

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1381](#)

TITLE: Elections

SPONSOR(S): Persons-Mulicka

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

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

12 Y, 5 N, As CS



[Transportation & Economic
Development Budget](#)



[State Affairs](#)

SUMMARY

Effect of the Bill:

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

- 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 duplicate registrations 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.
- 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:

Voter Registration

Online Voter Registration System

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) to ensure he or she is able to access information. (Section [2](#))

Department of Highway Safety and Vehicles Responsibilities

The bill provides that, by July 1, 2026, 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 either a U.S. citizen or a non-U.S. citizen as last recorded in the system at the time of issuance or renewal. The bill requires that the DHSMV must, at no charge, issue a new or replacement card if a licensee or cardholder timely updates his or her legal status upon becoming a citizen of the U.S. (Section [27](#))

The bill requires the DHSMV to include in their database the type of documentary proof that the driver licensee or state identification cardholder provided in support of U.S. citizenship for the purposes of matching such

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information with the statewide voter registration system. Additionally, the bill requires the DHSMV, on a weekly basis, to provide the DOS with information identifying persons who during the preceding week presented evidence of U.S. citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The information must contain the person's:

- Name;
- Address;
- Date of birth;
- Last four digits of the social security number;
- Florida driver license number or Florida identification card number;
- The type of documentary proof provided in support of citizenship; and
- If applicable, the alien registration number or other legal status identifier. (Sections [4](#) and [7](#))

Voter Registration Application

The bill provides that a voter registration application, including an application with a change in name, address, or party affiliation, may only be accepted as valid after the DOS has verified that the applicant is a U.S. citizen in one of the following ways:

- The applicant's voter record indicates that his or her legal status as a U.S. citizen has been verified.
- The applicant provided documentary proof of U.S. citizenship with the application.
- The applicant's legal status as a U.S. citizen is verified against the records of DHSMV or the U.S. Department of Homeland Security. (Section [3](#))

The bill allows a voter registration applicant to provide a copy of any one of the following documents with his or her application as proof of U.S. citizenship:

- A U.S. passport.
- U.S. birth certificate.
- A Consular Report of Birth Abroad provided by the U.S. Department of State.
- Florida driver license or identification card issued by the DHSMV if such license or card indicates U.S. citizenship.
- A naturalization certificate or certificate of citizenship issued by the U.S. Department of Homeland Security or alternatively a certificate number or alien registration number.
- A valid photo identification issued by the Federal Government or the government of this state that indicates U.S. citizenship.
- An order from the Federal court granting U.S. citizenship. (Section [3](#))

The type of documentary proof of U.S. citizenship used for verification must be recorded in the voter's record. Any person who is registered to vote on or before June 30, 2025, does not need to provide proof of U.S. citizenship until his or her supervisor makes a request to verify citizenship. (Section [3](#))

A supervisor is required to notify a voter registration applicant if a completed voter registration application has been received by the book-closing deadline, but the applicant's legal status as a U.S. citizen cannot be verified. Such applicant must provide sufficient evidence to the supervisor to verify his or her legal status as a U.S. citizen before voting. Before the applicant requests a vote-by-mail (VBM) ballot or presents to vote in person, the supervisor must place the applicant's name on the registration rolls as an active voter if the applicant provides the necessary evidence. If the applicant has not provided the necessary evidence or the legal status is not verified before the applicant requests a VBM ballot or presents to vote, the applicant must be provided a provisional ballot. The provisional ballot must only be counted 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. (Sections [3](#) and [11](#))

The bill makes the following additional changes to the [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. (Sections [3](#))

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, then the supervisor must verify applicant voting eligibility within 10 days of receiving such application. To determine and verify eligibility, the supervisor must review any government entity document or source. The supervisor must deny the voter registration application and notify the applicant if the supervisor determines that the applicant is ineligible. (Section [5](#))

Fraudulent Registration and Illegal Voting

The supervisor is required, instead of only authorized, to report his or her findings on illegal voting and fraudulent registrations to the local state attorney and the Office of Election Crimes and Security. (Section [25](#)).

List Maintenance

The bill authorizes supervisors to 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. (Section [6](#))

Additionally, the bill authorizes the DOS to enter into memorandums of understandings (MOUs) with Federal agencies or other states to help identify interstate [duplicate registrations](#) including sharing and exchanging confidential and exempt information to facilitate such efforts. (Section [6](#))

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 U.S. citizen, a resident of the state, or a resident of the county.
- Being convicted of a felony.
- Being deceased. (Section [8](#))

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 [8](#))

The division must provide the information to the supervisor in the county of residence for the disqualified juror. The supervisor must then initiate address list maintenance or eligibility maintenance procedures regarding the specified voter. (Section [8](#))

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 [9](#))

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 [9](#))

The bill clarifies that the 365 days have to be consecutive days preceding the beginning of the qualifying period and provides that compliance with the requirement is mandatory. (Section [9](#))

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 [10](#), [11](#), [20](#), and [21](#))

Ballots

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 will be marked by using the pen or marker recommended by the voting system vender. 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 also eliminates reference to ballot stubs. 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. (Sections [1](#), [14](#), and [15](#))

Additionally, the bill provides that ballot-on-demand technology may be used to produce early voting ballots. (Section [12](#))

County Canvassing Board

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 [22](#))

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 [22](#))

The bill requires a CCB to retain legal counsel, which may be the county attorney for any legal representation. (Section [22](#))

Automated Independent Vote Validation

The bill replaces the post-election machine recount and machine recount audit process with an automated independent, pre-certification vote validation process. The automated independent vote validation process must be completed no later than noon on the seventh day after any general election and no later than noon on the sixth day after any primary election. (Sections [17](#) and [22](#))

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 an automated independent 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 do not have a discrepancy of 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 system validation review using the images in the automated independent vote validation system of the ballots in disagreement. (Sections [17](#) and [22](#))

The Secretary of State is responsible for ordering such system validation reviews in federal, state, or multicounty races. The CCB or the local board responsible for certifying the election is responsible for ordering a system validation review in all other races. The bill provides that the system 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 [17](#) and [22](#))

The bill requires the canvassing board to publish notice of the public system validation review on the county website, on the supervisor's website, or once in one or more newspapers of general circulation in the county. 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 [17](#), [22](#), and [24](#))

By December 15 of each election year, the respective board certifying the election must send an automated independent vote validation report to the DOS. Each County's report must be consolidated into one report and included with the overvote and undervote report required by current law. At the minimum the report must contain:

- The overall agreement of automated independent vote validation.
- A description of any problems or differences encountered.
- The likely cause of such problems or differences.
- Recommendations for corrective action for future elections. (Section [17](#))

If the canvassing board is unable to complete the system validation 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 system validation review. The CCB must complete the system validation review, along with any manual review and certify official election returns. (Section [22](#))

The bill requires the DOS to submit such overvote and undervote analysis as part of the post-general election report and the conduct of election report¹ 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. (Sections [17](#) and [19](#))

The bill provides that the Conduct of Elections Report must be filed with the division no later than 15 days, instead of instead of 20, after the election and provides that the report must also describe issues encountered with any state approved election system, including, but not limited to, vote tabulation systems and automated independent vote validation systems. (Section [23](#))

Campaign Contributions and Limits on Foreign Nationals

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

The bill prohibits a political party, a political committee, an electioneering communications organization, or a candidate from knowingly accepting or soliciting directly or indirectly, a contribution from a foreign national in connection with any election held in this state or in connection with a constitutional amendment proposed by initiative and provides that violation of this prohibition by any person or entity:

- Commits a felony of the third degree.
- Must also be subject to a civil penalty equal to three times the amount contributed.

Such civil penalty must be paid into the General Revenue Fund of the Florida State budget. Any penalty imposed against a person that is not an individual jointly and severally attaches to the chair of the entity if the entity does not pay the penalty within 30 days. The Florida Election Commission is responsible for determining violations, imposing civil penalties, and collecting any unpaid civil penalties. (Section [26](#))

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 [28](#))

Effective Date

The bill provides an effective date of October 1, 2025. (Section [29](#))

RULEMAKING:

The Florida Election Code currently grants the Secretary of State general rulemaking authority over most of the provisions being amended in the bill.² The bill grants the DOS additional rulemaking authority related to the independent automated vote validation system and process.

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 revise voter registration requirements that may involve programming.

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 state general revenue fund may see an increase in revenues to the extent that entities or individuals violate the prohibitions related to accepting or soliciting a contributions from foreign nationals.

LOCAL GOVERNMENT:

The bill will have an indeterminate fiscal impact on local governments for the provisions of the bill relating to the implementation of the bill's provisions concerning list maintenance, vote validation processes, and recount procedures.

² S. [97.012\(1\), F.S.](#)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Voter Registration

[Online Voter Registration System](#)

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.³ 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.⁴ 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.⁵ 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.⁶ 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.⁷

[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 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.⁸

A renewal and replacement fee for an identification card is \$25.⁹ A renewal driver license costs \$48¹⁰ and a replacement driver license costs \$25.¹¹

On a weekly basis, DHSMV is required to report to the DOS identifying information on persons who have:

- Acquired driver licenses or identification cards in another state.
- Presented evidence of non-U.S. citizenship upon being issued a new or renewed driver license or identification card.¹²

[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 eligibility¹³ is received by a voter registration official

³ S. [97.0525\(2\), F.S.](#)

⁴ S. [97.0525\(4\)\(a\), F.S.](#)

⁵ S. [97.0525\(4\)\(b\), F.S.](#)

⁶ S. [97.0525\(4\)\(c\), F.S.](#)

⁷ S. [97.0525\(5\), F.S.](#)

⁸ [Ch. 2025-1, L.O.F](#)

⁹ S. [322.21\(1\)\(f\), F.S.](#)

¹⁰ S. [322.21\(1\)\(c\), F.S.](#)

¹¹ S. [322.21\(1\)\(e\), F.S.](#)

¹² S. [98.093\(8\), F.S.](#)

¹³ 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

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.¹⁴ All voter registration applications received by a voter registration official must be entered into the statewide voter registration system within 13 days after receipt.¹⁵

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.¹⁶

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.¹⁷

Fraudulent Registration and Illegal Voting

The supervisor is authorized to investigate and report his or her findings on illegal voting and fraudulent registrations to the local state attorney and the Office of Election Crimes and Security.¹⁸ The Office of Election Crimes and Security (OECs), created in 2022, aids the Secretary of State in the following duties:¹⁹

- Maintaining a voter fraud hotline.²⁰
- Providing election fraud education to the public.²¹
- 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.²²

The OECs employs nonsworn investigators²³ 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.²⁴ 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.²⁵

rights have been restored; and original signature or digital signature transmitted to DHSMV swearing under the penalty of false swearing.

¹⁴ S. [97.053\(2\), F.S.](#)

¹⁵ S. [97.053\(7\), F.S.](#)

¹⁶ S. [97.041\(1\)\(a\), F.S.](#)

¹⁷ S. [97.041\(2\), F.S.](#)

¹⁸ S. [104.42\(1\), F.S.](#)

¹⁹ S. [97.022\(1\), F.S.](#)

²⁰ S. [97.012\(12\), F.S.](#)

²¹ *Id.*

²² S. [97.012\(15\), F.S.](#)

²³ S. [97.022\(4\), F.S.](#)

²⁴ S. [97.022\(2\), F.S.](#)

²⁵ DOS, [Election Crimes and Security](#) (last visited Mar. 7, 2025).

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.²⁶ 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.²⁷

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.²⁸

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.²⁹

Duplicate Registrations

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.³⁰ 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.³¹

Federal Jury Notice

Currently, federal courts use a state's voter registration lists to select prospective jurors.³² 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.³³

365-Day Party Affiliation Requirement

Candidates of a Political Party

²⁶ S. [98.065\(1\), F.S.](#)

²⁷ S. [98.065\(2\), F.S.](#)

²⁸ S. [98.065\(6\), F.S.](#)

²⁹ S. [98.075\(3\), F.S.](#)

³⁰ S. [98.075\(2\), F.S.](#)

³¹ *Id.*

³² United States Courts, [Juror Selection Process](#) (last visited Mar. 14, 2025).

³³ [28 U.S.C. §1865\(b\)](#).

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,³⁴ 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.³⁵

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.³⁶

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.³⁷

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.³⁸ 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.³⁹

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 ballot⁴⁰ or vote-by-mail (VBM) cure affidavit,⁴¹ and when for first-time voters using a VBM ballot.⁴² 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.

³⁴ 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.

³⁵ S. [99.021\(1\)\(b\), F.S.](#)

³⁶ S. [99.021\(1\)\(c\), F.S.](#)

³⁷ S. [99.061\(7\)\(c\), F.S.](#)

³⁸ *Jones v. Schiller*, 345 So. 3d 406 (Fla. 1st DCA 2022).

³⁹ *Id.*; see s. [837.012, F.S.](#)

⁴⁰ S. [101.043\(1\)\(a\), F.S.](#)

⁴¹ 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.

⁴² S. [101.6923\(2\), F.S.](#)

- 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.⁴³

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.⁴⁴

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.⁴⁵ The canvassing board is responsible for a number of activities in the conduct of elections and results processing and reporting.⁴⁶

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.⁴⁷

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.

⁴³ S. [101.043\(1\)\(a\), F.S.](#)

⁴⁴ S. [101.151\(1\)\(b\), F.S.](#)

⁴⁵ S. [102.141\(a\), F.S.](#)

⁴⁶ Florida Division of Elections, [Canvassing Board Membership and Activities](#) last visited (Mar. 3, 2025).

⁴⁷ S. [102.141\(1\), F.S.](#)

- 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."⁴⁸

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.⁴⁹ If the unofficial returns reflect that a candidate for any office or measure was defeated or eliminated by one-half of a percent or less of the votes cast for those races, a machine recount is ordered.⁵⁰ 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 overvotes⁵¹ and undervotes⁵² is ordered.⁵³ 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.⁵⁴

A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.⁵⁵ 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.⁵⁶

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.⁵⁷ 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.⁵⁸ 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.⁵⁹ 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.⁶⁰

⁴⁸ DOS, [DE 09-07 Advisory Opinion](#) (last visited Mar. 3, 2025).

⁴⁹ S. [102.141\(5\)](#) and [\(6\)](#), F.S.

⁵⁰ S. [102.141\(7\)](#), F.S.

⁵¹ 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.

⁵² 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.

⁵³ S. [102.166](#), F.S.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ S. [102.112](#), F.S.

⁵⁷ S. [101.591\(1\)](#), F.S.

⁵⁸ S. [101.591\(2\)](#), F.S.

⁵⁹ S. [101.591\(3\)](#), F.S.

⁶⁰ S. [101.591\(4\)](#), F.S.

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.⁶¹ 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.⁶²

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.⁶³ 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.⁶⁴

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.⁶⁵ 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.⁶⁶

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.⁶⁷

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.](#)⁶⁸

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 activity⁶⁹ or through the collection of an unlawful debt⁷⁰ to use or invest, whether directly or indirectly, any

⁶¹ S. [101.591, F.S.](#)

⁶² S. [101.595, F.S.](#)

⁶³ S. [102.141\(10\), F.S.](#)

⁶⁴ *Id.*

⁶⁵ S. [106.08\(12\)\(b\), F.S.](#)

⁶⁶ S. [106.08\(12\)\(a\), F.S.](#)

⁶⁷ *Id.*

⁶⁸ 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.

⁶⁹ 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.](#)

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.⁷¹

- 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.
- 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,⁷² 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.⁷³

RECENT LEGISLATION:

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

⁷⁰ “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.](#)

⁷¹ “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.](#)

⁷² 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.](#)

⁷³ S. [895.05\(2\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee	12 Y, 5 N, As CS	4/1/2025	Toliver	Walker
<p>THE CHANGES ADOPTED BY THE COMMITTEE:</p> <ul style="list-style-type: none"> Removed provisions related to the Office of Election Crimes and Security; voter challenges; poll watchers; early voting; nomination for presidential electors; delivery of third-party voter registration applications; and vote-by-mail ballot requests, delivery, and violations. Required voter registration applicants to provide specified documentation proving citizenship after a certain date. Provided that an applicant changing his or her legal status on a driver license or identification card may only receive a renewal or replacement card free of charge from the DHSMV if a cardholder or licensee timely updates his or her legal status upon becoming a citizen. Revised the number of days, from seven to 10, for which a supervisor must notify a voter of his or her potential ineligibility to vote due to certain felony convictions. Authorized DOS to enter into MOUs with the federal government to identify duplicate registrations. Narrowed the definition of “foreign national,” and therefore narrowed the application of the provisions related to that term. 				
Transportation & Economic Development Budget Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
