

CS/CS/HB 131 — Elections

by Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; and Rep. Adams and others

The bill is an omnibus elections bill that addresses the following 6 major areas:

- Disability Voting Machines: It moves the target date for upgrading disability voting machines from the 2012 election to the 2016 election.
- Electioneering Regulation: It reenacts and amends Florida's electioneering law, primarily to better conform to federal law (Bipartisan Campaign Reform Act of 2002) and the federal court decision that struck Florida's former electioneering statutes (*Broward Coalition of Condominiums, Homeowners Associations and Community Organizations, Inc. v. Browning*, 2009 WL 1457972 (N.D.Fla.)). It also prohibits electioneering communications organizations from using credit cards.
- Florida Elections Commission: It authorizes the Commission to take jurisdiction and decide an alleged violator's "willfulness" at *any time after probable cause is found*, thereby resolving a current dispute within the Commission.
- Sponsorship Disclaimer Exemptions: It adopts an abbreviated political advertisement sponsorship disclaimer for ads by candidates, and creates a series of technology-based disclaimer exemptions for certain campaign messages and political advertisements used by a candidate, the candidate's supporters, or a political committee --- for things like Internet search engine ads, graphic/image ads, blogs, forum posts, discussion boards, social networking sites, text messaging and tweets, and downloadable applications.
- Florida Election Code Changes: It contains numerous changes to the Florida Election Code most of which were recommended by the Division of Elections within the Department of State. Some of the major provisions include:
 - Providing that chapters 97-105, F.S., preempt any other election law within the state unless specified otherwise in federal or state law.
 - Providing an opportunity for a challenged voter challenged on the basis of address to update his or her address information in order to vote a regular ballot in the precinct.
 - Requiring supervisors to use actual ballots when testing tabulating equipment prior to an election.
 - Requiring supervisors to post notice of the testing of tabulating equipment on his or her website.
 - Revising the procedures and requirements for co-locating polling place precincts.
 - Requiring the supervisor to post notice of a change in polling place on his or her website.
 - Providing that Election Canvassing Commission members shall serve *ex officio* and providing a time certain for the commission to meet after elections.
 - Requiring the supervisor to post notice on his or her website of where and when the county canvassing board will meet to canvass absentee and provisional ballots.
 - Providing that the Secretary of State must order recounts in federal, state, and multicounty races, while recounts in all other races must be ordered by the local board responsible for certifying the election in those races.

- Providing that the Secretary of State must order manual recounts of the overvotes and undervotes in federal, state, and multicounty races, while manual recounts of the overvotes and undervotes in all other races must be ordered by the local board responsible for certifying the election in those races.
- Military and Overseas Voter Empowerment Act: The Military and Overseas Voter Empowerment (MOVE) Act was signed into law on October 28, 2009, as part of the National Defense Authorization Act for Fiscal Year 2010. The Act made sweeping changes to the Uniformed and Overseas Citizens Absentee Voting Act. The bill made changes to the Florida Election Code to conform Florida's law regarding absentee voters with the MOVE Act. Some of the major provisions include:
 - Requiring absent uniformed service voters and overseas voters to be able to request absentee ballot applications, and blank absentee ballots for all federal elections, including primary and special elections.
 - Requiring voters to individually designate his or her preference for receiving an application and ballot, either by mail or electronically and requires states to send the requested blank ballot be sent by the method designated.
 - Providing that if a request for a ballot is received 45 days before an election, the ballot must be transmitted to the voter 45 days before an election. If a request is received less than 45 days before an election, the ballot must be transmitted in a manner that expedites the transmission process.
 - Requiring development of a free access system which would allow an absent voter to determine whether his or her ballot request has been received, the ballot sent, and the completed ballot received by the supervisor of elections.
 - Repealing the requirement applicable to absent voters that one absentee ballot application is good for all elections through the next two regularly scheduled general elections.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

Vote: Senate 38-0; House 110-6