



918094

LEGISLATIVE ACTION

Senate	.	House
	.	
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Floor: 2/AD/2R	.	Floor: RC
05/05/2017 03:17 PM	.	05/05/2017 08:15 PM
	.	

Senators Mayfield and Clemens moved the following:

1 **Senate Substitute for Amendment (646064) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (a) of subsection (5) of section
7 97.021, Florida Statutes, is amended to read:

8 97.021 Definitions.—For the purposes of this code, except
9 where the context clearly indicates otherwise, the term:

10 (5) "Ballot" or "official ballot" when used in reference
11 to:



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12 (a) "Marksense ballot ballots" means the that printed sheet
13 of paper, used in conjunction with an electronic or
14 electromechanical vote tabulation voting system, containing the
15 names of candidates, or a statement of proposed constitutional
16 amendments or other questions or propositions submitted to the
17 electorate at an any election, or the selections made by the
18 elector of candidates or other questions or propositions at an
19 election, on which ~~sheet of paper~~ an elector casts his or her
20 vote either directly by using a marking device to designate his
21 or her ballot selections on the sheet of paper or indirectly
22 through the use of a voter interface device used to designate
23 his or her ballot selections on the sheet of paper.

24 Section 2. Paragraph (a) of subsection (7) of section
25 99.061, Florida Statutes, is amended to read:

26 99.061 Method of qualifying for nomination or election to
27 federal, state, county, or district office.-

28 (7) (a) In order for a candidate to be qualified, the
29 following items must be received by the filing officer by the
30 end of the qualifying period:

31 1. A money order or cashier's check ~~properly executed check~~
32 drawn upon funds in the candidate's campaign account payable to
33 the person or entity as prescribed by the filing officer in an
34 amount not less than the fee required by s. 99.092, unless the
35 candidate obtained the required number of signatures on
36 petitions pursuant to s. 99.095. The filing fee for a special
37 district candidate is not required to be drawn upon funds in the
38 candidate's campaign account. ~~If a candidate's check is returned~~
39 ~~by the bank for any reason, the filing officer shall immediately~~
40 ~~notify the candidate and the candidate shall have until the end~~



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41 ~~of qualifying to pay the fee with a cashier's check purchased~~
42 ~~from funds of the campaign account. Failure to pay the fee as~~
43 ~~provided in this subparagraph shall disqualify the candidate.~~

44 2. The candidate's oath required by s. 99.021, which must
45 contain the name of the candidate as it is to appear on the
46 ballot; the office sought, including the district or group
47 number if applicable; and the signature of the candidate, which
48 must be verified under oath or affirmation pursuant to s.
49 92.525(1) (a).

50 3. If the office sought is partisan, the written statement
51 of political party affiliation required by s. 99.021(1) (b).

52 4. The completed form for the appointment of campaign
53 treasurer and designation of campaign depository, as required by
54 s. 106.021.

55 5. The full and public disclosure or statement of financial
56 interests required by subsection (5). A public officer who has
57 filed the full and public disclosure or statement of financial
58 interests with the Commission on Ethics or the supervisor of
59 elections prior to qualifying for office may file a copy of that
60 disclosure at the time of qualifying.

61 Section 3. Subsection (3) of section 101.131, Florida
62 Statutes, is amended to read:

63 101.131 Watchers at polls.—

64 (3) Any elected official, ~~No candidate~~, ~~or~~ sheriff, deputy
65 sheriff, police officer, or other law enforcement officer may
66 not be designated as a poll watcher.

67 Section 4. Subsection (10) is added to section 101.151,
68 Florida Statutes, to read:

69 101.151 Specifications for ballots.—



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70 (10) With respect to any certified voting system that uses
71 a voter interface device to designate the elector's ballot
72 selections on a printed sheet of paper, this section, s.
73 101.161, and ss. 101.2512-101.254 that prescribe the ballot
74 layout apply only to the display of candidates and issues on the
75 voter interface device.

76 Section 5. Subsection (2) of section 101.20, Florida
77 Statutes, is amended to read:

78 101.20 Publication of ballot form; sample ballots.—

79 (2) Upon completion of the list of qualified candidates and
80 before the day of an election, a sample ballot shall be
81 published by the supervisor of elections in a newspaper of
82 general circulation in the county unless the supervisor mails a
83 sample ballot to each registered elector or to each household in
84 which there is a registered elector at least 7 days, before the
85 day of an election. A supervisor may send a sample ballot to
86 each registered elector by e-mail at least 7 days before the day
87 of an election if an e-mail address has been provided and the
88 elector has opted to receive a sample ballot by electronic
89 delivery. ~~If an e-mail address has not been provided, or if the~~
90 ~~elector has not opted for electronic delivery, a sample ballot~~
91 ~~may be mailed to each registered elector or to each household in~~
92 ~~which there is a registered elector at least 7 days before an~~
93 ~~election.~~

94 Section 6. Subsection (5) of section 101.5603, Florida
95 Statutes, is amended to read:

96 101.5603 Definitions relating to Electronic Voting Systems
97 Act.—As used in this act, the term:

98 (5) "Marking device" means any approved device for marking



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99 a ballot with ink or other substance, including through a voter
100 interface device, which will enable the ballot to be tabulated
101 by means of automatic tabulating equipment.

102 Section 7. Subsection (1) of section 101.56075, Florida
103 Statutes, is amended to read:

104 101.56075 Voting methods.—

105 (1) Except as provided in subsection (2), all voting shall
106 be by marksense ballot using ~~utilizing~~ a marking device for the
107 purpose of designating ballot selections.

108 Section 8. Paragraph (a) of subsection (5) of section
109 105.031, Florida Statutes, is amended to read:

110 105.031 Qualification; filing fee; candidate's oath; items
111 required to be filed.—

112 (5) ITEMS REQUIRED TO BE FILED.—

113 (a) In order for a candidate for judicial office or the
114 office of school board member to be qualified, the following
115 items must be received by the filing officer by the end of the
116 qualifying period:

117 1. Except for candidates for retention to judicial office,
118 a money order or cashier's check ~~properly executed check~~ drawn
119 upon funds in the candidate's campaign account in an amount not
120 less than the fee required by subsection (3) or, in lieu
121 thereof, the copy of the notice of obtaining ballot position
122 pursuant to s. 105.035. ~~If a candidate's check is returned by~~
123 ~~the bank for any reason, the filing officer shall immediately~~
124 ~~notify the candidate and the candidate shall, the end of~~
125 ~~qualifying notwithstanding, have 48 hours from the time such~~
126 ~~notification is received, excluding Saturdays, Sundays, and~~
127 ~~legal holidays, to pay the fee with a cashier's check purchased~~



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128 ~~from funds of the campaign account. Failure to pay the fee as~~
129 ~~provided in this subparagraph shall disqualify the candidate.~~

130 2. The candidate's oath required by subsection (4), which
131 must contain the name of the candidate as it is to appear on the
132 ballot; the office sought, including the district or group
133 number if applicable; and the signature of the candidate, duly
134 acknowledged.

135 3. The loyalty oath required by s. 876.05, signed by the
136 candidate and duly acknowledged.

137 4. The completed form for the appointment of campaign
138 treasurer and designation of campaign depository, as required by
139 s. 106.021. In addition, each candidate for judicial office,
140 including an incumbent judge, shall file a statement with the
141 qualifying officer, within 10 days after filing the appointment
142 of campaign treasurer and designation of campaign depository,
143 stating that the candidate has read and understands the
144 requirements of the Florida Code of Judicial Conduct. Such
145 statement shall be in substantially the following form:

146
147 Statement of Candidate for Judicial Office

148
149 I, ...(name of candidate)..., a judicial candidate, have
150 received, read, and understand the requirements of the Florida
151 Code of Judicial Conduct.

152 ...(Signature of candidate)...

153 ...(Date)...

154
155 5. The full and public disclosure of financial interests
156 required by s. 8, Art. II of the State Constitution or the



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157 statement of financial interests required by s. 112.3145,
158 whichever is applicable. A public officer who has filed the full
159 and public disclosure or statement of financial interests with
160 the Commission on Ethics or the supervisor of elections prior to
161 qualifying for office may file a copy of that disclosure at the
162 time of qualifying.

163 Section 9. This act shall take effect July 1, 2017.

164
165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled
170 An act relating to elections; amending s. 97.021,
171 F.S.; revising the definition of the term "marksense
172 ballots" for purposes of the Florida Election Code;
173 amending s. 99.061, F.S.; requiring a candidate to
174 provide a money order or cashier's check drawn upon
175 his or her campaign account to the filing officer to
176 pay his or her qualifying fee; deleting provisions
177 regarding returned checks, to conform; amending s.
178 101.131, F.S.; prohibiting an elected official from
179 being designated as a poll watcher; amending s.
180 101.151, F.S.; providing applicability of specified
181 ballot requirements to a voter interface device;
182 amending s. 101.20, F.S.; providing an exception to
183 the requirement that a sample ballot be published by
184 the supervisor of elections in a newspaper of general
185 circulation in the county; amending ss. 101.5603 and



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186 101.56075, F.S.; conforming provisions to changes made
187 by the act; amending s. 105.031, F.S.; requiring
188 certain nonpartisan candidates to provide a money
189 order or cashier's check drawn upon his or her
190 campaign account to the filing officer to pay his or
191 her qualifying fee; deleting provisions regarding
192 returned checks, to conform; providing an effective
193 date.