

By Senator Bradley

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.021,
3 F.S.; revising the definition of the term "marksense
4 ballot"; amending s. 99.061, F.S.; requiring a
5 candidate to provide a money order or cashier's check
6 drawn upon his or her campaign account to the filing
7 officer if not qualifying by petition; deleting
8 provisions regarding returned checks, to conform;
9 amending s. 100.011, F.S.; specifying conditions under
10 which a court may extend the time of the official
11 closing of the polls; amending s. 101.131, F.S.;
12 prohibiting an elected official from being designated
13 as a poll watcher; amending s. 101.151, F.S.;
14 specifying applicability of ballot layout requirements
15 with respect to voting systems using a voter interface
16 device to designate an elector's ballot selections;
17 amending s. 101.20, F.S.; providing an exception to
18 the requirement that the supervisor of elections
19 publish a sample ballot in a newspaper of general
20 circulation if a sample ballot is mailed to a
21 registered voter's household by a specified time;
22 amending s. 101.5603, F.S.; revising the definition of
23 the term "marking device"; amending s. 101.56075,
24 F.S.; revising a reference regarding the use of a
25 marking device; amending s. 101.68, F.S.; deleting an
26 obsolete date; modifying and clarifying provisions
27 governing the canvassing of vote-by-mail ballots;
28 authorizing use of the vote-by-mail ballot cure
29 affidavit if an elector's signature does not match the

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30 signature in the registration books or precinct
31 register; requiring the supervisor of elections to
32 immediately notify an elector upon receipt of a vote-
33 by-mail ballot with a missing or mismatched signature;
34 revising terminology; revising the cure affidavit
35 instructions with respect to acceptable forms of
36 identification; specifying that a Florida driver
37 license or Florida identification card are acceptable
38 forms of identification for purposes of curing a vote-
39 by-mail ballot; expanding the scope of post-election
40 signature update requests to include electors who
41 cured a vote-by-mail ballot with a mismatched
42 signature; amending s. 105.031, F.S.; requiring
43 certain nonpartisan candidates to provide a money
44 order or cashier's check drawn upon his or her
45 campaign account to the filing officer if not
46 qualifying by petition; deleting provisions regarding
47 returned checks, to conform; providing an effective
48 date.

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

51
52 Section 1. Subsection (5) of section 97.021, Florida
53 Statutes, is amended to read:

54 97.021 Definitions.—For the purposes of this code, except
55 where the context clearly indicates otherwise, the term:

56 (5) "Ballot" or "official ballot" when used in reference
57 to:

58 (a) "Marksense ballot ballots" means a ~~that~~ printed sheet

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59 of paper, used in conjunction with an electronic or
60 electromechanical vote tabulation voting system, containing the
61 names of candidates, ~~or~~ a statement of proposed constitutional
62 amendments or other questions or propositions submitted to the
63 electorate at any election, or the selections made by the
64 elector of candidates or other questions or propositions at an
65 election, on which ~~sheet of paper~~ an elector casts his or her
66 vote either directly on the sheet of paper or indirectly through
67 the use of a voter interface device used to designate the
68 elector's ballot selections on the sheet of paper.

69 (b) "Electronic or electromechanical devices" means a
70 ballot that is voted by the process of electronically
71 designating, including by touchscreen, or marking with a marking
72 device for tabulation by automatic tabulating equipment or data
73 processing equipment.

74 Section 2. Paragraph (a) of subsection (7) of section
75 99.061, Florida Statutes, is amended to read:

76 99.061 Method of qualifying for nomination or election to
77 federal, state, county, or district office.—

78 (7) (a) In order for a candidate to be qualified, the
79 following items must be received by the filing officer by the
80 end of the qualifying period:

81 1. A money order or cashier's check ~~properly executed check~~
82 drawn upon funds in the candidate's campaign account payable to
83 the person or entity as prescribed by the filing officer in an
84 amount not less than the fee required by s. 99.092, unless the
85 candidate obtained the required number of signatures on
86 petitions pursuant to s. 99.095. The filing fee for a special
87 district candidate is not required to be drawn upon funds in the

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88 candidate's campaign account. ~~If a candidate's check is returned~~
89 ~~by the bank for any reason, the filing officer shall immediately~~
90 ~~notify the candidate and the candidate shall have until the end~~
91 ~~of qualifying to pay the fee with a cashier's check purchased~~
92 ~~from funds of the campaign account. Failure to pay the fee as~~
93 ~~provided in this subparagraph shall disqualify the candidate.~~

94 2. The candidate's oath required by s. 99.021, which must
95 contain the name of the candidate as it is to appear on the
96 ballot; the office sought, including the district or group
97 number if applicable; and the signature of the candidate, which
98 must be verified under oath or affirmation pursuant to s.
99 92.525(1) (a).

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

102 4. The completed form for the appointment of campaign
103 treasurer and designation of campaign depository, as required by
104 s. 106.021.

105 5. The full and public disclosure or statement of financial
106 interests required by subsection (5). A public officer who has
107 filed the full and public disclosure or statement of financial
108 interests with the Commission on Ethics or the supervisor of
109 elections prior to qualifying for office may file a copy of that
110 disclosure at the time of qualifying.

111 Section 3. Present subsections (3) and (4) of section
112 100.011, Florida Statutes, are renumbered as subsections (4) and
113 (5), respectively, and a new subsection (3) is added to that
114 section, to read:

115 100.011 Opening and closing of polls, all elections;
116 expenses.—

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117 (3) A court may not extend the time of the official closing
118 of the polls unless there is a specific showing or finding of
119 fact that extraordinary circumstances exist to justify the
120 extension.

121 Section 4. Subsection (3) of section 101.131, Florida
122 Statutes, is amended to read:

123 101.131 Watchers at polls.—

124 (3) An elected official, ~~No~~ candidate, ~~or~~ sheriff, deputy
125 sheriff, police officer, or other law enforcement officer may
126 not be designated as a poll watcher.

127 Section 5. Subsection (10) is added to section 101.151,
128 Florida Statutes, to read:

129 101.151 Specifications for ballots.—

130 (10) With respect to any voting system that uses a voter
131 interface device to designate the elector's ballot selections on
132 a sheet of paper, the requirements of this section, s. 101.161,
133 and ss. 101.2512-101.254 which prescribe specifications for
134 ballot layout apply only to how the candidates and issues are
135 displayed on the voter interface device.

136 Section 6. Subsection (2) of section 101.20, Florida
137 Statutes, is amended to read:

138 101.20 Publication of ballot form; sample ballots.—

139 (2) Upon completion of the list of qualified candidates, a
140 sample ballot shall be published by the supervisor of elections
141 in a newspaper of general circulation in the county, ~~before the~~
142 day of election. However, the supervisor is not required to
143 publish the sample ballot in a newspaper of general circulation
144 in the county if the supervisor mails a sample ballot to each
145 household where there is a registered elector at least 7 days

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146 before the election. The A supervisor may send a sample ballot
147 to each registered elector by e-mail at least 7 days before an
148 election if an e-mail address has been provided and the elector
149 has opted to receive a sample ballot by electronic delivery. If
150 an e-mail address has not been provided, or if the elector has
151 not opted for electronic delivery, a sample ballot may be mailed
152 to each registered elector or to each household in which there
153 is a registered elector at least 7 days before an election.

154 Section 7. Subsection (5) of section 101.5603, Florida
155 Statutes, is amended to read:

156 101.5603 Definitions relating to Electronic Voting Systems
157 Act.—As used in this act, the term:

158 (5) "Marking device" means any approved device for marking
159 a ballot with ink or other substance, including the use of a
160 voter interface device, which will enable the ballot to be
161 tabulated by means of automatic tabulating equipment.

162 Section 8. Subsection (1) of section 101.56075, Florida
163 Statutes, is amended to read:

164 101.56075 Voting methods.—

165 (1) Except as provided in subsection (2), all voting shall
166 be by marksense ballot using ~~utilizing~~ a marking device for the
167 purpose of designating ballot selections.

168 Section 9. Section 101.68, Florida Statutes, is amended to
169 read:

170 101.68 Canvassing of vote-by-mail ballot.—

171 (1) The supervisor of the county where the absent elector
172 resides shall receive the voted ballot, at which time the
173 supervisor shall compare the signature of the elector on the
174 voter's certificate with the signature of the elector in the

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175 registration books or the precinct register to determine whether
176 the elector is duly registered in the county and may record on
177 the elector's registration certificate that the elector has
178 voted. ~~However, effective July 1, 2005,~~ An elector who dies
179 after casting a vote-by-mail ballot but on or before election
180 day shall remain listed in the registration books until the
181 results have been certified for the election in which the ballot
182 was cast. The supervisor shall safely keep the ballot unopened
183 in his or her office until the county canvassing board canvasses
184 the vote. Except as provided in subsection (4), after a vote-by-
185 mail ballot is received by the supervisor, the ballot is deemed
186 to have been cast, and changes or additions may not be made to
187 the voter's certificate.

188 (2) (a) The county canvassing board may begin the canvassing
189 of vote-by-mail ballots at 7 a.m. on the 15th day before the
190 election, but not later than noon on the day following the
191 election. In addition, for any county using electronic
192 tabulating equipment, the processing of vote-by-mail ballots
193 through such tabulating equipment may begin at 7 a.m. on the
194 15th day before the election. However, notwithstanding any such
195 authorization to begin canvassing or otherwise processing vote-
196 by-mail ballots early, no result shall be released until after
197 the closing of the polls in that county on election day. Any
198 supervisor of elections, deputy supervisor of elections,
199 canvassing board member, election board member, or election
200 employee who releases the results of a canvassing or processing
201 of vote-by-mail ballots prior to the closing of the polls in
202 that county on election day commits a felony of the third
203 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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204 775.084.

205 (b) To ensure that all vote-by-mail ballots to be counted
206 by the canvassing board are accounted for, the canvassing board
207 shall compare the number of ballots in its possession with the
208 number of requests for ballots received to be counted according
209 to the supervisor's file or list.

210 (c)1. The canvassing board must ~~shall~~, if the supervisor
211 has not already done so, compare the signature of the elector on
212 the voter's certificate or on the vote-by-mail ballot cure
213 affidavit as provided in subsection (4) with the signature of
214 the elector in the registration books or the precinct register
215 to see that the elector is duly registered in the county and to
216 determine the legality of that vote-by-mail ballot. A vote-by-
217 mail ballot may only be counted if:

218 a. The signature on the voter's certificate or the cure
219 affidavit matches the elector's signature in the registration
220 books or precinct register; however, in the case of a cure
221 affidavit, the supporting identification listed in subsection
222 (4) must also confirm the identity of the elector; or

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

228 2. The ballot of an elector who casts a vote-by-mail ballot
229 shall be counted even if the elector dies on or before election
230 day, as long as, before ~~prior to~~ the death of the voter, the
231 ballot was postmarked by the United States Postal Service, date-
232 stamped with a verifiable tracking number by a common carrier,

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233 or already in the possession of the supervisor of elections. A
234 ~~vote-by-mail ballot is considered illegal if the voter's~~
235 ~~certificate or vote-by-mail ballot affidavit does not include~~
236 ~~the signature of the elector, as shown by the registration~~
237 ~~records or the precinct register. However,~~

238 3. A vote-by-mail ballot is not considered illegal if the
239 signature of the elector does not cross the seal of the mailing
240 envelope. ~~If the canvassing board determines that any ballot is~~
241 ~~illegal, a member of the board shall, without opening the~~
242 ~~envelope, mark across the face of the envelope: "rejected as~~
243 ~~illegal." The vote-by-mail ballot affidavit, if applicable, the~~
244 ~~envelope, and the ballot contained therein shall be preserved in~~
245 ~~the manner that official ballots voted are preserved.~~

246 4.2. If any elector or candidate present believes that a
247 vote-by-mail ballot is illegal due to a defect apparent on the
248 voter's certificate or the cure ~~vote-by-mail ballot~~ affidavit,
249 he or she may, at any time before the ballot is removed from the
250 envelope, file with the canvassing board a protest against the
251 canvass of that ballot, specifying the precinct, the ballot, and
252 the reason he or she believes the ballot to be illegal. A
253 challenge based upon a defect in the voter's certificate or cure
254 ~~vote-by-mail ballot~~ affidavit may not be accepted after the
255 ballot has been removed from the mailing envelope.

256 5. If the canvassing board determines that a ballot is
257 illegal, a member of the board must, without opening the
258 envelope, mark across the face of the envelope: "rejected as
259 illegal." The cure affidavit, if applicable, the envelope, and
260 the ballot therein shall be preserved in the manner that
261 official ballots are preserved.

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262 (d) The canvassing board shall record the ballot upon the
263 proper record, unless the ballot has been previously recorded by
264 the supervisor. The mailing envelopes shall be opened and the
265 secrecy envelopes shall be mixed so as to make it impossible to
266 determine which secrecy envelope came out of which signed
267 mailing envelope; however, in any county in which an electronic
268 or electromechanical voting system is used, the ballots may be
269 sorted by ballot styles and the mailing envelopes may be opened
270 and the secrecy envelopes mixed separately for each ballot
271 style. The votes on vote-by-mail ballots shall be included in
272 the total vote of the county.

273 (3) The supervisor or the chair of the county canvassing
274 board shall, after the board convenes, have custody of the vote-
275 by-mail ballots until a final proclamation is made as to the
276 total vote received by each candidate.

277 ~~(4) (a) The supervisor of elections shall, on behalf of the~~
278 ~~county canvassing board, notify each elector whose ballot was~~
279 ~~rejected as illegal and provide the specific reason the ballot~~
280 ~~was rejected. The supervisor shall mail a voter registration~~
281 ~~application to the elector to be completed indicating the~~
282 ~~elector's current signature if the elector's ballot was rejected~~
283 ~~due to a difference between the elector's signature on the~~
284 ~~voter's certificate or vote-by-mail ballot affidavit and the~~
285 ~~elector's signature in the registration books or precinct~~
286 ~~register. This section does not prohibit the supervisor from~~
287 ~~providing additional methods for updating an elector's~~
288 ~~signature.~~

289 ~~(b) Until 5 p.m. on the day before an election, The~~
290 ~~supervisor shall, on behalf of the county canvassing board,~~

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291 immediately notify ~~allow~~ an elector who has returned a vote-by-
 292 mail ballot that does not include the elector's signature or
 293 contains a signature that does not match the elector's signature
 294 in the registration books or precinct register. The supervisor
 295 shall allow such an elector to complete and submit an affidavit
 296 in order to cure the ~~unsigned~~ vote-by-mail ballot until 5 p.m.
 297 on the day before the election.

298 ~~(b)(e)~~ The elector ~~shall provide identification to the~~
 299 ~~supervisor and must complete a~~ cure ~~vote-by-mail ballot~~
 300 affidavit in substantially the following form:

301
 302 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

303 I,, am a qualified voter in this election and
 304 registered voter of County, Florida. I do solemnly swear or
 305 affirm that I requested and returned the vote-by-mail ballot and
 306 that I have not and will not vote more than one ballot in this
 307 election. I understand that if I commit or attempt any fraud in
 308 connection with voting, vote a fraudulent ballot, or vote more
 309 than once in an election, I may be convicted of a felony of the
 310 third degree and fined up to \$5,000 and imprisoned for up to 5
 311 years. I understand that my failure to sign this affidavit means
 312 that my vote-by-mail ballot will be invalidated.

313
 314 ... (Voter's Signature) ...

315
 316 ... (Address) ...

317 ~~(c)(d)~~ Instructions must accompany the cure ~~vote-by-mail~~
 318 ~~ballot~~ affidavit in substantially the following form:

319

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

323

324 1. In order to ensure that your vote-by-mail ballot will be
325 counted, your affidavit should be completed and returned as soon
326 as possible so that it can reach the supervisor of elections of
327 the county in which your precinct is located no later than 5
328 p.m. on the ~~2nd~~ day before the election.

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

331 3. You must make a copy of one of the following forms of
332 identification:

333 a. Tier 1 identification.—Current and valid identification
334 that includes your name and photograph: Florida driver license;
335 Florida identification card issued by the Department of Highway
336 Safety and Motor Vehicles; United States passport; debit or
337 credit card; military identification; student identification;
338 retirement center identification; neighborhood association
339 identification; public assistance identification; veteran health
340 identification card issued by the United States Department of
341 Veterans Affairs; a Florida license to carry a concealed weapon
342 or firearm; or an employee identification card issued by any
343 branch, department, agency, or entity of the Federal Government,
344 the state, a county, or a municipality; or

345 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
346 FORM OF IDENTIFICATION, identification that shows your name and
347 current residence address: current utility bill, bank statement,
348 government check, paycheck, or government document (excluding

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349 voter identification card).

350 4. Place the envelope bearing the affidavit into a mailing
351 envelope addressed to the supervisor. Insert a copy of your
352 identification in the mailing envelope. Mail, deliver, or have
353 delivered the completed affidavit along with the copy of your
354 identification to your county supervisor of elections. Be sure
355 there is sufficient postage if mailed and that the supervisor's
356 address is correct.

357 5. Alternatively, you may fax or e-mail your completed
358 affidavit and a copy of your identification to the supervisor of
359 elections. If e-mailing, please provide these documents as
360 attachments.

361 (d)~~(e)~~ The department and each supervisor shall include the
362 affidavit and instructions on their respective websites. The
363 supervisor must include his or her office's mailing address, e-
364 mail address, and fax number on the page containing the
365 affidavit instructions; the department's instruction page must
366 include the office mailing addresses, e-mail addresses, and fax
367 numbers of all supervisors of elections or provide a conspicuous
368 link to such addresses.

369 (e)~~(f)~~ The supervisor shall attach each affidavit received
370 to the appropriate vote-by-mail ballot mailing envelope.

371 (f) After all election results on the ballot have been
372 certified, the supervisor shall, on behalf of the county
373 canvassing board, notify each elector whose ballot has been
374 rejected as illegal and provide the specific reason the ballot
375 was rejected. In addition, the supervisor shall mail a voter
376 registration application to the elector to be completed
377 indicating the elector's current signature if the signature on

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378 the voter's certificate or cure affidavit did not match the
379 elector's signature in the registration books or precinct
380 register. This section does not prohibit the supervisor from
381 providing additional methods for updating an elector's
382 signature.

383 Section 10. Paragraph (a) of subsection (5) of section
384 105.031, Florida Statutes, is amended to read:

385 105.031 Qualification; filing fee; candidate's oath; items
386 required to be filed.—

387 (5) ITEMS REQUIRED TO BE FILED.—

388 (a) In order for a candidate for judicial office or the
389 office of school board member to be qualified, the following
390 items must be received by the filing officer by the end of the
391 qualifying period:

392 1. Except for candidates for retention to judicial office,
393 a money order or cashier's check ~~properly executed check~~ drawn
394 upon funds in the candidate's campaign account in an amount not
395 less than the fee required by subsection (3) or, in lieu
396 thereof, the copy of the notice of obtaining ballot position
397 pursuant to s. 105.035. ~~If a candidate's check is returned by~~
398 ~~the bank for any reason, the filing officer shall immediately~~
399 ~~notify the candidate and the candidate shall, the end of~~
400 ~~qualifying notwithstanding, have 48 hours from the time such~~
401 ~~notification is received, excluding Saturdays, Sundays, and~~
402 ~~legal holidays, to pay the fee with a cashier's check purchased~~
403 ~~from funds of the campaign account. Failure to pay the fee as~~
404 ~~provided in this subparagraph shall disqualify the candidate.~~

405 2. The candidate's oath required by subsection (4), which
406 must contain the name of the candidate as it is to appear on the

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407 ballot; the office sought, including the district or group
408 number if applicable; and the signature of the candidate, duly
409 acknowledged.

410 3. The loyalty oath required by s. 876.05, signed by the
411 candidate and duly acknowledged.

412 4. The completed form for the appointment of campaign
413 treasurer and designation of campaign depository, as required by
414 s. 106.021. In addition, each candidate for judicial office,
415 including an incumbent judge, shall file a statement with the
416 qualifying officer, within 10 days after filing the appointment
417 of campaign treasurer and designation of campaign depository,
418 stating that the candidate has read and understands the
419 requirements of the Florida Code of Judicial Conduct. Such
420 statement shall be in substantially the following form:

421

422 Statement of Candidate for Judicial Office

423

424 I, ...(name of candidate)..., a judicial candidate, have
425 received, read, and understand the requirements of the Florida
426 Code of Judicial Conduct.

427 ... (Signature of candidate)...

428 ... (Date)...

429

430 5. The full and public disclosure of financial interests
431 required by s. 8, Art. II of the State Constitution or the
432 statement of financial interests required by s. 112.3145,
433 whichever is applicable. A public officer who has filed the full
434 and public disclosure or statement of financial interests with
435 the Commission on Ethics or the supervisor of elections prior to

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436 qualifying for office may file a copy of that disclosure at the
437 time of qualifying.

438 Section 11. This act shall take effect July 1, 2017.