

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 or a
10 supervisor of elections; removing provisions relating
11 to certain notification requirements; amending s.
12 97.1031, F.S.; revising information that an elector
13 must provide to a supervisor of elections when the
14 elector changes his or her residence address; amending
15 s. 101.051, F.S.; removing a prohibition on the
16 solicitation of voters at drop box locations;
17 conforming a provision; amending s. 101.62, F.S.;
18 revising requirements for vote-by-mail ballot
19 requests; revising information that a supervisor is
20 required to record for each vote-by-mail ballot
21 request the supervisor receives; removing a
22 prohibition against mailing vote-by-mail ballots to
23 certain voters; amending s. 101.64, F.S.; removing
24 provisions relating to information included on vote-
25 by-mail ballot mailing envelopes and secrecy

26 envelopes; amending s. 101.69, F.S.; removing
 27 provisions authorizing the use of certain secure drop
 28 boxes during certain hours; removing provisions
 29 requiring the monitoring of secure drop boxes;
 30 removing provisions relating to the designation of
 31 drop box sites; removing provisions relating to the
 32 retrieval of ballots from secure drop boxes; removing
 33 provisions subjecting a supervisor to certain civil
 34 penalties in certain circumstances; amending s.
 35 102.031, F.S.; removing provisions prohibiting certain
 36 solicitation activities within a specified area
 37 surrounding a drop box; revising a definition;
 38 removing provisions restricting certain persons from
 39 prohibiting the solicitation of voters by a candidate
 40 or a candidate's designee outside of the no-
 41 solicitation zone; repealing s. 104.0616, F.S.,
 42 relating to vote-by-mail ballots and voting; providing
 43 an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

- 46
 47 Section 1. Section 97.029, Florida Statutes, is repealed.
 48 Section 2. Section 97.0291, Florida Statutes, is repealed.
 49 Section 3. Paragraph (a) of subsection (3) of section
 50 97.0575, Florida Statutes, is amended to read:

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51 97.0575 Third-party voter registrations.—
52 (3)(a) A third-party voter registration organization that
53 collects voter registration applications serves as a fiduciary
54 to the applicant, ensuring that any voter registration
55 application entrusted to the organization, irrespective of party
56 affiliation, race, ethnicity, or gender, must be promptly
57 delivered to the division or the supervisor of elections in the
58 county in which the applicant resides within 14 days after the
59 application was completed by the applicant, ~~but not after~~
60 ~~registration closes for the next ensuing election. A third-party~~
61 ~~voter registration organization must notify the applicant at the~~
62 ~~time the application is collected that the organization might~~
63 ~~not deliver the application to the division or the supervisor of~~
64 ~~elections in the county in which the applicant resides in less~~
65 ~~than 14 days or before registration closes for the next ensuing~~
66 ~~election and must advise the applicant that he or she may~~
67 ~~deliver the application in person or by mail. The third-party~~
68 ~~voter registration organization must also inform the applicant~~
69 ~~how to register online with the division and how to determine~~
70 ~~whether the application has been delivered. If a voter~~
71 registration application collected by any third-party voter
72 registration organization is not promptly delivered to the
73 division or supervisor of elections in the county in which the
74 applicant resides, the third-party voter registration
75 organization is liable for the following fines:

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

85 2. A fine in the amount of \$100 for each application
86 collected by a third-party voter registration organization or
87 any person, entity, or agent acting on its behalf, before book
88 closing for any given election for federal or state office and
89 received by the division or the supervisor of elections in the
90 county in which the applicant resides after the book-closing
91 deadline for such election. A fine in the amount of \$500 for
92 each application received if the third-party registration
93 organization or person, entity, or agency acting on its behalf
94 acted willfully.

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

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101 voter registration organization or person, entity, or agency
102 acting on its behalf acted willfully.

103

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

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

110 97.1031 Notice of change of residence, change of name, or
111 change of party affiliation.—

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

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

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

125 2. Submitting the change on a voter registration

126 application or other signed written notice.

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

129 101.051 Electors seeking assistance in casting ballots;
 130 oath to be executed; forms to be furnished.—

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

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

145 DECLARATION TO PROVIDE ASSISTANCE

146 State of Florida

147 County of

148 Date

149 Precinct

150 I, ...(Print name)..., have been requested by ...(print

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

158 ... (Signature of assistor)...

159 Sworn and subscribed to before me this day of,
 160 ...(year)....

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

162 Section 6. Paragraph (b) of subsection (1), subsection
 163 (3), and subsection (7) of section 101.62, Florida Statutes, are
 164 amended to read:

165 101.62 Request for vote-by-mail ballots.-

166 (1) (b) The supervisor may accept a written, an in-person,
 167 or a telephonic request for a vote-by-mail ballot to be mailed
 168 to an elector's address on file in the Florida Voter
 169 Registration System from the elector, or, if directly instructed
 170 by the elector, a member of the elector's immediate family, or
 171 the elector's legal guardian. ~~If an in-person or a telephonic~~
 172 ~~request is made, the elector must provide the elector's Florida~~
 173 ~~driver license number, the elector's Florida identification card~~
 174 ~~number, or the last four digits of the elector's social security~~
 175 ~~number, whichever may be verified in the supervisor's records.~~

176 If the ballot is requested to be mailed to an address other than
177 the elector's address on file in the Florida Voter Registration
178 System, the request must be made in writing. A written request
179 must be signed by the elector ~~and include 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.~~ However, an absent uniformed service voter or an
183 overseas voter seeking a vote-by-mail ballot is not required to
184 submit a signed, written request for a vote-by-mail ballot that
185 is being mailed to an address other than the elector's address
186 on file in the Florida Voter Registration System. For purposes
187 of this section, the term "immediate family" has the same
188 meaning as specified in paragraph (4) (c). The person making the
189 request must disclose:

- 190 1. The name of the elector for whom the ballot is
191 requested.
- 192 2. The elector's address.
- 193 3. The elector's date of birth.
- 194 ~~4. The elector's Florida driver license number, the~~
195 ~~elector's Florida identification card number, or the last four~~
196 ~~digits of the elector's social security number, whichever may be~~
197 ~~verified in the supervisor's records.~~
- 198 4.5. The requester's name.
- 199 5.6. The requester's address.
- 200 6.7. The requester's driver license number, the

201 requester's identification card number, or the last four digits
 202 of the requester's social security number, if available.
 203 ~~7.8.~~ The requester's relationship to the elector.
 204 ~~8.9.~~ The requester's signature (written requests only).
 205 (3) For each request for a vote-by-mail ballot received,
 206 the supervisor shall record: the date the request was made; ~~the~~
 207 ~~identity of the voter's designee making the request, if any; the~~
 208 ~~Florida driver license number, Florida identification card~~
 209 ~~number, or last four digits of the social security number of the~~
 210 ~~elector provided with a written request;~~ the date the vote-by-
 211 mail ballot was delivered to the voter or the voter's designee
 212 or the date the vote-by-mail ballot was delivered to the post
 213 office or other carrier; the address to which the ballot was
 214 mailed or the identity of the voter's designee to whom the
 215 ballot was delivered; the date the ballot was received by the
 216 supervisor; the absence of the voter's signature on the voter's
 217 certificate, if applicable; whether the voter's certificate
 218 contains a signature that does not match the elector's signature
 219 in the registration books or precinct register; and such other
 220 information he or she may deem necessary. This information shall
 221 be provided in electronic format as provided by division rule.
 222 The information shall be updated and made available no later
 223 than 8 a.m. of each day, including weekends, beginning 60 days
 224 before the primary until 15 days after the general election and
 225 shall be contemporaneously provided to the division. This

226 information shall be confidential and exempt from s. 119.07(1)
 227 and shall be made available to or reproduced only for the voter
 228 requesting the ballot, a canvassing board, an election official,
 229 a political party or official thereof, a candidate who has filed
 230 qualification papers and is opposed in an upcoming election, and
 231 registered political committees for political purposes only.

232 ~~(7) Except as expressly authorized for voters having a~~
 233 ~~disability under s. 101.662, for overseas voters under s.~~
 234 ~~101.697, or for local referenda under ss. 101.6102 and 101.6103,~~
 235 ~~a county, municipality, or state agency may not send a vote-by-~~
 236 ~~mail ballot to a voter unless the voter has requested a vote-by-~~
 237 ~~mail ballot in the manner authorized under this section.~~

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

240 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

241 (1)(a) The supervisor shall enclose with each vote-by-mail
 242 ballot two envelopes: a secrecy envelope, into which the absent
 243 elector shall enclose his or her marked ballot; and a mailing
 244 envelope, into which the absent elector shall then place the
 245 secrecy envelope, which shall be addressed to the supervisor and
 246 also bear on the back side a certificate in substantially the
 247 following form:

248 Note: Please Read Instructions Carefully Before
 249 Marking Ballot and Completing Voter's Certificate.

250 VOTER'S CERTIFICATE

251 I,, do solemnly swear or affirm that I am a qualified
 252 and registered voter of County, Florida, and that I have
 253 not and will not vote more than one ballot in this election. I
 254 understand that if I commit or attempt to commit any fraud in
 255 connection with voting, vote a fraudulent ballot, or vote more
 256 than once in an election, I can be convicted of a felony of the
 257 third degree and fined up to \$5,000 and/or imprisoned for up to
 258 5 years. I also understand that failure to sign this certificate
 259 will invalidate my ballot.

260 . . . (Date) (Voter's Signature) . . .
 261 . . . (E-Mail Address) (Home Telephone Number) . . .
 262 (Mobile Telephone Number) . . .

263 ~~(b) Each return mailing envelope must bear the absent~~
 264 ~~elector's name and any encoded mark used by the supervisor's~~
 265 ~~office.~~

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

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

271 101.69 Voting in person; return of vote-by-mail ballot.—

272 (2)~~(a)~~ The supervisor shall allow an elector who has
 273 received a vote-by-mail ballot to physically return a voted
 274 vote-by-mail ballot to the supervisor by placing the return mail
 275 envelope containing his or her marked ballot in a secure drop

276 box. Secure drop boxes shall be placed at the main office of the
277 supervisor, at each permanent branch office of the supervisor,
278 and at each early voting site. Secure drop boxes may also be
279 placed at any other site that would otherwise qualify as an
280 early voting site under s. 101.657(1). Drop boxes must be
281 geographically located so as to provide all voters in the county
282 with an equal opportunity to cast a ballot, insofar as is
283 practicable. ~~Except for secure drop boxes at an office of the~~
284 ~~supervisor, a secure drop box may only be used during the~~
285 ~~county's early voting hours of operation and must be monitored~~
286 ~~in person by an employee of the supervisor's office. A secure~~
287 ~~drop box at an office of the supervisor must be continuously~~
288 ~~monitored in person by an employee of the supervisor's office~~
289 ~~when the drop box is accessible for deposit of ballots.~~

290 ~~(b) A supervisor shall designate each drop box site at~~
291 ~~least 30 days before an election. The supervisor shall provide~~
292 ~~the address of each drop box location to the division at least~~
293 ~~30 days before an election. After a drop box location has been~~
294 ~~designated, it may not be moved or changed except as approved by~~
295 ~~the division to correct a violation of this subsection.~~

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

300 ~~2. For drop boxes located at an office of the supervisor,~~

301 ~~all ballots must be retrieved before the drop box is no longer~~
 302 ~~monitored by an employee of the supervisor.~~

303 ~~3. Employees of the supervisor must comply with procedures~~
 304 ~~for the chain of custody of ballots as required by s.~~
 305 ~~101.015(4).~~

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

310 Section 9. Paragraphs (a), (b), and (e) of subsection (4)
 311 of section 102.031, Florida Statutes, are amended to read:

312 102.031 Maintenance of good order at polls; authorities;
 313 persons allowed in polling rooms and early voting areas;
 314 unlawful solicitation of voters.—

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

325 (b) For the purpose of this subsection, the terms

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326 "solicit" or "solicitation" shall include, but not be limited
327 to, seeking or attempting to seek any vote, fact, opinion, or
328 contribution; distributing or attempting to distribute any
329 political or campaign material, leaflet, or handout; conducting
330 a poll except as specified in this paragraph; seeking or
331 attempting to seek a signature on any petition; and selling or
332 attempting to sell any item; ~~and engaging in any activity with~~
333 ~~the intent to influence or effect of influencing a voter.~~ The
334 terms "solicit" or "solicitation" may not be construed to
335 prohibit an employee of, or a volunteer with, the supervisor
336 from providing nonpartisan assistance to voters within the no-
337 solicitation zone such as, but not limited to, giving items to
338 voters, or to prohibit exit polling.

339 (e) The owner, operator, or lessee of the property on
340 which a polling place or an early voting site is located, or an
341 agent or employee thereof, may not prohibit the solicitation of
342 voters ~~by a candidate or a candidate's designee~~ outside of the
343 no-solicitation zone during polling hours.

344 Section 10. Section 104.0616, Florida Statutes, is
345 repealed.

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