

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 1334

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development
Ethics and Elections Committee and Senator Grall

SUBJECT: Elections

DATE: February 20, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1334 makes various revisions to election laws, including:

- Revising voter registration processes to elicit additional citizenship information from voters, require documentation of citizenship status, and require the Department of Highway Safety and Motor Vehicles to verify a voter registration applicant’s status as a U.S. citizen.
- Expanding voter list maintenance requirements to prescribe additional actions governmental entities must take to identify registered voters who may not be U.S. citizens, and to require supervisors of elections to conduct notice and voter registration removal proceedings for such persons.
- Revising definitions related to ballots and voting systems, clarifying the use of ballot-on-demand technology for production of early voting ballots, and specifying that voting must be done by paper ballot unless a voter requests to use a voter interface device.
- Authorizing an office of the supervisor to close for other federal, state, or local-approved holidays, in addition to legal holidays, if the supervisor’s duties do not otherwise require the office to remain open.
- Providing a substantive prohibition against qualifying for nomination as a candidate for a political party if the person has not been a member of the party for the 365 days preceding the qualifying period, as well as a substantive prohibition against qualifying as a candidate with no party affiliation if the person has not been registered without party affiliation for the 365 days preceding the qualifying period.

- Providing that a person may not qualify as a candidate if he or she has, in the 365 days preceding the qualifying period, changed his or her name via the general statutory petition process.
- Revising the time at which the Elections Canvassing Commission shall meet and clarifying existing election returns reporting requirements.
- Prescribing a five-year statute of limitations for a prosecution for a felony violation of the Florida Election Code.

The bill also requires that:

- By July 1, 2027, a Florida driver license or Florida identification card issued to a U.S. citizen must include the person's legal citizenship status.
- The Department of Highway Safety and Motor Vehicles must, at no charge, issue a renewal or replacement Florida driver license or Florida identification card if a licensee or cardholder timely updates his or her legal status upon becoming a U.S. citizen.

This bill has an indeterminate, likely significant, fiscal impact on private and government sectors. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Department of State/Division of Elections

The Secretary of State,¹ Florida's Chief Elections Officer,² has the responsibility to:

- Obtain and maintain uniformity in the interpretation and implementation of the election laws.
- Provide uniform standards for the proper and equitable implementation of the registration laws.
- Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.
- Provide technical assistance to the supervisors of elections on voting systems and on voter education and election personnel training services.
- Provide voter education assistance to the public.
- Coordinate the state's responsibilities under the National Voter Registration Act of 1993 (NVRA).
- Provide training to all affected state agencies on necessary procedures for proper implementation of voter registration laws.
- Ensure that all registration applications and forms prescribed or approved by the Department of State (DOS) are in compliance with the Voting Rights Act of 1965 and the NVRA.
- Create and administer a statewide voter registration system as required by the Help America Vote Act of 2002.
- Maintain a voter fraud hotline and provide election fraud education to the public.

¹ Section 20.10(1), F.S. The head of the Department of State is the Secretary of State. The Secretary of State is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor.

² Section 97.012, F.S. *See also* s. 97.035, F.S.

- Designate an office within the DOS, and coordinate with the United States Department of Defense, to provide information regarding and administer voting by armed services members.
- Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chs. 97-102 and 105, F.S., or to enforce compliance with a DOS election-related rule.

The Department of State's Division of Elections (division)³ provides administrative support to the Secretary of State to ensure that Florida has fair and accurate elections.⁴ The division consists of three bureaus – the Bureau of Election Records, the Bureau of Voter Registration Services, and the Bureau of Voting Systems Certification. Through these bureaus and the Director's Office,⁵ the division ensures compliance with the election laws, provides statewide coordination of election administration, and promotes public participation in the electoral process. The division also assists county supervisors of elections in their duties, including providing technical support.

Supervisors of Elections

Supervisors of elections are county constitutional officers⁶ responsible for registering voters, maintaining current and accurate voter registration rolls, and conducting elections.

Additional Current Law

See "Effect of Proposed Changes."

III. Effect of Proposed Changes:

Voter Registration (Sections 1, 2, 3, 4, 5, and 7)

Present Situation

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 a 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.⁷

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

³ Section 20.10(2)(a), F.S.

⁴ See Department of State, Division of Elections, "About Us," available at <https://dos.fl.gov/about-the-department/> (last visited February 2, 2026).

⁵ *Id.* The mission of the Director's Office is to provide statewide coordination and direction for the interpretation and enforcement of election laws and to provide supervision to the division's bureaus.

⁶ Article VIII, s. 1(d), FLA. CONST.

⁷ Section 97.041(1)(a), F.S.

- 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.⁸

Uniform Statewide Voter Registration Application

Current law requires a Florida's voter registration application to elicit all of the following information from an applicant:

- Last, first, and middle name, including any suffix.
- Date of birth.
- Address of legal residence.
- Mailing address, if different.
- E-mail addresses and whether the applicant wishes to receive sample ballots by e-mail.
- County of legal residence.
- Race or ethnicity that best describes the applicant.
- State or country of birth.
- Sex.
- Party affiliation.
- Whether the applicant needs assistance in voting.
- An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.
- Telephone number (optional).⁹
- Signature of the applicant under penalty for false swearing.¹⁰
- Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check whether the applicant is or is not a U.S. citizen.
- Whether the applicant has been convicted of a felony and, if so, has had his or her voting rights restored by including the statement "I affirm that I am not a convicted felon or, If I am, my right to vote has been restored," and providing a box for the applicant to check to affirm the statement.
- Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have my competency has been restored," and providing a box for the applicant to check to affirm the statement.

The voter application also must contain the following constitutionally required oath:¹¹

I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida.¹²

⁸ Section 97.041(2), F.S.

⁹ Section 97.052(2), F.S.

¹⁰ See s. 104.011, F.S., for penalties for false swearing.

¹¹ Section 97.052(3)(a), F.S.

¹² Article VI, s. 3, FLA. CONST.; see also s. 97.051, F.S.

Acceptance of 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 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 eligible to vote in that election.¹⁴

If a completed voter registration application has been received by the book-closing deadline but the applicant's driver license number, Florida identification card number, or the last four digits of the provided social security number cannot be verified, the applicant must be notified and must provide evidence to the supervisor to verify the number. If the applicant provides the necessary evidence, the supervisor must 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 vote by a provisional ballot.¹⁵ The provisional ballot will be counted only if the number is verified by 5 p.m. of the second day following the election.¹⁶

All voter registration applications received by a voter registration official must be entered into the statewide voter registration system within 13 days after receipt.¹⁷

Statewide Voter Registration System and Online Voter Registration System

The Secretary of State, supported by the DOS, is responsible for implementing, operating, and maintaining a single, uniform, official, centralized, interactive, and computerized statewide voter registration system (known as the Florida Voter Registration System, or FVRS).¹⁸ The FVRS serves as the official list of registered voters in the state and must:

- Contain the names and registration information of every legally registered voter in the state and assign each voter a unique identifier.
- Enable voter registration officials to provide, access, and update voter registration information.¹⁹

¹³ Section 97.053(5), F.S., provides that voter registration application is complete if it contains the following information of an applicant: name; address of legal residence; date of birth; affirmation of U.S. citizenship; current and valid Florida driver license, identification card, or last four digits of social security number; affirmation of no felony convictions or that voting rights have been restored; affirmation of not being adjudicated mentally incapacitated with respect to voting or that voting rights have been restored; and original signature or digital signature transmitted to DHSMV swearing under the penalty of false swearing.

¹⁴ Section 97.053(2), F.S. The voter registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. Section 97.055, F.S.

¹⁵ "Provisional ballot" means a conditional ballot, the validity of which is determined by the canvassing board (s. 97.021(32), F.S.). A provisional ballot is provided to a voter for whom a final determination of eligibility (for any reason) has not been made. A person casting a provisional ballot has the right to present written evidence supporting his or her eligibility to vote to the supervisor of election by not later than 5 p.m. on the second day following the election. Section 101.048, F.S.

¹⁶ Section 97.053(6), F.S.

¹⁷ Section 97.053(7), F.S.

¹⁸ Section 98.035, F.S.

¹⁹ *Id.*

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.²⁰ 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.²¹ 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 of elections.²² 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.²³ 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.²⁴

National Voter Registration Act of 1993

Congress passed the National Voter Registration Act (NVRA) in 1993²⁵ "to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office," while also ensuring "that accurate and current voter registration rolls are maintained."²⁶ The NVRA requires, among other things, that each a state allow a driver's license application, or a renewal application, submitted to a state motor vehicle authority to also serve as a voter registration application with respect to elections for Federal office, unless the applicant fails to sign the voter registration application.²⁷ A voter registration application submitted to a state motor vehicle authority by a person who has already registered to vote is considered as updating the person's voter registration.²⁸

In addition to voter registration at the time of drivers' license applications, the NVRA requires states to provide two more forms of voter registration procedures for federal elections – federal mail-in voter registration applications and voter registration at public assistance agencies and other state-designated offices.²⁹

²⁰ Section 97.0525(2), F.S.

²¹ Section 97.0525(4)(a), F.S.

²² Section 97.0525(4)(b), F.S.

²³ Section 97.0525(4)(c), F.S.

²⁴ Section 97.0525(5), F.S.

²⁵ National Voter Registration Act of 1993, P.L. 103-31.

²⁶ 52 U.S.C. § 20501.

²⁷ 52 U.S.C. § 20504(a)(1). This provision of the NVRA has given the act the colloquial designation by which the bill is most commonly known: the "Motor Voter" law.

²⁸ 52 U.S.C. §20504(a)(2).

²⁹ 52 U.S.C. §20505 and §20506.

Duties of the Florida Department of Highway Safety and Motor Vehicles

The Florida Election Code³⁰ implements the NVRA by requiring the DHSMV³¹ to provide an applicant “the opportunity to register to vote or to update a voter registration record” when he or she does any of the following actions:

- Applies for or renews a driver license.
- Applies for or renews an identification card (I.D. card).³²
- Changes an address on an existing driver license or I.D. card.³³

Effect of Proposed Changes

Acceptable Evidence of U.S. Citizenship

The bill defines “document acceptable as evidence of United States citizenship” to mean any of the following documents:

- An original or certified copy of a U.S. birth certificate.
- A valid, unexpired U.S. passport.
- A naturalization certificate issued by the U.S. Department of Homeland Security.
- A Consular Report of Birth Abroad provided by the U.S. Department of State.
- A current and valid Florida driver license or Florida identification card issued by the DHSMV, if such license or card indicates U.S. citizenship.
- A current and valid photo identification issued by the federal government or the state which indicates U.S. citizenship.
- An order from a federal court granting U.S. citizenship.

If the voter registration applicant’s or the voter’s legal name is different from the name that appears on one of the acceptable documents, official legal documentation providing proof of the legal name change is also required to constitute acceptable evidence of U.S. citizenship.

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, the supervisor must verify applicant voting eligibility within 13 days after receiving such application. To determine and verify eligibility, the supervisor must review the information required to be provided by other governmental entities for the purpose of identifying potentially ineligible voters. The supervisor must deny the voter registration application and notify the applicant if the supervisor determines that the applicant is ineligible.

Uniform Statewide Voter Registration Application

The bill adds to the list of information the voter registration application must elicit. Specifically, it provides that the application must elicit acknowledgement, by providing a box for the applicant to check, that it is a third-degree felony to falsely swear or affirm or otherwise submit false information on a voter registration application.

³⁰ Chapters 97-106, F.S., are known as the Florida Election Code. Section 97.011, F.S.

³¹ The DHSMV and certain county tax collectors have entered into statutorily authorized contracts, whereby tax collectors may deliver full or limited driver license services on behalf of the DHSMV. *See* s. 322.02, F.S.

³² *See* s. 322.051, F.S.

³³ Section 97.057(1), F.S.

Online Voter Registration System

The bill provides that if the DHSMV records indicate that an applicant has provided a document acceptable as evidence of U.S. citizenship (along with the existing requirement that the applicant's name and date of birth be consistent with information provided on the application), the OVRS must transmit the application to the supervisor of elections. The applicant's legal status as a U.S. citizen must be recorded in the FVRS.

If the applicant's name and date of birth match the DHSMV records, but the DSHMV records indicate the applicant is not a U.S. citizen or has not provided a document acceptable as evidence of U.S. citizenship, the OVRS must notify the supervisor that the applicant's status as a U.S. citizen could not be verified and transmit to the supervisor the applicant's registration application, along with the digital signature on file with the DHSMV.

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, and deliver to the supervisor, 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.

The bill specifies that if an applicant's name and date of birth cannot be verified by the DHSMV records and the OVRS must therefore populate the applicant's information into a printable voter registration application, the populated information shall not include the applicant's Florida driver license number, Florida identification card number, or social security number.

Acceptance of Voter Registration Applications

The bill:

- Provides that 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.
- Adds U.S. citizenship to the types of information which, if unable to be verified, require a voter registration applicant to vote a provisional ballot. The provisional ballot will be counted only if acceptable evidence of U.S. citizenship is presented by 5 p.m. on the second day following the election.
- Provides that 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 DHSMV records indicate that the applicant is not a U.S. citizen or has not provided a document acceptable as evidence of U.S. citizenship, the supervisor shall verify the voter's legal status as a U.S. citizen using available state and federal governmental sources. If applicable, the supervisor shall initiate notice and FVRS removal proceedings.

Department of Highway Safety and Vehicles Responsibilities

The bill adds a person's legal status as a U.S. citizen to the information the DHSMV is required to match with the DOS. It also requires the DOS to include in the FVRS the type of documentary proof that the licensee or cardholder provided as evidence as U.S. citizenship.

The bill expands the duty of the DHSMV to assist the DOS in identifying changes in residence address of persons who may be voters to also require the DHSMV to assist in identifying changes in the Florida driver license or Florida identification card number of such persons.³⁴

Voter List Maintenance (Sections 8 and 9)

Present Situation

Current law prescribes voter list maintenance activities to ensure accurate and current voter registration records.

Each supervisor must conduct a general voter address list maintenance program.³⁵ Each program must be conducted, at a minimum, once each year, and must be completed no later than 90 days prior to the start of any federal election,³⁶ as required by the National Voter Registration Act. Each supervisor must incorporate in the program at least one of the following options for identifying change-of-address information:

- Information supplied by the U.S. Postal Service through its licensees to identify registered voters whose addresses might have changed.
- Information identified from returned nonforwardable return-if-undeliverable address confirmation requests sent to all registered voters in the county.³⁷

In addition, the DOS must identify, using information from specified other governmental entities:³⁸

- Duplicate registrations.
- Voters who are deceased.
- Voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored.
- Voters who have been convicted of a felony and who have not had their voting rights restored.³⁹

The DOS and supervisors also must act upon any information from a governmental entity that identifies a registered voter who may be ineligible due to age, citizenship, or address.⁴⁰

Once a supervisor receives notice of a voter who is potentially ineligible due to mental incapacity, felony conviction, age, citizenship, or address, he or she must begin prescribed procedures for removal of such voter from the FVRS. The procedures require notice and

³⁴ As of August 1, 2024, all Floridians being issued an original, renewal, or replacement driver license or identification card are assigned a new number complying with s. 322.14(1)(a), F.S.

³⁵ Section 98.065(1), F.S.

³⁶ Section 98.065(3), F.S.

³⁷ Section 98.065(2), F.S.

³⁸ Other governmental entities required to report specified information to the DOS or supervisors include the Department of Health, clerks of the circuit court, U.S. attorneys, the Department of Law Enforcement, the Florida Commission on Offender Review, the Department of Corrections, and the DHSMV (s. 98.093, F.S.).

³⁹ Section 98.075(2)-(5), F.S.

⁴⁰ Section 98.075(6), F.S.

specified information to be provided to the voter and for the voter to be given an opportunity to have a hearing and to provide proof of eligibility.⁴¹

There is currently no requirement regarding the sharing of information with the federal court system for the purpose of identifying potentially ineligible voters.⁴²

Effect of Proposed Changes

The bill expands the categories of potentially ineligible voters the DOS must take affirmative action to identify to specifically include persons who may not be U.S. citizens. To do so, the DOS must use information from the DHSMV, clerks of state and federal courts, and the U.S. Department of Homeland Security. The DOS must review such information and make an initial determination as to whether the information is credible and reliable. If the DOS determines that the information is credible and reliable, it must notify the relevant 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 DOS has made a determination of initial credibility and reliability, the supervisor must adhere to the existing prescribed notice and removal procedures before the removal of a registered voter's name from the FVRS.

The bill adds the list of documents acceptable as evidence of U.S. citizenship to the list of information that must be provided to voters for whom notice and removal procedures have begun.

The type of document provided or used to verify citizenship must be recorded in the statewide voter registration system.

The bill expands the information about potentially ineligible persons the DHMSV is required to report weekly to the DOS to also include:

- Information identifying those persons who during the preceding week presented evidence of U.S. citizenship upon being issued a new, renewed, or replacement Florida driver license or Florida identification card.
- Information identifying a change in residence address on the Florida driver license or Florida identification card of any person who declined to register or update his or her voter record.
- Information identifying new, renewed, or replacement Florida driver license or Florida identification card numbers issued to persons who declined to register or update their voter record. Within 7 days, the DOS must report such information to the appropriate supervisor, who must update the voter registration records.

⁴¹ Section 98.075(7), F.S.

⁴² Currently, federal courts use a state's voter registration lists to select prospective jurors. To be qualified for Federal Jury Service, an individual juror must be an 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; and not have a pending charge or state or federal conviction for a crime punishable by imprisonment for more than one year. *See* United States Courts, "Juror Selection Process," available at <https://www.uscourts.gov/court-programs/jury-service/juror-selection-process> (last visited February 2, 2026).

The bill adds federal courts to the specified types of governmental entities from which information identifying potentially ineligible voters may be received by the DOS. Specifically, the bill provides that upon receipt of information from a federal jury coordinator that a person was disqualified or potentially disqualified from jury service due to not having U.S. citizenship, being convicted of a felony, being deceased, being a nonresident of Florida, or being a nonresident of the county, the DOS must use such information to identify registered voters or voter registration applicants who may be potentially ineligible.

Ballots and Voting Systems (Sections 1, 12, and 14)

Present Situation

General Definitions

Current law defines the following terms:

- “Ballot” or “official ballot,” when used in reference to:
 - “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.
 - “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 completed.⁴⁴
- “Voting system” means 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.⁴⁵

Use of Ballot-on-Demand

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 vote-by-mail and election-day ballots.⁴⁶

Voting Methods/Disability Voting

Current law specifies that for the purpose of designating ballot selections, all voting must be by marksense ballot, using a marking device or a voter interface device that produces a voter-

⁴³ Section 97.021(6), F.S.

⁴⁴ Section 97.021(43), F.S.

⁴⁵ Section 97.021(47), F.S.

⁴⁶ Section 101.151(1)(b), F.S.

verifiable paper output and meets the voter accessibility requirements for individuals with disabilities under state and federal law.⁴⁷

Effect of Proposed Changes

General Definitions

The bill redefines the term “ballot” or “official ballot” to mean a printed sheet of paper, containing contests, including offices and candidates, constitutional amendments, and other public measures, upon which a voter's selections will be marked by using a pen compatible with or recommended for use with the voting system, for tabulation by the voting system. 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 revises the term “voting system” to mean a method of casting and processing votes that includes, but is not limited to:

- Equipment, hardware, firmware, and software.
- Ballots.
- Procedures for casting and processing votes.
- Programs, operating manuals, and supplies.
- Reports, printouts, and other documentation necessary for the system's operation.

Use of Ballot-on-Demand

The bill clarifies that ballot-on-demand technology may be used for production of early voting ballots.

Voting Methods/Disability Voting

The bill revises allowable methods of designating ballot selections to:

- Require all voting to be by official ballot, using a pen compatible with or recommended for use with the voting system; unless
- A voter requests to vote using a voter interface device.

Election Returns Reporting and Canvassing (Sections 17 and 18)

Present Situation

County Canvassing Board

The county canvassing board is the body that tabulates and canvasses the vote for an election in that county. The board is composed of three members: the supervisor; a county court judge, who acts as chair; and the chair of the board of county commissioners.⁴⁸ The board is responsible for a number of activities in the conduct of elections and in results processing and reporting.⁴⁹

⁴⁷ Section 101.56075, F.S.

⁴⁸ Section 102.141(1), F.S.

⁴⁹ Florida Division of Elections, “Canvassing Board Membership and Activities,” available at <https://soe.dos.state.fl.us/pdf/DE%20Guide%200020-Canvassing%20Board%20Membership%20and%20Activities%20FINAL%2020220830.pdf> (last visited February 2, 2026).

Election Returns Reporting

Each supervisor must upload into the county's election management system by 7 p.m. 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.⁵⁰

The canvassing board must report all early voting and all tabulated vote-by-mail results to the DOS within 30 minutes after the polls close. Thereafter, the canvassing board must report, with the exception of provisional ballot results, updated precinct election results to the DOS at least every 45 minutes until all results are completely reported.⁵¹

Elections Canvassing Commission

The Elections Canvassing Commission is composed of the Governor and two members of the Cabinet selected by the Governor. Current law prescribes that the commission meets 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.⁵²

Effect of Proposed ChangesElection Returns and Reporting

The bill clarifies that:

- The 7 p.m. deadline the day before the election for each supervisor's submission of early voting and vote-by-mail results is 7 p.m. local time.
- The supervisor reports early voting and tabulated vote-by-mail reports to the DOS, on behalf of the canvassing board.
- Required reporting of updated precinct election results are provided to the DOS via uploading.

Elections Canvassing Commission

The bill revises to 9 a.m. the time at which the commission shall meet, except for days the Legislature convenes for organization session,⁵³ in which case the meeting time will remain at 8 a.m.

Conforming Changes

The bill conforms existing law to the bill's changes to the definition of "ballot."

Qualifying for Office and Placement on the Ballot (Sections 10 and 11)***Present Situation***Required Oaths and Affirmations

⁵⁰ Section 102.141(4)(a), F.S.

⁵¹ Section 102.141(4)(b), F.S.

⁵² Section 102.111, F.S.

⁵³ Art. III, s. 3(a) of the FLA. CONST. provides that on the 14th day following each general election, the Legislature shall convene for the exclusive purpose of organization and selection of officers.

Each candidate for an elected office in Florida must take and subscribe to an oath or affirmation in writing.⁵⁴ Current law specifies oath formats for a candidate for federal office,⁵⁵ a candidate for a non-federal office other than a judicial office,⁵⁶ and a candidate for a state judicial office.⁵⁷ Generally, the oath or affirmation must, in substance:

- Provide the name of the office for which the candidate is running;
- Affirm that the candidate is a qualified elector of the county or court jurisdiction, as applicable;
- Affirm that the candidate is qualified under the State Constitution and laws of Florida to hold the office for which he or she is running;
- Affirm that the candidate has not qualified for any other public office in the state for which the term runs concurrently and that he or she has resigned from any office from which he or she is required to resign;⁵⁸ and
- Affirm that the candidate will support the constitutions of the United States and the State of Florida.⁵⁹

In addition, any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party affiliation. The writing must specifically state:

- The party of which the person is a member;
- That the person has been a registered member of the political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify; and
- 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.⁶⁰

Similarly, a person seeking to qualify for office as a candidate with *no* party affiliation must state in writing that he or she:

- Is registered without a party affiliation; and
- 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.⁶¹

Although current law requires candidates to provide the information required, there does not appear to be a mechanism by which the provision can be enforced if the person seeking to qualify did not actually comply with the requirement.⁶² Therefore, a person who complies with

⁵⁴ Sections 99.021(1)(a) and 105.031(4), F.S.

⁵⁵ Section 99.021(1)(a)2., F.S.

⁵⁶ Section 99.021(1)(a)1., F.S.

⁵⁷ Section 105.031(4)(b), F.S.

⁵⁸ Section 99.012(3)(a), F.S., states, “No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.”

⁵⁹ Sections 99.021(1)(a)1. and 105.031(4), F.S.

⁶⁰ Section 99.021(1)(b), F.S.

⁶¹ Section 99.021(1)(c), F.S.

⁶² See *Jones v. Schiller*, 345 So.3d 406 (Fla. 1st DCA 2020), holding that the requirements regarding statement of party affiliation do not have an implied disqualification mechanism. Similarly, *Torres v. Shaw*, 345 So.3d 970 (Fla. 1st DCA 2022), held that voters and a political party had no private right of action to challenge the qualifications of a congressional candidate under the candidate oath requirement.

the facial requirement of completing and filing the written statement cannot be disqualified from placement on the ballot, even if his or her statement is untrue.

Requirements related to Candidate Names

Current law requires each candidate to designate in his or her oath or affirmation the name that he or she wishes to have printed on the ballot, or, in the case of a write-in candidate, the name that he or she wishes to have voter write in on a ballot. Such designation must include the candidate's legal given name or name, a shortened form of the candidate's legal given name, an initial or initials of the candidate's legal given name or names, or a bona fide nickname customarily related to the candidate and by which the candidate is commonly known, immediately followed by the candidate's legal surname.⁶³

If a candidate wishes to designate a nickname, the candidate must file an affidavit that must be verified under oath or affirmation, attesting that the nickname complies with requirements of that section of law. A designated nickname may not:

- Be used to mislead voters.
- Imply the candidate is some other person.
- Constitute a political slogan or otherwise associate the candidate with a cause or an issue.
- Be obscene or profane.⁶⁴

Disqualification from the Ballot

Current law provides that a candidate shall or may be disqualified from placement on the ballot if he or she:

- Does not comply with resign-to-run⁶⁵ requirements.⁶⁶
- Is convicted of knowingly and willfully accepting a contribution that exceeds prescribed limits, failing to report any contribution required to be reported, falsely reporting or deliberately failing to include information required to be reported, or making or authorizing a prohibited expenditure.⁶⁷
- Is convicted of a felony or adjudicated to be mentally incompetent and has not had his or her rights restored or had the disability removed.⁶⁸
- Does not comply with financial disclosure requirements.⁶⁹

Effect of Proposed Changes

The bill creates restrictions on qualifying by providing that:

- 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 consecutive days immediately preceding the beginning of qualifying; or as a candidate with no party affiliation if he or she

⁶³ Section 99.0215(1), F.S.

⁶⁴ Section 99.0215(2), F.S.

⁶⁵ Section 99.012, F.S., provides that no officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

⁶⁶ Section 99.012(6), F.S.

⁶⁷ Sections 106.18 and 106.19, F.S.

⁶⁸ Article VI, s. 4(a), FLA. CONST.

⁶⁹ Section 112.317(1)(c), F.S.

has not been registered without party affiliation for the 365 consecutive days immediately preceding the beginning of qualifying. This substantive requirement mirrors the existing oath/affirmation requirements regarding party affiliation.

- 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 the general statutory petition process⁷⁰ during the 365 consecutive days immediately preceding the beginning of qualifying. The provision does not apply to a name change due to divorce, marriage, or adoption.

The bill locates the two new provisions in the resign-to-run statute in order to apply an existing mechanism for disqualification from the ballot. Specifically, the existing statute provides that if a final order of a court determines that a person did not comply with the section, the person shall not be qualified as a candidate and his or her name may not appear on the ballot.⁷¹

The bill also clarifies the existing oath/affirmation requirements regarding party affiliation by specifying that the requirement applies to the 365 *consecutive days immediately* preceding the beginning of qualifying.

Office Hours of Supervisors of Elections (Section 6)

Present Situation

Current law requires an office of the supervisor to be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.⁷² In addition, each supervisor must conduct early voting beginning on the 10th day before an election that contains state or federal races and ending on the 3rd day before the election, for no less than 8 hours and no more than 12 hours a day.⁷³ Other duties of the supervisor, such as those related to qualifying periods and special elections, may also require offices to be open on specified days.

Effect of Proposed Changes

The bill revises the general office hours requirement for supervisors to provide that an office may close to observe legal holidays and other federal, state, or county-approved holidays, if the office is not otherwise required to be open to fulfill official duties under the Florida Election Code. This change will allow an office of the supervisor to close when other governmental entities necessary for conducting the supervisor's work, such as tax collectors and other county offices, are also closed.

⁷⁰ Section 68.07, F.S., grants courts jurisdiction to change the name of any person residing in Florida on petition of the person filed in the county in which he or she resides. Before the court hearing on such a petition, the petitioner must submit fingerprints submitted for a state and national criminal history records check, except if a former name is being restored. In addition, the petition must show specified information, including, but not limited to, residence, date and place of birth, occupation, and any prior criminal history.

⁷¹ Section 99.012(6), F.S.

⁷² Section 98.015(4), F.S.

⁷³ Section 101.657(1), F.S.

Time Limitations for Prosecutions of Election Violations (Section 20)

Present Situation

Current law provides time limitations for commencement of prosecution of criminal offenses, including the following time limitations for felonies:

- For a capital felony, a life felony, or a felony that result in a death – prosecution may be commenced at any time.
- For a first-degree felony – prosecution must be commenced within 4 years after the felony is committed.
- For any other felony – prosecution must be commenced within 3 years after the felony is committed.⁷⁴

Effect of Proposed Changes

The bill creates a new section of law in ch. 104, F.S.,⁷⁵ providing that a prosecution for a felony violation under the Florida Election Code must be commenced within 5 years after the date the violation is committed.

Driver Licenses (Section 21)

Present Situation

Current law does not require driver licenses or identification cards to include the legal status of the licensee or cardholder 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 for driver licenses and identification cards must provide sufficient REAL ID compliant documentation that supports their legal status.⁷⁶

A renewal and replacement fee for an identification card is \$25.⁷⁷ A renewal driver license costs \$48⁷⁸ and a replacement driver license costs \$25.⁷⁹

Effect of Proposed Changes

The bill creates a new section of law governing citizenship status designation on state-issued driver licenses and identification cards. The bill:

- Provides that by July 1, 2027, a Florida driver license or Florida identification card issued to a qualified applicant who is a U.S. citizen as last recorded in the system must include the applicant's legal citizenship status at the time of new issuance, renewal, or replacement.

⁷⁴ Section 775.15, F.S.

⁷⁵ Chapter 104, F.S., specifies criminal penalties for numerous violations of the Election Code.

⁷⁶ Chapter 2025-1, L.O.F

⁷⁷ Section 322.21(1) (f), F.S.

⁷⁸ Section 322.21(1)(c), F.S.

⁷⁹ Section 322.21(1)(e), F.S.

- Requires the DHMSV to, 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 U.S. citizen.

Conforming Changes and Reenactments (Sections 12, 13, 15, 16, 19, 22, 23, and 24)

The bill amends ss. 101.151, 101.5606, 101.5608, 101.5612, 102.166, and 121.121, F.S., and reenacts ss. 98.065(6) and 101.69(2)(a), F.S., to conform to the substantive changes made by the bill.

Effective Date (Section 25)

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. Bills that affect state or local elections are exempt from the requirements of Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The creation of the new restrictions on candidate qualifying may have a fiscal impact in the form of legal fees for persons who file or defend against related lawsuits.

C. Government Sector Impact:

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 fiscal impact of this requirement is indeterminate. Additionally, the DHSMV estimates the fiscal impact to be \$173,445 for contracted services and \$147,500 for programming implementation.⁸⁰

The bill will have a negative impact on the DOS, as it requires the department to make changes to the statewide voter registration system. However, the costs to implement the changes can be absorbed within existing resources.

The bill will likely have an indeterminate fiscal impact on local governments relating to implementation of the bill's provisions concerning voter list maintenance.

VI. Technical Deficiencies:

None.

VII. Related Issues:Citizenship and Voter Registration

The bill creates requirements relating to documentation of U.S. citizenship for registered voters and voter registration applicants. Requiring proof of U.S. citizenship as a condition of voter registration is the subject of political efforts at state and federal levels and of ongoing litigation.

One area of litigation turns on whether state laws requiring applicants to present documentary proof of citizenship as a condition for registering to vote in federal elections are preempted by Congress's power to regulate federal elections.⁸¹ The National Voter Registration Act (NVRA) requires that states "accept and use" a uniform federal form to register voters for federal elections (Federal Form). That form requires an individual to attest under penalty of perjury that he or she is a citizen but does not require documentary proof. In 2013, the Supreme Court ruled on a challenge to an Arizona law requiring voter-registration officials to "reject" any application for registration, including a Federal Form,⁸² that was not accompanied by concrete evidence of citizenship. The Court held that as applied to Federal Form applicants, Arizona's evidence-of-citizenship requirement was preempted by the NVRA's mandate that states "accept and use" the Federal Form.⁸³ After the ruling, Arizona began registering Federal Form registrants who do not supply documentary proof of citizenship as "federal-only" voters, who are eligible to vote only in federal races. However, reforms to Arizona voter-registration laws enacted in 2022 are now

⁸⁰ DHSMV, *Elections CS for SB 1334* (Feb. 5, 2025) (on file with the Senate Appropriations Committee on Transportation, Tourism, and Economic Development).

⁸¹ The "Elections Clause" of the U.S. Constitution (art. I, s. 4) provides that: "The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except to the Places of choosing Senators."

⁸² Ariz. Rev. Stat. §16-166(F).

⁸³ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013).

the subject of ongoing litigation; one such reform provides that voters who have not provided documentary proof of citizenship may not vote for president or by mail.⁸⁴ In addition, litigation challenging a New Hampshire law requiring new voter applicants to provide documentary proof of citizenship when registering to vote⁸⁵ is ongoing.⁸⁶

Other litigation implicating the NVRA and the Federal Form stems from President Trump's 2025 executive order⁸⁷ that, in part, directed the federal Election Assistance Commission (EAC) to require documentary proof of U.S. citizenship in the Federal Form. The NVRA assigns to the EAC the responsibility for creating the Federal Form.⁸⁸ A federal district judge recently enjoined enforcement of that provision on the grounds that it is "inconsistent with the constitutional separation of powers."⁸⁹ Further litigation in the case is likely to occur.

Disqualification from the Ballot

The bill provides a mechanism for disqualification from the ballot of a person who:

- Violates requirements regarding party affiliation in the 365 days prior to the beginning of qualifying.
- Legally changes his or her name through the general statutory petition process during the 365 days prior to the beginning of qualifying.

The U.S. Supreme Court has established that candidacy is not a "fundamental right" under the U.S. Constitution, and has stated that a determination of the legality of a restriction on candidacy is a matter of degree that involves "a consideration of the facts and circumstances behind the law, the interests the State seeks to protect by placing restrictions on candidacy, and the nature of the interests of those who may be burdened by the restrictions."⁹⁰

Examples of state interests furthered by regulation of candidate ballot access include, but are not limited to:

- Holding orderly elections with serious, rather than frivolous, contenders.
- Promoting electoral integrity.
- Limiting voter confusion caused by lengthy ballots.
- Preventing fraudulent candidacies.⁹¹

⁸⁴ *Republican National Committee, et al. v. Mi Familia Vota, et al.*, Emergency Application for Stay, available at https://www.supremecourt.gov/DocketPDF/24/24A164/322042/20240808153155295_Emerg.%20App.%20for%20Stay.pdf (last visited February 2, 2026).

⁸⁵ N.H. Rev. Stat. §654:7; §654:12.

⁸⁶ *New Hampshire Youth Movement v. Scanlan and Coalition for Open Democracy v. Scanlan*, U.S District Court for the District of New Hampshire (2024-ongoing).

⁸⁷ "Preserving and Protecting the Integrity of American Elections," available at <https://www.whitehouse.gov/presidential-actions/2025/03/preserving-and-protecting-the-integrity-of-american-elections/> (last visited February 2, 2026).

⁸⁸ 52 U.S.C. §20508(a)(2).

⁸⁹ Consolidated cases *League of United Latin American Citizens, et al. v. Executive Office of the President, et al.*; *Democratic National Committee, et al., v. Donald J. Trump*; and *League of Women Voters Education Fund, et al., v. Donald J. Trump*; Memorandum Opinion, issued January 30, 2026, available at <https://www.democracymatters.com/wp-content/uploads/2025/03/236-2026-01-30-Memorandum-opinion.pdf> (last visited February 2, 2026).

⁹⁰ See, for example, *Clements v. Fashing*, 457 U.S. 957 (1982).

⁹¹ See *Lubin v. Panish*, 415 U.S. 709 (1974).

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 97.021, 97.052, 97.0525, 97.053, 97.057, 98.015, 98.045, 98.075, 98.093, 99.012, 99.021, 101.151, 101.5606, 101.56075, 101.5608, 101.5612, 102.111, 102.141, 102.166, and 121.121.

This bill creates the following sections of the Florida Statutes: 104.51 and 322.034.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS for CS by Appropriations Committee on Transportation, Tourism, and Economic Development on February 18, 2026:

The committee substitute:

- Further revises the definition of “ballot” to remove superfluous and outdated language.
- Creates a definition for “document acceptable as evidence of United States citizenship” that lists the documents previously specified in multiple areas of the bill.
- Conforms the wording of the substantive restriction and the statement requirement for party affiliation of a person seeking to qualify as a candidate.

CS by Ethics and Elections on February 4, 2026:

The committee substitute:

- Deletes the bill’s addition of “documentation required by the Election Assistance Commission or federal law” to the information the state voter registration application must elicit and adds that the application must elicit acknowledgement, by providing a box for the applicant to check, that it is a third degree felony to falsely swear or affirm or otherwise submit false information on a voter registration application.
- Deletes the bill’s addition of new content to the oath to which voter registration applicants must subscribe.
- Makes drafting changes to clarify the new citizenship-verification duties and processes related to the DHSMV and the online voter registration system.
- Increases to 13 from 10 the number of days a supervisor of elections has to verify eligibility of a voter registration applicant who was previously removed for ineligibility.
- Revises the types of documents that are acceptable evidence of U.S. citizenship.
- Revises the bill’s provisions regarding information about potentially ineligible voters that is received from federal jury coordinators to remove the affirmative duty of the federal jury coordinator to provide such information.
- Creates a substantive requirement that a person seeking nomination as a candidate of a political party must have been a member of that party for the 365 days preceding qualifying, and that a person running with no party affiliation must not have been a member of a political party for the 365 days preceding qualifying (in addition to current law’s requirement that such a person affirm he or she has or has not been such a member).

- Adds to the bill a provision that a person may not qualify as a candidate for public office if he or she has legally changed his or her name through the statutory petition process during the 365 days preceding qualifying. This prohibition does not apply to a change of name arising from marriage, divorce, or adoption.
- Revises the bill's limitation of use of a voter interface device to persons with disabilities to instead require use of a paper ballot unless a voter requests to use a voter interface device.
- Deletes from the bill provisions replacing the existing recount or audit process with an independent, precertification vote validation process, and deletes related changes to election reports.
- Deletes the bill's addition of a new authorization for each political party to designate one computer expert to be allowed in the central counting room when a manual review is being conducted and when the official votes are being counted.
- Adds a revision to the existing statutory requirement for the minimum hours an office of the supervisor of elections must be open, to expand an exception for legal holidays to also include other federal, state, or county-approved holidays.

B. Amendments:

None.