

Committee Substitute for Senate Bill No. 618

An act relating to elections; amending s. 97.0555, F.S.; requiring late registration to be done in the office of the supervisor of elections; amending s. 98.045, F.S.; including the statewide voter registration database in provisions governing the administration of voter registration; amending s. 98.0977, F.S.; revising provisions relating to accessing agency data for the statewide voter registration database; amending s. 98.0979, F.S.; revising provisions for requesting and furnishing voter registration information from the statewide voter registration database; amending s. 101.031, F.S.; revising the Voter's Bill of Rights and Responsibilities; amending s. 101.048, F.S.; revising the procedure for canvassing provisional ballots; revising the Provisional Ballot Voter's Certificate; amending s. 101.151, F.S.; revising specifications for ballots; creating s. 101.2512, F.S.; providing requirements for the printing of candidates' names on general election ballots; amending s. 101.5601, F.S.; revising a reference; amending s. 101.5606, F.S.; revising requirements for voting systems with respect to overvoted and undervoted ballots; amending s. 101.5608, F.S.; revising a reference; amending s. 101.5611, F.S.; requiring direct voting instruction instead of provision of a voting instruction model; amending s. 101.5612, F.S.; revising requirements for sample testing of electronic or electromechanical tabulation devices; correcting terminology; amending s. 101.5614, F.S.; revising provisions for duplicating defective ballots for purposes of tallying valid votes; clarifying the prohibition against releasing the results of an election prior to the closing of the polls; eliminating obsolete provisions; amending s. 101.595, F.S.; limiting the information on voting problems that supervisors of elections are required to report to the Department of State following a general election; amending s. 101.68, F.S.; clarifying the prohibition against releasing the results of a canvassing or processing of absentee ballots prior to the closing of the polls; amending s. 101.69, F.S.; revising requirements for electors who have received absentee ballots but desire to vote in person; amending s. 102.014, F.S.; revising minimum training requirements for poll workers; amending s. 102.141, F.S.; revising times for canvassing boards to submit unofficial returns to the Department of State, including those submitted after a recount has been conducted; providing for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount; eliminating obsolete provisions; amending s. 102.166, F.S.; revising the date by which a request for a manual recount must be made; requiring comparison of duplicate ballots with their original ballots during a manual recount; amending s. 46, ch. 2001-40, Laws of Florida; providing campaign finance reporting requirements preceding the 2002 primary election for candidates involved in public campaign financing races; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; repealing s. 101.22, F.S., relating to the voting procedure for paper ballots; repealing s. 101.5615, F.S., relating to recounts

and election contests under the “Electronic Voting Systems Act”; repealing s. 101.72, F.S., relating to voting booths and compartments; amending s. 106.11, F.S.; defining the term “sufficient funds on deposit in the primary depository account of the candidate or political committee”; amending s. 101.635, F.S.; prohibiting denial of local political party requests for absentee ballots; reenacting and amending s. 106.08(5), F.S., to clarify requirements for soliciting and accepting charitable contributions and to reenact a prohibition against indirect campaign contributions; providing penalties; amending s. 106.021, F.S.; providing for candidate reimbursement for certain expenses; providing for retroactive application; amending s. 106.07, F.S.; providing for reporting of candidate reimbursement for certain expenses; providing for retroactive application; providing effective dates.

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

Section 1. Section 97.0555, Florida Statutes, is amended to read:

97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services ~~or the~~, Merchant Marine, or from employment outside the territorial limits of the United States, after the book-closing ~~date~~ for an election pursuant to s. 97.055 and who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election in the office of the supervisor of elections. 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 2. Subsections (1) and (3) of section 98.045, Florida Statutes, are amended to read:

98.045 Administration of voter registration.—

(1) Each supervisor must ensure that any eligible applicant for voter registration is registered to vote. Once a voter is registered, the name of that voter may not be removed from the registration books except at the written request of the voter, by reason of the voter’s conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance program or other registration list maintenance activity conducted pursuant to s. 98.065, ~~or~~ s. 98.075, or s. 98.0977.

(3) Notwithstanding the provisions of ss. 98.095, ~~and 98.097~~, and 98.0977 each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065, ~~and 98.075~~, and 98.0977. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 3. Subsection (4) of section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; development and maintenance.—

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the ~~department 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.

Section 4. Paragraph (b) of subsection (1) of section 98.0979, Florida Statutes, is amended to read:

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

(1)

(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. A request for county information must be made to the supervisor of elections of that county, and a request for multi-county or statewide information must be made to the division. A supervisor of elections is not responsible for providing any information other than information from the supervisor's own county.

Section 5. Subsection (2) of section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(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 at the official closing of ~~when the polls in that county 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 should ~~has the responsibility to:~~

1. Familiarize himself or herself with the ~~Study and know~~ candidates and issues.
2. Maintain with the office of the supervisor of elections a ~~Keep his or her voter address~~ current address.
3. Know the location of his or her polling place ~~precinct~~ and its hours of operation.
4. Bring proper identification to the polling station.
5. Familiarize himself or herself with the operation of the ~~Know how to operate~~ voting equipment in his or her precinct ~~properly~~.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report any problems or violations of election laws to the supervisor of elections ~~law~~.
9. Ask questions, if needed ~~when confused~~.
10. Make sure that ~~Check~~ his or her completed ballot is correct before leaving the polling station ~~for accuracy~~.

NOTE TO VOTER: Failure to perform any of these responsibilities does not prohibit a voter from voting.

Section 6. Subsections (2) and (3) of section 101.048, Florida Statutes, are amended to read:

101.048 Provisional ballots.—

(2)(a) The county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote 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 where the person cast a vote 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 where the person cast a vote 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 Affirmation and the envelope shall be marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate and Affirmation 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 registered in the Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I 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.

...(Signature of Voter)...
...(Current Residence Address)...
...(Current Mailing Address)...
...(City, State, Zip Code)...

Sworn to and subscribed before me this day of, ...(year)....
...(Clerk or Inspector of Election Official)...

Precinct #

Ballot Style/Party Issued:

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.~~

Section 7. Paragraphs (a) and (c) of subsection (2) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.—

(2)(a) The ballot shall have headings under which shall appear the names of the offices and ~~the names of the duly nominated~~ candidates for the respective offices in the following order: the heading "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 received the highest vote for Governor in the last general election of the Governor in this state. 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, Chief Financial Officer 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. In a general election, 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.

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

Section 8. Section 101.2512, Florida Statutes, is created to read:

101.2512 Candidates’ names on general election ballots.—

(1) The supervisor of elections shall print on the general election ballot the names of candidates nominated by primary election or special primary election or the names of candidates selected by the appropriate executive committee of any political party pursuant to the requirements of this code.

(2) In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections shall print on the general election ballot the names of each nonpartisan candidate, minor party candidate, or candidate with no party affiliation who has obtained a position on the general election ballot in compliance with the requirements of this code.

Section 9. Section 101.5601, Florida Statutes, is amended to read:

101.5601 Short title.—Sections 101.5601-101.5614 may be cited 101.5601 through 101.5615 shall be known as the “Electronic Voting Systems Act.”

Section 10. Effective September 2, 2002, subsections (3) and (4) of section 101.5606, Florida Statutes, as amended by section 18 of chapter 2001-40, Laws of Florida, are 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:

(3) ~~It immediately rejects~~ 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) ~~For systems using paper ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted. 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.~~

Section 11. 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 shall provide instruction to 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 12. Section 101.5611, Florida Statutes, is amended to read:

101.5611 Instructions to electors.—

(1) ~~For the instruction of voters on election day,~~ The supervisor of elections shall provide instruction at each polling place ~~regarding one instruction model illustrating~~ the manner of voting with the system. In instructing voters, no precinct official may favor any political party, candidate, or issue. Such instruction ~~Each such instruction model shall show the arrangement of candidates party rows, office columns, and questions to be voted on. Additionally, the supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.~~ Such instruction model shall be provided ~~located~~ at a place which voters must pass to reach the official voting booth.

(2) ~~Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model by himself or herself. In instructing~~

voters, no precinct official may show partiality to any political party or candidate.

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

Section 13. Paragraphs (a) and (d) of subsection (4) of section 101.5612, Florida Statutes, are amended to read:

101.5612 Testing of tabulating equipment.—

(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 of the devices for an optical scan system or 2 percent of the devices for a touchscreen system or 10 of the devices for either system, as applicable, 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.

(d) Any tabulating device deemed unsatisfactory shall be ~~recoded 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.

Section 14. Subsections (5) and (9) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(5) ~~If any absentee ballot card of the type for which the offices and measures are not printed directly on the card is physically 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 an absentee ballot containing an overvoted race or a marked absentee ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(5). All duplicate ballots shall be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot 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 as determined by the canvassing board. After duplicating a ballot has been duplicated, 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.~~

(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 in that county 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 15. Effective September 2, 2002, subsection (1) of section 101.5614, Florida Statutes, as amended by section 22 of chapter 2001-40, Laws of Florida, is amended to read:

101.5614 Canvass of returns.—

(1) ~~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, verify 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.

Section 16. Section 101.595, Florida Statutes, is amended to read:

101.595 Analysis and reports of voting problems ~~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 the total number of overvotes and undervotes in the first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes ~~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 17. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is 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. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result shall be released until

after the closing of the polls in that county 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 canvassing or processing of absentee ballots prior to the closing of the polls in that county 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 18. 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 does not ~~is unable to~~ return the ballot and the election official:

(1) Confirms that the supervisor has received the elector’s absentee ballot, the elector shall not be allowed to vote in person.

(2) Confirms that the supervisor has not received the elector’s absentee ballot, the elector shall be allowed to vote in person as provided in this code. The elector’s absentee ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked “Rejected as Illegal.”

(3) Cannot determine whether the supervisor has received the elector’s absentee ballot, the elector may vote a provisional ballot as provided in s. 101.048.

Section 19. Subsection (4) of section 102.014, Florida Statutes, is amended to read:

102.014 Poll worker recruitment and training.—

(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 ~~3~~ 6 hours of training prior to each election during a general election year, at least 2 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 ~~2~~ 3 hours of training prior to each election during a general election year, at least 1 hour of which must occur after June 1 of that year.

(c) For the purposes of this subsection, the first and second primary elections shall be considered one election.

Section 20. Subsection (2) of section 102.141, Florida Statutes, reads, and subsections (4) and (6) of said section are amended 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.

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the second day after any primary, general, special, or other election. Such returns shall include the canvass of all ballots as required by subsection (2).

(6) If the unofficial returns 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. If any paper ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5). 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. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators 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 multicounty office or ballot measure no later than noon on the third ~~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 21. Paragraph (a) of subsection (2) and subsection (6) of section 102.166, Florida Statutes, are amended to read:

102.166 Manual recounts.—

(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 third ~~second~~ day after the election.

(6) 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) Each duplicate ballot prepared pursuant to s. 101.5614(5) or s. 102.141(6) shall be compared with the original ballot to ensure the correctness of the duplicate.

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

~~(d)~~(e) 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.

Section 22. Paragraph (b) of subsection (4) of section 46 of chapter 2001-40, Laws of Florida, is amended to read:

Section 46.

(4)

(b) For the 2002 elections, 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, and 32nd days immediately preceding the primary election and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

Section 23. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates for judicial office shall

qualify no earlier than noon of the 120th day, and no later than noon of the 116th day, before the first primary election. Candidates for the office of school board member shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the first primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 24. Sections 101.22, 101.5615, and 101.72, Florida Statutes, are repealed.

Section 25. Subsection (3) of section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(3) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been deliv-

ered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

Section 26. Section 101.635, Florida Statutes, is amended to read:

101.635 Distribution of blocks of printed ballots.—In any county in which the supervisor of elections maintains deputies in a municipality other than the county seat and such municipality has a population in excess of 90,000, blocks of numbered ballots shall be made available as required and as the supervisor may direct, in order to comply with the provisions of s. 98.181. All ballots made available in any such municipality shall be fully accounted for to the supervisor. This section does not permit the supervisor to deny a local political party's requests for absentee ballots.

Section 27. Subsection (5) of section 106.08, Florida Statutes, is reenacted and amended to read:

106.08 Contributions; limitations on.—

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from ~~or make contributions to~~ any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. However, It is not a violation of this paragraph subsection for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person; ~~or for~~

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; ~~or-~~

3. A candidate to may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

Section 28. Applicable retroactively, subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's

family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee; however, a candidate or any other individual may be reimbursed for expenses incurred for travel, food and beverage, office supplies, and mementos expressing gratitude to campaign supporters by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). In addition However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 29. Applicable retroactively, paragraph (a) of subsection (4) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf

such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

Section 30. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Approved by the Governor April 11, 2002.

Filed in Office Secretary of State April 11, 2002.