

By the Committee on Ethics and Elections; and Senator Brandes

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1 A bill to be entitled
2 An act relating to elections; amending s. 101.043,
3 F.S.; deleting a provision that prohibits the use of
4 an address appearing on identification presented by an
5 elector at the polls as a basis to confirm an
6 elector's legal residence; amending s. 101.131, F.S.;
7 revising requirements for eligibility to serve as a
8 poll watcher; amending s. 101.5612, F.S.; revising the
9 timeframes for conducting public preelection testing
10 of automatic tabulating equipment; amending s.
11 101.5614, F.S.; removing the requirement that
12 duplicate ballots be made of vote-by-mail ballots
13 containing overvoted races; amending s. 101.6103,
14 F.S.; revising the timeframe in which the supervisor
15 of elections must mail ballots in elections conducted
16 under the Mail Ballot Election Act; amending s.
17 103.091, F.S.; authorizing a qualifying office to
18 accept and hold qualifying papers for candidates for
19 political party executive committees before the
20 beginning of the qualifying period; amending s.
21 106.08, F.S.; preempting counties, municipalities, and
22 other local governmental entities from enacting or
23 adopting any limitation or restriction involving
24 certain contributions and expenditures; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (b) of subsection (1) of section

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30 101.043, Florida Statutes, is amended to read:

31 101.043 Identification required at polls.—

32 (1)

33 (b) If the picture identification does not contain the
34 signature of the elector, an additional identification that
35 provides the elector's signature shall be required. The address
36 appearing on the identification presented by the elector may not
37 be used as the basis to ~~confirm an elector's legal residence or~~
38 ~~otherwise~~ challenge an elector's legal residence. The elector
39 shall sign his or her name in the space provided on the precinct
40 register or on an electronic device provided for recording the
41 elector's signature. The clerk or inspector shall compare the
42 signature with that on the identification provided by the
43 elector and enter his or her initials in the space provided on
44 the precinct register or on an electronic device provided for
45 that purpose and allow the elector to vote if the clerk or
46 inspector is satisfied as to the identity of the elector.

47 Section 2. Subsection (1) of section 101.131, Florida
48 Statutes, is amended to read:

49 101.131 Watchers at polls.—

50 (1) Each political party and each candidate may have one
51 watcher in each polling room or early voting area at any one
52 time during the election. A political committee formed for the
53 specific purpose of expressly advocating the passage or defeat
54 of an issue on the ballot may have one watcher for each polling
55 room or early voting area at any one time during the election. A
56 ~~No~~ watcher may not ~~shall be permitted to~~ come closer to the
57 officials' table or the voting booths than is reasonably
58 necessary to properly perform his or her functions, but is each

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59 ~~shall be~~ allowed within the polling room or early voting area to
60 watch and observe the conduct of electors and officials. The
61 poll watchers shall furnish their own materials and necessities
62 and may ~~shall~~ not obstruct the orderly conduct of any election.
63 The poll watchers shall pose any questions regarding polling
64 place procedures directly to the clerk for resolution. They may
65 not interact with voters. Each poll watcher must ~~shall~~ be a
66 qualified and registered elector of this state ~~the county in~~
67 ~~which he or she serves~~.

68 Section 3. Subsection (2) of section 101.5612, Florida
69 Statutes, is amended to read:

70 101.5612 Testing of tabulating equipment.—

71 (2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the
72 commencement of early voting as provided in s. 101.657, the
73 supervisor of elections shall have the automatic tabulating
74 equipment publicly tested to ascertain that the equipment will
75 correctly count the votes cast for all offices and on all
76 measures. If the ballots to be used at the polling place on
77 election day are not available at the time of the testing, the
78 supervisor may conduct an additional test not more than 10 days
79 before election day. Public notice of the time and place of the
80 test shall be given at least 48 hours prior thereto by
81 publication on the supervisor of elections' website and once in
82 one or more newspapers of general circulation in the county or,
83 if there is no newspaper of general circulation in the county,
84 by posting the notice in at least four conspicuous places in the
85 county. The supervisor or the municipal elections official may,
86 at the time of qualifying, give written notice of the time and
87 location of the public preelection test to each candidate

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88 qualifying with that office and obtain a signed receipt that the
89 notice has been given. The Department of State shall give
90 written notice to each statewide candidate at the time of
91 qualifying, or immediately at the end of qualifying, that the
92 voting equipment will be tested and advise each candidate to
93 contact the county supervisor of elections as to the time and
94 location of the public preelection test. The supervisor or the
95 municipal elections official shall, at least 30 ~~45~~ days before
96 ~~prior to~~ the commencement of early voting as provided in s.
97 101.657, send written notice by certified mail to the county
98 party chair of each political party and to all candidates for
99 other than statewide office whose names appear on the ballot in
100 the county and who did not receive written notification from the
101 supervisor or municipal elections official at the time of
102 qualifying, stating the time and location of the public
103 preelection test of the automatic tabulating equipment. The
104 canvassing board shall convene, and each member of the
105 canvassing board shall certify to the accuracy of the test. For
106 the test, the canvassing board may designate one member to
107 represent it. The test shall be open to representatives of the
108 political parties, the press, and the public. Each political
109 party may designate one person with expertise in the computer
110 field who shall be allowed in the central counting room when all
111 tests are being conducted and when the official votes are being
112 counted. The designee shall not interfere with the normal
113 operation of the canvassing board.

114 Section 4. Paragraph (a) of subsection (4) of section
115 101.5614, Florida Statutes, is amended to read:

116 101.5614 Canvass of returns.—

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117 (4) (a) If any vote-by-mail ballot is physically damaged so
118 that it cannot properly be counted by the automatic tabulating
119 equipment, a true duplicate copy shall be made of the damaged
120 ballot in the presence of witnesses and substituted for the
121 damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be
122 made of ~~a vote-by-mail ballot containing an overvoted race or a~~
123 marked vote-by-mail ballot in which every race is undervoted,
124 including ~~which shall include~~ all valid votes as determined by
125 the canvassing board based on rules adopted by the division
126 pursuant to s. 102.166(4). Upon request, a physically present
127 candidate, a political party official, a political committee
128 official, or an authorized designee thereof, must be allowed to
129 observe the duplication of ballots. All duplicate ballots shall
130 be clearly labeled "duplicate," bear a serial number which shall
131 be recorded on the defective ballot, and be counted in lieu of
132 the defective ballot. After a ballot has been duplicated, the
133 defective ballot shall be placed in an envelope provided for
134 that purpose, and the duplicate ballot shall be tallied with the
135 other ballots for that precinct.

136 Section 5. Subsection (1) of section 101.6103, Florida
137 Statutes, is amended to read:

138 101.6103 Mail ballot election procedure.—

139 (1) Except as otherwise provided in subsection (7), the
140 supervisor of elections shall mail all official ballots with a
141 secrecy envelope, a return mailing envelope, and instructions
142 sufficient to describe the voting process to each elector
143 entitled to vote in the election not sooner than the 40th ~~20th~~
144 day before the election and not later than the 10th day before
145 the date of the election. All such ballots shall be mailed by

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146 first-class mail. Ballots shall be addressed to each elector at
147 the address appearing in the registration records and placed in
148 an envelope which is prominently marked "Do Not Forward."

149 Section 6. Subsection (4) of section 103.091, Florida
150 Statutes, is amended to read:

151 103.091 Political parties.—

152 (4) Any political party other than a minor political party
153 may by rule provide for the membership of its state or county
154 executive committee to be elected for 4-year terms at the
155 primary election in each year a presidential election is held.
156 The terms begin ~~shall commence~~ on the first day of the month
157 following each presidential general election, ~~+~~ but the names of
158 candidates for political party offices may ~~shall~~ not be placed
159 on the ballot at any other election. The results of such
160 election shall be determined by a plurality of the votes cast.
161 In such event, electors seeking to qualify for such office shall
162 do so with the Department of State or supervisor of elections no
163 ~~not~~ earlier than noon of the 71st day, or later than noon of the
164 67th day, preceding the primary election. Notwithstanding the
165 qualifying period prescribed in this subsection, a qualifying
166 office may accept and hold qualifying papers submitted no
167 earlier than 14 days before the beginning of the qualifying
168 period, to be processed and filed during the qualifying period.
169 The outgoing chair of each county executive committee shall,
170 within 30 days after the committee members take office, hold an
171 organizational meeting of all newly elected members for the
172 purpose of electing officers. The chair of each state executive
173 committee shall, within 60 days after the committee members take
174 office, hold an organizational meeting of all newly elected

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175 members for the purpose of electing officers.

176 Section 7. Subsection (11) is added to section 106.08,
177 Florida Statutes, to read:

178 106.08 Contributions; limitations on; preemption.—

179 (11) A county, a municipality, or any other local
180 governmental entity is expressly preempted from enacting or
181 adopting any limitation or restriction involving:

182 (a) Contributions to a political committee or an
183 electioneering communications organization.

184 (b) Expenditures for an electioneering communication or an
185 independent expenditure.

186 Section 8. This act shall take effect July 1, 2020.