

Tab -1 SPB 7066 by EE ; Ballot Processes						
415328	A	S	FAV	EE, Rodriguez	btw L.160 - 161:	03/06 11:14 AM
843216	AA	S	FAV	EE, Rodriguez	Delete L.6:	03/06 11:14 AM
854810	A	S	FAV	EE, Baxley	Delete L.250 - 251:	03/06 11:14 AM
651506	A	S	FAV	EE, Rodriguez	btw L.532 - 533:	03/06 11:14 AM
597510	AA	S	FAV	EE, Rodriguez	Delete L.27:	03/06 11:14 AM

Tab 2 SJR 270 by Baxley ; (Identical to H 00613) Repeal of Public Campaign Financing Requirement						
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Tab 3 SB 272 by Baxley ; (Identical to H 00615) Campaign Finance						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Baxley, Chair
Senator Braynon, Vice Chair

MEETING DATE: Tuesday, March 5, 2019
TIME: 2:30—4:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Baxley, Chair; Senator Braynon, Vice Chair; Senators Diaz, Passidomo, Powell, Rodriguez, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Consideration of proposed bill:		
	SPB 7066	Ballot Processes; Modifying requirements for updating voter registration signatures, to conform; revising dates relating to the selection and qualification of a lieutenant governor running mate, to conform; modifying the Provisional Ballot Voter's Certificate and Affirmation; establishing a process to cure a provisional ballot with a signature deficiency, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0
2	SJR 270 Baxley (Identical HJR 613, Compare H 615, Linked S 272)	Repeal of Public Campaign Financing Requirement; Proposing the repeal of Section 7 of Article VI of the State Constitution which requires the availability of public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits, etc. EE 03/05/2019 Favorable JU AP RC	Favorable Yeas 4 Nays 3
3	SB 272 Baxley (Identical H 615, Compare HJR 613, H 1009, S 892, Linked SJR 270)	Campaign Finance; Repealing provisions relating to the Florida Election Campaign Financing Act; deleting provisions governing the public funding of campaigns for candidates for statewide office who agree to certain expenditure limits, etc. EE 03/05/2019 Favorable JU AP RC	Favorable Yeas 4 Nays 3

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SPB 7066

INTRODUCER: Ethics and Elections Committee

SUBJECT: Ballot Processes

DATE: March 6, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts		EE Submitted as Comm. Bill/FAV

I. Summary:

SPB 7066 contains mostly technical fixes to pre- and post-election ballot processing issues identified in the 2018 General Election. Major provisions of the bill include:

1. **Uniform Ballot Design:** Mandates rulemaking to prescribe a single location for ballot instructions, to address the ballot situation in the U.S. Senate race in Broward County.
2. **Voting Systems:** Prohibits voting systems that cannot simultaneously count and sort ballot overvotes and undervotes in multiple races (Palm Beach County's system).
3. **Primary Election Day:** Moves the primary election back from 10 to 11 weeks before the general election, to provide more time for ballot cure and to redress possible glitches.
4. **Certification/Timelines:** Provides an additional week to certify *general election* recount contests; provides for an additional Elections Canvassing Commission meeting to certify such results, if necessary; modifies periodic reporting deadlines, to conform.
5. **VBM Ballots/deadlines & cure:** Extends the cure deadline for defective VBM ballot signatures from 5 p.m. on the day *before* the election to the 11th day after the election; creates additional phone and electronic notice requirement for late-received ballots.
6. **Provisional Ballots/deadlines & cure:** Creates a notification and signature cure process that significantly mirrors the Vote-By-Mail ("VBM") cure process and deadlines, as amended.
7. **Voter Registration Signature Updates:** Creates a process to use accepted provisional and VBM ballot cure affidavits to immediately update voter signatures.
8. **Vote-by-Mail Ballot ("VBM") Requests:** Moves the last day for voters to request VBM ballots from 6 to 10 days before an election, and prohibits supervisors from mailing out such ballots less than 8 days before the election (currently four days).
9. **Domestic VBM Mailing Dates:** Allows supervisors flexibility to bulk mail *domestic* and overseas VBM ballots together, for purposes of cost-savings and efficiency.
10. **VBM Ballot Canvassing Period:** Moves the earliest canvassing starting date from 15 to 22 days before an election, to allow larger counties more processing time.

The bill takes effect January 1, 2020.

II. Present Situation:

The 2018 General Election was, to put it mildly, *extraordinary*: three (3) simultaneous, statewide election recounts with razor-thin margins, two requiring a manual recount. The state had never even seen *one* statewide recount before. Not to mention that certain counties had other legislative and local recounts to sort out, too. By most objective measures, however, Florida's post-2000 recount reforms performed admirably.

A November 2018 *FloridaToday* article, published while the manual recount was still in progress, provides some meaningful context for a discussion of the bill's proposed clean-up measures:

New state laws written after 2000 set uniform statewide standards for how and when to conduct recounts. That remedied most of the issues that 2000's court battles focused on. ...

In the end, the process worked largely as it was supposed to, though with some notable glitches. ... [And] a manual review of ballots showing no or too many votes was proceeding without drama. ...

Susan MacManus, a professor at the University of South Florida who became "the world's most quoted political scientist" *during the 2000 recount, said the difference between the two was "night and day," despite what casual observers might think. ...*

But she also said the drama of the last week and a half still exposed some weaknesses in how we conduct elections. *She also notes similar or worse problems could have easily happened in just about any other state, but came to light here because Florida is the one state in the union that regularly has whisker-thin margins in statewide elections. ...*

"We fixed things and other states followed," MacManus said of the changes made following the 2000 election. "And this time around we will probably fix things and other states will follow."¹

(emphasis added).

Ballot Design

Prior to 2000, local supervisors were free to design their county primary and general election ballots as they saw fit.

The dangers of this inconsistent patchwork of ballot designs were laid bare by Palm Beach County's infamous "butterfly ballot" in the 2000 presidential recount—a punch-card ballot design that utilized bigger-than-normal text for ease of reading in an open-book style that placed some candidates on the left side of the selection area and others on the right side.

¹ John McCarthy, *FloridaToday*, "Florida Recount: Things Smoother Than in 2000, But Fixes Needed; Gillum Ends Campaign" (November 17, 2018), available at <https://www.floridatoday.com/story/news/politics/elections/2018/11/17/florida-recount-some-fixes-still-needed-florida-elections/2024542002/> (last accessed Feb. 6, 2019).

The Legislature immediately addressed the ballot design issue in the *2001 Election Reform Act*, mandating that the Department of State adopt rules “prescribing a *uniform* primary and general election ballot for each certified voting system”² (*emphasis added*). Further, the law provided that the rules:

- (a)...[P]rescribe additional matters and forms that include, without limitation:
1. Clear and unambiguous ballot instructions and directions;
 2. Individual race layout; and
 3. Overall ballot layout.³
- (b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.⁴

So what happened with Broward County’s 2018 General Elections ballot design — where an unusually high percentage of voters apparently skipped or overlooked the premier U.S. Senate race located underneath the ballot instructions in the far left column of the ballot? The problem appears not to be one of law, but of implementation.

The Department of State’s rule implementing this “uniform” ballot requirement allows the ballot title and instructions for this type of optical scan voting system to be located *EITHER* centered across the top of the ballot *OR* in the flush-left column.⁵ While the term “uniform” is not defined in law, the common meaning of the term suffices. The Merriam-Webster dictionary defines “uniform” to mean:

- 1: [H]aving always the same form, manner, or degree : not varying or variable // uniform procedures ...
- 4: [P]resenting an unvaried appearance of surface, pattern, or color // uniform red brick houses...⁶

It is difficult to envision a credible argument where a ballot with a title and instructions centered across the top with races beginning below and one with the title in the leftmost column with a single, individual race immediately beneath it could be viewed as having the same “form” or “manner,” or presenting an “unvaried appearance of ... pattern.” This conclusion is self-evident when you compare both ballots side-by-side; the Department’s rule for a “graphic depiction of

² Ch. 2001-40, s.7, LAWS OF FLA. (currently codified at s. 101.151(9), F.S.)

³ *Id.*

⁴ *Id.*

⁵ Rule 1S-2.032(4)(b),(5) F.A.C. (effective 1.1.2017) (“The ballot title and the ballot instructions may be centered or aligned to the left on the page or column.”). Prior to this change, the rule appeared to mandate that the ballot title and instructions appear across the top of an optical scan ballot. Rule 1S-2.032 (2),(3), F.A.C. (amended Feb 18, 2016 and effective until Jan. 1, 2017); Rule 1S-2.032 (2),(3), F.A.C. (amended July 12, 2004), all rules available at <https://www.flrules.org/gateway/RuleNo.asp?title=ELECTIONS&ID=1S-2.032> (last visited Feb 7., 2019). NOTE: Prior ballot design forms were not available online, so it’s possible that there was some variance in the location of the ballot title and instructions for certain voting systems notwithstanding the language of the rule.

⁶ Merriam Webster Dictionary Online (“uniform”), available at <https://www.merriam-webster.com/dictionary/uniform> (last visited Feb. 7, 2018).

ballots” for this type of optical scan general election ballot, however, only includes a picture of one with top center instructions.^{7,8}

Finally, the current rule does NOT prohibit locating single election contests directly beneath left-column ballot instructions, notwithstanding a longstanding concern that voters might overlook such a race — as highlighted by a 2007 U.S. Election Assistance Commission’s Report on best ballot-design practices for optical scan ballots⁹:

Ballot instructions, running either vertically or horizontally, must be self-contained and separated from contest data. Vertical instruction treatments **cannot** share column space with contests—test voters often overlooked races located immediately beneath vertical instructions. Horizontal instructions running atop vertically placed contests in columns require the voter to read across (instructions) and then down-up (contests), which adds a slight learning challenge compared to an all-vertical layout.

In this respect, the department’s rule merely states that the “contest title” must appear after the instructions and that election contests be listed under the ballot title.¹⁰

Voting System/ballot sorting and counting

The Florida Election Reform Act of 2001, enacted in direct response to the 2000 U.S. presidential recount, completely revamped Florida’s voting systems. Among other major changes (i.e., the elimination of hand-count, lever machine, and punch card ballot systems), the requirements with respect to manual recounts included:

...(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes.

...

⁷ See DE-DS 207_GEN, incorporated by reference in Rule 1S-2.034(15)(a)8., F.A.C. (effective Jan. 1, 2017). Current version available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06441> (6.20.16_ PDF) (last visited Feb. 7, 2019).

⁸ The text of Rule subsection (15), entitled “Graphic depiction of ballots,” merely reiterates the option with regard to where to locate the ballot title and instructions, but provides no graphic depiction to inform supervisors as to how the ballot should appear. Rule 1S-2.032 (15)(a), F.A.C. (effective Jan. 1, 2017). The text of the rule further authorizes supervisors to “adapt” the sample ballots for their specific needs through “the insertion of timing marks and barcodes on the ballot, precinct designations, vote targets being of a different type, or vote targets being at a different location on the ballot”). *Id.* First, these ancillary adjustments are primarily “technology driven” — differences that might be necessary to accommodate a certain voting system or the specifics of a particular election; they do NOT represent a ballot design option like where to locate ballot title and instructions which necessarily alters the overall appearance of the ballot. Second, giving supervisors a *choice* of where to locate the ballot title and instructions and then only showing them one option clearly misses the point of mandating a rule that contains sample ballot designs: to show supervisors what the final ballots *are* supposed to look like, instead of the other way around.

⁹ U.S. Election Assistance Commission, *Effective Designs for the Administration of Federal Elections*, p.3.11 (June 2007) (Chapter 3, Optical Scan Ballots). Contributors to this report consisted of an army of experts: accessibility experts (8); election officials (from 23 states, including the Committee’s current staff director, Dawn Roberts, representing Florida); language/readability experts (13); researchers, designers, and election design experts (10); manufacturers and printers contacted (12); and, an 11-member core project team. *Id.* At 8.3 (Appendix).

¹⁰ Rule 1S-2.032 (6), (7), F.A.C. (effective Jan. 1, 2017).

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.¹¹

Note that there is NO requirement that the system be able to count and sort *multiple races* simultaneously, thereby allowing the processing of multiple recounts at the same time. Notwithstanding, by the 2018 election cycle every county had voluntarily upgraded its' voting system to provide for this capability — except for Palm Beach County.

Primary Election Day

Florida primary election is currently held 10 weeks before the general election. This is NOT a magic date; it has been shuffled around quite a bit in recent years. From 1983 to 2006, the primary election was held 9 weeks before the general election.¹² In 2007, the election was pushed back to 10 weeks before the general, to avoid the Labor Day holiday weekend.¹³ In 2011, it was pushed back to 12 weeks before the general election so as not to coincide with the 2012 Republican National Convention in Tampa.¹⁴ In 2013, the primary date was moved back to 10 weeks before the general election.¹⁵

Certification of Ballot Results/Timelines

Florida's current primary and general election certification deadlines and associated interim reporting deadlines for federal, state, and multicounty races are as follows:

Final (a/k/a "Hard") Deadlines (in reverse chronological order)

- 9th Day; 9 a.m. (after primary election)/14th Day; 9 a.m. (after general election): State Election Canvassing Commission certifies the final results of all races.¹⁶
- 7th Day; 5 p.m. (after primary election)/12th Day; noon (after general election): Local county canvassing boards file the official, certified county returns with the Department of State.¹⁷ The department ignores any county returns received after this deadline, and certifies the county's prior results on file absent a statutory emergency¹⁸ (in which case the State Elections Canvassing Commission makes the call).¹⁹

¹¹ Chapter 2001-40, s. 42, LAWS OF FLA. (currently codified at s. 102.166, F.S.[2018]).

¹² For most of that time, it was called the "*first* primary election," as Florida held a second primary several weeks after the first primary until the 2002 election cycle.

¹³ Ch. 2007-30, s. 22, LAWS OF FLA.; *see*, Florida Senate Transportation and Economic Development Appropriations Committee, *Bill Analysis for CS/CS/SBs 960 and 1010* at p. 22 (April 24, 2007), available at <http://archive.flsenate.gov/data/session/2007/Senate/bills/analysis/pdf/2007s0960.ta.pdf> (last visited Feb 19, 2019).

¹⁴ Ch. 2011-10, s. 20, LAWS OF FLA.

¹⁵ Ch. 2013-57, s. 3, LAWS OF FLA.

¹⁶ Section 102.111(2), F.S.

¹⁷ Section 102.112, F.S.

¹⁸ "Emergency" is defined for purposes of the Elections Emergency Act as "any occurrence, or threat thereof, whether accidental, natural, or caused by human beings, in war or in peace, that results or may result in substantial harm to the population or substantial damage to or loss of property to the extent it will prohibit an election officer's ability to conduct a safe and orderly election." Section 101.732(3), F.S.

¹⁹ Section 102.112(3), F.S.

Primary and General Election Interim (a/k/a “Soft”) Counting/Reporting Deadlines (in chronological order)

- **MON before /7 p.m.:** Supervisors must upload the results of all early voting and VBM ballots canvassed and tabulated by the end of the early voting period to the county’s election management system.²⁰
- **General Election Night (preliminary results; not to be relied on):**
- **First 30 minutes after the polls close (7 p.m. local time):** County canvassing boards must upload to the department all early voting and tabulated VBM ballot results.²¹
 - **Every 45 minutes thereafter:** Canvassing boards must report/update all precinct results, except provisional ballots, until all precinct results are completely reported.²²
 - **2 a.m. on WED after election:** Canvassing boards should complete reporting of all precinct returns.²³
- **3rd Day; noon (after primary)/4th Day; noon (after general election) — (initial results; fairly complete):** Canvassing boards must report to the department the First Set of Unofficial Results, consisting of completed precinct results, completed provisional ballot counts, and all VBM ballots canvassed at that time. Only VBM ballots received by Election Day that remain uncanvassed for some reason (i.e., high volume, equipment problems) or certain unreceived VBM *general election* ballots from overseas voters (who can submit up to 10 days after the election if postmarked by Election Day) should be excluded from the count. If the margin of victory in any individual race is within 0.5%, the Secretary of State orders a “machine recount” — where all the ballots in that race are fed back through the tabulators for re-counting and sorting of overvotes and undervotes, should they be necessary for a manual recount.²⁴
- **5th Day; 3 p.m. (after primary)/9th Day; 3 p.m. (after general election) — (second set of initial results; near complete):** Canvassing boards report to the department the Second Set of Unofficial Results, consisting of the *machine recount results* for recounted races along with any other updated returns from the First Set of Unofficial Results.²⁵ If the margin of victory in any individual race is 0.25% or less, the Secretary of State orders a “manual recount” of the overvotes and undervotes in that race, unless the number of overvotes and undervotes is insufficient to change the outcome of the race or the candidate within the recount margin requests in writing that the recount not be made.²⁶

Vote-by-Mail Ballot Cure Deadline

Voters may cure defective — that is, non-matching or missing — signatures on VBM Ballot Voters’ Certificates by submitting a cure affidavit by 5 p.m. on the Monday before an election.²⁷ During the 2018 General Election, U.S. Federal District Judge Mark Walker ruled that this deadline was inadequate, and ordered an extension of several days for voters to correct their

²⁰ Section 102.141(4)(a), F.S. Vote results, however, may not be released until the close of the polls on Election Day. *Id.*

²¹ Section 102.141(4)(b), F.S.

²² *Id.*

²³ Section 101.141(3), F.S.

²⁴ Section 102.141(5),(7), F.S. Candidates eliminated by 0.5% or less can waive their right to a machine recount. Section 102.141(7), F.S.

²⁵ *Id.*

²⁶ Section 102.166(1), F.S.

²⁷ Section 101.68(4)(a), F.S.

ballots; the U.S. Court of Appeals for the Eleventh Circuit essentially signed-off on that decision in mid-February.²⁸ Note that 2018 General Election VBM ballots were mailed as late as *four days before the election* which the bill would double to eight days, thereby providing additional time for ballots to be received and signatures cured in addition to any additional time afforded by moving the current cure deadline.

Vote-by-Mail Voter's Certificate

Each voter submitting a vote-by-mail ballot must sign the voter's certificate located on the back of the mailing envelope.²⁹ The voter's certificate also asks the voter to fill in the date, although that information is only taken into account in the case of certain presidential preference primary and general election absentee ballots received after election day.³⁰ The voter's certificate does not request any other voter identifying information.

Provisional Ballots/deadlines & cure

The ballot of a voter who fails to sign the Provisional Ballot Voter's Certificate and Affirmation, or that contains a signature that does not match the voter's registration signature, will not be counted; there is no process in law to fix the defective signature.

When a poll worker cannot affirmatively confirm the eligibility of a person who presents himself or herself to vote at an early voting location or at a polling precinct on Election Day, the person is entitled to vote a "provisional," or conditional, ballot.³¹

In such case, the precinct clerk who is in charge of polling place operations generally works with the voter to complete the Provisional Ballot Voter's Certificate and Affirmation, making sure that all necessary information is filled out correctly including:

- The voter's signature;
- His or her printed name;
- Party registration;
- Residential address;
- Mailing address; and
- Driver's license number or the last four (4) digits of the voter's social security number.³²

The Provisional Ballot Voter's Certificate and Affirmation must be sworn or affirmed before an election official, who must sign the attestation.³³

²⁸ *Dem. Exec. Comm. of Fla. v. Detzner*, 347 F.Supp.3d 1017 (N.D. Fla.)(Nov. 15, 2018), approved *Dem. Exec. Comm. of Fla. v. Lee*, 2019 WL 638722 (11th Cir. 2019)(denying motion to stay preliminary injunction). In a footnote, Judge Walker "suggested" that Florida could remedy its mismatched signature timetable by adopting Oregon's 14-days-AFTER-the-election cure deadline. *See id.* at p. 19, fn.4 (citing Oregon statute). Of course, that would butt right up against Florida's current 14-day general election certification period.

²⁹ Section 101.64, F.S.

³⁰ *Id.*; s. 101.6952(7), F.S.

³¹ Section 101.048(1), F.S.

³² *Id.* at (3).

³³ *Id.*

The official gives the provisional voter written instructions about his or her right to provide the Supervisor of Elections with written evidence of eligibility by 5:00 p.m. on the second day after the election.³⁴ The official also gives the provisional voter a numbered stub and directions on how to access a free system to find out if the provisional ballot was counted in the final tally or not, and if not, the reason why it was not counted.³⁵ The Division of Elections Polling Place Procedures Manual, which election officials use at every precinct, details additional procedures.³⁶

Vote-by-Mail and Provisional Ballots/standards for signature verification

As part of the canvassing process, county canvassing boards routinely determine, by majority vote, whether a signature on a provisional or vote-by-mail voter's certificate, or vote-by-mail cure affidavit, matches the voter's signature in the registration records. With respect to the vote-by-mail voter's certificate on the back of the ballot envelope, which constitutes the *overwhelming* majority of ballots/signatures processed, this canvassing board review is only required for a very small percentage of ballots. Vote-by-mail voter's certificate signatures are initially reviewed by supervisor's office staff; only those signatures that the staff cannot confirm as a match are "bumped up" to the canvassing board for review.

There currently are no specific statutory standards for the canvassing board to use in making signature matching determinations. The current practice of canvassing boards, however, is generally to find a signature match wherever possible and to err on the side of validity — given the paramount importance of the constitutional right to vote. Notwithstanding, the federal courts are unconvinced. The U.S. Court of Appeals for the Eleventh Circuit recently upheld a preliminary injunction granted in the 2018 general election with language strikingly reminiscent of the U.S. Supreme Court's main holding in *Bush v. Gore*³⁷ — that counties must have uniform standards for recounting ballots:

...[F]lorida allows each county to apply its own standards and procedures for executing the signature-match requirement, virtually guaranteeing a crazy quilt of enforcement of the requirement from county to county. (*citation omitted*). While some counties may make Herculean efforts to ensure that legitimate vote-by-mail or provisional votes, or both, are counted, other counties may do very little to ensure even and accurate application of the signature match requirements. (*citation omitted*). Florida's scheme prohibits neither.³⁸

³⁴ *Id.* at (1).

³⁵ *Id.* at (5) and (6)

³⁶ See Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, pp.14-16 (June 2014) available via link at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04186> (last visited February 20, 2019).

³⁷ 531 U.S. 98 (2000).

³⁸ *Dem. Exec. Comm. of Fla. v. Lee*, 2019 WL 638722 (Feb. 15, 2019). The court was also concerned with the fact that canvassing boards did not receive any formal training in handwriting analysis, though testimony by representatives of the Florida State Association of Supervisors of Elections before the Ethics and Elections Committee suggests that such measures could result in the *invalidation* of significant numbers of voters. *Id.* The court's language on signature training constitutes non-binding *dicta*, since it was discussed in the context of a review of a preliminary injunction extending the time for certain voters to cure deficient vote-by-mail and provisional ballot signatures in the 2018 general election. As such, the issue may not have been fully briefed for the federal district court and they may not be aware of the *disenfranchisement* component of

Voter Registration Signature Updates

A voter seeking to update his or her signature on file in the statewide voter registration system:

- **Must submit a voter registration form** to an election official,
- That is received no later than the start of the canvassing of VBM ballots in the voter's county of residence (which may be up to 15 days before an election).³⁹

That signature on file is then used in verifying the voter's signature on VBM and provisional ballot certificates.⁴⁰

Beginning in 2014⁴¹ (for missing VBM ballot signatures) and revised and expanded in 2017⁴² (to include mismatched signatures), Florida law allows voters to correct defective VBM ballot signatures *during* the front-end of the canvassing process to enable their votes to be counted. However, due to the oversight of failing to enact any conforming change to the law governing signature updates when enacting these cure provisions, supervisors must still *mail post-election notices* with voter registration cards to voters to change their signature *on file for the next election*⁴³ — notwithstanding that election officials reviewed and approved a *different* voter signature on a cure affidavit to validate their VBM ballot.

Vote-by-Mail Ballot Request and Mailing Deadlines

The supervisors stop accepting requests for VBM ballots at 5 p.m. on the sixth day before an election.⁴⁴ Supervisors are required to mail out VBM ballots for valid requests no later than the fourth day before an election.⁴⁵ Every election cycle, thousands of ballots arrive after the close of the polls on election day and are not counted.⁴⁶

The Florida State Association of Supervisors of Elections (“FSASE”) has advised committee staff that in the past few years, the United States Postal Service has been systematically closing numerous regional processing centers due to budgetary constraints. This has resulted in delays of several days, in some cases, in moving VBM ballots from Point A to Point B.⁴⁷ Cutting off the mailing of absentee ballots a few days earlier may result in some inconvenience to voters, but

this approach. For that reason and others, prudence dictates waiting for additional guidance from the courts before mandating formal signature training measures for canvassing boards.

³⁹ Section 98.077, F.S.

⁴⁰ *Id.*

⁴¹ Chapter 2013-57, s. 15, LAWS OF FLA. (codified at s. 101.68(4), F.S.)

⁴² Chapter 2017-45, s. 1, LAWS OF FLA. (codified at s. 101.68, F.S.)

⁴³ Section 101.68(4)(f), F.S.

⁴⁴ Section 101.62 (2), F.S.

⁴⁵ *Id.*

⁴⁶ *See e.g.*, Gary Fineout, AP News, “Thousands of Mailed Ballots in Florida Were Not Counted” (Dec. 10, 2018) (6,670 ballots mailed ahead of the Nov. 6 election were not counted because they were not received by Election Day [excluding ballots in Palm Beach and Polk counties]), available at <https://www.apnews.com/8488a401807045fcb642ea2cdf81fc29> (last visited Feb. 8, 2019).

⁴⁷ Bruce Alpert, New Orleans Times Picayune, “New Orleans Mail Processing Center Is One of 223 Being Closed by U.S. Postal Service” (Feb 23, 2012), reprinted at https://www.nola.com/politics/index.ssf/2012/02/new_orleans_mail_processing_ce.html (last visited Feb 8, 2019).

will help reduce the number of ballots that arrive late and are not counted. It will give voters an opportunity to vote early or on Election Day, to *ensure* that their ballots count.

Domestic Vote-by-Mail Mailing Period

Overseas VBM ballots must be mailed at least 45 days prior to an election; *domestic* VBM ballots must be mailed between the 28th and 35th day, for all valid requests on file.⁴⁸

The FSASE has requested that the domestic VBM deadline be revised to “not later than 28 days before” an election, to allow for combined, bulk mailing of overseas and domestic VBMs for purposes of ease of administration, cost-savings, and voter-convenience measures (domestic ballots will arrive earlier).

Vote-by-Mail Ballot Canvassing Period/starting date

Currently, local county canvassing boards and supervisors may begin “canvassing” VBM ballots up to 15 days prior to an election.⁴⁹ That means that they can review signatures, open valid ballots, put them through the electronic tabulators, tabulate results at the end of the early voting period, etc. This time saver has become incredibly important over the past decade or so, as *millions* of Floridians have chosen the convenience of VBM voting over in-person early voting or Election Day balloting.

The FSASE notes that this head start is especially important for large counties that may be processing tens or hundreds of thousands of VBM ballots per election, and that even more time would help with the speed and accuracy of returns. For this reason, their legislative package seeks a week’s extension to begin processing VBM ballots.

III. Effect of Proposed Changes:

SPB 7066 is the 2018 General Election recount glitch bill. It streamlines procedures and activities relating to the mailing, receipt, processing, reporting, counting, and recount of ballots.

Section-by-Section Analysis

Section 1. (*technical/conforming*) Amends s. 98.077, F.S., relating to methods for updating voter registration signatures, to conform to the new provisional and VBM ballot cure affidavit signature update process.

Section 2. (*technical/conforming*) Amends s. 99.063, F.S., relating to candidates for Lieutenant Governor; adjusts the deadline from 5 p.m. on the 9th day to the 14th day after the primary election for a successful gubernatorial candidate to select and qualify a running mate, to conform to the new 14-day primary certification deadline.

⁴⁸ Section 101.62 (4)(a),(b), F.S.

⁴⁹ Section 101.68(2)(a), F.S.

Section 3. Amends s. 100.061, F.S., moving the **primary election date** from 10 to 11 weeks before the general election; allows more time for counting, recounting, and curing defective provisional and VBM ballots; creates more room for error in the event of a recount; enhances both the appearance and actuality of a more organized vote-counting process.

Section 4. Amends s. 101.048, F.S., relating to **provisional ballots**; creates a provisional ballot signature cure and canvassing process that in large measure mirrors the current and revised VBM signature cure process (i.e., creates a signature cure affidavit and instructions, provides for voter submission of supporting TIER 1 or TIER 2 identification, creates standards for local canvassing boards to process ballots using the cure affidavit and supporting information); for canvassing purposes, requires canvassing boards to find by majority vote and beyond a reasonable doubt that a signature on a voter's certificate or cure affidavit DOES NOT match the signature in the registration records; modifies the Provisional Ballot Voter's Certificate and Affirmation to include requests for additional phone and electronic contact information; requires supervisors, as soon as practicable, to provide phone and electronic notice by e-mail and text message to voters who have previously provided the supervisor with such information, otherwise by first-class mail; requires supervisors to follow-up with first-class mail notice to the voter within 48 hours if they can't reach him or her by phone, text, or e-mail; gives a voter until 5 p.m. on the 11th day *after* the election to submit a signature cure affidavit along with supporting identification; just as the bill does with VBM ballots, creates a process to immediately update voter registration signatures with the signature on a valid provisional ballot cure affidavit; adopts the current VBM requirement that supervisors provide voters with a post-election notice and voter registration card to update signatures for voters whose ballots were rejected due to defective signatures.

Section 5. Amends s. 101.151, F.S., relating to **ballot design**; limits ballot title and instructions to a single location on the ballot, top center or leftmost column — but expressly prohibits listing individual races below instructions in the leftmost column unless the ballot is single-column (which negates the voters' tendency to skip the race). This change is intended to directly address the Broward ballot design issue in the 2018 U.S. Senate race.

Section 6. Amends s. 101.62, F.S., relating to **requests for VBM ballots**.

- Moves the last day for voters to request VBM ballots from 8 to 10 days before an election, and prohibits supervisors from mailing out such ballots less than 8 days prior to the election (currently 4 days), to reflect new postal timelines resulting from the closing of numerous regional processing centers.
- Allows supervisors added flexibility to mail *domestic* VBM ballots “not later than” 28 days before an election instead of in a one-week window from the 35th to the 28th day, thereby allowing for earlier bulk mailing with *overseas* ballots (that must be sent by the 45th day before an election).

Section 7. (technical) Amends s. 101.64, F.S., relating to requirements for the VBM Voter's Certificate, requesting additional voter contact information (e-mail address, home phone number, mobile phone number) for the limited purpose of correcting signature deficiencies, to conform.

Section 8. (technical/conforming) Amends s. 101.65, F.S., relating to VBM ballot instructions, to conform to the new canvassing period (as early as 22 days before an election).

Section 9. Amends s. 101.68, F.S., relating to the **canvassing of VBM ballots**.

- Clarifies that supervisors must immediately compare the signature when they receive a VBM ballot and notify the elector of any deficiencies.
- Moves the earliest start date for canvassing VBM ballots from 15 to 22 days before an election, to allow larger counties additional processing time to handle their outsized numbers of VBM ballots.
- Extends the deadline for curing defective VBM ballot signatures from 5 p.m. on the *day before* the election to 5 p.m. of the 11th day *after* a primary or general election.
- For canvassing purposes, requires canvassing boards to find by majority vote and beyond a reasonable doubt that a signature on a voter's certificate or cure affidavit DOES NOT match the signature in the registration records.
- Creates a new signature-deficiency notification process for timely-received VBM ballots starting 4 days before an election (for domestic ballots) or 10 days before an election (for overseas ballots); mandates phone and electronic voter notification within the first 48 hours or until voter contact is established, time permitting, followed by physical notice by first-class mail (in-county ballots) or expedited delivery (all other ballots), if necessary.
- Creates a process to immediately update voter registration signatures with the signature on a valid VBM ballot cure affidavit, and makes conforming changes to the post-election voter notification/signature update request for voters whose ballots were rejected due to defective signatures.
- *(technical)* Makes conforming changes to VBM voter instructions to incorporate the new 22 day canvassing period.

Section 10. (technical/conforming) Amends s. 101.6923, F.S., relating to VBM ballot instruction for certain first-time voters, to conform to the new canvassing period (as early as 22 days before the election).

Section 11. Amends s. 102.111, F.S., relating to the **State Elections Canvassing Commission**; marries the certification deadlines for the primary election and most general election races to 9 a.m. of the 14th day after the election for federal, state, and multicounty office; provides for an additional Commission meeting 21 days after a *general election* to certify the results of *recounted races*, if necessary.

Section 12. (technical/conforming) Amends s. 102.112, F.S., relating to deadlines for submitting county returns to the Department of State; unifies the reporting schedule for county canvassing boards to report primary and non-recount general election race results for federal, state, and multicounty office (12th day after the election; 5 p.m.); provides that county canvassing commissions also certify the results of general election races subject to a recount by one week later (19th day after the election; noon), to conform to the new 21-day certification deadline for *general election* recount races.

Section 13. Amends s. 102.141, F.S., relating to **county canvassing board duties**.

- Requires county canvassing boards to report results hourly on election night (instead of every 45 minutes) until 2 a.m., and thereafter hourly every day from 9 a.m. to 8 p.m. until all results are reported, to cut down on sleep deprivation and not work employees and volunteers around-the-clock. This should enhance the accuracy of the counting process/procedures, and provide for better media optics.
- **(quasi-conforming)** Gives county canvassing boards an extra day in a *primary election* to report their initial, *first set of unofficial results* to the Department; pushes back the deadline from noon of the third day to noon of the *fourth* day (corresponds with the general election deadline).
- **(quasi-conforming)** For *primary elections*, provides 3 extra days for canvassing boards to complete *machine* recounts and an extra day to complete *manual* recounts (same reporting schedule as *non-recount general election* races, which maintain the same reporting schedule). For *general election races subject to recount*, provides 3 extra days to complete machine recounts and 4 extra days for manual recounts.

Sections 11, 12, and 13 (chart). The chart on the page below contains expanded information regarding the revised certification and reporting deadlines:

Event (reverse chronological order)	Election/races	Current (days <i>after</i> election)	Proposed (days <i>after</i> election)	Net Gain
Election Date	General	NOV. 2-8	same	
	Primary	10 wks. (b4 election)	11 wks. (b4 election)	+1 (wk.)
Certification Deadline <i>(final results)</i>	General (recount races)	14	21	+7
	General (non-recount)	14	14	
	Primary (ALL races)	9	14	+5
County Canvassing Board Certified Results <i>(manual recount tally for recount races)</i>	General (recount races)	12	19	+4 ⁵⁰
	General (non-recount)	12	12	
	Primary (ALL races)	7	12	+1 ⁵¹
Second Unofficial Results <i>(machine recount tally for recount races)</i>	General (recount races)	9	12	+3 ⁵²
	General (non-recount)	9	9	
	Primary (ALL races)	5	9	+3 ⁵³
First Unofficial Results	General (recount races)	4	4	
	General (non-recount)	4	4	
	Primary (ALL races)	3	4	+1

⁵⁰ The bill proposes **7 days** for county canvassing boards to complete a manual recount, from the 12th day after the election (deadline for second set of unofficial results) until the 19th day (when the canvassing boards certify results to the Department of State). Under the current schedule, canvassing boards have only **3 days** for the manual recount (from the 9th day, when the second set of unofficial results are due, until the 12th day, when the boards certify results to the Department of State.) This results in a **net gain of 4 days** to conduct the manual recount.

⁵¹ The bill proposes **3 days** for county canvassing boards to complete a manual recount, from the 9th day after the election (deadline for second set of unofficial results) until the 12th day (when the canvassing boards certify results to the Department of State). Under the current schedule, canvassing boards have only **2 days** for the manual recount (from the 5th day, when the second set of unofficial results are due, until the 7th day, when the boards certify results to the Department of State.) This results in a **net gain of 1 day** to conduct the manual recount.

⁵² The bill proposed **8 days** for county canvassing board to complete a machine recount, from the 4th day after the election (deadline for first set of unofficial results) until the 12th day (when the second set of unofficial results are due). Under the current schedule, canvassing boards have only **5 days** for the machine recount (from the 4th day, when the first set of unofficial results are due, until the 9th day, when the second set of unofficial results are reported). This results in a **net gain of 3 days** to conduct the machine recount.

⁵³ The bill proposed **5 days** for county canvassing board to complete a machine recount, from the 4th day after the election (deadline for first set of unofficial results) until the 9th day (when the second set of unofficial results are due). Under the current schedule, canvassing boards have only **2 days** for the machine recount (from the 3rd day, when the first set of unofficial results are due, until the 5th day, when the second set of unofficial results are reported). This results in a **net gain of 3 days** to conduct the machine recount.

Section 14. Amends s. 102.166, F.S., relating to **manual recounts**; updates legacy language from the 2001 Election Reform Act to prohibit voting systems that cannot *simultaneously* count and sort overvotes and undervotes in *multiple races*; effectively de-certifies Palm Beach County's legacy voting system used in the 2018 elections, notwithstanding that the County is already in the process of replacing that system for the 2020 election cycle.⁵⁴

Section 15. The bill takes effect January 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

County supervisors of elections may incur additional staffing and mailing costs to comply with the new notification requirements for signature-defective provisional and VBM ballots; some or all of these costs, however, may be offset by cost-savings by providing

⁵⁴ Jeff Ostrowski, Palm Beach Post, "After Election Debacle, Palm Beach County to Spend \$16M on Voting Machines for 2020" (Feb. 5, 2019), available at <https://www.palmbeachpost.com/news/20190205/after-election-debacle-palm-beach-county-to-spend-16m-on-voting-machines-for-2020> (last visited Feb. 6, 2019).

some notices by phone, e-mail, or text message that otherwise would have required mailing. The costs are indeterminate, and will vary depending on the number of signature-defective ballots received, the number of voters that can be noticed by phone or electronic means, and the extent to which supervisors' current staffing will be able to process the additional required notices.

County supervisors may also incur some additional costs to reprint provisional and VBM voter's certificates on ballot envelopes that request additional voter contact information, and ballot and cure voter instructions. The precise costs are unknown and will depend on the size of the county and the extent to which they have already pre-printed ballot envelopes.

Finally, county supervisors should be able to realize an undetermined amount of cost savings from being able to bulk mail overseas and early-requested domestic absentee ballots together at least 45 days before an election; the cost savings will vary by county, should they choose to adopt this procedure.

VI. Technical Deficiencies:

Section 102.168(8), F.S., should be amended to allow the court to review signatures on a provisional voter's certificate and on a provisional/vote-by-mail cure affidavit, along with any supporting identification submitted thereto, in any election contest that requires a review of the canvassing board's decision on the legality of a vote-by-mail or provisional ballot based on signature validity.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 98.077, 99.063, 100.061, 101.048, 101.151, 101.62, 101.64, 101.65, 101.68, 101.6923, 102.111, 102.112, 102.141, 102.166.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



415328

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/06/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Rodriguez) recommended the following:

Senate Amendment

Between lines 160 and 161

insert:

For purposes of this paragraph, any canvassing board finding that signatures do not match must be beyond a reasonable doubt.



843216

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/06/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Rodriguez) recommended the following:

- 1 **Senate Amendment to Amendment (415328)**
- 2
- 3 Delete line 6
- 4 and insert:
- 5 finding that signatures do not match must be by majority
- 6 vote and beyond a reasonable



854810

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/06/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Baxley) recommended the following:

Senate Amendment

Delete lines 250 - 251
and insert:
telephone or electronic means for up to 48 hours before
mailing the physical notice. The supervisor need not provide any
notice



651506

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/06/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Rodriguez) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 532 and 533

insert:

101.68 Canvassing of vote-by-mail ballot.-

(2)

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector



651506

11 in the registration books or the precinct register to see that
12 the elector is duly registered in the county and to determine
13 the legality of that vote-by-mail ballot. A vote-by-mail ballot
14 may only be counted if:

15 a. The signature on the voter's certificate or the cure
16 affidavit matches the elector's signature in the registration
17 books or precinct register; however, in the case of a cure
18 affidavit, the supporting identification listed in subsection
19 (4) must also confirm the identity of the elector; or

20 b. The cure affidavit contains a signature that does not
21 match the elector's signature in the registration books or
22 precinct register, but the elector has submitted a current and
23 valid Tier 1 identification pursuant to subsection (4) which
24 confirms the identity of the elector.

25
26 For purposes of this paragraph, any canvassing board finding
27 that signatures do not match must be beyond a reasonable doubt.

28 2. The ballot of an elector who casts a vote-by-mail ballot
29 shall be counted even if the elector dies on or before election
30 day, as long as, before the death of the voter, the ballot was
31 postmarked by the United States Postal Service, date-stamped
32 with a verifiable tracking number by a common carrier, or
33 already in the possession of the supervisor of elections.

34 3. A vote-by-mail ballot is not considered illegal if the
35 signature of the elector does not cross the seal of the mailing
36 envelope.

37 4. If any elector or candidate present believes that a
38 vote-by-mail ballot is illegal due to a defect apparent on the
39 voter's certificate or the cure affidavit, he or she may, at any



651506

40 time before the ballot is removed from the envelope, file with
41 the canvassing board a protest against the canvass of that
42 ballot, specifying the precinct, the ballot, and the reason he
43 or she believes the ballot to be illegal. A challenge based upon
44 a defect in the voter's certificate or cure affidavit may not be
45 accepted after the ballot has been removed from the mailing
46 envelope.

47 5. If the canvassing board determines that a ballot is
48 illegal, a member of the board must, without opening the
49 envelope, mark across the face of the envelope: "rejected as
50 illegal." The cure affidavit, if applicable, the envelope, and
51 the ballot therein shall be preserved in the manner that
52 official ballots are preserved.

53

54 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

55 And the directory clause is amended as follows:

56 Delete line 495

57 and insert:

58 Section 9. Subsection (1), paragraphs (a) and (c) of
59 subsection (2),

60

61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Between lines 30 and 31

64 insert:

65 revising requirements related to the canvassing and
66 counting of vote-by-mail ballots;



597510

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/06/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Rodriguez) recommended the following:

Senate Amendment to Amendment (651506)

Delete line 27
and insert:
that signatures do not match must be by majority vote and beyond a reasonable doubt.

FOR CONSIDERATION By the Committee on Ethics and Elections

582-02532A-19

20197066pb

1 A bill to be entitled
 2 An act relating to ballot processes; amending 98.077,
 3 F.S.; modifying requirements for updating voter
 4 registration signatures, to conform; amending s.
 5 99.063, F.S.; revising dates relating to the selection
 6 and qualification of a lieutenant governor running
 7 mate, to conform; amending s. 100.061, F.S.; revising
 8 the date of the primary election; amending s. 101.048,
 9 F.S.; modifying the Provisional Ballot Voter's
 10 Certificate and Affirmation; establishing a process to
 11 cure a provisional ballot with a signature deficiency;
 12 establishing related requirements and deadlines;
 13 revising requirements for the canvassing and counting
 14 of provisional ballots; creating exemptions; requiring
 15 the supervisor to process a signature update following
 16 submission of a valid provisional ballot cure
 17 affidavit; modifying post-election elector
 18 notification processes, to conform; amending 101.151,
 19 F.S.; revising requirements for department rules
 20 governing ballot design; amending s. 101.62, F.S.;
 21 revising deadlines for requests for, and the mailing
 22 of, vote-by-mail ballots; removing a limitation as to
 23 when the supervisor may begin mailing domestic vote-
 24 by-mail ballots before an election; amending s.
 25 101.64, F.S.; modifying the vote-by-mail ballot
 26 Voter's Certificate; amending s. 101.65, F.S.;
 27 modifying vote-by-mail ballot instructions, to
 28 conform; amending 101.68, F.S.; clarifying that
 29 supervisors must immediately compare voters'

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20197066pb

30 signatures on vote-by-mail ballots upon receipt;
 31 providing for earlier canvassing of vote-by-mail
 32 ballots; prescribing additional notification
 33 requirements for certain vote-by-mail ballots with
 34 defective signatures; creating exemptions; revising
 35 the deadline by which vote-by-mail ballot cure
 36 affidavits must be submitted; requiring the supervisor
 37 to process a signature update following submission of
 38 a valid vote-by-mail ballot cure affidavit; modifying
 39 post-election elector notification processes, to
 40 conform; amending 101.6923, F.S.; modifying special
 41 vote-by-mail ballot instructions for certain first-
 42 time voters, to conform; amending 102.111, F.S.;
 43 revising the date on which the Elections Canvassing
 44 Commission certifies the primary election; adding an
 45 additional meeting of the Elections Canvassing
 46 Commission for certification of ballot votes in any
 47 general election races with pending recounts; amending
 48 s. 102.112, F.S.; modifying deadlines for submitting
 49 certain county ballot returns to the Department of
 50 State, to conform; amending s. 102.141, F.S.;
 51 modifying immediate reporting times for certain types
 52 of ballots and deadlines for unofficial results in
 53 primary elections and certain general election
 54 contests; amending s. 102.166, F.S.; modifying
 55 certification requirements for voting systems to
 56 require the functionality to simultaneously sort and
 57 count ballot overvotes and undervotes; providing an
 58 effective date.

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59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Subsection (4) of section 98.077, Florida
63 Statutes, is amended to read:

64 98.077 Update of voter signature.—

65 (4) Except as authorized in ss. 101.048 and 101.68:

66 (a) All signature updates for use in verifying vote-by-mail
67 and provisional ballots must be received by the appropriate
68 supervisor of elections no later than the start of the
69 canvassing of vote-by-mail ballots by the canvassing board.

70 (b) The signature on file at the start of the canvass of
71 the vote-by-mail ballots is the signature that shall be used in
72 verifying the signature on the vote-by-mail and provisional
73 ballot certificates.

74 Section 2. Subsections (1) and (2) of section 99.063,
75 Florida Statutes, are amended to read

76 99.063 Candidates for Governor and Lieutenant Governor.—

77 (1) No later than 5 p.m. of the 14th ~~9th~~ day following the
78 primary election, each candidate for Governor shall designate a
79 Lieutenant Governor as a running mate. Such designation must be
80 made in writing to the Department of State.

81 (2) No later than 5 p.m. of the 14th ~~9th~~ day following the
82 primary election, each designated candidate for Lieutenant
83 Governor shall file with the Department of State:

84 (a) The candidate's oath required by s. 99.021, which must
85 contain the name of the candidate as it is to appear on the
86 ballot; the office sought; and the signature of the candidate,
87 which must be verified under oath or affirmation pursuant to s.

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88 92.525(1) (a).

89 (b) If the office sought is partisan, the written statement
90 of political party affiliation required by s. 99.021(1) (b).

91 (c) The full and public disclosure of financial interests
92 pursuant to s. 8, Art. II of the State Constitution. A public
93 officer who has filed the full and public disclosure with the
94 Commission on Ethics prior to qualifying for office may file a
95 copy of that disclosure at the time of qualifying.

96 Section 3. Section 100.061, Florida Statutes, is amended to
97 read:

98 100.061 Primary election.—In each year in which a general
99 election is held, a primary election for nomination of
100 candidates of political parties shall be held on the Tuesday 11
101 ~~10~~ weeks prior to the general election. The candidate receiving
102 the highest number of votes cast in each contest in the primary
103 election shall be declared nominated for such office. If two or
104 more candidates receive an equal and highest number of votes for
105 the same office, such candidates shall draw lots to determine
106 which candidate is nominated.

107 Section 4. Section 101.048, Florida Statutes, is amended to
108 read:

109 101.048 Provisional ballots.—

110 (1) At all elections, a voter claiming to be properly
111 registered in the state and eligible to vote at the precinct in
112 the election but whose eligibility cannot be determined, a
113 person whom an election official asserts is not eligible, and
114 other persons specified in the code shall be entitled to vote a
115 provisional ballot. Once voted, the provisional ballot shall be
116 placed in a secrecy envelope and thereafter sealed in a

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117 provisional ballot envelope. The provisional ballot shall be
 118 deposited in a ballot box. All provisional ballots shall remain
 119 sealed in their envelopes for return to the supervisor of
 120 elections. The department shall prescribe the form of the
 121 provisional ballot envelope. A person casting a provisional
 122 ballot shall have the right to present written evidence
 123 supporting his or her eligibility to vote to the supervisor of
 124 elections by not later than 5 p.m. on the second day following
 125 the election.

126 (2) (a) The county canvassing board shall examine each
 127 Provisional Ballot Voter's Certificate and Affirmation to
 128 determine if the person voting that ballot was entitled to vote
 129 at the precinct where the person cast a vote in the election and
 130 that the person had not already cast a ballot in the election.
 131 In determining whether a person casting a provisional ballot is
 132 entitled to vote, the county canvassing board shall review the
 133 information provided in the Voter's Certificate and Affirmation,
 134 written evidence provided by the person pursuant to subsection
 135 (1), information provided in any cure affidavit and accompanying
 136 supporting documentation pursuant to subsection (6), any other
 137 evidence presented by the supervisor of elections, and, in the
 138 case of a challenge, any evidence presented by the challenger. A
 139 ballot of a person casting a provisional ballot shall be
 140 canvassed pursuant to paragraph (b) ~~counted~~ unless the
 141 canvassing board determines by a preponderance of the evidence
 142 that the person was not entitled to vote.

143 (b) ~~1-~~ If it is determined that the person was registered
 144 and entitled to vote at the precinct where the person cast a
 145 vote in the election, the canvassing board must ~~shall~~ compare

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146 the signature on the Provisional Ballot Voter's Certificate and
 147 Affirmation or the provisional ballot cure affidavit with the
 148 signature on the voter's registration or precinct register ~~and,~~
 149 ~~if it matches, shall count the ballot.~~ A provisional ballot may
 150 be counted only if:

151 1. The signature on the voter's certificate or the cure
 152 affidavit matches the elector's signature in the registration
 153 books or the precinct register; however, in the case of a cure
 154 affidavit, the supporting identification listed in subsection
 155 (6) must also confirm the identity of the elector; or

156 2. The cure affidavit contains a signature that does not
 157 match the elector's signature in the registration books or the
 158 precinct register, but the elector has submitted a current and
 159 valid Tier 1 form of identification confirming his or her
 160 identity pursuant to subsection (6).

161 ~~2. If it is determined that the person voting the~~
 162 ~~provisional ballot was not registered or entitled to vote at the~~
 163 ~~precinct where the person cast a vote in the election, the~~

164 (c) Any provisional ballot shall not be counted must and
 165 ~~the ballot shall~~ remain in the envelope containing the
 166 Provisional Ballot Voter's Certificate and Affirmation and the
 167 envelope shall be marked "Rejected as Illegal."

168 (d) If a provisional ballot is validated following the
 169 submission of a cure affidavit, the supervisor must make a copy
 170 of the affidavit, affix it to a voter registration application,
 171 and immediately process it as a valid request for a signature
 172 update pursuant to s. 98.077.

173 (3) The Provisional Ballot Voter's Certificate and
 174 Affirmation shall be in substantially the following form:

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175
176 STATE OF FLORIDA
177 COUNTY OF

178
179 I do solemnly swear (or affirm) that my name is; that
180 my date of birth is; that I am registered and qualified to
181 vote in County, Florida; that I am registered in the
182 Party; that I am a qualified voter of the county; and that I
183 have not voted in this election. I understand that if I commit
184 any fraud in connection with voting, vote a fraudulent ballot,
185 or vote more than once in an election, I can be convicted of a
186 felony of the third degree and fined up to \$5,000 and/or
187 imprisoned for up to 5 years.

188 Further, by providing my information below, I authorize the
189 use of e-mail, text message, and phone call for the limited
190 purpose of signature and ballot validation.

- 191 ... (Printed Name of Voter)...
- 192 ... (Signature of Voter)...
- 193 ... (Current Residence Address)...
- 194 ... (Current Mailing Address)...
- 195 ... (City, State, Zip Code)...
- 196 ... (Driver License Number or Last Four Digits of Social Security
197 Number)...
- 198 ... (E-Mail Address)...
- 199 ... (Home Telephone Number)...
- 200 ... (Mobile Telephone Number)...

201
202 Sworn to and subscribed before me this day of,
203 ... (year)....

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204
205 ... (Election Official)...

206
207 Precinct # Ballot Style/Party Issued:

208
209 (4) Notwithstanding the requirements of subsections (1),
210 (2), and (3), the supervisor of elections may, and for persons
211 with disabilities shall, provide the appropriate provisional
212 ballot to the voter by electronic means that meet the
213 requirements of s. 101.56062, as provided for by the certified
214 voting system. Each person casting a provisional ballot by
215 electronic means shall, prior to casting his or her ballot,
216 complete the Provisional Ballot Voter's Certificate and
217 Affirmation as provided in subsection (3).

218 (5) Each person casting a provisional ballot shall be given
219 written instructions regarding the person's right to provide the
220 supervisor of elections with written evidence of his or her
221 eligibility to vote and regarding the free access system
222 established pursuant to subsection (7) ~~(6)~~. The instructions
223 must ~~shall~~ contain the supervisors' contact information along
224 with information on how to access the system and the information
225 the voter will need to provide to obtain information on his or
226 her particular ballot. The instructions ~~shall~~ also must include
227 the following statement: "If this is a primary election, you
228 should contact the supervisor of elections' office immediately
229 to confirm that you are registered and can vote in the general
230 election."

231 (6) (a) As soon as practicable, the supervisor shall, on
232 behalf of the county canvassing board, attempt to notify an

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233 elector who has submitted a provisional ballot that does not
 234 include the elector's signature or contains a signature that
 235 does not match the elector's signature in the registration books
 236 or precinct register by:

- 237 1. Providing the notice to the elector by e-mail;
 238 2. Notifying the elector of the signature deficiency by
 239 text message and directing the elector to the cure affidavit and
 240 instructions on the supervisor's website; and
 241 3. Notifying the elector of the signature deficiency by
 242 telephone and directing the elector to the cure affidavit and
 243 instructions on the supervisor's website.

244
 245 If the voter's certificate or the elector's records do not
 246 contain any telephone or electronic contact information, the
 247 supervisor must immediately send the notice to the elector by
 248 first-class mail. If the elector has provided such information,
 249 the supervisor may continue to attempt to contact the elector by
 250 telephone or electronic means for up to 24 hours before mailing
 251 the physical notice. The supervisor need not provide any notice
 252 required by this paragraph if the canvassing board has already
 253 determined that the elector is not entitled to vote pursuant to
 254 paragraph (2) (a), or if the supervisor has already confirmed the
 255 elector's receipt of notice.

256 (b) Until 5 p.m. on the 11th day after an election, the
 257 supervisor of elections shall allow an elector who has submitted
 258 a provisional ballot with a signature deficiency to complete and
 259 submit a cure affidavit.

260 (c) The elector must complete a cure affidavit in
 261 substantially the following form:

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262

263

PROVISIONAL BALLOT CURE AFFIDAVIT

264

265

266

267

268

269

270

271

272

273

274

275

... (Voter's Signature) ...

276

277

... (Address) ...

278

279

280

(d) Instructions must accompany the cure affidavit in
substantially the following form:

281

282

283

284

285

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
BALLOT NOT TO COUNT.

286

287

288

289

290

1. In order to cure the missing signature or the signature
discrepancy on your Provisional Ballot Voter's Certificate and
Affirmation, your affidavit should be completed and returned as
soon as possible so that it can reach the supervisor of
elections of the county in which your precinct is located no

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291 later than 5 p.m. on the 11th day after the election.
 292 2. You must sign your name on the line above (Voter's
 293 Signature).
 294 3. You must make a copy of one of the following forms of
 295 identification:
 296 a. Tier 1 identification.—Current and valid identification
 297 that includes your name and photograph: Florida driver license;
 298 Florida identification card issued by the Department of Highway
 299 Safety and Motor Vehicles; United States passport; debit or
 300 credit card; military identification; student identification;
 301 retirement center identification; neighborhood association
 302 identification; public assistance identification; veteran health
 303 identification card issued by the United States Department of
 304 Veterans Affairs; Florida license to carry a concealed weapon or
 305 firearm; or employee identification card issued by any branch,
 306 department, agency, or entity of the Federal Government, the
 307 state, a county, or a municipality; or
 308 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
 309 FORM OF IDENTIFICATION, identification that shows your name and
 310 current residence address: current utility bill; bank statement;
 311 government check; paycheck; or government document (excluding
 312 voter identification card).
 313 4. Place the envelope bearing the affidavit into a mailing
 314 envelope addressed to the supervisor. Insert a copy of your
 315 identification in the mailing envelope. Mail (if time permits),
 316 deliver, or have delivered the completed affidavit along with
 317 the copy of your identification to your county supervisor of
 318 elections. Be sure there is sufficient postage if mailed and
 319 that the supervisor's address is correct. Remember, your

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320 information MUST reach your county supervisor of elections no
 321 later than 5 p.m. on the 11th day following the election or your
 322 ballot will not count.
 323 5. Alternatively, you may fax or e-mail your completed
 324 affidavit and a copy of your identification to the supervisor of
 325 elections. If e-mailing, please provide these documents as
 326 attachments. E-mail should be used only as a last resort, as it
 327 is not a secure communication method and could result in third
 328 parties having access to your personal information.
 329 6. Submitting a provisional ballot affidavit does not
 330 establish your eligibility to vote in this election or guarantee
 331 that your ballot will be counted. The county canvassing board
 332 determines your eligibility to vote through information provided
 333 on the Provisional Ballot Voter's Certificate and Affirmation,
 334 written evidence provided by you, including information in your
 335 cure affidavit along with any supporting identification, and any
 336 other evidence presented by the supervisor of elections or a
 337 challenger. You may still be required to present additional
 338 written evidence to support your eligibility to vote.
 339 (e) The department and each supervisor of elections shall
 340 include the affidavit and instructions on their respective
 341 websites. The supervisor of elections shall include his or her
 342 office mailing address, e-mail address, and fax number on the
 343 page containing the affidavit instructions, and the department's
 344 instruction page must include the office mailing addresses, e-
 345 mail addresses, and fax numbers of all supervisors of elections
 346 or provide a conspicuous link to such addresses.
 347 (f) The supervisor of elections shall attach each affidavit
 348 received to the appropriate provisional ballot envelope

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349 containing the Provisional Ballot Voter's Certificate and
 350 Affirmation.

351 ~~(7) (a) (6)~~ Each supervisor of elections shall establish a
 352 free access system that allows each person who casts a
 353 provisional ballot to determine whether his or her provisional
 354 ballot was counted in the final canvass of votes and, if not,
 355 the reasons why. Information regarding provisional ballots shall
 356 be available no later than 30 days following the election. The
 357 system established must restrict information regarding an
 358 individual ballot to the person who cast the ballot.

359 (b) In addition, unless processed as a signature update
 360 pursuant to subsection (2), the supervisor shall mail a voter
 361 registration application to the elector to be completed
 362 indicating the elector's current signature if the signature on
 363 the voter's certificate or cure affidavit did not match the
 364 elector's signature in the registration books or precinct
 365 register.

366 Section 5. Subsection (9) of section 101.151, Florida
 367 Statutes, is amended to read:

368 101.151 Specifications for ballots.-

369 (9) (a) The Department of State shall adopt rules
 370 prescribing a uniform primary and general election ballot for
 371 each certified voting system. The rules ~~must shall~~ incorporate
 372 the requirements set forth in this section and ~~must shall~~
 373 prescribe additional matters and forms that include, without
 374 limitation:

375 1. The ballot title followed by clear and unambiguous
 376 ballot instructions and directions limited to a single location
 377 on the ballot, either:

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378 a. Centered across the top; or

379 b. In the leftmost column, with no individual races in that
 380 column unless it is the only column on the ballot;

381 2. Individual race layout; and
 382 3. Overall ballot layout.

383 (b) The ~~department~~ rules ~~must shall~~ graphically depict a
 384 sample uniform primary and general election ballot form for each
 385 certified voting system.

386 Section 6. Subsection (2) and paragraph (b) of subsection
 387 (4) of section 101.62, Florida Statutes, are amended to read:
 388 101.62 Request for vote-by-mail ballots.-

389 (2) A request for a vote-by-mail ballot to be mailed to a
 390 voter must be received no later than 5 p.m. on the 10th sixth
 391 day before the election by the supervisor of elections. The
 392 supervisor of elections shall mail vote-by-mail ballots to
 393 voters requesting ballots by such deadline no later than 8 4
 394 days before the election.

395 (4)

396 (b) The supervisor of elections shall mail a vote-by-mail
 397 ballot to each absent qualified voter, other than those listed
 398 in paragraph (a), who has requested such a ballot, no later than
 399 the 28th day between the 35th and 28th days before the
 400 presidential preference primary election, primary election, and
 401 general election. Except as otherwise provided in subsection (2)
 402 and after the period described in this paragraph, the supervisor
 403 shall mail vote-by-mail ballots within 2 business days after
 404 receiving a request for such a ballot.

405 Section 7. Subsection (1) of section 101.64, Florida
 406 Statutes, is amended to read:

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407 101.64 Delivery of vote-by-mail ballots; envelopes; form.-
 408 (1) The supervisor shall enclose with each vote-by-mail
 409 ballot two envelopes: a secrecy envelope, into which the absent
 410 elector shall enclose his or her marked ballot; and a mailing
 411 envelope, into which the absent elector shall then place the
 412 secrecy envelope, which shall be addressed to the supervisor and
 413 also bear on the back side a certificate in substantially the
 414 following form:

415
 416 Note: Please Read Instructions Carefully Before
 417 Marking Ballot and Completing Voter's Certificate.

418
 419 VOTER'S CERTIFICATE

420 I, . . . , do solemnly swear or affirm that I am a qualified
 421 and registered voter of . . . County, Florida, and that I have
 422 not and will not vote more than one ballot in this election. I
 423 understand that if I commit or attempt to commit any fraud in
 424 connection with voting, vote a fraudulent ballot, or vote more
 425 than once in an election, I can be convicted of a felony of the
 426 third degree and fined up to \$5,000 and/or imprisoned for up to
 427 5 years. I also understand that failure to sign this certificate
 428 ~~may will~~ invalidate my ballot.

429 Further, by providing my information below, I authorize the
 430 use of e-mail, text messages, and telephone calls for the
 431 limited purpose of correcting a missing or nonmatching
 432 signature.

433
 434 . . . (Date) (Voter's Signature) . . .
 435 . . . (E-Mail Address) (Home Telephone Number) . . .

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436 . . . (Mobile Telephone Number) . . .

437 Section 8. Section 101.65, Florida Statutes, is amended to
 438 read:

439 101.65 Instructions to absent electors.—The supervisor
 440 shall enclose with each vote-by-mail ballot separate printed
 441 instructions in substantially the following form:

442
 443 READ THESE INSTRUCTIONS CAREFULLY
 444 BEFORE MARKING BALLOT.

445 1. VERY IMPORTANT. In order to ensure that your vote-by-
 446 mail ballot will be counted, it should be completed and returned
 447 as soon as possible so that it can reach the supervisor of
 448 elections of the county in which your precinct is located no
 449 later than 7 p.m. on the day of the election. However, if you
 450 are an overseas voter casting a ballot in a presidential
 451 preference primary or general election, your vote-by-mail ballot
 452 must be postmarked or dated no later than the date of the
 453 election and received by the supervisor of elections of the
 454 county in which you are registered to vote no later than 10 days
 455 after the date of the election. Note that the later you return
 456 your ballot, the less time you will have to cure any signature
 457 deficiencies, which is authorized until 5 p.m. on the 11th day
 458 after the election.

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

462 3. Mark only the number of candidates or issue choices for
 463 a race as indicated on the ballot. If you are allowed to "Vote
 464 for One" candidate and you vote for more than one candidate,

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465 your vote in that race will not be counted.

466 4. Place your marked ballot in the enclosed secrecy
467 envelope.

468 5. Insert the secrecy envelope into the enclosed mailing
469 envelope which is addressed to the supervisor.

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

472 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
473 be counted, you must sign your name on the line above (Voter's
474 Signature). A vote-by-mail ballot will be considered illegal and
475 not be counted if the signature on the voter's certificate does
476 not match the signature on record. The signature on file at the
477 start of the canvassing of the vote-by-mail ballots is the
478 signature that will be used to verify your signature on the
479 voter's certificate. If you need to update your signature for
480 this election, send your signature update on a voter
481 registration application to your supervisor of elections so that
482 it is received no later than the start of the canvassing of
483 vote-by-mail ballots, which occurs no earlier than the 22nd ~~15th~~
484 day before election day.

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

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

490 10. FELONY NOTICE. It is a felony under Florida law to
491 accept any gift, payment, or gratuity in exchange for your vote
492 for a candidate. It is also a felony under Florida law to vote
493 in an election using a false identity or false address, or under

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494 any other circumstances making your ballot false or fraudulent.

495 Section 9. Subsection (1), paragraph (a) of subsection (2),
496 and subsection (4) of section 101.68, Florida Statutes, are
497 amended to read:

498 101.68 Canvassing of vote-by-mail ballot.—

499 (1) The supervisor of the county where the absent elector
500 resides shall receive the voted ballot, at which time the
501 supervisor immediately shall compare the signature of the
502 elector on the voter's certificate with the signature of the
503 elector in the registration books or the precinct register to
504 determine whether the elector is duly registered in the county
505 and may record on the elector's registration certificate that
506 the elector has voted. An elector who dies after casting a vote-
507 by-mail ballot but on or before election day shall remain listed
508 in the registration books until the results have been certified
509 for the election in which the ballot was cast. The supervisor
510 shall safely keep the ballot unopened in his or her office until
511 the county canvassing board canvasses the vote. Except as
512 provided in subsection (4), after a vote-by-mail ballot is
513 received by the supervisor, the ballot is deemed to have been
514 cast, and changes or additions may not be made to the voter's
515 certificate.

516 (2) (a) The county canvassing board may begin the canvassing
517 of vote-by-mail ballots at 7 a.m. on the 22nd ~~15th~~ day before
518 the election, but not later than noon on the day following the
519 election. In addition, for any county using electronic
520 tabulating equipment, the processing of vote-by-mail ballots
521 through such tabulating equipment may begin at 7 a.m. on the
522 22nd ~~15th~~ day before the election. However, notwithstanding any

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523 such authorization to begin canvassing or otherwise processing
 524 vote-by-mail ballots early, no result shall be released until
 525 after the closing of the polls in that county on election day.
 526 Any supervisor of elections, deputy supervisor of elections,
 527 canvassing board member, election board member, or election
 528 employee who releases the results of a canvassing or processing
 529 of vote-by-mail ballots prior to the closing of the polls in
 530 that county on election day commits a felony of the third
 531 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 532 775.084.

533 (4) (a) Except as provided in paragraph (b), the supervisor
 534 must shall, on behalf of the county canvassing board,
 535 immediately notify an elector who has returned a vote-by-mail
 536 ballot that does not include the elector's signature or contains
 537 a signature that does not match the elector's signature in the
 538 registration books or precinct register.

539 (b) For timely domestic vote-by-mail ballots received
 540 beginning on the 4th day before an election, and for timely
 541 overseas vote-by-mail ballots received beginning on the 10th day
 542 before an election, the supervisor must attempt to:

- 543 1. Provide the notice to the elector by e-mail;
- 544 2. Notify the elector of the signature deficiency by text
 545 message and direct the elector to the cure affidavit and
 546 instructions on the supervisor's website; and
- 547 3. Notify the elector of the signature deficiency by
 548 telephone and direct the elector to the cure affidavit and
 549 instructions on the supervisor's website.

550
 551 If the voter's certificate or the elector's records do not

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552 contain any telephone or electronic contact information, the
 553 supervisor must immediately send the notice to an in-county
 554 elector by first-class mail or to any other elector by expedited
 555 delivery. If the elector has provided such information, the
 556 supervisor may continue to attempt to contact the elector by
 557 telephone or electronic means for up to 48 hours before sending
 558 physical notice, time permitting. The supervisor need not
 559 provide any notice required by this subsection which is not
 560 expected to reach the elector until after 5 p.m. on the 11th day
 561 after the election, or when the supervisor has already confirmed
 562 the elector's receipt of notice.

563 (c) The supervisor shall allow ~~such~~ an elector to complete
 564 and submit an affidavit in order to cure the vote-by-mail ballot
 565 until 5 p.m. on the 11th day after ~~before~~ the election.

566 (d) ~~(b)~~ The elector must complete a cure affidavit in
 567 substantially the following form:

568
 569 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

570 I, . . . , am a qualified voter in this election and
 571 registered voter of . . . County, Florida. I do solemnly swear or
 572 affirm that I requested and returned the vote-by-mail ballot and
 573 that I have not and will not vote more than one ballot in this
 574 election. I understand that if I commit or attempt any fraud in
 575 connection with voting, vote a fraudulent ballot, or vote more
 576 than once in an election, I may be convicted of a felony of the
 577 third degree and fined up to \$5,000 and imprisoned for up to 5
 578 years. I understand that my failure to sign this affidavit may
 579 invalidate my ballot ~~means that my vote by mail ballot will be~~
 580 ~~invalidated.~~

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581
582 ... (Voter's Signature) ...
583
584 ... (Address) ...

585 ~~(e)~~ Instructions must accompany the cure affidavit in
586 substantially the following form:

587
588 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
589 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
590 BALLOT NOT TO COUNT.

591
592 1. In order to ensure that your vote-by-mail ballot will be
593 counted, your affidavit should be completed and returned as soon
594 as possible so that it can reach the supervisor of elections of
595 the county in which your precinct is located no later than 5
596 p.m. on the 11th day after ~~before~~ the election.

597 2. You must sign your name on the line above (Voter's
598 Signature).

599 3. You must make a copy of one of the following forms of
600 identification:

601 a. Tier 1 identification.—Current and valid identification
602 that includes your name and photograph: Florida driver license;
603 Florida identification card issued by the Department of Highway
604 Safety and Motor Vehicles; United States passport; debit or
605 credit card; military identification; student identification;
606 retirement center identification; neighborhood association
607 identification; public assistance identification; veteran health
608 identification card issued by the United States Department of
609 Veterans Affairs; a Florida license to carry a concealed weapon

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610 or firearm; or an employee identification card issued by any
611 branch, department, agency, or entity of the Federal Government,
612 the state, a county, or a municipality; or

613 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
614 FORM OF IDENTIFICATION, identification that shows your name and
615 current residence address: current utility bill, bank statement,
616 government check, paycheck, or government document (excluding
617 voter identification card).

618 4. Place the envelope bearing the affidavit into a mailing
619 envelope addressed to the supervisor. Insert a copy of your
620 identification in the mailing envelope. Mail (if time permits),
621 deliver, or have delivered the completed affidavit along with
622 the copy of your identification to your county supervisor of
623 elections. Be sure there is sufficient postage if mailed and
624 that the supervisor's address is correct. Remember, your
625 information MUST reach your county supervisor of elections no
626 later than 5 p.m. on the 11th day following the election, or
627 your ballot will not count.

628 5. Alternatively, you may fax or e-mail your completed
629 affidavit and a copy of your identification to the supervisor of
630 elections. If e-mailing, please provide these documents as
631 attachments. E-mail should be used only as a last resort, as it
632 is not a secure communication method and could result in third
633 parties having access to your personal information.

634 ~~(f)~~ ~~(d)~~ The department and each supervisor shall include the
635 affidavit and instructions on their respective websites. The
636 supervisor must include his or her office's mailing address, e-
637 mail address, and fax number on the page containing the
638 affidavit instructions, ~~and~~ the department's instruction page

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639 must include the office mailing addresses, e-mail addresses, and
640 fax numbers of all supervisors of elections or provide a
641 conspicuous link to such addresses.

642 ~~(g)-(e)~~ The supervisor shall attach each affidavit received
643 to the appropriate vote-by-mail ballot mailing envelope.

644 ~~(h)-(f)~~ If a vote-by-mail ballot is validated following the
645 submission of a cure affidavit, the supervisor must make a copy
646 of the affidavit, affix it to a voter registration application,
647 and immediately process it as a valid request for a signature
648 update pursuant to s. 98.077.

649 (i) After all election results on the ballot have been
650 certified, the supervisor shall, on behalf of the county
651 canvassing board, notify each elector whose ballot has been
652 rejected as illegal and provide the specific reason the ballot
653 was rejected. In addition, unless processed as a signature
654 update pursuant to paragraph (h), the supervisor shall mail a
655 voter registration application to the elector to be completed
656 indicating the elector's current signature if the signature on
657 the voter's certificate or cure affidavit did not match the
658 elector's signature in the registration books or precinct
659 register. ~~This section does not prohibit the supervisor from~~
660 ~~providing additional methods for updating an elector's~~
661 ~~signature.~~

662 Section 10. Section 101.6923, Florida Statutes, is amended
663 to read:

664 101.6923 Special vote-by-mail ballot instructions for
665 certain first-time voters.—

666 (1) The provisions of this section apply to voters who are
667 subject to the provisions of s. 97.0535 and who have not

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668 provided the identification or information required by s.
669 97.0535 by the time the vote-by-mail ballot is mailed.

670 (2) A voter covered by this section shall be provided with
671 printed instructions with his or her vote-by-mail ballot in
672 substantially the following form:

673
674 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
675 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
676 YOUR BALLOT NOT TO COUNT.
677

678 1. In order to ensure that your vote-by-mail ballot will be
679 counted, it should be completed and returned as soon as possible
680 so that it can reach the supervisor of elections of the county
681 in which your precinct is located no later than 7 p.m. on the
682 date of the election. However, if you are an overseas voter
683 casting a ballot in a presidential preference primary or general
684 election, your vote-by-mail ballot must be postmarked or dated
685 no later than the date of the election and received by the
686 supervisor of elections of the county in which you are
687 registered to vote no later than 10 days after the date of the
688 election.

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

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

696 4. Place your marked ballot in the enclosed secrecy

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697 envelope and seal the envelope.

698 5. Insert the secrecy envelope into the enclosed envelope
699 bearing the Voter's Certificate. Seal the envelope and
700 completely fill out the Voter's Certificate on the back of the
701 envelope.

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

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

707 c. A vote-by-mail ballot will be considered illegal and
708 will not be counted if the signature on the Voter's Certificate
709 does not match the signature on record. The signature on file at
710 the start of the canvass of the vote-by-mail ballots is the
711 signature that will be used to verify your signature on the
712 Voter's Certificate. If you need to update your signature for
713 this election, send your signature update on a voter
714 registration application to your supervisor of elections so that
715 it is received no later than the start of canvassing of vote-by-
716 mail ballots, which occurs no earlier than the 22nd ~~15th~~ day
717 before election day.

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

721 a. Identification which must include your name and
722 photograph: United States passport; debit or credit card;
723 military identification; student identification; retirement
724 center identification; neighborhood association identification;
725 public assistance identification; veteran health identification

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726 card issued by the United States Department of Veterans Affairs;
727 a Florida license to carry a concealed weapon or firearm; or an
728 employee identification card issued by any branch, department,
729 agency, or entity of the Federal Government, the state, a
730 county, or a municipality; or

731 b. Identification which shows your name and current
732 residence address: current utility bill, bank statement,
733 government check, paycheck, or government document (excluding
734 voter identification card).

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

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

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

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

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

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

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

750 8. Place the envelope bearing the Voter's Certificate into
751 the mailing envelope addressed to the supervisor. Insert a copy
752 of your identification in the mailing envelope. DO NOT PUT YOUR
753 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
754 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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755 BALLOT WILL NOT COUNT.

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

758 10. FELONY NOTICE. It is a felony under Florida law to
759 accept any gift, payment, or gratuity in exchange for your vote
760 for a candidate. It is also a felony under Florida law to vote
761 in an election using a false identity or false address, or under
762 any other circumstances making your ballot false or fraudulent.

763 Section 11. Subsection (2) of section 102.111, Florida
764 Statutes, is amended to read:

765 102.111 Elections Canvassing Commission.—

766 (2)(a) The Elections Canvassing Commission shall meet at 9
767 a.m. on the ~~9th day after a primary election and at 9 a.m. on~~
768 ~~the 14th day after a~~ primary election or a general election to
769 certify the returns of the election for each federal, state, and
770 multicounty office, except for those contests with a pending
771 general election recount.

772 (b) The commission shall meet at 9 a.m. on the 21st day
773 after a general election to certify the returns in the remaining
774 recount contests.

775
776 If a member of a county canvassing board that was constituted
777 pursuant to s. 102.141 determines, within 5 days after the
778 certification by the Elections Canvassing Commission, that a
779 typographical error occurred in the official returns of the
780 county, the correction of which could result in a change in the
781 outcome of an election, the county canvassing board must certify
782 corrected returns to the Department of State within 24 hours,
783 and the Elections Canvassing Commission must correct and

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784 recertify the election returns as soon as practicable.

785 Section 12. Subsection (2) of section 102.112, Florida
786 Statutes, is amended to read:

787 102.112 Deadline for submission of county returns to the
788 Department of State.—

789 (2)(a) Returns must be filed by 5 p.m. ~~on the 7th day~~
790 ~~following a primary election and by noon~~ on the 12th day
791 following the primary election and the general election for all
792 contests, except those contests with a pending general election
793 recount.

794 (b) For contests with a pending general election recount,
795 returns must be filed by noon on the 19th day following the
796 general election.

797 (c) ~~However,~~ The Department of State may correct
798 typographical errors, including the transposition of numbers, in
799 any returns submitted to the Department of State pursuant to s.
800 102.111(2).

801 Section 13. Paragraph (b) of subsection (4), subsection
802 (5), and paragraph (c) of subsection (7) of section 102.141,
803 Florida Statutes, are amended to read:

804 102.141 County canvassing board; duties.—

805 (4)

806 (b) The canvassing board shall report all early voting and
807 all tabulated vote-by-mail results to the Department of State
808 within 30 minutes after the polls close. Thereafter, the
809 canvassing board shall report, with the exception of provisional
810 ballot results, updated precinct election results to the
811 department at least every hour ~~45 minutes~~ until 2 a.m. the next
812 day. Thereafter, the canvassing board must report results on an

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813 hourly basis from 9 a.m. until 8 p.m. each day until all results
814 are completely reported. The supervisor of elections shall
815 notify the department immediately of any circumstances that do
816 not permit periodic updates as required. Results shall be
817 submitted in a format prescribed by the department.

818 (5) The canvassing board shall submit on forms or in
819 formats provided by the division unofficial returns to the
820 Department of State for each federal, statewide, state, or
821 multicounty office or ballot measure no later than noon on the
822 ~~third day after any primary election and no later than noon on~~
823 ~~the fourth day after any primary, general or other election.~~
824 Such returns shall include the canvass of all ballots as
825 required by subsection (2).

826 (7) If the unofficial returns reflect that a candidate for
827 any office was defeated or eliminated by one-half of a percent
828 or less of the votes cast for such office, that a candidate for
829 retention to a judicial office was retained or not retained by
830 one-half of a percent or less of the votes cast on the question
831 of retention, or that a measure appearing on the ballot was
832 approved or rejected by one-half of a percent or less of the
833 votes cast on such measure, a recount shall be ordered of the
834 votes cast with respect to such office or measure. The Secretary
835 of State is responsible for ordering recounts in federal, state,
836 and multicounty races. The county canvassing board or the local
837 board responsible for certifying the election is responsible for
838 ordering recounts in all other races. A recount need not be
839 ordered with respect to the returns for any office, however, if
840 the candidate or candidates defeated or eliminated from
841 contention for such office by one-half of a percent or less of

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842 the votes cast for such office request in writing that a recount
843 not be made.

844 (c) The canvassing board shall submit on forms or in
845 formats provided by the division a second set of unofficial
846 returns to the Department of State for each federal, statewide,
847 state, or multicounty office or ballot measure. The returns for
848 all primary election contests and general election contests not
849 subject to a recount shall be filed no later than 3 p.m. on the
850 9th ~~5th~~ day after the any primary or general election, and no
851 later than 5 p.m. ~~3 p.m.~~ on the 12th ~~9th~~ day after the any
852 general election for any contest in which a recount was ordered
853 by the Secretary of State. If the canvassing board is unable to
854 complete the recount prescribed in this subsection by the
855 deadline, the second set of unofficial returns submitted by the
856 canvassing board shall be identical to the initial unofficial
857 returns and the submission shall also include a detailed
858 explanation of why it was unable to timely complete the recount.
859 However, the canvassing board shall complete the recount
860 prescribed in this subsection, along with any manual recount
861 prescribed in s. 102.166, and certify election returns in
862 accordance with the requirements of this chapter.

863 Section 14. Subsection (2) of section 102.166, Florida
864 Statutes, is amended to read:

865 102.166 Manual recounts of overvotes and undervotes.—

866 (2) ~~(a)~~ Any hardware or software used to identify and sort
867 overvotes and undervotes for a given race or ballot measure must
868 be certified by the Department of State as part of the voting
869 system pursuant to s. 101.015. Any such hardware or software
870 must be capable of simultaneously identifying and sorting

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871 overvotes and undervotes in multiple races while simultaneously
872 counting votes.

873 ~~(b) Overvotes and undervotes must shall~~ be identified and
874 sorted while recounting ballots pursuant to s. 102.141, ~~if the~~
875 ~~hardware or software for this purpose has been certified or the~~
876 ~~department's rules so provide.~~

877 Section 15. This act shall take effect January 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/2019
Meeting Date

SB7066
Bill Number (if applicable)

Topic Ballot Processes

Amendment Barcode (if applicable)

Name MARILYNN WILLS

Job Title LWVF member

Address 2326 KILKENNY DRIVE West

Phone 850 893-4104

Tallahassee Fla 32309
City State Zip

Email marilynwillis@msn.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing League of Women Voters of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5 Mar 19
Meeting Date

Am to Am 7066 *Am/Am*
Bill Number (if applicable)
#843216 / 597510
Amendment Barcode (if applicable)

Topic Electrans

Name Paul Lee

Job Title Sup. of Electrans, President FASE

Address 302 Wilson St Suite 102

Phone 850-689-5600

Crestview FL 32536
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida State Assoc. of Supervisors of Electrans

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 270

INTRODUCER: Senator Baxley

SUBJECT: Repeal of Public Campaign Financing Requirement

DATE: March 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Roberts	EE	Favorable
2.			JU	
3.			AP	
4.			RC	

I. Summary:

SJR 270 proposes an amendment to the State Constitution to repeal the public financing program for statewide elections.

The joint resolution must be approved by a three-fifths vote of the membership of each house of the Legislature. If so enacted, the proposal will be presented to the electors of Florida at the 2020 general election. Approval requires a favorable vote from at least 60 percent of the electors voting on the matter. If approved, repeal of the program would take effect January 4, 2021.

The joint resolution proposes an amendment to the Florida Constitution to repeal Section 7 of Article VI.

II. Present Situation:

Florida

Currently, the State Constitution requires public campaign financing for statewide candidates (Governor and cabinet officers), with implementation by general law. The State Constitution provides:

It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at

least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.¹

This constitutional provision has been in place since 1998, after being proposed by the Constitution Revision Commission and approved by the voters in the 1998 general election. The program itself, however, has been in place in statute since 1986.²

The matching funds program is provided by general law in ss. 106.30-106.36, F.S., and administered by the Department of State's Division of Elections (division). The program can be summarized as follows:

- Statewide candidates must have opposition;
- Only personal contributions from state residents are eligible for matching from the General Revenue Fund.³ Corporate and political committee contributions are not matched;
- Contributions received after September 1 of the calendar year preceding the election are eligible for matching;
- Candidates choosing to participate in the public financing program must raise an initial amount of money – \$150,000 (for gubernatorial candidates) or \$100,000 (for candidates for Cabinet offices) – in order to be eligible to receive public funds. This upfront money is matched with public funds on a two-to-one basis;
- After that, eligible contributions are matched on a dollar-for-dollar basis, up to \$250 per individual contribution. For example, if a Florida individual makes a \$250 contribution, it is matched with \$250 from the state. If a person makes a \$500 contribution, only \$250 of that contribution will be matched with state money; and
- In exchange for receiving public money, candidates agree to abide by certain limits on their overall campaign expenditures (see discussion, below).

Participating candidates must complete a form declaring their intention to apply for public campaign financing at the time of qualifying, and subsequently submit their contributions for audit by the division to determine eligibility for the match. The division audits the submissions and makes payment to the candidate, beginning immediately on the 32nd day before the primary election and every seven days thereafter.

The program was originally funded from the Election Campaign Financing Trust Fund, which was established in 1986. The trust fund was funded with a portion of candidate qualifying fees and civil penalties collected by the Florida Elections Commission. The trust fund expired by operation of s. 19(f), Article III, Fla. Constitution, on November 4, 1996, which required state trust funds in existence prior to 1992 to terminate not more than four years from November 4, 1992. Since the trust fund terminated, the program has been funded from the General Revenue Fund.

¹ Article VI, s. 7, Fla. Const.

² Chapter 86-276, s. 1, Laws of Fla.

³ In 2001, the Legislature enacted a law that excluded out-of-state contributions from eligibility for matching. Ch. 2001-40, s. 69, Laws of Fla.

Statewide candidates participating in the public financing program must agree to abide by campaign expenditure limits.⁴ In 2005, the Legislature increased these expenditure limits to the following amounts for the general election:⁵

- Governor/Lt. Governor – Increased from \$7.1 million⁶ to \$2.00 for each Florida-registered voter⁷; and
- Cabinet Offices – Increased from \$2.82⁸ million per race to \$1.00 for each Florida-registered voter.⁹

A Florida-registered voter is defined as a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The division must certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. The total number must be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date.¹⁰ The 2018 election cycle campaign expenditure limits for statewide candidates participating in the public financing program were approximately \$27.09 million for the Governor's and Lieutenant Governor's races and \$13.55 million for the remaining cabinet races.¹¹

Total public financing expenditures in the last four general election cycles for the Governor's race and 3 cabinet races are as follows:

- 2018 election cycle – \$9.85 million;
- 2014 election cycle – \$4.34 million;
- 2010 election cycle – \$6.07 million; and
- 2006 election cycle – \$11.1 million.¹²

Current Florida law provides that, in addition to the matching funds specifically authorized to participating candidates for the general election and contested primaries, if a nonparticipating statewide candidate exceeds the expenditure limit, all opposing candidates participating in the public financing program receive a dollar-for-dollar match of public funds for the amount that the nonparticipating candidate exceeds the limit, up to a maximum of twice the applicable

⁴ Section 106.34, Florida Statutes (F.S.)

⁵ Chapter 2005-278, Laws of Fla. Expenditure limits for candidates with primary opposition only is 60 percent of the general election limits.

⁶ Section 106.34(1)(a), F.S. Although Florida law in 2005 explicitly provided for a cap of \$5 million for gubernatorial candidates, the law also required that the limit be adjusted quadrennially for inflation; therefore, at the end of 2005, this \$5 million expenditure limit, which was originally established in law in 1992, had risen to an inflation-adjusted figure of \$7,135,606.

⁷ Section 106.34(1)(a), F.S.

⁸ Ch. 2005-278, s. 48, at 2735, Laws of Fla. Although Florida law in 2005 explicitly provided for a cap of \$2 million for Cabinet office candidates, the law also required the limit to be adjusted quadrennially for inflation; therefore, at the end of 2005, this \$2 million expenditure limit, which was originally established in law in 1992, had risen to an inflation-adjusted figure of \$2,854,242.

⁹ Section 106.34(1)(b), F.S.

¹⁰ Section 106.34(3), F.S.

¹¹ The number of Florida-registered voters as of June 30, 2017 was 13,545,731. See Florida Division of Elections, *2018 Public Campaign Financing Handbook*, 3 at <https://www.dos.myflorida.com/media/698987/public-campaign-financing-2018.pdf> (last viewed on March 1, 2019).

¹² See Florida Division of Elections, Candidates and Committees, Campaign Finance at <https://www.dos.myflorida.com/elections/candidates-committees/campaign-finance/> (last viewed on March 1, 2019).

expenditure limit.¹³ The constitutionality of this provision has been challenged, however, in a decision by the 11th U.S. Circuit Court of Appeals.¹⁴ (see below)

An identical resolution to repeal the public financing program for statewide elections was adopted in the 2009 legislative session.¹⁵ The measure appeared on the ballot in November 2010, but did not receive the necessary 60 percent affirmative votes required for adoption.¹⁶

Other States

According to the National Conference of State Legislatures, Florida is one of a small number of states that offer some form of full or partial public matching funds to political candidates:

States cannot require candidates to use public financing programs, and the financial advantages of private fundraising frequently prompt candidates to opt out of public financing programs, which often include expenditure limits for participants. Candidates who opt not to use public funds can solicit contributions from individuals, PACs, unions, parties, and corporations, without having to abide by state expenditure limits ...

Today, 14 states provide some form of public financing option for campaigns. Each of these plans require the candidate to accept public money for his or her campaign in exchange for a promise to limit both how much the candidate spends on the election and how much they receive in donations from any one group or individual ...

The two main types of programs states offer for public financing of elections are the clean elections programs offered in states such as Maine and Arizona, and programs that provide a candidate with matching funds for each qualifying contribution they receive. The “clean election states” offer full funding for the campaign, and the matching funds programs provide a candidate with a portion of the funds needed to run the campaign.¹⁷

In most states, public funds constitute only a portion of a participating candidate’s expenditures, and candidates continue to raise and spend campaign funds from private sources within the limits provided by law.¹⁸

III. Effect of Proposed Changes:

The Joint Resolution proposes the repeal of the constitutional authorization for the public financing of statewide elections.

¹³ Section 106.355, F.S. The candidates participating in public financing are also released from the expenditure limit to the extent the nonparticipating candidate exceeds the limit.

¹⁴ *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

¹⁵ House Joint Resolution No. 81, filed with the Secretary of State on May 19, 2009.

¹⁶ See Florida Division of Elections, Constitutional Amendments at

<https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=10&seqnum=71> (last viewed on March 1, 2019).

¹⁷ National Conference of State Legislatures, *Public Financing of Campaigns: Overview* (last viewed on March 1, 2019), available at <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>.

¹⁸ *Id.*

If approved by a three-fifths vote of the membership of each house of the Legislature, the proposal will be presented to the electors of Florida at the 2020 general election. Approval requires a favorable vote from at least 60 percent of the electors voting on the matter.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

In the landmark case of Buckley v. Valeo, the United States Supreme Court ruled that laws imposing limitations on overall campaign expenditures by candidates violated the free speech guarantees of the U.S. Constitution.¹⁹ The Buckley Court, however, upheld the federal statute providing for public financing of presidential elections, finding that overall campaign expenditures may be limited if a candidate voluntarily waives his or her right to make unlimited expenditures in exchange for receiving public campaign funds.²⁰

In 2010, gubernatorial candidate Rick Scott brought an action for injunctive relief to prevent the operation of the excess spending subsidy provision²¹ of the Florida Election Campaign Financing Act in his primary campaign, alleging that it violated his First and Fourteenth Amendment rights to spend unlimited sums of his personal funds and private donations to his campaign in support of his candidacy. On his appeal from an adverse district court decision, a panel of the 11th Circuit Court of Appeals ruled that he was entitled to the preliminary injunction and that there was a substantial likelihood that he would succeed on the merits of his constitutional claim. The court held that candidate Scott would be forced to speak less in order to prevent his opponent from receiving matching funds. The court ruled that the subsidy provision was severable from the rest of the campaign financing act.²²

¹⁹ *Buckley v. Valeo*, 424 U.S. 1, 54-58 (1976); *see also*, *Randall v. Sorrell*, 126 S. Ct. 2479, 2487-2491 (2006) (applying *Buckley* to invalidate Vermont law limiting overall campaign expenditures).

²⁰ *Buckley* at 57, fn. 65 (Congress “may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations.”)

²¹ Section 106.355, F.S.

²² *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the public campaign financing program is abolished, statewide candidates would no longer be able to depend on public funds for their campaigns and would likely turn to private contributions to fill the void. The precise fiscal impact is indeterminate.

C. Government Sector Impact:

The repeal of public campaign financing would eliminate an expenditure that routinely occurs every four years from the General Revenue Fund typically ranging from \$4 million to \$12 million per election cycle. The first year of the anticipated cost avoidance would occur in Fiscal Year 2024-2025.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill approves the repeal of Section 7 of Article VI of the Florida Constitution and submits the repeal to the electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Baxley

12-00558-19

2019270__

Senate Joint Resolution

A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution which requires the availability of public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

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

That the repeal of Section 7 of Article VI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VI, SECTION 7

REPEAL OF PUBLIC CAMPAIGN FINANCING REQUIREMENT.—Proposing the repeal of the provision in the State Constitution which requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/2019

Meeting Date

SSR 270

Bill Number (if applicable)

Topic Public Campaign Financing

Amendment Barcode (if applicable)

Name MARILYNN WILLS

Job Title LWVF member

Address 2326 KILKENNY DRIVE West

Phone 850 893-4104

Street

Tallahassee FL 32309

City

State

Zip

Email marilynn.wills@msn.com

Speaking: [] For [] Against [] Information

Waive Speaking: [] In Support [X] Against (The Chair will read this information into the record.)

Representing League of Women Voters of Florida

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/5/19

Meeting Date

SB 270

Bill Number (if applicable)

Topic Repeal of Public Campaign Financing Requirement

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Director of Coalitions

Address _____
Street

Phone 727-270-1407

City

State

Zip

Email dminor@afphq.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/5/19

Meeting Date

Both 2
SB 272
SR 270
Bill Number (if applicable)

Topic Public Campaign Financing

Amendment Barcode (if applicable)

Name Peter Butzin

Job Title _____

Address 1628 Woodgate Way

Phone 850-524-9946

Street

Tallahassee FL 32308

City

State

Zip

Email pbutzin@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing COMMON CAUSE (VOLUNTEER)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 272

INTRODUCER: Senator Baxley

SUBJECT: Campaign Finance

DATE: March 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Roberts	EE	Favorable
2.			JU	
3.			AP	
4.			RC	

I. Summary:

SB 272 makes the necessary statutory deletions and conforming changes to effectuate a complete and total repeal of Florida’s public financing program for statewide elections on January 4, 2021. The statutory repeal of the public financing program in this bill is contingent upon the passage of SJR 270, which proposes a repeal of the constitutional authorization for public financing in Article VI, s. 7, of the Florida Constitution, to be voted at the general election in 2020.

Effective January 4, 2021, the bill repeals the following sections of the Florida Statutes: 106.30, 106.31, 106.32, 106.33, 106.34, 106.35, 106.353, 106.355, and 106.36, and amends the following sections of the Florida Statutes, to conform: 106.021, 106.141, 106.22, 328.72, and 607.1622.

The repeal of public campaign financing would eliminate an expenditure that routinely occurs every four years from the General Revenue Fund typically ranging from \$4 million to \$12 million per election cycle. The first year of this anticipated cost avoidance would occur in Fiscal Year 2024-2025.

II. Present Situation:

Florida

Currently, the State Constitution requires public campaign financing for statewide candidates (Governor and Cabinet officers), with implementation by general law. The State Constitution provides:

It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall

be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.¹

This constitutional provision has been in place since 1998, after being proposed by the Constitution Revision Commission and approved by the voters in the 1998 general election. The program itself, however, has been in place in statute since 1986.²

The matching funds program is provided by general law in ss. 106.30-106.36, F.S., and administered by the Department of State's Division of Elections (division). The program can be summarized as follows:

- Statewide candidates must have opposition.
- Only personal contributions from state residents are eligible for matching from the General Revenue Fund.³ Corporate and political committee contributions are not matched.
- Contributions received after September 1 of the calendar year preceding the election are eligible for matching.
- Candidates choosing to participate in the public financing program must raise an initial amount of money – \$150,000 (for gubernatorial candidates) or \$100,000 (for candidates for Cabinet offices) – in order to be eligible to receive public funds. This upfront money is matched with public funds on a two-to-one basis.
- After that, eligible contributions are matched on a dollar-for-dollar basis, up to \$250 per individual contribution. For example, if a Florida individual makes a \$250 contribution, it is matched with \$250 from the state. If a person makes a \$500 contribution, only \$250 of that contribution will be matched with state money.
- In exchange for receiving public money, candidates agree to abide by certain limits on their overall campaign expenditures (see discussion, below).

Participating candidates must complete a form declaring their intention to apply for public campaign financing at the time of qualifying, and subsequently submit their contributions for audit by the division to determine eligibility for the match. The division audits the submissions and makes payment to the candidate, beginning immediately on the 32nd day before the primary election and every seven days thereafter.

The program was originally funded from the Election Campaign Financing Trust Fund, which was established in 1986. The trust fund was funded with a portion of candidate qualifying fees and civil penalties collected by the Florida Elections Commission. The trust fund expired by operation of s. 19(f), Article III, Fla. Constitution, on November 4, 1996, which required state trust funds in existence prior to 1992 to terminate not more than four years from November 4, 1992. Since the trust fund terminated, the program has been funded from the General Revenue Fund.

¹ Article VI, s. 7, Fla. Const.

² Chapter 86-276, s. 1, Laws of Fla.

³ In 2001, the Legislature enacted a law that excluded out-of-state contributions from eligibility for matching. Ch. 2001-40, s. 69, Laws of Fla.

Statewide candidates participating in the public financing program must agree to abide by campaign expenditure limits.⁴ In 2005, the Legislature increased these expenditure limits to the following amounts for the general election:⁵

- Governor/Lt. Governor – Increased from \$7.1 million⁶ to \$2.00 per each Florida-registered voter⁷; and
- Cabinet Offices – Increased from \$2.82 million⁸ per race to \$1.00 per each Florida-registered voter.⁹

A Florida-registered voter is defined as a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The division must certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. The total number must be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date.¹⁰ The 2018 election cycle campaign expenditure limits for statewide candidates participating in the public financing program were approximately \$27.09 million for the Governor's and Lieutenant Governor's races and \$13.55 million for the remaining cabinet races.¹¹

Total public financing expenditures in the last four general election cycles for the Governor's race and 3 cabinet races are as follows:

- 2018 election cycle – \$9.85 million;
- 2014 election cycle – \$4.34 million;
- 2010 election cycle – \$6.07 million; and
- 2006 election cycle – \$11.1 million.¹²

Current Florida law provides that, in addition to the matching funds specifically authorized to participating candidates for the general election and contested primaries, if a nonparticipating statewide candidate exceeds the expenditure limit, all opposing candidates participating in the public financing program receive a dollar-for-dollar match of public funds for the amount that the nonparticipating candidate exceeds the limit, up to a maximum of twice the applicable

⁴ Section 106.34, F.S. (2008)

⁵ Ch. 2005-278, s. 48, at 2735, Laws of Fla. The changes became effective January 1, 2006. *Id.* at 2738. Primary expenditure limits for candidates with primary opposition is 60 percent of the general election limits. *Id.* at 2735.

⁶ Section 106.34(1)(a), F.S. (2004). Although Florida law in 2005 explicitly provided for a cap of \$5 million for gubernatorial candidates, the law also required that the limit be adjusted quadrennially for inflation; therefore, at the end of 2005, this \$5 million expenditure limit, which was originally established in law in 1992, had risen to an inflation-adjusted figure of \$7,135,606.

⁷ Section 106.34(1)(a), F.S.

⁸ Ch. 2005-278, s. 48, at 2735, Laws of Fla. Although Florida law in 2005 explicitly provided for a cap of \$2 million for Cabinet office candidates, the law also required the limit to be adjusted quadrennially for inflation; therefore, at the end of 2005, this \$2 million expenditure limit, which was originally established in law in 1992, had risen to an inflation-adjusted figure of \$2,854,242.

⁹ Section 106.34(1)(b), F.S.

¹⁰ Section 106.34(3), F.S.

¹¹ The number of Florida-registered voters as of June 30, 2017 was 13,545,731. *See* Florida Division of Elections, *2018 Public Campaign Financing Handbook*, 3 at <https://www.dos.myflorida.com/media/698987/public-campaign-financing-2018.pdf> (last viewed on March 1, 2019).

¹² *See* Florida Division of Elections, *Candidates and Committees, Campaign Finance* at <https://www.dos.myflorida.com/elections/candidates-committees/campaign-finance/> (last viewed on March 1, 2019).

expenditure limit.¹³ The constitutionality of this provision has been challenged, however, in a decision by the 11th U.S. Circuit Court of Appeals.¹⁴ (see below)

An identical resolution to repeal the public financing program for statewide elections was adopted in the 2009 legislative session.¹⁵ The measure appeared on the ballot in November 2010, but did not receive the necessary 60 percent affirmative votes required for adoption.¹⁶

Other States

According to the National Conference of State Legislatures, Florida is one of a small number of states that offer some form of full or partial public matching funds to political candidates:

States cannot require candidates to use public financing programs, and the financial advantages of private fundraising frequently prompt candidates to opt out of public financing programs, which often include expenditure limits for participants. Candidates who opt not to use public funds can solicit contributions from individuals, PACs, unions, parties, and corporations, without having to abide by state expenditure limits ...

Today, 14 states provide some form of public financing option for campaigns. Each of these plans require the candidate to accept public money for his or her campaign in exchange for a promise to limit both how much the candidate spends on the election and how much they receive in donations from any one group or individual ...

The two main types of programs states offer for public financing of elections are the clean elections programs offered in states such as Maine and Arizona, and programs that provide a candidate with matching funds for each qualifying contribution they receive. The “clean election states” offer full funding for the campaign, and the matching funds programs provide a candidate with a portion of the funds needed to run the campaign.¹⁷

In most states, public funds constitute only a portion of a participating candidate’s expenditures, and candidates continue to raise and spend campaign funds from private sources within the limits provided by law.¹⁸

III. Effect of Proposed Changes:

The bill completes the repeal of Florida’s public financing program for statewide elections proposed in Senate Joint Resolution 270, and makes other conforming statutory changes.

If SJR 270 or similar constitutional amendment repealing the constitutional authorization for Florida’s public financing program is passed by the voters at the November 2020 general

¹³ Section 106.355, F.S. The candidates participating in public financing are also released from the expenditure limit to the extent the nonparticipating candidate exceeds the limit.

¹⁴ *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

¹⁵ House Joint Resolution No. 81, filed with the Secretary of State on May 19, 2009.

¹⁶ See Florida Division of Elections, Constitutional Amendments at <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=10&seqnum=71> (last viewed on March 1, 2019).

¹⁷ National Conference of State Legislatures, *Public Financing of Campaigns: Overview* (last viewed on March 1, 2019), available at <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>.

¹⁸ *Id.*

election, this bill will take effect on January 4, 2021 to completely remove all statutory references to the public campaign financing program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

In the landmark case of Buckley v. Valeo, the United States Supreme Court ruled that laws imposing limitations on overall campaign expenditures by candidates violated the free speech guarantees of the U.S. Constitution.¹⁹ The Buckley Court, however, upheld the federal statute providing for public financing of presidential elections, finding that overall campaign expenditures *may be limited* if a candidate *voluntarily* waives his or her right to make unlimited expenditures in exchange for receiving public campaign funds.²⁰

In 2010, gubernatorial candidate Rick Scott brought an action for injunctive relief to prevent the operation of the excess spending subsidy provision²¹ of the Florida Election Campaign Financing Act in his primary campaign, alleging that it violated his First and Fourteenth Amendment rights to spend unlimited sums of his personal funds and private donations to his campaign in support of his candidacy. On his appeal from an adverse district court decision, a panel of the 11th Circuit Court of Appeals ruled that he was entitled to the preliminary injunction and that there was a substantial likelihood that he would succeed on the merits of his constitutional claim. The court held that candidate Scott would be forced to speak less in order to prevent his opponent from receiving matching funds. The court ruled that the subsidy provision was severable from the rest of the campaign financing act.²²

¹⁹ *Buckley v. Valeo*, 424 U.S. 1, 54-58 (1976); *see also, Randall v. Sorrell*, 126 S. Ct. 2479, 2487-2491 (2006) (applying *Buckley* to invalidate Vermont law limiting overall campaign expenditures).

²⁰ *Buckley* at 57, fn. 65 (Congress “may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations.”)

²¹ Section 106.355, F.S.

²² *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the public campaign financing program is abolished, statewide candidates would no longer be able to depend on public funds for their campaigns and would likely turn to private contributions to fill the void. The precise fiscal impact is indeterminate.

C. Government Sector Impact:

The repeal of public campaign financing would eliminate an expenditure that routinely occurs every four years from the General Revenue Fund typically ranging from \$4 million to \$12 million per election cycle. The first year of the anticipated cost avoidance would occur in Fiscal Year 2024-2025.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 106.141, 106.22, 328.72, and 607.1622 of the Florida Statutes.

This bill makes technical amendments to section 106.021 of the Florida Statutes.

This bill repeals sections 106.30, 106.31, 106.32, 106.33, 106.34, 106.35, 106.353, 106.355, and 106.36 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

B. Amendments:

None.

By Senator Baxley

12-00561-19

2019272__

1 A bill to be entitled
 2 An act relating to campaign finance; repealing ss.
 3 106.30, 106.31, 106.32, 106.33, 106.34, 106.35,
 4 106.353, 106.355, and 106.36, F.S., relating to the
 5 Florida Election Campaign Financing Act; deleting
 6 provisions governing the public funding of campaigns
 7 for candidates for statewide office who agree to
 8 certain expenditure limits; amending ss. 106.021,
 9 106.141, 106.22, 328.72, and 607.1622, F.S.;
 10 conforming cross-references and provisions to changes
 11 made by the act; providing a contingent effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Sections 106.30, 106.31, 106.32, 106.33, 106.34,
 17 106.35, 106.353, 106.355, and 106.36, Florida Statutes, are
 18 repealed.

19 Section 2. Paragraph (a) of subsection (1) of section
 20 106.021, Florida Statutes, is amended to read:

21 106.021 Campaign treasurers; deputies; primary and
 22 secondary depositories.—

23 (1) (a) Each candidate for nomination or election to office
 24 and each political committee shall appoint a campaign treasurer.
 25 Each person who seeks to qualify for nomination or election to,
 26 or retention in, office shall appoint a campaign treasurer and
 27 designate a primary campaign depository before qualifying for
 28 office. Any person who seeks to qualify for election or
 29 nomination to any office by means of the petitioning process

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30 shall appoint a treasurer and designate a primary depository on
 31 or before the date he or she obtains the petitions. At the same
 32 time a candidate designates a campaign depository and appoints a
 33 treasurer, the candidate shall also designate the office for
 34 which he or she is a candidate. If the candidate is running for
 35 an office that will be grouped on the ballot with two or more
 36 similar offices to be filled at the same election, the candidate
 37 must indicate for which group or district office he or she is
 38 running. This subsection does not prohibit a candidate, at a
 39 later date, from changing the designation of the office for
 40 which he or she is a candidate. However, if a candidate changes
 41 the designated office for which he or she is a candidate, the
 42 candidate must notify all contributors in writing of the intent
 43 to seek a different office and offer to return pro rata, upon
 44 their request, those contributions given in support of the
 45 original office sought. This notification shall be given within
 46 15 days after the filing of the change of designation and shall
 47 include a standard form developed by the Division of Elections
 48 for requesting the return of contributions. The notice
 49 requirement does not apply to any change in a numerical
 50 designation resulting solely from redistricting. If, within 30
 51 days after being notified by the candidate of the intent to seek
 52 a different office, the contributor notifies the candidate in
 53 writing that the contributor wishes his or her contribution to
 54 be returned, the candidate shall return the contribution, on a
 55 pro rata basis, calculated as of the date the change of
 56 designation is filed. Up to a maximum of the contribution limits
 57 specified in s. 106.08, a candidate who runs for an office other
 58 than the office originally designated may use any contribution

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59 that a donor does not request be returned within the 30-day
60 period for the newly designated office, provided the candidate
61 disposes of any amount exceeding the contribution limit pursuant
62 to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a),
63 (b), or (d) ~~s. 106.141(4)(a)1., 2., or 4.~~; notwithstanding, the
64 full amount of the contribution for the original office shall
65 count toward the contribution limits specified in s. 106.08 for
66 the newly designated office. A person may not accept any
67 contribution or make any expenditure with a view to bringing
68 about his or her nomination, election, or retention in public
69 office, or authorize another to accept such contributions or
70 make such expenditure on the person's behalf, unless such person
71 has appointed a campaign treasurer and designated a primary
72 campaign depository. A candidate for an office voted upon
73 statewide may appoint not more than 15 deputy campaign
74 treasurers, and any other candidate or political committee may
75 appoint not more than 3 deputy campaign treasurers. The names
76 and addresses of the campaign treasurer and deputy campaign
77 treasurers so appointed shall be filed with the officer before
78 whom such candidate is required to qualify or with whom such
79 political committee is required to register pursuant to s.
80 106.03.

81 Section 3. Subsection (4) of section 106.141, Florida
82 Statutes, is amended to read:

83 106.141 Disposition of surplus funds by candidates.-

84 (4)(a) ~~Except as provided in paragraph (b),~~ Any candidate
85 required to dispose of funds pursuant to this section shall, at
86 the option of the candidate, dispose of such funds by any of the
87 following means, or any combination thereof:

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88 (a)1- Return pro rata to each contributor the funds that
89 have not been spent or obligated.
90 (b)2- Donate the funds that have not been spent or
91 obligated to a charitable organization or organizations that
92 meet the qualifications of s. 501(c)(3) of the Internal Revenue
93 Code.
94 (c)3- Give not more than \$25,000 of the funds that have not
95 been spent or obligated to the affiliated party committee or
96 political party of which such candidate is a member.
97 (d)4- Give the funds that have not been spent or obligated:
98 1.a- In the case of a candidate for state office, to the
99 state, to be deposited in ~~either the Election Campaign Financing~~
100 ~~Trust Fund or the General Revenue Fund, as designated by the~~
101 ~~candidate; or~~
102 2.b- In the case of a candidate for an office of a
103 political subdivision, to such political subdivision, to be
104 deposited in the general fund thereof.
105 ~~(b) Any candidate required to dispose of funds pursuant to~~
106 ~~this section who has received contributions pursuant to the~~
107 ~~Florida Election Campaign Financing Act shall, after all~~
108 ~~monetary commitments pursuant to s. 106.11(5)(b) and (c) have~~
109 ~~been met, return all surplus campaign funds to the General~~
110 ~~Revenue Fund.~~
111 Section 4. Subsection (6) of section 106.22, Florida
112 Statutes, is amended to read:
113 106.22 Duties of the Division of Elections.-It is the duty
114 of the Division of Elections to:
115 (6) Make, from time to time, audits and field
116 investigations with respect to reports and statements filed

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117 under the provisions of this chapter and with respect to alleged
 118 failures to file any report or statement required under the
 119 provisions of this chapter. ~~The division shall conduct a~~
 120 ~~postelection audit of the campaign accounts of all candidates~~
 121 ~~receiving contributions from the Election Campaign Financing~~
 122 ~~Trust Fund.~~

123 Section 5. Subsection (11) of section 328.72, Florida
 124 Statutes, is amended to read:

125 328.72 Classification; registration; fees and charges;
 126 surcharge; disposition of fees; fines; marine turtle stickers.—
 127 (11) VOLUNTARY CONTRIBUTIONS.—The application form for boat
 128 registration shall include a provision to allow each applicant
 129 to indicate a desire to pay an additional voluntary contribution
 130 to the Save the Manatee Trust Fund to be used for the purposes
 131 specified in s. 379.2431(4). This contribution shall be in
 132 addition to all other fees and charges. The amount of the
 133 request for a voluntary contribution solicited shall be \$2 or \$5
 134 per registrant. A registrant who provides a voluntary
 135 contribution of \$5 or more shall be given a sticker or emblem by
 136 the tax collector to display, which signifies support for the
 137 Save the Manatee Trust Fund. All voluntary contributions shall
 138 be deposited in the Save the Manatee Trust Fund and shall be
 139 used for the purposes specified in s. 379.2431(4). ~~The form~~
 140 ~~shall also include language permitting a voluntary contribution~~
 141 ~~of \$5 per applicant, which contribution shall be transferred~~
 142 ~~into the Election Campaign Financing Trust Fund. A statement~~
 143 ~~providing an explanation of the purpose of the trust fund shall~~
 144 ~~also be included.~~

145 Section 6. Subsection (1) of section 607.1622, Florida

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146 Statutes, is amended to read:

147 607.1622 Annual report for Department of State.—

148 (1) Each domestic corporation and each foreign corporation
 149 authorized to transact business in this state shall deliver to
 150 the Department of State for filing a sworn annual report on such
 151 forms as the Department of State prescribes that sets forth:

152 (a) The name of the corporation and the state or country
 153 under the law of which it is incorporated;

154 (b) The date of incorporation or, if a foreign corporation,
 155 the date on which it was admitted to do business in this state;

156 (c) The address of its principal office and the mailing
 157 address of the corporation;

158 (d) The corporation's federal employer identification
 159 number, if any, or, if none, whether one has been applied for;

160 (e) The names and business street addresses of its
 161 directors and principal officers;

162 (f) The street address of its registered office and the
 163 name of its registered agent at that office in this state; and

164 ~~(g) Language permitting a voluntary contribution of \$5 per~~
 165 ~~taxpayer, which contribution shall be transferred into the~~
 166 ~~Election Campaign Financing Trust Fund. A statement providing an~~
 167 ~~explanation of the purpose of the trust fund shall also be~~
 168 ~~included; and~~

169 (g)(h) Such additional information as may be necessary or
 170 appropriate to enable the Department of State to carry out the
 171 provisions of this act.

172 Section 7. This act shall take effect on the effective date
 173 of SJR __, or a similar joint resolution having substantially
 174 the same specific intent and purpose, if that joint resolution

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175 is approved by the electors at the general election to be held
176 in November 2020, or at an earlier special election specifically
177 authorized by law for that purpose.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/15/2019

Meeting Date

SB 272

Bill Number (if applicable)

Topic Public Campaign Financing

Amendment Barcode (if applicable)

Name MARILYN WILLS

Job Title LWVF member

Address 2326 Kilkenny Dr. West
Street

Phone 850 893-4104

Tallahassee Fla 32309
City State Zip

Email marilynawills@msn.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing League of Women Voters of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/5/19
Meeting Date

Both 2
SB 272
SJR 270
Bill Number (if applicable)

Topic Public Campaign Financing

Amendment Barcode (if applicable)

Name Peter Butzin

Job Title _____

Address 1628 Woodgate Way
Street

Phone 850-324-9946

Tallahassee FL 32308
City State Zip

Email pbutzin@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing COMMON CAUSE (VOLUNTEER)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Committee on Ethics and Elections

Judge:

Started: 3/5/2019 2:33:14 PM

Ends: 3/5/2019 3:44:37 PM Length: 01:11:24

2:33:13 PM Meeting called to order
2:33:19 PM Roll Call -Quorum is present
2:33:38 PM Opening Remarks by Chair
2:33:54 PM Tab 1 - SPB 7066 by Ethics and Elections Committee - Ballot Processes
2:34:55 PM Chief Staff Attorney, Jonathan Fox to explain the bill
2:37:21 PM Appearance forms?
2:48:18 PM Chair TP's SPB 7066
2:49:24 PM Vice Chair Senator Braynon is in chair
2:49:31 PM Tab 2 - SJR 270 by Senator Baxley - Repeal of Public Financing Requirement
2:53:08 PM Chair
2:53:09 PM Questions? None
2:53:13 PM Marilyn Wills, member, League of Women Voters of Florida, waives in opposition
2:53:37 PM Demetrius Minor, Director of Coalitions, Americans for Prosperity, waives in support
2:54:00 PM Peter Butzin, Volunteer, Common Cause of Florida, speaking in opposition
2:58:45 PM Debate? None
2:58:48 PM Comments from Chair
2:59:02 PM Senator Baxley to close
3:00:20 PM Roll Call SJR 270 - Favorable
3:01:44 PM Tab 3 - SB 272 by Senator Baxley, Campaign Finance
3:02:53 PM Questions? None
3:02:55 PM Appearance Cards?
3:03:00 PM Marilyn Wills, League of Women Voters of Florida, waives in opposition
3:03:25 PM Peter Butzin, Volunteer, Common Cause, speaking against the bill
3:05:04 PM Debate? None
3:05:05 PM Senator Baxley to close
3:06:22 PM Roll Call SB 272 - Favorable
3:06:45 PM Chair Baxley back in Chair
3:06:51 PM Back on Tab 1- SPB 7066 by Ethics and Elections
3:07:16 PM Jonathan Fox, continues to explain SPB 7066
3:13:31 PM Paul Lux, President, Florida State Association of Supervisors of Elections, (FSASE)
3:17:03 PM Chair
3:17:34 PM Johnathan Fox
3:20:27 PM Chair
3:21:26 PM Questions on the bill?
3:21:46 PM Senator Rodriguez
3:23:09 PM Jonathan Fox in response
3:25:13 PM Senator Rodriguez
3:25:14 PM Jonathan Fox
3:25:21 PM Senator Rodriguez
3:26:06 PM Jonathan Fox
3:26:22 PM Senator Baxley
3:26:38 PM Senator Rodriguez
3:26:56 PM Jonathan Fox
3:27:19 PM Paul Lux
3:29:16 PM Senator Rodriguez
3:30:47 PM Jonathan Fox
3:34:18 PM Questions? None
3:34:56 PM AM 854810, Jonathan Fox to explain
3:35:41 PM Questions on Amendment? None
3:36:01 PM Appearance Cards?
3:36:02 PM Debate?
3:36:06 PM Jonathan Fox, waives to close

3:36:12 PM AM 854810 is adopted
3:37:00 PM AM 415328 by Senator Rodriguez
3:37:14 PM Late filed AM to AM 843216 by Senator Rodriguez, no objection
3:37:20 PM Questions on Amendment? None
3:37:29 PM Paul Lux, President, FSASE, waives in support
3:37:35 PM Debate on AM to AM 843216? None
3:37:45 PM Senator Rodriguez, waives to close
3:37:50 PM AM to AM 843216 is adopted
3:37:56 PM Back on AM 415328 as amended
3:38:13 PM Questions? None
3:38:15 PM Debate? None
3:38:19 PM AM 415328 is adopted as amended
3:38:28 PM AM 651506 by Senator Rodriguez
3:38:44 PM Late filed AM to AM 597510 by Senator Rodriguez
3:38:49 PM Without objection
3:38:51 PM Senator Rodriguez to explain AM to AM 597510
3:39:11 PM Questions? None
3:39:15 PM Appearance forms?
3:39:23 PM Paul Lux, President, FSASE, waives in support
3:39:32 PM Debate? None
3:39:38 PM Senator Rodriguez waives close
3:39:41 PM AM to AM 597510 is adopted
3:39:46 PM Back on amendment 651506
3:39:57 PM Questions? None
3:40:02 PM Appearance? None
3:40:05 PM Senator Rodriguez waives to close
3:40:14 PM AM 651506 is adopted as amended
3:40:17 PM Questions on SPB 7066 as amended?
3:40:22 PM Appearance Cards?
3:40:29 PM Marilyn Wills, League of Women Voters, waives in support
3:40:43 PM Debate on bill as amended?
3:40:51 PM Senator Rodriguez
3:40:55 PM (cont'd) Senator Rodriguez
3:42:33 PM Chair
3:43:05 PM Roll Call SPB 7066 - Favorable to Submit as a Committee Bill
3:43:37 PM Senator Powell, motion of privilege to introduce Palm Beach guests
3:43:57 PM Chair
3:44:04 PM Senator Powell moves to adjourn
3:44:29 PM Objection? Showing none, motion is adopted