

By Senator Grall

29-00995B-26

20261334__

A bill to be entitled

An act relating to elections; amending s. 97.021, F.S.; revising definitions; amending s. 97.051, F.S.; revising the oath persons must subscribe to when registering to vote; amending s. 97.052, F.S.; revising the information the statewide voter registration application is designed to elicit from an applicant to include documentation required by the Election Assistance Commission or federal law; amending s. 97.0525, F.S.; requiring that an applicant's legal status as a United States citizen be verified by the records of the Department of Highway Safety and Motor Vehicles before the online voter registration system transmits an application to the supervisor of elections; requiring that the applicant's legal status be recorded in the statewide voter registration system; providing that if an applicant's name and date of birth cannot be verified, the system must populate certain information into a printable version of the registration application; requiring the applicant to print, complete, sign, date, and deliver such application to the supervisor; requiring that the online voter registration system transmit specified information to the supervisors under specified circumstances; providing that an applicant's digital signature satisfies a certain requirement; requiring that the online voter registration system populate an applicant's information and direct the applicant to perform

29-00995B-26

20261334__

specified actions under specified conditions; amending s. 97.053, F.S.; providing that applications to update a voter's record are retroactive under a specified condition; requiring supervisors to verify a voter's legal status as a United States citizen using specified sources and initiate a certain notice if applicable; amending s. 97.057, F.S.; requiring that an agreement between the Department of Highway Safety and Motor Vehicles and the Department of State match information regarding the legal status as a United States citizen of applicants applying to vote; requiring the Department of State to include specified information in the statewide voter registration system; requiring the Department of Highway Safety and Motor Vehicles to assist the Department of State in identifying certain changes in information for persons who may be voters; deleting a provision requiring the Department of State to report certain changes to supervisors of elections; amending s. 98.045, F.S.; requiring supervisors to verify the current eligibility of certain applicants within a specified timeframe by reviewing specified documents or sources to make a determination under specified conditions; requiring supervisors to deny the application and notify the applicant if a certain determination is made; amending s. 98.075, F.S.; requiring the Department of State to identify certain voters by comparing or receiving information from specified sources; requiring the Department of State to review

29-00995B-26

20261334__

such information and make an initial determination;
requiring that the type of document provided or used
to verify United States citizenship be recorded;
requiring the Department of State to notify the
supervisor and provide a copy of certain documentation
if a certain determination is made; requiring
supervisors to follow certain procedures before the
removal of a name from the statewide voter
registration system; specifying documents that are
acceptable as evidence of United States citizenship;
requiring that the type of document provided or used
be recorded in the statewide voter registration
system; revising the information contained in the
notice provided to potentially ineligible voters;
amending s. 98.093, F.S.; revising the information
that the Department of Highway Safety and Motor
Vehicles is required to furnish weekly to the
Department of State; creating s. 98.094, F.S.;
requiring the Division of Elections to provide certain
lists to federal courts for a specified purpose;
requiring jury coordinators to prepare or cause to be
prepared a certain list; requiring that the list be
prepared and sent to the division periodically;
providing that such list may be provided by certain
means; requiring jury coordinators to provide the
division with specified information about each
disqualified juror; requiring the division to provide
such information to the supervisors to initiate
certain maintenance activities; amending s. 101.151,

29-00995B-26

20261334__

F.S.; authorizing polling places and early voting sites to use ballot-on-demand technology to produce early voting ballots; conforming provisions to changes made by the act; amending s. 101.5606, F.S.; conforming provisions to changes made by the act; amending s. 101.56075, F.S.; requiring that all voting be done by official ballot using certain pens or markers; authorizing persons with disabilities to vote using a certain voter interface device; amending ss. 101.5608 and 101.5612, F.S.; conforming provisions to changes made by the act; amending s. 101.591, F.S.; requiring the county canvassing board or specified local board to conduct an automated independent vote validation of the voting systems used in all precincts; deleting provisions related to manual audits; specifying requirements for the automated independent vote validation process; requiring the division to adopt certain rules; requiring the canvassing board to publish a certain notice on specified websites or in certain newspapers; requiring that the automated independent vote validation process be open to the public; requiring that such process be completed before the certification of the election by the county canvassing board; requiring the county canvassing board or the board responsible for certifying the election to provide a certain report to the Department of State; requiring that each county's report be consolidated into one report and included with a specified report; revising requirements for

29-00995B-26

20261334__

such report; requiring the department to consolidate county results and include such results in a post-general election report to the Governor and the Legislature by a specified date; amending s. 101.5911, F.S.; revising rulemaking authority for the department to implement the automated independent vote validation process; amending s. 101.595, F.S.; conforming provisions to changes made by the act; amending s. 102.111, F.S.; revising the meeting times of the Elections Canvassing Commission to certify elections returns; amending s. 102.141, F.S.; requiring that supervisors upload certain results by a specified local time; requiring the supervisors, on behalf of the canvassing boards, to report all early voting and all tabulated vote-by-mail ballots to the department; requiring canvassing boards to periodically report updated precinct election results by uploading the results to the department; requiring counties to conduct an automated independent vote validation process for specified purposes; requiring that such process be completed within a specified timeframe; requiring the county canvassing board to take certain actions under certain circumstances; requiring the proper county election official to conduct a system validation review using certain images under a specified condition; providing the scope of the review; deleting provisions providing procedures for county canvassing boards to conduct a certain recount; requiring the canvassing board to publish notice of

29-00995B-26

20261334__

such review on specified websites or in specified newspapers; providing that such review is open to the public; requiring the canvassing board to submit on certain forms the vote validation for specified contests; providing procedures in the event the canvassing board is unable to complete such review in the required timeframe; requiring the department to adopt certain rules; revising the contents of a report on the conduct of the election filed by supervisors with the division after the Elections Canvassing Commission certifies an election; conforming provisions to changes made by the act; amending s. 102.166, F.S.; providing that specified indications or confirmations require a manual review of overvotes and undervotes; providing that the Secretary of State is responsible for ordering such reviews for specified races; requiring that such reviews be open to the public; authorizing each political party to designate a specified person to be allowed in the room where such review is conducted; prohibiting such designee from interfering with the normal operation of the canvassing board; requiring the department to adopt certain rules; conforming provisions to changes made by the act; creating s. 104.51, F.S.; requiring that certain prosecutions be commenced within a specified timeframe after a specified violation is committed; creating s. 322.034, F.S.; requiring, by a specified date, that driver licenses and Florida identification cards issued to qualified applicants include the legal

29-00995B-26

20261334__

citizenship status of the applicant on the license or card; requiring the Department of Highway Safety and Motor Vehicles to issue, at no charge, driver licenses and Florida identification cards to certain licensees and cardholders; reenacting s. 98.065(6), F.S., relating to registration list maintenance programs, to incorporate the amendment made to s. 98.075, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

(6) "Ballot" or "official ballot" means a printed sheet of paper containing contests, including offices and candidates, 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 vendor. The term includes a voter-verifiable paper output upon which a voter's selections are marked by a voter interface device that meets voter accessibility requirements for individuals with disabilities under s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062 ~~when used in reference to:~~

~~(a) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data~~

29-00995B-26

20261334__

processing equipment.

~~(b) "Marksense ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.~~

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

(47) "Voting system" means a method of casting and processing votes which ~~that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and~~ includes, but is not limited to, the equipment, hardware, firmware, and software; the ballots; the procedures for casting and processing votes; and the programs, operating manuals, and supplies; and the reports, printouts, and other documentation ~~software~~ necessary for the system's operation.

Section 2. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the

29-00995B-26

20261334__

233 United States and the Constitution of the State of Florida, that
234 I am qualified to register as an elector under the Constitution
235 and laws of the State of Florida, and that all information
236 provided in this application is true. I further do solemnly
237 swear (or affirm) that I am a United States citizen and that I
238 have carefully reviewed the instructions for completing the
239 Florida Voter Registration Application. I understand that if I
240 have provided false information on this application, I could be
241 subject to criminal penalties, fines, or imprisonment for
242 perjury, and, if not a United States citizen, deportation from
243 the United States."

244 Section 3. Paragraph (v) is added to subsection (2) of
245 section 97.052, Florida Statutes, to read:

246 97.052 Uniform statewide voter registration application.—

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

250 (v) Documentation required by the Election Assistance
251 Commission or federal law.

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

254 97.0525 Online voter registration.—

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

29-00995B-26

20261334__

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

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

(d) If the applicant's legal status as a United States citizen cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, the online voter registration system must notify the supervisor of elections that the

29-00995B-26

20261334__

applicant's legal status as a United States citizen could not be verified and transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2)(g).

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

Section 5. Subsections (2) and (6) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(2) A voter registration application is complete and becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6). Except as provided in subsection (6), if the applicant fails to complete his or her voter registration application on or before ~~prior to~~ the date of book closing for an election, ~~then~~ such applicant ~~is shall~~ not be eligible to vote in that election.

29-00995B-26

20261334__

320 (6)(a) A voter registration application, including an
321 application with a change in name, address, or party
322 affiliation, may be accepted as valid only after the department
323 has verified the authenticity or nonexistence of the Florida
324 driver license number, the Florida identification card number,
325 or the last four digits of the social security number provided
326 by the applicant. If a completed voter registration application
327 has been received by the book-closing deadline but the Florida
328 driver license number, the Florida identification card number,
329 or the last four digits of the social security number provided
330 by the applicant cannot be verified, the applicant must ~~shall~~ be
331 notified that the number cannot be verified and that the
332 applicant must provide evidence to the supervisor sufficient to
333 verify the authenticity of the applicant's Florida driver
334 license number, Florida identification card number, or last four
335 digits of the social security number. If the applicant provides
336 the necessary evidence, the supervisor must ~~shall~~ place the
337 applicant's name on the registration rolls as an active voter.
338 If the applicant has not provided the necessary evidence or the
339 number has not otherwise been verified prior to the applicant
340 presenting himself or herself to vote, the applicant must ~~shall~~
341 be provided a provisional ballot. The provisional ballot must
342 ~~shall~~ be counted only if the number is verified by the end of
343 the canvassing period or if the applicant presents evidence to
344 the supervisor of elections sufficient to verify the
345 authenticity of the applicant's Florida driver license number,
346 Florida identification card number, or last four digits of the
347 social security number no later than 5 p.m. of the second day
348 following the election.

29-00995B-26

20261334__

(b) If the 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.

(c) Immediately after registration or an update to a registration, the supervisor of elections shall verify the voter's legal status as a United States citizen using available state and federal governmental sources and, if applicable, initiate notice pursuant to s. 98.075(7).

Section 6. Subsections (11) and (13) of section 97.057, Florida Statutes, are amended to read:

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

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

(13) Notwithstanding declinations to register or to update a voter registration pursuant to paragraph (2)(b), the Department of Highway Safety and Motor Vehicles, in accordance

29-00995B-26

20261334__

with s. 98.093(8), shall ~~must~~ assist the Department of State in regularly identifying changes in residence address on the Florida driver license or Florida identification card or changes in the Florida driver license or Florida identification card number of such persons who may be voters ~~of a voter~~. The Department of State ~~must report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).~~

Section 7. Subsection (1) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) ELIGIBILITY OF APPLICANT.—

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

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

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

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

4.~~(d)~~ The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

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

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

29-00995B-26

20261334__

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

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

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

414 (b) If the latest voter registration records show that a
415 new applicant was previously registered but subsequently removed
416 for ineligibility pursuant to s. 98.075(7), the supervisor must
417 verify the current eligibility of the applicant to register
418 within 10 days after receipt of such records by reviewing any
419 document provided by a governmental entity or other source to
420 determine whether the applicant remains ineligible. If the
421 supervisor determines that the applicant is ineligible, the
422 supervisor must deny the application and notify the applicant
423 pursuant to s. 97.073.

424 Section 8. Subsection (6) and paragraph (a) of subsection
425 (7) of section 98.075, Florida Statutes, are amended to read:

426 98.075 Registration records maintenance activities;
427 ineligibility determinations.—

428 (6) ELIGIBILITY.—

429 (a) *Citizenship*.—The department shall identify those
430 registered voters who are potentially ineligible for noncitizen
431 status by comparing or receiving information from, but not
432 limited to, the Department of Highway Safety and Motor Vehicles,
433 clerks of state and federal courts, and the United States
434 Department of Homeland Security, including as may be provided in
435 s. 98.093. The department shall review such information and make

29-00995B-26

20261334__

an initial determination as to whether the information is credible and reliable. The type of document provided or used to verify United States citizenship must be recorded in the statewide voter registration system. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system.

(b) Acceptable documents.—Any of the following documents are acceptable as evidence of United States citizenship:

1. A current and valid United States passport.
2. A birth certificate from any state in the United States.
3. A Consular Report of Birth Abroad provided by the United States Department of State.
4. A current and valid Florida driver license or Florida identification card issued by the Department of Highway Safety and Motor Vehicles, if such driver license or identification card indicates United States citizenship.
5. A naturalization certificate or certificate of citizenship issued by the United States 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 United States citizenship.
6. A current and valid photo identification issued by the Federal Government or the state which indicates United States

29-00995B-26

20261334__

465 citizenship.

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

468 8. If the applicant's legal name is different from the name
469 that appears on one of the documents specified in this
470 subparagraph, official legal documentation providing proof of
471 legal name change.

472
473 The type of document provided or used to verify citizenship must
474 be recorded in the statewide voter registration system.

475 (c) Other bases for ineligibility. ~~OTHER BASES FOR~~
476 ~~INELIGIBILITY.~~ Subsections (2)-(5) do not limit or restrict the
477 department or the supervisor in his or her duty to act upon
478 direct receipt of, access to, or knowledge of information from
479 any governmental entity that identifies a registered voter as
480 potentially ineligible. If the department or supervisor receives
481 information from any governmental entity other than those
482 identified in subsections (2)-(5) that a registered voter is
483 ineligible because the voter is deceased, adjudicated a
484 convicted felon without having had his or her voting rights
485 restored, adjudicated mentally incapacitated without having had
486 his or her voting rights restored, does not meet the age
487 requirement pursuant to s. 97.041, is not a United States
488 citizen, is a fictitious person, or has listed an address that
489 is not his or her address of legal residence, the supervisor
490 must adhere to the procedures set forth in subsection (7) before
491 the removal of the name of a registered voter who is determined
492 to be ineligible from the statewide voter registration system.

493 (7) PROCEDURES FOR REMOVAL.-

29-00995B-26

20261334__

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

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

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

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

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

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

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

521 f. Instructions for seeking restoration of civil rights
522 pursuant to s. 8, Art. IV of the State Constitution and

29-00995B-26

20261334__

information explaining voting rights restoration pursuant to s.
4, Art. VI of the State Constitution following a felony
conviction, if applicable.

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

(I) A current and valid United States passport.

(II) A birth certificate from any state in the United
States.

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

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

(V) A naturalization certificate or a certificate of
citizenship issued by the United States 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 United States citizenship.

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

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

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

29-00995B-26

20261334__

552 legal name change.

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

562 2. If the mailed notice is returned as undeliverable, the
563 supervisor must, within 14 days after receiving the returned
564 notice, either publish notice once in a newspaper of general
565 circulation in the county in which the voter was last registered
566 or publish notice on the county's website as provided in s.
567 50.0311 or on the supervisor's website, as deemed appropriate by
568 the supervisor. The notice must contain the following:

569 a. The voter's name and address.

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

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

576 d. An instruction for the voter to contact the supervisor
577 no later than 30 days after the date of the published notice to
578 receive information regarding the basis for the potential
579 ineligibility and the procedure to resolve the matter.

580 e. An instruction to the voter that, if further assistance

29-00995B-26

20261334__

is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

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

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

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

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor must, as soon as practicable, make a final determination of ineligibility and remove the voter's name from

29-00995B-26

20261334__

the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

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

29-00995B-26

20261334__

supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755.

Section 9. Subsection (8) of section 98.093, Florida Statutes, is amended to read:

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

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

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

(b) Information identifying those persons who during the preceding week presented evidence of non-United States citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The information must contain the person's name; address; date of birth; last four digits of the social security number, if applicable; Florida driver license number or Florida identification card number, as available; and alien registration number or other legal status

29-00995B-26

20261334__

668 identifier.

669 (c) Information identifying those persons who during the
670 preceding week presented evidence of United States citizenship
671 upon being issued a new, renewed, or replacement Florida driver
672 license or Florida identification card. The information must
673 contain the person's name; address; date of birth; last four
674 digits of the social security number, if applicable; Florida
675 driver license number or Florida identification card number, as
676 available; the type of documentary proof provided in support of
677 citizenship; and, if applicable, the alien registration number
678 or other legal status identifier.

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

690 (e) Information identifying new, renewed, or replacement
691 Florida driver license or Florida identification card numbers
692 issued to persons who declined pursuant to s. 97.057(2) to
693 register or update their voter record. The information must
694 contain the person's name; date of birth; last four digits of
695 the social security number, if available; and the prior and
696 current Florida driver license or Florida identification card

29-00995B-26

20261334__

number in order to identify a voter's registration record. The Department of State shall report the prior and current numbers to the appropriate supervisor, who must update the voter's registration records and provide a notice of change to the voter.

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

Section 10. Section 98.094, Florida Statutes, is created to read:

98.094 Federal jury notice.—

(1) The division shall provide lists of registered voters to federal courts for the purpose of selecting jurors on the condition that the jury coordinator provides notice pursuant to subsection (2) regarding ineligible or potentially ineligible voters.

(2) The jury coordinator shall prepare or cause to be prepared a list of each person disqualified or potentially disqualified as a prospective juror from jury service due to not having United States citizenship, being convicted of a felony, being deceased, being a nonresident of this state, or being a nonresident of the county. The list must be prepared and sent to the division according to the jury summons cycle used by the court clerk. This section does not prevent the list from being sent more frequently. The list may be provided by mail or by e-mail or other electronic means.

29-00995B-26

20261334__

726 (3) The jury coordinator shall provide the division with
727 all of the following information about each disqualified juror:

728 (a) The full name of the disqualified juror.

729 (b) Current and prior addresses, if any.

730 (c) Telephone number, if available.

731 (d) Date of birth.

732 (e) The reason the prospective juror was disqualified.

733 (4) The division shall provide the information to the
734 respective supervisor in the county of residence for the
735 disqualified juror for the supervisor to initiate, as may be
736 applicable, registration list maintenance pursuant to s. 98.065
737 or eligibility maintenance pursuant to s. 98.075(7).

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

740 101.151 Specifications for ballots.—

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

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

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

752 101.5606 Requirements for approval of systems.—No
753 electronic or electromechanical voting system shall be approved
754 by the Department of State unless it is so constructed that:

29-00995B-26

20261334__

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

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

761 101.56075 Voting methods.—For the purpose of designating
762 ballot selections, all voting must be by official ~~marksense~~
763 ballot, using a pen or marker recommended by the voting system
764 vendor. Persons with disabilities may vote using marking device
765 ~~or~~ a voter interface device that produces a voter-verifiable
766 paper output and meets the voter accessibility requirements for
767 individuals with disabilities under s. 301 of the federal Help
768 America Vote Act of 2002 and s. 101.56062.

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

771 101.5608 Voting at the polls ~~by electronic or~~
772 ~~electromechanical method~~; procedures.—

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

782 (2) When an electronic or electromechanical voting system
783 uses ~~utilizes~~ a ballot card or ~~marksense~~ ballot, the following

29-00995B-26

20261334__

784 procedures must ~~shall~~ be followed:

785 (a) After receiving a ballot from an inspector, the voter
786 ~~elector~~ shall, without leaving the polling place, retire to a
787 booth or compartment and mark the ballot. After marking his or
788 her ballot, the voter must ~~elector shall~~ place the ballot in a
789 secrecy envelope so that the ballot will be deposited in the
790 tabulator without exposing the voter's choices.

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

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

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

812 (4) In any election in which a write-in candidate has

29-00995B-26

20261334__

813 qualified for office, the supervisor of elections shall provide
814 for write-in voting pursuant to rules adopted by the Division of
815 Elections.

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

818 101.5612 Testing of tabulating equipment.—

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

827 Section 16. Section 101.591, Florida Statutes, is amended
828 to read:

829 101.591 Voting system automated independent vote validation
830 process; system approval; procedures ~~audit~~.—

831 (1) Before ~~Immediately following~~ the certification of each
832 election, the county canvassing board or the local board
833 responsible for certifying the election shall conduct ~~a manual~~
834 ~~audit or~~ an automated, independent vote validation ~~audit~~ of the
835 voting systems used in all ~~randomly selected~~ precincts.

836 (2) (a) ~~A manual audit shall consist of a public manual~~
837 ~~tally of the votes cast in one randomly selected race that~~
838 ~~appears on the ballot. The tally sheet shall include election-~~
839 ~~day, vote by mail, early voting, provisional, and overseas~~
840 ~~ballots, in at least 1 percent but no more than 2 percent of the~~
841 ~~precincts chosen at random by the county canvassing board or the~~

29-00995B-26

20261334__

~~local board responsible for certifying the election. If 1 percent of the precincts is less than one entire precinct, the audit shall be conducted using at least one precinct chosen at random by the county canvassing board or the local board responsible for certifying the election. Such precincts shall be selected at a publicly noticed canvassing board meeting.~~

~~(b)~~ An automated independent vote validation process must audit shall consist of an a public automated verification of the tally of the votes cast across every race that appears on the ballot. The tally sheet must ~~shall~~ include all valid election day, vote-by-mail, early voting, provisional, and overseas ballots received by the start of the vote validation process in all ~~at least 20 percent of the precincts chosen at random by the county canvassing board or the local board responsible for~~ certifying the election. Such precincts shall be selected at a ~~publicly noticed canvassing board meeting.~~

~~(b)(e)~~ The division shall adopt rules for approval of an automated independent vote validation ~~audit~~ system which provide that the system, at a minimum, must be:

1. Completely independent of the primary voting system.
2. Fast enough to produce final vote validation ~~audit~~ results within the timeframe prescribed in subsection (4).
3. Capable of demonstrating that the ballots of record have been accurately adjudicated by the automated independent vote validation ~~audit~~ system in agreement with the vote tabulation system and capable of allowing the canvassing board to manually adjudicate ballots needing review. A canvassing board is not precluded from reviewing a digital image of a ballot corresponding to a physical paper ballot in conducting its

29-00995B-26

20261334__

871 review.

872 (3) The canvassing board shall publish notice on the county
873 website as provided in s. 50.0311, on the supervisor of
874 elections' website, or once in one or more newspapers of general
875 circulation in the county ~~post a notice~~ of the automated
876 independent vote validation process ~~audit~~, including the date,
877 time, and place, ~~in four conspicuous places in the county and on~~
878 ~~the home page of the county supervisor of elections website.~~
879 Such process must be open to the public.

880 (4) The automated independent vote validation process ~~audit~~
881 must be completed and the results made public before the
882 certification of the election by each county canvassing board
883 and in accordance with s. 102.141 ~~no later than 11:59 p.m. on~~
884 ~~the 7th day following certification of the election by the~~
885 ~~county canvassing board or the local board responsible for~~
886 ~~certifying the election.~~

887 (5) By December 15 of each general election year, the
888 county canvassing board or the board responsible for certifying
889 the election shall provide a report with the results of the
890 automated independent vote validation process ~~audit~~ to the
891 Department of State in a standard format as prescribed by the
892 department pursuant to its rulemaking authority in s. 101.5911.
893 Each county's ~~The~~ report must be consolidated into one report
894 and included with the overvote and undervote report required
895 under s. 101.595(1). The report must, at a minimum, ~~shall~~
896 contain all of, ~~but is not limited to,~~ the following items:

897 (a) The overall agreement accuracy of the automated
898 independent vote validation process ~~audit~~.

899 (b) A description of any problems or differences

29-00995B-26

20261334__

discrepancies encountered.

(c) The likely cause of such problems or differences discrepancies.

(d) Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.

(6) The department shall consolidate the county automated independent vote validation results and include the results as part of a post-general election report required under ss. 101.595 and 102.141 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 ~~If a manual recount is undertaken pursuant to s. 102.166, the canvassing board is not required to perform the audit provided for in this section.~~

Section 17. Section 101.5911, Florida Statutes, is amended to read:

101.5911 Rulemaking authority for automated independent vote validation process ~~voting system approval; audit~~ procedures. ~~Effective upon this act becoming a law, The department of State shall adopt rules to implement the provisions of s. 101.591, as amended by s. 8, chapter 2007-30, Laws of Florida, which provides for the testing and approval of an automated independent vote validation system, and prescribe detailed automated independent vote validation process audit~~ procedures for each voting system, which must ~~shall~~ be uniform to the extent practicable, along with the standard form for automated independent vote validation process ~~audit~~ reports.

Section 18. Section 101.595, Florida Statutes, is amended to read:

29-00995B-26

20261334__

101.595 Analysis of overvotes and undervotes ~~and reports of~~
~~voting problems.~~

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report to the Department of State the total number of overvotes and undervotes in the "President and Vice President" or "Governor and Lieutenant Governor" race that appears first on the ballot or, if neither appears, the first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. ~~This report must be consolidated into one report with the audit report required under s. 101.591(5).~~

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

(a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;

(b) An identification of voting system design problems; and

(c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the overvote and undervote analysis required in subsection (2) as part of the post-general election report required under ss. 101.591 and 102.141 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.

29-00995B-26

20261334__

Section 19. Subsection (2) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

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

Section 20. Subsections (3) through (11) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absent voters' ~~electors'~~ returns and the canvass of provisional ballots, must ~~shall~~ be made from the returns and certificates of the inspectors as signed and filed by them with the supervisor, and the county canvassing board may ~~shall~~ not change the number of votes cast for a candidate, nominee, constitutional amendment,

29-00995B-26

20261334__

or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns must ~~shall~~ be made to the board on or before 2 a.m. of the day following any primary, general, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board must ~~shall~~ order a retabulation of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast must ~~shall~~ be presumed correct and such votes must ~~shall~~ be canvassed accordingly.

(4)(a) The supervisor of elections shall upload into the county's election management system by 7 p.m. local time on the day before the election the results of all early voting and vote-by-mail ballots that have been canvassed and tabulated by the end of the early voting period. Pursuant to ss. 101.5614(8), 101.657, and 101.68(2), the tabulation of votes cast or the results of such uploads may not be made public before the close of the polls on election day.

(b) The supervisor, on behalf of the canvassing board, shall report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results by uploading such results to the department at

29-00995B-26

20261334__

1016 least every 45 minutes until all results are completely
1017 reported. The supervisor of elections shall notify the
1018 department immediately of any circumstances that do not permit
1019 periodic updates as required. Results must ~~shall~~ be submitted in
1020 a format prescribed by the department.

1021 (5) (a) The canvassing board shall submit on forms or in
1022 formats provided by the division unofficial returns to the
1023 Department of State for each federal, statewide, state, or
1024 multicounty office or ballot measure no later than noon on the
1025 third day after any primary election and no later than noon on
1026 the fourth day after any general or other election. Such returns
1027 must ~~shall~~ include the canvass of all ballots, including write-
1028 in votes, as required by subsection (2).

1029 (b) After unofficial results are reported, each county
1030 shall conduct an automated independent vote validation process
1031 to confirm that the votes processed through the vote tabulation
1032 system for a candidate for any office, candidate for retention
1033 to a judicial office, or a measure appearing on the ballot do
1034 not:

1035 1. Have a discrepancy of more than one-half of a percent
1036 when compared to the results of the automated independent vote
1037 validation system; or

1038 2. Result in a change in the outcome of the contest.

1039
1040 The automated independent vote validation process must be
1041 completed by no later than noon on the 6th day after any primary
1042 election and no later than noon on the 7th day after any general
1043 or other election.

1044 (c) ~~(6)~~ If the county canvassing board determines, after the

29-00995B-26

20261334__

1045 county conducts the automated independent vote validation
1046 process in accordance with s. 101.591 and the comparison of the
1047 results of the vote tabulation and the automated independent
1048 vote validation, that the unofficial returns may contain a
1049 counting error in which the vote tabulation system or the
1050 automated independent vote validation system failed to count
1051 votes that were properly marked in accordance with the
1052 instructions on the ballot, the county canvassing board must
1053 shall:

1054 1.-(a) Correct the error and retabulate the affected ballots
1055 with the vote tabulation system or the automated independent
1056 vote validation system; or

1057 2.-(b) Request that the Department of State verify the
1058 tabulation software of the affected system. When the Department
1059 of State verifies such software, the department shall compare
1060 the software used to tabulate the votes with the software filed
1061 with the department pursuant to s. 101.5607 and check the
1062 election parameters.

1063 (6) (a) If the comparison of the results of the vote
1064 tabulation system and the automated independent vote validation
1065 system reflects a difference as described in paragraph (b), the
1066 proper county election official under the oversight of the
1067 county canvassing board must conduct a system validation review
1068 using the images in the automated independent vote validation
1069 system of the ballots in disagreement, which review must
1070 include, but need not be limited to, a review of any clear
1071 overvotes or undervotes that appear in the automated independent
1072 vote validation system to adjudicate the voter intent of such
1073 ballots before certification of the county's official results.

29-00995B-26

20261334__

1074 ~~(7)~~ If the unofficial returns reflect that a candidate for
1075 any office was defeated or eliminated by one-half of a percent
1076 or less of the votes cast for such office, that a candidate for
1077 retention to a judicial office was retained or not retained by
1078 one-half of a percent or less of the votes cast on the question
1079 of retention, or that a measure appearing on the ballot was
1080 approved or rejected by one-half of a percent or less of the
1081 votes cast on such measure, a system validation review must
1082 ~~recount shall~~ be ordered of the votes cast with respect to such
1083 office or measure. The Secretary of State is responsible for
1084 ordering such system validation reviews ~~recounts~~ in races that
1085 are federal or state races that are and multicounty and any
1086 other multicounty races. The county canvassing board or the
1087 local board responsible for certifying the election is
1088 responsible for ordering a system validation review under this
1089 subsection ~~recounts~~ in all other races. A system validation
1090 review ~~recount~~ need not be ordered with respect to the returns
1091 for any office, however, if the candidate or candidates defeated
1092 or eliminated from contention for such office by one-half of a
1093 percent or less of the votes cast for such office request in
1094 writing that a system validation review ~~recount~~ not be made.

1095 ~~(a) Each canvassing board responsible for conducting a~~
1096 ~~recount shall put each marksense ballot through automatic~~
1097 ~~tabulating equipment and determine whether the returns correctly~~
1098 ~~reflect the votes cast. If any marksense ballot is physically~~
1099 ~~damaged so that it cannot be properly counted by the automatic~~
1100 ~~tabulating equipment during the recount, a true duplicate shall~~
1101 ~~be made of the damaged ballot pursuant to the procedures in s.~~
1102 ~~101.5614(4). Immediately before the start of the recount, a test~~

29-00995B-26

20261334__

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

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

~~(c) The canvassing board shall submit on forms or in formats provided by the division a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure. The returns~~

29-00995B-26

20261334__

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

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

~~(8)~~ The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until the canvass of the returns is completed. The clerical help must ~~shall~~ be paid from the same fund as inspectors and other necessary election officials.

(c) The canvassing board shall publish notice on the county website as provided in s. 50.0311, on the supervisor of elections' website, or once in one or more newspapers of general circulation in the county of the system validation review, including the date, time, and place of the review. Such review is open to the public.

(d) The canvassing board shall submit on forms or in

29-00995B-26

20261334__

1161 formats provided by the division a vote validation for each
1162 federal, statewide, state, or multicounty office or ballot
1163 measure in accordance with paragraph (5) (b). If the canvassing
1164 board is unable to complete the system validation review by the
1165 deadline, the vote validation report submitted by the canvassing
1166 board must be identical to the initial unofficial returns and
1167 the submission must also include a detailed explanation of the
1168 reason the board was unable to timely complete the system
1169 validation review. However, the canvassing board shall complete
1170 the system validation review prescribed in this subsection,
1171 along with any system validation review prescribed, and certify
1172 official election returns, in accordance with the requirements
1173 of this chapter.

1174 (e) The department shall adopt detailed rules prescribing
1175 additional system validation review procedures for each
1176 certified voting system which must be uniform to the extent
1177 practicable.

1178 (7)-(9) Each member, substitute member, and alternate member
1179 of the county canvassing board and all clerical help must wear
1180 identification badges during any period in which the county
1181 canvassing board is canvassing votes or engaging in other
1182 official duties. The identification badges should be worn in a
1183 conspicuous and unobstructed area, and include the name of the
1184 individual and his or her official position.

1185 (8) (a)-(10) (a) The supervisor shall file a report with the
1186 Division of Elections on the conduct of the election no later
1187 than 20 business days after the Elections Canvassing Commission
1188 certifies the election. The report must, at a minimum, describe
1189 all of the following:

29-00995B-26

20261334__

1190 1. All equipment or software malfunctions at the precinct
1191 level, at a counting location, or within computer and
1192 telecommunications networks supporting a county location, or
1193 issues encountered with any state-approved election system,
1194 including, but not limited to, vote tabulation systems and
1195 automated independent vote validation systems, and the steps
1196 that were taken to address the malfunctions.

1197 2. All election definition errors that were discovered
1198 after the logic and accuracy test, and the steps that were taken
1199 to address the errors.

1200 3. All ballot printing errors, vote-by-mail ballot mailing
1201 errors, or ballot supply problems, and the steps that were taken
1202 to address the errors or problems.

1203 4. All staffing shortages or procedural violations by
1204 employees or precinct workers which were addressed by the
1205 supervisor of elections or the county canvassing board during
1206 the conduct of the election, and the steps that were taken to
1207 correct such issues.

1208 5. All instances where needs for staffing or equipment were
1209 insufficient to meet the needs of the voters.

1210 6. Any additional information regarding material issues or
1211 problems associated with the conduct of the election.

1212 (b) If a supervisor discovers new or additional information
1213 on any of the items required to be included in the report
1214 pursuant to paragraph (a) after the report is filed, the
1215 supervisor must notify the division that new information has
1216 been discovered no later than the next business day after the
1217 discovery, and the supervisor must file an amended report signed
1218 by the supervisor of elections on the conduct of the election

29-00995B-26

20261334__

1219 within 10 days after the discovery.

1220 (c) Such reports must be maintained on file in the Division
1221 of Elections and must be available for public inspection.

1222 (d) The division shall review the conduct of election
1223 reports to determine what problems may be likely to occur in
1224 other elections and disseminate such information, along with
1225 possible solutions and training, to the supervisors of
1226 elections.

1227 (e) For the general election, the department shall submit
1228 the analysis of these reports for the post-general ~~general~~
1229 election report ~~as part of the consolidated reports~~ required
1230 under ss. 101.591 and 101.595 to the Governor, the President of
1231 the Senate, and the Speaker of the House of Representatives by
1232 February 15 of each year following a general election.

1233 ~~(11) The supervisor shall file with the department a copy~~
1234 ~~of or an export file from the results database of the county's~~
1235 ~~voting system and other statistical information as may be~~
1236 ~~required by the department, the Legislature, or the Election~~
1237 ~~Assistance Commission. The department shall adopt rules~~
1238 ~~establishing the required content and acceptable formats for the~~
1239 ~~filings and time for filings.~~

1240 Section 21. Section 102.166, Florida Statutes, is amended
1241 to read:

1242 102.166 Manual review ~~recounts~~ of overvotes and undervotes
1243 in contests.-

1244 (1) If the vote tabulation system indicates, and the
1245 automated independent vote validation process confirms, ~~second~~
1246 ~~set of unofficial returns~~ pursuant to ss. 101.591 and 102.141,
1247 ~~s. 102.141 indicates~~ that a candidate for any office was

29-00995B-26

20261334__

defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, a manual review ~~recount~~ of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure must ~~shall~~ be ordered and conducted in a manner consistent with s. 102.141 unless:

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

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

The Secretary of State is responsible for ordering such manual reviews in races that are ~~a manual recount for federal or~~ state races that are multicounty, and any other multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual review ~~recount~~ for all other races. A manual review ~~recount~~ consists of a review by a designee of the canvassing board ~~recount of paper marksense~~ ballots or of digital images from an independent vote validation system, if applicable ~~of those ballots by a person.~~

29-00995B-26

20261334__

(2) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State. Any such hardware or software must be capable of simultaneously identifying and sorting overvotes and undervotes in multiple races while simultaneously counting votes. Overvotes and undervotes must be identified and sorted while conducting the vote validation process ~~recounting ballots~~ pursuant to s. 102.141. Overvotes and undervotes must ~~may~~ be identified and sorted physically or digitally.

(3) Any manual review must ~~recount shall~~ be open to the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when the manual review is being conducted and when the official votes are being counted. The designee may not interfere with the normal operation of the canvassing board.

(4) (a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for the federal write-in absentee ballot and for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules must ~~shall~~ be consistent, to the extent practicable, and may not:

1. Authorize the use of any electronic or electromechanical reading device to review a hybrid voting system ballot that is produced using a voter interface device and that contains both machine-readable fields and machine-printed text of the contest

29-00995B-26

20261334__

titles and voter selections, unless the printed text is illegible;

2. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

3. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(c) The rule for the federal write-in absentee ballot must address, at a minimum, the following issues:

1. The appropriate lines or spaces for designating a candidate choice and, for state and local races, the office or ballot measure to be voted, including the proximity of each to the other and the effect of intervening blank lines.

2. The sufficiency of designating a candidate's first or last name when no other candidate in the race has the same or a similar name.

3. The sufficiency of designating a candidate's first or last name when an opposing candidate has the same or a similar name, notwithstanding generational suffixes and titles such as "Jr.," "Sr.," or "III." The rule should contemplate the sufficiency of additional first names and first initials, middle names and middle initials, generational suffixes and titles, nicknames, and, in general elections, the name or abbreviation of a political party.

4. Candidate designations containing both a qualified candidate's name and a political party, including those in which the party designated is the candidate's party, is not the candidate's party, has an opposing candidate in the race, or does not have an opposing candidate in the race.

29-00995B-26

20261334__

5. Situations where the abbreviation or name of a candidate is the same as the abbreviation or name of a political party to which the candidate does not belong, including those in which the party designated has another candidate in the race or does not have a candidate in the race.

6. The use of marks, symbols, or language, such as arrows, quotation marks, or the word "same" or "ditto," to indicate that the same political party designation applies to all listed offices or the elector's approval or disapproval of all listed ballot measures.

7. Situations in which an elector designates the name of a qualified candidate for an incorrect office.

8. Situations in which an elector designates an otherwise correct office name that includes an incorrect district number.

(5) Procedures for a manual review ~~recount~~ are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually review ~~recount~~ the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race may ~~shall~~ not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) must ~~or s. 102.141(7) shall~~ be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot must ~~shall~~ be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules

29-00995B-26

20261334__

prescribing additional review ~~recount~~ procedures for each certified voting system which must ~~shall~~ be uniform to the extent practicable. At a minimum, the rules must ~~shall~~ address, ~~at a minimum~~, the following areas:

1. Security of ballots during the manual review ~~recount~~ process;

2. Time and place of manual reviews ~~recounts~~;

3. Public observance of manual reviews ~~recounts~~;

4. Objections to ballot determinations;

5. Record of manual review ~~recount~~ proceedings;

6. Procedures relating to candidate and petitioner representatives; and

7. Procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system.

(6) Nothing in this section precludes a county canvassing board or local board involved in the manual review ~~recount~~ from comparing a digital image of a ballot to the corresponding physical paper ballot during a manual review ~~recount~~.

Section 22. Section 104.51, Florida Statutes, is created to read:

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

Section 23. Section 322.034, Florida Statutes, is created to read:

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

29-00995B-26

20261334__

1393 (1) By July 1, 2027, a Florida driver license or Florida
1394 identification card issued to a qualified applicant who is a
1395 United States citizen as last recorded in the system must
1396 include his or her legal citizenship status at the time of new
1397 issuance, renewal, or replacement.

1398 (2) Notwithstanding any other law, the department must, at
1399 no charge, issue a renewal or replacement driver license or
1400 identification card if a licensee or cardholder timely updates
1401 his or her legal status upon becoming a citizen of the United
1402 States as required in s. 322.19.

1403 Section 24. For the purpose of incorporating the amendment
1404 made by this act to section 98.075, Florida Statutes, in a
1405 reference thereto, subsection (6) of section 98.065, Florida
1406 Statutes, is reenacted to read:

1407 98.065 Registration list maintenance programs.—

1408 (6) The supervisor shall, at a minimum, conduct an annual
1409 review of voter registration records to identify registration
1410 records in which a voter is registered at an address that may
1411 not be an address of legal residence for the voter. For those
1412 registration records with such addresses that the supervisor has
1413 reasonable belief are not legal residential addresses, the
1414 supervisor shall initiate list maintenance activities pursuant
1415 to s. 98.075(6) and (7).

1416 Section 25. This act shall take effect January 1, 2027.