

By Senator Brandes

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1 A bill to be entitled
2 An act relating to elections; amending ss. 97.052 and
3 97.053, F.S.; revising requirements for the uniform
4 statewide voter registration application and the
5 acceptance of such applications; amending s. 97.0585,
6 F.S.; deleting an exemption from public records
7 requirements for information related to a voter
8 registration applicant's or voter's prior felony
9 conviction and his or her restoration of voting rights
10 to conform to changes made by the act; amending s.
11 101.043, F.S.; deleting a provision that prohibits the
12 use of an address appearing on identification
13 presented by an elector at the polls as a basis to
14 confirm an elector's legal residence; deleting a
15 provision that prohibits a clerk or an inspector from
16 asking an elector to provide additional identification
17 information under specified circumstances; amending s.
18 101.051, F.S.; increasing the no-solicitation zone
19 surrounding the entrance of a polling place or an
20 early voting site wherein certain activities are
21 prohibited; amending s. 101.131, F.S.; modifying
22 restrictions governing poll watcher interaction with
23 voters; revising requirements for eligibility to serve
24 as a poll watcher; revising certain deadlines for the
25 submission of poll watcher designation forms; removing
26 the requirement that the supervisor of elections
27 provide poll watcher identification badges in advance
28 of the election; amending s. 101.5614, F.S.; removing
29 the requirement that duplicate ballots be made of

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30 vote-by-mail ballots containing overvoted races;
31 creating s. 101.5617, F.S.; prohibiting the use of
32 electronic poll books that are not approved by the
33 Department of State, beginning with the 2022 primary
34 election; requiring the department to adopt rules that
35 meet certain minimum criteria; amending s. 101.6103,
36 F.S.; revising the timeframe in which the supervisor
37 of elections must mail ballots in elections conducted
38 under the Mail Ballot Election Act; amending s.
39 102.031, F.S.; prohibiting owners, operators, or
40 lessees of property on which polling places or early
41 voting sites are located from prohibiting the
42 solicitation of voters by a candidate or a candidate's
43 designee outside the no-solicitation zone during
44 polling hours; amending s. 103.091, F.S.; authorizing
45 a qualifying office to accept and hold qualifying
46 papers for candidates for political party executive
47 committees before the beginning of the qualifying
48 period; amending s. 106.08, F.S.; requiring the
49 Division of Elections to periodically adjust campaign
50 contribution limits for inflation; requiring the
51 division to post the adjusted limits on its website;
52 preempting counties, municipalities, and other local
53 governmental entities from enacting or adopting any
54 limitation or restriction involving certain
55 contributions and expenditures, or establishing
56 contribution limits different than those established
57 in the Florida Election Code; providing applicability;
58 providing an effective date.

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

Section 1. Paragraph (t) of subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

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

(t)~~1.~~ Whether the applicant has ~~never~~ been convicted of a felony and, if convicted, has had his or her voting rights restored by including the statement "I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.

~~2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency." and providing a box for the applicant to check to affirm the statement.~~

~~3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation." and providing a box for the applicant to check to affirm the statement.~~

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88 Section 2. Paragraph (a) of subsection (5) of section
89 97.053, Florida Statutes, is amended to read:

90 97.053 Acceptance of voter registration applications.—

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

94 1. The applicant's name.

95 2. The applicant's address of legal residence, including a
96 distinguishing apartment, suite, lot, room, or dormitory room
97 number or other identifier, if appropriate. Failure to include a
98 distinguishing apartment, suite, lot, room, or dormitory room or
99 other identifier on a voter registration application does not
100 impact a voter's eligibility to register to vote or cast a
101 ballot, and such an omission may not serve as the basis for a
102 challenge to a voter's eligibility or reason to not count a
103 ballot.

104 3. The applicant's date of birth.

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

107 5.a. The applicant's current and valid Florida driver
108 license number or the identification number from a Florida
109 identification card issued under s. 322.051, or

110 b. If the applicant has not been issued a current and valid
111 Florida driver license or a Florida identification card, the
112 last four digits of the applicant's social security number.

113

114 In case an applicant has not been issued a current and valid
115 Florida driver license, Florida identification card, or social
116 security number, the applicant shall affirm this fact in the

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117 manner prescribed in the uniform statewide voter registration
118 application.

119 6. A mark in the ~~applicable~~ checkbox affirming that the
120 applicant has not been convicted of a felony or that, if
121 convicted, ~~has had his or her civil rights restored through~~
122 ~~executive clemency, or~~ has had his or her voting rights restored
123 pursuant to s. 4, Art. VI of the State Constitution.

124 7. A mark in the checkbox affirming that the applicant has
125 not been adjudicated mentally incapacitated with respect to
126 voting or that, if so adjudicated, has had his or her right to
127 vote restored.

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

135 Section 3. Paragraphs (d), (e), and (f) of subsection (1)
136 of section 97.0585, Florida Statutes, are amended to read:

137 97.0585 Public records exemption; information regarding
138 voters and voter registration; confidentiality.-

139 (1) The following information held by an agency, as defined
140 in s. 119.011, and obtained for the purpose of voter
141 registration is confidential and exempt from s. 119.07(1) and s.
142 24(a), Art. I of the State Constitution and may be used only for
143 purposes of voter registration:

144 (d) ~~Information related to a voter registration applicant's~~
145 ~~or voter's prior felony conviction and whether such person has~~

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146 ~~had his or her voting rights restored by the Board of Executive~~
147 ~~Clemency or pursuant to s. 4, Art. VI of the State Constitution.~~

148 ~~(e)~~ All information concerning preregistered voter
149 registration applicants who are 16 or 17 years of age.

150 (e) ~~(f)~~ Paragraph (d) is ~~Paragraphs (d) and (e) are~~ subject
151 to the Open Government Sunset Review Act in accordance with s.
152 119.15 and shall stand repealed on October 2, 2024, unless
153 reviewed and saved from repeal through reenactment by the
154 Legislature.

155 Section 4. Paragraphs (b) and (c) of subsection (1) of
156 section 101.043, Florida Statutes, are amended to read:

157 101.043 Identification required at polls.—

158 (1)

159 (b) If the picture identification does not contain the
160 signature of the elector, an additional identification that
161 provides the elector's signature shall be required. The address
162 appearing on the identification presented by the elector may not
163 be used as the basis to ~~confirm an elector's legal residence or~~
164 ~~otherwise~~ challenge an elector's legal residence. The elector
165 shall sign his or her name in the space provided on the precinct
166 register or on an electronic device provided for recording the
167 elector's signature. The clerk or inspector shall compare the
168 signature with that on the identification provided by the
169 elector and enter his or her initials in the space provided on
170 the precinct register or on an electronic device provided for
171 that purpose and allow the elector to vote if the clerk or
172 inspector is satisfied as to the identity of the elector.

173 ~~(c) When an elector presents his or her picture~~
174 ~~identification to the clerk or inspector and the elector's~~

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175 ~~address on the picture identification matches the elector's~~
176 ~~address in the supervisor's records, the elector may not be~~
177 ~~asked to provide additional information or to recite his or her~~
178 ~~home address.~~

179 Section 5. Subsection (2) of section 101.051, Florida
180 Statutes, is amended to read:

181 101.051 Electors seeking assistance in casting ballots;
182 oath to be executed; forms to be furnished.—

183 (2) It is unlawful for any person to be in the voting booth
184 with any elector except as provided in subsection (1). A person
185 at a polling place or an early voting site, or within 150 ~~100~~
186 feet of the entrance of a polling place or an early voting site,
187 may not solicit any elector in an effort to provide assistance
188 to vote pursuant to subsection (1). Any person who violates this
189 subsection commits a misdemeanor of the first degree, punishable
190 as provided in s. 775.082 or s. 775.083.

191 Section 6. Subsections (1), (2), and (5) of section
192 101.131, Florida Statutes, are amended to read:

193 101.131 Watchers at polls.—

194 (1) Each political party and each candidate may have one
195 watcher in each polling room or early voting area at any one
196 time during the election. A political committee formed for the
197 specific purpose of expressly advocating the passage or defeat
198 of an issue on the ballot may have one watcher for each polling
199 room or early voting area at any one time during the election. A
200 ~~No~~ watcher may not ~~shall be permitted to~~ come closer to the
201 officials' table or the voting booths than is reasonably
202 necessary to properly perform his or her functions, but is ~~each~~
203 ~~shall be~~ allowed within the polling room or early voting area to

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204 watch and observe the conduct of electors and officials. The
205 poll watchers shall furnish their own materials and necessities
206 and may ~~shall~~ not obstruct the orderly conduct of any election.
207 The poll watchers shall pose any questions regarding polling
208 place procedures directly to the clerk for resolution. They may
209 not interact with voters in the polling place, polling room,
210 early voting area, or in the no-solicitation zone prescribed in
211 s. 102.031. Each poll watcher must either ~~shall~~ be a qualified
212 and registered elector of the county in which he or she serves
213 or a member in good standing of The Florida Bar and a qualified
214 and registered elector of this state.

215 (2) Each party, each political committee, and each
216 candidate requesting to have poll watchers shall designate, in
217 writing to the supervisors of elections, on a form prescribed by
218 the division, before noon of the second Tuesday preceding the
219 election poll watchers for each polling room on election day.
220 Designations of poll watchers for early voting areas must ~~shall~~
221 be submitted in writing to the supervisor ~~of elections~~, on a
222 form prescribed by the division, before noon at least 14 days
223 before early voting begins. If the deadline for submitting the
224 designation form falls on a Saturday, Sunday, or holiday, the
225 form must be submitted before noon on the next business day. The
226 poll watchers for polling rooms must ~~shall~~ be approved by the
227 supervisor ~~of elections~~ on or before the Tuesday before the
228 election. Poll watchers for early voting areas must ~~shall~~ be
229 approved by the supervisor ~~of elections~~ no later than 7 days
230 before early voting begins. The supervisor shall furnish to each
231 election board a list of the poll watchers designated and
232 approved for such polling rooms or early voting areas.

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233 Designation of poll watchers shall be made by the chair of the
234 county executive committee of a political party, the chair of a
235 political committee, or the candidate requesting to have poll
236 watchers.

237 (5) The supervisor ~~of elections~~ shall provide to each
238 designated poll watcher ~~an, no later than 7 days before early~~
239 ~~voting begins, a poll watcher~~ identification badge that
240 identifies the poll watcher by name. Each poll watcher must wear
241 his or her identification badge while in the polling room or
242 early voting area.

243 Section 7. Paragraph (a) of subsection (4) of section
244 101.5614, Florida Statutes, is amended to read:

245 101.5614 Canvass of returns.—

246 (4) (a) If any vote-by-mail ballot is physically damaged so
247 that it cannot properly be counted by the voting system's
248 automatic tabulating equipment, a true duplicate copy shall be
249 made of the damaged ballot in the presence of witnesses and
250 substituted for the damaged ballot. ~~Likewise,~~ A duplicate ballot
251 must also ~~shall~~ be made of ~~a vote-by-mail ballot containing an~~
252 ~~overvoted race or~~ a marked vote-by-mail ballot in which every
253 race is undervoted, including ~~which shall include~~ all valid
254 votes as determined by the canvassing board based on rules
255 adopted by the division pursuant to s. 102.166(4). Upon request,
256 a physically present candidate, a political party official, a
257 political committee official, or an authorized designee thereof,
258 must be allowed to observe the duplication of ballots. All
259 duplicate ballots shall be clearly labeled "duplicate," bear a
260 serial number that ~~which~~ shall be recorded on the defective
261 ballot, and be counted in lieu of the defective ballot. After a

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262 ballot has been duplicated, the defective ballot shall be placed
263 in an envelope provided for that purpose, and the duplicate
264 ballot shall be tallied with the other ballots for that
265 precinct.

266 Section 8. Section 101.5617, Florida Statutes, is created
267 to read:

268 101.5617 Electronic poll book approval.-

269 (1) Beginning with the 2022 primary election and each
270 election thereafter, an electronic poll book may not be used as
271 a precinct register unless it is approved for such use by the
272 department.

273 (2) The department shall adopt rules for the approval of an
274 electronic poll book which provide that the electronic poll
275 book, at a minimum, must:

276 (a) Be secure from unauthorized intrusion.

277 (b) Contain all information required to be included in a
278 precinct register under s. 98.461(2).

279 (c) Be compatible with the statewide voter registration
280 system and securely transmit changes to a voter's voting history
281 to the voter registration system.

282 (d) Be compatible with a form or device provided by the
283 supervisor to capture an elector's signature in accordance with
284 s. 101.5608(1).

285 Section 9. Subsection (1) of section 101.6103, Florida
286 Statutes, is amended to read:

287 101.6103 Mail ballot election procedure.-

288 (1) Except as otherwise provided in subsection (7), the
289 supervisor of elections shall mail all official ballots with a
290 secrecy envelope, a return mailing envelope, and instructions

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291 sufficient to describe the voting process to each elector
292 entitled to vote in the election between ~~not sooner than~~ the
293 40th and 33rd days ~~20th day~~ before the election and not later
294 than the 10th day before the date of the election. All such
295 ballots shall be mailed by first-class mail. Ballots shall be
296 addressed to each elector at the address appearing in the
297 registration records and placed in an envelope that ~~which~~ is
298 prominently marked "Do Not Forward."

299 Section 10. Paragraph (e) of subsection (4) of section
300 102.031, Florida Statutes, is amended to read:

301 102.031 Maintenance of good order at polls; authorities;
302 persons allowed in polling rooms and early voting areas;
303 unlawful solicitation of voters.—

304 (4)

305 (e) The owner, operator, or lessee of the property on which
306 a polling place or an early voting site is located, or an agent
307 or employee thereof, may not prohibit the solicitation of voters
308 by any candidate or a candidate's designee outside of the no-
309 solicitation zone during polling hours.

310 Section 11. Subsection (4) of section 103.091, Florida
311 Statutes, is amended to read:

312 103.091 Political parties.—

313 (4) Any political party other than a minor political party
314 may by rule provide for the membership of its state or county
315 executive committee to be elected for 4-year terms at the
316 primary election in each year a presidential election is held.
317 The terms begin ~~shall commence~~ on the first day of the month
318 following each presidential general election, ; but the names of
319 candidates for political party offices may ~~shall~~ not be placed

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320 on the ballot at any other election. The results of such
321 election shall be determined by a plurality of the votes cast.
322 In such event, electors seeking to qualify for such office shall
323 do so with the Department of State or supervisor of elections no
324 ~~not~~ earlier than noon of the 71st day, or later than noon of the
325 67th day, preceding the primary election. Notwithstanding the
326 qualifying period prescribed in this subsection, a qualifying
327 office may accept and hold qualifying papers submitted no
328 earlier than 14 days before the beginning of the qualifying
329 period, to be processed and filed during the qualifying period.
330 The outgoing chair of each county executive committee shall,
331 within 30 days after the committee members take office, hold an
332 organizational meeting of all newly elected members for the
333 purpose of electing officers. The chair of each state executive
334 committee shall, within 60 days after the committee members take
335 office, hold an organizational meeting of all newly elected
336 members for the purpose of electing officers.

337 Section 12. Paragraph (a) of subsection (1) of section
338 106.08, Florida Statutes, is amended, and subsection (11) is
339 added to that section, to read:

340 106.08 Contributions; limitations on; preemption.-

341 (1) (a) Except for political parties or affiliated party
342 committees, no person or political committee may, in any
343 election, make contributions in excess of the following amounts:

344 1. To a candidate for statewide office or for retention as
345 a justice of the Supreme Court, \$3,000. Candidates for the
346 offices of Governor and Lieutenant Governor on the same ticket
347 are considered a single candidate for the purpose of this
348 section.

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349 2. To a candidate for retention as a judge of a district
350 court of appeal; a candidate for legislative office; a candidate
351 for multicounty office; a candidate for countywide office or in
352 any election conducted on less than a countywide basis; or a
353 candidate for county court judge or circuit judge, \$1,000.

354
355 Effective January 1, 2025, and every 5 years thereafter, the
356 division shall adjust the contribution limits established in
357 subparagraphs 1. and 2. in an amount equal to the total of the
358 annual increases for the preceding 5-year period in the Consumer
359 Price Index for All Urban Consumers, U.S. City Average, All
360 Items. The division shall round each adjusted amount to the
361 nearest hundredth. Following each adjustment, the division shall
362 publish the revised contribution limits on its website.

363 (11) (a) A county, a municipality, or any other local
364 governmental entity is expressly preempted from enacting or
365 adopting:

366 1. Contribution limits that differ from the limitations
367 established in subsection (1);

368 2. Any limitation or restriction involving contributions to
369 a political committee or an electioneering communications
370 organization; or

371 3. Any limitation or restriction on expenditures for an
372 electioneering communication or an independent expenditure.

373 (b) Any existing or future limitation or restriction
374 enacted or adopted by a county, a municipality, or any other
375 local governmental entity which is in conflict with this
376 subsection is void.

377 Section 13. This act shall take effect October 1, 2021.