

1 A bill to be entitled
2 An act relating to elections; amending s. 97.021,
3 F.S.; revising the definition of the term "marksense
4 ballots" for purposes of the Florida Election Code;
5 amending s. 99.061, F.S.; revising qualification
6 requirements for a candidate; amending s. 100.011,
7 F.S.; prohibiting a court from extending the official
8 time of closing of the polls except under certain
9 circumstances; amending s. 101.051, F.S.; specifying
10 the manner in which a person providing assistance to
11 an elector in casting a ballot must read the ballot's
12 contents; increasing penalties for being in a voting
13 booth with an elector or soliciting an elector in an
14 effort to provide assistance to vote; providing a
15 penalty for giving certain things of value to an
16 elector in an effort to provide assistance to vote;
17 amending s. 101.131, F.S.; specifying a layout
18 requirement for a polling room or an early voting
19 area; prohibiting an election official from
20 obstructing a poll watcher under certain
21 circumstances; prohibiting an elected official from
22 being designated as a poll watcher; amending s.
23 101.151, F.S.; providing applicability of specified
24 ballot requirements to a voter interface device;
25 amending s. 101.20, F.S.; providing an exception to

26 | the requirement that a sample ballot be published by
 27 | the supervisor of elections in a newspaper of general
 28 | circulation in the county; amending ss. 101.5603 and
 29 | 101.56075, F.S.; conforming provisions to changes made
 30 | by the act; providing an effective date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:

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 34 | Section 1. Paragraph (a) of subsection (5) of section
 35 | 97.021, Florida Statutes, is amended to read:

36 | 97.021 Definitions.—For the purposes of this code, except
 37 | where the context clearly indicates otherwise, the term:

38 | (5) "Ballot" or "official ballot" when used in reference
 39 | to:

40 | (a) "Marksense ballot ballots" means the that printed
 41 | sheet of paper, used in conjunction with an electronic or
 42 | electromechanical vote tabulation voting system, containing the
 43 | names of candidates, or a statement of proposed constitutional
 44 | amendments or other questions or propositions submitted to the
 45 | electorate at an any election, or the selections made by the
 46 | elector of candidates or other questions or propositions at an
 47 | election, on which ~~sheet of paper~~ an elector casts his or her
 48 | vote either directly by using a marking device to designate his
 49 | or her ballot selections on the sheet of paper or indirectly
 50 | through the use of a voter interface device used to designate

51 his or her ballot selections on the sheet of paper.

52 Section 2. Paragraph (a) of subsection (7) of section
53 99.061, Florida Statutes, is amended to read:

54 99.061 Method of qualifying for nomination or election to
55 federal, state, county, or district office.—

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

59 1. A money order, cashier's check, or properly executed
60 check drawn upon funds from the candidate's campaign account
61 payable to the person or entity as prescribed by the filing
62 officer in an amount not less than the fee required by s.
63 99.092, unless the candidate obtained the required number of
64 signatures on petitions pursuant to s. 99.095. The filing fee
65 for a special district candidate is not required to be drawn
66 upon the candidate's campaign account. ~~If a candidate's check is~~
67 ~~returned by the bank for any reason, the filing officer shall~~
68 ~~immediately notify the candidate and the candidate shall have~~
69 ~~until the end of qualifying to pay the fee with a cashier's~~
70 ~~check purchased from funds of the campaign account. Failure to~~
71 ~~pay the fee as provided in this subparagraph shall disqualify~~
72 ~~the candidate.~~

73 2. The candidate's oath required by s. 99.021, which must
74 contain the name of the candidate as it is to appear on the
75 ballot; the office sought, including the district or group

76 | number if applicable; and the signature of the candidate, which
 77 | must be verified under oath or affirmation pursuant to s.
 78 | 92.525(1) (a).

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

81 | 4. The completed form for the appointment of campaign
 82 | treasurer and designation of campaign depository, as required by
 83 | s. 106.021.

84 | 5. The full and public disclosure or statement of
 85 | financial interests required by subsection (5). A public officer
 86 | who has filed the full and public disclosure or statement of
 87 | financial interests with the Commission on Ethics or the
 88 | supervisor of elections prior to qualifying for office may file
 89 | a copy of that disclosure at the time of qualifying.

90 | Section 3. Subsections (3) and (4) of section 100.011,
 91 | Florida Statutes, are renumbered as subsections (4) and (5),
 92 | respectively, and a new subsection (3) is added to that section
 93 | to read:

94 | 100.011 Opening and closing of polls, all elections;
 95 | expenses.—

96 | (3) A court may not extend the official time of closing of
 97 | the polls unless there is a specific showing or finding of fact
 98 | that extraordinary circumstances exist to justify the extension.

99 | Section 4. Subsections (1) and (2) of section 101.051,
 100 | Florida Statutes, are amended to read:

101 101.051 Electors seeking assistance in casting ballots;
102 oath to be executed; forms to be furnished.—

103 (1) Any elector applying to vote in any election who
104 requires assistance to vote by reason of blindness, disability,
105 or inability to read or write may request the assistance of two
106 election officials or some other person of the elector's own
107 choice, other than the elector's employer, an agent of the
108 employer, or an officer or agent of his or her union, to assist
109 the elector in casting his or her vote. Any such elector, before
110 retiring to the voting booth, may have one of such persons read
111 over to him or her, without suggestion or interference, the
112 titles of the offices to be filled and the candidates therefor
113 and the issues on the ballot fully and in their entirety. After
114 the elector requests the aid of the two election officials or
115 the person of the elector's choice, they shall retire to the
116 voting booth for the purpose of casting the elector's vote
117 according to the elector's choice.

118 (2) It is unlawful for any person to be in the voting
119 booth with any elector except as provided in subsection (1). A
120 person at a polling place or early voting site, or within 100
121 feet of the entrance of a polling place or early voting site,
122 may not solicit any elector in an effort to provide assistance
123 to vote pursuant to subsection (1). A person may not give
124 anything of value that is redeemable in cash to any elector in
125 an effort to provide assistance to vote pursuant to subsection

126 | (1). Any person who violates this subsection commits a felony
 127 | ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
 128 | s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

129 | Section 5. Subsections (1) and (3) of section 101.131,
 130 | Florida Statutes, are amended to read:

131 | 101.131 Watchers at polls.—

132 | (1) Each political party and each candidate may have one
 133 | watcher in each polling room or early voting area at any one
 134 | time during the election. A political committee formed for the
 135 | specific purpose of expressly advocating the passage or defeat
 136 | of an issue on the ballot may have one watcher for each polling
 137 | room or early voting area at any one time during the election.
 138 | No watcher shall be permitted to come closer to the officials'
 139 | table or the voting booths than is reasonably necessary to
 140 | properly perform his or her functions, but each shall be allowed
 141 | within the polling room or early voting area to watch and
 142 | observe the conduct of electors and officials. The polling room
 143 | or early voting area shall be laid out in a manner so as to not
 144 | impede a poll watcher from observing the operations of the
 145 | polling place. An official may not obstruct a poll watcher's
 146 | good faith performance of his or her functions so long as the
 147 | poll watcher is not disrupting the operations of the polling
 148 | place. The poll watchers shall furnish their own materials and
 149 | necessities and may ~~shall~~ not obstruct the orderly conduct of
 150 | any election. The poll watchers shall pose any questions

151 regarding polling place procedures directly to the clerk for
 152 resolution. They may not interact with voters. Each poll watcher
 153 shall be a qualified and registered elector of the county in
 154 which he or she serves.

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

158 Section 6. Subsection (10) is added to section 101.151,
 159 Florida Statutes, to read:

160 101.151 Specifications for ballots.—

161 (10) With respect to any certified voting system that uses
 162 a voter interface device to designate the elector's ballot
 163 selections on a printed sheet of paper, this section, s.
 164 101.161, and ss. 101.2512-101.254 that prescribe the ballot
 165 layout apply only to the display of candidates and issues on the
 166 voter interface device.

167 Section 7. Subsection (2) of section 101.20, Florida
 168 Statutes, is amended to read:

169 101.20 Publication of ballot form; sample ballots.—

170 (2) Upon completion of the list of qualified candidates
 171 and before the day of an election, a sample ballot shall be
 172 published by the supervisor of elections in a newspaper of
 173 general circulation in the county unless the supervisor mails a
 174 sample ballot to each registered elector or to each household in
 175 which there is a registered elector at least 7 days, before the

176 day of an election. A supervisor may send a sample ballot to
 177 each registered elector by e-mail at least 7 days before the day
 178 of an election if an e-mail address has been provided and the
 179 elector has opted to receive a sample ballot by electronic
 180 delivery. ~~If an e-mail address has not been provided, or if the~~
 181 ~~elector has not opted for electronic delivery, a sample ballot~~
 182 ~~may be mailed to each registered elector or to each household in~~
 183 ~~which there is a registered elector at least 7 days before an~~
 184 ~~election.~~

185 Section 8. Subsection (5) of section 101.5603, Florida
 186 Statutes, is amended to read:

187 101.5603 Definitions relating to Electronic Voting Systems
 188 Act.—As used in this act, the term:

189 (5) "Marking device" means any approved device for marking
 190 a ballot with ink or other substance, including through a voter
 191 interface device, which will enable the ballot to be tabulated
 192 by means of automatic tabulating equipment.

193 Section 9. Subsection (1) of section 101.56075, Florida
 194 Statutes, is amended to read:

195 101.56075 Voting methods.—

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

199 Section 10. This act shall take effect July 1, 2017.