

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 1381](#)

**TITLE:** Elections

**SPONSOR(S):** Persons-Mulicka

**COMPANION BILL:** [SB 1414](#) (Ingoglia)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Government Operations](#)



[Transportation & Economic  
Development Budget](#)



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill makes various revisions to the Florida Election code, including:

- Revising the authority and responsibilities of the Office of Election Crimes and Security.
- Adding violations of the Florida Election Code to the term “racketeering activity” under the Florida Racketeer Influenced and Corrupt Organizations act.
- Revising the voter registration process to elicit additional citizenship information from voters.
- Requiring the Department of Highway Safety and Motor Vehicle to include the legal status on any new or renewal driver licenses or identification cards.
- Revising the list maintenance process as it relates to addresses, duplications, and deceased voters.
- Conditioning the provision of voter registration lists to federal courts for jury selection on the court providing certain information.
- Revising the list of valid identification required at the polls, for first-time voters of a vote-by-mail ballot, and for submission of certain cure affidavits.
- Revising voter challenge requirements.
- Providing additional training and requirements for poll watchers.
- Eliminating the discretionary early voting period and revising early voting requirements.
- Creating a pre-certification vote validation process in place of current audit and recount process.

### Fiscal or Economic Impact:

The bill will likely result in a fiscal impact to state and local governments.

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## ANALYSIS

### EFFECT OF THE BILL:

#### **Office of Election Crimes and Security**

The bill expands the responsibilities of the [Office of Election Crimes and Security](#) (OECS) to support all of the Secretary of State’s duties, and not just the duties related to investigating election fraud. Additionally, the bill grants the OECS with authority to issue subpoenas to:

- Bring before its duly authorized representatives any person in this state, or any person doing business in this state.
- Require the production of any records relevant to an investigation.
- Administer oaths and affirmations to witnesses who must appear before them. (Section [3](#))

The bill provides that the OECS may file a complaint with the circuit court against any witness who fails to comply with a subpoena. After the complaint is filed, the court is required to take jurisdiction of the witness and subject matter of such complaint and direct the witness to respond to all questions and to produce all documentary evidence in the witness's possession. Failure of a witness to comply with the court's order constitutes a direct and

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criminal contempt of court, and the court may punish the witness accordingly. The bill provides that the refusal by a witness to answer inquiries or turn over evidence on the basis that such answers or evidence will incriminate the witness is not a refusal to comply. (Section [3](#))

The bill provides that when required by OECS, the sheriffs must serve and execute all process or orders. The OECS is authorized by the bill to pay the sheriffs for such services. (Section [3](#))

### **Florida Racketeer Influenced and Corrupt Organizations (RICO) Act**

The bill provides that a violation of the Florida Election Code relating to irregularities or fraud involving voter registration, voting, or candidate petitions can be prosecuted as racketeering activity under the [RICO Act](#). (Section [70](#))

### **Signature Matching Training Requirement**

The bill clarifies that mandatory signature matching training, which is required under current law, is for anyone whose duties require the verification of signatures for:

- Candidate petitions.
- Citizen initiative petitions.
- Identification required at polls.
- Provisional ballot voter's certificate and affirmation or the provisional ballot cure affidavit.
- Request for Vote-by-mail (VBM) ballots or VBM ballot. (Sections [1](#) and [4](#))

### **Voter Registration**

#### Voter Applicant Oath

The bill revises the oath to which each voter registration applicant is required to swear or affirm before registration. The voter oath must now include a statement that each applicant has carefully reviewed the instructions for completing the Florida Voter Registration Application, and further swears or affirms that he or she:

- Is a United States (U.S.) citizen.
- Understands that if false information is provided on the application, then he or she could be subject to criminal penalties for perjury; be fined or imprisoned; or, if he or she is not a U.S. citizen, be deported or refused entry to the U.S. (Section [5](#))

#### Online Voter Registration System

##### *Department of State Responsibilities*

The bill requires the DOS to provide the Department of Highway Safety and Motor Vehicles (DHSMV) with the necessary information as required via the voter registration application to establish the applicant's legal status as a U.S. Citizen. The bill requires that the DOS [online voter registration system](#) (OVRs) generate a notice to an applicant if the applicant's legal status as U.S. citizen cannot be verified by the records of the DHSMV. The notice must provide the applicant with contact information for the applicant's supervisor of elections (supervisor) for further information. (Sections [6](#) and [8](#))

##### *Department of Highway Safety and Vehicles Responsibilities*

The bill provides that a driver license or Florida identification card, whether a new issuance or a renewal, to a qualified applicant must include the legal status of the licensee or card-holder as a U.S. citizen, an immigrant, or non-immigrant as last recorded in the system. The bill requires that an applicant seeking to update his or her legal status of immigrant or non-immigrant to a legal status of U.S. citizen upon presentation of the requisite documentation must be permitted to do so without paying a fee for renewal. The bill provides that DHSMV has until July 1, 2026, to comply with these specific requirements. (Section [69](#))

#### Voter Registration Application

The bill makes the following changes to a [voter registration application](#) process:

- Provides that the application must be completed on the date of book closing for an election to be eligible to vote in that election, instead of the previous requirement that the application be completed before the date of book closing.

- Clarifies that the change in address, name, or party affiliation on an application is retroactive once personal identifying information is verified.
- Revises the options in which a voter may notify the supervisor of a residence address change by no longer allowing a person to submit the change through another signed written notice. It must be done submitting such changes via a voter registration application, a telephone call, or electronic submission to the supervisor.
- Requires that an applicant, whose legal status of a U.S. citizen cannot be verified, must provide sufficient evidence to the supervisor to verify legal status before voting.
- Requires that an applicant with an unverified legal status must be provided with a provisional ballot that may be counted only if the applicant's legal status as a U.S. citizen is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor sufficient to verify the applicant's legal status as a U.S. citizen no later than 5 p.m. of the second day following the election.
- Changes the deadline by which an initial voter registration application, or any updates to an existing voter registration record, must be entered into the statewide voter registration system from 13 days to seven days after receipt. (Sections [7](#))

#### Eligibility of an Applicant for Voter Registration

The bill provides that if the latest voter registration records show that an applicant was previously removed for ineligibility by reason of a felony conviction without voting rights restored, adjudication as mentally incapacitated with respect to voting without voting rights restored, death, or for not being a U.S. citizen, the supervisor must process the application. However, the supervisor, within seven days of receiving such application must determine whether the information is still credible and reliable and, if applicable, follow the procedures to notify the voter by mail of his or her potential ineligibility within seven days. (Section [12](#))

#### Third-Party Voter Registration Organizations

The bill provides that if the delivery of any voter registration application entrusted to a [third-party voter registration organization](#) is made within the 10 days before book closing, then the delivery must be made to the supervisor in the county in which the applicant resides and may not be made to the Division of Elections (division). (Section [9](#))

#### **List Maintenance**

The bill authorizes supervisors to:

- Use other credible and reliable sources including commercially available data, such as address information from national credit reporting agencies, to compare against voter registration records to facilitate list address [list maintenance](#).
- Remove the name of a deceased registered voter from the statewide voter registration system based on a published obituary or notice of death, letter of probate or estate administration, or personal knowledge under sworn oath or affirmation of a registered voter's death. (Sections [13](#) and [14](#))

Additionally, the bill authorizes the DOS to enter into memorandums of understandings (MOUs) with other states to help identify interstate [duplicate registrations](#) including sharing and exchanging confidential and exempt information to facilitate such efforts. The bill requires that a voter's name must be removed within seven days after receipt of information that a voter has registered to vote in another state. (Section [14](#))

#### Verifying Legal Addresses

The bill provides that in addition to the current requirement that a supervisor maintain a list of valid residential street addresses, each supervisor must also identify nonresidential addresses, including addresses for businesses such as storage facilities, hotels, post office boxes, correctional facilities, mail or courier services, governmental agencies, and mail service or forwarding delivery services. (Section [11](#))

## **Federal Jury Notice**

The bill conditions the provision of a list of registered voters to a federal court for purposes of jury selection on the court's jury coordinator providing notice to the state regarding ineligible or potentially ineligible voters. As part of this notice, the jury coordinator must prepare a list of each person disqualified or potentially disqualified as a prospective juror from jury service due to:

- Not being a United States citizen, a resident of the state, or a resident of the county.
- Being convicted of a felony.
- Being deceased. (Section [15](#))

The notice must also contain the following information about each disqualified juror:

- Full name.
- Current and prior addresses.
- Telephone number.
- Date of birth.
- Reason for disqualification. (Section [15](#))

The division must provide the information to the supervisors in each county residence for a disqualified juror, and the supervisor must initiate list maintenance or eligibility maintenance. (Section [15](#))

## **Program Evaluation and Reporting Information**

The bill provides that upon request, and in addition to information for the Election Assistance Commission (EAC), the supervisors must provide the DOS program evaluation and reporting information for the Legislature. The bill allows the DOS to adopt rules as necessary to establish the required content and acceptable formats of such information provided to the EAC or the Legislature. (Section [16](#))

## **Candidate Qualification**

### [365-day Party Affiliation Requirement](#)

The bill provides that a person may not be qualified as a candidate for nomination or election and his or her name may not appear on the ballot if a court order becomes final and determines that:

- The person seeking to qualify for nomination as a candidate of any political party has not been registered member of that party for the 365-day period preceding the beginning of qualifying; or
- The person seeking to qualify for office as a candidate with no party affiliation has not been registered without party affiliation for, or has been a registered member of any political party during, the 365-day period preceding the beginning of qualifying. (Section [18](#))

The bill provides that a person's compliance with the 365-day party affiliation requirement may be challenged by a qualified candidate or a political party with qualified candidates in the same race by filing an action in the circuit court for the county in which the qualifying officer is headquartered. (Section [18](#))

### [Qualifying Office and Periods](#)

The bill revises the following qualifying timelines:

- Persons seeking to qualify for nomination or election to federal office or office of the state attorney or the public defender: Moves the qualifying period to 14 days earlier.
- Persons seeking to qualify for nomination or election to a state or multicounty district office, other than an office of the state attorney or public defender: Moves the qualifying period to 21 days earlier.
- Persons seeking to qualify for nomination or election to a county office, or district office: Moves the filing deadline to 21 days earlier.
- Persons seeking to qualify for election to a special district office: Moves the qualifying period to 21 days earlier.
- In each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office: Moves qualifying period to 21 days earlier. (Section [19](#))

The bill provides that only a candidate who is subject to an annual filing requirement may file a verification or receipt of electronic filing for the purposes of qualifying only. The bill provides that after the end of the qualifying periods, the DOS has no more than three business days to process submitted qualifying papers. (Section [19](#))

### Qualifying Papers

The bill allows a properly executed cashier check purchased from the candidate's campaign account to be used for the qualifying payment. The bill provides that if a candidate's check is returned by any bank and the candidate is notified by the filing officer, then such candidate has 48 hours, excluding weekends and legal holidays, after the notice receipt to pay the fee with a cashier's check purchased from campaign account funds. The bill specifies that the completed form for appointment of a campaign treasurer and designation of campaign depository does not need to be resubmitted if the form on file is current. (Section [19](#))

### **Special Elections**

The bill provides that primary election requirements are applicable to special primary election requirements. The bill provides that the Elections Canvassing Commission must certify results in accordance with current law. (Section [20](#))

### **Identification Required for Polls, Provisional Ballot Cure Affidavits, and Vote-by-mail (VBM) Cure Affidavits**

The bill revises the list of valid picture identifications required at the polls, for first time voters who are using a VBM ballot, and for the submission of a provisional ballot cure affidavit or a VBM cure affidavit by:

- Authorizing a passport card as an acceptable form of identification.
- Authorizing any other identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or municipality.
- Eliminating the following as acceptable forms of identification.
  - Debit or credit card.
  - Student identification.
  - Retirement center identification.
  - Neighborhood association identification.
  - Public assistance identification.
- Specifying that a U.S. uniformed Services or Merchant Marine identification is authorized. (Sections [21](#), [22](#), [42](#), and [45](#))

### **Voter Challenges**

The bill requires that a separate oath is required for each [voter challenge](#). The bill allows an election official acting in his or her official capacity in the county to challenge the right of a person to vote in that county at the polls or during early voting. The bill creates a new oath form for an election official asserting an ineligibility of a voter based on credible and reliable information that the voter is attempting to vote illegally. (Section [23](#))

The bill provides if the voter challenge is made at a county's early voting site or at a polling place on the election day, the oath must be delivered to the clerk or inspector. The clerk or inspector must immediately deliver to the challenged person a copy of the oath and the challenged voter must be allowed to cast a provisional ballot. A challenge may be made in advance with the supervisor, but no sooner than 45 days before an election and not at the early voting site during the early voting period or polling place on election day. (Section [23](#))

The bill provides specific notice requirements to voters being challenged. The voter must be notified of the challenge as soon as practicable by:

- First-class mail with a copy of the written challenge, and a notice of rights.
- E-mail, if available in the record, with a scanned copy of the written challenge and a notice of rights.
- By call or text message, if phone number is available in the record, with instructions on how to obtain a copy of the written challenge and a notice of rights. (Section [23](#))

The bill provides that in the event the challenged voter has requested a VBM ballot or has returned a voted ballot that has not been yet counted, the supervisor must canvass the returned ballot as a provisional ballot. (Section [23](#))

### **Poll Watchers**

The bill provides that each poll watcher must:

- Be a qualified and registered voter of the county in which he or she serves.
- Complete a minimum two-hour training program provided by the DOS. (Section [24](#))

The bill authorizes [poll watchers](#) to observe and report on irregularities in the conduct of an election; however, they may not interfere in the orderly conduct of elections or disrupt the voting process. Poll watchers must be allowed to enter and watch polls in all polling rooms and early voting sites within the county in which they have been designated as long as the number of poll watchers at any particular polling place does not exceed the number as required in current law. (Section [24](#))

The bill provides minimum requirements for the form that each party, political party, or candidate uses to request poll watchers. The form must include:

- The date of election.
- Whether the poll watcher is serving during early voting or election day.
- The designated person's voter information card number, name, and phone number.
- An indication that the poll watcher is a qualified registered voter in the county of service.
- The party, the political committee, or candidate for whom the person is serving as a designated poll watcher.
- An indication that the poll watcher has taken the required training program.
- An indication that the poll watcher has accepted to serve. (Section [24](#))

The bill specifies that the poll watcher's identification badge must only include the poll watcher's name and the candidate, political committee, or political party that the poll watcher represents. (Section [24](#))

## Ballots

### General Definitions

The bill redefines the term "ballot" or "official ballot" to mean a printed sheet of paper containing contests including offices and candidates, constitutional amendments, and other public measures upon which a voter's selections are marked using a manual marking device. A ballot includes a voter-verifiable paper output upon which a voter's selections are marked by a voter interface device that meets voter accessibility requirements for individuals with disabilities. The bill eliminates the terms "marksense ballots" and "electronic or electromechanical device." The bill provides that the term "voter registration agency" also includes any other federal or state office that is first designated by the Secretary of State to become a voter registration agency and for which such office accepts such designation. The bill revises the term "voting system" to mean a method of casting and processing votes that includes the:

- Equipment, including hardware, firmware, and software.
- Ballots.
- Procedures for casting and processing votes.
- Programs, operating manuals, supplies.
- Reports, printouts, and other documentation necessary for the system's operation. (Section [2](#))

The bill provides that the default voting method is a manual voting device. A voter may request and must be provided a voter interface device that produces a voter verifiable output. Each location where voting takes place must contain and make available for use both voting machines that accept paper ballots completed by voters. (Section [30](#))

### Specifications for Ballots

The bill provides that ballot-on-demand technology may be used to produce early voting ballots. The bill provides that in a presidential preference primary only, the office title of President may be placed above the list of presidential candidate names for such office on a ballot. In a gubernatorial primary election, the office title of Governor may be placed above the names of the candidates for such office regardless of whether the candidate for Governor has designated a Lieutenant Governor as a running mate before the deadline. The bill eliminates the provision that the primary election ballot be arranged so that the offices of Governor and Lieutenant Governor are



joined in a single voting space to allow each voter to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable. (Section [25](#))

### Publication of Sample Ballot Forms

The bill revises the [publication of sample ballot forms](#) by:

- Eliminating the provision of law that requires two sample ballots to be made available to each polling place.
- Providing that a sample ballot may also be published through the supervisor's website, or on a county's website.
- Providing that in lieu of the publication via newspaper or through the supervisor's website, the sample ballot may be e-mailed if an e-mail address of the voter is on file. If an e-mail address of the voter is not on file and the voter has not opted for electronic delivery, a sample ballot may be mailed.
- Providing that sample ballots must be available in each polling place for voters to inspect, either as a display or upon request. (Section [26](#))

The bill provides that sample ballots must be sent to voters no later than seven days before the start of early voting as scheduled for an election in the county. A sample ballot may be in the format of an official ballot, but must be watermarked with the word "SAMPLE" or otherwise indicate that it is a sample ballot. (Section [26](#))

### Candidates Entitled to Have Names Printed on Ballots

The bill repeals the law that allows candidates for political party executive committees to have his or her name printed on a primary election ballot. (Section [27](#))

### Restriction on Withdrawal of Certain Candidates

The bill provides that if a qualified candidate withdraws after the end of qualifying for the primary election and his or her withdrawal results in the winner of a contest in the primary election becoming an unopposed candidate for the general election, such contest must be instead placed on the general election ballot. (Section [28](#))

### Duplicate Ballots and Public Inspection

The bill provides that all duplicated ballots must be presented to a county's canvassing board for review and that during a county canvassing board's (CCB) determination of voter intent, a candidate, a political party official, or a political committee official, or an authorized designee thereof, may object to such determination. (Section [34](#))

## **Vote-by-mail (VBM)**

### Requesting a VBM Ballot

The bill provides that a voter must initiate the request for a VBM ballot form from the supervisor as such ballots are not automatically mailed out to voters. The bill requires that a voter requesting a VBM ballot by mail or in person must use the paper or online version of the uniform statewide application to make a written request for a VBM ballot. The bill provides that for each VBM request received, the supervisor must record the name of the voter and the method of request. (Section [39](#))

### Delivery of VBM Ballots

VBM ballots, under the bill, may be delivered personally to a voter or designee beginning on the 46th day before election day and through 7 p.m. on election day. However, unless there is an emergency, starting on the 10th day before election day and through 7 p.m. on election day, a supervisor may not deliver a VBM ballot to a voter or a voter's designee during the mandatory early voting period through 7 p.m. on election day. (Section [39](#))

### Privacy Sleeve

The bill provides that a [privacy sleeve](#) may be used to enclose a marked ballot of a voter. (Section [40](#))

### Secure Ballot Intake Stations

The bill provides that a [secure ballot intake station](#) must be placed at the main office of the supervisor and at each designated early voting site for each election, thereby eliminating the requirement that a secure ballot intake station must be placed at each permanent branch office of the supervisor. The bill removes the requirement that each secure ballot intake station be monitored in person by an employee of a supervisor's office. (Section [43](#))

### Absent Uniformed Services and Overseas Voters

The bill provides that if a VBM ballot from an overseas voter is transmitted via facsimile (fax), then such ballot must be received by 7 p.m. on election day to be counted. The bill expands the list to whom faxed ballots may be returned from to include:

- Absent uniformed services members.
- Absent state and National Guard members.
- First responders (i.e. law enforcement officers, firefighters, emergency medical technicians, or paramedic).
- Overseas civilian voters due to an armed conflict involving U.S. Armed Forces or mobilization of those forces, including the state National Guard and reserve components. (Sections [46](#) and [48](#))

### Absent Voting in Emergency Situations

The bill shifts the responsibility of adopting emergency rules for [absent voting in emergency situations](#) from the Elections Canvassing Commission to the DOS. The bill revises the group of voters for whom emergency rules may be adopted to include uniformed services, state and national guard, and first responders. (Section [49](#))

### VBM Ballot Violations

The bill provides that the following actions are punishable as third-degree felonies:

- Any private or commercial mail forwarding delivery courier or service who further forwards any voter's official VBM ballot or envelope that has been delivered to the courier's or service's address.
- A person who physically collects a voter's request for a VBM ballot and copies or retains the voter's request or copies or retains a voter's personal information, such as the voter's Florida driver license number, Florida identification card number, social security number, or signature on such request. (Section [56](#))

### **Early Voting**

The bill makes the following changes to the [early voting](#) process:

- Allows a supervisor to designate up to two, instead of one, early voting sites per election in an area of the county that does not have any of the eligible early voting locations.
- Provides that the number of designated early vote sites must be no less than the number of sites designated in the previously regularly scheduled general election and allows a supervisor to obtain a waiver from this requirement by filing notice certifying the facts and circumstances and obtaining approval from the DOS before the designation deadline.
- No longer allows that early voting be offered at the discretion of the supervisor on the 15<sup>th</sup>, 14<sup>th</sup>, 13<sup>th</sup>, 12<sup>th</sup>, 11<sup>th</sup>, or second day before an election that contains state or federal races for at least eight hours per day, but no more than 12 hours per day.
- Prohibits videography and other visual or audio recordings from being allowed in the polling room or early voting areas. (Sections [41](#) and [50](#))

### **County Canvassing Board**

#### Membership and Duties

The bill requires that the county court judge, who sits as a member of the [county canvassing board](#) (CCB), be appointed by the chief judge of the judicial circuit in which the county is located. (Section [51](#))

#### Disqualification and Removal of Members

The bill provides what constitutes "active participation" that may disqualify a member, substitute, or alternative of a CCB from serving. Active participation includes publicly endorsing or donating to:

- The campaign of any candidate who has opposition in the election being canvassed.
- Support or oppose a public measure on the ballot being canvassed. (Section [51](#))



## Legal Representation

The bill requires a CCB to retain the county attorney for any legal representation. The CCB is authorized to retain other legal counsel upon the affirmative vote of at least two of the members of the board. (Section [51](#))

## Vote Validation

The bill replaces the post-election machine recount and machine recount audit process with a pre-certification vote validation process. The machine vote validation procedure must be completed no later than noon on the seventh day after any general or other election. (Sections [35](#) and [51](#))

The bill provides that after unofficial election results are reported and before the certification of each election, each CCB or the local board responsible for certifying the election, is required to conduct a machine vote validation process in all precincts. The vote validation process verifies that the votes processed through the vote tabulation system for a candidate for any office or a measure appearing on a ballot are not within one-half of one percent or less. Additionally, the vote validation process verifies that no changes in the outcome of the contest occurred. If the comparison of the results of the vote tabulation and the automated independent vote validation procedure reflects a difference of more than one-half of one percent of the results, then the proper county election official under the oversight of the CCB must conduct a manual review using the images in the vote validation system of the differences. (Sections [35](#) and [51](#))

The Secretary of State is responsible for ordering such manual reviews in federal, state, or multicounty races. The CCB or the local board responsible for certifying the election is responsible for ordering a manual review in all other races. The bill provides that the manual review must include, but need not be limited to, a review of any clear overvotes or undervotes that appear in the automated independent vote validation system to adjudicate the voter intent of such differences before certification of the county's official results. (Sections [51](#) and [53](#))

The bill requires the canvassing board of to publish notice on the county website, on the supervisor's website, or once in one or more newspapers of general circulation in the county of the automated vote validation process. The vote validation process and any manual review must be open to the public. Each political party may designate one person with expertise in the computer field who must be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee may not interfere with the normal operation of the canvassing board. (Sections [35](#) and [53](#))

By December 15 of each election year, the respective board certifying the election must send a vote validation report to the DOS. If the canvassing board is unable to complete the manual review by the deadline, the vote validation report submitted by the canvassing board must be identical to the initial unofficial returns and the submission must also include a detailed explanation of the reason it was unable to timely complete the manual review. (Sections [35](#) and [51](#))

The bill requires DOS to submit the analysis of the summary post general election report as part of the consolidated conduct of election<sup>1</sup> and vote validation reports<sup>2</sup> to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election. (Section [37](#))

## **Nomination for Presidential Electors**

The bill revises the date by which a state executive committee of a political party must recommend candidates for presidential electors and deliver a certified copy to the Governor from August 24 of each presidential election year to the third day after the primary election of that year. The bill also provides that the Florida voter registration number and contact information is required for each presidential elector within that same timeline. The bill specifies that the contact information must include a mailing address, phone number, and e-mail address. (Section [54](#))

The bill also provides that the state executive committee of each political party certify to the Governor and submit the names of its candidates for President and Vice President of the U.S. on the same timeline, the third day after the

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<sup>1</sup> The bill moves the Conduct of Election Report requirement into a new statute: S. [102.143, F.S.](#)

<sup>2</sup> The bill revises the audit report to be a voting validation report in [101.591, F.S.](#)

primary election in each presidential election year. Then, the Governor must certify to the DOS each political party's submission no later than 5 p.m. on the third day after the primary election. (Section [54](#))

The bill changes the deadline to submit the names for no party affiliated or minor party affiliated president and vice-president candidates and the names for their presidential electors to the third day after the primary election. (Section [54](#))

### **Political Activity on Behalf of a Candidate for Judicial Office**

The bill repeals the law prohibiting [political activity on behalf of a candidate for judicial office](#). (Section [57](#))

### **Campaign Finance**

#### Publicly Audited Executive Committees

The bill provides that the term “publicly audited,” in respect to the mandatory audits required of political party executive committees, means an audit conducted by a licensed certified public accountant. (Section [55](#))

#### Campaign Treasurers

The bill prohibits a candidate from appointing himself or herself, or a member of the candidate's immediate family, as the treasurer of his or her own campaign. (Section [58](#))

#### Candidate Loans

The bill provides that if a candidate makes a loan of more than \$500 to his or her own committee, the candidate also must file an affidavit attesting that the loan is from his or her own funds and identifying the financial institutions from which the loan was made and received. The affidavit must be filed with the qualifying officer within seven days of making such loan. The bill provides what constitutes an affidavit being accepted in a timely manner and provides that the affidavits are open to public inspection. A candidate the fails to submit the required affidavit is subject to a fine of \$50 for each day the affidavit is late. (Section [59](#))

#### Campaign Contributions and Limits on Foreign Nationals

The bill prohibits the following contributions and expenditures by a foreign national in connection with an election of the state:

- Any contribution or expenditure in support or opposition to a candidate for any elective office in this state, including an office of a political party.
- Any contribution or expenditure in support or opposition to a statewide ballot issue or question, regardless of whether the ballot issue or question has yet been certified to appear on the ballot.
- Any contribution or expenditure for the direct cost of producing or airing an electioneering communication.
- Any contribution or expenditure to a candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, to any committee created to support or oppose a ballot issue or question, or, to the maximum extent permitted by law and by the Constitution of the U.S. and the Florida Constitution, to a continuing association. (Section [60](#))

The bill broadens the term “[foreign national](#)” for the purposes of the prohibition to mean any person who is not a U.S. citizen or U.S. national. Anyone who violates the above prohibitions commits a misdemeanor of the first-degree on a first offense and commits a felony of the third-degree on a second or subsequent offense. The violator may be fined an amount equal to three times the amount involved in the violation or \$10,000, whichever is greater. (Section [60](#))

A foreign national may not promise, either expressly or implicitly, to make a prohibited contribution, expenditure, independent expenditure, or disbursement. Any person that knowingly does so commits a misdemeanor of the first-degree on a first offense and commits a felony of the third-degree on a second or subsequent offense. The violator may be fined an amount equal to three times the amount involved in the violation or \$10,000 dollars, whichever is greater, and is required to return the total amount accepted to the division. (Section [60](#))

Additionally, the bill provides that a political party, a political committee, a committee created to support or oppose a ballot issue or question, an electioneering communications organization, or a candidate may not knowingly accept or solicit, directly or indirectly, a contribution from a foreign national in connection with any election held in this state. The bill provides that a person who does so commits a third-degree felony. (Section [60](#))

### **Commission Fee Issued by the Governor**

The bill eliminates the \$10 [commission fee issued by the Governor](#). The bill provides that a commission may not be issued by the Governor or attested to by the Secretary of State or bear the seal of the state until the oath of office is filed. (Multiple sections)

### **RULEMAKING:**

The Florida Election Code currently grants the Secretary of State general rulemaking authority over most of the provisions being amended in the bill.<sup>3</sup> The bill grants the DOS additional rulemaking authority related to:

- The Office of Election Crimes and Security.
- Signature matching procedures and training.
- Reporting of certain information to the Election Assistance Commission and the Legislature.
- Poll watcher procedures.
- The return of VBM ballots.
- Emergency rules for absent voting during emergency situations.
- Manual review and vote validation processes.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

### **FISCAL OR ECONOMIC IMPACT:**

#### **STATE GOVERNMENT:**

The bill will most likely have an indeterminate fiscal impact on the DOS as it requires the DOS to:

- Provide formal signature matching procedures and training.
- Revise voter registration requirements that may involve programming.
- Provide poll watcher training.

The bill will have an indeterminate impact on the DHSMV as it requires that department to, without charging applicants a fee for renewal, include on any new or renewal of a Florida driver license or identification card, the legal status of the applicant. A renewal and replacement identification card costs \$25 and a renewal driver license costs \$48. A replacement driver license costs \$25.

The bill will have an indeterminate impact on the funds that the Legislature has to appropriate as the bill eliminates the \$10 commission fee issued by the Governor.

#### **LOCAL GOVERNMENT:**

The bill will may have an indeterminate fiscal impact on local governments for the provisions of the bill relating to:

- Voter challenges.
- List maintenance.
- Vote validation and recount procedures.

Additionally, the Office of Election Crimes and Security will pay the Sheriffs who serve and execute process or orders for the office as required.

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<sup>3</sup> S. 97.012(1), F.S.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Office of Election Crimes and Security

The Office of Election Crimes and Security (OECS), created in 2022, aids the Secretary of State in the following duties:<sup>4</sup>

- Maintaining a voter fraud hotline.<sup>5</sup>
- Providing election fraud education to the public.<sup>6</sup>
- Conducting preliminary investigations into any irregularities or fraud involving voter registration, voting, candidate petition, or issue petition activities and reporting his or her findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, if warranted.<sup>7</sup>

The OECS employs nonsworn investigators<sup>8</sup> and has authority to review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code or any related rule and any election irregularities.<sup>9</sup> To date, OECS has reviewed and investigated over 3,000 complaints and allegations of election fraud. Additionally, OECS has initiated over 1,300 independent investigations. After preliminary investigation, OECS refers all evidence of potential election crimes to the Florida Department of Law Enforcement, the Office of Statewide Prosecution or the local state attorney for the judicial circuit in which the alleged violation occurred.<sup>10</sup>

#### Florida Racketeer Influenced and Corrupt Organizations (RICO) Act

The Florida RICO Act provides that a person commits “racketeering activity” when he or she commits, attempts to commit, conspires to commit, or solicits, coerces, or intimidates another person to commit any offense listed in [s. 895.02\(8\), F.S.](#)<sup>11</sup>

The Florida RICO Act provides that it is unlawful for any person:

- With criminal intent to receive any proceeds derived, directly or indirectly, from a pattern of racketeering activity<sup>12</sup> or through the collection of an unlawful debt<sup>13</sup> to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.<sup>14</sup>
- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

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<sup>4</sup> S. [97.022\(1\), F.S.](#)

<sup>5</sup> S. [97.012\(12\), F.S.](#)

<sup>6</sup> *Id.*

<sup>7</sup> S. [97.012\(15\), F.S.](#)

<sup>8</sup> S. [97.022\(4\), F.S.](#)

<sup>9</sup> S. [97.022\(2\), F.S.](#)

<sup>10</sup> DOS, [Election Crimes and Security](#) (last visited Mar. 7, 2025).

<sup>11</sup> S. [895.02, F.S.](#) The offenses listed under [s. 895.02\(8\), F.S.](#), include violations of specified Florida laws (e.g., Medicaid fraud, workers’ compensation fraud, human trafficking, kidnapping, and drug offenses), as well as any conduct defined as “racketeering activity” in 18 U.S.C. § 1961.

<sup>12</sup> A “pattern of racketeering activity” means engaging in at least two incidents of racketeering conduct having the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents. S. [895.02\(7\), F.S.](#)

<sup>13</sup> “Unlawful debt” means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of specified Florida laws (e.g., various gambling offenses) as well as any gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law. S. [895.02\(12\), F.S.](#)

<sup>14</sup> “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal gang as defined in [s. 874.03, F.S.](#), constitutes an enterprise. S. [895.02\(5\), F.S.](#)

- Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.
- To conspire or endeavor to violate any of the previously-described activities.

A person convicted of any of those activities commits a first-degree felony,<sup>15</sup> and may be subject to civil remedies including forfeiture to the state of all property, including money, if the property is intended for use in the course of, derived from, or realized through acts in violation of the Florida RICO Act.<sup>16</sup>

### **Signature Matching Training Requirement**

It is the Secretary of State’s responsibility to provide mandatory formal signature matching training to supervisors of elections (supervisors) and County Canvassing Board (CCB) members. Any person whose duties require verification of signatures must undergo signature matching training. The Department of State (DOS) has authority to adopt rules governing signature matching procedures and training.<sup>17</sup>

### **Voter Registration**

#### Voter Applicant Oath

A person registering to vote must subscribe to an oath where he or she:

- Solemnly swears or affirms to protect and defend the Constitution of the United States (U.S.) and the Constitution of the State of Florida.
- Affirms to be qualified to register as a voter under the Constitution and laws of the State of Florida.
- Affirms that all information provided in the voter registration application is true.<sup>18</sup>

#### [Online Voter Registration System](#)

##### *Department of State’s Responsibilities*

The Online Voter Registration System (OVRs), is the internet website supported by the DOS, where an applicant may submit a voter registration application, update his or her voting record, and submit information necessary to establish his or her eligibility to vote.<sup>19</sup> The OVRs has the capability to compare the Florida driver license number or Florida identification number submitted with information maintained by the Department of Highway Safety and Motor Vehicles (DHSMV) to confirm that the name and date of birth on the application are consistent with the records of the DHSMV.<sup>20</sup> If the applicant’s name and date of birth are consistent with the records of the DHSMV, the OVRs transmits the applicant’s registration application, along with the digital signature of the applicant on file with the DHSMV, to the supervisor.<sup>21</sup> If the applicant’s name and date of birth cannot be verified by the records of the DHSMV, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the OVRs must populate the applicant’s information into a printable voter registration application and direct the applicant to print, sign, and date the application and deliver the application to the supervisor for disposition.<sup>22</sup> Upon submission of a completed OVRs application, the website must generate an immediate electronic confirmation that the supervisor has received the application and provide instructions regarding the ability of a registrant to check the status of the application.<sup>23</sup>

##### *Department of Highway Safety and Motor Vehicles Responsibilities*

Current law does not require driver licenses or identification cards to include the legal status of the licensee or card-holder on the physical copy of such identifications. However, current law requires that a driver update his or her driver license within 30 days of becoming a U.S. citizen and provides that a person who is an unauthorized

<sup>15</sup> S. [895.04, F.S.](#) A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. [775.082](#) and [775.083, F.S.](#)

<sup>16</sup> S. [895.05\(2\), F.S.](#)

<sup>17</sup> S. [97.012\(17\), F.S.](#)

<sup>18</sup> S. [97.051, F.S.](#)

<sup>19</sup> S. [97.0525\(2\), F.S.](#)

<sup>20</sup> S. [97.0525\(4\)\(a\), F.S.](#)

<sup>21</sup> S. [97.0525\(4\)\(b\), F.S.](#)

<sup>22</sup> S. [97.0525\(4\)\(c\), F.S.](#)

<sup>23</sup> S. [97.0525\(5\), F.S.](#)

alien or undocumented immigrant cannot be issued a driver license or identification card. As such, applicants of driver licenses and identification cards must provide sufficient REAL ID compliant documentation that supports their legal status.<sup>24</sup>

A renewal and replacement fee for an identification card is \$25.<sup>25</sup> A renewal driver license costs \$48<sup>26</sup> and a replacement driver license costs \$25.<sup>27</sup>

### [Voter Registration Application](#)

A voter registration application is complete and becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility<sup>28</sup> is received by a voter registration official and verified. If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant is not be eligible to vote in that election.<sup>29</sup> All voter registration applications received by a voter registration official must be entered into the statewide voter registration system within 13 days after receipt.<sup>30</sup>

### Eligibility of an Applicant for Voter Registration

A person may become registered to vote only if that person:

- Is at least 18 years of age.
- Is citizen of the U.S.
- Is a legal resident of the State of Florida.
- Is a legal resident of the county in which that person seeks to be registered.
- Registers pursuant to the Florida Election Code.<sup>31</sup>

The following persons, who might be otherwise qualified, are not entitled to register or vote:

- A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored.
- A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored.<sup>32</sup>

### [Third-Party Voter Registration Organization](#)

A third-party voter registration organization (3PVRO) is any person, entity, or organization soliciting or collecting voter registration applications.<sup>33</sup> 3PVRO service as a fiduciary<sup>34</sup> to voter registration applicants when collecting voter registration applications. 3PVROs must ensure that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, is promptly delivered to the Division of Elections (division) within the DOS or the supervisor in the county in which the applicant resides within 10 days after the application is completed by the applicant, but not after registration closes for the next ensuing election. If

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<sup>24</sup> [Ch. 2025-1, L.O.F.](#)

<sup>25</sup> [S. 322.21\(1\)\(f\), F.S.](#)

<sup>26</sup> [S. 322.21\(1\)\(c\), F.S.](#)

<sup>27</sup> [S. 322.21\(1\)\(e\), F.S.](#)

<sup>28</sup> [S. 97.053\(5\), F.S.](#), provides that voter registration application is complete if it contains the following information of an applicant: name; address of legal residence; date of birth; affirmation of U.S. citizenship; current and valid Florida driver license, identification card, or last four digits of social security number; affirmation of no felony convictions or that voting rights have been restored; affirmation of not being adjudicated mentally incapacitated with respect to voting or that voting rights have been restored; and original signature or digital signature transmitted to DHSMV swearing under the penalty of false swearing.

<sup>29</sup> [S. 97.053\(2\), F.S.](#)

<sup>30</sup> [S. 97.053\(7\), F.S.](#)

<sup>31</sup> [S. 97.041\(1\)\(a\), F.S.](#)

<sup>32</sup> [S. 97.041\(2\), F.S.](#)

<sup>33</sup> [S. 97.021\(40\), F.S.](#) This term does not include a person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or a person engaged in registering to vote or collecting voter registration applications as an employee or agent of the DOS, supervisor, DHSMV, or a voter registration agency.

<sup>34</sup> A "fiduciary" is "[s]omeone who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, loyalty, due care, and disclosure." Black's Law Dictionary (11th ed. 2019)



a voter registration application collected by any 3Pvro is not promptly delivered to the division or supervisor in the county in which the applicant resides, the 3Pvro is liable for certain fines.<sup>35</sup>

## Supervisor

### Office Hours

At a minimum, the office of a supervisor is required to be open Monday through Friday, excluding legal holidays, at least eight hours per day, beginning no later than 9 a.m.<sup>36</sup>

### Verifying Legal Addresses

Each supervisor is required to maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. To the maximum extent practicable, the list must include information necessary to differentiate one residence from another, including a distinguishing apartment, suite, lot, room, dormitory room number, or another identifier. If a voter registration application does not include information necessary to differentiate one residence from another, the supervisor must make all reasonable efforts to obtain such information in order to maintain the list. Further, to ensure the continued accuracy of the list the supervisor must make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the U.S. Postal Service, or other agencies as necessary. The supervisor must provide the list of valid residential addresses to the statewide voter registration system.<sup>37</sup>

## List Maintenance

### Address Verification

Current law provides that the supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system.<sup>38</sup> As part of this required registration list maintenance program, the supervisor must incorporate one or more of the following procedures:

- Use change-of-address information supplied by the U.S. Postal Service through its licensees to identify registered voters whose addresses might have changed.
- Identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests sent to all registered voters in the county.<sup>39</sup>

The supervisor must, at a minimum, conduct an annual review of voter registration records to identify registration records in which a voter is registered at an address that may not be an address of legal residence for the voter.<sup>40</sup>

### Deceased Persons

The DOS must identify those registered voters who are deceased by comparing information received from:

- The Department of Health.
- The U.S. Social Security Administration.
- The DHSMV.

Once supervisors receive such information through the statewide voter registration system, the supervisor must remove the name of the registered voter within seven days. Additionally, supervisors must remove the name of a deceased registered voter upon the receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates.<sup>41</sup>

## Duplicate Registrations

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<sup>35</sup> S. [97.0575\(5\)\(a\), F.S.](#)

<sup>36</sup> S. [98.015\(4\), F.S.](#)

<sup>37</sup> S. [98.015\(12\), F.S.](#)

<sup>38</sup> S. [98.065\(1\), F.S.](#)

<sup>39</sup> S. [98.065\(2\), F.S.](#)

<sup>40</sup> S. [98.065\(6\), F.S.](#)

<sup>41</sup> S. [98.075\(3\), F.S.](#)

The DOS is required to identify voters who are registered more than once or applicants whose registration applications within the state would result in duplicate registrations.<sup>42</sup> Current law authorizes the DOS to become a member of a nongovernmental entity that shares and exchanges information in order to verify voter registration information. The DOS is authorized to share confidential and exempt information with such entity if each member of the nongovernmental entity agrees to maintain the confidentiality of such information.<sup>43</sup>

### **Federal Jury Notice**

Currently, federal courts use a state's voter registration lists to select prospective jurors.<sup>44</sup> To be qualified for Federal Jury Service, an individual juror must be:

- 18-year-old citizen of the United States who has resided for one year within the judicial district.
- Able to read, write, and understand the English language with a degree of proficiency to complete the juror qualification form.
- Able to speak the English language.
- Both mentally and physically capable of rendering satisfactory jury service.
- Not have a pending charge or state or federal conviction for a crime punishable by imprisonment for more than one year.<sup>45</sup>

### **Program Evaluation and Reporting Information**

Current law requires supervisor to provide information as requested by the DOS for program evaluation and reporting to the Election Assistance Commission<sup>46</sup> pursuant to federal law.<sup>47</sup>

### **Candidate Qualification**

#### [365-Day Party Affiliation Requirement](#)

##### *Candidates of a Political Party*

Current law provides that any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the candidate oath or affirmation,<sup>48</sup> state in writing, among other requirements, that the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.<sup>49</sup>

##### *Candidates of No Party Affiliation*

In addition, current law provides that any person seeking to qualify for office as a candidate with no party affiliation must, at the time of subscribing to the oath or affirmation, state in writing, among other requirements, that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.<sup>50</sup>

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<sup>42</sup> S. [98.075\(2\), F.S.](#)

<sup>43</sup> *Id.*

<sup>44</sup> United States Courts, [Juror Selection Process](#) (last visited Mar. 14, 2025).

<sup>45</sup> [28 U.S.C. §1865\(b\)](#).

<sup>46</sup> U.S. Election Assistance Commission(EAC), [About the EAC](#) (last visited Mar. 1, 2025). The EAC was established by the [Help America Vote Act \(HAVA\) of 2002](#). The EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting guidelines, and serving as a national clearinghouse of information in election administration. The EAC also administers and audits the use of HAVA funds. See also DOS, [HAVA](#)(last visited Mar. 1, 2025).

<sup>47</sup> S. [98.212\(2\), F.S.](#)

<sup>48</sup> S. [99.021\(1\)\(a\) and \(3\), F.S.](#), requires that each candidate whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office or a federal office, must take and subscribe to an oath or affirmation in writing. This is required before placement on the ballot. This oath is not required for the nomination of presidential electors or presidential preference primaries.

<sup>49</sup> S. [99.021\(1\)\(b\), F.S.](#)

<sup>50</sup> S. [99.021\(1\)\(c\), F.S.](#)

### *Reviewing Qualifying Papers*

The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer must review the qualifying papers to determine whether all items required for candidate qualification have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified. The filing officer may not determine whether the contents of the qualifying papers are accurate.<sup>51</sup>

### *Jones v. Schiller*

In 2022, the First District Court of Appeal (DCA) held while the Florida Election Code requires a candidate to fill out an oath attesting that he or she has been a member of a party for the previous 365 days, it provides no enforcement mechanism to remove a person from the ballot who falsely attests to such.<sup>52</sup> The First DCA provided that this ruling “could invite bad actors to qualify for the ballot using false party affiliation statements to inject chaos into a party's primary.” However, the court noted, among other things, that there could be criminal and financial consequences to lying under oath.<sup>53</sup>

### Qualifying Office and Periods

Current law contains the following qualifying period:

- Federal office, state attorney, public defender: 120th day before the primary election to the 116<sup>th</sup> day.<sup>54</sup>
- State, county, district offices: 71st day before the primary election to the 67th day.<sup>55</sup>

In each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office: Between noon of the 71st day prior to the primary elections, but not later than noon of the 67th day prior to the primary election.<sup>56</sup>

A candidate who is subject to an annual filing requirement may file a verification or receipt of electronic filing. A candidate who is subject to an annual filing requirement may file a verification or receipt of electronic filing unless the candidate is required to file a full and public disclosure of financial interests.<sup>57</sup> The DOS must certify to the supervisor, within seven days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the DOS.<sup>58</sup>

### Qualifying Papers

In order for a candidate to be qualified, the following items, among others, must be received by the filing officer by the end of the qualifying period:

- A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the qualifying fee.<sup>59</sup>
- The completed form for the appointment of campaign treasurer and designation of campaign depository.<sup>60</sup>

### **Special Elections**

All laws that are applicable to general elections are applicable to special elections or special primary elections to fill a vacancy in office or nomination.<sup>61</sup> The Elections Canvassing Commission<sup>62</sup> must immediately, upon receipt of returns from the county in which a special election is held, proceed to canvass the returns and declare the result.<sup>63</sup>

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<sup>51</sup> S. [99.061\(7\)\(c\), F.S.](#)

<sup>52</sup> *Jones v. Schiller*, 345 So. 3d 406 (Fla. 1st DCA 2022).

<sup>53</sup> *Id.*; see s. [837.012, F.S.](#)

<sup>54</sup> S. [99.061\(1\), F.S.](#)

<sup>55</sup> *Id.*

<sup>56</sup> S. [99.061\(9\), F.S.](#)

<sup>57</sup> S. [99.061\(5\), F.S.](#)

<sup>58</sup> S. [99.061\(6\), F.S.](#)

<sup>59</sup> S. [99.061\(7\)\(a\), F.S.](#)

<sup>60</sup> *Id.*

<sup>61</sup> S. [100.111, F.S.](#)

<sup>62</sup> DOS, [Elections Canvassing Commission](#) (last visited Mar. 2, 2025). The commission was created in 1895 and canvasses the returns of primary and general elections for all state office, presidential elections, and U.S. Congressional elections. Additionally, the commission determines and declares who is elected.

<sup>63</sup> S. [100.191, F.S.](#)

Returns must be filed no later than noon on the eighth day following a primary election and no later than noon on the 13th day following the general election.<sup>64</sup>

### Identification Required for Voting

Throughout the Florida Election Code, there are requirements for voters to present valid, photo identification—when voting in person, when completing a provisional ballot<sup>65</sup> or vote-by-mail (VBM) cure affidavit,<sup>66</sup> and when for first-time voters using a VBM ballot.<sup>67</sup> The following are the acceptable forms of identification so long as they are valid and contain a picture identification:

- Florida driver license or identification card issued by the DHSMV.
- U.S. passport.
- Debit or credit card.
- Military identification.
- Student identification.
- Retirement center identification.
- Neighborhood association identification.
- Public assistance identification.
- Veteran health identification card issued by the U.S. Department of Veterans Affairs.
- A license to carry a concealed weapon or firearm.
- Employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.<sup>68</sup>

### Voter Challenges

Any registered voter or poll watcher of a county may challenge the right of a person to vote in that county. The challenge must be in writing and contain an oath that is delivered to the clerk or inspector.<sup>69</sup> The clerk or inspector must immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter must be allowed to cast a provisional ballot.<sup>70</sup> A challenge may be filed in advance with the supervisor no sooner than 30 days before an election. The supervisor must promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge.<sup>71</sup>

### Poll Watchers

The following guidelines for the poll watchers are outlined in current law:

- Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election.<sup>72</sup>
- No watcher may be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each may be allowed within the polling room or early voting area to watch and observe the conduct of voters and officials.<sup>73</sup>
- The poll watchers may not obstruct the orderly conduct of any election.<sup>74</sup>
- The poll watchers may not interact with voters.<sup>75</sup>
- Each poll watcher must be a qualified and registered voter of the county in which he or she serves.<sup>76</sup>

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<sup>64</sup> S. [102.112\(2\), F.S.](#)

<sup>65</sup> S. [101.043\(1\)\(a\), F.S.](#)

<sup>66</sup> S. [101.68\(4\), F.S.](#), provides for VBM Ballot Cure Affidavit is used to allow a voter to fix a signature deficiency on his or her VBM ballot.

<sup>67</sup> S. [101.6923\(2\), F.S.](#)

<sup>68</sup> S. [101.043\(1\)\(a\), F.S.](#)

<sup>69</sup> S. [101.111\(1\)\(a\), F.S.](#)

<sup>70</sup> S. [101.111\(1\)\(b\), F.S.](#)

<sup>71</sup> S. [101.111\(1\)\(c\), F.S.](#)

<sup>72</sup> S. [101.131\(1\), F.S.](#)

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

- Each party, each political committee, and each candidate requesting to have poll watchers may designate, in writing to the supervisors, on a form prescribed by the division.<sup>77</sup>
- All poll watchers must be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided law.<sup>78</sup>
- The supervisor must provide to each designated poll watcher an identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her badge while performing his or her duties.<sup>79</sup>

## Ballots

### General Definitions

Current law defines the following terms:

- Ballot or official ballot: when used in reference to electronic or electromechanical devices is a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.
- Marksense ballots: Printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.
- Voter registration agency: Any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.
- Voting system: A method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, supplies, printouts, and other software necessary for the system's operation.

### Specifications for Ballots

Polling places and early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible voters. Ballot-on-demand technology may be used to produce marksense VBM and election-day ballots.<sup>80</sup>

Current law makes the following specifications to ballots:

- The ballot must include the following office titles above the names of the candidates for the respective offices: The office titles of President and Vice President above the names of the candidates for President and Vice President of the U.S. nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state, followed by the names of other candidates for President and Vice President of the U.S. who have been properly nominated.<sup>81</sup>
- The primary election ballot must be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each voter to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.<sup>82</sup>

### Publication of Sample Ballot Forms

The Florida Election Code requires that two sample ballots be made available to each polling place. The sample ballots must be in the form of the official ballot as it will appear at that polling place on election day. Sample ballots must be open to inspection by all voters in any election, and a sufficient number of reduced-size ballots may be made available to election officials so that one may be given to any voter.<sup>83</sup>

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<sup>77</sup> S. [101.131\(2\), F.S.](#)

<sup>78</sup> S. [101.131\(4\), F.S.](#)

<sup>79</sup> S. [101.131\(5\), F.S.](#)

<sup>80</sup> S. [101.151\(1\)\(b\), F.S.](#)

<sup>81</sup> S. [101.151\(2\)\(a\), F.S.](#)

<sup>82</sup> S. [101.151\(5\), F.S.](#)

<sup>83</sup> S. [101.20\(1\), F.S.](#)

Supervisors must publish a sample ballot in a newspaper of general circulation in the county, before the day of election. In lieu of the publication in a newspaper of general circulation, a supervisor may send a sample ballot to each registered voter by e-mail at least seven days before an election if an e-mail address has been provided and the voter has opted to receive a sample ballot by electronic delivery. If an e-mail address has not been provided, or if the voter has not opted for electronic delivery, a sample ballot may be mailed to each registered voter or to each household in which there is a registered voter at least seven days before an election.<sup>84</sup>

#### Candidates Entitled to Have Names Printed on Ballots

Current law authorizes the placement of a candidate for party executive committee member on the primary election ballot. However, when there is only one such candidate for such an office, the name of the candidate may not be on the primary election ballot, and such candidate must be declared elected to the state or county executive committee.<sup>85</sup>

#### Duplicate Ballots and Public Inspection

Current law provides that if any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected.<sup>86</sup> Current law requires that a candidate, a political party official, or a political committee official, or an authorized designee, must be granted reasonable access upon request to review or inspect ballot materials before canvassing or tabulation including duplicate ballots and corresponding originals.<sup>87</sup>

### **Vote-by-mail (VBM)**

#### Requesting a VBM Ballot

A request for a VBM ballot may be made in person, in writing, by telephone, or through the supervisor's website. The DOS has a uniform statewide application to make a written request for a VBM ballot.<sup>88</sup>

For each request for a VBM ballot received, the supervisor must record the following information:

- Date the request was made.
- Identity of the voter's designee making the request, if any.
- Florida driver license number or identification card number, or last four digits of the social security number of the voter provided with a written request.
- Date the VBM ballot was delivered to the voter or the voter's designee or the date the VBM ballot was delivered to the post office or other carrier.
- Address to which the ballot was mailed or the identity of the voter's designee to whom the ballot was delivered.
- Date the ballot was received by the supervisor.
- Absence of the voter's signature on the voter's certificate, if applicable.
- Whether the voter's certificate contains a signature that does not match the voter's signature in the registration books or precinct register.
- Such other information that a supervisor may deem necessary.<sup>89</sup>

#### Delivery of VBM Ballots

A VBM ballot may be personally delivered to the voter or a voter's designee after VBM ballots have been mailed and up to 7 p.m. on election day.<sup>90</sup>

#### [Privacy Sleeve](#)

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<sup>84</sup> S. [101.20\(2\), F.S.](#)

<sup>85</sup> S. [101.252\(2\), F.S.](#)

<sup>86</sup> S. [101.5614\(4\)\(a\), F.S.](#)

<sup>87</sup> S. [101.572\(2\), F.S.](#)

<sup>88</sup> S. [101.62\(1\)\(a\), F.S.](#)

<sup>89</sup> S. [101.62\(2\), F.S.](#)

<sup>90</sup> S. [101.62\(3\)\(d\), F.S.](#)



A secrecy sleeve, sometimes known as a privacy sleeve, inner envelope or identification envelope, is a paper document intended to protect voters' privacy by separating their identity and signature from their ballot. After completing an absentee or mail ballot, a voter places it inside the secrecy sleeve, which then goes inside the return envelope.<sup>91</sup>

Current law provides that a supervisor must enclose with each VBM ballot two envelopes:

- A secrecy envelope, into which the absent voter must enclose his or her marked ballot; and
- A mailing envelope, into which the absent voter must then place the secrecy envelope, which must be addressed to the supervisor.<sup>92</sup>

### [Secure Ballot Intake Stations](#)

A supervisor is required to allow a voter who has received a VBM ballot to physically return a voted VBM ballot to the supervisor by placing the return mail envelope containing his or her marked ballot in a secure ballot intake station. Secure ballot intake stations must be placed at each early voting site, at the main office of the supervisor, and at each permanent branch office of the supervisor that meets the criteria for branch offices used for early voting and that is open for at least the minimum number of hours. Secure ballot intake stations may also be placed at any other site that would otherwise qualify as an early voting site. Secure ballot intake stations must be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot. Except for secure ballot intake stations at an office of the supervisor, a secure ballot intake station may only be used during the county's early voting hours of operation and must be monitored in person by an employee of the supervisor's office. A secure ballot intake station at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the secure ballot intake station is accessible for deposit of ballots.<sup>93</sup>

### [Absent Uniformed Services and Overseas Voters](#)

A VBM ballot from an overseas voter in any presidential preference primary or general election must be counted as long as such ballot is:

- Postmarked or dated no later than the date of the election.
- Received by the supervisor of the county in which the overseas voter is registered no later than 10 days after the date of the election.<sup>94</sup>

The DOS is authorized to adopt rules to authorize a supervisor to accept from an overseas voter a request for a VBM ballot or a voted VBM ballot by secure fax or other secure electronic means.<sup>95</sup>

### [Absent Voting in Emergency Situations](#)

Current law authorizes the Elections Canvassing Commission to adopt emergency rules to facilitate absentee voting during a national or local emergency. Such emergencies include armed conflict involving the U.S. Armed Forces or mobilization of those forces, including state National Guard and reserve components.<sup>96</sup>

### [VBM Ballot Violations](#)

Current law provides that the following VBM ballot violations are punishable as third-degree felonies:

- Any person who requests a VBM ballot on behalf of a voter.
- Any person who marks or designates a choice on the ballot of another person, except when law provides otherwise.<sup>97</sup>

### **Early Voting**

Current law provides the following as it relates to early voting:

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<sup>91</sup> National Conference of State Legislatures, [States that Must Provide Secrecy Sleeves for Absentee/Mail Ballots](#) (last visited Mar. 3, 2025).

<sup>92</sup> S. [101.64\(1\)\(a\), F.S.](#)

<sup>93</sup> S. [101.69\(2\), F.S.](#)

<sup>94</sup> S. [101.6952\(5\), F.S.](#)

<sup>95</sup> S. [101.697, F.S.](#)

<sup>96</sup> S. [101.698, F.S.](#)

<sup>97</sup> S. [104.047, F.S.](#)

- A supervisor may designate one early voting site per election in an area of the county that does not have any of the eligible early voting locations. Such additional early voting site must be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot, insofar as is practicable, and must provide sufficient nonpermitted parking to accommodate the anticipated number of voters.<sup>98</sup>
- Each county must, at a minimum, operate the same total number of early voting sites for a general election that the county operated for the 2012 general election.<sup>99</sup>
- Early voting must begin on the 10th day before an election that contains state or federal races and end on the 3rd day before the election, and must be provided for no less than 8 hours and no more than 12 hours per day at each site during the applicable period. In addition, early voting may be offered at the discretion of the supervisor on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election that contains state or federal races for at least 8 hours per day, but not more than 12 hours per day.<sup>100</sup>
- Photography is prohibited in the polling room or early voting area, except when a voter photographs his or her own ballot.<sup>101</sup>

## County Canvassing Board (CCB)

### Membership and Duties

The CCB is the body that tabulates and canvassing the vote for an election in that county. The CCB is composed of three members: the supervisor; a county court judge, who acts as chair; and the chair of the board of county commissioners.<sup>102</sup> The canvassing board is responsible for a number of activities in the conduct of elections and results processing and reporting.<sup>103</sup>

### Disqualification and Removal of Members

If a member of the CCB is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member must be replaced.<sup>104</sup>

An advisory opinion of the division provides that an "active participant" means that a canvassing board member undertakes an effort intentionally to demonstrate or generate public support of a candidate beyond merely making a campaign contribution. The following activities would make a canvassing board member an "active participant" in the candidate's campaign or candidacy:

- Being a member of an election or re-election committee for a candidate.
- Public endorsement with or without financial support of a candidate.
- Holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate.
- Signing an endorsement card for a candidate.
- Attending a candidate's campaign fundraiser.
- Chairing or co-chairing an ongoing election campaign or fundraiser for a candidate.

However, the mere giving of a campaign contribution would not make a canvassing board member an "active participant."<sup>105</sup>

### Returns and Recounts

The CCB must submit its unofficial returns to the DOS for each federal, state, or multicounty office or ballot measure by the third day after a primary election or the fourth day after a general election.<sup>106</sup> If the unofficial returns reflect that a candidate for any office or measure was defeated or eliminated by one-half of a percent or

<sup>98</sup> S. [101.657\(1\)\(a\), F.S.](#)

<sup>99</sup> *Id.*

<sup>100</sup> S. [101.657\(1\)\(d\), F.S.](#)

<sup>101</sup> S. [102.031\(5\), F.S.](#)

<sup>102</sup> S. [102.141\(a\), F.S.](#)

<sup>103</sup> Florida Division of Elections, [Canvassing Board Membership and Activities](#) last visited (Mar. 3, 2025).

<sup>104</sup> S. [102.141\(1\), F.S.](#)

<sup>105</sup> DOS, [DE 09-07 Advisory Opinion](#) (last visited Mar. 3, 2025).

<sup>106</sup> S. [102.141\(5\) and \(6\), F.S.](#)

less of the votes cast for those races, a machine recount is ordered.<sup>107</sup> During a machine recount all the ballots are retabulated through the supervisor’s automatic tabulating equipment. A second set of unofficial returns is due to the DOS by the fifth day after a primary election or the ninth day after a general election. If the machine recount is completed by the time the second set of unofficial returns is due, then it is included in those returns.

If the second set of unofficial returns indicates that a candidate or measure was eliminated by one-quarter of a person or less of the votes cast for those races, a manual recount of the overvotes<sup>108</sup> and undervotes<sup>109</sup> is ordered.<sup>110</sup> The manual recount must be made unless:

- The candidate or candidates defeated or eliminated from contention by one-quarter of one percent or fewer of the votes cast for such office request in writing that a recount not be made; or
- The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.<sup>111</sup>

A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.<sup>112</sup> The Secretary of State is responsible for ordering a machine and manual recounts for federal, state, and multicounty races. The CCB or local board responsible for certifying the election is responsible for ordering the recounts recount for all other races.

The final returns, which include the result of any recount, is due to the DOS by the eight-day following a primary election and the 13th day following a general election.<sup>113</sup>

### Voting System Audit

Immediately following the certification of each election, the CCB must conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts.<sup>114</sup> A manual audit consists of a public manual tally of the votes cast in one randomly selected race that appears on the ballot. The tally sheet must include election-day, VBM, early voting, provisional, and overseas ballots, in at least one percent but no more than two percent of the precincts chosen at random by the CCB.<sup>115</sup> The CCB must post a notice of the audit, including the date, time, and place, in four conspicuous places in the county and on the supervisor’s website.<sup>116</sup> The audit must be completed and the results made public no later than the seventh day following certification of the election by the CCB or the local board responsible for certifying the election.<sup>117</sup>

By December 15 of each general election year, the CCB or the board responsible for certifying the election is required to provide a report with the results of the recount audit to the DOS in a standard format as prescribed by the DOS.<sup>118</sup> The audit accompanies a post general election report that is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election.<sup>119</sup>

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<sup>107</sup> S. 102.141(7), F.S.

<sup>108</sup> An “overvote” means that the voter marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question. S. 97.021(26), F.S.

<sup>109</sup> An “undervote” means that the voter does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question. S. 97.021(41), F.S.

<sup>110</sup> S. 102.166, F.S.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> S. 102.112, F.S.

<sup>114</sup> S. [101.591\(1\), F.S.](#)

<sup>115</sup> S. [101.591\(2\), F.S.](#)

<sup>116</sup> S. [101.591\(3\), F.S.](#)

<sup>117</sup> S. [101.591\(4\), F.S.](#)

<sup>118</sup> S. [101.591, F.S.](#)

<sup>119</sup> S. [101.595, F.S.](#)

### Conduct of Election Report

Each supervisor is required to file a Conduct of Election Report with the DOS no later than 20 business days after the Elections Canvassing Commission certifies the election.<sup>120</sup> The report has minimum requirements associated with election definition errors, ballot printing errors, staffing shortages or procedural violations, equipment issues, and any other issues or problems associated with the conduct of elections.<sup>121</sup>

### **Nomination for Presidential Electors**

The process for electing the President and Vice President in the U.S. is through the Electoral College. Electors who may participate in the Electoral College are selected and nominated pursuant to a process laid out in state law. First, the state executive committee of each political party must by resolution recommend candidates for presidential electors and deliver a certified copy thereof to the Governor no later than noon on August 24 of each presidential election year. The state executive committees then submit the voter registration number and contact information of each presidential elector. Each presidential elector must be a qualified registered voter of this state and member of the party he or she represents who has taken a written oath that he or she will vote for the candidates of the party that he or she is nominated to represent.<sup>122</sup>

Then, the Governor nominates the presidential electors of each political party. The Governor must nominate only the electors recommended by the state executive committee of the respective political party. The Governor must certify to the DOS no later than 5 p.m. on August 24, in each presidential election year, the names of a number of electors for each political party equal to the number of senators and representatives that this state has in Congress.<sup>123</sup>

### **Political Activity on Behalf of a Candidate for Judicial Office**

Political parties and partisan political organizations are prohibited from endorsing, supporting, or assisting any candidate in a campaign for judicial office.<sup>124</sup> A person that knowingly violates this provision is guilty of a misdemeanor of the second degree.<sup>125</sup>

### **Campaign Finance**

#### Publicly Audited Executive Committees

The chair and treasurer of an executive committee of any political party are required by law to be accountable for the funds of such committee and jointly liable for their proper expenditure for authorized purposes only. The funds of each such state executive committee must be publicly audited at the end of each calendar year and a copy of such audit furnished to the DOS for its examination prior to April 1 of the ensuing year. When filed with the DOS, copies of such audit must be public documents. The treasurer of each county executive committee must maintain adequate records evidencing receipt and disbursement of all party funds received by him or her, and such records must be publicly audited at the end of each calendar year and a copy of such audit filed with the supervisor and the state executive committee prior to April 1 of the ensuing year.<sup>126</sup>

#### Campaign Treasurers

Each person who seeks to qualify for nomination or election to, or retention in, office must appoint a campaign treasurer and designate a primary campaign depository before qualifying for office.<sup>127</sup>

#### Candidate Loans

A loan made by a candidate to their own campaign is not subject to contribution limitations. A candidate who makes a loan to their campaign and reports the loan may be repaid for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations. A person elected to office must report all

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<sup>120</sup> S. [102.141\(10\), F.S.](#)

<sup>121</sup> *Id.*

<sup>122</sup> S. [103.021\(1\), F.S.](#)

<sup>123</sup> *Id.*

<sup>124</sup> S. [105.09\(1\), F.S.](#)

<sup>125</sup> S. [105.09\(2\), F.S.](#)

<sup>126</sup> S. [103.121\(2\), F.S.](#)

<sup>127</sup> S. [106.021\(1\)\(a\), F.S.](#)

loans, exceeding \$500 in value, made to them and used for campaign purposes, and made in the twelve months preceding their election to office.<sup>128</sup>

### Campaign Contributions and Limits on Foreign Nationals

Current law prohibits a foreign national from making or offering to make, directly or indirectly, a contribution or expenditure in connection with any election held in the state.<sup>129</sup> A “foreign national” is defined to mean:

- A foreign government.
- A foreign political party.
- A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- A person with foreign citizenship.
- A person who is not a citizen or national of the U.S. and is not lawfully admitted to the U.S. for permanent residence.<sup>130</sup>

The term “Foreign National” does not include:

- A person who is a dual citizen or dual national of the U.S. and a foreign country.
- A domestic subsidiary of a foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country if:
  - The donations and disbursements used toward a contribution or an expenditure are derived entirely from funds generated by the subsidiary’s operations in the U.S.; and
  - All decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold U.S. citizenship or are permanent residents of the U.S.<sup>131</sup>

### **Commission Fee Issued by the Governor**

Florida law provides that all grants and commissions must be in the name and under the authority of the State of Florida, sealed with the great seal of the state, signed by the Governor, and countersigned by the Secretary of State.<sup>132</sup> A \$10 fee is prescribed for the issuance of each commission by the Governor and attested by the Secretary of State for an elected officer or a notary public.<sup>133</sup> No commission may be issued by the Governor or attested by the Secretary of State or bear the seal of the state until the fee is paid.<sup>134</sup> All fees must be paid by the Secretary of State into the State Treasury and must be used for such purposes as the Legislature may determine.<sup>135</sup>

Every commission issued by the Governor must be recorded in the office of the Secretary of State in a book of commissions and an index made thereof, and the oath of office of the person named in said commission must be endorsed on said commission.<sup>136</sup>

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<sup>128</sup> DOS, [Candidate and Campaign Treasurer Handbook - 2024 Election Cycle](#) (last visited Mar. 4, 2025).

<sup>129</sup> S. [106.08\(12\)\(b\), F.S.](#)

<sup>130</sup> S. [106.08\(12\)\(a\), F.S.](#)

<sup>131</sup> *Id.*

<sup>132</sup> S. [113.051, F.S.](#)

<sup>133</sup> S. [113.01, F.S.](#)

<sup>134</sup> S. [113.02, F.S.](#)

<sup>135</sup> S. [113.03, F.S.](#)

<sup>136</sup> S. [113.06, F.S.](#)

**RECENT LEGISLATION:**

| YEAR | BILL #                         | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION                         |
|------|--------------------------------|------------------|----------------|---|
| 2023 | <a href="#">CS/SB 7050</a>     | McClure          | Hutson         | Approved by the Governor on May 24, 2023. |
| 2022 | <a href="#">CS/CS/SB 524</a>   | Perez            | Hutson         | Approved by the Governor April 25, 2022.  |
| 2021 | <a href="#">CS/CS/CS/SB 90</a> |                  | Baxley         | Approved by the Governor on May 6, 2021.  |

**BILL HISTORY**

| COMMITTEE REFERENCE   | ACTION | DATE | STAFF DIRECTOR/<br>POLICY CHIEF | ANALYSIS PREPARED BY |
|---|--------|------|---------------------------------|----------------------|
| <a href="#">Government Operations Subcommittee</a>                            |        |      | Toliver                         | Walker               |
| <a href="#">Transportation &amp; Economic Development Budget Subcommittee</a> |        |      |                                 |                      |
| <a href="#">State Affairs Committee</a>                                       |        |      |                                 |                      |