



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1  
2 An act relating to elections; amending s. 97.0555,  
3 F.S.; revising qualifications for late voter  
4 registration; creating s. 100.032, F.S.; requiring  
5 each supervisor of elections to post a report on the  
6 supervisor's official website at least 3 months before  
7 a general election; specifying the content of the  
8 report; amending s. 100.061, F.S.; decreasing the time  
9 period between a primary election and a general  
10 election; amending s. 101.045, F.S.; authorizing an  
11 elector to vote at the polling place in the precinct  
12 to which he or she has moved if such county uses an  
13 electronic database as a precinct register; amending  
14 s. 101.151, F.S.; authorizing the supervisor to  
15 petition the United States Department of Justice for  
16 authorization for the supervisor to print and deliver  
17 single-language ballots; amending s. 101.161, F.S.;  
18 providing a limitation on the number of words for  
19 certain ballot summaries in joint resolutions proposed  
20 by the Legislature; deleting a provision providing  
21 that a ballot statement consisting of the full text of  
22 a constitutional amendment or revision is presumed to  
23 be a clear and unambiguous statement; amending s.  
24 101.5605, F.S.; requiring a person to provide the  
25 name, mailing address, and telephone number of a  
26 registered agent of a voting systems vendor to the  
27 Department of State under certain circumstances;  
28 providing that proof of delivery or attempt to deliver



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

29 | constitutes valid notice; creating s. 101.56065, F.S.;

30 | providing definitions; requiring a vendor to file a

31 | written disclosure with the department; providing

32 | requirements for the disclosure; providing what

33 | constitutes a cure of a defect; requiring a vendor to

34 | file a new disclosure with the department if a vendor

35 | becomes aware of a defect within a specified period;

36 | authorizing the department to suspend all sales or

37 | leases or use in an election of a defective voting

38 | system; providing procedures for the suspension of

39 | voting systems; authorizing the department to withdraw

40 | approval of voting systems under certain

41 | circumstances; authorizing the department to initiate

42 | an investigation of a defective voting system;

43 | establishing procedures and requirements of

44 | investigations; providing a penalty; amending s.

45 | 101.56075, F.S.; revising the date that persons with

46 | disabilities must vote with voter interface devices;

47 | removing the requirement that all voting systems used

48 | by voters in a state election allow placement of the

49 | full text of a constitutional amendment or revision

50 | containing stricken or underlined text by a specified

51 | date; amending s. 101.591, F.S.; authorizing use of

52 | automated, independent audits of voting systems;

53 | providing audit requirements; requiring the Division

54 | of Elections to adopt rules; amending s. 101.62, F.S.;

55 | revising the requirements for a valid absentee ballot

56 | request; requiring the supervisor to record the



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

57 | absence of the voter's signature on the voter's  
58 | certificate under specified circumstances; prohibiting  
59 | the supervisor from providing an absentee ballot on  
60 | the day of an election under certain circumstances;  
61 | requiring a person who requests an absentee ballot to  
62 | complete an affidavit under certain circumstances;  
63 | amending s. 101.65, F.S.; revising the instructions to  
64 | absent electors; amending s. 101.657, F.S.; revising  
65 | the list of permissible sites available for early  
66 | voting; authorizing the supervisor to designate one  
67 | additional early voting site per election; providing  
68 | requirements; requiring each county to operate at  
69 | least the same number of early voting sites for a  
70 | general election as used for the 2012 general  
71 | election; revising the number of days and hours for  
72 | early voting; amending s. 101.67, F.S.; conforming a  
73 | provision to changes made by the act; amending s.  
74 | 101.68, F.S., and reenacting subsection (2), relating  
75 | to the canvassing of absentee ballots; authorizing the  
76 | supervisor to use the elector's signature in a  
77 | precinct register to compare with the elector's  
78 | signature on the voter's certificate; requiring the  
79 | supervisor to provide the elector with the specific  
80 | reason his or her ballot was rejected; requiring the  
81 | supervisor to allow electors to complete an affidavit  
82 | to cure an unsigned absentee ballot before a specified  
83 | time; providing the form and contents of the  
84 | affidavit; providing instructions to accompany each



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

85 absentee ballot affidavit; requiring the affidavit,  
86 instructions, and the supervisor's office mailing  
87 address to be posted on certain websites; requiring  
88 the supervisor to attach a received affidavit to the  
89 appropriate absentee ballot mailing envelope; amending  
90 s. 101.6923, F.S.; revising special absentee ballot  
91 instructions; amending s. 101.6952, F.S.; providing  
92 that absentee ballots received from overseas voters in  
93 certain elections may be received up to 10 days after  
94 the date of the election; amending s. 102.031, F.S.;  
95 revising restrictions relating to the solicitation of  
96 voters; amending s. 102.141, F.S.; revising methods of  
97 selecting canvassing board members; requiring a  
98 supervisor to upload certain canvassed election  
99 results into a county's election management system  
100 prior to the election; prohibiting public disclosure  
101 of uploaded results before the close of the polls on  
102 election day; amending s. 103.101, F.S.; providing for  
103 the date of the Presidential Preference Primary;  
104 abolishing the Presidential Preference Primary Date  
105 Selection Committee; revising dates for the submission  
106 and publication of information related to the  
107 Presidential Preference Primary; amending s. 104.0616,  
108 F.S.; providing a definition for the term "immediate  
109 family"; prohibiting possession of more than two  
110 absentee ballots under certain circumstances;  
111 providing for criminal penalties; providing that each  
112 committee of continuous existence, reporting



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

113 individual, and procurement employee is subject to ss.  
 114 112.3148 and 112.3149, F.S.; providing for retroactive  
 115 application; providing for expiration; providing  
 116 effective dates.

117

118 Be It Enacted by the Legislature of the State of Florida:

119

120 Section 1. Section 97.0555, Florida Statutes, is amended to  
 121 read:

122 97.0555 Late registration.—An individual or accompanying  
 123 family member who has been discharged or separated from the  
 124 uniformed services or the United States Merchant Marine, has  
 125 returned from a military deployment or activation, or has  
 126 separated from employment outside the territorial limits of the  
 127 United States, after the book-closing date for an election  
 128 pursuant to s. 97.055 and who is otherwise qualified may  
 129 register to vote in such election until 5 p.m. on the Friday  
 130 before that election in the office of the supervisor of  
 131 elections. Such persons must produce sufficient documentation  
 132 showing evidence of qualifying for late registration pursuant to  
 133 this section.

134 Section 2. Section 100.032, Florida Statutes, is created to  
 135 read:

136 100.032 Election preparation report; general election.  
 137 Each supervisor of elections must post a report on his or her  
 138 official website at least 3 months before a general election  
 139 which outlines preparations for the upcoming general election.  
 140 The report must include, at a minimum, the following elements:



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

141 the anticipated staffing levels during the early voting period,  
 142 on election day and after election day; and the anticipated  
 143 amount of automatic tabulating equipment at each early voting  
 144 site and polling place.

145 Section 3. Section 100.061, Florida Statutes, is amended to  
 146 read:

147 100.061 Primary election.—In each year in which a general  
 148 election is held, a primary election for nomination of  
 149 candidates of political parties shall be held on the Tuesday 10  
 150 ~~12~~ weeks prior to the general election. The candidate receiving  
 151 the highest number of votes cast in each contest in the primary  
 152 election shall be declared nominated for such office. If two or  
 153 more candidates receive an equal and highest number of votes for  
 154 the same office, such candidates shall draw lots to determine  
 155 which candidate is nominated.

156 Section 4. Paragraphs (a) and (b) of subsection (2) of  
 157 section 101.045, Florida Statutes, are amended to read:

158 101.045 Electors must be registered in precinct; provisions  
 159 for change of residence or name.—

160 (2) (a) An elector who moves from the precinct in which the  
 161 elector is registered may ~~be permitted to~~ vote in the precinct  
 162 to which he or she has moved his or her legal residence, if the  
 163 change of residence is within the same county or the precinct to  
 164 which the elector has moved his or her legal residence is within  
 165 a county that uses an electronic database as a precinct register  
 166 at the polling place, and the elector completes an affirmation  
 167 in substantially the following form:  
 168





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

197 101.151 Specifications for ballots.—

198 (8) In counties subject to multi-language ballot  
199 requirements, the supervisor may petition the United States  
200 Department of Justice for authorization for the supervisor to  
201 print and deliver single-language ballots for each minority  
202 language required.

203 Section 6. Subsection (3) of section 101.161, Florida  
204 Statutes, is amended to read:

205 101.161 Referenda; ballots.—

206 (3) (a) Each joint resolution that proposes a constitutional  
207 amendment or revision shall include one or more ballot  
208 statements set forth in order of priority. Each ballot statement  
209 shall consist of a ballot title, by which the measure is  
210 commonly referred to or spoken of, not exceeding 15 words in  
211 length, and ~~either~~ a ballot summary that describes the chief  
212 purpose of the amendment or revision in clear and unambiguous  
213 language, ~~or the full text of the amendment or revision.~~ If a  
214 joint resolution that proposes a constitutional amendment or  
215 revision contains only one ballot statement, the ballot summary  
216 may not exceed 75 words in length. If a joint resolution that  
217 proposes a constitutional amendment or revision contains more  
218 than one ballot statement, the first ballot summary, in order of  
219 priority, may not exceed 75 words in length.

220 (b) The Department of State shall furnish a designating  
221 number pursuant to subsection (2) and the appropriate ballot  
222 statement to the supervisor of elections of each county. The  
223 ballot statement shall be printed on the ballot after the list  
224 of candidates, followed by the word "yes" and also by the word





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

225 "no," and shall be styled in such a manner that a "yes" vote  
226 will indicate approval of the amendment or revision and a "no"  
227 vote will indicate rejection.

228 (c)~~(b)~~1. Any action for a judicial determination that one  
229 or more ballot statements embodied in a joint resolution are  
230 defective must be commenced by filing a complaint or petition  
231 with the appropriate court within 30 days after the joint  
232 resolution is filed with the Secretary of State. The complaint  
233 or petition shall assert all grounds for challenge to each  
234 ballot statement. Any ground not asserted within 30 days after  
235 the joint resolution is filed with the Secretary of State is  
236 waived.

237 2. The court, including any appellate court, shall accord  
238 an action described in subparagraph 1. priority over other  
239 pending cases and render a decision as expeditiously as  
240 possible. If the court finds that all ballot statements embodied  
241 in a joint resolution are defective and further appeals are  
242 declined, abandoned, or exhausted, unless otherwise provided in  
243 the joint resolution, the Attorney General shall, within 10  
244 days, prepare and submit to the Department of State a revised  
245 ballot title or ballot summary that corrects the deficiencies  
246 identified by the court, and the Department of State shall  
247 furnish a designating number and the revised ballot title or  
248 ballot summary to the supervisor of elections of each county for  
249 placement on the ballot. The revised ballot summary may exceed  
250 75 words in length. The court shall retain jurisdiction over  
251 challenges to a revised ballot title or ballot summary prepared  
252 by the Attorney General, and any challenge to a revised ballot



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

253 title or ballot summary must be filed within 10 days after a  
 254 revised ballot title or ballot summary is submitted to the  
 255 Department of State.

256 ~~3. A ballot statement that consists of the full text of an~~  
 257 ~~amendment or revision shall be presumed to be a clear and~~  
 258 ~~unambiguous statement of the substance and effect of the~~  
 259 ~~amendment or revision, providing fair notice to the electors of~~  
 260 ~~the content of the amendment or revision and sufficiently~~  
 261 ~~advising electors of the issue upon which they are to vote.~~

262 Section 7. Subsection (3) of section 101.5605, Florida  
 263 Statutes, is amended to read:

264 101.5605 Examination and approval of equipment.—

265 (3) (a) Before the Department of State approves the  
 266 electronic or electromechanical voting system, the person who  
 267 submitted it for examination shall provide the department with  
 268 the name, mailing address, and telephone number of a registered  
 269 agent, which agent must have and continuously maintain an office  
 270 in this state. Any change in the name, address, or telephone  
 271 number of the registered agent shall promptly be made known to  
 272 the department.

273 (b) Before entering into a contract for the sale or lease  
 274 of a voting system approved under this section to any county,  
 275 the person entering into such contract shall provide the  
 276 department with the name, mailing address, and telephone number  
 277 of a registered agent, which agent must have and continuously  
 278 maintain an office in this state. Any change in the name,  
 279 address, or telephone number of the registered agent shall  
 280 promptly be made known to the department.



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

281           (c) The department's proof of delivery or attempted  
 282 delivery to the last mailing address of the registered agent on  
 283 file with the department at the time of delivery or attempted  
 284 delivery is valid for all notice purposes.

285           (d) Within 30 days after completing the examination and  
 286 upon approval of any electronic or electromechanical voting  
 287 system, the Department of State shall make and maintain a report  
 288 on the system, together with a written or printed description  
 289 and drawings and photographs clearly identifying the system and  
 290 the operation thereof. As soon as practicable after such filing,  
 291 the department shall send a notice of certification and, upon  
 292 request, a copy of the report to the governing bodies of the  
 293 respective counties of the state. Any voting system that does  
 294 not receive the approval of the department may ~~shall~~ not be  
 295 adopted for or used at any election.

296           (e) ~~(b)~~ After a voting system has been approved by the  
 297 Department of State, any change or improvement in the system is  
 298 required to be approved by the department prior to the adoption  
 299 of such change or improvement by any county. If any such change  
 300 or improvement does not comply with the requirements of this  
 301 act, the department shall suspend all sales of the equipment or  
 302 system in the state until the equipment or system complies with  
 303 the requirements of this act.

304           Section 8. Section 101.56065, Florida Statutes, is created  
 305 to read:

306           101.56065 Voting system defects; disclosure;  
 307 investigations; penalties.—

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



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

309           (a) "Defect" means:  
310           1. Any failure, fault, or flaw in an electronic or  
311 electromechanical voting system approved pursuant to s. 101.5605  
312 which results in nonconformance with the standards in a manner  
313 that affects the timeliness or accuracy of the casting or  
314 counting of ballots; or  
315           2. Any failure or inability of the voting system  
316 manufacturer or vendor to make available or provide approved  
317 replacements of hardware or software to the counties that have  
318 purchased the approved voting system, the unavailability of  
319 which results in the system's nonconformance with the standards  
320 in a manner that affects the timeliness or accuracy of the  
321 casting or counting of ballots.  
322           (b) "Standards" refers to the requirements in ss. 101.5606  
323 and 101.56062 under which a voting system was approved for use  
324 in the state.  
325           (c) "Vendor" means a person who submits or previously  
326 submitted a voting system that was approved by the Department of  
327 State in accordance with s. 101.5605, or a person who enters  
328 into a contract for the sale or lease of a voting system to any  
329 county, or that previously entered into such a contract that has  
330 not expired.  
331           (2) (a) No later than December 31, 2013, and, thereafter, on  
332 January 1 of every odd-numbered year, each vendor shall file a  
333 written disclosure with the department identifying any known  
334 defect in the voting system or the fact that there is no known  
335 defect, the effect of any defect on the operation and use of the  
336 approved voting system, and any known corrective measures to



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

337 cure a defect, including, but not limited to, advisories and  
338 bulletins issued to system users.

339 (b) Implementation of corrective measures approved by the  
340 department which enable a system to conform to the standards and  
341 ensure the timeliness and accuracy of the casting and counting  
342 of ballots constitutes a cure of a defect.

343 (c) If a vendor becomes aware of the existence of a defect,  
344 he or she must file a new disclosure with the department as  
345 provided in paragraph (a) within 30 days after the date the  
346 vendor determined or reasonably should have determined that the  
347 defect existed.

348 (d) If a vendor discloses to the department that a defect  
349 exists, the department may suspend all sales or leases of the  
350 voting system in the state and may suspend the use of the system  
351 in any election in the state. The department shall provide  
352 written notice of any such suspension to each affected vendor  
353 and supervisor of elections. If the department determines that  
354 the defect no longer exists, the department shall lift the  
355 suspension and provide written notice to each affected vendor  
356 and supervisor of elections.

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

364 (3) (a) If the department has reasonable cause to believe a



ENROLLED  
CS/HB 7013, Engrossed 1

2013 Legislature

365 voting system approved pursuant to s. 101.5605 contains a defect  
366 either before, during, or after an election which has not been  
367 disclosed pursuant to subsection (2), the department may  
368 investigate whether the voting system has a defect.

369 (b) The department may initiate an investigation pursuant  
370 to paragraph (a) on its own initiative or upon the written  
371 request of the supervisor of elections of a county that  
372 purchased or leased a voting system that contains the alleged  
373 defect.

374 (c) Upon initiating an investigation, the department shall  
375 provide written notice to the vendor and all of the supervisors  
376 of elections.

377 (4) (a) If the department determines by a preponderance of  
378 the evidence that a defect exists in the voting system, or that  
379 a vendor failed to timely disclose a defect pursuant to  
380 subsection (2), the department shall provide written notice to  
381 the affected vendor and supervisors of elections.

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

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

388 or

389 2. Admits that the defect exists or existed as alleged by  
390 the department or that the vendor failed to timely disclose a  
391 defect.

392 (c) If the defect has been cured, the vendor shall provide



ENROLLED  
CS/HB 7013, Engrossed 1

2013 Legislature

393 an explanation of how the defect was cured.

394 (d) If the defect has not been cured, the vendor shall  
395 inform the department whether the defect can be cured and shall  
396 provide the department with a plan for curing the defect. If the  
397 defect can be cured, the department shall establish a timeframe  
398 within which to cure the defect.

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

403 (6) If the department determines that: a vendor failed to  
404 timely disclose a defect; or that a defect exists and a vendor  
405 has not filed a written response or has failed to cure within  
406 the timeframe established by the department, or if the defect  
407 cannot be cured, the department shall impose a civil penalty of  
408 \$25,000 for the defect plus an amount equal to the actual costs  
409 incurred by the department in conducting the investigation.

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

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

415 (b) If the department determines that a defect no longer  
416 exists in a voting system that has been suspended from use  
417 pursuant to paragraph (a), the department shall lift the  
418 suspension and authorize the sale, lease, and use of the voting  
419 system in any election in the state. The department shall  
420 provide written notice that the suspension has been lifted to



421 each affected vendor and supervisor of elections.

422 (c) If the defect cannot be cured, the department may  
 423 disapprove the voting system for use in elections in the state.  
 424 The department shall provide written notice to all supervisors  
 425 of elections that the system is no longer approved. After  
 426 approval of a system has been withdrawn pursuant to this  
 427 paragraph, the system may not be sold, leased, or used in  
 428 elections in the state until it has been submitted for  
 429 examination and approval and adopted for use pursuant to s.  
 430 101.5605.

431 (d) Any vendor against whom a civil penalty was imposed  
 432 under this section may not submit a voting system for approval  
 433 by the Department of State in accordance with s. 101.5605 or  
 434 enter into a contract for sale or lease of a voting system in  
 435 the state until the civil penalties have been paid and the  
 436 department provides written confirmation to the supervisors of  
 437 elections of the payment.

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

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

443 (10) All proceedings under this section are exempt from  
 444 chapter 120.

445 Section 9. Section 101.56075, Florida Statutes, is amended  
 446 to read:

447 101.56075 Voting methods.—

448 (1) Except as provided in subsection (2), all voting shall





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

449 be by marksense ballot utilizing a marking device for the  
450 purpose of designating ballot selections.

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

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

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

464 Section 10. Subsections (1) and (2) of section 101.591,  
465 Florida Statutes, are amended, and subsection (4) of that  
466 section is republished, to read:

467 101.591 Voting system audit.—

468 (1) Immediately following the certification of each  
469 election, the county canvassing board or the local board  
470 responsible for certifying the election shall conduct a manual  
471 audit or an automated, independent audit of the voting systems  
472 used in randomly selected precincts.

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



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

477 in at least 1 percent but no more than 2 percent of the  
478 precincts chosen at random by the county canvassing board or the  
479 local board responsible for certifying the election. If 1  
480 percent of the precincts is less than one entire precinct, the  
481 audit shall be conducted using at least one precinct chosen at  
482 random by the county canvassing board or the local board  
483 responsible for certifying the election. Such precincts shall be  
484 selected at a publicly noticed canvassing board meeting.

485 (b) An automated audit shall consist of a public automated  
486 tally of the votes cast across every race that appears on the  
487 ballot. The tally sheet shall include election day, absentee,  
488 early voting, provisional, and overseas ballots in at least 20  
489 percent of the precincts chosen at random by the county  
490 canvassing board or the local board responsible for certifying  
491 the election. Such precincts shall be selected at a publicly  
492 noticed canvassing board meeting.

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

496 1. Completely independent of the primary voting system.

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

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

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



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

505 Section 11. Subsections (1) and (3) and paragraph (c) of  
506 subsection (4) of section 101.62, Florida Statutes, are amended  
507 to read:

508 101.62 Request for absentee ballots.—

509 (1)(a) The supervisor shall accept a request for an  
510 absentee ballot from an elector in person or in writing. One  
511 request shall be deemed sufficient to receive an absentee ballot  
512 for all elections through the end of the calendar year of the  
513 second ensuing regularly scheduled general election, unless the  
514 elector or the elector's designee indicates at the time the  
515 request is made the elections for which the elector desires to  
516 receive an absentee ballot. Such request may be considered  
517 canceled when any first-class mail sent by the supervisor to the  
518 elector is returned as undeliverable.

519 (b) The supervisor may accept a written or telephonic  
520 request for an absentee ballot to be mailed to an elector's  
521 address on file in the Florida Voter Registration System from  
522 the elector, or, if directly instructed by the elector, a member  
523 of the elector's immediate family, or the elector's legal  
524 guardian; if the ballot is requested to be mailed to an address  
525 other than the elector's address on file in the Florida Voter  
526 Registration System, the request must be made in writing and  
527 signed by the elector. However, an absent uniformed service  
528 voter or an overseas voter seeking an absentee ballot is not  
529 required to submit a signed, written request for an absentee  
530 ballot that is being mailed to an address other than the  
531 elector's address on file in the Florida Voter Registration  
532 System. For purposes of this section, the term "immediate



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

533 family" has the same meaning as specified in paragraph (4) (c).

534 The person making the request must disclose:

535 1. The name of the elector for whom the ballot is  
536 requested.

537 2. The elector's address.

538 3. The elector's date of birth.

539 4. The requester's name.

540 5. The requester's address.

541 6. The requester's driver's license number, if available.

542 7. The requester's relationship to the elector.

543 8. The requester's signature (written requests only).

544 (c) Upon receiving a request for an absentee ballot from an  
545 absent voter, the supervisor of elections shall notify the voter  
546 of the free access system that has been designated by the  
547 department for determining the status of his or her absentee  
548 ballot.

549 (3) For each request for an absentee ballot received, the  
550 supervisor shall record the date the request was made, the date  
551 the absentee ballot was delivered to the voter or the voter's  
552 designee or the date the absentee ballot was delivered to the  
553 post office or other carrier, the date the ballot was received  
554 by the supervisor, the absence of the voter's signature on the  
555 voter's certificate, if applicable, and such other information  
556 he or she may deem necessary. This information shall be provided  
557 in electronic format as provided by rule adopted by the  
558 division. The information shall be updated and made available no  
559 later than 8 a.m. of each day, including weekends, beginning 60  
560 days before the primary until 15 days after the general election



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

561 and shall be contemporaneously provided to the division. This  
562 information shall be confidential and exempt from ~~the provisions~~  
563 ~~of~~ s. 119.07(1) and shall be made available to or reproduced  
564 only for the voter requesting the ballot, a canvassing board, an  
565 election official, a political party or official thereof, a  
566 candidate who has filed qualification papers and is opposed in  
567 an upcoming election, and registered political committees or  
568 registered committees of continuous existence, for political  
569 purposes only.

570 (4)

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

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

577 2. By forwardable mail, e-mail, or facsimile machine  
578 transmission to absent uniformed services voters and overseas  
579 voters. The absent uniformed services voter or overseas voter  
580 may designate in the absentee ballot request the preferred  
581 method of transmission. If the voter does not designate the  
582 method of transmission, the absentee ballot shall be mailed.

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

586 4. By delivery to a designee on election day or up to 5  
587 days prior to the day of an election. Any elector may designate  
588 in writing a person to pick up the ballot for the elector;



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

589 | however, the person designated may not pick up more than two  
590 | absentee ballots per election, other than the designee's own  
591 | ballot, except that additional ballots may be picked up for  
592 | members of the designee's immediate family. For purposes of this  
593 | section, "immediate family" means the designee's spouse or the  
594 | parent, child, grandparent, or sibling of the designee or of the  
595 | designee's spouse. The designee shall provide to the supervisor  
596 | the written authorization by the elector and a picture  
597 | identification of the designee and must complete an affidavit.  
598 | The designee shall state in the affidavit that the designee is  
599 | authorized by the elector to pick up that ballot and shall  
600 | indicate if the elector is a member of the designee's immediate  
601 | family and, if so, the relationship. The department shall  
602 | prescribe the form of the affidavit. If the supervisor is  
603 | satisfied that the designee is authorized to pick up the ballot  
604 | and that the signature of the elector on the written  
605 | authorization matches the signature of the elector on file, the  
606 | supervisor shall give the ballot to that designee for delivery  
607 | to the elector.

608 | 5. Except as provided in s. 101.655, the supervisor may not  
609 | deliver an absentee ballot to an elector or an elector's  
610 | immediate family member on the day of the election unless there  
611 | is an emergency, to the extent that the elector will be unable  
612 | to go to his or her assigned polling place. If an absentee  
613 | ballot is delivered, the elector or his or her designee shall  
614 | execute an affidavit affirming to the facts which allow for  
615 | delivery of the absentee ballot. The department shall adopt a  
616 | rule providing for the form of the affidavit.



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

617 Section 12. Section 101.65, Florida Statutes, is amended to  
 618 read:

619 101.65 Instructions to absent electors.—The supervisor  
 620 shall enclose with each absentee ballot separate printed  
 621 instructions in substantially the following form:

622  
 623 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

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

644 5. Insert the secrecy envelope into the enclosed mailing



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

645 envelope which is addressed to the supervisor.

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

648 7. VERY IMPORTANT. In order for your absentee ballot to be  
649 counted, you must sign your name on the line above (Voter's  
650 Signature). An absentee ballot will be considered illegal and  
651 not be counted if the signature on the voter's certificate does  
652 not match the signature on record. The signature on file at the  
653 start of the canvass of the absentee ballots is the signature  
654 that will be used to verify your signature on the voter's  
655 certificate. If you need to update your signature for this  
656 election, send your signature update on a voter registration  
657 application to your supervisor of elections so that it is  
658 received no later than the start of the canvassing of absentee  
659 ballots, which occurs no earlier than the 15th day before  
660 election day.

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

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

666 10. FELONY NOTICE. It is a felony under Florida law to  
667 accept any gift, payment, or gratuity in exchange for your vote  
668 for a candidate. It is also a felony under Florida law to vote  
669 in an election using a false identity or false address, or under  
670 any other circumstances making your ballot false or fraudulent.

671 Section 13. Paragraphs (a) and (d) of subsection (1) of  
672 section 101.657, Florida Statutes, are amended to read:





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

673 |           101.657 Early voting.—

674 |           (1) (a) As a convenience to the voter, the supervisor of

675 | elections shall allow an elector to vote early in the main or

676 | branch office of the supervisor. The supervisor shall mark,

677 | code, indicate on, or otherwise track the voter's precinct for

678 | each early voted ballot. In order for a branch office to be used

679 | for early voting, it shall be a permanent facility of the

680 | supervisor and shall have been designated and used as such for

681 | at least 1 year prior to the election. The supervisor may also

682 | designate any city hall, ~~or~~ permanent public library facility,

683 | fairground, civic center, courthouse, county commission

684 | building, stadium, convention center, government-owned senior

685 | center, or government-owned community center as early voting

686 | sites; however, if so designated, the sites must be

687 | geographically located so as to provide all voters in the county

688 | an equal opportunity to cast a ballot, insofar as is

689 | practicable. In addition, a supervisor may designate one early

690 | voting site per election in an area of the county that does not

691 | have any of the eligible early voting locations. Such additional

692 | early voting site must be geographically located so as to

693 | provide all voters in that area with an equal opportunity to

694 | cast a ballot, insofar as is practicable. Each county shall, at

695 | a minimum, operate the same total number of early voting sites

696 | for a general election which the county operated for the 2012

697 | general election. The results or tabulation of votes cast during

698 | early voting may not be made before the close of the polls on

699 | election day. Results shall be reported by precinct.

700 |           (d) Early voting shall begin on the 10th day before an



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

701 | election that contains state or federal races and end on the 3rd  
702 | day before the election, and shall be provided for no less than  
703 | 8 ~~6~~ hours and no more than 12 hours per day at each site during  
704 | the applicable period. In addition, early voting may be offered  
705 | at the discretion of the supervisor of elections on the 15th,  
706 | 14th, 13th, 12th, 11th, or 2nd day before an election that  
707 | contains state or federal races for at least 8 hours per day,  
708 | but not more than 12 hours per day. The supervisor of elections  
709 | may provide early voting for elections that are not held in  
710 | conjunction with a state or federal election. However, the  
711 | supervisor has the discretion to determine the hours of  
712 | operation of early voting sites in those elections.

713 |       Section 14. Subsection (2) of section 101.67, Florida  
714 | Statutes, is amended to read:

715 |       101.67 Safekeeping of mailed ballots; deadline for  
716 | receiving absentee ballots.—

717 |       (2) Except as provided in s. 101.6952(5), all marked absent  
718 | electors' ballots to be counted must be received by the  
719 | supervisor by 7 p.m. the day of the election. All ballots  
720 | received thereafter shall be marked with the time and date of  
721 | receipt and filed in the supervisor's office.

722 |       Section 15. Subsections (1) and (4) of section 101.68,  
723 | Florida Statutes, are amended, and subsection (2) of that  
724 | section is reenacted and amended, to read:

725 |       101.68 Canvassing of absentee ballot.—

726 |       (1) The supervisor of the county where the absent elector  
727 | resides shall receive the voted ballot, at which time the  
728 | supervisor shall compare the signature of the elector on the



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

729 voter's certificate with the signature of the elector in the  
730 registration books or the precinct register to determine whether  
731 the elector is duly registered in the county and may record on  
732 the elector's registration certificate that the elector has  
733 voted. However, effective July 1, 2005, an elector who dies  
734 after casting an absentee ballot but on or before election day  
735 shall remain listed in the registration books until the results  
736 have been certified for the election in which the ballot was  
737 cast. The supervisor shall safely keep the ballot unopened in  
738 his or her office until the county canvassing board canvasses  
739 the vote. Except as provided in subsection (4), after an  
740 absentee ballot is received by the supervisor, the ballot is  
741 deemed to have been cast, and changes or additions may not be  
742 made to the voter's certificate.

743 (2) (a) The county canvassing board may begin the canvassing  
744 of absentee ballots at 7 a.m. on the 15th day before the  
745 election, but not later than noon on the day following the  
746 election. In addition, for any county using electronic  
747 tabulating equipment, the processing of absentee ballots through  
748 such tabulating equipment may begin at 7 a.m. on the 15th day  
749 before the election. However, notwithstanding any such  
750 authorization to begin canvassing or otherwise processing  
751 absentee ballots early, no result shall be released until after  
752 the closing of the polls in that county on election day. Any  
753 supervisor of elections, deputy supervisor of elections,  
754 canvassing board member, election board member, or election  
755 employee who releases the results of a canvassing or processing  
756 of absentee ballots prior to the closing of the polls in that



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

757 county on election day commits a felony of the third degree,  
 758 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

759 (b) To ensure that all absentee ballots to be counted by  
 760 the canvassing board are accounted for, the canvassing board  
 761 shall compare the number of ballots in its possession with the  
 762 number of requests for ballots received to be counted according  
 763 to the supervisor's file or list.

764 (c)1. The canvassing board shall, if the supervisor has not  
 765 already done so, compare the signature of the elector on the  
 766 voter's certificate or on the absentee ballot affidavit as  
 767 provided in subsection (4) with the signature of the elector in  
 768 the registration books or the precinct register to see that the  
 769 elector is duly registered in the county and to determine the  
 770 legality of that absentee ballot. The ballot of an elector who  
 771 casts an absentee ballot shall be counted even if the elector  
 772 dies on or before election day, as long as, prior to the death  
 773 of the voter, the ballot was postmarked by the United States  
 774 Postal Service, date-stamped with a verifiable tracking number  
 775 by common carrier, or already in the possession of the  
 776 supervisor of elections. An absentee ballot shall be considered  
 777 illegal if the voter's certificate or absentee ballot affidavit  
 778 ~~it~~ does not include the signature of the elector, as shown by  
 779 the registration records or the precinct register. However, an  
 780 absentee ballot is ~~shall~~ not ~~be~~ considered illegal if the  
 781 signature of the elector does not cross the seal of the mailing  
 782 envelope. If the canvassing board determines that any ballot is  
 783 illegal, a member of the board shall, without opening the  
 784 envelope, mark across the face of the envelope: "rejected as



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

785 | illegal." The absentee ballot affidavit, if applicable, the  
786 | envelope, and the ballot contained therein shall be preserved in  
787 | the manner that official ballots voted are preserved.

788 |         2. If any elector or candidate present believes that an  
789 | absentee ballot is illegal due to a defect apparent on the  
790 | voter's certificate or the absentee ballot affidavit, he or she  
791 | may, at any time before the ballot is removed from the envelope,  
792 | file with the canvassing board a protest against the canvass of  
793 | that ballot, specifying the precinct, the ballot, and the reason  
794 | he or she believes the ballot to be illegal. A challenge based  
795 | upon a defect in the voter's certificate or absentee ballot  
796 | affidavit may not be accepted after the ballot has been removed  
797 | from the mailing envelope.

798 |         (d) The canvassing board shall record the ballot upon the  
799 | proper record, unless the ballot has been previously recorded by  
800 | the supervisor. The mailing envelopes shall be opened and the  
801 | secrecy envelopes shall be mixed so as to make it impossible to  
802 | determine which secrecy envelope came out of which signed  
803 | mailing envelope; however, in any county in which an electronic  
804 | or electromechanical voting system is used, the ballots may be  
805 | sorted by ballot styles and the mailing envelopes may be opened  
806 | and the secrecy envelopes mixed separately for each ballot  
807 | style. The votes on absentee ballots shall be included in the  
808 | total vote of the county.

809 |         (4) (a) The supervisor of elections shall, on behalf of the  
810 | county canvassing board, notify each elector whose ballot was  
811 | rejected as illegal and provide the specific reason the ballot  
812 | was rejected ~~because of a difference between the elector's~~



ENROLLED  
 CS/HB 7013, Engrossed 1

2013 Legislature

813 ~~signature on the ballot and that on the elector's voter~~  
 814 ~~registration record.~~ The supervisor shall mail a voter  
 815 registration application to the elector to be completed  
 816 indicating the elector's current signature if the elector's  
 817 ballot was rejected due to a difference between the elector's  
 818 signature on the voter's certificate or absentee ballot  
 819 affidavit and the elector's signature in the registration books  
 820 or precinct register. This section does not prohibit the  
 821 supervisor from providing additional methods for updating an  
 822 elector's signature.

823 (b) Until 5 p.m. on the day before an election, the  
 824 supervisor shall allow an elector who has returned an absentee  
 825 ballot that does not include the elector's signature to complete  
 826 and submit an affidavit in order to cure the unsigned absentee  
 827 ballot.

828 (c) The elector shall provide identification to the  
 829 supervisor and must complete an absentee ballot affidavit in  
 830 substantially the following form:

832 ABSENTEE BALLOT AFFIDAVIT

833 I, . . . ., am a qualified voter in this election and  
 834 registered voter of . . . . County, Florida. I do solemnly swear or  
 835 affirm that I requested and returned the absentee ballot and  
 836 that I have not and will not vote more than one ballot in this  
 837 election. I understand that if I commit or attempt any fraud in  
 838 connection with voting, vote a fraudulent ballot, or vote more  
 839 than once in an election, I may be convicted of a felony of the  
 840 third degree and fined up to \$5,000 and imprisoned for up to 5



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

841 years. I understand that my failure to sign this affidavit means  
 842 that my absentee ballot will be invalidated.

843  
 844 ...(Voter's Signature)...

845  
 846 ...(Address)...

847  
 848 (d) Instructions must accompany the absentee ballot  
 849 affidavit in substantially the following form:

850  
 851 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
 852 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
 853 BALLOT NOT TO COUNT.

854  
 855 1. In order to ensure that your absentee ballot will be  
 856 counted, your affidavit should be completed and returned as soon  
 857 as possible so that it can reach the supervisor of elections of  
 858 the county in which your precinct is located no later than 5  
 859 p.m. on the 2nd day before the election.

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

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

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



ENROLLED  
CS/HB 7013, Engrossed 1

2013 Legislature

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

873        4. Place the envelope bearing the affidavit into a mailing  
874 envelope addressed to the supervisor. Insert a copy of your  
875 identification in the mailing envelope. Mail, deliver, or have  
876 delivered the completed affidavit along with the copy of your  
877 identification to your county supervisor of elections. Be sure  
878 there is sufficient postage if mailed and that the supervisor's  
879 address is correct.

880        5. Alternatively, you may fax or e-mail your completed  
881 affidavit and a copy of your identification to the supervisor of  
882 elections. If e-mailing, please provide these documents as  
883 attachments.

884        (e) The department and each supervisor shall include the  
885 affidavit and instructions on their respective websites. The  
886 supervisor must include his or her office's mailing address, e-  
887 mail address, and fax number on the page containing the  
888 affidavit instructions; the department's instruction page must  
889 include the office mailing addresses, e-mail addresses, and fax  
890 numbers of all supervisors of elections or provide a conspicuous  
891 link to such addresses.

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

894        Section 16. Subsection (2) of section 101.6923, Florida  
895 Statutes, is amended to read:

896        101.6923 Special absentee ballot instructions for certain





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

897 first-time voters.-

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

901  
 902 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
 903 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
 904 YOUR BALLOT NOT TO COUNT.

905  
 906 1. In order to ensure that your absentee ballot will be  
 907 counted, it should be completed and returned as soon as possible  
 908 so that it can reach the supervisor of elections of the county  
 909 in which your precinct is located no later than 7 p.m. on the  
 910 date of the election. However, if you are an overseas voter  
 911 casting a ballot in a presidential preference primary or general  
 912 election, your absentee ballot must be postmarked or dated no  
 913 later than the date of the election and received by the  
 914 supervisor of elections of the county in which you are  
 915 registered to vote no later than 10 days after the date of the  
 916 election.

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

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

924 4. Place your marked ballot in the enclosed secrecy



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

925 envelope and seal the envelope.

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

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

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

935 c. An absentee ballot will be considered illegal and will  
936 not be counted if the signature on the Voter's Certificate does  
937 not match the signature on record. The signature on file at the  
938 start of the canvass of the absentee ballots is the signature  
939 that will be used to verify your signature on the Voter's  
940 Certificate. If you need to update your signature for this  
941 election, send your signature update on a voter registration  
942 application to your supervisor of elections so that it is  
943 received no later than the start of canvassing of absentee  
944 ballots, which occurs no earlier than the 15th day before  
945 election day.

946 6. Unless you meet one of the exemptions in Item 7., you  
947 must make a copy of one of the following forms of  
948 identification:

949 a. Identification which must include your name and  
950 photograph: United States passport; debit or credit card;  
951 military identification; student identification; retirement  
952 center identification; neighborhood association identification;



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

953 | or public assistance identification; or

954 |       b. Identification which shows your name and current  
 955 | residence address: current utility bill, bank statement,  
 956 | government check, paycheck, or government document (excluding  
 957 | voter identification card).

958 |       7. The identification requirements of Item 6. do not apply  
 959 | if you meet one of the following requirements:

960 |       a. You are 65 years of age or older.

961 |       b. You have a temporary or permanent physical disability.

962 |       c. You are a member of a uniformed service on active duty  
 963 | who, by reason of such active duty, will be absent from the  
 964 | county on election day.

965 |       d. You are a member of the Merchant Marine who, by reason  
 966 | of service in the Merchant Marine, will be absent from the  
 967 | county on election day.

968 |       e. You are the spouse or dependent of a member referred to  
 969 | in paragraph c. or paragraph d. who, by reason of the active  
 970 | duty or service of the member, will be absent from the county on  
 971 | election day.

972 |       f. You are currently residing outside the United States.

973 |       8. Place the envelope bearing the Voter's Certificate into  
 974 | the mailing envelope addressed to the supervisor. Insert a copy  
 975 | of your identification in the mailing envelope. DO NOT PUT YOUR  
 976 | IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 977 | INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 978 | BALLOT WILL NOT COUNT.

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



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

981 10. FELONY NOTICE. It is a felony under Florida law to  
 982 accept any gift, payment, or gratuity in exchange for your vote  
 983 for a candidate. It is also a felony under Florida law to vote  
 984 in an election using a false identity or false address, or under  
 985 any other circumstances making your ballot false or fraudulent.

986 Section 17. Subsection (5) is added to section 101.6952,  
 987 Florida Statutes, to read:

988 101.6952 Absentee ballots for absent uniformed services and  
 989 overseas voters.—

990 (5) An absentee ballot from an overseas voter in any  
 991 presidential preference primary or general election which is  
 992 postmarked or dated no later than the date of the election and  
 993 is received by the supervisor of elections of the county in  
 994 which the overseas voter is registered no later than 10 days  
 995 after the date of the election shall be counted as long as the  
 996 absentee ballot is otherwise proper.

997 Section 18. Paragraphs (a) and (b) of subsection (4) of  
 998 section 102.031, Florida Statutes, are amended, and paragraph  
 999 (d) is added to that subsection, to read:

1000 102.031 Maintenance of good order at polls; authorities;  
 1001 persons allowed in polling rooms and early voting areas;  
 1002 unlawful solicitation of voters.—

1003 (4) (a) No person, political committee, committee of  
 1004 continuous existence, or other group or organization may solicit  
 1005 voters inside the polling place or within 100 feet of the  
 1006 entrance to any polling place, a ~~or~~ polling room where the  
 1007 polling place is also a polling room, ~~an~~ ~~or~~ early voting site,  
 1008 or an office of the supervisor of elections where absentee



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1009 ballots are requested and printed on demand for the convenience  
 1010 of electors who appear in person to request them. Before the  
 1011 opening of the polling place or early voting site, the clerk or  
 1012 supervisor shall designate the no-solicitation zone and mark the  
 1013 boundaries.

1014 (b) For the purpose of this subsection, the terms "solicit"  
 1015 or "solicitation" shall include, but not be limited to, seeking  
 1016 or attempting to seek any vote, fact, opinion, or contribution;  
 1017 distributing or attempting to distribute any political or  
 1018 campaign material, leaflet, or handout; conducting a poll except  
 1019 as specified in this paragraph; seeking or attempting to seek a  
 1020 signature on any petition; and selling or attempting to sell any  
 1021 item. The terms "solicit" or "solicitation" may ~~shall~~ not be  
 1022 construed to prohibit exit polling.

1023 (d) Except as provided in paragraph (a), the supervisor may  
 1024 not designate a no-solicitation zone or otherwise restrict  
 1025 access to any person, political committee, committee of  
 1026 continuous existence, candidate, or other group or organization  
 1027 for the purposes of soliciting voters. This paragraph applies to  
 1028 any public or private property used as a polling place or early  
 1029 voting site.

1030 Section 19. Subsections (1) and (4) of section 102.141,  
 1031 Florida Statutes, are amended to read:

1032 102.141 County canvassing board; duties.—

1033 (1) The county canvassing board shall be composed of the  
 1034 supervisor of elections; a county court judge, who shall act as  
 1035 chair; and the chair of the board of county commissioners.

1036 Alternate canvassing board members must be appointed pursuant to



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1037 paragraph (e). In the event any member of the county canvassing  
1038 board is unable to serve, is a candidate who has opposition in  
1039 the election being canvassed, or is an active participant in the  
1040 campaign or candidacy of any candidate who has opposition in the  
1041 election being canvassed, such member shall be replaced as  
1042 follows:

1043 (a) If no county court judge is able to serve or if all are  
1044 disqualified, the chief judge of the judicial circuit in which  
1045 the county is located shall appoint as a substitute member a  
1046 qualified elector of the county who is not a candidate with  
1047 opposition in the election being canvassed and who is not an  
1048 active participant in the campaign or candidacy of any candidate  
1049 with opposition in the election being canvassed. In such event,  
1050 the members of the county canvassing board shall meet and elect  
1051 a chair.

1052 (b) If the supervisor of elections is unable to serve or is  
1053 disqualified, the chair of the board of county commissioners  
1054 shall appoint as a substitute member a member of the board of  
1055 county commissioners who is not a candidate with opposition in  
1056 the election being canvassed and who is not an active  
1057 participant in the campaign or candidacy of any candidate with  
1058 opposition in the election being canvassed. The supervisor,  
1059 however, shall act in an advisory capacity to the canvassing  
1060 board.

1061 (c) If the chair of the board of county commissioners is  
1062 unable to serve or is disqualified, the board of county  
1063 commissioners shall appoint as a substitute member one of its  
1064 members who is not a candidate with opposition in the election



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1065 | being canvassed and who is not an active participant in the  
 1066 | campaign or candidacy of any candidate with opposition in the  
 1067 | election being canvassed.

1068 |       (d) If a substitute member or alternate member cannot be  
 1069 | appointed as provided elsewhere in this subsection, or in the  
 1070 | event of a vacancy in such office, the chief judge of the  
 1071 | judicial circuit in which the county is located shall appoint as  
 1072 | a substitute member or alternate member a qualified elector of  
 1073 | the county who is not a candidate with opposition in the  
 1074 | election being canvassed and who is not an active participant in  
 1075 | the campaign or candidacy of any candidate with opposition in  
 1076 | the election being canvassed.

1077 |       (e)1. The chief judge of the judicial circuit in which the  
 1078 | county is located shall appoint a county court judge as an  
 1079 | alternate member of the county canvassing board or, if each  
 1080 | county court judge is unable to serve or is disqualified, shall  
 1081 | appoint an alternate member who is qualified to serve as a  
 1082 | substitute member under paragraph (a).

1083 |       2. The chair of the board of county commissioners shall  
 1084 | appoint a member of the board of county commissioners as an  
 1085 | alternate member of the county canvassing board or, if each  
 1086 | member of the board of county commissioners is unable to serve  
 1087 | or is disqualified, shall appoint an alternate member who is  
 1088 | qualified to serve as a substitute member under paragraph (d).

1089 |       3. If a member of the county canvassing board is unable to  
 1090 | participate in a meeting of the board, the chair of the county  
 1091 | canvassing board or his or her designee shall designate which  
 1092 | alternate member will serve as a member of the board in the



ENROLLED  
 CS/HB 7013, Engrossed 1

2013 Legislature

1093 place of the member who is unable to participate at that  
 1094 meeting.

1095 4. If not serving as one of the three members of the county  
 1096 canvassing board, an alternate member may be present, observe,  
 1097 and communicate with the three members constituting the county  
 1098 canvassing board, but may not vote in the board's decisions or  
 1099 determinations.

1100 (4) (a) The supervisor of elections shall upload into the  
 1101 county's election management system by 7 p.m. on the day before  
 1102 the election the results of all early voting and absentee  
 1103 ballots that have been canvassed and tabulated by the end of the  
 1104 early voting period. Pursuant to ss. 101.5614(9), 101.657, and  
 1105 101.68(2), the tabulation of votes cast or the results of such  
 1106 uploads may not be made public before the close of the polls on  
 1107 election day.

1108 (b) The canvassing board shall report all early voting and  
 1109 all tabulated absentee results to the Department of State within  
 1110 30 minutes after the polls close. Thereafter, the canvassing  
 1111 board shall report, with the exception of provisional ballot  
 1112 results, updated precinct election results to the department at  
 1113 least every 45 minutes until all results are completely  
 1114 reported. The supervisor of elections shall notify the  
 1115 department immediately of any circumstances that do not permit  
 1116 periodic updates as required. Results shall be submitted in a  
 1117 format prescribed by the department.

1118 Section 20. Subsections (1), (2), and (3) of section  
 1119 103.101, Florida Statutes, are amended to read:

1120 103.101 Presidential preference primary.—





ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1121           (1)~~(a)~~ Each political party other than a minor political  
 1122 party shall, at the presidential preference primary, elect one  
 1123 person to be the party's candidate for nomination for President  
 1124 of the United States or select delegates to the party's national  
 1125 nominating convention, as provided by party rule. The  
 1126 presidential preference primary shall be held in each year the  
 1127 number of which is a multiple of 4 on the first Tuesday that the  
 1128 rules of the major political parties provide for state  
 1129 delegations to be allocated without penalty. Any party rule  
 1130 directing the vote of delegates at a national nominating  
 1131 convention shall reasonably reflect the results of the  
 1132 presidential preference primary, if one is held. There shall be  
 1133 ~~a Presidential Preference Primary Date Selection Committee~~  
 1134 ~~composed of the Secretary of State, who shall be a nonvoting~~  
 1135 ~~chair; three members, no more than two of whom may be from the~~  
 1136 ~~same political party, appointed by the Governor; three members,~~  
 1137 ~~no more than two of whom may be from the same political party,~~  
 1138 ~~appointed by the Speaker of the House of Representatives; and~~  
 1139 ~~three members, no more than two of whom may be from the same~~  
 1140 ~~political party, appointed by the President of the Senate. No~~  
 1141 ~~later than October 1 of the year preceding the presidential~~  
 1142 ~~preference primary, the committee shall meet and set a date for~~  
 1143 ~~the presidential preference primary. The date selected may be no~~  
 1144 ~~earlier than the first Tuesday in January and no later than the~~  
 1145 ~~first Tuesday in March in the year of the presidential~~  
 1146 ~~preference primary. The presidential preference primary shall be~~  
 1147 ~~held in each year the number of which is a multiple of 4.~~  
 1148           ~~(b) Each political party other than a minor political party~~



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1149 ~~shall, on the date selected by the Presidential Preference~~  
 1150 ~~Primary Date Selection Committee in each year the number of~~  
 1151 ~~which is a multiple of 4, elect one person to be the candidate~~  
 1152 ~~for nomination of such party for President of the United States~~  
 1153 ~~or select delegates to the national nominating convention, as~~  
 1154 ~~provided by party rule. Any party rule directing the vote of~~  
 1155 ~~delegates at a national nominating convention shall reasonably~~  
 1156 ~~reflect the results of the presidential preference primary, if~~  
 1157 ~~one is held.~~

1158 (2) By November 30 ~~October 31~~ of the year preceding the  
 1159 presidential preference primary, each political party shall  
 1160 submit to the Secretary of State a list of its presidential  
 1161 candidates to be placed on the presidential preference primary  
 1162 ballot or candidates entitled to have delegates appear on the  
 1163 presidential preference primary ballot. The Secretary of State  
 1164 shall prepare and publish a list of the names of the  
 1165 presidential candidates submitted not later than on the first  
 1166 Tuesday after the first Monday in December ~~November~~ of the year  
 1167 preceding the presidential preference primary. The Department of  
 1168 State shall immediately notify each presidential candidate  
 1169 listed by the Secretary of State. Such notification shall be in  
 1170 writing, by registered mail, with return receipt requested.

1171 (3) A candidate's name shall be printed on the presidential  
 1172 preference primary ballot unless the candidate submits to the  
 1173 Department of State, prior to the second Tuesday after the first  
 1174 Monday in December ~~November~~ of the year preceding the  
 1175 presidential preference primary, an affidavit stating that he or  
 1176 she is not now, and does not presently intend to become, a



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1177 candidate for President at the upcoming nominating convention.  
 1178 If a candidate withdraws pursuant to this subsection, the  
 1179 Department of State shall notify the state executive committee  
 1180 that the candidate's name will not be placed on the ballot. The  
 1181 Department of State shall, no later than the third Tuesday after  
 1182 the first Monday in December ~~November~~ of the year preceding the  
 1183 presidential preference primary, certify to each supervisor of  
 1184 elections the name of each candidate for political party  
 1185 nomination to be printed on the ballot.

1186 Section 21. Section 104.0616, Florida Statutes, is amended  
 1187 to read:

1188 104.0616 Absentee ballots and voting; violations.—

1189 (1) For purposes of this section, the term "immediate  
 1190 family" means a person's spouse or the parent, child,  
 1191 grandparent, or sibling of the person or the person's spouse.

1192 (2) Any person who provides or offers to provide, and any  
 1193 person who accepts, a pecuniary or other benefit in exchange for  
 1194 distributing, ordering, requesting, collecting, delivering, or  
 1195 otherwise physically possessing more than two absentee ballots  
 1196 per election in addition to his or her own ballot or a ballot  
 1197 belonging to an immediate family member, with intent to alter,  
 1198 change, modify, or erase any vote on the absentee ballot, except  
 1199 as provided in ss. 101.6105-101.695, commits a misdemeanor of  
 1200 the first ~~felony of the third~~ degree, punishable as provided in  
 1201 s. 775.082, s. 775.083, or s. 775.084.

1202 Section 22. (1) Notwithstanding any other provision of law  
 1203 and effective retroactively to May 1, 2013, each committee of  
 1204 continuous existence, as defined in s. 106.011, Florida



ENROLLED

CS/HB 7013, Engrossed 1

2013 Legislature

1205 Statutes, and each reporting individual and procurement  
1206 employee, as defined in ss. 112.3148 and 112.3149, Florida  
1207 Statutes, is subject to and shall comply with ss. 112.3148 and  
1208 112.3149, Florida Statutes, with respect to gifts, honoraria,  
1209 and expenses related to honorarium events provided by a  
1210 committee of continuous existence. This section expires  
1211 September 30, 2013.

1212 (2) This section takes effect upon this act becoming a law.

1213 Section 23. Except as otherwise expressly provided in this  
1214 act and except for this section, which shall take effect upon  
1215 this act becoming a law, this act shall take effect January 1,  
1216 2014.