

**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.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 1334

INTRODUCER: Senator Grall

SUBJECT: Elections

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	<b>Pre-meeting</b>
2.			ATD	
3.			RC	

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**I. Summary:**

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 list removal proceedings for such persons.
- Revising definitions related to ballots and voting systems, authorizing the use of ballot-on-demand technology for production of early voting ballots, and limiting to persons with disabilities the ability to vote using a voter interface device.
- Replacing an existing machine recount or audit process with an independent, precertification vote validation process and conforming election reporting requirements.
- Revising the time at which the Elections Canvassing Commission shall meet.
- 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.

The bill takes effect January 1, 2027.

## II. Present Situation:

### Department of State/Division of Elections

The Secretary of State,<sup>1</sup> Florida's Chief Elections Officer,<sup>2</sup> 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.
- 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)<sup>3</sup> provides administrative support to the Secretary of State to ensure that Florida has fair and accurate elections.<sup>4</sup> 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,<sup>5</sup> 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.

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<sup>1</sup> 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.

<sup>2</sup> Section 97.012, F.S. *See also* s. 97.035, F.S.

<sup>3</sup> Section 20.10(2)(a), F.S.

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

<sup>5</sup> *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.

**Additional Current Law**

See “Effect of Proposed Changes.”

**III. Effect of Proposed Changes:****Voter Registration (Sections 2, 3, 4, 5, 6, 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.<sup>6</sup>

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

- A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored.
- A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored.<sup>7</sup>

Uniform Statewide Voter Registration Application

Current law requires Florida’s voter registration application to elicit 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).<sup>8</sup>
- Signature of the applicant under penalty for false swearing.<sup>9</sup>

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<sup>6</sup> Section 97.041(1)(a), F.S.

<sup>7</sup> Section 97.041(2), F.S.

<sup>8</sup> Section 97.052(2), F.S.

<sup>9</sup> See s. 104.011, F.S., for penalties for false swearing.

- 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.

#### Voter Oath

The voter application also must contain the following constitutionally required oath:<sup>10</sup>

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.<sup>11</sup>

#### 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 eligibility<sup>12</sup> is received by a voter registration official and verified. If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant is not be eligible to vote in that election.<sup>13</sup> All voter registration applications received by a voter registration official must be entered into the statewide voter registration system within 13 days after receipt.<sup>14</sup>

#### 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).<sup>15</sup> 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.

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<sup>10</sup> Section 97.052(3)(a), F.S.

<sup>11</sup> Article VI, s. 3, FLA. CONST.; *see also* s. 97.051, F.S.

<sup>12</sup> 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.

<sup>13</sup> Section 97.053(2), F.S.

<sup>14</sup> Section 97.053(7), F.S.

<sup>15</sup> Section 98.035, F.S.

- Enable voter registration officials to provide, access, and update voter registration information.<sup>16</sup>

The Online Voter Registration System (OVRs) is the internet website supported by the DOS, where an applicant may submit a voter registration application, update his or her voting record, and submit information necessary to establish his or her eligibility to vote.<sup>17</sup> The OVRs has the capability to compare the Florida driver license number or Florida identification number submitted with information maintained by the Department of Highway Safety and Motor Vehicles (DHSMV) to confirm that the name and date of birth on the application are consistent with the records of the DHSMV.<sup>18</sup> If the applicant's name and date of birth are consistent with the records of the DHSMV, the OVRs transmits the applicant's registration application, along with the digital signature of the applicant on file with the DHSMV, to the supervisor.<sup>19</sup> If the applicant's name and date of birth cannot be verified by the records of the DHSMV, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the OVRs must populate the applicant's information into a printable voter registration application and direct the applicant to print, sign, and date the application and deliver the application to the supervisor for disposition.<sup>20</sup> Upon submission of a completed OVRs application, the website must generate an immediate electronic confirmation that the supervisor has received the application and provide instructions regarding the ability of a registrant to check the status of the application.<sup>21</sup>

#### National Voter Registration Act of 1993

Congress passed the National Voter Registration Act (NVRA) in 1993<sup>22</sup> “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.”<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

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<sup>16</sup> *Id.*

<sup>17</sup> Section 97.0525(2), F.S.

<sup>18</sup> Section 97.0525(4)(a), F.S.

<sup>19</sup> Section 97.0525(4)(b), F.S.

<sup>20</sup> Section 97.0525(4)(c), F.S.

<sup>21</sup> Section 97.0525(5), F.S.

<sup>22</sup> National Voter Registration Act of 1993, P.L. 103-31.

<sup>23</sup> 52 U.S.C. § 20501.

<sup>24</sup> 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.

<sup>25</sup> 52 U.S.C. §20504(a)(2).

<sup>26</sup> 52 U.S.C. §20505 and §20506.

Duties of the Florida Department of Highway Safety and Motor Vehicles

The Florida Election Code<sup>27</sup> implements the NVRA by requiring the DHSMV<sup>28</sup> 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).<sup>29</sup>
- Changes an address on an existing driver license or I.D. card.<sup>30</sup>

*Effect of Proposed Changes*Eligibility of an Applicant for Voter Registration

The bill provides that if the latest voter registration records show that an applicant was previously removed for ineligibility by reason of a felony conviction without voting rights restored, adjudication as mentally incapacitated with respect to voting without voting rights restored, death, or for not being a U.S. citizen, then the supervisor must verify applicant voting eligibility within 10 days of receiving such application. To determine and verify eligibility, the supervisor must review any government entity document or source. The supervisor must deny the voter registration application and notify the applicant if the supervisor determines that the applicant is ineligible.

Uniform Statewide Voter Registration Application

The bill adds “documentation required by the Election Assistance Commission or federal law” to the list of information the voter registration application must elicit.

Voter Oath

The bill adds to the oath language to which a voter registration applicant must subscribe, as follows: “I further do solemnly swear (or affirm) that I am a United States Citizen and that I have carefully reviewed the instructions for completing the Florida Voter Registration Application. I understand that if I have provided false information on this application, I could be subject to criminal penalties, fines, or imprisonment for perjury, and if not a United States citizen, deportation from the United States.”

The bill revises provisions governing acceptance of voter registration applications to:

- Provide that if an application is made to update the voter’s record with a change of address, name, or party affiliation, such change is retroactive to the date the application was initially received once the required sufficient evidence is verified.
- Require that immediately after registration or an update to a registration, the supervisor of elections (supervisor) must verify the voter’s legal status as a United States citizen using available state and federal governmental sources. If applicable, the supervisor must initiate voter list removal proceedings.

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<sup>27</sup> Chapters 97-106, F.S., are known as the Florida Election Code. Section 97.011, F.S.

<sup>28</sup> 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.

<sup>29</sup> *See* s. 322.051, F.S.

<sup>30</sup> Section 97.057(1), F.S.

### Online Voter Registration System

The bill provides that if the applicant's legal status as a U.S. citizen is verified by DHMSV records (along with the existing requirement that the applicant's name and date of birth be consistent), 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 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 under list maintenance procedures.

### Acceptance of Voter Registration Applications

The bill provides that:

- If an application is made to update the voter's record with a change of address, name, or party affiliation, such change is retroactive to the date the application was initially received once the required sufficient evidence is verified.
- Immediately after registration or an update to a registration, the supervisor shall verify the voter's legal status as a U.S. citizen using available state and federal governmental sources and, if applicable, shall initiate list maintenance procedures.

### 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 them to assist in identifying changes in the Florida driver license or Florida identification card number of such persons.<sup>31</sup>

## **Voter List Maintenance (Sections 8, 9, and 10)**

### ***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.<sup>32</sup> 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,<sup>33</sup> 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:

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<sup>31</sup> 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.

<sup>32</sup> Section 98.065(1), F.S.

<sup>33</sup> Section 98.065(3), F.S.

- 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.<sup>34</sup>

In addition, the DOS must identify, using information from specified other governmental entities:<sup>35</sup>

- 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.<sup>36</sup>

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.<sup>37</sup>

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 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.<sup>38</sup>

There is currently no requirement regarding the sharing of information with the federal court system for the purpose of identifying potentially ineligible voters.<sup>39</sup>

### ***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, but not limited to, the DHSMV, clerks of state and federal courts, and the U.S. Department of Homeland Security, as well as any other information received from governmental entities providing information under the existing requirements.

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<sup>34</sup> Section 98.065(2), F.S.

<sup>35</sup> 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.).

<sup>36</sup> Section 98.075(2)-(5), F.S.

<sup>37</sup> Section 98.075(6), F.S.

<sup>38</sup> Section 98.075(7), F.S..

<sup>39</sup> 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).



Upon receipt of such information, the DOS must make an initial determination as to whether the information is credible and reliable. The type of document provided or used to verify U.S. citizenship must be recorded in the FVRS. 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 procedures prescribed in s. 98.075(7), F.S., before the removal of a registered voter's name from the FVRS.

The bill specifies that any of the following documents are acceptable as evidence of U.S. citizenship:

- A current and valid U.S. passport.
- A birth certificate from any state in the U.S.
- 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 naturalization certificate or certificate of citizenship issued by the U.S. Department of Homeland Security. Alternatively, a certificate number or an alien registration number may be provided to allow a state or local election official to verify 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 applicant's legal name is different from the name that appears on one of the documents specified above, official legal documentation providing proof of the legal name change.

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

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

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.

The bill creates a new section of law requiring the division to provide lists of registered voters to federal courts for the purpose of selecting jurors on the condition that the jury coordinator

provides notice regarding ineligible or potentially ineligible voters. The bill requires the jury coordinator to prepare and provide to the division a list of each person disqualified or potentially disqualified as a prospective juror 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 list must include specified personal identifying information of each person identified. The division must provide the information to the supervisor in the county of residence for the disqualified juror. The supervisor must then initiate address list maintenance or eligibility maintenance procedures regarding the specified voter.

### **Ballots and Voting Systems (Sections 1, 11, and 13)**

#### ***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.<sup>40</sup>
- “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.<sup>41</sup>
- “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.<sup>42</sup>

##### Use of Ballot-on-Demand

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<sup>40</sup> Section 97.021(6), F.S.

<sup>41</sup> Section 97.021(43), F.S.

<sup>42</sup> Section 97.021(47), F.S.

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.<sup>43</sup>

#### 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-verifiable paper output and meets the voter accessibility requirements for individuals with disabilities under state and federal law.<sup>44</sup>

### ***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 the pen or marker recommended by the voting system vender. A ballot includes a voter-verifiable paper output upon which a voter's selections are marked by a voter interface device that meets voter accessibility requirements for individuals with disabilities.

The bill eliminates the terms “marksense ballots” and “electronic or electromechanical device.”

The bill 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 authorizes the use of ballot-on-demand technology 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 or marker recommended by the voting system vendor.
- Specify that only persons with disabilities may vote using a voter interface device.

### **Election Audits, Recounts, and Reports (Sections 16, 18, 19, 20, and 21)**

#### ***Present Situation***

#### County Canvassing Board

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<sup>43</sup> Section 101.151(1)(b), F.S.

<sup>44</sup> Section 101.56075, F.S.

The county canvassing board (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.<sup>45</sup> The board is responsible for a number of activities in the conduct of elections and in results processing and reporting.<sup>46</sup>

#### Returns and Recounts

The board must submit its unofficial returns to the DOS for each federal, state, or multicounty office or ballot measure by the third day after a primary election or the fourth day after a general election.<sup>47</sup> If the unofficial returns reflect that a candidate for any office or measure was defeated or eliminated by one-half of a percent or less of the votes cast for those races, a machine recount is ordered.<sup>48</sup> During a machine recount all the ballots are retabulated through the supervisor's automatic tabulating equipment. A second set of unofficial returns is due to the DOS by the 5th day after a primary election or the ninth day after a general election. If the machine recount is completed by the time the second set of unofficial returns is due, then it is included in those returns.

If the second set of unofficial returns indicates that a candidate or measure was eliminated by one-quarter of a percent or less of the votes cast for those races, a manual recount of the overvotes<sup>49</sup> and undervotes<sup>50</sup> is ordered.<sup>51</sup> The manual recount must be made unless:

- The candidate or candidates defeated or eliminated from contention by one-quarter of one percent or fewer of the votes cast for such office request in writing that a recount not be made; or
- The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.<sup>52</sup>

A manual recount consists of a recount, by a person, of marksense ballots or of digital images of those ballots.<sup>53</sup> The Secretary of State is responsible for ordering a machine and manual recounts for federal, state, and multicounty races. The board or local board responsible for certifying the election is responsible for ordering the recounts recount for all other races.

The final returns, which include the result of any recount, are due to the DOS by the 8<sup>th</sup> day following a primary election and the 13th day following a general election.<sup>54</sup>

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<sup>45</sup> Section 102.141(a), F.S.

<sup>46</sup> 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).

<sup>47</sup> Section 102.141(5) and (6), F.S.

<sup>48</sup> Section 102.141(7), F.S.

<sup>49</sup> An "overvote" means that the voter marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question (s. 97.021(26), F.S.).

<sup>50</sup> An "undervote" means that the voter does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question (s. 97.021(41), F.S.).

<sup>51</sup> Section 102.166, F.S.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> S. 102.112, F.S.

### Voting System Audit

Immediately following the certification of each election, the board must conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts.<sup>55</sup> A manual audit consists of a public manual tally of the votes cast in one randomly selected race that appears on the ballot. The tally sheet must include election-day, vote-by-mail, early voting, provisional, and overseas ballots, in at least one percent but no more than two percent of the precincts chosen at random by the board.<sup>56</sup> The board must post a notice of the audit, including the date, time, and place, in four conspicuous places in the county and on the supervisor's website.<sup>57</sup> The audit must be completed and the results made public no later than the seventh day following certification of the election by the board or the local board responsible for certifying the election.<sup>58</sup>

### 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.<sup>59</sup>

### Election Reports

By December 15 of each general election year, each supervisor must report to the DOS the total number of overvotes and undervotes in specified races,<sup>60</sup> and each board or the board responsible for certifying the election must provide a report with the results of the recount audit to the DOS.<sup>61</sup> These reports accompany a general election report that is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election.<sup>62</sup>

In addition, each supervisor must file a Conduct of Election Report with the DOS no later than 20 business days after the Elections Canvassing Commission certifies the election.<sup>63</sup> The report must include specified information related to election definition errors, ballot printing errors, staffing shortages or procedural violations, equipment issues, and any other issues or problems associated with the conduct of elections.<sup>64</sup>

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<sup>55</sup> S. 101.591(1), F.S.

<sup>56</sup> S. 101.591(2), F.S.

<sup>57</sup> S. 101.591(3), F.S.

<sup>58</sup> S. 101.591(4), F.S.

<sup>59</sup> Section 102.111, F.S.

<sup>60</sup> Section 101.595, F.S.

<sup>61</sup> S. 101.591, F.S.

<sup>62</sup> S. 101.595, F.S.

<sup>63</sup> S. 102.141(10), F.S.

<sup>64</sup> *Id.*

### Vote Validation

Current law does not require the use of an independent, pre-certification vote validation process. Some supervisors, however, use such a process as an optional, additional check of election results.<sup>65</sup>

### ***Effect of Proposed Changes***

#### Vote Validation

The bill replaces the post-election machine recount or machine recount audit process with an automated independent, pre-certification vote validation process. The division must adopt rules for approval of a system to conduct such process which require that the system, at a minimum, be:

- Completely independent of the primary voting system.
- Fast enough to produce final vote validation results before certification of each election.
- Capable of demonstrating that the ballots of record have been accurately adjudicated by the system in agreement with the vote tabulation system and capable of allowing the board to manually adjudicate ballots needing review. A board is not precluded from reviewing a digital image of a ballot corresponding to a physical paper ballot in conducting its review.

The bill provides that after unofficial election results are reported and before the certification of each election, each board or local board responsible for certifying the election must conduct an automated independent vote validation process in all precincts. The vote validation process verifies that the votes processed through the vote tabulation system for a candidate for any office or a measure appearing on a ballot do not have a discrepancy of one-half of one percent or less. Additionally, the vote validation process verifies that no changes in the outcome of the contest occurred. If the comparison of the results of the vote tabulation and the automated independent vote validation procedure reflects a difference of more than one-half of one percent of the results, then the proper county election official under the oversight of the board must conduct a system validation review using the images in the automated independent vote validation system of the ballots in disagreement.

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

The bill requires the canvassing board to publish notice of the public system validation review on the county website, on the supervisor's website, or once in one or more newspapers of general circulation in the county. Each political party may designate one person with expertise in the computer field who must be allowed in the central counting room when all tests are being

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<sup>65</sup> In addition to approval of voting systems, the division uses authority provided under ss. 101.591 and 102.166, F.S., to review, test, and approve non-voting systems such as the independent audit systems and automatic tabulating equipment for purposes of a recount. See Department of State, Division of Elections, "Non-Voting System Technologies," available at <https://dos.fl.gov/elections/voting-systems/non-voting-system-technologies/> (last visited February 2, 2026). ClearBallot's ClearAudit system is currently the only system approved for an automated independent audit (*id.*).

conducted and when the official votes are being counted. The designee may not interfere with the normal operation of the canvassing board.

If the canvassing board is unable to complete the system validation review by the deadline, the vote validation report submitted by the canvassing board must be identical to the initial unofficial returns and the submission must also include a detailed explanation of the reason it was unable to timely complete the system validation review. The board must complete the system validation review, along with any manual review and certify official election returns.

#### 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,<sup>66</sup> in which case the meeting time will remain at 8 a.m.

#### Election Reports

The bill revises requirements for the audit report each board must submit to the DOS by December 15 of each general election, and for the general election report the DOS must submit to the Governor, Senate President, and House Speaker by February 15 of each year following a general election, to conform to the move to the pre-certification vote validation process.

The bill expands required content of the Conduct of Elections Report to also include issues encountered with any state approved election system, including, but not limited to, vote tabulation systems and automated independent vote validation systems.

### **Time Limitations for Prosecutions of Election Violations (Section 22)**

#### ***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.<sup>67</sup>

#### ***Effect of Proposed Changes***

The bill creates a new section of law in ch. 104, F.S.,<sup>68</sup> 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.

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<sup>66</sup> 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.

<sup>67</sup> Section 775.15, F.S.

<sup>68</sup> Chapter 104, F.S., specifies criminal penalties for numerous violations of the Election Code.

## **Driver Licenses (Section 23)**

### ***Present Situation***

Current law does not require driver licenses or identification cards to include the legal status of the licensee or card-holder on the physical copy of such identifications. However, current law requires that a driver update his or her driver license within 30 days of becoming a U.S. citizen and provides that a person who is an unauthorized alien or undocumented immigrant cannot be issued a driver license or identification card. As such, applicants of driver licenses and identification cards must provide sufficient REAL ID compliant documentation that supports their legal status.<sup>69</sup>

A renewal and replacement fee for an identification card is \$25.<sup>70</sup> A renewal driver license costs \$48<sup>71</sup> and a replacement driver license costs \$25.<sup>72</sup>

### ***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.
- 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, 14, 15, 17, and 24)**

The bill revises or reenacts other statutes to conform them to the substantive changes made to the definition of “ballot,” to election audit processes, and to list maintenance program requirements.

### **Effective Date**

The bill takes effect January 1, 2027.

## **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.

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<sup>69</sup> Chapter 2025-1, L.O.F

<sup>70</sup> Section 322.21(1) (f), F.S.

<sup>71</sup> Section 322.21(1)(c), F.S.

<sup>72</sup> Section 322.21(1)(e), F.S.



B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill adds to the statutory content of the oath to which a voter registration applicant must subscribe. Because the oath is specified in the State Constitution, a constitutional amendment may be necessary.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will likely have an indeterminate fiscal impact on the DOS as it requires the DOS to revise voter registration requirements that may involve programming.

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

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

**VI. Technical Deficiencies:**

None.

## VII. Related Issues:

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.<sup>73</sup> 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,<sup>74</sup> 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.<sup>75</sup> 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 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.<sup>76</sup> In addition, litigation challenging a New Hampshire law requiring new voter applicants to provide documentary proof of citizenship when registering to vote<sup>77</sup> is ongoing.<sup>78</sup>

Other litigation implicating the NVRA and the Federal Form stems from President Trump's 2025 executive order<sup>79</sup> 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.<sup>80</sup> A federal district judge recently enjoined enforcement of that provision on the grounds that it is "inconsistent with the constitutional separation of powers."<sup>81</sup> Further litigation in the case is likely to occur.

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<sup>73</sup> 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."

<sup>74</sup> Ariz. Rev. Stat. §16-166(F).

<sup>75</sup> *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013).

<sup>76</sup> *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](https://www.supremecourt.gov/DocketPDF/24/24A164/322042/20240808153155295_Emerg.%20App.%20for%20Stay.pdf) (last visited February 2, 2026).

<sup>77</sup> N.H. Rev. Stat. §654:7; §654:12.

<sup>78</sup> *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).

<sup>79</sup> "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).

<sup>80</sup> 52 U.S.C. §20508(a)(2).

<sup>81</sup> 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.democracymarket.com/wp-content/uploads/2025/03/236-2026-01-30-Memorandum-opinion.pdf> (last visited February 2, 2026).

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 97.021, 97.051, 97.052, 97.0525, 97.053, 97.057, 98.045, 98.075, 98.093, 101.151, 101.5606, 101.56075, 101.5608, 101.5612, 101.591, 101.5911, 101.595, 102.111, 102.141, and 102.166.

This bill creates the following sections of the Florida Statutes: 98.094, 104.51, and 322.034.

**IX. Additional Information:**

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

None.

- B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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