

1 A bill to be entitled
2 An act relating to elections; amending s. 97.021,
3 F.S.; revising the definition of the term "marksense
4 ballots" for purposes of the Florida Election Code;
5 amending s. 99.061, F.S.; revising qualification
6 requirements for a candidate; amending s. 100.011,
7 F.S.; prohibiting a court from extending the official
8 time of closing of the polls except under certain
9 circumstances; amending s. 101.051, F.S.; specifying
10 the manner in which a person providing assistance to
11 an elector in casting a ballot must read the ballot's
12 contents; increasing penalties for being in a voting
13 booth with an elector or soliciting an elector in an
14 effort to provide assistance to vote; providing a
15 penalty for giving certain things of value to an
16 elector in an effort to provide assistance to vote;
17 amending s. 101.131, F.S.; specifying a layout
18 requirement for a polling room or an early voting
19 area; prohibiting an election official from
20 obstructing a poll watcher under certain
21 circumstances; prohibiting an elected official from
22 being designated as a poll watcher; amending s.
23 101.151, F.S.; providing applicability of specified
24 ballot requirements to a voter interface device;
25 amending s. 101.20, F.S.; providing an exception to

26 | the requirement that a sample ballot be published by
27 | the supervisor of elections in a newspaper of general
28 | circulation in the county; amending ss. 101.5603 and
29 | 101.56075, F.S.; conforming provisions to changes made
30 | by the act; amending s. 101.68, F.S.; deleting an
31 | obsolete date; revising provisions governing the
32 | canvassing of vote-by-mail ballots; providing
33 | conditions by which a vote-by-mail ballot may be
34 | counted; authorizing use of the vote-by-mail ballot
35 | cure affidavit if an elector's signature does not
36 | match the signature in the registration books or
37 | precinct register; requiring the supervisor of
38 | elections to immediately notify an elector upon
39 | receipt of a vote-by-mail ballot with a missing or
40 | mismatched signature; revising terminology; revising
41 | the cure affidavit instructions with respect to
42 | acceptable forms of identification; specifying that a
43 | Florida driver license or Florida identification card
44 | are acceptable forms of identification for purposes of
45 | curing a vote-by-mail ballot; expanding the scope of
46 | post-election signature update requests to include
47 | electors who cured a vote-by-mail ballot with a
48 | mismatched signature; providing an effective date.

49 |
50 | Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

70 Section 2. Paragraph (a) of subsection (7) of section
 71 99.061, Florida Statutes, is amended to read:

72 99.061 Method of qualifying for nomination or election to
 73 federal, state, county, or district office.—

74 (7) (a) In order for a candidate to be qualified, the
 75 following items must be received by the filing officer by the

76 | end of the qualifying period:

77 | 1. A money order or cashier's ~~properly executed~~ check
78 | drawn upon funds from the candidate's campaign account payable
79 | to the person or entity as prescribed by the filing officer in
80 | an amount not less than the fee required by s. 99.092, unless
81 | the candidate obtained the required number of signatures on
82 | petitions pursuant to s. 99.095. The filing fee for a special
83 | district candidate is not required to be drawn upon the
84 | candidate's campaign account. ~~If a candidate's check is returned~~
85 | ~~by the bank for any reason, the filing officer shall immediately~~
86 | ~~notify the candidate and the candidate shall have until the end~~
87 | ~~of qualifying to pay the fee with a cashier's check purchased~~
88 | ~~from funds of the campaign account. Failure to pay the fee as~~
89 | ~~provided in this subparagraph shall disqualify the candidate.~~

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

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

98 | 4. The completed form for the appointment of campaign
99 | treasurer and designation of campaign depository, as required by
100 | s. 106.021.

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

107 Section 3. Subsections (3) and (4) of section 100.011,
 108 Florida Statutes, are renumbered as subsections (4) and (5),
 109 respectively, and a new subsection (3) is added to that section
 110 to read:

111 100.011 Opening and closing of polls, all elections;
 112 expenses.—

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

116 Section 4. Subsections (1) and (2) of section 101.051,
 117 Florida Statutes, are amended to read:

118 101.051 Electors seeking assistance in casting ballots;
 119 oath to be executed; forms to be furnished.—

120 (1) Any elector applying to vote in any election who
 121 requires assistance to vote by reason of blindness, disability,
 122 or inability to read or write may request the assistance of two
 123 election officials or some other person of the elector's own
 124 choice, other than the elector's employer, an agent of the
 125 employer, or an officer or agent of his or her union, to assist

126 the elector in casting his or her vote. Any such elector, before
 127 retiring to the voting booth, may have one of such persons read
 128 over to him or her, without suggestion or interference, the
 129 titles of the offices to be filled and the candidates therefor
 130 and the issues on the ballot fully and in their entirety. After
 131 the elector requests the aid of the two election officials or
 132 the person of the elector's choice, they shall retire to the
 133 voting booth for the purpose of casting the elector's vote
 134 according to the elector's choice.

135 (2) It is unlawful for any person to be in the voting
 136 booth with any elector except as provided in subsection (1). A
 137 person at a polling place or early voting site, or within 100
 138 feet of the entrance of a polling place or early voting site,
 139 may not solicit any elector in an effort to provide assistance
 140 to vote pursuant to subsection (1). A person may not give
 141 anything of value that is redeemable in cash to any elector in
 142 an effort to provide assistance to vote pursuant to subsection
 143 (1). Any person who violates this subsection commits a felony
 144 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
 145 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

146 Section 5. Subsections (1) and (3) of section 101.131,
 147 Florida Statutes, are amended to read:

148 101.131 Watchers at polls.—

149 (1) Each political party and each candidate may have one
 150 watcher in each polling room or early voting area at any one

151 time during the election. A political committee formed for the
152 specific purpose of expressly advocating the passage or defeat
153 of an issue on the ballot may have one watcher for each polling
154 room or early voting area at any one time during the election.
155 No watcher shall be permitted to come closer to the officials'
156 table or the voting booths than is reasonably necessary to
157 properly perform his or her functions, but each shall be allowed
158 within the polling room or early voting area to watch and
159 observe the conduct of electors and officials. The polling room
160 or early voting area shall be laid out in a manner so as to not
161 impede a poll watcher from observing the operations of the
162 polling place. An official may not obstruct a poll watcher's
163 good faith performance of his or her functions so long as the
164 poll watcher is not disrupting the operations of the polling
165 place. The poll watchers shall furnish their own materials and
166 necessities and may ~~shall~~ not obstruct the orderly conduct of
167 any election. The poll watchers shall pose any questions
168 regarding polling place procedures directly to the clerk for
169 resolution. They may not interact with voters. Each poll watcher
170 shall be a qualified and registered elector of the county in
171 which he or she serves.

172 (3) Any elected official, ~~No candidate,~~ ~~or~~ sheriff, deputy
173 sheriff, police officer, or other law enforcement officer may
174 not be designated as a poll watcher.

175 Section 6. Subsection (10) is added to section 101.151,

176 Florida Statutes, to read:

177 101.151 Specifications for ballots.—

178 (10) With respect to any certified voting system that uses
 179 a voter interface device to designate the elector's ballot
 180 selections on a printed sheet of paper, this section, s.
 181 101.161, and ss. 101.2512-101.254 that prescribe the ballot
 182 layout apply only to the display of candidates and issues on the
 183 voter interface device.

184 Section 7. Subsection (2) of section 101.20, Florida
 185 Statutes, is amended to read:

186 101.20 Publication of ballot form; sample ballots.—

187 (2) Upon completion of the list of qualified candidates
 188 and before the day of an election, a sample ballot shall be
 189 published by the supervisor of elections in a newspaper of
 190 general circulation in the county unless the supervisor mails a
 191 sample ballot to each registered elector or to each household in
 192 which there is a registered elector at least 7 days⁷ before the
 193 day of an election. A supervisor may send a sample ballot to
 194 each registered elector by e-mail at least 7 days before the day
 195 of an election if an e-mail address has been provided and the
 196 elector has opted to receive a sample ballot by electronic
 197 ~~delivery. If an e-mail address has not been provided, or if the~~
 198 ~~elector has not opted for electronic delivery, a sample ballot~~
 199 ~~may be mailed to each registered elector or to each household in~~
 200 ~~which there is a registered elector at least 7 days before an~~

201 ~~election.~~

202 Section 8. Subsection (5) of section 101.5603, Florida
 203 Statutes, is amended to read:

204 101.5603 Definitions relating to Electronic Voting Systems
 205 Act.—As used in this act, the term:

206 (5) "Marking device" means any approved device for marking
 207 a ballot with ink or other substance, including through a voter
 208 interface device, which will enable the ballot to be tabulated
 209 by means of automatic tabulating equipment.

210 Section 9. Subsection (1) of section 101.56075, Florida
 211 Statutes, is amended to read:

212 101.56075 Voting methods.—

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

216 Section 10. Section 101.68, Florida Statutes, is amended
 217 to read:

218 101.68 Canvassing of vote-by-mail ballot.—

219 (1) The supervisor of the county where the absent elector
 220 resides shall receive the voted ballot, at which time the
 221 supervisor shall compare the signature of the elector on the
 222 voter's certificate with the signature of the elector in the
 223 registration books or the precinct register to determine whether
 224 the elector is duly registered in the county and may record on
 225 the elector's registration certificate that the elector has

226 | voted. ~~However, effective July 1, 2005,~~ An elector who dies
227 | after casting a vote-by-mail ballot but on or before election
228 | day shall remain listed in the registration books until the
229 | results have been certified for the election in which the ballot
230 | was cast. The supervisor shall safely keep the ballot unopened
231 | in his or her office until the county canvassing board canvasses
232 | the vote. Except as provided in subsection (4), after a vote-by-
233 | mail ballot is received by the supervisor, the ballot is deemed
234 | to have been cast, and changes or additions may not be made to
235 | the voter's certificate.

236 | (2) (a) The county canvassing board may begin the
237 | canvassing of vote-by-mail ballots at 7 a.m. on the 15th day
238 | before the election, but not later than noon on the day
239 | following the election. In addition, for any county using
240 | electronic tabulating equipment, the processing of vote-by-mail
241 | ballots through such tabulating equipment may begin at 7 a.m. on
242 | the 15th day before the election. However, notwithstanding any
243 | such authorization to begin canvassing or otherwise processing
244 | vote-by-mail ballots early, no result shall be released until
245 | after the closing of the polls in that county on election day.
246 | Any supervisor of elections, deputy supervisor of elections,
247 | canvassing board member, election board member, or election
248 | employee who releases the results of a canvassing or processing
249 | of vote-by-mail ballots prior to the closing of the polls in
250 | that county on election day commits a felony of the third

251 degree, punishable as provided in s. 775.082, s. 775.083, or s.
252 775.084.

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

258 (c)1. The canvassing board must ~~shall~~, if the supervisor
259 has not already done so, compare the signature of the elector on
260 the voter's certificate or on the vote-by-mail ballot cure
261 affidavit as provided in subsection (4) with the signature of
262 the elector in the registration books or the precinct register
263 to see that the elector is duly registered in the county and to
264 determine the legality of that vote-by-mail ballot. A vote-by-
265 mail ballot may only be counted if:

266 a. The signature on the voter's certificate or the cure
267 affidavit matches the elector's signature in the registration
268 books or precinct register; however, in the case of a cure
269 affidavit, the supporting identification listed in subsection
270 (4) must also confirm the identity of the elector; or

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

276 2. The ballot of an elector who casts a vote-by-mail
277 ballot shall be counted even if the elector dies on or before
278 election day, as long as, before ~~prior to~~ the death of the
279 voter, the ballot was postmarked by the United States Postal
280 Service, date-stamped with a verifiable tracking number by a
281 common carrier, or already in the possession of the supervisor
282 of elections. ~~A vote-by-mail ballot is considered illegal if the~~
283 ~~voter's certificate or vote-by-mail ballot affidavit does not~~
284 ~~include the signature of the elector, as shown by the~~
285 ~~registration records or the precinct register. However,~~

286 3. A vote-by-mail ballot is not considered illegal if the
287 signature of the elector does not cross the seal of the mailing
288 envelope. ~~If the canvassing board determines that any ballot is~~
289 ~~illegal, a member of the board shall, without opening the~~
290 ~~envelope, mark across the face of the envelope: "rejected as~~
291 ~~illegal." The vote-by-mail ballot affidavit, if applicable, the~~
292 ~~envelope, and the ballot contained therein shall be preserved in~~
293 ~~the manner that official ballots voted are preserved.~~

294 4.2. If any elector or candidate present believes that a
295 vote-by-mail ballot is illegal due to a defect apparent on the
296 voter's certificate or the cure ~~vote-by-mail ballot~~ affidavit,
297 he or she may, at any time before the ballot is removed from the
298 envelope, file with the canvassing board a protest against the
299 canvass of that ballot, specifying the precinct, the ballot, and
300 the reason he or she believes the ballot to be illegal. A

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301 challenge based upon a defect in the voter's certificate or cure
302 ~~vote-by-mail ballot~~ affidavit may not be accepted after the
303 ballot has been removed from the mailing envelope.

304 5. If the canvassing board determines that a ballot is
305 illegal, a member of the board must, without opening the
306 envelope, mark across the face of the envelope: "rejected as
307 illegal." The cure affidavit, if applicable, the envelope, and
308 the ballot therein shall be preserved in the manner that
309 official ballots are preserved.

310 (d) The canvassing board shall record the ballot upon the
311 proper record, unless the ballot has been previously recorded by
312 the supervisor. The mailing envelopes shall be opened and the
313 secrecy envelopes shall be mixed so as to make it impossible to
314 determine which secrecy envelope came out of which signed
315 mailing envelope; however, in any county in which an electronic
316 or electromechanical voting system is used, the ballots may be
317 sorted by ballot styles and the mailing envelopes may be opened
318 and the secrecy envelopes mixed separately for each ballot
319 style. The votes on vote-by-mail ballots shall be included in
320 the total vote of the county.

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

325 (4) (a) ~~The supervisor of elections shall, on behalf of the~~

326 ~~county canvassing board, notify each elector whose ballot was~~
327 ~~rejected as illegal and provide the specific reason the ballot~~
328 ~~was rejected. The supervisor shall mail a voter registration~~
329 ~~application to the elector to be completed indicating the~~
330 ~~elector's current signature if the elector's ballot was rejected~~
331 ~~due to a difference between the elector's signature on the~~
332 ~~voter's certificate or vote-by-mail ballot affidavit and the~~
333 ~~elector's signature in the registration books or precinct~~
334 ~~register. This section does not prohibit the supervisor from~~
335 ~~providing additional methods for updating an elector's~~
336 ~~signature.~~

337 ~~(b)~~ Until 5 p.m. on the day before an election, The
338 supervisor shall, on behalf of the county canvassing board,
339 immediately notify ~~allow~~ an elector who has returned a vote-by-
340 mail ballot that does not include the elector's signature or
341 contains a signature that does not match the elector's signature
342 in the registration books or precinct register. The supervisor
343 shall allow such an elector to complete and submit an affidavit
344 in order to cure the unsigned vote-by-mail ballot until 5 p.m.
345 on the day before the election.

346 ~~(b)(c)~~ The elector shall provide identification to the
347 supervisor and must complete a cure ~~vote-by-mail ballot~~
348 affidavit in substantially the following form:

349
350 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

351 I, , am a qualified voter in this election and
 352 registered voter of County, Florida. I do solemnly swear or
 353 affirm that I requested and returned the vote-by-mail ballot and
 354 that I have not and will not vote more than one ballot in this
 355 election. I understand that if I commit or attempt any fraud in
 356 connection with voting, vote a fraudulent ballot, or vote more
 357 than once in an election, I may be convicted of a felony of the
 358 third degree and fined up to \$5,000 and imprisoned for up to 5
 359 years. I understand that my failure to sign this affidavit means
 360 that my vote-by-mail ballot will be invalidated.

361
 362 . . . (Voter's Signature) . . .

363
 364 . . . (Address) . . .

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

367
 368 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 369 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 370 BALLOT NOT TO COUNT.

371
 372 1. In order to ensure that your vote-by-mail ballot will
 373 be counted, your affidavit should be completed and returned as
 374 soon as possible so that it can reach the supervisor of
 375 elections of the county in which your precinct is located no

376 later than 5 p.m. on the ~~2nd~~ day before the election.

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

379 3. You must make a copy of one of the following forms of
380 identification:

381 a. Tier 1 identification.—Current and valid identification
382 that includes your name and photograph: Florida driver license;
383 Florida identification card issued by the Department of Highway
384 Safety and Motor Vehicles; United States passport; debit or
385 credit card; military identification; student identification;
386 retirement center identification; neighborhood association
387 identification; public assistance identification; veteran health
388 identification card issued by the United States Department of
389 Veterans Affairs; a Florida license to carry a concealed weapon
390 or firearm; or an employee identification card issued by any
391 branch, department, agency, or entity of the Federal Government,
392 the state, a county, or a municipality; or

393 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
394 FORM OF IDENTIFICATION, identification that shows your name and
395 current residence address: current utility bill, bank statement,
396 government check, paycheck, or government document (excluding
397 voter identification card).

398 4. Place the envelope bearing the affidavit into a mailing
399 envelope addressed to the supervisor. Insert a copy of your
400 identification in the mailing envelope. Mail, deliver, or have

401 delivered the completed affidavit along with the copy of your
402 identification to your county supervisor of elections. Be sure
403 there is sufficient postage if mailed and that the supervisor's
404 address is correct.

405 5. Alternatively, you may fax or e-mail your completed
406 affidavit and a copy of your identification to the supervisor of
407 elections. If e-mailing, please provide these documents as
408 attachments.

409 (d)~~(e)~~ The department and each supervisor shall include
410 the affidavit and instructions on their respective websites. The
411 supervisor must include his or her office's mailing address, e-
412 mail address, and fax number on the page containing the
413 affidavit instructions; the department's instruction page must
414 include the office mailing addresses, e-mail addresses, and fax
415 numbers of all supervisors of elections or provide a conspicuous
416 link to such addresses.

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

419 (f) After all election results on the ballot have been
420 certified, the supervisor shall, on behalf of the county
421 canvassing board, notify each elector whose ballot has been
422 rejected as illegal and provide the specific reason the ballot
423 was rejected. In addition, the supervisor shall mail a voter
424 registration application to the elector to be completed
425 indicating the elector's current signature if the signature on

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426 | the voter's certificate or cure affidavit did not match the
427 | elector's signature in the registration books or precinct
428 | register. This section does not prohibit the supervisor from
429 | providing additional methods for updating an elector's
430 | signature.

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