



161404

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/26/2023 10:08 AM

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Senator Thompson moved the following:

1 **Senate Amendment to Amendment (333316) (with title**
2 **amendment)**

3
4 Delete lines 5 - 2435

5 and insert:

6 Section 1. Subsection (1) of section 20.10, Florida
7 Statutes, is amended to read:

8 20.10 Department of State.—There is created a Department of
9 State.

10 (1) The head of the Department of State is the Secretary of
11 State. The Secretary of State shall be elected at the statewide



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12 general election at which the Governor, Lieutenant Governor, and
13 Cabinet officers are elected as provided in s. 5, Art. IV of the
14 State Constitution, for a term of 4 years beginning on the first
15 Tuesday after the first Monday in January of the year following
16 such election appointed by the Governor, subject to confirmation
17 by the Senate, and shall serve at the pleasure of the Governor.

18 The Secretary of State shall perform the functions conferred by
19 the State Constitution upon the custodian of state records.

20 Section 2. Paragraph (b) of subsection (5) of section
21 97.053, Florida Statutes, is amended to read:

22 97.053 Acceptance of voter registration applications.-

23 (5)

24 (b) An applicant who fails to designate party affiliation
25 or affirmatively select "no party affiliation" may not ~~must~~ be
26 registered without party affiliation. The supervisor must notify
27 the voter by mail that the voter has not been registered ~~without~~
28 ~~party affiliation~~ and that the voter must complete a new
29 registration application and designate a party affiliation or
30 affirmatively select "no party affiliation." The voter
31 registration application must clearly denote this requirement
32 may change party affiliation as provided in s. 97.1031.

33 Section 3. Section 97.0556, Florida Statutes, is created to
34 read:

35 97.0556 Same-day voter registration.-A person who meets the
36 qualifications to register to vote in s. 97.041 and who provides
37 the information required for the statewide voter registration
38 application in s. 97.052 may register at an early voting site or
39 at his or her polling place and immediately thereafter cast a
40 ballot.



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41 Section 4. Section 97.057, Florida Statutes, is amended to
42 read:

43 97.057 Voter registration by the Department of Highway
44 Safety and Motor Vehicles.—

45 (1) Each of the following serves as an application ~~The~~
46 ~~Department of Highway Safety and Motor Vehicles shall provide~~
47 ~~the opportunity to preregister to vote, register to vote, or to~~
48 ~~update a voter registration record~~ when submitted to the
49 Department of Highway Safety and Motor Vehicles to each
50 ~~individual who comes to an office of that department to:~~

51 (a) An application for or a renewal of ~~Apply for or renew a~~
52 ~~driver license;~~

53 (b) An application for or a renewal of ~~Apply for or renew~~
54 ~~an identification card pursuant to chapter 322; or~~

55 (c) An application for a change of an ~~an~~ address on an
56 existing driver license or identification card.

57
58 Unless the applicant declines to register or preregister to
59 vote, he or she is deemed to have consented to the use of the
60 signature from his or her driver license or identification card
61 application for voter registration purposes.

62 (2) An application for a driver license or an
63 identification card must include a voter registration component.
64 The voter registration component must be approved by the
65 Department of State and must contain all of the following:

66 (a) The minimum amount of information necessary to prevent
67 duplicate voter registrations and to preserve the ability of the
68 department and supervisors of elections to assess the
69 eligibility of the applicant and administer voter registration



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70 and other provisions of this code.

71 (b) A statement setting forth voting eligibility
72 requirements.

73 (c) An explanation that the applicant is consenting to the
74 use of his or her signature from the applicant's driver license
75 or identification card application for voter registration
76 purposes. By consenting to the use of his or her signature, the
77 applicant is deemed to have subscribed to the oath required by
78 s. 3, Art. VI of the State Constitution and s. 97.051 and to
79 have sworn and affirmed that the voter registration information
80 contained in the application is true under penalty for false
81 swearing pursuant to s. 104.011.

82 (d) An option that allows the applicant to choose or update
83 a party affiliation; otherwise, an applicant who is initially
84 registering to vote and does not exercise such option shall be
85 sent a notice by the supervisor of elections in accordance with
86 s. 97.053(5) (b).

87 (e) An option that allows the applicant to decline to
88 register to vote or preregister to vote. The Department of
89 Highway Safety and Motor Vehicles shall note any such
90 declination in its records and forward the declination to the
91 Department of State. Any declination may be used only for voter
92 registration purposes and is confidential and exempt from public
93 records requirements as provided in s. 97.0585.

94 (3) The Department of Highway Safety and Motor Vehicles
95 shall:

96 (a) Develop a voter registration component for applications
97 which meets the requirements set forth in subsection (2).

98 (b) Electronically transmit the voter registration



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99 component of an applicant's driver license or identification
100 card application to the Department of State within 24 hours
101 after receipt. Upon receipt of the voter registration component,
102 the Department of State shall provide the information to the
103 supervisor of the county in which the applicant is registering
104 or preregistering to vote or updating his or her voter
105 registration record.

106 ~~(2) The Department of Highway Safety and Motor Vehicles~~
107 ~~shall:~~

108 ~~(a) Notify each individual, orally or in writing, that:~~

109 ~~1. Information gathered for the completion of a driver~~
110 ~~license or identification card application, renewal, or change~~
111 ~~of address can be automatically transferred to a voter~~
112 ~~registration application;~~

113 ~~2. If additional information and a signature are provided,~~
114 ~~the voter registration application will be completed and sent to~~
115 ~~the proper election authority;~~

116 ~~3. Information provided can also be used to update a voter~~
117 ~~registration record;~~

118 ~~4. All declinations will remain confidential and may be~~
119 ~~used only for voter registration purposes; and~~

120 ~~5. The particular driver license office in which the person~~
121 ~~applies to register to vote or updates a voter registration~~
122 ~~record will remain confidential and may be used only for voter~~
123 ~~registration purposes.~~

124 ~~(b) Require a driver license examiner to inquire orally or,~~
125 ~~if the applicant is hearing impaired, inquire in writing whether~~
126 ~~the applicant wishes to register to vote or update a voter~~
127 ~~registration record during the completion of a driver license or~~



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128 ~~identification card application, renewal, or change of address.~~

129 ~~1. If the applicant chooses to register to vote or to~~
130 ~~update a voter registration record:~~

131 ~~a. All applicable information received by the Department of~~
132 ~~Highway Safety and Motor Vehicles in the course of filling out~~
133 ~~the forms necessary under subsection (1) must be transferred to~~
134 ~~a voter registration application.~~

135 ~~b. The additional necessary information must be obtained by~~
136 ~~the driver license examiner and must not duplicate any~~
137 ~~information already obtained while completing the forms required~~
138 ~~under subsection (1).~~

139 ~~e. A voter registration application with all of the~~
140 ~~applicant's voter registration information required to establish~~
141 ~~the applicant's eligibility pursuant to s. 97.041 must be~~
142 ~~presented to the applicant to review and verify the voter~~
143 ~~registration information received and provide an electronic~~
144 ~~signature affirming the accuracy of the information provided.~~

145 ~~2. If the applicant declines to register to vote, update~~
146 ~~the applicant's voter registration record, or change the~~
147 ~~applicant's address by either orally declining or by failing to~~
148 ~~sign the voter registration application, the Department of~~
149 ~~Highway Safety and Motor Vehicles must note such declination on~~
150 ~~its records and shall forward the declination to the statewide~~
151 ~~voter registration system.~~

152 ~~(3) For the purpose of this section, the Department of~~
153 ~~Highway Safety and Motor Vehicles, with the approval of the~~
154 ~~Department of State, shall prescribe:~~

155 ~~(a) A voter registration application that is the same in~~
156 ~~content, format, and size as the uniform statewide voter~~



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157 ~~registration application prescribed under s. 97.052; and~~
158 ~~(b) A form that will inform applicants under subsection (1)~~
159 ~~of the information contained in paragraph (2) (a).~~

160 ~~(4) The Department of Highway Safety and Motor Vehicles~~
161 ~~must electronically transmit completed voter registration~~
162 ~~applications within 24 hours after receipt to the statewide~~
163 ~~voter registration system. Completed paper voter registration~~
164 ~~applications received by the Department of Highway Safety and~~
165 ~~Motor Vehicles shall be forwarded within 5 days after receipt to~~
166 ~~the supervisor of the county where the office that processed or~~
167 ~~received that application is located.~~

168 ~~(5) The Department of Highway Safety and Motor Vehicles~~
169 ~~must send, with each driver license renewal extension~~
170 ~~application authorized pursuant to s. 322.18(8), a uniform~~
171 ~~statewide voter registration application, the voter registration~~
172 ~~application prescribed under paragraph (3) (a), or a voter~~
173 ~~registration application developed especially for the purposes~~
174 ~~of this subsection by the Department of Highway Safety and Motor~~
175 ~~Vehicles, with the approval of the Department of State, which~~
176 ~~must meet the requirements of s. 97.052.~~

177 ~~(4)-(6)~~ A person providing voter registration services for a
178 driver license office may not:

179 (a) Seek to influence an applicant's political preference
180 or party registration;

181 (b) Display any political preference or party allegiance;

182 (c) Make any statement to an applicant or take any action
183 the purpose or effect of which is to discourage the applicant
184 from registering to vote; or

185 (d) Disclose any applicant's voter registration information



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186 except as needed for the administration of voter registration.

187 ~~(5)-(7)~~ The Department of Highway Safety and Motor Vehicles
188 shall collect data determined necessary by the Department of
189 State for program evaluation and reporting to the Election
190 Assistance Commission pursuant to federal law.

191 ~~(6)-(8)~~ The Department of Highway Safety and Motor Vehicles
192 shall ~~must~~ ensure that all voter registration services provided
193 by driver license offices are in compliance with the Voting
194 Rights Act of 1965.

195 ~~(7)-(9)~~ The Department of Highway Safety and Motor Vehicles
196 shall retain complete records of voter registration information
197 received, processed, and submitted to the Department of State
198 ~~statewide voter registration system~~ by the Department of Highway
199 Safety and Motor Vehicles. The retention of such ~~These~~ records
200 is shall be for the explicit purpose of supporting audit and
201 accounting controls established to ensure accurate and complete
202 electronic transmission of records between the Department of
203 State ~~statewide voter registration system~~ and the Department of
204 Highway Safety and Motor Vehicles.

205 ~~(8)-(10)~~ The Department of State shall provide the
206 Department of Highway Safety and Motor Vehicles with an
207 electronic database of street addresses valid for use as the
208 address of legal residence as required in s. 97.053(5). The
209 Department of Highway Safety and Motor Vehicles shall compare
210 the address provided by the applicant against the database of
211 valid street addresses. If the address provided by the applicant
212 does not match a valid street address in the database, the
213 applicant will be asked to verify the address provided. The
214 Department of Highway Safety and Motor Vehicles may ~~shall~~ not



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215 reject any application for voter registration for which a valid
216 match cannot be made.

217 (9)~~(11)~~ The Department of Highway Safety and Motor Vehicles
218 shall enter into an agreement with the Department of State to
219 match information in the statewide voter registration system
220 with information in the database of the Department of Highway
221 Safety and Motor Vehicles to the extent required to verify the
222 accuracy of the driver license number, Florida identification
223 number, or last four digits of the social security number
224 provided on applications for voter registration as required in
225 s. 97.053.

226 (10)~~(12)~~ The Department of Highway Safety and Motor
227 Vehicles shall enter into an agreement with the Commissioner of
228 Social Security as required by the Help America Vote Act of 2002
229 to verify the last four digits of the social security number
230 provided in applications for voter registration as required in
231 s. 97.053.

232 (11)~~(13)~~ The Department of Highway Safety and Motor
233 Vehicles shall ~~must~~ assist the Department of State in regularly
234 identifying changes in residence address on the driver license
235 or identification card of a voter. The Department of State shall
236 ~~must~~ report each such change to the appropriate supervisor of
237 elections who must change the voter's registration records in
238 accordance with s. 98.065(5).

239 Section 5. Paragraph (a) of subsection (3) of section
240 97.0575, Florida Statutes, is amended to read:

241 97.0575 Third-party voter registrations.—

242 (3) (a) A third-party voter registration organization that
243 collects voter registration applications serves as a fiduciary



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244 to the applicant, ensuring that any voter registration
245 application entrusted to the organization, irrespective of party
246 affiliation, race, ethnicity, or gender, must be promptly
247 delivered to the division or the supervisor of elections in the
248 county in which the applicant resides within 14 days after the
249 application was completed by the applicant, but not after
250 registration closes for the next ensuing election. If a voter
251 registration application collected by any third-party voter
252 registration organization is not promptly delivered to the
253 division or supervisor of elections in the county in which the
254 applicant resides, the third-party voter registration
255 organization is liable for the following fines:

256 1. A fine in the amount of \$50 for each application
257 received by the division or the supervisor of elections in the
258 county in which the applicant resides more than 14 days after
259 the applicant delivered the completed voter registration
260 application to the third-party voter registration organization
261 or any person, entity, or agent acting on its behalf. A fine in
262 the amount of \$250 for each application received if the third-
263 party voter registration organization or person, entity, or
264 agency acting on its behalf acted willfully.

265 2. A fine in the amount of \$100 for each application
266 collected by a third-party voter registration organization or
267 any person, entity, or agent acting on its behalf, before book
268 closing for any given election for federal or state office and
269 received by the division or the supervisor of elections in the
270 county in which the applicant resides after the book-closing
271 deadline for such election. A fine in the amount of \$500 for
272 each application received if the third-party registration



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273 organization or person, entity, or agency acting on its behalf
274 acted willfully.

275 ~~3. A fine in the amount of \$500 for each application~~
276 ~~collected by a third party voter registration organization or~~
277 ~~any person, entity, or agent acting on its behalf, which is not~~
278 ~~submitted to the division or supervisor of elections in the~~
279 ~~county in which the applicant resides. A fine in the amount of~~
280 ~~\$1,000 for any application not submitted if the third party~~
281 ~~voter registration organization or person, entity, or agency~~
282 ~~acting on its behalf acted willfully.~~

283
284 ~~The aggregate fine pursuant to this paragraph which may be~~
285 ~~assessed against a third party voter registration organization,~~
286 ~~including affiliate organizations, for violations committed in a~~
287 ~~calendar year is \$50,000.~~

288 Section 6. Paragraph (b) of subsection (4) of section
289 98.045, Florida Statutes, is amended to read:

290 98.045 Administration of voter registration.—

291 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL
292 STREET ADDRESSES.—

293 (b) The department shall make the statewide database of
294 valid street addresses available to the Department of Highway
295 Safety and Motor Vehicles as provided in s. 97.057(8) ~~s.~~
296 ~~97.057(10)~~. The Department of Highway Safety and Motor Vehicles
297 shall use the database for purposes of validating the legal
298 residential addresses provided in voter registration
299 applications received by the Department of Highway Safety and
300 Motor Vehicles.

301 Section 7. Subsection (4) of section 98.065, Florida



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302 Statutes, is amended to read:

303 98.065 Registration list maintenance programs.—

304 (4) The supervisor shall designate as inactive all voters
305 who have not voted in at least one of the last two general
306 elections and who have been sent an address confirmation final
307 notice and have not returned the postage prepaid, preaddressed
308 return form within 30 days or for whom the final notice has been
309 returned as undeliverable. Names on the inactive list may not be
310 used to calculate the number of signatures needed on any
311 petition. A voter on the inactive list may be restored to the
312 active list of voters upon the voter updating his or her
313 registration, requesting a vote-by-mail ballot, or voting in an
314 election. However, if the voter does not update his or her voter
315 registration information, request a vote-by-mail ballot, or vote
316 by the second general election after being placed on the
317 inactive list, the voter's name must be removed from the
318 statewide voter registration system, and the voter must
319 reregister to have his or her name restored to A registration
320 list maintenance program must be conducted by each supervisor,
321 at a minimum, once each year and must be completed not later
322 than 90 days before the date of any federal election. All list
323 maintenance actions associated with each voter must be entered,
324 tracked, and maintained in the statewide voter registration
325 system.

326 Section 8. Paragraph (a) of subsection (7) of section
327 99.061, Florida Statutes, is amended to read:

328 99.061 Method of qualifying for nomination or election to
329 federal, state, county, or district office.—

330 (7) (a) In order for a candidate to be qualified, the



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331 following items must be received by the filing officer by the
332 end of the qualifying period:

333 1. A cashier's check purchased with campaign account funds
334 or a properly executed check drawn upon the candidate's campaign
335 account payable to the person or entity as prescribed by the
336 filing officer in an amount not less than the fee required by s.
337 99.092, unless the candidate obtained the required number of
338 signatures on petitions pursuant to s. 99.095. The filing fee
339 for a special district candidate is not required to be drawn
340 upon the candidate's campaign account. If a candidate's check is
341 returned by the bank for any reason, the filing officer must
342 ~~shall~~ immediately notify the candidate, and the candidate has
343 ~~shall have~~ until the end of qualifying to pay the fee with a
344 cashier's check purchased from funds of the campaign account.
345 Failure to pay the fee as provided in this subparagraph
346 disqualifies ~~shall disqualify~~ the candidate.

347 2. The candidate's oath required by s. 99.021, which must
348 contain the name of the candidate as it is to appear on the
349 ballot; the office sought, including the district or group
350 number if applicable; and the signature of the candidate, which
351 must be verified under oath or affirmation pursuant to s.
352 92.525(1) (a).

353 3. If the office sought is partisan, the written statement
354 of political party affiliation required by s. 99.021(1) (b); or
355 if the candidate is running without party affiliation for a
356 partisan office, the written statement required by s.
357 99.021(1) (c).

358 4. The completed form for the appointment of campaign
359 treasurer and designation of campaign depository, as required by



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360 s. 106.021.

361 5. The full and public disclosure or statement of financial
362 interests required by subsection (5). A public officer who has
363 filed the full and public disclosure or statement of financial
364 interests with the Commission on Ethics or the supervisor before
365 ~~of elections prior to~~ qualifying for office may file a copy of
366 that disclosure at the time of qualifying.

367 Section 9. Subsection (2) of section 100.111, Florida
368 Statutes, is amended to read:

369 100.111 Filling vacancy.—

370 (2) Whenever there is a vacancy for which a special
371 election is required pursuant to s. 100.101, the Governor, after
372 consultation with the Secretary of State and the supervisor of
373 elections of any affected county, shall fix the dates of a
374 special primary election and a special election. Nominees of
375 political parties shall be chosen under the primary laws of this
376 state in the special primary election to become candidates in
377 the special election. Before ~~Prior to~~ setting the special
378 election dates, the Governor shall consider any upcoming
379 elections in the jurisdiction where the special election will be
380 held and, in the event of a vacancy in a state legislative
381 office, shall limit the period of any such vacancy during a
382 regular legislative session to the greatest extent possible in
383 fixing such dates. Notwithstanding the foregoing, a special
384 election may not be held later than 180 days after a vacancy has
385 occurred. The dates fixed by the Governor must ~~shall~~ be specific
386 days certain and may ~~shall~~ not be established by the happening
387 of a condition or stated in the alternative. The dates fixed
388 must ~~shall~~ provide a minimum of 10 ~~2~~ weeks between each



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389 election. In the event a vacancy occurs in the office of state
390 senator or member of the House of Representatives when the
391 Legislature is in regular legislative session, the minimum times
392 prescribed by this subsection may be waived upon concurrence of
393 the Governor, the Speaker of the House of Representatives, and
394 the President of the Senate. If a vacancy occurs in the office
395 of state senator and no session of the Legislature is scheduled
396 to be held before ~~prior to~~ the next general election, the
397 Governor may fix the dates for the special primary election and
398 for the special election to coincide with the dates of the
399 primary election and general election. If a vacancy in office
400 occurs in any district in the state Senate or House of
401 Representatives or in any congressional district, and no session
402 of the Legislature, or session of Congress if the vacancy is in
403 a congressional district, is scheduled to be held during the
404 unexpired portion of the term, the Governor is not required to
405 call a special election to fill such vacancy.

406 (a) The dates for candidates to qualify in such special
407 election or special primary election must ~~shall~~ be fixed by the
408 Department of State, and candidates must ~~shall~~ qualify no ~~not~~
409 later than noon of the last day so fixed. The dates fixed for
410 qualifying must ~~shall~~ allow a minimum of 14 days between the
411 last day of qualifying and the special primary election.

412 (b) The filing of campaign expense statements by candidates
413 in such special elections or special primaries and by committees
414 making contributions or expenditures to influence the results of
415 such special primaries or special elections must ~~shall~~ be no ~~not~~
416 later than such dates as ~~shall be~~ fixed by the Department of
417 State, and in fixing such dates the Department of State shall



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418 take into consideration and be governed by the practical time
419 limitations.

420 (c) The dates for a candidate to qualify by the petition
421 process pursuant to s. 99.095 in such special primary or special
422 election must ~~shall~~ be fixed by the Department of State. In
423 fixing such dates the Department of State shall take into
424 consideration and be governed by the practical time limitations.
425 Any candidate seeking to qualify by the petition process in a
426 special primary election must ~~shall~~ obtain 25 percent of the
427 signatures required by s. 99.095.

428 (d) The qualifying fees and party assessments of such
429 candidates as may qualify must ~~shall~~ be the same as collected
430 for the same office at the last previous primary for that
431 office. The party assessment must ~~shall~~ be paid to the
432 appropriate executive committee of the political party to which
433 the candidate belongs.

434 (e) Each county canvassing board shall make as speedy a
435 return of the result of such special primary elections and
436 special elections as time will permit, and the Elections
437 Canvassing Commission likewise shall make as speedy a canvass
438 and declaration of the nominees as time will permit.

439 Section 10. Subsection (1) of section 100.141, Florida
440 Statutes, is amended to read:

441 100.141 Notice of special election to fill any vacancy in
442 office.—

443 (1) Whenever a special election is required to fill any
444 vacancy in office, the Governor, after consultation with the
445 Secretary of State and the supervisor of elections of any
446 affected county, shall issue an order declaring on what day the



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447 election shall be held and deliver the order to the Department
448 of State. The Governor shall issue the order within 14 calendar
449 days after the occurrence of the vacancy or, for vacancies
450 arising due to a resignation under s. 99.012, within 14 calendar
451 days after submittal of the written resignation to the Governor,
452 whichever is sooner.

453 Section 11. Paragraph (a) of subsection (7) of section
454 100.371, Florida Statutes, is amended, and paragraph (c) is
455 added to that subsection, to read:

456 100.371 Initiatives; procedure for placement on ballot.—

457 (7)~~(a)~~ A sponsor that collects petition forms or uses a
458 petition circulator to collect petition forms serves as a
459 fiduciary to the elector signing the petition form, ensuring
460 that any petition form entrusted to the petition circulator
461 shall be promptly delivered to the supervisor ~~of elections~~
462 within 30 days after the elector signs the form.

463 (a) If a petition form collected by any petition circulator
464 is not promptly delivered to the supervisor of elections, the
465 sponsor is liable for the following fines:

466 1. A fine in the amount of \$50 for each petition form
467 received by the supervisor of elections more than 30 days after
468 the elector signed the petition form or the next business day,
469 if the office is closed. A fine in the amount of \$250 for each
470 petition form received if the sponsor or petition circulator
471 acted willfully.

472 2. A fine in the amount of \$500 for each petition form
473 collected by a petition circulator which is not submitted to the
474 supervisor of elections. A fine in the amount of \$1,000 for any
475 petition form not submitted if the sponsor or petition



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476 circulator acted willfully.

477 (c) A sponsor shall deliver petition forms to the
478 supervisor grouped in batches by the petition circulator who
479 collected them.

480 Section 12. Section 100.51, Florida Statutes, is created to
481 read:

482 100.51 General Election Day paid holiday.—In order to
483 encourage civic participation, enable more individuals to serve
484 as poll workers, and provide additional time for the resolution
485 of any issues that arise while an elector is casting his or her
486 vote, General Election Day shall be a paid holiday. An elector
487 is entitled to absent himself or herself from any service or
488 employment in which he or she is engaged or employed during the
489 time the polls are open on General Election Day. An elector who
490 absents himself or herself under this section may not be
491 penalized in any way, and a deduction may not be made from his
492 or her usual salary or wages on account of his or her absence.

493 Section 13. Section 101.016, Florida Statutes, is created
494 to read:

495 101.016 Strategic elections equipment reserve.—The Division
496 of Elections shall maintain a strategic elections equipment
497 reserve of voting systems that may be deployed in the event of
498 an emergency as defined in s. 101.732 or upon the occurrence of
499 equipment capacity issues due to unexpected voter turnout. The
500 reserve must include tabulation equipment and any other
501 necessary equipment, including, but not limited to, printers,
502 which are in use by each supervisor of elections. In lieu of
503 maintaining a physical reserve of such equipment, the division
504 may contract with a vendor of voting equipment to provide such



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505 equipment on an as-needed basis.

506 Section 14. Subsections (1) and (2) of section 101.048,
507 Florida Statutes, are amended to read:

508 101.048 Provisional ballots.—

509 (1) At all elections, a voter claiming to be properly
510 registered in this ~~the~~ state and eligible to vote ~~at the~~
511 ~~precinct~~ in the election but whose eligibility cannot be
512 determined, a person whom an election official asserts is not
513 eligible, and other persons specified in the code shall be
514 entitled to vote a provisional ballot at any precinct in the
515 county in which the voter claims to be registered. Once voted,
516 the provisional ballot must ~~shall~~ be placed in a secrecy
517 envelope and thereafter sealed in a provisional ballot envelope.
518 The provisional ballot must ~~shall~~ be deposited in a ballot box.
519 All provisional ballots must ~~shall~~ remain sealed in their
520 envelopes for return to the supervisor of elections. The
521 department shall prescribe the form of the provisional ballot
522 envelope. A person casting a provisional ballot shall have the
523 right to present written evidence supporting his or her
524 eligibility to vote to the supervisor of elections by not later
525 than 5 p.m. on the second day following the election.

526 (2) (a) The county canvassing board shall examine each
527 Provisional Ballot Voter's Certificate and Affirmation to
528 determine if the person voting that ballot was entitled to vote
529 in the county in which ~~at the precinct where~~ the person cast a
530 vote in the election and that the person had not already cast a
531 ballot in the election. In determining whether a person casting
532 a provisional ballot is entitled to vote, the county canvassing
533 board shall review the information provided in the Voter's



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534 Certificate and Affirmation, written evidence provided by the
535 person pursuant to subsection (1), information provided in any
536 cure affidavit and accompanying supporting documentation
537 pursuant to subsection (6), any other evidence presented by the
538 supervisor, and, in the case of a challenge, any evidence
539 presented by the challenger. A ballot of a person casting a
540 provisional ballot must ~~shall~~ be canvassed pursuant to paragraph
541 (b) unless the canvassing board determines by a preponderance of
542 the evidence that the person was not entitled to vote.

543 (b) If it is determined that the person was registered and
544 entitled to vote in the county in which ~~at the precinct where~~
545 the person cast a vote in the election, the canvassing board
546 must compare the signature on the Provisional Ballot Voter's
547 Certificate and Affirmation or the provisional ballot cure
548 affidavit with the signature on the voter's registration or
549 precinct register. A provisional ballot may be counted only if:

550 1. The signature on the voter's certificate or the cure
551 affidavit matches the elector's signature in the registration
552 books or the precinct register; however, in the case of a cure
553 affidavit, the supporting identification listed in subsection
554 (6) must also confirm the identity of the elector; or

555 2. The cure affidavit contains a signature that does not
556 match the elector's signature in the registration books or the
557 precinct register, but the elector has submitted a current and
558 valid Tier 1 form of identification confirming his or her
559 identity pursuant to subsection (6).

560

561 For purposes of this paragraph, any canvassing board finding
562 that signatures do not match must be by majority vote and beyond



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563 a reasonable doubt.

564 (c) Any provisional ballot not counted must remain in the
565 envelope containing the Provisional Ballot Voter's Certificate
566 and Affirmation, and the envelope must ~~shall~~ be marked "Rejected
567 as Illegal."

568 (d) If a provisional ballot is validated following the
569 submission of a cure affidavit, the supervisor must make a copy
570 of the affidavit, affix it to a voter registration application,
571 and immediately process it as a valid request for a signature
572 update pursuant to s. 98.077.

573 Section 15. Paragraph (a) of subsection (2) and paragraph
574 (a) of subsection (3) of section 101.151, Florida Statutes, are
575 amended to read:

576 101.151 Specifications for ballots.—

577 (2) (a) The ballot must include the following office titles
578 above the names of the candidates for the respective offices in
579 the following order:

580 1. The office titles of President and Vice President above
581 the randomly ordered names of the candidates for President and
582 Vice President of the United States ~~nominated by the political~~
583 ~~party that received the highest vote for Governor in the last~~
584 ~~general election of the Governor in this state, followed by the~~
585 ~~names of other candidates for President and Vice President of~~
586 ~~the United States~~ who have been properly nominated.

587 2. The office titles of United States Senator and
588 Representative in Congress.

589 3. The office titles of Governor and Lieutenant Governor;
590 Attorney General; Chief Financial Officer; Commissioner of
591 Agriculture; Secretary of State; State Attorney, with the



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592 applicable judicial circuit; and Public Defender, with the
593 applicable judicial circuit.

594 4. The office titles of State Senator and State
595 Representative, with the applicable district for the office
596 printed beneath.

597 5. The office titles of Clerk of the Circuit Court or, when
598 the Clerk of the Circuit Court also serves as the County
599 Comptroller, Clerk of the Circuit Court and Comptroller, when
600 authorized by law; Clerk of the County Court, when authorized by
601 law; Sheriff; Property Appraiser; Tax Collector; District
602 Superintendent of Schools; and Supervisor of Elections.

603 6. The office titles of Board of County Commissioners, with
604 the applicable district printed beneath each office, and such
605 other county and district offices as are involved in the
606 election, in the order fixed by the Department of State,
607 followed, in the year of their election, by "Party Offices," and
608 thereunder the offices of state and county party executive
609 committee members.

610 (3) (a) The names of the candidates ~~of the party that~~
611 ~~received the highest number of votes for Governor in the last~~
612 ~~election in which a Governor was elected shall be ordered~~
613 ~~randomly placed first~~ for each office on the general election
614 ballot, together with an appropriate abbreviation of the party
615 name; ~~the names of the candidates of the party that received the~~
616 ~~second highest vote for Governor shall be placed second for each~~
617 ~~office, together with an appropriate abbreviation of the party~~
618 ~~name.~~

619 Section 16. Subsection (6) is added to section 101.5612,
620 Florida Statutes, to read:



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621 101.5612 Testing of tabulating equipment.-

622 (6) The supervisor of elections shall annually file with
623 the Secretary of State a detailed plan for operations in the
624 event that maximum voter turnout occurs on election day and that
625 a recount is required in each race on a ballot.

626 Section 17. Paragraph (a) of subsection (1), subsection
627 (2), and paragraph (c) of subsection (4) of section 101.62,
628 Florida Statutes, are amended, and subsection (8) is added to
629 that section, to read:

630 101.62 Request for vote-by-mail ballots.-

631 (1)(a) The supervisor shall accept a request for a vote-by-
632 mail ballot from an elector in person or in writing. One request
633 is deemed sufficient to receive a vote-by-mail ballot for all
634 elections until the elector or the elector's designee notifies
635 the supervisor that the elector cancels such request ~~through the~~
636 ~~end of the calendar year of the next regularly scheduled general~~
637 ~~election~~, unless the elector or the elector's designee indicates
638 at the time the request is made the elections ~~within such period~~
639 for which the elector desires to receive a vote-by-mail ballot.
640 Such request may be considered canceled when any first-class
641 mail sent by the supervisor to the elector is returned as
642 undeliverable.

643 (2) A request for a vote-by-mail ballot to be mailed to a
644 voter must be received no later than 5 p.m. on the 11th ~~10th~~ day
645 before the election by the supervisor. The supervisor shall mail
646 vote-by-mail ballots to voters requesting ballots by such
647 deadline no later than 8 days before the election.

648 (4)

649 (c) The supervisor shall provide a vote-by-mail ballot to



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650 each elector by whom a request for that ballot has been made by
651 one of the following means:

652 1. By nonforwardable, return-if-undeliverable mail to the
653 elector's current mailing address on file with the supervisor or
654 any other address the elector specifies in the request.

655 2. By forwardable mail, e-mail, or facsimile machine
656 transmission to absent uniformed services voters and overseas
657 voters. The absent uniformed services voter or overseas voter
658 may designate in the vote-by-mail ballot request the preferred
659 method of transmission. If the voter does not designate the
660 method of transmission, the vote-by-mail ballot must ~~shall~~ be
661 mailed.

662 3. By personal delivery before 7 p.m. on election day to
663 the elector, upon presentation of the identification required in
664 s. 101.043.

665 4. By delivery to a designee on election day or up to 11 ~~9~~
666 days before the day of an election. Any elector may designate,
667 in writing, a person to pick up the ballot for the elector;
668 ~~however, the person designated may not pick up more than two~~
669 ~~vote-by-mail ballots per election, other than the designee's own~~
670 ~~ballot, except that additional ballots may be picked up for~~
671 ~~members of the designee's immediate family. For purposes of this~~
672 ~~section, "immediate family" means the designee's spouse or the~~
673 ~~parent, child, grandparent, grandchild, or sibling of the~~
674 ~~designee or of the designee's spouse. The designee shall provide~~
675 ~~to the supervisor the written authorization by the elector and a~~
676 ~~picture identification of the designee and must complete an~~
677 ~~affidavit. The designee shall state in the affidavit that the~~
678 ~~designee is authorized by the elector to pick up that ballot and~~



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679 ~~shall indicate if the elector is a member of the designee's~~
680 ~~immediate family and, if so, the relationship. The department~~
681 ~~shall prescribe the form of the affidavit. If the supervisor is~~
682 ~~satisfied that the designee is authorized to pick up the ballot~~
683 ~~and that the signature of the elector on the written~~
684 ~~authorization matches the signature of the elector on file, the~~
685 ~~supervisor shall give the ballot to that designee for delivery~~
686 ~~to the elector.~~

687 5. Except as provided in s. 101.655, the supervisor may not
688 deliver a vote-by-mail ballot to an elector or an elector's
689 immediate family member on the day of the election unless there
690 is an emergency, to the extent that the elector will be unable
691 to go to his or her assigned polling place. If a vote-by-mail
692 ballot is delivered, the elector or his or her designee must
693 ~~shall~~ execute an affidavit affirming to the facts which allow
694 for delivery of the vote-by-mail ballot. The department shall
695 adopt a rule providing for the form of the affidavit.

696 (8) If a deadline under this section falls on a day when
697 the office of the supervisor is usually closed, the deadline
698 must be extended until the next business day.

699 Section 18. Paragraph (a) of subsection (1) and subsection
700 (2) of section 101.64, Florida Statutes, are amended to read:

701 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

702 (1) (a) The supervisor shall enclose with each vote-by-mail
703 ballot two envelopes: a secrecy envelope, into which the absent
704 elector shall enclose his or her marked ballot; and a postage
705 prepaid mailing envelope, into which the absent elector must
706 ~~shall~~ then place the secrecy envelope, which must ~~shall~~ be
707 addressed to the supervisor and also bear on the back side a



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708 certificate in substantially the following form:

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

711 VOTER'S CERTIFICATE

712 I,, do solemnly swear or affirm that I am a qualified
713 and registered voter of County, Florida, and that I have
714 not and will not vote more than one ballot in this election. I
715 understand that if I commit or attempt to commit any fraud in
716 connection with voting, vote a fraudulent ballot, or vote more
717 than once in an election, I can be convicted of a felony of the
718 third degree and fined up to \$5,000 and/or imprisoned for up to
719 5 years. I also understand that failure to sign this certificate
720 will invalidate my ballot.

721 ... (Date) ...

722 ... (Voter's Signature or Last Four Digits of Social Security
723 Number) ...

724 ... (E-Mail Address) (Home Telephone Number) ...

725 ... (Mobile Telephone Number) ...

726 (2) The certificate must ~~shall~~ be arranged on the back of
727 the mailing envelope so that the line for the signature or last
728 four digits of the social security number of the absent elector
729 is across the seal of the envelope; however, a ~~no~~ statement may
730 not ~~shall~~ appear on the envelope which indicates that a
731 signature or the last four digits of the social security number
732 of the voter must cross the seal of the envelope. The absent
733 elector must ~~shall~~ execute the certificate on the envelope.

734 Section 19. Section 101.65, Florida Statutes, is amended to
735 read:

736 101.65 Instructions to absent electors.—The supervisor



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737 shall enclose with each vote-by-mail ballot separate printed
738 instructions in substantially the following form; however, where
739 the instructions appear in capitalized text, the text of the
740 printed instructions must be in bold font:

741 READ THESE INSTRUCTIONS CAREFULLY
742 BEFORE MARKING BALLOT.

743 1. VERY IMPORTANT. In order to ensure that your vote-by-
744 mail ballot will be counted, it should be completed and returned
745 as soon as possible so that it can reach the supervisor of
746 elections of the county in which your precinct is located no
747 later than 7 p.m. on the day of the election. However, if you
748 are an overseas voter casting a ballot in a presidential
749 preference primary or general election, your vote-by-mail ballot
750 must be postmarked or dated no later than the date of the
751 election and received by the supervisor of elections of the
752 county in which you are registered to vote no later than 10 days
753 after the date of the election. Note that the later you return
754 your ballot, the less time you will have to cure any signature
755 deficiencies, which may cause your ballot not to be counted ~~is~~
756 ~~authorized until 5 p.m. on the 2nd day after the election.~~

757 2. Mark your ballot in secret as instructed on the ballot.
758 You must mark your own ballot unless you are unable to do so
759 because of blindness, disability, or inability to read or write.

760 3. Mark only the number of candidates or issue choices for
761 a race as indicated on the ballot. If you are allowed to "Vote
762 for One" candidate and you vote for more than one candidate,
763 your vote in that race will not be counted.

764 4. Place your marked ballot in the enclosed secrecy
765 envelope.



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- 766 5. Insert the secrecy envelope into the enclosed mailing
767 envelope which is addressed to the supervisor.
- 768 6. Seal the mailing envelope and completely fill out the
769 Voter's Certificate on the back of the mailing envelope.
- 770 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
771 be counted, you must sign your name or print the last four
772 digits of your social security number on the line above (Voter's
773 Signature or Last Four Digits of Social Security Number). A
774 vote-by-mail ballot will be considered illegal and not be
775 counted if the signature or the last four digits of the social
776 security number on the voter's certificate do ~~does~~ not match the
777 signature or social security number on record. The signature on
778 file at the time the supervisor of elections in the county in
779 which your precinct is located receives your vote-by-mail ballot
780 is the signature that will be used to verify your signature on
781 the voter's certificate. If you need to update your signature
782 for this election, send your signature update on a voter
783 registration application to your supervisor of elections ~~so that~~
784 ~~it is received before your vote-by-mail ballot is received.~~
- 785 8. VERY IMPORTANT. If you are an overseas voter, you must
786 include the date you signed the Voter's Certificate or printed
787 the last four digits of your social security number on the line
788 above (Date) or your ballot may not be counted.
- 789 9. Mail, deliver, or have delivered the completed mailing
790 envelope. Be sure there is sufficient postage if mailed. THE
791 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
792 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
793 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE
794 STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.



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795 10. FELONY NOTICE. It is a felony under Florida law to
796 accept any gift, payment, or gratuity in exchange for your vote
797 for a candidate. It is also a felony under Florida law to vote
798 in an election using a false identity or false address, or under
799 any other circumstances making your ballot false or fraudulent.

800 Section 20. Subsection (1), paragraph (c) of subsection
801 (2), and paragraphs (a), (c), and (d) of subsection (4) of
802 section 101.68, Florida Statutes, are amended to read:

803 101.68 Canvassing of vote-by-mail ballot.—

804 (1) The supervisor of the county where the absent elector
805 resides shall receive the voted ballot, at which time the
806 supervisor shall compare the signature or last four digits of
807 the social security number of the elector on the voter's
808 certificate with the signature or last four digits of the social
809 security number of the elector in the registration books or the
810 precinct register to determine whether the elector is duly
811 registered in the county and must record on the elector's
812 registration record that the elector has voted. During the
813 signature comparison process, the supervisor may not use any
814 knowledge of the political affiliation of the voter whose
815 signature is subject to verification. An elector who dies after
816 casting a vote-by-mail ballot but on or before election day must
817 ~~shall~~ remain listed in the registration books until the results
818 have been certified for the election in which the ballot was
819 cast. The supervisor shall safely keep the ballot unopened in
820 his or her office until the county canvassing board canvasses
821 the vote. Except as provided in subsection (4), after a vote-by-
822 mail ballot is received by the supervisor, the ballot is deemed
823 to have been cast, and changes or additions may not be made to



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824 the voter's certificate.

825 (2)

826 (c)1. The canvassing board must, if the supervisor has not
827 already done so, compare the signature or last four digits of
828 the social security number of the elector on the voter's
829 certificate or on the vote-by-mail ballot cure affidavit as
830 provided in subsection (4) with the signature or last four
831 digits of the social security number of the elector in the
832 registration books or the precinct register to see that the
833 elector is duly registered in the county and to determine the
834 legality of that vote-by-mail ballot. A vote-by-mail ballot may
835 only be counted if:

836 a. The signature or last four digits of the social security
837 number on the voter's certificate or the cure affidavit match
838 ~~matches~~ the elector's signature or last four digits of the
839 social security number in the registration books or precinct
840 register; however, in the case of a cure affidavit, the
841 supporting identification listed in subsection (4) must also
842 confirm the identity of the elector; or

843 b. The cure affidavit contains a signature or last four
844 digits of the social security number which do ~~that does~~ not
845 match the elector's signature or last four digits of the social
846 security number in the registration books or precinct register,
847 but the elector has submitted a current and valid Tier 1
848 identification pursuant to subsection (4) which confirms the
849 identity of the elector.

850

851 For purposes of this subparagraph, any canvassing board finding
852 that an elector's signatures or last four digits of the social



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853 security numbers do not match must be by majority vote and
854 beyond a reasonable doubt.

855 2. The ballot of an elector who casts a vote-by-mail ballot
856 shall be counted even if the elector dies on or before election
857 day, as long as, before the death of the voter, the ballot was
858 postmarked by the United States Postal Service, date-stamped
859 with a verifiable tracking number by a common carrier, or
860 already in the possession of the supervisor.

861 3. A vote-by-mail ballot is not considered illegal if the
862 signature or last four digits of the social security number of
863 the elector do ~~does~~ not cross the seal of the mailing envelope.

864 ~~4. If any elector or candidate present believes that a~~
865 ~~vote-by-mail ballot is illegal due to a defect apparent on the~~
866 ~~voter's certificate or the cure affidavit, he or she may, at any~~
867 ~~time before the ballot is removed from the envelope, file with~~
868 ~~the canvassing board a protest against the canvass of that~~
869 ~~ballot, specifying the precinct, the voter's certificate or the~~
870 ~~cure affidavit, and the reason he or she believes the ballot to~~
871 ~~be illegal. A challenge based upon a defect in the voter's~~
872 ~~certificate or cure affidavit may not be accepted after the~~
873 ~~ballot has been removed from the mailing envelope.~~

874 ~~5.~~ If the canvassing board determines that a ballot is
875 illegal, a member of the board must, without opening the
876 envelope, mark across the face of the envelope: "rejected as
877 illegal." The cure affidavit, if applicable, the envelope, and
878 the ballot therein must ~~shall~~ be preserved in the manner that
879 official ballots are preserved.

880 (4) (a) As soon as practicable, the supervisor shall, on
881 behalf of the county canvassing board, attempt to notify an



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882 elector who has returned a vote-by-mail ballot that does not
883 include the elector's signature or last four digits of the
884 social security number or contains a signature or last four
885 digits of the social security number that do ~~does~~ not match the
886 elector's signature or last four digits of the social security
887 number in the registration books or precinct register by:

888 1. Notifying the elector of the signature or last four
889 digits of the social security number deficiency by e-mail and
890 directing the elector to the cure affidavit and instructions on
891 the supervisor's website;

892 2. Notifying the elector of the signature or last four
893 digits of the social security number deficiency by text message
894 and directing the elector to the cure affidavit and instructions
895 on the supervisor's website; or

896 3. Notifying the elector of the signature or last four
897 digits of the social security number deficiency by telephone and
898 directing the elector to the cure affidavit and instructions on
899 the supervisor's website.

900
901 In addition to the notification required under subparagraph 1.,
902 subparagraph 2., or subparagraph 3., the supervisor must notify
903 the elector of the signature or last four digits of the social
904 security number deficiency by first-class mail and direct the
905 elector to the cure affidavit and instructions on the
906 supervisor's website. Beginning the day before the election, the
907 supervisor is not required to provide notice of the signature
908 deficiency by first-class mail, but shall continue to provide
909 notice as required under subparagraph 1., subparagraph 2., or
910 subparagraph 3.



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911 (c) The elector must complete a cure affidavit in
912 substantially the following form:

913 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

914 I,, am a qualified voter in this election and
915 registered voter of County, Florida. I do solemnly swear or
916 affirm that I requested and returned the vote-by-mail ballot and
917 that I have not and will not vote more than one ballot in this
918 election. I understand that if I commit or attempt any fraud in
919 connection with voting, vote a fraudulent ballot, or vote more
920 than once in an election, I may be convicted of a felony of the
921 third degree and fined up to \$5,000 and imprisoned for up to 5
922 years. I understand that my failure to sign this affidavit means
923 that my vote-by-mail ballot will be invalidated.

924 ... (Voter's Signature or Last Four Digits of Social Security
925 Number) ...

926 ... (Address) ...

927 (d) Instructions must accompany the cure affidavit in
928 substantially the following form:

929 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
930 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
931 BALLOT NOT TO COUNT.

932 1. In order to ensure that your vote-by-mail ballot will be
933 counted, your affidavit should be completed and returned as soon
934 as possible so that it can reach the supervisor of elections of
935 the county in which your precinct is located no later than 5
936 p.m. on the 2nd day after the election.

937 2. You must sign your name or print the last four digits of
938 your social security number on the line above (Voter's Signature
939 or Last Four Digits of Social Security Number).



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940 3. You must make a copy of one of the following forms of
941 identification:
942 a. Tier 1 identification.—Current and valid identification
943 that includes your name and photograph: Florida driver license;
944 Florida identification card issued by the Department of Highway
945 Safety and Motor Vehicles; United States passport; debit or
946 credit card; military identification; student identification;
947 retirement center identification; neighborhood association
948 identification; public assistance identification; veteran health
949 identification card issued by the United States Department of
950 Veterans Affairs; a Florida license to carry a concealed weapon
951 or firearm; or an employee identification card issued by any
952 branch, department, agency, or entity of the Federal Government,
953 the state, a county, or a municipality; or
954 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
955 FORM OF IDENTIFICATION, identification that shows your name and
956 current residence address: current utility bill, bank statement,
957 government check, paycheck, or government document (excluding
958 voter information card).
959 4. Place the envelope bearing the affidavit into a mailing
960 envelope addressed to the supervisor. Insert a copy of your
961 identification in the mailing envelope. Mail (if time permits),
962 deliver, or have delivered the completed affidavit along with
963 the copy of your identification to your county supervisor of
964 elections. Be sure there is sufficient postage if mailed and
965 that the supervisor's address is correct. Remember, your
966 information MUST reach your county supervisor of elections no
967 later than 5 p.m. on the 2nd day after the election, or your
968 ballot will not count.



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969 5. Alternatively, you may fax or e-mail your completed
970 affidavit and a copy of your identification to the supervisor of
971 elections. If e-mailing, please provide these documents as
972 attachments.

973 Section 21. Section 101.6952, Florida Statutes, is amended
974 to read:

975 101.6952 Vote-by-mail ballots for absent ~~uniformed services~~
976 ~~and overseas~~ voters.—

977 (1) If an absent ~~uniformed services voter's or an overseas~~
978 voter's request for an official vote-by-mail ballot pursuant to
979 s. 101.62 includes an e-mail address, the supervisor of
980 elections must ~~shall~~:

981 (a) Record the voter's e-mail address in the vote-by-mail
982 ballot record;

983 (b) Confirm by e-mail that the vote-by-mail ballot request
984 was received and include in that e-mail the estimated date the
985 vote-by-mail ballot will be sent to the voter; and

986 (c) Notify the voter by e-mail when the voted vote-by-mail
987 ballot is received by the supervisor of elections.

988 (2) (a) An absent ~~uniformed services voter or an overseas~~
989 voter who makes timely application for but does not receive an
990 official vote-by-mail ballot may use the federal write-in
991 absentee ballot to vote in any federal, state, or local
992 election.

993 (b)1. In an election for federal office, an elector may
994 designate a candidate by writing the name of a candidate on the
995 ballot. Except for a primary or special primary election, the
996 elector may alternatively designate a candidate by writing the
997 name of a political party on the ballot. A written designation



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998 of the political party must ~~shall~~ be counted as a vote for the
999 candidate of that party if there is such a party candidate in
1000 the race.

1001 2. In a state or local election, an elector may vote in the
1002 section of the federal write-in absentee ballot designated for
1003 nonfederal races by writing on the ballot the title of each
1004 office and by writing on the ballot the name of the candidate
1005 for whom the elector is voting. Except for a primary, special
1006 primary, or nonpartisan election, the elector may alternatively
1007 designate a candidate by writing the name of a political party
1008 on the ballot. A written designation of the political party must
1009 ~~shall~~ be counted as a vote for the candidate of that party if
1010 there is such a party candidate in the race. In addition, the
1011 elector may vote on any ballot measure presented in such
1012 election by identifying the ballot measure on which he or she
1013 desires to vote and specifying his or her vote on the measure.
1014 For purposes of this section, a vote cast in a judicial merit
1015 retention election must ~~shall~~ be treated in the same manner as a
1016 ballot measure in which the only allowable responses are "Yes"
1017 or "No."

1018 (c) In the case of a joint candidacy, such as for the
1019 offices of President/Vice President or Governor/Lieutenant
1020 Governor, a valid vote for one or both qualified candidates on
1021 the same ticket constitutes ~~shall constitute~~ a vote for the
1022 joint candidacy.

1023 (d) For purposes of this subsection and except when the
1024 context clearly indicates otherwise, such as when a candidate in
1025 the election is affiliated with a political party whose name
1026 includes the word "Independent," "Independence," or a similar



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1027 term, a voter designation of "No Party Affiliation" or
1028 "Independent," or any minor variation, misspelling, or
1029 abbreviation thereof, shall be considered a designation for the
1030 candidate, other than a write-in candidate, who qualified to run
1031 in the race with no party affiliation. If more than one
1032 candidate qualifies to run as a candidate with no party
1033 affiliation, the designation may not count for any candidate
1034 unless there is a valid, additional designation of the
1035 candidate's name.

1036 (e) Any abbreviation, misspelling, or other minor variation
1037 in the form of the name of an office, the name of a candidate,
1038 the ballot measure, or the name of a political party must be
1039 disregarded in determining the validity of the ballot.

1040 (3) (a) An absent ~~uniformed services voter or an overseas~~
1041 voter who submits a federal write-in absentee ballot and later
1042 receives an official vote-by-mail ballot may submit the official
1043 vote-by-mail ballot. An elector who submits a federal write-in
1044 absentee ballot and later receives and submits an official vote-
1045 by-mail ballot should make every reasonable effort to inform the
1046 appropriate supervisor of elections that the elector has
1047 submitted more than one ballot.

1048 (b) ~~A federal write-in absentee ballot may not be canvassed~~
1049 ~~until 7 p.m. on the day of the election.~~ A federal write-in
1050 absentee ballot from an absent overseas voter in a presidential
1051 preference primary or general election may not be canvassed
1052 until the conclusion of the 10-day period specified in
1053 subsection (5). Each federal write-in absentee ballot received
1054 by 7 p.m. on the day of the election must ~~shall~~ be canvassed
1055 pursuant to ss. 101.5614(4) and 101.68, unless the elector's



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1056 official vote-by-mail ballot is received by 7 p.m. on election
1057 day. Each federal write-in absentee ballot from an absent
1058 ~~overseas~~ voter in a presidential preference primary or general
1059 election received by 10 days after the date of the election must
1060 ~~shall~~ be canvassed pursuant to ss. 101.5614(4) and 101.68,
1061 unless the absent ~~overseas~~ voter's official vote-by-mail ballot
1062 is received by 10 days after the date of the election. If the
1063 elector's official vote-by-mail ballot is received ~~by 7 p.m. on~~
1064 ~~election day, or, for an overseas voter in a presidential~~
1065 ~~preference primary or general election,~~ no later than 10 days
1066 after the date of the election, the federal write-in absentee
1067 ballot is invalid and the official vote-by-mail ballot must
1068 ~~shall~~ be canvassed. The time shall be regulated by the customary
1069 time in standard use in the county seat of the locality.

1070 (4) For vote-by-mail ballots received from absent ~~uniformed~~
1071 ~~services voters or overseas~~ voters, there is a presumption that
1072 the envelope was mailed on the date stated on the outside of the
1073 return envelope, regardless of the absence of a postmark on the
1074 mailed envelope or the existence of a postmark date ~~that is~~
1075 later than the date of the election.

1076 (5) A vote-by-mail ballot from an absent ~~overseas~~ voter in
1077 any presidential preference primary or general election which is
1078 postmarked or dated no later than the date of the election and
1079 is received by the supervisor of elections of the county in
1080 which the absent ~~overseas~~ voter is registered no later than 10
1081 days after the date of the election must ~~shall~~ be counted as
1082 long as the vote-by-mail ballot is otherwise proper.

1083 Section 22. Subsection (6) is added to section 101.71,
1084 Florida Statutes, to read:



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1085 101.71 Polling place.—

1086 (6) A polling place may not be located within a gated
1087 community unless the legal residence of every elector in the
1088 precinct is within such gated community.

1089 Section 23. Paragraph (f) is added to subsection (4) and
1090 subsection (6) is added to section 102.031, Florida Statutes, to
1091 read:

1092 102.031 Maintenance of good order at polls; authorities;
1093 persons allowed in polling rooms and early voting areas;
1094 unlawful solicitation of voters.—

1095 (4)

1096 (f) A person may provide food, water, or other items,
1097 including, but not limited to, over-the-counter medication,
1098 chairs, fans, and umbrellas or other rain gear, to voters
1099 standing in line to vote outside the no-solicitation zone.

1100 (6) Bullhorns or other devices used to amplify sound are
1101 prohibited in close proximity to:

1102 (a) A polling place during voting hours.

1103 (b) An office of the supervisor during a recount.

1104 Section 24. Subsection (2) of section 102.111, Florida
1105 Statutes, is amended to read:

1106 102.111 Elections Canvassing Commission.—

1107 (2) The Elections Canvassing Commission shall meet at 9
1108 a.m. on the 9th day after a primary election to certify the
1109 returns for each federal, state, and multicounty office. The
1110 commission shall meet ~~and~~ at 9 a.m. on the 14th day after a
1111 general election to certify the returns of the election for each
1112 federal, state, and multicounty office. The commission shall
1113 meet at 9 a.m. on the 21st day after a general election to



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1114 certify the returns for each federal and state office. If a
1115 member of a county canvassing board that was constituted
1116 pursuant to s. 102.141 determines, within 5 days after the
1117 certification by the Elections Canvassing Commission, that a
1118 typographical error occurred in the official returns of the
1119 county, the correction of which could result in a change in the
1120 outcome of an election, the county canvassing board must certify
1121 corrected returns to the Department of State within 24 hours,
1122 and the Elections Canvassing Commission must correct and
1123 recertify the election returns as soon as practicable.

1124 Section 25. Subsection (2) of section 102.112, Florida
1125 Statutes, is amended to read:

1126 102.112 Deadline for submission of county returns to the
1127 Department of State.—

1128 (2) Returns must be filed by 5 p.m. on the 7th day
1129 following a primary election, ~~and~~ by noon on the 12th day
1130 following the general election for multicounty offices, and by
1131 noon on the 19th day following the general election for federal
1132 and statewide offices. However, the Department of State may
1133 correct typographical errors, including the transposition of
1134 numbers, in any returns submitted to the Department of State
1135 pursuant to s. 102.111(2).

1136 Section 26. Section 102.181, Florida Statutes, is created
1137 to read:

1138 102.181 Action against supervisor of elections.—

1139 (1) Any elector qualified to vote in or any candidate for
1140 office in an election may file an action against the supervisor
1141 of elections administering such election for noncompliance with
1142 any provision of this code.



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1143 (2) Any elector or candidate who files such an action is
1144 entitled to an immediate hearing.

1145 (3) In any such action, any filing fees or costs must be
1146 waived, and attorney fees must be awarded to the prevailing
1147 party or parties.

1148 Section 27. This act shall take effect July 1, 2023.

1149
1150 ===== T I T L E A M E N D M E N T =====

1151 And the title is amended as follows:

1152 Delete lines 2442 - 2769

1153 and insert:

1154 An act relating to elections; amending s. 20.10, F.S.;
1155 requiring the Secretary of State to be elected rather
1156 than appointed; specifying when such election must
1157 occur; amending s. 97.053, F.S.; requiring an
1158 applicant to designate a party affiliation or select
1159 "no party affiliation" to be registered to vote;
1160 requiring a supervisor of elections to provide a
1161 certain notification; requiring the voter registration
1162 application to include certain information; creating
1163 s. 97.0556, F.S.; authorizing a person who meets
1164 certain requirements to register to vote at an early
1165 voting site or at his or her polling place and to
1166 immediately thereafter cast a ballot; amending s.
1167 97.057, F.S.; authorizing the Department of Highway
1168 Safety and Motor Vehicles to preregister certain
1169 individuals to vote; providing that driver license or
1170 identification card applications, driver license or
1171 identification card renewal applications, and



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1172 applications for changes of address for existing
1173 driver licenses or identification cards submitted to
1174 the department serve as voter registration
1175 applications; providing that an applicant is deemed to
1176 have consented to the use of his or her signature for
1177 voter registration purposes unless a declination is
1178 made; requiring specified applications to include a
1179 voter registration component, subject to approval by
1180 the Department of State; providing requirements for
1181 the voter registration component; requiring the
1182 Department of Highway Safety and Motor Vehicles to
1183 electronically transmit voter registration information
1184 to the Department of State within a specified
1185 timeframe; requiring the Department of State to
1186 provide such information to supervisors of elections,
1187 as applicable; deleting obsolete language; making
1188 technical changes; amending s. 97.0575, F.S.; revising
1189 certain penalties for third-party voter registration
1190 organizations; deleting the aggregate limit of such
1191 penalties; amending s. 98.045, F.S.; conforming a
1192 cross-reference; amending s. 98.065, F.S.; revising
1193 requirements for registration list maintenance
1194 programs; requiring supervisors to designate voters as
1195 inactive if certain conditions are met; prohibiting
1196 the number of voters on the inactive list from being
1197 used to calculate the number of signatures necessary
1198 for a petition; providing conditions under which a
1199 voter on the inactive list may be restored to the
1200 active list; requiring an inactive voter's name to be



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1201 removed from the statewide voter registration system
1202 if certain conditions are met; providing requirements
1203 for such inactive voter to have his or her name
1204 restored to the system; amending s. 99.061, F.S.;
1205 authorizing a candidate to pay his or her
1206 qualification fee with a cashier's check; amending
1207 100.111, F.S.; requiring the Governor to consult with
1208 affected supervisors of elections in fixing the dates
1209 for special elections; requiring the Governor, in the
1210 event of a vacancy in a state legislative office, to
1211 limit the period of such vacancy during a regular
1212 legislative session to the greatest extent possible in
1213 fixing a special election date; requiring the Governor
1214 to fix the date for a special election to be held
1215 within a certain timeframe; revising the minimum time
1216 between a special primary election and a special
1217 election; amending s. 100.141, F.S.; requiring the
1218 Governor to issue an order calling for a special
1219 election within a certain timeframe; conforming a
1220 provision to changes made by the act; amending s.
1221 100.371, F.S.; providing a requirement for the
1222 delivery of certain petition forms; creating s.
1223 100.51, F.S.; establishing General Election Day as a
1224 paid holiday; providing that an elector may absent
1225 himself or herself from service or employment at a
1226 specific time on a General Election Day and may not be
1227 penalized or have salary or wages reduced for such
1228 absence; creating s. 101.016, F.S.; requiring the
1229 Division of Elections to maintain a strategic



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1230 elections equipment reserve of voting systems and
1231 other equipment for specified purposes; requiring such
1232 reserve to include specified equipment; authorizing
1233 the division to contract with specified entities
1234 rather than physically maintain such reserve; amending
1235 s. 101.048, F.S.; providing that a voter may cast a
1236 provisional vote at any precinct in the county in
1237 which the voter claims to be registered; amending s.
1238 101.151, F.S.; revising the order in which office
1239 titles and names of candidates are placed on the
1240 ballot; conforming provisions to changes made by the
1241 act; amending s. 101.5612, F.S.; requiring supervisors
1242 of elections to annually file a plan for operations
1243 under certain conditions; amending s. 101.62, F.S.;
1244 providing that a request for a vote-by-mail ballot is
1245 valid until such request is canceled; revising the
1246 deadline by which requests for vote-by-mail ballots
1247 must be received by a supervisor of elections;
1248 revising the period during which a supervisor of
1249 elections may deliver certain ballots; deleting
1250 requirements for a person designated by an elector to
1251 pick up the elector's vote-by-mail ballot; providing
1252 for extension of deadlines under certain conditions;
1253 amending s. 101.64, F.S.; requiring supervisors of
1254 elections to enclose a postage prepaid mailing
1255 envelope with each vote-by-mail ballot; providing that
1256 vote-by-mail ballot voter certificates may be signed
1257 with the last four digits of the voter's social
1258 security number; amending s. 101.65, F.S.; revising



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1259 instructions that must be provided with a vote-by-mail
1260 ballot; amending s. 101.68, F.S.; requiring
1261 supervisors of elections to compare the signature or
1262 last four digits of the social security number on a
1263 voter's certificate with the signature or last four
1264 digits of the social security number in the
1265 registration books or precinct register when
1266 canvassing a vote-by-mail ballot; requiring a
1267 canvassing board to compare the signature or last four
1268 digits of the social security number on a voter's
1269 certificate or cure affidavit with the signature or
1270 last four digits of the social security number in the
1271 registration books or precinct register when
1272 canvassing a vote-by-mail ballot; deleting the
1273 authorization for certain persons to file a protest
1274 against the canvass of a ballot; amending s. 101.6952,
1275 F.S.; authorizing an absent voter to submit a federal
1276 write-in absentee ballot or vote-by-mail ballot;
1277 revising requirements for the canvassing of specified
1278 ballots; providing that a certain presumption applies
1279 to vote-by-mail ballots received from absent voters;
1280 requiring a vote-by-mail ballot from an absent voter
1281 which is postmarked or dated by a certain date to be
1282 counted; amending s. 101.71, F.S.; prohibiting a
1283 polling place from being located within a gated
1284 community unless certain conditions are met; amending
1285 s. 102.031, F.S.; authorizing a person to provide
1286 food, water, or other items to certain voters;
1287 prohibiting the use of devices that amplify sound in



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1288 certain locations during certain hours; amending s.
1289 102.111, F.S.; revising the dates by which the
1290 Elections Canvassing Commission must certify certain
1291 election returns; amending s. 102.112, F.S.; revising
1292 the deadlines for submission of county returns to the
1293 Department of State; creating s. 102.181, F.S.;
1294 authorizing certain persons to file actions against a
1295 supervisor of elections for noncompliance with the
1296 election code; providing that such persons are
1297 entitled to an immediate hearing; providing for the
1298 waiver of fees and costs and the awarding of attorney
1299 fees; providing an effective date.