

By the Committees on Judiciary; Ethics and Elections; and
Senator Cowin

308-2512-04

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; redesignating "paper ballot" as
4 "marksense ballot" and redefining the term
5 "voting system"; amending s. 97.052, F.S.;
6 providing an additional purpose for statewide
7 voter registration applications; amending s.
8 99.095, F.S.; revising procedures for
9 qualification by petition; amending s. 99.0955,
10 F.S.; revising method of qualification by
11 candidates with no party affiliation; amending
12 s. 99.096, F.S.; revising method of
13 qualification by minor party candidates;
14 amending s. 100.011, F.S.; providing that
15 electors in line to vote at the closing of the
16 polls must be allowed to vote; amending s.
17 100.111, F.S.; revising procedures to be
18 followed in the event of a vacancy in
19 nomination; amending s. 101.031, F.S.; revising
20 provisions regarding the responsibility for
21 furnishing instructions for electors; amending
22 ss. 101.048, 101.049, F.S.; providing for
23 voting of provisional ballots by persons with
24 disabilities; amending s. 101.131, F.S.;
25 revising the number of authorized poll
26 watchers; providing for certain political
27 committees to have poll watchers; revising
28 provisions for designation of poll watchers;
29 amending s. 101.151, F.S.; revising
30 specifications for ballots; amending s.
31 101.171, F.S.; providing for copies of proposed

1 constitutional amendments to be provided in
2 booklet or poster form; amending s. 101.253,
3 F.S.; prescribing duties of the supervisor of
4 elections with respect to ballots in cases of
5 vacancy in nomination; amending s. 101.294,
6 F.S.; prohibiting governing bodies from
7 deploying uncertified voting equipment;
8 prohibiting vendors of voting equipment from
9 providing uncertified voting systems; requiring
10 vendors of voting equipment to provide
11 certifications that voting systems have been
12 certified; amending s. 101.295, F.S.; providing
13 penalties for unlawfully providing voting
14 systems; amending s. 101.5606, F.S.; conforming
15 to a change in terminology; providing an
16 additional requirement for voting systems;
17 amending s. 101.595, F.S.; revising duties of
18 the supervisor of elections with respect to
19 reporting under votes and overvotes; amending
20 s. 101.6103, F.S.; allowing mail ballots to
21 begin being canvassed 4 days before the
22 election; amending s. 101.62, F.S.; revising
23 provisions relating to absentee ballots for
24 overseas voters; amending s. 101.64, F.S.;
25 requiring absentee voters voting pursuant to
26 the Uniformed and Overseas Citizens Absentee
27 Voting Act to use a standard oath as prescribed
28 by federal law; amending s. 101.68, F.S.;
29 providing an exemption from the witness
30 requirement for absentee ballots for certain
31 voters; amending s. 101.6923, F.S.; revising

1 requirements for instructions for certain
2 first-time voters voting an absentee ballot;
3 amending s. 101.694, F.S.; revising guidelines
4 for absentee envelopes; amending s. 101.697,
5 F.S.; requiring the Department of State to
6 determine security of electronic transmissions
7 of certain absentee ballots before adopting
8 rule; amending s. 102.012, F.S.; providing for
9 a single election board in each precinct;
10 amending s. 102.111, F.S.; allowing the
11 Elections Canvassing Commission to delegate the
12 authority to order recounts to the chief
13 election officer; amending s. 102.071, F.S.;
14 deleting the requirement that the certificate
15 of results be prepared in triplicate; amending
16 s. 102.141, F.S.; deleting the requirement that
17 the canvass be filed with the county court
18 judge; clarifying responsibility for ordering
19 recounts; deleting the requirement for the
20 logic and accuracy test at the completion of
21 the recount; extending the deadline for
22 reporting results of the machine recount;
23 amending s. 102.168, F.S.; revising provisions
24 with respect to the time for contesting an
25 election; declaring the county canvassing board
26 and the Elections Canvassing Commission
27 indispensable parties in contested elections;
28 amending s. 105.031, F.S.; exempting write-in
29 candidates for certain office from payment of
30 the qualifying fee; amending s. 105.035, F.S.;
31 revising procedures for qualifying as candidate

1 for judicial or school board office by
2 petition; amending s. 106.011, F.S.; defining
3 the term "eliminated candidate"; amending s.
4 106.07, F.S.; revising requirements for filing
5 campaign reports; allowing electronic receipts
6 to be used as proof of filing; creating s.
7 106.0705, F.S.; providing for electronic filing
8 of campaign treasurer's reports; providing
9 standards and guidelines; amending s. 106.075,
10 F.S.; revising requirement with respect to
11 reporting loans; amending s. 106.08, F.S.;
12 prohibiting candidates from expending funds
13 from campaign account to obtain endorsements;
14 amending s. 106.087, F.S.; exempting committees
15 of continuous existence from certain
16 prohibitions with respect to expenditures;
17 amending s. 106.09, F.S.; prohibiting
18 acceptance of certain contributions made by
19 money order; providing penalties; amending s.
20 106.11, F.S.; revising provisions relating to
21 reporting use of debit cards; amending s.
22 106.29, F.S.; revising provisions relating to
23 reports by political parties; requiring voting
24 systems to meet certain requirements by a date
25 certain; repealing s. 98.181, F.S., relating to
26 the supervisor of elections making up indexes
27 or records; repealing s. 101.635, F.S.,
28 relating to distribution of blocks of printed
29 ballots; repealing s. 102.061, F.S., relating
30 to duties of elections boards; repealing s.
31 106.085, F.S., relating to independent

1 expenditures; repealing s. 106.144, F.S.,
2 relating to endorsements or opposition by
3 certain groups and organizations; amending s.
4 22, ch. 2002-281, Laws of Florida; changing the
5 effective date of certain sections of ch.
6 2002-281, Laws of Florida; amending s. 287.057,
7 F.S.; adding an exemption to the competitive
8 solicitation requirement to exempt certain
9 voter education activities; amending s.
10 101.131, F.S.; authorizing political parties to
11 have a certain number of at-large poll
12 watchers; revising provisions for designation
13 of poll watchers; amending s. 106.023, F.S.;
14 providing that the execution and filing of the
15 statement of candidate does not create a
16 presumption of a willful violation of ch. 106
17 or ch. 104, F.S.; amending s. 106.04, F.S.;
18 reducing the fine for late filing of campaign
19 finance reports by committees of continuous
20 existence; providing for deposit of fine
21 proceeds into the General Revenue Fund;
22 amending s. 106.07, F.S.; requiring the
23 reporting of certain expenditures made
24 indirectly through a campaign treasurer for
25 certain goods and services; deleting a
26 requirement making candidates personally liable
27 for payment of late-filing fines for campaign
28 finance reports; directing the deposit of
29 certain late-filing fines for campaign finance
30 reports to the General Revenue Fund; modifying
31 procedures and grounds for contesting certain

1 late-filing fines; amending s. 106.141, F.S.;
2 providing for deposit of reimbursed election
3 assessments into the General Revenue Fund;
4 amending s. 106.25, F.S.; requiring sworn
5 complaints to the Florida Elections Commission
6 to be based upon personal knowledge of the
7 complainant; limiting the commission's
8 investigatory authority; precluding the filing
9 of certain complaints; authorizing respondents,
10 complainants, and their counsel to attend
11 hearings at which probable cause is determined;
12 requiring prior notice; permitting a brief oral
13 statement; specifying basis for determining
14 probable cause; amending s. 106.29, F.S.;
15 providing for deposit of late-filing fees for
16 political party campaign finance reports into
17 the General Revenue Fund; providing effective
18 dates.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (3) and (38) of section 97.021,
23 Florida Statutes, are amended to read:

24 97.021 Definitions.--For the purposes of this code,
25 except where the context clearly indicates otherwise, the
26 term:

27 (3) "Ballot" or "official ballot" when used in
28 reference to:

29 (a) "Marksense Paper ~~Paper~~ ballots" means that printed sheet
30 of paper, used in conjunction with an electronic or
31 electromechanical vote tabulation voting system, containing

1 | the names of candidates, or a statement of proposed
2 | constitutional amendments or other questions or propositions
3 | submitted to the electorate at any election, on which sheet of
4 | paper an elector casts his or her vote.

5 | (b) "Electronic or electromechanical devices" means a
6 | ballot that is voted by the process of electronically
7 | designating, including by touchscreen, or marking with a
8 | marking device for tabulation by automatic tabulating
9 | equipment or data processing equipment.

10 | (38) "Voting system" means a method of casting and
11 | processing votes that functions wholly or partly by use of
12 | electromechanical or electronic apparatus or by use of
13 | marksense paper ballots and includes, but is not limited to,
14 | the procedures for casting and processing votes and the
15 | programs, operating manuals, supplies ~~tabulating cards~~,
16 | printouts, and other software necessary for the system's
17 | operation.

18 | Section 2. Subsection (1) of section 97.052, Florida
19 | Statutes, is amended to read:

20 | 97.052 Uniform statewide voter registration
21 | application.--

22 | (1) The department shall prescribe a uniform statewide
23 | voter registration application for use in this state.

24 | (a) The uniform statewide voter registration
25 | application must be accepted for any one or more of the
26 | following purposes:

- 27 | 1. Initial registration.
- 28 | 2. Change of address.
- 29 | 3. Change of party affiliation.
- 30 | 4. Change of name.

31 |

1 5. Replacement of voter registration identification
2 card.

3 6. Signature updates.

4 (b) The department is responsible for printing the
5 uniform statewide voter registration application and the voter
6 registration application form prescribed by the Federal
7 Election Commission pursuant to the National Voter
8 Registration Act of 1993. The applications and forms must be
9 distributed, upon request, to the following:

10 1. Individuals seeking to register to vote.

11 2. Individuals or groups conducting voter registration
12 programs. A charge of 1 cent per application shall be assessed
13 on requests for 10,000 or more applications.

14 3. The Department of Highway Safety and Motor
15 Vehicles.

16 4. Voter registration agencies.

17 5. Armed forces recruitment offices.

18 6. Qualifying educational institutions.

19 7. Supervisors, who must make the applications and
20 forms available in the following manner:

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

23 b. By distributing the applications and forms at other
24 locations designated by each supervisor.

25 c. By mailing the applications and forms to applicants
26 upon the request of the applicant.

27 (c) The uniform statewide voter registration
28 application may be reproduced by any of the entities described
29 in paragraph (b) ~~private individual or group~~, provided the
30 reproduced application is in the same format as the
31 application prescribed under this section.

1 Section 3. Effective January 1, 2005, section 99.095,
2 Florida Statutes, is amended to read:

3 (Substantial rewording of section. See
4 s. 99.095, F.S., for present text.)

5 99.095 Petition process in lieu of qualifying fee and
6 party assessment.--

7 (1) A person seeking to qualify as a candidate for any
8 office is not required to pay the qualifying fee or party
9 assessment required by this chapter if he or she meets the
10 petition requirements of this section.

11 (2)(a) A candidate shall obtain the signatures of
12 voters in the geographical area represented by the office
13 sought equal to at least 1 percent of the total number of
14 voters of that geographical area, as shown by the compilation
15 by the department for the last preceding general election.
16 Signatures may not be obtained until the candidate has filed
17 the appointment of campaign treasurer and designation of
18 campaign depository pursuant to s. 106.021.

19 (b) The format of the petition shall be prescribed by
20 the division and shall be used by candidates to reproduce
21 petitions for circulation. If the candidate is running for an
22 office that requires a group or district designation, the
23 petition must indicate that designation and if it does not,
24 the signatures are not valid. A separate petition is required
25 for each candidate.

26 (3) Each petition must be submitted before noon of the
27 28th day preceding the first day of the qualifying period for
28 the office sought to the supervisor of elections of the county
29 in which such petition was circulated. Each supervisor shall
30 check the signatures on the petitions to verify their status
31 as voters in the county, district, or other geographical area

1 represented by the office sought. No later than the 7th day
2 before the first day of the qualifying period, the supervisor
3 shall certify the number of valid signatures.

4 (4)(a) Certifications for candidates for federal,
5 state, or multicounty district office shall be submitted to
6 the division. The division shall determine whether the
7 required number of signatures has been obtained and shall
8 notify the candidate.

9 (b) For candidates for county or district office not
10 covered by paragraph (a), the supervisor shall determine
11 whether the required number of signatures has been obtained
12 and shall notify the candidate.

13 (5) If the required number of signatures has been
14 obtained, the candidate is eligible to qualify pursuant to s.
15 99.061.

16 Section 4. Effective January 1, 2005, section 99.0955,
17 Florida Statutes, is amended to read:

18 99.0955 Candidates with no party affiliation; name on
19 general election ballot.--

20 (1) Each person seeking to qualify ~~for election~~ as a
21 candidate with no party affiliation shall file his or her
22 qualifying qualification papers and pay the qualifying fee or
23 qualify by the petition process pursuant to s. 99.095,
24 ~~alternative method prescribed in subsection (3)~~ with the
25 officer and during the times and under the circumstances
26 prescribed in s. 99.061. Upon qualifying, the candidate is
27 entitled to have his or her name placed on the general
28 election ballot.

29 (2) The qualifying fee for candidates with no party
30 affiliation shall consist of a filing fee and an election
31 assessment. ~~The amount of the filing fee is 3 percent of the~~

1 ~~annual salary of the office sought. The amount of the~~
2 ~~election assessment is 1 percent of the annual salary of the~~
3 ~~office sought. The election assessment shall be deposited~~
4 ~~into the Elections Commission Trust Fund. Filing fees paid to~~
5 ~~the Department of State shall be deposited into the General~~
6 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
7 ~~of elections shall be deposited into the general revenue fund~~
8 ~~of the county.~~

9 ~~(3)(a) A candidate with no party affiliation may, in~~
10 ~~lieu of paying the qualifying fee, qualify for office by the~~
11 ~~alternative method prescribed in this subsection. A candidate~~
12 ~~using this petitioning process shall file an oath with the~~
13 ~~officer before whom the candidate would qualify for the office~~
14 ~~stating that he or she intends to qualify by this alternative~~
15 ~~method. If the person is running for an office that requires~~
16 ~~a group or district designation, the candidate must indicate~~
17 ~~the designation in his or her oath. The oath shall be filed~~
18 ~~at any time after the first Tuesday after the first Monday in~~
19 ~~January of the year in which the election is held, but before~~
20 ~~the 21st day preceding the first day of the qualifying period~~
21 ~~for the office sought. The Department of State shall~~
22 ~~prescribe the form to be used in administering and filing the~~
23 ~~oath. Signatures may not be obtained by a candidate on any~~
24 ~~petition until the candidate has filed the oath required in~~
25 ~~this subsection. Upon receipt of the written oath from a~~
26 ~~candidate, the qualifying officer shall provide the candidate~~
27 ~~with petition forms in sufficient numbers to facilitate the~~
28 ~~gathering of signatures. If the candidate is running for an~~
29 ~~office that requires a group or district designation, the~~
30 ~~petition must indicate that designation or the signatures~~
31 ~~obtained on the petition will not be counted.~~

1 ~~(b) A candidate shall obtain the signatures of a~~
2 ~~number of qualified electors in the geographical entity~~
3 ~~represented by the office sought equal to 1 percent of the~~
4 ~~registered electors of the geographical entity represented by~~
5 ~~the office sought, as shown by the compilation by the~~
6 ~~Department of State for the preceding general election.~~

7 ~~(c) Each petition must be submitted before noon of the~~
8 ~~21st day preceding the first day of the qualifying period for~~
9 ~~the office sought, to the supervisor of elections of the~~
10 ~~county for which such petition was circulated. Each supervisor~~
11 ~~to whom a petition is submitted shall check the signatures on~~
12 ~~the petition to verify their status as electors in the county,~~
13 ~~district, or other geographical entity represented by the~~
14 ~~office sought. Before the first day for qualifying, the~~
15 ~~supervisor shall certify the number shown as registered~~
16 ~~electors.~~

17 ~~(d)1. Certifications for candidates for federal,~~
18 ~~state, or multicounty district office shall be submitted to~~
19 ~~the Department of State. The Department of State shall~~
20 ~~determine whether the required number of signatures has been~~
21 ~~obtained for the name of the candidate to be placed on the~~
22 ~~ballot and shall notify the candidate.~~

23 ~~2. For candidates for county or district office not~~
24 ~~covered by subparagraph 1., the supervisor of elections shall~~
25 ~~determine whether the required number of signatures has been~~
26 ~~obtained for the name of the candidate to be placed on the~~
27 ~~ballot and shall notify the candidate.~~

28 ~~(e) If the required number of signatures has been~~
29 ~~obtained, the candidate shall, during the time prescribed for~~
30 ~~qualifying for office, submit a copy of the notice received~~
31

1 ~~under paragraph (d) and file his or her qualifying papers and~~
2 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

3 Section 5. Effective January 1, 2005, section 99.096,
4 Florida Statutes, is amended to read:

5 99.096 Minor party candidates; names on ballot.--

6 (1) The executive committee of a minor political party
7 shall, no later than noon of the third day prior to the first
8 day of the qualifying period prescribed for federal
9 candidates, submit to the Department of State a list of
10 federal candidates nominated by the party to be on the general
11 election ballot. ~~and~~ No later than noon of the third day prior
12 to the first day of the qualifying period for state
13 candidates, the executive committee of a minor party shall
14 ~~submit to the Department of State~~ the official list of the
15 state, multicounty, and county ~~respective~~ candidates nominated
16 by that party to be on the ballot in the general election to
17 the filing officer for each of the candidates. ~~The Department~~
18 ~~of State shall notify the appropriate supervisors of elections~~
19 ~~of the name of each minor party candidate eligible to qualify~~
20 ~~before such supervisor.~~ The official list of nominated
21 candidates may not be changed by the party after having been
22 filed with the filing officers ~~Department of State~~, except
23 that candidates who have qualified may withdraw from the
24 ballot pursuant to the provisions of this code, and vacancies
25 in nominations may be filled pursuant to s. 100.111.

26 (2) Each person seeking to qualify for election as a
27 candidate of a minor party shall file his or her qualifying
28 ~~qualification~~ papers with, and pay the qualifying fee and, if
29 one has been levied, the party assessment, or qualify by the
30 petition process pursuant to s. 99.095 ~~alternative method~~

31

1 ~~prescribed in subsection (3), with the officer and at the~~
2 ~~times and under the circumstances provided in s. 99.061.~~

3 ~~(3)(a) A minor party candidate may, in lieu of paying~~
4 ~~the qualifying fee and party assessment, qualify for office by~~
5 ~~the alternative method prescribed in this subsection. A~~
6 ~~candidate using this petitioning process shall file an oath~~
7 ~~with the officer before whom the candidate would qualify for~~
8 ~~the office stating that he or she intends to qualify by this~~
9 ~~alternative method. If the person is running for an office~~
10 ~~that requires a group or district designation, the candidate~~
11 ~~must indicate the designation in his or her oath. The oath~~
12 ~~must be filed at any time after the first Tuesday after the~~
13 ~~first Monday in January of the year in which the election is~~
14 ~~held, but before the 21st day preceding the first day of the~~
15 ~~qualifying period for the office sought. The Department of~~
16 ~~State shall prescribe the form to be used in administering and~~
17 ~~filing the oath. Signatures may not be obtained by a~~
18 ~~candidate on any petition until the candidate has filed the~~
19 ~~oath required in this section. Upon receipt of the written~~
20 ~~oath from a candidate, the qualifying officer shall provide~~
21 ~~the candidate with petition forms in sufficient numbers to~~
22 ~~facilitate the gathering of signatures. If the candidate is~~
23 ~~running for an office that requires a group or district~~
24 ~~designation, the petition must indicate that designation or~~
25 ~~the signatures on such petition will not be counted.~~

26 ~~(b) A candidate shall obtain the signatures of a~~
27 ~~number of qualified electors in the geographical entity~~
28 ~~represented by the office sought equal to 1 percent of the~~
29 ~~registered electors in the geographical entity represented by~~
30 ~~the office sought, as shown by the compilation by the~~
31 ~~Department of State for the last preceding general election.~~

1 ~~(c) Each petition shall be submitted prior to noon of~~
2 ~~the 21st day preceding the first day of the qualifying period~~
3 ~~for the office sought to the supervisor of elections of the~~
4 ~~county for which the petition was circulated. Each supervisor~~
5 ~~to whom a petition is submitted shall check the signatures on~~
6 ~~the petition to verify their status as electors in the county,~~
7 ~~district, or other geographical entity represented by the~~
8 ~~office sought. Before the first day for qualifying, the~~
9 ~~supervisor shall certify the number shown as registered~~
10 ~~electors.~~

11 ~~(d)1. Certifications for candidates for federal,~~
12 ~~state, or multicounty district office shall be submitted to~~
13 ~~the Department of State. The Department of State shall~~
14 ~~determine whether the required number of signatures has been~~
15 ~~obtained for the name of the candidate to be placed on the~~
16 ~~ballot and shall notify the candidate.~~

17 ~~2. For candidates for county or district office not~~
18 ~~covered by subparagraph 1., the supervisor of elections shall~~
19 ~~determine whether the required number of signatures has been~~
20 ~~obtained for the name of the candidate to be placed on the~~
21 ~~ballot and shall notify the candidate.~~

22 ~~(e) If the required number of signatures has been~~
23 ~~obtained, the candidate shall, during the prescribed time for~~
24 ~~qualifying for office, submit a copy of the notice received~~
25 ~~under paragraph (d) and file his or her qualifying papers and~~
26 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

27 ~~(4) A minor party candidate whose name has been~~
28 ~~submitted pursuant to subsection (1) and who has qualified for~~
29 ~~office is entitled to have his or her name placed on the~~
30 ~~general election ballot.~~

31

1 Section 6. Subsection (1) of section 100.011, Florida
2 Statutes, is amended to read:

3 100.011 Opening and closing of polls, all elections;
4 expenses.--

5 (1) The polls shall be open at the voting places at
6 7:00 a.m., on the day of the election, and shall be kept open
7 until 7:00 p.m., of the same day, and the time shall be
8 regulated by the customary time in standard use in the county
9 seat of the locality. The inspectors shall make public
10 proclamation of the opening and closing of the polls. During
11 the election and canvass of the votes, the ballot box shall
12 not be concealed. Any elector in line at the official closing
13 shall be allowed to cast a vote in the election.

14 Section 7. Paragraph (b) of subsection (4) of section
15 100.111, Florida Statutes, is amended to read:

16 100.111 Filling vacancy.--

17 (4)

18 (b) If the vacancy in nomination occurs later than
19 September 15, or if the vacancy in nomination occurs with
20 respect to a candidate of a minor political party which has
21 obtained a position on the ballot, no special primary election
22 shall be held and the Department of State shall notify the
23 chair of the appropriate state, district, or county political
24 party executive committee of such party; and, within 7 days,
25 the chair shall call a meeting of his or her executive
26 committee to consider designation of a nominee to fill the
27 vacancy. The name of any person so designated shall be
28 submitted to the Department of State within 14 days of notice
29 to the chair ~~in order that the person designated may have his~~
30 ~~or her name printed or otherwise placed on the ballot of the~~
31 ~~ensuing general election, but in no event shall the supervisor~~

1 ~~of elections be required to place on a ballot a name submitted~~
2 ~~less than 21 days prior to the election.~~ If the name of the
3 new nominee is submitted after the ballots have been printed
4 or programmed into the machines and the supervisor of
5 elections is not able to reprint or reprogram the ballots or
6 otherwise strike the former nominee's name and insert the new
7 nominee's name ~~vacancy occurs less than 21 days prior to the~~
8 ~~election~~, the person designated by the political party will
9 replace the former party nominee even though the former party
10 nominee's name will be on the ballot. Any ballots cast for
11 the former party nominee will be counted for the person
12 designated by the political party to replace the former party
13 nominee. If there is no opposition to the party nominee, the
14 person designated by the political party to replace the former
15 party nominee will be elected to office at the general
16 election. For purposes of this paragraph, the term "district
17 political party executive committee" means the members of the
18 state executive committee of a political party from those
19 counties comprising the area involving a district office.

20 Section 8. Subsection (1) of section 101.031, Florida
21 Statutes, is amended to read:

22 101.031 Instructions for electors.--

23 (1) The Department of State, or in case of municipal
24 elections the governing body of the municipality, shall print,
25 in large type on cards, instructions for the electors to use
26 in voting. ~~It shall provide not less than two cards for each~~
27 ~~voting precinct for each election and furnish such cards to~~
28 ~~each supervisor upon requisition.~~ Each supervisor of
29 elections shall send a sufficient number of these cards to the
30 precincts prior to an election. The election inspectors shall
31 display the cards in the polling places as information for

1 electors. The cards shall contain information about how to
2 vote and such other information as the Department of State may
3 deem necessary. The cards must also include the list of rights
4 and responsibilities afforded to Florida voters, as described
5 in subsection (2).

6 Section 9. Effective January 1, 2006, subsections (2)
7 and (4) of section 101.048, Florida Statutes, are amended to
8 read:

9 101.048 Provisional ballots.--

10 (2)(a) The county canvassing board shall examine each
11 Provisional Ballot Voter's Certificate and Affirmation
12 ~~envelope~~ to determine if the person voting that ballot was
13 entitled to vote at the precinct where the person cast a vote
14 in the election and that the person had not already cast a
15 ballot in the election.

16 (b)1. If it is determined that the person was
17 registered and entitled to vote at the precinct where the
18 person cast a vote in the election, the canvassing board shall
19 compare the signature on the Provisional Ballot Voter's
20 Certificate and Affirmation ~~envelope~~ with the signature on the
21 voter's registration and, if it matches, shall count the
22 ballot.

23 2. If it is determined that the person voting the
24 provisional ballot was not registered or entitled to vote at
25 the precinct where the person cast a vote in the election, the
26 provisional ballot shall not be counted and the ballot shall
27 remain in the envelope containing the Provisional Ballot
28 Voter's Certificate and Affirmation and the envelope shall be
29 marked "Rejected as Illegal."

30 (4) Notwithstanding the requirements of subsections
31 (1) through (3) In counties where the voting system does not

1 ~~utilize a paper ballot~~, the supervisor of elections may, and
2 for persons with disabilities shall, provide the appropriate
3 provisional ballot to the voter by electronic means that meet
4 the requirements of s. 101.56062 as provided for by the
5 certified voting system. Each person casting a provisional
6 ballot by electronic means shall, prior to casting his or her
7 ballot, complete the Provisional Ballot Voter's Certificate
8 and Affirmation as provided in subsection (3).

9 Section 10. Effective January 1, 2006, subsection (5)
10 of section 101.049, Florida Statutes, is amended to read:

11 101.049 Provisional ballots; special circumstances.--

12 (5) As an alternative, provisional ballots cast
13 pursuant to this section may, and for persons with
14 disabilities shall, be cast in accordance with the provisions
15 of s. 101.048(4).

16 Section 11. Section 101.131, Florida Statutes, is
17 amended to read:

18 101.131 Watchers at polls.--

19 (1) Each political party and each candidate may have
20 one watcher in each polling room at any one time during the
21 election. A political committee, if formed for the specific
22 purpose of opposing or supporting a named issue on the ballot,
23 may have one watcher for each polling room at any one time
24 during the election. No watcher shall be permitted to come
25 closer to the officials' table or the voting booths than is
26 reasonably necessary to properly perform his or her functions,
27 but each shall be allowed within the polling room to watch and
28 observe the conduct of electors and officials. The watchers
29 shall furnish their own materials and necessities and shall
30 not obstruct the orderly conduct of any election. Each
31

1 watcher shall be a qualified and registered elector of the
2 county in which he or she serves.

3 (2) Each party, each committee, and each candidate
4 requesting to have poll watchers shall designate, in writing,
5 poll watchers for each polling room precinct prior to noon of
6 the second Tuesday preceding the election. The designation
7 shall include specific times for each watcher to be in the
8 polling room. The poll watchers for each polling room precinct
9 shall be approved by the supervisor of elections on or before
10 the Tuesday before the election. The supervisor shall furnish
11 to each election board precinct a list of the poll watchers
12 designated and approved for such polling room precinct.

13 (3) ~~A No~~ candidate or sheriff, deputy sheriff, police
14 officer, or other law enforcement officer may not be
15 designated as a poll watcher.

16 Section 12. Subsection (1) of section 101.151, Florida
17 Statutes, is amended to read:

18 101.151 Specifications for ballots.--

19 (1) Marksense Paper ballots shall be printed on paper
20 of such thickness that the printing cannot be distinguished
21 from the back and shall meet the specifications of the voting
22 system that will be used to read the ballots.

23 Section 13. Section 101.171, Florida Statutes, is
24 amended to read:

25 101.171 Copy of constitutional amendment ~~to be~~
26 ~~posted~~.--Whenever any amendment to the State Constitution is
27 to be voted upon at any election, the Department of State
28 shall have printed, and shall furnish to each supervisor of
29 elections, a sufficient number of copies of the amendment,
30 either in poster or booklet form, and the supervisor shall
31

1 have a copy thereof conspicuously posted or available at each
2 precinct upon the day of election.

3 Section 14. Section 101.253, Florida Statutes, is
4 amended to read:

5 101.253 When names not to be printed on ballot.--

6 (1) No candidate's name, which candidate is required
7 to qualify with a supervisor of elections for any primary or
8 general election, shall be printed on the ballot if such
9 candidate has notified the supervisor of elections in writing,
10 under oath, on or before the 42nd day before the election that
11 the candidate will not accept the nomination or office for
12 which he or she filed qualification papers. The supervisor of
13 elections may, in his or her discretion with the approval of
14 the Department of State, allow such a candidate to withdraw
15 after the 42nd day before an election, upon receipt of written
16 notice, sworn to under oath, that the candidate will not
17 accept the nomination or office for which he or she qualified.

18 (2) No candidate's name, which candidate is required
19 to qualify with the Department of State for any primary or
20 general election, shall be printed on the ballot if such
21 candidate has notified the Department of State in writing,
22 under oath, on or before the 42nd day before the election that
23 the candidate will not accept the nomination or office for
24 which he or she filed qualification papers. The Department of
25 State may in its discretion allow such a candidate to withdraw
26 after the 42nd day before an election upon receipt of a
27 written notice, sworn to under oath, that the candidate will
28 not accept the nomination or office for which he or she
29 qualified.

30
31

1 (3) If ballots are printed or programmed into the
2 machines before the death, resignation, removal, or withdrawal
3 of a candidate, the supervisor of elections may:

4 (a) Strike the name of the candidate and, if
5 necessary, insert the name of the new nominee;

6 (b) Reprint or reprogram the ballot; or

7 (c) Provide notice in a newspaper of general
8 circulation in the county, post a notice in each voting booth,
9 and provide an insert with each absentee ballot mailed to a
10 voter explaining the consequences of a vote for the former
11 candidate. In no case shall the supervisor be required to
12 print on the ballot a name which is submitted less than 21
13 days prior to the election. In the event the ballots are
14 printed 21 days or more prior to the election, the name of any
15 candidate whose death, resignation, removal, or withdrawal
16 created a vacancy in office or nomination shall be stricken
17 from the ballot with a rubber stamp or appropriate printing
18 device, and the name of the new nominee shall be inserted on
19 the ballot in a like manner. The supervisor may, as an
20 alternative, reprint the ballots to include the name of the
21 new nominee.

22 Section 15. Subsections (4) and (5) are added to
23 section 101.294, Florida Statutes, to read:

24 101.294 Purchase and sale of voting equipment.--

25 (4) A vendor of voting equipment may not provide an
26 uncertified voting system, voting system component, or voting
27 system upgrade to a governing body or supervisor of elections
28 in this state.

29 (5) Before or in conjunction with providing a voting
30 system, voting system component, or voting system upgrade, the
31 vendor shall provide the governing body or supervisor of

1 elections with a sworn certification that the voting system,
2 voting system component, or voting system upgrade being
3 provided has been certified by the Division of Elections.

4 Section 16. Section 101.295, Florida Statutes, is
5 amended to read:

6 101.295 Penalties for violation.--

7 (1) Any member of a governing body which purchases or
8 sells voting equipment in violation of the provisions of ss.
9 101.292-101.295, which member knowingly votes to purchase or
10 sell voting equipment in violation of the provisions of ss.
11 101.292-101.295, is guilty of a misdemeanor of the first
12 degree, punishable as provided by s. 775.082 or s. 775.083,
13 and shall be subject to suspension from office on the grounds
14 of malfeasance.

15 (2) Any vendor, chief executive officer, or vendor
16 representative of voting equipment who provides a voting
17 system, voting system component, or voting system upgrade in
18 violation of this chapter commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 Section 17. Effective January 1, 2006, subsection (4)
22 of section 101.5606, Florida Statutes, is amended, and
23 subsection (16) is added to that section, to read:

24 101.5606 Requirements for approval of systems.--No
25 electronic or electromechanical voting system shall be
26 approved by the Department of State unless it is so
27 constructed that:

28 (4) For systems using marksense ~~paper~~ ballots, it
29 accepts a rejected ballot pursuant to subsection (3) if a
30 voter chooses to cast the ballot, but records no vote for any
31 office that has been overvoted or undervoted.

1 (16) All electronic voter interface devices are
2 capable of allowing voters to cast both regular and
3 provisional ballots while allowing the elections administrator
4 to preserve the secrecy of voted ballots.

5 Section 18. Subsection (1) of section 101.595, Florida
6 Statutes, is amended to read:

7 101.595 Analysis and reports of voting problems.--

8 (1) No later than December 15 of each general election
9 year, the supervisor of elections in each county shall report
10 to the Department of State the total number of overvotes and
11 undervotes in either the presidential or the gubernatorial
12 race, whichever is applicable ~~first race appearing on the~~
13 ~~ballot pursuant to s. 101.151(2)~~, along with the likely
14 reasons for such overvotes and undervotes and other
15 information as may be useful in evaluating the performance of
16 the voting system and identifying problems with ballot design
17 and instructions which may have contributed to voter
18 confusion.

19 Section 19. Subsection (1) of section 101.6103,
20 Florida Statutes, is amended, present subsection (6) of that
21 section is renumbered as subsection (7), and a new subsection
22 (6) is added to that section to read:

23 101.6103 Mail ballot election procedure.--

24 (1) Except as otherwise provided in subsection (7)
25 ~~(6)~~, the supervisor of elections shall mail all official
26 ballots with a secrecy envelope, a return mailing envelope,
27 and instructions sufficient to describe the voting process to
28 each elector entitled to vote in the election not sooner than
29 the 20th day before the election and not later than the 10th
30 day before the date of the election. All such ballots shall
31 be mailed by first-class mail. Ballots shall be addressed to

1 each elector at the address appearing in the registration
2 records and placed in an envelope which is prominently marked
3 "Do Not Forward."

4 (6) The canvassing board may begin the canvassing of
5 mail ballots at 7 a.m. on the fourth day before the election,
6 including processing the ballots through the tabulating
7 equipment. However, results may not be released until after 7
8 p.m. on election day. Any canvassing board member or election
9 employee who releases any result prior 7 p.m. on election day
10 commits a felony of the third degree, punishable as provided
11 in s. 775.082, s. 775.083, or s. 775.084.

12 Section 20. Section 101.62, Florida Statutes, is
13 amended to read:

14 101.62 Request for absentee ballots.--

15 (1)(a) The supervisor may accept a request for an
16 absentee ballot from an elector in person or in writing.
17 Except as provided in s. 101.694, one request shall be deemed
18 sufficient to receive an absentee ballot for all elections
19 which are held within a calendar year, unless the elector or
20 the elector's designee indicates at the time the request is
21 made the elections for which the elector desires to receive an
22 absentee ballot. Such request may be considered canceled when
23 any first-class mail sent by the supervisor to the elector is
24 returned as undeliverable.

25 (b) The supervisor may accept a written or telephonic
26 request for an absentee ballot from the elector, or, if
27 directly instructed by the elector, a member of the elector's
28 immediate family, or the elector's legal guardian. For
29 purposes of this section, the term "immediate family" has the
30 same meaning as specified in paragraph ~~(3)(b)(4)(b)~~. The
31 person making the request must disclose:

- 1 1. The name of the elector for whom the ballot is
2 requested;
- 3 2. The elector's address;
- 4 3. The elector's date of birth;
- 5 4. The requester's name;
- 6 5. The requester's address;
- 7 6. The requester's driver's license number, if
8 available;
- 9 7. The requester's relationship to the elector; and
- 10 8. The requester's signature (written requests only).
- 11 ~~(2) If a request for an absentee ballot is received~~
12 ~~after the Friday before the election by the supervisor of~~
13 ~~elections from an absent elector overseas, the supervisor~~
14 ~~shall send a notice to the elector acknowledging receipt of~~
15 ~~his or her request and notifying the elector that the ballot~~
16 ~~will not be forwarded due to insufficient time for return of~~
17 ~~the ballot by the required deadline.~~
- 18 (2)(3) For each request for an absentee ballot
19 received, the supervisor shall record the date the request was
20 made, the date the absentee ballot was delivered or mailed,
21 the date the ballot was received by the supervisor, and such
22 other information he or she may deem necessary. This
23 information shall be confidential and exempt from the
24 provisions of s. 119.07(1) and shall be made available to or
25 reproduced only for a canvassing board, an election official,
26 a political party or official thereof, a candidate who has
27 filed qualification papers and is opposed in an upcoming
28 election, and registered political committees or registered
29 committees of continuous existence, for political purposes
30 only.
31

1 ~~(3)(4)~~(a) To each absent qualified elector overseas
2 who has requested an absentee ballot, the supervisor of
3 elections shall, not fewer than 35 days before the first
4 primary election, mail an absentee ballot. Not fewer than 45
5 days before the second primary and general election, the
6 supervisor of elections shall mail an absentee ballot. If the
7 regular absentee ballots are not available, the supervisor
8 shall mail an advance absentee ballot to those persons
9 requesting ballots for such elections. The advance absentee
10 ballot for the second primary shall be the same as the first
11 primary absentee ballot as to the names of candidates, except
12 that for any offices where there are only two candidates,
13 those offices and all political party executive committee
14 offices shall be omitted. Except as provided in s. 99.063(4),
15 the advance absentee ballot for the general election shall be
16 as specified in s. 101.151, except that in the case of
17 candidates of political parties where nominations were not
18 made in the first primary, the names of the candidates placing
19 first and second in the first primary election shall be
20 printed on the advance absentee ballot. The advance absentee
21 ballot or advance absentee ballot information booklet shall be
22 of a different color for each election and also a different
23 color from the absentee ballots for the first primary, second
24 primary, and general election. The supervisor shall mail an
25 advance absentee ballot for the second primary and general
26 election to each qualified absent elector for whom a request
27 is received until the absentee ballots are printed. The
28 supervisor shall enclose with the advance second primary
29 absentee ballot and advance general election absentee ballot
30 an explanation stating that the absentee ballot for the
31 election will be mailed as soon as it is printed; and, if both

1 | the advance absentee ballot and the absentee ballot for the
2 | election are returned in time to be counted, only the absentee
3 | ballot will be counted. The Department of State may prescribe
4 | by rule the requirements for preparing and mailing absentee
5 | ballots to absent qualified electors overseas.

6 | (b) As soon as the remainder of the absentee ballots
7 | are printed, the supervisor shall provide an absentee ballot
8 | to each elector by whom a request for that ballot has been
9 | made by one of the following means:

10 | 1. By nonforwardable, return-if-undeliverable mail to
11 | the elector's current mailing address on file with the
12 | supervisor, unless the elector specifies in the request that:

13 | a. The elector is absent from the county and does not
14 | plan to return before the day of the election;

15 | b. The elector is temporarily unable to occupy the
16 | residence because of hurricane, tornado, flood, fire, or other
17 | emergency or natural disaster; or

18 | c. The elector is in a hospital, assisted-living
19 | facility, nursing home, short-term medical or rehabilitation
20 | facility, or correctional facility,

21 |
22 | in which case the supervisor shall mail the ballot by
23 | nonforwardable, return-if-undeliverable mail to any other
24 | address the elector specifies in the request.

25 | 2. By forwardable mail to voters who are entitled to
26 | vote by absentee ballot under the Uniformed and Overseas
27 | Citizens Absentee Voting Act.

28 | 3. By personal delivery to the elector, upon
29 | presentation of the identification required in s. 101.657.

30 | 4. By delivery to a designee on election day or up to
31 | 4 days prior to the day of an election. Any elector may

1 designate in writing a person to pick up the ballot for the
2 elector; however, the person designated may not pick up more
3 than two absentee ballots per election, other than the
4 designee's own ballot, except that additional ballots may be
5 picked up for members of the designee's immediate family. For
6 purposes of this section, "immediate family" means the
7 designee's spouse or the parent, child, grandparent, or
8 sibling of the designee or of the designee's spouse. The
9 designee shall provide to the supervisor the written
10 authorization by the elector and a picture identification of
11 the designee and must complete an affidavit. The designee
12 shall state in the affidavit that the designee is authorized
13 by the elector to pick up that ballot and shall indicate if
14 the elector is a member of the designee's immediate family
15 and, if so, the relationship. The department shall prescribe
16 the form of the affidavit. If the supervisor is satisfied that
17 the designee is authorized to pick up the ballot and that the
18 signature of the elector on the written authorization matches
19 the signature of the elector on file, the supervisor shall
20 give the ballot to that designee for delivery to the elector.

21 ~~(4)(5)~~ In the event that the Elections Canvassing
22 Commission is unable to certify the results of an election for
23 a state office in time to comply with subsection (4), the
24 Department of State is authorized to prescribe rules for a
25 ballot to be sent to absent electors overseas.

26 ~~(5)(6)~~ Nothing other than the materials necessary to
27 vote absentee shall be mailed or delivered with any absentee
28 ballot.

29 Section 21. Section 101.64, Florida Statutes, is
30 amended to read:
31

1 101.64 Delivery of absentee ballots; envelopes;
2 form.--

3 (1) The supervisor shall enclose with each absentee
4 ballot two envelopes: a secrecy envelope, into which the
5 absent elector shall enclose his or her marked ballot; and a
6 mailing envelope, into which the absent elector shall then
7 place the secrecy envelope, which shall be addressed to the
8 supervisor and also bear on the back side a certificate in
9 substantially the following form:

10
11 Note: Please Read Instructions Carefully Before
12 Marking Ballot and Completing Voter's Certificate.

13
14 VOTER'S CERTIFICATE

15 I, , do solemnly swear or affirm that I am a
16 qualified and registered voter of County, Florida, and
17 that I have not and will not vote more than one ballot in this
18 election. I understand that if I commit or attempt to commit
19 any fraud in connection with voting, vote a fraudulent ballot,
20 or vote more than once in an election, I can be convicted of a
21 felony of the third degree and fined up to \$5,000 and/or
22 imprisoned for up to 5 years. I also understand that failure
23 to sign this certificate and have my signature properly
24 witnessed will invalidate my ballot.

25
26 . . . (Date) (Voter's Signature) . . .

27
28 Note: Your Signature Must Be Witnessed By One Witness 18 Years
29 of Age or Older as provided in the Instruction Sheet.

1 I swear or affirm that the voter signed this Voter's
2 Certificate in my presence.
3
4 ...(Signature of Witness)...
5
6 ...(Address)...
7 ... (City/State)...

8
9 (2) The certificate shall be arranged on the back of
10 the mailing envelope so that the lines for the signatures of
11 the absent elector and the attesting witness are across the
12 seal of the envelope; however, no statement shall appear on
13 the envelope which indicates that a signature of the voter or
14 witness must cross the seal of the envelope. The absent
15 elector and the attesting witness shall execute the
16 certificate on the envelope.

17 (3) In lieu of the voter's certificate provided in
18 this section, the supervisor of elections shall provide each
19 person voting absentee under the Uniformed and Overseas
20 Citizens Absentee Voting Act with the standard oath prescribed
21 by the presidential designee. Witness information is not
22 required of these voters.

23 Section 22. Paragraph (c) of subsection (2) of section
24 101.68, Florida Statutes, is amended to read:

25 101.68 Canvassing of absentee ballot.--

26 (2)

27 (c)1. The canvassing board shall, if the supervisor
28 has not already done so, compare the signature of the elector
29 on the voter's certificate with the signature of the elector
30 in the registration books to see that the elector is duly
31 registered in the county and to determine the legality of that

1 absentee ballot. An absentee ballot shall be considered
2 illegal if it does not include the signature of the elector,
3 as shown by the registration records, and, except for voters
4 using the standard oath as required by s. 101.64(3), the
5 signature and address of an attesting witness. However, an
6 absentee ballot shall not be considered illegal if the
7 signature of the elector or attesting witness does not cross
8 the seal of the mailing envelope. If the canvassing board
9 determines that any ballot is illegal, a member of the board
10 shall, without opening the envelope, mark across the face of
11 the envelope: "rejected as illegal." The envelope and the
12 ballot contained therein shall be preserved in the manner that
13 official ballots voted are preserved.

14 2. If any elector or candidate present believes that
15 an absentee ballot is illegal due to a defect apparent on the
16 voter's certificate, he or she may, at any time before the
17 ballot is removed from the envelope, file with the canvassing
18 board a protest against the canvass of that ballot, specifying
19 the precinct, the ballot, and the reason he or she believes
20 the ballot to be illegal. A challenge based upon a defect in
21 the voter's certificate may not be accepted after the ballot
22 has been removed from the mailing envelope.

23 Section 23. Section 101.6923, Florida Statutes, is
24 amended to read:

25 101.6923 Special absentee ballot instructions for
26 certain first-time voters.--

27 (1) The provisions of this section apply to voters who
28 registered to vote by mail, who have not previously voted in
29 the county, and who have not provided the identification or
30 information required by s. 97.0535 by the time the absentee
31 ballot is mailed.

1 (2) A voter covered by this section shall be provided
2 with ~~the following~~ printed instructions with his or her
3 absentee ballot in substantially the following form:
4

5 READ THESE INSTRUCTIONS CAREFULLY BEFORE
6 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
7 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
8 COUNT.
9

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

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

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

23 4. Place your marked ballot in the enclosed secrecy
24 envelope and seal the envelope.

25 5. Insert the secrecy envelope into the enclosed
26 envelope bearing the Voter's Certificate. Seal the envelope
27 and completely fill out the Voter's Certificate on the back of
28 the envelope.

29 a. You must sign your name on the line above (Voter's
30 Signature).
31

1 b. You must have your signature witnessed. Have the
2 witness sign above (Signature of Witness) and include his or
3 her address. No candidate may serve as an attesting witness.

4 c. If you are an overseas voter, you must include the
5 date you signed the Voter's Certificate on the line above
6 (Date) or your ballot may not be counted.

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

10 a. Identification which must include your name and
11 photograph: current and valid Florida driver's license;
12 Florida identification card issued by the Department of
13 Highway Safety and Motor Vehicles; United States passport;
14 employee badge or identification; buyer's club identification
15 card; debit or credit card; military identification; student
16 identification; retirement center identification; neighborhood
17 association identification; entertainment identification; or
18 public assistance identification; or

19 b. Identification which shows your name and current
20 residence address: current utility bill, bank statement,
21 government check, paycheck, or government document (excluding
22 voter identification card).

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

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

26 b. You have a temporary or permanent physical
27 disability.

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

31

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

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

8 f. You are currently residing outside the United
9 States.

10 8. Place the envelope bearing the Voter's Certificate
11 into the mailing envelope addressed to the supervisor. Insert
12 a copy of your identification in the mailing envelope. DO NOT
13 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
14 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
15 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

19 10. FELONY NOTICE. It is a felony under Florida law to
20 accept any gift, payment, or gratuity in exchange for your
21 vote for a candidate. It is also a felony under Florida law to
22 vote in an election using a false identity or false address,
23 or under any other circumstances making your ballot false or
24 fraudulent.

25 Section 24. Subsection (3) of section 101.694, Florida
26 Statutes, is amended to read:

27 101.694 Mailing of ballots upon receipt of federal
28 postcard application.--

29 (3) Absentee envelopes printed for overseas voters
30 shall meet the specifications as determined by the Division of
31 Elections in conjunction with the Federal Voting Assistance

1 Program of the United States Department of Defense and the
2 United States Postal Service. ~~There shall be printed across~~
3 ~~the face of each envelope in which a ballot is sent to a~~
4 ~~federal postcard applicant, or is returned by such applicant~~
5 ~~to the supervisor, two parallel horizontal red bars, each~~
6 ~~one quarter inch wide, extending from one side of the envelope~~
7 ~~to the other side, with an intervening space of one quarter~~
8 ~~inch, the top bar to be 1 1/4 inches from the top of the~~
9 ~~envelope, and with the words "Official Election Balloting~~
10 ~~Material via Air Mail," or similar language, between the bars.~~
11 ~~There shall be printed in the upper right corner of each such~~
12 ~~envelope, in a box, the words "Free of U. S. Postage,~~
13 ~~including Air Mail." All printing on the face of each~~
14 ~~envelope shall be in red, and there shall be printed in red in~~
15 ~~the upper left corner of each ballot envelope an appropriate~~
16 ~~inscription or blanks for return address of sender.~~
17 ~~Additional specifications may be prescribed by rule of the~~
18 ~~Division of Elections upon recommendation of the presidential~~
19 ~~designee under the Uniformed and Overseas Citizens Absentee~~
20 ~~Voting Act.~~ Otherwise, the envelopes shall be the same as
21 those used in sending ballots to, or receiving them from,
22 other absentee voters.

23 Section 25. Section 101.697, Florida Statutes, is
24 amended to read:

25 101.697 Electronic transmission of election
26 materials.--The Department of State shall adopt rules to
27 authorize a supervisor of elections to accept a request for an
28 absentee ballot and a voted absentee ballot by facsimile
29 machine or other electronic means from overseas voters if the
30 department can be assured that the security of the
31 transmission of the ballot is able to be established. The

1 rules must provide that in order to accept a voted ballot, the
2 verification of the voter must be established, the security of
3 the transmission must be established, and each ballot received
4 must be recorded.

5 Section 26. Section 102.012, Florida Statutes, is
6 amended to read:

7 102.012 Inspectors and clerks to conduct elections.--

8 (1) The supervisor of elections of each county, at
9 least 20 days prior to the holding of any election, shall
10 appoint an ~~two~~ election board ~~boards~~ for each precinct in the
11 county; ~~however, the supervisor of elections may, in any~~
12 ~~election, appoint one election board if the supervisor has~~
13 ~~reason to believe that only one is necessary.~~ The clerk shall
14 be in charge of, and responsible for, seeing that the election
15 board carries out its duties and responsibilities. Each
16 inspector and each clerk shall take and subscribe to an oath
17 or affirmation, which shall be written or printed, to the
18 effect that he or she will perform the duties of inspector or
19 clerk of election, respectively, according to law and will
20 endeavor to prevent all fraud, deceit, or abuse in conducting
21 the election. The oath may be taken before an officer
22 authorized to administer oaths or before any of the persons
23 who are to act as inspectors, one of them to swear the others,
24 and one of the others sworn thus, in turn, to administer the
25 oath to the one who has not been sworn. The oaths shall be
26 returned with the poll list and the returns of the election to
27 the supervisor. In all questions that may arise before the
28 members of an election board, the decision of a majority of
29 them shall decide the question. The supervisor of elections
30 of each county shall be responsible for the attendance and
31

1 diligent performance of his or her duties by each clerk and
2 inspector.

3 (2) Each member of the election board shall be able to
4 read and write the English language and shall be a registered
5 qualified elector of the county in which the member is
6 appointed or a person who has preregistered to vote, pursuant
7 to s. 97.041(1)(b), in the county in which the member is
8 appointed. No election board shall be composed solely of
9 members of one political party; however, in any primary in
10 which only one party has candidates appearing on the ballot,
11 all clerks and inspectors may be of that party. Any person
12 whose name appears as an opposed candidate for any office
13 shall not be eligible to serve on an election board.

14 (3) The supervisor shall furnish inspectors of
15 election for each precinct with the registration books divided
16 alphabetically as will best facilitate the holding of an
17 election. The supervisor shall also furnish to the inspectors
18 of election at the polling place at each precinct in the
19 supervisor's county a sufficient number of forms and blanks
20 for use on election day.

21 (4)~~(a)~~ The election board of each precinct shall
22 attend the polling place by 6 a.m. of the day of the election
23 and shall arrange the furniture, stationery, and voting
24 equipment.

25 ~~(b)~~ The An election board shall conduct the voting,
26 beginning and closing at the time set forth in s. 100.011. ~~If~~
27 ~~more than one board has been appointed, the second board~~
28 ~~shall, upon the closing of the polls, come on duty and count~~
29 ~~the votes cast. In such case, the first board shall turn over~~
30 ~~to the second board all closed ballot boxes, registration~~
31 ~~books, and other records of the election at the time the~~

1 ~~boards change. The second board shall continue counting until~~
2 ~~the count is complete or until 7 a.m. the next morning, and,~~
3 ~~if the count is not completed at that time, the first board~~
4 ~~that conducted the election shall again report for duty and~~
5 ~~complete the count. The second board shall turn over to the~~
6 ~~first board all ballots counted, all ballots not counted, and~~
7 ~~all registration books and other records and shall advise the~~
8 ~~first board as to what has transpired in tabulating the~~
9 ~~results of the election.~~

10 ~~(5) In precincts in which there are more than 1,000~~
11 ~~registered electors, the supervisor of elections shall appoint~~
12 ~~additional election boards necessary for the election.~~

13 ~~(6) In any precinct in which there are fewer than 300~~
14 ~~registered electors, it is not necessary to appoint two~~
15 ~~election boards, but one such board will suffice. Such board~~
16 ~~shall be composed of at least one inspector and one clerk.~~

17 Section 27. Section 102.111, Florida Statutes, is
18 amended to read:

19 102.111 Elections Canvassing Commission.--

20 (1) The Elections Canvassing Commission shall consist
21 of the Governor and two members of the Cabinet selected by the
22 Governor. If a member of the Elections Canvassing Commission
23 is unable to serve for any reason, the Governor shall appoint
24 a remaining member of the Cabinet. If there is a further
25 vacancy, the remaining members of the commission shall agree
26 on another elected official to fill the vacancy. The Elections
27 Canvassing Commission shall, as soon as the official results
28 are compiled from all counties, certify the returns of the
29 election and determine and declare who has been elected for
30 each federal, state, and multicounty office.

31

1 (2) The Division of Elections shall provide the staff
2 services required by the Elections Canvassing Commission.

3 (3) The Elections Canvassing Commission may delegate
4 the authority to order recounts pursuant to ss. 102.141(6) and
5 102.166 to the chief election officer.

6 Section 28. Section 102.071, Florida Statutes, is
7 amended to read:

8 102.071 Tabulation of votes and proclamation of
9 results ~~where ballots are used.~~--The election board shall post
10 at the polls, for the benefit of the public, the results of
11 the voting for each office or other item on the ballot as the
12 count is completed. Upon completion of all counts in all
13 races, a certificate ~~triplicate certificates~~ of the results
14 shall be drawn up by the inspectors and clerk at each precinct
15 upon a form provided by the supervisor of elections which
16 shall contain the name of each person voted for, for each
17 office, and the number of votes cast for each person for such
18 office; and, if any question is submitted, the certificate
19 shall also contain the number of votes cast for and against
20 the question. The certificate shall be signed by the
21 inspectors and clerk, ~~and one of the certificates~~ shall be
22 delivered without delay ~~by one of the inspectors~~, securely
23 sealed, to the supervisor for immediate publication; ~~the~~
24 ~~duplicate copy of the certificate shall be delivered to the~~
25 ~~county court judge; and the remaining copy shall be enclosed~~
26 ~~in the ballot box together with the oaths of inspectors and~~
27 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
28 memoranda, and papers of all kinds used in the election shall
29 also be transmitted, after being sealed by the inspectors, to
30 ~~with the certificates of result of the election to be filed in~~
31 the supervisor's office. Registration books and the poll lists

1 shall not be placed in the ballot boxes but shall be returned
2 to the supervisor.

3 Section 29. Subsections (3), (4), (5), (6), and (8) of
4 section 102.141, Florida Statutes, are amended to read:

5 102.141 County canvassing board; duties.--

6 (3) The canvass, except the canvass of absentee
7 electors' returns and the canvass of provisional ballots,
8 shall be made from the returns and certificates of the
9 inspectors as signed and filed by them with the ~~county court~~
10 ~~judge and supervisor, respectively,~~ and the county canvassing
11 board shall not change the number of votes cast for a
12 candidate, nominee, constitutional amendment, or other measure
13 submitted to the electorate of the county, respectively, in
14 any polling place, as shown by the returns. All returns shall
15 be made to the board on or before 2 a.m. of the day following
16 any primary, general, special, or other election. If the
17 returns from any precinct are missing, if there are any
18 omissions on the returns from any precinct, or if there is an
19 obvious error on any such returns, the canvassing board shall
20 order a retabulation ~~recount~~ of the returns from such
21 precinct. Before canvassing such returns, the canvassing
22 board shall examine the tabulation of the ballots cast in such
23 precinct and determine whether the returns correctly reflect
24 the votes cast. If there is a discrepancy between the returns
25 and the tabulation of the ballots cast, the tabulation of the
26 ballots cast shall be presumed correct and such votes shall be
27 canvassed accordingly.

28 (4) The canvassing board shall submit unofficial
29 returns on forms or formats provided by the division to the
30 Department of State for each federal, statewide, state, or
31 multicounty office or ballot measure no later than noon on the

1 second day after any primary, general, special, or other
2 election. Such returns shall include the canvass of all
3 ballots as required by subsection (2).

4 (5) If the county canvassing board determines that the
5 unofficial returns may contain a counting error in which the
6 vote tabulation system failed to count votes that were
7 properly marked in accordance with the instructions on the
8 ballot, the county canvassing board shall:

9 (a) Correct the error and retabulate ~~recount~~ the
10 affected ballots with the vote tabulation system; or

11 (b) Request that the Department of State verify the
12 tabulation software. When the Department of State verifies
13 such software, the department shall compare the software used
14 to tabulate the votes with the software filed with the
15 department pursuant to s. 101.5607 and check the election
16 parameters.

17 (6) If the unofficial returns reflect that a candidate
18 for any office was defeated or eliminated by one-half of a
19 percent or less of the votes cast for such office, that a
20 candidate for retention to a judicial office was retained or
21 not retained by one-half of a percent or less of the votes
22 cast on the question of retention, or that a measure appearing
23 on the ballot was approved or rejected by one-half of a
24 percent or less of the votes cast on such measure, the board
25 responsible for certifying the results of the vote on such
26 race or measure shall order a recount of the votes cast with
27 respect to such office or measure. The county canvassing board
28 is the board responsible for ordering county and local
29 recounts. The Elections Canvassing Commission is the board
30 responsible for ordering federal, state, and multicounty
31 recounts. A recount need not be ordered with respect to the

1 returns for any office, however, if the candidate or
2 candidates defeated or eliminated from contention for such
3 office by one-half of a percent or less of the votes cast for
4 such office request in writing that a recount not be made.

5 (a) ~~In counties with voting systems that use paper~~
6 ~~ballots,~~ Each canvassing board responsible for conducting a
7 recount shall put each marksense ballot through automatic
8 tabulating equipment and determine whether the returns
9 correctly reflect the votes cast. If any marksense ~~paper~~
10 ballot is physically damaged so that it cannot be properly
11 counted by the automatic tabulating equipment during the
12 recount, a true duplicate shall be made of the damaged ballot
13 pursuant to the procedures in s. 101.5614(5). Immediately
14 before the start of the recount ~~and after completion of the~~
15 ~~count,~~ a test of the tabulating equipment shall be conducted
16 as provided in s. 101.5612. If the test indicates no error,
17 the recount tabulation of the ballots cast shall be presumed
18 correct and such votes shall be canvassed accordingly. If an
19 error is detected, the cause therefor shall be ascertained and
20 corrected and the recount repeated, as necessary. The
21 canvassing board shall immediately report the error, along
22 with the cause of the error and the corrective measures being
23 taken, to the Department of State. No later than 11 days after
24 the election, the canvassing board shall file a separate
25 incident report with the Department of State, detailing the
26 resolution of the matter and identifying any measures that
27 will avoid a future recurrence of the error.

28 (b) ~~In counties with voting systems that do not use~~
29 ~~paper ballots,~~ Each canvassing board responsible for
30 conducting a recount where touchscreen ballots were used shall
31 examine the counters on the precinct tabulators to ensure that

1 | the total of the returns on the precinct tabulators equals the
2 | overall election return. If there is a discrepancy between the
3 | overall election return and the counters of the precinct
4 | tabulators, the counters of the precinct tabulators shall be
5 | presumed correct and such votes shall be canvassed
6 | accordingly.

7 | (c) The canvassing board shall submit a second set of
8 | unofficial returns on forms or formats provided by the
9 | division to the Department of State for each federal,
10 | statewide, state, or multicounty office or ballot measure no
11 | later than noon on the fourth ~~third~~ day after any election in
12 | which a recount was conducted pursuant to this subsection. If
13 | the canvassing board is unable to complete the recount
14 | prescribed in this subsection by the deadline, the second set
15 | of unofficial returns submitted by the canvassing board shall
16 | be identical to the initial unofficial returns and the
17 | submission shall also include a detailed explanation of why it
18 | was unable to timely complete the recount. However, the
19 | canvassing board shall complete the recount prescribed in this
20 | subsection, along with any manual recount prescribed in s.
21 | 102.166, and certify election returns in accordance with the
22 | requirements of this chapter.

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

27 | (8) At the same time that the official results of an
28 | election are certified to the Department of State, the county
29 | canvassing board shall file a report with the Division of
30 | Elections on the conduct of the election. The report shall
31 | contain information relating to any problems incurred as a

1 result of equipment malfunctions either at the precinct level
2 or at a counting location, any difficulties or unusual
3 circumstances encountered by an election board or the
4 canvassing board, and any other additional information which
5 the canvassing board feels should be made a part of the
6 official election record. Such reports shall be maintained on
7 file in the Division of Elections and shall be available for
8 public inspection. The division shall utilize the reports
9 submitted by the canvassing boards to determine what problems
10 may be likely to occur in other elections and disseminate such
11 information, along with possible solutions, to the supervisors
12 of elections.

13 Section 30. Section 102.168, Florida Statutes, is
14 amended to read:

15 102.168 Contest of election.--

16 (1) Except as provided in s. 102.171, the
17 certification of election or nomination of any person to
18 office, or of the result on any question submitted by
19 referendum, may be contested in the circuit court by any
20 unsuccessful candidate for such office or nomination thereto
21 or by any elector qualified to vote in the election related to
22 such candidacy, or by any taxpayer, respectively.

23 (2) Such contestant shall file a complaint, together
24 with the fees prescribed in chapter 28, with the clerk of the
25 circuit court within 10 days after midnight of the date the
26 last board responsible for certifying the results officially
27 ~~county canvassing board empowered to canvass the returns~~
28 certifies the results of the election being contested.

29 (3) The complaint shall set forth the grounds on which
30 the contestant intends to establish his or her right to such
31 office or set aside the result of the election on a submitted

1 referendum. The grounds for contesting an election under this
2 section are:

3 (a) Misconduct, fraud, or corruption on the part of
4 any election official or any member of the canvassing board
5 sufficient to change or place in doubt the result of the
6 election.

7 (b) Ineligibility of the successful candidate for the
8 nomination or office in dispute.

9 (c) Receipt of a number of illegal votes or rejection
10 of a number of legal votes sufficient to change or place in
11 doubt the result of the election.

12 (d) Proof that any elector, election official, or
13 canvassing board member was given or offered a bribe or reward
14 in money, property, or any other thing of value for the
15 purpose of procuring the successful candidate's nomination or
16 election or determining the result on any question submitted
17 by referendum.

18 (4) The county canvassing board ~~or Elections~~
19 ~~Canvassing Commission is an indispensable and shall be the~~
20 proper party defendant in county and local elections and the
21 Elections Canvassing Commission is an indispensable and proper
22 party defendant in federal, state, and multicounty races, and
23 the successful candidate ~~is shall be~~ an indispensable party to
24 any action brought to contest the election or nomination of a
25 candidate.

26 (5) A statement of the grounds of contest may not be
27 rejected, nor the proceedings dismissed, by the court for any
28 want of form if the grounds of contest provided in the
29 statement are sufficient to clearly inform the defendant of
30 the particular proceeding or cause for which the nomination or
31 election is contested.

1 (6) A copy of the complaint shall be served upon the
2 defendant and any other person named therein in the same
3 manner as in other civil cases under the laws of this state.
4 Within 10 days after the complaint has been served, the
5 defendant must file an answer admitting or denying the
6 allegations on which the contestant relies or stating that the
7 defendant has no knowledge or information concerning the
8 allegations, which shall be deemed a denial of the
9 allegations, and must state any other defenses, in law or
10 fact, on which the defendant relies. If an answer is not filed
11 within the time prescribed, the defendant may not be granted a
12 hearing in court to assert any claim or objection that is
13 required by this subsection to be stated in an answer.

14 (7) Any candidate, qualified elector, or taxpayer
15 presenting such a contest to a circuit judge is entitled to an
16 immediate hearing. However, the court in its discretion may
17 limit the time to be consumed in taking testimony, with a view
18 therein to the circumstances of the matter and to the
19 proximity of any succeeding election.

20 Section 31. Subsection (3) of section 105.031, Florida
21 Statutes, is amended to read:

22 105.031 Qualification; filing fee; candidate's oath;
23 items required to be filed.--

24 (3) ~~QUALIFYING FEE.~~--Each candidate qualifying for
25 election to a judicial office or the office of school board
26 member, except write-in judicial or school board candidates,
27 shall, during the time for qualifying, pay to the officer with
28 whom he or she qualifies a qualifying fee, which shall consist
29 of a filing fee and an election assessment, or qualify by the
30 alternative method. The amount of the filing fee is 3 percent
31 of the annual salary of the office sought. The amount of the

1 | election assessment is 1 percent of the annual salary of the
2 | office sought. The Department of State shall forward all
3 | filing fees to the Department of Revenue for deposit in the
4 | Elections Commission Trust Fund. The supervisor of elections
5 | shall forward all filing fees to the Elections Commission
6 | Trust Fund. The election assessment shall be deposited into
7 | the Elections Commission Trust Fund. The annual salary of the
8 | office for purposes of computing the qualifying fee shall be
9 | computed by multiplying 12 times the monthly salary authorized
10 | for such office as of July 1 immediately preceding the first
11 | day of qualifying. This subsection shall not apply to
12 | candidates qualifying for retention to judicial office.

13 | Section 32. Effective January 1, 2005, section
14 | 105.035, Florida Statutes, is amended to read:

15 | 105.035 Alternative method of qualifying for certain
16 | judicial offices and the office of school board member.--

17 | (1) A person seeking to qualify for election to the
18 | office of circuit judge or county court judge or the office of
19 | school board member may qualify for election to such office by
20 | means of the petitioning process prescribed in this section. A
21 | person qualifying by this alternative method shall not be
22 | required to pay the qualifying fee required by this chapter. ~~A~~
23 | ~~person using this petitioning process shall file an oath with~~
24 | ~~the officer before whom the candidate would qualify for the~~
25 | ~~office stating that he or she intends to qualify by this~~
26 | ~~alternative method for the office sought. Such oath shall be~~
27 | ~~filed at any time after the first Tuesday after the first~~
28 | ~~Monday in January of the year in which the election is held,~~
29 | ~~but prior to the 21st day preceding the first day of the~~
30 | ~~qualifying period for the office sought. The form of such oath~~
31 | ~~shall be prescribed by the Division of Elections. No~~

1 ~~signatures shall be obtained until the person has filed the~~
2 ~~oath prescribed in this subsection.~~

3 (2) ~~Upon receipt of a written oath from a candidate,~~
4 The ~~qualifying officer shall provide the candidate with a~~
5 petition format shall be prescribed by the Division of
6 Elections and shall ~~to~~ be used by the candidate to reproduce
7 petitions for circulation. If the candidate is running for an
8 office which will be grouped on the ballot with two or more
9 similar offices to be filled at the same election, the
10 candidate's petition must indicate, prior to the obtaining of
11 registered electors' signatures, for which group or district
12 office the candidate is running.

13 (3) Each candidate for election to a judicial office
14 or the office of school board member shall obtain the
15 signature of a number of qualified electors equal to at least
16 1 percent of the total number of registered electors of the
17 district, circuit, county, or other geographic entity
18 represented by the office sought as shown by the compilation
19 by the Department of State for the last preceding general
20 election. A separate petition shall be circulated for each
21 candidate availing himself or herself of the provisions of
22 this section. Signatures may not be obtained until the
23 candidate has filed the appointment of campaign treasurer and
24 designation of campaign depository pursuant to s. 106.021.

25 (4)(a) Each candidate seeking to qualify for election
26 to the office of circuit judge or the office of school board
27 member from a multicounty school district pursuant to this
28 section shall file a separate petition from each county from
29 which signatures are sought. Each petition shall be submitted,
30 prior to noon of the 28th ~~21st~~ day preceding the first day of
31 the qualifying period for the office sought, to the supervisor

1 of elections of the county for which such petition was
2 circulated. Each supervisor of elections to whom a petition is
3 submitted shall check the signatures on the petition to verify
4 their status as electors of that county and of the geographic
5 area represented by the office sought. No later than the 7th
6 day before ~~Prior to~~ the first date for qualifying, the
7 supervisor shall certify the number shown as registered
8 electors and submit such certification to the Division of
9 Elections. The division shall determine whether the required
10 number of signatures has been obtained for the name of the
11 candidate to be placed on the ballot and shall notify the
12 candidate. If the required number of signatures has been
13 obtained, the candidate shall, during the time prescribed for
14 qualifying for office, submit a copy of such notice and file
15 his or her qualifying papers and oath prescribed in s. 105.031
16 with the Division of Elections. Upon receipt of the copy of
17 such notice and qualifying papers, the division shall certify
18 the name of the candidate to the appropriate supervisor or
19 supervisors of elections as having qualified for the office
20 sought.

21 (b) Each candidate seeking to qualify for election to
22 the office of county court judge or the office of school board
23 member from a single county school district pursuant to this
24 section shall submit his or her petition, prior to noon of the
25 28th ~~21st~~ day preceding the first day of the qualifying period
26 for the office sought, to the supervisor of elections of the
27 county for which such petition was circulated. The supervisor
28 shall check the signatures on the petition to verify their
29 status as electors of the county and of the geographic area
30 represented by the office sought. No later than the 7th day
31 before ~~Prior to~~ the first date for qualifying, the supervisor

1 shall determine whether the required number of signatures has
2 been obtained for the name of the candidate to be placed on
3 the ballot and shall notify the candidate. If the required
4 number of signatures has been obtained, the candidate shall,
5 during the time prescribed for qualifying for office, submit a
6 copy of such notice and file his or her qualifying papers and
7 oath prescribed in s. 105.031 with the qualifying officer.
8 Upon receipt of the copy of such notice and qualifying papers,
9 such candidate shall be entitled to have his or her name
10 printed on the ballot.

11 Section 33. Present subsection (17) of section
12 106.011, Florida Statutes, is renumbered as subsection (18),
13 and a new subsection (17) is added to that section, to read:

14 106.011 Definitions.--As used in this chapter, the
15 following terms have the following meanings unless the context
16 clearly indicates otherwise:

17 (17) "Eliminated candidate" means a candidate for
18 elected office who failed to receive a sufficient number of
19 votes to be certified as the winner of an election or as a
20 runoff candidate in an election. A candidate who files a
21 timely contest of an election as provided for in s. 102.168
22 may not be considered eliminated for the purposes of receiving
23 contributions and making expenditures solely for the purpose
24 of paying legal fees and costs associated with the candidate's
25 contest of the election.

26 Section 34. Effective January 1, 2005, subsections (2)
27 and (3) of section 106.07, Florida Statutes, and subsection
28 (8) of that section, as amended by this act, are amended to
29 read:

30 106.07 Reports; certification and filing.--
31

1 (2)(a) All reports required of a candidate by this
2 section shall be filed with the officer before whom the
3 candidate is required by law to qualify. All candidates who
4 file with the Department of State shall file ~~the original and~~
5 ~~one copy of their reports~~ pursuant to s. 106.0705. In
6 addition, a copy of each report for candidates for other than
7 statewide office who qualify with the Department of State
8 shall be filed with the supervisor of elections in the county
9 where the candidate resides. Except as provided in s.
10 106.0705, reports shall be filed not later than 5 p.m. of the
11 day designated; however, any report postmarked by the United
12 States Postal Service no later than midnight of the day
13 designated shall be deemed to have been filed in a timely
14 manner. A certificate of mailing obtained from and dated by
15 the United States Postal Service at the time of mailing, or a
16 receipt from an established courier company, which bears a
17 date on or before the date on which the report is due, shall
18 be proof of mailing in a timely manner. Reports shall contain
19 information of all previously unreported contributions
20 received and expenditures made as of the preceding Friday,
21 except that the report filed on the Friday immediately
22 preceding the election shall contain information of all
23 previously unreported contributions received and expenditures
24 made as of the day preceding that designated due date. All
25 such reports shall be open to public inspection.

26 (b)1. Any report which is deemed to be incomplete by
27 the officer with whom the candidate qualifies shall be
28 accepted on a conditional basis, and the campaign treasurer
29 shall be notified by registered mail as to why the report is
30 incomplete and be given 3 days from receipt of such notice to
31 file an addendum to the report providing all information

1 necessary to complete the report in compliance with this
2 section. Failure to file a complete report after such notice
3 constitutes a violation of this chapter.

4 2. In lieu of the notice by registered mail as
5 required in subparagraph 1., the qualifying officer may notify
6 the campaign treasurer by telephone that the report is
7 incomplete and request the information necessary to complete
8 the report. If, however, such information is not received by
9 the qualifying officer within 3 days of the telephone request
10 therefor, notice shall be sent by registered mail as provided
11 in subparagraph 1.

12 (3) Reports required of a political committee shall be
13 filed with the agency or officer before whom such committee
14 registers pursuant to s. 106.03(3) and shall be subject to the
15 same filing conditions as established for candidates' reports.
16 ~~Only committees that file with the Department of State shall~~
17 ~~file the original and one copy of their reports.~~ Incomplete
18 reports by political committees shall be treated in the manner
19 provided for incomplete reports by candidates in subsection
20 (2).

21 (8)(a) Any candidate or political committee failing to
22 file a report on the designated due date shall be subject to a
23 fine as provided in paragraph (b) for each late day. The fine
24 shall be assessed by the filing officer and the moneys
25 collected shall be deposited:

26 1. In the General Revenue Fund, in the case of a
27 candidate for state office or a political committee that
28 registers with the Division of Elections; or

29 2. In the general revenue fund of the political
30 subdivision, in the case of a candidate for an office of a
31

1 | political subdivision or a political committee that registers
2 | with an officer of a political subdivision.

3 |
4 | No separate fine shall be assessed for failure to file a copy
5 | of any report required by this section.

6 | (b) Upon determining that a report is late, the filing
7 | officer shall immediately notify the candidate or chair of the
8 | political committee as to the failure to file a report by the
9 | designated due date and that a fine is being assessed for each
10 | late day. The fine shall be \$50 per day for the first 3 days
11 | late and, thereafter, \$500 per day for each late day, not to
12 | exceed 25 percent of the total receipts or expenditures,
13 | whichever is greater, for the period covered by the late
14 | report. However, for the reports immediately preceding each
15 | primary and general election, the fine shall be \$500 per day
16 | for each late day, not to exceed 25 percent of the total
17 | receipts or expenditures, whichever is greater, for the period
18 | covered by the late report. For reports required under s.
19 | 106.141(7), the fine is \$50 per day for each late day, not to
20 | exceed 25 percent of the total receipts or expenditures,
21 | whichever is greater, for the period covered by the late
22 | report. Upon receipt of the report, the filing officer shall
23 | determine the amount of the fine which is due and shall notify
24 | the candidate or chair. The filing officer shall determine
25 | the amount of the fine due based upon the earliest of the
26 | following:

- 27 | 1. When the report is actually received by such
28 | officer.
29 | 2. When the report is postmarked.
30 | 3. When the certificate of mailing is dated.
31 |

1 4. When the receipt from an established courier
2 company is dated.

3 5. When the electronic receipt issued pursuant to s.
4 106.0705 is dated.

5
6 Such fine shall be paid to the filing officer within 20 days
7 after receipt of the notice of payment due, unless appeal is
8 made to the Florida Elections Commission pursuant to paragraph
9 (c). A candidate or an officer or member of a political
10 committee shall not be personally liable for such fine.

11 (c) Any candidate or chair of a political committee
12 may appeal or dispute the fine, based upon, but not limited
13 to, unusual circumstances surrounding the failure to file on
14 the designated due date, and may request and shall be entitled
15 to a hearing before the Florida Elections Commission, which
16 shall have the authority to waive the fine in whole or in
17 part. The Florida Elections Commission must consider the
18 mitigating and aggravating circumstances in s. 106.265(1) when
19 determining the amount of the fine, if any, to waive. Any such
20 request shall be made within 20 days after receipt of the
21 notice of payment due. In such case, the candidate or chair
22 of the political committee shall, within the 20-day period,
23 notify the filing officer in writing of his or her intention
24 to bring the matter before the commission.

25 (d) The appropriate filing officer shall notify the
26 Florida Elections Commission of the repeated late filing by a
27 candidate or political committee, the failure of a candidate
28 or political committee to file a report after notice, or the
29 failure to pay the fine imposed.

30 Section 35. Effective January 1, 2005, section
31 106.0705, Florida Statutes, is created to read:

1 106.0705 Electronic filing of campaign treasurer's
2 reports.--

3 (1) As used in this section, the term "electronic
4 filing system" means an internet system for recording and
5 reporting campaign finance activity by reporting period.

6 (2)(a) Each candidate who is required to file reports
7 with the division pursuant to s. 106.07 must file such reports
8 with the division by means of the division's electronic filing
9 system.

10 (b) Each political committee, committee of continuous
11 existence, or state executive committee that is required to
12 file reports with the division under s. 106.04, s. 106.07, or
13 s. 106.29, as applicable, must file such reports with the
14 division by means of the division's electronic filing system.

15 (c) Each person or organization that is required to
16 file reports with the division under s. 106.071 must file such
17 reports with the division by means of the division's
18 electronic filing system.

19 (3) A report filed pursuant to this section must be
20 completed and filed through the electronic filing system not
21 later than midnight of the day designated. A report not filed
22 by midnight of the day designated is a late-filed report and
23 is subject to the penalties under s. 106.04(8), S. 106.07(8),
24 or s. 106.29(3), as applicable.

25 (4) Each report filed pursuant to this section is
26 considered to be under oath by the candidate and treasurer or
27 the chairman and treasurer, whichever is applicable, and such
28 persons are subject to the provisions of s. 106.04(4)(d), s.
29 106.07(5), or s. 106.29(2), as applicable. Persons given a
30 secure sign-on to the electronic campaign filing system are
31 responsible for protecting it from disclosure and are

1 responsible for all filings using such credentials, unless
2 they have notified the division that their credentials have
3 been compromised.

4 (5) The electronic filing system developed by the
5 division must:

6 (a) Be based on access by means of the Internet.

7 (b) Be accessible by anyone with Internet access using
8 standard web-browsing software.

9 (c) Provide for direct entry of campaign finance
10 information as well as upload of such information from
11 campaign finance software certified by the division.

12 (d) Provide a method that prevents unauthorized access
13 to electronic filing system functions.

14 (6) The division shall adopt rules to administer this
15 section and provide for the reports required to be filed
16 pursuant to this section. Such rules shall, at a minimum,
17 provide:

18 (a) Alternate filing procedures in case the division's
19 electronic filing system is not operable.

20 (b) For the issuance of an electronic receipt to the
21 person submitting the report indicating and verifying that the
22 report has been filed.

23 Section 36. Section 106.075, Florida Statutes, is
24 amended to read:

25 106.075 Elected officials; report of loans made in
26 year preceding election; limitation on contributions to pay
27 loans.--

28 (1) A person who is elected to office must report all
29 personal loans, exceeding \$500 in value, made to him or her
30 and used for campaign purposes, and made in the 12 months
31 preceding his or her election to office, to the filing

1 officer. The report must be made, in the manner prescribed by
2 the Department of State, within 10 days after being elected to
3 office.

4 (2) Any person who makes a contribution to an
5 individual to pay all or part of a loan incurred, in the 12
6 months preceding the election, to be used for the individual's
7 campaign, may not contribute more than the amount which is
8 allowed in s. 106.08(1).

9 Section 37. Subsection (5) of section 106.08, Florida
10 Statutes, is amended to read:

11 106.08 Contributions; limitations on.--

12 (5)(a) A person may not make any contribution through
13 or in the name of another, directly or indirectly, in any
14 election.

15 (b) Candidates, political committees, and political
16 parties may not solicit contributions from any religious,
17 charitable, civic, or other causes or organizations
18 established primarily for the public good.

19 (c) Candidates, political committees, and political
20 parties may not make contributions, in exchange for political
21 support, to any religious, charitable, civic, or other cause
22 or organization established primarily for the public good. It
23 is not a violation of this paragraph for:

24 1. A candidate, political committee, or political
25 party executive committee to make gifts of money in lieu of
26 flowers in memory of a deceased person;

27 2. A candidate to continue membership in, or make
28 regular donations from personal or business funds to,
29 religious, political party, civic, or charitable groups of
30 which the candidate is a member or to which the candidate has
31 been a regular donor for more than 6 months; or

1 3. A candidate to purchase, with campaign funds,
2 tickets, admission to events, or advertisements from
3 religious, civic, political party, or charitable groups.

4 (d) A candidate may not make expenditures from his or
5 her campaign account for the purpose of receiving or obtaining
6 an endorsement from any person, group, or organization.

7 Section 38. Section 106.087, Florida Statutes, is
8 amended to read:

9 106.087 Independent expenditures; contribution limits;
10 restrictions on political parties and, political committees,
11 ~~and committees of continuous existence.--~~

12 (1)(a) As a condition of receiving a rebate of filing
13 fees and party assessment funds pursuant to s. 99.061(2), s.
14 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
15 treasurer of a state or county executive committee shall take
16 and subscribe to an oath or affirmation in writing. During the
17 qualifying period for state candidates and prior to
18 distribution of such funds, a printed copy of the oath or
19 affirmation shall be filed with the Secretary of State and
20 shall be substantially in the following form:

21
22 State of Florida
23 County of....

24 Before me, an officer authorized to administer oaths,
25 personally appeared ...(name)..., to me well known, who, being
26 sworn, says that he or she is the ...(title)... of the
27 ...(name of party)... ...(state or specified county)...
28 executive committee; that the executive committee has not
29 made, either directly or indirectly, an independent
30 expenditure in support of or opposition to a candidate or
31 elected public official in the prior 6 months; that the

1 official. However, expenditures may be made for the sole
2 purpose of jointly endorsing three or more candidates.

3 (b) Any political committee ~~or committee of continuous~~
4 ~~existence~~ that violates this subsection is liable for a civil
5 fine of up to \$5,000 to be determined by the Florida Elections
6 Commission or the entire amount of the expenditures, whichever
7 is greater.

8 Section 39. Section 106.09, Florida Statutes, is
9 amended to read:

10 106.09 Cash contributions and contribution by
11 cashier's checks or money orders.--

12 (1) A person may not make or accept a cash
13 contribution or contribution by means of a cashier's check or
14 money order in excess of \$100.

15 (2)(a) Any person who makes or accepts a contribution
16 in excess of \$100 in violation of this section commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 (b) Any person who knowingly and willfully makes or
20 accepts a contribution in excess of \$5,000 in violation of
21 this section commits a felony of the third degree, punishable
22 as provided in s. 775.082, s. 775.083, or s. 775.084.

23 Section 40. Subsection (2) of section 106.11, Florida
24 Statutes, is amended to read:

25 106.11 Expenses of and expenditures by candidates and
26 political committees.--Each candidate and each political
27 committee which designates a primary campaign depository
28 pursuant to s. 106.021(1) shall make expenditures from funds
29 on deposit in such primary campaign depository only in the
30 following manner, with the exception of expenditures made from
31 petty cash funds provided by s. 106.12:

1 (2)(a) For purposes of this section, debit cards are
2 considered bank checks, if:

3 1. Debit cards are obtained from the same bank that
4 has been designated as the candidate's or political
5 committee's primary campaign depository.

6 2. Debit cards are issued in the name of the
7 treasurer, deputy treasurer, or authorized user and state
8 "Campaign Account of ...(name of candidate or political
9 committee)...."

10 3. No more than three debit cards are requested and
11 issued.

12 4. Before a debit card is used, a list of all persons
13 authorized to use the card is filed with the filing office
14 ~~division~~.

15 5. All debit cards issued to a candidate's campaign or
16 a political committee expire no later than midnight of the
17 last day of the month of the general election.

18 6. The person using the debit card does not receive
19 cash as part of, or independent of, any transaction for goods
20 or services.

21 7. All receipts for debit card transactions contain:

22 a. The last four digits of the debit card number.

23 b. The exact amount of the expenditure.

24 c. The name of the payee.

25 d. The signature of the campaign treasurer, deputy
26 treasurer, or authorized user.

27 e. The exact purpose for which the expenditure is
28 authorized.

29

30 Any information required by this subparagraph but not included
31 on the debit card transaction receipt may be handwritten on,

1 or attached to, the receipt by the authorized user before
2 submission to the treasurer.

3 (b) Debit cards are not subject to the requirements of
4 paragraph (1)(b).

5 Section 41. Effective January 1, 2005, paragraph (b)
6 of subsection (3) of section 106.29, Florida Statutes, is
7 amended to read:

8 106.29 Reports by political parties; restrictions on
9 contributions and expenditures; penalties.--

10 (3)

11 (b) Upon determining that a report is late, the filing
12 officer shall immediately notify the chair of the executive
13 committee as to the failure to file a report by the designated
14 due date and that a fine is being assessed for each late day.
15 The fine shall be \$1,000 for a state executive committee, and
16 \$50 for a county executive committee, per day for each late
17 day, not to exceed 25 percent of the total receipts or
18 expenditures, whichever is greater, for the period covered by
19 the late report. However, if an executive committee fails to
20 file a report on the Friday immediately preceding the general
21 election, the fine shall be \$10,000 per day for each day a
22 state executive committee is late and \$500 per day for each
23 day a county executive committee is late. Upon receipt of the
24 report, the filing officer shall determine the amount of the
25 fine which is due and shall notify the chair. The filing
26 officer shall determine the amount of the fine due based upon
27 the earliest of the following:

- 28 1. When the report is actually received by such
29 officer.
- 30 2. When the report is postmarked.
- 31 3. When the certificate of mailing is dated.

1 4. When the receipt from an established courier
2 company is dated.

3 5. When the electronic receipt issued pursuant to s.
4 106.0705 is dated.

5
6 Such fine shall be paid to the filing officer within 20 days
7 after receipt of the notice of payment due, unless appeal is
8 made to the Florida Elections Commission pursuant to paragraph
9 (c). An officer or member of an executive committee shall not
10 be personally liable for such fine.

11 Section 42. (1) All electronic and electromechanical
12 voting systems certified after July 1, 2005, must meet the
13 requirements of section 101.56062, Florida Statutes, except
14 the requirements of paragraph 101.56062(1)(d), Florida
15 Statutes.

16 (2) Any purchase of a voting system by any county or
17 municipality or the state after July 1, 2004, must include a
18 contract for future upgrades and sufficient equipment to meet
19 the requirements of sections 101.56062 and 101.5606, Florida
20 Statutes, as amended by this act.

21 (3) All electronic and electromechanical voting
22 systems in use on or after January 1, 2006, must be certified
23 to meet and be deployed in a configuration which meets the
24 requirements of sections 101.56062 and 101.5606, Florida
25 Statutes, as amended by this act.

26 Section 43. Sections 98.181, 101.635, 102.061, 106.085
27 and 106.144, Florida Statutes, are repealed.

28 Section 44. Section 22 of chapter 2002-281, Laws of
29 Florida, is amended to read:

30 Section 22. Except as otherwise expressly provided in
31 this act, sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 of this

1 act shall take effect January 1, 2005, and section 12 of this
2 act shall take effect the earlier of January 1, 2006, or one
3 year after the legislature adopts the general appropriations
4 act specifically appropriating to the Department of State, for
5 distribution to the counties, ~~\$8.7 million or such other~~
6 amounts as it determines and appropriates for the specific
7 purpose of funding this act.

8 Section 45. Paragraph (f) of subsection (5) of section
9 287.057, Florida Statutes, is amended to read:

10 287.057 Procurement of commodities or contractual
11 services.--

12 (5) When the purchase price of commodities or
13 contractual services exceeds the threshold amount provided in
14 s. 287.017 for CATEGORY TWO, no purchase of commodities or
15 contractual services may be made without receiving competitive
16 sealed bids, competitive sealed proposals, or competitive
17 sealed replies unless:

18 (f) The following contractual services and commodities
19 are not subject to the competitive-solicitation requirements
20 of this section:

- 21 1. Artistic services.
- 22 2. Academic program reviews.
- 23 3. Lectures by individuals.
- 24 4. Auditing services.
- 25 5. Legal services, including attorney, paralegal,
26 expert witness, appraisal, or mediator services.
- 27 6. Health services involving examination, diagnosis,
28 treatment, prevention, medical consultation, or
29 administration.
- 30 7. Services provided to persons with mental or
31 physical disabilities by not-for-profit corporations which

1 | have obtained exemptions under the provisions of s. 501(c)(3)
2 | of the United States Internal Revenue Code or when such
3 | services are governed by the provisions of Office of
4 | Management and Budget Circular A-122. However, in acquiring
5 | such services, the agency shall consider the ability of the
6 | vendor, past performance, willingness to meet time
7 | requirements, and price.

8 | 8. Medicaid services delivered to an eligible Medicaid
9 | recipient by a health care provider who has not previously
10 | applied for and received a Medicaid provider number from the
11 | Agency for Health Care Administration. However, this exception
12 | shall be valid for a period not to exceed 90 days after the
13 | date of delivery to the Medicaid recipient and shall not be
14 | renewed by the agency.

15 | 9. Family placement services.

16 | 10. Prevention services related to mental health,
17 | including drug abuse prevention programs, child abuse
18 | prevention programs, and shelters for runaways, operated by
19 | not-for-profit corporations. However, in acquiring such
20 | services, the agency shall consider the ability of the vendor,
21 | past performance, willingness to meet time requirements, and
22 | price.

23 | 11. Training and education services provided to
24 | injured employees pursuant to s. 440.49(1).

25 | 12. Contracts entered into pursuant to s. 337.11.

26 | 13. Services or commodities provided by governmental
27 | agencies.

28 | 14. Voter education activities of the Department of
29 | State and the supervisors of elections, either individually or
30 | in the aggregate, or with their respective professional
31 | associations.

1 Section 46. Effective July 1, 2004, section 101.131,
2 Florida Statutes, as amended by this act, is amended to read:

3 101.131 Watchers at polls.--

4 (1) Each ~~political party and each~~ candidate may have
5 one poll watcher and each political party may have one poll
6 watcher and one at-large poll watcher in each polling room at
7 any one time during the election. A political committee, if
8 formed for the specific purpose of opposing or supporting a
9 named issue on the ballot, may have one watcher for each
10 polling room at any one time during the election. No poll
11 watcher shall be permitted to come closer to the officials'
12 table or the voting booths than is reasonably necessary to
13 properly perform his or her functions, but each shall be
14 allowed within the polling room to watch and observe the
15 conduct of electors and officials. The poll watchers shall
16 furnish their own materials and necessities and shall not
17 obstruct the orderly conduct of any election. Each watcher
18 shall be a qualified and registered elector of the county in
19 which he or she serves.

20 (2) Each political party, each committee, and each
21 candidate requesting to have poll watchers shall designate, in
22 writing, poll watchers for each polling room prior to noon of
23 the second Tuesday preceding the election. In addition, each
24 political party may designate at least five additional
25 at-large poll watchers, or one additional at-large poll
26 watcher for every 10,000 registered voters, whichever is
27 greater, who shall be approved and have access to all polling
28 rooms. Except for at-large poll watchers, the designation
29 shall include specific times for each watcher to be in the
30 polling room. The poll watchers ~~for each polling room~~ shall be
31 approved by the supervisor of elections on or before the

1 Tuesday before the election. The supervisor shall furnish to
2 each election board a list of the poll watchers designated and
3 approved for such polling room and a list of at-large poll
4 watchers approved for all polling rooms.

5 (3) A candidate or sheriff, deputy sheriff, police
6 officer, or other law enforcement officer may not be
7 designated as a poll watcher.

8 Section 47. Section 106.023, Florida Statutes, is
9 amended to read:

10 106.023 Statement of candidate.--

11 (1) Each candidate must file a statement with the
12 qualifying officer within 10 days after filing the appointment
13 of campaign treasurer and designation of campaign depository,
14 stating that the candidate has read and understands the
15 requirements of this chapter. Such statement shall be
16 provided by the filing officer and shall be in substantially
17 the following form:

18
19 STATEMENT OF CANDIDATE

20
21 I, , candidate for the office of , have
22 received, read, and understand the requirements of Chapter
23 106, Florida Statutes.

24
25 . . . (Signature of candidate) (Date)

26
27 Willful failure to file this form is a violation of ss.
28 106.19(1)(c) and 106.25(3), F.S.

29 (2) The execution and filing of the statement of
30 candidate does not create a presumption that any violation of
31

1 this chapter or chapter 104 is a willful violation as defined
2 in s. 106.37.

3 Section 48. Paragraph (a) of subsection (8) of section
4 106.04, Florida Statutes, is amended to read:

5 106.04 Committees of continuous existence.--

6 (8)(a) Any committee of continuous existence failing
7 to file a report on the designated due date shall be subject
8 to a fine. The fine shall be ~~\$50~~\$500 per day for each late
9 day, not to exceed 25 percent of the total receipts or
10 expenditures, whichever is greater, for the period covered by
11 the late report. The fine shall be assessed by the filing
12 officer, and the moneys collected shall be deposited in the
13 General Revenue ~~Elections Commission Trust~~ Fund. No separate
14 fine shall be assessed for failure to file a copy of any
15 report required by this section.

16 Section 49. Subsections (4) and (8) of section 106.07,
17 Florida Statutes, are amended to read:

18 106.07 Reports; certification and filing.--

19 (4)(a) Each report required by this section shall
20 contain:

21 1. The full name, address, and occupation, if any of
22 each person who has made one or more contributions to or for
23 such committee or candidate within the reporting period,
24 together with the amount and date of such contributions. For
25 corporations, the report must provide as clear a description
26 as practicable of the principal type of business conducted by
27 the corporation. However, if the contribution is \$100 or less
28 or is from a relative, as defined in s. 112.312, provided that
29 the relationship is reported, the occupation of the
30 contributor or the principal type of business need not be
31 listed.

1 2. The name and address of each political committee
2 from which the reporting committee or the candidate received,
3 or to which the reporting committee or candidate made, any
4 transfer of funds, together with the amounts and dates of all
5 transfers.

6 3. Each loan for campaign purposes to or from any
7 person or political committee within the reporting period,
8 together with the full names, addresses, and occupations, and
9 principal places of business, if any, of the lender and
10 endorsers, if any, and the date and amount of such loans.

11 4. A statement of each contribution, rebate, refund,
12 or other receipt not otherwise listed under subparagraphs 1.
13 through 3.

14 5. The total sums of all loans, in-kind contributions,
15 and other receipts by or for such committee or candidate
16 during the reporting period. The reporting forms shall be
17 designed to elicit separate totals for in-kind contributions,
18 loans, and other receipts.

19 6. The full name and address of each person to whom
20 expenditures have been made by or on behalf of the committee
21 or candidate within the reporting period; the amount, date,
22 and purpose of each such expenditure; and the name and address
23 of, and office sought by, each candidate on whose behalf such
24 expenditure was made. However, expenditures made from the
25 petty cash fund provided by s. 106.12 need not be reported
26 individually.

27 7. The full name and address of each person to whom an
28 expenditure for personal services, salary, or reimbursement
29 for authorized expenses as provided in s. 106.021(3) has been
30 made and which is not otherwise reported, including the
31 amount, date, and purpose of such expenditure. However,

1 expenditures made from the petty cash fund provided for in s.
2 106.12 need not be reported individually.

3 8. The total amount withdrawn and the total amount
4 spent for petty cash purposes pursuant to this chapter during
5 the reporting period.

6 9. The total sum of expenditures made by such
7 committee or candidate during the reporting period.

8 10. The amount and nature of debts and obligations
9 owed by or to the committee or candidate, which relate to the
10 conduct of any political campaign.

11 11. A copy of each credit card statement which shall
12 be included in the next report following receipt thereof by
13 the candidate or political committee. Receipts for each credit
14 card purchase shall be retained by the treasurer with the
15 records for the campaign account.

16 12. The amount and nature of any separate
17 interest-bearing accounts or certificates of deposit and
18 identification of the financial institution in which such
19 accounts or certificates of deposit are located.

20 13. The primary purpose of an expenditure made
21 indirectly through a treasurer pursuant to s. 106.021(3) for
22 goods or services, such as communications media placement or
23 procurement services, campaign signs, insurance, or other
24 expenditures that include multiple integral components as part
25 of the expenditure. The primary purpose of an expenditure
26 shall be that purpose, including integral and directly related
27 components, which comprises 80 percent of such expenditures.

28 (b) The filing officer shall make available to any
29 candidate or committee a reporting form which the candidate or
30 committee may use to indicate contributions received by the
31

1 candidate or committee but returned to the contributor before
2 deposit.

3 (8)(a) Any candidate or political committee failing to
4 file a report on the designated due date shall be subject to a
5 fine as provided in paragraph (b) for each late day, ~~and, in~~
6 ~~the case of a candidate, such fine shall be paid only from~~
7 ~~personal funds of the candidate.~~ The fine shall be assessed by
8 the filing officer and the moneys collected shall be
9 deposited:

10 1. In the General Revenue ~~Elections Commission Trust~~
11 Fund, in the case of a candidate for state office or a
12 political committee that registers with the Division of
13 Elections; or

14 2. In the general revenue fund of the political
15 subdivision, in the case of a candidate for an office of a
16 political subdivision or a political committee that registers
17 with an officer of a political subdivision.

18
19 No separate fine shall be assessed for failure to file a copy
20 of any report required by this section.

21 (b) Upon determining that a report is late, the filing
22 officer shall immediately notify the candidate or chair of the
23 political committee as to the failure to file a report by the
24 designated due date and that a fine is being assessed for each
25 late day. The fine shall be \$50 per day for the first 3 days
26 late and, thereafter, \$500 per day for each late day, not to
27 exceed 25 percent of the total receipts or expenditures,
28 whichever is greater, for the period covered by the late
29 report. However, for the reports immediately preceding each
30 primary and general election, the fine shall be \$500 per day
31 for each late day, not to exceed 25 percent of the total

1 receipts or expenditures, whichever is greater, for the period
2 covered by the late report. For reports required under s.
3 106.141(7), the fine is \$50 per day for each late day, not to
4 exceed 25 percent of the total receipts or expenditures,
5 whichever is greater, for the period covered by the late
6 report. Upon receipt of the report, the filing officer shall
7 determine the amount of the fine which is due and shall notify
8 the candidate or chair. The filing officer shall determine
9 the amount of the fine due based upon the earliest of the
10 following:

- 11 1. When the report is actually received by such
12 officer.
- 13 2. When the report is postmarked.
- 14 3. When the certificate of mailing is dated.
- 15 4. When the receipt from an established courier
16 company is dated.

17
18 Such fine shall be paid to the filing officer within 20 days
19 after receipt of the notice of payment due, unless appeal is
20 made to the Florida Elections Commission pursuant to paragraph
21 (c). ~~A candidate or In the case of a candidate, such fine~~
22 ~~shall not be an allowable campaign expenditure and shall be~~
23 ~~paid only from personal funds of the candidate.~~ an officer or
24 member of a political committee shall not be personally liable
25 for such fine.

26 (c) Any candidate or chair of a political committee
27 may appeal or dispute the fine, based upon, but not limited
28 to, unusual circumstances surrounding the failure to file on
29 the designated due date, and may request and shall be entitled
30 to a hearing before the Florida Elections Commission, which
31 shall have the authority to waive the fine in whole or in

1 | part. The Florida Elections Commission must consider the
2 | mitigating and aggravating circumstances in s. 106.265(1) when
3 | determining the amount of the fine, if any, to waive. Any such
4 | request shall be made within 20 days after receipt of the
5 | notice of payment due. In such case, the candidate or chair
6 | of the political committee shall, within the 20-day period,
7 | notify the filing officer in writing of his or her intention
8 | to bring the matter before the commission.

9 | (d) The appropriate filing officer shall notify the
10 | Florida Elections Commission of the repeated late filing by a
11 | candidate or political committee, the failure of a candidate
12 | or political committee to file a report after notice, or the
13 | failure to pay the fine imposed.

14 | Section 50. Subsection (6) of section 106.141, Florida
15 | Statutes, is amended to read:

16 | 106.141 Disposition of surplus funds by candidates.--

17 | (6) Prior to disposing of funds pursuant to subsection
18 | (4) or transferring funds into an office account pursuant to
19 | subsection (5), any candidate who filed an oath stating that
20 | he or she was unable to pay the election assessment or fee for
21 | verification of petition signatures without imposing an undue
22 | burden on his or her personal resources or on resources
23 | otherwise available to him or her, or who filed both such
24 | oaths, or who qualified by the alternative method and was not
25 | required to pay an election assessment, shall reimburse the
26 | state or local governmental entity, whichever is applicable,
27 | for such waived assessment or fee or both. Such reimbursement
28 | shall be made first for the cost of petition verification and
29 | then, if funds are remaining, for the amount of the election
30 | assessment. If there are insufficient funds in the account to
31 | pay the full amount of either the assessment or the fee or

1 both, the remaining funds shall be disbursed in the above
2 manner until no funds remain. All funds disbursed pursuant to
3 this subsection shall be remitted to the qualifying officer.
4 Any reimbursement for petition verification costs which are
5 reimbursable by the state shall be forwarded by the qualifying
6 officer to the state for deposit in the General Revenue Fund.
7 All reimbursements for the amount of the election assessment
8 shall be forwarded by the qualifying officer to the Department
9 of State for deposit in the General Revenue Elections
10 ~~Commission Trust~~ Fund.

11 Section 51. Subsections (2) and (4) of section 106.25,
12 Florida Statutes, are amended to read:

13 106.25 Reports of alleged violations to Florida
14 Elections Commission; disposition of findings.--

15 (2) The commission shall investigate all violations of
16 this chapter and chapter 104, but only after having received
17 either a sworn complaint or information reported to it by the
18 Division of Elections. Any person, other than the division,
19 having information of any violation of this chapter or chapter
20 104 shall file a sworn complaint with the commission. Such
21 sworn complaint must be based on personal knowledge of the
22 complainant, and shall state whether a complaint of the same
23 violation has been made to any state attorney. Within 5 days
24 after receipt of a sworn complaint, the commission shall
25 transmit a copy of the complaint to the alleged violator. The
26 commission shall investigate only those alleged violations
27 specifically contained within the sworn complaint or
28 specifically reported to the commission by the division. If
29 any complainant fails to allege all violations that arise from
30 the facts or allegations alleged in a complaint, the
31 commission is barred from investigating a subsequent complaint

1 from the complainant which is based upon the facts or
2 allegations that were raised or could have been raised in the
3 first complaint. All sworn complaints alleging violations of
4 the Florida Election Code over which the commission has
5 jurisdiction shall be filed with the commission within 2 years
6 of the alleged violations. The period of limitations is
7 tolled on the day a sworn complaint is filed with the
8 commission.

9 (4) The commission shall undertake a preliminary
10 investigation to determine if the facts alleged in a sworn
11 complaint or a matter initiated by the division constitute
12 probable cause to believe that a violation has occurred. The
13 respondent, the complainant, and their respective counsel
14 shall be permitted to attend the hearing at which the probable
15 cause determination is made. Notice of the hearing shall be
16 sent to the respondent and complainant at least 14 days prior
17 to the date of the hearing. The respondent and his or her
18 counsel shall be permitted to make a brief oral statement in
19 the nature of oral argument to the commission before the
20 probable cause determination. The commission's determination
21 shall be based upon the investigator's report, the complaint,
22 and staff recommendations, as well as any written statements
23 submitted by the respondent and any oral statements made at
24 the hearing. No testimony or other evidence will be accepted
25 at the hearing. Upon completion of the preliminary
26 investigation, the commission shall, by written report, find
27 probable cause or no probable cause to believe that this
28 chapter or chapter 104 has been violated.

29 (a) If no probable cause is found, the commission
30 shall dismiss the case and the case shall become a matter of
31 public record, except as otherwise provided in this section,

1 together with a written statement of the findings of the
2 preliminary investigation and a summary of the facts which the
3 commission shall send to the complainant and the alleged
4 violator.

5 (b) If probable cause is found, the commission shall
6 so notify the complainant and the alleged violator in writing.
7 All documents made or received in the disposition of the
8 complaint shall become public records upon a finding by the
9 commission.

10

11 In a case where probable cause is found, the commission shall
12 make a preliminary determination to consider the matter or to
13 refer the matter to the state attorney for the judicial
14 circuit in which the alleged violation occurred.

15 Section 52. Paragraph (a) of subsection (3) of section
16 106.29, Florida Statutes, is amended to read:

17 106.29 Reports by political parties; restrictions on
18 contributions and expenditures; penalties.--

19 (3)(a) Any state or county executive committee failing
20 to file a report on the designated due date shall be subject
21 to a fine as provided in paragraph (b) for each late day. The
22 fine shall be assessed by the filing officer, and the moneys
23 collected shall be deposited in the General Revenue Elections
24 ~~Commission Trust~~ Fund.

25 Section 53. Except as otherwise expressly provided in
26 this act, this act shall take effect upon becoming a law.

27

28

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS Senate Bill 3004

4 Deletes provisions relating to recounts that would have:

- 5 - Clarified that a manual recount ordered by the
6 responsible board was to be conducted on overvotes and
7 undervotes only on marksense ballots, and that a manual
8 recount was prohibited if the number of overvotes and
9 undervotes on marksense ballots was less than the number
10 of votes required to change an election outcome. Provided
11 that a manual recount of undervotes on touchscreen
12 machines would not be conducted. Removes references to
13 manual recounts on marksense ballots regarding overvotes
14 and undervotes.
- 15 - Provided that a political party or a political committee
16 that was entitled to a manual recount was entitled to a
17 manual recount of only the overvotes and undervotes on
18 the marksense ballots.
- 19 - Provided that proper and timely requests for a recount to
20 the Elections Canvassing Commission or a county
21 canvassing board would result in a manual recount of
22 overvotes and undervotes on the marksense ballot.
23 Provided that a manual recount could not be ordered if
24 the number of overvotes and undervotes was fewer than the
25 number of votes needed to change the election outcome.

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