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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AE/RM	.	Floor: C
04/29/2021 05:40 PM	.	04/29/2021 09:02 PM
	.	

Senator Hutson moved the following:

1 **Senate Amendment to House Amendment (107453) (with title**
2 **amendment)**

3
4 Delete lines 6 - 1176

5 and insert:

6 Section 1. Section 97.029, Florida Statutes, is created to
7 read:

8 97.029 Civil actions challenging the validity of election
9 laws.-

10 (1) In a civil action challenging the validity of a
11 provision of the Florida Election Code in which a state or



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12 county agency or officer is a party in state or federal court,
13 the officer, agent, official, or attorney who represents or is
14 acting on behalf of such agency or officer may not settle such
15 action, consent to any condition, or agree to any order in
16 connection therewith if the settlement, condition, or order
17 nullifies, suspends, or is in conflict with any provision of the
18 Florida Election Code, unless:

19 (a) At the time settlement negotiations have begun in
20 earnest, written notification is given to the President of the
21 Senate, the Speaker of the House of Representatives, and the
22 Attorney General.

23 (b) Any proposed settlement, consent decree, or order that
24 is proposed or received and would nullify, suspend, or conflict
25 with any provision of the Florida Election Code is promptly
26 reported in writing to the President of the Senate, the Speaker
27 of the House of Representatives, and the Attorney General.

28 (c) At least 10 days before the date a settlement or
29 presettlement agreement or order is to be made final, written
30 notification is given to the President of the Senate, the
31 Speaker of the House of Representatives, and the Attorney
32 General.

33 (2) If any notification required by this section is
34 precluded by federal law, federal regulation, court order, or
35 court rule, the officer, agent, official, or attorney
36 representing such agency or officer, or the Attorney General,
37 shall challenge the constitutionality of such preclusion in the
38 civil suit affected and give prompt notice thereof to the
39 President of the Senate, the Speaker of the House of
40 Representatives, and the Attorney General.



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41 (3) If, after a court has entered an order or judgment that
42 nullifies or suspends, or orders or justifies official action
43 that is in conflict with, a provision of the Florida Election
44 Code, the Legislature amends the general law to remove the
45 invalidity or unenforceability, the officer, agent, official, or
46 attorney who represents or is acting on behalf of the agency or
47 officer bound by such order or judgment must promptly after such
48 amendment of the general law move to dismiss or otherwise
49 terminate any ongoing jurisdiction of such case.

50 Section 2. Section 97.0291, Florida Statutes, is created to
51 read:

52 97.0291 Prohibition on use of private funds for election-
53 related expenses.—No agency or state or local official
54 responsible for conducting elections, including, but not limited
55 to, a supervisor of elections, may solicit, accept, use, or
56 dispose of any donation in the form of money, grants, property,
57 or personal services from an individual or a nongovernmental
58 entity for the purpose of funding election-related expenses or
59 voter education, voter outreach, or registration programs. This
60 section does not prohibit the donation and acceptance of space
61 to be used for a polling room or an early voting site.

62 Section 3. Paragraph (t) of subsection (2) of section
63 97.052, Florida Statutes, is amended to read:

64 97.052 Uniform statewide voter registration application.—

65 (2) The uniform statewide voter registration application
66 must be designed to elicit the following information from the
67 applicant:

68 (t) ~~1.~~ Whether the applicant has ~~never~~ been convicted of a
69 felony and, if convicted, has had his or her voting rights



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70 restored by including the statement "I affirm that I am not a
71 convicted felon or, if I am, my right to vote has been restored
72 ~~I have never been convicted of a felony."~~ and providing a box
73 for the applicant to check to affirm the statement.

74 ~~2. Whether the applicant has been convicted of a felony,~~
75 ~~and if convicted, has had his or her civil rights restored~~
76 ~~through executive clemency, by including the statement "If I~~
77 ~~have been convicted of a felony, I affirm my voting rights have~~
78 ~~been restored by the Board of Executive Clemency."~~ and providing
79 ~~a box for the applicant to check to affirm the statement.~~

80 ~~3. Whether the applicant has been convicted of a felony~~
81 ~~and, if convicted, has had his or her voting rights restored~~
82 ~~pursuant s. 4, Art. VI of the State Constitution, by including~~
83 ~~the statement "If I have been convicted of a felony, I affirm my~~
84 ~~voting rights have been restored pursuant to s. 4, Art. VI of~~
85 ~~the State Constitution upon the completion of all terms of my~~
86 ~~sentence, including parole or probation."~~ and providing a box
87 ~~for the applicant to check to affirm the statement.~~

88 Section 4. Subsections (1) and (2) and paragraph (b) of
89 subsection (3) of section 97.0525, Florida Statutes, are amended
90 to read:

91 97.0525 Online voter registration.—

92 (1) ~~Beginning October 1, 2017,~~ An applicant may submit an
93 online voter registration application using the procedures set
94 forth in this section.

95 (2) The division shall establish and maintain a secure
96 Internet website that safeguards an applicant's information to
97 ensure data integrity and permits an applicant to:

98 (a) Submit a voter registration application, including



99 first-time voter registration applications and updates to
100 current voter registration records.

101 (b) Submit information necessary to establish an
102 applicant's eligibility to vote, pursuant to s. 97.041, which
103 includes the information required for the uniform statewide
104 voter registration application pursuant to s. 97.052(2).

105 (c) Swear to the oath required pursuant to s. 97.051.

106 (3)

107 (b) The division shall conduct a comprehensive risk
108 assessment of the online voter registration system ~~before making~~
109 ~~the system publicly available and every 2 years thereafter.~~ The
110 comprehensive risk assessment must comply with the risk
111 assessment methodology developed by the Department of Management
112 Services for identifying security risks, determining the
113 magnitude of such risks, and identifying areas that require
114 safeguards. In addition, the comprehensive risk assessment must
115 incorporate all of the following:

116 1. Load testing and stress testing to ensure that the
117 online voter registration system has sufficient capacity to
118 accommodate foreseeable use, including during periods of high
119 volume of website users in the week immediately preceding the
120 book-closing deadline for an election.

121 2. Screening of computers and networks used to support the
122 online voter registration system for malware and other
123 vulnerabilities.

124 3. Evaluation of database infrastructure, including
125 software and operating systems, in order to fortify defenses
126 against cyberattacks.

127 4. Identification of any anticipated threats to the



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128 security and integrity of data collected, maintained, received,
129 or transmitted by the online voter registration system.

130 Section 5. Paragraph (a) of subsection (5) and subsection
131 (6) of section 97.053, Florida Statutes, are amended to read:

132 97.053 Acceptance of voter registration applications.—

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

136 1. The applicant's name.

137 2. The applicant's address of legal residence, including a
138 distinguishing apartment, suite, lot, room, or dormitory room
139 number or other identifier, if appropriate. Failure to include a
140 distinguishing apartment, suite, lot, room, or dormitory room or
141 other identifier on a voter registration application does not
142 impact a voter's eligibility to register to vote or cast a
143 ballot, and such an omission may not serve as the basis for a
144 challenge to a voter's eligibility or reason to not count a
145 ballot.

146 3. The applicant's date of birth.

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

149 5.a. The applicant's current and valid Florida driver
150 license number or the identification number from a Florida
151 identification card issued under s. 322.051, or

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

155
156 In case an applicant has not been issued a current and valid



157 Florida driver license, Florida identification card, or social
158 security number, the applicant shall affirm this fact in the
159 manner prescribed in the uniform statewide voter registration
160 application.

161 6. A mark in the ~~applicable~~ checkbox affirming that the
162 applicant has not been convicted of a felony or that, if
163 convicted, ~~has had his or her civil rights restored through~~
164 ~~executive clemency,~~ or has had his or her voting rights restored
165 pursuant to s. 4, Art. VI of the State Constitution.

166 7. A mark in the checkbox affirming that the applicant has
167 not been adjudicated mentally incapacitated with respect to
168 voting or that, if so adjudicated, has had his or her right to
169 vote restored.

170 8. The original signature or a digital signature
171 transmitted by the Department of Highway Safety and Motor
172 Vehicles of the applicant swearing or affirming under the
173 penalty for false swearing pursuant to s. 104.011 that the
174 information contained in the registration application is true
175 and subscribing to the oath required by s. 3, Art. VI of the
176 State Constitution and s. 97.051.

177 (6) A voter registration application, including an
178 application with a change in name, address, or party
179 affiliation, may be accepted as valid only after the department
180 has verified the authenticity or nonexistence of the driver
181 license number, the Florida identification card number, or the
182 last four digits of the social security number provided by the
183 applicant. If a completed voter registration application has
184 been received by the book-closing deadline but the driver
185 license number, the Florida identification card number, or the



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186 last four digits of the social security number provided by the
187 applicant cannot be verified, the applicant shall be notified
188 that the number cannot be verified and that the applicant must
189 provide evidence to the supervisor sufficient to verify the
190 authenticity of the applicant's driver license number, Florida
191 identification card number, or last four digits of the social
192 security number. If the applicant provides the necessary
193 evidence, the supervisor shall place the applicant's name on the
194 registration rolls as an active voter. If the applicant has not
195 provided the necessary evidence or the number has not otherwise
196 been verified prior to the applicant presenting himself or
197 herself to vote, the applicant shall be provided a provisional
198 ballot. The provisional ballot shall be counted only if the
199 number is verified by the end of the canvassing period or if the
200 applicant presents evidence to the supervisor of elections
201 sufficient to verify the authenticity of the applicant's driver
202 license number, Florida identification card number, or last four
203 digits of the social security number no later than 5 p.m. of the
204 second day following the election.

205 Section 6. Subsection (13) is added to section 97.057,
206 Florida Statutes, to read:

207 97.057 Voter registration by the Department of Highway
208 Safety and Motor Vehicles.—

209 (13) The Department of Highway Safety and Motor Vehicles
210 must assist the Department of State in regularly identifying
211 changes in residence address on the driver license or
212 identification card of a voter. The Department of State must
213 report each such change to the appropriate supervisor of
214 elections who must change the voter's registration records in



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215 accordance with s. 98.065(4).

216 Section 7. Paragraphs (c) and (d) of subsection (1),
217 paragraph (a) of subsection (3), and subsection (5) of section
218 97.0575, Florida Statutes, are amended to read:

219 97.0575 Third-party voter registrations.—

220 (1) Before engaging in any voter registration activities, a
221 third-party voter registration organization must register and
222 provide to the division, in an electronic format, the following
223 information:

224 (c) The names, permanent addresses, and temporary
225 addresses, if any, of each registration agent registering
226 persons to vote in this state on behalf of the organization.
227 This paragraph does not apply to persons who only solicit
228 applications and do not collect or handle voter registration
229 applications.

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

235 (3) (a) A third-party voter registration organization that
236 collects voter registration applications serves as a fiduciary
237 to the applicant, ensuring that any voter registration
238 application entrusted to the organization, irrespective of party
239 affiliation, race, ethnicity, or gender, must shall be promptly
240 delivered to the division or the supervisor of elections in the
241 county in which the applicant resides within 14 days after
242 completed by the applicant, but not after registration closes
243 for the next ensuing election. A third-party voter registration



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244 organization must notify the applicant at the time the
245 application is collected that the organization might not deliver
246 the application to the division or the supervisor of elections
247 in the county in which the applicant resides in less than 14
248 days or before registration closes for the next ensuing election
249 and must advise the applicant that he or she may deliver the
250 application in person or by mail. The third-party voter
251 registration organization must also inform the applicant how to
252 register online with the division and how to determine whether
253 the application has been delivered 48 hours after the applicant
254 completes it or the next business day if the appropriate office
255 is closed for that 48-hour period. If a voter registration
256 application collected by any third-party voter registration
257 organization is not promptly delivered to the division or
258 supervisor of elections in the county in which the applicant
259 resides, the third-party voter registration organization is
260 liable for the following fines:

261 1. A fine in the amount of \$50 for each application
262 received by the division or the supervisor of elections in the
263 county which the applicant resides more than 14 days 48 hours
264 after the applicant delivered the completed voter registration
265 application to the third-party voter registration organization
266 or any person, entity, or agent acting on its behalf ~~or the next~~
267 ~~business day, if the office is closed.~~ A fine in the amount of
268 \$250 for each application received if the third-party voter
269 registration organization or person, entity, or agency acting on
270 its behalf acted willfully.

271 2. A fine in the amount of \$100 for each application
272 collected by a third-party voter registration organization or



273 any person, entity, or agent acting on its behalf, before book
274 closing for any given election for federal or state office and
275 received by the division or the supervisor of elections in the
276 county in which the applicant resides after the book-closing
277 deadline for such election. A fine in the amount of \$500 for
278 each application received if the third-party registration
279 organization or person, entity, or agency acting on its behalf
280 acted willfully.

281 3. A fine in the amount of \$500 for each application
282 collected by a third-party voter registration organization or
283 any person, entity, or agent acting on its behalf, which is not
284 submitted to the division or supervisor of elections in the
285 county in which the applicant resides. A fine in the amount of
286 \$1,000 for any application not submitted if the third-party
287 voter registration organization or person, entity, or agency
288 acting on its behalf acted willfully.

289
290 The aggregate fine pursuant to this paragraph which may be
291 assessed against a third-party voter registration organization,
292 including affiliate organizations, for violations committed in a
293 calendar year is \$1,000.

294 (5) The division shall adopt by rule a form to elicit
295 specific information concerning the facts and circumstances from
296 a person who claims to have been registered to vote by a third-
297 party voter registration organization but who does not appear as
298 an active voter on the voter registration rolls. The division
299 shall also adopt rules to ensure the integrity of the
300 registration process, including controls to ensure that all
301 completed forms are promptly delivered to the division or an



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302 ~~supervisor in the county in which the applicant resides rules~~
303 ~~requiring third party voter registration organizations to~~
304 ~~account for all state and federal registration forms used by~~
305 ~~their registration agents. Such rules may require an~~
306 ~~organization to provide organization and form specific~~
307 ~~identification information on each form as determined by the~~
308 ~~department as needed to assist in the accounting of state and~~
309 ~~federal registration forms.~~

310 Section 8. Paragraphs (d), (e), and (f) of subsection (1)
311 of section 97.0585, Florida Statutes, are amended to read:

312 97.0585 Public records exemption; information regarding
313 voters and voter registration; confidentiality.-

314 (1) The following information held by an agency, as defined
315 in s. 119.011, and obtained for the purpose of voter
316 registration is confidential and exempt from s. 119.07(1) and s.
317 24(a), Art. I of the State Constitution and may be used only for
318 purposes of voter registration:

319 ~~(d) Information related to a voter registration applicant's~~
320 ~~or voter's prior felony conviction and whether such person has~~
321 ~~had his or her voting rights restored by the Board of Executive~~
322 ~~Clemency or pursuant to s. 4, Art. VI of the State Constitution.~~

323 ~~(e) All information concerning preregistered voter~~
324 ~~registration applicants who are 16 or 17 years of age. This~~
325 ~~paragraph is~~

326 ~~(f) Paragraphs (d) and (e) are subject to the Open~~
327 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
328 ~~shall stand repealed on October 2, 2024, unless reviewed and~~
329 ~~saved from repeal through reenactment by the Legislature.~~

330 Section 9. Section 97.1031, Florida Statutes, is amended to



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331 read:

332 97.1031 Notice of change of residence, change of name, or
333 change of party affiliation.—

334 (1) (a) When an elector changes his or her residence
335 address, the elector must notify the supervisor of elections.
336 Except as provided in paragraph (b), an address change must be
337 submitted using a voter registration application.

338 (b) If the address change is within the state and notice is
339 provided to the supervisor of elections of the county where the
340 elector has moved, the elector may do so by:

341 1. Contacting the supervisor of elections via telephone or
342 electronic means, in which case the elector must provide his or
343 her date of birth and the last four digits of his or her social
344 security number, his or her Florida driver license number, or
345 his or her Florida identification card number, whichever may be
346 verified in the supervisor's records; or

347 2. Submitting the change on a voter registration
348 application or other signed written notice.

349 (2) When an elector seeks to change party affiliation, the
350 elector shall notify his or her supervisor of elections or other
351 voter registration official by submitting a voter registration
352 application using a signed written notice that contains the
353 ~~elector's date of birth or voter registration number~~. When an
354 elector changes his or her name by marriage or other legal
355 process, the elector shall notify his or her supervisor of
356 elections or other voter registration official by submitting a
357 voter registration application using a signed written notice
358 ~~that contains the elector's date of birth or voter's~~
359 ~~registration number~~.



360 (3) The voter registration official shall make the
361 necessary changes in the elector's records as soon as practical
362 upon receipt of such notice of a change of address of legal
363 residence, name, or party affiliation. The supervisor of
364 elections shall issue the new voter information card.

365 Section 10. Present subsections (4) and (5) of section
366 98.0981, Florida Statutes, are redesignated as subsections (5)
367 and (6), respectively, a new subsection (4) is added to that
368 section, and paragraph (a) of subsection (2) of that section is
369 amended, to read:

370 98.0981 Reports; voting history; statewide voter
371 registration system information; precinct-level election
372 results; book closing statistics; live turnout data.-

373 (2) PRECINCT-LEVEL ELECTION RESULTS.-

374 (a) Within 30 days after certification by the Elections
375 Canvassing Commission of a presidential preference primary
376 election, special election, primary election, or general
377 election, the supervisors of elections shall collect and submit
378 to the department precinct-level election results for the
379 election in a uniform electronic format specified by paragraph
380 (c). The precinct-level election results shall be compiled
381 separately for the primary or special primary election that
382 preceded the general or special general election, respectively.
383 The results shall specifically include for each precinct the
384 total of all ballots cast for each candidate or nominee to fill
385 a national, state, county, or district office or proposed
386 constitutional amendment, with subtotals for each candidate and
387 ballot type. However, ballot type or precinct subtotals in a
388 race or question having fewer than 30 voters voting on the



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389 ballot type or in the precinct may not be reported in precinct
390 results, unless fewer than 30 voters voted a ballot type. "All
391 ballots cast" means ballots cast by voters who cast a ballot
392 whether at a precinct location, by vote-by-mail ballot including
393 overseas vote-by-mail ballots, during the early voting period,
394 or by provisional ballot.

395 (4) LIVE TURNOUT DATA.-On election day, each supervisor of
396 elections shall make live voter turnout data, updated at least
397 once per hour, available on his or her website. Each supervisor
398 shall transmit the live voter turnout data to the division,
399 which must create and maintain a real-time statewide turnout
400 dashboard that is available for viewing by the public on the
401 division's website as the data becomes available.

402 Section 11. Paragraph (f) of subsection (3) and paragraph
403 (g) of subsection (4) of section 99.012, Florida Statutes, are
404 amended to read:

405 99.012 Restrictions on individuals qualifying for public
406 office.-

407 (3)

408 ~~(f)1. With regard to an elective office, the resignation~~
409 ~~creates a vacancy in office to be filled by election. Persons~~
410 ~~may qualify as candidates for nomination and election as if the~~
411 ~~public officer's term were otherwise scheduled to expire.~~

412 ~~2. With regard to an elective charter county office or~~
413 ~~elective municipal office, the vacancy created by the officer's~~
414 ~~resignation may be filled for that portion of the officer's~~
415 ~~unexpired term in a manner provided by the respective charter.~~
416 The office is deemed vacant upon the effective date of the
417 resignation submitted by the official in his or her letter of



418 resignation.

419 (4)

420 (g) ~~Notwithstanding the provisions of any special act to~~
421 ~~the contrary, with regard to an elective office, the resignation~~
422 ~~creates a vacancy in office to be filled by election, thereby~~
423 ~~authorizing persons to qualify as candidates for nomination and~~
424 ~~election as if the officer's term were otherwise scheduled to~~
425 ~~expire. With regard to an elective charter county office or~~
426 ~~elective municipal office, the vacancy created by the officer's~~
427 ~~resignation may be filled for that portion of the officer's~~
428 ~~unexpired term in a manner provided by the respective charter.~~
429 The office is deemed vacant upon the effective date of the
430 resignation submitted by the official in his or her letter of
431 resignation.

432 Section 12. Present paragraph (c) of subsection (1) of
433 section 99.021, Florida Statutes, is redesignated as paragraph
434 (d), a new paragraph (c) is added to that subsection, and
435 paragraph (b) of that subsection is amended, to read:

436 99.021 Form of candidate oath.—

437 (1)

438 (b) In addition, any person seeking to qualify for
439 nomination as a candidate of any political party shall, at the
440 time of subscribing to the oath or affirmation, state in
441 writing:

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

443 2. That the person has ~~not~~ been a registered member of the
444 any other political party for which he or she is seeking
445 nomination as a candidate for 365 days before the beginning of
446 qualifying preceding the general election for which the person



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447 seeks to qualify.

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

451 (c) In addition, any person seeking to qualify for office
452 as a candidate with no party affiliation shall, at the time of
453 subscribing to the oath or affirmation, state in writing that he
454 or she is registered without any party affiliation and that he
455 or she has not been a registered member of any political party
456 for 365 days before the beginning of qualifying preceding the
457 general election for which the person seeks to qualify.

458 Section 13. Paragraph (a) of subsection (7) of section
459 99.061, Florida Statutes, is amended to read:

460 99.061 Method of qualifying for nomination or election to
461 federal, state, county, or district office.—

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

465 1. A properly executed check drawn upon the candidate's
466 campaign account payable to the person or entity as prescribed
467 by the filing officer in an amount not less than the fee
468 required by s. 99.092, unless the candidate obtained the
469 required number of signatures on petitions pursuant to s.
470 99.095. The filing fee for a special district candidate is not
471 required to be drawn upon the candidate's campaign account. If a
472 candidate's check is returned by the bank for any reason, the
473 filing officer shall immediately notify the candidate and the
474 candidate shall have until the end of qualifying to pay the fee
475 with a cashier's check purchased from funds of the campaign



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476 account. Failure to pay the fee as provided in this subparagraph
477 shall disqualify the candidate.

478 2. The candidate's oath required by s. 99.021, which must
479 contain the name of the candidate as it is to appear on the
480 ballot; the office sought, including the district or group
481 number if applicable; and the signature of the candidate, which
482 must be verified under oath or affirmation pursuant to s.
483 92.525(1) (a).

484 3. If the office sought is partisan, the written statement
485 of political party affiliation required by s. 99.021(1) (b); or
486 if the candidate is running without party affiliation for a
487 partisan office, the written statement required by s.
488 99.021(1) (c).

489 4. The completed form for the appointment of campaign
490 treasurer and designation of campaign depository, as required by
491 s. 106.021.

492 5. The full and public disclosure or statement of financial
493 interests required by subsection (5). A public officer who has
494 filed the full and public disclosure or statement of financial
495 interests with the Commission on Ethics or the supervisor of
496 elections prior to qualifying for office may file a copy of that
497 disclosure at the time of qualifying.

498 Section 14. Paragraph (b) of subsection (2) of section
499 99.063, Florida Statutes, is amended to read:

500 99.063 Candidates for Governor and Lieutenant Governor.—

501 (2) No later than 5 p.m. of the 9th day following the
502 primary election, each designated candidate for Lieutenant
503 Governor shall file with the Department of State:

504 (b) If the office sought is partisan, the written statement



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505 of political party affiliation required by s. 99.021(1)(b); or
506 if the office sought is without party affiliation, the written
507 statement required by s. 99.021(1)(c).

508 Section 15. Paragraph (a) of subsection (3) of section
509 100.111, Florida Statutes, is amended to read:

510 100.111 Filling vacancy.—

511 (3)(a) In the event that death, resignation, withdrawal, or
512 removal should cause a party to have a vacancy in nomination
513 which leaves no candidate for an office from such party, the
514 filing officer before whom the candidate qualified shall notify
515 the chair of the state and county political party executive
516 committee of such party and:

517 1. If the vacancy in nomination is for a statewide office,
518 the state party chair shall, within 5 days, call a meeting of
519 his or her executive board to consider designation of a nominee
520 to fill the vacancy.

521 2. If the vacancy in nomination is for the office of United
522 States Representative, state senator, state representative,
523 state attorney, or public defender, the state party chair shall
524 ~~notify the appropriate county chair or chairs and,~~ within 5
525 days, ~~the appropriate county chair or chairs shall~~ call a
526 meeting of the state executive committee members residing
527 ~~members of the executive committee~~ in the affected county or
528 counties to consider designation of a nominee to fill the
529 vacancy.

530 3. If the vacancy in nomination is for a county office, the
531 state party chair shall notify the appropriate county chair and,
532 within 5 days, the appropriate county chair shall call a meeting
533 of his or her executive committee to consider designation of a



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534 nominee to fill the vacancy.

535

536 The name of any person so designated shall be submitted to the
537 filing officer before whom the candidate qualified within 7 days
538 after notice to the chair in order that the person designated
539 may have his or her name on the ballot of the ensuing general
540 election. If the name of the new nominee is submitted after the
541 certification of results of the preceding primary election,
542 however, the ballots shall not be changed and the former party
543 nominee's name will appear on the ballot. Any ballots cast for
544 the former party nominee will be counted for the person
545 designated by the political party to replace the former party
546 nominee. If there is no opposition to the party nominee, the
547 person designated by the political party to replace the former
548 party nominee will be elected to office at the general election.

549 Section 16. Subsections (2) and (5) of section 101.051,
550 Florida Statutes, are amended to read:

551 101.051 Electors seeking assistance in casting ballots;
552 oath to be executed; forms to be furnished.-

553 (2) It is unlawful for any person to be in the voting booth
554 with any elector except as provided in subsection (1). A person
555 at a polling place, a drop box location, or an early voting
556 site, or within 150 ~~100~~ feet of a drop box location or the
557 entrance of a polling place or an early voting site, may not
558 solicit any elector in an effort to provide assistance to vote
559 pursuant to subsection (1). Any person who violates this
560 subsection commits a misdemeanor of the first degree, punishable
561 as provided in s. 775.082 or s. 775.083.

562 (5) If an elector needing assistance requests that a person



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592 101.131 Watchers at polls.-

593 (5) The supervisor of elections shall provide to each
594 designated poll watcher ~~an, no later than 7 days before early~~
595 ~~voting begins, a poll watcher~~ identification badge which ~~that~~
596 identifies the poll watcher by name. Each poll watcher must wear
597 his or her identification badge while performing his or her
598 duties in the polling room or early voting area.

599 Section 18. Section 101.545, Florida Statutes, is amended
600 to read:

601 101.545 Retention and destruction of certain election
602 materials.-All ballots, forms, and other election materials
603 shall be retained in the custody of the supervisor of elections
604 for a minimum of 22 months after an election and in accordance
605 with the schedule approved by the Division of Library and
606 Information Services of the Department of State. All unused
607 ballots, forms, and other election materials may, with the
608 approval of the Department of State, be destroyed by the
609 supervisor after the election for which such ballots, forms, or
610 other election materials were to be used.

611 Section 19. Paragraph (d) of subsection (2) of section
612 101.5605, Florida Statutes, is amended to read:

613 101.5605 Examination and approval of equipment.-

614 (2)

615 (d) The Department of State shall approve or disapprove any
616 voting system submitted to it within 120 ~~90~~ days after the date
617 of its initial submission.

618 Section 20. Paragraph (a) of subsection (4) of section
619 101.5614, Florida Statutes, is amended to read:

620 101.5614 Canvass of returns.-



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621 (4) (a) If any vote-by-mail ballot is physically damaged so
622 that it cannot properly be counted by the voting system's
623 automatic tabulating equipment, a true duplicate copy shall be
624 made of the damaged ballot in an open and accessible room in the
625 presence of witnesses and substituted for the damaged ballot.
626 Likewise, a duplicate ballot shall be made of a vote-by-mail
627 ballot containing an overvoted race if there is a clear
628 indication on the ballot that the voter has made a definite
629 choice in the overvoted race or ballot measure. A duplicate ~~or a~~
630 marked vote-by-mail ballot in which every race is undervoted
631 ~~which~~ shall include all valid votes as determined by the
632 canvassing board based on rules adopted by the division pursuant
633 to s. 102.166(4). A duplicate may be made of a ballot containing
634 an undervoted race or ballot measure if there is a clear
635 indication on the ballot that the voter has made a definite
636 choice in the undervoted race or ballot measure. A duplicate may
637 not include a vote if the voter's intent in such race or on such
638 measure is not clear. Upon request, a physically present
639 candidate, a political party official, a political committee
640 official, or an authorized designee thereof, must be allowed to
641 observe the duplication of ballots. The observer must be allowed
642 to observe the duplication of ballots in such a way that the
643 observer is able to see the markings on each ballot and the
644 duplication taking place. All duplicate ballots must ~~shall~~ be
645 clearly labeled "duplicate," bear a serial number which shall be
646 recorded on the defective ballot, and be counted in lieu of the
647 defective ballot. The duplication of ballots must happen in the
648 presence of at least one canvassing board member. After a ballot
649 has been duplicated, the defective ballot shall be placed in an



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650 envelope provided for that purpose, and the duplicate ballot
651 shall be tallied with the other ballots for that precinct. If
652 any observer makes a reasonable objection to a duplicate of a
653 ballot, the ballot must be presented to the canvassing board for
654 a determination of the validity of the duplicate. The canvassing
655 board must document the serial number of the ballot in the
656 canvassing board's minutes. The canvassing board must decide
657 whether the duplication is valid. If the duplicate ballot is
658 determined to be valid, the duplicate ballot must be counted. If
659 the duplicate ballot is determined to be invalid, the duplicate
660 ballot must be rejected and a proper duplicate ballot must be
661 made and counted in lieu of the original.

662 Section 21. Section 101.572, Florida Statutes, is amended
663 to read:

664 101.572 Public inspection of ballots.—

665 (1) The official ballots and ballot cards received from
666 election boards and removed from vote-by-mail ballot mailing
667 envelopes and voter certificates on such mailing envelopes shall
668 be open for public inspection or examination while in the
669 custody of the supervisor of elections or the county canvassing
670 board at any reasonable time, under reasonable conditions;
671 however, no persons other than the supervisor of elections or
672 his or her employees or the county canvassing board shall handle
673 any official ballot or ballot card. If the ballots are being
674 examined prior to the end of the contest period in s. 102.168,
675 the supervisor of elections shall make a reasonable effort to
676 notify all candidates whose names appear on such ballots or
677 ballot cards by telephone or otherwise of the time and place of
678 the inspection or examination. All such candidates, or their



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679 representatives, shall be allowed to be present during the
680 inspection or examination.

681 (2) A candidate, a political party official, or a political
682 committee official, or an authorized designee thereof, shall be
683 granted reasonable access upon request to review or inspect
684 ballot materials before canvassing or tabulation, including
685 voter certificates on vote-by-mail envelopes, cure affidavits,
686 corresponding comparison signatures, duplicate ballots, and
687 corresponding originals. Before the supervisor begins comparing
688 signatures on vote-by-mail voter certificates, the supervisor
689 must publish notice of the access to be provided under this
690 section, which may be access to the documents or images thereof,
691 and the method of requesting such access. During such review, no
692 person granted access for review may make any copy of a
693 signature.

694 Section 22. Subsection (5) of section 101.591, Florida
695 Statutes, is amended to read:

696 101.591 Voting system audit.—

697 (5) By December 15 of each general election year ~~Within 15~~
698 ~~days after completion of the audit,~~ the county canvassing board
699 or the board responsible for certifying the election shall
700 provide a report with the results of the audit to the Department
701 of State in a standard format as prescribed by the department.
702 The report must be consolidated into one report with the
703 overvote and undervote report required under s. 101.595(1). The
704 report shall contain, but is not limited to, the following
705 items:

706 (a) The overall accuracy of audit.

707 (b) A description of any problems or discrepancies



708 encountered.

709 (c) The likely cause of such problems or discrepancies.

710 (d) Recommended corrective action with respect to avoiding
711 or mitigating such circumstances in future elections.

712 Section 23. Subsections (1) and (3) of section 101.595,
713 Florida Statutes, are amended to read:

714 101.595 Analysis and reports of voting problems.—

715 (1) No later than December 15 of each general election
716 year, the supervisor of elections in each county shall report to
717 the Department of State the total number of overvotes and
718 undervotes in the "President and Vice President" or "Governor
719 and Lieutenant Governor" race that appears first on the ballot
720 or, if neither appears, the first race appearing on the ballot
721 pursuant to s. 101.151(2), along with the likely reasons for
722 such overvotes and undervotes and other information as may be
723 useful in evaluating the performance of the voting system and
724 identifying problems with ballot design and instructions which
725 may have contributed to voter confusion. This report must be
726 consolidated into one report with the audit report required
727 under s. 101.591(5).

728 (3) The Department of State shall submit the report to the
729 Governor, the President of the Senate, and the Speaker of the
730 House of Representatives by February 15 ~~January 31~~ of each year
731 following a general election.

732 Section 24. Paragraphs (a) and (b) of subsection (1),
733 subsection (3), and paragraph (c) of subsection (4) of section
734 101.62, Florida Statutes, are amended, and subsection (7) is
735 added to that section, to read:

736 101.62 Request for vote-by-mail ballots.—



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737 (1) (a) The supervisor shall accept a request for a vote-by-
738 mail ballot from an elector in person or in writing. One request
739 is ~~shall be~~ deemed sufficient to receive a vote-by-mail ballot
740 for all elections through the end of the calendar year of the
741 next second ensuing regularly scheduled general election, unless
742 the elector or the elector's designee indicates at the time the
743 request is made the elections within such period for which the
744 elector desires to receive a vote-by-mail ballot. Such request
745 may be considered canceled when any first-class mail sent by the
746 supervisor to the elector is returned as undeliverable.

747 (b) The supervisor may accept a written, an in-person, or a
748 telephonic request for a vote-by-mail ballot to be mailed to an
749 elector's address on file in the Florida Voter Registration
750 System from the elector, or, if directly instructed by the
751 elector, a member of the elector's immediate family, or the
752 elector's legal guardian. If an in-person or a telephonic
753 request is made, the elector must provide the elector's Florida
754 driver license number, the elector's Florida identification card
755 number, or the last four digits of the elector's social security
756 number, whichever may be verified in the supervisor's records.
757 If the ballot is requested to be mailed to an address other than
758 the elector's address on file in the Florida Voter Registration
759 System, the request must be made in writing. A written request
760 must be ~~and~~ signed by the elector and include the elector's
761 Florida driver license number, the elector's Florida
762 identification card number, or the last four digits of the
763 elector's social security number. However, an absent uniformed
764 service voter or an overseas voter seeking a vote-by-mail ballot
765 is not required to submit a signed, written request for a vote-



766 by-mail ballot that is being mailed to an address other than the
767 elector's address on file in the Florida Voter Registration
768 System. For purposes of this section, the term "immediate
769 family" has the same meaning as specified in paragraph (4)(c).
770 The person making the request must disclose:

- 771 1. The name of the elector for whom the ballot is
772 requested.
- 773 2. The elector's address.
- 774 3. The elector's date of birth.
- 775 4. The elector's Florida driver license number, the
776 elector's Florida identification card number, or the last four
777 digits of the elector's social security number, whichever may be
778 verified in the supervisor's records.
- 779 5. The requester's name.
- 780 ~~6.5.~~ The requester's address.
- 781 ~~7.6.~~ The requester's driver license number, the requester's
782 identification card number, or the last four digits of the
783 requester's social security number, if available.
- 784 ~~8.7.~~ The requester's relationship to the elector.
- 785 ~~9.8.~~ The requester's signature (written requests only).

786 (3) For each request for a vote-by-mail ballot received,
787 the supervisor shall record: the date the request was made; the
788 identity of the voter's designee making the request, if any; the
789 Florida driver license number, Florida identification card
790 number, or last four digits of the social security number of the
791 elector provided with a written request;~~7~~ the date the vote-by-
792 mail ballot was delivered to the voter or the voter's designee
793 or the date the vote-by-mail ballot was delivered to the post
794 office or other carrier; the address to which the ballot was



795 mailed or the identity of the voter's designee to whom the
796 ballot was delivered; the date the ballot was received by the
797 supervisor; the absence of the voter's signature on the voter's
798 certificate, if applicable; whether the voter's certificate
799 contains a signature that does not match the elector's signature
800 in the registration books or precinct register; and such other
801 information he or she may deem necessary. This information shall
802 be provided in electronic format as provided by division rule
803 ~~adopted by the division~~. The information shall be updated and
804 made available no later than 8 a.m. of each day, including
805 weekends, beginning 60 days before the primary until 15 days
806 after the general election and shall be contemporaneously
807 provided to the division. This information shall be confidential
808 and exempt from s. 119.07(1) and shall be made available to or
809 reproduced only for the voter requesting the ballot, a
810 canvassing board, an election official, a political party or
811 official thereof, a candidate who has filed qualification papers
812 and is opposed in an upcoming election, and registered political
813 committees for political purposes only.

814 (4)

815 (c) The supervisor shall provide a vote-by-mail ballot to
816 each elector by whom a request for that ballot has been made by
817 one of the following means:

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

821 2. By forwardable mail, e-mail, or facsimile machine
822 transmission to absent uniformed services voters and overseas
823 voters. The absent uniformed services voter or overseas voter



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824 may designate in the vote-by-mail ballot request the preferred
825 method of transmission. If the voter does not designate the
826 method of transmission, the vote-by-mail ballot shall be mailed.

827 3. By personal delivery before 7 p.m. on election day to
828 the elector, upon presentation of the identification required in
829 s. 101.043.

830 4. By delivery to a designee on election day or up to 9
831 days before ~~prior to~~ the day of an election. Any elector may
832 designate in writing a person to pick up the ballot for the
833 elector; however, the person designated may not pick up more
834 than two vote-by-mail ballots per election, other than the
835 designee's own ballot, except that additional ballots may be
836 picked up for members of the designee's immediate family. For
837 purposes of this section, "immediate family" means the
838 designee's spouse or the parent, child, grandparent, grandchild,
839 or sibling of the designee or of the designee's spouse. The
840 designee shall provide to the supervisor the written
841 authorization by the elector and a picture identification of the
842 designee and must complete an affidavit. The designee shall
843 state in the affidavit that the designee is authorized by the
844 elector to pick up that ballot and shall indicate if the elector
845 is a member of the designee's immediate family and, if so, the
846 relationship. The department shall prescribe the form of the
847 affidavit. If the supervisor is satisfied that the designee is
848 authorized to pick up the ballot and that the signature of the
849 elector on the written authorization matches the signature of
850 the elector on file, the supervisor shall give the ballot to
851 that designee for delivery to the elector.

852 5. Except as provided in s. 101.655, the supervisor may not



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853 deliver a vote-by-mail ballot to an elector or an elector's
854 immediate family member on the day of the election unless there
855 is an emergency, to the extent that the elector will be unable
856 to go to his or her assigned polling place. If a vote-by-mail
857 ballot is delivered, the elector or his or her designee shall
858 execute an affidavit affirming to the facts which allow for
859 delivery of the vote-by-mail ballot. The department shall adopt
860 a rule providing for the form of the affidavit.

861 (7) Except as expressly authorized for voters having a
862 disability under s. 101.662, for overseas voters under s.
863 101.697, or for local referenda under ss. 101.6102 and 101.6103,
864 a county, municipality, or state agency may not send a vote-by-
865 mail ballot to a voter unless the voter has requested a vote-by-
866 mail ballot in the manner authorized under this section.

867 Section 25. Notwithstanding the amendments made to s.
868 101.62(1)(a), Florida Statutes, by this act, an existing vote-
869 by-mail ballot request submitted before the effective date of
870 this act is deemed sufficient for elections held through the end
871 of the 2022 calendar year.

872 Section 26. Subsection (1) of section 101.64, Florida
873 Statutes, is amended to read:

874 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

875 (1)(a) The supervisor shall enclose with each vote-by-mail
876 ballot two envelopes: a secrecy envelope, into which the absent
877 elector shall enclose his or her marked ballot; and a mailing
878 envelope, into which the absent elector shall then place the
879 secrecy envelope, which shall be addressed to the supervisor and
880 also bear on the back side a certificate in substantially the
881 following form:



911 registration books or the precinct register to determine whether
912 the elector is duly registered in the county and must ~~may~~ record
913 on the elector's registration record ~~certificate~~ that the
914 elector has voted. During the signature comparison process, the
915 supervisor may not use any knowledge of the political
916 affiliation of the voter whose signature is subject to
917 verification. An elector who dies after casting a vote-by-mail
918 ballot but on or before election day shall remain listed in the
919 registration books until the results have been certified for the
920 election in which the ballot was cast. The supervisor shall
921 safely keep the ballot unopened in his or her office until the
922 county canvassing board canvasses the vote. Except as provided
923 in subsection (4), after a vote-by-mail ballot is received by
924 the supervisor, the ballot is deemed to have been cast, and
925 changes or additions may not be made to the voter's certificate.

926 (2) (a) The county canvassing board may begin the canvassing
927 of vote-by-mail ballots upon the completion of the public
928 testing of automatic tabulating equipment pursuant to s.
929 101.5612(2) at 7 a.m. on the 22nd day before the election, but
930 must begin such canvassing by no ~~not~~ later than noon on the day
931 following the election. ~~In addition, for any county using~~
932 ~~electronic tabulating equipment, the processing of vote-by-mail~~
933 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~
934 ~~the 22nd day before the election.~~ However, notwithstanding any
935 such authorization to begin canvassing or otherwise processing
936 vote-by-mail ballots early, no result shall be released until
937 after the closing of the polls in that county on election day.
938 Any supervisor, deputy supervisor, canvassing board member,
939 election board member, or election employee who releases the



940 results of a canvassing or processing of vote-by-mail ballots
941 prior to the closing of the polls in that county on election day
942 commits a felony of the third degree, punishable as provided in
943 s. 775.082, s. 775.083, or s. 775.084.

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

949 (c)1. The canvassing board must, if the supervisor has not
950 already done so, compare the signature of the elector on the
951 voter's certificate or on the vote-by-mail ballot cure affidavit
952 as provided in subsection (4) with the signature of the elector
953 in the registration books or the precinct register to see that
954 the elector is duly registered in the county and to determine
955 the legality of that vote-by-mail ballot. A vote-by-mail ballot
956 may only be counted if:

957 a. The signature on the voter's certificate or the cure
958 affidavit matches the elector's signature in the registration
959 books or precinct register; however, in the case of a cure
960 affidavit, the supporting identification listed in subsection
961 (4) must also confirm the identity of the elector; or

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

967
968 For purposes of this subparagraph, any canvassing board finding



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969 that an elector's signatures do not match must be by majority
970 vote and beyond a reasonable doubt.

971 2. The ballot of an elector who casts a vote-by-mail ballot
972 shall be counted even if the elector dies on or before election
973 day, as long as, before the death of the voter, the ballot was
974 postmarked by the United States Postal Service, date-stamped
975 with a verifiable tracking number by a common carrier, or
976 already in the possession of the supervisor.

977 3. A vote-by-mail ballot is not considered illegal if the
978 signature of the elector does not cross the seal of the mailing
979 envelope.

980 4. If any elector or candidate present believes that a
981 vote-by-mail ballot is illegal due to a defect apparent on the
982 voter's certificate or the cure affidavit, he or she may, at any
983 time before the ballot is removed from the envelope, file with
984 the canvassing board a protest against the canvass of that
985 ballot, specifying the precinct, the voter's certificate or the
986 cure affidavit ~~the ballot~~, and the reason he or she believes the
987 ballot to be illegal. A challenge based upon a defect in the
988 voter's certificate or cure affidavit may not be accepted after
989 the ballot has been removed from the mailing envelope.

990 5. If the canvassing board determines that a ballot is
991 illegal, a member of the board must, without opening the
992 envelope, mark across the face of the envelope: "rejected as
993 illegal." The cure affidavit, if applicable, the envelope, and
994 the ballot therein shall be preserved in the manner that
995 official ballots are preserved.

996 (d) The canvassing board shall record the ballot upon the
997 proper record, unless the ballot has been previously recorded by



998 the supervisor. The mailing envelopes shall be opened and the
999 secrecy envelopes shall be mixed so as to make it impossible to
1000 determine which secrecy envelope came out of which signed
1001 mailing envelope; however, in any county in which an electronic
1002 or electromechanical voting system is used, the ballots may be
1003 sorted by ballot styles and the mailing envelopes may be opened
1004 and the secrecy envelopes mixed separately for each ballot
1005 style. The votes on vote-by-mail ballots shall be included in
1006 the total vote of the county.

1007 Section 28. Subsection (2) of section 101.69, Florida
1008 Statutes, is amended, and subsection (3) is added to that
1009 section, to read:

1010 101.69 Voting in person; return of vote-by-mail ballot.—

1011 (2) (a) The supervisor shall allow an elector who has
1012 received a vote-by-mail ballot to physically return a voted
1013 vote-by-mail ballot to the supervisor by placing the return mail
1014 envelope containing his or her marked ballot in a secure drop
1015 box. Secure drop boxes shall be placed at the main office of the
1016 supervisor, at each permanent branch office of the supervisor,
1017 and at each early voting site. Secure drop boxes may also be
1018 placed at any other site that would otherwise qualify as an
1019 early voting site under s. 101.657(1). Drop boxes must be
1020 geographically located so as to provide all voters in the county
1021 with an equal opportunity to cast a ballot, insofar as is
1022 practicable. Except for secure drop boxes at an office of the
1023 supervisor, a secure drop box may only be used; ~~provided,~~
1024 ~~however, that any such site must be staffed during the county's~~
1025 early voting hours of operation and must be monitored in person
1026 by an employee of the supervisor's office. A secure drop box at



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1027 an office of the supervisor must be continuously monitored in
1028 person by an employee of the supervisor's office when the drop
1029 box is accessible for deposit of ballots ~~or a sworn law~~
1030 enforcement officer.

1031 (b) A supervisor shall designate each drop box site at
1032 least 30 days before an election. The supervisor shall provide
1033 the address of each drop box location to the division at least
1034 30 days before an election. After a drop box location has been
1035 designated, it may not be moved or changed except as approved by
1036 the division to correct a violation of this subsection.

1037 (c)1. On each day of early voting, all drop boxes must be
1038 emptied at the end of early voting hours and all ballots
1039 retrieved from the drop boxes must be returned to the
1040 supervisor's office.

1041 2. For drop boxes located at an office of the supervisor,
1042 all ballots must be retrieved before the drop box is no longer
1043 monitored by an employee of the supervisor.

1044 3. Employees of the supervisor must comply with procedures
1045 for the chain of custody of ballots as required by s.
1046 101.015(4).

1047 (3) If any drop box is left accessible for ballot receipt
1048 other than as authorized by this section, the supervisor is
1049 subject to a civil penalty of \$25,000. The division is
1050 authorized to enforce this provision.

1051 Section 29. Paragraphs (a), (b), and (e) of subsection (4)
1052 of section 102.031, Florida Statutes, are amended to read:

1053 102.031 Maintenance of good order at polls; authorities;
1054 persons allowed in polling rooms and early voting areas;
1055 unlawful solicitation of voters.-



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1056 (4) (a) No person, political committee, or other group or
1057 organization may solicit voters inside the polling place or
1058 within 150 feet of a drop box or the entrance to any polling
1059 place, a polling room where the polling place is also a polling
1060 room, an early voting site, or an office of the supervisor where
1061 vote-by-mail ballots are requested and printed on demand for the
1062 convenience of electors who appear in person to request them.
1063 Before the opening of a drop box location, ~~a~~ the polling place,
1064 or an early voting site, the clerk or supervisor shall designate
1065 the no-solicitation zone and mark the boundaries.

1066 (b) For the purpose of this subsection, the terms "solicit"
1067 or "solicitation" shall include, but not be limited to, seeking
1068 or attempting to seek any vote, fact, opinion, or contribution;
1069 distributing or attempting to distribute any political or
1070 campaign material, leaflet, or handout; conducting a poll except
1071 as specified in this paragraph; seeking or attempting to seek a
1072 signature on any petition; ~~and~~ selling or attempting to sell any
1073 item; and engaging in any activity with the intent to influence
1074 or effect of influencing a voter. The terms "solicit" or
1075 "solicitation" may not be construed to prohibit an employee of,
1076 or a volunteer with, the supervisor from providing nonpartisan
1077 assistance to voters within the no-solicitation zone such as,
1078 but not limited to, giving items to voters, or to prohibit exit
1079 polling.

1080 (e) The owner, operator, or lessee of the property on which
1081 a polling place or an early voting site is located, or an agent
1082 or employee thereof, may not prohibit the solicitation of voters
1083 by a candidate or a candidate's designee outside of the no-
1084 solicitation zone during polling hours.



1085 Section 30. Section 102.072, Florida Statutes, is created
1086 to read:

1087 102.072 Vote-by-mail count reporting.—Beginning at 7:00
1088 p.m. election day, the supervisor must, at least once every hour
1089 while actively counting, post on his or her website the number
1090 of vote-by-mail ballots that have been received and the number
1091 of vote-by-mail ballots that remain uncounted.

1092 Section 31. Subsection (1) and paragraphs (a) and (b) of
1093 subsection (2) of section 102.141, Florida Statutes, are amended
1094 to read:

1095 102.141 County canvassing board; duties.—

1096 (1) The county canvassing board shall be composed of the
1097 supervisor of elections; a county court judge, who shall act as
1098 chair; and the chair of the board of county commissioners. The
1099 names of the canvassing board members must be published on the
1100 supervisor's website upon completion of the logic and accuracy
1101 test. Alternate canvassing board members must be appointed
1102 pursuant to paragraph (e). In the event any member of the county
1103 canvassing board is unable to serve, is a candidate who has
1104 opposition in the election being canvassed, or is an active
1105 participant in the campaign or candidacy of any candidate who
1106 has opposition in the election being canvassed, such member
1107 shall be replaced as follows:

1108 (a) If no county court judge is able to serve or if all are
1109 disqualified, the chief judge of the judicial circuit in which
1110 the county is located shall appoint as a substitute member a
1111 qualified elector of the county who is not a candidate with
1112 opposition in the election being canvassed and who is not an
1113 active participant in the campaign or candidacy of any candidate



1114 with opposition in the election being canvassed. In such event,
1115 the members of the county canvassing board shall meet and elect
1116 a chair.

1117 (b) If the supervisor of elections is unable to serve or is
1118 disqualified, the chair of the board of county commissioners
1119 shall appoint as a substitute member a member of the board of
1120 county commissioners who is not a candidate with opposition in
1121 the election being canvassed and who is not an active
1122 participant in the campaign or candidacy of any candidate with
1123 opposition in the election being canvassed. The supervisor,
1124 however, shall act in an advisory capacity to the canvassing
1125 board.

1126 (c) If the chair of the board of county commissioners is
1127 unable to serve or is disqualified, the board of county
1128 commissioners shall appoint as a substitute member one of its
1129 members who is not a candidate with opposition in the election
1130 being canvassed and who is not an active participant in the
1131 campaign or candidacy of any candidate with opposition in the
1132 election being canvassed.

1133 (d) If a substitute member or alternate member cannot be
1134 appointed as provided elsewhere in this subsection, or in the
1135 event of a vacancy in such office, the chief judge of the
1136 judicial circuit in which the county is located shall appoint as
1137 a substitute member or alternate member a qualified elector of
1138 the county who is not a candidate with opposition in the
1139 election being canvassed and who is not an active participant in
1140 the campaign or candidacy of any candidate with opposition in
1141 the election being canvassed.

1142 (e)1. The chief judge of the judicial circuit in which the



1143 county is located shall appoint a county court judge as an
1144 alternate member of the county canvassing board or, if each
1145 county court judge is unable to serve or is disqualified, shall
1146 appoint an alternate member who is qualified to serve as a
1147 substitute member under paragraph (a).

1148 2. The chair of the board of county commissioners shall
1149 appoint a member of the board of county commissioners as an
1150 alternate member of the county canvassing board or, if each
1151 member of the board of county commissioners is unable to serve
1152 or is disqualified, shall appoint an alternate member who is
1153 qualified to serve as a substitute member under paragraph (d).

1154 3. If a member of the county canvassing board is unable to
1155 participate in a meeting of the board, the chair of the county
1156 canvassing board or his or her designee shall designate which
1157 alternate member will serve as a member of the board in the
1158 place of the member who is unable to participate at that
1159 meeting.

1160 4. If not serving as one of the three members of the county
1161 canvassing board, an alternate member may be present, observe,
1162 and communicate with the three members constituting the county
1163 canvassing board, but may not vote in the board's decisions or
1164 determinations.

1165 (2) (a) The county canvassing board shall meet in a building
1166 accessible to the public in the county where the election
1167 occurred at a time and place to be designated by the supervisor
1168 to publicly canvass the absent electors' ballots as provided for
1169 in s. 101.68 and provisional ballots as provided by ss. 101.048,
1170 101.049, and 101.6925. During each meeting of the county
1171 canvassing board, each political party and each candidate may



1172 have one watcher able to view directly or on a display screen
1173 ballots being examined for signature matching and other
1174 processes. Provisional ballots cast pursuant to s. 101.049 shall
1175 be canvassed in a manner that votes for candidates and issues on
1176 those ballots can be segregated from other votes. As soon as the
1177 absent electors' ballots and the provisional ballots are
1178 canvassed, the board shall proceed to publicly canvass the vote
1179 given each candidate, nominee, constitutional amendment, or
1180 other measure submitted to the electorate of the county, as
1181 shown by the returns then on file in the office of the
1182 supervisor.

1183 (b) Public notice of the canvassing board members,
1184 alternates, time, and place at which the county canvassing board
1185 shall meet to canvass the absent electors' ballots and
1186 provisional ballots must be given at least 48 hours prior
1187 thereto by publication on the supervisor's website and published
1188 in one or more newspapers of general circulation in the county
1189 or, if there is no newspaper of general circulation in the
1190 county, by posting such notice in at least four conspicuous
1191 places in the county. The time given in the notice as to the
1192 convening of the meeting of the county canvassing board must be
1193 specific and may not be a time period during which the board may
1194 meet.

1195 Section 32. Section 104.0616, Florida Statutes, is amended
1196 to read:

1197 104.0616 Vote-by-mail ballots and voting; violations.—

1198 (1) For purposes of this section, the term "immediate
1199 family" means a person's spouse or the parent, child,
1200 grandparent, grandchild, or sibling of the person or the



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1201 person's spouse.

1202 (2) Any person who distributes, orders, requests, collects,
1203 delivers ~~provides or offers to provide,~~ and any person who
1204 ~~accepts, a pecuniary or other benefit in exchange for~~
1205 ~~distributing, ordering, requesting, collecting, delivering,~~ or
1206 otherwise physically possesses ~~possessing~~ more than two vote-by-
1207 mail ballots per election in addition to his or her own ballot
1208 or a ballot belonging to an immediate family member, except as
1209 provided in ss. 101.6105-101.694, including supervised voting at
1210 assisted living facilities and nursing home facilities as
1211 authorized under s. 101.655, commits a misdemeanor of the first
1212 degree, punishable as provided in s. 775.082 or s. 775.083, ~~or~~
1213 ~~s. 775.084.~~

1214 Section 33. This act shall take effect upon becoming a law.

1215
1216 ===== T I T L E A M E N D M E N T =====

1217 And the title is amended as follows:

1218 Delete lines 1182 - 1313

1219 and insert:

1220 An act relating to elections; creating s. 97.029,
1221 F.S.; prohibiting certain persons from settling
1222 certain actions, consenting to conditions, or agreeing
1223 to certain orders in certain circumstances; requiring
1224 certain persons to make certain legal challenges and
1225 move to dismiss or otherwise terminate a court's
1226 jurisdiction in certain circumstances; creating s.
1227 97.0291, F.S.; prohibiting certain agencies and state
1228 and local officials from soliciting, accepting, or
1229 otherwise using private funds for election-related



1230 expenses; providing for construction; amending s.
1231 97.052, F.S.; revising requirements for the uniform
1232 statewide voter registration application; amending s.
1233 97.0525, F.S.; requiring the Division of Elections to
1234 maintain a website for the online voter registration
1235 system; providing additional requirements for a
1236 biennial comprehensive risk assessment of the online
1237 voter registration system; amending s. 97.053, F.S.;
1238 revising requirements governing the acceptance of
1239 voter registration applications; amending s. 97.057,
1240 F.S.; requiring the Department of Highway Safety and
1241 Motor Vehicle to assist the Department of State in
1242 identifying certain residence address changes;
1243 requiring the Department of State to report such
1244 changes to supervisors of elections; amending s.
1245 97.0575, F.S.; revising requirements governing third-
1246 party voter registration organizations; providing
1247 applicability; revising circumstances under which a
1248 third-party voter registration organization is subject
1249 to fines for violations regarding the delivery of
1250 voter registration applications; revising requirements
1251 for division rules governing third-party voter
1252 registration organizations; amending s. 97.0585, F.S.;
1253 deleting an exemption from public records requirements
1254 for information related to a voter registration
1255 applicant's or voter's prior felony conviction and his
1256 or her restoration of voting rights to conform to
1257 changes made by the act; amending s. 97.1031, F.S.;
1258 revising information that an elector must provide to a



1259 supervisor of elections when the elector changes his
1260 or her residence address, party affiliation, or name;
1261 amending s. 98.0981, F.S.; providing that certain
1262 ballot types or precinct subtotals may not be reported
1263 in precinct-level election results; requiring
1264 supervisors of elections to make certain data
1265 available on their websites and transmit such data to
1266 the division; requiring the division to create and
1267 maintain a certain dashboard; amending s. 99.012,
1268 F.S.; removing provisions relating to the method of
1269 filling a vacancy created by an officer's resignation
1270 to qualify as a candidate for another public office;
1271 amending s. 99.021, F.S.; revising the oath for
1272 candidates seeking to qualify for nomination as a
1273 candidate of a political party; requiring a person
1274 seeking to qualify for office as a candidate with no
1275 party affiliation to subscribe to an oath or
1276 affirmation that he or she is registered without party
1277 affiliation and has not been a registered member of a
1278 political party for a specified timeframe; amending
1279 ss. 99.061 and 99.063, F.S.; conforming provisions to
1280 changes made by the act; amending s. 100.111, F.S.;
1281 revising the method of filling a vacancy in nomination
1282 for a political party; amending s. 101.051, F.S.;
1283 prohibiting certain solicitation of voters at drop box
1284 locations; increasing the no-solicitation zone
1285 surrounding a drop box location or the entrance of a
1286 polling place or an early voting site wherein certain
1287 activities are prohibited; conforming a provision;



1288 amending s. 101.131, F.S.; revising requirements for
1289 poll watcher identification badges; amending s.
1290 101.545, F.S.; requiring ballots, forms, and election
1291 materials to be retained for a specified minimum
1292 timeframe following an election; amending s. 101.5605,
1293 F.S.; revising the timeframe within which the
1294 Department of State must approve or disapprove a
1295 voting system submitted for certification; amending s.
1296 101.5614, F.S.; revising requirements for making true
1297 duplicate copies of vote-by-mail ballots under certain
1298 circumstances; requiring that an observer of the
1299 duplication of ballots be provided certain allowances;
1300 requiring that the duplication process take place in
1301 the presence of a canvassing board member; requiring a
1302 canvassing board to make certain determinations;
1303 amending s. 101.572, F.S.; requiring that voter
1304 certificates be open for public inspection; providing
1305 certain persons with reasonable access to ballot
1306 materials; requiring a supervisor to publish notice of
1307 such access; amending s. 101.591, F.S.; revising the
1308 timeframe and requirements for the voting systems
1309 audit report submitted to the department; amending s.
1310 101.595, F.S.; requiring a specified report regarding
1311 overvotes and undervotes to be submitted with the
1312 voting systems audit report; revising the date by
1313 which the department must submit the report to the
1314 Governor and Legislature; amending s. 101.62, F.S.;
1315 limiting the duration of requests for vote-by-mail
1316 ballots to all elections through the end of the



1317 calendar year of the next regularly scheduled general
1318 election; requiring certain vote-by-mail ballot
1319 requests to include additional identifying information
1320 regarding the requesting elector; requiring
1321 supervisors of elections to record whether a voter's
1322 certificate on a vote-by-mail ballot has a mismatched
1323 signature; revising the definition of the term
1324 "immediate family" to conform to changes made by the
1325 act; prohibiting counties, municipalities, and state
1326 agencies from sending vote-by-mail ballots to voters
1327 absent a request; specifying applicability of the act
1328 to outstanding vote-by-mail ballot requests; amending
1329 s. 101.64, F.S.; revising requirements for vote-by-
1330 mail ballot mailing envelopes and secrecy envelopes;
1331 amending s. 101.68, F.S.; specifying that the
1332 supervisor may not use any knowledge of a voter's
1333 party affiliation during the signature comparison
1334 process; authorizing the canvassing of vote-by-mail
1335 ballots upon the completion of the public preelection
1336 testing of automatic tabulating equipment; revising
1337 duties of the canvassing board with respect to
1338 protests; amending s. 101.69, F.S.; revising
1339 requirements governing the placement and supervision
1340 of secure drop boxes for the return of vote-by-mail
1341 ballots; requiring the supervisor to designate drop
1342 box locations in advance of an election; prohibiting
1343 changes in drop box locations for an election after
1344 their initial designation; specifying requirements
1345 regarding the retrieval of vote-by-mail ballots



1346 returned in a drop box; providing that the supervisor
1347 is subject to a civil penalty for certain violations
1348 regarding drop boxes; amending s. 102.031, F.S.;
1349 prohibiting certain solicitation activities within a
1350 specified area surrounding a drop box; expanding the
1351 definition of "solicit" and "solicitation"; providing
1352 for construction; restricting certain persons from
1353 prohibiting the solicitation of voters by a candidate
1354 or a candidate's designee outside of the no-
1355 solicitation zone; creating s. 102.072, F.S.;
1356 requiring the supervisor of elections to post and
1357 update on his or her website vote-by-mail ballot data
1358 at specified intervals; amending s. 102.141, F.S.;
1359 requiring the names of canvassing board members be
1360 published on the supervisor's website before the
1361 tabulation of any vote-by-mail ballots in an election;
1362 authorizing each political party and candidate to have
1363 one watcher at canvassing board meetings within a
1364 distance that allows him or her to directly observe
1365 proceedings; requiring additional information be
1366 included in public notices of canvassing board
1367 meetings; amending s. 104.0616, F.S.; revising the
1368 definition of "immediate family"; prohibiting any
1369 person from distributing, ordering, requesting,
1370 collecting, delivering, or otherwise physically
1371 possessing more than two vote-by-mail ballots of other
1372 electors per election, not including immediate family
1373 members; providing exceptions; providing a penalty;
1374 providing an effective date.