

By the Committee on Ethics and Elections; and Senator
Constantine

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1 A bill to be entitled

2 An act relating to elections; amending s. 97.012, F.S.;

3 revising provisions relating to the investigative duties

4 of the Secretary of State; amending s. 97.041, F.S.;

5 revising requirements for voter preregistration of minors;

6 amending s. 97.053, F.S.; revising provisions relating to

7 verification of certain information on voter registration

8 applications; amending s. 97.0535, F.S.; revising forms of

9 acceptable identification for certain voter registration

10 applicants; amending s. 97.055, F.S.; providing for change

11 of party affiliation after the closing of the registration

12 books to apply to an upcoming election under certain

13 circumstances; amending s. 98.065, F.S.; revising

14 registration list maintenance provisions; creating s.

15 98.0655, F.S.; requiring the Department of State to

16 prescribe registration list maintenance forms; providing

17 criteria for such forms; amending s. 98.075, F.S.;

18 providing for the removal of the name of a deceased person

19 from the statewide voter registration system upon receipt

20 by the supervisor of a copy of a death certificate;

21 amending s. 99.012, F.S.; providing restrictions on

22 individuals qualifying for public office; removing an

23 exception from such restrictions for persons seeking any

24 federal public office; amending s. 99.021, F.S.; deleting

25 a resignation statement from the qualifying oath for

26 candidates for federal office; amending s. 99.097, F.S.;

27 prohibiting the supervisor from counting a petition if a

28 voter signs the petition and lists an address other than

29 the legal residence where the voter is registered;

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30 requiring the mailing of a new voter registration
31 application for an address update in certain
32 circumstances; amending s. 100.221, F.S.; providing
33 circumstances under which early voting is not required;
34 amending s. 100.361, F.S.; revising provisions relating to
35 the recall of municipal or charter county officers, recall
36 committees, recall petitions, recall defense, and offenses
37 related thereto; amending s. 100.371, F.S.; providing that
38 a petition form circulated for signatures may not be
39 bundled with other petitions; deleting requirements
40 relating to the recording and determination of signature
41 forms; providing that an elector may complete and submit a
42 standard petition-revocation form directly to the
43 supervisor of elections under certain circumstances;
44 requiring that the division adopt petition-revocation
45 forms by rule; amending s. 101.041, F.S.; deleting a
46 requirement for the printing and distribution of official
47 ballots; amending s. 101.045, F.S.; authorizing the use of
48 a voter registration application for a name or address
49 change; amending s. 101.111, F.S.; revising methods by
50 which a person's right to vote may be challenged; amending
51 s. 101.23, F.S.; deleting provisions requiring an election
52 inspector to prevent certain persons from voting; amending
53 s. 101.51, F.S.; deleting provisions specifying certain
54 responsibilities of election officials before allowing
55 electors to enter a booth or compartment to vote; amending
56 s. 101.5608, F.S.; revising certain procedures relating to
57 the deposit of ballots; amending s. 101.6102, F.S.;
58 providing exceptions to the types of elections that may

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59 | not be conducted by mail ballot; amending s. 101.6923,
60 | F.S.; revising forms of acceptable identification for
61 | certain absentee voters; amending s. 101.733, F.S.;
62 | authorizing the Governor to call for a mail ballot
63 | election in the event of a declared state of emergency or
64 | an impending emergency; requiring that the Department of
65 | State adopt rules regarding such election; revising notice
66 | requirements for elections rescheduled due to an
67 | emergency; amending s. 101.75, F.S.; authorizing
68 | municipalities to set by ordinance election dates to
69 | coincide with statewide or countywide elections; amending
70 | s. 102.014, F.S.; revising provisions relating to the
71 | training of poll workers; amending s. 102.031, F.S.;
72 | including the term "solicitation" as an equivalent of the
73 | term "solicit" as it relates to the unlawful solicitation
74 | of voters; providing that such terms do not prohibit exit
75 | polling; amending s. 102.112, F.S.; revising the county
76 | canvassing board's certification requirements for election
77 | returns; amending s. 103.101, F.S.; deleting provisions
78 | related to the placement on the ballot of presidential
79 | candidates whose names do not appear on the list submitted
80 | to the Secretary of State; amending s. 190.006, F.S.;
81 | deleting certain fee and assessment provisions for
82 | candidates seeking election to the board of supervisors of
83 | community redevelopment districts; amending s. 106.07,
84 | F.S.; clarifying that political subdivisions may impose
85 | electronic filing requirements on certain candidates, and
86 | that expenditures for such filing system serve a valid
87 | public purpose; providing effective dates.

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

90

91 Section 1. Subsection (15) of section 97.012, Florida
92 Statutes, is amended to read:

93 97.012 Secretary of State as chief election officer.--The
94 Secretary of State is the chief election officer of the state,
95 and it is his or her responsibility to:

96 (15) Conduct preliminary investigations into any
97 irregularities or fraud involving voter registration, voting, ~~or~~
98 candidate petition, or issue petition activities and report his
99 or her findings to the statewide prosecutor or the state attorney
100 for the judicial circuit in which the alleged violation occurred
101 for prosecution, if warranted. The Department of State may
102 prescribe by rule requirements for filing an elections-fraud
103 complaint and for investigating any such complaint.

104 Section 2. Paragraph (b) of subsection (1) of section
105 97.041, Florida Statutes, is amended to read:

106 97.041 Qualifications to register or vote.--

107 (1)

108 (b) A person who is otherwise qualified may preregister on
109 or after that person's 16th ~~17th~~ birthday ~~or receipt of a valid~~
110 ~~Florida driver's license, whichever occurs earlier,~~ and may vote
111 in any election occurring on or after that person's 18th
112 birthday.

113 Section 3. Effective upon this act becoming a law,
114 subsection (6) of section 97.053, Florida Statutes, is amended to
115 read:

116 97.053 Acceptance of voter registration applications.--

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117 (6) A voter registration application may be accepted as
118 valid only after the department has verified the authenticity or
119 nonexistence of the driver's license number, the Florida
120 identification card number, or the last four digits of the social
121 security number provided by the applicant. If a completed voter
122 registration application has been received by the book-closing
123 deadline but the driver's license number, the Florida
124 identification card number, or the last four digits of the social
125 security number provided by the applicant cannot be verified, the
126 applicant shall be notified that the number cannot be verified
127 ~~application is incomplete~~ and that the applicant voter must
128 provide evidence to the supervisor sufficient to verify the
129 authenticity of the applicant's driver's license number, Florida
130 identification card number, or last four digits of the social
131 security number provided on the application. If the applicant
132 ~~voter~~ provides the necessary evidence, the supervisor shall place
133 the applicant's ~~voter's~~ name on the registration rolls as an
134 active voter. If the applicant voter has not provided the
135 necessary evidence or the number has not otherwise been verified
136 prior to the applicant presenting himself or herself to vote, the
137 applicant shall be provided a provisional ballot. The provisional
138 ballot shall be counted only if the number application is
139 verified by the end of the canvassing period or if the applicant
140 presents evidence to the supervisor of elections sufficient to
141 verify the authenticity of the applicant's driver's license
142 number, Florida identification card number, or last four digits
143 of the social security number ~~provided on the application~~ no
144 later than 5 p.m. of the second day following the election.

145 Section 4. Paragraph (a) of subsection (3) of section

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146 97.0535, Florida Statutes, is amended to read:

147 97.0535 Special requirements for certain applicants.--

148 (3) (a) The following forms of identification shall be
149 considered current and valid if they contain the name and
150 photograph of the applicant and have not expired:

151 1. United States passport.

152 ~~2. Employee badge or identification.~~

153 ~~3. Buyer's club identification.~~

154 ~~2.4.~~ Debit or credit card.

155 ~~3.5.~~ Military identification.

156 ~~4.6.~~ Student identification.

157 ~~5.7.~~ Retirement center identification.

158 ~~6.8.~~ Neighborhood association identification.

159 ~~7.9.~~ Public assistance identification.

160 Section 5. Subsection (1) of section 97.055, Florida
161 Statutes, is amended to read:

162 97.055 Registration books; when closed for an election.--

163 (1) (a) The registration books must be closed on the 29th
164 day before each election and must remain closed until after that
165 election. If an election is called and there are fewer than 29
166 days before that election, the registration books must be closed
167 immediately.

168 (b) Except as provided in paragraph (c), when the
169 registration books are closed for an election, updates to a
170 voter's name, address, and signature pursuant to ss. 98.077 and
171 101.045 shall be the only changes permitted for purposes of the
172 upcoming election. New voter registration applications ~~and party~~
173 ~~changes~~ must be accepted but only for the purpose of subsequent
174 elections.

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175 (c) When the registration books are closed for an upcoming
176 election, an update or change to a voter's party affiliation made
177 pursuant to s. 97.1031 shall be permitted for that upcoming
178 election unless such election is for the purpose of nominating a
179 political party nominee, in which case the update or change shall
180 be permitted only for the purpose of subsequent elections.

181 Section 6. Subsection (4) of section 98.065, Florida
182 Statutes, is amended to read:

183 98.065 Registration list maintenance programs.--

184 (4) (a) If the supervisor receives change-of-address
185 information pursuant to the activities conducted in subsection
186 (2), from jury notices signed by the voter and returned to the
187 courts, from the Department of Highway Safety and Motor Vehicles,
188 or from other sources, ~~which information indicates that the legal~~
189 ~~address of a registered voter's legal residence~~ voter might have
190 changed to another location within the state, the supervisor must
191 change the registration records to reflect the new address and
192 must shall send the voter by forwardable return if undeliverable
193 mail an address change confirmation notice as provided in s.
194 98.0655(2) to the address at which the voter was last registered.
195 ~~A supervisor may also send an address confirmation notice to any~~
196 ~~voter who the supervisor has reason to believe has moved from his~~
197 ~~or her legal residence.~~

198 (b) If the supervisor of elections receives change-of-
199 address information pursuant to the activities conducted in
200 subsection (2), from jury notices signed by the voter and
201 returned to the courts, or from other sources which indicates
202 that a registered voter's legal residence might have changed to a
203 location outside the state, the supervisor of elections shall

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204 send an address confirmation final notice to the voter as
205 provided in s. 98.0655(3). ~~The address confirmation notice shall~~
206 ~~contain a postage prepaid, preaddressed return form on which:~~

207 1. ~~If the voter has changed his or her address of legal~~
208 ~~residence to a location outside the state, the voter shall mark~~
209 ~~that the voter's legal residence has changed to a location~~
210 ~~outside the state. The form shall also include information on how~~
211 ~~to register in the new state in order to be eligible to vote. The~~
212 ~~form must be returned within 30 days after the date of the~~
213 ~~notice. The completed form shall constitute a request to be~~
214 ~~removed from the statewide voter registration system.~~

215 2. ~~If the voter has changed his or her address of legal~~
216 ~~residence to a location inside the state, the voter shall set~~
217 ~~forth the updated or corrected address and submit the return form~~
218 ~~within 30 days after the date of the notice. The completed form~~
219 ~~shall constitute a request to update the statewide voter~~
220 ~~registration system with the updated or corrected address~~
221 ~~information.~~

222 3. ~~If the voter has not changed his or her address of legal~~
223 ~~residence as printed on the address confirmation notice, the~~
224 ~~voter shall confirm that his or her address of legal residence~~
225 ~~has not changed and submit the form within 30 days after the date~~
226 ~~of the notice.~~

227 (c) The supervisor must designate as inactive all voters
228 who have been sent an address confirmation final notice and who
229 have not returned the postage prepaid, preaddressed return form
230 within 30 days or for which the final ~~an address confirmation~~
231 notice has been returned as undeliverable. Names on the inactive
232 list may not be used to calculate the number of signatures needed

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233 on any petition. A voter on the inactive list may be restored to
234 the active list of voters upon the voter updating his or her
235 registration, requesting an absentee ballot, or appearing to
236 vote. However, if the voter does not update his or her voter
237 registration information, request an absentee ballot, or vote by
238 the second general election after being placed on the inactive
239 list, the voter's name shall be removed from the statewide voter
240 registration system and the voter shall be required to reregister
241 to have his or her name restored to the statewide voter
242 registration system.

243 Section 7. Section 98.0655, Florida Statutes, is created to
244 read:

245 98.0655 Registration list maintenance forms.--The
246 department shall prescribe registration list maintenance forms to
247 be used by the supervisors which must include:

248 (1) An address confirmation request that must contain:

249 (a) The voter's name and address of legal residence as
250 shown on the voter registration record; and

251 (b) A request that the voter notify the supervisor if
252 either the voter's name or address of legal residence is
253 incorrect.

254 (2) An address change notice that must be sent to the newly
255 recorded address of legal residence by forwardable mail,
256 including a postage prepaid, preaddressed return form with which
257 the voter may verify or correct the voter's new address
258 information.

259 (3) An address confirmation final notice that must be sent
260 to the newly recorded address of legal residence by forwardable
261 mail and must contain a postage prepaid, preaddressed return form

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262 and a statement that:

263 (a) If the voter has not changed his or her legal residence
264 or has changed his or her legal residence within the state, the
265 voter should return the form within 30 days after the date on
266 which the notice was sent to the voter.

267 (b) If the voter has changed his or her legal residence to
268 a location outside the state:

269 1. The voter shall return the form, which serves as a
270 request to be removed from the registration books; and

271 2. The voter shall be provided with information on how to
272 register in the new jurisdiction in order to be eligible to vote.

273 (c) If the return form is not returned, the voter's name
274 shall be designated as inactive in the statewide voter
275 registration system.

276 Section 8. Effective July 1, 2008, subsection (3) of
277 section 98.075, Florida Statutes, is amended to read:

278 98.075 Registration records maintenance activities;
279 ineligibility determinations.--

280 (3) DECEASED PERSONS.--The department shall identify those
281 registered voters who are deceased by comparing information on
282 the lists of deceased persons received from the Department of
283 Health as provided in s. 98.093. Upon receipt of such information
284 through the statewide voter registration system, the supervisor
285 shall remove the name of the registered voter. Additionally, the
286 supervisor shall remove the name of a deceased registered voter
287 from the statewide voter registration system upon receipt of a
288 copy of a death certificate issued by a governmental agency
289 authorized to issue death certificates.

290 Section 9. Subsection (2), paragraph (a) of subsection (3),

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291 and subsections (6) and (7) of section 99.012, Florida Statutes,
292 are amended to read:

293 99.012 Restrictions on individuals qualifying for public
294 office.--

295 (2) No person may qualify as a candidate for more than one
296 public office, whether federal, state, district, county, or
297 municipal, if the terms or any part thereof run concurrently with
298 each other.

299 (3) (a) No officer may qualify as a candidate for another
300 ~~public office, whether~~ state, district, county, or municipal
301 public office, if the terms or any part thereof run concurrently
302 with each other, without resigning from the office he or she
303 presently holds.

304 (6) This section does not apply to:

305 (a) Political party offices.

306 (b) Persons serving without salary as members of an
307 appointive board or authority.

308 ~~(c) Persons seeking any federal public office.~~

309 (7) Nothing contained in subsection ~~subsections~~ (3) and ~~(4)~~
310 relates to persons holding any federal office.

311 Section 10. Paragraph (a) of subsection (1) of section
312 99.021, Florida Statutes, is amended to read:

313 99.021 Form of candidate oath.--

314 (1) (a) 1. Each candidate, whether a party candidate, a
315 candidate with no party affiliation, or a write-in candidate, in
316 order to qualify for nomination or election to any office other
317 than a judicial office as defined in chapter 105 or a federal
318 office, shall take and subscribe to an oath or affirmation in
319 writing. A printed copy of the oath or affirmation shall be

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320 | furnished to the candidate by the officer before whom such
321 | candidate seeks to qualify and shall be substantially in the
322 | following form:

323 |

324 | State of Florida

325 | County of _____

326 | Before me, an officer authorized to administer oaths,
327 | personally appeared (please print name as you wish it to appear
328 | on the ballot) , to me well known, who, being sworn, says that
329 | he or she is a candidate for the office of _____; that he or she
330 | is a qualified elector of _____ County, Florida; that he or she
331 | is qualified under the Constitution and the laws of Florida to
332 | hold the office to which he or she desires to be nominated or
333 | elected; that he or she has taken the oath required by ss.
334 | 876.05-876.10, Florida Statutes; that he or she has qualified for
335 | no other public office in the state, the term of which office or
336 | any part thereof runs concurrent with that of the office he or
337 | she seeks; and that he or she has resigned from any office from
338 | which he or she is required to resign pursuant to s. 99.012,
339 | Florida Statutes.

340 | (Signature of candidate)

341 | (Address)

342 |

343 | Sworn to and subscribed before me this _____ day of _____,
344 | (year) , at _____ County, Florida.

345 | (Signature and title of officer administering oath)

346 |

347 | 2. Each candidate for federal office, whether a party
348 | candidate, a candidate with no party affiliation, or a write-in

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349 candidate, in order to qualify for nomination or election to
 350 office shall take and subscribe to an oath or affirmation in
 351 writing. A printed copy of the oath or affirmation shall be
 352 furnished to the candidate by the officer before whom such
 353 candidate seeks to qualify and shall be substantially in the
 354 following form:

355
 356 State of Florida

357 County of _____

358 Before me, an officer authorized to administer oaths,
 359 personally appeared (please print name as you wish it to appear
 360 on the ballot) , to me well known, who, being sworn, says that
 361 he or she is a candidate for the office of _____; that he or she
 362 is qualified under the Constitution and laws of the United States
 363 to hold the office to which he or she desires to be nominated or
 364 elected; and that he or she has qualified for no other public
 365 office in the state, ~~the term of which office or any part thereof~~
 366 ~~runs concurrent with that of the office he or she seeks; and that~~
 367 ~~he or she has resigned from any office from which he or she is~~
 368 ~~required to resign pursuant to s. 99.012, Florida Statutes.~~

369 (Signature of candidate)

370 (Address)

371
 372 Sworn to and subscribed before me this _____ day of _____,
 373 (year) , at _____ County, Florida.

374 (Signature and title of officer administering oath)

375

376

377 Section 11. Paragraph (b) of subsection (3) of section

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378 99.097, Florida Statutes, is amended to read:

379 99.097 Verification of signatures on petitions.--

380 (3)

381 (b) If a voter signs a petition and lists an address other
382 than the legal residence where the voter is registered, the
383 petition shall not be counted. The supervisor shall mail to the
384 voter a new voter registration application on which the voter may
385 submit an address update, along with the reason the new
386 application is being sent ~~treat the signature as if the voter had~~
387 ~~listed the address where the voter is registered.~~

388 Section 12. Section 100.221, Florida Statutes, is amended
389 to read:

390 100.221 General election laws to govern bond
391 referenda.--The laws governing the holding of general elections
392 are applicable to bond referenda, except as provided in ss.
393 100.201-100.351. A county, district, or municipality is not
394 required to offer early voting for a bond referendum that is not
395 held in conjunction with a county or state election. The places
396 for voting in a bond referendum shall be the same as the places
397 for voting in general elections, ~~7~~ when a bond referendum is held
398 in the county or district; however, but when a bond referendum is
399 held in a municipality, the polling places shall be the same as
400 in other municipal elections.

401 Section 13. Section 100.361, Florida Statutes, is amended
402 to read:

403 100.361 Municipal recall.--

404 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member of
405 the governing body of a municipality or charter county,
406 hereinafter referred to in this section as "municipality," may be

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407 removed from office by the electors of the municipality. When the
408 official represents a district and is elected only by electors
409 residing in that district, only electors from that district are
410 eligible to sign the petition to recall that official and are
411 entitled to vote in the recall election. When the official
412 represents a district and is elected at-large by the electors of
413 the municipality, all electors of the municipality are eligible
414 to sign the petition to recall that official and are entitled to
415 vote in the recall election. Where used in this section, the term
416 "district" shall be construed to mean the area or region of a
417 municipality from which a member of the governing body is elected
418 by the electors from such area or region. Members may be removed
419 from office pursuant to by the procedures provided in this
420 section. This method of removing members of the governing body of
421 a municipality is in addition to any other method provided by
422 state law. following procedure:

423 (2) RECALL PETITION.--

424 (a) Petition content.--A petition shall contain the name of
425 be prepared naming the person sought to be recalled and
426 containing a statement of grounds for recall. The statement of
427 grounds may not exceed in not more than 200 words and the stated
428 grounds are limited solely to those ~~the grounds~~ specified in
429 paragraph (d) ~~(b)~~. If more than one member of the governing body
430 is sought to be recalled, whether such member is elected by the
431 electors of a district or by the electors of the municipality at-
432 large, a separate recall petition shall be prepared for each
433 member sought to be recalled. Upon request, the content of a
434 petition should be, but is not required to be, provided by the
435 proponent in alternative formats.

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436 (b) Requisite signatures.--

437 1. In a municipality or district of fewer than 500
438 electors, the petition shall be signed by at least 50 electors or
439 by 10 percent of the total number of registered electors of the
440 municipality or district as of the preceding municipal election,
441 whichever is greater.

442 2. In a municipality or district of 500 or more but fewer
443 than 2,000 registered electors, the petition shall be signed by
444 at least 100 electors or by 10 percent of the total number of
445 registered electors of the municipality or district as of the
446 preceding municipal election, whichever is greater.

447 3. In a municipality or district of 2,000 or more but fewer
448 than 5,000 registered electors, the petition shall be signed by
449 at least 250 electors or by 10 percent of the total number of
450 registered electors of the municipality or district as of the
451 preceding municipal election, whichever is greater.

452 4. In a municipality or district of 5,000 or more but fewer
453 than 10,000 registered electors, the petition shall be signed by
454 at least 500 electors or by 10 percent of the total number of
455 registered electors of the municipality or district as of the
456 preceding municipal election, whichever is greater.

457 5. In a municipality or district of 10,000 or more but
458 fewer than 25,000 registered electors, the petition shall be
459 signed by at least 1,000 electors or by 10 percent of the total
460 number of registered electors of the municipality or district as
461 of the preceding municipal election, whichever is greater.

462 6. In a municipality or district of 25,000 or more
463 registered electors, the petition shall be signed by at least
464 1,000 electors or by 5 percent of the total number of registered

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465 electors of the municipality or district as of the preceding
466 municipal election, whichever is greater.

467
468 ~~Electors of the municipality or district making charges contained~~
469 ~~in the statement of grounds for recall and those signing the~~
470 ~~recall petition shall be designated as the "committee." A~~
471 ~~specific person shall be designated in the petition as chair of~~
472 ~~the committee to act for the committee. Electors of the~~
473 ~~municipality or district are eligible to sign the petition.~~
474 ~~Signatures and oaths of witnesses shall be executed as provided~~
475 ~~in paragraph (c).~~ All signatures shall be obtained, as provided
476 in paragraph (e), within a period of 30 days, and all signed and
477 dated petition forms ~~the petition~~ shall be filed at the same
478 time, no later than ~~within~~ 30 days after the date on which the
479 first signature is obtained on the petition.

480 (c) Recall committee.--Electors of the municipality or
481 district making charges contained in the statement of grounds for
482 recall, as well as those signing the recall petition, shall be
483 designated as the recall committee. A specific person shall be
484 designated in the petition as chair of the committee and this
485 person shall act for the committee. The recall committee and the
486 officer being recalled are subject to the provisions of chapter
487 106.

488 (d) ~~(b)~~ Grounds for recall.--The grounds for removal of
489 elected municipal officials shall, for the purposes of this act,
490 be limited to the following and must be contained in the
491 petition:

- 492 1. Malfesance;
493 2. Misfesance;

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494 3. Neglect of duty;

495 4. Drunkenness;

496 5. Incompetence;

497 6. Permanent inability to perform official duties; and

498 7. Conviction of a felony involving moral turpitude.

499 (e) ~~(e)~~ Signature process.--Only electors of the

500 municipality or district are eligible to sign the petition. Each

501 elector of the municipality signing a petition shall sign and

502 date his or her name in ink or indelible pencil ~~as registered in~~

503 ~~the office of the supervisor of elections and shall state on the~~

504 ~~petition his or her place of residence and voting precinct.~~ Each

505 petition shall contain appropriate lines for each elector's

506 original ~~the~~ signature, printed name, ~~and~~ street address, city,

507 county, voter registration number or date of birth, and date

508 signed. The form shall also contain lines for ~~of the elector and~~

509 an oath, to be executed by a witness who is to verify thereof,

510 ~~verifying~~ the fact that the witness saw each person sign the

511 counterpart of the petition, that each signature appearing

512 thereon is the genuine signature of the person it purports to be,

513 and that the petition was signed in the presence of the witness

514 on the date indicated.

515 (f) ~~(d)~~ Filing of signed petitions.--All signed petition

516 forms ~~The petition~~ shall be filed at the same time, no later than

517 30 days after the date on which the first signature is obtained

518 on the petition. ~~with the auditor or clerk of the municipality or~~

519 ~~charter county, or his or her equivalent, hereinafter referred to~~

520 ~~as clerk, by~~ The person designated as chair of the committee

521 shall file the signed petition forms with the auditor or clerk of

522 the municipality or charter county, or his or her equivalent,

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523 hereinafter referred to as "clerk." The petition may not be
524 amended after it is filed with the clerk.

525 (g) Verification of signatures.--

526 1. Immediately after the filing of the petition forms, and,
527 ~~when the petition is filed,~~ the clerk shall submit such forms
528 ~~petition~~ to the county supervisor of elections. No more than 30
529 days after the date on which all petition forms are submitted to
530 the supervisor by the clerk, the supervisor ~~who~~ shall promptly
531 verify the signatures in accordance with s. 99.097, and ~~within a~~
532 ~~period of not more than 30 days after the petition is filed with~~
533 ~~the supervisor,~~ determine whether the requisite number of valid
534 signatures has been obtained for the petition ~~contains the~~
535 ~~required valid signatures.~~ The committee seeking verification of
536 the signatures shall pay in advance to the supervisor the sum of
537 10 cents for each signature checked or the actual cost of
538 checking such signatures, whichever is less. ~~The petition cannot~~
539 ~~be amended after it is filed with the clerk. The supervisor shall~~
540 ~~be paid by the persons or committee seeking verification the sum~~
541 ~~of 10 cents for each name checked.~~

542 2. Upon filing with the clerk, the petition and all
543 subsequent papers or forms required or permitted to be filed with
544 the clerk in connection with this section must, upon request, be
545 made available in alternative formats by the clerk.

546 3.(e) If the supervisor determines ~~it is determined~~ that
547 the petition does not contain the requisite number of verified
548 and valid ~~required~~ signatures, the clerk shall, upon receipt of
549 such written determination, so certify to the governing body of
550 the municipality or charter county and file the petition without
551 taking further action, and the matter shall be at an end. No

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552 additional names may be added to the petition, and the petition
553 shall not be used in any other proceeding.

554 4.(f) If the supervisor determines ~~it is determined~~ that
555 the petition has the requisite number of verified and valid
556 ~~required~~ signatures, then the procedures outlined in subsection
557 (3) must be followed.

558 (3) RECALL PETITION AND DEFENSE.--

559 (a) Notice.--Upon receipt of a written determination that
560 the requisite number of signatures has been obtained, the clerk
561 shall at once serve upon the person sought to be recalled a
562 certified copy of the petition. Within 5 days after service, the
563 person sought to be recalled may file with the clerk a defensive
564 statement of not more than 200 words.

565 (b) Content and preparation.--Within 5 days after the date
566 of receipt of the defensive statement or after the last date a
567 defensive statement could have been filed, the clerk shall,
568 ~~within 5 days,~~ prepare a document entitled "Recall Petition and
569 Defense." The "Recall Petition and Defense" shall consist
570 ~~sufficient number of typewritten, printed, or mimeographed copies~~
571 of the recall petition, including copies of the originally signed
572 petitions and counterparts. The "Recall Petition and Defense"
573 must contain lines which conform to the provisions of paragraph
574 (2)(e)., and the ~~and~~ defensive statement or, if no defensive
575 statement has been filed, a statement to that effect. The clerk
576 shall make copies of the "Recall Petition and Defense" which are
577 sufficient to carry the signatures of 30 percent of the
578 registered electors. Immediately after preparing and making
579 sufficient copies of the "Recall Petition and Defense," the clerk
580 shall ~~as well as the names, addresses, and oaths on the original~~

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581 ~~petition, and deliver the copies them to the person who has been~~
582 ~~designated as chair of the committee and take his or her receipt~~
583 ~~therefor. Such prepared copies shall be entitled "Recall Petition~~
584 ~~and Defense" and shall contain lines and spaces for signatures~~
585 ~~and printed names of registered electors, place of residence,~~
586 ~~election precinct number, and date of signing, together with~~
587 ~~oaths to be executed by the witnesses which conform to the~~
588 ~~provisions of paragraph (c). The clerk shall deliver forms~~
589 ~~sufficient to carry the signatures of 30 percent of the~~
590 ~~registered electors.~~

591 (c)(g) Requisite signatures.--Upon receipt of the "recall
592 petition and defense," the committee may circulate them to obtain
593 the signatures of 15 percent of the electors. All signatures
594 shall be obtained and all signed petition forms filed with the
595 clerk no later than 60 days after delivery of the "Recall
596 Petition and Defense" to the chair of the committee. Any elector
597 ~~who signs a recall petition shall have the right to demand in~~
598 ~~writing that his or her name be stricken from the petition. A~~
599 ~~written demand signed by the elector shall be filed with the~~
600 ~~clerk and upon receipt of the demand the clerk shall strike the~~
601 ~~name of the elector from the petition and place his or her~~
602 ~~initials to the side of the signature stricken. However, no~~
603 ~~signature may be stricken after the clerk has delivered the~~
604 ~~"Recall Petition and Defense" to the supervisor of elections for~~
605 ~~verification.~~

606 (d)(h) Signed petitions; request for striking name.--Within
607 ~~60 days after delivery of the "Recall Petition and Defense" to~~
608 ~~the chair, the chair shall file with the clerk the "Recall~~
609 ~~Petition and Defense" which bears the signatures of electors. The~~

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610 clerk shall assemble all signed petitions, check to see that each
611 petition is properly verified by the oath of a witness, and
612 submit such petitions to the county supervisor of elections. Any
613 elector who signs a recall petition has the right to demand in
614 writing that his or her name be stricken from the petition. A
615 written demand signed by the elector shall be filed with the
616 clerk and upon receipt of the demand, the clerk shall strike the
617 name of the elector from the petition and place his or her
618 initials to the side of the signature stricken. However, a
619 signature may not be stricken after the clerk has delivered the
620 "Recall Petition and Defense" to the supervisor for verification
621 of the signatures.

622 (e) Verification of signatures.--Within 30 days after
623 receipt of the signed "Recall Petition and Defense," the
624 supervisor, who shall determine the number of valid signatures,
625 purge the names withdrawn, and certify within 30 days whether 15
626 percent of the qualified electors of the municipality have signed
627 the petitions, and report his or her findings to the governing
628 body. The supervisor shall be paid by the persons or committee
629 seeking verification the sum of 10 cents for each name checked.

630 (f) (i) Reporting.--If the supervisor determines that the
631 requisite number of signatures has not been obtained petitions do
632 not contain the required signatures, the clerk shall, upon
633 receipt of such written determination, certify report such
634 determination fact to the governing body and retain file the
635 petitions. The proceedings shall be terminated, and the
636 petitions shall not again be used. If the supervisor determines
637 that signatures do amount to at least 15 percent of the qualified
638 electors signed the petition, the clerk shall, immediately upon

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639 receipt of such written determination, serve notice of that
640 determination ~~fact~~ upon the person sought to be recalled and
641 deliver to the governing body a certificate as to the percentage
642 of qualified electors ~~voters~~ who signed.

643 (4)~~(2)~~ RECALL ELECTION.--If the person designated in the
644 petition files with the clerk, within 5 days after the last-
645 mentioned notice, his or her written resignation, the clerk shall
646 at once notify the governing body of that fact, and the
647 resignation shall be irrevocable. The governing body shall then
648 proceed to fill the vacancy according to the provisions of the
649 appropriate law. In the absence of a resignation, the chief judge
650 of the judicial circuit in which the municipality is located
651 shall fix a day for holding a recall election for the removal of
652 those not resigning. Any such election shall be held not less
653 than 30 days or more than 60 days after the expiration of the 5-
654 day period last-mentioned and at the same time as any other
655 general or special election held within the period; but if no
656 such election is to be held within that period, the judge shall
657 call a special recall election to be held within the period
658 aforesaid.

659 (5)~~(3)~~ BALLOTS.--The ballots at the recall election shall
660 conform to the following: With respect to each person whose
661 removal is sought, the question shall be submitted: "Shall _____
662 be removed from the office of _____ by recall?" Immediately
663 following each question there shall be printed on the ballots the
664 two propositions in the order here set forth:

665 " (name of person) should be removed from office."

666 " (name of person) should not be removed from office."

667 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

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668 (a) If an election is held for the recall of members
669 elected only at-large, candidates to succeed them for the
670 unexpired terms shall be voted upon at the same election and
671 shall be elected in the same manner as provided by the
672 appropriate law for the election of candidates at general
673 elections. Candidates shall not be elected to succeed any
674 particular member. If only one member is removed, the candidate
675 receiving the highest number of votes shall be declared elected
676 to fill the vacancy. If more than one member is removed,
677 candidates equal in number to the number of members removed shall
678 be declared elected to fill the vacancies; and, among the
679 successful candidates, those receiving the greatest number of
680 votes shall be declared elected for the longest terms. Cases of
681 ties, and all other matters not herein specially provided for,
682 shall be determined by the rules governing elections generally.

683 (b) If an election is held for the recall of members
684 elected only from districts, candidates to succeed them for the
685 unexpired terms shall be voted upon at a special election called
686 by the chief judge of the judicial circuit in which the districts
687 are located not less than 30 days or more than 60 days after the
688 expiration of the recall election. The qualifying period, for
689 purposes of this section, shall be established by the chief judge
690 of the judicial circuit after consultation with the clerk. Any
691 candidate seeking election to fill the unexpired term of a
692 recalled district municipal official shall reside in the district
693 represented by the recalled official and qualify for office in
694 the manner required by law. Each candidate receiving the highest
695 number of votes for each office in the special district recall
696 election shall be declared elected to fill the unexpired term of

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697 the recalled official. Candidates seeking election to fill a
698 vacancy created by the removal of a municipal official shall be
699 subject to the provisions of chapter 106.

700 (c) When an election is held for the recall of members of
701 the governing body composed of both members elected at-large and
702 from districts, candidates to succeed them for the unexpired
703 terms shall be voted upon at a special election as provided in
704 paragraph (b).

705 (d) However, in any recall election held pursuant to
706 paragraph (b) or paragraph (c), if only one member is voted to be
707 removed from office, the vacancy created by the recall shall be
708 filled by the governing body according to the provisions of the
709 appropriate law for filling vacancies.

710 (7)~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the
711 governing body being recalled resigns from office prior to the
712 recall election, the remaining members shall fill the vacancy
713 created according to the appropriate law for filling vacancies.
714 If all of the members of the governing body are sought to be
715 recalled and all of the members resign prior to the recall
716 election, the recall election shall be canceled, and a special
717 election shall be called to fill the unexpired terms of the
718 resigning members. If all of the members of the governing body
719 are sought to be recalled and any of the members resign prior to
720 the recall election, the proceedings for the recall of members
721 not resigning and the election of successors to fill the
722 unexpired terms shall continue and have the same effect as though
723 there had been no resignation.

724 (8)~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall
725 any member of the governing body of a municipality shall be filed

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726 until the member has served one-fourth of his or her term of
727 office. No person removed by a recall, or resigning after a
728 petition has been filed against him or her, shall be eligible to
729 be appointed to the governing body within a period of 2 years
730 after the date of such recall or resignation.

731 (9) RETENTION OF PETITION.--The clerk shall preserve in his
732 or her office all papers comprising or connected with a petition
733 for recall for a period of 2 years after they were filed. ~~This~~
734 ~~method of removing members of the governing body of a~~
735 ~~municipality is in addition to such other methods now or~~
736 ~~hereafter provided by the general laws of this state.~~

737 (10)~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall
738 impersonate another, purposely write his or her name or residence
739 falsely in the signing of any petition for recall or forge any
740 name thereto, or sign any paper with knowledge that he or she is
741 not a qualified elector of the municipality. ~~No expenditures for~~
742 ~~campaigning for or against an officer being recalled shall be~~
743 ~~made until the date on which the recall election is to be held is~~
744 ~~publicly announced. The committee and the officer being recalled~~
745 ~~shall be subject to chapter 106.~~ No person shall employ or pay
746 another to accept employment or payment for circulating or
747 witnessing a recall petition. Any person violating any of the
748 provisions of this section commits ~~shall be deemed guilty of a~~
749 ~~misdemeanor of the second degree and shall, upon conviction, be~~
750 ~~punished as provided by law.~~

751 (11)~~(8)~~ INTENT.--It is the intent of the Legislature that
752 the recall procedures provided in this act shall be uniform
753 statewide. Therefore, all municipal charter and special law
754 provisions which are contrary to the provisions of this act are

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755 hereby repealed to the extent of this conflict.

756 (12)~~(9)~~ PROVISIONS APPLICABLE.--The provisions of this act
757 shall apply to cities and charter counties whether or not they
758 have adopted recall provisions.

759 Section 14. Effective July 1, 2008, subsections (3), (4),
760 and (6) of section 100.371, Florida Statutes, are amended to
761 read:

762 100.371 Initiatives; procedure for placement on ballot.--

763 (3) An initiative petition form circulated for signature
764 may not be bundled with or attached to any other petition. Each
765 signature shall be dated when made and shall be valid for a
766 period of 4 years following such date, provided all other
767 requirements of law are met. The sponsor shall submit signed and
768 dated forms to the appropriate supervisor of elections for
769 verification as to the number of registered electors whose valid
770 signatures appear thereon. The supervisor shall promptly verify
771 the signatures within 30 days of receipt of the petition forms
772 and payment of the fee required by s. 99.097. The supervisor
773 shall promptly record ~~in the statewide voter registration system,~~
774 in the manner prescribed by the Secretary of State, the date each
775 form is received by the supervisor, and the date the signature on
776 the form is verified as valid. The supervisor may verify that the
777 signature on a form is valid only if:

778 (a) The form contains the original signature of the
779 purported elector.

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

782 (c) The form accurately sets forth the purported elector's
783 name, street address, county, and voter registration number or

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784 date of birth.

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

788
789 The supervisor shall retain the signature forms for at least 1
790 year following the election in which the issue appeared on the
791 ballot or until the Division of Elections notifies the
792 supervisors of elections that the committee which circulated the
793 petition is no longer seeking to obtain ballot position.

794 (4) The Secretary of State shall determine from the
795 signatures verified by the supervisors of elections ~~and recorded~~
796 ~~in the statewide voter registration system~~ the total number of
797 verified valid signatures and the distribution of such signatures
798 by congressional districts. Upon a determination that the
799 requisite number and distribution of valid signatures have been
800 obtained, the secretary shall issue a certificate of ballot
801 position for that proposed amendment and shall assign a
802 designating number pursuant to s. 101.161.

803 (6) (a) An elector's signature on a petition form may be
804 revoked within 150 days of the date on which he or she signed the
805 petition form by submitting to the appropriate supervisor of
806 elections a signed petition-revocation form ~~adopted by rule for~~
807 ~~this purpose by the division.~~

808 (b) The petition-revocation form and the manner in which
809 signatures are obtained, submitted, and verified shall be subject
810 to the same relevant requirements and timeframes as the
811 corresponding petition form and processes under this code and
812 shall be approved by the Secretary of State before any signature

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813 on a petition-revocation form is obtained.

814 (c) In those circumstances in which a petition-revocation
815 form for a corresponding initiative petition has not been
816 submitted and approved, an elector may complete and submit a
817 standard petition-revocation form directly to the supervisor of
818 elections. All other requirements and processes apply for the
819 submission and verification of the signatures as for initiative
820 petitions.

821 (d) Supervisors of elections shall provide petition-
822 revocation forms to the public at all main and branch offices.

823 (e)~~(d)~~ The petition-revocation form shall be filed with the
824 supervisor of elections by February 1 preceding the next general
825 election or, if the initiative amendment is not certified for
826 ballot position in that election, by February 1 preceding the
827 next successive general election. The supervisor of elections
828 shall promptly verify the signature on the petition-revocation
829 form and process such revocation upon payment, in advance, of a
830 fee of 10 cents or the actual cost of verifying such signature,
831 whichever is less. The supervisor shall promptly record each
832 valid and verified signature on a petition-revocation form ~~in the~~
833 ~~statewide voter registration system~~ in the manner prescribed by
834 the Secretary of State.

835 (f) The division shall adopt by rule the petition-
836 revocation forms to be used under this subsection.

837 Section 15. Section 101.041, Florida Statutes, is amended
838 to read:

839 101.041 Secret voting.--In all elections held on any
840 subject which may be submitted to a vote, and for all or any
841 state, county, district, or municipal officers, the voting shall

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842 | be by secret, official ballot ~~printed and distributed~~ as provided
843 | by this code, and no vote shall be received or counted in any
844 | election, except as prescribed by this code.

845 | Section 16. Section 101.045, Florida Statutes, is amended
846 | to read:

847 | 101.045 Electors must be registered in precinct; provisions
848 | for change of residence or name ~~change~~.--

849 | (1) No person shall be permitted to vote in any election
850 | precinct or district other than the one in which the person has
851 | his or her legal residence and in which the person is registered.
852 | However, a person temporarily residing outside the county shall
853 | be registered in the precinct in which the main office of the
854 | supervisor, as designated by the supervisor, is located when the
855 | person has no permanent address in the county and it is the
856 | person's intention to remain a resident of Florida and of the
857 | county in which he or she is registered to vote. Such persons who
858 | are registered in the precinct in which the main office of the
859 | supervisor, as designated by the supervisor, is located and who
860 | are residing outside the county with no permanent address in the
861 | county shall not be registered electors of a municipality and
862 | therefore shall not be permitted to vote in any municipal
863 | election.

864 | (2) (a) An elector who moves from the precinct in which the
865 | elector is registered may be permitted to vote in the precinct to
866 | which he or she has moved his or her legal residence, provided
867 | such elector completes an affirmation in substantially the
868 | following form:

869 |
870 | Change of Legal Residence of Registered

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871 | Voter

872 |

873 | Under penalties for false swearing, I, (Name of voter) , swear
874 | (or affirm) that the former address of my legal residence was
875 | (Address of legal residence) in the municipality of _____, in
876 | _____ County, Florida, and I was registered to vote in the _____
877 | precinct of _____ County, Florida; that I have not voted in the
878 | precinct of my former registration in this election; that I now
879 | reside at (Address of legal residence) in the Municipality of
880 | _____, in _____ County, Florida, and am therefore eligible to
881 | vote in the _____ precinct of _____ County, Florida; and I
882 | further swear (or affirm) that I am otherwise legally registered
883 | and entitled to vote.

884 |

885 | (Signature of voter whose address of legal residence has
886 | changed)

887 | (b) An elector whose name changes because of marriage or
888 | other legal process may be permitted to vote, provided such
889 | elector completes an affirmation in substantially the following
890 | form:

891 |

892 | Change of Name of Registered

893 | Voter

894 |

895 | Under penalties for false swearing, I, (New name of voter) ,
896 | swear (or affirm) that my name has been changed because of
897 | marriage or other legal process. My former name and address of
898 | legal residence appear on the registration records of precinct
899 | _____ as follows:

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900 Name
901 Address
902 Municipality
903 County
904 Florida, Zip
905 My present name and address of legal residence are as follows:

906 Name
907 Address
908 Municipality
909 County
910 Florida, Zip

911 and I further swear (or affirm) that I am otherwise legally
912 registered and entitled to vote.

913

914 (Signature of voter whose name has changed)

915 (c) Instead of the affirmation contained in paragraph (a)
916 or paragraph (b), an elector may complete a voter registration
917 application that indicates the change of name or change of
918 address of legal residence.

919 (d) Such affirmation or application, when completed and
920 presented at the precinct in which such elector is entitled to
921 vote, and upon verification of the elector's registration, shall
922 entitle such elector to vote as provided in this subsection. If
923 the elector's eligibility to vote cannot be determined, he or she
924 shall be entitled to vote a provisional ballot, subject to the
925 requirements and procedures in s. 101.048. Upon receipt of an
926 affirmation or application certifying a change in address of
927 legal residence or name, the supervisor shall as soon as
928 practicable make the necessary changes in the statewide voter

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929 registration system to indicate the change in address of legal
930 residence or name of such elector.

931 ~~(d) Instead of the affirmation contained in paragraph (a)~~
932 ~~or paragraph (b), an elector may complete a voter registration~~
933 ~~application that indicates the change of name or change of~~
934 ~~address of legal residence.~~

935 Section 17. Section 101.111, Florida Statutes, is amended
936 to read:

937 101.111 Person desiring to vote may be challenged;
938 challenger to execute oath; oath of person challenged;
939 determination of challenge.--

940 (1) (a) Any registered elector or poll watcher of a county
941 may challenge the right of a person to vote in that county. ~~When~~
942 ~~the right to vote of any person who desires to vote is challenged~~
943 ~~by any elector or poll watcher,~~ The challenge must be in ~~shall be~~
944 ~~reduced to writing and contain the following oath with an oath as~~
945 ~~provided in this section, giving reasons for the challenge, which~~
946 ~~shall be delivered to the clerk or inspector. Any elector or poll~~
947 ~~watcher challenging the right of a person to vote shall execute~~
948 ~~the oath set forth below:~~

949
950 OATH OF PERSON ENTERING CHALLENGE

951
952 State of Florida
953 County of _____

954
955 I do solemnly swear or affirm that my name is _____; that I am a
956 member of the _____ Party; that I am a registered voter or
957 pollwatcher; that my residence address is _____, in the

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958 municipality of _____; and that I have reason to believe that
 959 _____ is attempting to vote illegally and the reasons for my
 960 belief are set forth herein to wit:

961 (Signature of person challenging voter)

962

963 Sworn and subscribed to before me this _____ day of _____,
 964 (year) .

965 (Clerk of election)

966 (b)(2) The clerk or inspector shall immediately deliver to
 967 the challenged person a copy of the oath of the person entering
 968 the challenge, and the challenged voter shall be allowed to cast
 969 a provisional ballot in accordance with s. 101.048.

970 (c)(3) Alternatively, a challenge in accordance with this
 971 section may be filed in advance with the supervisor of elections
 972 no ~~Any elector or poll watcher may challenge the right of any~~
 973 ~~voter to vote not~~ sooner than 30 days before an election ~~by~~
 974 ~~filing a completed copy of the oath contained in subsection (1)~~
 975 ~~to the supervisor of election's office.~~ The supervisor shall
 976 promptly provide the election board in the challenged voter's
 977 precinct with a copy of the oath of the person entering the
 978 challenge. The challenged voter shall be allowed ~~permitted~~ to
 979 cast a provisional ballot in accordance with s. 101.048.

980 (2)(4) Any elector or poll watcher filing a frivolous
 981 challenge of any person's right to vote commits a misdemeanor of
 982 the first degree, punishable as provided in s. 775.082 or s.
 983 775.083; however, electors or poll watchers shall not be subject
 984 to liability for any action taken in good faith and in
 985 furtherance of any activity or duty permitted of such electors or
 986 poll watchers by law. Each instance where any elector or poll

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987 | watcher files a frivolous challenge of any person's right to vote
988 | constitutes a separate offense.

989 | Section 18. Section 101.23, Florida Statutes, is amended to
990 | read:

991 | 101.23 Election inspector to keep list of those voting.--

992 | ~~(1)~~ When any person has been admitted to vote, the person's
993 | name shall be checked by the clerk or one of the inspectors at
994 | the place indicated upon the registration books or voter history
995 | form provided by the supervisor. One of the inspectors shall, at
996 | the same time, keep a poll list containing names of electors who
997 | have voted or a list of registered electors, on which those
998 | electors who have voted are indicated. Such lists shall be
999 | available for inspection during regular voting hours by poll
1000 | watchers designated and appointed pursuant to s. 101.131, except
1001 | that the election inspector may regulate access to the lists so
1002 | as to ensure that such inspection does not unreasonably interfere
1003 | with the orderly operation of the polling place.

1004 | ~~(2) The inspectors shall prevent any person from voting a
1005 | second time when they have reason to believe that the person has
1006 | voted. They shall refuse to allow any person to vote who is not a
1007 | qualified elector or who has become disqualified to vote in the
1008 | precinct, and may prevent any elector from consuming more than 5
1009 | minutes in voting.~~

1010 | Section 19. Effective July 1, 2008, subsection (1) of
1011 | section 101.51, Florida Statutes, is amended to read:

1012 | 101.51 Electors to occupy booth alone.--

1013 | (1) When the elector presents himself or herself to vote,
1014 | an ~~the~~ election official shall ascertain whether the elector's
1015 | name is upon the register of electors, and, if the elector's name

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1016 ~~appears and no challenge interposes, or, if interposed, be not~~
1017 ~~sustained, one of the election official officials stationed at~~
1018 ~~the entrance shall announce the name of the elector and permit~~
1019 ~~the elector him or her to enter the booth or compartment to cast~~
1020 his or her vote, allowing only one elector at a time to pass
1021 through to vote. An elector, while casting his or her ballot, may
1022 not occupy a booth or compartment already occupied or speak with
1023 anyone, except as provided by s. 101.051.

1024 Section 20. Effective July 1, 2008, paragraph (a) of
1025 subsection (2) of section 101.5608, Florida Statutes, is amended
1026 to read:

1027 101.5608 Voting by electronic or electromechanical method;
1028 procedures.--

1029 (2) When an electronic or electromechanical voting system
1030 utilizes a ballot card or marksense ballot, the following
1031 procedures shall be followed:

1032 (a) After receiving a ballot from an inspector, the elector
1033 shall, without leaving the polling place, retire to a booth or
1034 compartment and mark the ballot. After marking ~~preparing~~ his or
1035 her ballot, the elector shall place the ballot in a secrecy
1036 envelope ~~with the stub exposed or shall fold over that portion on~~
1037 ~~which write-in votes may be cast, as instructed,~~ so that the
1038 ballot will be deposited in the tabulator ~~ballot box~~ without
1039 exposing the voter's choices. ~~Before the ballot is deposited in~~
1040 ~~the ballot box, the inspector shall detach the exposed stub and~~
1041 ~~place it in a separate envelope for audit purposes; when a fold-~~
1042 ~~over ballot is used, the entire ballot shall be placed in the~~
1043 ~~ballot box.~~

1044 Section 21. Effective July 1, 2008, subsection (2) of

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1045 section 101.6102, Florida Statutes, is amended to read:

1046 101.6102 Mail ballot elections; limitations.--

1047 (2) Except as provided in s. 101.733(1), the following
1048 elections may not be conducted by mail ballot:

1049 (a) An election at which any candidate is nominated,
1050 elected, retained, or recalled; or

1051 (b) An election held on the same date as another election,
1052 other than a mail ballot election, in which the qualified
1053 electors of that political subdivision are eligible to cast
1054 ballots.

1055 Section 22. Subsection (2) of section 101.6923, Florida
1056 Statutes, is amended to read:

1057 101.6923 Special absentee ballot instructions for certain
1058 first-time voters.--

1059 (2) A voter covered by this section shall be provided with
1060 printed instructions with his or her absentee ballot in
1061 substantially the following form:

1062

1063

1064 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

1065 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
1066 COUNT.

1067

1068 1. In order to ensure that your absentee ballot will be
1069 counted, it should be completed and returned as soon as possible
1070 so that it can reach the supervisor of elections of the county in
1071 which your precinct is located no later than 7 p.m. on the date
1072 of the election.

1073 2. Mark your ballot in secret as instructed on the ballot.

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1074 You must mark your own ballot unless you are unable to do so
1075 because of blindness, disability, or inability to read or write.

1076 3. Mark only the number of candidates or issue choices for
1077 a race as indicated on the ballot. If you are allowed to "Vote
1078 for One" candidate and you vote for more than one, your vote in
1079 that race will not be counted.

1080 4. Place your marked ballot in the enclosed secrecy
1081 envelope and seal the envelope.

1082 5. Insert the secrecy envelope into the enclosed envelope
1083 bearing the Voter's Certificate. Seal the envelope and completely
1084 fill out the Voter's Certificate on the back of the envelope.

1085 a. You must sign your name on the line above (Voter's
1086 Signature).

1087 b. If you are an overseas voter, you must include the date
1088 you signed the Voter's Certificate on the line above (Date) or
1089 your ballot may not be counted.

1090 6. Unless you meet one of the exemptions in Item 7., you
1091 must make a copy of one of the following forms of identification:

1092 a. Identification which must include your name and
1093 photograph: United States passport; ~~employee badge or~~
1094 ~~identification; buyer's club identification card;~~ debit or credit
1095 card; military identification; student identification; retirement
1096 center identification; neighborhood association identification;
1097 or public assistance identification; or

1098 b. Identification which shows your name and current
1099 residence address: current utility bill, bank statement,
1100 government check, paycheck, or government document (excluding
1101 voter identification card).

1102 7. The identification requirements of Item 6. do not apply

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1103 if you meet one of the following requirements:

1104 a. You are 65 years of age or older.

1105 b. You have a temporary or permanent physical disability.

1106 c. You are a member of a uniformed service on active duty
1107 who, by reason of such active duty, will be absent from the
1108 county on election day.

1109 d. You are a member of the Merchant Marine who, by reason
1110 of service in the Merchant Marine, will be absent from the county
1111 on election day.

1112 e. You are the spouse or dependent of a member referred to
1113 in paragraph c. or paragraph d. who, by reason of the active duty
1114 or service of the member, will be absent from the county on
1115 election day.

1116 f. You are currently residing outside the United States.

1117 8. Place the envelope bearing the Voter's Certificate into
1118 the mailing envelope addressed to the supervisor. Insert a copy
1119 of your identification in the mailing envelope. DO NOT PUT YOUR
1120 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1121 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1122 BALLOT WILL NOT COUNT.

1123 9. Mail, deliver, or have delivered the completed mailing
1124 envelope. Be sure there is sufficient postage if mailed.

1125 10. FELONY NOTICE. It is a felony under Florida law to
1126 accept any gift, payment, or gratuity in exchange for your vote
1127 for a candidate. It is also a felony under Florida law to vote in
1128 an election using a false identity or false address, or under any
1129 other circumstances making your ballot false or fraudulent.

1130 Section 23. Effective July 1, 2008, section 101.733,
1131 Florida Statutes, is amended to read:

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1132 101.733 Election emergency; purpose; elections emergency
1133 contingency plan.--Because of the existing and continuing
1134 possibility of an emergency or common disaster occurring before
1135 or during a regularly scheduled or special election, and in order
1136 to ensure maximum citizen participation in the electoral process
1137 and provide a safe and orderly procedure for persons seeking to
1138 exercise their right to vote, generally to minimize to whatever
1139 degree possible a person's exposure to danger during declared
1140 states of emergency, and to protect the integrity of the
1141 electoral process, it is hereby found and declared to be
1142 necessary to designate a procedure for the emergency suspension
1143 or delay and rescheduling of elections.

1144 (1) The Governor may, upon issuance of an executive order
1145 declaring a state of emergency or impending emergency, suspend
1146 any election, ~~or~~ delay any election, or call for a mail ballot
1147 election. The Governor may take such action independently or at
1148 the request of the Secretary of State, a supervisor of elections
1149 from a county affected by the emergency circumstances, or a
1150 municipal clerk from a municipality affected by the emergency
1151 circumstances.

1152 (2) The Governor, upon consultation with the Secretary of
1153 State, shall reschedule any election suspended or delayed due to
1154 an emergency. The election shall be held within 10 days after the
1155 date of the suspended or delayed election or as soon thereafter
1156 as is practicable. Notice of the election shall be provided in
1157 any reasonable manner to include, where practicable, publication
1158 ~~published~~ at least once in a newspaper of general circulation in
1159 the affected area and, ~~where practicable,~~ broadcast as a public
1160 service announcement on radio and television stations at least 1

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1161 week prior to the date the election is to be held.

1162 (3) The Division of Elections of the Department of State
1163 shall adopt, by rule, an elections emergency contingency plan,
1164 which shall contain goals and policies that give specific
1165 direction to state and local elections officials when an election
1166 has been suspended, an election has been ~~or~~ delayed, or a mail
1167 ballot election has been called due to an emergency. The
1168 contingency plan shall be statewide in scope and shall address,
1169 but not be limited to, the following concerns:

1170 (a) Providing a procedure and timelines for state and local
1171 elections officials to follow when an election has been suspended
1172 or delayed or a mail ballot election has been called to ensure
1173 notice of the suspended, delayed, or mail ballot election
1174 ~~suspension or delay~~ to the proper authorities, the electorate,
1175 the communications media, poll workers, and the custodians of
1176 polling places.

1177 (b) Providing a procedure for the orderly conduct of a
1178 rescheduled election or a mail ballot election, whether
1179 municipal, county, district, or statewide in scope; coordinating
1180 those efforts with the appropriate elections official, and the
1181 members of the governing body holding such election, if
1182 appropriate; and working with the appropriate emergency
1183 management officials in determining the safety of existing
1184 polling places or designating additional polling places.

1185 (c) Providing a procedure for the release and certification
1186 of election returns to the department for elections suspended or
1187 delayed and subsequently rescheduled or for mail ballot elections
1188 under the provisions of ss. 101.731-101.74.

1189 Section 24. Effective July 1, 2008, subsection (3) of

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1190 section 101.75, Florida Statutes, is amended to read:

1191 101.75 Municipal elections; change of dates for cause.--

1192 (3) Notwithstanding any provision of local law or municipal
1193 charter, ~~for any municipality whose election is scheduled to be~~
1194 ~~held in March 2008~~, the governing body of a ~~the~~ municipality,
1195 ~~notwithstanding any municipal charter provision~~, may, by
1196 ordinance, move the date of any ~~the general~~ municipal election ~~in~~
1197 ~~2008 and in each subsequent year that is a multiple of 4 to a~~ the
1198 date concurrent with any statewide or countywide election ~~the~~
1199 ~~presidential preference primary~~. The dates for qualifying for the
1200 ~~general municipal~~ election moved by the passage of such ~~an~~
1201 ordinance shall be specifically provided for in the ordinance and
1202 shall run for no less than 14 days. The term of office for any
1203 elected municipal official shall commence as provided by the
1204 relevant municipal charter or ordinance, ~~and the term of office~~
1205 ~~for any elected municipal official whose term was due to expire~~
1206 ~~in March 2008 shall expire as provided by the relevant municipal~~
1207 ~~charter or ordinance~~.

1208 Section 25. Effective July 1, 2008, subsection (7) of
1209 section 102.014, Florida Statutes, is amended to read:

1210 102.014 Poll worker recruitment and training.--

1211 (7) The Department of State shall develop a mandatory,
1212 statewide, and uniform program for training poll workers on
1213 issues of etiquette and sensitivity with respect to voters having
1214 a disability. ~~The program must consist of approximately 1 hour of~~
1215 ~~the required number of hours set forth in paragraph (4)(a)~~. The
1216 program must be conducted locally by each supervisor of
1217 elections, and ~~who shall periodically certify to the Department~~
1218 ~~of State whether~~ each poll worker must complete ~~has completed~~ the

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1219 | program before working during the current election cycle. The
1220 | supervisor of elections shall contract with a recognized
1221 | disability-related organization, such as a center for independent
1222 | living, family network on disabilities, deaf service bureau, or
1223 | other such organization, to develop and assist with training the
1224 | trainers in the disability sensitivity programs. The program must
1225 | include actual demonstrations of obstacles confronted by disabled
1226 | persons during the voting process, including obtaining access to
1227 | the polling place, traveling through the polling area, and using
1228 | the voting system.

1229 | Section 26. Effective July 1, 2008, paragraph (b) of
1230 | subsection (4) of section 102.031, Florida Statutes, is amended
1231 | to read:

1232 | 102.031 Maintenance of good order at polls; authorities;
1233 | persons allowed in polling rooms and early voting areas; unlawful
1234 | solicitation of voters.--

1235 | (4)

1236 | (b) For the purpose of this subsection, the terms ~~term~~
1237 | "solicit" or "solicitation" shall include, but not be limited to,
1238 | seeking or attempting to seek any vote, fact, opinion, or
1239 | contribution; distributing or attempting to distribute any
1240 | political or campaign material, leaflet, or handout; conducting a
1241 | poll except as specified in this paragraph; seeking or attempting
1242 | to seek a signature on any petition; and selling or attempting to
1243 | sell any item. The terms "solicit" or "solicitation" shall not be
1244 | construed to prohibit exit polling.

1245 | Section 27. Effective July 1, 2008, subsection (1) of
1246 | section 102.112, Florida Statutes, is amended to read:

1247 | 102.112 Deadline for submission of county returns to the

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1248 Department of State.--

1249 (1) The county canvassing board or a majority thereof shall
1250 file the county returns for the election of a federal or state
1251 officer with the Department of State immediately after
1252 certification of the election results. The returns must contain a
1253 certification by the canvassing board that the board has compared
1254 ~~reconciled~~ the number of persons who voted with the number of
1255 ballots counted and that the certification includes all valid
1256 votes cast in the election.

1257 Section 28. Subsection (2) of section 103.101, Florida
1258 Statutes, is amended to read:

1259 103.101 Presidential preference primary.--

1260 (2) (a) There shall be a Presidential Candidate Selection
1261 Committee composed of the Secretary of State, who shall be a
1262 nonvoting chair; the Speaker of the House of Representatives; the
1263 President of the Senate; the minority leader of each house of the
1264 Legislature; and the chair of each political party required to
1265 have a presidential preference primary under this section.

1266 (b) ~~(a)~~ By October 31 of the year preceding the presidential
1267 preference primary, each political party shall submit to the
1268 Secretary of State a list of its presidential candidates to be
1269 placed on the presidential preference primary ballot or
1270 candidates entitled to have delegates appear on the presidential
1271 preference primary ballot. The Secretary of State shall prepare
1272 and publish a list of the names of the presidential candidates
1273 submitted. The Secretary of State shall submit such list of names
1274 of presidential candidates to the selection committee on the
1275 first Tuesday after the first Monday in November of the year
1276 preceding the presidential preference primary. Each person

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1277 designated as a presidential candidate shall have his or her name
1278 appear, or have his or her delegates' names appear, on the
1279 presidential preference primary ballot unless all committee
1280 members of the same political party as the candidate agree to
1281 delete such candidate's name from the ballot.

1282 (c) The selection committee shall meet in Tallahassee on
1283 the first Tuesday after the first Monday in November of the year
1284 preceding the presidential preference primary. The selection
1285 committee shall publicly announce and submit to the Department of
1286 State no later than 5 p.m. on the following day the names of
1287 presidential candidates who shall have their names appear, or who
1288 are entitled to have their delegates' names appear, on the
1289 presidential preference primary ballot. The Department of State
1290 shall immediately notify each presidential candidate designated
1291 by the committee. Such notification shall be in writing, by
1292 registered mail, with return receipt requested.

1293 ~~(b) Any presidential candidate whose name does not appear~~
1294 ~~on the list submitted to the Secretary of State may request that~~
1295 ~~the selection committee place his or her name on the ballot. Such~~
1296 ~~request shall be made in writing to the Secretary of State no~~
1297 ~~later than the second Tuesday after the first Monday in November~~
1298 ~~of the year preceding the presidential preference primary.~~

1299 ~~(c) If a presidential candidate makes a request that the~~
1300 ~~selection committee reconsider placing the candidate's name on~~
1301 ~~the ballot, the selection committee will reconvene no later than~~
1302 ~~the second Thursday after the first Monday in November of the~~
1303 ~~year preceding the presidential preference primary to reconsider~~
1304 ~~placing the candidate's name on the ballot. The Department of~~
1305 ~~State shall immediately notify such candidate of the selection~~

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1306 ~~committee's decision.~~

1307 Section 29. Paragraph (c) of subsection (3) of section
1308 190.006, Florida Statutes, is amended to read:

1309 190.006 Board of supervisors; members and meetings.--

1310 (3)

1311 (c) Candidates seeking election to office by qualified
1312 electors under this subsection shall conduct their campaigns in
1313 accordance with the provisions of chapter 106 and shall file
1314 qualifying papers and qualify for individual seats in accordance
1315 with s. 99.061. ~~Candidates shall pay a qualifying fee, which
1316 shall consist of a filing fee and an election assessment or, as
1317 an alternative, shall file a petition signed by not less than 1
1318 percent of the registered voters of the district, and take the
1319 oath required in s. 99.021, with the supervisor of elections in
1320 the county affected by such candidacy. The amount of the filing
1321 fee is 3 percent of \$4,800; however, if the electors have
1322 provided for compensation pursuant to subsection (8), the amount
1323 of the filing fee is 3 percent of the maximum annual compensation
1324 so provided. The amount of the election assessment is 1 percent
1325 of \$4,800; however, if the electors have provided for
1326 compensation pursuant to subsection (8), the amount of the
1327 election assessment is 1 percent of the maximum annual
1328 compensation so provided. The filing fee and election assessment
1329 shall be distributed as provided in s. 105.031(3).~~

1330 Section 30. Paragraph (a) of subsection (2) and paragraph
1331 (b) of subsection (8) of section 106.07, Florida Statutes, are
1332 amended to read:

1333 106.07 Reports; certification and filing.--

1334 (2) (a) 1. All reports required of a candidate by this

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1335 section shall be filed with the officer before whom the candidate
1336 is required by law to qualify. All candidates who file with the
1337 Department of State shall file their reports pursuant to s.
1338 106.0705. Except as provided in s. 106.0705, reports shall be
1339 filed not later than 5 p.m. of the day designated; however, any
1340 report postmarked by the United States Postal Service no later
1341 than midnight of the day designated shall be deemed to have been
1342 filed in a timely manner. Any report received by the filing
1343 officer within 5 days after the designated due date that was
1344 delivered by the United States Postal Service shall be deemed
1345 timely filed unless it has a postmark that indicates that the
1346 report was mailed after the designated due date. A certificate of
1347 mailing obtained from and dated by the United States Postal
1348 Service at the time of mailing, or a receipt from an established
1349 courier company, which bears a date on or before the date on
1350 which the report is due, shall be proof of mailing in a timely
1351 manner. Reports shall contain information of all previously
1352 unreported contributions received and expenditures made as of the
1353 preceding Friday, except that the report filed on the Friday
1354 immediately preceding the election shall contain information of
1355 all previously unreported contributions received and expenditures
1356 made as of the day preceding that designated due date. All such
1357 reports shall be open to public inspection.

1358 2. This subsection does not prohibit the governing body of
1359 a political subdivision, by ordinance or resolution, from
1360 imposing upon its own officers and candidates electronic filing
1361 requirements not in conflict with s. 106.0705. Expenditure of
1362 public funds for such purpose is deemed to be for a valid public
1363 purpose.

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1364 (8)

1365 (b) Upon determining that a report is late, the filing

1366 officer shall immediately notify the candidate or chair of the

1367 political committee as to the failure to file a report by the

1368 designated due date and that a fine is being assessed for each

1369 late day. The fine shall be \$50 per day for the first 3 days late

1370 and, thereafter, \$500 per day for each late day, not to exceed 25

1371 percent of the total receipts or expenditures, whichever is

1372 greater, for the period covered by the late report. However, for

1373 the reports immediately preceding each primary and general

1374 election, the fine shall be \$500 per day for each late day, not

1375 to exceed 25 percent of the total receipts or expenditures,

1376 whichever is greater, for the period covered by the late report.

1377 For reports required under s. 106.141(7), the fine is \$50 per day

1378 for each late day, not to exceed 25 percent of the total receipts

1379 or expenditures, whichever is greater, for the period covered by

1380 the late report. Upon receipt of the report, the filing officer

1381 shall determine the amount of the fine which is due and shall

1382 notify the candidate or chair. The filing officer shall determine

1383 the amount of the fine due based upon the earliest of the

1384 following:

- 1385 1. When the report is actually received by such officer.
- 1386 2. When the report is postmarked.
- 1387 3. When the certificate of mailing is dated.
- 1388 4. When the receipt from an established courier company is
- 1389 dated.
- 1390 5. When the electronic receipt issued pursuant to s.
- 1391 106.0705 or other electronic filing system authorized in this
- 1392 section is dated.

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1393
1394 Such fine shall be paid to the filing officer within 20 days
1395 after receipt of the notice of payment due, unless appeal is made
1396 to the Florida Elections Commission pursuant to paragraph (c). In
1397 the case of a candidate, such fine shall not be an allowable
1398 campaign expenditure and shall be paid only from personal funds
1399 of the candidate. An officer or member of a political committee
1400 shall not be personally liable for such fine.

1401 Section 31. Except as otherwise expressly provided in this
1402 act and except for this section, which shall take effect upon
1403 becoming a law, this act shall take effect January 1, 2009.