

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

30 specified actions under specified conditions; amending
31 s. 97.053, F.S.; providing that applications to update
32 a voter's record are retroactive under a specified
33 condition; requiring supervisors to verify a voter's
34 legal status as a United States citizen using
35 specified sources and initiate a certain notice if
36 applicable; amending s. 97.057, F.S.; requiring that
37 an agreement between the Department of Highway Safety
38 and Motor Vehicles and the Department of State match
39 information regarding the legal status as a United
40 States citizen of applicants applying to vote;
41 requiring the Department of State to include specified
42 information in the statewide voter registration
43 system; requiring the Department of Highway Safety and
44 Motor Vehicles to assist the Department of State in
45 identifying certain changes in information for persons
46 who may be voters; deleting a provision requiring the
47 Department of State to report certain changes to
48 supervisors of elections; amending s. 98.045, F.S.;
49 requiring supervisors to verify the current
50 eligibility of certain applicants within a specified
51 timeframe by reviewing specified documents or sources
52 to make a determination under specified conditions;
53 requiring supervisors to deny the application and
54 notify the applicant if a certain determination is
55 made; amending s. 98.075, F.S.; requiring the
56 Department of State to identify certain voters by
57 comparing or receiving information from specified
58 sources; requiring the Department of State to review

29-00995B-26

20261334

59 such information and make an initial determination;
60 requiring that the type of document provided or used
61 to verify United States citizenship be recorded;
62 requiring the Department of State to notify the
63 supervisor and provide a copy of certain documentation
64 if a certain determination is made; requiring
65 supervisors to follow certain procedures before the
66 removal of a name from the statewide voter
67 registration system; specifying documents that are
68 acceptable as evidence of United States citizenship;
69 requiring that the type of document provided or used
70 be recorded in the statewide voter registration
71 system; revising the information contained in the
72 notice provided to potentially ineligible voters;
73 amending s. 98.093, F.S.; revising the information
74 that the Department of Highway Safety and Motor
75 Vehicles is required to furnish weekly to the
76 Department of State; creating s. 98.094, F.S.;
77 requiring the Division of Elections to provide certain
78 lists to federal courts for a specified purpose;
79 requiring jury coordinators to prepare or cause to be
80 prepared a certain list; requiring that the list be
81 prepared and sent to the division periodically;
82 providing that such list may be provided by certain
83 means; requiring jury coordinators to provide the
84 division with specified information about each
85 disqualified juror; requiring the division to provide
86 such information to the supervisors to initiate
87 certain maintenance activities; amending s. 101.151,

29-00995B-26

20261334

88 F.S.; authorizing polling places and early voting
89 sites to use ballot-on-demand technology to produce
90 early voting ballots; conforming provisions to changes
91 made by the act; amending s. 101.5606, F.S.;
92 conforming provisions to changes made by the act;
93 amending s. 101.56075, F.S.; requiring that all voting
94 be done by official ballot using certain pens or
95 markers; authorizing persons with disabilities to vote
96 using a certain voter interface device; amending ss.
97 101.5608 and 101.5612, F.S.; conforming provisions to
98 changes made by the act; amending s. 101.591, F.S.;
99 requiring the county canvassing board or specified
100 local board to conduct an automated independent vote
101 validation of the voting systems used in all
102 precincts; deleting provisions related to manual
103 audits; specifying requirements for the automated
104 independent vote validation process; requiring the
105 division to adopt certain rules; requiring the
106 canvassing board to publish a certain notice on
107 specified websites or in certain newspapers; requiring
108 that the automated independent vote validation process
109 be open to the public; requiring that such process be
110 completed before the certification of the election by
111 the county canvassing board; requiring the county
112 canvassing board or the board responsible for
113 certifying the election to provide a certain report to
114 the Department of State; requiring that each county's
115 report be consolidated into one report and included
116 with a specified report; revising requirements for

29-00995B-26

20261334

117 such report; requiring the department to consolidate
118 county results and include such results in a post-
119 general election report to the Governor and the
120 Legislature by a specified date; amending s. 101.5911,
121 F.S.; revising rulemaking authority for the department
122 to implement the automated independent vote validation
123 process; amending s. 101.595, F.S.; conforming
124 provisions to changes made by the act; amending s.
125 102.111, F.S.; revising the meeting times of the
126 Elections Canvassing Commission to certify elections
127 returns; amending s. 102.141, F.S.; requiring that
128 supervisors upload certain results by a specified
129 local time; requiring the supervisors, on behalf of
130 the canvassing boards, to report all early voting and
131 all tabulated vote-by-mail ballots to the department;
132 requiring canvassing boards to periodically report
133 updated precinct election results by uploading the
134 results to the department; requiring counties to
135 conduct an automated independent vote validation
136 process for specified purposes; requiring that such
137 process be completed within a specified timeframe;
138 requiring the county canvassing board to take certain
139 actions under certain circumstances; requiring the
140 proper county election official to conduct a system
141 validation review using certain images under a
142 specified condition; providing the scope of the
143 review; deleting provisions providing procedures for
144 county canvassing boards to conduct a certain recount;
145 requiring the canvassing board to publish notice of

29-00995B-26

20261334

146 such review on specified websites or in specified
147 newspapers; providing that such review is open to the
148 public; requiring the canvassing board to submit on
149 certain forms the vote validation for specified
150 contests; providing procedures in the event the
151 canvassing board is unable to complete such review in
152 the required timeframe; requiring the department to
153 adopt certain rules; revising the contents of a report
154 on the conduct of the election filed by supervisors
155 with the division after the Elections Canvassing
156 Commission certifies an election; conforming
157 provisions to changes made by the act; amending s.
158 102.166, F.S.; providing that specified indications or
159 confirmations require a manual review of overvotes and
160 undervotes; providing that the Secretary of State is
161 responsible for ordering such reviews for specified
162 races; requiring that such reviews be open to the
163 public; authorizing each political party to designate
164 a specified person to be allowed in the room where
165 such review is conducted; prohibiting such designee
166 from interfering with the normal operation of the
167 canvassing board; requiring the department to adopt
168 certain rules; conforming provisions to changes made
169 by the act; creating s. 104.51, F.S.; requiring that
170 certain prosecutions be commenced within a specified
171 timeframe after a specified violation is committed;
172 creating s. 322.034, F.S.; requiring, by a specified
173 date, that driver licenses and Florida identification
174 cards issued to qualified applicants include the legal

29-00995B-26

20261334

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

183

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

185

186 Section 1. Subsections (6), (43), and (47) of section
187 97.021, Florida Statutes, are amended to read:

188 97.021 Definitions.—For the purposes of this code, except
189 where the context clearly indicates otherwise, the term:

190 (6) "Ballot" or "official ballot" means a printed sheet of
191 paper containing contests, including offices and candidates,
192 constitutional amendments, and other public measures, upon which
193 a voter's selections will be marked by using the pen or marker
194 recommended by the voting system vendor. The term includes a
195 voter-verifiable paper output upon which a voter's selections
196 are marked by a voter interface device that meets voter
197 accessibility requirements for individuals with disabilities
198 under s. 301 of the federal Help America Vote Act of 2002 and s.
199 101.56062 when used in reference to:

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

29-00995B-26

20261334

204 processing equipment.

205 (b) "Marksense ballots" means that printed sheet of paper,
206 used in conjunction with an electronic or electromechanical vote
207 tabulation voting system, containing the names of candidates, or
208 a statement of proposed constitutional amendments or other
209 questions or propositions submitted to the electorate at any
210 election, on which sheet of paper an elector casts his or her
211 vote.212 (43) "Voter interface device" means any device that
213 communicates voting instructions and ballot information to a
214 voter and allows the voter to select and vote for candidates and
215 issues. A voter interface device may not be used to tabulate
216 votes. Any vote tabulation must be based upon a subsequent scan
217 of the marked marksense ballot or the voter-verifiable paper
218 output after the voter interface device process has been
219 completed.220 (47) "Voting system" means a method of casting and
221 processing votes which that functions wholly or partly by use of
222 electromechanical or electronic apparatus or by use of marksense
223 ballots and includes, but is not limited to, the equipment,
224 hardware, firmware, and software; the ballots; the procedures
225 for casting and processing votes; and the programs, operating
226 manuals, and supplies; and the reports, printouts, and other
227 documentation software necessary for the system's operation.228 Section 2. Section 97.051, Florida Statutes, is amended to
229 read:230 97.051 Oath upon registering.—A person registering to vote
231 must subscribe to the following oath: "I do solemnly swear (or
232 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

291 applicant's legal status as a United States citizen could not be
292 verified and transmit, using the statewide voter registration
293 system maintained pursuant to s. 98.035, the applicant's
294 registration application, along with the digital signature of
295 the applicant on file with the Department of Highway Safety and
296 Motor Vehicles, to the supervisor of elections. The applicant's
297 digital signature satisfies the signature requirement of s.
298 97.052(2)(q).

299 (e) If the applicant indicates that he or she has not been
300 issued a Florida driver license or identification card, or
301 chooses to use the system to prepopulate an application to
302 print, sign, and deliver to the supervisor, the online voter
303 registration system must populate the applicant's information
304 into a printable voter registration application pursuant to s.
305 97.052(2) and direct the applicant to print, sign, and date the
306 application and deliver the application to the supervisor for
307 disposition under s. 97.073.

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

310 97.053 Acceptance of voter registration applications.—

311 (2) A voter registration application is complete and
312 becomes the official voter registration record of that applicant
313 when all information necessary to establish the applicant's
314 eligibility pursuant to s. 97.041 is received by a voter
315 registration official and verified pursuant to subsection (6).
316 Except as provided in subsection (6), if the applicant fails to
317 complete his or her voter registration application on or before
318 prior to the date of book closing for an election, then such
319 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

349 (b) If the application is made to update the voter's record
350 with a change of address, name, or party affiliation, such
351 change is retroactive to the date the application was initially
352 received once the required sufficient evidence is verified.

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

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

360 97.057 Voter registration by the Department of Highway
361 Safety and Motor Vehicles.—

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

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

29-00995B-26

20261334

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

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

388 98.045 Administration of voter registration.—

389 (1) ELIGIBILITY OF APPLICANT.—

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

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

398 2.(b) The applicant is deceased.

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

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

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

406 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

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

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

450 1. A current and valid United States passport.
451 2. A birth certificate from any state in the United States.
452 3. A Consular Report of Birth Abroad provided by the United
453 States Department of State.

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

458 5. A naturalization certificate or certificate of
459 citizenship issued by the United States Department of Homeland
460 Security. Alternatively, a certificate number or an alien
461 registration number may be provided to allow a state or local
462 election official to verify United States citizenship.

463 6. A current and valid photo identification issued by the
464 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

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

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

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

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

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

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

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

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

29-00995B-26

20261334

523 information explaining voting rights restoration pursuant to s.
524 4, Art. VI of the State Constitution following a felony
525 conviction, if applicable.

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

530 (I) A current and valid United States passport.

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

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

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

539 (V) A naturalization certificate or a certificate of
540 citizenship issued by the United States Department of Homeland
541 Security. Alternatively, a certificate number or an alien
542 registration number may be provided to allow a state or local
543 election official to verify United States citizenship.

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

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

549 (VIII) If the applicant's legal name is different from the
550 name that appears on one of the documents specified in this sub-
551 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

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

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

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

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

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

29-00995B-26

20261334

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

613 5. If a registered voter responds to the notice issued
614 pursuant to subparagraph 1. or subparagraph 2. and denies the
615 accuracy of the information underlying the potential
616 ineligibility but does not request a hearing, the supervisor
617 must review the evidence and make a determination of eligibility
618 no later than 30 days after receiving the response from the
619 voter. If the supervisor determines that the registered voter is
620 ineligible, the supervisor must remove the voter's name from the
621 statewide voter registration system upon such determination and
622 notify the registered voter of the supervisor's determination
623 and action and that the removed voter has a right to appeal a
624 determination of ineligibility pursuant to s. 98.0755. If such
625 registered voter requests a hearing, the supervisor must send
626 notice to the registered voter to attend a hearing at a time and
627 place specified in the notice. The supervisor shall schedule and
628 issue notice for the hearing within 7 days after receiving the
629 voter's request for a hearing and shall hold the hearing no
630 later than 30 days after issuing the notice of the hearing. A
631 voter may request an extension upon showing good cause by
632 submitting an affidavit to the supervisor as to why he or she is
633 unable to attend the scheduled hearing. Upon hearing all
634 evidence presented at the hearing, the supervisor shall make a
635 determination of eligibility within 7 days. If the supervisor
636 determines that the registered voter is ineligible, the
637 supervisor must remove the voter's name from the statewide voter
638 registration system and notify the registered voter of the

29-00995B-26

20261334

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

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

644 98.093 Duty of officials to furnish information relating to
645 deceased persons, persons adjudicated mentally incapacitated,
646 persons convicted of a felony, and persons who are not United
647 States citizens.—

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

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

660 (b) Information identifying those persons who during the
661 preceding week presented evidence of non-United States
662 citizenship upon being issued a new or renewed Florida driver
663 license or Florida identification card. The information must
664 contain the person's name; address; date of birth; last four
665 digits of the social security number, if applicable; Florida
666 driver license number or Florida identification card number, as
667 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

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

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

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

710 98.094 Federal jury notice.—

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

716 (2) The jury coordinator shall prepare or cause to be
717 prepared a list of each person disqualified or potentially
718 disqualified as a prospective juror from jury service due to not
719 having United States citizenship, being convicted of a felony,
720 being deceased, being a nonresident of this state, or being a
721 nonresident of the county. The list must be prepared and sent to
722 the division according to the jury summons cycle used by the
723 court clerk. This section does not prevent the list from being
724 sent more frequently. The list may be provided by mail or by e-
725 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:

101.5608 Voting at the polls by electronic or
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.

(2) When an electronic or electromechanical voting system 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

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

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

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

- 861 1. Completely independent of the primary voting system.
- 862 2. Fast enough to produce final vote validation audit
863 results within the timeframe prescribed in subsection (4).
- 864 3. Capable of demonstrating that the ballots of record have
865 been accurately adjudicated by the automated independent vote
866 validation audit system in agreement with the vote tabulation
867 system and capable of allowing the canvassing board to manually
868 adjudicate ballots needing review. A canvassing board is not
869 precluded from reviewing a digital image of a ballot
870 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

900 ~~discrepancies~~ encountered.

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

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

905 (6) The department shall consolidate the county automated
906 independent vote validation results and include the results as
907 part of a post-general election report required under ss.
908 101.595 and 102.141 to the Governor, the President of the
909 Senate, and the Speaker of the House of Representatives by
910 February 15 of each year following a general election If a
911 manual recount is undertaken pursuant to s. 102.166, the
912 canvassing board is not required to perform the audit provided
913 for in this section.

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

916 101.5911 Rulemaking authority for automated independent
917 vote validation process voting system approval; audit
918 procedures. Effective upon this act becoming a law, The
919 department of State shall adopt rules to implement the
920 provisions of s. 101.591, as amended by s. 8, chapter 2007-30,
921 Laws of Florida, which provides for the testing and approval of
922 an automated independent vote validation system, and prescribe
923 detailed automated independent vote validation process audit
924 procedures for each voting system, which must shall be uniform
925 to the extent practicable, along with the standard form for
926 automated independent vote validation process audit reports.

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

29-00995B-26

20261334

929 101.595 Analysis of overvotes and undervotes and reports of
930 ~~voting problems.~~—

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

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

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

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

951 (c) Recommendations for correcting any problems identified.

952 (3) The Department of State shall submit the overvote and
953 undervote analysis required in subsection (2) as part of the
954 post-general election report required under ss. 101.591 and
955 102.141 to the Governor, the President of the Senate, and the
956 Speaker of the House of Representatives by February 15 of each
957 year following a general election.

29-00995B-26

20261334

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

960 102.111 Elections Canvassing Commission.—

961 (2) The Elections Canvassing Commission shall meet ~~at 8~~
962 ~~a.m.~~ on the 9th day after a primary election and ~~at 8 a.m.~~ on
963 the 14th day after a general election to certify the returns of
964 the election for each federal, state, and multicounty office and
965 for each constitutional amendment. The meeting must be at 9
966 a.m., except for days the Legislature convenes for organization
967 session pursuant to s. 3(a), Art. III of the State Constitution,
968 on which days the meeting must be at 8 a.m. If a member of a
969 county canvassing board that was constituted pursuant to s.
970 102.141 determines, within 5 days after the certification by the
971 Elections Canvassing Commission, that a typographical error
972 occurred in the official returns of the county, the correction
973 of which could result in a change in the outcome of an election,
974 the county canvassing board must certify corrected returns to
975 the Department of State within 24 hours, and the Elections
976 Canvassing Commission must correct and recertify the election
977 returns as soon as practicable.

978 Section 20. Subsections (3) through (11) of section
979 102.141, Florida Statutes, are amended to read:

980 102.141 County canvassing board; duties.—

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

29-00995B-26

20261334

987 or other measure submitted to the electorate of the county,
988 respectively, in any polling place, as shown by the returns. All
989 returns must ~~shall~~ be made to the board on or before 2 a.m. of
990 the day following any primary, general, or other election. If
991 the returns from any precinct are missing, if there are any
992 omissions on the returns from any precinct, or if there is an
993 obvious error on any such returns, the canvassing board must
994 ~~shall~~ order a retabulation of the returns from such precinct.
995 Before canvassing such returns, the canvassing board shall
996 examine the tabulation of the ballots cast in such precinct and
997 determine whether the returns correctly reflect the votes cast.
998 If there is a discrepancy between the returns and the tabulation
999 of the ballots cast, the tabulation of the ballots cast must
1000 ~~shall~~ be presumed correct and such votes must ~~shall~~ be canvassed
1001 accordingly.

1002 (4) (a) The supervisor of elections shall upload into the
1003 county's election management system by 7 p.m. local time on the
1004 day before the election the results of all early voting and
1005 vote-by-mail ballots that have been canvassed and tabulated by
1006 the end of the early voting period. Pursuant to ss. 101.5614(8),
1007 101.657, and 101.68(2), the tabulation of votes cast or the
1008 results of such uploads may not be made public before the close
1009 of the polls on election day.

1010 (b) The supervisor, on behalf of the canvassing board,
1011 shall report all early voting and all tabulated vote-by-mail
1012 results to the Department of State within 30 minutes after the
1013 polls close. Thereafter, the canvassing board shall report, with
1014 the exception of provisional ballot results, updated precinct
1015 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 multiconty and any
1086 other multiconty 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

1103 of the tabulating equipment shall be conducted as provided in s.
1104 101.5612. If the test indicates no error, the recount tabulation
1105 of the ballots cast shall be presumed correct and such votes
1106 shall be canvassed accordingly. If an error is detected, the
1107 cause therefor shall be ascertained and corrected and the
1108 recount repeated, as necessary. The canvassing board shall
1109 immediately report the error, along with the cause of the error
1110 and the corrective measures being taken, to the Department of
1111 State. No later than 11 days after the election, the canvassing
1112 board shall file a separate incident report with the Department
1113 of State, detailing the resolution of the matter and identifying
1114 any measures that will avoid a future recurrence of the error.
1115 If the automatic tabulating equipment used in a recount is not
1116 part of the voting system and the ballots have already been
1117 processed through such equipment, the canvassing board is not
1118 required to put each ballot through any automatic tabulating
1119 equipment again.

1120 (b) Each canvassing board responsible for conducting a
1121 recount where touchscreen ballots were used shall examine the
1122 counters on the precinct tabulators to ensure that the total of
1123 the returns on the precinct tabulators equals the overall
1124 election return. If there is a discrepancy between the overall
1125 election return and the counters of the precinct tabulators, the
1126 counters of the precinct tabulators shall be presumed correct
1127 and such votes shall be canvassed accordingly.

1128 (c) The canvassing board shall submit on forms or in
1129 formats provided by the division a second set of unofficial
1130 returns to the Department of State for each federal, statewide,
1131 state, or multicounty office or ballot measure. The returns

29-00995B-26

20261334

1132 shall be filed no later than 3 p.m. on the 5th day after any
1133 primary election and no later than 3 p.m. on the 9th day after
1134 any general election in which a recount was ordered by the
1135 Secretary of State. If the canvassing board is unable to
1136 complete the recount prescribed in this subsection by the
1137 deadline, the second set of unofficial returns submitted by the
1138 canvassing board shall be identical to the initial unofficial
1139 returns and the submission shall also include a detailed
1140 explanation of why it was unable to timely complete the recount.
1141 However, the canvassing board shall complete the recount
1142 prescribed in this subsection, along with any manual recount
1143 prescribed in s. 102.166, and certify election returns in
1144 accordance with the requirements of this chapter.

1145 (d) The Department of State shall adopt detailed rules
1146 prescribing additional recount procedures for each certified
1147 voting system, which shall be uniform to the extent practicable.

1148 (8) The canvassing board may employ such clerical help to
1149 assist with the work of the board as it deems necessary, with at
1150 least one member of the board present at all times, until the
1151 canvass of the returns is completed. The clerical help must
1152 shall be paid from the same fund as inspectors and other
1153 necessary election officials.

1154 (c) The canvassing board shall publish notice on the county
1155 website as provided in s. 50.0311, on the supervisor of
1156 elections' website, or once in one or more newspapers of general
1157 circulation in the county of the system validation review,
1158 including the date, time, and place of the review. Such review
1159 is open to the public.

1160 (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

1248 defeated or eliminated by one-quarter of a percent or less of
1249 the votes cast for such office, that a candidate for retention
1250 to a judicial office was retained or not retained by one-quarter
1251 of a percent or less of the votes cast on the question of
1252 retention, or that a measure appearing on the ballot was
1253 approved or rejected by one-quarter of a percent or less of the
1254 votes cast on such measure, a manual review ~~recount~~ of the
1255 overvotes and undervotes cast in the entire geographic
1256 jurisdiction of such office or ballot measure must ~~shall~~ be
1257 ordered and conducted in a manner consistent with s. 102.141
1258 unless:

1259 (a) The candidate or candidates defeated or eliminated from
1260 contention by one-quarter of 1 percent or fewer of the votes
1261 cast for such office request in writing that a manual review
~~recount~~ not be made; or

1263 (b) The number of overvotes and undervotes is fewer than
1264 the number of votes needed to change the outcome of the
1265 election.

1266
1267 The Secretary of State is responsible for ordering such manual
1268 reviews in races that are a manual recount for federal or, state
1269 races that are multicounty, and any other multicounty races. The
1270 county canvassing board or local board responsible for
1271 certifying the election is responsible for ordering a manual
1272 review ~~recount~~ for all other races. A manual review ~~recount~~
1273 consists of a review by a designee of the canvassing board
1274 ~~recount of paper marksense ballots or of digital images from an~~
1275 ~~independent vote validation system, if applicable of these~~
1276 ~~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

1306 titles and voter selections, unless the printed text is
1307 illegible;

1308 2. Exclusively provide that the voter must properly mark or
1309 designate his or her choice on the ballot; or

1310 3. Contain a catch-all provision that fails to identify
1311 specific standards, such as "any other mark or indication
1312 clearly indicating that the voter has made a definite choice."

1313 (c) The rule for the federal write-in absentee ballot must
1314 address, at a minimum, the following issues:

1315 1. The appropriate lines or spaces for designating a
1316 candidate choice and, for state and local races, the office or
1317 ballot measure to be voted, including the proximity of each to
1318 the other and the effect of intervening blank lines.

1319 2. The sufficiency of designating a candidate's first or
1320 last name when no other candidate in the race has the same or a
1321 similar name.

1322 3. The sufficiency of designating a candidate's first or
1323 last name when an opposing candidate has the same or a similar
1324 name, notwithstanding generational suffixes and titles such as
1325 "Jr.," "Sr.," or "III." The rule should contemplate the
1326 sufficiency of additional first names and first initials, middle
1327 names and middle initials, generational suffixes and titles,
1328 nicknames, and, in general elections, the name or abbreviation
1329 of a political party.

1330 4. Candidate designations containing both a qualified
1331 candidate's name and a political party, including those in which
1332 the party designated is the candidate's party, is not the
1333 candidate's party, has an opposing candidate in the race, or
1334 does not have an opposing candidate in the race.

29-00995B-26

20261334

1335 5. Situations where the abbreviation or name of a candidate
1336 is the same as the abbreviation or name of a political party to
1337 which the candidate does not belong, including those in which
1338 the party designated has another candidate in the race or does
1339 not have a candidate in the race.

1340 6. The use of marks, symbols, or language, such as arrows,
1341 quotation marks, or the word "same" or "ditto," to indicate that
1342 the same political party designation applies to all listed
1343 offices or the elector's approval or disapproval of all listed
1344 ballot measures.

1345 7. Situations in which an elector designates the name of a
1346 qualified candidate for an incorrect office.

1347 8. Situations in which an elector designates an otherwise
1348 correct office name that includes an incorrect district number.

1349 (5) Procedures for a manual review ~~recount~~ are as follows:

1350 (a) The county canvassing board shall appoint as many
1351 counting teams of at least two electors as is necessary to
1352 manually review ~~recount~~ the ballots. A counting team must have,
1353 when possible, members of at least two political parties. A
1354 candidate involved in the race may ~~shall~~ not be a member of the
1355 counting team.

1356 (b) Each duplicate ballot prepared pursuant to s.

1357 101.5614(4) must ~~or~~ s. 102.141(7) ~~shall~~ be compared with the
1358 original ballot to ensure the correctness of the duplicate.

1359 (c) If a counting team is unable to determine whether the
1360 ballot contains a clear indication that the voter has made a
1361 definite choice, the ballot must ~~shall~~ be presented to the
1362 county canvassing board for a determination.

1363 (d) The Department of State shall adopt detailed rules

29-00995B-26

20261334

1364 prescribing additional review ~~recount~~ procedures for each
1365 certified voting system which must ~~shall~~ be uniform to the
1366 extent practicable. At a minimum, the rules must ~~shall~~ address,
1367 ~~at a minimum,~~ the following areas:

1368 1. Security of ballots during the manual review ~~recount~~
1369 process;

1370 2. Time and place of manual reviews ~~recounts~~;

1371 3. Public observance of manual reviews ~~recounts~~;

1372 4. Objections to ballot determinations;

1373 5. Record of manual review ~~recount~~ proceedings;

1374 6. Procedures relating to candidate and petitioner
1375 representatives; and

1376 7. Procedures relating to the certification and the use of
1377 automatic tabulating equipment that is not part of a voting
1378 system.

1379 (6) Nothing in this section precludes a county canvassing
1380 board or local board involved in the manual review ~~recount~~ from
1381 comparing a digital image of a ballot to the corresponding
1382 physical paper ballot during a manual review ~~recount~~.

1383 Section 22. Section 104.51, Florida Statutes, is created to
1384 read:

1385 104.51 Time limitation; election fraud.—A prosecution for a
1386 felony violation under the Florida Election Code must be
1387 commenced within 5 years after the date the violation is
1388 committed.

1389 Section 23. Section 322.034, Florida Statutes, is created
1390 to read:

1391 322.034 Legal status designation on state-issued driver
1392 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.