

1 A bill to be entitled
2 An act relating to elections; amending s. 99.061,
3 F.S.; revising the list of required items that must be
4 received by a specified officer for nomination and
5 election qualification; authorizing a candidate to be
6 removed from the ballot in certain circumstances;
7 providing a method to challenge the contents of
8 certain forms and statements; providing requirements
9 for certain candidates to qualify for office;
10 requiring the Department of State to adopt rules for
11 certain procedures and a required form; requiring the
12 withdrawal of certain candidates in specified
13 circumstances; providing the exclusive method of
14 withdrawal; prohibiting a qualifying officer from
15 accepting certain items outside of a specified period;
16 declaring that any papers or items accepted after the
17 deadline are not valid and that the candidate must be
18 disqualified; providing a method for challenging the
19 qualification for certain candidates; specifying
20 procedures for bringing an action in circuit court,
21 the filing of responses and scheduling of proceedings;
22 amending s. 101.69, F.S.; revising where secure ballot
23 intake stations may be placed and when they may be
24 accessed; amending s. 103.081, F.S.; revising who is
25 required to give approval and permission to use names,

26 abbreviations, and symbols of political parties;
27 authorizing a political party to adopt certain rules;
28 revising requirements for an exception; amending s.
29 103.121, F.S.; revising powers and duties of executive
30 committees; providing for retroactive application;
31 amending s. 106.1436, F.S.; revising the definition of
32 the term "voter guide"; revising who may represent
33 that a voter guide is the official publication of a
34 political party; revising required disclaimers on
35 voter guides; prohibiting voter guides from advocating
36 for a candidate unless certain conditions are met;
37 providing that certain voter guides are an in-kind
38 contribution and should be valued in a certain manner;
39 providing an exception; increasing the maximum fine
40 amount for a certain violation; providing an effective
41 date.

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

44
45 **Section 1. Present subsection (11) of section 99.061,**
46 **Florida Statutes, is redesignated as subsection (12), paragraph**
47 **(d) is added to subsection (7), a new subsection (11) and**
48 **subsection (13) are added to that section, and paragraph (a) of**
49 **subsection (7) of that section is amended, to read:**

50 99.061 Method of qualifying for nomination or election to

51 federal, state, county, or district office.—

52 (7) (a) In order for a candidate to be qualified, the
53 following items must be received by the filing officer by the
54 end of the qualifying period:

55 1. A properly executed check drawn upon the candidate's
56 campaign account for the office the candidate is qualifying for,
57 payable to the person or entity as prescribed by the filing
58 officer in an amount not less than the fee required by s.
59 99.092, unless the candidate obtained the required number of
60 signatures on petitions pursuant to s. 99.095. The filing fee
61 for a special district candidate is not required to be drawn
62 upon the candidate's campaign account. If a candidate's check is
63 returned by the bank for any reason, the filing officer shall
64 immediately notify the candidate and the candidate shall have
65 until the end of qualifying to pay the fee with a cashier's
66 check purchased from funds of the campaign account. Failure to
67 pay the fee as provided in this subparagraph shall disqualify
68 the candidate.

69 2. The candidate's oath required by s. 99.021, which must
70 contain the name of the candidate as it is to appear on the
71 ballot; the office sought, including the district or group
72 number if applicable; and the signature of the candidate, which
73 must be verified under oath or affirmation pursuant to s.
74 92.525(1) (a).

75 3. If the office sought is partisan, the written statement

76 of political party affiliation required by s. 99.021(1)(b); or
77 if the candidate is running without party affiliation for a
78 partisan office, the written statement required by s.
79 99.021(1)(c). If an order of a court that has become final
80 determines that a candidate failed to file an accurate written
81 statement as provided in this subparagraph, the candidate shall
82 be disqualified and removed from the ballot.

83 4. The completed form for the appointment of campaign
84 treasurer and designation of campaign depository, as required by
85 s. 106.021. The contents of the form required under this
86 subparagraph may only be challenged by filing a complaint with
87 the Florida Elections Commission.

88 5. The full and public disclosure or statement of
89 financial interests required by subsection (5). A public officer
90 who has filed the full and public disclosure or statement of
91 financial interests with the Commission on Ethics before
92 qualifying for office may file a copy of that disclosure or a
93 verification or receipt of electronic filing as provided in
94 subsection (5) at the time of qualifying. The contents of the
95 disclosure or statement required under this subparagraph may
96 only be challenged by filing a complaint with the Commission on
97 Ethics.

98 (d) As a condition precedent to a candidate filing or
99 qualifying for another office, the candidate must withdraw from
100 the first office by filing a form with the qualifying officer.

101 The department shall adopt procedures to administer this
102 paragraph, including the development of the form. The form and
103 rules developed by the department are the exclusive method for
104 withdrawal from office under this paragraph, and any other
105 attempted method of withdrawal may not be considered valid. A
106 qualifying officer may not qualify a candidate for another
107 office if the candidate has failed to properly withdraw from the
108 first office as provided in this paragraph.

109 (11) The qualifying officer may not accept any qualifying
110 papers or any items required under this section after the
111 qualifying period has ended. Any qualifying papers or items
112 accepted by the qualifying officer after the qualifying period
113 has ended are not valid and the candidate must be disqualified.

114 (13) (a) A candidate may challenge the validity of his or
115 her opponent's qualification under this section. A political
116 party may challenge the validity of any candidate's
117 qualification under this section.

118 (b) A complainant may bring an action for declaratory and
119 injunctive relief with the circuit court in a county where the
120 alleged violation occurred within 10 days after the qualifying
121 period has ended.

122 (c) The candidate whose validity is being challenged and
123 the qualifying officer are indispensable party defendants.

124 (d) Within 10 days after the complaint has been served,
125 each named defendant must file a response. If the candidate

126 whose validity is being challenged fails to file a timely
127 response, the court must disqualify the candidate and order the
128 candidate removed from the ballot, absent a showing of good
129 cause for the delay.

130 (e) Unless a scheduling order has been issued by the
131 court, the parties must file at least one proposed scheduling
132 order with the court within 10 days after the complaint has been
133 served.

134 (f) A matter brought under this subsection and any appeals
135 shall be considered on an expedited basis that will be least
136 disruptive to the upcoming election.

137 **Section 2. Paragraph (a) of subsection (2) of section**
138 **101.69, Florida Statutes, is amended to read:**

139 101.69 Voting in person; return of vote-by-mail ballot.—

140 (2) (a) The supervisor shall allow an elector who has
141 received a vote-by-mail ballot to physically return a voted
142 vote-by-mail ballot to the supervisor by placing the return mail
143 envelope containing his or her marked ballot in a secure ballot
144 intake station. Secure ballot intake stations shall be placed at
145 the main office of the supervisor, at each permanent branch
146 office of the supervisor which meets the criteria set forth in
147 s. 101.657(1) (a) for branch offices used for early voting and
148 which is open for at least the minimum number of hours
149 prescribed by s. 98.015(4), and at each early voting site.
150 ~~Secure ballot intake stations may also be placed at any other~~

151 ~~site that would otherwise qualify as an early voting site under~~
152 ~~s. 101.657(1).~~ Secure ballot intake stations must be
153 geographically located so as to provide all voters in the county
154 with an equal opportunity to cast a ballot, insofar as is
155 practicable. Except for secure ballot intake stations at an
156 office of the supervisor, a secure ballot intake station may
157 only be used during the county's early voting hours of operation
158 and must be monitored in person by an employee of the
159 supervisor's office. A secure ballot intake station at an office
160 of the supervisor may only be made available during early voting
161 hours or during normal office hours and must be continuously
162 monitored in person by an employee of the supervisor's office
163 when the secure ballot intake station is accessible for deposit
164 of ballots.

165 **Section 3. Section 103.081, Florida Statutes, is amended**
166 **to read:**

167 103.081 Use of party name, abbreviation, or symbol;
168 political advertising.-

169 (1) No person shall use any ~~the~~ name, abbreviation, or
170 symbol of any political party, the name, abbreviation, or symbol
171 of which is filed with the Department of State, in political
172 advertising in newspapers, other publications, handbills, radio
173 or television, or any other form of advertising in connection
174 with any political activities in support of a candidate of any
175 other party, unless such person shall first obtain the written

176 permission of the chair of the state executive committee of the
177 party the name, abbreviation, or symbol of which is to be used.

178 (2) No person or group of persons shall use any ~~the~~ name,
179 abbreviation, or symbol of any political party, the name,
180 abbreviation, or symbol of which is filed with the Department of
181 State, in connection with any club, group, association, or
182 organization of any kind unless approval and permission have
183 been given in writing by the chair of the state executive
184 committee of such party. A political party may provide by rule a
185 process for requesting approval and permission under this
186 subsection. This subsection shall not apply to county executive
187 committees of such parties and organizations which are chartered
188 by the state executive committee or national executive committee
189 of the party the name, abbreviation, or symbol of which is to be
190 used, or to organizations which at the time of the political
191 party filing the name with the Department of State have been
192 continuously using the name of any political party ~~which~~
193 ~~organizations have~~ and have continuously been in existence and
194 organized on a statewide basis for a period of 10 years.

195 (3) A political party may file with the Department of
196 State names of groups or committees associated with the
197 political party for which approval and permission have been
198 given under this section. ~~Such~~ Filed names of groups or
199 committees associated with the political party may not be used
200 without first obtaining the written permission of the chair of

201 the state executive committee of the party.

202 (4) Notwithstanding any other provision of law to the
203 contrary, an affiliated party committee shall be entitled to use
204 any ~~the~~ name, abbreviation, or symbol of the political party of
205 its leader as defined in s. 103.092.

206 **Section 4. Paragraph (a) of subsection (1) of section**
207 **103.121, Florida Statutes, is amended to read:**

208 103.121 Powers and duties of executive committees.—

209 (1)(a) Each state and county executive committee of a
210 political party shall have the power and duty:

211 1. To adopt a constitution by two-thirds vote of the full
212 committee.

213 2. To adopt such bylaws and rules as it may deem necessary
214 by majority vote of the full committee.

215 3. To conduct its meetings according to generally accepted
216 parliamentary practice.

217 4. To make party nomination when required by law.

218 5. To conduct campaigns for party nominees.

219 6. To raise and expend party funds. Such funds may not be
220 expended or committed to be expended except after written
221 authorization by the chair of the state or county executive
222 committee.

223 7. To sue and be sued and appear and defend in all actions
224 and proceedings in its party name to the same extent as a
225 natural person.

226 8. To make contracts and guaranties, incur liabilities,
 227 borrow money at such rates of interest as the party may
 228 determine, issue its notes, bonds, and other obligations, and
 229 secure its obligations by mortgage and pledge of all or any of
 230 its property, franchises, or income.

231 9. To purchase, take, receive, lease, take by gift,
 232 devise, or bequest, or otherwise acquire, own, hold improve,
 233 use, or otherwise deal in and with real or personal property, or
 234 any interest therein, wherever situated.

235 10. To acquire, enjoy, use, and dispose of patents,
 236 copyrights, and trademarks and any licenses and other rights or
 237 interest thereunder or therein.

238 11. To sell, convey, mortgage, pledge, lease, exchange,
 239 transfer, or otherwise dispose of all or any part of its
 240 property and assets.

241 12. To have and exercise all powers necessary or
 242 convenient to effect any and all the purposes for which the
 243 party is organized.

244 **Section 5.** The amendments made by this act to s. 103.121,
 245 Florida Statutes, apply to all proceedings pending on or before,
 246 or commenced after, the effective date of this act.

247 **Section 6. Section 106.1436, Florida Statutes, is amended**
 248 **to read:**

249 106.1436 Voter guide; disclaimers; violations.—

250 (1) As used in this section, the term "voter guide" means

251 ~~direct mail that is either~~ an electioneering communication, ~~or~~ a
 252 political advertisement, or a miscellaneous advertisement of a
 253 political nature distributed ~~sent~~ for the purpose of supporting
 254 or opposing two or more ~~advocating for or endorsing~~ particular
 255 issues or candidates by recommending or not recommending
 256 specific electoral choices to the voter or by indicating issue
 257 or candidate selections on an unofficial ballot. The term does
 258 not include communications ~~apply to direct mail or publications~~
 259 made by governmental entities or government officials in their
 260 official capacity or to any political advertisement using an
 261 expenditure described in s. 106.021(3)(d).

262 (2) A person other than the state executive committee or a
 263 county executive committee of a political party or an affiliated
 264 party committee may not, directly or indirectly, represent that
 265 a voter guide is an official publication of a political party
 266 unless such person is given written permission by the chair of
 267 the state executive committee of the political party and the
 268 voter guide is approved by the political party pursuant to s.
 269 ~~103.081.~~

270 (3)(a) In addition to any other disclaimers required by
 271 law, a voter guide distributed ~~circulated~~ before, or on the day
 272 of, an election must, ~~in bold font with a font size of at least~~
 273 ~~12 points,~~ prominently:

274 (a) Display the following disclaimer ~~at the top of the~~
 275 ~~first page of the voter guide:~~

276 1. If the voter guide is not approved by a political party
277 or affiliated party committee: "Voter guide approved by ... (Name
278 of person paying for communication)...., not affiliated with any
279 political party." ~~an electioneering communication, the~~
280 ~~disclaimer required under s. 106.1439; or~~

281 2. If the voter guide is approved by a political party or
282 affiliated party committee, the following disclaimer: "Voter
283 guide approved by ... (Name of the political party or affiliated
284 party committee)...." ~~a political advertisement, the disclaimer~~
285 ~~required under s. 106.143.~~

286 (b) 1. For a printed communication, the voter guide
287 disclaimer must appear at the top of the first page of the
288 communication in boldface type of at least 12 points and with a
289 reasonable degree of color contrast between the background and
290 the disclaimer.

291 2. For a text message, if an exchange consists of a
292 sequence of multiple text messages sent on the same day, the
293 voter guide disclaimer is only required to be included with the
294 first text message of the day. The disclaimer may be in the form
295 of a working hyperlink or a uniform resource locator to a
296 website containing the disclaimer. Such website must remain
297 online and available to the public for at least 30 days after
298 the election for which the website was created.

299 3. For a television or video communication, the voter
300 guide disclaimer must be clearly readable, appear at the

301 beginning or end of the communication for a period of at least 4
302 seconds, occupy at least 4 percent of the vertical picture
303 height, and be accompanied by an audio statement of the
304 disclaimer spoken in a clearly audible and intelligible manner.

305 4. For an Internet public communication that includes text
306 or graphic components, the voter guide disclaimer must be
307 viewable without the user taking any action and be large enough
308 to be clearly readable.

309 5. For a telephone call, the voter guide disclaimer be
310 read aloud at the beginning or end of the telephone call in a
311 clearly audible manner.

312 6. For any audio component of a communication, the voter
313 guide disclaimer appear at the beginning or end of the of the
314 audio portion of the communication, be at least 3 seconds in
315 length, and be read aloud in a clearly audible and intelligible
316 manner.

317 7. For a graphic communication, the voter guide disclaimer
318 must appear at the top of the graphic, be large enough to be
319 clearly readable, and be at least 4 percent of the vertical
320 height of the communication ~~Be marked "Voter Guide" with such~~
321 ~~text appearing immediately below the disclaimer required in~~
322 ~~paragraph (a).~~

323 (4) Any voter guide which expressly advocates for a
324 candidate requires prior written authorization by such
325 candidate. A copy of such written authorization must be placed

326 on file with the qualifying officer by the candidate before the
327 voter guide is distributed. A voter guide under this section is
328 an in-kind contribution to the candidate under s. 106.055, and
329 should be valued in consideration of the percentage of the voter
330 guide devoted to the candidate. This subsection does not apply
331 to a voter guide paid for by an independent expenditure.

332 (5)-(4)(a) In addition to any other penalties provided by
333 law, a person who fails to comply with this section commits a
334 misdemeanor of the first degree, punishable as provided in s.
335 775.082 or by a fine of not less than \$25 for each individual
336 voter guide distributed.

337 (b) Any fine imposed pursuant to paragraph (a) may not
338 exceed \$10,000 ~~\$2,500~~ in the aggregate in any calendar month.

339 **Section 7.** This act shall take effect upon becoming a law.