



362928

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SEN1/CA
04/24/2013 07:30 PM	.	05/03/2013 02:16 PM
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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. Section 98.025, Florida Statutes, is created to  
27 read:

28           98.025 Supervisors of elections; noncompliant status.—

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

32           (a) Timely file any report required by the Florida Election  
33 Code.

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

36           (c) Safeguard and account for voted ballots.

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

39           (e) Follow rules adopted by the Department of State  
40 concerning the implementation of any provision of the Florida  
41 Election Code.

42           (2) The Secretary of State shall submit the written



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43 decision to place or remove a supervisor of elections in  
44 noncompliant status to the affected supervisor and provide a  
45 copy of the decision to the Governor and the chair of the board  
46 of county commissioners in the supervisor's county.

47 (3) While a supervisor of elections is in noncompliant  
48 status, the supervisor is not entitled to receive the special  
49 qualification salary available pursuant to s. 145.09. When  
50 removed from noncompliant status, if otherwise eligible to  
51 receive the special qualification salary, the supervisor is  
52 entitled to a pro rata share of the special qualification salary  
53 based on the remaining period of the year.

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

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

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

62 (c) The supervisor has taken and received while in  
63 noncompliant status a grade of 90 percent or greater on a  
64 uniform statewide open-book examination testing the supervisor's  
65 knowledge of the Florida Election Code. The Florida State  
66 Association of Supervisors of Elections shall annually develop  
67 the examination, but the examination shall be approved and  
68 administered by the Division of Elections.

69 (5) If a supervisor has been in noncompliant status for 3  
70 consecutive years, the Secretary of State shall provide written  
71 notice of such event to the Governor for consideration of



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72 exercising the Governor's authority to suspend the supervisor  
73 pursuant to s. 7, Art. IV of the State Constitution.

74 (6) The decision of the Secretary of State to place a  
75 supervisor of elections in noncompliant status or remove a  
76 supervisor of elections from noncompliant status is exempt from  
77 the provisions of chapter 120.

78 (7) This section is in addition to, and not exclusive of,  
79 the authority of the Governor to suspend and remove a supervisor  
80 of elections pursuant to s. 7, Art. IV of the State  
81 Constitution.

82 Section 4. Section 100.032, Florida Statutes, is created to  
83 read:

84 100.032 Election preparation report; general election.—Each  
85 supervisor of elections must submit a report to the board of  
86 county commissioners of the county in which he or she serves at  
87 least 3 months before a general election which outlines  
88 preparations for the upcoming general election. The report must  
89 include, at a minimum, the following elements: the anticipated  
90 staffing levels during the early voting period, on election day  
91 and after election day; and the anticipated amount of automatic  
92 tabulating equipment at each early voting site and polling  
93 place. Each supervisor of elections shall also post such report  
94 on the supervisor of elections' official website.

95 Section 5. Section 100.061, Florida Statutes, is amended to  
96 read:

97 100.061 Primary election.—In each year in which a general  
98 election is held, a primary election for nomination of  
99 candidates of political parties shall be held on the Tuesday 10  
100 ~~12~~ weeks prior to the general election. The candidate receiving



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101 the highest number of votes cast in each contest in the primary  
102 election shall be declared nominated for such office. If two or  
103 more candidates receive an equal and highest number of votes for  
104 the same office, such candidates shall draw lots to determine  
105 which candidate is nominated.

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

108 101.045 Electors must be registered in precinct; provisions  
109 for change of residence or name.—

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

118  
119 Change of Legal Residence of Registered  
120 Voter  
121

122 Under penalties for false swearing, I, ...(Name of voter)...,  
123 swear (or affirm) that the former address of my legal residence  
124 was ...(Address of legal residence)... in the municipality of  
125 ....., in .... County, Florida, and I was registered to vote in  
126 the .... precinct of .... County, Florida; that I have not voted  
127 in the precinct of my former registration in this election; that  
128 I now reside at ...(Address of legal residence)... in the  
129 Municipality of ....., in .... County, Florida, and am therefore



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130 eligible to vote in the .... precinct of .... County, Florida;  
131 and I further swear (or affirm) that I am otherwise legally  
132 registered and entitled to vote.  
133

134 ... (Signature of voter whose address of legal residence has  
135 changed) ...  
136

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

145 Section 7. Present subsection (8) of section 101.151,  
146 Florida Statutes, is renumbered as subsection (9), and a new  
147 subsection (8) is added to that section, to read:

148 101.151 Specifications for ballots.—

149 (8) In counties subject to multi-language ballot  
150 requirements, the supervisor may petition the United States  
151 Department of Justice for authorization for the supervisor to  
152 print and deliver single-language ballots for each minority  
153 language required.

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

156 101.161 Referenda; ballots.—

157 (3) (a) Each joint resolution that proposes a constitutional  
158 amendment or revision shall include one or more ballot



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159 statements set forth in order of priority. Each ballot statement  
160 shall consist of a ballot title, by which the measure is  
161 commonly referred to or spoken of, not exceeding 15 words in  
162 length, and ~~either~~ a ballot summary that describes the chief  
163 purpose of the amendment or revision in clear and unambiguous  
164 language, ~~or the full text of the amendment or revision.~~ If a  
165 joint resolution that proposes a constitutional amendment or  
166 revision contains only one ballot statement, the ballot summary  
167 may not exceed 75 words in length. If a joint resolution that  
168 proposes a constitutional amendment or revision contains more  
169 than one ballot statement, the first ballot summary, in order of  
170 priority, may not exceed 75 words in length.

171 (b) The Department of State shall furnish a designating  
172 number pursuant to subsection (2) and the appropriate ballot  
173 statement to the supervisor of elections of each county. The  
174 ballot statement shall be printed on the ballot after the list  
175 of candidates, followed by the word "yes" and also by the word  
176 "no," and shall be styled in such a manner that a "yes" vote  
177 will indicate approval of the amendment or revision and a "no"  
178 vote will indicate rejection.

179 (c) ~~(b)~~ 1. Any action for a judicial determination that one  
180 or more ballot statements embodied in a joint resolution are  
181 defective must be commenced by filing a complaint or petition  
182 with the appropriate court within 30 days after the joint  
183 resolution is filed with the Secretary of State. The complaint  
184 or petition shall assert all grounds for challenge to each  
185 ballot statement. Any ground not asserted within 30 days after  
186 the joint resolution is filed with the Secretary of State is  
187 waived.



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188           2. The court, including any appellate court, shall accord  
189 an action described in subparagraph 1. priority over other  
190 pending cases and render a decision as expeditiously as  
191 possible. If the court finds that all ballot statements embodied  
192 in a joint resolution are defective and further appeals are  
193 declined, abandoned, or exhausted, unless otherwise provided in  
194 the joint resolution, the Attorney General shall, within 10  
195 days, prepare and submit to the Department of State a revised  
196 ballot title or ballot summary that corrects the deficiencies  
197 identified by the court, and the Department of State shall  
198 furnish a designating number and the revised ballot title or  
199 ballot summary to the supervisor of elections of each county for  
200 placement on the ballot. The revised ballot summary may exceed  
201 75 words in length. The court shall retain jurisdiction over  
202 challenges to a revised ballot title or ballot summary prepared  
203 by the Attorney General, and any challenge to a revised ballot  
204 title or ballot summary must be filed within 10 days after a  
205 revised ballot title or ballot summary is submitted to the  
206 Department of State.

207           ~~3. A ballot statement that consists of the full text of an~~  
208 ~~amendment or revision shall be presumed to be a clear and~~  
209 ~~unambiguous statement of the substance and effect of the~~  
210 ~~amendment or revision, providing fair notice to the electors of~~  
211 ~~the content of the amendment or revision and sufficiently~~  
212 ~~advising electors of the issue upon which they are to vote.~~

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

215           101.5605 Examination and approval of equipment.-

216           (3) (a) Before the Department of State approves the





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217 electronic or electromechanical voting system, the person who  
218 submitted it for examination shall provide the department with  
219 the name, mailing address, and telephone number of a registered  
220 agent, which agent must have and continuously maintain an office  
221 in this state. Any change in the name, address, or telephone  
222 number of the registered agent shall promptly be made known to  
223 the department.

224 (b) Before entering into a contract for the sale or lease  
225 of a voting system approved under this section to any county,  
226 the person entering into such contract shall provide the  
227 department with the name, mailing address, and telephone number  
228 of a registered agent, which agent must have and continuously  
229 maintain an office in this state. Any change in the name,  
230 address, or telephone number of the registered agent shall  
231 promptly be made known to the department.

232 (c) The department's proof of delivery or attempted  
233 delivery to the last mailing address of the registered agent on  
234 file with the department at the time of delivery or attempted  
235 delivery is valid for all notice purposes.

236 (d) Within 30 days after completing the examination and  
237 upon approval of any electronic or electromechanical voting  
238 system, the Department of State shall make and maintain a report  
239 on the system, together with a written or printed description  
240 and drawings and photographs clearly identifying the system and  
241 the operation thereof. As soon as practicable after such filing,  
242 the department shall send a notice of certification and, upon  
243 request, a copy of the report to the governing bodies of the  
244 respective counties of the state. Any voting system that does  
245 not receive the approval of the department ~~may shall~~ not be



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246 adopted for or used at any election.

247 (e) ~~(b)~~ After a voting system has been approved by the  
248 Department of State, any change or improvement in the system is  
249 required to be approved by the department prior to the adoption  
250 of such change or improvement by any county. If any such change  
251 or improvement does not comply with the requirements of this  
252 act, the department shall suspend all sales of the equipment or  
253 system in the state until the equipment or system complies with  
254 the requirements of this act.

255 Section 10. Section 101.56065, Florida Statutes, is created  
256 to read:

257 101.56065 Voting system defects; disclosure;  
258 investigations; penalties.-

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

260 (a) "Defect" means:

261 1. Any failure, fault, or flaw in an electronic or  
262 electromechanical voting system approved pursuant to s. 101.5605  
263 which results in nonconformance with the standards in a manner  
264 that affects the timeliness or accuracy of the casting or  
265 counting of ballots; or

266 2. Any failure or inability of the voting system  
267 manufacturer or vendor to make available or provide approved  
268 replacements of hardware or software to the counties that have  
269 purchased the approved voting system, the unavailability of  
270 which results in the system's nonconformance with the standards  
271 in a manner that affects the timeliness or accuracy of the  
272 casting or counting of ballots.

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



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275 in the state.

276 (c) "Vendor" means a person who submits or previously  
277 submitted a voting system that was approved by the Department of  
278 State in accordance with s. 101.5605, or a person who enters  
279 into a contract for the sale or lease of a voting system to any  
280 county, or that previously entered into such a contract that has  
281 not expired.

282 (2) (a) No later than December 31, 2013, and, thereafter, on  
283 January 1 of every odd-numbered year, each vendor shall file a  
284 written disclosure with the department identifying any known  
285 defect in the voting system or the fact that there is no known  
286 defect, the effect of any defect on the operation and use of the  
287 approved voting system, and any known corrective measures to  
288 cure a defect, including, but not limited to, advisories and  
289 bulletins issued to system users.

290 (b) Implementation of corrective measures approved by the  
291 department which enable a system to conform to the standards and  
292 ensure the timeliness and accuracy of the casting and counting  
293 of ballots constitutes a cure of a defect.

294 (c) If a vendor becomes aware of the existence of a defect,  
295 he or she must file a new disclosure with the department as  
296 provided in paragraph (a) within 30 days after the date the  
297 vendor determined or reasonably should have determined that the  
298 defect existed.

299 (d) If a vendor discloses to the department that a defect  
300 exists, the department may suspend all sales or leases of the  
301 voting system in the state and may suspend the use of the system  
302 in any election in the state. The department shall provide  
303 written notice of any such suspension to each affected vendor



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304 and supervisor of elections. If the department determines that  
305 the defect no longer exists, the department shall lift the  
306 suspension and provide written notice to each affected vendor  
307 and supervisor of elections.

308 (e) If a vendor fails to file a required disclosure for a  
309 voting system previously approved by the department, that system  
310 may not be sold, leased, or used for elections in the state  
311 until it has been submitted for examination and approval and  
312 adopted for use pursuant to s. 101.5605. The department shall  
313 provide written notice to all supervisors of elections that the  
314 system is no longer approved.

315 (3) (a) If the department has reasonable cause to believe a  
316 voting system approved pursuant to s. 101.5605 contains a defect  
317 either before, during, or after an election which has not been  
318 disclosed pursuant to subsection (2), the department may  
319 investigate whether the voting system has a defect.

320 (b) The department may initiate an investigation pursuant  
321 to paragraph (a) on its own initiative or upon the written  
322 request of the supervisor of elections of a county that  
323 purchased or leased a voting system that contains the alleged  
324 defect.

325 (c) Upon initiating an investigation, the department shall  
326 provide written notice to the vendor and all of the supervisors  
327 of elections.

328 (4) (a) If the department determines by a preponderance of  
329 the evidence that a defect exists in the voting system, or that  
330 a vendor failed to timely disclose a defect pursuant to  
331 subsection (2), the department shall provide written notice to  
332 the affected vendor and supervisors of elections.



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

336           1. Denies that the alleged defect exists or existed as  
337 alleged by the department or that the vendor failed to timely  
338 disclose a defect, and sets forth the reasons for such denial;  
339 or

340           2. Admits that the defect exists or existed as alleged by  
341 the department or that the vendor failed to timely disclose a  
342 defect.

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

345           (d) If the defect has not been cured, the vendor shall  
346 inform the department whether the defect can be cured and shall  
347 provide the department with a plan for curing the defect. If the  
348 defect can be cured, the department shall establish a timeframe  
349 within which to cure the defect.

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

354           (6) If the department determines that: a vendor failed to  
355 timely disclose a defect; or that a defect exists and a vendor  
356 has not filed a written response or has failed to cure within  
357 the timeframe established by the department, or if the defect  
358 cannot be cured, the department shall impose a civil penalty of  
359 \$25,000 for the defect plus an amount equal to the actual costs  
360 incurred by the department in conducting the investigation.

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



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

366       (b) If the department determines that a defect no longer  
367 exists in a voting system that has been suspended from use  
368 pursuant to paragraph (a), the department shall lift the  
369 suspension and authorize the sale, lease, and use of the voting  
370 system in any election in the state. The department shall  
371 provide written notice that the suspension has been lifted to  
372 each affected vendor and supervisor of elections.

373       (c) If the defect cannot be cured, the department may  
374 disapprove the voting system for use in elections in the state.  
375 The department shall provide written notice to all supervisors  
376 of elections that the system is no longer approved. After  
377 approval of a system has been withdrawn pursuant to this  
378 paragraph, the system may not be sold, leased, or used in  
379 elections in the state until it has been submitted for  
380 examination and approval and adopted for use pursuant to s.  
381 101.5605.

382       (d) Any vendor against whom a civil penalty was imposed  
383 under this section may not submit a voting system for approval  
384 by the Department of State in accordance with s. 101.5605 or  
385 enter into a contract for sale or lease of a voting system in  
386 the state until the civil penalties have been paid and the  
387 department provides written confirmation to the supervisors of  
388 elections of the payment.

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



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

394       (10) All proceedings under this section are exempt from  
395 chapter 120.

396       Section 11. Section 101.56075, Florida Statutes, is amended  
397 to read:

398       101.56075 Voting methods.—

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

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

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

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

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

418       101.591 Voting system audit.—

419       (1) Immediately following the certification of each



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420 election, the county canvassing board or the local board  
421 responsible for certifying the election shall conduct a manual  
422 audit or an automated, independent audit of the voting systems  
423 used in randomly selected precincts.

424 (2) (a) A manual ~~The~~ audit shall consist of a public manual  
425 tally of the votes cast in one randomly selected race that  
426 appears on the ballot. The tally sheet shall include election-  
427 day, absentee, early voting, provisional, and overseas ballots,  
428 in at least 1 percent but no more than 2 percent of the  
429 precincts chosen at random by the county canvassing board or the  
430 local board responsible for certifying the election. If 1  
431 percent of the precincts is less than one entire precinct, the  
432 audit shall be conducted using at least one precinct chosen at  
433 random by the county canvassing board or the local board  
434 responsible for certifying the election. Such precincts shall be  
435 selected at a publicly noticed canvassing board meeting.

436 (b) An automated audit shall consist of a public automated  
437 tally of the votes cast across every race that appears on the  
438 ballot. The tally sheet shall include election day, absentee,  
439 early voting, provisional, and overseas ballots in at least 20  
440 percent of the precincts chosen at random by the county  
441 canvassing board or the local board responsible for certifying  
442 the election. Such precincts shall be selected at a publicly  
443 noticed canvassing board meeting.

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

- 447 1. Completely independent of the primary voting system.  
448 2. Fast enough to produce final audit results within the





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449 timeframe prescribed in subsection (4).

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

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

456 Section 13. Subsections (1) and (3) and paragraph (c) of  
457 subsection (4) of section 101.62, Florida Statutes, are amended  
458 to read:

459 101.62 Request for absentee ballots.—

460 (1) (a) The supervisor shall accept a request for an  
461 absentee ballot from an elector in person or in writing. One  
462 request shall be deemed sufficient to receive an absentee ballot  
463 for all elections through the end of the calendar year of the  
464 second ensuing regularly scheduled general election, unless the  
465 elector or the elector's designee indicates at the time the  
466 request is made the elections for which the elector desires to  
467 receive an absentee ballot. Such request may be considered  
468 canceled when any first-class mail sent by the supervisor to the  
469 elector is returned as undeliverable.

470 (b) The supervisor may accept a written or telephonic  
471 request for an absentee ballot to be mailed to an elector's  
472 address on file in the Florida Voter Registration System from  
473 the elector, or, if directly instructed by the elector, a member  
474 of the elector's immediate family, or the elector's legal  
475 guardian; if the ballot is requested to be mailed to an address  
476 other than the elector's address on file in the Florida Voter  
477 Registration System, the request must be made in writing and



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478 signed by the elector. However, an absent uniformed service  
479 voter or an overseas voter seeking an absentee ballot is not  
480 required to submit a signed, written request for an absentee  
481 ballot that is being mailed to an address other than the  
482 elector's address on file in the Florida Voter Registration  
483 System. For purposes of this section, the term "immediate  
484 family" has the same meaning as specified in paragraph (4)(c).  
485 The person making the request must disclose:

- 486       1. The name of the elector for whom the ballot is  
487 requested.
- 488       2. The elector's address.
- 489       3. The elector's date of birth.
- 490       4. The requester's name.
- 491       5. The requester's address.
- 492       6. The requester's driver's license number, if available.
- 493       7. The requester's relationship to the elector.
- 494       8. The requester's signature (written requests only).

495       (c) Upon receiving a request for an absentee ballot from an  
496 absent voter, the supervisor of elections shall notify the voter  
497 of the free access system that has been designated by the  
498 department for determining the status of his or her absentee  
499 ballot.

500       (3) For each request for an absentee ballot received, the  
501 supervisor shall record the date the request was made, the date  
502 the absentee ballot was delivered to the voter or the voter's  
503 designee or the date the absentee ballot was delivered to the  
504 post office or other carrier, the date the ballot was received  
505 by the supervisor, the absence of the voter's signature on the  
506 voter's certificate, if applicable, and such other information



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507 he or she may deem necessary. This information shall be provided  
508 in electronic format as provided by rule adopted by the  
509 division. The information shall be updated and made available no  
510 later than 8 a.m. of each day, including weekends, beginning 60  
511 days before the primary until 15 days after the general election  
512 and shall be contemporaneously provided to the division. This  
513 information shall be confidential and exempt from ~~the provisions~~  
514 ~~of~~ s. 119.07(1) and shall be made available to or reproduced  
515 only for the voter requesting the ballot, a canvassing board, an  
516 election official, a political party or official thereof, a  
517 candidate who has filed qualification papers and is opposed in  
518 an upcoming election, and registered political committees or  
519 registered committees of continuous existence, for political  
520 purposes only.

521 (4)

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

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

528 2. By forwardable mail, e-mail, or facsimile machine  
529 transmission to absent uniformed services voters and overseas  
530 voters. The absent uniformed services voter or overseas voter  
531 may designate in the absentee ballot request the preferred  
532 method of transmission. If the voter does not designate the  
533 method of transmission, the absentee ballot shall be mailed.

534 3. By personal delivery before 7 p.m. on election day to  
535 the elector, upon presentation of the identification required in



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536 s. 101.043.

537 4. By delivery to a designee on election day or up to 5  
538 days prior to the day of an election. Any elector may designate  
539 in writing a person to pick up the ballot for the elector;  
540 however, the person designated may not pick up more than two  
541 absentee ballots per election, other than the designee's own  
542 ballot, except that additional ballots may be picked up for  
543 members of the designee's immediate family. For purposes of this  
544 section, "immediate family" means the designee's spouse or the  
545 parent, child, grandparent, or sibling of the designee or of the  
546 designee's spouse. The designee shall provide to the supervisor  
547 the written authorization by the elector and a picture  
548 identification of the designee and must complete an affidavit.  
549 The designee shall state in the affidavit that the designee is  
550 authorized by the elector to pick up that ballot and shall  
551 indicate if the elector is a member of the designee's immediate  
552 family and, if so, the relationship. The department shall  
553 prescribe the form of the affidavit. If the supervisor is  
554 satisfied that the designee is authorized to pick up the ballot  
555 and that the signature of the elector on the written  
556 authorization matches the signature of the elector on file, the  
557 supervisor shall give the ballot to that designee for delivery  
558 to the elector.

559 5. Except as provided in s. 101.655, the supervisor may not  
560 deliver an absentee ballot to an elector or an elector's  
561 immediate family member on the day of the election unless there  
562 is an emergency, to the extent that the elector will be unable  
563 to go to his or her assigned polling place. If an absentee  
564 ballot is delivered, the elector or his or her designee shall



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565 execute an affidavit affirming to the facts which allow for  
566 delivery of the absentee ballot. The department shall adopt a  
567 rule providing for the form of the affidavit.

568 Section 14. Section 101.65, Florida Statutes, is amended to  
569 read:

570 101.65 Instructions to absent electors.—The supervisor  
571 shall enclose with each absentee ballot separate printed  
572 instructions in substantially the following form:

574 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

593 4. Place your marked ballot in the enclosed secrecy



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594 envelope.

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

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

599           7. VERY IMPORTANT. In order for your absentee ballot to be  
600 counted, you must sign your name on the line above (Voter's  
601 Signature). An absentee ballot will be considered illegal and  
602 not be counted if the signature on the voter's certificate does  
603 not match the signature on record. The signature on file at the  
604 start of the canvass of the absentee ballots is the signature  
605 that will be used to verify your signature on the voter's  
606 certificate. If you need to update your signature for this  
607 election, send your signature update on a voter registration  
608 application to your supervisor of elections so that it is  
609 received no later than the start of the canvassing of absentee  
610 ballots, which occurs no earlier than the 15th day before  
611 election day.

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

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

617           10. FELONY NOTICE. It is a felony under Florida law to  
618 accept any gift, payment, or gratuity in exchange for your vote  
619 for a candidate. It is also a felony under Florida law to vote  
620 in an election using a false identity or false address, or under  
621 any other circumstances making your ballot false or fraudulent.

622           Section 15. Paragraphs (a) and (d) of subsection (1) of



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623 section 101.657, Florida Statutes, are amended to read:  
624 101.657 Early voting.—  
625 (1)(a) As a convenience to the voter, the supervisor of  
626 elections shall allow an elector to vote early in the main or  
627 branch office of the supervisor. The supervisor shall mark,  
628 code, indicate on, or otherwise track the voter's precinct for  
629 each early voted ballot. In order for a branch office to be used  
630 for early voting, it shall be a permanent facility of the  
631 supervisor and shall have been designated and used as such for  
632 at least 1 year prior to the election. The supervisor may also  
633 designate any city hall, ~~or~~ permanent public library facility,  
634 fairground, civic center, courthouse, county commission  
635 building, stadium, convention center, government-owned senior  
636 center, or government-owned community center as early voting  
637 sites; however, if so designated, the sites must be  
638 geographically located so as to provide all voters in the county  
639 an equal opportunity to cast a ballot, insofar as is  
640 practicable. In addition, a supervisor may designate one early  
641 voting site per election in an area of the county that does not  
642 have any of the eligible early voting locations. Such additional  
643 early voting site must be geographically located so as to  
644 provide all voters in that area with an equal opportunity to  
645 cast a ballot, insofar as is practicable. Each county shall, at  
646 a minimum, operate the same total number of early voting sites  
647 for a general election which the county operated for the 2012  
648 general election. The results or tabulation of votes cast during  
649 early voting may not be made before the close of the polls on  
650 election day. Results shall be reported by precinct.  
651 (d) Early voting shall begin on the 10th day before an



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652 election that contains state or federal races and end on the 3rd  
653 day before the election, and shall be provided for no less than  
654 8 6 hours and no more than 12 hours per day at each site during  
655 the applicable period. In addition, early voting may be offered  
656 at the discretion of the supervisor of elections on the 15th,  
657 14th, 13th, 12th, 11th, or 2nd day before an election that  
658 contains state or federal races for at least 8 hours per day,  
659 but not more than 12 hours per day. The supervisor of elections  
660 may provide early voting for elections that are not held in  
661 conjunction with a state or federal election. However, the  
662 supervisor has the discretion to determine the hours of  
663 operation of early voting sites in those elections.

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

666 101.67 Safekeeping of mailed ballots; deadline for  
667 receiving absentee ballots.-

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

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

676 101.68 Canvassing of absentee ballot.-

677 (1) The supervisor of the county where the absent elector  
678 resides shall receive the voted ballot, at which time the  
679 supervisor shall compare the signature of the elector on the  
680 voter's certificate with the signature of the elector in the





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681 registration books or the precinct register to determine whether  
682 the elector is duly registered in the county and may record on  
683 the elector's registration certificate that the elector has  
684 voted. However, effective July 1, 2005, an elector who dies  
685 after casting an absentee ballot but on or before election day  
686 shall remain listed in the registration books until the results  
687 have been certified for the election in which the ballot was  
688 cast. The supervisor shall safely keep the ballot unopened in  
689 his or her office until the county canvassing board canvasses  
690 the vote. Except as provided in subsection (4), after an  
691 absentee ballot is received by the supervisor, the ballot is  
692 deemed to have been cast, and changes or additions may not be  
693 made to the voter's certificate.

694 (2) (a) The county canvassing board may begin the canvassing  
695 of absentee ballots at 7 a.m. on the 15th day before the  
696 election, but not later than noon on the day following the  
697 election. In addition, for any county using electronic  
698 tabulating equipment, the processing of absentee ballots through  
699 such tabulating equipment may begin at 7 a.m. on the 15th day  
700 before the election. However, notwithstanding any such  
701 authorization to begin canvassing or otherwise processing  
702 absentee ballots early, no result shall be released until after  
703 the closing of the polls in that county on election day. Any  
704 supervisor of elections, deputy supervisor of elections,  
705 canvassing board member, election board member, or election  
706 employee who releases the results of a canvassing or processing  
707 of absentee ballots prior to the closing of the polls in that  
708 county on election day commits a felony of the third degree,  
709 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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710 (b) To ensure that all absentee ballots to be counted by  
711 the canvassing board are accounted for, the canvassing board  
712 shall compare the number of ballots in its possession with the  
713 number of requests for ballots received to be counted according  
714 to the supervisor's file or list.

715 (c)1. The canvassing board shall, if the supervisor has not  
716 already done so, compare the signature of the elector on the  
717 voter's certificate or on the absentee ballot affidavit as  
718 provided in subsection (4) with the signature of the elector in  
719 the registration books or the precinct register to see that the  
720 elector is duly registered in the county and to determine the  
721 legality of that absentee ballot. The ballot of an elector who  
722 casts an absentee ballot shall be counted even if the elector  
723 dies on or before election day, as long as, prior to the death  
724 of the voter, the ballot was postmarked by the United States  
725 Postal Service, date-stamped with a verifiable tracking number  
726 by common carrier, or already in the possession of the  
727 supervisor of elections. An absentee ballot shall be considered  
728 illegal if the voter's certificate or absentee ballot affidavit  
729 ~~it~~ does not include the signature of the elector, as shown by  
730 the registration records or the precinct register. However, an  
731 absentee ballot is ~~shall~~ not ~~be~~ considered illegal if the  
732 signature of the elector does not cross the seal of the mailing  
733 envelope. If the canvassing board determines that any ballot is  
734 illegal, a member of the board shall, without opening the  
735 envelope, mark across the face of the envelope: "rejected as  
736 illegal." The absentee ballot affidavit, if applicable, the  
737 envelope, and the ballot contained therein shall be preserved in  
738 the manner that official ballots voted are preserved.



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739           2. If any elector or candidate present believes that an  
740 absentee ballot is illegal due to a defect apparent on the  
741 voter's certificate or the absentee ballot affidavit, he or she  
742 may, at any time before the ballot is removed from the envelope,  
743 file with the canvassing board a protest against the canvass of  
744 that ballot, specifying the precinct, the ballot, and the reason  
745 he or she believes the ballot to be illegal. A challenge based  
746 upon a defect in the voter's certificate or absentee ballot  
747 affidavit may not be accepted after the ballot has been removed  
748 from the mailing envelope.

749           (d) The canvassing board shall record the ballot upon the  
750 proper record, unless the ballot has been previously recorded by  
751 the supervisor. The mailing envelopes shall be opened and the  
752 secrecy envelopes shall be mixed so as to make it impossible to  
753 determine which secrecy envelope came out of which signed  
754 mailing envelope; however, in any county in which an electronic  
755 or electromechanical voting system is used, the ballots may be  
756 sorted by ballot styles and the mailing envelopes may be opened  
757 and the secrecy envelopes mixed separately for each ballot  
758 style. The votes on absentee ballots shall be included in the  
759 total vote of the county.

760           (4) (a) The supervisor of elections shall, on behalf of the  
761 county canvassing board, notify each elector whose ballot was  
762 rejected as illegal and provide the specific reason the ballot  
763 was rejected ~~because of a difference between the elector's~~  
764 ~~signature on the ballot and that on the elector's voter~~  
765 ~~registration record~~. The supervisor shall mail a voter  
766 registration application to the elector to be completed  
767 indicating the elector's current signature if the elector's



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768 ballot was rejected due to a difference between the elector's  
769 signature on the voter's certificate or absentee ballot  
770 affidavit and the elector's signature in the registration books  
771 or precinct register. This section does not prohibit the  
772 supervisor from providing additional methods for updating an  
773 elector's signature.

774 (b) Until 5 p.m. on the 2nd day before an election, the  
775 supervisor shall allow an elector who has returned an absentee  
776 ballot that does not include the elector's signature to complete  
777 an affidavit in order to cure the unsigned absentee ballot.

778 (c) The elector shall provide identification to the  
779 supervisor and must complete an absentee ballot affidavit in  
780 substantially the following form:

781  
782 ABSENTEE BALLOT AFFIDAVIT

783 I, ....., am a qualified voter in this election and  
784 registered voter of .... County, Florida. I do solemnly swear or  
785 affirm that I requested and returned the absentee ballot and  
786 that I have not and will not vote more than one ballot in this  
787 election. I understand that if I commit or attempt any fraud in  
788 connection with voting, vote a fraudulent ballot, or vote more  
789 than once in an election, I may be convicted of a felony of the  
790 third degree and fined up to \$5,000 and imprisoned for up to 5  
791 years. I understand that my failure to sign this affidavit means  
792 that my absentee ballot will be invalidated.

793  
794 ...(Voter's Signature)...

795  
796 ...(Address)...



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

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

1. In order to ensure that your absentee ballot will be counted, your affidavit 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 5 p.m. on the 2nd day before the election.

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

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

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

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

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail, deliver, or have



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826 delivered the completed affidavit along with the copy of your  
827 identification to your county supervisor of elections. Be sure  
828 there is sufficient postage if mailed and that the supervisor's  
829 address is correct.

830 5. Alternatively, you may fax or e-mail your completed  
831 affidavit and a copy of your identification to the supervisor of  
832 elections. If e-mailing, please provide these documents as  
833 attachments.

834 (e) The department and each supervisor shall include the  
835 affidavit and instructions on their respective websites. The  
836 supervisor must include his or her office's mailing address, e-  
837 mail address, and fax number on the page containing the  
838 affidavit instructions; the department's instruction page must  
839 include the office mailing addresses, e-mail addresses, and fax  
840 numbers of all supervisors of elections or provide a conspicuous  
841 link to such addresses.

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

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

846 101.6923 Special absentee ballot instructions for certain  
847 first-time voters.-

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

851  
852 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
853 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
854 YOUR BALLOT NOT TO COUNT.



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1. 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 date 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 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, your vote in that race will not be counted.

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

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

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

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or



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884 your ballot may not be counted.

885 c. An absentee ballot will be considered illegal and will  
886 not be counted if the signature on the Voter's Certificate does  
887 not match the signature on record. The signature on file at the  
888 start of the canvass of the absentee ballots is the signature  
889 that will be used to verify your signature on the Voter's  
890 Certificate. If you need to update your signature for this  
891 election, send your signature update on a voter registration  
892 application to your supervisor of elections so that it is  
893 received no later than the start of canvassing of absentee  
894 ballots, which occurs no earlier than the 15th day before  
895 election day.

896 6. Unless you meet one of the exemptions in Item 7., you  
897 must make a copy of one of the following forms of  
898 identification:

899 a. Identification which must include your name and  
900 photograph: United States passport; debit or credit card;  
901 military identification; student identification; retirement  
902 center identification; neighborhood association identification;  
903 or public assistance identification; or

904 b. Identification which shows your name and current  
905 residence address: current utility bill, bank statement,  
906 government check, paycheck, or government document (excluding  
907 voter identification card).

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

- 910 a. You are 65 years of age or older.  
911 b. You have a temporary or permanent physical disability.  
912 c. You are a member of a uniformed service on active duty





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913 who, by reason of such active duty, will be absent from the  
914 county on election day.

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

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

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

923 8. Place the envelope bearing the Voter's Certificate into  
924 the mailing envelope addressed to the supervisor. Insert a copy  
925 of your identification in the mailing envelope. DO NOT PUT YOUR  
926 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
927 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
928 BALLOT WILL NOT COUNT.

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

931 10. FELONY NOTICE. It is a felony under Florida law to  
932 accept any gift, payment, or gratuity in exchange for your vote  
933 for a candidate. It is also a felony under Florida law to vote  
934 in an election using a false identity or false address, or under  
935 any other circumstances making your ballot false or fraudulent.

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

938 101.6952 Absentee ballots for absent uniformed services and  
939 overseas voters.—

940 (5) An absentee ballot from an overseas voter in any  
941 presidential preference primary or general election which is



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942 postmarked or dated no later than the date of the election and  
943 is received by the supervisor of elections of the county in  
944 which the overseas voter is registered no later than 10 days  
945 after the date of the election shall be counted as long as the  
946 absentee ballot is otherwise proper.

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

950 102.031 Maintenance of good order at polls; authorities;  
951 persons allowed in polling rooms and early voting areas;  
952 unlawful solicitation of voters.-

953 (4) (a) No person, political committee, committee of  
954 continuous existence, or other group or organization may solicit  
955 voters inside the polling place or within 100 feet of the  
956 entrance to any polling place, a ~~or~~ polling room where the  
957 polling place is also a polling room, ~~an~~ an early voting site,  
958 or an office of the supervisor of elections where absentee  
959 ballots are requested and printed on demand for the convenience  
960 of electors who appear in person to request them. Before the  
961 opening of the polling place or early voting site, the clerk or  
962 supervisor shall designate the no-solicitation zone and mark the  
963 boundaries.

964 (b) For the purpose of this subsection, the terms "solicit"  
965 or "solicitation" shall include, but not be limited to, seeking  
966 or attempting to seek any vote, fact, opinion, or contribution;  
967 distributing or attempting to distribute any political or  
968 campaign material, leaflet, or handout; conducting a poll except  
969 as specified in this paragraph; seeking or attempting to seek a  
970 signature on any petition; and selling or attempting to sell any



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971 item. The terms "solicit" or "solicitation" may ~~shall~~ not be  
972 construed to prohibit exit polling.

973 (d) Except as provided in paragraph (a), the supervisor may  
974 not designate a no-solicitation zone or otherwise restrict  
975 access to any person, political committee, committee of  
976 continuous existence, candidate, or other group or organization  
977 for the purposes of soliciting voters. This paragraph applies to  
978 any public or private property used as a polling place or early  
979 voting site.

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

982 102.141 County canvassing board; duties.—

983 (1) The county canvassing board shall be composed of the  
984 supervisor of elections; a county court judge, who shall act as  
985 chair; and the chair of the board of county commissioners.  
986 Alternate canvassing board members must be appointed pursuant to  
987 paragraph (e). In the event any member of the county canvassing  
988 board is unable to serve, is a candidate who has opposition in  
989 the election being canvassed, or is an active participant in the  
990 campaign or candidacy of any candidate who has opposition in the  
991 election being canvassed, such member shall be replaced as  
992 follows:

993 (a) If no county court judge is able to serve or if all are  
994 disqualified, the chief judge of the judicial circuit in which  
995 the county is located shall appoint as a substitute member a  
996 qualified elector of the county who is not a candidate with  
997 opposition in the election being canvassed and who is not an  
998 active participant in the campaign or candidacy of any candidate  
999 with opposition in the election being canvassed. In such event,



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1000 the members of the county canvassing board shall meet and elect  
1001 a chair.

1002 (b) If the supervisor of elections is unable to serve or is  
1003 disqualified, the chair of the board of county commissioners  
1004 shall appoint as a substitute member a member of the board of  
1005 county commissioners who is not a candidate with opposition in  
1006 the election being canvassed and who is not an active  
1007 participant in the campaign or candidacy of any candidate with  
1008 opposition in the election being canvassed. The supervisor,  
1009 however, shall act in an advisory capacity to the canvassing  
1010 board.

1011 (c) If the chair of the board of county commissioners is  
1012 unable to serve or is disqualified, the board of county  
1013 commissioners shall appoint as a substitute member one of its  
1014 members who is not a candidate with opposition in the election  
1015 being canvassed and who is not an active participant in the  
1016 campaign or candidacy of any candidate with opposition in the  
1017 election being canvassed.

1018 (d) If a substitute member or alternate member cannot be  
1019 appointed as provided elsewhere in this subsection, or in the  
1020 event of a vacancy in such office, the chief judge of the  
1021 judicial circuit in which the county is located shall appoint as  
1022 a substitute member or alternate member a qualified elector of  
1023 the county who is not a candidate with opposition in the  
1024 election being canvassed and who is not an active participant in  
1025 the campaign or candidacy of any candidate with opposition in  
1026 the election being canvassed.

1027 (e)1. The chief judge of the judicial circuit in which the  
1028 county is located shall appoint a county court judge as an



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1029 alternate member of the county canvassing board or, if each  
1030 county court judge is unable to serve or is disqualified, shall  
1031 appoint an alternate member who is qualified to serve as a  
1032 substitute member under paragraph (a).

1033 2. The chair of the board of county commissioners shall  
1034 appoint a member of the board of county commissioners as an  
1035 alternate member of the county canvassing board or, if each  
1036 member of the board of county commissioners is unable to serve  
1037 or is disqualified, shall appoint an alternate member who is  
1038 qualified to serve as a substitute member under paragraph (d).

1039 3. If a member of the county canvassing board is unable to  
1040 participate in a meeting of the board, the chair of the county  
1041 canvassing board or his or her designee shall designate which  
1042 alternate member will serve as a member of the board in the  
1043 place of the member who is unable to participate at that  
1044 meeting.

1045 4. If not serving as one of the three members of the county  
1046 canvassing board, an alternate member may be present, observe,  
1047 and communicate with the three members constituting the county  
1048 canvassing board, but may not vote in the board's decisions or  
1049 determinations.

1050 (4) (a) The supervisor of elections shall upload into the  
1051 county's election management system by 7 p.m. on the day before  
1052 the election the results of all early voting and absentee  
1053 ballots that have been canvassed and tabulated by the end of the  
1054 early voting period. Pursuant to ss. 101.5614(9), 101.657, and  
1055 101.68(2), the tabulation of votes cast or the results of such  
1056 uploads may not be made public before the close of the polls on  
1057 election day.



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1058           **(b)** The canvassing board shall report all early voting and  
1059 all tabulated absentee results to the Department of State within  
1060 30 minutes after the polls close. Thereafter, the canvassing  
1061 board shall report, with the exception of provisional ballot  
1062 results, updated precinct election results to the department at  
1063 least every 45 minutes until all results are completely  
1064 reported. The supervisor of elections shall notify the  
1065 department immediately of any circumstances that do not permit  
1066 periodic updates as required. Results shall be submitted in a  
1067 format prescribed by the department.

1068           Section 22. Effective January 1, 2014, section 104.0616,  
1069 Florida Statutes, is amended to read:

1070           104.0616 Absentee ballots and voting; violations.—

1071           **(1)** For purposes of this section, the term "immediate  
1072 family" means a person's spouse or the parent, child,  
1073 grandparent, or sibling of the person or the person's spouse.

1074           **(2)** Any person who provides or offers to provide, and any  
1075 person who accepts, a pecuniary or other benefit in exchange for  
1076 distributing, ordering, requesting, collecting, delivering, or  
1077 otherwise physically possessing more than two absentee ballots  
1078 per election in addition to his or her own ballot or a ballot  
1079 belonging to an immediate family member, with intent to alter,  
1080 change, modify, or erase any vote on the absentee ballot, except  
1081 as provided in ss. 101.6105-101.695, commits a felony of the  
1082 third degree, punishable as provided in s. 775.082, s. 775.083,  
1083 or s. 775.084.

1084           Section 23. Except as otherwise expressly provided in this  
1085 act, this act shall take effect July 1, 2013.

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1087 ===== T I T L E A M E N D M E N T =====

1088 And the title is amended as follows:

1089 Delete everything before the enacting clause  
1090 and insert:

1091 A bill to be entitled  
1092 An act relating to elections; amending s. 97.012,  
1093 F.S.; expanding the list of responsibilities of the  
1094 Secretary of State when acting in his or her capacity  
1095 as chief election officer; amending s. 97.0555, F.S.;  
1096 revising qualifications for late voter registration;  
1097 creating s. 98.025, F.S.; authorizing the Secretary of  
1098 State to place a supervisor of elections in  
1099 noncompliant status under specified conditions;  
1100 requiring the secretary to submit a written decision  
1101 of placing or removing a supervisor in noncompliant  
1102 status with specified persons; providing that a  
1103 supervisor in noncompliant status is not entitled to  
1104 receive the special qualification salary; providing  
1105 requirements to remove a supervisor from noncompliant  
1106 status; requiring the secretary to provide written  
1107 notice to the Governor if a supervisor has been in  
1108 noncompliant status for 3 consecutive years; creating  
1109 s. 100.032, F.S.; requiring each supervisor of  
1110 elections to submit a report to his or her board of  
1111 county commissioners at least 3 months before a  
1112 general election; specifying the content of the  
1113 report; requiring that such report be posted on the  
1114 supervisor's website; amending s. 100.061, F.S.;  
1115 decreasing the time period between a primary election



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1116 and a general election; amending s. 101.045, F.S.;

1117 authorizing an elector to vote at the polling place in

1118 the precinct to which he or she has moved if such

1119 county uses an electronic database as a precinct

1120 register; amending s. 101.151, F.S.; authorizing the

1121 supervisor to petition the United States Department of

1122 Justice for authorization for the supervisor to print

1123 and deliver single-language ballots; amending s.

1124 101.161, F.S.; providing a limitation on the number of

1125 words for certain ballot summaries in joint

1126 resolutions proposed by the Legislature; deleting a

1127 provision providing that a ballot statement consisting

1128 of the full text of a constitutional amendment or

1129 revision is presumed to be a clear and unambiguous

1130 statement; amending s. 101.5605, F.S.; requiring a

1131 person to provide the name, mailing address, and

1132 telephone number of a registered agent of a voting

1133 systems vendor to the Department of State under

1134 certain circumstances; providing that proof of

1135 delivery or attempt to deliver constitutes valid

1136 notice; creating s. 101.56065, F.S.; providing

1137 definitions; requiring a vendor to file a written

1138 disclosure with the department; providing requirements

1139 for the disclosure; providing what constitutes a cure

1140 of a defect; requiring a vendor to file a new

1141 disclosure with the department if a vendor becomes

1142 aware of a defect within a specified period;

1143 authorizing the department to suspend all sales or

1144 leases or use in an election of a defective voting





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1145 system; providing procedures for the suspension of  
1146 voting systems; authorizing the department to withdraw  
1147 approval of voting systems under certain  
1148 circumstances; authorizing the department to initiate  
1149 an investigation of a defective voting system;  
1150 establishing procedures and requirements of  
1151 investigations; providing a penalty; amending s.  
1152 101.56075, F.S.; revising the date that persons with  
1153 disabilities must vote with voter interface devices;  
1154 removing the requirement that all voting systems used  
1155 by voters in a state election allow placement of the  
1156 full text of a constitutional amendment or revision  
1157 containing stricken or underlined text by a specified  
1158 date; amending s. 101.591, F.S.; authorizing use of  
1159 automated, independent audits of voting systems;  
1160 providing audit requirements; requiring the Division  
1161 of Elections to adopt rules; amending s. 101.62, F.S.;  
1162 revising the requirements for a valid absentee ballot  
1163 request; requiring the supervisor to record the  
1164 absence of the voter's signature on the voter's  
1165 certificate under specified circumstances; prohibiting  
1166 the supervisor from providing an absentee ballot on  
1167 the day of an election under certain circumstances;  
1168 requiring a person who requests an absentee ballot to  
1169 complete an affidavit under certain circumstances;  
1170 amending s. 101.65, F.S.; revising the instructions to  
1171 absent electors; amending s. 101.657, F.S.; revising  
1172 the list of permissible sites available for early  
1173 voting; authorizing the supervisor to designate one



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1174 additional early voting site per election; providing  
1175 requirements; requiring each county to operate at  
1176 least the same number of early voting sites for a  
1177 general election as used for the 2012 general  
1178 election; revising the number of days and hours for  
1179 early voting; amending s. 101.67, F.S.; conforming a  
1180 provision to changes made by the act; amending s.  
1181 101.68, F.S., and reenacting subsection (2), relating  
1182 to the canvassing of absentee ballots; authorizing the  
1183 supervisor to use the elector's signature in a  
1184 precinct register to compare with the elector's  
1185 signature on the voter's certificate; requiring the  
1186 supervisor to provide the elector with the specific  
1187 reason his or her ballot was rejected; requiring the  
1188 supervisor to allow electors to complete an affidavit  
1189 to cure an unsigned absentee ballot before a specified  
1190 time; providing the form and contents of the  
1191 affidavit; providing instructions to accompany each  
1192 absentee ballot affidavit; requiring the affidavit,  
1193 instructions, and the supervisor's office mailing  
1194 address to be posted on certain websites; requiring  
1195 the supervisor to attach a received affidavit to the  
1196 appropriate absentee ballot mailing envelope; amending  
1197 s. 101.6923, F.S.; revising special absentee ballot  
1198 instructions; amending s. 101.6952, F.S.; providing  
1199 that absentee ballots received from overseas voters in  
1200 certain elections may be received up to 10 days after  
1201 the date of the election; amending s. 102.031, F.S.;  
1202 revising restrictions relating to the solicitation of



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1203 voters; amending s. 102.141, F.S.; revising methods of  
1204 selecting canvassing board members; requiring a  
1205 supervisor to upload certain canvassed election  
1206 results into a county's election management system  
1207 prior to the election; prohibiting public disclosure  
1208 of uploaded results before the close of the polls on  
1209 election day; amending s. 104.0616, F.S.; providing a  
1210 definition for the term "immediate family";  
1211 prohibiting possession of more than two absentee  
1212 ballots under certain circumstances; providing  
1213 effective dates.  
1214