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LEGISLATIVE ACTION

Senate

House

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Floor: 1/RE/2R

04/24/2013 07:32 PM

Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (17) is added to section 97.012,
Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The
Secretary of State is the chief election officer of the state,
and it is his or her responsibility to:

(17) When warranted, place a supervisor of elections in
noncompliant status pursuant to s. 98.025.

Section 2. Section 97.0555, Florida Statutes, is amended to
read:



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14 97.0555 Late registration.—An individual or accompanying
15 family member who has been discharged or separated from the
16 uniformed services or the United States Merchant Marine, has
17 returned from a combat zone or forward-deployed area, or has
18 separated from employment outside the territorial limits of the
19 United States, after the book-closing date for an election
20 pursuant to s. 97.055 and who is otherwise qualified may
21 register to vote in such election until 5 p.m. on the Friday
22 before that election in the office of the supervisor of
23 elections. Such persons must produce sufficient documentation
24 showing evidence of qualifying for late registration pursuant to
25 this section.

26 Section 3. Subsection (3) of section 97.061, Florida
27 Statutes, is amended to read:

28 97.061 Special registration for electors requiring
29 assistance.—

30 (3) The precinct register generated by the supervisor shall
31 contain a notation that such person is eligible for assistance
32 in voting, and the supervisor may make a notation on the voter
33 information card that such person is eligible for assistance in
34 voting. Such person shall be entitled to receive the assistance
35 of two election officials or some other person of his or her own
36 choice, other than the person's employer, an ~~the~~ agent of the
37 person's employer, or an officer or agent of the person's union,
38 without the necessity of executing the "Declaration to Secure
39 Assistance" prescribed in s. 101.051, so long as the person is
40 known to the elector before election day. Such person shall
41 notify the supervisor of any change in his or her condition
42 which makes it unnecessary for him or her to receive assistance



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43 in voting. An individual may not provide assistance to more than
44 10 electors during any election.

45 Section 4. Section 98.025, Florida Statutes, is created to
46 read:

47 98.025 Supervisors of elections; noncompliant status.-

48 (1) The Secretary of State may place a supervisor of
49 elections in noncompliant status whenever that supervisor does
50 not perform one or more of the following:

51 (a) Timely file any report required by the Florida Election
52 Code.

53 (b) Ensure that ballots are distributed, collected,
54 counted, and reported in accordance with applicable law.

55 (c) Safeguard and account for voted ballots.

56 (d) Follow any statute that imposes a duty or
57 responsibility on a supervisor of elections.

58 (e) Follow rules adopted by the Department of State
59 concerning the implementation of any provision of the Florida
60 Election Code.

61 (2) The Secretary of State shall submit the written
62 decision to place or remove a supervisor of elections in
63 noncompliant status to the affected supervisor and provide a
64 copy of the decision to the Governor and the chair of the board
65 of county commissioners in the supervisor's county.

66 (3) While a supervisor of elections is in noncompliant
67 status, the supervisor is not entitled to receive the special
68 qualification salary available pursuant to s. 145.09. When
69 removed from noncompliant status, if otherwise eligible to
70 receive the special qualification salary, the supervisor is
71 entitled to a pro rata share of the special qualification salary



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72 based on the remaining period of the year.

73 (4) The Secretary of State may remove a supervisor from
74 noncompliant status after 1 year of being placed in such status,
75 provided that:

76 (a) The supervisor has complied with any of the duties
77 identified in subsection (1) while in a noncompliant status;

78 (b) The supervisor has completed during each year while in
79 noncompliant status a course of continuing education pursuant to
80 s. 145.09 as prescribed by the Division of Elections; and

81 (c) The supervisor has taken and received while in
82 noncompliant status a grade of 90 percent or greater on a
83 uniform statewide open-book examination testing the supervisor's
84 knowledge of the Florida Election Code. The Florida State
85 Association of Supervisors of Elections shall annually develop
86 the examination, but the examination shall be approved and
87 administered by the Division of Elections.

88 (5) If a supervisor has been in noncompliant status for 3
89 consecutive years, the Secretary of State shall provide written
90 notice of such event to the Governor for consideration of
91 exercising the Governor's authority to suspend the supervisor
92 pursuant to s. 7, Art. IV of the State Constitution.

93 (6) The decision of the Secretary of State to place a
94 supervisor of elections in noncompliant status or remove a
95 supervisor of elections from noncompliant status is exempt from
96 the provisions of chapter 120.

97 (7) This section is in addition to, and not exclusive of,
98 the authority of the Governor to suspend and remove a supervisor
99 of elections pursuant to s. 7, Art. IV of the State
100 Constitution.



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101 Section 5. Section 100.061, Florida Statutes, is amended to
102 read:

103 100.061 Primary election.—In each year in which a general
104 election is held, a primary election for nomination of
105 candidates of political parties shall be held on the Tuesday 10
106 ~~12~~ weeks prior to the general election. The candidate receiving
107 the highest number of votes cast in each contest in the primary
108 election shall be declared nominated for such office. If two or
109 more candidates receive an equal and highest number of votes for
110 the same office, such candidates shall draw lots to determine
111 which candidate is nominated.

112 Section 6. Paragraphs (a) and (b) of subsection (2) of
113 section 101.045, Florida Statutes, are amended to read:

114 101.045 Electors must be registered in precinct; provisions
115 for change of residence or name.—

116 (2) (a) An elector who moves from the precinct in which the
117 elector is registered may ~~be permitted to~~ vote in the precinct
118 to which he or she has moved his or her legal residence, if the
119 change of residence is within the same county or the precinct to
120 which the elector has moved his or her legal residence is within
121 a county that uses an electronic database as a precinct register
122 at the polling place, and the elector completes an affirmation
123 in substantially the following form:

124
125 Change of Legal Residence of Registered
126 Voter
127

128 Under penalties for false swearing, I, ...(Name of voter)...,
129 swear (or affirm) that the former address of my legal residence



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

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

142
143 (b) Except for an active uniformed services voter or a
144 member of his or her family and except for an elector who has
145 moved his or her legal residence to a precinct within a county
146 that uses an electronic database as a precinct register at the
147 polling place, an elector whose change of address is from
148 outside the county may not change his or her legal residence at
149 the polling place and must vote a provisional ~~regular~~ ballot;
150 ~~however, such elector is entitled to vote a provisional ballot.~~

151 Section 7. Subsection (1) of section 101.051, Florida
152 Statutes, is amended to read:

153 101.051 Electors seeking assistance in casting ballots;
154 oath to be executed; forms to be furnished.—

155 (1) (a) Any elector applying to vote in any election who
156 requires assistance to vote by reason of blindness, disability,
157 or inability to read or write may request the assistance of two
158 election officials or some other person of the elector's own



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159 choice that he or she knew before election day. However, such
160 elector may not receive assistance from his or her employer, an
161 agent of his or her employer, or an officer or agent of his or
162 her union. An individual may not provide assistance to more than
163 10 electors during any election, ~~other than the elector's~~
164 ~~employer, an agent of the employer, or an officer or agent of~~
165 ~~his or her union, to assist the elector in casting his or her~~
166 ~~vote.~~

167 **(b)** Any such elector, before retiring to the voting booth,
168 may have one of such persons read over to him or her, without
169 suggestion or interference, the titles of the offices to be
170 filled and the candidates therefor and the issues on the ballot.
171 After the elector requests the aid of the two election officials
172 or the person of the elector's choice, they shall retire to the
173 voting booth for the purpose of casting the elector's vote
174 according to the elector's choice.

175 Section 8. Subsection (3) of section 101.161, Florida
176 Statutes, is amended to read:

177 101.161 Referenda; ballots.—

178 (3) (a) Each joint resolution that proposes a constitutional
179 amendment or revision shall include one or more ballot
180 statements set forth in order of priority. Each ballot statement
181 shall consist of a ballot title, by which the measure is
182 commonly referred to or spoken of, not exceeding 15 words in
183 length, and ~~either~~ a ballot summary that describes the chief
184 purpose of the amendment or revision in clear and unambiguous
185 language, ~~or the full text of the amendment or revision.~~ If a
186 joint resolution that proposes a constitutional amendment or
187 revision contains only one ballot statement, the ballot summary



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188 may not exceed 75 words in length. If a joint resolution that
189 proposes a constitutional amendment or revision contains more
190 than one ballot statement, the first ballot summary, in order of
191 priority, may not exceed 75 words in length.

192 (b) The Department of State shall furnish a designating
193 number pursuant to subsection (2) and the appropriate ballot
194 statement to the supervisor of elections of each county. The
195 ballot statement shall be printed on the ballot after the list
196 of candidates, followed by the word "yes" and also by the word
197 "no," and shall be styled in such a manner that a "yes" vote
198 will indicate approval of the amendment or revision and a "no"
199 vote will indicate rejection.

200 (c) ~~(b)~~ 1. Any action for a judicial determination that one
201 or more ballot statements embodied in a joint resolution are
202 defective must be commenced by filing a complaint or petition
203 with the appropriate court within 30 days after the joint
204 resolution is filed with the Secretary of State. The complaint
205 or petition shall assert all grounds for challenge to each
206 ballot statement. Any ground not asserted within 30 days after
207 the joint resolution is filed with the Secretary of State is
208 waived.

209 2. The court, including any appellate court, shall accord
210 an action described in subparagraph 1. priority over other
211 pending cases and render a decision as expeditiously as
212 possible. If the court finds that all ballot statements embodied
213 in a joint resolution are defective and further appeals are
214 declined, abandoned, or exhausted, unless otherwise provided in
215 the joint resolution, the Attorney General shall, within 10
216 days, prepare and submit to the Department of State a revised



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217 ballot title or ballot summary that corrects the deficiencies
218 identified by the court, and the Department of State shall
219 furnish a designating number and the revised ballot title or
220 ballot summary to the supervisor of elections of each county for
221 placement on the ballot. The revised ballot summary may exceed
222 75 words in length. The court shall retain jurisdiction over
223 challenges to a revised ballot title or ballot summary prepared
224 by the Attorney General, and any challenge to a revised ballot
225 title or ballot summary must be filed within 10 days after a
226 revised ballot title or ballot summary is submitted to the
227 Department of State.

228 ~~3. A ballot statement that consists of the full text of an~~
229 ~~amendment or revision shall be presumed to be a clear and~~
230 ~~unambiguous statement of the substance and effect of the~~
231 ~~amendment or revision, providing fair notice to the electors of~~
232 ~~the content of the amendment or revision and sufficiently~~
233 ~~advising electors of the issue upon which they are to vote.~~

234 Section 9. Subsection (3) of section 101.5605, Florida
235 Statutes, is amended to read:

236 101.5605 Examination and approval of equipment.—

237 (3) (a) Before the Department of State approves the
238 electronic or electromechanical voting system, the person who
239 submitted it for examination shall provide the department with
240 the name, mailing address, and telephone number of a registered
241 agent, which agent must have and continuously maintain an office
242 in this state. Any change in the name, address, or telephone
243 number of the registered agent shall promptly be made known to
244 the department.

245 (b) Before entering into a contract for the sale or lease



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246 of a voting system approved under this section to any county,
247 the person entering into such contract shall provide the
248 department with the name, mailing address, and telephone number
249 of a registered agent, which agent must have and continuously
250 maintain an office in this state. Any change in the name,
251 address, or telephone number of the registered agent shall
252 promptly be made known to the department.

253 (c) The department's proof of delivery or attempted
254 delivery to the last mailing address of the registered agent on
255 file with the department at the time of delivery or attempted
256 delivery is valid for all notice purposes.

257 (d) Within 30 days after completing the examination and
258 upon approval of any electronic or electromechanical voting
259 system, the Department of State shall make and maintain a report
260 on the system, together with a written or printed description
261 and drawings and photographs clearly identifying the system and
262 the operation thereof. As soon as practicable after such filing,
263 the department shall send a notice of certification and, upon
264 request, a copy of the report to the governing bodies of the
265 respective counties of the state. Any voting system that does
266 not receive the approval of the department ~~may shall~~ not be
267 adopted for or used at any election.

268 (e) ~~(b)~~ After a voting system has been approved by the
269 Department of State, any change or improvement in the system is
270 required to be approved by the department prior to the adoption
271 of such change or improvement by any county. If any such change
272 or improvement does not comply with the requirements of this
273 act, the department shall suspend all sales of the equipment or
274 system in the state until the equipment or system complies with



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275 the requirements of this act.

276 Section 10. Section 101.56065, Florida Statutes, is created
277 to read:

278 101.56065 Voting system defects; disclosure;
279 investigations; penalties.-

280 (1) For purposes of this section, the term:

281 (a) "Defect" means:

282 1. Any failure, fault, or flaw in an electronic or
283 electromechanical voting system approved pursuant to s. 101.5605
284 which results in nonconformance with the standards in a manner
285 that affects the timeliness or accuracy of the casting or
286 counting of ballots; or

287 2. Any failure or inability of the voting system
288 manufacturer or vendor to make available or provide approved
289 replacements of hardware or software to the counties that have
290 purchased the approved voting system, the unavailability of
291 which results in the system's nonconformance with the standards
292 in a manner that affects the timeliness or accuracy of the
293 casting or counting of ballots.

294 (b) "Standards" refers to the requirements in ss. 101.5606
295 and 101.56062 under which a voting system was approved for use
296 in the state.

297 (c) "Vendor" means a person who submits or previously
298 submitted a voting system that was approved by the Department of
299 State in accordance with s. 101.5605, or a person who enters
300 into a contract for the sale or lease of a voting system to any
301 county, or that previously entered into such a contract that has
302 not expired.

303 (2) (a) No later than December 31, 2013, and, thereafter, on



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304 January 1 of every odd-numbered year, each vendor shall file a
305 written disclosure with the department identifying any known
306 defect in the voting system or the fact that there is no known
307 defect, the effect of any defect on the operation and use of the
308 approved voting system, and any known corrective measures to
309 cure a defect, including, but not limited to, advisories and
310 bulletins issued to system users.

311 (b) Implementation of corrective measures approved by the
312 department which enable a system to conform to the standards and
313 ensure the timeliness and accuracy of the casting and counting
314 of ballots constitutes a cure of a defect.

315 (c) If a vendor becomes aware of the existence of a defect,
316 he or she must file a new disclosure with the department as
317 provided in paragraph (a) within 30 days after the date the
318 vendor determined or reasonably should have determined that the
319 defect existed.

320 (d) If a vendor discloses to the department that a defect
321 exists, the department may suspend all sales or leases of the
322 voting system in the state and may suspend the use of the system
323 in any election in the state. The department shall provide
324 written notice of any such suspension to each affected vendor
325 and supervisor of elections. If the department determines that
326 the defect no longer exists, the department shall lift the
327 suspension and provide written notice to each affected vendor
328 and supervisor of elections.

329 (e) If a vendor fails to file a required disclosure for a
330 voting system previously approved by the department, that system
331 may not be sold, leased, or used for elections in the state
332 until it has been submitted for examination and approval and



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333 adopted for use pursuant to s. 101.5605. The department shall
334 provide written notice to all supervisors of elections that the
335 system is no longer approved.

336 (3) (a) If the department has reasonable cause to believe a
337 voting system approved pursuant to s. 101.5605 contains a defect
338 either before, during, or after an election which has not been
339 disclosed pursuant to subsection (2), the department may
340 investigate whether the voting system has a defect.

341 (b) The department may initiate an investigation pursuant
342 to paragraph (a) on its own initiative or upon the written
343 request of the supervisor of elections of a county that
344 purchased or leased a voting system that contains the alleged
345 defect.

346 (c) Upon initiating an investigation, the department shall
347 provide written notice to the vendor and all of the supervisors
348 of elections.

349 (4) (a) If the department determines by a preponderance of
350 the evidence that a defect exists in the voting system, or that
351 a vendor failed to timely disclose a defect pursuant to
352 subsection (2), the department shall provide written notice to
353 the affected vendor and supervisors of elections.

354 (b) A vendor entitled to receive notice pursuant to
355 paragraph (a) shall, within 10 days, file a written response to
356 the department which:

357 1. Denies that the alleged defect exists or existed as
358 alleged by the department or that the vendor failed to timely
359 disclose a defect, and sets forth the reasons for such denial;
360 or

361 2. Admits that the defect exists or existed as alleged by



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362 the department or that the vendor failed to timely disclose a
363 defect.

364 (c) If the defect has been cured, the vendor shall provide
365 an explanation of how the defect was cured.

366 (d) If the defect has not been cured, the vendor shall
367 inform the department whether the defect can be cured and shall
368 provide the department with a plan for curing the defect. If the
369 defect can be cured, the department shall establish a timeframe
370 within which to cure the defect.

371 (5) If after receiving a response from the vendor, the
372 department determines that a defect does not exist or has been
373 cured within the timeframe established by the department, the
374 department shall take no further action.

375 (6) If the department determines that: a vendor failed to
376 timely disclose a defect; or that a defect exists and a vendor
377 has not filed a written response or has failed to cure within
378 the timeframe established by the department, or if the defect
379 cannot be cured, the department shall impose a civil penalty of
380 \$25,000 for the defect plus an amount equal to the actual costs
381 incurred by the department in conducting the investigation.

382 (7) If the department finds that a defect existed:

383 (a) The department may suspend all sales and leases of the
384 voting system and may suspend its use in any county in the
385 state. The department shall provide written notice of the
386 suspension to each affected vendor and supervisor of elections.

387 (b) If the department determines that a defect no longer
388 exists in a voting system that has been suspended from use
389 pursuant to paragraph (a), the department shall lift the
390 suspension and authorize the sale, lease, and use of the voting



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391 system in any election in the state. The department shall
392 provide written notice that the suspension has been lifted to
393 each affected vendor and supervisor of elections.

394 (c) If the defect cannot be cured, the department may
395 disapprove the voting system for use in elections in the state.
396 The department shall provide written notice to all supervisors
397 of elections that the system is no longer approved. After
398 approval of a system has been withdrawn pursuant to this
399 paragraph, the system may not be sold, leased, or used in
400 elections in the state until it has been submitted for
401 examination and approval and adopted for use pursuant to s.
402 101.5605.

403 (d) Any vendor against whom a civil penalty was imposed
404 under this section may not submit a voting system for approval
405 by the Department of State in accordance with s. 101.5605 or
406 enter into a contract for sale or lease of a voting system in
407 the state until the civil penalties have been paid and the
408 department provides written confirmation to the supervisors of
409 elections of the payment.

410 (8) The department shall prepare a written report of any
411 investigation conducted pursuant to this section.

412 (9) The authority of the department under this section is
413 in addition to, and not exclusive of, any other authority
414 provided by law.

415 (10) All proceedings under this section are exempt from
416 chapter 120.

417 Section 11. Section 101.56075, Florida Statutes, is amended
418 to read:

419 101.56075 Voting methods.—



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420 (1) Except as provided in subsection (2), all voting shall
421 be by marksense ballot utilizing a marking device for the
422 purpose of designating ballot selections.

423 (2) Persons with disabilities may vote on a voter interface
424 device that meets the voting system accessibility requirements
425 for individuals with disabilities pursuant to s. 301 of the
426 federal Help America Vote Act of 2002 and s. 101.56062.

427 (3) By 2020 ~~2016~~, persons with disabilities shall vote on a
428 voter interface device that meets the voter accessibility
429 requirements for individuals with disabilities under s. 301 of
430 the federal Help America Vote Act of 2002 and s. 101.56062 which
431 are consistent with subsection (1) of this section.

432 ~~(4) By December 31, 2013, all voting systems utilized by~~
433 ~~voters during a state election shall permit placement on the~~
434 ~~ballot of the full text of a constitutional amendment or~~
435 ~~revision containing stricken or underlined text.~~

436 Section 12. Subsections (1) and (2) of section 101.591,
437 Florida Statutes, are amended, and subsection (4) of that
438 section is republished, to read:

439 101.591 Voting system audit.—

440 (1) Immediately following the certification of each
441 election, the county canvassing board or the local board
442 responsible for certifying the election shall conduct a manual
443 audit or an automated, independent audit of the voting systems
444 used in randomly selected precincts.

445 (2) (a) A manual ~~The~~ audit shall consist of a public manual
446 tally of the votes cast in one randomly selected race that
447 appears on the ballot. The tally sheet shall include election-
448 day, absentee, early voting, provisional, and overseas ballots,



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449 in at least 1 percent but no more than 2 percent of the
450 precincts chosen at random by the county canvassing board or the
451 local board responsible for certifying the election. If 1
452 percent of the precincts is less than one entire precinct, the
453 audit shall be conducted using at least one precinct chosen at
454 random by the county canvassing board or the local board
455 responsible for certifying the election. Such precincts shall be
456 selected at a publicly noticed canvassing board meeting.

457 (b) An automated audit shall consist of a public automated
458 tally of the votes cast across every race that appears on the
459 ballot. The tally sheet shall include election day, absentee,
460 early voting, provisional, and overseas ballots in at least 20
461 percent of the precincts chosen at random by the county
462 canvassing board or the local board responsible for certifying
463 the election. Such precincts shall be selected at a publicly
464 noticed canvassing board meeting.

465 (c) The division shall adopt rules for approval of an
466 independent audit system which provide that the system, at a
467 minimum, must be:

468 1. Completely independent of the primary voting system.

469 2. Fast enough to produce final audit results within the
470 timeframe prescribed in subsection (4).

471 3. Capable of demonstrating that the ballots of record have
472 been accurately adjudicated by the audit system.

473 (4) The audit must be completed and the results made public
474 no later than 11:59 p.m. on the 7th day following certification
475 of the election by the county canvassing board or the local
476 board responsible for certifying the election.

477 Section 13. Subsections (1) and (3) and paragraph (c) of



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478 subsection (4) of section 101.62, Florida Statutes, are amended
479 to read:

480 101.62 Request for absentee ballots.—

481 (1)(a) The supervisor shall accept a request for an
482 absentee ballot from an elector in person or in writing. One
483 request shall be deemed sufficient to receive an absentee ballot
484 for all elections through the end of the calendar year of the
485 second ensuing regularly scheduled general election, unless the
486 elector or the elector's designee indicates at the time the
487 request is made the elections for which the elector desires to
488 receive an absentee ballot. Such request may be considered
489 canceled when any first-class mail sent by the supervisor to the
490 elector is returned as undeliverable.

491 (b) The supervisor may accept a written or telephonic
492 request for an absentee ballot to be mailed to an elector's
493 address on file in the Florida Voter Registration System from
494 the elector, or, if directly instructed by the elector, a member
495 of the elector's immediate family, or the elector's legal
496 guardian; if the ballot is requested to be mailed to an address
497 other than the elector's address on file in the Florida Voter
498 Registration System, the request must be made in writing and
499 signed by the elector. However, an absent uniformed service
500 voter or an overseas voter seeking an absentee ballot is not
501 required to submit a signed, written request for an absentee
502 ballot that is being mailed to an address other than the
503 elector's address on file in the Florida Voter Registration
504 System. For purposes of this section, the term "immediate
505 family" has the same meaning as specified in paragraph (4)(c).
506 The person making the request must disclose:



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507 1. The name of the elector for whom the ballot is
508 requested.
509 2. The elector's address.
510 3. The elector's date of birth.
511 4. The requester's name.
512 5. The requester's address.
513 6. The requester's driver's license number, if available.
514 7. The requester's relationship to the elector.
515 8. The requester's signature (written requests only).
516 (c) Upon receiving a request for an absentee ballot from an
517 absent voter, the supervisor of elections shall notify the voter
518 of the free access system that has been designated by the
519 department for determining the status of his or her absentee
520 ballot.
521 (3) For each request for an absentee ballot received, the
522 supervisor shall record the date the request was made, the date
523 the absentee ballot was delivered to the voter or the voter's
524 designee or the date the absentee ballot was delivered to the
525 post office or other carrier, the date the ballot was received
526 by the supervisor, the absence of the voter's signature on the
527 voter's certificate, if applicable, and such other information
528 he or she may deem necessary. This information shall be provided
529 in electronic format as provided by rule adopted by the
530 division. The information shall be updated and made available no
531 later than 8 a.m. of each day, including weekends, beginning 60
532 days before the primary until 15 days after the general election
533 and shall be contemporaneously provided to the division. This
534 information shall be confidential and exempt from ~~the provisions~~
535 ~~of~~ s. 119.07(1) and shall be made available to or reproduced



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536 only for the voter requesting the ballot, a canvassing board, an
537 election official, a political party or official thereof, a
538 candidate who has filed qualification papers and is opposed in
539 an upcoming election, and registered political committees or
540 registered committees of continuous existence, for political
541 purposes only.

542 (4)

543 (c) The supervisor shall provide an absentee ballot to each
544 elector by whom a request for that ballot has been made by one
545 of the following means:

546 1. By nonforwardable, return-if-undeliverable mail to the
547 elector's current mailing address on file with the supervisor or
548 any other address the elector specifies in the request.

549 2. By forwardable mail, e-mail, or facsimile machine
550 transmission to absent uniformed services voters and overseas
551 voters. The absent uniformed services voter or overseas voter
552 may designate in the absentee ballot request the preferred
553 method of transmission. If the voter does not designate the
554 method of transmission, the absentee ballot shall be mailed.

555 3. By personal delivery before 7 p.m. on election day to
556 the elector, upon presentation of the identification required in
557 s. 101.043.

558 4. By delivery to a designee on election day or up to 5
559 days prior to the day of an election. Any elector may designate
560 in writing a person to pick up the ballot for the elector;
561 however, the person designated may not pick up more than two
562 absentee ballots per election, other than the designee's own
563 ballot, except that additional ballots may be picked up for
564 members of the designee's immediate family. For purposes of this



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565 section, "immediate family" means the designee's spouse or the
566 parent, child, grandparent, or sibling of the designee or of the
567 designee's spouse. The designee shall provide to the supervisor
568 the written authorization by the elector and a picture
569 identification of the designee and must complete an affidavit.
570 The designee shall state in the affidavit that the designee is
571 authorized by the elector to pick up that ballot and shall
572 indicate if the elector is a member of the designee's immediate
573 family and, if so, the relationship. The department shall
574 prescribe the form of the affidavit. If the supervisor is
575 satisfied that the designee is authorized to pick up the ballot
576 and that the signature of the elector on the written
577 authorization matches the signature of the elector on file, the
578 supervisor shall give the ballot to that designee for delivery
579 to the elector.

580 5. Except as provided in s. 101.655, the supervisor may not
581 deliver an absentee ballot to an elector or an elector's
582 immediate family member on the day of the election unless there
583 is an emergency, to the extent that the elector will be unable
584 to go to his or her assigned polling place. If an absentee
585 ballot is delivered, the elector or his or her designee shall
586 execute an affidavit affirming to the facts which allow for
587 delivery of the absentee ballot. The department shall adopt a
588 rule providing for the form of the affidavit.

589 Section 14. Section 101.65, Florida Statutes, is amended to
590 read:

591 101.65 Instructions to absent electors.—The supervisor
592 shall enclose with each absentee ballot separate printed
593 instructions in substantially the following form:



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READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your absentee ballot must be postmarked or signed and dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election.

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

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

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

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

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

7. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature). An absentee ballot will be considered illegal and



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623 not be counted if the signature on the voter's certificate does
624 not match the signature on record. The signature on file at the
625 start of the canvass of the absentee ballots is the signature
626 that will be used to verify your signature on the voter's
627 certificate. If you need to update your signature for this
628 election, send your signature update on a voter registration
629 application to your supervisor of elections so that it is
630 received no later than the start of the canvassing of absentee
631 ballots, which occurs no earlier than the 15th day before
632 election day.

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

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

638 10. FELONY NOTICE. It is a felony under Florida law to
639 accept any gift, payment, or gratuity in exchange for your vote
640 for a candidate. It is also a felony under Florida law to vote
641 in an election using a false identity or false address, or under
642 any other circumstances making your ballot false or fraudulent.

643 Section 15. Paragraphs (a) and (d) of subsection (1) of
644 section 101.657, Florida Statutes, are amended to read:

645 101.657 Early voting.—

646 (1) (a) As a convenience to the voter, the supervisor of
647 elections shall allow an elector to vote early in the main or
648 branch office of the supervisor. The supervisor shall mark,
649 code, indicate on, or otherwise track the voter's precinct for
650 each early voted ballot. In order for a branch office to be used
651 for early voting, it shall be a permanent facility of the



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652 supervisor and shall have been designated and used as such for
653 at least 1 year prior to the election. The supervisor may also
654 designate any city hall, ~~or~~ permanent public library facility,
655 fairground, civic center, courthouse, county commission
656 building, stadium, convention center, government-owned senior
657 center, or government-owned community center as early voting
658 sites; however, if so designated, the sites must be
659 geographically located so as to provide all voters in the county
660 an equal opportunity to cast a ballot, insofar as is
661 practicable. In addition, a supervisor may designate one early
662 voting site per election in an area of the county that does not
663 have any of the eligible early voting locations. Such additional
664 early voting site must be geographically located so as to
665 provide all voters in that area with an equal opportunity to
666 cast a ballot, insofar as is practicable. Each county shall, at
667 a minimum, operate the same total number of early voting sites
668 for a general election which the county operated for the 2012
669 general election. The results or tabulation of votes cast during
670 early voting may not be made before the close of the polls on
671 election day. Results shall be reported by precinct.

672 (d) Early voting shall begin on the 10th day before an
673 election that contains state or federal races and end on the 3rd
674 day before the election, and shall be provided for no less than
675 8 ~~6~~ hours and no more than 12 hours per day at each site during
676 the applicable period. In addition, early voting may be offered
677 at the discretion of the supervisor of elections on the 15th,
678 14th, 13th, 12th, 11th, or 2nd day before an election that
679 contains state or federal races for at least 8 hours per day,
680 but not more than 12 hours per day. The supervisor of elections



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681 may provide early voting for elections that are not held in
682 conjunction with a state or federal election. However, the
683 supervisor has the discretion to determine the hours of
684 operation of early voting sites in those elections.

685 Section 16. Subsection (2) of section 101.67, Florida
686 Statutes, is amended to read:

687 101.67 Safekeeping of mailed ballots; deadline for
688 receiving absentee ballots.—

689 (2) Except as provided in s. 101.6952(5), all marked absent
690 electors' ballots to be counted must be received by the
691 supervisor by 7 p.m. the day of the election. All ballots
692 received thereafter shall be marked with the time and date of
693 receipt and filed in the supervisor's office.

694 Section 17. Subsections (1) and (4) of section 101.68,
695 Florida Statutes, are amended, and subsection (2) of that
696 section is reenacted and amended, to read:

697 101.68 Canvassing of absentee ballot.—

698 (1) The supervisor of the county where the absent elector
699 resides shall receive the voted ballot, at which time the
700 supervisor shall compare the signature of the elector on the
701 voter's certificate with the signature of the elector in the
702 registration books or the precinct register to determine whether
703 the elector is duly registered in the county and may record on
704 the elector's registration certificate that the elector has
705 voted. However, effective July 1, 2005, an elector who dies
706 after casting an absentee ballot but on or before election day
707 shall remain listed in the registration books until the results
708 have been certified for the election in which the ballot was
709 cast. The supervisor shall safely keep the ballot unopened in



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710 his or her office until the county canvassing board canvasses
711 the vote. Except as provided in subsection (4), after an
712 absentee ballot is received by the supervisor, the ballot is
713 deemed to have been cast, and changes or additions may not be
714 made to the voter's certificate.

715 (2) (a) The county canvassing board may begin the canvassing
716 of absentee ballots at 7 a.m. on the 15th day before the
717 election, but not later than noon on the day following the
718 election. In addition, for any county using electronic
719 tabulating equipment, the processing of absentee ballots through
720 such tabulating equipment may begin at 7 a.m. on the 15th day
721 before the election. However, notwithstanding any such
722 authorization to begin canvassing or otherwise processing
723 absentee ballots early, no result shall be released until after
724 the closing of the polls in that county on election day. Any
725 supervisor of elections, deputy supervisor of elections,
726 canvassing board member, election board member, or election
727 employee who releases the results of a canvassing or processing
728 of absentee ballots prior to the closing of the polls in that
729 county on election day commits a felony of the third degree,
730 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

731 (b) To ensure that all absentee ballots to be counted by
732 the canvassing board are accounted for, the canvassing board
733 shall compare the number of ballots in its possession with the
734 number of requests for ballots received to be counted according
735 to the supervisor's file or list.

736 (c)1. The canvassing board shall, if the supervisor has not
737 already done so, compare the signature of the elector on the
738 voter's certificate or on the absentee ballot affidavit as



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739 provided in subsection (4) with the signature of the elector in
740 the registration books or the precinct register to see that the
741 elector is duly registered in the county and to determine the
742 legality of that absentee ballot. The ballot of an elector who
743 casts an absentee ballot shall be counted even if the elector
744 dies on or before election day, as long as, prior to the death
745 of the voter, the ballot was postmarked by the United States
746 Postal Service, date-stamped with a verifiable tracking number
747 by common carrier, or already in the possession of the
748 supervisor of elections. An absentee ballot shall be considered
749 illegal if the voter's certificate or absentee ballot affidavit
750 ~~it~~ does not include the signature of the elector, as shown by
751 the registration records or the precinct register. However, an
752 absentee ballot is ~~shall~~ not ~~be~~ considered illegal if the
753 signature of the elector does not cross the seal of the mailing
754 envelope. If the canvassing board determines that any ballot is
755 illegal, a member of the board shall, without opening the
756 envelope, mark across the face of the envelope: "rejected as
757 illegal." The absentee ballot affidavit, if applicable, the
758 envelope, and the ballot contained therein shall be preserved in
759 the manner that official ballots voted are preserved.

760 2. If any elector or candidate present believes that an
761 absentee ballot is illegal due to a defect apparent on the
762 voter's certificate or the absentee ballot affidavit, he or she
763 may, at any time before the ballot is removed from the envelope,
764 file with the canvassing board a protest against the canvass of
765 that ballot, specifying the precinct, the ballot, and the reason
766 he or she believes the ballot to be illegal. A challenge based
767 upon a defect in the voter's certificate or absentee ballot



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768 affidavit may not be accepted after the ballot has been removed
769 from the mailing envelope.

770 (d) The canvassing board shall record the ballot upon the
771 proper record, unless the ballot has been previously recorded by
772 the supervisor. The mailing envelopes shall be opened and the
773 secrecy envelopes shall be mixed so as to make it impossible to
774 determine which secrecy envelope came out of which signed
775 mailing envelope; however, in any county in which an electronic
776 or electromechanical voting system is used, the ballots may be
777 sorted by ballot styles and the mailing envelopes may be opened
778 and the secrecy envelopes mixed separately for each ballot
779 style. The votes on absentee ballots shall be included in the
780 total vote of the county.

781 (4) (a) The supervisor of elections shall, on behalf of the
782 county canvassing board, notify each elector whose ballot was
783 rejected as illegal and provide the specific reason the ballot
784 was rejected because of a difference between the elector's
785 signature on the ballot and that on the elector's voter
786 registration record. The supervisor shall mail a voter
787 registration application to the elector to be completed
788 indicating the elector's current signature if the elector's
789 ballot was rejected due to a difference between the elector's
790 signature on the voter's certificate or absentee ballot
791 affidavit and the elector's signature in the registration books
792 or precinct register. This section does not prohibit the
793 supervisor from providing additional methods for updating an
794 elector's signature.

795 (b) Until 5 p.m. on the 2nd day before an election, the
796 supervisor shall allow an elector who has returned an absentee



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797 ballot that does not include the elector's signature to complete
798 an affidavit in order to cure the unsigned absentee ballot.

799 (c) The elector shall provide identification to the
800 supervisor and must complete an absentee ballot affidavit in
801 substantially the following form:

802
803 ABSENTEE BALLOT AFFIDAVIT

804 I,, am a qualified voter in this election and
805 registered voter of County, Florida. I do solemnly swear or
806 affirm that I requested and returned the absentee ballot and
807 that I have not and will not vote more than one ballot in this
808 election. I understand that if I commit or attempt any fraud in
809 connection with voting, vote a fraudulent ballot, or vote more
810 than once in an election, I may be convicted of a felony of the
811 third degree and fined up to \$5,000 and imprisoned for up to 5
812 years. I understand that my failure to sign this affidavit means
813 that my absentee ballot will be invalidated.

814
815 ...(Voter's Signature)...

816
817 ...(Address)...

818
819 (d) Instructions must accompany the absentee ballot
820 affidavit in substantially the following form:

821
822 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
823 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
824 BALLOT NOT TO COUNT.

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826 1. In order to ensure that your absentee ballot will be
827 counted, your affidavit should be completed and returned as soon
828 as possible so that it can reach the supervisor of elections of
829 the county in which your precinct is located no later than 5
830 p.m. on the 2nd day before the election.

831 2. You must sign your name on the line above (Voter's
832 Signature).

833 3. You must make a copy of one of the following forms of
834 identification:

835 a. Identification that includes your name and photograph:
836 United States passport; debit or credit card; military
837 identification; student identification; retirement center
838 identification; neighborhood association identification; or
839 public assistance identification; or

840 b. Identification that shows your name and current
841 residence address: current utility bill, bank statement,
842 government check, paycheck, or government document (excluding
843 voter identification card).

844 4. Place the envelope bearing the affidavit into a mailing
845 envelope addressed to the supervisor. Insert a copy of your
846 identification in the mailing envelope. Mail, deliver, or have
847 delivered the completed affidavit along with the copy of your
848 identification to your county supervisor of elections. Be sure
849 there is sufficient postage if mailed and that the supervisor's
850 address is correct.

851 5. Alternatively, you may fax or e-mail your completed
852 affidavit and a copy of your identification to the supervisor of
853 elections. If e-mailing, please provide these documents as
854 attachments.



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855 (e) The department and each supervisor shall include the
856 affidavit and instructions on their respective websites. The
857 supervisor must include his or her office's mailing address, e-
858 mail address, and fax number on the page containing the
859 affidavit instructions; the department's instruction page must
860 include the office mailing addresses, e-mail addresses, and fax
861 numbers of all supervisors of elections or provide a conspicuous
862 link to such addresses.

863 (f) The supervisor shall attach each affidavit received to
864 the appropriate absentee ballot mailing envelope.

865 Section 18. Subsection (2) of section 101.6923, Florida
866 Statutes, is amended to read:

867 101.6923 Special absentee ballot instructions for certain
868 first-time voters.—

869 (2) A voter covered by this section shall be provided with
870 printed instructions with his or her absentee ballot in
871 substantially the following form:

872
873 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
874 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
875 YOUR BALLOT NOT TO COUNT.

876
877 1. In order to ensure that your absentee ballot will be
878 counted, it should be completed and returned as soon as possible
879 so that it can reach the supervisor of elections of the county
880 in which your precinct is located no later than 7 p.m. on the
881 date of the election. However, if you are an overseas voter
882 casting a ballot in a presidential preference primary or general
883 election, your absentee ballot must be postmarked or signed and



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884 dated no later than the date of the election and received by the
885 supervisor of elections of the county in which you are
886 registered to vote no later than 10 days after the date of the
887 election.

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

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

895 4. Place your marked ballot in the enclosed secrecy
896 envelope and seal the envelope.

897 5. Insert the secrecy envelope into the enclosed envelope
898 bearing the Voter's Certificate. Seal the envelope and
899 completely fill out the Voter's Certificate on the back of the
900 envelope.

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

903 b. If you are an overseas voter, you must include the date
904 you signed the Voter's Certificate on the line above (Date) or
905 your ballot may not be counted.

906 c. An absentee ballot will be considered illegal and will
907 not be counted if the signature on the Voter's Certificate does
908 not match the signature on record. The signature on file at the
909 start of the canvass of the absentee ballots is the signature
910 that will be used to verify your signature on the Voter's
911 Certificate. If you need to update your signature for this
912 election, send your signature update on a voter registration



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913 application to your supervisor of elections so that it is
914 received no later than the start of canvassing of absentee
915 ballots, which occurs no earlier than the 15th day before
916 election day.

917 6. Unless you meet one of the exemptions in Item 7., you
918 must make a copy of one of the following forms of
919 identification:

920 a. Identification which must include your name and
921 photograph: United States passport; debit or credit card;
922 military identification; student identification; retirement
923 center identification; neighborhood association identification;
924 or public assistance identification; or

925 b. Identification which shows your name and current
926 residence address: current utility bill, bank statement,
927 government check, paycheck, or government document (excluding
928 voter identification card).

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

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

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

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

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

939 e. You are the spouse or dependent of a member referred to
940 in paragraph c. or paragraph d. who, by reason of the active
941 duty or service of the member, will be absent from the county on



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942 election day.

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

944 8. Place the envelope bearing the Voter's Certificate into
945 the mailing envelope addressed to the supervisor. Insert a copy
946 of your identification in the mailing envelope. DO NOT PUT YOUR
947 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
948 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
949 BALLOT WILL NOT COUNT.

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

952 10. FELONY NOTICE. It is a felony under Florida law to
953 accept any gift, payment, or gratuity in exchange for your vote
954 for a candidate. It is also a felony under Florida law to vote
955 in an election using a false identity or false address, or under
956 any other circumstances making your ballot false or fraudulent.

957 Section 19. Subsection (5) is added to section 101.6952,
958 Florida Statutes, to read:

959 101.6952 Absentee ballots for absent uniformed services and
960 overseas voters.-

961 (5) An absentee ballot from an overseas voter in any
962 presidential preference primary or general election which is
963 postmarked or signed and dated no later than the date of the
964 election and is received by the supervisor of elections of the
965 county in which the overseas voter is registered no later than
966 10 days after the date of the election shall be counted as long
967 as the absentee ballot is otherwise proper.

968 Section 20. Paragraphs (a) and (b) of subsection (4) of
969 section 102.031, Florida Statutes, are amended, and paragraph
970 (d) is added to that subsection, to read:



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971 102.031 Maintenance of good order at polls; authorities;
972 persons allowed in polling rooms and early voting areas;
973 unlawful solicitation of voters.—

974 (4) (a) No person, political committee, committee of
975 continuous existence, or other group or organization may solicit
976 voters inside the polling place or within 100 feet of the
977 entrance to any polling place, a ~~or~~ polling room where the
978 polling place is also a polling room, ~~an~~ ~~or~~ early voting site,
979 or an office of the supervisor of elections where absentee
980 ballots are requested and printed on demand for the convenience
981 of electors who appear in person to request them. Before the
982 opening of the polling place or early voting site, the clerk or
983 supervisor shall designate the no-solicitation zone and mark the
984 boundaries.

985 (b) For the purpose of this subsection, the terms "solicit"
986 or "solicitation" shall include, but not be limited to, seeking
987 or attempting to seek any vote, fact, opinion, or contribution;
988 distributing or attempting to distribute any political or
989 campaign material, leaflet, or handout; conducting a poll except
990 as specified in this paragraph; seeking or attempting to seek a
991 signature on any petition; and selling or attempting to sell any
992 item. The terms "solicit" or "solicitation" may ~~shall~~ not be
993 construed to prohibit exit polling.

994 (d) Except as provided in paragraph (a), the supervisor may
995 not designate a no-solicitation zone or otherwise restrict
996 access to any person, political committee, committee of
997 continuous existence, candidate, or other group or organization
998 for the purposes of soliciting voters. This paragraph applies to
999 any public or private property used as a polling place or early



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1000 voting site.

1001 Section 21. Subsections (1) and (4) of section 102.141,
1002 Florida Statutes, are amended to read:

1003 102.141 County canvassing board; duties.—

1004 (1) The county canvassing board shall be composed of the
1005 supervisor of elections; a county court judge, who shall act as
1006 chair; and the chair of the board of county commissioners.
1007 Alternate canvassing board members must be appointed pursuant to
1008 paragraph (e). In the event any member of the county canvassing
1009 board is unable to serve, is a candidate who has opposition in
1010 the election being canvassed, or is an active participant in the
1011 campaign or candidacy of any candidate who has opposition in the
1012 election being canvassed, such member shall be replaced as
1013 follows:

1014 (a) If no county court judge is able to serve or if all are
1015 disqualified, the chief judge of the judicial circuit in which
1016 the county is located shall appoint as a substitute member a
1017 qualified elector of the county who is not a candidate with
1018 opposition in the election being canvassed and who is not an
1019 active participant in the campaign or candidacy of any candidate
1020 with opposition in the election being canvassed. In such event,
1021 the members of the county canvassing board shall meet and elect
1022 a chair.

1023 (b) If the supervisor of elections is unable to serve or is
1024 disqualified, the chair of the board of county commissioners
1025 shall appoint as a substitute member a member of the board of
1026 county commissioners who is not a candidate with opposition in
1027 the election being canvassed and who is not an active
1028 participant in the campaign or candidacy of any candidate with



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1029 opposition in the election being canvassed. The supervisor,
1030 however, shall act in an advisory capacity to the canvassing
1031 board.

1032 (c) If the chair of the board of county commissioners is
1033 unable to serve or is disqualified, the board of county
1034 commissioners shall appoint as a substitute member one of its
1035 members who is not a candidate with opposition in the election
1036 being canvassed and who is not an active participant in the
1037 campaign or candidacy of any candidate with opposition in the
1038 election being canvassed.

1039 (d) If a substitute member or alternate member cannot be
1040 appointed as provided elsewhere in this subsection, or in the
1041 event of a vacancy in such office, the chief judge of the
1042 judicial circuit in which the county is located shall appoint as
1043 a substitute member or alternate member a qualified elector of
1044 the county who is not a candidate with opposition in the
1045 election being canvassed and who is not an active participant in
1046 the campaign or candidacy of any candidate with opposition in
1047 the election being canvassed.

1048 (e)1. The chief judge of the judicial circuit in which the
1049 county is located shall appoint a county court judge as an
1050 alternate member of the county canvassing board or, if each
1051 county court judge is unable to serve or is disqualified, shall
1052 appoint an alternate member who is qualified to serve as a
1053 substitute member under paragraph (a).

1054 2. The chair of the board of county commissioners shall
1055 appoint a member of the board of county commissioners as an
1056 alternate member of the county canvassing board or, if each
1057 member of the board of county commissioners is unable to serve



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1058 or is disqualified, shall appoint an alternate member who is
1059 qualified to serve as a substitute member under paragraph (d).

1060 3. If a member of the county canvassing board is unable to
1061 participate in a meeting of the board, the chair of the county
1062 canvassing board or his or her designee shall designate which
1063 alternate member will serve as a member of the board in the
1064 place of the member who is unable to participate at that
1065 meeting.

1066 4. If not serving as one of the three members of the county
1067 canvassing board, an alternate member may be present, observe,
1068 and communicate with the three members constituting the county
1069 canvassing board, but may not vote in the board's decisions or
1070 determinations.

1071 (4) (a) The supervisor of elections shall upload into the
1072 county's election management system by 7 p.m. on the day before
1073 the election the results of all early voting and absentee
1074 ballots that have been canvassed and tabulated by the end of the
1075 early voting period. Pursuant to ss. 101.5614(9), 101.657, and
1076 101.68(2), the tabulation of votes cast or the results of such
1077 uploads may not be made public before the close of the polls on
1078 election day.

1079 (b) The canvassing board shall report all early voting and
1080 all tabulated absentee results to the Department of State within
1081 30 minutes after the polls close. Thereafter, the canvassing
1082 board shall report, with the exception of provisional ballot
1083 results, updated precinct election results to the department at
1084 least every 45 minutes until all results are completely
1085 reported. The supervisor of elections shall notify the
1086 department immediately of any circumstances that do not permit



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1087 periodic updates as required. Results shall be submitted in a
1088 format prescribed by the department.

1089 Section 22. Effective January 1, 2014, section 104.0616,
1090 Florida Statutes, is amended to read:

1091 104.0616 Absentee ballots and voting; violations.-

1092 (1) For purposes of this section, the term "immediate
1093 family" means a person's spouse or the parent, child,
1094 grandparent, or sibling of the person or the person's spouse.

1095 (2) Any person who provides or offers to provide, and any
1096 person who accepts, a pecuniary or other benefit in exchange for
1097 distributing, ordering, requesting, collecting, delivering, or
1098 otherwise physically possessing more than two absentee ballots
1099 per election in addition to his or her own ballot or a ballot
1100 belonging to an immediate family member, with intent to alter,
1101 change, modify, or erase any vote on the absentee ballot, except
1102 as provided in ss. 101.6105-101.695, commits a felony of the
1103 third degree, punishable as provided in s. 775.082, s. 775.083,
1104 or s. 775.084.

1105 Section 23. Except as otherwise expressly provided in this
1106 act, this act shall take effect July 1, 2013.

1107
1108 ===== T I T L E A M E N D M E N T =====

1109 And the title is amended as follows:

1110 Delete everything before the enacting clause
1111 and insert:

1112 A bill to be entitled
1113 An act relating to elections; amending s. 97.012,
1114 F.S.; expanding the list of responsibilities of the
1115 Secretary of State when acting in his or her capacity



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1116 as chief election officer; amending s. 97.0555, F.S.;
1117 revising qualifications for late voter registration;
1118 amending s. 97.061, F.S.; revising restrictions
1119 relating to electors requiring assistance; prohibiting
1120 an individual from providing assistance to more than
1121 10 electors during any election; creating s. 98.025,
1122 F.S.; authorizing the Secretary of State to place a
1123 supervisor of elections in noncompliant status under
1124 specified conditions; requiring the secretary to
1125 submit a written decision of placing or removing a
1126 supervisor in noncompliant status with specified
1127 persons; providing that a supervisor in noncompliant
1128 status is not entitled to receive the special
1129 qualification salary; providing requirements to remove
1130 a supervisor from noncompliant status; requiring the
1131 secretary to provide written notice to the Governor if
1132 a supervisor has been in noncompliant status for 3
1133 consecutive years; amending s. 100.061, F.S.;
1134 decreasing the time period between a primary election
1135 and a general election; amending s. 101.045, F.S.;
1136 authorizing an elector to vote at the polling place in
1137 the precinct to which he or she has moved if such
1138 county uses an electronic database as a precinct
1139 register; amending s. 101.051, F.S.; revising
1140 restrictions relating to electors requiring assistance
1141 in casting ballots; prohibiting an individual from
1142 providing assistance to more than 10 electors during
1143 any election; amending s. 101.161, F.S.; providing a
1144 limitation on the number of words for certain ballot



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1145 summaries in joint resolutions proposed by the
1146 Legislature; deleting a provision providing that a
1147 ballot statement consisting of the full text of a
1148 constitutional amendment or revision is presumed to be
1149 a clear and unambiguous statement; amending s.
1150 101.5605, F.S.; requiring a person to provide the
1151 name, mailing address, and telephone number of a
1152 registered agent of a voting systems vendor to the
1153 Department of State under certain circumstances;
1154 providing that proof of delivery or attempt to deliver
1155 constitutes valid notice; creating s. 101.56065, F.S.;
1156 providing definitions; requiring a vendor to file a
1157 written disclosure with the department; providing
1158 requirements for the disclosure; providing what
1159 constitutes a cure of a defect; requiring a vendor to
1160 file a new disclosure with the department if a vendor
1161 becomes aware of a defect within a specified period;
1162 authorizing the department to suspend all sales or
1163 leases or use in an election of a defective voting
1164 system; providing procedures for the suspension of
1165 voting systems; authorizing the department to withdraw
1166 approval of voting systems under certain
1167 circumstances; authorizing the department to initiate
1168 an investigation of a defective voting system;
1169 establishing procedures and requirements of
1170 investigations; providing a penalty; amending s.
1171 101.56075, F.S.; revising the date that persons with
1172 disabilities must vote with voter interface devices;
1173 removing the requirement that all voting systems used



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1174 by voters in a state election allow placement of the
1175 full text of a constitutional amendment or revision
1176 containing stricken or underlined text by a specified
1177 date; amending s. 101.591, F.S.; authorizing use of
1178 automated, independent audits of voting systems;
1179 providing audit requirements; requiring the Division
1180 of Elections to adopt rules; amending s. 101.62, F.S.;
1181 revising the requirements for a valid absentee ballot
1182 request; requiring the supervisor to record the
1183 absence of the voter's signature on the voter's
1184 certificate under specified circumstances; prohibiting
1185 the supervisor from providing an absentee ballot on
1186 the day of an election under certain circumstances;
1187 requiring a person who requests an absentee ballot to
1188 complete an affidavit under certain circumstances;
1189 amending s. 101.65, F.S.; revising the instructions to
1190 absent electors; amending s. 101.657, F.S.; revising
1191 the list of permissible sites available for early
1192 voting; authorizing the supervisor to designate one
1193 additional early voting site per election; providing
1194 requirements; requiring each county to operate at
1195 least the same number of early voting sites for a
1196 general election as used for the 2012 general
1197 election; revising the number of days and hours for
1198 early voting; amending s. 101.67, F.S.; conforming a
1199 provision to changes made by the act; amending s.
1200 101.68, F.S., and reenacting subsection (2), relating
1201 to the canvassing of absentee ballots; authorizing the
1202 supervisor to use the elector's signature in a



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1203 precinct register to compare with the elector's
1204 signature on the voter's certificate; requiring the
1205 supervisor to provide the elector with the specific
1206 reason his or her ballot was rejected; requiring the
1207 supervisor to allow electors to complete an affidavit
1208 to cure an unsigned absentee ballot before a specified
1209 time; providing the form and contents of the
1210 affidavit; providing instructions to accompany each
1211 absentee ballot affidavit; requiring the affidavit,
1212 instructions, and the supervisor's office mailing
1213 address to be posted on certain websites; requiring
1214 the supervisor to attach a received affidavit to the
1215 appropriate absentee ballot mailing envelope; amending
1216 s. 101.6923, F.S.; revising special absentee ballot
1217 instructions; amending s. 101.6952, F.S.; providing
1218 that absentee ballots received from overseas voters in
1219 certain elections may be received up to 10 days after
1220 the date of the election; amending s. 102.031, F.S.;
1221 revising restrictions relating to the solicitation of
1222 voters; amending s. 102.141, F.S.; revising methods of
1223 selecting canvassing board members; requiring a
1224 supervisor to upload certain canvassed election
1225 results into a county's election management system
1226 prior to the election; prohibiting public disclosure
1227 of uploaded results before the close of the polls on
1228 election day; amending s. 104.0616, F.S.; providing a
1229 definition for the term "immediate family";
1230 prohibiting possession of more than two absentee
1231 ballots under certain circumstances; providing



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effective dates.