



LEGISLATIVE ACTION

Senate

House

Floor: 2/F/2R
04/16/2013 11:56 AM

Senators Smith, Sachs, Braynon, Soto, Montford, Joyner, Ring, Margolis, Abruzzo, Bullard, Thompson, Clemens, Gibson, and Sobel moved the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Subsections (1) and (2) of section 97.041,
6 Florida Statutes, are amended to read:

7 97.041 Qualifications to register or vote.—

8 (1) (a) A person may become a registered voter only if that
9 person:

- 10 1. Is at least 18 years of age;
11 2. Is a citizen of the United States;



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12 3. Is a legal resident of the State of Florida;
13 4. Is a legal resident of the county in which that person
14 seeks to be registered; and

15 5. Registers pursuant to the Florida Election Code.

16 (b) A person who is otherwise qualified may preregister on
17 or after that person's 16th birthday and may vote in any
18 election occurring on or after that person's 18th birthday.

19 (c) A person who has been convicted of a felony by any
20 court of record and has served his or her sentence may
21 preregister to vote and may vote in any election after his or
22 her right to vote has been restored.

23 (2) ~~The following persons, who might be otherwise~~
24 ~~qualified, are not entitled to register or vote:~~

25 (a) A person who has been adjudicated mentally
26 incapacitated with respect to voting in this or any other state
27 and who has not had his or her right to vote restored pursuant
28 to law is not entitled to register to vote.

29 (b) ~~A person who has been convicted of any felony by any~~
30 ~~court of record and who has not had his or her right to vote~~
31 ~~restored pursuant to law.~~

32 Section 2. Subsection (2) of section 97.052, Florida
33 Statutes, is amended to read:

34 97.052 Uniform statewide voter registration application.—

35 (2) The uniform statewide voter registration application
36 must be designed to elicit the following information from the
37 applicant:

38 (a) Last, first, and middle name, including any suffix.

39 (b) Date of birth.

40 (c) Address of legal residence.



- 41 (d) Mailing address, if different.
42 (e) County of legal residence.
43 (f) Race or ethnicity that best describes the applicant:
44 1. American Indian or Alaskan Native.
45 2. Asian or Pacific Islander.
46 3. Black, not Hispanic.
47 4. White, not Hispanic.
48 5. Hispanic.
49 (g) State or country of birth.
50 (h) Sex.
51 (i) Party affiliation.
52 (j) Whether the applicant needs assistance in voting.
53 (k) Name and address where last registered.
54 (l) Last four digits of the applicant's social security
55 number.
56 (m) Florida driver driver's license number or the
57 identification number from a Florida identification card issued
58 under s. 322.051.
59 (n) An indication, if applicable, that the applicant has
60 not been issued a Florida driver driver's license, a Florida
61 identification card, or a social security number.
62 (o) Telephone number (optional).
63 (p) Signature of applicant under penalty for false swearing
64 pursuant to s. 104.011, by which the person subscribes to the
65 oath required by s. 3, Art. VI of the State Constitution and s.
66 97.051, and swears or affirms that the information contained in
67 the registration application is true.
68 (q) Whether the application is being used for initial
69 registration, to update a voter registration record, or to



70 request a replacement voter information card.

71 (r) Whether the applicant is a citizen of the United States
72 by asking the question "Are you a citizen of the United States
73 of America?" and providing boxes for the applicant to check to
74 indicate whether the applicant is or is not a citizen of the
75 United States.

76 (s) Whether the applicant has been convicted of a felony,
77 and, if convicted, has completed his or her sentence ~~had his or~~
78 ~~her civil rights restored~~ by including the statement "I affirm I
79 am not a convicted felon, or, if I am, I have completed my
80 ~~sentence my rights relating to voting have been restored.~~" and
81 providing a box for the applicant to check to affirm the
82 statement.

83 (t) Whether the applicant has been adjudicated mentally
84 incapacitated with respect to voting or, if so adjudicated, has
85 had his or her right to vote restored by including the statement
86 "I affirm I have not been adjudicated mentally incapacitated
87 with respect to voting, or, if I have, my competency has been
88 restored." and providing a box for the applicant to check to
89 affirm the statement.

90
91 The registration application must be in plain language and
92 designed so that convicted felons whose civil rights have been
93 restored and persons who have been adjudicated mentally
94 incapacitated and have had their voting rights restored are not
95 required to reveal their prior conviction or adjudication. In
96 addition, the registration application must indicate that a
97 convicted felon who has completed his or her sentence is
98 entitled to preregister to vote and may vote in any election



99 after his or her right to vote has been restored.

100 Section 3. Paragraph (a) of subsection (5) of section
101 97.053, Florida Statutes, is amended to read:

102 97.053 Acceptance of voter registration applications.—

103 (5) (a) A voter registration application is complete if it
104 contains the following information necessary to establish the
105 applicant's eligibility pursuant to s. 97.041, including:

106 1. The applicant's name.

107 2. The applicant's legal residence address.

108 3. The applicant's date of birth.

109 4. A mark in the checkbox affirming that the applicant is a
110 citizen of the United States.

111 5.a. The applicant's current and valid Florida driver
112 driver's license number or the identification number from a
113 Florida identification card issued under s. 322.051, or

114 b. If the applicant has not been issued a current and valid
115 Florida driver driver's license or a Florida identification
116 card, the last four digits of the applicant's social security
117 number.

118
119 In case an applicant has not been issued a current and valid
120 Florida driver driver's license, Florida identification card, or
121 social security number, the applicant shall affirm this fact in
122 the manner prescribed in the uniform statewide voter
123 registration application.

124 6. A mark in the checkbox affirming that the applicant has
125 not been convicted of a felony or that, if convicted, has
126 completed his or her sentence ~~has had his or her civil rights~~
127 ~~restored~~.



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128 7. A mark in the checkbox affirming that the applicant has
129 not been adjudicated mentally incapacitated with respect to
130 voting or that, if so adjudicated, has had his or her right to
131 vote restored.

132 8. The original signature or a digital signature
133 transmitted by the Department of Highway Safety and Motor
134 Vehicles of the applicant swearing or affirming under the
135 penalty for false swearing pursuant to s. 104.011 that the
136 information contained in the registration application is true
137 and subscribing to the oath required by s. 3, Art. VI of the
138 State Constitution and s. 97.051.

139 Section 4. Section 97.055, Florida Statutes, is amended to
140 read:

141 97.055 Registration books; when closed for an election.—

142 (1) (a) The registration books must be closed on the 5th
143 ~~29th~~ day before each election and must remain closed until after
144 that election. If an election is called and there are fewer than
145 ~~5 29~~ days before that election, the registration books must be
146 closed immediately.

147 (b) Except as provided in paragraph (c), when the
148 registration books are closed for an election, updates to a
149 voter's name, address, and signature pursuant to ss. 98.077 and
150 101.045 shall be the only changes permitted for purposes of the
151 upcoming election. New voter registration applications must be
152 accepted but only for the purpose of subsequent elections.

153 (c) When the registration books are closed for an upcoming
154 election, an update or change to a voter's party affiliation
155 made pursuant to s. 97.1031 shall be permitted for that upcoming
156 election unless such election is for the purpose of nominating a



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157 political party nominee, in which case the update or change
158 shall be permitted only for the purpose of subsequent elections.

159 (2) In computing the 5-day ~~29-day~~ period for the closing of
160 the registration books, the day of the election is excluded and
161 all other days are included. If the 5th ~~29th~~ day preceding an
162 election falls on a Sunday or a legal holiday, the registration
163 books must be closed on the next day that is not a Sunday or a
164 legal holiday.

165 Section 5. Subsection (1) and paragraph (a) of subsection
166 (2) of section 98.045, Florida Statutes, are amended to read:

167 98.045 Administration of voter registration.—

168 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
169 that any eligible applicant for voter registration is registered
170 to vote and that each application for voter registration is
171 processed in accordance with law. The supervisor shall determine
172 whether a voter registration applicant is ineligible based on
173 any of the following:

174 (a) The failure to complete a voter registration
175 application as specified in s. 97.053.

176 (b) The applicant is deceased.

177 ~~(c) The applicant has been convicted of a felony for which
178 his or her civil rights have not been restored.~~

179 ~~(d)~~ The applicant has been adjudicated mentally
180 incapacitated with respect to the right to vote and such right
181 has not been restored.

182 ~~(e)~~ The applicant does not meet the age requirement
183 pursuant to s. 97.041.

184 ~~(f)~~ The applicant is not a United States citizen.

185 ~~(g)~~ The applicant is a fictitious person.



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186 (g) ~~(h)~~ The applicant has provided an address of legal
187 residence that is not his or her legal residence.

188 (h) ~~(i)~~ The applicant has provided a driver ~~driver's~~ license
189 number, Florida identification card number, or the last four
190 digits of a social security number that is not verifiable by the
191 department.

192 (2) REMOVAL OF REGISTERED VOTERS.—

193 (a) Once a voter is registered, the name of that voter may
194 not be removed from the statewide voter registration system
195 except at the written request of the voter, by reason of the
196 voter's conviction of a felony or adjudication as mentally
197 incapacitated with respect to voting, by death of the voter, or
198 pursuant to a registration list maintenance activity conducted
199 pursuant to s. 98.065 or s. 98.075. However, a convicted felon
200 who has served his or her sentence and has preregistered
201 pursuant to s. 97.041(1)(c) may not be removed from the
202 statewide voter registration system.

203 Section 6. Subsections (5) and (6) of section 98.075,
204 Florida Statutes, are amended to read:

205 98.075 Registration records maintenance activities;
206 ineligibility determinations.—

207 (5) FELONY CONVICTION.—The department shall identify those
208 registered voters who have been convicted of a felony and whose
209 rights have not been restored by comparing information received
210 from, but not limited to, a clerk of the circuit court, the
211 Board of Executive Clemency, the Department of Corrections, the
212 Department of Law Enforcement, or a United States Attorney's
213 Office, as provided in s. 98.093. The department shall review
214 such information and make an initial determination as to whether



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215 the information is credible and reliable. If the department
216 determines that the information is credible and reliable, the
217 department shall notify the supervisor and provide a copy of the
218 supporting documentation ~~indicating the potential ineligibility~~
219 ~~of the voter to be registered~~. Upon receipt of the notice that
220 the department has made a determination of initial credibility
221 and reliability, the supervisor shall adhere to the procedures
222 set forth in subsection (7) prior to the removal of a registered
223 voter's name from the statewide voter registration system.

224 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
225 supervisor receives information from sources other than those
226 identified in subsections (2)-(5) that a registered voter is
227 ineligible because he or she is deceased, ~~adjudicated a~~
228 ~~convicted felon without having had his or her civil rights~~
229 ~~restored~~, adjudicated mentally incapacitated without having had
230 his or her voting rights restored, does not meet the age
231 requirement pursuant to s. 97.041, is not a United States
232 citizen, is a fictitious person, or has listed a residence that
233 is not his or her legal residence, the supervisor must adhere to
234 the procedures set forth in subsection (7) before prior to the
235 removal of a registered voter's name from the statewide voter
236 registration system. However, a convicted felon who has served
237 his or her sentence and has preregistered pursuant to s.
238 97.041(1)(c) may not be removed from the statewide voter
239 registration system.

240 Section 7. Section 100.032, Florida Statutes, is created to
241 read:

242 100.032 Election preparation report; general election.—Each
243 supervisor of elections must submit a report to the Secretary of



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244 State at least 3 months before a general election which outlines
245 preparations for the upcoming general election. The report must
246 include, at a minimum, the following elements: the anticipated
247 staffing levels during the early voting period, on election day,
248 and after election day; and the anticipated amount of automatic
249 tabulating equipment at each early voting site and polling
250 place.

251 Section 8. Section 101.045, Florida Statutes, is amended to
252 read:

253 101.045 Electors must be registered in precinct; provisions
254 for change of residence or name.—

255 (1) A person may ~~is~~ not ~~permitted to~~ vote in any election
256 precinct or district other than the one in which the person has
257 his or her legal residence and in which the person is
258 registered. However, a person temporarily residing outside the
259 county must ~~shall~~ be registered in the precinct in which the
260 main office of the supervisor, as designated by the supervisor,
261 is located if ~~when~~ the person has no permanent address in the
262 county and if it is the person's intention to remain a resident
263 of this state Florida and of the county in which he or she is
264 registered to vote. Such persons who are registered in the
265 precinct in which the main office of the supervisor, as
266 designated by the supervisor, is located and who are residing
267 outside the county with no permanent address in the county are
268 ~~shall~~ not be registered electors of a municipality and therefore
269 may not ~~shall not be permitted to~~ vote in any municipal
270 election.

271 (2) (a) An elector who moves from the precinct in which the
272 elector is registered may ~~be permitted to~~ vote in the precinct



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273 to which he or she has moved his or her legal residence, if the
274 change of residence is within the same county and the elector
275 completes an affirmation in substantially the following form:

Change of Legal Residence of Registered
Voter

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

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

(b) (e) An elector whose name changes because of marriage or other legal process may be permitted to vote if the elector



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provided such elector completes an affirmation in substantially the following form:

304

307

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

313 Name.....

314 Address.....

315 Municipality.....

316 County.....

317 Florida, Zip.....

318 My present name and address of legal residence are as follows:

319 Name.....

320 Address.....

321 Municipality.....

322 County.....

323 FLORIDA, ZIP.....

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

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(c), (d). Instead of the affirmation contained in paragraph

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



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331 registration application that indicates the change of name or
332 change of address of legal residence.

333 (d)-(e) Such affirmation or application, when completed and
334 presented at the precinct in which such elector is entitled to
335 vote, and upon verification of the elector's registration,
336 entitles shall entitle such elector to vote as provided in this
337 subsection. If the elector's eligibility to vote cannot be
338 determined, he or she is shall be entitled to vote a provisional
339 ballot, subject to the requirements and procedures in s.
340 101.048. Upon receipt of an affirmation or application
341 certifying a change in address of legal residence or name, the
342 supervisor shall as soon as practicable make the necessary
343 changes in the statewide voter registration system as soon as
344 practicable to indicate the change in address of legal residence
345 or name of such elector.

346 Section 9. Subsection (3) of section 101.161, Florida
347 Statutes, is amended to read:

348 101.161 Referenda; ballots.—

349 (3) (a) Each joint resolution that proposes a constitutional
350 amendment or revision shall include one or more ballot
351 statements set forth in order of priority. Each ballot statement
352 shall consist of a ballot title, by which the measure is
353 commonly referred to or spoken of, not exceeding 15 words in
354 length, and either a ballot summary that describes the chief
355 purpose of the amendment or revision in clear and unambiguous
356 language, or the full text of the amendment or revision. If a
357 joint resolution that proposes a constitutional amendment or
358 revision contains only one ballot statement, the ballot summary
359 may not exceed 75 words in length. If a joint resolution that



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360 proposes a constitutional amendment or revision contains more
361 than one ballot statement, no ballot summary may exceed 75 words
362 in length.

363 (b) The Department of State shall furnish a designating
364 number pursuant to subsection (2) and the appropriate ballot
365 statement to the supervisor of elections of each county. The
366 ballot statement shall be printed on the ballot after the list
367 of candidates, followed by the word "yes" and also by the word
368 "no," and shall be styled in such a manner that a "yes" vote
369 will indicate approval of the amendment or revision and a "no"
370 vote will indicate rejection.

371 (c) ~~(b)~~1. Any action for a judicial determination that one
372 or more ballot statements embodied in a joint resolution are
373 defective must be commenced by filing a complaint or petition
374 with the appropriate court within 30 days after the joint
375 resolution is filed with the Secretary of State. The complaint
376 or petition shall assert all grounds for challenge to each
377 ballot statement. Any ground not asserted within 30 days after
378 the joint resolution is filed with the Secretary of State is
379 waived.

380 2. The court, including any appellate court, shall accord
381 an action described in subparagraph 1. priority over other
382 pending cases and render a decision as expeditiously as
383 possible. If the court finds that all ballot statements embodied
384 in a joint resolution are defective and further appeals are
385 declined, abandoned, or exhausted, unless otherwise provided in
386 the joint resolution, the Attorney General shall, within 10
387 days, prepare and submit to the Department of State a revised
388 ballot title or ballot summary that corrects the deficiencies



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389 identified by the court, and the Department of State shall
390 furnish a designating number and the revised ballot title or
391 ballot summary to the supervisor of elections of each county for
392 placement on the ballot. The revised ballot summary may not
393 exceed 75 words in length. The court shall retain jurisdiction
394 over challenges to a revised ballot title or ballot summary
395 prepared by the Attorney General, and any challenge to a revised
396 ballot title or ballot summary must be filed within 10 days
397 after a revised ballot title or ballot summary is submitted to
398 the Department of State.

399 ~~3. A ballot statement that consists of the full text of an~~
400 ~~amendment or revision shall be presumed to be a clear and~~
401 ~~unambiguous statement of the substance and effect of the~~
402 ~~amendment or revision, providing fair notice to the electors of~~
403 ~~the content of the amendment or revision and sufficiently~~
404 ~~advising electors of the issue upon which they are to vote.~~

405 Section 10. Subsection (3) of section 101.5605, Florida
406 Statutes, is amended to read:

407 101.5605 Examination and approval of equipment.—

408 (3) (a) Before the Department of State approves the
409 electronic or electromechanical voting system, the person who
410 submitted it for examination shall provide the department with
411 the name, mailing address, and telephone number of a registered
412 agent, which agent must have and continuously maintain an office
413 in this state. Any change in the name, address, or telephone
414 number of the registered agent shall promptly be made known to
415 the department.

416 (b) Before entering into a contract for the sale or lease
417 of a voting system approved under this section to any county,



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418 the person entering into such contract shall provide the
419 department with the name, mailing address, and telephone number
420 of a registered agent, which agent must have and continuously
421 maintain an office in this state. Any change in the name,
422 address, or telephone number of the registered agent shall
423 promptly be made known to the department.

424 (c) The department's proof of delivery or attempted
425 delivery to the last mailing address of the registered agent on
426 file with the department at the time of delivery or attempted
427 delivery is valid for all notice purposes.

428 (d) Within 30 days after completing the examination and
429 upon approval of any electronic or electromechanical voting
430 system, the Department of State shall make and maintain a report
431 on the system, together with a written or printed description
432 and drawings and photographs clearly identifying the system and
433 the operation thereof. As soon as practicable after such filing,
434 the department shall send a notice of certification and, upon
435 request, a copy of the report to the governing bodies of the
436 respective counties of the state. Any voting system that does
437 not receive the approval of the department may shall not be
438 adopted for or used at any election.

439 (e) After a voting system has been approved by the
440 Department of State, any change or improvement in the system is
441 required to be approved by the department prior to the adoption
442 of such change or improvement by any county. If any such change
443 or improvement does not comply with the requirements of this
444 act, the department shall suspend all sales of the equipment or
445 system in the state until the equipment or system complies with
446 the requirements of this act.



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447 Section 11. Section 101.56065, Florida Statutes, is created
448 to read:

449 101.56065 Voting system defects; disclosure;
450 investigations; penalties.—

451 (1) For purposes of this section, the term:

452 (a) "Defect" means:

453 1. Any failure, fault, or flaw in an electronic or
454 electromechanical voting system approved pursuant to s. 101.5605
455 which results in nonconformance with the standards in a manner
456 that affects the timeliness or accuracy of the casting or
457 counting of ballots; or

458 2. Any failure or inability of the voting system
459 manufacturer or vendor to make available or provide approved
460 replacements of hardware or software to the counties that have
461 purchased the approved voting system, the unavailability of
462 which results in the system's nonconformance with the standards
463 in a manner that affects the timeliness or accuracy of the
464 casting or counting of ballots.

465 (b) "Standards" refers to the requirements in ss. 101.5606
466 and 101.56062 under which a voting system was approved for use
467 in the state.

468 (c) "Vendor" means a person who submits or previously
469 submitted a voting system that was approved by the Department of
470 State in accordance with s. 101.5605, or a person who enters
471 into a contract for the sale or lease of a voting system to any
472 county, or that previously entered into such a contract that has
473 not expired.

474 (2) (a) No later than December 31, 2013, and, thereafter, on
475 January 1 of every odd-numbered year, each vendor shall file a



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476 written disclosure with the department identifying any known
477 defect in the voting system or the fact that there is no known
478 defect, the effect of any defect on the operation and use of the
479 approved voting system, and any known corrective measures to
480 cure a defect, including, but not limited to, advisories and
481 bulletins issued to system users.

482 (b) Implementation of corrective measures approved by the
483 department which enable a system to conform to the standards and
484 ensure the timeliness and accuracy of the casting and counting
485 of ballots constitutes a cure of a defect.

486 (c) If a vendor becomes aware of the existence of a defect,
487 he or she must file a new disclosure with the department as
488 provided in paragraph (a) within 30 days after the date the
489 vendor determined or reasonably should have determined that the
490 defect existed.

491 (d) If a vendor discloses to the department that a defect
492 exists, the department may suspend all sales or leases of the
493 voting system in the state and may suspend the use of the system
494 in any election in the state. The department shall provide
495 written notice of any such suspension to each affected vendor
496 and supervisor of elections. If the department determines that
497 the defect no longer exists, the department shall lift the
498 suspension and provide written notice to each affected vendor
499 and supervisor of elections.

500 (e) If a vendor fails to file a required disclosure for a
501 voting system previously approved by the department, that system
502 may not be sold, leased, or used for elections in the state
503 until it has been submitted for examination and approval and
504 adopted for use pursuant to s. 101.5605. The department shall



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505 provide written notice to all supervisors of elections that the
506 system is no longer approved.

507 (3) (a) If the department has reasonable cause to believe a
508 voting system approved pursuant to s. 101.5605 contains a defect
509 either before, during, or after an election which has not been
510 disclosed pursuant to subsection (2), the department may
511 investigate whether the voting system has a defect.

512 (b) The department may initiate an investigation pursuant
513 to paragraph (a) on its own initiative or upon the written
514 request of the supervisor of elections of a county that
515 purchased or leased a voting system that contains the alleged
516 defect.

517 (c) Upon initiating an investigation, the department shall
518 provide written notice to the vendor and all of the supervisors
519 of elections.

520 (4) (a) If the department determines by a preponderance of
521 the evidence that a defect exists in the voting system, or that
522 a vendor failed to timely disclose a defect pursuant to
523 subsection (2), the department shall provide written notice to
524 the affected vendor and supervisors of elections.

525 (b) A vendor entitled to receive notice pursuant to
526 paragraph (a) shall, within 10 days, file a written response to
527 the department which:

528 1. Denies that the alleged defect exists or existed as
529 alleged by the department or that the vendor failed to timely
530 disclose a defect, and sets forth the reasons for such denial;
531 or

532 2. Admits that the defect exists or existed as alleged by
533 the department or that the vendor failed to timely disclose a



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534 defect.

535 (c) If the defect has been cured, the vendor shall provide
536 an explanation of how the defect was cured.

537 (d) If the defect has not been cured, the vendor shall
538 inform the department whether the defect can be cured and shall
539 provide the department with a plan for curing the defect. If the
540 defect can be cured, the department shall establish a timeframe
541 within which to cure the defect.

542 (5) If after receiving a response from the vendor, the
543 department determines that a defect does not exist or has been
544 cured within the timeframe established by the department, the
545 department shall take no further action.

546 (6) If the department determines that a vendor failed to
547 timely disclose a defect, that a defect exists and a vendor has
548 not filed a written response or has failed to cure within the
549 timeframe established by the department, or that the defect
550 cannot be cured, the department shall impose a civil penalty of
551 \$25,000 for the defect plus an amount equal to the actual costs
552 incurred by the department in conducting the investigation.

553 (7) If the department finds that a defect existed:

554 (a) The department may suspend all sales and leases of the
555 voting system and may suspend its use in any county in the
556 state. The department shall provide written notice of the
557 suspension to each affected vendor and supervisor of elections.

558 (b) If the department determines that a defect no longer
559 exists in a voting system that has been suspended from use
560 pursuant to paragraph (a), the department shall lift the
561 suspension and authorize the sale, lease, and use of the voting
562 system in any election in the state. The department shall



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provide written notice that the suspension has been lifted to each affected vendor and supervisor of elections.

(c) If the defect cannot be cured, the department may disapprove the voting system for use in elections in the state. The department shall provide written notice to all supervisors of elections that the system is no longer approved. After approval of a system has been withdrawn pursuant to this paragraph, the system may not be sold, leased, or used in elections in the state until it has been submitted for examination and approval and adopted for use pursuant to s. 101.5605.

(d) Any vendor against whom a civil penalty was imposed under this section may not submit a voting system for approval by the Department of State in accordance with s. 101.5605 or enter into a contract for sale or lease of a voting system in the state until the civil penalties have been paid and the department provides written confirmation to the supervisors of elections of the payment.

(8) The department shall prepare a written report of any investigation conducted pursuant to this section.

(9) The authority of the department under this section is in addition to, and not exclusive of, any other authority provided by law.

(10) All proceedings under this section are exempt from chapter 120.

Section 12. Subsection (4) of section 101.56075, Florida Statutes, is repealed.

Section 13. Subsections (1) and (2) of section 101.591, Florida Statutes, are amended, and subsection (4) of that



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592 section is republished, to read:

593 101.591 Voting system audit.—

594 (1) Immediately following the certification of each
595 election, the county canvassing board or the local board
596 responsible for certifying the election shall conduct a manual
597 audit or an automated, independent audit of the voting systems
598 used in randomly selected precincts.

599 (2) (a) A manual The audit shall consist of a public manual
600 tally of the votes cast in one randomly selected race that
601 appears on the ballot. The tally sheet shall include election-
602 day, absentee, early voting, provisional, and overseas ballots,
603 in at least 1 percent but no more than 2 percent of the
604 precincts chosen at random by the county canvassing board or the
605 local board responsible for certifying the election. If 1
606 percent of the precincts is less than one entire precinct, the
607 audit shall be conducted using at least one precinct chosen at
608 random by the county canvassing board or the local board
609 responsible for certifying the election. Such precincts shall be
610 selected at a publicly noticed canvassing board meeting.

611 (b) An automated audit shall consist of a public automated
612 tally of the votes cast across every race that appears on the
613 ballot. The tally sheet shall include election day, absentee,
614 early voting, provisional, and overseas ballots in at least 20
615 percent of the precincts chosen at random by the county
616 canvassing board or the local board responsible for certifying
617 the election. Such precincts shall be selected at a publicly
618 noticed canvassing board meeting.

619 (c) The division shall adopt rules for approval of an
620 independent audit system which provide that the system, at a



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621 minimum, must be:

- 622 1. Completely independent of the primary voting system.
- 623 2. Fast enough to produce final audit results within the
- 624 timeframe prescribed in subsection (4).
- 625 3. Capable of demonstrating that the ballots of record have
- 626 been accurately adjudicated by the audit system.

627 (4) The audit must be completed and the results made public
628 no later than 11:59 p.m. on the 7th day following certification
629 of the election by the county canvassing board or the local
630 board responsible for certifying the election.

631 Section 14. Subsections (1) and (3) and paragraph (c) of
632 subsection (4) of section 101.62, Florida Statutes, are amended
633 to read:

634 101.62 Request for absentee ballots.—

635 (1) (a) The supervisor shall accept a request for an
636 absentee ballot from an elector in person or in writing. One
637 request shall be deemed sufficient to receive an absentee ballot
638 for all elections through the end of the calendar year of the
639 second ensuing regularly scheduled general election, unless the
640 elector or the elector's designee indicates at the time the
641 request is made the elections for which the elector desires to
642 receive an absentee ballot. Such request may be considered
643 canceled when any first-class mail sent by the supervisor to the
644 elector is returned as undeliverable.

645 (b) The supervisor may accept a written or telephonic
646 request for an absentee ballot to be mailed to an elector's
647 address on file in the Florida Voter Registration System from
648 the elector, or, if directly instructed by the elector, a member
649 of the elector's immediate family, or the elector's legal



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650 guardian. For purposes of this section, the term "immediate
651 family" has the same meaning as specified in paragraph (4)(c).
652 The person making the request must disclose:

653 1. The name of the elector for whom the ballot is
654 requested.

655 2. The elector's address.

656 3. The elector's date of birth.

657 4. The requester's name.

658 5. The requester's address.

659 6. The requester's driver ~~driver's~~ license number, if
660 available.

661 7. The requester's relationship to the elector.

662 8. The requester's signature (written requests only).

663 (c) Upon receiving a request for an absentee ballot from an
664 absent voter, the supervisor of elections shall notify the voter
665 of the free access system that has been designated by the
666 department for determining the status of his or her absentee
667 ballot.

668 (3) For each request for an absentee ballot received, the
669 supervisor shall record the date the request was made, the date
670 the absentee ballot was delivered to the voter or the voter's
671 designee or the date the absentee ballot was delivered to the
672 post office or other carrier, the date the ballot was received
673 by the supervisor, the absence of the voter's signature on the
674 voter's certificate, if applicable, and such other information
675 he or she may deem necessary. This information shall be provided
676 in electronic format as provided by rule adopted by the
677 division. The information shall be updated and made available no
678 later than 8 a.m. of each day, including weekends, beginning 60



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679 days before the primary until 15 days after the general election
680 and shall be contemporaneously provided to the division. This
681 information shall be confidential and exempt from ~~the provisions~~
682 ~~of s. 119.07(1)~~ and shall be made available to or reproduced
683 only for the voter requesting the ballot, a canvassing board, an
684 election official, a political party or official thereof, a
685 candidate who has filed qualification papers and is opposed in
686 an upcoming election, and registered political committees or
687 registered committees of continuous existence, for political
688 purposes only.

689 (4)

690 (c) The supervisor shall provide an absentee ballot to each
691 elector by whom a request for that ballot has been made by one
692 of the following means:

693 1. By nonforwardable, return-if-undeliverable mail to the
694 elector's current mailing address on file with the supervisor or
695 any other address the elector specifies in the request.

696 2. By forwardable mail, e-mail, or facsimile machine
697 transmission to absent uniformed services voters and overseas
698 voters. The absent uniformed services voter or overseas voter
699 may designate in the absentee ballot request the preferred
700 method of transmission. If the voter does not designate the
701 method of transmission, the absentee ballot shall be mailed.

702 3. By personal delivery at any supervisor of elections
703 office before 7 p.m. on election day to the elector, upon
704 presentation of the identification required in s. 101.043,
705 beginning on the 28th day before an election through 7 p.m. on
706 election day.

707 4. By delivery to a designee on election day or up to 5



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708 days prior to the day of an election. Any elector may designate
709 in writing a person to pick up the ballot for the elector;
710 however, the person designated may not pick up more than two
711 absentee ballots per election, other than the designee's own
712 ballot, except that additional ballots may be picked up for
713 members of the designee's immediate family. For purposes of this
714 section, "immediate family" means the designee's spouse or the
715 parent, child, grandparent, or sibling of the designee or of the
716 designee's spouse. The designee shall provide to the supervisor
717 the written authorization by the elector and a picture
718 identification of the designee and must complete an affidavit.
719 The designee shall state in the affidavit that the designee is
720 authorized by the elector to pick up that ballot and shall
721 indicate if the elector is a member of the designee's immediate
722 family and, if so, the relationship. The department shall
723 prescribe the form of the affidavit. If the supervisor is
724 satisfied that the designee is authorized to pick up the ballot
725 and that the signature of the elector on the written
726 authorization matches the signature of the elector on file, the
727 supervisor shall give the ballot to that designee for delivery
728 to the elector.

729 Section 15. Paragraphs (a) and (d) of subsection (1) of
730 section 101.657, Florida Statutes, are amended to read:

731 101.657 Early voting.—

732 (1) (a) As a convenience to the voter, the supervisor of
733 elections shall allow an elector to vote early in the main or
734 branch office of the supervisor. The supervisor shall mark,
735 code, indicate on, or otherwise track the voter's precinct for
736 each early voted ballot. In order for a branch office to be used



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737 for early voting, it shall be a permanent facility of the
738 supervisor and shall have been designated and used as such for
739 at least 1 year prior to the election. The supervisor may also
740 designate any suitable location as an early voting site ~~city~~
741 ~~hall or permanent public library facility as early voting sites;~~
742 however, if so designated, such ~~the~~ sites must be geographically
743 located so as to provide all voters in the county an equal
744 opportunity to cast a ballot, insofar as is practicable. Each
745 county shall, at a minimum, operate the same total number of
746 early voting sites for a general election which the county
747 operated for the 2012 general election and at least one early
748 voting site for each complete set of 50,000 registered voters in
749 the county as of July 1 of each general election year. The
750 results or tabulation of votes cast during early voting may not
751 be made before the close of the polls on election day. Results
752 shall be reported by precinct.

753 (d) Early voting shall begin on the 15th ~~10th~~ day before an
754 election that contains state or federal races and end on the 2nd
755 ~~3rd~~ day before the election, and shall be provided for no less
756 than ~~6 hours and no more than~~ 12 hours per day at each site
757 during the applicable period. The supervisor of elections may
758 provide early voting for elections that are not held in
759 conjunction with a state or federal election. However, the
760 supervisor has the discretion to determine the hours of
761 operation of early voting sites in those elections.

762 Section 16. Subsections (1) and (4) of section 101.68,
763 Florida Statutes, are amended, and subsection (2) of that
764 section is reenacted and amended, to read:

765 101.68 Canvassing of absentee ballot.—



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766 (1) The supervisor of the county where the absent elector
767 resides shall receive the voted ballot, at which time the
768 supervisor shall compare the signature of the elector on the
769 voter's certificate with the signature of the elector in the
770 registration books or the precinct register to determine whether
771 the elector is duly registered in the county and may record on
772 the elector's registration certificate that the elector has
773 voted. However, effective July 1, 2005, an elector who dies
774 after casting an absentee ballot but on or before election day
775 shall remain listed in the registration books until the results
776 have been certified for the election in which the ballot was
777 cast. The supervisor shall safely keep the ballot unopened in
778 his or her office until the county canvassing board canvasses
779 the vote. Except as provided in subsection (4), after an
780 absentee ballot is received by the supervisor, the ballot is
781 deemed to have been cast, and changes or additions may not be
782 made to the voter's certificate.

783 (2) (a) The county canvassing board may begin the canvassing
784 of absentee ballots at 7 a.m. on the 15th day before the
785 election, but not later than noon on the day following the
786 election. In addition, for any county using electronic
787 tabulating equipment, the processing of absentee ballots through
788 such tabulating equipment may begin at 7 a.m. on the 15th day
789 before the election. However, notwithstanding any such
790 authorization to begin canvassing or otherwise processing
791 absentee ballots early, no result shall be released until after
792 the closing of the polls in that county on election day. Any
793 supervisor of elections, deputy supervisor of elections,
794 canvassing board member, election board member, or election



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795 employee who releases the results of a canvassing or processing
796 of absentee ballots prior to the closing of the polls in that
797 county on election day commits a felony of the third degree,
798 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

799 (b) To ensure that all absentee ballots to be counted by
800 the canvassing board are accounted for, the canvassing board
801 shall compare the number of ballots in its possession with the
802 number of requests for ballots received to be counted according
803 to the supervisor's file or list.

804 (c)1. The canvassing board shall, if the supervisor has not
805 already done so, compare the signature of the elector on the
806 voter's certificate or on the absentee ballot affidavit as
provided in subsection (4) with the signature of the elector in
807 the registration books or precinct register to see that the
808 elector is duly registered in the county and to determine the
809 legality of that absentee ballot. The ballot of an elector who
810 casts an absentee ballot shall be counted even if the elector
811 dies on or before election day, as long as, prior to the death
812 of the voter, the ballot was postmarked by the United States
813 Postal Service, date-stamped with a verifiable tracking number
814 by common carrier, or already in the possession of the
815 supervisor of elections. An absentee ballot shall be considered
816 illegal if the voter's certificate or absentee ballot affidavit
817 it does not include the signature of the elector, as shown by
818 the registration records. However, an absentee ballot is shall
819 not be considered illegal if the signature of the elector does
820 not cross the seal of the mailing envelope. If the canvassing
821 board determines that any ballot is illegal, a member of the
822 board shall, without opening the envelope, mark across the face
823



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824 of the envelope: "rejected as illegal." The absentee ballot
825 affidavit, if applicable, the envelope and the ballot contained
826 therein shall be preserved in the manner that official ballots
827 voted are preserved.

828 2. If any elector or candidate present believes that an
829 absentee ballot is illegal due to a defect apparent on the
830 voter's certificate or the absentee ballot affidavit, he or she
831 may, at any time before the ballot is removed from the envelope,
832 file with the canvassing board a protest against the canvass of
833 that ballot, specifying the precinct, the ballot, and the reason
834 he or she believes the ballot to be illegal. A challenge based
835 upon a defect in the voter's certificate or absentee ballot
836 affidavit may not be accepted after the ballot has been removed
837 from the mailing envelope.

838 (d) The canvassing board shall record the ballot upon the
839 proper record, unless the ballot has been previously recorded by
840 the supervisor. The mailing envelopes shall be opened and the
841 secrecy envelopes shall be mixed so as to make it impossible to
842 determine which secrecy envelope came out of which signed
843 mailing envelope; however, in any county in which an electronic
844 or electromechanical voting system is used, the ballots may be
845 sorted by ballot styles and the mailing envelopes may be opened
846 and the secrecy envelopes mixed separately for each ballot
847 style. The votes on absentee ballots shall be included in the
848 total vote of the county.

849 (4)(a) The supervisor of elections shall, on behalf of the
850 county canvassing board, notify each elector whose ballot was
851 rejected as illegal and provide the specific reason the ballot
852 was rejected because of a difference between the elector's



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853 ~~signature on the ballot and that on the elector's voter~~
854 ~~registration record~~. The supervisor shall mail a voter
855 registration application to the elector to be completed
856 indicating the elector's current signature if the elector's
857 ballot was rejected due to a difference between the elector's
858 signature on the voter's certificate or absentee ballot
859 affidavit and the elector's signature in the registration books
860 or precinct register. This section does not prohibit the
861 supervisor from providing additional methods for updating an
862 elector's signature.

863 (b) If the canvassing board has not begun the canvassing of
864 absentee ballots pursuant to subsection (2), the supervisor
865 shall allow an elector who has returned an absentee ballot that
866 does not include the elector's signature to complete an
867 affidavit in order to cure the unsigned absentee ballot. A
868 supervisor who receives an absentee ballot that does not include
869 the elector's signature must notify the elector of that fact
870 along with the procedure for curing such deficiency within 48
871 hours of receipt.

872 (c) The elector shall provide identification to the
873 supervisor and must complete an absentee ballot affidavit in
874 substantially the following form:

876 ABSENTEE BALLOT AFFIDAVIT

877 I,, am a qualified voter in this election and
878 registered voter of County, Florida. I do solemnly swear or
879 affirm that I requested and returned the absentee ballot and
880 that I have not and will not vote more than one ballot in this
881 election. I understand that if I commit or attempt any fraud in



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882 connection with voting, vote a fraudulent ballot, or vote more
883 than once in an election, I may be convicted of a felony of the
884 third degree and fined up to \$5,000 and imprisoned for up to 5
885 years. I understand that my failure to sign this affidavit means
886 that my absentee ballot will be invalidated.

887

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

889

890 ... (Address) ...

891

892 ... (Date) ...

893

894 (d) Instructions must accompany the absentee ballot
895 affidavit in substantially the following form:

896

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

900

901 1. In order to ensure that your absentee ballot will be
902 counted, your affidavit should be completed and returned as soon
903 as possible so that it can reach the supervisor of elections of
904 the county in which your precinct is located no later than the
905 start of the canvassing of absentee ballots, which occurs no
906 earlier than the 15th day before an election.

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

909 3. You must make a copy of one of the following forms of
910 identification:



911 a. Identification which must include your name and
912 photograph: United States passport, debit or credit card,
913 military identification, student identification, retirement
914 center identification, neighborhood association identification,
915 or public assistance identification; or

916 b. Identification which shows your name and current
917 residence address: current utility bill, bank statement,
918 government check, paycheck, or government document, excluding
919 voter identification card.

920 4. Place the envelope bearing the affidavit into a mailing
921 envelope addressed to the supervisor. Insert a copy of your
922 identification in the mailing envelope.

923 5. Mail, deliver, or have delivered the completed affidavit
924 along with the copy of your identification to your county
925 supervisor of elections. Be sure there is sufficient postage if
926 mailed and that the supervisor's address is correct.

927 (e) The department and each supervisor shall include the
928 affidavit and instructions on their respective websites. The
929 supervisor must include his or her office's mailing address on
930 the page containing the affidavit instructions; the department's
931 instruction page must include the office mailing addresses of
932 all supervisors of elections or provide a conspicuous link to
933 such addresses.

934 (f) The supervisor shall attach each affidavit received to
935 the appropriate absentee ballot mailing envelope.

936 Section 17. This act shall take effect October 1, 2013.

937 ===== T I T L E A M E N D M E N T =====
938 And the title is amended as follows:



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940 Delete everything before the enacting clause
941 and insert:

942 A bill to be entitled

943 An act relating to elections; amending s. 97.041,
944 F.S.; revising the qualifications to register to vote;
945 authorizing a person who has been convicted of a
946 felony and has served his or her sentence to
947 preregister to vote; amending s. 97.052, F.S.;
948 revising the uniform statewide voter registration
949 application; amending s. 97.053, F.S.; revising what
950 constitutes a complete voter registration application;
951 amending s. 97.055, F.S.; revising the date that
952 registration books must be closed for an election;
953 amending s. 98.045, F.S.; revising the eligibility
954 requirements for applicants for voter registration;
955 revising procedures for removal of registered voters;
956 amending s. 98.075, F.S.; revising procedures for
957 ineligibility determinations of registered voters;
958 creating s. 100.032, F.S.; requiring supervisors of
959 elections to submit a report to the Secretary of State
960 at least 3 months before a general election; amending
961 s. 101.045, F.S.; authorizing an elector to vote a
962 regular ballot at the polling place in the precinct to
963 which he or she has moved by completing an
964 affirmation; deleting a requirement that the elector's
965 change of residence must occur within the same county
966 for the elector to be able to vote in the new
967 precinct; amending s. 101.161, F.S.; providing a
968 limitation on the number of words for certain ballot



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969 summaries in joint resolutions proposed by the
970 Legislature; providing that a revised ballot summary
971 prepared by the Attorney General may not exceed 75
972 words in length; deleting a provision providing that a
973 ballot statement consisting of the full text of a
974 constitutional amendment or revision is presumed to be
975 a clear and unambiguous statement; amending s.
976 101.5605, F.S.; requiring a person to provide the
977 name, mailing address, and telephone number of a
978 registered agent of a voting systems vendor to the
979 Department of State under certain circumstances;
980 providing that proof of delivery or attempt to deliver
981 constitutes valid notice; creating s. 101.56065, F.S.;
982 providing definitions; requiring a vendor to file a
983 written disclosure with the department; providing
984 requirements for the disclosure; providing what
985 constitutes a cure of a defect; requiring a vendor to
986 file a new disclosure with the department if a vendor
987 becomes aware of a defect within a specified period;
988 authorizing the department to suspend all sales or
989 leases or use in an election of a defective voting
990 system; providing procedures for the suspension of
991 voting systems; authorizing the department to withdraw
992 approval of voting systems under certain
993 circumstances; authorizing the department to initiate
994 an investigation of a defective voting system;
995 establishing procedures and requirements of
996 investigations; providing a penalty; repealing s.
997 101.56075(4), F.S., relating to the requirement that



998 all voting systems used by voters in a state election
999 allow placement of the full text of a constitutional
1000 amendment or revision containing stricken or
1001 underlined text by a specified date; amending s.
1002 101.591, F.S.; authorizing use of automated,
1003 independent audits of voting systems; providing audit
1004 requirements; requiring the Division of Elections to
1005 adopt rules; amending s. 101.62, F.S.; revising the
1006 requirements for a valid absentee ballot request;
1007 requiring the supervisor to record the absence of the
1008 voter's signature on the voter's certificate under
1009 specified circumstances; amending s. 101.657, F.S.;
1010 revising the list of permissible sites available for
1011 early voting; requiring each county to operate at
1012 least the same number of early voting sites as used
1013 for the 2012 general election; providing requirements
1014 for determining the number of early voting sites each
1015 county must operate; increasing the number of days and
1016 hours for early voting; amending s. 101.68, F.S., and
1017 reenacting subsection (2), relating to the canvassing
1018 of absentee ballots; authorizing the supervisor to use
1019 the elector's signature in a precinct register to
1020 compare with the elector's signature on the voter's
1021 certificate; providing that an absentee ballot must
1022 clearly identify the name of the witness in order to
1023 be considered legal; requiring the supervisor to
1024 provide the elector with the specific reason his or
1025 her ballot was rejected; requiring the supervisor to
1026 allow electors to complete an affidavit to cure an



1027 unsigned absentee ballot before canvassing; requiring
1028 the supervisor to notify the elector of the missing
1029 signature within 48 hours of receipt; providing the
1030 form and contents of the affidavit; providing
1031 instructions to accompany each absentee ballot
1032 affidavit; requiring the affidavit, instructions, and
1033 the supervisor's office mailing address to be posted
1034 on certain websites; requiring the supervisor to
1035 attach a received affidavit to the appropriate
1036 absentee ballot mailing envelope; providing an
1037 effective date.