

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Bartleman offered the following:

Amendment to Amendment (107453) (with title amendment)

Remove lines 912-1173 and insert:

also return the elector's ballot to a drop box if he or she is expressly designated as required by s. 104.0616(3).

(d) A person returning a ballot by use of a drop box monitored by an employee of the supervisor's office must present one of the current and valid picture identifications authorized in s. 101.043(1)(a) for in person voting. The employee of the supervisor's office must ensure that the name on the identification provided matches the printed name on the mailing envelope. If an elector returning the elector's own ballot is

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

14 not in possession of the required identification, the elector
15 must complete a signed attestation listing the elector's name
16 and stating that the elector did not have identification on his
17 or her person when returning his or her own ballot. If the
18 person other than the elector whose ballot is being deposited
19 does not have required identification, the person may not
20 deposit any ballot unless the person signs a designee's
21 attestation under penalty of perjury listing the person's name,
22 stating that the person is expressly designated to return each
23 ballot deposited that is not his or her own, listing the
24 person's driver license number, the person's Florida
25 identification card number, or the last four digits of the
26 person's social security number or stating that the person does
27 not have or know any such number, and listing the names of each
28 elector whose ballot is being deposited and the relationship of
29 such elector to the person signing the attestation. Any
30 attestation required in this subsection must be deposited into
31 the drop box with the return mailing envelope. A copy of the
32 attestation must be maintained with other election records. Any
33 designee's attestation that does not list the driver license
34 number or Florida identification card number of the designee
35 must be segregated and available for inspection pursuant to s.
36 119.01(1) by the time the election is certified. On each day a
37 drop box is in use, the drop box must be emptied at the end of
38 the day's usage, and more frequently if usage requires, and all

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

39 the ballots retrieved from each drop box must be promptly
40 delivered to the supervisor's office.

41 (e) The Division of Elections may prescribe by rule forms
42 of the attestations described in paragraph (d) which shall
43 include notice that making false attestation is a felony of the
44 third degree under s. 104.032. The division and each supervisor
45 shall ensure that copies of the attestation forms described in
46 paragraph (d) are available online and at each supervisor's
47 office for the convenience of voters. Each supervisor shall
48 ensure that copies of the attestation forms described in
49 paragraph (d) are available at each drop box location.

50 (3) If any drop box is left accessible for ballot receipt
51 other than as authorized by this section, the supervisor is
52 subject to a civil penalty of \$25,000. The Division of Elections
53 is authorized to enforce this provision.

54 Section 24. Paragraphs (a), (b), and (e) of subsection (4)
55 of section 102.031, Florida Statutes, are amended to read:

56 102.031 Maintenance of good order at polls; authorities;
57 persons allowed in polling rooms and early voting areas;
58 unlawful solicitation of voters.-

59 (4) (a) No person, political committee, or other group or
60 organization may solicit voters inside the polling place or
61 within 150 feet of a drop box or the entrance to any polling
62 place, a polling room where the polling place is also a polling
63 room, an early voting site, or an office of the supervisor where

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

64 | vote-by-mail ballots are requested and printed on demand for the
65 | convenience of electors who appear in person to request them.
66 | Before the opening of the polling place or early voting site,
67 | the clerk or supervisor shall designate the no-solicitation zone
68 | and mark the boundaries.

69 | (b) For the purpose of this subsection, the terms
70 | "solicit" or "solicitation" shall include, but not be limited
71 | to, seeking or attempting to seek any vote, fact, opinion, or
72 | contribution; distributing or attempting to distribute any
73 | political or campaign material, leaflet, or handout; conducting
74 | a poll except as specified in this paragraph; seeking or
75 | attempting to seek a signature on any petition; ~~and~~ selling or
76 | attempting to sell any item; and engaging in any activity with
77 | the intent to influence or effect of influencing a voter. The
78 | terms "solicit" or "solicitation" may not be construed to
79 | prohibit an employee of, or a volunteer with, the supervisor
80 | from providing nonpartisan assistance to voters within the no-
81 | solicitation zone, including, but not limited to, giving items
82 | to voters, or to prohibit exit polling.

83 | (e) The owner, operator, or lessee of the property on
84 | which a polling place or an early voting site is located, or an
85 | agent or employee thereof, may not prohibit the solicitation of
86 | voters by a candidate or a candidate's designee outside of the
87 | no-solicitation zone during polling hours.

88 | Section 25. Section 102.07, Florida Statutes, is created

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

89 to read:

90 102.07 Vote-by-mail count reporting.—Beginning at 7:00
91 p.m. election day, the supervisor must, at least once every hour
92 while actively counting, post on his or her website the number
93 of vote-by-mail ballots that have been received and the number
94 of vote-by-mail ballots that remain uncounted.

95 Section 26. Subsection (1) and paragraphs (a) and (b) of
96 subsection (2) of section 102.141, Florida Statutes, are amended
97 to read:

98 102.141 County canvassing board; duties.—

99 (1) The county canvassing board shall be composed of the
100 supervisor of elections; a county court judge, who shall act as
101 chair; and the chair of the board of county commissioners. The
102 names of the canvassing board members must be published on the
103 supervisor's website upon completion of the logic and accuracy
104 test. Alternate canvassing board members must be appointed
105 pursuant to paragraph (e). In the event any member of the county
106 canvassing board is unable to serve, is a candidate who has
107 opposition in the election being canvassed, or is an active
108 participant in the campaign or candidacy of any candidate who
109 has opposition in the election being canvassed, such member
110 shall be replaced as follows:

111 (a) If no county court judge is able to serve or if all
112 are disqualified, the chief judge of the judicial circuit in
113 which the county is located shall appoint as a substitute member

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

114 a qualified elector of the county who is not a candidate with
115 opposition in the election being canvassed and who is not an
116 active participant in the campaign or candidacy of any candidate
117 with opposition in the election being canvassed. In such event,
118 the members of the county canvassing board shall meet and elect
119 a chair.

120 (b) If the supervisor of elections is unable to serve or
121 is disqualified, the chair of the board of county commissioners
122 shall appoint as a substitute member a member of the board of
123 county commissioners who is not a candidate with opposition in
124 the election being canvassed and who is not an active
125 participant in the campaign or candidacy of any candidate with
126 opposition in the election being canvassed. The supervisor,
127 however, shall act in an advisory capacity to the canvassing
128 board.

129 (c) If the chair of the board of county commissioners is
130 unable to serve or is disqualified, the board of county
131 commissioners shall appoint as a substitute member one of its
132 members who is not a candidate with opposition in the election
133 being canvassed and who is not an active participant in the
134 campaign or candidacy of any candidate with opposition in the
135 election being canvassed.

136 (d) If a substitute member or alternate member cannot be
137 appointed as provided elsewhere in this subsection, or in the
138 event of a vacancy in such office, the chief judge of the

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

139 judicial circuit in which the county is located shall appoint as
140 a substitute member or alternate member a qualified elector of
141 the county who is not a candidate with opposition in the
142 election being canvassed and who is not an active participant in
143 the campaign or candidacy of any candidate with opposition in
144 the election being canvassed.

145 (e)1. The chief judge of the judicial circuit in which the
146 county is located shall appoint a county court judge as an
147 alternate member of the county canvassing board or, if each
148 county court judge is unable to serve or is disqualified, shall
149 appoint an alternate member who is qualified to serve as a
150 substitute member under paragraph (a).

151 2. The chair of the board of county commissioners shall
152 appoint a member of the board of county commissioners as an
153 alternate member of the county canvassing board or, if each
154 member of the board of county commissioners is unable to serve
155 or is disqualified, shall appoint an alternate member who is
156 qualified to serve as a substitute member under paragraph (d).

157 3. If a member of the county canvassing board is unable to
158 participate in a meeting of the board, the chair of the county
159 canvassing board or his or her designee shall designate which
160 alternate member will serve as a member of the board in the
161 place of the member who is unable to participate at that
162 meeting.

163 4. If not serving as one of the three members of the

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

164 county canvassing board, an alternate member may be present,
165 observe, and communicate with the three members constituting the
166 county canvassing board, but may not vote in the board's
167 decisions or determinations.

168 (2) (a) The county canvassing board shall meet in a
169 building accessible to the public in the county where the
170 election occurred at a time and place to be designated by the
171 supervisor to publicly canvass the absent electors' ballots as
172 provided for in s. 101.68 and provisional ballots as provided by
173 ss. 101.048, 101.049, and 101.6925. During each meeting of the
174 county canvassing board, each political party and each candidate
175 may have one watcher able to view directly or on a display
176 screen ballots being examined for signature matching and other
177 processes. Provisional ballots cast pursuant to s. 101.049 shall
178 be canvassed in a manner that votes for candidates and issues on
179 those ballots can be segregated from other votes. As soon as the
180 absent electors' ballots and the provisional ballots are
181 canvassed, the board shall proceed to publicly canvass the vote
182 given each candidate, nominee, constitutional amendment, or
183 other measure submitted to the electorate of the county, as
184 shown by the returns then on file in the office of the
185 supervisor.

186 (b) Public notice of the canvassing board members,
187 alternates, time, and place at which the county canvassing board
188 shall meet to canvass the absent electors' ballots and

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

189 provisional ballots must be given at least 48 hours prior
190 thereto by publication on the supervisor's website and published
191 in one or more newspapers of general circulation in the county
192 or, if there is no newspaper of general circulation in the
193 county, by posting such notice in at least four conspicuous
194 places in the county. The time given in the notice as to the
195 convening of the meeting of the county canvassing board must be
196 specific and may not be a time period during which the board may
197 meet.

198 Section 27. Section 104.032, Florida Statutes, is created
199 to read:

200 104.032 False attestation regarding vote-by-mail ballots.-
201 Any person who makes a false attestation under s. 101.69(2)(d)
202 is guilty of a felony of the third degree, punishable as
203 provided in s. 775.082, s. 775.083, or s. 775.084.

204 Section 28. Section 104.0616, Florida Statutes, is amended
205 to read:

206 104.0616 Vote-by-mail ballots and voting; violations.-

207 (1) For purposes of this section, the term "immediate
208 family" means a person's spouse or the parent, child,
209 grandparent, grandchild, or sibling of the person or the
210 person's spouse.

211 (2) Any person who distributes, orders, requests,
212 collects, delivers, provides or offers to provide, and any
213 person who accepts, a pecuniary or other benefit in exchange for

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

214 ~~distributing, ordering, requesting, collecting, delivering,~~ or
 215 otherwise physically possesses a vote-by-mail ballot of another
 216 person, except for a designee as provided in subsection (3) or
 217 ~~possessing more than two vote-by-mail ballots per election in~~
 218 ~~addition to his or her own ballot or a ballot belonging to an~~
 219 ~~immediate family member, except as authorized provided in s.~~
 220 101.62 or s. 101.655 ~~ss. 101.6105-101.694~~, commits a misdemeanor
 221 of the first degree, punishable as provided in s. 775.082, s.
 222 775.083, or s. 775.084.

223 (3) A person may distribute, order, request, collect,
 224 deliver, or possess the vote-by-mail ballot of another person if
 225 expressly designated to do so for:

- 226 (a) An immediate family member.
- 227 (b) Two other voters in an election.

228
 229
 230 -----

231 **T I T L E A M E N D M E N T**

232 Remove lines 1304-1312 and insert:
 233 attestation for certain purposes; providing criminal
 234 penalties; amending s. 104.0616, F.S.; revising the
 235 definition of the term "immediate family"; revising
 236 the acts that result in a misdemeanor relating to
 237 vote-by-mail ballots; authorizing a person to
 238 distribute, order, request, collect, deliver, or

118365

Approved For Filing: 4/27/2021 8:50:38 AM

Amendment No.

239 | possess the vote-by-mail ballot of another person in
240 | certain circumstances;

118365

Approved For Filing: 4/27/2021 8:50:38 AM