

By Senator Soto

14-00230-13

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.0575,
3 F.S.; revising provisions regulating third-party voter
4 registration organizations; prescribing information
5 that must be submitted to the Division of Elections
6 before voter registration activities may be conducted;
7 providing that the failure to submit the required
8 information does not subject an organization to civil
9 or criminal penalties; deleting a provision that
10 requires the delivery of voter registration
11 applications within a specified time period; providing
12 fines; providing for reduction and waiver of fines;
13 providing for the investigation of violations and the
14 enforcement of fines; providing for appropriation and
15 use of collected fines; authorizing the division to
16 adopt rules; amending s. 99.021, F.S.; revising the
17 oath that a candidate must sign when seeking to
18 qualify for nomination as a candidate of any political
19 party; reducing the amount of time that a candidate
20 must state that he or she has not been a registered
21 member or candidate for nomination for any other
22 political party before qualifying for office; amending
23 s. 101.045, F.S.; permitting an elector to vote a
24 regular ballot at the polling place in the precinct to
25 which he or she has moved by completing an affirmation
26 containing certain information; deleting a requirement
27 that the elector's change of residence must occur
28 within the same county for the elector to be able to
29 vote in the new precinct; amending s. 101.161, F.S.;

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30 revising provisions relating to ballot statements;
31 deleting a provision that authorizes the placement of
32 the full text of a proposed constitutional amendment
33 or revision on a ballot; requiring a court to remove a
34 proposed amendment from the ballot once all ballot
35 statements are determined to be defective and all
36 other appeals are declined, abandoned, or exhausted;
37 deleting authority granted to the Attorney General to
38 revise a ballot title or ballot summary; deleting a
39 court's authority to retain jurisdiction over certain
40 ballot challenges; deleting a legal presumption for a
41 ballot statement; amending s. 101.657, F.S.; revising
42 provisions relating to early voting; expanding the
43 list of available early voting sites; providing
44 requirements for determining the number of early
45 voting sites each county must operate; increasing the
46 number of days and hours that early voting must be
47 available; amending s. 102.168, F.S.; increasing the
48 evidence that a circuit court may consider when
49 reviewing a canvassing board's decision concerning the
50 legality of an absentee ballot that involves an
51 elector's signature; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 97.0575, Florida Statutes, is amended to
56 read:

57 97.0575 Third-party voter registrations.—

58 (1) Before engaging in any voter registration activities, a

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59 third-party voter registration organization shall name a
60 registered agent in the state and submit to the division, in a
61 form adopted by the division, the name of the registered agent
62 and the name of those individuals responsible for the day-to-day
63 operation of the third-party voter registration organization,
64 including, if applicable, the names of the entity's board of
65 directors, president, vice president, managing partner, or such
66 other individuals engaged in similar duties or functions. On or
67 before the 15th day after the end of each calendar quarter, each
68 third-party voter registration organization shall submit to the
69 division a report providing the date and location of any
70 organized voter registration drive conducted by the organization
71 during the previous calendar quarter.

72 (2) A third-party voter registration organization that
73 fails to submit the information required by subsection (1) is
74 not subject to any civil or criminal penalties for such failure,
75 and the failure to submit such information is not a basis for
76 denying such third-party voter registration organization copies
77 of voter registration application forms.

78 ~~Before engaging in any voter registration activities, a third-~~
79 ~~party voter registration organization must register and provide~~
80 ~~to the division, in an electronic format, the following~~
81 ~~information:~~

82 ~~(a) The names of the officers of the organization and the~~
83 ~~name and permanent address of the organization.~~

84 ~~(b) The name and address of the organization's registered~~
85 ~~agent in the state.~~

86 ~~(c) The names, permanent addresses, and temporary~~
87 ~~addresses, if any, of each registration agent registering~~

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88 ~~persons to vote in this state on behalf of the organization.~~

89 ~~(d) A sworn statement from each registration agent employed~~
90 ~~by or volunteering for the organization stating that the agent~~
91 ~~will obey all state laws and rules regarding the registration of~~
92 ~~voters. Such statement must be on a form containing notice of~~
93 ~~applicable penalties for false registration.~~

94 ~~(2) The division or the supervisor of elections shall make~~
95 ~~voter registration forms available to third-party voter~~
96 ~~registration organizations. All such forms must contain~~
97 ~~information identifying the organization to which the forms are~~
98 ~~provided. The division shall maintain a database of all third-~~
99 ~~party voter registration organizations and the voter~~
100 ~~registration forms assigned to the third-party voter~~
101 ~~registration organization. Each supervisor of elections shall~~
102 ~~provide to the division information on voter registration forms~~
103 ~~assigned to and received from third-party voter registration~~
104 ~~organizations. The information must be provided in a format and~~
105 ~~at times as required by the division by rule. The division must~~
106 ~~update information on third-party voter registrations daily and~~
107 ~~make the information publicly available.~~

108 ~~(3)(a)~~ A third-party voter registration organization that
109 collects voter registration applications serves as a fiduciary
110 to the applicant, ensuring that any voter registration
111 application entrusted to the third-party voter registration
112 organization, irrespective of party affiliation, race,
113 ethnicity, or gender, shall be promptly delivered to the
114 division or the supervisor of elections ~~within 48 hours after~~
115 ~~the applicant completes it or the next business day if the~~
116 ~~appropriate office is closed for that 48-hour period. If a voter~~

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117 registration application collected by any third-party voter
118 registration organization is not promptly delivered to the
119 division or supervisor of elections, the third-party voter
120 registration organization is liable for the following fines:

121 (a)1. A fine in the amount of \$50 for each application
122 received by the division or the supervisor of elections more
123 than 10 days ~~48 hours~~ after the applicant delivered the
124 completed voter registration application to the third-party
125 voter registration organization or any person, entity, or agent
126 acting on its behalf ~~or the next business day, if the office is~~
127 ~~closed~~. A fine in the amount of \$250 for each application
128 received if the third-party voter registration organization or
129 person, entity, or agency acting on its behalf acted willfully.

130 (b)2. A fine in the amount of \$100 for each application
131 collected by a third-party voter registration organization or
132 any person, entity, or agent acting on its behalf, before book
133 closing for any given election for federal or state office and
134 received by the division or the supervisor of elections after
135 the book-closing deadline for such election. A fine in the
136 amount of \$500 for each application received if the third-party
137 registration organization or person, entity, or agency acting on
138 its behalf acted willfully.

139 (c)3. A fine in the amount of \$500 for each application
140 collected by a third-party voter registration organization or
141 any person, entity, or agent acting on its behalf, which is not
142 submitted to the division or supervisor of elections. A fine in
143 the amount of \$1,000 for any application not submitted if the
144 third-party voter registration organization or person, entity,
145 or agency acting on its behalf acted willfully.

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146
147 The aggregate fine pursuant to this subsection ~~paragraph~~ which
148 may be assessed against a third-party voter registration
149 organization, including affiliate organizations, for violations
150 committed in a calendar year is \$1,000.

151 ~~(b) A showing by~~ The fines provided in this subsection
152 shall be reduced by three-fourths in cases in which the third-
153 party voter registration organization has complied with
154 subsection (1) ~~that the failure to deliver the voter~~
155 ~~registration application within the required timeframe is based~~
156 ~~upon force majeure or impossibility of performance shall be an~~
157 ~~affirmative defense to a violation of this subsection. The~~
158 secretary shall ~~may~~ waive the fines described in this subsection
159 upon a showing that the failure to deliver the voter
160 registration application promptly is based upon force majeure or
161 impossibility of performance.

162 ~~(4) If the Secretary of State reasonably believes that a~~
163 ~~person has committed a violation of this section, the secretary~~
164 ~~may refer the matter to the Attorney General for enforcement.~~
165 ~~The Attorney General may institute a civil action for a~~
166 ~~violation of this section or to prevent a violation of this~~
167 ~~section. An action for relief may include a permanent or~~
168 ~~temporary injunction, a restraining order, or any other~~
169 ~~appropriate order.~~

170 (4) (a) (5) The division shall adopt by rule a form to elicit
171 specific information concerning the facts and circumstances from
172 a person who claims to have been registered to vote by a third-
173 party voter registration organization but who does not appear as
174 an active voter on the voter registration rolls. ~~The division~~

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175 ~~shall also adopt rules to ensure the integrity of the~~
176 ~~registration process, including rules requiring third-party~~
177 ~~voter registration organizations to account for all state and~~
178 ~~federal registration forms used by their registration agents.~~
179 ~~Such rules may require an organization to provide organization~~
180 ~~and form specific identification information on each form as~~
181 ~~determined by the department as needed to assist in the~~
182 ~~accounting of state and federal registration forms.~~

183 (b) The division may investigate any violation of this
184 section. Civil fines shall be assessed by the division and
185 enforced through any appropriate legal proceedings.

186 (5)~~(6)~~ The date on which an applicant signs a voter
187 registration application is presumed to be the date on which the
188 third-party voter registration organization received or
189 collected the voter registration application.

190 ~~(7) The requirements of this section are retroactive for~~
191 ~~any third party voter registration organization registered with~~
192 ~~the department on the effective date of this act, and must be~~
193 ~~complied with within 90 days after the department provides~~
194 ~~notice to the third party voter registration organization of the~~
195 ~~requirements contained in this section. Failure of the third-~~
196 ~~party voter registration organization to comply with the~~
197 ~~requirements within 90 days after receipt of the notice shall~~
198 ~~automatically result in the cancellation of the third-party~~
199 ~~voter registration organization's registration.~~

200 (6) The civil fines provided in this section are in
201 addition to any applicable criminal penalties.

202 (7) Fines collected pursuant to this section shall be
203 annually appropriated by the Legislature to the department for

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204 enforcement of this section and for voter education.

205 (8) The division may adopt rules to administer this
206 section.

207 Section 2. Paragraph (b) of subsection (1) of section
208 99.021, Florida Statutes, is amended to read:

209 99.021 Form of candidate oath.—

210 (1)

211 (b) In addition, any person seeking to qualify for
212 nomination as a candidate of any political party shall, at the
213 time of subscribing to the oath or affirmation, state in
214 writing:

215 1. The party of which the person is a member.

216 2. That the person has not been a registered member of any
217 other political party and has not been a candidate for
218 nomination for any other political party for a period of 6
219 months before ~~for 365 days before the beginning of qualifying~~
220 ~~preceding~~ the general election for which the person seeks to
221 qualify.

222 3. That the person has paid the assessment levied against
223 him or her, if any, as a candidate for said office by the
224 executive committee of the party of which he or she is a member.

225 Section 3. Section 101.045, Florida Statutes, is amended to
226 read:

227 101.045 Electors must be registered in precinct; provisions
228 for change of residence or name.—

229 (1) A person is not permitted to vote in any election
230 precinct or district other than the one in which the person has
231 his or her legal residence and in which the person is
232 registered. However, a person temporarily residing outside the

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233 county shall be registered in the precinct in which the main
234 office of the supervisor, as designated by the supervisor, is
235 located when the person has no permanent address in the county
236 and it is the person's intention to remain a resident of Florida
237 and of the county in which he or she is registered to vote. Such
238 persons who are registered in the precinct in which the main
239 office of the supervisor, as designated by the supervisor, is
240 located and who are residing outside the county with no
241 permanent address in the county shall not be registered electors
242 of a municipality and therefore shall not be permitted to vote
243 in any municipal election.

244 (2) (a) An elector who moves from the precinct in which the
245 elector is registered may be permitted to vote in the precinct
246 to which he or she has moved his or her legal residence, if the
247 ~~change of residence is within the same county and the elector~~
248 completes an affirmation in substantially the following form:

249
250 Change of Legal Residence of Registered
251 Voter

252
253 Under penalties for false swearing, I, ...(Name of voter)...,
254 swear (or affirm) that the former address of my legal residence
255 was ...(Address of legal residence)... in the municipality of
256, in County, Florida, and I was registered to vote in
257 the precinct of County, Florida; that I have not voted
258 in the precinct of my former registration in this election; that
259 I now reside at ...(Address of legal residence)... in the
260 Municipality of, in County, Florida, and am therefore
261 eligible to vote in the precinct of County, Florida;

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

264
265 ... (Signature of voter whose address of legal residence has
266 changed)...

267 ~~(b) Except for an active uniformed services voter or a~~
268 ~~member of his or her family, an elector whose change of address~~
269 ~~is from outside the county may not change his or her legal~~
270 ~~residence at the polling place and vote a regular ballot;~~
271 ~~however, such elector is entitled to vote a provisional ballot.~~

272 (b) ~~(e)~~ An elector whose name changes because of marriage or
273 other legal process may be permitted to vote, provided such
274 elector completes an affirmation in substantially the following
275 form:

276
277 Change of Name of Registered
278 Voter
279

280 Under penalties for false swearing, I, ... (New name of
281 voter) ..., swear (or affirm) that my name has been changed
282 because of marriage or other legal process. My former name and
283 address of legal residence appear on the registration records of
284 precinct as follows:

285 Name.....
286 Address.....
287 Municipality.....
288 County.....
289 Florida, Zip.....
290 My present name and address of legal residence are as follows:

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291 Name.....

292 Address.....

293 Municipality.....

294 County.....

295 Florida, Zip.....

296 and I further swear (or affirm) that I am otherwise legally

297 registered and entitled to vote.

298

299 ... (Signature of voter whose name has changed) ...

300

301 (c)~~(d)~~ Instead of the affirmation contained in paragraph

302 (a) or paragraph (b)~~(e)~~, an elector may complete a voter

303 registration application that indicates the change of name or

304 change of address of legal residence.

305 (d)~~(e)~~ Such affirmation or application, when completed and

306 presented at the precinct in which such elector is entitled to

307 vote, and upon verification of the elector's registration, shall

308 entitle such elector to vote as provided in this subsection. If

309 the elector's eligibility to vote cannot be determined, he or

310 she shall be entitled to vote a provisional ballot, subject to

311 the requirements and procedures in s. 101.048. Upon receipt of

312 an affirmation or application certifying a change in address of

313 legal residence or name, the supervisor shall as soon as

314 practicable make the necessary changes in the statewide voter

315 registration system to indicate the change in address of legal

316 residence or name of such elector.

317 Section 4. Subsection (3) of section 101.161, Florida

318 Statutes, is amended to read:

319 101.161 Referenda; ballots.-

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320 (3) (a) Each joint resolution that proposes a constitutional
321 amendment or revision shall include one or more ballot
322 statements set forth in order of priority. Each ballot statement
323 shall consist of a ballot title, by which the measure is
324 commonly referred to or spoken of, not exceeding 15 words in
325 length, and ~~either~~ a ballot summary that describes the chief
326 purpose of the amendment or revision in clear and unambiguous
327 language, ~~or the full text of the amendment or revision.~~ The
328 Department of State shall furnish a designating number pursuant
329 to subsection (2) and the appropriate ballot statement to the
330 supervisor of elections of each county. The ballot statement
331 shall be printed on the ballot after the list of candidates,
332 followed by the word "yes" and also by the word "no," and shall
333 be styled in such a manner that a "yes" vote will indicate
334 approval of the amendment or revision and a "no" vote will
335 indicate rejection.

336 (b)1. Any action for a judicial determination that one or
337 more ballot statements embodied in a joint resolution are
338 defective must be commenced by filing a complaint or petition
339 with the appropriate court within 30 days after the joint
340 resolution is filed with the Secretary of State. The complaint
341 or petition shall assert all grounds for challenge to each
342 ballot statement. Any ground not asserted within 30 days after
343 the joint resolution is filed with the Secretary of State is
344 waived.

345 2. The court, including any appellate court, shall accord
346 an action described in subparagraph 1. priority over other
347 pending cases and render a decision as expeditiously as
348 possible. If the court finds that all ballot statements embodied

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349 in a joint resolution are defective and further appeals are
350 declined, abandoned, or exhausted, the court shall remove the
351 proposed amendment from the ballot unless otherwise provided in
352 the joint resolution, the Attorney General shall, within 10
353 days, prepare and submit to the Department of State a revised
354 ballot title or ballot summary that corrects the deficiencies
355 identified by the court, and the Department of State shall
356 furnish a designating number and the revised ballot title or
357 ballot summary to the supervisor of elections of each county for
358 placement on the ballot. The court shall retain jurisdiction
359 over challenges to a revised ballot title or ballot summary
360 prepared by the Attorney General, and any challenge to a revised
361 ballot title or ballot summary must be filed within 10 days
362 after a revised ballot title or ballot summary is submitted to
363 the Department of State.

364 ~~3. A ballot statement that consists of the full text of an~~
365 ~~amendment or revision shall be presumed to be a clear and~~
366 ~~unambiguous statement of the substance and effect of the~~
367 ~~amendment or revision, providing fair notice to the electors of~~
368 ~~the content of the amendment or revision and sufficiently~~
369 ~~advising electors of the issue upon which they are to vote.~~

370 Section 5. Subsection (1) of section 101.657, Florida
371 Statutes, is amended to read:

372 101.657 Early voting.—

373 (1) (a) As a convenience to the voter, the supervisor of
374 elections shall allow an elector to vote early in the main or
375 branch office of the supervisor and may allow such early voting
376 in any city hall, permanent public library facility, courthouse,
377 place of worship, civic center, community center, county

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378 government center, Florida College System institution facility,
379 state university facility, or college facility. The supervisor
380 shall mark, code, indicate on, or otherwise track the voter's
381 precinct for each early voted ballot. ~~In order for a branch~~
382 ~~office to be used for early voting, it shall be a permanent~~
383 ~~facility of the supervisor and shall have been designated and~~
384 ~~used as such for at least 1 year prior to the election. The~~
385 ~~supervisor may also designate any city hall or permanent public~~
386 ~~library facility as Early voting sites; however, if so~~
387 ~~designated, the sites~~ must be geographically located so as to
388 provide all voters in the county an equal opportunity to cast a
389 ballot, insofar as is practicable. Each county shall operate one
390 early voting site for each complete set of 70,000 registered
391 voters in the county as of July 1 of each general election year.
392 The results or tabulation of votes cast during early voting may
393 not be made before the close of the polls on election day.
394 Results shall be reported by precinct.

395 (b) The supervisor shall designate each early voting site
396 by no later than the 30th day before ~~prior to~~ an election and
397 shall designate an early voting area, as defined in s. 97.021,
398 at each early voting site. ~~The supervisor shall provide to the~~
399 ~~division no later than the 30th day before an election the~~
400 ~~address of each early voting site and the hours that early~~
401 ~~voting will occur at each site.~~

402 (c) All early voting sites in a county shall be open on the
403 same days for the same amount of time and shall allow any person
404 in line at the closing of an early voting site to vote.

405 (d) Early voting shall begin on the 15th ~~10th~~ day before an
406 election ~~that contains state or federal races~~ and end on the 2nd

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407 ~~3rd~~ day before an ~~the~~ election.7 For purposes of a special
408 election held pursuant to s. 100.101, early voting shall begin
409 on the 8th day before the election and end on the 2nd day before
410 the election. Early voting ~~and~~ shall be provided for 8 no less
411 ~~than 6~~ hours ~~and no more than 12 hours~~ per weekday and at least
412 14 hours per day each weekend ~~day~~ at each site during the
413 applicable periods ~~period~~. Early voting sites shall open no
414 earlier than 7 a.m. and close no later than 7 p.m. on each
415 applicable weekday. The supervisor of elections may provide
416 ~~early voting for elections that are not held in conjunction with~~
417 ~~a state or federal election. However, the supervisor has the~~
418 ~~discretion to determine the hours of operation of early voting~~
419 ~~sites in those elections.~~

420 (e) Notwithstanding the requirements of s. 100.3605,
421 municipalities may provide early voting in municipal elections
422 that are not held in conjunction with county or state elections.
423 If a municipality provides early voting, it may designate as
424 many sites as necessary and shall conduct its activities in
425 accordance with the provisions of paragraphs (a)-(c). The
426 supervisor is not required to conduct early voting if it is
427 provided pursuant to this subsection.

428 (f) Notwithstanding the requirements of s. 189.405, special
429 districts may provide early voting in any district election not
430 held in conjunction with county or state elections. If a special
431 district provides early voting, it may designate as many sites
432 as necessary and shall conduct its activities in accordance with
433 the provisions of paragraphs (a)-(c). The supervisor is not
434 required to conduct early voting if it is provided pursuant to
435 this subsection.

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436 Section 6. Subsection (8) of section 102.168, Florida
437 Statutes, is amended to read:

438 102.168 Contest of election.—

439 (8) In any contest that requires a review of the canvassing
440 board's decision on the legality of an absentee ballot pursuant
441 to s. 101.68 based upon a comparison of the signature on the
442 voter's certificate and the signature of the elector in the
443 registration records, the circuit court may ~~not~~ review or
444 consider any sworn testimony by the voter relevant to the
445 ~~evidence other than the signature on the voter's certificate and~~
446 ~~the signature of the elector in the registration records. The~~
447 ~~court's review of such issue shall be to determine only if the~~
448 ~~canvassing board abused its discretion in making its decision.~~

449 Section 7. This act shall take effect January 1, 2014.