

CHAPTER 98-129

Committee Substitute for Senate Bill No. 1402

An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 98.015, F.S.; requiring supervisors of elections to notify property appraisers of voters who are registered at an address other than the voters homestead address; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.052, F.S.; modifying uniform statewide voter registration application; amending s. 97.053, F.S.; amending the standards for accepting the uniform statewide voter registration application; creating s. 97.056, F.S.; providing that persons who register to vote by mail must vote in person at first election after registration; providing exceptions; amending s. 97.071, F.S.; providing that voter registration cards be mailed to the legal residence address on the voter registration form; providing exceptions; creating s. 98.0975, F.S.; providing periodic list maintenance to the central voter file; amending s. 98.461, F.S.; providing forms of picture identification included on precinct register; amending s. 98.471, F.S.; requiring photo identification to vote at the polls; providing an exception; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.5611, F.S.; requiring a notice of penalties for voting fraud be posted at each polling place; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the voter's certificate; providing reasons for voting absentee; requiring additional information from the voter and the witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising instructions to absentee electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absentee voters to personally mark their ballot; providing exceptions; amending s. 101.665, F.S.; providing that supervisors of elections and other specified persons may administer oaths; amending s. 101.68, F.S.; relating to canvassing of absentee ballots; revising the requirements for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots are rejected; creating s. 101.685, F.S.; providing for designation of absentee ballot coordinators to witness absentee ballots; amending s. 102.012, F.S.; providing that persons who are preregistered to vote may serve on election boards; amending s. 104.012, F.S.; increasing the penalty for paying someone to register, interfering with registration, paying someone to solicit registrations on a contingent fee basis, or altering a voter registration; amending s. 104.013, F.S.; increasing the penalty for unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.045, F.S.; increasing the penalty for vote selling; creating s. 104.47, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.051, F.S.; increasing the penalty for an election official interfering with voting; amending s. 104.0515, F.S.; increasing the penalty

for deprivation of voting rights; amending s. 104.061; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for using a false name in connection with voting; amending s. 104.42, F.S.; authorizing supervisors of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; providing that a notary may not charge a fee for witnessing an absentee ballot and may not refuse to witness an absentee ballot; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 196.141, F.S.; requiring property appraiser examine the homestead exemption of persons referred by the supervisor of elections to determine lawfulness and to initiate procedures to terminate the exemption and assess back taxes if appropriate; providing an appropriation; providing an effective date.

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

Section 1. Subsection (12) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(12) Maintain a voter fraud hotline and provide election-fraud education to the public.

Section 2. Subsection (11) is added to section 98.015, Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(11) Each supervisor of elections shall forward, to the property appraiser for the county in which the homestead is claimed, the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

Section 3. Subsection (1) of section 97.021, Florida Statutes, is amended to read:

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

(1) “Absent elector” means any registered and qualified voter who: ~~is unable to attend the polls on election day.~~

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.

(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.

(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.

(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.

Section 4. Effective July 1, 1999, subsections (2) and (3) of section 97.052, Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration application.—

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

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g)(f) Race or ethnicity that best describes the applicant:

- 1. American Indian or Alaskan Native.
- 2. Asian or Pacific Islander.
- 3. Black, not Hispanic.
- 4. White, not Hispanic.
- 5. Hispanic.

(h)(g) Sex.

~~(i)(h)~~ Party affiliation.

(j)(i) Whether the applicant needs assistance in voting.

~~(k)(j)~~ Name and address where last registered.

~~(l)(k)~~ Last four digits of the applicant's social security number (optional).

(m) Florida Driver's license number or the identification number from a Florida identification card issued under s. 322.051.

~~(n)(l)~~ Telephone number (optional).

~~(o)(m)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(p)(n)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

~~(q)(o)~~ Whether the applicant is a citizen of the United States.

~~(r)(p)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

~~(s)(q)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form ~~must~~ shall be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

~~(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.~~

~~(d)(e)~~ A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e)(f) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.

Section 5. Effective July 1, 1999, subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.

6.5- An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7.6- An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8.7- Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Effective July 1, 1999, section 97.056, Florida Statutes, is created to read:

97.056 Registration by mail; persons required to vote in person.—

(1) Any registered voter who has registered by mail and has not previously voted in the county in which he or she is registered must vote:

(a) In person at the precinct in which he or she is registered to vote; or

(b) In person at the office of the supervisor of elections, as provided in s. 101.657.

(2) The provisions of this section do not apply to a person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law, or an elector who is absent from the county and does not plan to return before the day of the election.

Section 7. Present subsections (2) and (3) of section 97.071, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

97.071 Registration identification card.—

(2)(a) Except as provided in paragraph (b), the supervisor of elections shall mail a registration identification card to the voter at the address listed as the legal residence on the voter's registration application. The card must be sent by nonforwardable, return-if-undeliverable mail. If the identification card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the supervisor must mail a notice to the mailing address, notifying the voter that his or her registration identification card was returned and that the voter may appear in person at the supervisor's office to pick up the identification card. The supervisor must surrender the identification card to the elector upon presentation of a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor has doubts as to the identity of the elector, the supervisor must require the elector to swear an oath substantially similar to the one prescribed in s. 101.49 prior to surrendering the identification card. The supervisor must keep the identification card on file for 45 days following return of the card as undeliverable.

(b) The supervisor shall mail the voter identification card by forwardable mail to voters who are covered by the Uniformed and Overseas Citizens Absentee Voting Act.

Section 8. Effective upon this act becoming a law, section 98.0975, Florida Statutes, is created to read:

98.0975 Central voter file; periodic list maintenance.—

(1) By August 15, 1998, the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available information identifying the voter of each person included in the central voter file as a registered voter in the supervisor's county who:

(a) Is deceased;

(b) Has been convicted of a felony and has not had his or her civil rights restored; or

(c) Has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.

(2) The division shall annually update the information required in subsection (1), and forward a like list to each supervisor by June 1 of each year.

(3)(a) In order to meet its obligations under this section, the division shall annually contract with a private entity to compare information in the central voter file with available information in other computer databases, including, without limitation, databases containing reliable criminal records and records of deceased persons.

(b) The entity contracted by the division is designated as an agent of the division for purposes of administering the contract, and must be limited to seeking only that information which is necessary for the division to meet its obligations under this section. Information obtained under this section may not be used for any purpose other than determining voter eligibility.

(4) Upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor does not determine that the information provided by the division is incorrect, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting.

Section 9. Effective upon this act becoming a law, section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial;

party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which must shall include, but is not be limited to, a the voter registration identification card and Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 10. Effective upon this act becoming a law, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification ~~one of the forms of identification which are on the list of forms approved by the Department of State pursuant to s. 98.461.~~ The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.

Section 11. Effective upon becoming law, subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)(a) Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

(b) Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance, to be approved by referendum, that the terms of its members shall commence on a date later than the second Tuesday following general elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.

Section 12. Subsection (3) is added to section 101.5611, Florida Statutes, to read:

101.5611 Instructions to electors.—

(3) The supervisor of elections shall have posted at each polling place a notice that reads: “A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years.”

Section 13. Effective upon this act becoming a law, subsections (1) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

~~(1)(a) The supervisor may accept a request for an absentee ballot from an elector in person or in writing, or for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone. One request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector’s designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.~~

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector’s immediate family, or the elector’s legal guardian. For purposes of this section, the term “immediate family” has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;
2. The elector’s address;
3. The last four digits of the elector’s social security number;
4. The registration number on the elector’s registration identification card;
5. The requester’s name;
6. The requester’s address;
7. The requester’s social security number and, if available, driver’s license number;
8. The requester’s relationship to the elector; and
9. The requester’s signature (written requests only).

~~(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days~~

before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall ~~provide deliver or mail~~ an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:-

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up

more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 14. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.
VOTER'S CERTIFICATE

I, ..., am a qualified and registered voter of ... County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

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

...(Last four digits of voter's social security number)...

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this day of, ... (year)...., by ... (name of person making statement).... My commission expires this day of, ... (year)....

...(Signature of Official)...

...(Print, Type, or Stamp Name)...

...(State or Country of Commission)...

Personally Known OR Produced Identification

Type of Identification Produced

OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

...(Signature of Witness)...

...(Printed Name of Witness)...

...(Voter I.D. Number of Witness and County of Registration)...

...(Address)...

...(City/State)...

~~Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.~~
VOTER'S CERTIFICATE

~~I, ... (print name)...., do solemnly swear or affirm that I am a qualified elector in this election, that I am unable to attend the polls on election day, and that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.~~

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

~~Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in Item 7. of the Instruction Sheet.~~

~~I swear or affirm that the elector signed this Voter's Certificate in my presence.~~

b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.

~~7. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.~~

7.8. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

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

Section 17. Section 101.657, Florida Statutes, is created to read:

101.657 Voting absentee ballots in person.—Notwithstanding s. 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

Section 18. Effective upon this act becoming a law, section 101.66, Florida Statutes, is created to read:

101.66 Voting absentee ballots.—All electors must personally mark or designate their choices on the absentee ballot, except:

(1) Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.

(2) As otherwise provided in s. 101.051 or s. 101.655.

Section 19. Section 101.665, Florida Statutes, is amended to read:

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, any supervisor of elections, deputy supervisor of elections, or employee of the

supervisor of elections when designated by the supervisor of elections, or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

Section 20. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote.

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

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

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature and the last four digits of the social security number of the elector, as shown by the registration records, and either:

a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or

b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state. the signature and address of an attesting witness.

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope or if the person witnessing the ballot is in violation of s. 104.047(3). If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the

envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

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

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

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

(4) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal because of a difference between the elector's signature on the ballot and that on the elector's voter registration record. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 21. Section 101.685, Florida Statutes, is created to read:

101.685 Absentee ballot coordinators.—

(1)(a) At least 28 days before a general or special election, the state executive committee of any political party having a candidate on the ballot may submit to the division a list of persons to be absentee ballot coordinators. Each state executive committee may designate a number of absentee ballot coordinators equal to the number of state Senate districts. However, for a special election for state senator or member of the House of Representatives, each state executive committee may designate no more than 10 absentee ballot coordinators. Absentee ballot coordinators may not be designated for primary elections or for elections involving only municipal or nonpartisan candidates.

(b) The Division of Elections shall investigate the criminal background of each designee. Any designee who has been convicted of a crime relating to elections shall not be certified as an absentee ballot coordinator, and the division shall so notify the designee and the appropriate political party.

(2) The list must contain the full name, address and Florida voter registration number of each absentee ballot coordinator.

(3) An absentee ballot coordinator must submit to the political party the information required in subsection (2) and an affidavit from the absentee ballot coordinator that he or she has read and understands chapter 104.

(4) Certification of an individual as an absentee ballot coordinator under this section is valid until the polls close on the day of the election for which the coordinator is designated, and the state executive committee of a political party submitting a list of absentee ballot coordinators under this section must maintain the records required in subsection (3) for 2 years.

(5) Notwithstanding any other provision of this chapter, an absentee ballot coordinator may witness an unlimited number of absentee ballots in the general or special election for which designated.

Section 22. Subsection (2) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

Section 23. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084~~. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084~~, and, upon any subsequent conviction, commits a felony of the second third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083,~~ or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083,~~ or s. 775.084.

Section 24. Section 104.013, Florida Statutes, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter registration identification card unless said person has been duly authorized to issue a registration identification card.

(3) It is unlawful for any person willfully to destroy or deface the registration identification card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083,~~ or s. 775.084.

Section 25. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083,~~ or s. 775.084.

Section 26. Section 104.047, Florida Statutes, is created to read:

104.047 Absentee voting.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering,

requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than 5 ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.66, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who returns more than 2 absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (4) of section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot commits ~~is guilty of a felony misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 28. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to absentee ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084.~~

Section 29. Subsection (1) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election commits ~~is guilty of a felony misdemeanor~~ of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084~~ for the first conviction, and a felony of the second third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

Section 30. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—~~It is~~ shall be unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084.~~

Section 31. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—~~A person may not~~ No registered elector shall, in connection with any part of the election process, fraudu-

lently call himself or herself, or fraudulently pass by, any other name than the name by which the ~~person elector~~ is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or s. 775.083,~~ or s. 775.084.

Section 32. Section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating fraudulent registrations and illegal voting.

Section 33. Subsection (2) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)(a) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. 117.04.

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 34. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter and chapter 104 is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it by the Division of Elections. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or chapter 104 ~~s. 104.271~~ has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of this chapter or chapter 104 ~~the Florida Election Code~~ may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter or chapter 104, and every proceeding of the commission with respect to a violation of this chapter or chapter 104 is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

- (a) As provided in subsection (6);
- (b) Upon a determination of probable cause or no probable cause by the commission; or
- (c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter or chapter 104, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Subsection (11) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter or chapter 104 has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

Section 36. Subsections (1) and (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(1) The commission is authorized upon the finding of a violation of this chapter ~~or chapter 104~~ to impose civil penalties in the form of fines not to exceed \$1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;
- (c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and
- (d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter ~~or chapter 104~~.

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the Department of Revenue State Comptroller shall be responsible for collecting the civil penalties resulting from such action.

Section 37. Subsections (1) and (3) of section 106.27, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter ~~or chapter 104~~ may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter ~~or chapter 104~~ shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter ~~or chapter 104~~. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

Section 38. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of

elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.

Section 39. The sum of \$4 million is appropriated from the General Revenue Fund to the Division of Elections of the Department of State for the purpose of meeting its obligations under this act.

Section 40. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.