

CS/HB 7013

2013

1 A bill to be entitled
2 An act relating to the Florida Election Code; amending
3 s. 97.0555, F.S.; revising the persons authorized to
4 register late to vote; amending s. 101.161, F.S.;
5 providing a limitation on the number of words for
6 certain ballot summaries in joint resolutions proposed
7 by the Legislature; specifying that the limitation on
8 the number of words does not apply to a ballot summary
9 revised by the Attorney General; amending s. 101.657,
10 F.S.; revising the list of permissible sites available
11 for early voting; revising the number of days and
12 hours for early voting; amending s. 101.68, F.S.;
13 requiring the supervisor of elections to notify an
14 elector whose absentee ballot is returned without a
15 signature or with another defect that an absentee
16 ballot may be reissued upon completion of an
17 affidavit; revising what a canvassing board may
18 consider an illegal absentee ballot; providing a form
19 for the affidavit; providing procedures for the
20 reissuance of an absentee ballot; amending s. 102.141,
21 F.S.; revising methods of selecting canvassing board
22 members; requiring a supervisor of elections to upload
23 certain canvassed election results into a county's
24 election management system by the end of the early
25 voting period; prohibiting disclosure of those results
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 97.0555, Florida Statutes, is amended to
31 read:

32 97.0555 Late registration.—An individual or accompanying
33 family member who has been discharged or separated from the
34 uniformed services or the United States Merchant Marine, has
35 returned from a military deployment or activation, or has
36 separated from employment outside the territorial limits of the
37 United States, after the book-closing date for an election
38 pursuant to s. 97.055 and who is otherwise qualified may
39 register to vote in such election until 5 p.m. on the Friday
40 before that election in the office of the supervisor of
41 elections. Such persons must produce sufficient documentation
42 showing evidence of qualifying for late registration pursuant to
43 this section.

44 Section 2. Subsection (3) of section 101.161, Florida
45 Statutes, is amended to read:

46 101.161 Referenda; ballots.—

47 (3) (a) Each joint resolution that proposes a
48 constitutional amendment or revision shall include one or more
49 ballot statements set forth in order of priority. Each ballot
50 statement shall consist of a ballot title, by which the measure
51 is commonly referred to or spoken of, not exceeding 15 words in
52 length, and either a ballot summary that describes the chief
53 purpose of the amendment or revision in clear and unambiguous
54 language, or the full text of the amendment or revision. If a
55 joint resolution that proposes a constitutional amendment or
56 revision contains only one ballot statement, and the ballot

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57 | statement includes a ballot summary, the ballot summary may not
58 | exceed 75 words in length. If a joint resolution that proposes a
59 | constitutional amendment or revision contains more than one
60 | ballot statement that includes a ballot summary, the first
61 | ballot summary in order of priority may not exceed 75 words in
62 | length.

63 | **(b)** The Department of State shall furnish a designating
64 | number pursuant to subsection (2) and the appropriate ballot
65 | statement to the supervisor of elections of each county. The
66 | ballot statement shall be printed on the ballot after the list
67 | of candidates, followed by the word "yes" and also by the word
68 | "no," and shall be styled in such a manner that a "yes" vote
69 | will indicate approval of the amendment or revision and a "no"
70 | vote will indicate rejection.

71 | **(c)**~~(b)~~1. Any action for a judicial determination that one
72 | or more ballot statements embodied in a joint resolution are
73 | defective must be commenced by filing a complaint or petition
74 | with the appropriate court within 30 days after the joint
75 | resolution is filed with the Secretary of State. The complaint
76 | or petition shall assert all grounds for challenge to each
77 | ballot statement. Any ground not asserted within 30 days after
78 | the joint resolution is filed with the Secretary of State is
79 | waived.

80 | 2. The court, including any appellate court, shall accord
81 | an action described in subparagraph 1. priority over other
82 | pending cases and render a decision as expeditiously as
83 | possible. If the court finds that all ballot statements embodied
84 | in a joint resolution are defective and further appeals are

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85 | declined, abandoned, or exhausted, unless otherwise provided in
86 | the joint resolution, the Attorney General shall, within 10
87 | days, prepare and submit to the Department of State a revised
88 | ballot title or ballot summary that corrects the deficiencies
89 | identified by the court, and the Department of State shall
90 | furnish a designating number and the revised ballot title or
91 | ballot summary to the supervisor of elections of each county for
92 | placement on the ballot. The court shall retain jurisdiction
93 | over challenges to a revised ballot title or ballot summary
94 | prepared by the Attorney General, and any challenge to a revised
95 | ballot title or ballot summary must be filed within 10 days
96 | after a revised ballot title or ballot summary is submitted to
97 | the Department of State. The 75-word limitation contained in
98 | this subsection does not apply to any ballot summary revised by
99 | the Attorney General to correct deficiencies identified by a
100 | court.

101 | 3. A ballot statement that consists of the full text of an
102 | amendment or revision shall be presumed to be a clear and
103 | unambiguous statement of the substance and effect of the
104 | amendment or revision, providing fair notice to the electors of
105 | the content of the amendment or revision and sufficiently
106 | advising electors of the issue upon which they are to vote.

107 | Section 3. Paragraphs (a) and (d) of subsection (1) of
108 | section 101.657, Florida Statutes, are amended to read:

109 | 101.657 Early voting.—

110 | (1) (a) As a convenience to the voter, the supervisor of
111 | elections shall allow an elector to vote early in the main or
112 | branch office of the supervisor. The supervisor shall mark,

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113 code, indicate on, or otherwise track the voter's precinct for
114 each early voted ballot. In order for a branch office to be used
115 for early voting, it shall be a permanent facility of the
116 supervisor and shall have been designated and used as such for
117 at least 1 year prior to the election. The supervisor may also
118 designate any city hall, ~~or~~ permanent public library facility,
119 fairground, civic center, courthouse, county commission
120 building, stadium, or convention center as early voting sites;
121 however, if so designated, the sites must be geographically
122 located so as to provide all voters in the county an equal
123 opportunity to cast a ballot, insofar as is practicable. The
124 results or tabulation of votes cast during early voting may not
125 be made before the close of the polls on election day. Results
126 shall be reported by precinct.

127 (d) Early voting shall begin on the 10th day before an
128 election that contains state or federal races and end on the 3rd
129 day before the election, and shall be provided for no less than
130 8 ~~6~~ hours and no more than 12 hours per day at each site during
131 the applicable period. In addition, early voting may be offered,
132 at the discretion of the supervisor of elections on the 15th,
133 14th, 13th, 12th, 11th, or 2nd day before an election that
134 contains state or federal races, for at least 8 hours but not
135 more than 12 hours per day at each site, up to a maximum of 14
136 days of early voting. The supervisor of elections may provide
137 early voting for elections that are not held in conjunction with
138 a state or federal election. However, the supervisor has the
139 discretion to determine the hours of operation of early voting
140 sites in those elections.

141 Section 4. Paragraphs (c) and (d) of subsection (2) and
142 subsection (4) of section 101.68, Florida Statutes, are amended
143 to read:

144 101.68 Canvassing of absentee ballot.—

145 (2)

146 (c)1. The canvassing board shall, if the supervisor has
147 not already done so, compare the signature of the elector on the
148 voter's certificate with the signature of the elector in the
149 registration books to see that the elector is duly registered in
150 the county and to determine the legality of that absentee
151 ballot. The ballot of an elector who casts an absentee ballot
152 shall be counted even if the elector dies on or before election
153 day, as long as, prior to the death of the voter, the ballot was
154 postmarked by the United States Postal Service, date-stamped
155 with a verifiable tracking number by common carrier, or already
156 in the possession of the supervisor of elections. An absentee
157 ballot shall be considered illegal if it does not include the
158 signature of the elector, as shown by the registration records.
159 However, an absentee ballot shall not be considered illegal if
160 the signature of the elector does not cross the seal of the
161 mailing envelope or if the supervisor has received a completed
162 and verified affidavit as provided in subsection (4) from an
163 elector who did not sign the voter's certificate. If the
164 canvassing board determines that any ballot is illegal, a member
165 of the board shall, without opening the envelope, mark across
166 the face of the envelope: "rejected as illegal." The envelope
167 and the ballot contained therein shall be preserved in the
168 manner that official ballots voted are preserved.

169 2. If any elector or candidate present believes that an
170 absentee ballot is illegal due to a defect apparent on the
171 voter's certificate, he or she may, at any time before the
172 ballot is removed from the envelope, file with the canvassing
173 board a protest against the canvass of that ballot, specifying
174 the precinct, the ballot, and the reason he or she believes the
175 ballot to be illegal. A challenge based upon a defect in the
176 voter's certificate may not be accepted after the ballot has
177 been removed from the mailing envelope.

178 (d) The canvassing board shall record the ballot upon the
179 proper record, unless the ballot has been previously recorded by
180 the supervisor. The mailing envelopes shall be opened and the
181 secrecy envelopes, if used by the supervisor, shall be mixed so
182 as to make it impossible to determine which secrecy envelope
183 came out of which signed mailing envelope; however, in any
184 county in which an electronic or electromechanical voting system
185 is used, the ballots may be sorted by ballot styles and the
186 mailing envelopes may be opened and the secrecy envelopes, if
187 used by the supervisor, mixed separately for each ballot style.
188 The votes on absentee ballots shall be included in the total
189 vote of the county.

190 (4) (a) The supervisor of elections shall, on behalf of the
191 county canvassing board, notify each elector whose ballot was
192 rejected as illegal because of a difference between the
193 elector's signature on the ballot and that on the elector's
194 voter registration record. The supervisor shall mail a voter
195 registration application to the elector to be completed
196 indicating the elector's current signature. This section does

197 | not prohibit the supervisor from providing additional methods
 198 | for updating an elector's signature.

199 | (b) If the canvassing board has not begun the canvassing
 200 | of absentee ballots pursuant to subsection (2), the supervisor
 201 | shall allow an elector who has returned an absentee ballot that
 202 | does not include the elector's signature to complete an
 203 | affidavit in order to cure the unsigned absentee ballot.

204 | (c) The elector shall provide identification to the
 205 | supervisor and must complete an absentee ballot affidavit in
 206 | substantially the following form:

207 |
 208 | ABSENTEE BALLOT AFFIDAVIT

209 |
 210 | I,, am a qualified voter in this election and registered
 211 | voter of County, Florida. I do solemnly swear or affirm
 212 | that I requested, voted, and returned the absentee ballot and
 213 | that I have not and will not vote more than one ballot in this
 214 | election. I understand that if I commit or attempt any fraud in
 215 | connection with voting, vote a fraudulent ballot, or vote more
 216 | than once in an election, I may be convicted of a felony of the
 217 | third degree and fined up to \$5,000 and imprisoned for up to 5
 218 | years. I understand that my failure to sign this affidavit means
 219 | that my absentee ballot will be invalidated.

220 |
 221 | ...(Voter's Signature)...

222 |
 223 | ...(Address)...
 224 |

225 | ...(City/State)...

226 |

227 | (d) Upon the elector's completion of the affidavit and
 228 | verification by the supervisor, the supervisor shall reissue an
 229 | absentee ballot to the elector.

230 | Section 5. Subsections (1) and (4) of section 102.141,
 231 | Florida Statutes, are amended to read:

232 | 102.141 County canvassing board; duties.—

233 | (1) The county canvassing board shall be composed of the
 234 | supervisor of elections; a county court judge, who shall act as
 235 | chair; and the chair of the board of county commissioners. The
 236 | chief judge of the judicial circuit in which the county is
 237 | located shall appoint a county court judge as an alternate
 238 | member of the county canvassing board or, if each county court
 239 | judge is unable to serve or is disqualified, shall appoint an
 240 | alternate member who is qualified to serve as a substitute
 241 | member under paragraph (a). The chair of the board of county
 242 | commissioners shall appoint a member of the board of county
 243 | commissioners as an alternate member of the county canvassing
 244 | board or, if each member of the board of county commissioners is
 245 | unable to serve or is disqualified, shall appoint an alternate
 246 | member who is qualified to serve as a substitute member under
 247 | paragraph (d). If a member of the county canvassing board is
 248 | unable to participate in a meeting of the board, the chair of
 249 | the county canvassing board or his or her designee shall
 250 | designate which alternate member will serve as a member of the
 251 | board in the place of the member who is unable to participate at
 252 | that meeting. Two of the three members or alternate members

253 serving as the county canvassing board must agree on any
254 decision or determination. If not serving as one of the three
255 members of the county canvassing board, an alternate member may
256 be present, observe, and communicate with the three members
257 constituting the county canvassing board, but may not vote in
258 the board's decisions or determinations. In the event any member
259 or alternate member of the county canvassing board is unable to
260 serve, is a candidate who has opposition in the election being
261 canvassed, or is an active participant in the campaign or
262 candidacy of any candidate who has opposition in the election
263 being canvassed, such member shall be replaced as follows:

264 (a) If no county court judge is able to serve or if all
265 are disqualified, the chief judge of the judicial circuit in
266 which the county is located shall appoint as a substitute member
267 or alternate member a qualified elector of the county who is not
268 a candidate with opposition in the election being canvassed and
269 who is not an active participant in the campaign or candidacy of
270 any candidate with opposition in the election being canvassed.
271 In such event, the members of the county canvassing board shall
272 meet and elect a chair.

273 (b) If the supervisor of elections is unable to serve or
274 is disqualified, the chair of the board of county commissioners
275 shall appoint as a substitute member a member of the board of
276 county commissioners who is not a candidate with opposition in
277 the election being canvassed and who is not an active
278 participant in the campaign or candidacy of any candidate with
279 opposition in the election being canvassed. The supervisor,
280 however, shall act in an advisory capacity to the canvassing

281 board.

282 (c) If the chair of the board of county commissioners is
283 unable to serve or is disqualified, the board of county
284 commissioners shall appoint as a substitute member one of its
285 members who is not a candidate with opposition in the election
286 being canvassed and who is not an active participant in the
287 campaign or candidacy of any candidate with opposition in the
288 election being canvassed.

289 (d) If a substitute member or alternate member cannot be
290 appointed as provided elsewhere in this subsection, the chief
291 judge of the judicial circuit in which the county is located
292 shall appoint as a substitute member or alternate member a
293 qualified elector of the county who is not a candidate with
294 opposition in the election being canvassed and who is not an
295 active participant in the campaign or candidacy of any candidate
296 with opposition in the election being canvassed.

297 (4) (a) The supervisor of elections shall upload into the
298 county's election management system by 7 p.m. of the day before
299 the election the results of all early voting and absentee
300 ballots that have been canvassed and tabulated by the end of the
301 early voting period. Pursuant to ss. 101.5614(9), 101.657, and
302 101.68(2), the tabulation of votes cast or the results of such
303 uploads shall not be made public before the close of the polls
304 on election day.

305 (b) The canvassing board shall report all early voting and
306 all tabulated absentee results to the Department of State within
307 30 minutes after the polls close. Thereafter, the canvassing
308 board shall report, with the exception of provisional ballot

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309 results, updated precinct election results to the department at
310 least every 45 minutes until all results are completely
311 reported. The supervisor of elections shall notify the
312 department immediately of any circumstances that do not permit
313 periodic updates as required. Results shall be submitted in a
314 format prescribed by the department.

315 Section 6. This act shall take effect July 1, 2013.