



757918

LEGISLATIVE ACTION

Senate

House

.  
. .  
. .  
. .  
. .  
. .

Floor: 2/F/2R

04/16/2013 11:56 AM

---

Senators Smith, Sachs, Braynon, Soto, Montford, Joyner, Ring, Margolis, Abruzzo, Bullard, Thompson, Clemens, Gibson, and Sobel moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1) and (2) of section 97.041,  
Florida Statutes, are amended to read:

97.041 Qualifications to register or vote.-

(1) (a) A person may become a registered voter only if that  
person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;



757918

12 3. Is a legal resident of the State of Florida;

13 4. Is a legal resident of the county in which that person  
14 seeks to be registered; and

15 5. Registers pursuant to the Florida Election Code.

16 (b) A person who is otherwise qualified may preregister on  
17 or after that person's 16th birthday and may vote in any  
18 election occurring on or after that person's 18th birthday.

19 (c) A person who has been convicted of a felony by any  
20 court of record and has served his or her sentence may  
21 preregister to vote and may vote in any election after his or  
22 her right to vote has been restored.

23 ~~(2) The following persons, who might be otherwise~~  
24 ~~qualified, are not entitled to register or vote:~~

25 ~~(a) A person who has been adjudicated mentally~~  
26 ~~incapacitated with respect to voting in this or any other state~~  
27 ~~and who has not had his or her right to vote restored pursuant~~  
28 ~~to law is not entitled to register to vote.~~

29 ~~(b) A person who has been convicted of any felony by any~~  
30 ~~court of record and who has not had his or her right to vote~~  
31 ~~restored pursuant to law.~~

32 Section 2. Subsection (2) of section 97.052, Florida  
33 Statutes, is amended to read:

34 97.052 Uniform statewide voter registration application.—

35 (2) The uniform statewide voter registration application  
36 must be designed to elicit the following information from the  
37 applicant:

38 (a) Last, first, and middle name, including any suffix.

39 (b) Date of birth.

40 (c) Address of legal residence.



757918

- 41 (d) Mailing address, if different.
- 42 (e) County of legal residence.
- 43 (f) Race or ethnicity that best describes the applicant:
- 44 1. American Indian or Alaskan Native.
- 45 2. Asian or Pacific Islander.
- 46 3. Black, not Hispanic.
- 47 4. White, not Hispanic.
- 48 5. Hispanic.
- 49 (g) State or country of birth.
- 50 (h) Sex.
- 51 (i) Party affiliation.
- 52 (j) Whether the applicant needs assistance in voting.
- 53 (k) Name and address where last registered.
- 54 (l) Last four digits of the applicant's social security
- 55 number.
- 56 (m) Florida driver ~~driver's~~ license number or the
- 57 identification number from a Florida identification card issued
- 58 under s. 322.051.
- 59 (n) An indication, if applicable, that the applicant has
- 60 not been issued a Florida driver ~~driver's~~ license, a Florida
- 61 identification card, or a social security number.
- 62 (o) Telephone number (optional).
- 63 (p) Signature of applicant under penalty for false swearing
- 64 pursuant to s. 104.011, by which the person subscribes to the
- 65 oath required by s. 3, Art. VI of the State Constitution and s.
- 66 97.051, and swears or affirms that the information contained in
- 67 the registration application is true.
- 68 (q) Whether the application is being used for initial
- 69 registration, to update a voter registration record, or to



757918

70 request a replacement voter information card.

71 (r) Whether the applicant is a citizen of the United States  
72 by asking the question "Are you a citizen of the United States  
73 of America?" and providing boxes for the applicant to check to  
74 indicate whether the applicant is or is not a citizen of the  
75 United States.

76 (s) Whether the applicant has been convicted of a felony,  
77 and, if convicted, has completed his or her sentence ~~had his or~~  
78 ~~her civil rights restored~~ by including the statement "I affirm I  
79 am not a convicted felon, or, if I am, I have completed my  
80 sentence ~~my rights relating to voting have been restored.~~" and  
81 providing a box for the applicant to check to affirm the  
82 statement.

83 (t) Whether the applicant has been adjudicated mentally  
84 incapacitated with respect to voting or, if so adjudicated, has  
85 had his or her right to vote restored by including the statement  
86 "I affirm I have not been adjudicated mentally incapacitated  
87 with respect to voting, or, if I have, my competency has been  
88 restored." and providing a box for the applicant to check to  
89 affirm the statement.

90  
91 The registration application must be in plain language and  
92 designed so that convicted felons whose civil rights have been  
93 restored and persons who have been adjudicated mentally  
94 incapacitated and have had their voting rights restored are not  
95 required to reveal their prior conviction or adjudication. In  
96 addition, the registration application must indicate that a  
97 convicted felon who has completed his or her sentence is  
98 entitled to preregister to vote and may vote in any election



757918

99 after his or her right to vote has been restored.

100 Section 3. Paragraph (a) of subsection (5) of section  
101 97.053, Florida Statutes, is amended to read:

102 97.053 Acceptance of voter registration applications.—

103 (5) (a) A voter registration application is complete if it  
104 contains the following information necessary to establish the  
105 applicant's eligibility pursuant to s. 97.041, including:

106 1. The applicant's name.

107 2. The applicant's legal residence address.

108 3. The applicant's date of birth.

109 4. A mark in the checkbox affirming that the applicant is a  
110 citizen of the United States.

111 5.a. The applicant's current and valid Florida driver  
112 ~~driver's~~ license number or the identification number from a  
113 Florida identification card issued under s. 322.051, or

114 b. If the applicant has not been issued a current and valid  
115 Florida driver ~~driver's~~ license or a Florida identification  
116 card, the last four digits of the applicant's social security  
117 number.

118  
119 In case an applicant has not been issued a current and valid  
120 Florida driver ~~driver's~~ license, Florida identification card, or  
121 social security number, the applicant shall affirm this fact in  
122 the manner prescribed in the uniform statewide voter  
123 registration application.

124 6. A mark in the checkbox affirming that the applicant has  
125 not been convicted of a felony or that, if convicted, has  
126 completed his or her sentence ~~has had his or her civil rights~~  
127 ~~restored.~~



757918

128           7. A mark in the checkbox affirming that the applicant has  
129 not been adjudicated mentally incapacitated with respect to  
130 voting or that, if so adjudicated, has had his or her right to  
131 vote restored.

132           8. The original signature or a digital signature  
133 transmitted by the Department of Highway Safety and Motor  
134 Vehicles of the applicant swearing or affirming under the  
135 penalty for false swearing pursuant to s. 104.011 that the  
136 information contained in the registration application is true  
137 and subscribing to the oath required by s. 3, Art. VI of the  
138 State Constitution and s. 97.051.

139           Section 4. Section 97.055, Florida Statutes, is amended to  
140 read:

141           97.055 Registration books; when closed for an election.—

142           (1) (a) The registration books must be closed on the 5th  
143 ~~29th~~ day before each election and must remain closed until after  
144 that election. If an election is called and there are fewer than  
145 5 ~~29~~ days before that election, the registration books must be  
146 closed immediately.

147           (b) Except as provided in paragraph (c), when the  
148 registration books are closed for an election, updates to a  
149 voter's name, address, and signature pursuant to ss. 98.077 and  
150 101.045 shall be the only changes permitted for purposes of the  
151 upcoming election. New voter registration applications must be  
152 accepted but only for the purpose of subsequent elections.

153           (c) When the registration books are closed for an upcoming  
154 election, an update or change to a voter's party affiliation  
155 made pursuant to s. 97.1031 shall be permitted for that upcoming  
156 election unless such election is for the purpose of nominating a



757918

157 political party nominee, in which case the update or change  
158 shall be permitted only for the purpose of subsequent elections.

159 (2) In computing the 5-day ~~29-day~~ period for the closing of  
160 the registration books, the day of the election is excluded and  
161 all other days are included. If the 5th ~~29th~~ day preceding an  
162 election falls on a Sunday or a legal holiday, the registration  
163 books must be closed on the next day that is not a Sunday or a  
164 legal holiday.

165 Section 5. Subsection (1) and paragraph (a) of subsection  
166 (2) of section 98.045, Florida Statutes, are amended to read:

167 98.045 Administration of voter registration.—

168 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure  
169 that any eligible applicant for voter registration is registered  
170 to vote and that each application for voter registration is  
171 processed in accordance with law. The supervisor shall determine  
172 whether a voter registration applicant is ineligible based on  
173 any of the following:

174 (a) The failure to complete a voter registration  
175 application as specified in s. 97.053.

176 (b) The applicant is deceased.

177 ~~(c) The applicant has been convicted of a felony for which  
178 his or her civil rights have not been restored.~~

179 (c) ~~(d)~~ The applicant has been adjudicated mentally  
180 incapacitated with respect to the right to vote and such right  
181 has not been restored.

182 (d) ~~(e)~~ The applicant does not meet the age requirement  
183 pursuant to s. 97.041.

184 (e) ~~(f)~~ The applicant is not a United States citizen.

185 (f) ~~(g)~~ The applicant is a fictitious person.



757918

186            (g) ~~(h)~~ The applicant has provided an address of legal  
187 residence that is not his or her legal residence.

188            (h) ~~(i)~~ The applicant has provided a driver ~~driver's~~ license  
189 number, Florida identification card number, or the last four  
190 digits of a social security number that is not verifiable by the  
191 department.

192            (2) REMOVAL OF REGISTERED VOTERS.—

193            (a) Once a voter is registered, the name of that voter may  
194 not be removed from the statewide voter registration system  
195 except at the written request of the voter, by reason of the  
196 voter's conviction of a felony or adjudication as mentally  
197 incapacitated with respect to voting, by death of the voter, or  
198 pursuant to a registration list maintenance activity conducted  
199 pursuant to s. 98.065 or s. 98.075. However, a convicted felon  
200 who has served his or her sentence and has preregistered  
201 pursuant to s. 97.041(1)(c) may not be removed from the  
202 statewide voter registration system.

203            Section 6. Subsections (5) and (6) of section 98.075,  
204 Florida Statutes, are amended to read:

205            98.075 Registration records maintenance activities;  
206 ineligibility determinations.—

207            (5) FELONY CONVICTION.—The department shall identify those  
208 registered voters who have been convicted of a felony and whose  
209 rights have not been restored by comparing information received  
210 from, but not limited to, a clerk of the circuit court, the  
211 Board of Executive Clemency, the Department of Corrections, the  
212 Department of Law Enforcement, or a United States Attorney's  
213 Office, as provided in s. 98.093. The department shall review  
214 such information and make an initial determination as to whether





757918

215 the information is credible and reliable. If the department  
216 determines that the information is credible and reliable, the  
217 department shall notify the supervisor and provide a copy of the  
218 supporting documentation ~~indicating the potential ineligibility~~  
219 ~~of the voter to be registered~~. Upon receipt of the notice that  
220 the department has made a determination of initial credibility  
221 and reliability, the supervisor shall adhere to the procedures  
222 set forth in subsection (7) prior to the removal of a registered  
223 voter's name from the statewide voter registration system.

224 (6) OTHER BASES FOR INELIGIBILITY.—If the department or  
225 supervisor receives information from sources other than those  
226 identified in subsections (2)-(5) that a registered voter is  
227 ineligible because he or she is deceased, ~~adjudicated a~~  
228 ~~convicted felon without having had his or her civil rights~~  
229 ~~restored~~, adjudicated mentally incapacitated without having had  
230 his or her voting rights restored, does not meet the age  
231 requirement pursuant to s. 97.041, is not a United States  
232 citizen, is a fictitious person, or has listed a residence that  
233 is not his or her legal residence, the supervisor must adhere to  
234 the procedures set forth in subsection (7) before ~~prior to~~ the  
235 removal of a registered voter's name from the statewide voter  
236 registration system. However, a convicted felon who has served  
237 his or her sentence and has preregistered pursuant to s.  
238 97.041(1)(c) may not be removed from the statewide voter  
239 registration system.

240 Section 7. Section 100.032, Florida Statutes, is created to  
241 read:

242 100.032 Election preparation report; general election.—Each  
243 supervisor of elections must submit a report to the Secretary of



757918

244 State at least 3 months before a general election which outlines  
245 preparations for the upcoming general election. The report must  
246 include, at a minimum, the following elements: the anticipated  
247 staffing levels during the early voting period, on election day,  
248 and after election day; and the anticipated amount of automatic  
249 tabulating equipment at each early voting site and polling  
250 place.

251 Section 8. Section 101.045, Florida Statutes, is amended to  
252 read:

253 101.045 Electors must be registered in precinct; provisions  
254 for change of residence or name.-

255 (1) A person may ~~is not permitted to~~ vote in any election  
256 precinct or district other than the one in which the person has  
257 his or her legal residence and in which the person is  
258 registered. However, a person temporarily residing outside the  
259 county must ~~shall~~ be registered in the precinct in which the  
260 main office of the supervisor, as designated by the supervisor,  
261 is located if ~~when~~ the person has no permanent address in the  
262 county and if it is the person's intention to remain a resident  
263 of this state ~~Florida~~ and of the county in which he or she is  
264 registered to vote. Such persons who are registered in the  
265 precinct in which the main office of the supervisor, as  
266 designated by the supervisor, is located and who are residing  
267 outside the county with no permanent address in the county are  
268 ~~shall not be~~ registered electors of a municipality and therefore  
269 may not ~~shall not be permitted to~~ vote in any municipal  
270 election.

271 (2) (a) An elector who moves from the precinct in which the  
272 elector is registered may ~~be permitted to~~ vote in the precinct





757918

302 ~~provided such elector~~ completes an affirmation in substantially  
303 the following form:

304

305 Change of Name of Registered

306 Voter

307

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

313 Name.....

314 Address.....

315 Municipality.....

316 County.....

317 Florida, Zip.....

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

319 Name.....

320 Address.....

321 Municipality.....

322 County.....

323 Florida, Zip.....

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

326

327 ... (Signature of voter whose name has changed) ...

328

329 (c) ~~(d)~~ Instead of the affirmation contained in paragraph

330 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter



757918

331 registration application that indicates the change of name or  
332 change of address of legal residence.

333 (d)~~(e)~~ Such affirmation or application, when completed and  
334 presented at the precinct in which such elector is entitled to  
335 vote, and upon verification of the elector's registration,  
336 entitles ~~shall entitle~~ such elector to vote as provided in this  
337 subsection. If the elector's eligibility to vote cannot be  
338 determined, he or she is ~~shall be~~ entitled to vote a provisional  
339 ballot, subject to the requirements and procedures in s.  
340 101.048. Upon receipt of an affirmation or application  
341 certifying a change in address of legal residence or name, the  
342 supervisor shall ~~as soon as practicable~~ make the necessary  
343 changes in the statewide voter registration system as soon as  
344 practicable to indicate the change in address of legal residence  
345 or name of such elector.

346 Section 9. Subsection (3) of section 101.161, Florida  
347 Statutes, is amended to read:

348 101.161 Referenda; ballots.-

349 (3) (a) Each joint resolution that proposes a constitutional  
350 amendment or revision shall include one or more ballot  
351 statements set forth in order of priority. Each ballot statement  
352 shall consist of a ballot title, by which the measure is  
353 commonly referred to or spoken of, not exceeding 15 words in  
354 length, and ~~either~~ a ballot summary that describes the chief  
355 purpose of the amendment or revision in clear and unambiguous  
356 language, ~~or the full text of the amendment or revision.~~ If a  
357 joint resolution that proposes a constitutional amendment or  
358 revision contains only one ballot statement, the ballot summary  
359 may not exceed 75 words in length. If a joint resolution that



757918

360 proposes a constitutional amendment or revision contains more  
361 than one ballot statement, no ballot summary may exceed 75 words  
362 in length.

363       **(b)** The Department of State shall furnish a designating  
364 number pursuant to subsection (2) and the appropriate ballot  
365 statement to the supervisor of elections of each county. The  
366 ballot statement shall be printed on the ballot after the list  
367 of candidates, followed by the word "yes" and also by the word  
368 "no," and shall be styled in such a manner that a "yes" vote  
369 will indicate approval of the amendment or revision and a "no"  
370 vote will indicate rejection.

371       **(c)** ~~(b)~~ 1. Any action for a judicial determination that one  
372 or more ballot statements embodied in a joint resolution are  
373 defective must be commenced by filing a complaint or petition  
374 with the appropriate court within 30 days after the joint  
375 resolution is filed with the Secretary of State. The complaint  
376 or petition shall assert all grounds for challenge to each  
377 ballot statement. Any ground not asserted within 30 days after  
378 the joint resolution is filed with the Secretary of State is  
379 waived.

380       2. The court, including any appellate court, shall accord  
381 an action described in subparagraph 1. priority over other  
382 pending cases and render a decision as expeditiously as  
383 possible. If the court finds that all ballot statements embodied  
384 in a joint resolution are defective and further appeals are  
385 declined, abandoned, or exhausted, unless otherwise provided in  
386 the joint resolution, the Attorney General shall, within 10  
387 days, prepare and submit to the Department of State a revised  
388 ballot title or ballot summary that corrects the deficiencies



757918

389 identified by the court, and the Department of State shall  
390 furnish a designating number and the revised ballot title or  
391 ballot summary to the supervisor of elections of each county for  
392 placement on the ballot. The revised ballot summary may not  
393 exceed 75 words in length. The court shall retain jurisdiction  
394 over challenges to a revised ballot title or ballot summary  
395 prepared by the Attorney General, and any challenge to a revised  
396 ballot title or ballot summary must be filed within 10 days  
397 after a revised ballot title or ballot summary is submitted to  
398 the Department of State.

399 ~~3. A ballot statement that consists of the full text of an~~  
400 ~~amendment or revision shall be presumed to be a clear and~~  
401 ~~unambiguous statement of the substance and effect of the~~  
402 ~~amendment or revision, providing fair notice to the electors of~~  
403 ~~the content of the amendment or revision and sufficiently~~  
404 ~~advising electors of the issue upon which they are to vote.~~

405 Section 10. Subsection (3) of section 101.5605, Florida  
406 Statutes, is amended to read:

407 101.5605 Examination and approval of equipment.-

408 (3) (a) Before the Department of State approves the  
409 electronic or electromechanical voting system, the person who  
410 submitted it for examination shall provide the department with  
411 the name, mailing address, and telephone number of a registered  
412 agent, which agent must have and continuously maintain an office  
413 in this state. Any change in the name, address, or telephone  
414 number of the registered agent shall promptly be made known to  
415 the department.

416 (b) Before entering into a contract for the sale or lease  
417 of a voting system approved under this section to any county,



757918

418 the person entering into such contract shall provide the  
419 department with the name, mailing address, and telephone number  
420 of a registered agent, which agent must have and continuously  
421 maintain an office in this state. Any change in the name,  
422 address, or telephone number of the registered agent shall  
423 promptly be made known to the department.

424 (c) The department's proof of delivery or attempted  
425 delivery to the last mailing address of the registered agent on  
426 file with the department at the time of delivery or attempted  
427 delivery is valid for all notice purposes.

428 (d) Within 30 days after completing the examination and  
429 upon approval of any electronic or electromechanical voting  
430 system, the Department of State shall make and maintain a report  
431 on the system, together with a written or printed description  
432 and drawings and photographs clearly identifying the system and  
433 the operation thereof. As soon as practicable after such filing,  
434 the department shall send a notice of certification and, upon  
435 request, a copy of the report to the governing bodies of the  
436 respective counties of the state. Any voting system that does  
437 not receive the approval of the department ~~may shall~~ not be  
438 adopted for or used at any election.

439 (e) ~~(b)~~ After a voting system has been approved by the  
440 Department of State, any change or improvement in the system is  
441 required to be approved by the department prior to the adoption  
442 of such change or improvement by any county. If any such change  
443 or improvement does not comply with the requirements of this  
444 act, the department shall suspend all sales of the equipment or  
445 system in the state until the equipment or system complies with  
446 the requirements of this act.





757918

447 Section 11. Section 101.56065, Florida Statutes, is created  
448 to read:

449 101.56065 Voting system defects; disclosure;  
450 investigations; penalties.-

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

452 (a) "Defect" means:

453 1. Any failure, fault, or flaw in an electronic or  
454 electromechanical voting system approved pursuant to s. 101.5605  
455 which results in nonconformance with the standards in a manner  
456 that affects the timeliness or accuracy of the casting or  
457 counting of ballots; or

458 2. Any failure or inability of the voting system  
459 manufacturer or vendor to make available or provide approved  
460 replacements of hardware or software to the counties that have  
461 purchased the approved voting system, the unavailability of  
462 which results in the system's nonconformance with the standards  
463 in a manner that affects the timeliness or accuracy of the  
464 casting or counting of ballots.

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

468 (c) "Vendor" means a person who submits or previously  
469 submitted a voting system that was approved by the Department of  
470 State in accordance with s. 101.5605, or a person who enters  
471 into a contract for the sale or lease of a voting system to any  
472 county, or that previously entered into such a contract that has  
473 not expired.

474 (2) (a) No later than December 31, 2013, and, thereafter, on  
475 January 1 of every odd-numbered year, each vendor shall file a



757918

476 written disclosure with the department identifying any known  
477 defect in the voting system or the fact that there is no known  
478 defect, the effect of any defect on the operation and use of the  
479 approved voting system, and any known corrective measures to  
480 cure a defect, including, but not limited to, advisories and  
481 bulletins issued to system users.

482 (b) Implementation of corrective measures approved by the  
483 department which enable a system to conform to the standards and  
484 ensure the timeliness and accuracy of the casting and counting  
485 of ballots constitutes a cure of a defect.

486 (c) If a vendor becomes aware of the existence of a defect,  
487 he or she must file a new disclosure with the department as  
488 provided in paragraph (a) within 30 days after the date the  
489 vendor determined or reasonably should have determined that the  
490 defect existed.

491 (d) If a vendor discloses to the department that a defect  
492 exists, the department may suspend all sales or leases of the  
493 voting system in the state and may suspend the use of the system  
494 in any election in the state. The department shall provide  
495 written notice of any such suspension to each affected vendor  
496 and supervisor of elections. If the department determines that  
497 the defect no longer exists, the department shall lift the  
498 suspension and provide written notice to each affected vendor  
499 and supervisor of elections.

500 (e) If a vendor fails to file a required disclosure for a  
501 voting system previously approved by the department, that system  
502 may not be sold, leased, or used for elections in the state  
503 until it has been submitted for examination and approval and  
504 adopted for use pursuant to s. 101.5605. The department shall



757918

505 provide written notice to all supervisors of elections that the  
506 system is no longer approved.

507 (3) (a) If the department has reasonable cause to believe a  
508 voting system approved pursuant to s. 101.5605 contains a defect  
509 either before, during, or after an election which has not been  
510 disclosed pursuant to subsection (2), the department may  
511 investigate whether the voting system has a defect.

512 (b) The department may initiate an investigation pursuant  
513 to paragraph (a) on its own initiative or upon the written  
514 request of the supervisor of elections of a county that  
515 purchased or leased a voting system that contains the alleged  
516 defect.

517 (c) Upon initiating an investigation, the department shall  
518 provide written notice to the vendor and all of the supervisors  
519 of elections.

520 (4) (a) If the department determines by a preponderance of  
521 the evidence that a defect exists in the voting system, or that  
522 a vendor failed to timely disclose a defect pursuant to  
523 subsection (2), the department shall provide written notice to  
524 the affected vendor and supervisors of elections.

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

528 1. Denies that the alleged defect exists or existed as  
529 alleged by the department or that the vendor failed to timely  
530 disclose a defect, and sets forth the reasons for such denial;  
531 or

532 2. Admits that the defect exists or existed as alleged by  
533 the department or that the vendor failed to timely disclose a



757918

534 defect.

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

537 (d) If the defect has not been cured, the vendor shall  
538 inform the department whether the defect can be cured and shall  
539 provide the department with a plan for curing the defect. If the  
540 defect can be cured, the department shall establish a timeframe  
541 within which to cure the defect.

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

546 (6) If the department determines that a vendor failed to  
547 timely disclose a defect, that a defect exists and a vendor has  
548 not filed a written response or has failed to cure within the  
549 timeframe established by the department, or that the defect  
550 cannot be cured, the department shall impose a civil penalty of  
551 \$25,000 for the defect plus an amount equal to the actual costs  
552 incurred by the department in conducting the investigation.

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

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

558 (b) If the department determines that a defect no longer  
559 exists in a voting system that has been suspended from use  
560 pursuant to paragraph (a), the department shall lift the  
561 suspension and authorize the sale, lease, and use of the voting  
562 system in any election in the state. The department shall



757918

563 provide written notice that the suspension has been lifted to  
564 each affected vendor and supervisor of elections.

565 (c) If the defect cannot be cured, the department may  
566 disapprove the voting system for use in elections in the state.  
567 The department shall provide written notice to all supervisors  
568 of elections that the system is no longer approved. After  
569 approval of a system has been withdrawn pursuant to this  
570 paragraph, the system may not be sold, leased, or used in  
571 elections in the state until it has been submitted for  
572 examination and approval and adopted for use pursuant to s.  
573 101.5605.

574 (d) Any vendor against whom a civil penalty was imposed  
575 under this section may not submit a voting system for approval  
576 by the Department of State in accordance with s. 101.5605 or  
577 enter into a contract for sale or lease of a voting system in  
578 the state until the civil penalties have been paid and the  
579 department provides written confirmation to the supervisors of  
580 elections of the payment.

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

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

586 (10) All proceedings under this section are exempt from  
587 chapter 120.

588 Section 12. Subsection (4) of section 101.56075, Florida  
589 Statutes, is repealed.

590 Section 13. Subsections (1) and (2) of section 101.591,  
591 Florida Statutes, are amended, and subsection (4) of that



757918

592 section is republished, to read:

593 101.591 Voting system audit.—

594 (1) Immediately following the certification of each  
595 election, the county canvassing board or the local board  
596 responsible for certifying the election shall conduct a manual  
597 audit or an automated, independent audit of the voting systems  
598 used in randomly selected precincts.

599 (2) (a) A manual ~~The~~ audit shall consist of a public manual  
600 tally of the votes cast in one randomly selected race that  
601 appears on the ballot. The tally sheet shall include election-  
602 day, absentee, early voting, provisional, and overseas ballots,  
603 in at least 1 percent but no more than 2 percent of the  
604 precincts chosen at random by the county canvassing board or the  
605 local board responsible for certifying the election. If 1  
606 percent of the precincts is less than one entire precinct, the  
607 audit shall be conducted using at least one precinct chosen at  
608 random by the county canvassing board or the local board  
609 responsible for certifying the election. Such precincts shall be  
610 selected at a publicly noticed canvassing board meeting.

611 (b) An automated audit shall consist of a public automated  
612 tally of the votes cast across every race that appears on the  
613 ballot. The tally sheet shall include election day, absentee,  
614 early voting, provisional, and overseas ballots in at least 20  
615 percent of the precincts chosen at random by the county  
616 canvassing board or the local board responsible for certifying  
617 the election. Such precincts shall be selected at a publicly  
618 noticed canvassing board meeting.

619 (c) The division shall adopt rules for approval of an  
620 independent audit system which provide that the system, at a



757918

621 minimum, must be:

622 1. Completely independent of the primary voting system.

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

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

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

631 Section 14. Subsections (1) and (3) and paragraph (c) of  
632 subsection (4) of section 101.62, Florida Statutes, are amended  
633 to read:

634 101.62 Request for absentee ballots.—

635 (1)(a) The supervisor shall accept a request for an  
636 absentee ballot from an elector in person or in writing. One  
637 request shall be deemed sufficient to receive an absentee ballot  
638 for all elections through the end of the calendar year of the  
639 second ensuing regularly scheduled general election, unless the  
640 elector or the elector's designee indicates at the time the  
641 request is made the elections for which the elector desires to  
642 receive an absentee ballot. Such request may be considered  
643 canceled when any first-class mail sent by the supervisor to the  
644 elector is returned as undeliverable.

645 (b) The supervisor may accept a written or telephonic  
646 request for an absentee ballot to be mailed to an elector's  
647 address on file in the Florida Voter Registration System from  
648 the elector, or, if directly instructed by the elector, a member  
649 of the elector's immediate family, or the elector's legal



757918

650 guardian. For purposes of this section, the term "immediate  
651 family" has the same meaning as specified in paragraph (4)(c).  
652 The person making the request must disclose:

- 653 1. The name of the elector for whom the ballot is  
654 requested.
- 655 2. The elector's address.
- 656 3. The elector's date of birth.
- 657 4. The requester's name.
- 658 5. The requester's address.
- 659 6. The requester's driver ~~driver's~~ license number, if  
660 available.
- 661 7. The requester's relationship to the elector.
- 662 8. The requester's signature (written requests only).

663 (c) Upon receiving a request for an absentee ballot from an  
664 absent voter, the supervisor of elections shall notify the voter  
665 of the free access system that has been designated by the  
666 department for determining the status of his or her absentee  
667 ballot.

668 (3) For each request for an absentee ballot received, the  
669 supervisor shall record the date the request was made, the date  
670 the absentee ballot was delivered to the voter or the voter's  
671 designee or the date the absentee ballot was delivered to the  
672 post office or other carrier, the date the ballot was received  
673 by the supervisor, the absence of the voter's signature on the  
674 voter's certificate, if applicable, and such other information  
675 he or she may deem necessary. This information shall be provided  
676 in electronic format as provided by rule adopted by the  
677 division. The information shall be updated and made available no  
678 later than 8 a.m. of each day, including weekends, beginning 60





757918

679 days before the primary until 15 days after the general election  
680 and shall be contemporaneously provided to the division. This  
681 information shall be confidential and exempt from ~~the provisions~~  
682 ~~of~~ s. 119.07(1) and shall be made available to or reproduced  
683 only for the voter requesting the ballot, a canvassing board, an  
684 election official, a political party or official thereof, a  
685 candidate who has filed qualification papers and is opposed in  
686 an upcoming election, and registered political committees or  
687 registered committees of continuous existence, for political  
688 purposes only.

689 (4)

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

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

696 2. By forwardable mail, e-mail, or facsimile machine  
697 transmission to absent uniformed services voters and overseas  
698 voters. The absent uniformed services voter or overseas voter  
699 may designate in the absentee ballot request the preferred  
700 method of transmission. If the voter does not designate the  
701 method of transmission, the absentee ballot shall be mailed.

702 3. By personal delivery at any supervisor of elections  
703 office before 7 p.m. on election day to the elector, upon  
704 presentation of the identification required in s. 101.043,  
705 beginning on the 28th day before an election through 7 p.m. on  
706 election day.

707 4. By delivery to a designee on election day or up to 5



757918

708 days prior to the day of an election. Any elector may designate  
709 in writing a person to pick up the ballot for the elector;  
710 however, the person designated may not pick up more than two  
711 absentee ballots per election, other than the designee's own  
712 ballot, except that additional ballots may be picked up for  
713 members of the designee's immediate family. For purposes of this  
714 section, "immediate family" means the designee's spouse or the  
715 parent, child, grandparent, or sibling of the designee or of the  
716 designee's spouse. The designee shall provide to the supervisor  
717 the written authorization by the elector and a picture  
718 identification of the designee and must complete an affidavit.  
719 The designee shall state in the affidavit that the designee is  
720 authorized by the elector to pick up that ballot and shall  
721 indicate if the elector is a member of the designee's immediate  
722 family and, if so, the relationship. The department shall  
723 prescribe the form of the affidavit. If the supervisor is  
724 satisfied that the designee is authorized to pick up the ballot  
725 and that the signature of the elector on the written  
726 authorization matches the signature of the elector on file, the  
727 supervisor shall give the ballot to that designee for delivery  
728 to the elector.

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

731 101.657 Early voting.-

732 (1) (a) As a convenience to the voter, the supervisor of  
733 elections shall allow an elector to vote early in the main or  
734 branch office of the supervisor. The supervisor shall mark,  
735 code, indicate on, or otherwise track the voter's precinct for  
736 each early voted ballot. In order for a branch office to be used



757918

737 for early voting, it shall be a permanent facility of the  
738 supervisor and shall have been designated and used as such for  
739 at least 1 year prior to the election. The supervisor may also  
740 designate any suitable location as an early voting site ~~city~~  
741 ~~hall or permanent public library facility as early voting sites;~~  
742 however, if so designated, such ~~the~~ sites must be geographically  
743 located so as to provide all voters in the county an equal  
744 opportunity to cast a ballot, insofar as is practicable. Each  
745 county shall, at a minimum, operate the same total number of  
746 early voting sites for a general election which the county  
747 operated for the 2012 general election and at least one early  
748 voting site for each complete set of 50,000 registered voters in  
749 the county as of July 1 of each general election year. The  
750 results or tabulation of votes cast during early voting may not  
751 be made before the close of the polls on election day. Results  
752 shall be reported by precinct.

753 (d) Early voting shall begin on the 15th ~~10th~~ day before an  
754 election that contains state or federal races and end on the 2nd  
755 ~~3rd~~ day before the election, and shall be provided for no less  
756 than ~~6 hours and no more than~~ 12 hours per day at each site  
757 during the applicable period. The supervisor of elections may  
758 provide early voting for elections that are not held in  
759 conjunction with a state or federal election. However, the  
760 supervisor has the discretion to determine the hours of  
761 operation of early voting sites in those elections.

762 Section 16. Subsections (1) and (4) of section 101.68,  
763 Florida Statutes, are amended, and subsection (2) of that  
764 section is reenacted and amended, to read:

765 101.68 Canvassing of absentee ballot.-



757918

766 (1) The supervisor of the county where the absent elector  
767 resides shall receive the voted ballot, at which time the  
768 supervisor shall compare the signature of the elector on the  
769 voter's certificate with the signature of the elector in the  
770 registration books or the precinct register to determine whether  
771 the elector is duly registered in the county and may record on  
772 the elector's registration certificate that the elector has  
773 voted. However, effective July 1, 2005, an elector who dies  
774 after casting an absentee ballot but on or before election day  
775 shall remain listed in the registration books until the results  
776 have been certified for the election in which the ballot was  
777 cast. The supervisor shall safely keep the ballot unopened in  
778 his or her office until the county canvassing board canvasses  
779 the vote. Except as provided in subsection (4), after an  
780 absentee ballot is received by the supervisor, the ballot is  
781 deemed to have been cast, and changes or additions may not be  
782 made to the voter's certificate.

783 (2) (a) The county canvassing board may begin the canvassing  
784 of absentee ballots at 7 a.m. on the 15th day before the  
785 election, but not later than noon on the day following the  
786 election. In addition, for any county using electronic  
787 tabulating equipment, the processing of absentee ballots through  
788 such tabulating equipment may begin at 7 a.m. on the 15th day  
789 before the election. However, notwithstanding any such  
790 authorization to begin canvassing or otherwise processing  
791 absentee ballots early, no result shall be released until after  
792 the closing of the polls in that county on election day. Any  
793 supervisor of elections, deputy supervisor of elections,  
794 canvassing board member, election board member, or election



757918

795 employee who releases the results of a canvassing or processing  
796 of absentee ballots prior to the closing of the polls in that  
797 county on election day commits a felony of the third degree,  
798 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

799 (b) To ensure that all absentee ballots to be counted by  
800 the canvassing board are accounted for, the canvassing board  
801 shall compare the number of ballots in its possession with the  
802 number of requests for ballots received to be counted according  
803 to the supervisor's file or list.

804 (c)1. The canvassing board shall, if the supervisor has not  
805 already done so, compare the signature of the elector on the  
806 voter's certificate or on the absentee ballot affidavit as  
807 provided in subsection (4) with the signature of the elector in  
808 the registration books or precinct register to see that the  
809 elector is duly registered in the county and to determine the  
810 legality of that absentee ballot. The ballot of an elector who  
811 casts an absentee ballot shall be counted even if the elector  
812 dies on or before election day, as long as, prior to the death  
813 of the voter, the ballot was postmarked by the United States  
814 Postal Service, date-stamped with a verifiable tracking number  
815 by common carrier, or already in the possession of the  
816 supervisor of elections. An absentee ballot shall be considered  
817 illegal if the voter's certificate or absentee ballot affidavit  
818 ~~it~~ does not include the signature of the elector, as shown by  
819 the registration records. However, an absentee ballot is ~~shall~~  
820 not ~~be~~ considered illegal if the signature of the elector does  
821 not cross the seal of the mailing envelope. If the canvassing  
822 board determines that any ballot is illegal, a member of the  
823 board shall, without opening the envelope, mark across the face



757918

824 of the envelope: "rejected as illegal." The absentee ballot  
825 affidavit, if applicable, the envelope and the ballot contained  
826 therein shall be preserved in the manner that official ballots  
827 voted are preserved.

828 2. If any elector or candidate present believes that an  
829 absentee ballot is illegal due to a defect apparent on the  
830 voter's certificate or the absentee ballot affidavit, he or she  
831 may, at any time before the ballot is removed from the envelope,  
832 file with the canvassing board a protest against the canvass of  
833 that ballot, specifying the precinct, the ballot, and the reason  
834 he or she believes the ballot to be illegal. A challenge based  
835 upon a defect in the voter's certificate or absentee ballot  
836 affidavit may not be accepted after the ballot has been removed  
837 from the mailing envelope.

838 (d) The canvassing board shall record the ballot upon the  
839 proper record, unless the ballot has been previously recorded by  
840 the supervisor. The mailing envelopes shall be opened and the  
841 secrecy envelopes shall be mixed so as to make it impossible to  
842 determine which secrecy envelope came out of which signed  
843 mailing envelope; however, in any county in which an electronic  
844 or electromechanical voting system is used, the ballots may be  
845 sorted by ballot styles and the mailing envelopes may be opened  
846 and the secrecy envelopes mixed separately for each ballot  
847 style. The votes on absentee ballots shall be included in the  
848 total vote of the county.

849 (4) (a) The supervisor of elections shall, on behalf of the  
850 county canvassing board, notify each elector whose ballot was  
851 rejected as illegal and provide the specific reason the ballot  
852 was rejected ~~because of a difference between the elector's~~



757918

853 ~~signature on the ballot and that on the elector's voter~~  
854 ~~registration record.~~ The supervisor shall mail a voter  
855 registration application to the elector to be completed  
856 indicating the elector's current signature if the elector's  
857 ballot was rejected due to a difference between the elector's  
858 signature on the voter's certificate or absentee ballot  
859 affidavit and the elector's signature in the registration books  
860 or precinct register. This section does not prohibit the  
861 supervisor from providing additional methods for updating an  
862 elector's signature.

863 (b) If the canvassing board has not begun the canvassing of  
864 absentee ballots pursuant to subsection (2), the supervisor  
865 shall allow an elector who has returned an absentee ballot that  
866 does not include the elector's signature to complete an  
867 affidavit in order to cure the unsigned absentee ballot. A  
868 supervisor who receives an absentee ballot that does not include  
869 the elector's signature must notify the elector of that fact  
870 along with the procedure for curing such deficiency within 48  
871 hours of receipt.

872 (c) The elector shall provide identification to the  
873 supervisor and must complete an absentee ballot affidavit in  
874 substantially the following form:

875  
876 ABSENTEE BALLOT AFFIDAVIT

877 I, . . . ., am a qualified voter in this election and  
878 registered voter of . . . . County, Florida. I do solemnly swear or  
879 affirm that I requested and returned the absentee ballot and  
880 that I have not and will not vote more than one ballot in this  
881 election. I understand that if I commit or attempt any fraud in



757918

882 connection with voting, vote a fraudulent ballot, or vote more  
883 than once in an election, I may be convicted of a felony of the  
884 third degree and fined up to \$5,000 and imprisoned for up to 5  
885 years. I understand that my failure to sign this affidavit means  
886 that my absentee ballot will be invalidated.

887  
888 ...(Voter's Signature)...

889  
890 ...(Address)...

891  
892 ...(Date)...

893  
894 (d) Instructions must accompany the absentee ballot  
895 affidavit in substantially the following form:

896  
897 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING  
898 THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS  
899 MAY CAUSE YOUR BALLOT NOT TO COUNT.

900  
901 1. In order to ensure that your absentee ballot will be  
902 counted, your affidavit should be completed and returned as soon  
903 as possible so that it can reach the supervisor of elections of  
904 the county in which your precinct is located no later than the  
905 start of the canvassing of absentee ballots, which occurs no  
906 earlier than the 15th day before an election.

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

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





757918

911           a. Identification which must include your name and  
912 photograph: United States passport, debit or credit card,  
913 military identification, student identification, retirement  
914 center identification, neighborhood association identification,  
915 or public assistance identification; or

916           b. Identification which shows your name and current  
917 residence address: current utility bill, bank statement,  
918 government check, paycheck, or government document, excluding  
919 voter identification card.

920           4. Place the envelope bearing the affidavit into a mailing  
921 envelope addressed to the supervisor. Insert a copy of your  
922 identification in the mailing envelope.

923           5. Mail, deliver, or have delivered the completed affidavit  
924 along with the copy of your identification to your county  
925 supervisor of elections. Be sure there is sufficient postage if  
926 mailed and that the supervisor's address is correct.

927           (e) The department and each supervisor shall include the  
928 affidavit and instructions on their respective websites. The  
929 supervisor must include his or her office's mailing address on  
930 the page containing the affidavit instructions; the department's  
931 instruction page must include the office mailing addresses of  
932 all supervisors of elections or provide a conspicuous link to  
933 such addresses.

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

936           Section 17. This act shall take effect October 1, 2013.

937  
938 ===== T I T L E   A M E N D M E N T =====

939 And the title is amended as follows:



757918

940 Delete everything before the enacting clause  
941 and insert:

942 A bill to be entitled  
943 An act relating to elections; amending s. 97.041,  
944 F.S.; revising the qualifications to register to vote;  
945 authorizing a person who has been convicted of a  
946 felony and has served his or her sentence to  
947 preregister to vote; amending s. 97.052, F.S.;  
948 revising the uniform statewide voter registration  
949 application; amending s. 97.053, F.S.; revising what  
950 constitutes a complete voter registration application;  
951 amending s. 97.055, F.S.; revising the date that  
952 registration books must be closed for an election;  
953 amending s. 98.045, F.S.; revising the eligibility  
954 requirements for applicants for voter registration;  
955 revising procedures for removal of registered voters;  
956 amending s. 98.075, F.S.; revising procedures for  
957 ineligibility determinations of registered voters;  
958 creating s. 100.032, F.S.; requiring supervisors of  
959 elections to submit a report to the Secretary of State  
960 at least 3 months before a general election; amending  
961 s. 101.045, F.S.; authorizing an elector to vote a  
962 regular ballot at the polling place in the precinct to  
963 which he or she has moved by completing an  
964 affirmation; deleting a requirement that the elector's  
965 change of residence must occur within the same county  
966 for the elector to be able to vote in the new  
967 precinct; amending s. 101.161, F.S.; providing a  
968 limitation on the number of words for certain ballot



757918

969 summaries in joint resolutions proposed by the  
970 Legislature; providing that a revised ballot summary  
971 prepared by the Attorney General may not exceed 75  
972 words in length; deleting a provision providing that a  
973 ballot statement consisting of the full text of a  
974 constitutional amendment or revision is presumed to be  
975 a clear and unambiguous statement; amending s.  
976 101.5605, F.S.; requiring a person to provide the  
977 name, mailing address, and telephone number of a  
978 registered agent of a voting systems vendor to the  
979 Department of State under certain circumstances;  
980 providing that proof of delivery or attempt to deliver  
981 constitutes valid notice; creating s. 101.56065, F.S.;  
982 providing definitions; requiring a vendor to file a  
983 written disclosure with the department; providing  
984 requirements for the disclosure; providing what  
985 constitutes a cure of a defect; requiring a vendor to  
986 file a new disclosure with the department if a vendor  
987 becomes aware of a defect within a specified period;  
988 authorizing the department to suspend all sales or  
989 leases or use in an election of a defective voting  
990 system; providing procedures for the suspension of  
991 voting systems; authorizing the department to withdraw  
992 approval of voting systems under certain  
993 circumstances; authorizing the department to initiate  
994 an investigation of a defective voting system;  
995 establishing procedures and requirements of  
996 investigations; providing a penalty; repealing s.  
997 101.56075(4), F.S., relating to the requirement that



757918

998 all voting systems used by voters in a state election  
999 allow placement of the full text of a constitutional  
1000 amendment or revision containing stricken or  
1001 underlined text by a specified date; amending s.  
1002 101.591, F.S.; authorizing use of automated,  
1003 independent audits of voting systems; providing audit  
1004 requirements; requiring the Division of Elections to  
1005 adopt rules; amending s. 101.62, F.S.; revising the  
1006 requirements for a valid absentee ballot request;  
1007 requiring the supervisor to record the absence of the  
1008 voter's signature on the voter's certificate under  
1009 specified circumstances; amending s. 101.657, F.S.;  
1010 revising the list of permissible sites available for  
1011 early voting; requiring each county to operate at  
1012 least the same number of early voting sites as used  
1013 for the 2012 general election; providing requirements  
1014 for determining the number of early voting sites each  
1015 county must operate; increasing the number of days and  
1016 hours for early voting; amending s. 101.68, F.S., and  
1017 reenacting subsection (2), relating to the canvassing  
1018 of absentee ballots; authorizing the supervisor to use  
1019 the elector's signature in a precinct register to  
1020 compare with the elector's signature on the voter's  
1021 certificate; providing that an absentee ballot must  
1022 clearly identify the name of the witness in order to  
1023 be considered legal; requiring the supervisor to  
1024 provide the elector with the specific reason his or  
1025 her ballot was rejected; requiring the supervisor to  
1026 allow electors to complete an affidavit to cure an



757918

1027 unsigned absentee ballot before canvassing; requiring  
1028 the supervisor to notify the elector of the missing  
1029 signature within 48 hours of receipt; providing the  
1030 form and contents of the affidavit; providing  
1031 instructions to accompany each absentee ballot  
1032 affidavit; requiring the affidavit, instructions, and  
1033 the supervisor's office mailing address to be posted  
1034 on certain websites; requiring the supervisor to  
1035 attach a received affidavit to the appropriate  
1036 absentee ballot mailing envelope; providing an  
1037 effective date.