

House Bill No. 29-B

An act relating to elections; amending s. 97.012, F.S.; revising and providing duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; deleting the definition of “central voter file”; revising the definition of “provisional ballot”; amending s. 97.052, F.S.; requiring the uniform statewide voter registration application to contain a notice to first-time registrants about required identification prior to voting the first time; amending s. 97.053, F.S.; authorizing use of a driver’s license or state-issued identification card number in lieu of a portion of the social security number on a voter registration application; creating s. 97.028, F.S.; providing procedures on complaints of violations of Title III of the Help America Vote Act of 2002; creating s. 97.0535, F.S.; providing registration requirements for applicants who register by mail and who haven’t previously voted in the county; amending s. 98.045, F.S.; deleting a reference, to conform; repealing s. 98.097, F.S., relating to the central voter file; amending s. 98.0977, F.S.; providing for continued operation and maintenance of the statewide voter registration database until the statewide voter registration system required by the Help America Vote Act of 2002 is operational; requiring the Department of State to begin the development of a statewide voter registration system designed to meet certain requirements of the Help America Vote Act of 2002; amending s. 98.212, F.S.; removing duty of supervisors of elections relating to the central voter file, to conform; amending s. 98.461, F.S.; requiring use of a computer printout as a precinct register at the polls; requiring the precinct register to contain space for elector signatures and clerk or inspector initials; amending and renumbering s. 98.471, F.S.; providing requirements for identification required at the polls; providing for voting a provisional ballot under certain circumstances; repealing s. 98.491, F.S., relating to intent that alternative electronic procedures for registration and elections be followed at the discretion of the supervisor of elections; amending s. 101.048, F.S.; providing for casting a provisional ballot by electronic means; requiring each supervisor of elections to create a free access system that allows each person casting a provisional ballot to find out whether the ballot was counted and, if not, why; requiring each person casting a provisional ballot to be given written instructions regarding the free access system; creating s. 101.049, F.S.; requiring voting that occurs during polling hours extended by a court or other order to be done by provisional ballot; providing requirements for casting provisional ballots under such circumstances; amending s. 101.111, F.S.; revising provisions relating to challenging the right of a person to vote; providing for voting a provisional ballot under certain circumstances; amending s. 101.62, F.S.; providing an exception to limiting an absentee ballot request to ballots for elections within a single calendar year; amending s. 101.64, F.S.; revising a reference on the Voter’s Certificate; amending s. 101.65, F.S.; revising the instructions to absentee electors to include instructions to prevent overvoting; amending s.

101.657, F.S.; requiring certain persons voting absentee in person to vote a provisional ballot; creating s. 101.6921, F.S.; providing requirements for delivery of special absentee ballots for certain first-time voters; creating s. 101.6923, F.S.; providing voter instructions for such special absentee ballots; creating s. 101.6925, F.S.; providing requirements for the canvassing of special absentee ballots; amending s. 101.694, F.S.; authorizing federal postcard applicants for absentee ballots to receive ballots for two general election cycles; amending s. 102.141, F.S.; requiring the canvassing of provisional ballots cast during any extended polling-hour period to segregate the votes from such ballots from other votes; directing the Department of State to adopt uniform rules for machine recounts; amending s. 125.01, F.S.; conforming a cross reference; repealing s. 20, ch. 2002-281, Laws of Florida; eliminating future revision of a cross reference, to conform; amending s. 163.511, F.S.; revising a reference; revising the primary date in 2004; suspending operation of the second primary election until January 1, 2006; providing a date in 2004 by which candidates for Lieutenant Governor must be designated and qualified; providing campaign finance reporting dates; specifying applicability of contribution limits for the 2004 elections; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or 2003 Special Session A of the Legislature; providing effective dates.

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

Section 1. Section 97.012, Florida Statutes, is amended to read:

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

(1) Obtain and maintain uniformity in the application, operation, and interpretation of the election laws.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws.

(3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.

(4) Provide technical assistance to the supervisors of elections on voter education and election personnel training services.

(5) Provide technical assistance to the supervisors of elections on voting systems.

(6) Provide voter education assistance to the public.

(7) Coordinate the state's responsibilities under the National Voter Registration Act of 1993.

(8) Provide training to all affected state agencies on the necessary procedures for proper implementation of this chapter.

(9) Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965.

(10) Coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter registration in a manner consistent with the procedures set forth in this code for voter registration agencies.

(11) Create and maintain a statewide voter registration database ~~central voter file~~.

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

(13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

Section 2. 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.

(2) “Alternative formats” has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.

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

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

(4) “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.

~~(5) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.~~

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

~~(6)(7)~~ "Division" means the Division of Elections of the Department of State.

~~(7)(8)~~ "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

~~(8)(9)~~ "Election board" means the clerk and inspectors appointed to conduct an election.

~~(9)(10)~~ "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)(11)~~ "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

~~(11)(12)~~ "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)(13)~~ "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)~~(14) “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)~~(15) “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)~~(16) “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)~~(17) “Nominal value” means having a retail value of \$10 or less.

~~(17)~~(18) “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)~~(19) “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)~~(20) “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)~~(21) “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)~~(22) “Persons with disabilities” means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

~~(22)~~(23) “Polling place” is the building which contains the polling room where ballots are cast.

~~(23)~~(24) “Polling room” means the actual room in which ballots are cast.

~~(24)~~(25) “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)~~(26) “Provisional ballot” means a conditional ballot, the validity of which is determined by the canvassing board 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)~~(27) “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)~~(28) “Public office” means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

~~(28)~~(29) “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)~~(30) “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)~~(31) “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)~~(32) “Supervisor” means the supervisor of elections.

~~(32)~~(33) “Tactile input device” means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).

~~(33)~~(34) “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.

~~(34)~~(35) “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.

~~(35)~~(36) “Voter interface device” means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.

~~(36)~~(37) “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.

~~(37)~~(38) “Voting booth” or “booth” means that booth or enclosure wherein an elector casts his or her ballot for tabulation by an electronic or electromechanical device.

~~(38)~~(39) “Voting system” means a method of casting and processing votes that functions wholly or partly by use of 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. Subsection (3) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

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

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

- (b) A statement specifying each eligibility requirement under s. 97.041.
- (c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.
- (d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.
- (e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.
- (f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.
- (g) A statement informing the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting the first time.

Section 4. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

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

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The applicant's Florida driver's license number, the identification number from a Florida identification card issued under s. 322.051, or the last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

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

Section 5. Effective upon this act becoming a law, section 97.028, Florida Statutes, is created to read:

97.028 Procedures on complaints of violations of Title III of the Help America Vote Act of 2002.—

(1)(a) Any person who believes that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur may file a complaint with the department.

(b) The complaint must be in writing and must be signed and sworn to before a notary by the person filing the complaint. Further, the complaint must state the alleged violation and the person or entity responsible for the violation. The department shall prescribe the form for complaints filed under this section. If the department determines that the complaint fails to allege both a violation and a person or entity responsible for the violation, or that the complaint is not properly executed, the department shall inform the complainant in writing that the complaint is legally insufficient.

(c) For purposes of this section, a violation of Title III of the Help America Vote Act of 2002 is the failure to perform an act required or the performance of an act prohibited by Title III of the Help America Vote Act of 2002 by a covered person or entity.

(d) The department shall have sole jurisdiction over complaints filed under the provisions of this section.

(e) This section provides the sole avenue of redress for alleged violations of Title III of the Help America Vote Act of 2002 and does not give rise to any other cause of action.

(f) The department may consolidate complaints filed under this section.

(g) All proceedings under this section are exempt from chapter 120.

(2)(a) When a legally sufficient complaint is filed with the department, the agency head shall designate a hearing officer who shall:

1. Provide the subject of the complaint with a copy of the complaint. The subject of the complaint shall, within 10 days after receipt of the complaint, file with the department a written, sworn response to the complaint.

2. Upon receipt of the response, the hearing officer shall review both sworn filings to determine whether a violation of the Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur. The complaint and the response shall constitute the official hearing record to be considered by the hearing officer. The hearing officer shall provide the complainant with a copy of the response.

3. At the hearing officer's discretion, the complainant and the respondent may be ordered by the hearing officer to provide additional sworn oral or written statements or additional documents to assist the hearing officer in making his or her determination. Further, other relevant witnesses may also be ordered by the hearing officer to give sworn testimony or to provide relevant documents to assist the hearing officer in making his or her determination. Any such statements or documents received by the hearing officer shall also become part of the official hearing record. For purposes of this section, the hearing officer is authorized to administer oaths and to issue subpoenas.

4. The hearing officer shall advise both the complainant and respondent in writing of their determination. If the hearing officer determines that no violation has occurred, is occurring, or is about to occur, the department shall dismiss the complaint and publish its determination. If the hearing officer determines that a violation of Title III of the Help America Vote Act has occurred, is occurring, or is about to occur, the department shall issue and deliver an order directing the appropriate remedy to persons responsible for effecting such remedy. The issuance of an order does not constitute agency action for which a hearing under ss. 120.569 or 120.57 may be sought. For purposes of enforcing the order, the department may initiate a proceeding in the name of the state seeking issuance of an injunction, a writ of mandamus, or other equitable remedy against any person who violates any provision of such order.

5. The department shall make a final determination with respect to the complaint within 90 days after the date that the complaint was filed, unless the complainant consents to a longer period for making such a determination.

(b) If the department fails to meet the deadline established in subparagraph (a)5., the complaint shall be forwarded to mediation. Mediation shall occur within 60 days after the department's failure to make a determination within the timeframe established in subparagraph (a)5. The record created under this section shall be made available for use in the mediation.

Section 6. Section 97.0535, Florida Statutes, is created to read:

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the county shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. The applicant may provide the identification or indication at the time of registering, or at any time prior to voting for the first time in the county. If the voter registration application clearly provides information from which the supervisor can determine that the applicant meets at least one of the exemptions in subsection (4), the supervisor shall make the notation on the registration records and the applicant shall not be required to provide further information that is required of first time voters who register by mail.

(2) The supervisor of elections shall, upon accepting the voter registration for an applicant who registered by mail and who has not previously voted in the county, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the county.

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. Florida driver's license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.
4. Employee badge or identification.
5. Buyer's club identification.
6. Debit or credit card.
7. Military identification.
8. Student identification.
9. Retirement center identification.
10. Neighborhood association identification.
11. Entertainment identification.
12. Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

(4) The following persons are exempt from the identification requirements of this section:

- (a) Persons 65 years of age or older.

(b) Persons with a temporary or permanent physical disability.

(c) Members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day.

(d) Members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day.

(e) The spouse or dependent of a member referred to in paragraph (c) or paragraph (d) who, by reason of the active duty or service of the member, is absent from the county on election day.

(f) Persons currently residing outside the United States who are eligible to vote in Florida.

Section 7. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of ss. 98.095, ~~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, 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 8. Section 98.097, Florida Statutes, is repealed.

Section 9. Section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; operation development and maintenance.—

(1) ~~From the funds appropriated, The department shall may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain the~~ a statewide, on-line voter registration database and associated website until such time as the statewide voter registration system required to be developed pursuant to the Help America Vote Act of 2002 is operational, 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 website. 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)(a) 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.

(b) The supervisor of elections shall remove from the voter registration rolls the name of any person who is listed in the database as deceased.

(c) Information in the database indicating that a person registered to vote in a given county has subsequently registered to vote in another jurisdiction shall be considered as a written request from that voter to have his or her name removed from the voter registration rolls of that county, and the supervisor of elections of that county shall remove that voter's name from the county's voter registration rolls.

(d) When the supervisor of elections finds information through the database that suggests that a voter has been convicted of a felony and has not had his or her civil rights restored or has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored, 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 be registered to vote and shall request information from the voter on forms provided by the supervisor of elections. As an alternative, the voter may attend a hearing at a time and place specified in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls. After reviewing the information 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 be registered to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she has been removed from the voter registration rolls. The supervisor of elections shall remove from the voter registration rolls the name of any voter who fails either to respond within 30 days to the notice sent by certified mail or to attend the hearing.

(e) Upon hearing all evidence in a hearing, the supervisor of elections must determine whether there is sufficient evidence to strike the person's

name from the registration books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(f) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration books or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

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

~~(5)(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 10. (1) Beginning July 1, 2003, from the funds appropriated the Department of State shall begin the development of a statewide voter registration system designed to meet the requirements of sections 303 through 305 of the Help America Vote Act of 2002. The Legislature recognizes that the January 1, 2004, implementation date for the system provided in the federal bill cannot be met because there is not sufficient time for implementation of such a system. Accordingly, the department shall certify these facts to the Election Assistance Commission in order to qualify for waiver and extension of the due date until January 1, 2006.

(2) The department shall begin system needs assessments and design activities by July 1, 2003. The Department of Highway Safety and Motor Vehicles, the Department of Health, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office, and representatives of the Florida State Association of Supervisors of Elections shall cooperate and participate in the development of the system. Other state agencies and local government entities that may have data or systems needed for integration with the system shall also cooperate and participate in the development of the system upon a request from the department.

(3) No later than January 31, 2004, the department shall present to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for completion of the system, which shall include:

- (a) Business process design for all participants in the system operation.
 - (b) Design, location, and specifications for hardware, system software components, and communications infrastructure of the system.
 - (c) Design, specifications, and development plans for application software for the system.
 - (d) Budget for completion of the system, including all agencies and county offices.
 - (e) Recommended statutory changes needed to implement the system.
- (4) This phase of the development shall continue through June 30, 2004, and shall include design and development of the core system, which will be operated by the Department of State; definition of the business processes which will be required of the other agencies and counties; and functional requirements specifications for integration with the data systems of the other agencies and the counties.
- (5) This section shall take effect upon this act becoming a law.

Section 11. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1)(a) Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) Supervisors may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

~~(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.~~

Section 12. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout shall ~~may~~ be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. ~~The precinct register may also contain a list of the forms of identification, which must include, but is not limited to, 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 precinct register shall ~~may~~ also contain a space for the elector's signature and, a space for the initials of the witnessing clerk or inspector, ~~and a space for the signature slip or ballot number.~~

Section 13. Section 98.471, Florida Statutes, is renumbered as section 101.043, Florida Statutes, and amended to read:

101.043 ~~98.471~~ Identification required Use of precinct register at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall ~~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 current and valid Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification as provided in s. 97.0535(3)(a). ~~If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required 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.

(2) Except as provided in subsection (3), 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.

(3) If the elector who fails to furnish the required identification is a first-time voter who registered by mail and has not provided the required identification to the supervisor of elections prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 14. Section 98.491, Florida Statutes, is repealed.

Section 15. Section 101.048, Florida Statutes, is amended 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, and other persons specified in the code 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. The department shall prescribe the form of the provisional ballot envelope.

(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)...

...(Driver's License Number or Last Four Digits of Social Security Number)...

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

...(Election Official)...

Precinct # Ballot Style/Party Issued:

~~Additional information may be provided to further assist the supervisor of elections in determining eligibility.~~

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections may shall provide the appropriate provisional ballot to the voter by electronic means as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3) ballots to each polling place.

(5) Each person casting a provisional ballot shall be given written instructions regarding the free access system established pursuant to subsection (6). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

Section 16. Section 101.049, Florida Statutes, is created to read:

101.049 Provisional ballots; special circumstances.—

(1) Any person who votes in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours must 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 election official witnessing the voter's subscription and affirmation on the Provisional Ballot Voter's Certificate shall indicate whether or not the voter met all requirements to vote a regular ballot at the polls. All such provisional ballots shall remain sealed in their envelopes and transmitted to the supervisor of elections.

(2) Separate and apart from all other ballots, the county canvassing board shall count all late-voted provisional ballots that the canvassing board determines to be valid.

(3) The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots during the canvassing process or at any other time they are statutorily required to be in the supervisor's possession.

(4) This section shall not apply to voters in line at the poll-closing time provided in s. 100.011 who cast their ballot subsequent to that time.

(5) As an alternative, provisional ballots cast pursuant to this section may be cast in accordance with the provisions of s. 101.048(4).

Section 17. Section 101.111, Florida Statutes, is amended to read:

101.111 Person desiring to vote may be challenged; challenger to execute oath; oath of person challenged ~~elector~~; determination of challenge.—

(1) When the right to vote of any person who desires to vote is challenged ~~questioned~~ by any elector or poll ~~poll~~ watcher, the challenge shall be reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or authorized ~~authorized~~ poll watcher challenging the right of a person to vote ~~an elector at an election~~ shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of

I do solemnly swear that my name is; that I am a member of the party; that I am years old; ~~that I was born in the state of or the country of;~~ that my residence address ~~is on~~ ~~street~~, in the municipality of; and that I have reason to believe that is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

...(Signature of person challenging voter)...

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

...(Clerk of election)...

(2) Before a person who is challenged elector is permitted to vote by any officer or person in charge of admission to the polling place, the challenged person's elector's right to vote shall be determined in accordance with the provisions of subsection (3). The clerk or inspector shall immediately deliver to the challenged person elector a copy of the oath of the person entering the challenge and shall request the challenged person elector to execute the following oath affidavit:

OATH OF PERSON CHALLENGED VOTER

State of Florida
County of _____

I do solemnly swear that my name is; that I am a member of the party; that my date of birth is I am years old; that I was born in the state of ~~or the country of~~; that my residence address is on street, in the municipality of, in this the precinct of county; that I personally made application for registration and signed my name and that I am a qualified voter in this election, and I am not registered to vote in any other precinct other than the one in which I am presently seeking to vote.

...(Signature of person voter)...

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

...(Clerk of election or Inspector)...

Any inspector or clerk of election may administer the oath.

(3)(a) The clerk and inspectors shall compare the information in the challenged person's oath with that entered on the precinct register and shall take any other evidence that may be offered. The clerk and inspectors shall then decide by a majority vote whether the challenged person may vote a regular ballot.

(b) If the challenged person refuses to complete the oath or if a majority of the clerk and inspectors doubt the eligibility of the person to vote, the challenged person shall be allowed to vote a provisional ballot. The oath of the person entering the challenge and the oath of the person challenged shall be attached to the provisional ballot for transmittal to the canvassing board. If the challenged person refuses to make and sign the affidavit, the clerk or inspector shall refuse to allow him or her to vote. If such person makes the affidavit, the inspectors and clerk of election shall compare the information in the affidavit with that entered on the registration books opposite the person's name, and, upon such comparison of the information and the person's signature and the taking of other evidence which may then be offered, the clerk and inspectors shall decide by a majority vote whether the challenged person may vote. If the challenged person is unable to write or sign his or her name, the clerk or inspector shall examine the precinct register to ascertain whether the person registered under the name of such person is represented to have signed his or her name. If the person is so

~~represented, then he or she shall be denied permission to vote without further examination; but, if not, then the clerk or one of the inspectors shall place such person under oath and orally examine him or her upon the subject matter contained in the affidavit, and, if there is any doubt as to the identity of such person, the clerk or inspector shall compare the person's appearance with the description entered upon the precinct register opposite the person's name. The clerk or inspector shall then proceed as in other cases to determine whether the challenged person may vote.~~

Section 18. Paragraph (a) of subsection (1) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(1)(a) The supervisor may accept a request for an absentee ballot from an elector in person or in writing. Except as provided in s. 101.694, one request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

Section 19. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

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

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

VOTER'S CERTIFICATE

I,, 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.

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

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in ~~item 8~~ of the Instruction Sheet.

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

...(Signature of Witness)...

...(Address)...

...(City/State)...

Section 20. 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. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

~~4.3.~~ Place your marked ballot in the enclosed secrecy envelope.

~~5.4.~~ Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

~~6.5.~~ Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

~~7.6.~~ **VERY IMPORTANT.** In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

~~8.7.~~ **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.

~~9.8.~~ **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.

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

11.10. 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 21. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) Any qualified and registered elector 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 current and valid Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification as provided in s. 97.0535(3)(a) 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. If the elector who fails to furnish the required identification is a first-time voter who registered by mail and has not provided the required identification to the supervisor of elections prior to voting, the elector shall be allowed to vote a provisional ballot. The canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if the signatures match, shall count the ballot.

(2) As an alternative to the provisions of ss. 101.64 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) The elector must provide ~~picture~~ identification as required in subsection (1) 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.

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

...(Address)...

...(City/State)...

...(Name of Witness)...

...(Signature of Witness)...

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

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

Section 22. Section 101.6921, Florida Statutes, is created to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.—

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

(2) The supervisor shall enclose with each absentee ballot three envelopes: a secrecy envelope, into which the absent elector will enclose his or her marked ballot; an envelope containing the Voter's Certificate, into which the absent elector shall place the secrecy envelope; and a mailing envelope, which shall be addressed to the supervisor and into which the absent elector will place the envelope containing the Voter's Certificate and a copy of the required identification.

(3) The Voter's Certificate shall be 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 understand that unless I meet one of the exemptions below, I must provide a copy of a current and valid identification

as provided in the instruction sheet to the supervisor of elections in order for my ballot to count.

I further certify that I am exempt from the requirements to furnish a copy of a current and valid identification with my ballot because of one or more of the following (check all that apply):

I am 65 years of age or older.

I have a permanent or temporary physical disability.

I am a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

I am a member of the merchant marine who, by reason of service in the merchant marine, will be absent from the county on election day.

I am the spouse or dependent of a member of the uniformed service or merchant marine who, by reason of the active duty or service of the member, will be absent from the county on election day.

I am currently residing outside the United States.

...(Date)...

...Voter's Signature...

Note: Your signature must be witnessed by one witness 18 years of age or older as provided in the instruction sheet.

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

...(Signature of witness)...

...(Address)...

...(City/State)...

(4) The certificate shall be arranged on the back of the envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope.

Section 23. Section 101.6923, Florida Statutes, is created to read:

101.6923 Special absentee ballot instructions for certain first-time voters.—

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with the following printed instructions with his or her absentee ballot:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

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

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. You must have your signature witnessed. Have the witness sign above (Signature of Witness) and include his or her address. No candidate may serve as an attesting witness.

c. 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.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; entertainment identification; or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

- b. You have a temporary or permanent physical disability.
- c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.
- d. You are a member of the merchant marine who, by reason of service in the merchant marine, will be absent from the county on election day.
- e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.
- f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

10. 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 24. Section 101.6925, Florida Statutes, is created to read:

101.6925 Canvassing special absentee ballots.—

(1) The supervisor of the county where the absent elector resides shall receive the voted special absentee ballot, at which time the mailing envelope shall be opened to determine if the voter has enclosed the identification required or has indicated on the Voter's Certificate that he or she is exempt from the identification requirements.

(2) If the identification is enclosed or the voter has indicated that he or she is exempt from the identification requirements, the supervisor shall make the note on the registration records of the voter and proceed to canvass the absentee ballot as provided in s. 101.68.

(3) If the identification is not enclosed in the mailing envelope and the voter has not indicated that he or she is exempt from the identification requirements, the supervisor shall check the voter registration records to determine if the voter's identification was previously received or the voter had previously notified the supervisor that he or she was exempt. The envelope with the Voter's Certificate shall not be opened unless the identification has been received or the voter has indicated that he or she is exempt. The ballot shall be treated as a provisional ballot until 7 p.m. on election day

and shall not be canvassed unless the supervisor has received the required identification or written indication of exemption by 7 p.m. on election day.

Section 25. Subsection (1) of section 101.694, Florida Statutes, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

(1) Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is in order or whose application is sufficient to register or update the registration of that person, the supervisor shall mail to the applicant a ballot, if the ballots are available for mailing. The federal postcard application request for an absentee ballot shall be effective for all elections through the next two regularly scheduled general elections.

Section 26. Subsections (2) and (6) of section 102.141, Florida Statutes, 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 ~~ss. s.~~ 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. 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.

(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 paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through automatic tabulating equipment 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 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 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.

(d) 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.

Section 27. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021(9), associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 28. Section 20 of chapter 2002-281, Laws of Florida, is repealed.

Section 29. Paragraph (a) of subsection (5) of section 163.511, Florida Statutes, is amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(5)(a) The city clerk or the supervisor of elections, whichever is appropriate, shall enclose with each ballot sent pursuant to this section two envelopes: a secrecy envelope, into which the elector or freeholder shall enclose the marked ballot; and a mailing envelope, into which the elector or freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope shall bear a certificate in substantially the following form:

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

VOTER'S CERTIFICATE

I, ..., am a duly qualified and registered ...(voter or freeholder, whichever is appropriate)... of the proposed ...(name)... ...(Special Residential or Business, whichever is appropriate)... Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

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

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

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

...(Signature of Witness)...

...(Address)... ...(City/State)...

Section 30. (1) Notwithstanding s. 100.061, Florida Statutes, for the year 2004, a primary election for nomination of candidates of political parties shall be held on the Tuesday nine weeks prior to the general election. 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, 2006.

(3)(a) No later than 5 p.m. of the 9th day following the primary election in 2004, 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 2004 elections, following the last day of qualifying for office, reports required under 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, notwithstanding any provision of s. 106.07, Florida Statutes, to the contrary.

(b) For the 2004 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.

(5) For the 2004 elections, there shall be two elections for purposes of the contribution limits in s. 106.08, Florida Statutes.

Section 31. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature or at the 2003 Special Session A of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 32. Except as otherwise provided herein, this act shall take effect January 1, 2004.

Approved by the Governor July 24, 2003.

Filed in Office Secretary of State July 24, 2003.