

BILL

Redraft - A

YEAR

1 A bill to be entitled
 2 An act relating to elections; amending s. 97.025, F.S.;
 3 revising requirements for distributing copies of the
 4 Election Code to candidates and supervisors of elections;
 5 amending s. 97.052, F.S.; revising the Department of
 6 State's responsibilities for printing and making available
 7 voter registration applications; revising information
 8 required on the statewide voter registration application
 9 form; clarifying that the national mail-in voter
 10 registration application form is a valid application form;
 11 amending s. 97.073, F.S.; revising the supervisor's
 12 responsibilities for notifying applicants of the
 13 disposition of voter registration applications; amending
 14 s. 98.075, F.S.; providing methods for removing the names
 15 of deceased persons from the statewide voter registration
 16 system; amending s. 98.093, F.S.; requiring the Department
 17 of Health, clerks of circuit court, Board of Executive
 18 Clemency, Department of Corrections, and Department of
 19 Highway Safety and Motor Vehicles to furnish certain data
 20 for the purpose of maintaining accurate and current voter
 21 registration records; amending s. 99.012, F.S.; revising
 22 and clarifying resignation requirements for a subordinate
 23 officer, deputy sheriff, or police officer qualifying for
 24 public office; permitting reinstatement to duty when not
 25 elected; amending s. 99.021, F.S.; revising a requirement
 26 for a qualifying officer to furnish a printed copy of the
 27 candidate oath to candidates; revising oath requirements;
 28 creating s. 99.0215, F.S.; providing for the designation

BILL

Redraft - A

YEAR

29 of candidates' names on ballots; providing guidelines for
 30 usage of nicknames, titles, and degrees; amending s.
 31 99.061, F.S.; requiring constitutional office candidates
 32 to file notarized financial disclosure statements;
 33 requiring candidates to file certain original
 34 documentation when qualifying for office; clarifying that
 35 filing officers perform ministerial functions when
 36 reviewing qualifying papers; amending s. 99.063, F.S.;
 37 deleting a requirement that candidates for Lieutenant
 38 Governor sign and acknowledge a specified loyalty oath to
 39 conform to changes made in the candidate's oath; amending
 40 s. 99.095, F.S.; requiring the Secretary of State to adopt
 41 rules governing candidate petition forms; revising
 42 provisions relating to qualifying by petition; amending s.
 43 99.097, F.S.; revising the methods for verification of
 44 petition signatures; prohibiting the random sample method
 45 of verification under certain circumstances; amending s.
 46 100.021, F.S.; requiring the Division of Elections to
 47 prepare a notice of vacant offices to be filled in the
 48 general election; requiring the division and supervisors
 49 to publish the notice on their Internet websites;
 50 requiring conspicuous placement of the notice in the
 51 supervisor's office; amending s. 100.111, F.S.; requiring
 52 a filing officer to notify political party officials when
 53 a vacancy in nomination occurs and to be notified when a
 54 nominee is designated to fill such vacancy; amending s.
 55 100.371, F.S.; revising information requirements on an
 56 initiative petition form for signature-verification

BILL

Redraft - A

YEAR

57 | purposes; amending s. 101.031, F.S.; revising voter
 58 | responsibilities to include maintenance of an updated
 59 | signature on record with the supervisor; amending s.
 60 | 101.043, F.S.; providing that an elector's address on
 61 | identification presented at the polls may not be used as a
 62 | basis to confirm or challenge an elector's legal
 63 | residence; amending s. 101.111, F.S.; revising voter
 64 | challenge oath requirements; providing circumstances under
 65 | which a challenged voter may execute a change of legal
 66 | residence; providing for the voting of a provisional
 67 | ballot; providing increased penalties for filing a
 68 | frivolous voter challenge; amending s. 101.151, F.S.;
 69 | requiring the printing of marksense ballots by precinct;
 70 | revising ballot layout specifications; clarifying ballot
 71 | title order for candidate offices; amending s. 101.49,
 72 | F.S.; removing a requirement that an elector provide his
 73 | or her age and state of birth in the affidavit form
 74 | required when signatures differ at the polls; amending s.
 75 | 101.5612, F.S.; requiring the use of certain ballots and
 76 | technology for preelection testing of tabulating
 77 | equipment; amending s. 101.591, F.S.; revising provisions
 78 | relating to voting system audits; requiring postelection,
 79 | random audits of voting systems; providing audit
 80 | procedures; requiring publication of audit notice;
 81 | prescribing requirements for audit reports; providing
 82 | procedures for requesting an audit; requiring the
 83 | department to adopt rules; amending s. 101.65, F.S.;
 84 | revising instructions to absentee ballot voters to provide

BILL

Redraft - A

YEAR

85 | that the signature on the Voter's Certificate must match
 86 | the signature on record for the ballot to count; providing
 87 | a timeframe for signature update; amending s. 101.657,
 88 | F.S.; deleting a requirement that a supervisor track an
 89 | early voter's precinct for each early voted ballot;
 90 | deleting certain early voting site location
 91 | specifications; requiring a supervisor to provide a
 92 | minimum number of early voting sites based upon the number
 93 | of registered voters in a county as determined by the last
 94 | countywide election; revising time requirements for the
 95 | operation of early voting sites; permitting a municipality
 96 | or special district not to provide early voting when the
 97 | municipal or district election is not held in conjunction
 98 | with county or state elections; clarifying a restriction
 99 | on the publicizing of early voting results; amending s.
 100 | 101.6923, F.S.; revising special absentee ballot
 101 | instructions for certain first-time voters to provide that
 102 | the signature on the Voter's Certificate must match the
 103 | signature on record for the ballot to count; providing a
 104 | timeframe for signature update; amending s. 101.6952,
 105 | F.S.; revising procedures for processing absentee ballot
 106 | requests and communicating by electronic mail with
 107 | overseas voters; amending s. 101.697, F.S.; revising
 108 | provisions relating to the electronic transmission of
 109 | election materials; requiring the department to adopt
 110 | rules to authorize a supervisor to accept requests for
 111 | absentee ballots and voted ballots by electronic mail from
 112 | overseas voters; deleting a requirement that the

BILL

Redraft - A

YEAR

113 | department determine whether secure electronic means can
 114 | be established for certain overseas transmissions;
 115 | amending s. 101.75, F.S.; deleting a requirement that
 116 | notices of the qualifying dates run for a specified time
 117 | when municipal elections are moved by ordinance; amending
 118 | s. 102.111, F.S.; clarifying that the Governor and Cabinet
 119 | members shall serve ex officio on the Elections Canvassing
 120 | Commission; revising procedures for filling vacancies on
 121 | the commission; establishing meeting times for the
 122 | commission; amending s. 102.112, F.S.; conforming a cross-
 123 | reference; amending s. 102.141, F.S.; providing
 124 | circumstances under which the Secretary of State, county
 125 | canvassing board, or local board is responsible for
 126 | ordering recounts in elections; specifying the time for
 127 | filing returns; amending s. 102.166, F.S.; providing
 128 | circumstances under which the Secretary of State, county
 129 | canvassing board, or local board is responsible for
 130 | ordering a manual review of overvotes and undervotes;
 131 | providing that the review of overvotes and undervotes is
 132 | open to the public; establishing procedures for conducting
 133 | a review of the overvotes and undervotes; amending s.
 134 | 102.168, F.S.; revising the time to submit a complaint
 135 | contesting an election; identifying indispensable parties
 136 | in actions to contest an election; amending s. 104.29,
 137 | F.S.; requiring inspectors at polling places to allow
 138 | persons to see whether ballots are being reconciled;
 139 | amending s. 105.031, F.S.; requiring a candidate's oath
 140 | for candidates for certain nonpartisan offices to be made

BILL

Redraft - A

YEAR

141 available to each candidate by the qualifying officer;
 142 deleting a requirement that the candidate take a certain
 143 oath; including a provision that the candidate will
 144 support the federal and state constitutions; specifying
 145 items required to be filed to qualify; clarifying that
 146 filing officers perform ministerial functions when
 147 reviewing qualifying papers; amending s. 105.035, F.S.;
 148 deleting a requirement that a candidate qualifying by the
 149 petition method for any of certain nonpartisan offices
 150 submit a copy of the notice stating that the requisite
 151 number of signatures has been obtained; amending s.
 152 876.05, F.S.; deleting a requirement in the public
 153 employees' oath that candidates for public office take an
 154 oath to support the federal and state constitutions;
 155 repealing s. 101.5911, F.S., which provides rulemaking
 156 authority for voting system audit procedures; repealing s.
 157 876.07, F.S., which requires a candidate to file the
 158 public employees' oath as a prerequisite to qualifying for
 159 public office; providing an effective date.

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

163 Section 1. Section 97.025, Florida Statutes, is amended to
 164 read:

165 97.025 Election Code; copies thereof.--A pamphlet of a
 166 reprint of the Election Code, adequately indexed, shall be
 167 prepared by the Department of State. The pamphlet shall be made
 168 available ~~It shall have a sufficient number of these pamphlets~~

BILL

Redraft - A

YEAR

169 ~~printed so that one may be given, upon request, to each~~
 170 candidate who qualifies with the department. The pamphlet shall
 171 be made available ~~A sufficient number may be sent to each~~
 172 supervisor, prior to the first day of qualifying, so that ~~for~~
 173 ~~distribution, upon request, to each candidate who qualifies with~~
 174 the supervisor and ~~to~~ each clerk of elections has access to the
 175 pamphlet. The cost of making ~~printing~~ the pamphlets available
 176 shall be paid out of funds appropriated for conducting
 177 elections.

178 Section 2. Section 97.052, Florida Statutes, is amended to
 179 read:

180 97.052 Uniform statewide voter registration application.--

181 (1) STATEWIDE APPLICATION.--The department shall prescribe
 182 by rule a uniform statewide voter registration application for
 183 use in this state.

184 (a) The uniform statewide voter registration application
 185 must be accepted for any one or more of the following purposes:

- 186 1. Initial registration.
- 187 2. Change of address.
- 188 3. Change of party affiliation.
- 189 4. Change of name.
- 190 5. Replacement of a voter information card.
- 191 6. Signature update.

192 (b) The department is responsible for making available for
 193 distribution ~~printing~~ the uniform statewide voter registration
 194 application and the national mail-in voter registration
 195 application ~~form~~ prescribed by the Election Assistance

BILL

Redraft - A

YEAR

196 Commission pursuant to federal law. Printed ~~The~~ applications and
 197 ~~forms~~ must be distributed, upon request, to the following:

198 1. Individuals seeking to register to vote or update a
 199 voter registration record.

200 2. Individuals or groups conducting voter registration
 201 programs. A charge of 1 cent per application shall be assessed
 202 on requests for 5,000 ~~10,000~~ or more applications.

203 3. The Department of Highway Safety and Motor Vehicles.

204 4. Voter registration agencies, including-

205 ~~5.~~ armed forces recruitment offices.

206 5.6. Qualifying educational institutions.

207 6.7. Supervisors, who must make the applications and forms
 208 available in the following manner:

209 a. By distributing the applications and forms in their
 210 offices to any individual or group.

211 b. By distributing the applications and forms at other
 212 locations designated by each supervisor.

213 c. By mailing the applications and forms to applicants
 214 upon the request of the applicant.

215 (c) The uniform statewide voter registration application
 216 may be reproduced by any private individual or group, provided
 217 the reproduced application is in the same format as the
 218 application prescribed by rule under this section.

219 (2) INFORMATION.--The uniform statewide voter registration
 220 application must be designed to elicit the following information
 221 from the applicant:

222 (a) Last, first, and middle name, including any suffix.

223 (b) Date of birth.

BILL

Redraft - A

YEAR

- 224 (c) Address of legal residence.
- 225 (d) Mailing address, if different.
- 226 (e) County of legal residence.
- 227 (f) Race or ethnicity that best describes the applicant:
- 228 1. American Indian or Alaskan Native.
- 229 2. Asian or Pacific Islander.
- 230 3. Black, not Hispanic.
- 231 4. White, not Hispanic.
- 232 5. Hispanic.
- 233 ~~(g) State or country of birth.~~
- 234 (g)~~(h)~~ Sex.
- 235 (h)~~(i)~~ Party affiliation.
- 236 (i)~~(j)~~ Whether the applicant needs assistance in voting.
- 237 (j)~~(k)~~ Name and address where last registered.
- 238 ~~(l) Last four digits of the applicant's social security~~
- 239 ~~number.~~
- 240 (k)~~(m)~~ Florida driver's license number, ~~or~~ the
- 241 identification number from a Florida identification card issued
- 242 under s. 322.051, the last four digits of the applicant's social
- 243 security number, or an affirmation that the applicant has not
- 244 been issued any of these numbers.
- 245 ~~(n) An indication, if applicable, that the applicant has~~
- 246 ~~not been issued a Florida driver's license, a Florida~~
- 247 ~~identification card, or a social security number.~~
- 248 (l)~~(o)~~ Telephone number (optional).
- 249 (m)~~(p)~~ Signature of applicant under penalty for false
- 250 swearing pursuant to s. 104.011, by which the person subscribes
- 251 to the oath required by s. 3, Art. VI of the State Constitution

BILL

Redraft - A

YEAR

252 and s. 97.051, ~~and swears or affirms that the information~~
 253 ~~contained in the registration application is true.~~

254 (n)~~(q)~~ Whether the application is being used for initial
 255 registration, to update a voter registration record, or to
 256 request a replacement voter information card.

257 (o)~~(r)~~ Whether the applicant is a citizen of the United
 258 States by asking the question "Are you a citizen of the United
 259 States of America?" and providing boxes for the applicant to
 260 check to indicate whether the applicant is or is not a citizen
 261 of the United States.

262 (p)~~(s)~~ Whether the applicant has been convicted of a
 263 felony, ~~and, if convicted, has had his or her civil rights~~
 264 restored by including the statement, "I affirm I am not a
 265 convicted felon, or, if I am, my rights relating to voting have
 266 been restored, ." and providing a box for the applicant to check
 267 to affirm the statement.

268 (q)~~(t)~~ Whether the applicant has been adjudicated mentally
 269 incapacitated with respect to voting and ~~or~~, if so adjudicated,
 270 has had his or her right to vote restored by including the
 271 statement, "I affirm I have not been adjudicated mentally
 272 incapacitated with respect to voting, or, if I have, my
 273 competency has been restored, ." and providing a box for the
 274 applicant to check to affirm the statement.

275
 276 The registration application must be in plain language and
 277 designed so that convicted felons whose civil rights have been
 278 restored and persons who have been adjudicated mentally

BILL

Redraft - A

YEAR

279 incapacitated and have had their voting rights restored are not
 280 required to reveal their prior conviction or adjudication.

281 (3) REQUIRED STATEMENTS.--The uniform statewide voter
 282 registration application must also contain:

283 (a) The oath required by s. 3, Art. VI of the State
 284 Constitution and s. 97.051.

285 (b) A statement specifying each eligibility requirement
 286 under s. 97.041.

287 (c) The penalties provided in s. 104.011 for false
 288 swearing in connection with voter registration.

289 (d) A statement that, if an applicant declines to register
 290 to vote, the fact that the applicant has declined to register
 291 will remain confidential and may be used only for voter
 292 registration purposes.

293 (e) A statement that informs the applicant who chooses to
 294 register to vote or update a voter registration record that the
 295 office at which the applicant submits a voter registration
 296 application or updates a voter registration record will remain
 297 confidential and may be used only for voter registration
 298 purposes.

299 (f) A statement informing an applicant who has not been
 300 issued a Florida driver's license, a Florida identification
 301 card, or a social security number that if the application is
 302 submitted by mail and the applicant is registering for the first
 303 time in this state, the applicant will be required to provide
 304 identification prior to voting the first time.

305 (4) DEVIATION FROM THE APPLICATION FORM.--A supervisor may
 306 produce a voter registration application that has the

BILL

Redraft - A

YEAR

307 supervisor's direct mailing address if the department has
 308 reviewed the application and determined that it is substantially
 309 the same as the uniform statewide voter registration
 310 application.

311 (5) OTHER VALID APPLICATION FORMS.--The national mail-in
 312 voter registration application form prescribed by the Election
 313 Assistance Commission pursuant to federal law or the federal
 314 postcard application must be accepted as an application for
 315 registration in this state if the completed application or
 316 postcard application contains the information required by the
 317 constitution and laws of this state.

318 ~~(6) If a voter registration applicant fails to provide any~~
 319 ~~of the required information on the voter registration~~
 320 ~~application form, the supervisor shall notify the applicant of~~
 321 ~~the failure by mail within 5 business days after the supervisor~~
 322 ~~has the information available in the voter registration system.~~
 323 ~~The applicant shall have an opportunity to complete the~~
 324 ~~application form to vote in the next election up until the book~~
 325 ~~closing for that next election.~~

326 Section 3. Subsection (1) of section 97.073, Florida
 327 Statutes, is amended to read:

328 97.073 Disposition of voter registration applications;
 329 cancellation notice.--

330 (1) The supervisor must notify each applicant whether ~~of~~
 331 ~~the disposition of~~ the applicant's voter registration
 332 application. ~~The notice must inform the applicant that the~~
 333 ~~application~~ has been approved, is incomplete, has been denied,
 334 or is a duplicate of a current registration. ~~A voter information~~

BILL

Redraft - A

YEAR

335 ~~card sent to an applicant constitutes notice of approval of~~
 336 ~~registration.~~

337 (a) If the application is approved, the supervisor shall
 338 send the voter information card to the applicant no later than 2
 339 weeks after approval. A voter information card sent to an
 340 applicant constitutes notice of approval of registration.

341 (b) If the application is incomplete because it fails to
 342 provide any of the information required by s. 97.053(5), the
 343 supervisor must request that the applicant supply the missing
 344 information using a voter registration application signed by the
 345 applicant. The notice must be sent by mail within 5 business
 346 days after the supervisor has the information available in the
 347 voter registration system. If the applicant does not respond
 348 within 1 year after the date notice is sent, the application
 349 record will be closed and the applicant shall be required to
 350 submit another application.

351 (c) If the application is denied, the supervisor shall
 352 include in the A notice of denial ~~must inform the applicant of~~
 353 the reason the application was denied. The notice must be sent
 354 by mail within 5 business days after the supervisor has the
 355 information available in the voter registration system.

356 (d) If the application is a duplicate of a current
 357 registration record, the supervisor shall process the
 358 application as an update and enter updated information,
 359 including the signature, into the current registration record.
 360 The voter shall be notified that his or her voter registration
 361 record has been updated and shall be issued a new voter
 362 information card.

BILL

Redraft - A

YEAR

363 Section 4. Subsection (3) of section 98.075, Florida
 364 Statutes, is amended to read:

365 98.075 Registration records maintenance activities;
 366 ineligibility determinations.--

367 (3) DECEASED PERSONS.--

368 (a)1. The department shall identify those registered
 369 voters who are deceased by comparing information on the lists of
 370 deceased persons received or obtained from:

371 a. The Department of Health as provided in s. 98.093.

372 b. The United States Social Security Administration,
 373 including, but not limited to, any master death file or index
 374 that the administration compiles.

375 2. Within 7 days after ~~Upon~~ receipt of such information
 376 through the statewide voter registration system, the supervisor
 377 shall remove the name of the registered voter.

378 (b) The supervisor shall remove the name of a deceased
 379 registered voter from the statewide voter registration system
 380 upon receipt of a copy of a death certificate issued by a
 381 governmental agency authorized to issue death certificates.

382 Section 5. Subsection (2) of section 98.093, Florida
 383 Statutes, is amended to read:

384 98.093 Duty of officials to furnish lists of deceased
 385 persons, persons adjudicated mentally incapacitated, and persons
 386 convicted of a felony.--

387 (2) To the maximum extent feasible, state and local
 388 government agencies shall facilitate provision of information
 389 and access to data to the department, including, but not limited
 390 to, databases that contain reliable criminal records and records

BILL

Redraft - A

YEAR

391 of deceased persons. State and local government agencies that
 392 provide such data shall do so without charge if the direct cost
 393 incurred by those agencies is not significant.

394 (a) The Department of Health shall furnish at least
 395 bimonthly ~~monthly~~ to the department data ~~a list~~ containing the
 396 name, address, date of birth, date of death, social security
 397 number, race, and sex of each deceased person 16 ~~17~~ years of age
 398 or older.

399 (b) 1. Each clerk of the circuit court shall furnish at
 400 least monthly to the department a list of those persons who have
 401 been adjudicated mentally incapacitated with respect to voting
 402 during the preceding calendar month and, a list of those persons
 403 whose mental capacity with respect to voting has been restored
 404 during the preceding calendar month.

405 2. Each clerk of the circuit court shall also provide, ~~and~~
 406 a list of those persons who have returned signed jury notices
 407 during the preceding months to the clerk ~~of the circuit court~~
 408 indicating a change of address. This list shall be forwarded to
 409 the supervisors of elections to conduct address list maintenance
 410 activities under s. 98.065.

411
 412 Each list required under this paragraph shall include the name,
 413 address, date of birth, race, and sex of each person, ~~and~~
 414 ~~whichever is available~~, the person's Florida driver's license
 415 number, Florida identification card number, or social security
 416 number, whichever is available ~~of each such person~~.

417 (c) Upon receipt of information from the United States
 418 Attorney, listing persons convicted of a felony in federal

BILL

Redraft - A

YEAR

419 court, the department shall use such information to identify
 420 registered voters or applicants for voter registration who may
 421 be potentially ineligible based on information provided in
 422 accordance with s. 98.075.

423 (d) The Department of Law Enforcement shall identify those
 424 persons who have been convicted of a felony who appear in the
 425 voter registration records supplied by the statewide voter
 426 registration system, in a time and manner that enables the
 427 department to meet its obligations under state and federal law.

428 (e) The Board of Executive Clemency shall furnish at least
 429 bimonthly ~~monthly~~ to the department a list of those persons
 430 granted clemency in the preceding month or any updates to prior
 431 records which have occurred in the preceding month. The list
 432 shall contain the Board of Executive Clemency case number, name,
 433 address, date of birth, race, sex, social security number, if
 434 available, and references to record identifiers assigned by the
 435 Department of Corrections and the Department of Law Enforcement,
 436 a unique identifier of each clemency case, and the effective
 437 date of clemency of each person.

438 (f) The Department of Corrections shall make available at
 439 least ~~furnish~~ monthly to the department information regarding a
 440 ~~list of~~ those persons transferred to the Department of
 441 Corrections in the preceding month or any updates to prior
 442 records which have occurred in the preceding month. Data access
 443 must include access to each such person's ~~The list shall contain~~
 444 ~~the name, address, date of birth, race, sex, social security~~
 445 ~~number, and references to record identifiers assigned by the~~
 446 Department of Corrections and the ~~record identification number,~~

BILL

Redraft - A

YEAR

447 ~~and associated Department of Law Enforcement felony conviction~~
 448 ~~record number of each person.~~

449 (g) The Department of Highway Safety and Motor Vehicles
 450 shall furnish monthly to the department a list of those persons
 451 whose names have been removed from the driver's license database
 452 because they have been licensed in another state. The list shall
 453 contain the name, address, date of birth, sex, social security
 454 number, and driver's license number of each such person. This
 455 list shall be forwarded to the supervisors of elections to
 456 conduct address list maintenance activities under s. 98.065.

457 Section 6. Subsection (4) of section 99.012, Florida
 458 Statutes, is amended to read:

459 99.012 Restrictions on individuals qualifying for public
 460 office.--

461 (4) A person who is a subordinate officer, deputy sheriff,
 462 or police officer is not required to ~~must~~ resign ~~effective upon~~
 463 ~~qualifying~~ pursuant to this chapter unless ~~if~~ the person is
 464 seeking to qualify for a public office that is currently held by
 465 an officer who has authority to appoint, employ, promote, or
 466 otherwise supervise that person and who has qualified as a
 467 candidate for reelection to that office. A subordinate officer,
 468 deputy sheriff, or police officer who must resign under this
 469 section must resign effective upon qualifying for the office
 470 sought. This chapter does not prohibit a subordinate officer,
 471 deputy sheriff, or police officer from being reinstated to duty
 472 if he or she is not elected to public office.

473 Section 7. Paragraph (a) of subsection (1) of section
 474 99.021, Florida Statutes, is amended to read:

BILL

Redraft - A

YEAR

475 99.021 Form of candidate oath.--

476 (1)(a)1. Each candidate, whether a party candidate, a
 477 candidate with no party affiliation, or a write-in candidate, in
 478 order to qualify for nomination or election to any office other
 479 than a judicial office as defined in chapter 105 or a federal
 480 office, shall take and subscribe to an oath or affirmation in
 481 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 482 available ~~furnished~~ to the candidate by the officer before whom
 483 such candidate seeks to qualify and shall be substantially in
 484 the following form:

485
 486 State of Florida

487 County of _____

488 Before me, an officer authorized to administer oaths,
 489 personally appeared (please print name as you wish it to
 490 appear on the ballot) , to me well known, who, being sworn,
 491 says that he or she is a candidate for the office of _____; that
 492 he or she is a qualified elector of _____ County, Florida; that
 493 he or she is qualified under the Constitution and the laws of
 494 Florida to hold the office to which he or she desires to be
 495 nominated or elected; ~~that he or she has taken the oath required~~
 496 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 497 qualified for no other public office in the state, the term of
 498 which office or any part thereof runs concurrent with that of
 499 the office he or she seeks; ~~and~~ that he or she has resigned from
 500 any office from which he or she is required to resign pursuant
 501 to s. 99.012, Florida Statutes; and that he or she will support

BILL

Redraft - A

YEAR

502 the Constitution of the United States and the Constitution of
 503 the State of Florida.

504 (Signature of candidate)
 505 (Address)

506
 507 Sworn to and subscribed before me this ____ day of _____,
 508 (year) , at _____ County, Florida.
 509 (Signature and title of officer administering oath)

510
 511 2. Each candidate for federal office, whether a party
 512 candidate, a candidate with no party affiliation, or a write-in
 513 candidate, in order to qualify for nomination or election to
 514 office, shall take and subscribe to an oath or affirmation in
 515 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 516 available ~~furnished~~ to the candidate by the officer before whom
 517 such candidate seeks to qualify and shall be substantially in
 518 the following form:

519
 520 State of Florida
 521 County of _____

522 Before me, an officer authorized to administer oaths,
 523 personally appeared (please print name as you wish it to
 524 appear on the ballot) , to me well known, who, being sworn,
 525 says that he or she is a candidate for the office of _____; that
 526 he or she is qualified under the Constitution and laws of the
 527 United States to hold the office to which he or she desires to
 528 be nominated or elected; ~~and~~ that he or she has qualified for no
 529 other public office in the state, the term of which office or

BILL

Redraft - A

YEAR

530 any part thereof runs concurrent with that of the office he or
 531 she seeks; and that he or she will support the Constitution of
 532 the United States.

533 (Signature of candidate)

534 (Address)

536 Sworn to and subscribed before me this _____ day of _____,
 537 (year) , at _____ County, Florida.

538 (Signature and title of officer administering oath)

539 Section 8. Section 99.0215, Florida Statutes, is created
 540 to read:

541 99.0215 Name of candidate.--

542 (1) Each candidate shall designate in the oath specified
 543 in s. 99.021 the name that he or she wishes to have printed on
 544 the ballot or, in the case of a write-in candidate, the name
 545 that he or she wishes to have written in on the ballot by
 546 electors voting for him or her. Such designation shall include
 547 the candidate's legal given name or names, a shortened form of
 548 the candidate's legal given name or names, an initial or
 549 initials of the candidate's legal given name or names, or a bona
 550 fide nickname customarily related to the candidate and by which
 551 the candidate is commonly known, immediately followed by the
 552 candidate's legal surname. Any designated nickname may be
 553 enclosed in quotation marks or parentheses. If applicable, a
 554 candidate may place one of the following designations after the
 555 legal surname: Sr., Jr., or a numerical designation, such as II.

556 (2) If the candidate wishes to designate a nickname, the
 557 candidate shall file simultaneously with the oath specified in

BILL

Redraft - A

YEAR

558 s. 99.021 an affidavit, under oath and duly notarized pursuant
 559 to s. 117.05, attesting that the nickname complies with the
 560 requirements of this section. Any nickname designated by a
 561 candidate shall not be used to mislead voters. A candidate shall
 562 not designate a nickname that implies the candidate is some
 563 other person, that constitutes a political slogan or otherwise
 564 associates the candidate with a cause or issue, or that is
 565 obscene or profane. For purposes of this subsection, a
 566 "political slogan" means any word or words expressing or
 567 connoting a position, opinion, or belief that the candidate may
 568 espouse, including, but not limited to, any word or words
 569 conveying any meaning other than that of the personal identity
 570 of the candidate.

571 (3) Unless a candidate has the same name as, or a name
 572 similar to, one or more candidates for the same office, an
 573 educational or professional title or degree may not be added to
 574 his or her name designation.

575 Section 9. Subsections (5) and (7) of section 99.061,
 576 Florida Statutes, are amended to read:

577 99.061 Method of qualifying for nomination or election to
 578 federal, state, county, or district office.--

579 (5) At the time of qualifying for office, each candidate
 580 for a constitutional office shall file a full and public
 581 disclosure of financial interests pursuant to s. 8, Art. II of
 582 the State Constitution, duly notarized pursuant to s. 117.05,
 583 and a candidate for any other office, including local elective
 584 office, shall file a statement of financial interests pursuant
 585 to s. 112.3145.

BILL

Redraft - A

YEAR

586 (7)(a) In order for a candidate to be qualified, the
 587 original of the following items must be received by the filing
 588 officer by the end of the qualifying period:

589 1. A properly executed check drawn upon the candidate's
 590 campaign account payable to the person or entity as prescribed
 591 by the filing officer in an amount not less than the fee
 592 required by s. 99.092, unless the candidate obtained the
 593 required number of signatures on petitions ~~or, in lieu thereof,~~
 594 ~~as applicable, the copy of the notice of obtaining ballot~~
 595 ~~position~~ pursuant to s. 99.095. The filing fee for a special
 596 district candidate is not required to be drawn upon the
 597 candidate's campaign account. If a candidate's check is returned
 598 by the bank for any reason, the filing officer shall immediately
 599 notify the candidate and the candidate shall, the end of
 600 qualifying notwithstanding, have 48 hours from the time such
 601 notification is received, excluding Saturdays, Sundays, and
 602 legal holidays, to pay the fee with a cashier's check purchased
 603 from funds of the campaign account. Failure to pay the fee as
 604 provided in this subparagraph shall disqualify the candidate.

605 2. The candidate's oath required by s. 99.021, which must
 606 contain the name of the candidate as it is to appear on the
 607 ballot; the office sought, including the district or group
 608 number if applicable; and the signature of the candidate, duly
 609 notarized pursuant to s. 117.05 ~~acknowledged~~.

610 ~~3. The loyalty oath required by s. 876.05, signed by the~~
 611 ~~candidate and duly acknowledged.~~

BILL

Redraft - A

YEAR

612 ~~3.4.~~ If the office sought is partisan, the written
 613 statement of political party affiliation required by s.
 614 99.021(1)(b).

615 ~~4.5.~~ The ~~completed form for the~~ appointment of campaign
 616 treasurer and designation of campaign depository, as required by
 617 s. 106.021, to include the name, address, and telephone number
 618 of the candidate; the office sought, with district, circuit, or
 619 group designation, as applicable; the party affiliation, as
 620 applicable; the name, address, and telephone number of the
 621 campaign treasurer; the name and address of the primary campaign
 622 depository; the dated signatures of the candidate and the
 623 campaign treasurer; and the acceptance of the appointment by the
 624 campaign treasurer.

625 ~~5.6.~~ The full and public disclosure or statement of
 626 financial interests required by subsection (5). A public officer
 627 who has filed the full and public disclosure or statement of
 628 financial interests with the Commission on Ethics or the
 629 supervisor of elections prior to qualifying for office may file
 630 a copy of that disclosure at the time of qualifying.

631 (b) If the filing officer receives qualifying papers
 632 during the qualifying period prescribed in this section that do
 633 not include all items ~~as~~ required by paragraph (a) prior to the
 634 last day of qualifying, the filing officer shall make a
 635 reasonable effort to notify the candidate of the missing or
 636 incomplete items and shall inform the candidate that all
 637 required items must be received by the close of qualifying. A
 638 candidate's name as it is to appear on the ballot may not be
 639 changed after the end of qualifying.

BILL

Redraft - A

YEAR

640 (c) The filing officer performs a ministerial function in
 641 reviewing qualifying papers. In determining whether a candidate
 642 is qualified, the filing officer shall review the qualifying
 643 papers to determine whether all items required by paragraph (a)
 644 have been properly filed and whether each item is complete on
 645 its face, including whether items requiring notarizations are
 646 properly notarized as required by s. 117.05. The filing officer
 647 shall not determine whether the contents of the qualifying
 648 papers are accurate.

649 Section 10. Subsection (2) of section 99.063, Florida
 650 Statutes, is amended to read:

651 99.063 Candidates for Governor and Lieutenant Governor.--

652 (2) No later than 5 p.m. of the 9th day following the
 653 primary election, each designated candidate for Lieutenant
 654 Governor shall file with the Department of State:

655 (a) The candidate's oath required by s. 99.021, which must
 656 contain the name of the candidate as it is to appear on the
 657 ballot; the office sought; and the signature of the candidate,
 658 duly acknowledged.

659 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
 660 ~~candidate and duly acknowledged.~~

661 (b)(e) If the office sought is partisan, the written
 662 statement of political party affiliation required by s.
 663 99.021(1)(b).

664 (c)(d) The full and public disclosure of financial
 665 interests pursuant to s. 8, Art. II of the State Constitution. A
 666 public officer who has filed the full and public disclosure with

BILL

Redraft - A

YEAR

667 the Commission on Ethics prior to qualifying for office may file
 668 a copy of that disclosure at the time of qualifying.

669 Section 11. Paragraph (c) of subsection (2) and
 670 subsections (3), (4), and (5) of section 99.095, Florida
 671 Statutes, are amended, and paragraph (d) is added to subsection
 672 (2) of that section, to read:

673 99.095 Petition process in lieu of a qualifying fee and
 674 party assessment.--

675 (2)

676 (c) The Secretary of State shall adopt rules pursuant to
 677 s. 120.54 prescribing the style and requirements ~~format~~ of the
 678 petition form ~~shall be prescribed by the division and shall be~~
 679 ~~used by candidates to reproduce petitions for circulation.~~ If
 680 the candidate is running for an office that requires a group or
 681 district designation, the petition must indicate that
 682 designation and, if it does not, the signatures are not valid. A
 683 separate petition form is required for each candidate.

684 (d) The supervisor may verify that the signature on a form
 685 is valid when compared to the signature on the registration
 686 rolls only if:

687 1. The form contains the original signature of the
 688 purported elector.

689 2. The purported elector has accurately recorded on the
 690 form the date on which he or she signed the form. The date of
 691 the form must be on or after the date the candidate filed the
 692 appointment of a campaign treasurer and designation of a
 693 campaign depository, unless the candidate is:

694 a. A federal candidate; or

BILL

Redraft - A

YEAR

695 b. A special district candidate who does not collect
 696 contributions and whose only expense is the signature
 697 verification fee or filing fee.

698 3. The form sets forth the purported elector's name,
 699 address, city, county, and voter registration number or date of
 700 birth.

701 4. The purported elector is, at the time he or she signs
 702 the form and at the time of verification of the form, a duly
 703 qualified and registered elector authorized to vote in the
 704 county in which his or her signature is submitted and is a
 705 registered voter in the county, district, or other geographical
 706 area represented by the office sought.

707 5. The form contains the name of the candidate, along with
 708 the candidate's party affiliation or a statement that the
 709 candidate has no party affiliation or is running in a
 710 nonpartisan race, as applicable.

711 6. The purported elector has not signed an identical form.

712 (3) Each petition must be received ~~submitted~~ before noon
 713 of the 28th day preceding the first day of the qualifying period
 714 for the office sought by ~~to~~ the supervisor of elections of the
 715 county where the persons signing the form are registered to vote
 716 ~~in which such petition was circulated. Each supervisor shall~~
 717 ~~check the signatures on the petitions to verify their status as~~
 718 ~~voters in the county, district, or other geographical area~~
 719 ~~represented by the office sought.~~ No later than 5 p.m. on the
 720 7th day before the first day of the qualifying period, the
 721 supervisor shall certify the number of valid signatures.

BILL

Redraft - A

YEAR

722 (4) (a) Certifications for candidates for federal, state,
 723 multicounty district, or multicounty special district office
 724 must ~~shall~~ be received by ~~submitted to~~ the division no later
 725 than the 7th day before the first day of the qualifying period
 726 for the office sought. The division shall determine whether the
 727 required number of signatures has been obtained and shall notify
 728 the candidate.

729 (b) For candidates for county, district, or special
 730 district office not covered by paragraph (a), the supervisor
 731 shall determine whether the required number of signatures has
 732 been obtained and shall notify the candidate.

733 (5) If the required number of signatures has been obtained
 734 and the requirements of this section have been met, the
 735 candidate is eligible to qualify pursuant to s. 99.061 without
 736 paying a qualifying fee and party assessment.

737 Section 12. Subsections (1) and (5) of section 99.097,
 738 Florida Statutes, are amended to read:

739 99.097 Verification of signatures on petitions.--

740 (1) (a) As determined by each supervisor, based upon local
 741 conditions, the checking of names on petitions may be based on
 742 the most inexpensive and administratively feasible of either of
 743 the following methods of verification:

744 1. (a) ~~A name by name, signature by signature check of each~~
 745 petition the number of authorized signatures on the petitions;
 746 or

747 2. (b) A check of a random sample, as provided by the
 748 Department of State, of ~~names and signatures on~~ the petitions.
 749 The sample must be such that a determination can be made as to

BILL

Redraft - A

YEAR

750 whether or not the required number of signatures has ~~have~~ been
 751 obtained with a reliability of at least 99.5 percent.

752 (b) Rules and guidelines for ~~this method of~~ petition
 753 verification shall be adopted ~~promulgated~~ by the Department of
 754 State. Rules and guidelines for a random sample method of
 755 verification, ~~which~~ may include a requirement that petitions
 756 bear an additional number of names and signatures, not to exceed
 757 15 percent of the names and signatures otherwise required. If
 758 the petitions do not meet such criteria or if the petitions are
 759 prescribed by s. 100.371, then the use of the random sample
 760 method of verification ~~method described in this paragraph~~ shall
 761 not be available to supervisors.

762 (5) The results of a verification pursuant to subparagraph
 763 (1)(a)2. ~~paragraph (1)(b)~~ may be contested in the circuit court
 764 by the candidate; an announced opponent; a representative of a
 765 designated political committee; or a person, party, or other
 766 organization submitting the petition. The contestant shall file
 767 a complaint, together with the fees prescribed in chapter 28,
 768 with the clerk of the circuit court in the county in which the
 769 petition is certified or in Leon County if the petition covers
 770 more than one county within 10 days after midnight of the date
 771 the petition is certified; and the complaint shall set forth the
 772 grounds on which the contestant intends to establish his or her
 773 right to require a complete check of the petition names and
 774 signatures pursuant to subparagraph (1)(a)1. ~~paragraph (1)(a).~~
 775 In the event the court orders a complete check of the petition
 776 and the result is not changed as to the success or lack of
 777 success of the petitioner in obtaining the requisite number of

BILL

Redraft - A

YEAR

778 valid signatures, then such candidate, unless the candidate has
 779 filed the oath stating that he or she is unable to pay such
 780 charges; announced opponent; representative of a designated
 781 political committee; or party, person, or organization
 782 submitting the petition, unless such person or organization has
 783 filed the oath stating inability to pay such charges, shall pay
 784 to the supervisor of elections of each affected county for the
 785 complete check an amount calculated at the rate of 10 cents for
 786 each additional signature checked or the actual cost of checking
 787 such additional signatures, whichever is less.

788 Section 13. Section 100.021, Florida Statutes, is amended
 789 to read:

790 100.021 Notice of general election.--The division
 791 ~~Department of State~~ shall, in any year in which a general
 792 election is held, prepare ~~make out~~ a notice stating what offices
 793 and vacancies are to be filled at the general election in the
 794 state, and in each county and district thereof. During the 30
 795 days prior to the beginning of qualifying, the division and each
 796 supervisor of elections ~~Department of State~~ shall publish ~~have~~
 797 the notice on the division's and supervisor of elections'
 798 Internet websites. In addition, each supervisor of elections
 799 shall post the notice in a conspicuous place in the main office
 800 of the supervisor ~~published two times in a newspaper of general~~
 801 ~~circulation in each county; and, in counties in which there is~~
 802 ~~no newspaper of general circulation, it shall send to the~~
 803 ~~sheriff a notice of the offices and vacancies to be filled at~~
 804 ~~such general election by the qualified voters of the sheriff's~~
 805 ~~county or any district thereof, and the sheriff shall have at~~

BILL

Redraft - A

YEAR

806 ~~least five copies of the notice posted in conspicuous places in~~
 807 ~~the county.~~

808 Section 14. Paragraph (a) of subsection (4) of section
 809 100.111, Florida Statutes, is amended to read:

810 100.111 Filling vacancy.--

811 (4)(a) In the event that death, resignation, withdrawal,
 812 removal, or any other cause or event should cause a party to
 813 have a vacancy in nomination which leaves no candidate for an
 814 office from such party, the filing officer before whom the
 815 candidate qualified ~~Department of State~~ shall notify the chair
 816 of the appropriate state, district, or county political party
 817 executive committee of such party; and, within 5 days, the chair
 818 shall call a meeting of his or her executive committee to
 819 consider designation of a nominee to fill the vacancy. The name
 820 of any person so designated shall be submitted to the filing
 821 officer before whom the candidate qualified ~~Department of State~~
 822 within 7 days after notice to the chair in order that the person
 823 designated may have his or her name on the ballot of the ensuing
 824 general election. If the name of the new nominee is submitted
 825 after the certification of results of the preceding primary
 826 election, however, the ballots shall not be changed and the
 827 former party nominee's name will appear on the ballot. Any
 828 ballots cast for the former party nominee will be counted for
 829 the person designated by the political party to replace the
 830 former party nominee. If there is no opposition to the party
 831 nominee, the person designated by the political party to replace
 832 the former party nominee will be elected to office at the
 833 general election. For purposes of this paragraph, the term

BILL

Redraft - A

YEAR

834 "district political party executive committee" means the members
 835 of the state executive committee of a political party from those
 836 counties comprising the area involving a district office.

837 Section 15. Subsection (3) of section 100.371, Florida
 838 Statutes, is amended to read:

839 100.371 Initiatives; procedure for placement on ballot.--

840 (3) An initiative petition form circulated for signature
 841 may not be bundled with or attached to any other petition. Each
 842 signature shall be dated when made and shall be valid for a
 843 period of 4 years following such date, provided all other
 844 requirements of law are met. The sponsor shall submit signed and
 845 dated forms to the appropriate supervisor of elections for
 846 verification as to the number of registered electors whose valid
 847 signatures appear thereon. The supervisor shall promptly verify
 848 the signatures within 30 days after ~~of~~ receipt of the petition
 849 forms and payment of the fee required by s. 99.097. The
 850 supervisor shall promptly record, in the manner prescribed by
 851 the Secretary of State, the date each form is received by the
 852 supervisor, and the date the signature on the form is verified
 853 as valid. The supervisor may verify that the signature on a form
 854 is valid only if:

855 (a) The form contains the original signature of the
 856 purported elector.

857 (b) The purported elector has accurately recorded on the
 858 form the date on which he or she signed the form.

859 (c) The form ~~accurately~~ sets forth the purported elector's
 860 name, ~~street~~ address, city, county, and voter registration
 861 number or date of birth.

BILL

Redraft - A

YEAR

862 (d) The purported elector is, at the time he or she signs
 863 the form, a duly qualified and registered elector authorized to
 864 vote in the county in which his or her signature is submitted.

865
 866 The supervisor shall retain the signature forms for at least 1
 867 year following the election in which the issue appeared on the
 868 ballot or until the Division of Elections notifies the
 869 supervisors of elections that the committee that ~~which~~
 870 circulated the petition is no longer seeking to obtain ballot
 871 position.

872 Section 16. Subsection (2) of section 101.031, Florida
 873 Statutes, is amended to read:

874 101.031 Instructions for electors.--

875 (2) The supervisor of elections in each county shall have
 876 posted at each polling place in the county the Voter's Bill of
 877 Rights and Responsibilities in the following form:

878
 879 VOTER'S BILL OF RIGHTS

880
 881 Each registered voter in this state has the right to:

- 882 1. Vote and have his or her vote accurately counted.
- 883 2. Cast a vote if he or she is in line at the official
 884 closing of the polls in that county.
- 885 3. Ask for and receive assistance in voting.
- 886 4. Receive up to two replacement ballots if he or she
 887 makes a mistake prior to the ballot being cast.
- 888 5. An explanation if his or her registration or identity
 889 is in question.

BILL

Redraft - A

YEAR

890 6. If his or her registration or identity is in question,
891 cast a provisional ballot.

892 7. Written instructions to use when voting, and, upon
893 request, oral instructions in voting from elections officers.

894 8. Vote free from coercion or intimidation by elections
895 officers or any other person.

896 9. Vote on a voting system that is in working condition
897 and that will allow votes to be accurately cast.

898

899 VOTER RESPONSIBILITIES

900

901 Each registered voter in this state should:

902 1. Familiarize himself or herself with the candidates and
903 issues.

904 2. Maintain with the office of the supervisor of elections
905 a current address and updated signature.

906 3. Know the location of his or her polling place and its
907 hours of operation.

908 4. Bring proper identification to the polling station.

909 5. Familiarize himself or herself with the operation of
910 the voting equipment in his or her precinct.

911 6. Treat precinct workers with courtesy.

912 7. Respect the privacy of other voters.

913 8. Report any problems or violations of election laws to
914 the supervisor of elections.

915 9. Ask questions, if needed.

916 10. Make sure that his or her completed ballot is correct
917 before leaving the polling station.

BILL

Redraft - A

YEAR

918
 919 NOTE TO VOTER: Failure to perform any of these responsibilities
 920 does not prohibit a voter from voting.

921 Section 17. Section 101.043, Florida Statutes, is amended
 922 to read:

923 101.043 Identification required at polls.--

924 (1) The precinct register, as prescribed in s. 98.461,
 925 shall be used at the polls for the purpose of identifying the
 926 elector at the polls prior to allowing him or her to vote. The
 927 clerk or inspector shall require each elector, upon entering the
 928 polling place, to present one of the following current and valid
 929 picture identifications:

- 930 (a) Florida driver's license.
- 931 (b) Florida identification card issued by the Department
 932 of Highway Safety and Motor Vehicles.
- 933 (c) United States passport.
- 934 (d) Debit or credit card.
- 935 (e) Military identification.
- 936 (f) Student identification.
- 937 (g) Retirement center identification.
- 938 (h) Neighborhood association identification.
- 939 (i) Public assistance identification.

940
 941 If the picture identification does not contain the signature of
 942 the elector ~~voter~~, an additional identification that provides
 943 the elector's ~~voter's~~ signature shall be required. The address
 944 appearing on the identification presented by the elector is not

BILL

Redraft - A

YEAR

945 to be used as the basis to confirm an elector's legal residence
 946 or otherwise challenge an elector's legal residence.

947 (2) The elector shall sign his or her name in the space
 948 provided on the precinct register or on an electronic device
 949 provided for recording the elector's ~~voter's~~ signature. The
 950 clerk or inspector shall compare the signature with that on the
 951 identification provided by the elector and enter his or her
 952 initials in the space provided on the precinct register or on an
 953 electronic device provided for that purpose and allow the
 954 elector to vote if the clerk or inspector is satisfied as to the
 955 identity of the elector.

956 (3)~~(2)~~ If the elector fails to furnish the required
 957 identification, the elector shall be allowed to vote a
 958 provisional ballot. The canvassing board shall determine the
 959 validity of the ballot pursuant to s. 101.048(2).

960 Section 18. Section 101.111, Florida Statutes, is amended
 961 to read:

962 101.111 Voter challenges ~~Person desiring to vote may be~~
 963 ~~challenged; challenger to execute oath; oath of person~~
 964 ~~challenged; determination of challenge.--~~

965 (1)(a) Any registered elector or poll watcher of a county
 966 may challenge the right of a person to vote in that county. The
 967 challenge must be in writing and contain the following oath,
 968 which shall be delivered to the clerk or inspector:

970 OATH OF PERSON ENTERING CHALLENGE

971
 972 State of Florida

BILL

Redraft - A

YEAR

973 County of _____

974

975 I do solemnly swear or affirm that my name is _____; ~~that I am a~~
 976 ~~member of the _____ Party;~~ that I am a registered voter or
 977 pollwatcher; that my residence address is _____, ~~in the~~
 978 ~~municipality of _____;~~ and that I have reason to believe that
 979 _____ is attempting to vote illegally and the reasons for my
 980 belief are set forth herein to wit:

981 (Signature of person challenging voter)

982

983 Sworn and subscribed to before me this _____ day of _____,
 984 (year) .

985 (Clerk of election)

986 (b)1. The clerk or inspector shall immediately deliver to
 987 the challenged person a copy of the oath of the person entering
 988 the challenge, and the challenged voter shall be allowed to cast
 989 a provisional ballot in accordance with s. 101.048, except as
 990 provided in subparagraph 2.

991 2. If the basis for the challenge is that the person's
 992 legal residence is not in that precinct, the person shall first
 993 be given the opportunity to execute a change of legal residence
 994 in order to be able to vote a regular ballot in accordance with
 995 s. 101.045(2). If the change of legal residence is such that the
 996 person is then properly registered for that precinct, the person
 997 shall be allowed to vote a regular ballot. If the change of
 998 legal residence places the person in another precinct, the
 999 person shall be directed to the proper precinct to vote. If such
 1000 person insists that he or she is currently in the proper

BILL

Redraft - A

YEAR

1001 precinct, the person shall be allowed to vote a provisional
 1002 ballot in accordance with s. 101.048.

1003 (c) Alternatively, a challenge in accordance with this
 1004 section may be filed in advance with the supervisor of elections
 1005 no sooner than 30 days before an election. The supervisor shall
 1006 promptly provide the election board in the challenged voter's
 1007 precinct with a copy of the oath of the person entering the
 1008 challenge. The challenged voter shall be allowed to cast a
 1009 provisional ballot in accordance with s. 101.048, except as
 1010 provided in subparagraph (b)2.

1011 (2) Any elector or poll watcher filing a frivolous
 1012 challenge of any person's right to vote commits a felony
 1013 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
 1014 s. 775.082, ~~or~~ s. 775.083, or s. 775.084; however, electors or
 1015 poll watchers shall not be subject to liability for any action
 1016 taken in good faith and in furtherance of any activity or duty
 1017 permitted of such electors or poll watchers by law. Each
 1018 instance where any elector or poll watcher files a frivolous
 1019 challenge of any person's right to vote constitutes a separate
 1020 offense.

1021 Section 19. Subsections (1), (2), and (3) of section
 1022 101.151, Florida Statutes, are amended to read:

1023 101.151 Specifications for ballots.--

1024 (1)(a) Marksense ballots shall be printed on paper of such
 1025 thickness that the printing cannot be distinguished from the
 1026 back and shall meet the specifications of the voting system that
 1027 will be used to tabulate the ballots.

BILL

Redraft - A

YEAR

1028 (b) Early voting sites may employ a ballot-on-demand
 1029 production system to print individual marksense ballots,
 1030 including provisional ballots, for eligible electors pursuant to
 1031 s. 101.657. Ballot-on-demand technology may be used to produce
 1032 marksense absentee ballots. Not later than 30 days before an
 1033 election, the Secretary of State may also authorize in writing
 1034 the use of ballot-on-demand technology for the production of
 1035 election-day ballots.

1036 (c) Marksense ballots shall be printed by precinct.

1037 (2)(a) The ballot shall have the following office titles
 1038 ~~headings~~ under which shall appear ~~the names of the offices and~~
 1039 the names of the candidates for the respective offices in the
 1040 following order:

1041 1. The office titles of heading ~~"President and Vice~~
 1042 President of the United States" and thereunder the names of the
 1043 candidates for President and Vice President of the United States
 1044 nominated by the political party that received the highest vote
 1045 for Governor in the last general election of the Governor in
 1046 this state. Then shall appear the names of other candidates for
 1047 President and Vice President of the United States who have been
 1048 properly nominated.

1049 2. The office titles ~~Then shall follow the heading~~
 1050 ~~"Congressional" and thereunder the offices~~ of United States
 1051 Senator and Representative in Congress.~~†~~

1052 3. The office titles ~~then the heading "State" and~~
 1053 ~~thereunder the offices~~ of Governor and Lieutenant Governor,
 1054 Attorney General, Chief Financial Officer, Commissioner of
 1055 Agriculture, State Attorney, followed by the applicable judicial

BILL

Redraft - A

YEAR

1056 circuit for the office, and Public Defender, followed by the
 1057 applicable judicial circuit for the office. ~~together with the~~
 1058 ~~names of the candidates for each office and the title of the~~
 1059 ~~office which they seek; then the heading "Legislative" and~~
 1060 ~~thereunder~~

1061 4. The office titles ~~offices~~ of State Senator and State
 1062 Representative, each followed by the applicable district for the
 1063 office.; ~~then the heading "County" and thereunder~~

1064 5. The office titles of County Clerk of the Circuit Court,
 1065 or Clerk of the Circuit Court and Comptroller (whichever is
 1066 applicable and when authorized by law), Clerk of the County
 1067 Court (when authorized by law), County Sheriff, County Property
 1068 Appraiser, County Tax Collector, District Superintendent of
 1069 Schools, and County Supervisor of Elections.

1070 6. The office titles ~~Thereafter follows: members of the~~
 1071 Board of County Commissioners, followed by the applicable
 1072 district, and such other county and district offices as are
 1073 involved in the election, in the order fixed by the Department
 1074 of State, followed, in the year of their election, by "Party
 1075 Offices," and thereunder the offices of state and county party
 1076 executive committee members.

1077 (b) In a general election, in addition to the names
 1078 printed on the ballot, a blank space shall be provided under
 1079 each ~~heading for an~~ office for which a write-in candidate has
 1080 qualified. With respect to write-in candidates, if two or more
 1081 candidates are seeking election to one office, only one blank
 1082 space shall be provided.

BILL

Redraft - A

YEAR

1083 (c)~~(b)~~ When more than one candidate is nominated for
 1084 office, the candidates for such office shall qualify and run in
 1085 a group or district, and the group or district number shall be
 1086 printed beneath the name of the office. Each nominee of a
 1087 political party chosen in a primary shall appear on the general
 1088 election ballot in the same numbered group or district as on the
 1089 primary election ballot.

1090 (d)~~(e)~~ If in any election all the offices as set forth in
 1091 paragraph (a) are not involved, those offices not to be filled
 1092 shall be omitted and the remaining offices shall be arranged on
 1093 the ballot in the order named.

1094 (3) (a) The names of the candidates of the party that
 1095 received the highest number of votes for Governor in the last
 1096 election in which a Governor was elected shall be placed first
 1097 ~~under the heading~~ for each office on the general election
 1098 ballot, together with an appropriate abbreviation of the party
 1099 name; the names of the candidates of the party that received the
 1100 second highest vote for Governor shall be placed second ~~under~~
 1101 ~~the heading~~ for each office, together with an appropriate
 1102 abbreviation of the party name.

1103 (b) Minor political party candidates and candidates with
 1104 no party affiliation shall have their names appear on the
 1105 general election ballot following the names of recognized
 1106 political parties, in the same order as they were qualified
 1107 ~~certified~~.

1108 Section 20. Subsection (1) of section 101.49, Florida
 1109 Statutes, is amended to read:

BILL

Redraft - A

YEAR

1110 101.49 Procedure of election officers where signatures
 1111 differ.--

1112 (1) Whenever any clerk or inspector, upon a just
 1113 comparison of the signatures, doubts that the signature on the
 1114 identification presented by the elector is the same as the
 1115 signature the elector affixed on the precinct register or early
 1116 voting certificate, the clerk or inspector shall deliver to the
 1117 person an affidavit which shall be in substantially the
 1118 following form:

1119
 1120 STATE OF FLORIDA,
 1121 COUNTY OF _____

1122
 1123 I do solemnly swear (or affirm) that my name is _____; ~~that~~
 1124 ~~I am _____ years old; that I was born in the State of _____;~~
 1125 that I am registered to vote; and that I am a qualified voter of
 1126 the county and state aforesaid and have not voted in this
 1127 election.

1128
 1129 (Signature of voter)

1130
 1131 Sworn to and subscribed before me this _____ day of _____,
 1132 A. D. (year) .

1133
 1134 (Clerk or inspector of election)

1135
 1136 Precinct No. _____

1137 County of _____

BILL

Redraft - A

YEAR

1138 Section 21. Subsection (5) of section 101.5612, Florida
 1139 Statutes, is amended to read:
 1140 101.5612 Testing of tabulating equipment.--
 1141 (5) Any tests involving marksense ballots pursuant to this
 1142 section shall employ test preprinted ballots created by the
 1143 supervisor of elections utilizing actual ballots that have been
 1144 printed for the election. ~~If preprinted ballots will be used in~~
 1145 ~~the election, and~~ ballot-on-demand ballots will be used in the
 1146 election, the supervisor shall also create test ballots using
 1147 the, if ballot-on-demand technology that will be used to produce
 1148 ballots in the election, utilizing the same paper stock as will
 1149 be used for ballots in the election or both.

1150 Section 22. Section 101.591, Florida Statutes, is amended
 1151 to read:

1152 (Substantial rewording of section. See
 1153 s. 101.591, F.S., for present text.)

1154 101.591 Postcertification manual audit.--

1155 (1) The county canvassing board or the local board
 1156 responsible for certifying the election shall conduct a manual
 1157 audit of the voting system used in the election. The audit shall
 1158 be conducted by performing manual counts of votes on marksense
 1159 ballots and of ballot images on direct recording electronic
 1160 machines in randomly selected precincts and comparing them to
 1161 the corresponding certification for the purpose of ensuring the
 1162 voting system used in the election accounted for all votes
 1163 properly.

1164 (2) Except as otherwise provided in this section, the
 1165 audit shall consist of a public manual count of the votes cast

BILL

Redraft - A

YEAR

1166 in three randomly selected races that appear on the ballot in 3
 1167 percent of the precincts in which those races were conducted. If
 1168 3 percent of the precincts equals less than a whole number, the
 1169 number of precincts to be audited shall be rounded up to the
 1170 next whole number. The races and the precincts shall be selected
 1171 at a publicly noticed canvassing board meeting. The random
 1172 selection of the races and precincts shall be conducted at 3
 1173 p.m. on the 9th day after a primary election and at 3 p.m. on
 1174 the 14th day after a general election.

1175 (3) The audit shall begin as soon as practicable after the
 1176 selection of races and precincts. The canvassing board shall
 1177 publish a notice of the audit, including the date, time, and
 1178 place thereof, in a newspaper of general circulation in the
 1179 county and post the notice on the home page of the supervisor of
 1180 elections' Internet website at least 48 hours before the
 1181 beginning of the audit.

1182 (4) The audit must be completed and the results made
 1183 public no later than 11:59 p.m. on the 7th day after selection
 1184 of the races and precincts. Within 7 days after completion of
 1185 the audit, the county canvassing board or local board
 1186 responsible for conducting the audit shall provide a report with
 1187 the results of the audit to the Department of State in a
 1188 standard format as prescribed by the department.

1189 (5) In any election in which a candidate or issue was
 1190 entitled to a review and counting of overvotes and undervotes
 1191 pursuant to s. 102.166, such candidate or committee chair may
 1192 request in writing that a manual audit be conducted in that
 1193 race. For federal, state, or multicounty candidates, the request

BILL

Redraft - A

YEAR

1194 shall be made to the Secretary of State. The Secretary of State
 1195 shall immediately notify all counties affected by the request.
 1196 For all other candidates, the request shall be made to the
 1197 canvassing board responsible for certifying the election. The
 1198 request must be received no later than 1 p.m. on the 9th day
 1199 following a primary election and no later than 1 p.m. on the
 1200 14th day following a general election. If a request is made
 1201 pursuant to this subsection, that race will replace one of the
 1202 races randomly selected under subsection (2). If there are more
 1203 than three such requests, the county canvassing board shall
 1204 decide by lot the three races to be audited.

1205 (6) The Department of State shall adopt rules to implement
 1206 this section.

1207 Section 23. Section 101.65, Florida Statutes, is amended
 1208 to read:

1209 101.65 Instructions to absent electors.--The supervisor
 1210 shall enclose with each absentee ballot separate printed
 1211 instructions in substantially the following form:

1212

1213 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1214 1. VERY IMPORTANT. In order to ensure that your absentee
 1215 ballot will be counted, it should be completed and returned as
 1216 soon as possible so that it can reach the supervisor of
 1217 elections of the county in which your precinct is located no
 1218 later than 7 p.m. on the day of the election.

1219 2. Mark your ballot in secret as instructed on the ballot.
 1220 You must mark your own ballot unless you are unable to do so
 1221 because of blindness, disability, or inability to read or write.

BILL

Redraft - A

YEAR

1222 3. Mark only the number of candidates or issue choices for
 1223 a race as indicated on the ballot. If you are allowed to "Vote
 1224 for One" candidate and you vote for more than one candidate,
 1225 your vote in that race will not be counted.

1226 4. Place your marked ballot in the enclosed secrecy
 1227 envelope.

1228 5. Insert the secrecy envelope into the enclosed mailing
 1229 envelope which is addressed to the supervisor.

1230 6. Seal the mailing envelope and completely fill out the
 1231 Voter's Certificate on the back of the mailing envelope.

1232 7. VERY IMPORTANT. In order for your absentee ballot to be
 1233 counted, you must sign your name on the line above (Voter's
 1234 Signature). An absentee ballot will be considered illegal and
 1235 not be counted if the signature on the Voter's Certificate does
 1236 not match the signature on record. The signature on file at the
 1237 start of the canvass of the absentee ballots is the signature
 1238 that will be used to verify your signature on the Voter's
 1239 Certificate. If you need to update your signature for this
 1240 election, send your signature update on a voter registration
 1241 application to your supervisor of elections so that it is
 1242 received no later than the start of the canvassing of absentee
 1243 ballots, which occurs no earlier than the Wednesday before the
 1244 election.

1245 8. VERY IMPORTANT. If you are an overseas voter, you must
 1246 include the date you signed the Voter's Certificate on the line
 1247 above (Date) or your ballot may not be counted.

1248 9. Mail, deliver, or have delivered the completed mailing
 1249 envelope. Be sure there is sufficient postage if mailed.

BILL

Redraft - A

YEAR

1250 10. FELONY NOTICE. It is a felony under Florida law to
 1251 accept any gift, payment, or gratuity in exchange for your vote
 1252 for a candidate. It is also a felony under Florida law to vote
 1253 in an election using a false identity or false address, or under
 1254 any other circumstances making your ballot false or fraudulent.

1255 Section 24. Subsection (1) of section 101.657, Florida
 1256 Statutes, are amended to read:

1257 101.657 Early voting.--

1258 (1)(a) As a convenience to the voter, the supervisor of
 1259 elections shall allow an elector to vote early in the main or
 1260 branch office of the supervisor. ~~The supervisor shall mark,
 1261 eode, indicate on, or otherwise track the voter's precinct for
 1262 each early voted ballot. In order for a branch office to be used
 1263 for early voting, it shall be a permanent facility of the
 1264 supervisor and shall have been designated and used as such for
 1265 at least 1 year prior to the election.~~

1266 **(b)** The supervisor may also designate any city hall or
 1267 permanent public library facility as an early voting site sites;
 1268 however, if so designated, the sites must be geographically
 1269 located so as to provide all voters in the county an equal
 1270 opportunity to cast a ballot, insofar as is practicable. ~~The
 1271 results or tabulation of votes cast during early voting may not
 1272 be made before the close of the polls on election day. Results
 1273 shall be reported by precinct.~~

1274 **(c)** Each supervisor shall provide a minimum number of
 1275 early voting sites based on the number of registered voters in
 1276 the county as of the last countywide election, as follows:

1277 1. Counties that have fewer than 50,000 registered voters

BILL

Redraft - A

YEAR

1278 shall provide one early voting site.
 1279 2. Counties that have 50,000 or more but fewer than
 1280 100,000 registered voters shall provide three early voting
 1281 sites.
 1282 3. Counties that have 100,000 or more but fewer than
 1283 300,000 registered voters shall provide four early voting sites.
 1284 4. Counties that have 300,000 or more but fewer than
 1285 500,000 registered voters shall provide five early voting sites.
 1286 5. Counties that have 500,000 or more but fewer than
 1287 750,000 registered voters shall provide 10 early voting sites.
 1288 6. Counties that have 750,000 or more but fewer than 1
 1289 million registered voters shall provide 15 early voting sites.
 1290 7. Counties that have 1 million or more registered voters
 1291 shall provide 18 early voting sites. For each 100,000 registered
 1292 voters over 1 million registered voters, the county shall
 1293 provide one early voting site.
 1294 (d)~~(b)~~ The supervisor shall designate each early voting
 1295 site by no later than the 30th day prior to an election and
 1296 shall designate an early voting area, as defined in s. 97.021,
 1297 at each early voting site.
 1298 (e)~~(e)~~ All early voting sites in a county shall be open on
 1299 the same days for the same amount of time and shall allow any
 1300 person in line at the closing of an early voting site to vote.
 1301 (f)~~(d)~~ Early voting shall begin on the 15th day before an
 1302 election and end on the 2nd day before an election. For purposes
 1303 of a special election held pursuant to s. 100.101, early voting
 1304 shall begin on the 8th day before an election and end on the 2nd
 1305 day before an election. Early voting shall be provided for at

BILL

Redraft - A

YEAR

1306 least 8 hours but no more than 12 hours per weekday and 12 &
 1307 hours in the aggregate each weekend at each site during the
 1308 applicable periods. Early voting sites shall open no sooner than
 1309 7 a.m. and close no later than 7 p.m. on each applicable day.

1310 (g) ~~(e)~~ Notwithstanding the requirements of s. 100.3605,
 1311 municipalities may opt not to provide early voting in any
 1312 municipal election if the election is ~~elections that are~~ not
 1313 held in conjunction with county or state elections. If a
 1314 municipality provides early voting, it may designate as many
 1315 sites as necessary and shall conduct its activities in
 1316 accordance with the provisions of paragraphs (a), (b), (d), and
 1317 (e) ~~(a) (e)~~. The supervisor is not required to conduct early
 1318 voting if it is provided pursuant to this subsection.

1319 (h) ~~(f)~~ Notwithstanding the requirements of s. 189.405,
 1320 special districts may opt not to provide early voting in any
 1321 district election if the election is not held in conjunction
 1322 with county or state elections. If a special district provides
 1323 early voting, it may designate as many sites as necessary and
 1324 shall conduct its activities in accordance with the provisions
 1325 of paragraphs (a), (b), (d), and (e) ~~(a) (e)~~. The supervisor is
 1326 not required to conduct early voting if it is provided pursuant
 1327 to this subsection.

1328 (i) The results or tabulation of votes cast during early
 1329 voting may not be made public before the close of the polls on
 1330 election day. Results shall be reported by precinct.

1331 Section 25. Subsection (2) of section 101.6923, Florida
 1332 Statutes, is amended to read:

BILL

Redraft - A

YEAR

1333 101.6923 Special absentee ballot instructions for certain
 1334 first-time voters.--

1335 (2) A voter covered by this section shall be provided with
 1336 printed instructions with his or her absentee ballot in
 1337 substantially the following form:

1338
 1339 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 1340 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 1341 TO COUNT.

1342
 1343 1. In order to ensure that your absentee ballot will be
 1344 counted, it should be completed and returned as soon as possible
 1345 so that it can reach the supervisor of elections of the county
 1346 in which your precinct is located no later than 7 p.m. on the
 1347 date of the election.

1348 2. Mark your ballot in secret as instructed on the ballot.
 1349 You must mark your own ballot unless you are unable to do so
 1350 because of blindness, disability, or inability to read or write.

1351 3. Mark only the number of candidates or issue choices for
 1352 a race as indicated on the ballot. If you are allowed to "Vote
 1353 for One" candidate and you vote for more than one, your vote in
 1354 that race will not be counted.

1355 4. Place your marked ballot in the enclosed secrecy
 1356 envelope and seal the envelope.

1357 5. Insert the secrecy envelope into the enclosed envelope
 1358 bearing the Voter's Certificate. Seal the envelope and
 1359 completely fill out the Voter's Certificate on the back of the
 1360 envelope.

BILL

Redraft - A

YEAR

1361 a. You must sign your name on the line above (Voter's
 1362 Signature).

1363 b. If you are an overseas voter, you must include the date
 1364 you signed the Voter's Certificate on the line above (Date) or
 1365 your ballot may not be counted.

1366 c. An absentee ballot will be considered illegal and will
 1367 not be counted if the signature on the Voter's Certificate does
 1368 not match the signature on record. The signature on file at the
 1369 start of the canvass of the absentee ballots is the signature
 1370 that will be used to verify your signature on the Voter's
 1371 Certificate. If you need to update your signature for this
 1372 election, send your signature update on a voter registration
 1373 application to your supervisor of elections so that it is
 1374 received no later than the start of canvassing of absentee
 1375 ballots, which occurs no earlier than the Wednesday before the
 1376 election.

1377 6. Unless you meet one of the exemptions in Item 7., you
 1378 must make a copy of one of the following forms of
 1379 identification:

1380 a. Identification which must include your name and
 1381 photograph: United States passport; debit or credit card;
 1382 military identification; student identification; retirement
 1383 center identification; neighborhood association identification;
 1384 or public assistance identification; or

1385 b. Identification which shows your name and current
 1386 residence address: current utility bill, bank statement,
 1387 government check, paycheck, or government document (excluding
 1388 voter identification card).

BILL

Redraft - A

YEAR

1389 7. The identification requirements of Item 6. do not apply
 1390 if you meet one of the following requirements:

1391 a. You are 65 years of age or older.

1392 b. You have a temporary or permanent physical disability.

1393 c. You are a member of a uniformed service on active duty
 1394 who, by reason of such active duty, will be absent from the
 1395 county on election day.

1396 d. You are a member of the Merchant Marine who, by reason
 1397 of service in the Merchant Marine, will be absent from the
 1398 county on election day.

1399 e. You are the spouse or dependent of a member referred to
 1400 in paragraph c. or paragraph d. who, by reason of the active
 1401 duty or service of the member, will be absent from the county on
 1402 election day.

1403 f. You are currently residing outside the United States.

1404 8. Place the envelope bearing the Voter's Certificate into
 1405 the mailing envelope addressed to the supervisor. Insert a copy
 1406 of your identification in the mailing envelope. DO NOT PUT YOUR
 1407 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 1408 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 1409 BALLOT WILL NOT COUNT.

1410 9. Mail, deliver, or have delivered the completed mailing
 1411 envelope. Be sure there is sufficient postage if mailed.

1412 10. FELONY NOTICE. It is a felony under Florida law to
 1413 accept any gift, payment, or gratuity in exchange for your vote
 1414 for a candidate. It is also a felony under Florida law to vote
 1415 in an election using a false identity or false address, or under
 1416 any other circumstances making your ballot false or fraudulent.

BILL

Redraft - A

YEAR

1417 Section 26. Subsection (1) of section 101.6952, Florida
 1418 Statutes, is amended to read:

1419 101.6952 Absentee ballots for overseas voters.--

1420 (1) If an overseas voter's request for an absentee ballot
 1421 includes an e-mail address, the supervisor of elections shall:

1422 (a) Record the voter's e-mail address in the absentee
 1423 ballot record;

1424 (b) Confirm via e-mail that the absentee request was
 1425 received and inform the voter of the estimated date that the
 1426 ballot will be sent to the voter;

1427 (c) Inform the voter of the names of candidates who will
 1428 be on the ballots via electronic transmission. The supervisor of
 1429 elections shall e-mail to the voter the list of candidates for
 1430 the primary and general election not later than 30 days before
 1431 each election; and

1432 (d) Notify the voter via e-mail when the voted absentee
 1433 ballot is received by the supervisor of elections.

1434 Section 27. Section 101.697, Florida Statutes, is amended
 1435 to read:

1436 101.697 Electronic transmission of election materials.--

1437 (1) An overseas voter may request an absentee ballot and
 1438 transmit to a supervisor of elections a voted absentee ballot
 1439 via facsimile or e-mail.

1440 (2) An overseas voter may request an absentee ballot and
 1441 vote and return a voted absentee ballot via other secured
 1442 transmission if such voting system process has been approved by
 1443 the department. The department shall adopt rules for the

BILL

Redraft - A

YEAR

1444 submission and approval of such secured transmission voting
 1445 process.

1446 (3) The department shall adopt rules that provide the
 1447 process for accepting the voted absentee ballot via facsimile,
 1448 e-mail, or other secure electronic means. The rules must
 1449 provide, at a minimum, the process for verifying the identity of
 1450 the voter, establishing the security of the transmission of the
 1451 voted absentee ballot, and recording the voted absentee ballot
 1452 once received. The Department of State shall determine whether
 1453 ~~secure electronic means can be established for receiving ballots~~
 1454 ~~from overseas voters. If such security can be established, the~~
 1455 ~~department shall adopt rules to authorize a supervisor of~~
 1456 ~~elections to accept from an overseas voter a request for an~~
 1457 ~~absentee ballot or a voted absentee ballot by secure facsimile~~
 1458 ~~machine transmission or other secure electronic means. The rules~~
 1459 ~~must provide that in order to accept a voted ballot, the~~
 1460 ~~verification of the voter must be established, the security of~~
 1461 ~~the transmission must be established, and each ballot received~~
 1462 ~~must be recorded.~~

1463 Section 28. Subsection (3) of section 101.75, Florida
 1464 Statutes, is amended to read:

1465 101.75 Municipal elections; change of dates for cause.--

1466 (3) Notwithstanding any provision of local law or
 1467 municipal charter, the governing body of a municipality may, by
 1468 ordinance, move the date of any municipal election to a date
 1469 concurrent with any statewide or countywide election. The dates
 1470 for qualifying for the election moved by the passage of such
 1471 ordinance shall be specifically provided for in the ordinance

BILL

Redraft - A

YEAR

1472 ~~and shall run for no less than 14 days.~~ The term of office for
 1473 any elected municipal official shall commence as provided by the
 1474 relevant municipal charter or ordinance.

1475 Section 29. Section 102.111, Florida Statutes, is amended
 1476 to read:

1477 102.111 Elections Canvassing Commission.--

1478 (1) The Elections Canvassing Commission shall consist of
 1479 the Governor and two members of the Cabinet selected by the
 1480 Governor, all of whom shall serve ex officio. If a member of the
 1481 ~~Elections Canvassing~~ commission is unable to serve for any
 1482 reason, the Governor shall appoint a remaining member of the
 1483 Cabinet. If there is a further vacancy, ~~the remaining members of~~
 1484 ~~the commission shall agree on another elected official to fill~~
 1485 ~~the vacancy shall be filled from the following list of state~~
 1486 ~~officers, who shall serve ex officio, subject to availability,~~
 1487 in the following order:

- 1488 (a) Lieutenant Governor.
- 1489 (b) President of the Senate.
- 1490 (c) Speaker of the House of Representatives.
- 1491 (d) President Pro Tempore of the Senate.
- 1492 (e) Speaker Pro Tempore of the House of Representatives.
- 1493 (f) Senate Majority Leader.
- 1494 (g) House of Representatives Majority Leader.
- 1495 (h) Senate Minority Leader.
- 1496 (i) House of Representatives Minority Leader.

1497 (2) The Elections Canvassing Commission shall meet at 9
 1498 a.m. on the 9th day after a primary election and at 9 a.m. on
 1499 the 14th day after a general election to, ~~as soon as the~~

BILL

Redraft - A

YEAR

1500 ~~official results are compiled from all counties,~~ certify the
 1501 returns of the election ~~and determine and declare who has been~~
 1502 ~~elected~~ for each federal, state, and multicounty office. If a
 1503 member of a county canvassing board that was constituted
 1504 pursuant to s. 102.141 determines, within 5 days after the
 1505 certification by the Elections Canvassing Commission, that a
 1506 typographical error occurred in the official returns of the
 1507 county, the correction of which could result in a change in the
 1508 outcome of an election, the county canvassing board must certify
 1509 corrected returns to the Department of State within 24 hours,
 1510 and the Elections Canvassing Commission must correct and
 1511 recertify the election returns as soon as practicable.

1512 (3)~~(2)~~ The Division of Elections shall provide the staff
 1513 services required by the Elections Canvassing Commission.

1514 Section 30. Subsection (2) of section 102.112, Florida
 1515 Statutes, is amended to read:

1516 102.112 Deadline for submission of county returns to the
 1517 Department of State.--

1518 (2) Returns must be filed by 5 p.m. on the 7th day
 1519 following a primary election and by noon on the 12th day
 1520 following the general election. However, the Department of State
 1521 may correct typographical errors, including the transposition of
 1522 numbers, in any returns submitted to the Department of State
 1523 pursuant to s. 102.111(2)~~(1)~~.

1524 Section 31. Subsection (7) of section 102.141, Florida
 1525 Statutes, is amended to read:

1526 102.141 County canvassing board; duties.--

BILL

Redraft - A

YEAR

1527 (7) If the unofficial returns reflect that a candidate for
 1528 any office was defeated or eliminated by one-half of a percent
 1529 or less of the votes cast for such office, that a candidate for
 1530 retention to a judicial office was retained or not retained by
 1531 one-half of a percent or less of the votes cast on the question
 1532 of retention, or that a measure appearing on the ballot was
 1533 approved or rejected by one-half of a percent or less of the
 1534 votes cast on such measure, ~~the board responsible for certifying~~
 1535 ~~the results of the vote on such race or measure shall order a~~
 1536 recount shall be ordered of the votes cast with respect to such
 1537 office or measure. The Secretary of State Elections Canvassing
 1538 ~~Commission~~ ~~is the board~~ responsible for ordering recounts in
 1539 federal, state, and multicounty races ~~recounts~~. The county
 1540 canvassing board or the local board responsible for certifying
 1541 the election is responsible for ordering recounts in all other
 1542 races. A recount need not be ordered with respect to the returns
 1543 for any office, however, if the candidate or candidates defeated
 1544 or eliminated from contention for such office by one-half of a
 1545 percent or less of the votes cast for such office request in
 1546 writing that a recount not be made.

1547 (a) Each canvassing board responsible for conducting a
 1548 recount shall put each marksense ballot through automatic
 1549 tabulating equipment and determine whether the returns correctly
 1550 reflect the votes cast. If any marksense ballot is physically
 1551 damaged so that it cannot be properly counted by the automatic
 1552 tabulating equipment during the recount, a true duplicate shall
 1553 be made of the damaged ballot pursuant to the procedures in s.
 1554 101.5614(5). Immediately before the start of the recount, a test

BILL

Redraft - A

YEAR

1555 of the tabulating equipment shall be conducted as provided in s.
 1556 101.5612. If the test indicates no error, the recount tabulation
 1557 of the ballots cast shall be presumed correct and such votes
 1558 shall be canvassed accordingly. If an error is detected, the
 1559 cause therefor shall be ascertained and corrected and the
 1560 recount repeated, as necessary. The canvassing board shall
 1561 immediately report the error, along with the cause of the error
 1562 and the corrective measures being taken, to the Department of
 1563 State. No later than 11 days after the election, the canvassing
 1564 board shall file a separate incident report with the Department
 1565 of State, detailing the resolution of the matter and identifying
 1566 any measures that will avoid a future recurrence of the error.

1567 (b) Each canvassing board responsible for conducting a
 1568 recount where touchscreen ballots were used shall examine the
 1569 counters on the precinct tabulators to ensure that the total of
 1570 the returns on the precinct tabulators equals the overall
 1571 election return. If there is a discrepancy between the overall
 1572 election return and the counters of the precinct tabulators, the
 1573 counters of the precinct tabulators shall be presumed correct
 1574 and such votes shall be canvassed accordingly.

1575 (c) The canvassing board shall submit on forms or in
 1576 formats provided by the division a second set of unofficial
 1577 returns to the Department of State for each federal, statewide,
 1578 state, or multicounty office or ballot measure. Such returns
 1579 shall be filed no later than 3 p.m. on the fifth day after any
 1580 primary election and no later than 3 p.m. on the ninth day after
 1581 any general election in which a recount was ordered by the
 1582 Secretary of State ~~conducted pursuant to this subsection.~~ If the

BILL

Redraft - A

YEAR

1583 canvassing board is unable to complete the recount prescribed in
 1584 this subsection by the deadline, the second set of unofficial
 1585 returns submitted by the canvassing board shall be identical to
 1586 the initial unofficial returns and the submission shall also
 1587 include a detailed explanation of why it was unable to timely
 1588 complete the recount. However, the canvassing board shall
 1589 complete the recount prescribed in this subsection, along with
 1590 any manual review and counting of overvotes and undervotes
 1591 ~~recount~~ prescribed in s. 102.166, and certify election returns
 1592 in accordance with the requirements of this chapter.

1593 (d) The Department of State shall adopt detailed rules
 1594 prescribing additional recount procedures for each certified
 1595 voting system, which shall be uniform to the extent practicable.

1596 Section 32. Subsections (1), (3), and (5) of section
 1597 102.166, Florida Statutes, are amended to read:

1598 102.166 Review and counting of overvotes and undervotes
 1599 ~~Manual recounts.~~--

1600 (1) If the second set of unofficial returns pursuant to s.
 1601 102.141 indicates that a candidate for any office was defeated
 1602 or eliminated by one-quarter of a percent or less of the votes
 1603 cast for such office, that a candidate for retention to a
 1604 judicial office was retained or not retained by one-quarter of a
 1605 percent or less of the votes cast on the question of retention,
 1606 or that a measure appearing on the ballot was approved or
 1607 rejected by one-quarter of a percent or less of the votes cast
 1608 on such measure, ~~the board responsible for certifying the~~
 1609 ~~results of the vote on such race or measure shall order~~ a manual
 1610 review ~~recount~~ of the overvotes and undervotes cast in the

BILL

Redraft - A

YEAR

1611 entire geographic jurisdiction of such office or ballot measure
 1612 shall be ordered. The Secretary of State is responsible for
 1613 ordering a manual review for federal, state, and multicounty
 1614 racess. The county canvassing board or local board responsible
 1615 for certifying the election is responsible for ordering a manual
 1616 review for all other races. A review need not be conducted,
 1617 however, if the candidate or candidates defeated or eliminated
 1618 by one-quarter of a percent or less of the votes cast for such
 1619 office request in writing that a review not be made. A manual
 1620 ~~recount may not be ordered, however, if the number of overvotes,~~
 1621 ~~undervotes, and provisional ballots is fewer than the number of~~
 1622 ~~votes needed to change the outcome of the election.~~

1623 (3) Any review of the overvotes and undervotes and
 1624 subsequent counting, if warranted, ~~manual recount~~ shall be open
 1625 to the public.

1626 (5) Procedures for a review and counting of the overvotes
 1627 and undervotes ~~manual recount~~ are as follows:

1628 (a) The county canvassing board shall appoint as many
 1629 counting teams of at least two electors as is necessary to
 1630 manually review and, if warranted, count ~~recount~~ the ballots. A
 1631 counting team must have, when possible, members of at least two
 1632 political parties. A candidate involved in the race shall not be
 1633 a member of the counting team.

1634 (b) Each duplicate ballot prepared pursuant to s.
 1635 101.5614(5) or s. 102.141(7) shall be compared with the original
 1636 ballot to ensure the correctness of the duplicate.

1637 (c) If a counting team is unable to determine whether the
 1638 ballot contains a clear indication that the voter has made a

BILL

Redraft - A

YEAR

1639 definite choice, the ballot shall be presented to the county
 1640 canvassing board for a determination.

1641 (d) The Department of State shall adopt detailed rules
 1642 prescribing additional review and counting ~~recount~~ procedures
 1643 for each certified voting system which shall be uniform to the
 1644 extent practicable. The rules shall address, at a minimum, the
 1645 following areas:

- 1646 1. Security of ballots during the review and counting
 1647 ~~recount~~ process;
- 1648 2. Time and place of review and counting ~~recounts~~;
- 1649 3. Public observance of review and counting ~~recounts~~;
- 1650 4. Objections to ballot determinations;
- 1651 5. Record of review and counting ~~recount~~ proceedings; and
- 1652 6. Procedures relating to candidate and petitioner
 1653 representatives.

1654 Section 33. Subsections (2) and (4) of section 102.168,
 1655 Florida Statutes, are amended to read:

1656 102.168 Contest of election.--

1657 (2) Such contestant shall file a complaint, together with
 1658 the fees prescribed in chapter 28, with the clerk of the circuit
 1659 court no later than 5 p.m. on the 22nd day after ~~within 10 days~~
 1660 ~~after midnight of the date the last board responsible for~~
 1661 ~~certifying the results officially certifies the results of the~~
 1662 election being contested was held.

1663 (4) The ~~county~~ canvassing board responsible for canvassing
 1664 the election is an indispensable ~~and proper~~ party defendant in
 1665 county and local elections. ~~†~~ The Elections Canvassing Commission
 1666 is an indispensable ~~and proper~~ party defendant in federal,

BILL

Redraft - A

YEAR

1667 state, and multicounty elections and in elections for justice of
 1668 the Supreme Court, judge of a district court of appeal, and
 1669 judge of a circuit court. ~~raees;~~ and The successful candidate is
 1670 an indispensable party to any action brought to contest the
 1671 election or nomination of a candidate.

1672 Section 34. Section 104.29, Florida Statutes, is amended
 1673 to read:

1674 104.29 Inspectors refusing to allow watchers while ballots
 1675 are counted.--The inspectors or other election officials at the
 1676 polling place shall, after the polls close ~~at all times while~~
 1677 ~~the ballots are being counted~~, allow as many as three persons
 1678 near to them to see whether the ballots are being reconciled
 1679 correctly. ~~read and called and the votes correctly tallied, and~~
 1680 Any official who denies this privilege or interferes therewith
 1681 commits is guilty of a misdemeanor of the first degree,
 1682 punishable as provided in s. 775.082 or s. 775.083.

1683 Section 35. Subsections (4) and (5) of section 105.031,
 1684 Florida Statutes, are amended to read:

1685 105.031 Qualification; filing fee; candidate's oath; items
 1686 required to be filed.--

1687 (4) CANDIDATE'S OATH.--

1688 (a) All candidates for the office of school board member
 1689 shall subscribe to the oath as prescribed in s. 99.021.

1690 (b) All candidates for judicial office shall subscribe to
 1691 an oath or affirmation in writing to be filed with the
 1692 appropriate qualifying officer upon qualifying. A ~~printed~~ copy
 1693 of the oath or affirmation shall be made available ~~furnished~~ to

BILL

Redraft - A

YEAR

1694 the candidate by the qualifying officer and shall be in
 1695 substantially the following form:

1696
 1697 State of Florida
 1698 County of _____

1699 Before me, an officer authorized to administer oaths,
 1700 personally appeared (please print name as you wish it to
 1701 appear on the ballot) , to me well known, who, being sworn,
 1702 says he or she: is a candidate for the judicial office of _____;
 1703 that his or her legal residence is _____ County, Florida; that
 1704 he or she is a qualified elector of the state and of the
 1705 territorial jurisdiction of the court to which he or she seeks
 1706 election; that he or she is qualified under the constitution and
 1707 laws of Florida to hold the judicial office to which he or she
 1708 desires to be elected or in which he or she desires to be
 1709 retained; ~~that he or she has taken the oath required by ss.~~
 1710 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
 1711 for no other public office in the state, the term of which
 1712 office or any part thereof runs concurrent to the office he or
 1713 she seeks; ~~and~~ that he or she has resigned from any office which
 1714 he or she is required to resign pursuant to s. 99.012, Florida
 1715 Statutes; and that he or she will support the Constitution of
 1716 the United States and the Constitution of the State of Florida.

1717
 1718 (Signature of candidate)

1719 (Address)

1720

BILL

Redraft - A

YEAR

1721 Sworn to and subscribed before me this _____ day of _____,
 1722 (year) , at _____ County, Florida.

1723
 1724 (Signature and title of officer administering oath)

1725 (5) ITEMS REQUIRED TO BE FILED.--

1726 (a) In order for a candidate for judicial office or the
 1727 office of school board member to be qualified, the original of
 1728 the following items must be received by the filing officer by
 1729 the end of the qualifying period:

1730 1. Except for candidates for retention to judicial office,
 1731 a properly executed check drawn upon the candidate's campaign
 1732 account payable to the person or entity as prescribed by the
 1733 filing officer in an amount not less than the fee required by
 1734 subsection (3), unless the candidate obtained the required
 1735 number of signatures on petitions ~~or, in lieu thereof, the copy~~
 1736 ~~of the notice of obtaining ballot position~~ pursuant to s.

1737 105.035. If a candidate's check is returned by the bank for any
 1738 reason, the filing officer shall immediately notify the
 1739 candidate and the candidate shall, the end of qualifying
 1740 notwithstanding, have 48 hours from the time such notification
 1741 is received, excluding Saturdays, Sundays, and legal holidays,
 1742 to pay the fee with a cashier's check purchased from funds of
 1743 the campaign account. Failure to pay the fee as provided in this
 1744 subparagraph shall disqualify the candidate.

1745 2. The candidate's oath required by subsection (4), which
 1746 must contain the name of the candidate as it is to appear on the
 1747 ballot; the office sought, including the district or group

BILL

Redraft - A

YEAR

1748 number if applicable; and the signature of the candidate, duly
 1749 notarized pursuant to s. 117.05 ~~acknowledged~~.

1750 ~~3. The loyalty oath required by s. 876.05, signed by the~~
 1751 ~~candidate and duly acknowledged.~~

1752 3.4. The completed form for the appointment of campaign
 1753 treasurer and designation of campaign depository, as required by
 1754 s. 106.021, to include the name, address, and telephone number
 1755 of the candidate; the office sought, with district, circuit, or
 1756 group designation, as applicable; the name, address, and
 1757 telephone number of the campaign treasurer; the name and address
 1758 of the primary campaign depository; the dated signatures of the
 1759 candidate and the campaign treasurer; and the acceptance of the
 1760 appointment by the campaign treasurer. In addition, each
 1761 candidate for judicial office, including an incumbent judge,
 1762 shall file a statement with the qualifying officer, within 10
 1763 days after filing the appointment of campaign treasurer and
 1764 designation of campaign depository, stating that the candidate
 1765 has read and understands the requirements of the Florida Code of
 1766 Judicial Conduct. Such statement shall be in substantially the
 1767 following form:

1768
 1769 Statement of Candidate for Judicial Office

1770
 1771 I, (name of candidate) , a judicial candidate, have been
 1772 provided access to ~~received~~, read, and understand the
 1773 requirements of the Florida Code of Judicial Conduct.

1774 (Signature of candidate)

1775 (Date)

BILL

Redraft - A

YEAR

1776
 1777 ~~4.5.~~ The full and public disclosure of financial interests
 1778 required by s. 8, Art. II of the State Constitution, duly
 1779 notarized pursuant to s. 117.05, or the statement of financial
 1780 interests required by s. 112.3145, whichever is applicable. A
 1781 public officer who has filed the full and public disclosure or
 1782 statement of financial interests with the Commission on Ethics
 1783 or the supervisor of elections prior to qualifying for office
 1784 may file a copy of that disclosure at the time of qualifying.
 1785 (b) If the filing officer receives qualifying papers
 1786 during the qualifying period prescribed in this section that do
 1787 not include all items ~~as~~ required by paragraph (a) prior to the
 1788 last day of qualifying, the filing officer shall make a
 1789 reasonable effort to notify the candidate of the missing or
 1790 incomplete items and shall inform the candidate that all
 1791 required items must be received by the close of qualifying. A
 1792 candidate's name as it is to appear on the ballot may not be
 1793 changed after the end of qualifying.
 1794 (c) The filing officer performs a ministerial function in
 1795 reviewing qualifying papers. In determining whether a candidate
 1796 is qualified, the filing officer shall review the qualifying
 1797 papers to determine whether all items required by paragraph (a)
 1798 have been properly filed and whether each item is complete on
 1799 its face, including whether items requiring notarizations are
 1800 properly notarized as required by s. 117.05. The filing officer
 1801 shall not determine whether the contents of the qualifying
 1802 papers are accurate.

BILL

Redraft - A

YEAR

1803 Section 36. Subsection (4) of section 105.035, Florida
 1804 Statutes, is amended to read:
 1805 105.035 Petition process of qualifying for certain
 1806 judicial offices and the office of school board member.--
 1807 (4)(a) Each candidate seeking to qualify for election to
 1808 the office of circuit judge or the office of school board member
 1809 from a multicounty school district pursuant to this section
 1810 shall file a separate petition from each county from which
 1811 signatures are sought. Each petition shall be submitted, prior
 1812 to noon of the 28th day preceding the first day of the
 1813 qualifying period for the office sought, to the supervisor of
 1814 elections of the county for which such petition was circulated.
 1815 Each supervisor of elections to whom a petition is submitted
 1816 shall check the signatures on the petition to verify their
 1817 status as electors of that county and of the geographic area
 1818 represented by the office sought. No later than the 7th day
 1819 before the first date for qualifying, the supervisor shall
 1820 certify the number shown as registered electors and submit such
 1821 certification to the Division of Elections. The division shall
 1822 determine whether the required number of signatures has been
 1823 obtained for the name of the candidate to be placed on the
 1824 ballot and shall notify the candidate. If the required number of
 1825 signatures has been obtained, the candidate shall, during the
 1826 time prescribed for qualifying for office, ~~submit a copy of such~~
 1827 ~~notice and~~ file his or her qualifying papers and oath prescribed
 1828 in s. 105.031 with the Division of Elections. Upon receipt of
 1829 the ~~copy of such notice and~~ qualifying papers, the division
 1830 shall certify the name of the candidate to the appropriate

BILL

Redraft - A

YEAR

1831 supervisor or supervisors of elections as having qualified for
 1832 the office sought.

1833 (b) Each candidate seeking to qualify for election to the
 1834 office of county court judge or the office of school board
 1835 member from a single county school district pursuant to this
 1836 section shall submit his or her petition, prior to noon of the
 1837 28th day preceding the first day of the qualifying period for
 1838 the office sought, to the supervisor of elections of the county
 1839 for which such petition was circulated. The supervisor shall
 1840 check the signatures on the petition to verify their status as
 1841 electors of the county and of the geographic area represented by
 1842 the office sought. No later than the 7th day before the first
 1843 date for qualifying, the supervisor shall determine whether the
 1844 required number of signatures has been obtained for the name of
 1845 the candidate to be placed on the ballot and shall notify the
 1846 candidate. If the required number of signatures has been
 1847 obtained, the candidate shall, during the time prescribed for
 1848 qualifying for office, ~~submit a copy of such notice and~~ file his
 1849 or her qualifying papers and oath prescribed in s. 105.031 with
 1850 the qualifying officer. Upon receipt of the ~~copy of such notice~~
 1851 ~~and~~ qualifying papers, such candidate shall be entitled to have
 1852 his or her name printed on the ballot.

1853 Section 37. Subsection (1) of section 876.05, Florida
 1854 Statutes, is amended to read:

1855 876.05 Public employees; oath.--

1856 (1) All persons who now or hereafter are employed by or
 1857 who now or hereafter are on the payroll of the state, or any of
 1858 its departments and agencies, subdivisions, counties, cities,

BILL

Redraft - A

YEAR

1859 school boards and districts of the free public school system of
 1860 the state or counties, or institutions of higher learning, ~~and~~
 1861 ~~all candidates for public office, except candidates for federal~~
 1862 ~~office,~~ are required to take an oath before any person duly
 1863 authorized to take acknowledgments of instruments for public
 1864 record in the state in the following form:

1865
 1866 I, _____, a citizen of the State of Florida and of the
 1867 United States of America, and being employed by or an officer of
 1868 _____ and a recipient of public funds as such employee or
 1869 officer, do hereby solemnly swear or affirm that I will support
 1870 the Constitution of the United States and of the State of
 1871 Florida.

1872 Section 38. Sections 101.5911 and 876.07, Florida
 1873 Statutes, are repealed.

1874 Section 39. This act shall take effect October 1, 2009.