

1                   A bill to be entitled  
2           An act relating to elections; amending s. 20.10, F.S.;  
3           requiring the Secretary of State to be elected rather  
4           than appointed; specifying when such election shall  
5           occur; amending s. 97.053, F.S.; providing that an  
6           applicant must designate a party affiliation or select  
7           no party affiliation to be registered to vote;  
8           requiring a supervisor of elections to provide a  
9           certain notification; requiring the voter registration  
10          application to include certain information; creating  
11          s. 97.0556, F.S.; providing that a person who meets  
12          certain requirements may register to vote at an early  
13          voting site or at his or her polling place and  
14          immediately thereafter cast a ballot; amending s.  
15          97.057, F.S.; requiring the Department of Highway  
16          Safety and Motor Vehicles to provide the opportunity  
17          to preregister to vote to certain individuals;  
18          revising procedures governing voter registration by  
19          the Department of Highway Safety and Motor Vehicles;  
20          providing that driver license or identification card  
21          applications, driver license or identification card  
22          renewal applications, and applications for changes of  
23          address for existing driver licenses or identification  
24          cards submitted to the department serve as voter  
25          registration applications; providing that an applicant

26 | is deemed to have consented to the use of his or her  
27 | signature for voter registration purposes unless a  
28 | declination is made; requiring specified applications  
29 | to include a voter registration component, subject to  
30 | approval by the Department of State; providing  
31 | requirements for the voter registration component;  
32 | providing for the transmittal of voter registration  
33 | information to the Department of State and supervisors  
34 | of elections; amending s. 97.0575, F.S.; removing a  
35 | requirement that a third-party voter registration  
36 | organization provide certain notice to an applicant;  
37 | revising certain penalties for third-party voter  
38 | registration organizations; removing the aggregate  
39 | limit of such penalties; amending s. 98.045, F.S.;  
40 | conforming a cross-reference; amending s. 98.065,  
41 | F.S.; revising the conditions in which a supervisor  
42 | must designate a voter as inactive; amending s.  
43 | 99.061, F.S.; authorizing a candidate to pay his or  
44 | her qualification fee with a cashier's check; amending  
45 | 100.111, F.S.; requiring the Governor to consult with  
46 | affected supervisors of elections in fixing the dates  
47 | for special elections; requiring the Governor, in the  
48 | event of a vacancy in a state legislative office, to  
49 | limit the period of a vacancy during a regular  
50 | legislative session to the greatest extent possible in

51 fixing special election dates; requiring the Governor  
52 to fix the date for a special election to be held  
53 within a certain timeframe; revising the minimum time  
54 between a special primary election and a special  
55 election; amending s. 100.141, F.S.; requiring the  
56 Governor to issue an order calling for a special  
57 election within a certain timeframe; conforming a  
58 provision to changes made by the act; amending s.  
59 100.371, F.S.; providing a requirement for the  
60 delivery of certain petition forms; creating s.  
61 100.51, F.S.; establishing General Election Day as a  
62 paid holiday; providing that any elector may absent  
63 himself or herself from service or employment at a  
64 specific time on a General Election Day and may not be  
65 penalized or have pay reduced for such absence;  
66 creating s. 101.016, F.S.; requiring the Division of  
67 Elections to maintain a strategic elections equipment  
68 reserve of voting systems and other equipment for  
69 specified purposes; requiring such reserve to include  
70 specified equipment; authorizing the division to  
71 contract with specified entities rather than  
72 physically maintain such reserve; amending s. 101.048,  
73 F.S.; providing that a person may cast a provisional  
74 vote at any precinct in the county in which the voter  
75 claims to be registered; amending s. 101.151, F.S.;

76 | revising the order in which office titles and names of  
77 | candidates are placed on the ballot; amending s.  
78 | 101.5612, F.S.; requiring a supervisor of elections to  
79 | annually file a plan for operations under certain  
80 | conditions; amending s. 101.62, F.S.; providing that a  
81 | request for a vote-by-mail ballot is valid until the  
82 | request is canceled; revising the deadline by which  
83 | vote-by-mail ballots must be received by a supervisor  
84 | of elections; revising the period during which a  
85 | supervisor of elections may deliver certain ballots;  
86 | removing requirements for a person designated by an  
87 | elector to pick up the elector's vote-by-mail ballot;  
88 | providing for extension of deadlines under certain  
89 | conditions; amending s. 101.64, F.S.; requiring a  
90 | supervisor of elections to enclose a postage paid  
91 | mailing envelope with each vote-by-mail ballot;  
92 | providing that vote-by-mail ballot voter certificates  
93 | may be signed with the last four digits of the voter's  
94 | social security number; amending s. 101.65, F.S.;  
95 | revising instructions that must be provided with a  
96 | vote-by-mail ballot; amending s. 101.68, F.S.;  
97 | requiring a supervisor of elections to compare the  
98 | signature or partial social security number on a  
99 | voter's certificate with the signature or partial  
100 | social security number in the registration books or

101 precinct register when canvassing a vote-by-mail  
102 ballot; requiring a canvassing board to compare the  
103 signature or partial social security number on a  
104 voter's certificate or cure affidavit with the  
105 signature or partial social security number in the  
106 registration books or precinct register when  
107 canvassing a vote-by-mail ballot; removing  
108 authorization for certain persons to file a protest  
109 against the canvass of a ballot; amending s. 101.6952,  
110 F.S.; authorizing an absent voter to submit a federal  
111 write-in absentee ballot or vote-by-mail ballot;  
112 revising requirements for the canvassing of specified  
113 ballots; providing that a certain presumption applies  
114 to vote-by-mail ballots received from absent voters;  
115 requiring a vote-by-mail ballot from an absent voter  
116 which is postmarked or dated by a certain date to be  
117 counted; amending s. 101.71, F.S.; prohibiting a  
118 polling place from being located within a gated  
119 community unless certain conditions are met; amending  
120 s. 102.031, F.S.; providing that a person may provide  
121 food, water, or other items to certain voters;  
122 prohibiting the use of devices that amplify sound in  
123 certain locations during certain hours; amending s.  
124 102.111, F.S.; revising the dates by which the  
125 Elections Canvassing Commission shall certify certain

126 election returns; amending s. 102.112, F.S.; revising  
 127 the deadlines for submission of county returns to the  
 128 Department of State; creating s. 102.181, F.S.;  
 129 authorizing certain persons to file actions against a  
 130 supervisor of elections for noncompliance with the  
 131 election code; providing that such person is entitled  
 132 to an immediate hearing; providing for the waiver of  
 133 fees and costs and the awarding of attorney fees;  
 134 providing an effective date.

135

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

137

138 Section 1. Subsection (1) of section 20.10, Florida  
 139 Statutes, is amended to read:

140 20.10 Department of State.—There is created a Department  
 141 of State.

142 (1) The head of the Department of State is the Secretary  
 143 of State. The Secretary of State shall be elected at the  
 144 statewide general election at which the Governor, Lieutenant  
 145 Governor, and Cabinet officers are elected as provided in s. 5,  
 146 Art. IV of the State Constitution, for a term of 4 years  
 147 beginning on the first Tuesday after the first Monday in January  
 148 of the year following such election ~~appointed by the Governor,~~  
 149 ~~subject to confirmation by the Senate, and shall serve at the~~  
 150 ~~pleasure of the Governor.~~ The Secretary of State shall perform

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151 the functions conferred by the State Constitution upon the  
152 custodian of state records.

153 Section 2. Paragraph (b) of subsection (5) of section  
154 97.053, Florida Statutes, is amended to read:

155 97.053 Acceptance of voter registration applications.—

156 (5)

157 (b) An applicant who fails to designate party affiliation  
158 or affirmatively select no party affiliation may not ~~must~~ be  
159 registered ~~without party affiliation~~. The supervisor must notify  
160 the voter by mail that the voter has not been registered ~~without~~  
161 ~~party affiliation~~ and that the voter must complete a new  
162 registration application and designate a party affiliation or  
163 affirmatively select no party affiliation. The voter  
164 registration application must clearly denote this requirement  
165 ~~may change party affiliation as provided in s. 97.1031~~.

166 Section 3. Section 97.0556, Florida Statutes, is created  
167 to read:

168 97.0556 Same-day voter registration.—A person who meets  
169 the qualifications to register to vote in s. 97.041 and provides  
170 the information required for the statewide voter registration  
171 application in s. 97.052 may register at an early voting site or  
172 at his or her polling place and immediately thereafter cast a  
173 ballot.

174 Section 4. Section 97.057, Florida Statutes, is amended to  
175 read:

176 97.057 Voter registration by the Department of Highway  
 177 Safety and Motor Vehicles.—

178 (1) Each of the following serves as an application ~~The~~  
 179 ~~Department of Highway Safety and Motor Vehicles shall provide~~  
 180 ~~the opportunity to preregister to vote,~~ register to vote, or to  
 181 update a voter registration record when submitted to the  
 182 Department of Highway Safety and Motor Vehicles to each  
 183 ~~individual who comes to an office of that department to:~~

184 (a) An application for or a renewal of ~~Apply for or renew~~  
 185 a driver license;

186 (b) An application for or a renewal of ~~Apply for or renew~~  
 187 an identification card pursuant to chapter 322; or

188 (c) An application for a change of an ~~an~~ address on an  
 189 existing driver license or identification card.

190  
 191 Unless the applicant declines to register or preregister to  
 192 vote, he or she is deemed to have consented to the use of the  
 193 signature from his or her driver license or identification card  
 194 application for voter registration purposes.

195 (2) An application for a driver license or an  
 196 identification card must include a voter registration component.  
 197 The voter registration component must be approved by the  
 198 Department of State. The voter registration component of a  
 199 driver license or identification card application must contain  
 200 all of the following:



201        (a) The minimum amount of information necessary to prevent  
202 duplicate voter registrations and preserve the ability of the  
203 department and supervisors of elections to assess the  
204 eligibility of the applicant and administer voter registration  
205 and other provisions of this code.

206        (b) A statement setting forth voting eligibility  
207 requirements.

208        (c) An explanation that the applicant is consenting to the  
209 use of his or her signature from the applicant's driver license  
210 or identification card application for voter registration  
211 purposes. By consenting to the use of his or her signature, the  
212 applicant is deemed to have subscribed to the oath required by  
213 s. 3, Art. VI of the State Constitution and s. 97.051 and to  
214 have sworn and affirmed that the voter registration information  
215 contained in the application is true under penalty for false  
216 swearing pursuant to s. 104.011.

217        (d) An option that allows the applicant to choose or  
218 update a party affiliation; otherwise, an applicant who is  
219 initially registering to vote and does not exercise such option  
220 shall be registered without party affiliation in accordance with  
221 s. 97.053(5)(b).

222        (e) An option that allows the applicant to decline to  
223 register to vote or preregister to vote. The Department of  
224 Highway Safety and Motor Vehicles shall note any such  
225 declination in its records and forward the declination to the

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226 Department of State. Any declination may be used only for voter  
227 registration purposes and is confidential and exempt from public  
228 records requirements as provided in s. 97.0585.

229 (3) The Department of Highway Safety and Motor Vehicles  
230 shall:

231 (a) Develop a voter registration component for  
232 applications which meets the requirements set forth in  
233 subsection (2).

234 (b) Electronically transmit the voter registration  
235 component of an applicant's driver license or identification  
236 card application to the Department of State within 24 hours  
237 after receipt. Upon receipt of the voter registration component,  
238 the Department of State shall provide the information to the  
239 supervisor of the county in which the applicant is registering  
240 or preregistering to vote or updating his or her voter  
241 registration record.

242 ~~(2) The Department of Highway Safety and Motor Vehicles~~  
243 ~~shall:~~

244 ~~(a) Notify each individual, orally or in writing, that:~~

245 ~~1. Information gathered for the completion of a driver~~  
246 ~~license or identification card application, renewal, or change~~  
247 ~~of address can be automatically transferred to a voter~~  
248 ~~registration application;~~

249 ~~2. If additional information and a signature are provided,~~  
250 ~~the voter registration application will be completed and sent to~~

251 ~~the proper election authority;~~

252 ~~3. Information provided can also be used to update a voter~~  
253 ~~registration record;~~

254 ~~4. All declinations will remain confidential and may be~~  
255 ~~used only for voter registration purposes; and~~

256 ~~5. The particular driver license office in which the~~  
257 ~~person applies to register to vote or updates a voter~~  
258 ~~registration record will remain confidential and may be used~~  
259 ~~only for voter registration purposes.~~

260 ~~(b) Require a driver license examiner to inquire orally~~  
261 ~~or, if the applicant is hearing impaired, inquire in writing~~  
262 ~~whether the applicant wishes to register to vote or update a~~  
263 ~~voter registration record during the completion of a driver~~  
264 ~~license or identification card application, renewal, or change~~  
265 ~~of address.~~

266 ~~1. If the applicant chooses to register to vote or to~~  
267 ~~update a voter registration record:~~

268 ~~a. All applicable information received by the Department~~  
269 ~~of Highway Safety and Motor Vehicles in the course of filling~~  
270 ~~out the forms necessary under subsection (1) must be transferred~~  
271 ~~to a voter registration application.~~

272 ~~b. The additional necessary information must be obtained~~  
273 ~~by the driver license examiner and must not duplicate any~~  
274 ~~information already obtained while completing the forms required~~  
275 ~~under subsection (1).~~

276 ~~e. A voter registration application with all of the~~  
277 ~~applicant's voter registration information required to establish~~  
278 ~~the applicant's eligibility pursuant to s. 97.041 must be~~  
279 ~~presented to the applicant to review and verify the voter~~  
280 ~~registration information received and provide an electronic~~  
281 ~~signature affirming the accuracy of the information provided.~~

282 ~~2. If the applicant declines to register to vote, update~~  
283 ~~the applicant's voter registration record, or change the~~  
284 ~~applicant's address by either orally declining or by failing to~~  
285 ~~sign the voter registration application, the Department of~~  
286 ~~Highway Safety and Motor Vehicles must note such declination on~~  
287 ~~its records and shall forward the declination to the statewide~~  
288 ~~voter registration system.~~

289 ~~(3) For the purpose of this section, the Department of~~  
290 ~~Highway Safety and Motor Vehicles, with the approval of the~~  
291 ~~Department of State, shall prescribe:~~

292 ~~(a) A voter registration application that is the same in~~  
293 ~~content, format, and size as the uniform statewide voter~~  
294 ~~registration application prescribed under s. 97.052; and~~

295 ~~(b) A form that will inform applicants under subsection~~  
296 ~~(1) of the information contained in paragraph (2)(a).~~

297 ~~(4) The Department of Highway Safety and Motor Vehicles~~  
298 ~~must electronically transmit completed voter registration~~  
299 ~~applications within 24 hours after receipt to the statewide~~  
300 ~~voter registration system. Completed paper voter registration~~

301 ~~applications received by the Department of Highway Safety and~~  
 302 ~~Motor Vehicles shall be forwarded within 5 days after receipt to~~  
 303 ~~the supervisor of the county where the office that processed or~~  
 304 ~~received that application is located.~~

305 ~~(5) The Department of Highway Safety and Motor Vehicles~~  
 306 ~~must send, with each driver license renewal extension~~  
 307 ~~application authorized pursuant to s. 322.18(8), a uniform~~  
 308 ~~statewide voter registration application, the voter registration~~  
 309 ~~application prescribed under paragraph (3)(a), or a voter~~  
 310 ~~registration application developed especially for the purposes~~  
 311 ~~of this subsection by the Department of Highway Safety and Motor~~  
 312 ~~Vehicles, with the approval of the Department of State, which~~  
 313 ~~must meet the requirements of s. 97.052.~~

314 ~~(4)(6)~~ A person providing voter registration services for  
 315 a driver license office may not:

316 (a) Seek to influence an applicant's political preference  
 317 or party registration;

318 (b) Display any political preference or party allegiance;

319 (c) Make any statement to an applicant or take any action  
 320 the purpose or effect of which is to discourage the applicant  
 321 from registering to vote; or

322 (d) Disclose any applicant's voter registration  
 323 information except as needed for the administration of voter  
 324 registration.

325 ~~(5)(7)~~ The Department of Highway Safety and Motor Vehicles

326 shall collect data determined necessary by the Department of  
 327 State for program evaluation and reporting to the Election  
 328 Assistance Commission pursuant to federal law.

329 ~~(6)-(8)~~ The Department of Highway Safety and Motor Vehicles  
 330 shall ~~must~~ ensure that all voter registration services provided  
 331 by driver license offices are in compliance with the Voting  
 332 Rights Act of 1965.

333 ~~(7)-(9)~~ The Department of Highway Safety and Motor Vehicles  
 334 shall retain complete records of voter registration information  
 335 received, processed, and submitted to the Department of State  
 336 ~~statewide voter registration system~~ by the Department of Highway  
 337 Safety and Motor Vehicles. The retention of such ~~These~~ records  
 338 ~~is shall be~~ for the explicit purpose of supporting audit and  
 339 accounting controls established to ensure accurate and complete  
 340 electronic transmission of records between the Department of  
 341 State ~~statewide voter registration system~~ and the Department of  
 342 Highway Safety and Motor Vehicles.

343 ~~(8)-(10)~~ The Department of State shall provide the  
 344 Department of Highway Safety and Motor Vehicles with an  
 345 electronic database of street addresses valid for use as the  
 346 address of legal residence as required in s. 97.053(5). The  
 347 Department of Highway Safety and Motor Vehicles shall compare  
 348 the address provided by the applicant against the database of  
 349 valid street addresses. If the address provided by the applicant  
 350 does not match a valid street address in the database, the

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351 applicant will be asked to verify the address provided. The  
352 Department of Highway Safety and Motor Vehicles may ~~shall~~ not  
353 reject any application for voter registration for which a valid  
354 match cannot be made.

355 (9)~~(11)~~ The Department of Highway Safety and Motor  
356 Vehicles shall enter into an agreement with the department to  
357 match information in the statewide voter registration system  
358 with information in the database of the Department of Highway  
359 Safety and Motor Vehicles to the extent required to verify the  
360 accuracy of the driver license number, Florida identification  
361 number, or last four digits of the social security number  
362 provided on applications for voter registration as required in  
363 s. 97.053.

364 (10)~~(12)~~ The Department of Highway Safety and Motor  
365 Vehicles shall enter into an agreement with the Commissioner of  
366 Social Security as required by the Help America Vote Act of 2002  
367 to verify the last four digits of the social security number  
368 provided in applications for voter registration as required in  
369 s. 97.053.

370 (11)~~(13)~~ The Department of Highway Safety and Motor  
371 Vehicles must assist the Department of State in regularly  
372 identifying changes in residence address on the driver license  
373 or identification card of a voter. The Department of State must  
374 report each such change to the appropriate supervisor of  
375 elections who must change the voter's registration records in

376 | accordance with s. 98.065(4).

377 | Section 5. Paragraph (a) of subsection (3) of section  
 378 | 97.0575, Florida Statutes, is amended to read:

379 | 97.0575 Third-party voter registrations.—

380 | (3)(a) A third-party voter registration organization that  
 381 | collects voter registration applications serves as a fiduciary  
 382 | to the applicant, ensuring that any voter registration  
 383 | application entrusted to the organization, irrespective of party  
 384 | affiliation, race, ethnicity, or gender, must be promptly  
 385 | delivered to the division or the supervisor of elections in the  
 386 | county in which the applicant resides within 14 days after the  
 387 | application was completed by the applicant, but not after  
 388 | registration closes for the next ensuing election. ~~A third-party~~  
 389 | ~~voter registration organization must notify the applicant at the~~  
 390 | ~~time the application is collected that the organization might~~  
 391 | ~~not deliver the application to the division or the supervisor of~~  
 392 | ~~elections in the county in which the applicant resides in less~~  
 393 | ~~than 14 days or before registration closes for the next ensuing~~  
 394 | ~~election and must advise the applicant that he or she may~~  
 395 | ~~deliver the application in person or by mail. The third-party~~  
 396 | ~~voter registration organization must also inform the applicant~~  
 397 | ~~how to register online with the division and how to determine~~  
 398 | ~~whether the application has been delivered.~~ If a voter  
 399 | registration application collected by any third-party voter  
 400 | registration organization is not promptly delivered to the



401 division or supervisor of elections in the county in which the  
 402 applicant resides, the third-party voter registration  
 403 organization is liable for the following fines:

404 1. A fine in the amount of \$50 for each application  
 405 received by the division or the supervisor of elections in the  
 406 county in which the applicant resides more than 14 days after  
 407 the applicant delivered the completed voter registration  
 408 application to the third-party voter registration organization  
 409 or any person, entity, or agent acting on its behalf. A fine in  
 410 the amount of \$250 for each application received if the third-  
 411 party voter registration organization or person, entity, or  
 412 agency acting on its behalf acted willfully.

413 2. A fine in the amount of \$100 for each application  
 414 collected by a third-party voter registration organization or  
 415 any person, entity, or agent acting on its behalf, before book  
 416 closing for any given election for federal or state office and  
 417 received by the division or the supervisor of elections in the  
 418 county in which the applicant resides after the book-closing  
 419 deadline for such election. A fine in the amount of \$500 for  
 420 each application received if the third-party registration  
 421 organization or person, entity, or agency acting on its behalf  
 422 acted willfully.

423 ~~3. A fine in the amount of \$500 for each application~~  
 424 ~~collected by a third-party voter registration organization or~~  
 425 ~~any person, entity, or agent acting on its behalf, which is not~~

426 ~~submitted to the division or supervisor of elections in the~~  
 427 ~~county in which the applicant resides. A fine in the amount of~~  
 428 ~~\$1,000 for any application not submitted if the third-party~~  
 429 ~~voter registration organization or person, entity, or agency~~  
 430 ~~acting on its behalf acted willfully.~~

431  
 432 ~~The aggregate fine pursuant to this paragraph which may be~~  
 433 ~~assessed against a third-party voter registration organization,~~  
 434 ~~including affiliate organizations, for violations committed in a~~  
 435 ~~calendar year is \$1,000.~~

436 Section 6. Paragraph (b) of subsection (4) of section  
 437 98.045, Florida Statutes, is amended to read:

438 98.045 Administration of voter registration.—

439 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL  
 440 STREET ADDRESSES.—

441 (b) The department shall make the statewide database of  
 442 valid street addresses available to the Department of Highway  
 443 Safety and Motor Vehicles as provided in s. 97.057(8) ~~s.~~  
 444 ~~97.057(10)~~. The Department of Highway Safety and Motor Vehicles  
 445 shall use the database for purposes of validating the legal  
 446 residential addresses provided in voter registration  
 447 applications received by the Department of Highway Safety and  
 448 Motor Vehicles.

449 Section 7. Paragraph (c) of subsection (4) of section  
 450 98.065, Florida Statutes, is amended to read:

451 98.065 Registration list maintenance programs.—

452 (4)

453 (c) The supervisor must designate as inactive all voters  
 454 who have not voted in at least one of the last two general  
 455 elections, been sent an address confirmation final notice, and  
 456 ~~who have~~ not returned the postage prepaid, preaddressed return  
 457 form within 30 days or for which the final notice has been  
 458 returned as undeliverable. Names on the inactive list may not be  
 459 used to calculate the number of signatures needed on any  
 460 petition. A voter on the inactive list may be restored to the  
 461 active list of voters upon the voter updating his or her  
 462 registration, requesting a vote-by-mail ballot, or appearing to  
 463 vote. However, if the voter does not update his or her voter  
 464 registration information, request a vote-by-mail ballot, or vote  
 465 by the second general election after being placed on the  
 466 inactive list, the voter's name shall be removed from the  
 467 statewide voter registration system and the voter shall be  
 468 required to reregister to have his or her name restored to the  
 469 statewide voter registration system.

470 Section 8. Paragraph (a) of subsection (7) of section  
 471 99.061, Florida Statutes, is amended to read:

472 99.061 Method of qualifying for nomination or election to  
 473 federal, state, county, or district office.—

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

476 end of the qualifying period:

477 1. A cashier's check purchased with funds of the campaign  
478 account or a properly executed check drawn upon the candidate's  
479 campaign account payable to the person or entity as prescribed  
480 by the filing officer in an amount not less than the fee  
481 required by s. 99.092, unless the candidate obtained the  
482 required number of signatures on petitions pursuant to s.  
483 99.095. The filing fee for a special district candidate is not  
484 required to be drawn upon the candidate's campaign account. If a  
485 candidate's check is returned by the bank for any reason, the  
486 filing officer shall immediately notify the candidate and the  
487 candidate shall have until the end of qualifying to pay the fee  
488 with a cashier's check purchased from funds of the campaign  
489 account. Failure to pay the fee as provided in this subparagraph  
490 shall disqualify the candidate.

491 2. The candidate's oath required by s. 99.021, which must  
492 contain the name of the candidate as it is to appear on the  
493 ballot; the office sought, including the district or group  
494 number if applicable; and the signature of the candidate, which  
495 must be verified under oath or affirmation pursuant to s.  
496 92.525(1) (a) .

497 3. If the office sought is partisan, the written statement  
498 of political party affiliation required by s. 99.021(1) (b); or  
499 if the candidate is running without party affiliation for a  
500 partisan office, the written statement required by s.

501 99.021(1) (c) .

502 4. The completed form for the appointment of campaign  
 503 treasurer and designation of campaign depository, as required by  
 504 s. 106.021.

505 5. The full and public disclosure or statement of  
 506 financial interests required by subsection (5). A public officer  
 507 who has filed the full and public disclosure or statement of  
 508 financial interests with the Commission on Ethics or the  
 509 supervisor before ~~of elections prior to~~ qualifying for office  
 510 may file a copy of that disclosure at the time of qualifying.

511 Section 9. Subsection (2) of section 100.111, Florida  
 512 Statutes, is amended to read:

513 100.111 Filling vacancy.—

514 (2) Whenever there is a vacancy for which a special  
 515 election is required pursuant to s. 100.101, the Governor, after  
 516 consultation with the Secretary of State and the supervisor of  
 517 elections of any affected county, shall fix the dates of a  
 518 special primary election and a special election. Nominees of  
 519 political parties shall be chosen under the primary laws of this  
 520 state in the special primary election to become candidates in  
 521 the special election. Before ~~Prior to~~ setting the special  
 522 election dates, the Governor shall consider any upcoming  
 523 elections in the jurisdiction where the special election will be  
 524 held and, in the event of a vacancy in a state legislative  
 525 office, limit the period of any such vacancy during a regular

526 legislative session to the greatest extent possible in fixing  
 527 such dates. Notwithstanding the foregoing, any special election  
 528 may not be held later than 180 days after a vacancy has  
 529 occurred. The dates fixed by the Governor must ~~shall~~ be specific  
 530 days certain and may ~~shall~~ not be established by the happening  
 531 of a condition or stated in the alternative. The dates fixed  
 532 must ~~shall~~ provide a minimum of 10 ~~2~~ weeks between each  
 533 election. In the event a vacancy occurs in the office of state  
 534 senator or member of the House of Representatives when the  
 535 Legislature is in regular legislative session, the minimum times  
 536 prescribed by this subsection may be waived upon concurrence of  
 537 the Governor, the Speaker of the House of Representatives, and  
 538 the President of the Senate. If a vacancy occurs in the office  
 539 of state senator and no session of the Legislature is scheduled  
 540 to be held before ~~prior to~~ the next general election, the  
 541 Governor may fix the dates for the special primary election and  
 542 for the special election to coincide with the dates of the  
 543 primary election and general election. If a vacancy in office  
 544 occurs in any district in the state Senate or House of  
 545 Representatives or in any congressional district, and no session  
 546 of the Legislature, or session of Congress if the vacancy is in  
 547 a congressional district, is scheduled to be held during the  
 548 unexpired portion of the term, the Governor is not required to  
 549 call a special election to fill such vacancy.

550 (a) The dates for candidates to qualify in such special

551 election or special primary election must ~~shall~~ be fixed by the  
552 Department of State, and candidates must ~~shall~~ qualify no ~~not~~  
553 later than noon of the last day so fixed. The dates fixed for  
554 qualifying must ~~shall~~ allow a minimum of 14 days between the  
555 last day of qualifying and the special primary election.

556 (b) The filing of campaign expense statements by  
557 candidates in such special elections or special primaries and by  
558 committees making contributions or expenditures to influence the  
559 results of such special primaries or special elections must  
560 ~~shall~~ be no ~~not~~ later than such dates as ~~shall be~~ fixed by the  
561 Department of State, and in fixing such dates the Department of  
562 State shall take into consideration and be governed by the  
563 practical time limitations.

564 (c) The dates for a candidate to qualify by the petition  
565 process pursuant to s. 99.095 in such special primary or special  
566 election must ~~shall~~ be fixed by the Department of State. In  
567 fixing such dates the Department of State shall take into  
568 consideration and be governed by the practical time limitations.  
569 Any candidate seeking to qualify by the petition process in a  
570 special primary election must ~~shall~~ obtain 25 percent of the  
571 signatures required by s. 99.095.

572 (d) The qualifying fees and party assessments of such  
573 candidates as may qualify must ~~shall~~ be the same as collected  
574 for the same office at the last previous primary for that  
575 office. The party assessment must ~~shall~~ be paid to the

576 appropriate executive committee of the political party to which  
 577 the candidate belongs.

578 (e) Each county canvassing board shall make as speedy a  
 579 return of the result of such special primary elections and  
 580 special elections as time will permit, and the Elections  
 581 Canvassing Commission likewise shall make as speedy a canvass  
 582 and declaration of the nominees as time will permit.

583 Section 10. Subsection (1) of section 100.141, Florida  
 584 Statutes, is amended to read:

585 100.141 Notice of special election to fill any vacancy in  
 586 office.-

587 (1) Whenever a special election is required to fill any  
 588 vacancy in office, the Governor, after consultation with the  
 589 Secretary of State and the supervisor of elections of any  
 590 affected county, shall issue an order declaring on what day the  
 591 election shall be held and deliver the order to the Department  
 592 of State. The Governor shall issue the order within 14 calendar  
 593 days after the occurrence of the vacancy or, for vacancies  
 594 arising due to a resignation under s. 99.012, within 14 calendar  
 595 days after submittal of the written resignation to the Governor,  
 596 whichever is sooner.

597 Section 11. Paragraph (a) of subsection (7) of section  
 598 100.371, Florida Statutes, is amended, and paragraph (c) is  
 599 added to that subsection, to read:

600 100.371 Initiatives; procedure for placement on ballot.-



601           (7)~~(a)~~ A sponsor that collects petition forms or uses a  
 602 petition circulator to collect petition forms serves as a  
 603 fiduciary to the elector signing the petition form, ensuring  
 604 that any petition form entrusted to the petition circulator  
 605 shall be promptly delivered to the supervisor ~~of elections~~  
 606 within 30 days after the elector signs the form.

607           (a) If a petition form collected by any petition  
 608 circulator is not promptly delivered to the supervisor of  
 609 elections, the sponsor is liable for the following fines:

610           1. A fine in the amount of \$50 for each petition form  
 611 received by the supervisor of elections more than 30 days after  
 612 the elector signed the petition form or the next business day,  
 613 if the office is closed. A fine in the amount of \$250 for each  
 614 petition form received if the sponsor or petition circulator  
 615 acted willfully.

616           2. A fine in the amount of \$500 for each petition form  
 617 collected by a petition circulator which is not submitted to the  
 618 supervisor of elections. A fine in the amount of \$1,000 for any  
 619 petition form not submitted if the sponsor or petition  
 620 circulator acted willfully.

621           (c) A sponsor shall deliver petition forms to the  
 622 supervisor grouped in batches by the petition circulator who  
 623 collected them.

624           Section 12. Section 100.51, Florida Statutes, is created  
 625 to read:

626       100.51 General Election Day paid holiday.—In order to  
627       encourage civic participation, enable more individuals to serve  
628       as poll workers, and provide additional time for the resolution  
629       of any issues that arise while an elector is casting his or her  
630       vote, General Election Day is a paid holiday. An elector is  
631       entitled to absent himself or herself from any service or  
632       employment in which he or she is engaged or employed during the  
633       time the polls are open on General Election Day. An elector who  
634       absents himself or herself under this section may not be  
635       penalized in any way and a deduction may not be made from his or  
636       her usual salary or wages on account of his or her absence.

637       Section 13. Section 101.016, Florida Statutes, is created  
638       to read:

639       101.016 Strategic elections equipment reserve.—The  
640       Division of Elections shall maintain a strategic elections  
641       equipment reserve of voting systems that may be deployed in the  
642       event of an emergency as defined in s. 101.732 or upon the  
643       occurrence of equipment capacity issues due to unexpected voter  
644       turnout. The reserve shall include tabulation equipment and any  
645       other necessary equipment, including, but not limited to,  
646       printers, which are in use by each supervisor of elections. In  
647       lieu of maintaining a physical reserve of such equipment, the  
648       division may contract with a vendor of voting equipment that  
649       shall provide such equipment on an as-needed basis.

650       Section 14. Subsections (1) and (2) of section 101.048,

651 Florida Statutes, are amended to read:

652 101.048 Provisional ballots.—

653 (1) At all elections, a voter claiming to be properly  
654 registered in the state and eligible to vote ~~at the precinct~~ in  
655 the election but whose eligibility cannot be determined, a  
656 person whom an election official asserts is not eligible, and  
657 other persons specified in the code shall be entitled to vote a  
658 provisional ballot at any precinct in the county in which the  
659 voter claims to be registered. Once voted, the provisional  
660 ballot shall be placed in a secrecy envelope and thereafter  
661 sealed in a provisional ballot envelope. The provisional ballot  
662 shall be deposited in a ballot box. All provisional ballots  
663 shall remain sealed in their envelopes for return to the  
664 supervisor of elections. The department shall prescribe the form  
665 of the provisional ballot envelope. A person casting a  
666 provisional ballot shall have the right to present written  
667 evidence supporting his or her eligibility to vote to the  
668 supervisor of elections by not later than 5 p.m. on the second  
669 day following the election.

670 (2) (a) The county canvassing board shall examine each  
671 Provisional Ballot Voter's Certificate and Affirmation to  
672 determine if the person voting that ballot was entitled to vote  
673 in the county in which ~~at the precinct where~~ the person cast a  
674 vote in the election and that the person had not already cast a  
675 ballot in the election. In determining whether a person casting

676 a provisional ballot is entitled to vote, the county canvassing  
677 board shall review the information provided in the Voter's  
678 Certificate and Affirmation, written evidence provided by the  
679 person pursuant to subsection (1), information provided in any  
680 cure affidavit and accompanying supporting documentation  
681 pursuant to subsection (6), any other evidence presented by the  
682 supervisor, and, in the case of a challenge, any evidence  
683 presented by the challenger. A ballot of a person casting a  
684 provisional ballot shall be canvassed pursuant to paragraph (b)  
685 unless the canvassing board determines by a preponderance of the  
686 evidence that the person was not entitled to vote.

687 (b) If it is determined that the person was registered and  
688 entitled to vote in the county in which ~~at the precinct where~~  
689 the person cast a vote in the election, the canvassing board  
690 must compare the signature on the Provisional Ballot Voter's  
691 Certificate and Affirmation or the provisional ballot cure  
692 affidavit with the signature on the voter's registration or  
693 precinct register. A provisional ballot may be counted only if:

694 1. The signature on the voter's certificate or the cure  
695 affidavit matches the elector's signature in the registration  
696 books or the precinct register; however, in the case of a cure  
697 affidavit, the supporting identification listed in subsection  
698 (6) must also confirm the identity of the elector; or

699 2. The cure affidavit contains a signature that does not  
700 match the elector's signature in the registration books or the

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701 precinct register, but the elector has submitted a current and  
702 valid Tier 1 form of identification confirming his or her  
703 identity pursuant to subsection (6).

704  
705 For purposes of this paragraph, any canvassing board finding  
706 that signatures do not match must be by majority vote and beyond  
707 a reasonable doubt.

708 (c) Any provisional ballot not counted must remain in the  
709 envelope containing the Provisional Ballot Voter's Certificate  
710 and Affirmation and the envelope shall be marked "Rejected as  
711 Illegal."

712 (d) If a provisional ballot is validated following the  
713 submission of a cure affidavit, the supervisor must make a copy  
714 of the affidavit, affix it to a voter registration application,  
715 and immediately process it as a valid request for a signature  
716 update pursuant to s. 98.077.

717 Section 15. Paragraph (a) of subsection (2) and paragraph  
718 (a) of subsection (3) of section 101.151, Florida Statutes, are  
719 amended to read:

720 101.151 Specifications for ballots.—

721 (2)(a) The ballot must include the following office titles  
722 above the names of the candidates for the respective offices in  
723 the following order:

724 1. The office titles of President and Vice President above  
725 the randomly ordered names of the candidates for President and

726 Vice President of the United States ~~nominated by the political~~  
727 ~~party that received the highest vote for Governor in the last~~  
728 ~~general election of the Governor in this state, followed by the~~  
729 ~~names of other candidates for President and Vice President of~~  
730 ~~the United States~~ who have been properly nominated.

731 2. The office titles of United States Senator and  
732 Representative in Congress.

733 3. The office titles of Governor and Lieutenant Governor;  
734 Attorney General; Chief Financial Officer; Commissioner of  
735 Agriculture; Secretary of State; State Attorney, with the  
736 applicable judicial circuit; and Public Defender, with the  
737 applicable judicial circuit.

738 4. The office titles of State Senator and State  
739 Representative, with the applicable district for the office  
740 printed beneath.

741 5. The office titles of Clerk of the Circuit Court or,  
742 when the Clerk of the Circuit Court also serves as the County  
743 Comptroller, Clerk of the Circuit Court and Comptroller, when  
744 authorized by law; Clerk of the County Court, when authorized by  
745 law; Sheriff; Property Appraiser; Tax Collector; District  
746 Superintendent of Schools; and Supervisor of Elections.

747 6. The office titles of Board of County Commissioners,  
748 with the applicable district printed beneath each office, and  
749 such other county and district offices as are involved in the  
750 election, in the order fixed by the Department of State,

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751 followed, in the year of their election, by "Party Offices," and  
752 thereunder the offices of state and county party executive  
753 committee members.

754 (3)(a) The names of the candidates ~~of the party that~~  
755 ~~received the highest number of votes for Governor in the last~~  
756 ~~election in which a Governor was elected~~ shall be ordered  
757 randomly placed first for each office on the general election  
758 ballot, together with an appropriate abbreviation of the party  
759 name; ~~the names of the candidates of the party that received the~~  
760 ~~second highest vote for Governor shall be placed second for each~~  
761 ~~office, together with an appropriate abbreviation of the party~~  
762 ~~name.~~

763 Section 16. Subsection (6) is added to section 101.5612,  
764 Florida Statutes, to read:

765 101.5612 Testing of tabulating equipment.-

766 (6) The supervisor of elections shall annually file with  
767 the Secretary of State a detailed plan for operations in the  
768 event that maximum voter turnout occurs on election day and a  
769 recount is required in each race on a ballot.

770 Section 17. Paragraph (a) of subsection (1), subsection  
771 (2), and paragraph (c) of subsection (4) of section 101.62,  
772 Florida Statutes, are amended and subsection (8) is added to  
773 that section, to read:

774 101.62 Request for vote-by-mail ballots.-

775 (1)(a) The supervisor shall accept a request for a vote-

776 by-mail ballot from an elector in person or in writing. One  
777 request is deemed sufficient to receive a vote-by-mail ballot  
778 for all elections until the elector or the elector's designee  
779 notifies the supervisor that the elector cancels such request  
780 ~~through the end of the calendar year of the next regularly~~  
781 ~~scheduled general election~~, unless the elector or the elector's  
782 designee indicates at the time the request is made the elections  
783 ~~within such period~~ for which the elector desires to receive a  
784 vote-by-mail ballot. Such request may be considered canceled  
785 when any first-class mail sent by the supervisor to the elector  
786 is returned as undeliverable.

787 (2) A request for a vote-by-mail ballot to be mailed to a  
788 voter must be received no later than 5 p.m. on the 11th ~~10th~~ day  
789 before the election by the supervisor. The supervisor shall mail  
790 vote-by-mail ballots to voters requesting ballots by such  
791 deadline no later than 8 days before the election.

792 (4)

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

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

799 2. By forwardable mail, e-mail, or facsimile machine  
800 transmission to absent uniformed services voters and overseas



801 voters. The absent uniformed services voter or overseas voter  
802 may designate in the vote-by-mail ballot request the preferred  
803 method of transmission. If the voter does not designate the  
804 method of transmission, the vote-by-mail ballot shall be mailed.

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

808 4. By delivery to a designee on election day or up to 11 ~~9~~  
809 days before the day of an election. Any elector may designate in  
810 writing a person to pick up the ballot for the elector; ~~however,~~  
811 ~~the person designated may not pick up more than two vote-by-mail~~  
812 ~~ballots per election, other than the designee's own ballot,~~  
813 ~~except that additional ballots may be picked up for members of~~  
814 ~~the designee's immediate family. For purposes of this section,~~  
815 ~~"immediate family" means the designee's spouse or the parent,~~  
816 ~~child, grandparent, grandchild, or sibling of the designee or of~~  
817 ~~the designee's spouse. The designee shall provide to the~~  
818 ~~supervisor the written authorization by the elector and a~~  
819 ~~picture identification of the designee and must complete an~~  
820 ~~affidavit. The designee shall state in the affidavit that the~~  
821 ~~designee is authorized by the elector to pick up that ballot and~~  
822 ~~shall indicate if the elector is a member of the designee's~~  
823 ~~immediate family and, if so, the relationship. The department~~  
824 ~~shall prescribe the form of the affidavit. If the supervisor is~~  
825 ~~satisfied that the designee is authorized to pick up the ballot~~

826 ~~and that the signature of the elector on the written~~  
827 ~~authorization matches the signature of the elector on file, the~~  
828 ~~supervisor shall give the ballot to that designee for delivery~~  
829 ~~to the elector.~~

830 5. Except as provided in s. 101.655, the supervisor may  
831 not deliver a vote-by-mail ballot to an elector or an elector's  
832 immediate family member on the day of the election unless there  
833 is an emergency, to the extent that the elector will be unable  
834 to go to his or her assigned polling place. If a vote-by-mail  
835 ballot is delivered, the elector or his or her designee shall  
836 execute an affidavit affirming to the facts which allow for  
837 delivery of the vote-by-mail ballot. The department shall adopt  
838 a rule providing for the form of the affidavit.

839 (8) If a deadline under this section falls on a day when  
840 the office of the supervisor is usually closed, the deadline  
841 shall be extended until the next business day.

842 Section 18. Paragraph (a) of subsection (1) and subsection  
843 (2) of section 101.64, Florida Statutes, are amended to read:

844 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

845 (1)(a) The supervisor shall enclose with each vote-by-mail  
846 ballot two envelopes: a secrecy envelope, into which the absent  
847 elector shall enclose his or her marked ballot; and a postage  
848 paid mailing envelope, into which the absent elector shall then  
849 place the secrecy envelope, which shall be addressed to the  
850 supervisor and also bear on the back side a certificate in

851 substantially the following form:

852 Note: Please Read Instructions Carefully Before  
 853 Marking Ballot and Completing Voter's Certificate.

854 VOTER'S CERTIFICATE

855 I, ....., do solemnly swear or affirm that I am a qualified  
 856 and registered voter of .... County, Florida, and that I have  
 857 not and will not vote more than one ballot in this election. I  
 858 understand that if I commit or attempt to commit any fraud in  
 859 connection with voting, vote a fraudulent ballot, or vote more  
 860 than once in an election, I can be convicted of a felony of the  
 861 third degree and fined up to \$5,000 and/or imprisoned for up to  
 862 5 years. I also understand that failure to sign this certificate  
 863 will invalidate my ballot.

864 ...(Date)...

865 ...(Voter's Signature or Last Four Digits of Social Security  
 866 Number)...

867 ...(E-Mail Address)...

...(Home Telephone Number)...

868 ...(Mobile Telephone Number)...

869 (2) The certificate shall be arranged on the back of the  
 870 mailing envelope so that the line for the signature or last four  
 871 digits of the social security number of the absent elector is  
 872 across the seal of the envelope; however, no statement shall  
 873 appear on the envelope which indicates that a signature or the  
 874 last four digits of the social security number of the voter must  
 875 cross the seal of the envelope. The absent elector shall execute

876 | the certificate on the envelope.

877 |       Section 19. Section 101.65, Florida Statutes, is amended  
878 | to read:

879 |       101.65 Instructions to absent electors.—The supervisor  
880 | shall enclose with each vote-by-mail ballot separate printed  
881 | instructions in substantially the following form; however, where  
882 | the instructions appear in capitalized text, the text of the  
883 | printed instructions must be in bold font:

884 |                       READ THESE INSTRUCTIONS CAREFULLY  
885 |                       BEFORE MARKING BALLOT.

886 |       1. VERY IMPORTANT. In order to ensure that your vote-by-  
887 | mail ballot will be counted, it should be completed and returned  
888 | as soon as possible so that it can reach the supervisor of  
889 | elections of the county in which your precinct is located no  
890 | later than 7 p.m. on the day of the election. However, if you  
891 | are an overseas voter casting a ballot in a presidential  
892 | preference primary or general election, your vote-by-mail ballot  
893 | must be postmarked or dated no later than the date of the  
894 | election and received by the supervisor of elections of the  
895 | county in which you are registered to vote no later than 10 days  
896 | after the date of the election. Note that the later you return  
897 | your ballot, the less time you will have to cure any signature  
898 | deficiencies, which may cause your ballot to not be counted ~~is~~  
899 | ~~authorized until 5 p.m. on the 2nd day after the election.~~

900 |       2. Mark your ballot in secret as instructed on the ballot.

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

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

907 4. Place your marked ballot in the enclosed secrecy  
908 envelope.

909 5. Insert the secrecy envelope into the enclosed mailing  
910 envelope which is addressed to the supervisor.

911 6. Seal the mailing envelope and completely fill out the  
912 Voter's Certificate on the back of the mailing envelope.

913 7. VERY IMPORTANT. In order for your vote-by-mail ballot  
914 to be counted, you must sign your name or print the last four  
915 digits of your social security number on the line above (Voter's  
916 Signature or Last Four Digits of Social Security Number). A  
917 vote-by-mail ballot will be considered illegal and not be  
918 counted if the signature or the last four digits of the social  
919 security number on the voter's certificate does not match the  
920 signature or social security number on record. The signature on  
921 file at the time the supervisor of elections in the county in  
922 which your precinct is located receives your vote-by-mail ballot  
923 is the signature that will be used to verify your signature on  
924 the voter's certificate. If you need to update your signature  
925 for this election, send your signature update on a voter

926 registration application to your supervisor of elections ~~so that~~  
 927 ~~it is received before your vote-by-mail ballot is received.~~

928 8. VERY IMPORTANT. If you are an overseas voter, you must  
 929 include the date you signed the Voter's Certificate or printed  
 930 the last four digits of your social security number on the line  
 931 above (Date) or your ballot may not be counted.

932 9. Mail, deliver, or have delivered the completed mailing  
 933 envelope. Be sure there is sufficient postage if mailed. THE  
 934 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE  
 935 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS  
 936 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE DROP BOX,  
 937 AVAILABLE AT EACH EARLY VOTING LOCATION.

938 10. FELONY NOTICE. It is a felony under Florida law to  
 939 accept any gift, payment, or gratuity in exchange for your vote  
 940 for a candidate. It is also a felony under Florida law to vote  
 941 in an election using a false identity or false address, or under  
 942 any other circumstances making your ballot false or fraudulent.

943 Section 20. Subsection (1), paragraph (c) of subsection  
 944 (2), and paragraphs (a), (b), (c), and (d) of subsection (4) of  
 945 section 101.68, Florida Statutes, are amended to read:

946 101.68 Canvassing of vote-by-mail ballot.-

947 (1) The supervisor of the county where the absent elector  
 948 resides shall receive the voted ballot, at which time the  
 949 supervisor shall compare the signature or partial social  
 950 security number of the elector on the voter's certificate with

951 the signature or partial social security number of the elector  
952 in the registration books or the precinct register to determine  
953 whether the elector is duly registered in the county and must  
954 record on the elector's registration record that the elector has  
955 voted. During the signature comparison process, the supervisor  
956 may not use any knowledge of the political affiliation of the  
957 voter whose signature is subject to verification. An elector who  
958 dies after casting a vote-by-mail ballot but on or before  
959 election day shall remain listed in the registration books until  
960 the results have been certified for the election in which the  
961 ballot was cast. The supervisor shall safely keep the ballot  
962 unopened in his or her office until the county canvassing board  
963 canvasses the vote. Except as provided in subsection (4), after  
964 a vote-by-mail ballot is received by the supervisor, the ballot  
965 is deemed to have been cast, and changes or additions may not be  
966 made to the voter's certificate.

967 (2)

968 (c)1. The canvassing board must, if the supervisor has not  
969 already done so, compare the signature or partial social  
970 security number of the elector on the voter's certificate or on  
971 the vote-by-mail ballot cure affidavit as provided in subsection  
972 (4) with the signature or partial social security number of the  
973 elector in the registration books or the precinct register to  
974 see that the elector is duly registered in the county and to  
975 determine the legality of that vote-by-mail ballot. A vote-by-

976 mail ballot may only be counted if:

977       a. The signature or partial social security number on the  
 978 voter's certificate or the cure affidavit matches the elector's  
 979 signature or partial social security number in the registration  
 980 books or precinct register; however, in the case of a cure  
 981 affidavit, the supporting identification listed in subsection  
 982 (4) must also confirm the identity of the elector; or

983       b. The cure affidavit contains a signature or partial  
 984 social security number that does not match the elector's  
 985 signature or partial social security number in the registration  
 986 books or precinct register, but the elector has submitted a  
 987 current and valid Tier 1 identification pursuant to subsection  
 988 (4) which confirms the identity of the elector.

989  
 990 For purposes of this subparagraph, any canvassing board finding  
 991 that an elector's signatures or partial social security numbers  
 992 do not match must be by majority vote and beyond a reasonable  
 993 doubt.

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

1000       3. A vote-by-mail ballot is not considered illegal if the



1001 signature or partial social security number of the elector does  
 1002 not cross the seal of the mailing envelope.

1003 ~~4. If any elector or candidate present believes that a~~  
 1004 ~~vote-by-mail ballot is illegal due to a defect apparent on the~~  
 1005 ~~voter's certificate or the cure affidavit, he or she may, at any~~  
 1006 ~~time before the ballot is removed from the envelope, file with~~  
 1007 ~~the canvassing board a protest against the canvass of that~~  
 1008 ~~ballot, specifying the precinct, the voter's certificate or the~~  
 1009 ~~cure affidavit, and the reason he or she believes the ballot to~~  
 1010 ~~be illegal. A challenge based upon a defect in the voter's~~  
 1011 ~~certificate or cure affidavit may not be accepted after the~~  
 1012 ~~ballot has been removed from the mailing envelope.~~

1013 ~~4.5.~~ If the canvassing board determines that a ballot is  
 1014 illegal, a member of the board must, without opening the  
 1015 envelope, mark across the face of the envelope: "rejected as  
 1016 illegal." The cure affidavit, if applicable, the envelope, and  
 1017 the ballot therein shall be preserved in the manner that  
 1018 official ballots are preserved.

1019 (4) (a) As soon as practicable, the supervisor shall, on  
 1020 behalf of the county canvassing board, attempt to notify an  
 1021 elector who has returned a vote-by-mail ballot that does not  
 1022 include the elector's signature or partial social security  
 1023 number or contains a signature or partial social security number  
 1024 that does not match the elector's signature or partial social  
 1025 security number in the registration books or precinct register

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1026 by:

1027 1. Notifying the elector of the signature or partial  
1028 social security number deficiency by e-mail and directing the  
1029 elector to the cure affidavit and instructions on the  
1030 supervisor's website;

1031 2. Notifying the elector of the signature or partial  
1032 social security number deficiency by text message and directing  
1033 the elector to the cure affidavit and instructions on the  
1034 supervisor's website; or

1035 3. Notifying the elector of the signature or partial  
1036 social security number deficiency by telephone and directing the  
1037 elector to the cure affidavit and instructions on the  
1038 supervisor's website.

1039  
1040 In addition to the notification required under subparagraph 1.,  
1041 subparagraph 2., or subparagraph 3., the supervisor must notify  
1042 the elector of the signature or partial social security number  
1043 deficiency by first-class mail and direct the elector to the  
1044 cure affidavit and instructions on the supervisor's website.  
1045 Beginning the day before the election, the supervisor is not  
1046 required to provide notice of the signature deficiency by first-  
1047 class mail, but shall continue to provide notice as required  
1048 under subparagraph 1., subparagraph 2., or subparagraph 3.

1049 (b) The supervisor shall allow such an elector to complete  
1050 and submit an affidavit in order to cure the vote-by-mail ballot

1051 until 5 p.m. on the 2nd day after the election.

1052 (c) The elector must complete a cure affidavit in  
1053 substantially the following form:

1054 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

1055 I, ....., am a qualified voter in this election and  
1056 registered voter of .... County, Florida. I do solemnly swear or  
1057 affirm that I requested and returned the vote-by-mail ballot and  
1058 that I have not and will not vote more than one ballot in this  
1059 election. I understand that if I commit or attempt any fraud in  
1060 connection with voting, vote a fraudulent ballot, or vote more  
1061 than once in an election, I may be convicted of a felony of the  
1062 third degree and fined up to \$5,000 and imprisoned for up to 5  
1063 years. I understand that my failure to sign this affidavit means  
1064 that my vote-by-mail ballot will be invalidated.

1065 ... (Voter's Signature or Last Four Digits of Social Security  
1066 Number) ...

1067 ... (Address) ...

1068 (d) Instructions must accompany the cure affidavit in  
1069 substantially the following form:

1070 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
1071 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
1072 BALLOT NOT TO COUNT.

1073 1. In order to ensure that your vote-by-mail ballot will  
1074 be counted, your affidavit should be completed and returned as  
1075 soon as possible so that it can reach the supervisor of

1076 | elections of the county in which your precinct is located no  
 1077 | later than 5 p.m. on the 2nd day after the election.

1078 |         2. You must sign your name or print the last four digits  
 1079 | of your social security number on the line above (Voter's  
 1080 | Signature or Last Four Digits of Social Security Number).

1081 |         3. You must make a copy of one of the following forms of  
 1082 | identification:

1083 |             a. Tier 1 identification.—Current and valid identification  
 1084 | that includes your name and photograph: Florida driver license;  
 1085 | Florida identification card issued by the Department of Highway  
 1086 | Safety and Motor Vehicles; United States passport; debit or  
 1087 | credit card; military identification; student identification;  
 1088 | retirement center identification; neighborhood association  
 1089 | identification; public assistance identification; veteran health  
 1090 | identification card issued by the United States Department of  
 1091 | Veterans Affairs; a Florida license to carry a concealed weapon  
 1092 | or firearm; or an employee identification card issued by any  
 1093 | branch, department, agency, or entity of the Federal Government,  
 1094 | the state, a county, or a municipality; or

1095 |             b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1  
 1096 | FORM OF IDENTIFICATION, identification that shows your name and  
 1097 | current residence address: current utility bill, bank statement,  
 1098 | government check, paycheck, or government document (excluding  
 1099 | voter information card).

1100 |         4. Place the envelope bearing the affidavit into a mailing

1101 envelope addressed to the supervisor. Insert a copy of your  
 1102 identification in the mailing envelope. Mail (if time permits),  
 1103 deliver, or have delivered the completed affidavit along with  
 1104 the copy of your identification to your county supervisor of  
 1105 elections. Be sure there is sufficient postage if mailed and  
 1106 that the supervisor's address is correct. Remember, your  
 1107 information MUST reach your county supervisor of elections no  
 1108 later than 5 p.m. on the 2nd day after the election, or your  
 1109 ballot will not count.

1110 5. Alternatively, you may fax or e-mail your completed  
 1111 affidavit and a copy of your identification to the supervisor of  
 1112 elections. If e-mailing, please provide these documents as  
 1113 attachments.

1114 Section 21. Section 101.6952, Florida Statutes, is amended  
 1115 to read:

1116 101.6952 Vote-by-mail ballots for absent ~~uniformed~~  
 1117 ~~services and overseas~~ voters.—

1118 (1) If an absent ~~uniformed services voter's or an overseas~~  
 1119 voter's request for an official vote-by-mail ballot pursuant to  
 1120 s. 101.62 includes an e-mail address, the supervisor of  
 1121 elections shall:

1122 (a) Record the voter's e-mail address in the vote-by-mail  
 1123 ballot record;

1124 (b) Confirm by e-mail that the vote-by-mail ballot request  
 1125 was received and include in that e-mail the estimated date the

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1126 | vote-by-mail ballot will be sent to the voter; and

1127 |       (c) Notify the voter by e-mail when the voted vote-by-mail  
1128 | ballot is received by the supervisor of elections.

1129 |       (2)(a) An absent ~~uniformed services voter or an overseas~~  
1130 | voter who makes timely application for but does not receive an  
1131 | official vote-by-mail ballot may use the federal write-in  
1132 | absentee ballot to vote in any federal, state, or local  
1133 | election.

1134 |       (b)1. In an election for federal office, an elector may  
1135 | designate a candidate by writing the name of a candidate on the  
1136 | ballot. Except for a primary or special primary election, the  
1137 | elector may alternatively designate a candidate by writing the  
1138 | name of a political party on the ballot. A written designation  
1139 | of the political party shall be counted as a vote for the  
1140 | candidate of that party if there is such a party candidate in  
1141 | the race.

1142 |       2. In a state or local election, an elector may vote in  
1143 | the section of the federal write-in absentee ballot designated  
1144 | for nonfederal races by writing on the ballot the title of each  
1145 | office and by writing on the ballot the name of the candidate  
1146 | for whom the elector is voting. Except for a primary, special  
1147 | primary, or nonpartisan election, the elector may alternatively  
1148 | designate a candidate by writing the name of a political party  
1149 | on the ballot. A written designation of the political party  
1150 | shall be counted as a vote for the candidate of that party if

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1151 | there is such a party candidate in the race. In addition, the  
1152 | elector may vote on any ballot measure presented in such  
1153 | election by identifying the ballot measure on which he or she  
1154 | desires to vote and specifying his or her vote on the measure.  
1155 | For purposes of this section, a vote cast in a judicial merit  
1156 | retention election shall be treated in the same manner as a  
1157 | ballot measure in which the only allowable responses are "Yes"  
1158 | or "No."

1159 |       (c) In the case of a joint candidacy, such as for the  
1160 | offices of President/Vice President or Governor/Lieutenant  
1161 | Governor, a valid vote for one or both qualified candidates on  
1162 | the same ticket shall constitute a vote for the joint candidacy.

1163 |       (d) For purposes of this subsection and except when the  
1164 | context clearly indicates otherwise, such as when a candidate in  
1165 | the election is affiliated with a political party whose name  
1166 | includes the word "Independent," "Independence," or a similar  
1167 | term, a voter designation of "No Party Affiliation" or  
1168 | "Independent," or any minor variation, misspelling, or  
1169 | abbreviation thereof, shall be considered a designation for the  
1170 | candidate, other than a write-in candidate, who qualified to run  
1171 | in the race with no party affiliation. If more than one  
1172 | candidate qualifies to run as a candidate with no party  
1173 | affiliation, the designation may not count for any candidate  
1174 | unless there is a valid, additional designation of the  
1175 | candidate's name.

1176 (e) Any abbreviation, misspelling, or other minor  
1177 variation in the form of the name of an office, the name of a  
1178 candidate, the ballot measure, or the name of a political party  
1179 must be disregarded in determining the validity of the ballot.

1180 (3)(a) An absent ~~uniformed services voter or an overseas~~  
1181 voter who submits a federal write-in absentee ballot and later  
1182 receives an official vote-by-mail ballot may submit the official  
1183 vote-by-mail ballot. An elector who submits a federal write-in  
1184 absentee ballot and later receives and submits an official vote-  
1185 by-mail ballot should make every reasonable effort to inform the  
1186 appropriate supervisor of elections that the elector has  
1187 submitted more than one ballot.

1188 (b) ~~A federal write-in absentee ballot may not be~~  
1189 ~~canvassed until 7 p.m. on the day of the election.~~ A federal  
1190 write-in absentee ballot from an absent ~~overseas~~ voter in a  
1191 presidential preference primary or general election may not be  
1192 canvassed until the conclusion of the 10-day period specified in  
1193 subsection (5). Each federal write-in absentee ballot received  
1194 by 7 p.m. on the day of the election shall be canvassed pursuant  
1195 to ss. 101.5614(4) and 101.68, unless the elector's official  
1196 vote-by-mail ballot is received by 7 p.m. on election day. Each  
1197 federal write-in absentee ballot from an absent ~~overseas~~ voter  
1198 in a presidential preference primary or general election  
1199 received by 10 days after the date of the election shall be  
1200 canvassed pursuant to ss. 101.5614(4) and 101.68, unless the



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1201 absent ~~overseas~~ voter's official vote-by-mail ballot is received  
1202 by 10 days after the date of the election. If the elector's  
1203 official vote-by-mail ballot is received ~~by 7 p.m. on election~~  
1204 ~~day, or, for an overseas voter in a presidential preference~~  
1205 ~~primary or general election,~~ no later than 10 days after the  
1206 date of the election, the federal write-in absentee ballot is  
1207 invalid and the official vote-by-mail ballot shall be canvassed.  
1208 The time shall be regulated by the customary time in standard  
1209 use in the county seat of the locality.

1210 (4) For vote-by-mail ballots received from absent  
1211 ~~uniformed services voters or overseas~~ voters, there is a  
1212 presumption that the envelope was mailed on the date stated on  
1213 the outside of the return envelope, regardless of the absence of  
1214 a postmark on the mailed envelope or the existence of a postmark  
1215 date that is later than the date of the election.

1216 (5) A vote-by-mail ballot from an absent ~~overseas~~ voter in  
1217 any presidential preference primary or general election which is  
1218 postmarked or dated no later than the date of the election and  
1219 is received by the supervisor of elections of the county in  
1220 which the ~~overseas~~ voter is registered no later than 10 days  
1221 after the date of the election shall be counted as long as the  
1222 vote-by-mail ballot is otherwise proper.

1223 Section 22. Subsection (6) is added to section 101.71,  
1224 Florida Statutes, to read:

1225 101.71 Polling place.—

1226       (6) A polling place may not be located within a gated  
 1227 community unless the legal residence of every elector in the  
 1228 precinct is within such gated community.

1229       Section 24. Paragraph (f) is added to subsection (4) of  
 1230 section 102.031, Florida Statutes, and subsection (6) is added  
 1231 to that section to read:

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

1235       (4)

1236       (f) A person may provide food, water, and other items to  
 1237 voters standing in line to vote outside of the no-solicitation  
 1238 zone.

1239       (6) Bullhorns or other devices used to amplify sound are  
 1240 prohibited in close proximity to:

1241       (a) A polling place during voting hours.

1242       (b) An office of the supervisor during a recount.

1243       Section 23. Subsection (2) of section 102.111, Florida  
 1244 Statutes, is amended to read:

1245       102.111 Elections Canvassing Commission.—

1246       (2) The Elections Canvassing Commission shall meet at 9  
 1247 a.m. on the 9th day after a primary election to certify the  
 1248 returns for each federal, state, and multicounty office. The  
 1249 commission shall meet ~~and~~ at 9 a.m. on the 14th day after a  
 1250 general election to certify the returns of the election for each

1251 ~~federal, state, and~~ multicounty office. The commission shall  
 1252 meet at 9 a.m. on the 21st day after a general election to  
 1253 certify the returns for each federal and state office. If a  
 1254 member of a county canvassing board that was constituted  
 1255 pursuant to s. 102.141 determines, within 5 days after the  
 1256 certification by the Elections Canvassing Commission, that a  
 1257 typographical error occurred in the official returns of the  
 1258 county, the correction of which could result in a change in the  
 1259 outcome of an election, the county canvassing board must certify  
 1260 corrected returns to the Department of State within 24 hours,  
 1261 and the Elections Canvassing Commission must correct and  
 1262 recertify the election returns as soon as practicable.

1263 Section 24. Subsection (2) of section 102.112, Florida  
 1264 Statutes, is amended to read:

1265 102.112 Deadline for submission of county returns to the  
 1266 Department of State.—

1267 (2) Returns must be filed by 5 p.m. on the 7th day  
 1268 following a primary election, ~~and~~ by noon on the 12th day  
 1269 following the general election for multicounty offices, and by  
 1270 noon on the 19th day following the general election for federal  
 1271 and statewide offices. However, the Department of State may  
 1272 correct typographical errors, including the transposition of  
 1273 numbers, in any returns submitted to the Department of State  
 1274 pursuant to s. 102.111(2).

1275 Section 25. Section 102.181, Florida Statutes, is created

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1276 to read:

1277 102.181 Action against supervisor of elections.—

1278 (1) Any elector qualified to vote in or any candidate for  
1279 office in an election may file an action against the supervisor  
1280 of elections administering such election for noncompliance with  
1281 any provision of this code.

1282 (2) Any elector or candidate who files such an action is  
1283 entitled to an immediate hearing.

1284 (3) In any such action, any filing fees or costs shall be  
1285 waived and attorney fees shall be awarded to the prevailing  
1286 party or parties.

1287 Section 26. This act shall take effect July 1, 2022.