

By Senator Jones

35-01167A-22

20221722\_\_

1                   A bill to be entitled  
2       An act relating to elections; repealing s. 97.029,  
3       F.S., relating to civil actions challenging the  
4       validity of election laws; repealing s. 97.0291, F.S.,  
5       relating to a prohibition on the use of private funds  
6       for election-related expenses; amending s. 97.0575,  
7       F.S.; revising the time period within which a third-  
8       party voter registration organization must deliver  
9       voter registration applications to the Division of  
10      Elections of the Department of State or to a  
11      supervisor of elections; deleting provisions relating  
12      to certain notification requirements; amending s.  
13      97.1031, F.S.; revising information that an elector  
14      must provide to a supervisor of elections when the  
15      elector changes his or her residence address; amending  
16      s. 101.051, F.S.; deleting a prohibition on the  
17      solicitation of voters at drop box locations;  
18      conforming a provision to changes made by the act;  
19      amending s. 101.62, F.S.; revising requirements for  
20      vote-by-mail ballot requests; revising information  
21      that a supervisor is required to record for each vote-  
22      by-mail ballot request the supervisor receives;  
23      deleting a prohibition against mailing vote-by-mail  
24      ballots to certain voters; amending s. 101.64, F.S.;  
25      deleting provisions relating to information included  
26      on vote-by-mail ballot mailing envelopes and secrecy  
27      envelopes; amending s. 101.69, F.S.; deleting  
28      provisions authorizing the use of certain secure drop  
29      boxes during certain hours; deleting provisions

35-01167A-22

20221722\_\_

30 requiring the monitoring of secure drop boxes;  
31 deleting provisions relating to the designation of  
32 drop box sites; deleting provisions relating to the  
33 retrieval of ballots from secure drop boxes; deleting  
34 provisions subjecting a supervisor to certain civil  
35 penalties in certain circumstances; amending s.  
36 102.031, F.S.; deleting provisions prohibiting certain  
37 solicitation activities within a specified area  
38 surrounding a drop box; revising a definition;  
39 deleting a provision restricting certain persons from  
40 prohibiting the solicitation of voters by a candidate  
41 or a candidate's designee outside of the no-  
42 solicitation zone; repealing s. 104.0616, F.S.,  
43 relating to vote-by-mail ballots and voting; providing  
44 an effective date.

45

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

47

48 Section 1. Section 97.029, Florida Statutes, is repealed.

49 Section 2. Section 97.0291, Florida Statutes, is repealed.

50 Section 3. Paragraph (a) of subsection (3) of section  
51 97.0575, Florida Statutes, is amended to read:

52 97.0575 Third-party voter registrations.—

53 (3) (a) A third-party voter registration organization that  
54 collects voter registration applications serves as a fiduciary  
55 to the applicant, ensuring that any voter registration  
56 application entrusted to the organization, irrespective of party  
57 affiliation, race, ethnicity, or gender, must be promptly  
58 delivered to the division or the supervisor of elections in the

35-01167A-22

20221722\_\_

59 county in which the applicant resides within 14 days after the  
60 application was completed by the applicant, ~~but not after~~  
61 ~~registration closes for the next ensuing election. A third-party~~  
62 ~~voter registration organization must notify the applicant at the~~  
63 ~~time the application is collected that the organization might~~  
64 ~~not deliver the application to the division or the supervisor of~~  
65 ~~elections in the county in which the applicant resides in less~~  
66 ~~than 14 days or before registration closes for the next ensuing~~  
67 ~~election and must advise the applicant that he or she may~~  
68 ~~deliver the application in person or by mail. The third-party~~  
69 ~~voter registration organization must also inform the applicant~~  
70 ~~how to register online with the division and how to determine~~  
71 ~~whether the application has been delivered. If a voter~~  
72 registration application collected by any third-party voter  
73 registration organization is not promptly delivered to the  
74 division or supervisor of elections in the county in which the  
75 applicant resides, the third-party voter registration  
76 organization is liable for the following fines:

77 1. A fine in the amount of \$50 for each application  
78 received by the division or the supervisor of elections in the  
79 county in which the applicant resides more than 14 days after  
80 the applicant delivered the completed voter registration  
81 application to the third-party voter registration organization  
82 or any person, entity, or agent acting on its behalf. A fine in  
83 the amount of \$250 for each application received if the third-  
84 party voter registration organization or person, entity, or  
85 agency acting on its behalf acted willfully.

86 2. A fine in the amount of \$100 for each application  
87 collected by a third-party voter registration organization or

35-01167A-22

20221722\_\_

88 any person, entity, or agent acting on its behalf, before book  
89 closing for any given election for federal or state office and  
90 received by the division or the supervisor of elections in the  
91 county in which the applicant resides after the book-closing  
92 deadline for such election. A fine in the amount of \$500 for  
93 each application received if the third-party registration  
94 organization or person, entity, or agency acting on its behalf  
95 acted willfully.

96 3. A fine in the amount of \$500 for each application  
97 collected by a third-party voter registration organization or  
98 any person, entity, or agent acting on its behalf, which is not  
99 submitted to the division or supervisor of elections in the  
100 county in which the applicant resides. A fine in the amount of  
101 \$1,000 for any application not submitted if the third-party  
102 voter registration organization or person, entity, or agency  
103 acting on its behalf acted willfully.

104  
105 The aggregate fine pursuant to this paragraph which may be  
106 assessed against a third-party voter registration organization,  
107 including affiliate organizations, for violations committed in a  
108 calendar year is \$1,000.

109 Section 4. Subsection (1) of section 97.1031, Florida  
110 Statutes, is amended to read:

111 97.1031 Notice of change of residence, change of name, or  
112 change of party affiliation.—

113 (1) (a) When an elector changes his or her residence  
114 address, the elector must notify the supervisor of elections.  
115 Except as provided in paragraph (b), an address change must be  
116 submitted using a voter registration application.

35-01167A-22

20221722\_\_

117 (b) If the address change is within the state and notice is  
118 provided to the supervisor of elections of the county where the  
119 elector has moved, the elector may do so by:

120 1. Contacting the supervisor of elections via telephone or  
121 electronic means, in which case the elector must provide his or  
122 her date of birth ~~and the last four digits of his or her social~~  
123 ~~security number, his or her Florida driver license number, or~~  
124 ~~his or her Florida identification card number, whichever may be~~  
125 ~~verified in the supervisor's records; or~~

126 2. Submitting the change on a voter registration  
127 application or other signed written notice.

128 Section 5. Subsections (2) and (5) of section 101.051,  
129 Florida Statutes, are amended to read:

130 101.051 Electors seeking assistance in casting ballots;  
131 oath to be executed; forms to be furnished.—

132 (2) It is unlawful for any person to be in the voting booth  
133 with any elector except as provided in subsection (1). A person  
134 at a polling place, ~~a drop box location,~~ or an early voting  
135 site, or within 150 feet of ~~a drop box location or~~ the entrance  
136 of a polling place or an early voting site, may not solicit any  
137 elector in an effort to provide assistance to vote pursuant to  
138 subsection (1). Any person who violates this subsection commits  
139 a misdemeanor of the first degree, punishable as provided in s.  
140 775.082 or s. 775.083.

141 (5) If an elector needing assistance requests that a person  
142 other than an election official provide him or her with  
143 assistance in voting, the clerk or one of the inspectors shall  
144 require the person providing assistance to take the following  
145 oath:

35-01167A-22

20221722\_\_

146

147

## DECLARATION TO PROVIDE ASSISTANCE

148

149 State of Florida

150 County of ....

151 Date ....

152 Precinct ....

153

154 I, ...(Print name)..., have been requested by ...(print  
 155 name of elector needing assistance)... to provide him or her  
 156 with assistance to vote. I swear or affirm that I am not the  
 157 employer, an agent of the employer, or an officer or agent of  
 158 the union of the voter and that I have not solicited this voter  
 159 at the polling place, ~~drop box location~~, or early voting site or  
 160 within 150 feet of such locations in an effort to provide  
 161 assistance.

162

163 ...(Signature of assistor)...

164

165 Sworn and subscribed to before me this .... day of ....,

166 ...(year)....

167

168 ...(Signature of Official Administering Oath)...

169 Section 6. Paragraph (b) of subsection (1), subsection (3),  
 170 and subsection (7) of section 101.62, Florida Statutes, are  
 171 amended to read:

172 101.62 Request for vote-by-mail ballots.—

173 (1)(b) The supervisor may accept a written, an in-person,  
 174 or a telephonic request for a vote-by-mail ballot to be mailed

35-01167A-22

20221722\_\_

175 to an elector's address on file in the Florida Voter  
176 Registration System from the elector, or, if directly instructed  
177 by the elector, a member of the elector's immediate family, or  
178 the elector's legal guardian. ~~If an in-person or a telephonic~~  
179 ~~request is made, the elector must provide the elector's Florida~~  
180 ~~driver license number, the elector's Florida identification card~~  
181 ~~number, or the last four digits of the elector's social security~~  
182 ~~number, whichever may be verified in the supervisor's records.~~  
183 If the ballot is requested to be mailed to an address other than  
184 the elector's address on file in the Florida Voter Registration  
185 System, the request must be made in writing. A written request  
186 must be signed by the elector and ~~include the elector's Florida~~  
187 ~~driver license number, the elector's Florida identification card~~  
188 ~~number, or the last four digits of the elector's social security~~  
189 ~~number.~~ However, an absent uniformed service voter or an  
190 overseas voter seeking a vote-by-mail ballot is not required to  
191 submit a signed, written request for a vote-by-mail ballot that  
192 is being mailed to an address other than the elector's address  
193 on file in the Florida Voter Registration System. For purposes  
194 of this section, the term "immediate family" has the same  
195 meaning as specified in paragraph (4)(c). The person making the  
196 request must disclose:

- 197 1. The name of the elector for whom the ballot is  
198 requested.
- 199 2. The elector's address.
- 200 3. The elector's date of birth.
- 201 4. ~~The elector's Florida driver license number, the~~  
202 ~~elector's Florida identification card number, or the last four~~  
203 ~~digits of the elector's social security number, whichever may be~~

35-01167A-22

20221722\_\_

204 ~~verified in the supervisor's records.~~

205 ~~5.~~ The requester's name.

206 ~~5.6.~~ The requester's address.

207 ~~6.7.~~ The requester's driver license number, the requester's

208 identification card number, or the last four digits of the

209 requester's social security number, if available.

210 ~~7.8.~~ The requester's relationship to the elector.

211 ~~8.9.~~ The requester's signature (written requests only).

212 (3) For each request for a vote-by-mail ballot received,

213 the supervisor shall record~~+~~ the date the request was made; ~~the~~

214 ~~identity of the voter's designee making the request, if any; the~~

215 ~~Florida driver license number, Florida identification card~~

216 ~~number, or last four digits of the social security number of the~~

217 ~~elector provided with a written request;~~ the date the vote-by-

218 mail ballot was delivered to the voter or the voter's designee

219 or the date the vote-by-mail ballot was delivered to the post

220 office or other carrier; the address to which the ballot was

221 mailed or the identity of the voter's designee to whom the

222 ballot was delivered; the date the ballot was received by the

223 supervisor; the absence of the voter's signature on the voter's

224 certificate, if applicable; whether the voter's certificate

225 contains a signature that does not match the elector's signature

226 in the registration books or precinct register; and such other

227 information he or she may deem necessary. This information shall

228 be provided in electronic format as provided by division rule.

229 The information shall be updated and made available no later

230 than 8 a.m. of each day, including weekends, beginning 60 days

231 before the primary until 15 days after the general election and

232 shall be contemporaneously provided to the division. This

35-01167A-22

20221722\_\_

233 information shall be confidential and exempt from s. 119.07(1)  
234 and shall be made available to or reproduced only for the voter  
235 requesting the ballot, a canvassing board, an election official,  
236 a political party or official thereof, a candidate who has filed  
237 qualification papers and is opposed in an upcoming election, and  
238 registered political committees for political purposes only.

239 ~~(7) Except as expressly authorized for voters having a~~  
240 ~~disability under s. 101.662, for overseas voters under s.~~  
241 ~~101.697, or for local referenda under ss. 101.6102 and 101.6103,~~  
242 ~~a county, municipality, or state agency may not send a vote by~~  
243 ~~mail ballot to a voter unless the voter has requested a vote by~~  
244 ~~mail ballot in the manner authorized under this section.~~

245 Section 7. Subsection (1) of section 101.64, Florida  
246 Statutes, is amended to read:

247 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

248 (1) ~~(a)~~ The supervisor shall enclose with each vote-by-mail  
249 ballot two envelopes: a secrecy envelope, into which the absent  
250 elector shall enclose his or her marked ballot; and a mailing  
251 envelope, into which the absent elector shall then place the  
252 secrecy envelope, which shall be addressed to the supervisor and  
253 also bear on the back side a certificate in substantially the  
254 following form:

255  
256 Note: Please Read Instructions Carefully Before  
257 Marking Ballot and Completing Voter's Certificate.

258  
259 VOTER'S CERTIFICATE

260 I, . . . ., do solemnly swear or affirm that I am a qualified  
261 and registered voter of . . . . County, Florida, and that I have

35-01167A-22

20221722\_\_

262 not and will not vote more than one ballot in this election. I  
263 understand that if I commit or attempt to commit any fraud in  
264 connection with voting, vote a fraudulent ballot, or vote more  
265 than once in an election, I can be convicted of a felony of the  
266 third degree and fined up to \$5,000 and/or imprisoned for up to  
267 5 years. I also understand that failure to sign this certificate  
268 will invalidate my ballot.  
269 ... (Date)...      ... (Voter's Signature) ...  
270 ... (E-Mail Address)...      ... (Home Telephone Number) ...  
271                                      ... (Mobile Telephone Number) ...

272  
273        ~~(b) Each return mailing envelope must bear the absent~~  
274 ~~elector's name and any encoded mark used by the supervisor's~~  
275 ~~office.~~

276        ~~(c) A mailing envelope or secrecy envelope may not bear any~~  
277 ~~indication of the political affiliation of an absent elector.~~

278        Section 8. Subsections (2) and (3) of section 101.69,  
279 Florida Statutes, are amended to read:

280        101.69 Voting in person; return of vote-by-mail ballot.—

281        (2) ~~(a)~~ The supervisor shall allow an elector who has  
282 received a vote-by-mail ballot to physically return a voted  
283 vote-by-mail ballot to the supervisor by placing the return mail  
284 envelope containing his or her marked ballot in a secure drop  
285 box. Secure drop boxes shall be placed at the main office of the  
286 supervisor, at each permanent branch office of the supervisor,  
287 and at each early voting site. Secure drop boxes may also be  
288 placed at any other site that would otherwise qualify as an  
289 early voting site under s. 101.657(1). Drop boxes must be  
290 geographically located so as to provide all voters in the county

35-01167A-22

20221722\_\_

291 with an equal opportunity to cast a ballot, insofar as is  
292 practicable. ~~Except for secure drop boxes at an office of the~~  
293 ~~supervisor, a secure drop box may only be used during the~~  
294 ~~county's early voting hours of operation and must be monitored~~  
295 ~~in person by an employee of the supervisor's office. A secure~~  
296 ~~drop box at an office of the supervisor must be continuously~~  
297 ~~monitored in person by an employee of the supervisor's office~~  
298 ~~when the drop box is accessible for deposit of ballots.~~

299 ~~(b) A supervisor shall designate each drop box site at~~  
300 ~~least 30 days before an election. The supervisor shall provide~~  
301 ~~the address of each drop box location to the division at least~~  
302 ~~30 days before an election. After a drop box location has been~~  
303 ~~designated, it may not be moved or changed except as approved by~~  
304 ~~the division to correct a violation of this subsection.~~

305 ~~(c)1. On each day of early voting, all drop boxes must be~~  
306 ~~emptied at the end of early voting hours and all ballots~~  
307 ~~retrieved from the drop boxes must be returned to the~~  
308 ~~supervisor's office.~~

309 ~~2. For drop boxes located at an office of the supervisor,~~  
310 ~~all ballots must be retrieved before the drop box is no longer~~  
311 ~~monitored by an employee of the supervisor.~~

312 ~~3. Employees of the supervisor must comply with procedures~~  
313 ~~for the chain of custody of ballots as required by s.~~  
314 ~~101.015(4).~~

315 ~~(3) If any drop box is left accessible for ballot receipt~~  
316 ~~other than as authorized by this section, the supervisor is~~  
317 ~~subject to a civil penalty of \$25,000. The division is~~  
318 ~~authorized to enforce this provision.~~

319 Section 9. Paragraphs (a), (b), and (e) of subsection (4)

35-01167A-22

20221722\_\_

320 of section 102.031, Florida Statutes, are amended to read:

321 102.031 Maintenance of good order at polls; authorities;  
322 persons allowed in polling rooms and early voting areas;  
323 unlawful solicitation of voters.-

324 (4) (a) No person, political committee, or other group or  
325 organization may solicit voters inside the polling place or  
326 within 150 feet of a ~~drop box~~ or the entrance to any polling  
327 place, a polling room where the polling place is also a polling  
328 room, an early voting site, or an office of the supervisor where  
329 vote-by-mail ballots are requested and printed on demand for the  
330 convenience of electors who appear in person to request them.  
331 Before the opening of a ~~drop box location~~, a polling place, or  
332 an early voting site, the clerk or supervisor shall designate  
333 the no-solicitation zone and mark the boundaries.

334 (b) For the purpose of this subsection, the terms "solicit"  
335 or "solicitation" shall include, but not be limited to, seeking  
336 or attempting to seek any vote, fact, opinion, or contribution;  
337 distributing or attempting to distribute any political or  
338 campaign material, leaflet, or handout; conducting a poll except  
339 as specified in this paragraph; seeking or attempting to seek a  
340 signature on any petition; and selling or attempting to sell any  
341 item; ~~and engaging in any activity with the intent to influence~~  
342 ~~or effect of influencing a voter~~. The terms "solicit" or  
343 "solicitation" may not be construed to prohibit an employee of,  
344 or a volunteer with, the supervisor from providing nonpartisan  
345 assistance to voters within the no-solicitation zone such as,  
346 but not limited to, giving items to voters, or to prohibit exit  
347 polling.

348 (e) The owner, operator, or lessee of the property on which

35-01167A-22

20221722\_\_

349 a polling place or an early voting site is located, or an agent  
350 or employee thereof, may not prohibit the solicitation of voters  
351 ~~by a candidate or a candidate's designee~~ outside of the no-  
352 solicitation zone during polling hours.

353 Section 10. Section 104.0616, Florida Statutes, is  
354 repealed.

355 Section 11. This act shall take effect upon becoming a law.