~~  
144 ~~followed by the word "yes" and also by the word "no," and shall~~  
145 ~~be styled in such a manner that a "yes" vote will indicate~~

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146 ~~approval of the amendment or revision and a "no" vote will~~  
147 ~~indicate rejection.~~

148 ~~(b)1.~~ Any action for a judicial determination that the  
149 ballot title or summary ~~one or more ballot statements~~ embodied  
150 in a joint resolution is ~~are~~ defective must be commenced by  
151 filing a complaint or petition with the appropriate court within  
152 30 days after the joint resolution is filed with the Secretary  
153 of State. The complaint or petition shall assert all grounds for  
154 challenge to the ballot title or summary ~~each ballot statement~~.  
155 Any ground not asserted within 30 days after the joint  
156 resolution is filed with the Secretary of State is waived.

157 ~~(b)2.~~ The court, including any appellate court, shall  
158 accord an action described in paragraph (a) ~~subparagraph 1.~~  
159 priority over other pending cases and render a decision as  
160 expeditiously as possible. If the court finds that the ballot  
161 title or summary is ~~all ballot statements embodied in a joint~~  
162 ~~resolution~~ ~~are~~ defective and further appeals are declined,  
163 abandoned, or exhausted, unless otherwise provided in the joint  
164 resolution, the Attorney General shall, within 10 days, prepare  
165 and submit to the Department of State a revised ballot title or  
166 ballot summary that corrects the deficiencies identified by the  
167 court, and the Department of State shall furnish a designating  
168 number and the revised ballot title or ballot summary to the  
169 supervisor of elections of each county for placement on the  
170 ballot. The court shall retain jurisdiction over challenges to a  
171 revised ballot title or ballot summary prepared by the Attorney  
172 General, and any challenge to a revised ballot title or ballot  
173 summary must be filed within 10 days after a revised ballot  
174 title or ballot summary is submitted to the Department of State.

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175 ~~3. A ballot statement that consists of the full text of an~~  
176 ~~amendment or revision shall be presumed to be a clear and~~  
177 ~~unambiguous statement of the substance and effect of the~~  
178 ~~amendment or revision, providing fair notice to the electors of~~  
179 ~~the content of the amendment or revision and sufficiently~~  
180 ~~advising electors of the issue upon which they are to vote.~~

181 Section 3. Subsection (2) of section 101.62, Florida  
182 Statutes, is amended to read:

183 101.62 Request for absentee ballots.—

184 (2) A request for an absentee ballot to be mailed to a  
185 voter must be received no later than 5 p.m. on the fifteenth  
186 ~~sixth~~ day before the election by the supervisor of elections.  
187 The supervisor of elections shall mail absentee ballots to  
188 voters requesting ballots by such deadline no later than 13 4  
189 days before the election.

190 Section 4. Paragraphs (a) and (d) of subsection (1) of  
191 section 101.657, Florida Statutes, are amended to read:

192 101.657 Early voting.—

193 (1) (a) As a convenience to the voter, the supervisor of  
194 elections shall allow an elector to vote early in the main or  
195 branch office of the supervisor. The supervisor shall mark,  
196 code, indicate on, or otherwise track the voter's precinct for  
197 each early voted ballot. ~~In order for a branch office to be used~~  
198 ~~for early voting, it shall be a permanent facility of the~~  
199 ~~supervisor and shall have been designated and used as such for~~  
200 ~~at least 1 year prior to the election.~~ The supervisor may also  
201 designate as an early voting site any suitable location in the  
202 county, including any city hall or permanent public library  
203 ~~facility as early voting sites; however, if so designated, the~~

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204 sites must be geographically located so as to provide all voters  
205 in the county an equal opportunity to cast a ballot, insofar as  
206 is practicable. The results or tabulation of votes cast during  
207 early voting may not be made before the close of the polls on  
208 election day. Results shall be reported by precinct.

209 (d) Early voting shall begin on the 15th ~~10th~~ day before an  
210 election that contains state or federal races and end on the 2nd  
211 ~~3rd~~ day before the election, and shall be provided for at least  
212 ~~no less than~~ 6 hours but not ~~and no~~ more than 12 hours per day  
213 at each site during the applicable period. For purposes of a  
214 primary election or a special election held pursuant to s.  
215 100.101, early voting shall begin on the 8th day before the  
216 election and end on the 2nd day before the election. Early  
217 voting shall be provided for 8 hours per day at each site during  
218 the applicable period and an aggregate of at least 8 hours on  
219 the weekend. The supervisor of elections may provide early  
220 voting for elections that are not held in conjunction with a  
221 state or federal election. However, the supervisor has the  
222 discretion to determine the hours of operation of early voting  
223 sites in those elections.

224 Section 5. This act shall take effect July 1, 2013.