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LEGISLATIVE ACTION

Senate

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House

The Committee on Ethics and Elections (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (6), (43), and (47) of section
97.021, Florida Statutes, are amended to read:

97.021 Definitions.—For the purposes of this code, except
where the context clearly indicates otherwise, the term:

(6) "Ballot" or "official ballot" means a printed sheet of
paper containing contests, including offices and candidates,



747052

constitutional amendments, and other public measures, upon which a voter's selections will be marked by using a pen compatible with or recommended for use with the voting system, for tabulation by automatic tabulating equipment or data processing equipment that is part of the voting system. The term 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 under s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062 ~~when used in reference to:~~

~~(a) "Electronic or electromechanical devices" means 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.~~

~~(b) "Marksense ballots" means that 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.~~

(43) "Voter interface device" means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues. A voter interface device may not be used to tabulate votes. Any vote tabulation must be based upon a subsequent scan of the marked ~~marksense~~ ballot or the voter-verifiable paper output after the voter interface device process has been



747052

completed.

(47) "Voting system" means a method of casting and processing votes which 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 equipment, hardware, firmware, and software; the ballots; the procedures for casting and processing votes; and the programs, operating manuals, and supplies; and the reports, printouts, and other documentation software necessary for the system's operation.

Section 2. Present paragraphs (q) through (u) of subsection (2) of section 97.052, Florida Statutes, are redesignated as paragraphs (r) through (v), respectively, and a new paragraph (q) is added to that subsection, to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(q) Acknowledgment, by providing a box for the applicant to check, that it is a third degree felony under state and federal law to falsely swear or affirm or otherwise submit false information on a voter registration application.

Section 3. Subsection (4) of section 97.0525, Florida Statutes, is amended to read:

97.0525 Online voter registration.—

(4)(a) The online voter registration system must ~~shall~~ compare the Florida driver license number or Florida identification number submitted pursuant to s. 97.052(2)(n) with information maintained by the Department of Highway Safety and Motor Vehicles to confirm that the name and date of birth on the



747052

application are consistent with the records of the Department of Highway Safety and Motor Vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the Department of Highway Safety and Motor Vehicles and the records of the Department of Highway Safety and Motor Vehicles indicate that the applicant has provided documents acceptable as evidence of United States citizenship, the online voter registration system must ~~shall~~ transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2)(r) ~~s. 97.052(2)(q)~~. The applicant's legal status as a United States citizen must be recorded in the statewide voter registration system.

(c) If the applicant's name and date of birth match the records of the Department of Highway Safety and Motor Vehicles, but the records of the Department of Highway Safety and Motor Vehicles indicate the applicant is not a United States citizen or has not provided documents acceptable as evidence of United States citizenship, the online voter registration system must notify the supervisor of elections that the applicant's legal status as a United States citizen could not be verified and transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor



747052

Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2)(r).

(d) If the applicant's name and date of birth cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, ~~or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card,~~ the online voter registration system must ~~shall~~ populate the applicant's information, except for the applicant's Florida driver license number, Florida identification card number, or social security number, into a printable voter registration application pursuant to s. 97.052(2) which ~~and direct~~ the applicant may ~~to~~ print, complete, sign, and date, ~~the application~~ and deliver ~~the application~~ to the supervisor of elections for disposition pursuant to s. 97.073.

(e) If the applicant indicates that he or she has not been issued a Florida driver license or identification card, or chooses to use the system to prepopulate an application to print, sign, date, and deliver to the supervisor, the online voter registration system must populate the applicant's information into a printable voter registration application pursuant to s. 97.052(2) and direct the applicant to print, sign, and date the application and deliver the application to the supervisor for disposition under s. 97.073.

Section 4. Subsections (2), (4), and (6) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(2) A voter registration application is complete and



747052

becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6).

Except as provided in subsection (6), if the applicant fails to complete his or her voter registration application on or before ~~prior to~~ the date of book closing for an election, ~~then~~ such applicant ~~is shall~~ not be eligible to vote in that election.

(4)(a) The registration date for a valid initial voter registration application that has been mailed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of that postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the application is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(b) The registration date for a valid application to update the voter's record with a change of address, name, or party affiliation is retroactive to the date the application was initially received once the required sufficient evidence is verified.

(6)(a) A voter registration application, including an application with a change in name, address, or party affiliation, may be accepted as valid only after the department has verified the authenticity or nonexistence of the Florida



747052

driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the Florida driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, or if the records of the Department of Highway Safety and Motor Vehicles indicate that the applicant is not a United States citizen or has not provided documents acceptable as evidence of United States citizenship, the applicant must ~~shall~~ be notified and ~~that the number cannot be verified and that the applicant~~ must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's Florida driver license number, Florida identification card number, or last four digits of the social security number or, if applicable, must provide documents acceptable as evidence of United States citizenship. If the applicant provides the necessary evidence, the supervisor must ~~shall~~ place the applicant's name on the registration rolls as an active voter. If the applicant has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant must ~~shall~~ be provided a provisional ballot. The provisional ballot must ~~shall~~ be counted only if the number is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's Florida driver license number, Florida identification card number, or last four digits of the social security number or, if applicable, presents



747052

documents acceptable as evidence of United States citizenship no later than 5 p.m. of the second day following the election.

(b) Upon receipt of a voter registration application, including an application with a change in name, address, or party affiliation, which indicates that the applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, or if the records of the Department of Highway Safety and Motor Vehicles indicate that the applicant is not a United States citizen or has not provided documents acceptable as evidence of United States citizenship, the supervisor of elections shall verify the voter's legal status as a United States citizen using available state and federal governmental sources and, if applicable, initiate notice pursuant to s. 98.075(7).

Section 5. Subsections (11) and (13) of section 97.057, Florida Statutes, are amended to read:

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

(11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the Florida driver license number, Florida identification number, or last four digits of the social security number and the legal status as a United States citizen, provided on applications for voter registration as required in s. 97.053. The department shall also include in the statewide voter registration system the type of documentary proof that the



747052

licensee or cardholder provided as evidence of United States citizenship.

(13) Notwithstanding declinations to register or to update a voter registration pursuant to paragraph (2)(b), the Department of Highway Safety and Motor Vehicles, in accordance with s. 98.093(8), shall ~~must~~ assist the Department of State in ~~regularly~~ identifying changes in residence address on the Florida driver license or Florida identification card or changes in the Florida driver license or Florida identification card number of such persons who may be voters ~~of a voter. The Department of State must report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).~~

Section 6. Subsection (1) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) ELIGIBILITY OF APPLICANT.—

(a) The supervisor shall ~~must~~ ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

1. ~~(a)~~ The failure to complete a voter registration application as specified in s. 97.053.

2. ~~(b)~~ The applicant is deceased.

3. ~~(c)~~ The applicant has been convicted of a felony for which his or her voting rights have not been restored.

4. ~~(d)~~ The applicant has been adjudicated mentally



747052

incapacitated with respect to the right to vote and such right has not been restored.

~~5.(e)~~ The applicant does not meet the age requirement pursuant to s. 97.041.

~~6.(f)~~ The applicant is not a United States citizen.

~~7.(g)~~ The applicant is a fictitious person.

~~8.(h)~~ The applicant has provided an address of legal residence that is not his or her legal residence.

~~9.(i)~~ The applicant has provided a Florida driver license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(b) If the latest voter registration records show that a new applicant was previously registered but subsequently removed for ineligibility pursuant to s. 98.075(7), the supervisor must verify the current eligibility of the applicant to register within 13 days after receipt of such records by reviewing the information provided by a governmental entity listed in s. 98.075 or s. 98.093 to determine whether the applicant remains ineligible. If the supervisor determines that the applicant is ineligible, the supervisor must deny the application and notify the applicant pursuant to s. 97.073.

Section 7. Subsection (6) and paragraph (a) of subsection (7) of section 98.075, Florida Statutes, are amended to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(6) ELIGIBILITY.—

(a) *Citizenship.*—The department shall identify those registered voters who are potentially ineligible based on their



747052

legal status regarding United States citizenship by comparing or receiving information from the Department of Highway Safety and Motor Vehicles, clerks of state and federal courts, and the United States Department of Homeland Security, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system.

(b) Other bases for ineligibility ~~OTHER BASES FOR INELIGIBILITY.~~ Subsections (2)-(6) ~~(2)-(5)~~ do not limit or restrict the department or the supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of information from any governmental entity that identifies a registered voter as potentially ineligible. If the department or supervisor receives information from any governmental entity other than those identified in subsections (2)-(6) ~~(2)-(5)~~ that a registered voter is ineligible because the voter is deceased, adjudicated a convicted felon without having had his or her voting rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed an address



747052

that is not his or her address of legal residence, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of the name of a registered voter who is determined to be ineligible from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered must:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice must include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based. Such documentation must include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense, as those terms are defined in s. 98.0751.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of



747052

determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution and information explaining voting rights restoration pursuant to s. 4, Art. VI of the State Constitution following a felony conviction, if applicable.

g. A list of the following acceptable documents or evidence of United States citizenship which, if provided or used to verify the voter as a United States citizen, must be recorded in the statewide voter registration system:

(I) An original or certified copy of a United States birth certificate.

(II) A valid, unexpired United States passport.

(III) A naturalization certificate issued by the United States Department of Homeland Security.

(IV) A Consular Report of Birth Abroad provided by the United States Department of State.

(V) A current and valid Florida driver license or Florida identification card issued by the Department of Highway Safety and Motor Vehicles, if such driver license or identification card indicates United States citizenship.

(VI) A current and valid photo identification issued by the Federal Government or the state which indicates United States citizenship.

(VII) An order from a federal court granting United States citizenship.



747052

(VIII) If the applicant's legal name is different from the name that appears on one of the documents specified in this subparagraph, official legal documentation providing proof of legal name change.

h. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

2. If the mailed notice is returned as undeliverable, the supervisor must, within 14 days after receiving the returned notice, either publish notice once in a newspaper of general circulation in the county in which the voter was last registered or publish notice on the county's website as provided in s. 50.0311 or on the supervisor's website, as deemed appropriate by the supervisor. The notice must contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to



747052

receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

f. A statement that, if the voter denies the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

g. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor must make a final determination of the voter's eligibility within 7 days after expiration of the voter's timeframe to respond. If the supervisor determines that the voter is ineligible, the supervisor must remove the name of the registered voter from the statewide voter registration system within 7 days. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of



747052

the information underlying the potential ineligibility, the supervisor must, as soon as practicable, make a final determination of ineligibility and remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor must review the evidence and make a determination of eligibility no later than 30 days after receiving the response from the voter. If the supervisor determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system upon such determination and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755. If such registered voter requests a hearing, the supervisor must send notice to the registered voter to attend a hearing at a time and place specified in the notice. The supervisor shall schedule and issue notice for the hearing within 7 days after receiving the voter's request for a hearing and shall hold the hearing no later than 30 days after issuing the notice of the hearing. A voter may request an extension upon showing good cause by submitting an affidavit to the supervisor as to why he or she is unable to attend the scheduled hearing. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility within 7 days. If the supervisor



747052

determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755.

Section 8. Present subsection (9) of section 98.093, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and subsection (8) of that section is amended, to read:

98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, and persons who are not United States citizens.—

(8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—The Department of Highway Safety and Motor Vehicles shall furnish weekly to the department the following information:

(a) Information identifying those persons whose names have been removed from the Florida driver license or Florida identification card database during the preceding week because they have been licensed or been issued an identification card in another state. The information must contain the person's name, last known Florida address, date of birth, sex, last four digits of his or her social security number, and Florida driver license number or Florida identification card number and, if available, the address and the state in which the person is now licensed.

(b) Information identifying those persons who during the preceding week presented evidence of non-United States citizenship upon being issued a new or renewed Florida driver



747052

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, if applicable; Florida driver license number or Florida identification card number, as available; and alien registration number or other legal status identifier.

(c) Information identifying those persons who during the preceding week presented documents acceptable as evidence of United States citizenship upon being issued a new, renewed, or replacement 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, if applicable; Florida driver license number or Florida identification card number, as available; the type of documentary proof provided in support of citizenship; and, if applicable, the alien registration number or other legal status identifier. Any of the following documents are acceptable as evidence of United States citizenship:

1. An original or certified copy of a United States birth certificate.

2. A valid, unexpired United States passport.

3. A naturalization certificate issued by the United States Department of Homeland Security.

4. A Consular Report of Birth Abroad provided by the United States Department of State.

5. A current and valid Florida driver license or Florida identification card issued by the Department of Highway Safety and Motor Vehicles, if such driver license or identification card indicates United States citizenship.



747052

6. A current and valid photo identification issued by the Federal Government or the state which indicates United States citizenship.

7. An order from a federal court granting United States citizenship.

8. If the applicant's legal name is different from the name that appears on one of the documents specified in this paragraph, official legal documentation providing for proof of legal name change.

(d) Information identifying a change in residence address on the Florida driver license or Florida identification card of any person who declined pursuant to s. 97.057(2) to register or update his or her voter record. The information must contain the person's name; date of birth; sex; last four digits of the social security number, if available; and Florida driver license or Florida identification card number, as available, in order to identify a voter's registration record. The Department of State must report each such change in residence address to the appropriate supervisor, who must change the voter's registration records in accordance with s. 98.065(4).

(e) Information identifying new, renewed, or replacement Florida driver license or Florida identification card numbers issued to persons who declined pursuant to s. 97.057(2) to register or update their voter record. The information must contain the person's name; date of birth; last four digits of the social security number, if available; and the prior, if applicable, and current Florida driver license or Florida identification card number in order to identify a voter's registration record. Within 7 days, the Department of State



747052

shall report such information to the appropriate supervisor, who must update the voter registration records.

(f) Information identifying those persons for which it has received official information during the preceding week that the person is deceased. The information must contain the name, address, date of birth, last four digits of the social security number, Florida driver license number or Florida identification card number, and date of death of each such person.

(9) FEDERAL COURTS.—Upon receipt of information from a jury coordinator that a person was disqualified or potentially disqualified as a prospective juror from jury service due to not having United States citizenship, being convicted of a felony, being deceased, being a nonresident of this state, or being a nonresident of the county, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075.

Section 9. Present subsections (5) through (8) of section 99.012, Florida Statutes, are redesignated as subsections (7) through (10), respectively, and new subsections (5) and (6) are added to that section, to read:

99.012 Restrictions on individuals qualifying for public office.—

(5) A person may not qualify for nomination as a candidate of a political party if he or she has not been a registered member of that party for the 365-day period preceding the beginning of qualifying; or as a candidate with no party affiliation if he or she has not been registered without party affiliation, or has been a registered member of any political



747052

party, for the 365-day period preceding the beginning of
qualifying.

(6) A person may not qualify as a candidate for public
office, whether federal, state, district, county, or municipal,
if he or she has legally changed his or her name through a
petition pursuant to s. 68.07 during the 365-day period
preceding the beginning of qualifying. This subsection does not
apply to any change of name in proceedings for dissolution of
marriage or adoption of children or based on a change of name
conducted with a marriage certificate.

Section 10. Paragraphs (b) and (c) of subsection (1) of
section 99.021, Florida Statutes, are amended to read:

99.021 Form of candidate oath.—

(1)

(b) In addition, any person seeking to qualify for
nomination as a candidate of any political party shall, at the
time of subscribing to the oath or affirmation, state in
writing:

1. The party of which the person is a member.

2. That the person has been a registered member of the
political party for which he or she is seeking nomination as a
candidate for at least 365 consecutive days preceding ~~before~~ the
beginning of qualifying before ~~preceding~~ the general election
for which the person seeks to qualify.

3. That the person has paid the assessment levied against
him or her, if any, as a candidate for said office by the
executive committee of the party of which he or she is a member.

(c) In addition, any person seeking to qualify for office
as a candidate with no party affiliation shall, at the time of



747052

subscribing to the oath or affirmation, state in writing 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 at least 365 consecutive days preceding ~~before~~ the beginning of qualifying before ~~preceding~~ the general election for which the person seeks to qualify.

Section 11. Subsection (1) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ballots.—

(1)(a) ~~Marksense~~ Ballots must ~~shall~~ be printed on paper of such thickness that the printing cannot be distinguished from the back and must ~~shall~~ meet the specifications of the voting system that will be used to tabulate the ballots.

(b) Polling places and early voting sites may employ a ballot-on-demand production system to print individual ~~marksense~~ ballots, including provisional ballots, for eligible electors. Ballot-on-demand technology may be used to produce ~~marksense~~ vote-by-mail, early voting, and election-day ballots.

Section 12. Subsection (4) of section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(4) ~~For systems using marksense ballots,~~ It accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.

Section 13. Section 101.56075, Florida Statutes, is amended to read:



747052

101.56075 Voting methods.—For the purpose of designating ballot selections, all voting must be by official ~~marksense~~ ballot, using a pen compatible with or recommended for use with the voting system, unless a voter requests to vote using ~~marking device or~~ a voter interface device that produces a voter-verifiable paper output and meets the voter accessibility requirements for individuals with disabilities under s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062.

Section 14. Section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting at the polls ~~by electronic or electromechanical method~~; procedures.—

(1) Each voter ~~elector~~ desiring to vote must ~~shall~~ be identified to the clerk or inspector of the election as a duly qualified voter ~~elector~~ of such election and must ~~shall~~ sign his or her name on the precinct register or other form or device provided by the supervisor. The inspector shall compare the signature with the signature on the identification provided by the voter ~~elector~~. If the inspector is reasonably sure that the person is entitled to vote, the inspector must ~~shall~~ provide the person with a ballot.

(2) When an electronic or electromechanical voting system uses ~~utilizes~~ a ballot card or ~~marksense~~ ballot, the following procedures must ~~shall~~ be followed:

(a) After receiving a ballot from an inspector, the voter ~~elector~~ shall, without leaving the polling place, retire to a booth or compartment and mark the ballot. After marking his or her ballot, the voter must ~~elector shall~~ place the ballot in a secrecy envelope so that the ballot will be deposited in the



747052

tabulator without exposing the voter's choices.

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot must ~~shall~~ be considered spoiled and a new ballot must ~~shall~~ be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot must ~~shall~~ be preserved, without examination, in an envelope provided for that purpose. ~~The stub shall be removed from the ballot and placed in an envelope.~~

(c) The supervisor of elections shall prepare for each polling place at least one ballot box to contain the ballots of a particular precinct, and each ballot box must ~~shall~~ be plainly marked with the name of the precinct for which it is intended.

(3) The Department of State shall promulgate rules regarding voting procedures to be used when an electronic or electromechanical voting system is of a type which does not use ~~utilize~~ a ballot card ~~or marksense~~ ballot.

(4) In any election in which a write-in candidate has qualified for office, the supervisor of elections shall provide for write-in voting pursuant to rules adopted by the Division of Elections.

Section 15. Subsection (5) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—



747052

(5) Any tests involving ~~marksense~~ ballots pursuant to this section must ~~shall~~ employ test ballots created by the supervisor of elections using actual ballots that have been printed for the election. If ballot-on-demand ballots will be used in the election, the supervisor must ~~shall~~ also create test ballots using the ballot-on-demand technology that will be used to produce ballots in the election, using the same paper stock as will be used for ballots in the election.

Section 16. Subsection (2) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(2) The Elections Canvassing Commission shall meet ~~at 8 a.m.~~ on the 9th day after a primary election and ~~at 8 a.m.~~ on the 14th day after a general election to certify the returns of the election for each federal, state, and multicounty office and for each constitutional amendment. The meeting must be at 9 a.m., except for days the Legislature convenes for organization session pursuant to s. 3(a), Art. III of the State Constitution, on which days the meeting must be at 8 a.m. If a member of a county canvassing board that was constituted pursuant to s. 102.141 determines, within 5 days after the certification by the Elections Canvassing Commission, that a typographical error occurred in the official returns of the county, the correction of which could result in a change in the outcome of an election, the county canvassing board must certify corrected returns to the Department of State within 24 hours, and the Elections Canvassing Commission must correct and recertify the election returns as soon as practicable.

Section 17. Subsections (3) through (7) of section 102.141,



747052

Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absent voters'
~~electors'~~ returns and the canvass of provisional ballots, must
~~shall~~ be made from the returns and certificates of the
inspectors as signed and filed by them with the supervisor, and
the county canvassing board may ~~shall~~ not change the number of
votes cast for a candidate, nominee, constitutional amendment,
or other measure submitted to the electorate of the county,
respectively, in any polling place, as shown by the returns. All
returns must ~~shall~~ be made to the board on or before 2 a.m. of
the day following any primary, general, or other election. If
the returns from any precinct are missing, if there are any
omissions on the returns from any precinct, or if there is an
obvious error on any such returns, the canvassing board must
~~shall~~ order a retabulation of the returns from such precinct.
Before canvassing such returns, the canvassing board shall
examine the tabulation of the ballots cast in such precinct and
determine whether the returns correctly reflect the votes cast.
If there is a discrepancy between the returns and the tabulation
of the ballots cast, the tabulation of the ballots cast must
~~shall~~ be presumed correct and such votes must ~~shall~~ be canvassed
accordingly.

(4) (a) The supervisor of elections shall upload into the
county's election management system by 7 p.m. local time on the
day before the election the results of all early voting and
vote-by-mail ballots that have been canvassed and tabulated by
the end of the early voting period. Pursuant to ss. 101.5614(8),
101.657, and 101.68(2), the tabulation of votes cast or the



747052

results of such uploads may not be made public before the close of the polls on election day.

(b) The supervisor, on behalf of the canvassing board, shall report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results by uploading such results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required. Results must ~~shall~~ be submitted in a format prescribed by the department.

(5) The canvassing board shall submit on forms or in formats provided by the division unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any primary election and no later than noon on the fourth day after any general or other election. Such returns must ~~shall~~ include the canvass of all ballots, including write-in votes, as required by subsection (2).

(6) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board must ~~shall~~:

(a) Correct the error and retabulate the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the



747052

765 tabulation software. When the Department of State verifies such
766 software, the department shall compare the software used to
767 tabulate the votes with the software filed with the department
768 pursuant to s. 101.5607 and check the election parameters.

769 (7) If the unofficial returns reflect that a candidate for
770 any office was defeated or eliminated by one-half of a percent
771 or less of the votes cast for such office, that a candidate for
772 retention to a judicial office was retained or not retained by
773 one-half of a percent or less of the votes cast on the question
774 of retention, or that a measure appearing on the ballot was
775 approved or rejected by one-half of a percent or less of the
776 votes cast on such measure, a recount shall be ordered of the
777 votes cast with respect to such office or measure. The Secretary
778 of State is responsible for ordering recounts in races that are
779 federal or, state races that are, ~~and~~ multicounty and any other
780 multicounty races. The county canvassing board or the local
781 board responsible for certifying the election is responsible for
782 ordering recounts in all other races. A recount need not be
783 ordered with respect to the returns for any office, however, if
784 the candidate or candidates defeated or eliminated from
785 contention for such office by one-half of a percent or less of
786 the votes cast for such office request in writing that a recount
787 not be made.

788 (a) Each canvassing board responsible for conducting a
789 recount shall put each ~~marksense~~ ballot through automatic
790 tabulating equipment and determine whether the returns correctly
791 reflect the votes cast. If any ~~marksense~~ ballot is physically
792 damaged so that it cannot be properly counted by the automatic
793 tabulating equipment during the recount, a true duplicate shall



747052

be made of the damaged ballot pursuant to the procedures in s. 101.5614(4). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error. If the automatic tabulating equipment used in a recount is not part of the voting system and the ballots have already been processed through such equipment, the canvassing board is not required to put each ballot through any automatic tabulating equipment again.

(b) Each canvassing board responsible for conducting a recount where touchscreen ballots were used shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit on forms or in formats provided by the division a second set of unofficial



747052

returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure. The returns shall be filed no later than 3 p.m. on the 5th day after any primary election and no later than 3 p.m. on the 9th day after any general election in which a recount was ordered by the Secretary of State. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system, which shall be uniform to the extent practicable.

Section 18. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts of overvotes and undervotes.—

(1) If the second set of unofficial returns pursuant to ss. 101.591 and 102.141, ~~s. 102.141 indicates~~ that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or



747052

less of the votes cast on such measure, a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure must ~~shall~~ be ordered unless:

(a) The candidate or candidates defeated or eliminated from contention by one-quarter of 1 percent or fewer of the votes cast for such office request in writing that a recount not be made; or

(b) The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.

The Secretary of State is responsible for ordering a manual recount for federal or, state races that are multicounty, and any other multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races. A manual recount consists of a recount of ~~marksense~~ ballots or of digital images of those ballots by a person.

Section 19. Section 104.51, Florida Statutes, is created to read:

104.51 Time limitation; election fraud.—A prosecution for a felony violation under the Florida Election Code must be commenced within 5 years after the date the violation is committed.

Section 20. Section 322.034, Florida Statutes, is created to read:

322.034 Legal status designation on state-issued driver licenses and identification cards.—



747052

(1) By July 1, 2027, a Florida driver license or Florida identification card issued to a qualified applicant who is a United States citizen as last recorded in the system must include his or her legal citizenship status at the time of new issuance, renewal, or replacement.

(2) Notwithstanding any other law, the department must, at no charge, issue a renewal or replacement driver license or identification card if a licensee or cardholder timely updates his or her legal status upon becoming a citizen of the United States as required in s. 322.19.

Section 21. Subsection (2) of section 121.121, Florida Statutes, is amended to read:

121.121 Authorized leaves of absence.—

(2) A member who is required to resign his or her office as a subordinate officer, deputy sheriff, or police officer because he or she is a candidate for a public office which is currently held by his or her superior officer who is also a candidate for reelection to the same office, in accordance with s. 99.012(7) ~~s. 99.012(5)~~, shall, upon return to covered employment, be eligible to purchase retirement credit for the period between his or her date of resignation and the beginning of the term of office for which he or she was a candidate as a leave of absence without pay, as provided in subsection (1).

Section 22. For the purpose of incorporating the amendment made by this act to section 98.075, Florida Statutes, in a reference thereto, subsection (6) of section 98.065, Florida Statutes, is reenacted to read:

98.065 Registration list maintenance programs.—

(6) The supervisor shall, at a minimum, conduct an annual



747052

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. For those registration records with such addresses that the supervisor has reasonable belief are not legal residential addresses, the supervisor shall initiate list maintenance activities pursuant to s. 98.075(6) and (7).

Section 23. This act shall take effect July 1, 2026

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to elections; amending s. 97.021, F.S.; revising definitions; amending s. 97.052, F.S.; revising the information the statewide voter registration application is designed to elicit from an applicant to include a certain acknowledgment; amending s. 97.0525, F.S.; requiring that the online voter registration system transmit specified information to the supervisor of elections under specified circumstances; requiring that the applicant's legal status as a United States citizen be recorded in the statewide voter registration system; requiring that if the records of the Department of Highway Safety and Motor Vehicles indicate that an applicant is not a United States citizen or has not submitted evidence of citizenship, the online voter



747052

registration system must notify the supervisor of the applicant's legal status and transmit the application to the supervisor; providing that an applicant's digital signature satisfies a certain requirement; providing that if an applicant's name and date of birth cannot be verified, the system must populate certain information into a printable version of the registration application; requiring the applicant to print, complete, sign, date, and deliver such application to the supervisor; requiring that the online voter registration system populate an applicant's information and direct the applicant to perform specified actions under specified conditions; conforming a cross-reference; amending s. 97.053, F.S.; providing that applications to update a voter's record are retroactive under a specified condition; requiring supervisors to verify a voter's legal status as a United States citizen using specified sources and initiate a certain notice if applicable; amending s. 97.057, F.S.; requiring that an agreement between the Department of Highway Safety and Motor Vehicles and the Department of State match information regarding the legal status as a United States citizen of applicants applying to vote; requiring the Department of State to include specified information in the statewide voter registration system; requiring the Department of Highway Safety and Motor Vehicles to assist the Department of State in identifying certain changes in information for persons who may be voters;



747052

deleting a provision requiring the Department of State to report certain changes to supervisors; amending s. 98.045, F.S.; requiring supervisors to verify the current eligibility of certain applicants within a specified timeframe by reviewing specified information provided by governmental entities to make a determination under specified conditions; requiring the supervisor to deny the application and notify the applicant if a certain determination is made; amending s. 98.075, F.S.; requiring the Department of State to identify certain voters by comparing or receiving information from specified sources; requiring the Department of State to review such information and make an initial determination; requiring the department to notify the supervisor if certain information is credible and reliable and provide a copy of specified documentation to the supervisor; requiring the supervisor to adhere to specified procedures to remove the voter's name from the statewide voter registration system; specifying acceptable documents or evidence of United States citizenship which must be recorded in the statewide voter registration system; amending s. 98.093, F.S.; revising the information that the Department of Highway Safety and Motor Vehicles is required to furnish weekly to the Department of State; specifying documents acceptable as evidence of United States citizenship; requiring the Department of State to report certain information to supervisors within a



747052

997 specified timeframe and for supervisors to update the
998 voter registration records; requiring that the
999 Department of State use certain information from
1000 federal jury coordinators to identify voters and
1001 applicants who are potentially ineligible; amending s.
1002 99.012, F.S.; prohibiting a person from qualifying for
1003 nomination as a candidate of a political party if the
1004 person has not been a registered member of such party
1005 for a specified timeframe; prohibiting a person from
1006 qualifying for specified public office if the person
1007 has changed his or her name within a specified
1008 timeframe; providing applicability; amending s.
1009 99.021, F.S.; revising the form of candidate oath to
1010 conform to changes made by the act; amending ss.
1011 101.151 and 101.5606, F.S.; conforming provisions to
1012 changes made by the act; amending s. 101.56075, F.S.;
1013 requiring that all voting be done by official ballot
1014 using certain pens; providing an exception; amending
1015 s. 101.5608, F.S.; deleting the requirement that the
1016 stub be removed from the ballot and placed in an
1017 envelope; conforming provisions to changes made by the
1018 act; amending s. 101.5612, F.S.; conforming provisions
1019 to changes made by the act; amending s. 102.111, F.S.;
1020 revising the meeting times of the Elections Canvassing
1021 Commission to certify elections returns; amending s.
1022 102.141, F.S.; requiring that supervisors upload
1023 certain results by a specified local time; requiring
1024 the supervisors, on behalf of the canvassing boards,
1025 to report all early voting and all tabulated vote-by-



747052

1026 mail ballots to the department; requiring canvassing
1027 boards to periodically report updated precinct
1028 election results by uploading the results to the
1029 department; conforming provisions to changes made by
1030 the act; amending s. 102.166, F.S.; conforming
1031 provisions to changes made by the act; creating s.
1032 104.51, F.S.; requiring that certain prosecutions be
1033 commenced within a specified timeframe after a
1034 specified violation is committed; creating s. 322.034,
1035 F.S.; requiring, by a specified date, that Florida
1036 driver licenses and Florida identification cards
1037 issued to qualified applicants include the legal
1038 citizenship status of the applicant on the license or
1039 card; requiring the Department of Highway Safety and
1040 Motor Vehicles to issue, at no charge, Florida driver
1041 licenses and Florida identification cards to certain
1042 licensees and cardholders; amending s. 121.121, F.S.;
1043 conforming a cross-reference; reenacting s. 98.065(6),
1044 F.S., relating to registration list maintenance
1045 programs, to incorporate the amendment made to s.
1046 98.075, F.S., in a reference thereto; providing an
1047 effective date.