

Committee Substitute for Senate Bill No. 1118

An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.34, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; requiring the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5607, F.S.; to correct a cross-reference; amending s. 101.5608, F.S.; providing procedures for ballots rejected by the vote tabulation device; amending s. 101.5612, F.S.; provide standards for logic and accuracy testing of vote tabulating equipment; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on voter errors following the general election; amending s. 102.012, F.S.; prescribing additional duties for election boards; deleting references to voting machines, to conform; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee

ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; directing the Department of State to ignore late-filed election returns except in the case of a statutory emergency; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; repealing s. 102.167, F.S.; eliminating a form for protests; amending s. 102.168, F.S.; revising the grounds for an election contest; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate; revising the primary date in 2002 and providing for only one primary until 2004; providing dates for Lieutenant Governor candidates to be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2002 elections; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), F.S., relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 106.31, F.S.; providing legislative intent with respect to campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not

state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that contributions from individuals who are not state residents may not be used as qualifying matching contributions; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for the use and distribution of an appropriation for the design of a statewide voter registration database; creating s. 98.0979, F.S.; prescribing requirements for copying information in the statewide voter registration database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing for the use and distribution of an appropriation for voter education and pollworker training; requiring the Division of Elections to provide a progress report on the upgrading of voting systems; providing for the distribution of an appropriation from the General Appropriations Act to counties; providing for study of elections process in multiple time zones; containing a severability clause; providing effective dates.

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

Section 1. This act shall be known as the “Florida Election Reform Act of 2001.”

Section 2. Effective September 2, 2002, subsections (2), (35), and (36) of section 97.021, Florida Statutes, as amended by this act, are amended to read:

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

(2) “Ballot” or “official ballot” when used in reference to:

~~(a) “Voting machines,” except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)(b) “Paper ballots” means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)(c) “Electronic or electromechanical devices” means a ballot that which is voted by the process of electronically designating, including by touchscreen, punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(35) “Voting booth” or “booth” means that booth or enclosure wherein an elector casts his or her ballot, ~~be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.~~

(36) “Voting system” means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical~~, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system’s operation.

Section 3. Effective September 2, 2002, 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 approved by the Department of State. 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 4. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—The ballots used in bond referenda shall include a ~~be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question “For Bonds” and “Against Bonds.”

Section 5. Effective September 2, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: “Shall be removed from the office of by recall?” Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

“(name of person)... should be removed from office.”

“(name of person)... should not be removed from office.”

~~Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.~~

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 101.015, Florida Statutes, to read:

101.015 Standards for voting systems.—

(7) The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.

Section 7. Section 101.151, Florida Statutes, is amended to read:

101.151 ~~Specifications for ballots general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:~~

(1) Paper ballots ~~The ballot~~ shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) ~~Across the top of the ballot shall be printed “Official Ballot, General Election,” beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, “General Election, Official Ballot,” and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed “Signature of Voter.” On the right side shall be “Initials of Issuing Official,” above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with “No. 1.” However, a second stub shall not be required for absentee ballots.~~

(2)(3)(a) ~~Beneath the caption and preceding the names of candidates shall be the following words: “To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the~~

~~name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose.~~ The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading “~~Electors for President and Vice President~~” and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party ~~that which~~ received the highest vote for Governor in the last general election of the Governor in this state, ~~above which shall appear the name of said party.~~ Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading “Congressional” and thereunder the offices of United States Senator and Representative in Congress; then the heading “State” and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading “Legislative” and thereunder the offices of state senator and state representative; then the heading “County” and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by “Party Offices,” and thereunder the offices of state and county party executive committee members. ~~When a write-in candidate has qualified for any office, a subheading “Write-in Candidate for ... (name of office)...” shall be provided followed by a blank space in which to write the name of the candidate. In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.~~

(b) ~~Immediately following the name of each office on the ballot shall be printed, “Vote for One.” When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, “Vote for One,” and the names of the candidates in the respective groups or districts shall be arranged thereunder.~~

(c) If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(3)(a)(4) The names of the candidates of the party ~~that~~ which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office on the general election ballot, together with an appropriate abbreviation of party name; the names of the candidates of the party ~~that~~ which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)(5) Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent’s name.

(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7)(6) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. Clear and unambiguous ballot instructions and directions;
2. Individual race layout; and
3. Overall ballot layout.

(b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.

~~(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.~~

~~(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.~~

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 8. Effective September 2, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

~~(1) Where applicable In any county in which voting machines are not used, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.~~

~~(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.~~

Section 9. Effective September 2, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—~~The supervisor of elections, except where voting machines are used, shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.~~

Section 10. Effective September 2, 2002, section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) “Governing body” means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) ~~“Voting equipment” means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term “voting equipment” also includes electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.~~

(3) “Purchase” means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 11. Effective September 2, 2002, section 101.34, Florida Statutes, is amended to read:

101.34 Custody of voting system machines.—The supervisor of elections shall be the custodian of the voting system machines in the county ~~using them~~, and he or she shall appoint deputies necessary to prepare and supervise the voting system machines prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

Section 12. Effective September 2, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting system machine custodians and deputy custodians.—

(1) No voting system machine custodian or deputy custodian or other employee of the supervisor of elections, which employee’s duties are primarily involved with the preparation, maintenance, or repair of voting equipment, may ~~shall~~ accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

Section 13. Effective September 2, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—~~When voting machines are used and~~ the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 14. Effective September 2, 2002, section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signatures ~~signature, doubts shall doubt~~ that the signature handwriting affixed to a signature identification slip of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF

I do solemnly swear (or affirm) that my name is; that I am years old; that I was born in the State of; that I am registered to vote, and at the time I registered I resided on Street, in the municipality of, County of, State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

...(Signature of voter)...

Sworn to and subscribed before me this day of, A. D. ...(year)....

...(Clerk or inspector of election)...

Precinct No.

County of

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted ~~to the voting machine~~ to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 15. Effective September 2, 2002, subsections (4), (5), and (8) of section 101.5603, Florida Statutes, are amended to read:

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

(4) “Electronic or electromechanical voting system” means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment, and the term includes touchscreen systems.

(5) “Marking device” means ~~either an approved apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.~~

(8) “Voting device” means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing of~~

ballots by the voter or an apparatus by which votes are registered electronically.

Section 16. Effective September 2, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. A county must use an electronic or electromechanical precinct-count tabulation voting system. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.

Section 17. Effective September 2, 2002, a voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.

Section 18. Effective September 2, 2002, section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(1) It permits and requires voting in secrecy.

(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(3) The automatic tabulating equipment shall be set to reject a ballot and provide the elector an opportunity to correct the ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

(4)(3) For rejected ballots that voters choose to cast, the automatic tabulating equipment will be set to accept the ballot and reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.

(5)(4) It is capable of correctly counting votes.

~~(6)~~(5) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

~~(7)~~(6) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

~~(8)~~(7) It provides a method for write-in voting.

~~(9)~~(8) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

~~(10)~~(9) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

~~(11)~~(10) It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

~~(12)~~(11) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

~~(13)~~(12) It is capable of providing records from which the operation of the voting system may be audited.

~~(14)~~ It uses a precinct-count tabulation system.

~~(15)~~ It does not use an apparatus or device for the piercing of ballots by the voter.

Section 19. Paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 20. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 21. Section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.

~~(2)~~⁽⁴⁾ On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of such public ~~the~~ preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the public preelection test ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests

are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 22. Effective September 2, 2002, subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, as amended by this act, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such

number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

~~(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.~~

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.~~

~~(3)(b) The results of If ballots are tabulated at precinct regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.~~

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been ~~punched or~~ marked in a manner which will enable them to be properly counted by such equipment.

Section 23. Effective September 2, 2002, section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.— The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committee-woman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting systems and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the voting equipment ~~election machines~~ and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 24. Section 101.595, Florida Statutes, is created to read:

101.595 Analysis and reports of voter error.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report on voter errors to the Department of State, along with the likely reasons for the errors and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

(a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;

(b) An identification of voting system design problems; and

(c) Recommendations for correcting any problems identified.

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

Section 25. Effective September 2, 2002, subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, ~~including voting machines where used,~~ the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 26. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county ~~machines~~ are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 27. Effective September 2, 2002, subsections (4) and (7) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second

board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

Section 28. Subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

~~OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT~~

~~No. Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No.~~

~~...(Date)...~~

~~...(Signature of Voter)...~~

~~...(Initials of Issuing Official)...~~

~~Stub No. 1~~

~~OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT~~

~~No. Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No.~~

~~...(Date)...~~

~~...(Initials of Issuing Official)...~~

~~Stub No. 2~~

~~OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT~~

~~.... Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No.~~

~~...(Date)...~~

~~Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote,~~

For President

...(Name of Candidate)...

...(Name of Candidate)...

or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

...(Name of Delegate)...

...(Name of Candidate)...

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting system ~~machine~~; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system, components, machine or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in the said election, the said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; ~~provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.~~

Section 31. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1)

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates, ~~as provided in s. 100.071,~~ in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 32. Sections 100.071, 101.141, 101.181, 101.191, 101.251, and 101.5609, Florida Statutes, are repealed.

Section 33. Effective September 2, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Section 34. 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 casts an absentee ballot.:

~~(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.~~

(2) “Ballot” or “official ballot” when used in reference to:

(a) “Voting machines,” except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) “Paper ballots” means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(c) “Electronic or electromechanical devices” means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.

(5) "Department" means the Department of State.

(6) "Division" means the Division of Elections of the Department of State.

(7) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(8) "Election board" means the clerk and inspectors appointed to conduct an election.

(9) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(10) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(11) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(12) “Lists of registered electors” means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(13) “Member of the Merchant Marine” means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.

(14)(13) “Minor political party” is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(15)(14) “Newspaper of general circulation” means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16)(15) “Nominal value” means having a retail value of \$10 or less.

(17)(16) “Nonpartisan office” means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(18)(17) “Office that serves persons with disabilities” means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(19) “Overseas voter” means:

(a) Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b) Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c) Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered to vote as provided by law.

(20) “Overvote” means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(21)(18) “Persons with disabilities” means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(22)(19) “Polling place” is the building which contains the polling room where ballots are cast.

(23)(20) “Polling room” means the actual room in which ballots are cast.

(24)(21) “Primary election” means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

(25) “Provisional ballot” means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) The voter’s name does not appear on the precinct register and verification of the voter’s eligibility cannot be determined; or

(b) There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.

(26)(22) “Public assistance” means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.

(27)(23) “Public office” means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(28)(24) “Qualifying educational institution” means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in

writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

~~(29)~~~~(25)~~ “Special election” is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

~~(30)~~~~(26)~~ “Special primary election” is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

~~(31)~~~~(27)~~ “Supervisor” means the supervisor of elections.

~~(32)~~ “Undervote” means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

~~(33)~~ “Uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

~~(34)~~~~(28)~~ “Voter registration agency” means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

~~(35)~~~~(29)~~ “Voting booth” or “booth” means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

~~(36)~~~~(30)~~ “Voting system” means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system’s operation.

Section 35. Section 101.048, Florida Statutes, is created to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote at the precinct in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and the envelope marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF

I do solemnly swear (or affirm) that my name is; that my date of birth is; that I am registered to vote and at the time I registered I resided at, in the municipality of, in County, Florida; that I am a qualified voter of the county and have not voted in this election.

...(Signature of Voter)...

...(Current Address)...

Sworn to and subscribed before me this day of, ... (year)....

...(Clerk or Inspector of Election)...

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 36. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

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

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered
Voter

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

at ...(Address of legal residence)... in the Municipality of ..., in ... County, Florida, and am therefore eligible to vote in the ... precinct of ... County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose address of legal residence has changed)...

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

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

Name
Address
Municipality
County
Florida, Zip
My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose name has changed)...

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector

with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and ~~when the elector cannot present a valid registration identification card~~, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 37. Subsections (1), (2), (5), (6), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules

shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice of the intent of the voter as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure ~~If an elector marks more names than there are persons to be elected to an office or if it is impossible to determine the elector's choice,~~ the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a provisional ballot as provided in s. 101.048 ~~execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.~~

Section 39. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) ~~Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each federal, state, and multi-county office. In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 40. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; ~~penalties.~~—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following a ~~the first~~ primary election and by 5 p.m. on the 11th day following ~~the~~ and general election and by 3 p.m. on the 3rd day following the second primary.

(3) If the returns are not received by the department by the time specified, such returns ~~shall~~ may be ignored and the results on file at that time ~~shall~~ may be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

~~(2) The department shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

~~(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 41. Present subsections (5) and (6) of section 102.141, Florida Statutes, are redesignated as subsections (7) and (8), respectively, present subsection (4) is amended and redesignated as subsection (6), subsections (2) and (3) are amended, and new subsections (4) and (5) are added to that section to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by s. 101.048. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. ~~noon~~ of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the ~~counters on the machines~~

~~or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.~~

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the day after any primary, general, special, or other election.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and recount the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6)(4) If the unofficial returns for any office reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

~~(b) In counties with voting systems that do not use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the overall election return returns and the counters of the precinct tabulators machines or the tabulation of the ballots cast, the counters of the precinct tabulators of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.~~

~~(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.~~

Section 42. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts ~~Protest of election returns; procedure.~~ —

~~(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure.~~

~~(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the second day after the election.~~

(b) For federal, statewide, state, and multi-county races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.

(c) Upon receipt of a proper and timely request, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.

(3)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1, 2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.

(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

~~(1) Any candidate for nomination or election, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate canvassing board a sworn, written protest.~~

~~(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 5 days after midnight of the date the election is held, whichever occurs later.~~

~~(3) Before canvassing the returns of the election, the canvassing board shall:~~

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.~~

~~(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a~~

~~clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

~~(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.~~

~~(b) Such request must be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after midnight of the date the election was held, whichever occurs later.~~

~~(c) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.~~

~~(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.~~

~~(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:~~

~~(a) Correct the error and recount the remaining precincts with the vote tabulation system;~~

~~(b) Request the Department of State to verify the tabulation software; or~~

~~(c) Manually recount all ballots.~~

~~(4)(6) Any manual recount shall be open to the public.~~

(5)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

~~(6)~~(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice ~~a voter's intent in casting a ballot~~, the ballot shall be presented to the county canvassing board for a determination ~~it to determine the voter's intent~~.

(c) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;
2. Time and place of recounts;
3. Public observance of recounts;
4. Objections to ballot determinations;
5. Record of recount proceedings; and
6. Procedures relating to candidate and petitioner representatives.

~~(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.~~

~~(9) When the Department of State verifies such software, the department shall:~~

~~(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and~~

~~(b) Check the election parameters.~~

~~(10) The Department of State shall respond to the county canvassing board within 3 working days.~~

Section 43. Section 102.167, Florida Statutes, is repealed.

Section 44. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candi-

date for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested ~~or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.~~

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

~~(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.~~

(4) The canvassing board or Elections Canvassing Commission election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on

which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding ~~primary or other~~ election.

~~(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.~~

Section 45. Subsections (1) and (2) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th ~~6th~~ day following the second primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th ~~6th~~ day following the second primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

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

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

Section 46. (1) Notwithstanding s. 100.061, Florida Statutes, for the year 2002, a primary election for nomination of candidates of political parties shall be held on the second Tuesday in September. The candidate receiving the highest number of the votes cast in each contest in the primary election shall be declared nominated for such office. If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination.

(2) Notwithstanding s. 100.091, Florida Statutes, or any other provision of the Florida Election Code to the contrary, there shall be no second primary election between the effective date of this act and January 1, 2004.

(3)(a) No later than 5 p.m. of the 9th day following the primary election in 2002, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(b) No later than the time specified in paragraph (a), each designated candidate for Lieutenant Governor shall file with the Department of State the qualifying papers specified in s. 99.063, Florida Statutes.

(4)(a) For the 2002 elections, following the last day of qualifying for office, reports pursuant to s. 106.07, Florida Statutes, shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

(5) For the 2002 elections, there shall be two elections for purposes of the contribution limits in s. 106.08, Florida Statutes.

Section 47. Section 97.0555, Florida Statutes, is created to read:

97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055 who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 48. Section 101.6951, Florida Statutes, is created to read:

101.6951 State write-in ballot.—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 49. Section 101.6952, Florida Statutes, is created to read:

101.6952 Absentee ballots for overseas voters.—

(1) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.

(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 50. Section 101.697, Florida Statutes, is created to read:

101.697 Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 51. Section 101.698, Florida Statutes, is created to read:

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 52. Paragraph (b) of subsection (1), and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)

(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;~~
- 3.4. The registration number on the elector's date of birth registration identification card;
- 4.5. The requester's name;
- 5.6. The requester's address;
- 6.7. The requester's social security number and, if available, driver's license number, if available;
- 7.8. The requester's relationship to the elector; and
- 8.9. The requester's signature (written requests only).

(7)(a) ~~For the purposes of this section, "absent qualified elector overseas" means:~~

1. ~~Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;~~
2. ~~Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and~~
3. ~~Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,~~

~~who are qualified and registered as provided by law.~~

(b) ~~Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.~~

(c) ~~With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 53. 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, ..., do solemnly swear or affirm that I am a qualified and registered voter of ... County, Florida and that I have not and will not vote more than one ballot in this election. 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 properly 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 state-wide 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.~~

...(Date)...

...(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 18 Years of Age or Older as provided in item 8 of the Instruction Sheet, 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)...

(2) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter or witness must cross the seal of the envelope. The absent elector and the attesting witness shall execute the certificate on the envelope.

Section 54. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

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

6. **VERY IMPORTANT.** In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

7. **VERY IMPORTANT.** If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted., place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:

a. ~~One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

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.~~

8. **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.

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

10.8. **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 or fraudulent.

Section 55. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) ~~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.

(2) As an alternative to the provisions of ~~ss. 101.64, 101.647,~~ and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The

results or tabulation may not be made before the close of the polls on election day.

(a)(3) The elector must provide picture identification and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I,, am a qualified elector in this election and registered voter of County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of ... County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot. ~~I am entitled to vote an absentee ballot because I am unable to attend the polls on election day.~~

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

...(Address)...

...(City/State)...

...(Name of Witness)...

...(Signature of Witness)...

...(Type of identification provided)...

(b)(4) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c)(5) The canvass of returns for ballots cast under this subsection ~~section~~ shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 56. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(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 at 7 a.m. on the fourth day before the election ~~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 released made until after the closing close of the polls on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a can-

vassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(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 the signature and address of an attesting witness. ~~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.~~

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.

Section 57. Section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.—

(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 five 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.~~

(3)(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. 101.661, 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 two 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 58. Sections 101.647 and 101.685, Florida Statutes, are repealed.

Section 59. Section 98.255, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.255, F.S., for present text.)

98.255 Voter education programs.—

(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:

- (a) Voter registration;
- (b) Balloting procedures, absentee and polling place;
- (c) Voter rights and responsibilities;
- (d) Distribution of sample ballots; and
- (e) Public service announcements.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.

(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

Section 60. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line when the polls are closing.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. Study and know candidates and issues.
 2. Keep his or her voter address current.
 3. Know his or her precinct and its hours of operation.
 4. Bring proper identification to the polling station.
 5. Know how to operate voting equipment properly.
 6. Treat precinct workers with courtesy.
 7. Respect the privacy of other voters.
 8. Report problems or violations of election law.
 9. Ask questions when confused.
 10. Check his or her completed ballot for accuracy.
- (3) Nothing in this section shall give rise to a legal cause of action.

~~(4)~~⁽²⁾ In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 61. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he or she serves. ~~During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.~~

Section 62. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that notice must instruct the applicant supply the missing information in writing and sign a statement that the additional information is true and correct to complete another voter registration application, which the supervisor must provide. A notice of denial must inform the applicant of the reason the application was denied.

Section 63. Effective upon this act becoming a law, the Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, shall, from existing funds, study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A written report shall be presented to the the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2002. This report must include, but is not limited to, a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Saving Time.

Section 64. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year.

(b) No inspector shall work at the polls unless he or she has had a minimum of three hours of training during a general election year, at least one hour of which must occur after June 1 of that year.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 65. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 66. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

Section 67. Section 106.31, Florida Statutes, is amended to read:

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups. The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so and to protect the effective competition by a candidate who uses public funding.

Section 68. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may shall not be an unopposed candidate as defined in s. 106.011(15) and must shall:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1.(a) One hundred fifty thousand dollars for a candidate for Governor.

2.(b) One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$25,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

Section 69. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident. Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

Section 70. Effective July 1, 2001, section 98.0977, Florida Statutes, is created to read:

98.0977 Statewide voter registration database; development and maintenance.—

(1) From the funds appropriated, the department may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated web site, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state, and shall be accessible through an Internet web site. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

(a) The voter is deceased;

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

(c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified.

(2) The Department of State shall not contract with any private entity other than the Florida Association of Court Clerks for the operation or maintenance of the statewide voter registration database.

(3) In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the Florida Association of Court Clerks in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(5) The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.

(6) The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).

Section 71. The Department of State may use up to \$2 million, from funds provided in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, for the analysis, design, development, operation, and maintenance of the statewide voter registration database as provided in s. 98.0977(1), Florida Statutes. This section shall take effect July 1, 2001.

Section 72. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:

(a) Municipalities;

(b) Other governmental agencies;

(c) Political candidates, for the purpose of furthering their candidacies;

(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

...(Signature of person acquiring list)...

Sworn and subscribed before me this day of, ...(year)....

...(Name of person providing list)...

Section 73. Effective June 30, 2001, section 98.0975, Florida Statutes, is repealed.

Section 74. (1) From funds appropriated from the General Revenue Fund to the Division of Elections of the Department of State in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, the division shall distribute the sum of \$5,949,375 in fiscal year 2001-2002 to the counties to fund comprehensive voter education programs and pollworker recruitment and training programs provided in this act. The Division shall divide the total amount of funds appropriated by the total number of registered voters in the state for the 2000 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2000 General Election.

(2) No county shall receive any funds pursuant to subsection (1) until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs to be implemented pursuant to s. 98.255, Florida Statutes, for the 2002 election cycle.

(3) This section shall take effect July 1, 2001.

Section 75. The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.

Section 76. Effective July 1, 2001, funds appropriated to the Division of Elections of the Department of State in the 2001-2002 General Appropriations Act for Voting Systems Assistance shall be distributed to the counties in the following manner:

(1) Counties having a population of 75,000 or fewer based on the 2000 census shall receive a total of \$7,500 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

(2) All other counties shall receive a total of \$3,750 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

Section 77. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 78. Except as otherwise provided herein, this act shall take effect January 1, 2002.

Approved by the Governor May 10, 2001.

Filed in Office Secretary of State May 10, 2001.