

By Senator Latvala

20-01083D-13

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.0555,
3 F.S.; revising qualifications for late voter
4 registration; amending s. 101.161, F.S.; revising what
5 constitutes a ballot summary; deleting a provision
6 providing that a ballot statement consisting of the
7 full text of a constitutional amendment or revision is
8 presumed to be a clear and unambiguous statement;
9 repealing s. 101.56075(4), F.S., relating to the
10 requirement that all voting systems used by voters in
11 a state election allow placement of the full text of a
12 constitutional amendment or revision containing
13 stricken or underlined text by a specified date;
14 amending s. 101.64, F.S.; revising the requirements of
15 the voter's certificate accompanying an absentee
16 ballot; amending s. 101.65, F.S.; revising the
17 instructions to absent electors; amending s. 101.68,
18 F.S.; revising what a canvassing board may consider an
19 illegal absentee ballot; amending s. 101.6921, F.S.;
20 revising the voter's certificate accompanying a
21 special absentee ballot; amending s. 101.6923, F.S.;
22 revising special absentee ballot instructions;
23 amending s. 102.031, F.S.; revising restrictions
24 relating to the solicitation of voters; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 97.0555, Florida Statutes, is amended to

20-01083D-13

2013600

30 read:

31 97.0555 Late registration.—An individual or accompanying
32 family member, including a member of the uniformed services or
33 the Merchant Marine, who is otherwise qualified to register to
34 vote and who, after the book-closing date for an election
35 pursuant to s. 97.055, returns from a combat zone or other
36 forward-deployed area or ~~who~~ has been discharged or separated
37 from the uniformed services or the Merchant Marine, or from
38 employment outside the territorial limits of the United States,
39 ~~after the book-closing date for an election pursuant to s.~~
40 ~~97.055 and who is otherwise qualified~~ may register to vote in
41 such election until 5 p.m. on the Friday before that election in
42 the office of the supervisor of elections. Such persons must
43 produce sufficient documentation showing evidence of qualifying
44 for late registration pursuant to this section.

45 Section 2. Subsection (3) of section 101.161, Florida
46 Statutes, is amended to read:

47 101.161 Referenda; ballots.—

48 (3) (a) Each joint resolution that proposes a constitutional
49 amendment or revision shall include one or more ballot
50 statements set forth in order of priority. Each ballot statement
51 shall consist of a ballot title, by which the measure is
52 commonly referred to or spoken of, not exceeding 15 words in
53 length, and ~~either~~ a ballot summary that describes the chief
54 purpose of the amendment or revision in clear and unambiguous
55 language, ~~or the full text of the amendment or revision.~~ The
56 Department of State shall furnish a designating number pursuant
57 to subsection (2) and the appropriate ballot statement to the
58 supervisor of elections of each county. The ballot statement

20-01083D-13

2013600__

59 shall be printed on the ballot after the list of candidates,
60 followed by the word "yes" and also by the word "no," and shall
61 be styled in such a manner that a "yes" vote will indicate
62 approval of the amendment or revision and a "no" vote will
63 indicate rejection.

64 (b)1. Any action for a judicial determination that one or
65 more ballot statements embodied in a joint resolution are
66 defective must be commenced by filing a complaint or petition
67 with the appropriate court within 30 days after the joint
68 resolution is filed with the Secretary of State. The complaint
69 or petition shall assert all grounds for challenge to each
70 ballot statement. Any ground not asserted within 30 days after
71 the joint resolution is filed with the Secretary of State is
72 waived.

73 2. The court, including any appellate court, shall accord
74 an action described in subparagraph 1. priority over other
75 pending cases and render a decision as expeditiously as
76 possible. If the court finds that all ballot statements embodied
77 in a joint resolution are defective and further appeals are
78 declined, abandoned, or exhausted, unless otherwise provided in
79 the joint resolution, the Attorney General shall, within 10
80 days, prepare and submit to the Department of State a revised
81 ballot title or ballot summary that corrects the deficiencies
82 identified by the court, and the Department of State shall
83 furnish a designating number and the revised ballot title or
84 ballot summary to the supervisor of elections of each county for
85 placement on the ballot. The court shall retain jurisdiction
86 over challenges to a revised ballot title or ballot summary
87 prepared by the Attorney General, and any challenge to a revised

20-01083D-13

2013600__

88 ballot title or ballot summary must be filed within 10 days
 89 after a revised ballot title or ballot summary is submitted to
 90 the Department of State.

91 ~~3. A ballot statement that consists of the full text of an~~
 92 ~~amendment or revision shall be presumed to be a clear and~~
 93 ~~unambiguous statement of the substance and effect of the~~
 94 ~~amendment or revision, providing fair notice to the electors of~~
 95 ~~the content of the amendment or revision and sufficiently~~
 96 ~~advising electors of the issue upon which they are to vote.~~

97 Section 3. Subsection (4) of section 101.56075, Florida
 98 Statutes, is repealed.

99 Section 4. Subsections (1) through (3) of section 101.64,
 100 Florida Statutes, are amended to read:

101 101.64 Delivery of absentee ballots; envelopes; form.—

102 (1) The supervisor shall enclose with each absentee ballot
 103 two envelopes: a secrecy envelope, into which the absent elector
 104 shall enclose his or her marked ballot; and a mailing envelope,
 105 into which the absent elector shall then place the secrecy
 106 envelope, which shall be addressed to the supervisor and also
 107 bear on the back side a certificate in substantially the
 108 following form:

109
 110 Note: Please Read Instructions Carefully Before
 111 Marking Ballot and Completing Voter's Certificate.

112
 113 VOTER'S CERTIFICATE

114 I,, do solemnly swear or affirm that I am a qualified
 115 and registered voter of County, Florida, and that I have
 116 not and will not vote more than one ballot in this election. I

20-01083D-13

2013600__

146 envelope.

147 (3) In lieu of the voter's certificate provided in this
 148 section, the supervisor of elections shall provide each person
 149 voting absentee under the Uniformed and Overseas Citizens
 150 Absentee Voting Act with the standard oath prescribed by the
 151 presidential designee with an appended section in substantially
 152 the following form:-

153
 154 Witness signature and date:

155
 156 ...(Signature of Witness)...

157
 158 ...(Printed Name of Witness)...

159
 160 ...(Month/Day/Year)...

161
 162 Section 5. Section 101.65, Florida Statutes, is amended to
 163 read:

164 101.65 Instructions to absent electors.—The supervisor
 165 shall enclose with each absentee ballot separate printed
 166 instructions in substantially the following form:

167
 168 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

169 1. VERY IMPORTANT. In order to ensure that your absentee
 170 ballot will be counted, it should be completed and returned as
 171 soon as possible so that it can reach the supervisor of
 172 elections of the county in which your precinct is located no
 173 later than 7 p.m. on the day of the election.

174 2. Mark your ballot in secret as instructed on the ballot.

20-01083D-13

2013600__

175 You must mark your own ballot unless you are unable to do so
176 because of blindness, disability, or inability to read or write.

177 3. Mark only the number of candidates or issue choices for
178 a race as indicated on the ballot. If you are allowed to "Vote
179 for One" candidate and you vote for more than one candidate,
180 your vote in that race will not be counted.

181 4. Place your marked ballot in the enclosed secrecy
182 envelope.

183 5. Insert the secrecy envelope into the enclosed mailing
184 envelope which is addressed to the supervisor.

185 6. Seal the mailing envelope and completely fill out the
186 Voter's Certificate on the back of the mailing envelope.

187 7. VERY IMPORTANT. In order for your absentee ballot to be
188 counted, you must sign your name on the line above (Voter's
189 Signature). An absentee ballot will be considered illegal and
190 not be counted if the signature on the voter's certificate does
191 not match the signature on record. The signature on file at the
192 start of the canvass of the absentee ballots is the signature
193 that will be used to verify your signature on the voter's
194 certificate. If you need to update your signature for this
195 election, send your signature update on a voter registration
196 application to your supervisor of elections so that it is
197 received no later than the start of the canvassing of absentee
198 ballots, which occurs no earlier than the 15th day before
199 election day.

200 8. VERY IMPORTANT. In order for your absentee ballot to be
201 counted, it must include the signature of an attesting witness
202 18 years of age or older affixed to the Voter's Certificate. If
203 the signature is illegible, the Voter's Certificate must also

20-01083D-13

2013600__

204 include a readable printed name of the attesting witness. No
205 candidate may serve as an attesting witness.

206 9.8. VERY IMPORTANT. If you are an overseas voter, you must
207 include the date you signed the Voter's Certificate on the line
208 above (Date) or your ballot may not be counted.

209 10.9. Mail, deliver, or have delivered the completed
210 mailing envelope. Be sure there is sufficient postage if mailed.

211 11.10. FELONY NOTICE. It is a felony under Florida law to
212 accept any gift, payment, or gratuity in exchange for your vote
213 for a candidate. It is also a felony under Florida law to vote
214 in an election using a false identity or false address, or under
215 any other circumstances making your ballot false or fraudulent.

216 Section 6. Paragraph (c) of subsection (2) of section
217 101.68, Florida Statutes, is amended to read:

218 101.68 Canvassing of absentee ballot.-

219 (2)

220 (c)1. The canvassing board shall, if the supervisor has not
221 already done so, compare the signature of the elector on the
222 voter's certificate with the signature of the elector in the
223 registration books to see that the elector is duly registered in
224 the county and to determine the legality of that absentee
225 ballot. The ballot of an elector who casts an absentee ballot
226 shall be counted even if the elector dies on or before election
227 day, as long as, prior to the death of the voter, the ballot was
228 postmarked by the United States Postal Service, date-stamped
229 with a verifiable tracking number by common carrier, or already
230 in the possession of the supervisor of elections. An absentee
231 ballot shall be considered illegal if it does not include the
232 signature of the elector, as shown by the registration records,

20-01083D-13

2013600__

233 and the signature of an attesting witness; however, if the
234 signature of the attesting witness is illegible, the printed
235 name of the attesting witness must clearly identify the name of
236 the witness or the ballot shall be considered illegal. However,
237 an absentee ballot shall not be considered illegal if the
238 signature of the elector does not cross the seal of the mailing
239 envelope. If the canvassing board determines that any ballot is
240 illegal, a member of the board shall, without opening the
241 envelope, mark across the face of the envelope: "rejected as
242 illegal." The envelope and the ballot contained therein shall be
243 preserved in the manner that official ballots voted are
244 preserved.

245 2. If any elector or candidate present believes that an
246 absentee ballot is illegal due to a defect apparent on the
247 voter's certificate, he or she may, at any time before the
248 ballot is removed from the envelope, file with the canvassing
249 board a protest against the canvass of that ballot, specifying
250 the precinct, the ballot, and the reason he or she believes the
251 ballot to be illegal. A challenge based upon a defect in the
252 voter's certificate may not be accepted after the ballot has
253 been removed from the mailing envelope.

254 Section 7. Subsections (3) and (4) of section 101.6921,
255 Florida Statutes, are amended to read:

256 101.6921 Delivery of special absentee ballot to certain
257 first-time voters.—

258 (3) The Voter's Certificate shall be in substantially the
259 following form:

260

261 Note: Please Read Instructions Carefully Before Marking Ballot

20-01083D-13

2013600__

262 and Completing Voter's Certificate.

263

264

VOTER'S CERTIFICATE

265

266 I,, do solemnly swear or affirm that I am a qualified
267 and registered voter of County, Florida, and that I have
268 not and will not vote more than one ballot in this election. I
269 understand that if I commit or attempt to commit any fraud in
270 connection with voting, vote a fraudulent ballot, or vote more
271 than once in an election, I can be convicted of a felony of the
272 third degree and fined up to \$5,000 and/or imprisoned for up to
273 5 years. I also understand that failure to sign this certificate
274 will invalidate my ballot. I understand that unless I meet one
275 of the exemptions below, I must provide a copy of a current and
276 valid identification as provided in the instruction sheet to the
277 supervisor of elections in order for my ballot to count.

278 I further certify that I am exempt from the requirements to
279 furnish a copy of a current and valid identification with my
280 ballot because of one or more of the following (check all that
281 apply):

282 I am 65 years of age or older.

283 I have a permanent or temporary physical disability.

284 I am a member of a uniformed service on active duty who,
285 by reason of such active duty, will be absent from the county on
286 election day.

287 I am a member of the Merchant Marine who, by reason of
288 service in the Merchant Marine, will be absent from the county
289 on election day.

290 I am the spouse or dependent of a member of the uniformed

20-01083D-13

2013600__

291 service or Merchant Marine who, by reason of the active duty or
 292 service of the member, will be absent from the county on
 293 election day.

294 I am currently residing outside the United States.

296 ... (Date)Voter's Signature...

298 Note: Your Signature Must Be Witnessed By One Witness 18 Years
 299 of Age or Older as Provided in the Instruction Sheet.

301 I swear or affirm that the voter signed this Voter's Certificate
 302 in my presence.

304 ... (Signature of Witness) ...

306 ... (Printed Name of Witness) ...

308 ... (Date) ...

309 ... (City/State) ...

311 (4) The certificate shall be arranged on the back of the
 312 envelope so that the line for the signature of the absent
 313 elector is across the seal of the envelope.

314 Section 8. Subsection (2) of section 101.6923, Florida
 315 Statutes, is amended to read:

316 101.6923 Special absentee ballot instructions for certain
 317 first-time voters.—

318 (2) A voter covered by this section shall be provided with
 319 printed instructions with his or her absentee ballot in

20-01083D-13

2013600__

320 substantially the following form:

321

322 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
323 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
324 YOUR BALLOT NOT TO COUNT.

325

326 1. In order to ensure that your absentee ballot will be
327 counted, it should be completed and returned as soon as possible
328 so that it can reach the supervisor of elections of the county
329 in which your precinct is located no later than 7 p.m. on the
330 date of the election.

331 2. Mark your ballot in secret as instructed on the ballot.
332 You must mark your own ballot unless you are unable to do so
333 because of blindness, disability, or inability to read or write.

334 3. Mark only the number of candidates or issue choices for
335 a race as indicated on the ballot. If you are allowed to "Vote
336 for One" candidate and you vote for more than one, your vote in
337 that race will not be counted.

338 4. Place your marked ballot in the enclosed secrecy
339 envelope and seal the envelope.

340 5. Insert the secrecy envelope into the enclosed envelope
341 bearing the Voter's Certificate. Seal the envelope and
342 completely fill out the Voter's Certificate on the back of the
343 envelope.

344 a. You must sign your name on the line above (Voter's
345 Signature).

346 b. You must have your signature witnessed by a person 18
347 years of age or older. Have the witness sign on the line above
348 (Signature of Witness) and include his or her address. If the

20-01083D-13

2013600__

349 signature is illegible, the Voter's Certificate must also
350 include a readable printed name of the attesting witness. No
351 candidate may serve as an attesting witness.

352 ~~c.b.~~ If you are an overseas voter, you must include the
353 date you signed the Voter's Certificate on the line above (Date)
354 or your ballot may not be counted.

355 ~~d.e.~~ An absentee ballot will be considered illegal and will
356 not be counted if the signature on the Voter's Certificate does
357 not match the signature on record. The signature on file at the
358 start of the canvass of the absentee ballots is the signature
359 that will be used to verify your signature on the Voter's
360 Certificate. If you need to update your signature for this
361 election, send your signature update on a voter registration
362 application to your supervisor of elections so that it is
363 received no later than the start of canvassing of absentee
364 ballots, which occurs no earlier than the 15th day before
365 election day.

366 6. Unless you meet one of the exemptions in Item 7., you
367 must make a copy of one of the following forms of
368 identification:

369 a. Identification which must include your name and
370 photograph: United States passport; debit or credit card;
371 military identification; student identification; retirement
372 center identification; neighborhood association identification;
373 or public assistance identification; or

374 b. Identification which shows your name and current
375 residence address: current utility bill, bank statement,
376 government check, paycheck, or government document (excluding
377 voter identification card).

20-01083D-13

2013600

378 7. The identification requirements of Item 6. do not apply
379 if you meet one of the following requirements:

380 a. You are 65 years of age or older.

381 b. You have a temporary or permanent physical disability.

382 c. You are a member of a uniformed service on active duty
383 who, by reason of such active duty, will be absent from the
384 county on election day.

385 d. You are a member of the Merchant Marine who, by reason
386 of service in the Merchant Marine, will be absent from the
387 county on election day.

388 e. You are the spouse or dependent of a member referred to
389 in paragraph c. or paragraph d. who, by reason of the active
390 duty or service of the member, will be absent from the county on
391 election day.

392 f. You are currently residing outside the United States.

393 8. Place the envelope bearing the Voter's Certificate into
394 the mailing envelope addressed to the supervisor. Insert a copy
395 of your identification in the mailing envelope. DO NOT PUT YOUR
396 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
397 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
398 BALLOT WILL NOT COUNT.

399 9. Mail, deliver, or have delivered the completed mailing
400 envelope. Be sure there is sufficient postage if mailed.

401 10. FELONY NOTICE. It is a felony under Florida law to
402 accept any gift, payment, or gratuity in exchange for your vote
403 for a candidate. It is also a felony under Florida law to vote
404 in an election using a false identity or false address, or under
405 any other circumstances making your ballot false or fraudulent.

406 Section 9. Subsection (4) of section 102.031, Florida

20-01083D-13

2013600__

407 Statutes, is amended to read:

408 102.031 Maintenance of good order at polls; authorities;
409 persons allowed in polling rooms and early voting areas;
410 unlawful solicitation of voters.-

411 (4) (a) No person, political committee, committee of
412 continuous existence, or other group or organization may solicit
413 voters inside the polling place or within 100 feet of the
414 entrance to any polling place, or polling room where the polling
415 place is also a polling room, or early voting site. ~~Before the~~
416 ~~opening of the polling place or early voting site, the clerk or~~
417 ~~supervisor shall designate the no-solicitation zone and mark the~~
418 ~~boundaries.~~

419 (b) For the purpose of this subsection, the terms "solicit"
420 or "solicitation" shall include, but not be limited to, seeking
421 or attempting to seek any vote, fact, opinion, or contribution;
422 distributing or attempting to distribute any political or
423 campaign material, leaflet, or handout; conducting a poll except
424 as specified in this paragraph; seeking or attempting to seek a
425 signature on any petition; and selling or attempting to sell any
426 item. The terms "solicit" or "solicitation" shall not be
427 construed to prohibit exit polling.

428 (c) Each supervisor of elections shall inform the clerk of
429 the area within which soliciting is unlawful, ~~based on the~~
430 ~~particular characteristics of that polling place.~~ The supervisor
431 or the clerk may take any reasonable action necessary to ensure
432 order at the polling places, including, but not limited to,
433 having disruptive and unruly persons removed by law enforcement
434 officers from the polling room or place or from the 100-foot
435 zone surrounding the polling place.

20-01083D-13

2013600__

436 (d) Except as provided in paragraph (a), the supervisor may
437 not designate a no solicitation zone or otherwise restrict
438 access to a polling place, polling room, early voting site, or
439 surrounding property in any manner to any person, political
440 committee, committee of continuous existence, candidate, or
441 other group or organization for the purposes of soliciting
442 voters. This paragraph applies to any public or private property
443 used as a polling place or early voting site.

444 Section 10. This act shall take effect July 1, 2013.