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I. INTRODUCTION

The United States files this Statement of Interest in opposition to Defendant's motion to dismiss, ECF 16, pursuant to 28 U.S.C. § 517, because this case presents an important question regarding the proper construction of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c ("Section 5").¹ The State of Florida has adopted a new database matching program that results in registered voters being removed from the voter rolls. This new practice has not been submitted for administrative or judicial preclearance pursuant to Section 5 of the Voting Rights Act, and despite a lack of preclearance, the change has been implemented in Florida's covered counties subject to Section 5. The plaintiff's claims are therefore not moot, as the change has been implemented in covered jurisdictions without appropriate preclearance, including the removal of voters from the registration rolls. Further, nothing in the Help America Vote Act ("HAVA") requires the State to implement its chosen database matching program, nor does it excuse the failure to obtain preclearance. In this case, as in all Section 5 enforcement actions, the United States has a strong interest in ensuring that Section 5 is vigorously and uniformly enforced. The United States therefore urges the Court to deny the Florida Secretary of State's motion to dismiss.

II. LEGAL BACKGROUND

Florida's new voter registration list maintenance practices and procedures are voting changes that must be submitted for review before they can be implemented in the five counties subject to Section 5—Collier, Hardee, Hendry, Hillsborough, and Monroe Counties. Here, at the

¹ Pursuant to 28 U.S.C. § 517, "[t]he Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States. . . ." Under this provision, "[t]he United States Executive has the statutory authority, in any case in which it is interested, to file a statement of interest[.]" *Gross v. German Found. Indus. Initiative*, 456 F.3d 363, 384 (3d Cir. 2006).

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direction of the State, the covered counties implemented these new, unprecleared voting practices and procedures. Even though the State represents that it has stopped additional implementation of its program, this case is not moot because the covered counties have already implemented this unprecleared change, impacting voters. The United States respectfully submits that Defendant's arguments are contrary to the plain language of Section 5 and would lead to results that would undermine Congress's intent that covered jurisdictions submit all voting related changes either to the U.S. Department of Justice for administrative review, or to a three-judge panel in the District Court of the District of Columbia for judicial review.

Section 5 applies to all changes of "any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting" adopted or sought to be implemented by covered jurisdictions, and the Act defines the term "voting" very broadly. 42 U.S.C. §§ 1973c, 1973l(c)(1). The Supreme Court has made clear that, in covered jurisdictions, "all changes in voting must be precleared." *Presley v. Etowah County Comm'n*, 502 U.S. 491, 501 (1992). In this case, as outlined below, the State of Florida had previously submitted voting changes related to both its implementation of HAVA and other voter registration list maintenance procedures involving the use of database matching. None of these previous submissions, which received preclearance, included the procedures at issue in this case, namely, matching the records contained in the Florida Voter Registration System ("FVRS") with citizenship data contained in the Florida Department of Highway Safety and Motor Vehicle ("DHSMV") MAN Driver and Vehicle Express ("MDVA") database, forwarding the results of this data matching to County Supervisors of Elections, and requiring Supervisors of Elections to initiate the removal of registered voters from FVRS based on this matching. Florida's use of this matching procedure constitutes a change in practice and procedure that requires preclearance.

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A. Legal Standard in Section 5 Enforcement Actions

The legal standards to be applied in Section 5 cases have been well established by the Supreme Court. Congress enacted the Voting Rights Act of 1965 to “rid the country of racial discrimination in voting.” *South Carolina v. Katzenbach*, 383 U.S. 301, 315 (1966). Section 5 is an integral part of the Act, designed “to shift the advantage of time and inertia from the perpetrators of the evil to its victim[s], by freezing election procedures in the covered areas unless the changes can be shown to be nondiscriminatory.” *Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 477 (1997) (*Bossier I*) (internal citations and quotation marks omitted). Section 5 “automatically suspends the operation of voting regulations . . . and furnishes mechanisms for enforcing the suspension.” *Katzenbach*, 383 U.S. at 335. This suspension occurs “pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment.” *Id.* at 334. In 2006, Congress reauthorized the preclearance requirements of Section 5 of the Voting Rights Act. *See Shelby County, Alabama, v. Holder*, 679 F.3d 848 (D.C. Cir. 2012) (upholding the reauthorization of Section 5).

The Voting Rights Act sets forth a unique statutory scheme to resolve issues that arise under the preclearance provisions. The Act provides for a clear division of jurisdiction between “substantive discrimination questions” and “coverage questions.” *Allen v. State Board of Elections*, 393 U.S. 544, 559 (1969) (internal quotations omitted). “Congress expressly reserved for consideration by the District Court for the District of Columbia or the Attorney General—the determination whether a covered change does or does not have the purpose or effect of denying or abridging the right to vote on account of race or color.” *Perkins v. Matthews*, 400 U.S. 379, 385 (1971) (internal quotations omitted). The Attorney General and the United States District Court for the District of Columbia have “exclusive authority,” *Lopez v. Monterey County*, 519

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U.S. 9, 23 (1996) (*Lopez I*), to make the substantive preclearance determination of “whether a proposed change actually discriminates on account of race,” *United States v. Bd. of Supervisors of Warren County*, 429 U.S. 642, 646 (1977). Such a determination is “foreclosed” to any other court. *Perkins*, 400 U.S. at 385. Pursuant to Sections 5 and 14(b) of the Voting Rights Act, 42 U.S.C. §§ 1973c & 1973l(b), covered jurisdictions seeking preclearance of a new voting change have a choice of filing a declaratory judgment action in the District Court for the District of Columbia, or making an administrative submission to the Attorney General, who then has 60 days to act on a completed submission. *Morris v. Gressette*, 432 U.S. 491, 501-02, 504 n. 19, 505 n.21 (1977).

Pursuant to Sections 12(d) and (f) of the Voting Rights Act, 42 U.S.C. § 1973(d) & (f), the United States and/or private plaintiffs can bring coverage actions to enjoin enforcement of unprecleared changes. Such coverage actions are heard by three-judge federal district courts convened in jurisdictions covered by Section 5. Such courts may consider only “coverage” questions, determining “whether a particular state enactment is subject to the provisions of the Voting Rights Act, and therefore must be submitted for approval before enforcement.” *Allen*, 393 U.S. at 559-60. In such coverage cases, a court “lacks authority to consider the discriminatory purpose or nature of the changes.” *Lopez I*, 519 U.S. at 23. The Supreme Court has repeatedly held that there are only three issues to be decided in a coverage action: “whether § 5 covers a contested change, whether § 5’s approval requirements were satisfied, and if the requirements were not satisfied, what temporary remedy, if any, is appropriate” until the change is precleared or abandoned. *Lopez I*, 519 U.S. at 23; *see also McCain v. Lybrand*, 465 U.S. 236, 251 n. 17 (1984) (same); *City of Lockhart v. United States*, 460 U.S. 125, 129 n. 3 (1983) (same). This three-part test must be applied in a Section 5 enforcement action such as the present case.

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Pursuant to Section 5, “[w]hensoever” a covered jurisdiction “enact[s] or seek[s] to administer any . . . standard, practice, or procedure with respect to voting different from that in force or effect,” it must first obtain administrative or judicial preclearance. 42 U.S.C. § 1973c. The language of Section 5 is clear: “any voting qualification or prerequisite to voting or standard, practice or procedure with respect to voting” adopted or sought to be implemented by covered jurisdictions must be submitted for preclearance. 42 U.S.C. § 1973c(a); *Presley*, 502 U.S. at 501; *see also Allen*, 393 U.S. at 566 (“Congress intended to reach any state enactment which altered the election law of a covered State in even a minor way”); *Clark v. Roemer*, 500 U.S. 646, 652 (1991) (voting changes in covered jurisdictions “will not be effective as law until and unless [pre]cleared.”) (internal quotations and citations omitted).

In this case, Collier, Hardee, Hendry, Hillsborough, and Monroe Counties are subject to the preclearance requirements of Section 5. *See* 40 Fed. Reg. 43,746 (1975); 41 Fed. Reg. 34,329 (1976). In the case of partially covered states, the Supreme Court has recognized that “§ 5’s preclearance requirement applies to a covered county’s nondiscretionary efforts to implement a voting change required by state law, notwithstanding the fact that the State is not itself a covered jurisdiction.” *Lopez v. Monterey County*, 525 U.S. 266, 282 (1999) (*Lopez II*). Further, “[a] State, whether partially or fully covered, has authority to submit any voting change on behalf of its covered jurisdictions and political subunits,” and indeed, submissions by the State serve its interests in that “the State is better able to explain to the Attorney General the purpose and effect of voting changes it enacts than are the individual covered jurisdictions.” 28 C.F.R. § 51.23. As a majority of a three-judge panel in *Bone Shirt v. Hazeltine*, 200 F. Supp. 2d 1150, 1156 (D.S.D. 2002) found, “Congress intended that either the legislative body that enacted the legislation or the executive body that was responsible for administering the legislation would

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be responsible for obtaining preclearance.” The Court in that case concluded that the State was the appropriate defendant for a Section 5 enforcement action, even though only two counties in South Dakota were subject to Section 5’s requirements. *Id.* (holding that “[u]nder the plain meaning of the Voting Rights Act, the state of South Dakota is an entity that must secure preclearance from the Attorney General or bring a declaratory judgment action” for review of a law passed by the state legislature that impacts voting in the covered counties). In this case, Florida enacted the new database matching program and has required covered counties to implement it, and it is therefore an appropriate defendant in this Section 5 enforcement action.

B. Prior Approval of the State’s Benchmark Practices Did Not Include the New Database Matching Program

At least two prior submissions by the State of Florida are relevant to this case: its 2005 submission of changes to the state election code, and its 2011 submission that included its database matching program to identify deceased voters for removal from the rolls.

On July 5, 2005, Florida submitted an omnibus bill containing numerous changes to Florida’s election code, including Chapter 2005-278, for preclearance. *See* Submission No. 2005-2390 (Exhibit 1a).² Chapter 2005-278 amended Fla. Stat. 98.075. *See* Exhibit 1b at 24-25. The submitted changes were significant because they amended, among other things, provisions of the law relating to the creation of a state voter registration database; the removal of voters from the rolls in certain circumstances, and voter registration list maintenance procedures. For example, the 2005 submission amended Fla. Stat. 98.075 to authorize the Department of State to

² The United States attaches to this statement of interest the following documents related to Submission Number 2005-2390: Exhibit 1a (the July 5, 2005 cover letter from Florida to the Department); Exhibit 1b (Chapter 2005-278, with changes); Exhibit 1c (a State PowerPoint presentation explaining the changes), and Exhibit 1d (the Sept. 6, 2005 letter from the Department to Florida).

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identify voters subject to removal based on the categories of deceased persons, duplicate registrations, felony convictions, and adjudications of mental incapacity, *see* Exhibit 1b at 25 (Fla. Stat. 98.075(1)-(5)). This provision of the law was also amended to provide that the Department of State and Supervisors of Election could receive information from sources that were not expressly identified in the statute to determine other bases of ineligibility, including citizenship. *See id.* In support of its 2005 submission, the state submitted a PowerPoint presentation that identified the procedures the Department of State and Supervisors of Election would use to prepare lists for identifying and removing potentially ineligible registrants.³ *See* Exhibit 1c at 5-7.

On September 6, 2005, the Department precleared the submitted changes but specifically noted that “Chapter 278, Section 20 (2005) that amends F.S. 98.075, which pertains to voter registration record maintenance activities” was “enabling in nature[] . . . [t]herefore, the State of Florida is not relieved of its responsibility to seek Section 5 review of any changes affecting voting proposed to be implemented pursuant to this legislation.” *See* Exhibit 1d at Att. A, p. 7 (¶ 89) and pp. 1-2 (noting that enabling legislation is identified with an asterisk in the attachment). *See* Procedures for the Administration of Section 5 of the Voting Rights Act, 28 C.F.R. § 51.15 (“With respect to legislation (1) that enables or permits the State or its political subunits to institute a voting change . . . the failure of the Attorney General to interpose an objection does not exempt from the preclearance requirement the implementation of the particular voting change that is enabled, permitted, or required, unless that implementation is explicitly included and described in the submission of such parent legislation.”). Therefore, any new program to

³ This PowerPoint is similar to one issued by the State regarding the database matching program at issue here. *See* Exhibit 10.

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check citizenship eligibility pursuant to Florida Stat. 98.075, for example, such as the current program at issue here, would be an enabled change that requires Section 5 review.

On June 8, 2011, the State of Florida submitted another omnibus bill of voting changes that modified portions of Florida's election code, including Chapter 2011-40, for preclearance. *See* Submission No. 2011-2187 (Exhibit 2a).⁴ Among other things, the submission amended Fla. Stat. §§ 98.075(3)(b), 98.075(6), and 98.093. The amendments to 98.075(3) related to identifying deceased persons by obtaining information from the Social Security Administration. Exhibit 2b at 14. The amendments to 98.075(6) related to the use of additional sources of information pertaining to the removal of deceased registrants or persons with felony convictions or mental incapacitation adjudications whose voting rights were not restored. *See id.*; 98.075(2)-(5). The submission also included changes to 98.093, which gave the Department of State the authority to "identify ineligible registered voters" by "access[ing] certain information from state and federal officials and entities in the format prescribed." *Id.* at 15; Fla. Stat. 98.093(1). The changes to the title of Section 98.093 provided that state and local officials had the duty to furnish "information," instead of exclusively providing lists, related to criminal records, deceased persons, and persons deemed mentally incapacitated. *Id.*; Fla. Stat. 98.093. Notably, the changes to the title of Section 98.093 of the Florida statutes did not expand the scope of the section. *Id.* The 2011 submission also gave the Secretary of State the authority to "[p]rovide written direction and opinions to supervisors of elections on the performance of their official duties with respect to the Florida Election Code or rules adopted by the Department of State." Exhibit 2b at 8; Fla. Stat. 97.012.

⁴ The United States attaches to this statement of interest the following documents relating to Submission Number 2011-2187: Exhibit 2a (the June 8, 2011 cover letter from Florida to the Department); Exhibit 2b (Chapter 2011-40, with changes); Exhibit 2c (a summary of the bill's provisions); and Exhibit 2d (the Aug. 8, 2011 letter from the Department to Florida).

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In support of the State's request for preclearance, Florida submitted a chart it prepared that outlined the 2011 changes. *See* Exhibit 2c. The chart identified only the use of the Social Security database as a new source of information for the removal of deceased voters under Fla. Stat. 98.075. *See id.* at 5. The Department precleared the use of the Social Security database and the authority provided to the Secretary of State.⁵ *See* Exhibit 2d. The 2011 submission did not identify new citizenship database verification procedures.

C. The Requirements of the Help America Vote Act

The Help America Vote Act ("HAVA") requires that states implement a statewide computerized voter registration list of all voters, *see* 42 U.S.C. § 15483, but as discussed further below, it does not specifically require the citizen database matching that the State has now undertaken, nor does it excuse a jurisdiction's failure to comply with the requirements of the Voting Rights Act.

HAVA provides that States must define, maintain, and administer their computerized voter registration lists. 42 U.S.C. § 15483(a)(1)(A). As part of the database requirements, Section 303(a) contemplates the use of statewide computerized voter registration lists for voter registration and list maintenance activities. 42 U.S.C. §§ 15483(a)(2); 15483(a)(4); 15483(a)(5)(A)(i) & (ii). HAVA's voter verification provisions, which are set forth at 42 U.S.C. § 15438(a)(5)(A), provide that non-exempt states may not accept or process applications for voter registration unless the applicant includes a driver's license number (for applicants who have a current and valid driver license) or the last four digits of the applicant's social security number (for applicants who do not have a driver license but do have a social security number).

⁵ The State withdrew four sets of voting changes, not at issue here, that are subject to litigation in the District Court for the District Columbia. *See Florida v. United States*, 1:11-CV-1428 (D.D.C.).

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HAVA's voter verification provisions also require that non-exempt states share information in databases to "verify the accuracy of the information provided on applications for voter registration" using driver license or social security information. 42 U.S.C. §§ 15483(a)(5)(B)(i)-(ii); 15483(a)(5)(D). Under HAVA, each "State[s] shall determine whether the information provided by an individual is sufficient to meet . . . [HAVA's requirements], in accordance with State law."⁶ 42 U.S.C. § 15483(a)(5)(A)(iii).

HAVA also has computerized list maintenance provisions. 42 U.S.C. § 15483(a)(2), (4). HAVA's list maintenance provisions require that the appropriate state and local election officials regularly "perform list maintenance with respect to the computerized list" in accordance with the National Voter Registration Act (NVRA). 42 U.S.C. § 15483(a)(2)(A)(i)-(ii). States that are exempt under the NVRA because they do not have a voter registration requirement or allow voter registration at the polling place during general elections for federal office are also required to conduct computerized list maintenance activities "in accordance with State law." 42 U.S.C. § 15483(a)(2)(A)(iii). As a result, all states must have "[s]tate election systems . . . [that] include provisions that ensure that voter registration records . . . are accurate and updated regularly. . . ." 42 U.S.C. § 15483(a)(4).

Computerized list maintenance conducted by a State must be performed "in a manner that ensures that . . . the name of each registered voter appears in the computerized list; . . . only voters who are not registered or who are not eligible to vote are removed from the computerized list; and . . . duplicate names are eliminated from the computerized list." 42 U.S.C. § 15483(a)(2)(B). State election system provisions must also include "[a] system of file

⁶ When Florida implemented HAVA, the State submitted those changes to the Department for preclearance under Section 5. *See, e.g.*, Submission Number 2003-2929. These provisions of HAVA and the State's implementation of them do not include the database matching based on citizenship.

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maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters” that is consistent with NVRA and employs “[s]afeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” 42 U.S.C. § 15483(a)(4)(A)-(B).

HAVA neither mandates nor precludes a State’s attempts to conduct citizenship list maintenance activities. *See* 42 U.S.C §§ 15483(a)(2), (4). HAVA’s requirements do not “prevent a State from establishing election . . . administration requirements that are more strict” than HAVA’s requirements . . .” so long as such State requirements are not inconsistent with federal law. 42 U.S.C. § 15484. To that end, HAVA gives states discretion to determine how they will satisfy the statute’s mandates, 42 U.S.C. § 15485, provided that the State must still comply with the requirements of the Voting Rights Act and other federal statutes. 42 U.S.C. § 15545.

III. FLORIDA’S DATABASE MATCHING PROGRAM IS A CHANGE AFFECTING VOTING THAT MUST BE SUBMITTED FOR PRECLEARANCE PURSUANT TO SECTION 5

A. The Practice at Issue Here is a Change Subject to Section 5 Review

Florida implemented new non-citizen voter verification practices and procedures that are unsubmitted changes that differ from the State’s benchmark procedures previously in force or effect. These voter list maintenance procedures are directly related to voting and the ability to have a cast ballot properly counted. *See* 42 U.S.C.1973l; *see also Presley*, 502 U.S. at 509 (“Our prior cases hold, and we reaffirm today, that every change in rules governing voting must be precleared.”); *Allen*, 393 U.S. at 565 (“The Voting Rights Act was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race”). Unlike *Presley*, which held that changes affecting “the allocation of power

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among governmental officials” was not a covered change, Florida’s new non-citizen list maintenance practice and procedures “bear a direct relation to voting itself.” *See* 502 U.S. at 510. Indeed, removing voters from the list of registered voters, which makes them ineligible to cast a ballot, is a change “in the composition of the electorate.” *Id.* at 502-03.

States are required to identify changes with specificity for administrative review. 28 C.F.R. §§ 51.26 to 51.27; *Clark v. Roemer*, 500 U.S. at 658; *see also McCain v. Lybrand*, 465 U.S. 236, 249-50 (1984) (“the Act would plainly be subverted if the Attorney General could ever be deemed to have approved a voting change when the proposal was neither properly submitted nor in fact evaluated by him.”). Thus, “the submission of legislation for administrative preclearance under § 5 defines the scope of the preclearance request.” *See Clark*, 500 U.S. at 656.

Florida’s 2005 and 2011 Section 5 submissions did not identify the new citizenship list maintenance practices initiated by the State and implemented by Supervisors of Elections under Defendant’s direction as a change being submitted for review. *See* Exhibits 1a, 1c, 2a, & 2c. Further, the assertion that the Secretary’s new activities are precleared because they are related to previously precleared changes is incorrect. *See McCain*, 465 U.S. at 256-57. Nor has the Secretary of State made a Section 5 submission of these changes.⁷ *NAACP v. Hampton County*

⁷ The State references a decision in the Northern District of Florida denying a motion for temporary restraining order against the State’s program. *See* Order Denying a Temporary Restraining Order, *United States v. Florida*, 4:12-CV-285 (N.D. Fla. June 28, 2012) (*see* ECF 16-2). In denying the TRO, the Court explained that the doctrine of voluntary cessation created a rebuttable presumption that the challenged conduct will not recur. *Id.* at 10-11. The court recognized that the State’s voter verification program had “major flaws,” including the fact that it “identified many properly registered citizens as potential noncitizens.” *Id.* at 2, 9. Finally, the court noted that the list maintenance program “probably ran afoul” of NVRA Section 8(b), 42 U.S.C. § 1973gg-6(b), which requires state voter list maintenance programs to be “uniform” and “nondiscriminatory.” *Id.* at 9. The decision in *United States v. Florida* does not address Section 5 of the Voting Rights Act, the implementation of the database matching program that had

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Election Comm'n, 470 U.S. 166, 182 (1985) (“[T]he change must be submitted ‘in some unambiguous and recordable manner.’”) (internal citations omitted); *see also* 28 C.F.R. §§51.26-51.28.

Nothing in Florida’s 2011 submission provides that the Secretary of State can create a new non-citizen category of individuals under 98.093 for which it can “access . . . information from state and federal officials and entities,” *see* Fla. Stat. 98.093(1), distribute the results of the Department of State’s data comparisons as a “source” of information that a voter is “not a United States citizen” under Fla. Stat. 98.075(6), and direct Supervisors of Elections to initiate voter removal procedures. The identified categories for the use of data obtained from “state and federal officials or entities” were unaltered in the 2011 submission. *See* Exhibits 2b at 15; *see also* Exhibit 7 (2001-1693 submission); Fla. Stat. 98.093. Because the benchmark is clearly outlined in Florida’s code and its submission materials, Defendant’s new practices and procedures constitute a voting change.

Neither the Attorney General’s preclearance of Fla. Stat. 98.075 or 98.093, nor Defendant’s assertion that it has voluntarily ceased its database comparisons, eliminate the State’s responsibility to submit its new discretionary voting practices and procedures for preclearance under Section 5, as those changes have been implemented in the covered counties. *See, e.g.*, Exhibit 3 (news article on implementation of this change in Collier County). Thus, the Secretary of State cannot now allege that the voting practice he initiated (and that the covered counties implemented at his direction), is completely abandoned, because the change has already affected voters in the covered counties. The implementation of these new practices and procedures without preclearance violates Section 5. *Connor v. Waller*, 421 U.S. 656 (1975) (per

already occurred in the covered counties, or the fate of the voters who were removed pursuant to that program.

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curium) (“Those Acts are not now and will not be effective as laws until and unless [pre]cleared pursuant to § 5.”); *see also* Exhibit 4 (May 31, 2012 Letter from Department to Florida identifying unprecleared change with regards to the State’s database matching program).

B. The State of Florida and Other Jurisdictions Have Submitted New Database Matching Programs for Review Pursuant to Section 5

Database matching programs are required to be submitted for Section 5 review, *see, e.g., Curtis v. Smith*, 121 F. Supp. 2d 1054, 1060 (E.D. Tex. 2000) (upon review of *en masse* challenges of residency, the court determined that “[s]uch an action, representing a change from ‘more than one’ to over 9,000 in one fell swoop, coupled with the timing of the challenges before us, must be precleared in accordance with § 5 of the Voting Rights Act.”); Order, *Morales v. Handel*, 1:08-CV-3172, at 21-22 (N.D. Ga. Oct. 27, 2008) (holding that the State’s “comparison of information [between two] databases that results in the identification of applicants whose eligibility could not be verified” constitutes a voting change and must be submitted for Section 5 review) (Exhibit 5). And in fact, the State of Florida has previously made such submissions. *See, e.g.,* Exhibit 1c; Exhibit 2c at 5; Exhibit 7.

In 2001, when Florida contemplated database match procedures for the removal of registered voters, the Department of Justice requested more information to identify “with specificity ‘the other computer databases’ . . . and the ‘other relevant sources’ available to the State,” for determining ineligibility. Exhibit 6 at 2 (Dec. 17, 2001 letter from Department to Florida). The State responded by identifying the database sources used for determining the continued eligibility of voters on the registration list. Exhibit 7 (Jan. 29, 2002 letter from Florida to Department). With the additional information, the Department precleared the relevant provisions of the submission on March 28, 2002. Exhibit 8. And when Florida added the Social Security Administration as a source for conducting database comparisons to identify deceased

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persons in 2011, the State submitted the change for Section 5 review. *See* Exhibit 2c at 5 (Chart prepared by Florida identifying 2011 changes).

Other covered jurisdictions have also submitted their voter database comparisons concerning citizenship for preclearance. In 2006, for example, Arizona submitted the use of the SAVE database to assist in determining eligibility of voter registration applicants. *See* Exhibit 9 (2006 submission from Arizona at 6). Georgia also submitted its database matching program for identifying potential non-citizens for Section 5 review following a Section 5 enforcement action; the district court in that case held that this program was a change that needed to be submitted. *See* Exhibit 5 at pp. 21, 22. The database matching procedures at issue here, implemented in the covered counties, require Section 5 review.

C. The State Is an Appropriate Defendant Here as the Counties Have Implemented the Change at the Direction of the State

Statewide voting changes in non-covered states that include covered jurisdictions are subject to preclearance. *See Lopez II*, 525 U.S. at 282; *see also Bone Shirt v. Hazeltine*, 200 F. Supp. 2d 1150, 155-56 (D.S.D. 2002) (state required to submit changes affecting its two covered counties); *Haith v. Martin*, 618 F. Supp. 410 (E.D. N.C. 1985) (holding that state defendants in North Carolina, a partially covered state, must submit statewide voting changes for preclearance).

Here, the Florida Department of State exercised its discretion and instituted a new practice and procedure to compare the statewide voter registration database to another database for the purpose of identifying and removing voters from the voter registration list. *See* Exhibit 10 (April 2012 PowerPoint presentation). The Florida Secretary of State has the authority to establish written practices, and the State has previously submitted written directions, practices, and procedures concerning Florida's database matching programs, similar to the one here, for

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preclearance. *See, e.g.*, Exhibit 1c at 5-7; Exhibit 2c at 5; *Wexler v. Lepore*, 342 F. Supp. 2d 1097, 1099 (2004), *aff'd Wexler v. Anderson*, 452 F.3d 1226 (11th Cir. 2006) (“Florida’s election system consists of the Legislature, the Department of State, and the Supervisors of Elections for Florida’s sixty-seven counties. Within the statutory framework governing elections, the Legislature has authorized the Department of State to issue binding interpretations of the election laws.”). The Secretary of State is the appropriate state election official to submit the new citizenship list maintenance provisions on behalf of the covered counties for another practical reason—only the Secretary can fully “explain to the Attorney General the purpose and effect of voting changes it enact[ed].” *See* 28 C.F.R. § 51.23. In fact, all of the information regarding the development of the new citizenship list maintenance requirement is in the Secretary’s control, because the county supervisors of elections in the covered jurisdictions did not develop the list maintenance practices and procedures.

D. The Matter Is Not Moot, as the Change Has Been Implemented Already

The State argues that its discontinuation of the data matching procedure obviates the need to submit this change for preclearance. ECF 16 at 3, 12-13. However, the change has been implemented in covered counties, *see* Exhibit 3, even though preclearance has not been obtained and has already affected voters. Further, to the extent that the State now intends to implement a new data matching procedure using the Systematic Alien Verification of Entitlement (“SAVE”) federal database, *see* ECF 16 at pp. 12-13, that matching procedure also requires pre-clearance before it can be implemented in the covered counties. *See, e.g.*, Exhibit 9 at 6 (State of Arizona’s submission of its SAVE database matching program for new registrants).

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IV. HAVA NEITHER REQUIRES THE STATE'S SPECIFIC PROGRAM NOR EXEMPTS COMPLIANCE FROM SECTION 5'S REQUIREMENTS

Congress adopted HAVA in 2002, with certain requirements about the creation and maintenance of state-wide voter registration databases. HAVA does not require Florida's new citizenship list maintenance practices and cannot serve as the benchmark for determining whether the State has implemented a voting change. HAVA requires that states create a statewide voter registration database. 42 U.S.C. § 15483. HAVA also imposes limited list maintenance requirements for existing registrants in accordance with the established provisions of the National Voter Registration Act ("NVRA"). *See* 42 U.S.C. § 15483(a)(2)(A)-(B)(ii) ("For purposes of removing names of ineligible voters [under the NVRA], . . . the State shall coordinate the computerized list with State agency records on felony status . . . and death."). HAVA also requires certain steps to verify the identity of new registrants through comparisons with state driver license databases and federal Social Security databases. 42 U.S.C. § 15483(a)(5). By the terms of the plain text of the statute, none of these provisions of HAVA imposes a non-discretionary duty for Florida to initiate its new citizenship list maintenance program, despite the State's arguments to the contrary. *See* ECF 16 at pp. 5, 7, 22. HAVA allows discretion for states to adopt more strict provisions not required or mentioned in the text of HAVA, such as citizenship verification, but it does not require it. And such discretion is the touchstone that requires preclearance under Section 5. Moreover, in any event, HAVA expressly requires compliance with the Voting Rights Act and other federal laws. 42 U.S.C. § 15484 ("The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing . . . administration requirements that are more strict . . . so long as such State requirements are not inconsistent with . . . any law described in section 906."); 42 U.S.C. § 15545(a) ("nothing in this chapter may be construed to authorize

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or require conduct prohibited under” or “to supersede, restrict, or limit the application of” the Voting Rights Act, among other federal laws). *See also Fordice*, 520 U.S. at 284 (noting that preclearance is required even when “the changes are made in an effort to comply with federal law”); Order, *Morales v. Handel*, at 21 (“Though these [changes] could both be characterized as exercises of local discretion, permitted under federal and state law, in response to the federal mandate of HAVA, this does not shield them from review under Section 5.”) (Exhibit 5).

In *Young v. Fordice*, the Supreme Court unanimously held that the discretionary aspects of a jurisdiction’s attempt to comply with a federal law mandate (in that case, the NVRA) were subject to review under Section 5 of the Voting Rights Act. *See* 520 U.S. 273, 290-91 (1997). The Court reiterated its long standing holding that “minor, as well as major, changes require preclearance . . . so long as those changes reflect policy choices made by state or local officials.” *Id.* at 284. Here, as in *Young*, Florida’s discretionary decision to implement a new list maintenance practice and distribute the results as a “source” for determining ineligibility under Fla. Stat. 98.075(6) is a change that must be submitted for review. *See McDaniel v. Sanchez*, 452 U.S. 130, 153 (1981) (whenever “a proposal reflect[s] the policy choices of the elected representatives of the people . . . the Voting Rights Act is applicable”); *Fordice*, 52 U.S. at 290. Accordingly, the Department of Justice informed Florida that the changes challenged here are subject to coverage under Section 5. *See* Exhibit 4; *see also* Exhibits 1d & 2d.⁸

V. THE APPROPRIATE REMEDY FOR UNPRECLEARED CHANGES

The text of Section 5 is unambiguous: “unless and until” preclearance for a new voting practice is obtained from the United States District Court in the District of Columbia or the Attorney General, “no person shall be denied the right to vote for failure to comply with such”

⁸ The Supreme Court has observed that the Attorney General’s interpretation of Section 5 is entitled to substantial deference. *Lopez II*, 525 U.S. at 281.

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practice. 42 U.S.C. § 1973c. The U.S. Supreme Court has aptly described this as the “guarantee of § 5 that no person shall be denied the right to vote for failure to comply with an unapproved new enactment subject to § 5.” *Allen*, 393 U.S. at 557.

As such, the Supreme Court has repeatedly held that a voting change that has not been precleared cannot legally be implemented. The application of Section 5 in this regard is set forth in the Supreme Court’s unanimous decisions in *Lopez I*, 519 U.S. 9, and *Clark v. Roemer*, 500 U.S. 646 (1991). “A jurisdiction subject to § 5’s requirements must obtain either judicial or administrative preclearance before implementing a voting change.” *Lopez I*, 519 U.S. at 20. “A voting change in a covered jurisdiction ‘will not be effective as la[w] until and unless cleared’ pursuant to one of these two methods.” *Clark*, 500 U.S. at 652 (quoting *Connor v. Waller*, 421 U.S. 656 (1975)). “Failure to obtain either judicial or administrative preclearance ‘renders the change unenforceable.’” *Id.* (quoting *Hathorn v. Lovorn*, 457 U.S. 255, 269 (1982)). “If a voting change subject to § 5 has not been precleared, § 5 plaintiffs are entitled to an injunction prohibiting implementation of the change.” *Lopez I*, 519 U.S. at 20; *see also Clark*, 500 U.S. at 652-53; *Allen*, 393 U.S. at 571-72.

The Court should deny the State’s motion to dismiss this case. Because the unprecleared database matching program has already resulted in changes to the voter registration lists in the covered counties, a live controversy exists.

VI. CONCLUSION

For the foregoing reasons, the United States respectfully requests that this Court deny the State’s motion to dismiss and find that Florida’s new list maintenance practices and procedures must be submitted to the Department of Justice or the District Court of the District of Columbia

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for Section 5 review, since they are unprecleared changes that have been implemented in the covered counties subject to Section 5.

Date: July 27, 2012

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

/s/ John Albert Russ IV

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Certificate of Service

I certify that a true and correct copy of the foregoing will be sent electronically to the registered participants (filed through EM/ECF system), on this the 27th day of July, 2012.

/s/ John Albert Russ IV

JOHN ALBERT RUSS IV
Special Litigation Counsel
Voting Section

Exhibit 1a



CHARLIE CRIST
ATTORNEY GENERAL

CIVIL RIGHTS DIVISION
VOTING SECTION

2005 JUL 11 AM 9:41

OFFICE OF THE ATTORNEY GENERAL
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July 5, 2005

SECTION 5 SUBMISSION

NO. 2005-2390

Mr. John Tanner
Chief, Voting Section
Civil Rights Division
Department of Justice
950 Pennsylvania Avenue, N.W.
Suite 7254-NWB
Washington, D.C. 20530

RE: Submission Under Section 5 of the Voting Rights Act of Florida Legislation
Passed During the 2005 Session

Dear Mr. Tanner:

Pursuant to Section 5 of the Voting Rights Act of 1965, as amended, and 28 C.F.R. 51, I am presenting six submissions consisting of legislation enacted during the 2005 Session. This compilation seeks your determination that these changes do not have the purpose or effect of denying or abridging the right to vote on account of race, color, or language minority group.

These submissions are:

I. Chapter 2005-277, Laws of Florida, which authorizes the Secretary of State to investigate voter fraud; provides for qualifying for nomination or election by the petition process; requires that an elector in line at the time the polls close be allowed to vote; revises the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; provides requirements for ballots for persons with disabilities; revises the time to begin and end early voting and the time for opening and closing the early voting sites each day; revises the circumstances under which a manual recount may be ordered, and provides for additional election reform measures.

II. Chapter 2005-278, Laws of Florida, which revises the duties of the Secretary of State and the Department of State relating to election laws; revises the oath taken by a person registering to vote; revises the voter registration procedure by the Department of Highway Safety and Motor Vehicles; deletes provisions relating to the second primary; establishes a statewide voter registration system; provides for contribution limits to statewide candidates; makes it a third-degree felony to participate in certain exchanges associated with voting by absentee ballots; and provides for additional related reform measures.

Mr. John Tanner
Page Two

III. Chapter 2005-279, Laws of Florida, which revises an exemption from the public records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and voter's signature and social security number; expands a public records exemption for the names, addresses, and telephone number of participants in the Address Confidentiality Program for Victims of Domestic Violence; and addresses related public records issues.

IV. Chapter 2005-286, Laws of Florida, which permanently eliminates the second primary election and revises provisions to conform to this elimination.

V. Chapter 2005-150, Laws of Florida, which provides for additional circuit judgeships embracing Hardee and Hillsborough Counties.

VI. HB 1291, Laws of Florida, which creates the Key Largo Fire Rescue and Emergency Medical Services District, a special district in Monroe County.

For the sake of clarity, these submissions follow the format of 28 C.F.R. 51.27 and accompany this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Crist". The signature is fluid and cursive, with the first name "Charlie" and the last name "Crist" clearly distinguishable.

Charlie Crist

CC/glw

Enclosures

Exhibit 1b

CHAPTER 2005-278

House Bill No. 1589

An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; deleting provisions relating to the second primary; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending

s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; deleting provisions relating to the second primary; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., re-

lating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.08; providing for contribution limits to statewide candidates; amending s. 106.33, F.S.; increasing certain contribution limits; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare; amending s. 99.061, F.S.; providing the method of qualifying for nomination to the office of the state attorney or public defender; amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot; repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

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

Section 1. Subsections (1), (2), and (11) of section 97.012, Florida Statutes, are amended, and subsection (14) is added to that section, 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 and implementation~~ of the election laws. In order to obtain and maintain uniformity in the interpretation and implementation of the elections laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.

(11) Create and ~~administer maintain~~ a statewide voter registration system as required by the Help America Vote Act of 2002 database. The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good-faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, present subsections (38) and (39) are renumbered as subsections (39) and (40), respectively, and a new subsection (38) is added to that section, to read:

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

(13) "Lists of registered electors" means names and associated information copies of printed lists of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(38) "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.026, Florida Statutes, is amended to read:

97.026 Forms to be available in alternative formats and via the Internet.—It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. The department may, pursuant to ss. 120.536(1) and 120.54, adopt rules to administer this section. Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055~~, 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

Section 4. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true I am a citizen of the United States and a legal resident of Florida."

Section 5. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe by rule a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.

4. Change of name.

5. Replacement of a voter information registration identification card.

6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Assistance Commission pursuant to federal law the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote or update a voter registration record.

2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed by rule under this section.

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

(a) Last, first, and middle Full name, including any suffix.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

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(e) County of legal residence.

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

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

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

~~(g)(h)~~ State or country of birth.

~~(h)(i)~~ Sex.

~~(i)(j)~~ Party affiliation.

~~(j)(k)~~ Whether the applicant needs assistance in voting.

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

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

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

(n) An indication, if applicable, that the applicant has not been issued a Florida driver's license, a Florida identification card, or a social security number.

(o) Telephone number (optional).

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

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

(r) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(s) Whether That the applicant has ~~not~~ been convicted of a felony, ~~and~~ ~~or~~, if convicted, has had his or her civil rights restored by including the statement "I affirm I am not a convicted felon or, if I am, my rights relating

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to voting have been restored," and providing a box for the applicant to check to affirm the statement.

(t) ~~Whether That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored," and providing a box for the applicant to check to affirm the statement.

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

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

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

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

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

(d) A statement that, 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. 193.002, 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.~~

(f)(g) A statement informing an the applicant who has not been issued a Florida driver's license, a Florida identification card, or a social security number that if the application form is submitted by mail and the applicant is registering for the first time in this state, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the Federal Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~ or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

Section 6. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement ~~voter information registration identification~~ card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A completed voter registration application is complete and that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041 becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6) the appropriate supervisor. If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date ~~that the application is when~~ received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed to a driver license office, a voter registration agency, ~~an armed forces recruitment office, the division, or the office of any supervisor in the state~~ and bears a clear postmark is the date of ~~that the~~ postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the ~~application registration~~ is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an

election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. A mark in the checkbox affirming ~~An indication~~ that the applicant is a citizen of the United States.

5.a. The applicant's current and valid Florida driver's license number ~~or~~ the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver's license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver's license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming ~~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. A mark in the checkbox affirming ~~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. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

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

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed

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voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the third day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 15 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 7. Subsections (1), (2), and (3) of section 97.0535, Florida Statutes, are amended to read:

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the state and who the department has verified has not been issued a current and valid Florida driver's license, Florida identification card, or social security number ~~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. Such The applicant may provide the identification or indication may be provided at the time of registering, or at any time prior to voting for the first time in the state county. If the voter registration application clearly provides information from which a voter registration official the supervisor can determine that the applicant meets at least one of the exemptions in subsection (4), the voter registration official supervisor shall make the notation on the registration records of the statewide voter registration system and the applicant shall not be required to provide the identification required by this section further information that is required of first time voters who register by mail.

(2) The voter registration official supervisor of elections shall, upon accepting the voter registration application submitted pursuant to subsection (1) 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 state 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.~~

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~~2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~

- ~~1.3.~~ United States passport.
- ~~2.4.~~ Employee badge or identification.
- ~~3.5.~~ Buyer's club identification.
- ~~4.6.~~ Debit or credit card.
- ~~5.7.~~ Military identification.
- ~~6.8.~~ Student identification.
- ~~7.9.~~ Retirement center identification.
- ~~8.10.~~ Neighborhood association identification.
- ~~11. Entertainment identification.~~
- ~~9.12.~~ 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).

Section 8. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, only updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 will be permitted for purposes of the upcoming election. Voter registration applications and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 9. Section 97.057, Florida Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

- (a) Apply for or renew a driver's license;
- (b) Apply for or renew an identification card pursuant to chapter 322; or
- (c) Change an address on an existing driver's license or identification card.

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

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

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

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

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

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

(b) Require a driver's license examiner to inquire orally, or, if the applicant is hearing impaired, inquire in writing if the applicant is hearing impaired, and whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

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

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

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1); and

c. A voter registration application with all of the applicant's voter registration information required to establish the applicant's eligibility pursuant

to s. 97.041 must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided sign.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must note such declination on its records and shall forward the declination to the statewide voter registration system keep the declination for 2 years but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections.

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

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

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

(4) The Department of Highway Safety and Motor Vehicles must electronically transmit forward completed voter registration applications within 24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

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

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

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

(b) Display any political preference or party allegiance;

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

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

~~(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.~~

~~(7)(8) The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Federal Election Assistance Commission pursuant to federal law the National Voter Registration Act of 1993.~~

~~(8)(9) The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.~~

(9) The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

(10) The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the legal residence address as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

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

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

Section 10. Subsections (6), (7), and (9) of section 97.058, Florida Statutes, are amended to read:

97.058 Voter registration agencies.—

(6) A voter registration agency must forward all completed and incomplete voter registration applications within 5 days after receipt to the super-

visor of the county where the agency that processed or received that application is located.

~~(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. However, a voter registration agency must forward a copy of each incomplete voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

~~(9) A voter registration agency must collect data determined necessary by the department, as provided by rule, for program evaluation and reporting to the Federal Election Assistance Commission pursuant to federal law the National Voter Registration Act of 1993.~~

Section 11. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon that person's request be registered ~~by the supervisor~~ under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section. The department may adopt rules to administer this section.

(2) If a person is qualified to register pursuant to this section, the voter registration official supervisor shall note in that person's registration record that the person needs assistance in voting.

(3) The precinct register generated by the supervisor shall contain ~~Upon registering any person pursuant to this section, the supervisor must make a notation on the registration books or records which are delivered to the polls on election day that such person is eligible for assistance in voting, and the supervisor may issue such person a special registration identification card or make a some notation on the voter information regular registration identification card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.~~

Section 12. Section 97.071, Florida Statutes, is amended to read:

97.071 Voter information ~~Registration identification card.~~—

(1) A voter information registration identification card shall must be furnished by the supervisor to all registered voters residing in the supervisor's county. The card registering under the permanent single registration system and must contain:

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- ~~(f) Race or ethnicity, if provided by the applicant.~~
- ~~(g) Sex, if provided by the applicant.~~
- ~~(f)(h)~~ Address of legal residence.
- ~~(g)(i)~~ Precinct number.
- ~~(h)(j)~~ Name of supervisor and contact information of supervisor.
- ~~(k) Place for voter's signature.~~
- ~~(i)(4)~~ Other information deemed necessary by the supervisor department.

(2) A voter may receive a replacement voter information of a registration identification card by providing a signed, written request for a replacement card to a voter registration official the supervisor. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor shall must issue the voter a new voter information registration identification card. However, a voter information registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 13. Section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

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

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another state jurisdiction, the department supervisor must notify the registration official in

the prior state jurisdiction that the applicant is now registered in this state the supervisor's county.

Section 14. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence ~~within the same county~~, change of name, or change of party affiliation.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. An elector may also provide notification to other voter registration officials as provided in subsection (2). A voter information registration identification card reflecting the new information address of legal residence shall be issued to the elector as provided in subsection (3)(4).

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector shall must provide notice a signed, written notification of such change to a voter registration official using a voter registration application signed by the elector. A voter information the supervisor and obtain a registration identification card reflecting the new information shall be issued to the elector as provided in subsection (3) name.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

~~(3)(4) The voter registration official supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections and shall issue the new voter information registration identification card as required by s. 97.071(3).~~

Section 15. Section 97.105, Florida Statutes, is amended to read:

97.105 Permanent single registration system established.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered pursuant to in pursuance of this system by a voter registration official the supervisor or by a deputy supervisor, and electors registered shall not thereafter be required to register or reregister except as provided by law.

Section 16. Subsections (3), (10), and (11) of section 98.015, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

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

(3) The supervisor shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as the official custodian of documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county the registration books and has the exclusive control of matters pertaining to registration of electors.

(10) Each supervisor ~~shall~~ must ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements prescribed by rule of the department through the statewide voter registration system or prescribed by for that county under the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002.

(11) Each supervisor shall ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system. Each supervisor of elections shall forward to the property appraiser for the county in which the homestead is claimed the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

Section 17. Section 98.035, Florida Statutes, is created to read:

98.035 Statewide voter registration system; implementation, operation, and maintenance.—

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official

list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

Section 18. Section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) ELIGIBILITY OF APPLICANT.—The Each supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver's license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) REMOVAL OF REGISTERED VOTERS.—

(a) Once a voter is registered, the name of that voter may not be removed from the statewide voter registration system 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.~~

(b)(2) Information received by a voter registration official supervisor from an election official in another state jurisdiction indicating that a registered voter in this state the supervisor's county has registered to vote in that other state jurisdiction shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system books of the supervisor's county.

(3) PUBLIC RECORDS ACCESS AND RETENTION.—~~Notwithstanding the provisions of ss. 98.095 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 a ~~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 records requirements under this code.

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

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

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

(5) FORMS.—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

Section 19. Section 98.065, Florida Statutes, as amended by chapter 2002-281, Laws of Florida, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. As used in this subsection, the term "nondiscriminatory" applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which information indicates that the legal address of a registered voter might have changed, the supervisor shall send by forwardable return-if-undeliverable mail an address confirmation notice to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.

(b) The address confirmation notice shall contain a postage prepaid pre-addressed return form on which:

1. If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter's legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.

2. If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.

3. If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.

(c) The supervisor must designate as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid preaddressed return form within 30 days or for which an address confirmation notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting an absentee ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request an absentee ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051. A voter's name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect

to voting, by reason of the death of the voter, or upon a determination of ineligibility as provided in s. 98.075(3).

(4) ~~If the supervisor receives change-of-address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:~~

(a) ~~The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.~~

(b) ~~The voter has moved outside the supervisor's county, or contains no forwarding address, the supervisor shall send an address confirmation final notice and remove the name of the voter from the registration record if that voter did not:~~

1. ~~Return the postage prepaid preaddressed return form;~~
2. ~~Appear to vote;~~
3. ~~Change the voter's registration; or~~
4. ~~Request an absentee ballot~~

during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.

(5) ~~The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.~~

Section 20. Section 98.075, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.075, F.S., for present text.)

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) MAINTENANCE OF RECORDS.—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) DUPLICATE REGISTRATION.—The department shall identify those voters who are registered more than once or those applicants whose registration applications would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(3) DECEASED PERSONS.—The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from the Department of Health as provided in s. 98.093. Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information other than from the sources identified in subsections (2)-(5) that a registered voter does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determina-

tion of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.

2. All proceedings are exempt from the provisions of chapter 120.

3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this

section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

Section 21. Section 98.0755, Florida Statutes, is created to read:

98.0755 Appeal of determination of ineligibility.—Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) 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 removed from the statewide voter registration system, 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 supervisor of elections.

Section 22. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.—

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The department and supervisors supervisor of elections shall include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a provide to each registered voter information regarding of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise when, where, and how to update the voter's signature and shall provide the voter information on how to obtain a voter registration application form from a voter registration official which the supervisor that can be returned to update the signature.

(3) In addition, At least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file and or how a voter can obtain a voter registration application form from a voter registration official the supervisor to do so.

(4) All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvass of the absentees is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from the statewide voter registration system books; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the statewide voter registration system books between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from the statewide voter registration system books pursuant to s. 98.065 ~~or~~, s. 98.075, ~~or s. 98.093~~, the elector's original registration application form shall be retained by the supervisor of elections having custody of the application filed alphabetically in the office of the supervisor. As alternatives, registrations removed from the statewide voter registration system books may be microfilmed and such microfilms substituted for the original registration applications 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 application form. Such microfilms or stored information shall be retained by the supervisor of elections having in the custody of the supervisor. In the event the original registration applications 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.

(3) When the name of any elector has been erroneously or illegally removed from the statewide voter registration system books, the name of the elector shall be restored by a voter registration official the supervisor upon satisfactory proof, even though the registration period for that election is closed.

Section 24. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1) In order to ensure the maintenance of accurate and current voter registration records, it is necessary for the department to receive certain information from state and federal officials and entities. The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) ~~The Department of Health shall furnish monthly to the department each supervisor of elections a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older who was a resident of such supervisor's county.~~

(b)(2) Each clerk of the circuit court shall furnish monthly to the department, at least once each month, deliver to each supervisor of elections a list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include stating the name, address, date of birth, race, and sex, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number of each such person convicted of a felony during the preceding calendar month who was a resident of that supervisor's county, a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county.

(c)(3) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075 immediately forward such information to the supervisor of elections for the county where the offender resides.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Board of Executive Clemency shall furnish monthly to the department a list of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the Board of Executive Clemency case number, name, address, date of birth, race, sex, social security number, if available, and references to record identifiers assigned by the Department of Corrections, a unique identifier of each clemency case, and the effective date of clemency of each person.

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(f) The Department of Corrections shall furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

(4) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration books.

(3)(5) Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of such persons from the statewide voter registration system pursuant to s. 98.075(7) based upon books after verification of information received from other sources.

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 Statewide voter registration database.—Within 75 days after a general election or within 15 days after all supervisors of elections have updated voter history information, whichever occurs later, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format of all voters qualified to vote in the election or primary. The report shall include for each voter the code used by the department to uniquely identify the voter; all information provided in the uniform statewide voter registration application pursuant to s. 97.052(2), except what is specifically identified as confidential or exempt from public records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the precinct location, voted by early vote, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

Section 26. Section 98.212, Florida Statutes, is amended to read:

98.212 Department and supervisors to furnish statistical and other information.—

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(1)(a) Upon written request, the department and any supervisor of the respective counties 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) The department and any supervisor 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, the department and supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to the department and any supervisor of the respective counties 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 Assistance Commission pursuant to federal law the National Voter Registration Act of 1993.

Section 27. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration application form, precinct register; contents.—

(1) A registration application form, approved by the Department of State, containing the information required in s. 97.052 shall be retained by the supervisor of elections of the county of the applicant's registration filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration application forms may be microfilmed and such microfilm microfilms substituted for the original registration application 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 application form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections of the county of the applicant's registration. In the event the original registration applications 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.

(2) A computer printout or electronic database shall 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, and suffix; 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 shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector or an electronic device may be provided for this purpose.

Section 28. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election provided the initiative has been filed with occurring in excess of 90 days from the certification of ballot position by the Secretary of State no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that the petition has been signed by the constitutionally required number of electors.

(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.

(2)(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

(3)(4) Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. The supervisor shall promptly record each valid signature in the statewide voter registration system in the manner prescribed by the Secretary of State. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)(5) The Secretary of State shall determine from the signatures verified by the verification certificates received from supervisors of elections and recorded in the statewide voter registration system the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.

(5)(6)(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secre-

tary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

~~(6)(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(5) ~~(4)-(6)~~.

Section 29. Subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.—

(3)a Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor of elections shall notify the Secretary of State in writing within 30 days after of any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.

(c) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by:

1. Census block boundaries from the most recent United States Census;

2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

4. Boundaries of public parks, public school grounds, or churches; or

5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(d) Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).

Section 30. Subsections (1) and (3) of section 101.043, Florida Statutes, are amended to read:

101.043 Identification required at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall 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 one of the following a current and valid picture identifications:

- (a) Florida driver's license.
- (b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
- (c) United States passport.
- (d) Employee badge or identification.
- (e) Buyer's club identification.
- (f) Debit or credit card.
- (g) Military identification.
- (h) Student identification.
- (i) Retirement center identification.
- (j) Neighborhood association identification.
- (k) Public assistance 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. The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the voter's signature, 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 on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(3) If the elector who fails to furnish the required identification is an elector subject to s. 97.0535 a first-time voter who registered by mail and has not provided the required identification to a voter registration official 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 31. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

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

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

Change of Legal Residence of Registered Voter

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

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

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

Change of Name of Registered Voter

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

Name
Address
Municipality
County
Florida, Zip
My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip
and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

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

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

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

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

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

Section 32. Subsection (1) of 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 state ~~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.

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by

joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5)(6). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 34. Subsection (2) of section 101.56062, Florida Statutes, as created by chapter 2002-281, Laws of Florida, is amended to read:

101.56062 Standards for accessible voting systems.—

(2) Such voting system must include at least one accessible voter interface device installed in each polling place precinct ~~precinct~~ which meets the requirements of this section, except for paragraph (1)(d).

Section 35. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name on the in-ink or indelible pencil to an identification blank, signature slip, precinct register, or other form or device provided by the supervisor ballot stub on which the ballot serial number may be recorded. ~~on the in-ink or indelible pencil to an identification blank, signature slip, precinct register, or other form or device provided by the supervisor ballot stub on which the ballot serial number may be recorded.~~ The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

Section 36. Effective August 1, 2006, section 101.573, Florida Statutes, is created to read:

101.573 Record of votes by precinct.—

(1) Within 75 days after the date of a municipal election or runoff, which ever occurs later, a presidential preference primary, or a general election, the supervisor of elections shall file with the Department of State precinct-level election results for that election cycle, including any primary elections. Precinct-level election results shall record for each precinct the returns of ballots cast at the precinct location to which have been added the returns of absentee and early ballots cast by voters registered in the precinct.

(2) The Department of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the form by which supervisors of elections shall submit election results for each precinct.

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371(5)(6), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 38. Subsection (3) is added to section 101.64, Florida Statutes, to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(3) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each absentee ballot.

Section 39. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) The supervisor of elections shall allow an elector to vote early 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 supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as early voting sites; however, if so designated, the sites must be geographically located so as to provide all

voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

Section 40. Section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence to another state.—

~~(1) An elector who changes his or her residence to another county in Florida from the county in Florida in which he or she is registered as an elector after the books in the county to which the elector has changed his or her residence are closed for any general, primary, or special election shall be permitted to vote absentee in the county of his or her former residence in that election for President and Vice President, United States Senator, statewide offices, and statewide issues. Such person shall not be permitted to vote in the county of the person's former residence after the general election.~~

(2) An elector registered in this state who moves his or her permanent residence to another state and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his or her former residence for those offices.

Section 41. Subsection (1) of section 101.6921, Florida Statutes, is amended to read:

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

(1) The provisions of this section apply to voters who are subject to the provisions of s. 97.0535 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.

Section 42. Section 101.6923, Florida Statutes, is amended to read:

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

(1) The provisions of this section apply to voters who are subject to the provisions of s. 97.0535 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 in substantially the following form:

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. 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 43. Subsection (3) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(3) The supervisor shall furnish inspectors of election for each precinct with the ~~list of registered electors for that precinct registration books divided alphabetically as will best facilitate the holding of an election.~~ The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

Section 44. Subsections (1), (2), and (3) of section 104.013, Florida Statutes, are amended to read:

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

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

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

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

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005,

shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

Section 46. Subsection (2) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of a national, state, or county committee of a political party, which contributions in the aggregate exceed \$250,000, no more than \$125,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election. Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) or paragraph (b). Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a) or paragraph (b). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.

Section 47. Subsection (3) of section 106.33, Florida Statutes, is amended to read:

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

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$250,000 \$25,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

Section 48. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: \$2.00 for each Florida-registered voter \$5 million.

(b) Cabinet officer: \$1.00 for each Florida-registered voter \$2 million.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005. The expenditure limit shall be adjusted by the Secretary of State quadrennially to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 49. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

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

(2) ~~The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.~~

Section 50. Subsection (4) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.

(c) An emergency rule adopted under this subsection shall not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by the rulemaking procedures specified in this chapter.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

Section 51. Subsection (1) of section 99.061, Florida Statutes, is amended to read:

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

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her

qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office or the office of the state attorney or public defender; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of state attorney or public defender.

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 53. Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

Section 54. Subsection (1) of section 104.047, Florida Statutes, is repealed.

Section 55. Sections 98.055, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida Statutes, are repealed.

Section 56. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

Ch. 2005-278

LAWS OF FLORIDA

Ch. 2005-278

Approved by the Governor June 20, 2005.

Filed in Office Secretary of State June 20, 2005.

Exhibit 1c

*Department of State
Division of Elections*

Powerpoint Presentation-

**FLORIDA VOTER REGISTRATION
SYSTEM (FVRS)
Election Legislation 2005
(HB 1589/1591)**

*Florida State Association of Supervisors of Elections'
Summer Conference 2005, Saddlebrook, Florida*

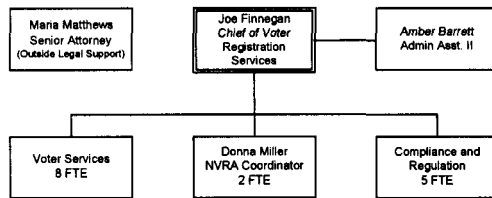
Florida Voter Registration System

Legislation and Operational Framework

What We Will Cover

- Overview of Roles and Responsibilities
- Voter Registration Applications
- List Maintenance Activities
- Election Administration
- Petitions
- Uniformity and Enforcement
- Public Records
- Operation and Support

Bureau of Voter Registration Services



Voter Services

- Processing voter registration applications received by the Department. Once entered, the application will be immediately forwarded to the appropriate Supervisor of Elections.
- Responding to inquiries pertaining to the status of voter registration applications and existing registrations.
- Coordination of updates to the street and address data provided to the Department of Highway Safety and Motor Vehicles.

NVRA Coordinator

- Coordinates the National Voter Registration Act (NVRA) and the Florida Voter Registration Act (FVRA).
- Preparation of the NVRA monthly report.
- Assures that voter registration applications, preference forms, and other publications are available and distributed to the required agencies that are mandatory voter registration sites.

Compliance and Regulation

- Review and assessment of compliance of voter registration records with state requirements.
- Monitoring of compliance with FVRS generated notifications.
- Response to workflow items escalated for review by state staff.

Voter Registration Official

- You "just might be" (actually you are) a voter registration official if you are:
- A Supervisor of Elections
 - Someone authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system

Changes to Application Form

The more things change,
the more it changes things

Changes to Application Form (cont'd)

- New revised form to be adopted by rule
- Change in oath
 - Check those boxes
 - No driver's license, ID no. or SSN . . . Check
 - U.S. citizen . . . Check
 - Not a felon . . . Check
 - Not adjudicated mentally incapacitated . . . Check
 - Update signature using form

Changes in Application Form (cont'd)

- Homestead exemption language is eliminated
- MARG instructions:
 - Never voted in the state (instead of county)
 - Not issued a current and valid Florida driver's license, identification card or social security number as verified by the State.
 - Must provide identification at time of mail registration or prior to voting absentee or at the poll.
 - Can no longer present entertainment card for identification

Changes to Processing of Applications

- The voter registration official receiving the application will enter the information into the FVRS
- All applications must be entered within 15 days of receipt
- Once entered, application is to be forwarded to the appropriate supervisor of elections

Changes to Processing of Applications (cont)

- DHSMV
- Applicant will verify an electronic application and provide a digital signature
 - Application electronically transmitted to FVRS within 24 hours
 - Paper applications sent within 5 days to supervisor of elections
 - Declinations transmitted to FVRS

Changes to Processing of Applications (cont)

➤ DHSMV (cont)

- Will retain complete records of information submitted to FVRS for audit purposes
- Will compare address information provided by applicant with street index
 - If address does not match, applicant will be asked to verify
 - DHSMV will not reject applications for which a match to the street index cannot be made

Changes to Processing of Applications (cont)

➤ Postmark clarification

- Postmark used to determine registration date is the postmark when mailed to DHSMV, a voter registration agency, armed forces recruitment office, the division or any supervisor

Changes to Processing of Applications (cont)

➤ Validation of numbers

- HAVA requirement
- Can accept if person does not have a driver's license, Florida ID card or social security number
- DOS will verify authenticity of number or nonexistence of number
- If time does not allow validation to occur, person must vote a provisional ballot
- Person has until 5 p.m. on 3rd day after election to produce evidence to SOE verifying authenticity of number

Changes to Processing of Applications (cont)

- If application is complete and number validated, register applicant
- If application is complete and nonexistence of number is verified, register applicant
- Once registered, deal with hits against other databases

Changes to Processing of Applications (cont)

➤ Incomplete Applications

- Check boxes relating to citizenship, felon and mental incapacity must be checked affirming status
- All required information must be complete by book closing
- Signature must be original or digital from DHSMV

Changes to Processing of Applications (cont)

➤ Notification to applicants

- If incomplete
 - Notify by mail within 5 business days after in FVRS
 - Must be remedied using a voter registration application form
- If denied
 - Inform applicant of reason for denial
- If complete
 - Send voter information card

Changes to Processing of Applications (cont)

- Voter information card
 - Change in terminology
 - Designed to provide information to voter vs. identification
 - Will have unique identifier
 - Do you need to send new card after 1/1/05?
- MARG
 - Registers by mail;
 - Has not previously voted in the state (rather than county); and
 - Has not been issued a Florida driver's license, identification card or social security number

Updates to Applications

- Address changes
 - If within same county
 - Telephone
 - Electronic
 - Signed, written notice
 - Out of county
 - Voter registration application
 - Can be done at polls on election day

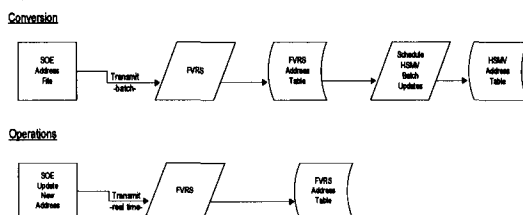
Updates to Applications (cont)

- Name or party change
 - Voter registration application
- New voter information card
- Signature updates
 - For checking absentees and provisionals, change made before canvassing begins

Residential Address References

- Supervisor of Elections will maintain a coordinate database of street addresses and send to FVRS.
- Compile and maintain a statewide electronic database of valid residential street addresses.
- Department of State shall provide HSMV electronic database of street address.

Flow Chart



Retention of Application Forms

- To be **received** and accepted by a voter registration official in any Florida county including the Department of State regardless of applicant's or registered voter's residency
- To be entered into FVRS by the voter registration official who **receives** it
- To be forwarded by the voter registration official who **receives** the form to the applicant's or voter's county of residence
- To be retained permanently by the **receiving** voter registration official in the applicant's or voter's county of residence

List Maintenance Activities – Address Confirmation

- Supervisor will continue with same biennial programs
 - Change of address information
 - Supplied by USPS
 - Identified from returned mail sent to all voters in county
 - Identified from returned mail sent to voters not voting in last 2 years
 - Jury notices, DHSMV or other sources
 - Must be completed 90 days before a federal election
- Only one address confirmation instead of two
 - Forwardable return-if-undeliverable mail
 - Postage prepaid preaddressed return form

List Maintenance Activities – Address Confirmation

- Return Form
 - If voter affirms change to another state, remove voter
 - If voter affirms change to another county, update registration
 - Voter must confirm if he has not changed address
- Inactive designations
 - If confirmation is returned as undeliverable
 - If return form not returned within 30 days

List Maintenance Activities – Address Confirmation (cont)

- Restore voter to active list if voter
 - Updates registration
 - Requests absentee ballot
 - Votes
- Removal
 - If no activity by the second general election after being placed on inactive list
- Reporting to Department

List Maintenance- Ineligibility (s. 98.075, F.S.)

- Duplicates
 - Most recent application is treated as an update
- Deaths
 - Remove upon notification from Dept. of Health
- Felons
 - Six step procedure for Notifying & Removing

List Maintenance- Ineligibility (s. 98.075, F.S.) (cont)

- Felons -Procedure for Notifying & Removing
 - Step One
 - FVRS conducts preliminary database comparisons to identify **Potential Ineligibility** (FDLE, Clerk of the Courts, DOC, US Attorney and Clemency Records)
 - Step Two
 - FVRS staff obtains and reviews supporting documentation to make initial determination of whether information is "Credible and Reliable"

List Maintenance- Ineligibility (s. 98.075, F.S.) (cont)

- Felons -Procedure for Notifying & Removing (cont)
 - Step Three
 - If information determined **Credible and Reliable**, DOS notifies Supervisor and provides copies of the supporting documentation indicating the **Potential Ineligibility** to the Supervisor

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (Cont.)

- Step Four
 - Upon notification that DOS has made Initial Determination of Credibility and Reliability, the Supervisor Follows the Procedures Outlined in the Statute Prior to the Removal of Any Registered Voter
- Step Five
 - Notification By Supervisor
 - Notify voter of potential ineligibility by mail within 7 days of receipt of notice from DOS

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing

- Step Five - Notification (Cont.)
 - The mailed notice shall include:
 - A statement of the basis for their potential ineligibility and copies of the documentation upon which the potential ineligibility is based
 - A statement that failure to respond within 30 days may result in a determination of ineligibility and removal
 - A return form that requires the voter to admit or deny the accuracy of the information

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Five - Notification (Cont.)
 - The mailed notice shall include: (cont)
 - A statement that if they are denying the accuracy of the information that they may request a hearing
 - Instructions on how to contact the SOE in the county where they are registered for assistance in resolving
 - Instructions for seeking restoration of rights for a felony conviction, if applicable

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Five - Notification (Cont.)
 - If the mailed notice is returned as undeliverable, SOE publishes notice once in a paper of general circulation in the county where last registered.
 - Published notice contains:
 - Voter's name & address
 - Statement that they are potentially ineligible to vote
 - Statement that failure to respond within 30 days after publication of notice may result in determination of ineligibility and removal
 - Instruction to contact SOE within 30 days to receive info re: basis for potential ineligibility and procedure to resolve
 - Instruction to contact SOE if further assistance is needed

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

Felons - Procedure for Notifying & Removing (cont)

- Step Six- Determination of Eligibility by SOE

FAILURE OF VOTER TO RESPOND TO NOTICES

 - If the voter fails to respond to a mailed notice that was deliverable or to a notice published in the newspaper, the SOE makes a final determination regarding eligibility. If determined ineligible, the SOE removes the voter and notifies the voter of their determination and action.

VOTER RESPONDS AND ADMITS

 - If the voter responds and admits the accuracy of the information, the SOE makes a final determination of ineligibility. The SOE removes the voter and notifies the voter of the determination and action.

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Six- Determination of Eligibility by SOE (cont)

VOTER DENIES ACCURACY OF INFORMATION BUT DOES NOT REQUEST HEARING

 - If the voter responds and denies, but does not request a hearing, the SOE reviews the evidence and makes a final determination of eligibility.
 - If determined ineligible, the SOE removes the voter and notifies the voter of the determination and action.

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Six- Determination of Eligibility by SOE (cont)

VOTER DENIES ACCURACY OF INFORMATION AND REQUESTS A HEARING

- If a voter requests a hearing, SOE shall send a notice to the voter to attend a hearing at a time and place specified in the notice.
- After hearing all evidence the SOE makes a determination of eligibility. If determined ineligible, the SOE removes the voter and notifies the voter of the determination and action.

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Six- Determination of Eligibility by SOE (cont)

GENERAL PROVISIONS

- All determinations of eligibility shall be based upon a preponderance of evidence
- These proceedings are exempt from chapter 120
- Notices shall be sent to voters by certified mail, return receipt requested, or other means that provides verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Felons - Procedure for Notifying & Removing (cont)

- Step Six- Determination of Eligibility by SOE (cont)

GENERAL PROVISIONS (CONT.)

- SOE shall remove a voter only after the SOE makes a final determination that the voter is ineligible to vote
- Any voter who has been removed pursuant to a determination of ineligibility may appeal that determination to circuit court pursuant to the procedures in s. 98.0755
- Any voter who was removed due to ineligibility who subsequently becomes eligible must reregister to have name restored to the rolls

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Adjudication of Mental Incapacity - Procedure for Notifying & Removing

- SOE follows the same procedures as you do with potential felons
- DOS will also follow the same steps previously described except the information and documentation will be coming from the clerk of court

List Maintenance- Ineligibility

(s. 98.075, F.S.) (cont)

➤ Information from Other Sources

If the DOS or the SOE receives information from sources other than the ones identified in the statute that a voter does not meet the age requirement, is not a U.S. citizen, is a fictitious person or has listed a residence that is not their legal address, the SOE shall, prior to removal of the voter from the rolls, follow the same notification procedures that we discussed related to potential felon ineligibility

List Maintenance- Ineligibility

(s. 98.0755, F.S.)

➤ Appeals Process

- A SOE's determination of ineligibility under 98.075(7), F.S., is appealable to the circuit court for the county in which the voter is registered
- Time frames for filing these appeals are governed by the Rules of Appellate Procedure
- The trial in the circuit court is de novo and governed by the rules of that court
- The voter bears the costs of the trial unless they can show that their name was erroneously or illegally removed or that they are indigent. In those situations, the SOE pays the costs.

Election Administration

➤ Book Closing

- No more certifications to DOS. We will be able to obtain that information from the FVRS
- Updates after Book Closing (s. 97.055(1), F.S.)
 - Only updates to voter's name, address and signature will be permitted for the upcoming election
 - VR applications and party changes must be accepted after book closing, but only for purposes of subsequent elections

Election Administration

➤ Precinct Registers- (s. 98.461(2), F.S.)

- Allows use of an electronic database as a precinct register.
- Allows the use of an electronic device to capture voter signature and poll worker's initials
- Must include the "suffix" if the voter has one, ie. Sr, Jr, or III

➤ Identification At the Polls - (s. 101.043, F.S.)

- Entertainment cards are no longer acceptable
- No affidavit if voter has no picture/signature ID. Voter must vote a provisional ballot (HB 1567)

Election Administration

➤ Early Voting

- Ballot has to reflect voter's precinct (s.101.657, F.S.)

➤ Absentee Voting

- System to track requests- will follow voter from county to county.
- Ballot has to reflect the voter's precinct (s. 101.64, F.S.)

Election Administration

➤ Voter History Updates

Report to Legislature; Contents (s. 98.0981, F.S.)
Effective August 1, 2006

- Within 75 days after a General Election or within 15 days after all SOE's have updated voter history info, whichever occurs later, DOS shall send to the President, Speaker, and Senate and House Minority Leaders an electronic report of all voters qualified to vote in the election or primary.

Election Administration

➤ Voter History Updates

- Report to Legislature; Contents (s. 98.0981, F.S.) (Cont.)
- Report shall include:
 - The unique identifier of each voter
 - Contents of the voter registration application, except confidential or exempt information (required & optional)
 - Date of registration
 - Representative, senatorial and congressional districts of the voter and precinct where voter resides
 - Method by which voter voted (precinct, early, or absentee) or that they did not vote
 - If absentee or provisional ballot of voter was not counted

Initiative Petitions

- February 1 deadline
- Record verification in FVRS
- Petitions must still be submitted to proper county
- After January 1, 2007 no need to send department certificates

Uniformity and Enforcement

➤ Rulemaking

- General Authority given in ss. 97.012(1) and (2), F.S.
 - To "obtain and maintain uniformity in the interpretation and implementation of the election laws the Department may...adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 - 102 and 105 of the Election Code."
 - To "provide uniform standards for the proper and equitable implementation of the registration laws by administrative rule..."

Uniformity and Enforcement

➤ Rulemaking (Cont.)

- Specific Authority By Section
 - Mandatory Rulemaking
 - s. 97.052 - Voter Registration Application Form
 - s. 101.573(2) - Form for Use by SOEs for Filing of Election Results for Each Precinct with DOS

Uniformity and Enforcement

➤ Rulemaking (Cont.)

- Specific Authority By Section (Cont.)
 - Discretionary Rulemaking
 - s. 97.026 - Forms Available in Alternative Formats and Via the Internet
 - s. 97.061 - Special Registration for Electors Requiring Assistance In Voting Due to Inability to Read or Write or Because of a Disability
 - s. 98.035 - Governing Access, Use and Operation of the FVRS to Ensure Security, Uniformity and Integrity of the System

Uniformity and Enforcement

➤ Rulemaking (Cont.)

- Specific Authority By Section (Cont.)
 - Discretionary Rulemaking (Cont.)
 - s. 98.045(5) - Prescribe Forms Necessary to Conduct Maintenance of Records in the FVRS
 - s. 98.075(1) - Adopt Uniform Standards and Procedures to Interpret and Administer List Maintenance Activities Relating to Registered Voter Ineligibility Determinations

Uniformity and Enforcement

➤ Rulemaking (Cont.)

- Specific Authority By Section (Cont.)
 - Emergency Rulemaking (s. 120.54(4)(b), F.S.)
 - Change states that rules pertaining to the public health, safety or welfare include rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code (This change is helpful if we need to promulgate emergency rules to deal with unforeseen circumstances)

Uniformity and Enforcement

• Circuit Court Action (s. 97.012(14), F.S.)

- The Secretary of State may bring civil actions to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 - 102 and 105 or to enforce compliance with a rule of the Department adopted to interpret or implement any of those chapters.
- Venue for these suits shall be in the Circuit Court of Leon County.

Uniformity and Enforcement

- Circuit Court Action (s. 97.012(14), F.S.) (Cont.)
 - Suits filed by the Secretary within 60 days of an election (as defined in s. 97.021, F.S.) or during the time period after the election but before certification of the election shall be set for immediate hearing and given priority over other pending cases.
 - Prior to filing a suit to enforce performance of the duties of an SOE or an official, the Secretary or his or her designee must make a good faith effort to confer with the SOE or official to ensure compliance.

"A Matter of Public Record"

- Refresher: Any material **MADE** or **RECEIVED** by a public agency in connection with **OFFICIAL Business** to perpetuate, communicate or formalize knowledge
- **Tapes, e-mails, documents, photographs, digital images, software, financial records, telephone logs, computer records, and election and voter registration records.**

Exemptions From Public Records Voter Registration

<i>Exempt?</i> Declinations to register	<i>Not Exempt?</i> Telephone nos	<i>Exempt?</i> SSNs
<i>Not Exempt ?</i> Voter registration records at local level	<i>Exempt?</i> Fla. Driver's License No. or State Identification No.	<i>Not Exempt?</i> Signatures
<i>Exempt?</i> Absentee ballot request information	<i>Not Exempt?</i> FVRS	<i>Exempt?</i> Location where a person registers or updates registration

Exemptions (cont'd)

What **Was and Will Still Be** Exempt & Confidential:

- Declinations to register (s. 97.0585, F.S.)
- Information as to where a person registered or updated a registration (s. 97.0585, F.S.)

Exemptions

What **Was** Exempt From Copying:

- Voter registration records and books at the Supervisors of Elections' offices could be inspected but **NOT COPIED** except by certain governmental or political entities who signed affirmation (s. 98.095, F.S.)
- Telephone numbers (s. 97.0585(2), F.S.)

What **Will No Longer Be** Exempt:

- Voter registration records and books at the local offices of supervisors of elections and the Florida Voter Registration System can be **INSPECTED & COPIED** (repeal of s. 98.095, F.S.)
- Telephone numbers can be **INSPECTED & COPIED** (repeal of part of s. 97.0585(2), F.S.)

Exemptions (cont'd)

What **Was** Exempt from Copying Only:

- Voter's signature
 - Voter's SSN
- (only as they appeared in voter registration records) s. 97.0585, F.S.)

What **Will Be** Exempt & Confidential:

- Applicant/Voter's signature (from copying only)
- Applicant/Voter's SSN, Florida driver's license no. or identification no. (no copying, no inspection)
(As this info appears in any registration or voting record—e.g., envelope/certificate for absentee ballot, provisional ballot or early voting)

Exemptions (cont'd)

What **Was and Will Still Be** Exempt:

- Names, addresses and telephone numbers of participants *Address Confidentiality Program for Victims of Domestic Violence* as contained in voter registration records retained at the local level but exemption now extends to that information as contained in registration records and voting records including that held in FVRS. (s. 741.465, F.S.)

Exemptions (cont'd)

What **Was** Exempt & Confidential:

- Absentee ballot request information except when requested by canvassing board, election official, political party, qualifying candidate for upcoming election and registered political committees and CCE for political purposes only (s. 101.62(3), F.S.)

What **Will Be** Exempt & Confidential:

- The exemption remains the same except now the voter requesting the ballot information can also get the information and all absentee ballot request information must be sent in electronic format to the Division of Elections daily at noon s. 101.62(3), F.S.)

And s'more Exemptions

No change on all other applicable exemptions under the law including exemptions that are triggered by requests made by certain classes of professionals such as judges, attorneys, firefighters, law enforcement, human resource officers and local code enforcement officers (s. 119.07, 119.0711, 119.0712, and 119.0721, F.S.)

Public Records Retention

➤ General Retention Schedule GS-3

- All voter registration and voting records or documentation acquired from applicant or voter or other sources in determining eligibility

➤ Federal law

- Originals of certain records for minimum 22 months

➤ Consult with your public records management official liaison, the department or your attorney when in doubt

Exhibit 1d



Civil Rights Division

JKT:JBG:ALP:maf
DJ 166-012-3
2005-2390
2005-2391

*Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

September 6, 2005

The Honorable Charlie Crist
Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, Florida 32399-1050

Dear Mr. Crist:

This refers to Chapters 277, 278, 279 and 286 (2005) of the Florida Legislature, the specific provisions of which are provided in Attachment A, submitted pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on July 8, 2005; supplemental information was received through August 26, 2005.

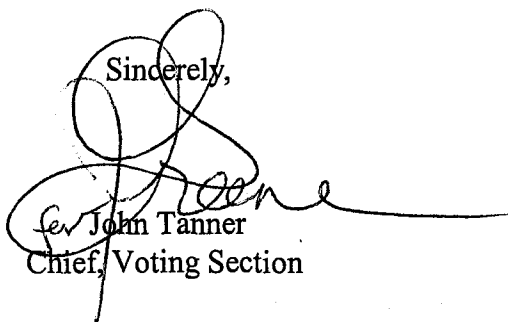
The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Chapters 277 and 278 include provisions that are enabling in nature. Therefore, the State of Florida is not relieved of its responsibility to seek Section 5 review of any changes affecting voting proposed to be implemented pursuant to this legislation as noted in Attachment A with an asterisk (e.g., any rules prescribed by the Department of State for: filing an elections-fraud complaint and for investigating complaints; making forms available via alternative formats and

-2-

via the internet; providing for changes to the uniform statewide voter registration application; governing the access use and the operation of the statewide voter registration system; governing maintenance of records in the statewide voter registration system; and interpreting and implementing the provisions of F.S. Chapters 97 through 102 and 105). See 28 C.F.R. 51.15.

Sincerely,

A handwritten signature in black ink, appearing to read "John Tanner", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Tanner
Chief, Voting Section

Attachment

Attachment A

This refers to certain acts of the Florida Legislature submitted pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. Your submission includes the following:

1. Chapter 277, Section 1 (2005) and Chapter 278, Section 1 (2005) that amend F.S. 97.012, which pertains to the responsibilities of the Secretary of State*;
2. Chapter 277, Section 2 (2005), Chapter 278, Section 2 (2005) and Chapter 286, Section 2 (2005) that amend F.S. 97.021, which pertains to the definition of terms for the purpose of the election code;
3. Chapter 277, Section 3 (2005) and Chapter 278, Section 4 (2005) that amend F.S. 97.051, which pertains to the oath used to register to vote;
4. Chapter 277, Section 4 (2005) and Chapter 278, Section 5 (2005) that amend F.S. 97.052, which pertains to the uniform statewide voter registration application*;
5. Chapter 277, Section 5 (2005) and Chapter 278, Section 6 (2005) that amend F.S. 97.053, which pertains to acceptance of voter registration applications;
6. Chapter 277, Section 6 (2005), Chapter 278, Section 8 (2005), and Chapter 286, Section 3 (2005) that amend F.S. 97.055, which pertains to the close of registration books for an election;
7. Chapter 277, Section 7 (2005) that amends F.S. 97.0575, which pertains to third party voter registration;
8. Chapter 277, Section 8 (2005), Chapter 278, Section 12 (2005), and Chapter 286, Section 4 (2005) that amend F.S. 97.071, which pertains to registration identification cards;
9. Chapter 277, Section 9 (2005) and Chapter 278, Section 18 (2005) that amend F.S. 98.045, which pertains to the administration of voter registration*;
10. Chapter 277, Section 10 (2005) and Chapter 278, Section 22 (2005) that amend F.S. 98.077, which pertains to the update of voter signatures;
11. Chapter 277, Section 11 (2005), Chapter 278, Section 51 (2005), and Chapter 286, Section 7 (2005) that amend F.S. 99.061, which pertains to the methods of qualifying for nomination or election to federal, state, county or district office;
12. Chapter 277, Section 12 (2005) and Chapter 286, Section 8 (2005) that amend F.S. 99.063, which pertains to candidates for Governor and Lieutenant Governor;

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13. Chapter 277, Section 13 (2005) that amends F.S. 99.092, which pertains to qualifying fees for candidates;

14. Chapter 277, Section 14 (2005) and Chapter 286, Section 9 (2005) that amend F.S. 99.095, which pertains to the petition process in lieu of a qualifying fee and party assessment;

15. Chapter 277, Section 15 (2005) that amends F.S. 99.0955, which pertains to the place on the ballot of candidates with no party affiliation;

16. Chapter 277, Section 16 (2005) that amends F.S. 99.096, which pertains to the place on the ballot of minor political party candidates;

17. Chapter 277, Section 17 (2005) that amends F.S. 99.09651, which pertains to signature requirements for ballot position in year of apportionment;

18. Chapter 277, Section 18 (2005) that amends F.S. 100.101, which pertains to the opening and closing of polls;

19. Chapter 277, Section 19 (2005) that amends F.S. 100.101, which pertains to special elections and special primary elections;

20. Chapter 277, Section 20 (2005) and Chapter 286, Section 13 (2005) that amend F.S. 100.111, which pertains to filling vacancies;

21. Chapter 277, Section 21 (2005) and Chapter 286, Section 14 (2005) that amend F.S. 100.141, which pertains to the notice of a special election to fill any vacancy in office;

22. Chapter 277, Section 22 (2005) that amends F.S. 101.031, which pertains to the instructions for electors;

23. Chapter 277, Section 23 (2005) and Chapter 278, Section 30 (2005) that amend F.S. 101.043, which pertains to identifications required at polls, provided that as set forth in your letter dated August 24, 2005, provisional ballots voted by persons who fail to present identification will be counted if the canvassing board finds that the signature on the voter certificate matches the signature on the voter registration record;

24. Chapter 277, Section 24 (2005) and Chapter 278, Section 32 (2005) that amend F.S. 101.048, which pertains to provisional ballots;

25. Chapter 277, Section 25 (2005) that amends F.S. 101.049, which pertains to provisional ballots under special circumstances;

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26. Chapter 277, Section 26 (2005) that amends F.S. 101.051, which pertains to electors seeking assistance in casting ballots;

27. Chapter 277, Section 27 (2005) that amends F.S. 101.111, which pertains to challenges to voters;

28. Chapter 277, Section 28 (2005) that amends F.S. 101.131, which pertains to pollwatchers;

29. Chapter 277, Section 29 (2005) that amends F.S. 101.151, which pertains to the specifications for ballots;

30. Chapter 277, Section 30 (2005) that amends F.S. 101.171, which pertains to the availability of a copy of proposed constitutional amendments at voting locations;

31. Chapter 277, Section 31 (2005) that amends F.S. 101.294, which pertains to the purchase and sale of voting equipment;

32. Chapter 277, Section 32 (2005) that amends F.S. 101.295, which pertains to penalties for violation of Sections 101.292 - 101.295;

33. Chapter 277, Section 33 (2005) that amends F.S. 101.49, which pertains to the procedure of election officers where signatures differ;

34. Chapter 277, Section 34 (2005) that amends F.S. 101.51, which pertains to requirement for the elector to occupy the voting booth alone;

35. Chapter 277, Section 35 (2005) that amends F.S. 101.5606, which pertains to the requirements for approval of voting systems;

36. Chapter 277, Section 36 (2005) that amends F.S. 101.5608, which pertains to voting by electronic or electromechanical methods;

37. Chapter 277, Section 37 (2005) that amends F.S. 101.5612, which pertains to the testing of tabulation equipment;

38. Chapter 277, Section 38 (2005) that amends F.S. 101.5614, which pertains to the canvass of returns;

39. Chapter 277, Section 39 (2005) that amends F.S. 101.572, which pertains to public inspection of ballots;

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40. Chapter 277, Section 40 (2005) that amends F.S. 101.58, which pertains to supervising and observing the voter registration and election processes;

41. Chapter 277, Section 41 (2005) that amends F.S. 101.595, which pertains analysis and reports of voting problems;

42. Chapter 277, Section 42 (2005) that amends F.S. 101.6103, which pertains to the mail ballot election procedure;

43. Chapter 277, Section 43 (2005), Chapter 278, Section 37 (2005), and Chapter 286, Section 16 (2005) that amend F.S. 101.62, which pertains to requests for absentee ballots;

44. Chapter 277, Section 44 (2005) and Chapter 278, Section 38 (2005) that amend F.S. 101.64, which pertains to the delivery of absentee ballots and envelopes;

45. Chapter 277, Section 45 (2005) and Chapter 278, Section 39 (2005) that amend F.S. 101.657, which pertains to early voting;

46. Chapter 277, Section 46 (2005) and Chapter 278, Section 40 (2005) that amend F.S. 101.663, which pertains to the change of residence of an elector;

47. Chapter 277, Section 47 (2005) that amends F.S. 101.68, which pertains to canvassing absentee ballots;

48. Chapter 277, Section 48 (2005) that amends F.S. 101.69, which pertains to voting in person and the return of absentee ballots;

49. Chapter 277, Section 49 (2005) and Chapter 278, Section 42 (2005) that amend F.S. 101.6923, which pertains to special absentee ballot instructions for certain first time voters;

50. Chapter 277, Section 50 (2005) that amends F.S. 101.5694, which pertains to the mailing of ballots upon receipt of federal postcard application;

51. Chapter 277, Section 51 (2005) that amends F.S. 101.697, which pertains to the electronic transmission of election materials;

52. Chapter 277, Section 52 (2005) and Chapter 278, Section 43 (2005) that amend F.S. 102.012, which pertains to the inspectors and clerks who conduct the election;

53. Chapter 277, Section 53 (2005) and Chapter 286, Section 17 (2005) that amends F.S. 102.014, which pertains to pollworker recruitment and training;

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54. Chapter 277, Section 54 (2005) that amends F.S. 102.031, which pertains to the maintenance of good order at the polls;

55. Chapter 277, Section 55 (2005) that amends F.S. 102.071, which pertains to the tabulation of votes and proclamation of results;

56. Chapter 277, Section 56 (2005) that amends F.S. 102.111, which pertains to the Election Canvassing Commission;

57. Chapter 277, Section 57 (2005) that amends F.S. 102.112, which pertains to the deadline of submission of county returns to the Department of State;

58. Chapter 277, Section 58 (2005) that amends F.S. 102.141, which pertains to the duties of the county canvassing board*;

59. Chapter 277, Section 59 (2005) that amends F.S. 102.166, which pertains to manual recounts;

60. Chapter 277, Section 60 (2005) that amends F.S. 102.168, which pertains to contest of an election;

61. Chapter 277, Section 61 (2005) and Chapter 286, Section 18 (2005) that amend F.S. 103.021, which pertains to nomination for presidential electors;

62. Chapter 277, Section 62 (2005) that amends F.S. 103.051, which pertains to establishment of meeting dates and times for presidential electors;

63. Chapter 277, Section 63 (2005) that amends F.S. 103.061, which pertains to the meeting of electors and filling of vacancies;

64. Chapter 277, Section 64 (2005) that amends F.S. 103.121, which pertains to the powers and duties of party executive committees;

65. Chapter 277, Section 65 (2005) and Chapter 286, Section 21 (2005) that amend F.S. 105.031, which pertains to the items to be filed for candidate qualification;

66. Chapter 277, Section 66 (2005) that amends F.S. 105.035, which pertains to the petition process;

67. Chapter 277, Section 67 (2005) that amends F.S. 106.022, which pertains to the appointment and duties of a registered agent;

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68. Chapter 277, Section 68 (2005) and Chapter 278, Section 46 (2005) that amend F.S. 106.08, which pertains to limitations on contributions;

69. Chapter 277, Section 69 (2005) that amends F.S. 106.24, which pertains to the membership, powers and duties of the Florida Election Commission;

70. Chapter 277, Section 70 (2005) that amends F.S. 106.141, which pertains to the disposition of surplus funds by candidates;

71. Chapter 277, Section 71 (2005) which transfers and renumbers F.S. 98.122 as 106.165;

72. Chapter 277, Section 72 (2005) that amends F.S. 106.22, which pertains to the duties of the Division of Elections;

73. Chapter 277, Section 73 (2005) that amends F.S. 16.56, which pertains to the Office of Statewide Prosecution;

74. Chapter 277, Section 74 (2005) that amends F.S. 119.07, which pertains to the inspection and copying of ballots;

75. Chapter 277, Section 75 (2005) that amends F.S. 145.09, which pertains to the Supervisor of Elections*;

76. Chapter 277, Section 76 (2005) that amends F.S. 104.0615, which pertains to the suppression and prohibition of vote intimidation and creates the Voter Protection Act;

77. Chapter 277, Section 77 (2005) the repeal Sections 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144;

78. Chapter 278, Section 3 (2005) that amends F.S. 97.026, which pertains to election forms to be available in alternative formats and via the internet;*

79. Chapter 278, Section 7 (2005) that amends F.S. 97.0535, which pertains to special requirements for certain voter registration applicants;

80. Chapter 278, Section 9 (2005) that amends F.S. 97.057, which pertains to voter registration by the Department of Highway Safety and Motor Vehicles;

81. Chapter 278, Section 10 (2005) that amends F.S. 97.058, which pertains to voter registration agencies*;

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82. Chapter 278, Section 11 (2005) that amends F.S. 97.061, which pertains to special registration for electors requiring assistance*;

83. Chapter 278, Section 13 (2005) that amends F.S. 97.073, which pertains to the disposition of voter registration applications;

84. Chapter 278, Section 14 (2005) and Chapter 286, Section 5 (2005) that amend F.S. 97.1031, which pertains to the notice of change of residence, change of name or change or party affiliations;

85. Chapter 278, Section 15 (2005) that amends F.S. 97.105, which pertains to the establishment of a permanent single registration system;

86. Chapter 278, Section 16 (2005) that amends F.S. 98.015, which pertains to the duties of the supervisor of elections;

87. Chapter 278, Section 17 (2005) that amends F.S. 98.035, which pertains to the statewide voter registration system*;

88. Chapter 278, Section 19 (2005) that amends F.S. 98.065, which pertains to registration list maintenance program;

89. Chapter 278, Section 20 (2005) that amends F.S. 98.075, which pertains to voter registration records maintenance activities*;

90. Chapter 278, Section 21 (2005) that amends F.S. 98.0755, which pertains to the appeal of a determination of ineligibility;

91. Chapter 278, Section 23 (2005) and Chapter 286, Section 6 (2005) that amend F.S. 98.081, which pertains to names removed from the statewide voter registration system;

92. Chapter 278, Section 24 (2005) that amends F.S. 98.093, which pertains to the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and person convicted of a felony;

93. Chapter 278, Section 25 (2005) that amends F.S. 98.0981, which pertains to the statewide voter registration database;

94. Chapter 278, Section 26 (2005) that amends F.S. 98.212, which pertains requirements for the Department of State and county supervisors to furnish statistical and other information regarding election results and voter registration;

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95. Chapter 278, Section 27 (2005) that amends F.S. 98.461, which pertains to the contents of the voter registration application and precinct register;

96. Chapter 278, Section 28 (2005) that amends F.S. 100.371, which pertains to the placement of initiatives on ballots;

97. Chapter 278, Section 29 (2005) that amends F.S. 101.001, which pertains to precinct boundaries and polling places;

98. Chapter 278, Section 31 (2005) that amends F.S. 101.045, which pertains to the requirement that electors be registered in a precinct and provisions for residence or name changes;

99. Chapter 278, Section 33 (2005) that amends F.S. 101.161, which pertains to ballots for referenda;

100. Chapter 278, Section 34 (2005) that amends F.S. 101.56062, which pertains to the standards for accessible voting systems;

101. Chapter 278, Section 35 (2005) that amends F.S. 101.5608, which pertains to procedures for voting by electronic or electromechanical methods*;

102. Chapter 278, Section 36 (2005) that amends F.S. 101.573, which pertains to the record of election results, by precinct*;

103. Chapter 278, Section 41 (2005) that amends F.S. 101.6921, which pertains to the delivery of special absentee ballots to certain first time voters;

104. Chapter 278, Section 44 (2005) that amends F.S. 104.013, which pertains to the unauthorized use, possession or destruction of voter information cards;

105. Chapter 278, Section 45 (2005) that amends F.S. 106.0705, which pertains to the electronic filing of campaign treasurer's report;

106. Chapter 278, Section 47 (2005) that amends F.S. 106.33, which pertains to election campaign financing;

107. Chapter 278, Section 48 (2005) that amends F.S. 106.34, which pertains to campaign expenditure limits;

108. Chapter 278, Section 49 (2005) that amends F.S. 196.141, which pertains to the duty of the property appraiser in cases of homestead exemptions;

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109. Chapter 278, Section 50 (2005) that amends F.S. 120.54, which pertains to rulemaking*;

110. Chapter 278, Section 52 (2005) that amends F.S. 322.142, which pertains to color photographic or digitally imaged licenses;

111. Chapter 278, Section 53 (2005) that creates a new law, which pertains to violations of absentee ballot and voting laws;

112. Chapter 278, Section 54 (2005) that repeals Subsection 1 of F.S. 104.047, which pertains to the electronic filing of campaign treasurer's report;

113. Chapter 278, Section 55 (2005) that repeals Sections 98.055, F.S., relating to voter registration list maintenance forms; 98.095, F.S., relating to county voter registers; 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; 98.0979, F.S., relating to inspection of the statewide voter registration database; 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; 98.231, F.S., relating to duty of the supervisor of elections to furnish the department with the number of registered electors; 98.451, F.S., relating to automation in processing voter registration data; 98.481, F.S., relating to challenges to electors; 101.635, F.S., relating to distribution of blocks of printed ballots;

114. Chapter 279, Section 1 (2005) that amends F.S. 97.0585, which pertains to public record exemptions and information regarding voters;

115. Chapter 279, Section 2 (2005) that amends F.S. 741.465, which pertains to public record exemptions for the Address Confidentiality Program for Victims of Domestic Violence;

116. Chapter 286, Section 1 (2005) that repeals F.S.100.091 and 100.096, which pertains to the second primary election;

117. Chapter 286, Section 10 (2005) that amends F.S. 99.103, which pertains to the Department of State's remittance of a portion of the filing fee and party assessment of candidates;

118. Chapter 286, Section 11 (2005) that amends F.S. 100.061, which pertains to primary elections;

119. Chapter 286, Section 12 (2005) that amends F.S. 100.081, which pertains to nomination of county commissioners at the primary election;

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120. Chapter 286, Section 15 (2005) that amends F.S. 101.252, which pertains to the candidates that are entitled to have their names printed on the ballot;

121. Chapter 286, Section 19 (2005) that amends F.S. 103.022, which pertains to write in candidates for President and Vice President;

122. Chapter 286, Section 20 (2005) that amends F.S. 103.091, which pertains to political parties;

123. Chapter 286, Section 22 (2005) that amends F.S. 105.041, which pertains to the form of ballots;

124. Chapter 286, Section 23 (2005) that amends F.S. 105.051, which pertains to determinations of election or retention to an office;

125. Chapter 286, Section 24 (2005) that amends F.S. 106.07, which pertains to reports of contributions;

126. Chapter 286, Section 25 (2005) that amends F.S. 106.08, which pertains limitations on contributions;

127. Chapter 286, Section 26 (2005) that amends F.S. 106.29, which pertains to reports on contributions and expenditures by political parties.

128. Chapter 278, Section 46 (2005) that amends F.S. 106.8, which pertains to campaign finance contribution limitations.

* Includes enabling legislation

Exhibit 2a



SECTION 5 SUBMISSION

NO. 2011-2187

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KURT S. BROWNING
Secretary of State

June 8, 2011

Mr. Chris Herren
Chief, Voting Section, Civil Rights Division
United States Department of Justice, Room 7254-NWB
1800 G Street, N.W.
Washington, DC 20530

2011 JUN -9 PM 12:06
CIVIL RIGHTS DIVISION

RE: Preclearance submission for chapter 2011-40, Laws of Florida (CS/CS/HB 1355)

Dear Mr. Herren:

Pursuant to section 5 of the Voting Rights Act, as amended, we submit for review and preclearance chapter 2011-40, Laws of Florida (CS/CS/HB 1355) ("An act relating to elections..."). This law amends several provisions of the Florida Election Code, which encompass chapters 97 through 106 of the Florida Statutes. This legislation became law on May 19, 2011.

This submission is made by the Secretary of State on behalf of the five Florida counties (Collier, Hardee, Hendry, Hillsborough and Monroe) that are required to obtain preclearance before implementing any new standard, practice, or procedure that affects voting (the "preclearance counties").

We seek your determination that chapter 2011-40, Laws of Florida, does not have the purpose or effect of denying or abridging the right to vote on account or race, color, or language minority group.

This submission accompanying this letter follows the format of 28 C.F.R. section 51.27. We respectfully request that any correspondence regarding this submission include the record file number assigned by the Department of Justice in order for us to better track this file. Should you require any additional information to complete your review, please do not hesitate to ask.

Respectfully,

Kurt S. Browning

In accordance with the format in 28 C.F.R. section 51.27, and on behalf of Collier, Hardee, Hendry, Hillsborough and Monroe Counties, the Florida Department of State submits the following materials related to chapter 2011- 40, Laws of Florida. The underlying bill was Committee Substitute for Committee Substitute for House Bill 1355 ("CS/CS/HB 1355").

a) A copy of the law embodying change affecting voting.

Exhibit A contains a copy of chapter 2011-40, Laws of Florida, which is also available at:
<http://laws.flrules.org/2011/40>

b) A copy of the law embodying voting practice that is proposed to be repealed, amended, or otherwise changed.

Exhibit B consists of the Florida Election Code (chapters 97-106, Florida Statutes) which is available by searchable online link at:
<http://election.dos.state.fl.us/publications/pdf/2010/2010ElectionLaws.pdf>
Exhibit B also includes sections 112. 312, 876.05, and 876.07, Florida Statutes, which were amended by chapter 2011-40, Laws of Florida, but are codified outside the Florida Election Code.

c) Statement of the change explaining the difference between the submitted change and the prior law or practice.

Exhibit C is a compilation of legislative materials relating to CS/CS/HB 1355 which is also available online at:

- The Florida House and Senate bill history and the Florida House staff analysis:
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=46543&SessionIndex=-1&SessionId=66&BillText=&BillNumber=1355&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>
- The Florida Senate 2011 End-of-Session Bill Summary:
<http://www.flsenate.gov/Committees/BillSummaries/2011/html/1355EE>
- The Florida House 2011 End-of Session Bill Summary:
<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Session&CommitteeId=&Session=2011&DocumentType=End of Session Summaries&FileName=2011 End Of Session Summary.pdf>

Exhibit D consists of the Senate bill history and staff analysis for CS/CS/HB 2086 which was the Senate companion to CS/CS/HB 1355 and laid on the table for that bill. The materials may be helpful for explaining differences that are not otherwise addressed in the staff analysis for CS/CS/HB 1355 but which became a part of the bill in the final days. <http://www.flsenate.gov/Session/Bill/2011/2086>

Exhibit E is a section-by-section description of chapter law 2011-40, Laws of Florida, prepared by the Department of State.

d) The name, title, address, and telephone number of the person making the submission:

Secretary Kurt S. Browning
Florida Department of State
R.A. Gray Building,
500 S. Bronough Street
Tallahassee, Florida 32399-0250
(850) 245-6200

e) The name of the submitting authority and the name of the jurisdiction for the change.

The Florida Department of State submits this request on behalf of the five designated preclearance counties in Florida: Collier, Hardee, Hendry, Hillsborough, and Monroe.

f) Name of county and state submitting this request.

See response to paragraph e).

g) Identification of the person or body responsible for the change and mode of decision.

The 2011 Florida Legislature acted pursuant to its authority to legislate. See ss. 6 and 7, Article III, Florida Constitution. Legislation may originate in either chamber. On May 6, 2011, the House of Representatives and the Senate, passed CS/CS/HB 1355 by the constitutionally mandated majority vote. After the bill was signed by each of the presiding officer in each house and by the Secretary of the Senate and the clerk of the House of Representatives, the bill was presented to the Governor on the same day. The Governor signed the bill into law within 15 days of receiving the bill and the bill became law on May 19, 2011. See section 8 of Article III of the Florida Constitution.

Link to searchable online database to Florida Constitution-

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=208478549&CFTOKEN=66662854#A3S06>

h) Statement identifying the statutory or other authority under which the jurisdiction undertakes the change and description of procedures to follow in deciding to undertake change.

The Secretary of State is the state's chief elections officer. See section 97.012, Florida Statutes. The actual conduct of the elections is the constitutional and statutory responsibility of the 67 county supervisors of elections who are constitutionally elected officers (with the exception of Miami-Dade County's Supervisor, who is appointed). See section 1, article VIII, Florida Constitution. Their duties are set forth throughout the Florida Election Code, but primarily in section 98.015, Florida Statutes.

See also section 1, article VIII, Fla. Const.

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=208533739&CFTOKEN=70920111#A8>

See link to searchable Florida Election Code

<http://election.dos.state.fl.us/publications/pdf/2010/2010ElectionLaws.pdf>

i) **The date of adoption of the change affecting voting.**

Except as otherwise expressly stated in chapter 2011-40, Laws of Florida, most of the provisions became effective on May 19, 2011, when the bill was signed into law. See section 80 of chapter 2011-40, Laws of Florida.

j) **The date on which the change is to take effect.**

See response to paragraph i).

k) **A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

The changes have not yet been enforced or administered in the five Florida counties subject to preclearance under Section 5 of the Voting Rights Act.

At this time, elections are scheduled as follows for the preclearance counties:

Collier County: November 22, 2011 - City of Everglades

Hardee: None for remainder of 2011

Hendry: None for remainder of 2011

Hillsborough: None for remainder of 2011

Monroe: October 4, 2011 - City of Key West

November 8, 2011 - City of Layton and City of Marathon

l) **Where the change will affect less than the entire jurisdiction, explain scope.**

The changes affect all 67 counties in Florida, including the five preclearance counties.

m) **Statement of the reasons for change.**

Exhibit F contains the general and specific links to the chronological listing of audiovisual or audio podcasts or recordings of the committee meetings and floor sessions that related to CS/CS/HB 1355.

- <http://www.myfloridahouse.gov/Sections/PodCasts/PodCasts.aspx>
- <http://www.myfloridahouse.gov/Sections/HouseCalendar/broadcast.aspx>
- <http://www.flsenate.gov/Media/Videos/Session/1>

- ***April 1, 2011: House Government Operations Subcommittee-***

http://www.myfloridahouse.gov/FileStores/AdHoc/PodCasts/04_01_2011/Government_Operations_2011_04_01.mp3

Link to meeting package, see page 8-

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2622&Session=2011&DocumentType=Action%20Packets&FileName=Gov%20Ops%20Sub%204-1-2011.pdf>

- ***April 14, 2011: House State Affairs Committee-***

http://www.myfloridahouse.gov/FileStores/AdHoc/PodCasts/04_14_2011/State_Affairs_2011_04_14.mp3

Link to meeting package, see page 20-

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2589&Session=2011&DocumentType=Action%20Packets&FileName=State%20Affairs%20Action%20Packet%20-%2004-14-11.pdf> - Pg 20

- ***April 20, 2011: House Floor session–***

http://streams.leg.state.fl.us/archive/HIGH/H_HSES_2011_04_20_8711.asx - Bill starts at 4 hours 17 min. Lasts until the end of video.

- ***April 21, 2011: House Floor debate (passage)-***

http://streams.leg.state.fl.us/archive/HIGH/H_HSES_2011_04_21_8718.asx

- ***May 4, 2011: Senate Floor debate–***

http://streams.leg.state.fl.us/archive/HIGH/S_SSES_2011_05_04_8818.asx - - Bill starts at the beginning. Lasts until around 1 hour 29 min.

- ***May 5, 2011: Senate Floor debate (passage with amendments; back to House)***

http://streams.leg.state.fl.us/archive/MBR/S_SSES_2011_05_05_8823.asx

http://streams.leg.state.fl.us/archive/MBR/S_SSES_2011_05_05_8824.asx

- ***May 5, 2011: House Floor debate-(final passage)***

http://streams.leg.state.fl.us/archive/MBR/H_HSES_2011_05_05_8825.asx

n) A statement of the anticipated effect of the change on members of racial or language minorities.

The 2011 legislative changes to the Florida Election Code will apply equally to all voters, regardless of racial or language minority status.

o) A statement identifying any past or pending litigation concerning the change or related voting practices.

On June 3, 2011, a lawsuit was filed in the United States District Court for the Southern District of Florida seeking an injunction to prevent implementation of Chapter 2011-40, Laws of Florida, in any of Florida's 67 counties, until preclearance has been obtained for the five counties subject to Section 5 of the Voting Rights Act, as amended. *See Sullivan v. Browning*, Civ. No. 1:11-cv-10047-KMM.

As stated in paragraph k, above, the changes to voting practices and procedures contained in Chapter 2011-40, Laws of Florida, have not been enforced or administered in the five preclearance counties, nor will these changes be enforced or administered in these counties pending preclearance.

p) A statement that the prior practice has been precleared.

The elections legislation revises existing provisions that have been precleared at various times in the past. However, the legislation also creates some new provisions for which this submission represents a first-time preclearance review.

q) For redistricting and annexations: the items listed under s. 51.28(a)(1) and (b)(1); for annexations only, the items listed under s. 51.28(c)(3).

Not applicable.

Exhibit G contains 2008 and 2010 General Elections Demographics and Voting History for the five preclearance counties in a tab-delimited format.

Exhibit 2b

CHAPTER 2011-40

Committee Substitute for
Committee Substitute for House Bill No. 1355

An act relating to elections; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; amending s. 97.021, F.S.; redefining the term "minor political party"; amending s. 97.025, F.S.; replacing a requirement for the Department of State to print copies of a pamphlet containing the Election Code with a requirement that the pamphlet be made available; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the Division of Elections and provide the division with certain information; requiring that the division or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division maintain a database of certain information; requiring supervisors of elections to provide specified information to the division in a format and at times required by the division; requiring that such information be updated and made public daily at a specified time; requiring third-party voter registration organizations to deliver collected voter registration applications within a specified period; revising penalty provisions to conform; specifying grounds for an affirmative defense to a violation of timely submission requirements; providing for the referral of violations to the Attorney General; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; providing for retroactive application of certain requirements applicable to third-party voter registration organizations; deleting provisions providing for fines to be in addition to criminal penalties; deleting provisions providing a continuing appropriation of the proceeds of fines; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing instructions for implementation by the supervisors of elections; amending s. 97.073, F.S.; requiring a supervisor to notify an applicant within 5 business days regarding disposition of the voter registration applications; amending s. 97.1031, F.S.; revising the methods by which a person must update his or her voter registration due to a change of address; revising procedures for an elector to change his or her party affiliation; requiring an elector to notify the supervisor of elections when the elector changes his or her name; amending s. 98.075, F.S.; revising procedures for the removal of deceased persons and other potentially ineligible persons from the statewide voter registration system; amending s. 98.093, F.S.; revising requirements for the Department of Corrections to provide the Department of State with

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information relating to convicted felons; requiring the Florida Parole Commission to regularly furnish data to the Department of State relating to persons who have been granted clemency; amending s. 98.0981, F.S.; providing timeframes and formats for voting history information to be sent by the supervisors of elections to the department; providing timeframes and formats for voting history information to be sent by the department to the President of the Senate, the Speaker of the House of Representatives, and the respective minority leaders; requiring submission of precinct-level information in a certain format by a time certain; amending s. 99.012, F.S.; relating to restrictions on individuals qualifying for public office; providing that if a final court order determines that a person did not comply with specified provisions, the person is not qualified as a candidate and his or her name may not appear on ballot; providing for nonapplicability to presidential and vice presidential candidates; amending s. 99.021, F.S.; revising the candidate oath requirement for a person seeking to qualify for nomination or election or as a candidate of a political party; removing a requirement for the qualifying officer to provide a printed copy of the candidate oath; removing a requirement for taking the public employee oath; clarifying that candidates for United States President and Vice President need not subscribe certain oaths; correcting references for other oaths; amending s. 99.061, F.S.; revising the timeframe for a candidate to pay a qualifying fee under certain circumstances; requiring checks to be payable as prescribed by the filing officer; requiring signatures on certain oaths to be verified; removing a requirement for a public employee oath; requiring the filing of a verified notarized financial disclosure statement; clarifying the time for qualifying papers to be received; providing that the qualifying officer performs a ministerial duty only; exempting a decision by the qualifying officer from the Administrative Procedure Act; amending s. 99.063, F.S.; requiring a candidate's oath to be verified; deleting a requirement for a candidate to file a loyalty oath with the Department of State by a certain date; amending s. 99.092, F.S.; providing for the transfer of the election assessment to the Elections Commission Trust Fund; amending s. 99.093, F.S.; providing for the election assessments paid by a person seeking to qualify for a municipal office to be forwarded by the qualifying officer to the Florida Elections Commission; amending s. 99.095, F.S.; allowing a candidate to obtain the required number of signatures from any registered voter regardless of district boundaries in a year of apportionment; amending s. 99.097, F.S.; providing for the Department of State to adopt rules to verify petitions through random sampling; creating exceptions for certain petitions from the authorization to use random sampling to verify petitions; revising criteria that a supervisor of elections must use to determine whether a petition may be counted as valid; providing that an exemption from paying fees to verify petitions does not apply if a person has been paid to solicit signatures; providing that contributions received after the filing of an undue burden oath must first be used to pay fees for verifying petitions; amending s. 100.061, F.S.; increasing the time period between a primary election and a general election; amending s. 100.101, F.S.; conforming a provision to changes made by the act; amending s. 100.111, F.S.; deleting provisions

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TALLER

A

EXHIBIT

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relating to vacancies in a state or county office because an incumbent qualified as a candidate for federal office; providing for a filing officer, rather than the Department of State, to notify a political party that it may nominate a person for office if certain events cause the party to have a vacancy in nomination; revising provisions relating to the filling of a vacancy in a nomination; deleting a defined term; providing that a vacancy in nomination is not created as the result of certain court orders; amending s. 100.371, F.S.; deleting provisions relating to a right to revoke a signature on an initiative petition; reducing the time period for which a signed and dated initiative petition form is valid; requiring an initiative sponsor to submit an initiative form to the supervisor of elections for the county of residence of the person signing the form for verification; providing procedures for misfiled petitions; revising criteria for a supervisor of elections to verify a signature on an initiative petition form; deleting provisions relating to petition signature revocations; amending s. 101.001, F.S.; requiring the supervisors of elections to provide the department with precinct data including specified information; requiring the department to maintain a searchable database containing certain precinct and census block information; requiring supervisors of elections to notify the department of precinct changes within a specified time; deleting a waiver; amending s. 101.043, F.S.; replacing references to the word "voter" with "elector"; providing that the address on an elector's identification may not be used to confirm or challenge an elector's legal residence; providing that the elector may not be asked to provide additional information or to recite his or her home address under certain circumstances; amending s. 101.045, F.S.; permitting a change of residence at the polling place for a person changing residence within a county; providing that a person whose change of address is from outside the county may not change his or her legal residence at the polling place or vote a regular ballot but may vote a provisional ballot; providing an exception; amending s. 101.131, F.S.; revising procedures for the designation of poll watchers; requiring that the Division of Elections prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers by a specified period before early voting begins; requiring that poll watchers display such identification while in a polling place; amending s. 101.151, F.S.; authorizing the use of ballot-on-demand technology to produce election-day ballots; deleting a requirement that the use of such technology be authorized in writing by the Secretary of State; revising provisions relating to ballot headings and the order of candidates appearing on a ballot; amending s. 101.161, F.S.; requiring the Department of State to provide the supervisors of elections either a ballot summary to a joint resolution to amend the State Constitution or the full text of the amendment or revision if a ballot summary is not included in the joint resolution; providing that a joint resolution may include multiple ballot statements set forth in order of priority; providing requirements for ballot statements; detailing responsibilities of the Department of State with respect to providing ballot information to supervisors of elections; prescribing the styling of ballot

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statements; specifying a time period and procedures to initiate an action to challenge an amendment to the State Constitution proposed by the Legislature; requiring the court, including an appellate court, to accord the case priority over other cases; requiring the Attorney General to revise a ballot title or ballot summary for an amendment proposed by the Legislature under certain circumstances; providing a 10-day deadline and procedures for challenging revised ballot titles or summaries; requiring the Department of State to forward modified ballot language to supervisors of elections; creating a presumption of validity of a ballot statement that contains the full text of an amendment or revision; providing for retroactive application of the amendments to s. 101.161, F.S.; amending s. 101.5605, F.S.; requiring an electromechanical voting system to satisfy the standards for certification adopted by rule of the Department of State; amending s. 101.5606, F.S.; deleting requirements for electromechanical voting systems to have the capability to produce precinct totals in marked or punched form; amending s. 101.56075, F.S.; providing that all voting systems utilized after a certain time shall permit placement on the ballot of the full text of a constitutional amendment or revision; amending s. 101.5612, F.S.; revising the sample size of electromechanical voting systems that include the electronic or electromechanical tabulation devices to be tested; amending s. 101.5614, F.S.; deleting provisions relating to the use of ballot cards and write-in ballots or envelopes; amending s. 101.591, F.S.; removing the audit requirement by the canvassing board if a manual recount is undertaken; amending s. 101.62, F.S.; extending the validity of an absentee ballot request to include all elections to the end of the calendar year of the second ensuing regularly scheduled general election; revising the timeframe for supervisors to electronically update absentee ballot request information; specifying types of elections for which a supervisor of elections must send an absentee ballot to uniformed services voters and overseas voters; specifying a time period during which a supervisor of elections must begin mailing absentee ballots; removing requirements that an elector provide certain information when requesting an absentee ballot from the county supervisor of elections; amending s. 101.65, F.S.; revising the form of the instructions to absent electors; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions for updating a signature on a voter registration application; amending s. 101.657, F.S.; requiring the supervisor of elections to provide to the division the address and hours of operation of early voting sites; reducing the early voting period for elections with state or federal races; removing timetables with respect to early voting in special elections; removing restrictions with respect to daily hours of operation of early voting sites; authorizing a supervisor of elections to provide early voting for elections not held in conjunction with a state or federal election; amending s. 101.68, F.S.; extending the time for canvassing and processing absentee ballots to 15 days before the election; amending s. 101.6923, F.S.; revising the form of the special absentee ballot instructions for certain first-time voters; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions

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for updating a signature on a voter registration application; amending s. 101.75, F.S.; deleting a requirement for the dates of the qualifying period for certain municipal elections to run for no less than 14 days; amending s. 102.141, F.S.; requiring the canvassing board to report all early voting and all tabulated absentee results to the department by a time certain; requiring periodic updates; amending s. 102.168, F.S.; revising provisions specifying indispensable parties in a contest of an election; providing that in an election contest involving the review of a signature on an absentee ballot by a canvassing board, a circuit court may not review or consider evidence other than the signature on the voter's certificate and the elector's signatures in the registration records; providing for the reversal of the determination by the canvassing board if the court determines that the board abused its discretion; amending s. 103.021, F.S.; revising a definition; creating s. 103.095, F.S.; providing a procedure for the registration of a minor political party; requiring the Division of Elections to adopt rules to prescribe the manner in which political parties may have their filings cancelled; amending s. 103.101, F.S.; creating a Presidential Preference Primary Date Selection Committee; providing membership; requiring for the committee to meet by a date certain and to set a date for the presidential preference primary; modifying timing requirements with respect to the number and selection of delegates for presidential preference primary candidates; deleting certain requirements governing party rules involving such delegates; amending s. 103.141, F.S.; revising procedures for the removal of an officer, county committeeman, county committee-woman, precinct committeeman, precinct committeewoman, or member of a county executive committee; repealing s. 103.161, F.S., which relates to the removal or suspension of officers or members of a state or county executive committee; amending s. 104.29, F.S.; revising provisions authorizing persons to view whether ballots are being correctly reconciled; amending s. 105.031, F.S.; revising the oath for candidates for judicial office; amending s. 106.011, F.S.; revising the definitions of the terms "contribution," "independent expenditure," "unopposed candidate," and "candidate"; conforming a cross-reference to changes made by the act; amending s. 106.021, F.S.; deleting requirements to report the address of certain persons receiving a reimbursement by a check drawn on a campaign account; amending s. 106.022, F.S.; requiring a political committee, committee of continuous existence, or electioneering communications organization to file a statement of appointment with the filing officer rather than with the Division of Elections; authorizing an entity to change its appointment of registered agent or registered office by filing a written statement with the filing officer; requiring a registered agent who resigns to execute a written statement of resignation and file it with the filing officer; amending s. 106.023, F.S.; revising the form of the statement of candidate to require a candidate to acknowledge that he or she has been provided access to and understands the requirements of ch. 106, F.S.; amending s. 106.025, F.S.; exempting tickets or advertising for a campaign fundraiser from requirements of s. 106.143, F.S.; amending s. 106.03, F.S.; revising requirements for groups making expenditures for electioneering communications to file a statement of organization; amending s. 106.04,

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F.S.; transferring a requirement that certain committees of continuous existence file campaign finance reports in special elections; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the Division of Elections or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases in a report filed with the Division of Elections; requiring a committee of continuous existence to report changes in information previously reported to the Division of Elections within 10 days after the change; requiring the Division of Elections to revoke the certification of a committee of continuous existence that fails to file or report certain information; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as a person whom the filing officer may notify that a report has not been filed; providing criteria for deeming delivery complete of a notice of fine; requiring a committee of continuous existence that appeals a fine to provide a copy of the appeal with the filing officer; amending s. 106.07, F.S.; creating an exception for reports due in the third calendar quarter immediately preceding a general election from a requirement that the campaign treasurer report contributions received and expenditures made on the 10th day following the end of each calendar quarter; revising reporting requirements for a statewide candidate who receives funding under the Florida Election Campaign Financing Act and candidates in a race with a candidate who has requested funding under that act; deleting a requirement for a committee of continuous existence to file a campaign treasurer's report relating to contributions or expenditures to influence the results of a special election; revising the methods by which a campaign treasurer may be notified of the determination that a report is incomplete to include certified mail and other methods using a common carrier that provides proof of delivery of the notice; extending the time the campaign treasurer has to file an addendum to the report after receipt of notice of why the report is incomplete; providing criteria for deeming delivery complete of a notice of incomplete report; deleting a provision allowing for notification by telephone of an incomplete report; revising the information that must be included in a report to include transaction information for credit card purchases; deleting a requirement for a campaign depository to return checks drawn on the account to the campaign treasurer; specifying the amount of a fine for the failure to timely file reports after a special primary election or special election; specifying that the registered agent of a political committee is a person whom a filing officer may notify of the amount of the fine for filing a late report; providing criteria for deeming delivery complete of a notice of late report and resulting fine; amending s. 106.0703, F.S.; deleting a requirement that an electioneering communications organization file electronically file certain periodic reports with the Department of State; amending s. 106.0705, F.S.; requiring certain individuals to electronically file certain reports with the Division of Elections; conforming a cross-

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reference to changes made by the act; deleting an obsolete provision; amending s. 106.08, F.S.; deleting a requirement for the Department of State to notify candidates as to whether an independent or minor party candidate has obtained the required number of petition signatures; deleting a requirement for certain unopposed candidates to return contributions; specifying the entities with which a political party's state executive committee and county executive committees and affiliated party committees must file a written acceptance of an in-kind contribution; amending s. 106.09, F.S.; specifying that the limitations on contributions by cash or cashier's check apply to the aggregate amount of contributions to a candidate or committee per election; amending s. 106.11, F.S.; revising the statement that must be contained on checks from a campaign account; deleting requirements relating to the use of debit cards; authorizing a campaign for a candidate to reimburse the candidate's loan to the campaign when the campaign account has sufficient funds; amending s. 106.141, F.S.; deleting a limit on the amount of surplus funds that a candidate may give to his or her political party; requiring candidates receiving public financing to return all surplus funds to the General Revenue Fund after paying certain monetary obligations and expenses; amending s. 106.143, F.S.; specifying disclosure statements that must be included in political advertisements paid for by a write-in candidate; revising the disclosure statements that must be included in certain political advertisements; clarifying the type of political advertisements that must be approved in advance by a candidate; deleting an exemption from the requirement to obtain a candidate's approval for messages designed to be worn; authorizing a disclaimer for paid political advertisements to contain certain registered names and abbreviations; amending s. 106.1437, F.S.; providing that expenditures for a miscellaneous advertisement are not considered to be a contribution to or on behalf of a candidate and do not constitute an independent expenditure; amending s. 106.17, F.S.; providing that the cost of certain polls are not contributions to a candidate; amending s. 106.19, F.S.; providing that a candidate's failure to comply with ch. 106, F.S., has no effect on whether the candidate has qualified for office; amending s. 106.25, F.S.; authorizing a person who is the subject of a complaint filed with the Florida Elections Commission to file a response before the executive director of the commission determines whether the complaint is legally sufficient; prohibiting the commission from determining by rule what constitutes willfulness or defining the term "willful"; authorizing the commission to enter into consent orders without requiring the respondent to admit to a violation of law; authorizing an administrative law judge to impose civil penalties for violations of ch. 104 or ch. 106, F.S.; amending s. 106.26, F.S.; requiring the commission to enforce certain witness subpoenas in the circuit court where the witness resides; amending s. 106.265, F.S.; authorizing an administrative law judge to assess civil penalties upon a finding of a violation of the election code or campaign financing laws; providing for civil penalties to be assessed against an electioneering communications organization; removing reference to the expired Election Campaign Financing Trust Fund; directing that moneys from penalties and fines be deposited into the

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General Revenue Fund; amending s. 106.29, F.S.; creating an exemption from state reporting requirements for certain contributions and expenditures by political parties; requiring state and county executive committees and affiliated party committees that make contributions or expenditures to influence the results of a special election or special primary election to file campaign treasurer's reports; amending campaign finance reporting dates, to conform; deleting a requirement that each state executive committee file the original and one copy of its reports with the Division of Elections; revising the due date for filing a report; providing criteria for deeming delivery complete of a notice of fine; amending s. 106.35, F.S.; deleting a requirement that the Division of Election adopt rules relating to the format and filing of certain printed campaign treasurer's reports; amending s. 112.312, F.S.; excluding contributions or expenditures reported pursuant to federal election law from the definition of the term "gift"; amending s. 112.3215, F.S.; excluding contributions or expenditures reported pursuant to federal election law from the definition of the term "expenditure"; amending s. 876.05, F.S.; deleting a requirement for all candidates for public office to record an oath to support the Constitution of the United States and of the State of Florida; repealing s. 876.07, F.S., relating to a requirement that a person make an oath to support the Constitution of the United States and of the State of Florida in order to be qualified as a candidate for office; providing for severability of the act; providing effective dates.

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

Section 1. Subsection (16) is added to section 97.012, Florida Statutes, to read:

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

(16) Provide written direction and opinions to the supervisors of elections on the performance of their official duties with respect to the Florida Election Code or rules adopted by the Department of State.

Section 2. Subsection (18) of section 97.021, Florida Statutes, is amended to read:

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

(18) "Minor political party" is any group as specified defined in s. 103.095 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~~

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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.

Section 3. Section 97.025, Florida Statutes, is amended to read:

97.025 Election Code; copies thereof.—A pamphlet of a reprint of the Election Code, adequately indexed, shall be prepared by the Department of State. The pamphlet shall be made available. ~~It shall have a sufficient number of these pamphlets printed so that one may be given, upon request, to each candidate who qualifies with the department. The pamphlet shall be made available. A sufficient number may be sent to each supervisor, prior to the first day of qualifying, so that for distribution, upon request, to each candidate who qualifies with the supervisor and to each clerk of elections have access to the pamphlet. The cost of making printing the pamphlets available shall be paid out of funds appropriated for conducting elections.~~

Section 4. Section 97.0575, Florida Statutes, is amended to read:

97.0575 Third-party voter registrations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following information:

(a) The names of the officers of the organization and the name and permanent address of the organization.

(b) The name and address of the organization's registered agent in the state.

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization.

(d) A sworn statement from each registration agent employed by or volunteering for the organization stating that the agent will obey all state laws and rules regarding the registration of voters. Such statement must be on a form containing notice of applicable penalties for false registration.

(2) The division or the supervisor of elections shall make voter registration forms available to third-party voter registration organizations. All such forms must contain information identifying the organization to which the forms are provided. The division shall maintain a database of all third-party voter registration organizations and the voter registration forms assigned to the third-party voter registration organization. Each supervisor of elections shall provide to the division information on voter registration forms assigned to and received from third-party voter registration organizations. The information must be provided in a format and at times as required by the

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division by rule. The division must update information on third-party voter registrations daily and make the information publicly available.

(1) ~~Prior to engaging in any voter registration activities, a third-party voter registration organization shall name a registered agent in the state and submit to the division, in a form adopted by the division, the name of the registered agent and the name of those individuals responsible for the day-to-day operation of the third-party voter registration organization, including, if applicable, the names of the entity's board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions. On or before the 15th day after the end of each calendar quarter, each third-party voter registration organization shall submit to the division a report providing the date and location of any organized voter registration drives conducted by the organization in the prior calendar quarter.~~

(2) ~~The failure to submit the information required by subsection (1) does not subject the third-party voter registration organization to any civil or criminal penalties for such failure, and the failure to submit such information is not a basis for denying such third-party voter registration organization with copies of voter registration application forms.~~

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the ~~third-party voter registration organization, irrespective of party affiliation, race, ethnicity, or gender, shall be promptly delivered to the division or the supervisor of elections within 48 hours after the applicant completes it or the next business day if the appropriate office is closed for that 48-hour period.~~ If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections, the third-party voter registration organization is ~~shall be~~ liable for the following fines:

1.(a) A fine in the amount of \$50 for each application received by the division or the supervisor of elections more than ~~48 hours~~ 10 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf ~~or the next business day, if the office is closed.~~ A fine in the amount of \$250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2.(b) A fine in the amount of \$100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, ~~before prior to book closing for any given election for federal or state office and received by the division or the supervisor of elections after the book-closing book-closing deadline for such election.~~ A fine in the amount of \$500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

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~~3.(e)~~ A fine in the amount of \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections. A fine in the amount of \$1,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

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

~~(b)~~ A showing by the fines provided in this subsection shall be reduced by three-fourths in cases in which the third-party voter registration organization that the failure to deliver the voter registration application within the required timeframe is based upon force majeure or impossibility of performance shall be an affirmative defense to a violation of this subsection has complied with subsection (1). The secretary may shall waive the fines described in this subsection upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.

~~(4)~~ If the Secretary of State reasonably believes that a person has committed a violation of this section, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of this section or to prevent a violation of this section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

~~(5)(4)(e)~~ The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered to vote by a third-party voter registration organization but who does not appear as an active voter on the voter registration rolls. The division shall also adopt rules to ensure the integrity of the registration process, including rules requiring third-party voter registration organizations to account for all state and federal registration forms used by their registration agents. Such rules may require an organization to provide organization and form specific identification information on each form as determined by the department as needed to assist in the accounting of state and federal registration forms.

~~(b)~~ The division may investigate any violation of this section. Civil fines shall be assessed by the division and enforced through any appropriate legal proceedings.

~~(6)(5)~~ The date on which an applicant signs a voter registration application is presumed to be the date on which the third-party voter registration organization received or collected the voter registration application.

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~~(7)~~ The requirements of this section are retroactive for any third-party voter registration organization registered with the department on the effective date of this act, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section. Failure of the third-party voter registration organization to comply with the requirements within 90 days after receipt of the notice shall automatically result in the cancellation of the third-party voter registration organization's registration.

~~(6)~~ The civil fines provided in this section are in addition to any applicable criminal penalties.

~~(7)~~ Fines collected pursuant to this section shall be annually appropriated by the Legislature to the department for enforcement of this section and for voter education.

~~(8)~~ The division may adopt rules to administer this section.

Section 5. Section 97.071, Florida Statutes, is amended to read:

97.071 Voter information card.—

(1) A voter information card shall be furnished by the supervisor to all registered voters residing in the supervisor's county. The card must contain:

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Address of legal residence.
- (g) Precinct number.
- (h) Polling place address.

~~(i)(h)~~ Name of supervisor and contact information of supervisor.

~~(j)(4)~~ Other information deemed necessary by the supervisor.

(2) A voter may receive a replacement voter information card by providing a signed, written request for a replacement card to a voter registration official. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

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(3) In the case of a change of name, address of legal residence, polling place address, or party affiliation, the supervisor shall issue the voter a new voter information card.

Section 6. The supervisor must meet the requirements of section 5 of this act for any elector who registers to vote or who is issued a new voter information card pursuant to s. 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

Section 7. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application within 5 business days after voter registration information is entered into the statewide voter registration system. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A voter information card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information using a voter registration application signed by the applicant. A notice of denial must inform the applicant of the reason the application was denied.

Section 8. Subsections (1) and (2) of section 97.1031, Florida Statutes, are amended to read:

97.1031 Notice of change of residence, change of name, or change of party affiliation.—

(1)(a) When an elector changes his or her residence address, the elector must notify the supervisor of elections. Except as provided in paragraph (b), an address change must be submitted using a voter registration application.

(b) If the address change is within the state and notice is provided to the supervisor of elections of the county where the elector has moved, the elector may do so by:

1. Contacting the supervisor of elections via telephone or electronic means, in which case the elector must provide his or her date of birth; or

2. Submitting the change on a voter registration application or other signed written notice, moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. An elector may also provide notification to other voter registration officials as provided in subsection (2). A voter information

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card reflecting the new information shall be issued to the elector as provided in subsection (3).

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector shall notify his or her supervisor of elections or other provide notice of such change to a voter registration official by using a voter registration application signed written notice that contains the elector's date of birth or voter registration number by the elector. When an elector changes his or her name by marriage or other legal process, the elector shall notify his or her supervisor of elections or other voter registration official by using a signed written notice that contains the elector's date of birth or voter's registration number. A voter information card reflecting the new information shall be issued to the elector as provided in subsection (3).

Section 9. Subsections (3) and (6) of section 98.075, Florida Statutes, are amended to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from either:

a. The Department of Health as provided in s. 98.093; or,

b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration.

2. Within 7 days after Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(b) The supervisor shall remove the name of a deceased registered voter from the statewide voter registration system upon receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information other than from the sources other than those identified in subsections (2)-(5) that a registered voter is ineligible because he or she is deceased, adjudicated a convicted felon without having had his or her civil rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or

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has listed a residence that is not his or her legal residence, the supervisor ~~must~~ shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

Section 10. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish information relating to lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1) In order to identify ineligible registered voters and maintain ensure ~~the maintenance of~~ accurate and current voter registration records in the statewide voter registration system pursuant to procedures in s. 98.065 or s. 98.075, it is necessary for the department and supervisors of elections to receive or access certain information from state and federal officials and entities in the format prescribed. ~~The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.~~

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.

(b) Each clerk of the circuit court shall furnish monthly to the department a list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include the name, address, date of birth, race, sex, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number of each such person.

(c) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records

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supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Florida Parole Commission Board of Executive Clemency shall furnish at least bimonthly ~~monthly~~ to the department data, including the identity a list of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The data list shall contain the commission's Board of Executive Clemency case number and the person's name, address, date of birth, race, gender sex, Florida driver's license number, Florida identification card number, or the last four digits of the social security number, if available, and references to record identifiers assigned by the Department of Corrections and the Department of Law Enforcement, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall identify those persons who have been convicted of a felony and committed to its custody or placed on community supervision. The information must be provided to the department at a time and in manner that enables the department to identify registered voters who are convicted felons and to meet its obligations under state and federal law, furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

(3) ~~Nothing in This section does not~~ shall limit or restrict the supervisor in his or her duty to remove the names of persons from the statewide voter registration system pursuant to s. 98.075(7) based upon information received from other sources.

Section 11. Effective July 1, 2012, subsections (1) and (2) of section 98.0981, Florida Statutes, are amended to read:

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

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(a) Within 30 45 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or a general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d) by the department, completely updated voting history information for each qualified voter who voted.

(b) After receipt of the information in paragraph (a), the department shall prepare a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election:

1. The unique identifier assigned to each qualified voter within the statewide voter registration system;
2. All information provided by each qualified voter on his or her voter registration application pursuant to s. 97.052(2), except that which is confidential or exempt from public records requirements;
3. Each qualified voter's date of registration;
4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections;
5. Each qualified voter's current precinct; and
6. Voting history as transmitted under paragraph (a) to include whether the qualified voter voted at a precinct location, voted during the early voting period, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) Within 45 60 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or a general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(d) File specifications are as follows:

1. The file shall contain records designated by the categories below for all qualified voters who, regardless of the voter's county of residence or active or inactive registration status at the book closing for the corresponding election that the file is being created for:

a. Voted a regular ballot at a precinct location.

b. Voted at a precinct location using a provisional ballot that was subsequently counted.

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c. Voted a regular ballot during the early voting period.

d. Voted during the early voting period using a provisional ballot that was subsequently counted.

e. Voted by absentee ballot.

f. Attempted to vote by absentee ballot, but the ballot was not counted.

g. Attempted to vote by provisional ballot, but the ballot was not counted in that election.

2. Each file shall be created or converted into a tab-delimited format.

3. File names shall adhere to the following convention:

a. Three-character county identifier as established by the department followed by an underscore.

b. Followed by four-character file type identifier of 'VH03' followed by an underscore.

c. Followed by FVRS election ID followed by an underscore.

d. Followed by Date Created followed by an underscore.

e. Date format is YYYYMMDD.

f. Followed by Time Created - HHMMSS.

g. Followed by ".txt".

4. Each record shall contain the following columns: Record Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote Date, Vote History Code, Precinct, Congressional District, House District, Senate District, County Commission District, and School Board District.

(e) Each supervisor of elections shall reconcile, before submission, the aggregate total of ballots cast in each precinct as reported in the precinct-level election results to the aggregate total number of voters with voter history for the election for each district.

(f) Each supervisor of elections shall submit the results of the data reconciliation as described in paragraph (e) to the department in an electronic format and give a written explanation for any precincts where the reconciliation as described in paragraph (e) results in a discrepancy between the voter history and the election results.

(2)(a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 45 days after certification by the Elections Canvassing Commission the date of a presidential preference primary election, a special election, primary election, or a general election, the supervisors of elections shall collect and submit to

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the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c) the department. The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the aggregate total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type, unless fewer than 10 voters voted a ballot type. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by absentee ballot including overseas absentee ballots, during the early voting period, or by provisional ballot.

(b) The department shall make such information available on a searchable, sortable, and downloadable database via its website that also includes the file layout and codes. The database shall be searchable and sortable by county, precinct, and candidate. The database shall be downloadable in a tab-delimited format. The database shall be available for download county-by-county and also as a statewide file. Such report shall also be made available upon request.

(c) The files containing the precinct-level election results shall be created in accordance with the applicable file specification:

1. The precinct-level results file shall be created or converted into a tab-delimited text file.

2. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There shall be one header record followed by multiple data records.

3. The data records shall include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total.

Section 12. Subsections (5) and (7) of section 99.012, Florida Statutes, are amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(5) If an order of a court that has become final determines that a person did not comply with this section, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot. The name of any person who does not comply with this section may be removed

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~~from every ballot on which it appears when ordered by a circuit court upon the petition of an elector or the Department of State.~~

(7) Nothing contained in subsection (3) relates to persons holding any federal office or seeking the office of President or Vice President.

Section 13. Paragraphs (a) and (b) of subsection (1) of section 99.021, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

99.021 Form of candidate oath.—

(1)(a)1. Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105 or a federal office, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be made available furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida

County of.....

Before me, an officer authorized to administer oaths, personally appeared ... (please print name as you wish it to appear on the ballot)...., to me well known, who, being sworn, says that he or she is a candidate for the office of; that he or she is a qualified elector of County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

...(Signature of candidate)...

...(Address)...

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

...(Signature and title of officer administering oath)...

2. Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath

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or affirmation in writing. A printed copy of the oath or affirmation shall be made available furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida

County of

Before me, an officer authorized to administer oaths, personally appeared ... (please print name as you wish it to appear on the ballot) ..., to me well known, who, being sworn, says that he or she is a candidate for the office of; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; and that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she will support the Constitution of the United States.

...(Signature of candidate)...

...(Address)...

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

...(Signature and title of officer administering oath)...

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member.

2. That the person ~~is not a registered member of any other political party and has not been a registered member of candidate for nomination for any other political party for 365 days before the beginning of qualifying for a period of 6 months preceding the general election for which the person seeks to qualify.~~

3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.

(3) This section does not apply to a person who seeks to qualify for election pursuant to ss. 103.021 and 103.101.

Section 14. Subsections (5) and (7) of section 99.061, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

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

(5) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account ~~payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions or, in lieu thereof, as applicable, the copy of the notice of obtaining ballot position pursuant to s. 99.095.~~ The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying ~~notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays,~~ to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

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

~~3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.~~

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

4.5. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

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

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section ~~which that~~ do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer

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shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

Section 15. Subsection (2) of section 99.063, Florida Statutes, is amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

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

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a) duly acknowledged.

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

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

~~(c)(4)~~ The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution. A public officer who has filed the full and public disclosure with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 16. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the petition process pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party

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assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the ~~Clearing Funds Trust Fund~~ and transferred to the Elections Commission Trust Fund within the Department of Legal Affairs. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

Section 17. Subsection (1) of section 99.093, Florida Statutes, is amended to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments collected pursuant to this section to the Florida Elections Commission Department of State for deposit in transfer to the Elections Commission Trust Fund within the Department of Legal Affairs.

Section 18. Paragraph (d) is added to subsection (2) of section 99.095, Florida Statutes, to read:

99.095 Petition process in lieu of a qualifying fee and party assessment.

(2)

(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately

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preceding general election, divided by the total number of districts of the office involved.

Section 19. Subsections (1), (3), and (5) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.—

(1)(a) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

1.(a) A name-by-name, signature-by-signature check of each petition the number of authorized signatures on the petitions; or

2.(b) A check of a random sample, as provided by the Department of State, of ~~names and signatures~~ on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures ~~has~~ have been obtained with a reliability of at least 99.5 percent.

(b) Rules and guidelines for this method of petition verification shall be ~~adopted promulgated~~ by the Department of State. ~~Rules and guidelines for a random sample method of verification, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria or if the petitions are prescribed by s. 100.371, then the use of the random sample method of verification is method described in this paragraph shall not be available to supervisors.~~

(3)(a) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system. A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(b) In any situation in which this code requires the form of the petition to be prescribed by the division, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the division.

(c)(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

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(5) The results of a verification pursuant to subparagraph (1)(a)2, paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the petition names and signatures pursuant to subparagraph (1)(a)1, paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

(6)(a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition.

(b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any that are submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 106.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of an undue burden oath.

Section 20. Section 100.061, Florida Statutes, is amended to read:

100.061 Primary election.—In each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday 12 40 weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election shall be declared nominated for such office. If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.

Section 21. Section 100.101, Florida Statutes, is amended to read:

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100.101 Special elections and special primary elections.—~~Except as provided in s. 100.111(2), A special election or special primary election shall be held in the following cases:~~

- (1) If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.
- (2) If a vacancy occurs in the office of state senator or member of the state house of representatives.
- (3) If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.
- (4) If a vacancy occurs in the office of member from Florida of the House of Representatives of Congress.

Section 22. Section 100.111, Florida Statutes, is amended to read:

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, commencing on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, any person seeking nomination or election to the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the primary election, the Governor may call a special primary election to select party nominees for the unexpired portion of such term.

~~(2)(a) If, in any state or county office required to be filled by election, a vacancy occurs during an election year by reason of the incumbent having qualified as a candidate for federal office pursuant to s. 99.061, no special election is required. Any person seeking nomination or election to the office so vacated shall qualify within the time prescribed by s. 99.061 for qualifying for state or county offices to be filled by election.~~

(b) If such a vacancy occurs in an election year other than the one immediately preceding expiration of the present term, the Secretary of State shall notify the supervisor of elections in each county served by the office that

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~~a vacancy has been created. Such notice shall be provided to the supervisor of elections not later than the close of the first day set for qualifying for state or county office. The supervisor shall provide public notice of the vacancy in any manner the Secretary of State deems appropriate.~~

(2)(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101, the Governor, after consultation with the Secretary of State, shall fix the dates of a special primary election and a special election. Nominees of political parties shall be chosen under the primary laws of this state in the special primary election to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the special primary election and for the special election to coincide with the dates of the primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special primary election.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries and by committees making contributions or expenditures to influence the results of such special primaries or special elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

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

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(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

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

~~(3)(4)(a)~~ In the event that death, resignation, withdrawal, or removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the filing officer before whom the candidate qualified Department of State shall notify the chair of the appropriate state and, district, or county political party executive committee of such party; and;

1. If the vacancy in nomination is for a statewide office, the state party chair shall, within 5 days, the chair shall call a meeting of his or her executive board committee to consider designation of a nominee to fill the vacancy.

2. If the vacancy in nomination is for the office of United States Representative, state senator, state representative, state attorney, or public defender, the state party chair shall notify the appropriate county chair or chairs and, within 5 days, the appropriate county chair or chairs shall call a meeting of the members of the executive committee in the affected county or counties to consider designation of a nominee to fill the vacancy.

3. If the vacancy in nomination is for a county office, the state party chair shall notify the appropriate county chair and, within 5 days, the appropriate county chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy.

The name of any person so designated shall be submitted to the filing officer before whom the candidate qualified Department of State within 7 days after notice to the chair in order that the person designated may have his or her name on the ballot of the ensuing general election. If the name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and the former party nominee's name will appear on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

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(b) When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as the nominee would have taken had he or she regularly qualified for election to such office.

(c) Any person who, at the close of qualifying as prescribed in ss. 99.061 and 105.031, was qualified for nomination or election to or retention in a public office to be filled at the ensuing general election or who attempted to qualify and failed to qualify is prohibited from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that general election, even if such person has withdrawn or been eliminated as a candidate for the original office sought. However, this paragraph does not apply to a candidate for the office of Lieutenant Governor who applies to fill a vacancy in nomination for the office of Governor on the same ticket or to a person who has withdrawn or been eliminated as a candidate and who is subsequently designated as a candidate for Lieutenant Governor under s. 99.063.

(4) A vacancy in nomination is not created if an order of a court that has become final determines that a nominee did not properly qualify or did not meet the necessary qualifications to hold the office for which he or she sought to qualify.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections and special elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

Section 23. Subsections (1), (3), (6), (7), and (8) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election, provided the initiative petition has been filed with the Secretary of State no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors under this code, subject to the right of revocation established in this section.

(3) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid for a period of 2 4 years following such date, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for

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the county of residence listed by the person signing the form for verification of as to the number of registered electors whose valid signatures obtained appear thereon. ~~If a signature on a petition is from a registered voter in another county, the supervisor shall notify the petition sponsor of the misfiled petition.~~ The supervisor shall promptly verify the signatures within 30 days after receipt of the petition forms and payment of the fee required by s. 99.097. The supervisor shall promptly record, in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:

- (a) The form contains the original signature of the purported elector.
- (b) The purported elector has accurately recorded on the form the date on which he or she signed the form.
- (c) The form accurately sets forth the purported elector's name, street address, city, county, and voter registration number or date of birth.
- (d) ~~The purported elector is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered elector authorized to vote in the state county in which his or her signature is submitted.~~

The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee that which circulated the petition is no longer seeking to obtain ballot position.

~~(6)(a) An elector's signature on a petition form may be revoked within 150 days of the date on which he or she signed the petition form by submitting to the appropriate supervisor of elections a signed petition revocation form.~~

~~(b) The petition revocation form and the manner in which signatures are obtained, submitted, and verified shall be subject to the same relevant requirements and timeframes as the corresponding petition form and processes under this code and shall be approved by the Secretary of State before any signature on a petition revocation form is obtained.~~

~~(c) In those circumstances in which a petition revocation form for a corresponding initiative petition has not been submitted and approved, an elector may complete and submit a standard petition revocation form directly to the supervisor of elections. All other requirements and processes apply for the submission and verification of the signatures as for initiative petitions.~~

~~(d) Supervisors of elections shall provide petition revocation forms to the public at all main and branch offices.~~

~~(e) The petition revocation form shall be filed with the supervisor of elections by February 1 preceding the next general election or, if the~~

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~~initiative amendment is not certified for ballot position in that election, by February 1 preceding the next successive general election. The supervisor of elections shall promptly verify the signature on the petition revocation form and process such revocation upon payment, in advance, of a fee of 10 cents or the actual cost of verifying such signature, whichever is less. The supervisor shall promptly record each valid and verified signature on a petition revocation form in the manner prescribed by the Secretary of State.~~

~~(f) The division shall adopt by rule the petition revocation forms to be used under this subsection.~~

~~(6)(7) The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(6) (1)-(6).~~

~~(7)(8) No provision of this code shall be deemed to prohibit a private person exercising lawful control over privately owned property, including property held open to the public for the purposes of a commercial enterprise, from excluding from such property persons seeking to engage in activity supporting or opposing initiative amendments.~~

Section 24. Effective July 1, 2012, subsections (3) and (4) of section 101.001, Florida Statutes, are amended to read:

101.001 Precincts and polling places; boundaries.—

(3)(a) Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor shall provide to the department data on all precincts in the county associated with the most recent decennial census blocks within each precinct.

(c) The department shall maintain a searchable database that contains the precincts and the corresponding most recent decennial census blocks within the precincts for each county, including a historical file that allows the census blocks to be traced through the prior decade.

~~(d)(b) The supervisor of elections shall notify the Secretary of State in writing within 10 30 days after any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.~~

~~(e)(e) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by census block~~

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boundaries from the most recent United States Census. If the census block boundaries split or conflict with another political boundary listed below, the boundary listed below may be used:

1. ~~Census block boundaries from the most recent United States Census;~~
- 1.2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;
- 2.3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;
- 3.4. Boundaries of public parks, public school grounds, or churches; or
- 4.5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(d) ~~Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).~~

(4)(a) Within 10 days after there is any change in the division, number, or boundaries of the precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered precincts, setting forth the boundary lines and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office.

(b) ~~Any changes in the county precinct data shall be provided to the department within 10 days after a change.~~

(c) ~~Precinct data shall include all precincts for which precinct-level election results and voting history results are reported.~~

Section 25. Section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)(a) The precinct register, as prescribed in s. 98.461, shall be used at the polls for the purpose of identifying the elector at the polls ~~before~~ prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present one of the following current and valid picture identifications:

- 1.(a) Florida driver's license.
- 2.(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
- 3.(c) United States passport.

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- 4.(d) Debit or credit card.
- 5.(e) Military identification.
- 6.(f) Student identification.
- 7.(g) Retirement center identification.
- 8.(h) Neighborhood association identification.
- 9.(i) Public assistance identification.

(b) If the picture identification does not contain the signature of the elector voter, an additional identification that provides the elector's voter's signature shall be required. The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence. The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's voter's signature. 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 on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(c) When an elector presents his or her picture identification to the clerk or inspector and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address.

(2) If the elector fails to furnish the required identification, 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 26. Section 101.045, Florida Statutes, is amended to read:

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

(1) ~~A No person is not shall be~~ permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when the person has no permanent address in the county and it is the person's intention to remain a resident of Florida and of the county in which he or she is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a

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municipality and therefore shall not be permitted to vote in any municipal election.

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

Change of Legal Residence of Registered
Voter

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

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

(b) Except for an active uniformed services voter or a member of his or her family, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and vote a regular ballot; however, such elector is entitled to vote a provisional ballot.

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

Change of Name of Registered
Voter

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

Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:

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Name

Address

Municipality

County

Florida, Zip

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

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

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

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

Section 27. Subsection (2) of section 101.131, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

101.131 Watchers at polls.—

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the supervisors of elections, on a form prescribed by the division, before prior to noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for each polling rooms room shall be approved by the supervisor of elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins. The supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling rooms room or early voting areas area. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

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(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The supervisor of elections shall provide to each designated poll watcher, no later than 7 days before early voting begins, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the polling room or early voting area.

Section 28. Subsections (1), (2), and (3) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.—

(1)(a) Marksense ballots shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall meet the specifications of the voting system that will be used to tabulate the ballots.

(b) Early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible electors pursuant to s. 101.657. Ballot-on-demand technology may be used to produce marksense absentee and election-day ballots. ~~Not later than 30 days before an election, the Secretary of State may also authorize in writing the use of ballot-on-demand technology for the production of election-day ballots.~~

(2)(a) The ballot shall have the following office titles headings under which shall appear the names of the offices and the names of the candidates for the respective offices in the following order:

1. The office titles of 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.

2. ~~The office titles~~ Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress;

3. The office titles then the heading "State" and thereunder the offices of Governor and Lieutenant Governor; Attorney General; Chief Financial Officer; Commissioner of Agriculture; State Attorney, with the applicable judicial circuit; and Public Defender, with the applicable judicial circuit.

4. 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 office titles offices of State Senator and State Representative, with the

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applicable district for the office printed beneath; then the heading "County" and thereunder

5. The office titles of Clerk of the Circuit Court, or Clerk of the Circuit Court and Comptroller (whichever is applicable and when authorized by law), Clerk of the County Court (when authorized by law), Sheriff, Property Appraiser, Tax Collector, District Superintendent of Schools, and Supervisor of Elections.

6. The office titles Thereafter follows: members of the Board of County Commissioners, with the applicable district printed beneath each office, and such other county and district offices as are involved in the 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.

(b) 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)(b) When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

(d)(e) 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.

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

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

Section 29. Section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

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(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ballot summary wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.

(2) The ballot summary substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and, unless otherwise specified in a joint resolution, the ballot summary the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3)(a) Each joint resolution that proposes a constitutional amendment or revision shall include one or more ballot statements set forth in order of priority. Each ballot statement shall consist of a ballot title, by which the measure is commonly referred to or spoken of, not exceeding 15 words in length, and either a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language, or the full text of the amendment or revision. The Department of State shall furnish a designating number pursuant to subsection (2) and the appropriate ballot statement to the supervisor of elections of each county. The ballot statement shall be printed on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or revision and a "no" vote will indicate rejection.

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(b)1. Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced by filing a complaint or petition with the appropriate court within 30 days after the joint resolution is filed with the Secretary of State. The complaint or petition shall assert all grounds for challenge to each ballot statement. Any ground not asserted within 30 days after the joint resolution is filed with the Secretary of State is waived.

2. The court, including any appellate court, shall accord an action described in subparagraph 1. priority over other pending cases and render a decision as expeditiously as possible. If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court, and the Department of State shall furnish a designating number and the revised ballot title or ballot summary to the supervisor of elections of each county for placement on the ballot. The court shall retain jurisdiction over challenges to a revised ballot title or ballot summary prepared by the Attorney General, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.

3. A ballot statement that consists of the full text of an amendment or revision shall be presumed to be a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote.

(4)(3)(a) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (b) or paragraph (c) and the ballot for any county must contain the statement in paragraph (d) or paragraph (e).

(b) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the ...(number of the circuit)... judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(c) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the ...(number of the circuit)... judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a

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retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in ...(name of county)... be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in ...(name of the county)... be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

Section 30. The amendment of section 101.161, Florida Statutes, made by this act applies retroactively to all joint resolutions adopted by the Legislature during the 2011 Regular Session, except that any legal action challenging a ballot title or ballot summary embodied in such joint resolution or challenging placement on the ballot of the full text of the proposed amendment or revision to the State Constitution as specified in such joint resolution must be commenced within 30 days after the effective date of this act or within 30 days after the joint resolution to which a challenge relates is filed with the Secretary of State, whichever occurs later.

Section 31. Paragraph (a) of subsection (2) of section 101.5605, Florida Statutes, is amended to read:

101.5605 Examination and approval of equipment.—

(2)(a) Any person owning or interested in an electronic or electromechanical voting system may submit it to the Department of State for examination. The vote counting segment shall be certified after a satisfactory evaluation testing has been performed according to the standards adopted under s. 101.015(1) electronic industry standards. This testing shall include, but is not limited to, testing of all software required for the voting system's operation; the ballot reader; the vote processor, especially in its logic and memory components; the digital printer; the fail-safe operations; the counting center environmental requirements; and the equipment reliability estimate. For the purpose of assisting in examining the system, the department shall employ or contract for services of at least one individual who is expert in one or more fields of data processing, mechanical engineering, and public administration and shall require from the individual a written report of his or her examination.

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Section 32. Subsection (11) of section 101.5606, Florida Statutes, is amended to read

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

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

Section 33. Subsection (4) is added to section 101.56075, Florida Statutes, to read:

101.56075 Voting methods.—

(4) By December 31, 2013, all voting systems utilized by voters during a state election shall permit placement on the ballot of the full text of a constitutional amendment or revision containing stricken or underlined text.

Section 34. Paragraph (a) of subsection (4) of section 101.5612, Florida Statutes, is 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 or 10 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. For touchscreen systems used for voters having a disability, a sample of at least 2 percent of the devices must be tested. 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.

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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.

Section 35. Subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(4) ~~If ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, write-in ballots or the envelopes on which write-in ballots have been cast shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. This process may be completed at either the precinct by the election board or at the central counting location. For each ballot or ballot image and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card; if the total number of votes for any office exceeds the number allowed by law, a notation to that effect, specifying the office involved, shall be entered on the back of the ballot card or in a margin if voting areas are printed on both sides of the ballot card; such votes shall not be counted. All valid votes shall be tallied by the canvassing board.~~

Section 36. Subsection (6) is added to section 101.591, Florida Statutes, to read:

101.591 Voting system audit.—

(6) If a manual recount is undertaken pursuant to s. 102.166, the canvassing board is not required to perform the audit provided for in this section.

Section 37. Paragraphs (a) and (b) of subsection (1) and subsections (3) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)(a) The supervisor shall accept a request for an absentee ballot from an elector in person or in writing. One request shall be deemed sufficient to receive an absentee ballot for all elections through the end of the calendar year of the second ensuing next regularly scheduled general election, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For

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purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(c) (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.
2. The elector's address.
3. The elector's date of birth.
4. The requester's name.
5. The requester's address.
6. The requester's driver's license number, if available.
7. The requester's relationship to the elector.
8. The requester's signature (written requests only).

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered to the voter or the voter's designee or the date the absentee ballot was delivered to the post office or other carrier, the date the ballot was received by the supervisor, and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than 8 a.m. ~~noon~~ of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees or registered committees of continuous existence, for political purposes only.

(4)(a) No later than 45 days before each presidential preference primary election, primary election, and general election, the supervisor of elections shall send an absentee ballot as provided in subparagraph (c)2, (b)2, to each absent uniformed services voter and to each overseas voter who has requested an absentee ballot.

(b) The supervisor of elections shall mail an absentee ballot to each absent qualified voter, other than those listed in paragraph (a), who has requested such a ballot, between the 35th and 28th days before the presidential preference primary election, primary election, and general election. Except as otherwise provided in subsection (2) and after the period described in this paragraph, the supervisor shall mail absentee ballots within 2 business days after receiving a request for such a ballot.

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(c)(b) The supervisor shall provide an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:

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

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

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

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

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

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the absentee ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the absentee ballot shall be mailed.

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

4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 38. 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:

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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. Place your marked ballot in the enclosed secrecy envelope.

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

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

7. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature). An absentee ballot will be considered illegal and not be counted if the signature on the voter's certificate does not match the signature on record. The signature on file at the start of the canvass of the absentee ballots is the signature that will be used to verify your signature on the voter's certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received no later than the start of the canvassing of absentee ballots, which occurs no earlier than the 15th day before election day.

8. 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. 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 39. Subsection (1) of section 101.657, Florida Statutes, is amended to read:

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101.657 Early voting.—

(1)(a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall or permanent public library facility as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

(b) The supervisor shall designate each early voting site by no later than the 30th day prior to an election and shall designate an early voting area, as defined in s. 97.021, at each early voting site. The supervisor shall provide to the division no later than the 30th day before an election the address of each early voting site and the hours that early voting will occur at each site.

(c) All early voting sites in a county shall ~~be open on the same days for the same amount of time and shall~~ allow any person in line at the closing of an early voting site to vote.

(d) Early voting shall begin on the ~~10th~~ 15th day before an election that ~~contains state or federal races and end on the 3rd~~ end day before the election, ~~and for purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for no less than 6 8 hours and no more than 12 hours per day weekday and 8 hours in the aggregate each weekend at each site during the applicable period periods. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.~~

(e) Notwithstanding the requirements of s. 100.3605, municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections. If a municipality provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(f) Notwithstanding the requirements of s. 189.405, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early voting, it may designate as many sites as necessary and shall conduct its activities in

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accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

Section 40. 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 15th sixth 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 15th sixth 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 41. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

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

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

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.

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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. 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.

c. An absentee ballot will be considered illegal and will not be counted if the signature on the Voter's Certificate does not match the signature on record. The signature on file at the start of the canvass of the absentee ballots is the signature that will be used to verify your signature on the Voter's Certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received no later than the start of canvassing of absentee ballots, which occurs no earlier than the 15th day before election day.

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: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association 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.

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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 42. Subsection (3) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(3) Notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance and ~~shall run for no less than 14 days.~~ The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance.

Section 43. Subsection (4) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(4) The canvassing board shall report all early voting and all tabulated absentee results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required. Results shall be submitted in a format prescribed by the department submit by 11:59 p.m. on election night the preliminary returns it has received to the Department of State in a format provided by the department.

Section 44. Subsection (4) of section 102.168, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

102.168 Contest of election.—

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(4) The ~~county~~ canvassing board responsible for canvassing the election is an indispensable ~~and proper~~ party defendant in county and local elections. The Elections Canvassing Commission is an indispensable ~~and proper~~ party defendant in federal, state, and multicounty elections and in elections for justice of the Supreme Court, judge of a district court of appeal, and judge of a circuit court. ~~raees;~~ and The successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate.

(8) In any contest that requires a review of the canvassing board's decision on the legality of an absentee ballot pursuant to s. 101.68 based upon a comparison of the signature on the voter's certificate and the signature of the elector in the registration records, the circuit court may not review or consider any evidence other than the signatures on the voter's certificate and the signature of the elector in the registration records. The court's review of such issue shall be to determine only if the canvassing board abused its discretion in making its decision.

Section 45. Paragraph (a) of subsection (4) of section 103.021, Florida Statutes, is amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(4)(a) A minor political party that is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held. When the Department of State has been so notified, it shall order the names of the candidates nominated by the minor political party to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates. As used in this section, the term "national party" means a political party that is registered with and recognized as a qualified national committee of a political party by the Federal Election Commission established and admitted to the ballot in at least one state other than Florida.

Section 46. Section 103.095, Florida Statutes, is created to read:

103.095 Minor political parties.—

(1) 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 and addresses of its current officers, including the members of its executive committee, accompanied by a completed uniform

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statewide voter registration application as specified in s. 97.052 for each of its current officers and members of its executive committee which reflect their affiliation with the proposed minor political party, and a copy of its constitution, bylaws, and rules and regulations.

(2) Each elector registered to vote in the minor political party in which he or she has so designated has a fundamental right to fully and meaningfully participate in the business and affairs of the minor political party without any monetary encumbrance. The constitution, bylaws, rules, regulations, or other equivalent documents must reflect this fundamental right and must provide for and contain reasonable provisions that, at a minimum, prescribe procedures to: prescribe its membership; conduct its meetings according to generally accepted parliamentary practices; timely notify its members as to the time, date, and place of all of its meetings; timely publish notice on its public and functioning website as to the time, date, and place of all of its meetings; elect its officers; remove its officers; make party nominations when required by law; conduct campaigns for party nominees; raise and expend party funds; select delegates to its national convention, if applicable; select presidential electors, if applicable; and alter or amend all of its governing documents.

(3) The members of the executive committee must elect a chair, vice chair, secretary, and treasurer, all of whom shall be members of the minor political party and no member may hold more than one office, except that one person may hold the offices of secretary and treasurer.

(4) Upon approval of the minor political party's filing, the department shall process the voter registration applications submitted by the minor political party's officers and members of its executive committee. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days after such changes.

(5) The Division of Elections shall adopt rules to prescribe the manner in which political parties, including minor political parties, may have their filings with the Department of State canceled. Such rules shall, at a minimum, provide for:

(a) Notice, which must contain the facts and conduct that warrant the intended action, including, but not limited to, the failure to have any voters registered in the party, the failure to notify the department of replacement officers, the failure to file campaign finance reports, the failure to adopt and file with the department all governing documents containing the provisions specified in subsection (2), and limited activity.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals are exempt from the confidentiality provisions of s. 106.25.

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(6) ~~The requirements of this section are retroactive for any minor political party registered with the department on July 1, 2011, and must be complied with within 180 days after the department provides notice to the minor political party of the requirements contained in this section. Failure of the minor political party to comply with the requirements within 180 days after receipt of the notice shall automatically result in the cancellation of the minor political party's registration.~~

Section 47. Section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

(1)(a) ~~There shall be a Presidential Preference Primary Date Selection Committee composed of the Secretary of State, who shall be a nonvoting chair; three members, no more than two of whom may be from the same political party, appointed by the Governor; three members, no more than two of whom may be from the same political party, appointed by the Speaker of the House of Representatives; and three members, no more than two of whom may be from the same political party, appointed by the President of the Senate. No later than October 1 of the year preceding the presidential preference primary, the committee shall meet and set a date for the presidential preference primary. The date selected may be no earlier than the first Tuesday in January and no later than the first Tuesday in March in the year of the presidential preference primary. The presidential preference primary shall be held in each year the number of which is a multiple of four.~~

(b) ~~Each political party other than a minor political party shall, on the date selected by the Presidential Preference Primary Date Selection Committee last Tuesday in January in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule. Any party rule directing the vote of delegates at a national nominating convention shall reasonably reflect the results of the presidential preference primary, if one is held.~~

(2)(a) ~~There shall be a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chair; the Speaker of the House of Representatives; the President of the Senate; the minority leader of each house of the Legislature; and the chair of each political party required to have a presidential preference primary under this section.~~

(b) ~~By October 31 of the year preceding the presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted not later than on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. The Secretary of State shall submit~~

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~~such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. Each person designated as a presidential candidate shall have his or her name appear, or have his or her delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot.~~

(c) ~~The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate listed designated by the Secretary of State committee. Such notification shall be in writing, by registered mail, with return receipt requested.~~

(3) A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits to the Department of State, prior to the second Tuesday after the first Monday in November of the year preceding the presidential preference primary, an affidavit stating that he or she is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the state executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in November of the year preceding the presidential preference primary, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot.

(4) The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in other state elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the presidential candidates for that political party may not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a political party has only one presidential candidate, neither the name of the candidate nor the names of the candidate's delegates shall be printed on the ballot.

(5) The state executive committee of each party, by rule adopted at least 60 120 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any rule adopted by the executive committee shall be

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filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and shall notify the state executive committee of each political party of any ballot limitations. The Department of State may promulgate rules for the orderly conduct of the presidential preference primary ballot.

~~(6) Delegates must qualify no later than the second Friday in November of the year preceding the presidential preference primary in the manner provided by party rule.~~

~~(7) All delegates shall be allocated as provided by party rule.~~

~~(6)(8)~~ All names of candidates or delegates shall be listed as directed by the Department of State.

Section 48. Section 103.141, Florida Statutes, is amended to read:

103.141 Removal of county executive committee member for violation of oath.—

(1) If Where the county executive committee by at least a two-thirds majority vote of the members of the committee, attending a meeting held after due notice has been given and at which meeting a quorum is present, determines an incumbent county executive committee member is to be guilty of an offense involving a violation of the member's oath of office, the said member so violating his or her oath shall be removed from office and the office shall be deemed vacant. Provided, However, if the county committee wrongfully removes a county committee member and the committee member so wrongfully removed files suit in the circuit court alleging his or her removal was wrongful and wins the said suit, the committee member shall be restored to office and the county committee shall pay the costs incurred by the wrongfully removed committee member in bringing the suit, including reasonable attorney's fees.

~~(2) Any officer, county committeeman, county committeewoman, precinct committeeman, precinct committeewoman, or member of a county executive committee may be removed from office pursuant to s. 103.161.~~

Section 49. Section 103.161, Florida Statutes, is repealed.

Section 50. Section 104.29, Florida Statutes, is amended to read:

104.29 Inspectors refusing to allow watchers while ballots are counted. The inspectors or other election officials at the polling place shall, after the polls close at all times while the ballots are being counted, allow as many as three persons near to them to see whether the ballots are being reconciled correctly, read and called and the votes correctly tallied, and Any official who denies this privilege or interferes therewith commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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Section 51. Paragraph (b) of subsection (4) of section 105.031, Florida Statutes, is amended to read:

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

(4) CANDIDATE'S OATH.—

(b) All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the qualifying officer and shall be in substantially the following form:

State of Florida

County of

Before me, an officer authorized to administer oaths, personally appeared ... (please print name as you wish it to appear on the ballot)..., to me well known, who, being sworn, says he or she: is a candidate for the judicial office of; that his or her legal residence is County, Florida; that he or she is a qualified elector of the state and of the territorial jurisdiction of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial office to which he or she desires to be elected or in which he or she desires to be retained; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; and that he or she has resigned from any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

...(Signature of candidate)...

...(Address)...

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

...(Signature and title of officer administering oath)...

Section 52. Subsection (3), paragraph (b) of subsection (5), subsection (15), and paragraph (c) of subsection (16) of section 106.011, Florida Statutes, are amended to read:

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106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

(b) A transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or between any combination of these groups.

(c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the term may ~~word shall~~ not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. ~~This definition shall not be construed to include editorial endorsements.~~

(5)

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee or committee of continuous existence, or any other person, shall not be considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee

supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or

5. After the last day of the qualifying period prescribed for the candidate for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. Any officer, director, employee, or agent of a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. Any person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

6. After the last day of the qualifying period prescribed for the candidate for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(15) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(3) ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

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

(c) Any person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office. However, this definition does not include any candidate for a political party executive committee. Expenditures related to potential candidate polls as provided in s. 106.17 are not contributions or expenditures for purposes of this subsection.

Section 53. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

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

(3) 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, subject to the following exceptions:

(a) Independent expenditures;

(b) Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign or activities of the political committee by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). ~~After July 1, 2004, The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment;~~

(c) Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to s. 106.07(4)(a)13.; or

(d) Expenditures 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 54. Section 106.022, Florida Statutes, is amended to read:

106.022 Appointment of a registered agent; duties.—

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(1) Each political committee, committee of continuous existence, or electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent and must file with the filing officer division a statement of appointment for the registered office and registered agent. The statement of appointment must:

(a) Provide the name of the registered agent and the street address and phone number for the registered office;

(b) Identify the entity for whom the registered agent serves;

(c) Designate the address the registered agent wishes to use to receive mail;

(d) Include the entity's undertaking to inform the filing officer division of any change in such designated address;

(e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and

(f) Contain the signature of the registered agent and the entity engaging the registered agent.

(2) An entity may change its appointment of registered agent and registered office under this section by executing a written statement of change and filing it with the filing officer. The statement must satisfy that identifies the former registered agent and registered address and also satisfies all of the requirements of subsection (1).

(3) A registered agent may resign his or her appointment as registered agent by executing a written statement of resignation and filing it with the filing officer division. An entity without a registered agent may not make expenditures or accept contributions until it files a written statement of change as required in subsection (2).

Section 55. Subsection (1) of section 106.023, Florida Statutes, is amended to read:

106.023 Statement of candidate.—

(1) Each candidate must file a statement with the qualifying officer within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of this chapter. Such statement shall be provided by the filing officer and shall be in substantially the following form:

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STATEMENT OF CANDIDATE

I,, candidate for the office of, have been provided access to received, read, and understand the requirements of Chapter 106, Florida Statutes.

...(Signature of candidate)...

...(Date)...

Willful failure to file this form is a violation of ss. 106.19(1)(c) and 106.25(3), F.S.

Section 56. Paragraph (c) of subsection (1) of section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)

(c) Any tickets or advertising for such a campaign fund raiser is exempt from the requirements of s. 106.143~~shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of ... (name of the candidate for whose benefit the campaign fund raiser is held)...." Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.~~

Section 57. Subsection (1) and paragraph (d) of subsection (3) of section 106.03, Florida Statutes, are amended to read:

106.03 Registration of political committees and electioneering communications organizations.—

(1)(a) Each political committee that receives anticipates receiving contributions or makes making expenditures during a calendar year in an aggregate amount exceeding \$500 or that seeks is seeking the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization or, if later, within 10 days after the date on which it has information that causes the committee to anticipate that it will receive contributions or make expenditures in excess of \$500. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

(b)1. Each group electioneering communications organization that receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$5,000 shall file a statement of organization as an electioneering communications organization provided in subparagraph 2. by expedited delivery within 24 hours after its organization or, if later, within 24 hours after the date on which it receives contributions or makes expenditures for an electioneering communication in excess of \$5,000, if such expenditures are made within the timeframes specified in s.

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106.011(18)(a)2. If the group makes expenditures for an electioneering communication in excess of \$5,000 before the timeframes specified in s. 106.011(18)(a)2, it shall file the statement of organization within 24 hours after the 30th day before a primary or special primary election, or within 24 hours after the 60th day before any other election, whichever is applicable.

2.a. In a statewide, legislative, or multicounty election, an electioneering communications organization shall file a statement of organization with the Division of Elections.

b. In a countywide election or any election held on less than a countywide basis, except as described in sub-subparagraph c., an electioneering communications organization shall file a statement of organization with the supervisor of elections of the county in which the election is being held.

c. In a municipal election, an electioneering communications organization shall file a statement of organization with the officer before whom municipal candidates qualify.

d. Any electioneering communications organization that would be required to file a statement of organization in two or more locations by reason of the organization's intention to support or oppose candidates at state or multicounty and local levels of government need only file a statement of organization with the Division of Elections.

(3)

(d) Any political committee which would be required under this subsection to file a statement of organization in two or more locations by reason of the committee's intention to support or oppose candidates or issues at state or multicounty and local levels of government need file only with the Division of Elections.

Section 58. Subsection (4) of section 106.04, Florida Statutes, is amended, present subsections (7) and (8) of that section are amended and renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

106.04 Committees of continuous existence.—

(4)(a) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). However, the charter or bylaws need not be filed if the annual report is accompanied by a sworn statement by the chair that no changes have been made to such charter or bylaws since the last filing.

(b)1. Each committee of continuous existence shall file regular reports with the Division of Elections at the same times and subject to the same filing conditions as are established by s. 106.07(1) and (2) for candidates' reports. In

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addition, when a special election is called to fill a vacancy in office, a committee of continuous existence that makes a contribution or expenditure to influence the results of such special election or the preceding special primary election must file campaign finance reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. Any committee of continuous existence failing to so file a report with the Division of Elections or applicable filing officer pursuant to this paragraph on the designated due date shall be subject to a fine for late filing as provided by this section.

(c) All committees of continuous existence shall file their reports with the Division of Elections. Reports shall be filed in accordance with s. 106.0705 and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions, including contributions that represent the payment of membership dues, to the committee during the reporting period, together with the amounts and dates 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, the occupation of the contributor or principal type of business need not be listed. However, for any contributions that represent the payment of dues by members in a fixed amount aggregating no more than \$250 per calendar year, pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

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

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

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

6. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has

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been made, including the full name and address of each entity to whom the person made payment for which reimbursement was made by check drawn upon the committee account, together with the amount and purpose of such payment.

7. Transaction information from each credit card purchase statement that will be included in the next report following receipt thereof by the committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the committee account.

8. The total sum of expenditures made by the committee during the reporting period.

(d) The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Any change in information previously submitted to the division shall be reported within 10 days following the change.

~~(8)(7)~~ If a committee of continuous existence ceases to meet the criteria prescribed by subsection (1), the Division of Elections shall revoke its certification ~~until such time as the criteria are again met.~~ The Division of Elections shall adopt ~~promulgate~~ rules to prescribe the manner in which ~~the~~ such certification of a committee of continuous existence shall be revoked. Such rules shall, at a minimum, provide for:

(a) Notice, which must shall contain the facts and conduct that warrant the intended action.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals ~~are~~ shall be exempt from the confidentiality provisions of s. 106.25.

~~(9)(8)(a)~~ Any committee of continuous existence failing to file a report on the designated due date ~~is~~ shall be subject to a fine. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, including a special primary election and a special general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited into:

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1. ~~In The General Revenue Fund, in the case of fines collected by the Division of Elections.~~

2. ~~The general revenue fund of the political subdivision, in the case of fines collected by a county or municipal filing officer. No separate fine shall be assessed for failure to file a copy of any report required by this section.~~

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee ~~or the committee's registered agent~~ as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. ~~Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer.~~ The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of a committee is ~~shall not be personally liable for such fine.~~

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and ~~is shall be entitled to a hearing before the Florida Elections Commission, which may shall have the authority to waive the fine in whole or in part. Any such request must shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of The committee shall file the appeal with, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission, with a copy provided to the filing officer.~~

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

Section 59. Section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all

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contributions received, and all expenditures made, by or on behalf of such candidate or political committee. ~~Except for the third calendar quarter immediately preceding a general election, reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.~~

(a) ~~Except as provided in paragraph (b), following the last day of~~ qualifying for office, the reports shall also be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

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

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees ~~and committees of continuous existence making contributions or expenditures to influence the results of such special election or the preceding special primary election~~ shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

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(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705. Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(b)1. Any report that ~~which~~ is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis, ~~and~~ The campaign treasurer shall be notified by certified registered mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and ~~within 7~~ be given 3 days after receipt of such notice ~~must~~ to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer. In lieu of the notice by registered mail as required in subparagraph 1., the qualifying officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If, however, such information is not received by the qualifying officer within 3 days after the telephone request therefor, notice shall be sent by registered mail as provided in subparagraph 1.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for

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candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) Each report required by this section ~~must~~ 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 endorser, 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. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

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

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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. Transaction information for each credit card purchase. 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.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) ~~The campaign depository shall return all checks drawn on the account to the campaign treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.~~

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(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(8)(a) Any candidate or political committee failing to file a report on the designated due date ~~is~~ shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.

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4. When the receipt from an established courier company is dated.

5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

Section 60. Subsections (8) and (9) of section 106.0703, Florida Statutes, are amended to read:

106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.—

(8)—An electioneering communications organization shall, within 2 days after receiving its initial password or secure sign-on from the Department of State allowing confidential access to the department's electronic campaign finance filing system, electronically file the periodic reports that would have been required pursuant to this section for reportable activities that occurred since the date of the last general election.

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(8)(9) Electioneering communications organizations shall not use credit cards.

Section 61. Paragraphs (a) and (c) of subsection (2) and subsections (3) and (7) of section 106.0705, Florida Statutes, are amended to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(2)(a) Each individual candidate who is required to file reports with the division pursuant to s. 106.07 or s. 106.141 ~~with the division~~ must file such reports ~~with the division~~ by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports ~~with the division~~ by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(2) s. 106.04(8), s. 106.07(8), s. 106.0703(7), or s. 106.29(3), as applicable.

(7)—~~Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2006, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2006.~~

Section 62. Subsections (3) and (6) of section 106.08, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.—

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(c)—~~With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0965 or s. 99.096, but whose qualification is pending a determination by the Department of State or~~

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supervisor of elections as to whether or not the required number of petition signatures was obtained:

1.—The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2.—Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(6)(a) A political party may not accept any contribution that has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(b)1. A political party may not accept any in-kind contribution that fails to provide a direct benefit to the political party. A "direct benefit" includes, but is not limited to, fundraising or furthering the objectives of the political party.

2.a. An in-kind contribution to a state political party may be accepted only by the chairperson of the state political party or by the chairperson's designee or designees whose names are on file with the division in a form acceptable to the division prior to the date of the written notice required in sub-subparagraph b. An in-kind contribution to a county political party may be accepted only by the chairperson of the county political party or by the county chairperson's designee or designees whose names are on file with the supervisor of elections of the respective county prior to the date of the written notice required in sub-subparagraph b.

b. A person making an in-kind contribution to a state political party or county political party must provide prior written notice of the contribution to a person described in sub-subparagraph a. The prior written notice must be signed and dated and may be provided by an electronic or facsimile message. However, prior written notice is not required for an in-kind contribution that consists of food and beverage in an aggregate amount not exceeding \$1,500 which is consumed at a single sitting or event if such in-kind contribution is accepted in advance by a person specified in sub-subparagraph a.

c. A person described in sub-subparagraph a. may accept an in-kind contribution requiring prior written notice only in a writing that is signed and dated before the in-kind contribution is made. Failure to obtain the required written acceptance of an in-kind contribution to a state or county political party constitutes a refusal of the contribution.

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d. A copy of each prior written acceptance required under sub-subparagraph c. must be filed with the division at the time the regular reports of contributions and expenditures required under s. 106.29 are filed by the state executive committee and county executive committee. A state executive committee and an affiliated party committee must file with the division. A county executive committee must file with the county's supervisor of elections.

e. An in-kind contribution may not be given to a state or county political party unless the in-kind contribution is made as provided in this subparagraph.

Section 63. Section 106.09, Florida Statutes, is amended to read:

106.09 Cash contributions and contribution by cashier's checks.—

(1)(a) A person may not make an aggregate or accept a cash contribution or contribution by means of a cashier's check to the same candidate or committee in excess of \$50 per election.

(b) A person may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election.

(2)(a) Any person who makes or accepts a contribution in excess of \$50 in violation of subsection (1) this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts a contribution in excess of \$5,000 in violation of subsection (1) this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 64. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 106.11, Florida Statutes, are amended, and subsection (6) is added to that section, 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:

(1)

(b) The checks for such account shall contain, as a minimum, the following information:

1. The statement "Campaign Account of ...(name of candidate or political committee)... Campaign Account."

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2. The account number and the name of the bank.
3. The exact amount of the expenditure.
4. The signature of the campaign treasurer or deputy treasurer.
5. The exact purpose for which the expenditure is authorized.
6. The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and state "~~Campaign Account of ...~~(name of candidate or political committee)... Campaign Account."

3. No more than three debit cards are requested and issued.

~~4. Before a debit card is used, a list of all persons authorized to use the card is filed with the division.~~

~~5. All debit cards issued to a candidate's campaign or a political committee expire no later than midnight of the last day of the month of the general election.~~

~~4.6.~~ The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.

~~5.7.~~ All receipts for debit card transactions contain:

- a. The last four digits of the debit card number.
- b. The exact amount of the expenditure.
- c. The name of the payee.
- d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
- e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(6) A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

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Section 65. Subsection (4) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.

2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

3. Give ~~not more than \$10,000 of~~ the funds that have not been spent or obligated to the political party of which such candidate is a member, ~~except that a candidate for the Florida Senate may give not more than \$30,000 of such funds to the political party of which the candidate is a member.~~

4. Give the funds that have not been spent or obligated:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to from the Florida Election Campaign Financing Act Trust Fund shall, after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Election Campaign Financing Trust Fund.

Section 66. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1)(a) Any political advertisement that is paid for by a candidate, ~~except a write-in candidate~~, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by ...(name of candidate)..., ...(party affiliation)..., for ...(office sought)..."; or
2. "Paid by ...(name of candidate)..., ...(party affiliation)..., for ...(office sought)..."

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(b) Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by ... (name of candidate) ... write-in candidate, for ... (office sought) ..."; or

2. "Paid by ... (name of candidate) ... write-in candidate, for ... (office sought) ..."

(c)(b) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

1. Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

2. State the name and address of the persons paying for sponsoring the advertisement.

3.a.(f) State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

(H) ~~State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.~~

b. ~~This subparagraph does not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement.~~

(d)(e) Any political advertisement made pursuant to s. 106.021(3)(d) must be marked "paid political advertisement" or with the abbreviation "pd. pol. adv." and must prominently state the name and address of the political committee or political party paying for the advertisement, "Paid for and sponsored by ... (name of person paying for political advertisement) ... Approved by ... (names of persons, party affiliation, and offices sought in the political advertisement) ..."

(2) Political advertisements made as in-kind contributions from a political party must prominently state: "Paid political advertisement paid for by in-kind by ... (name of political party) ... Approved by ... (name of person, party affiliation, and office sought in the political advertisement) ..."

(3)(2) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does not prohibit a political advertisement from stating the candidate's partisan-related

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experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

(4)(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this subsection does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(5)(4)(a) Any political advertisement not paid for by a candidate, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate, unless the political advertisement is published, displayed, or circulated in compliance with subparagraph (1)(a)2. and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

(c) ~~This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.~~

(6)(5) No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which the candidate is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(7) Political advertisements paid for by a political party or an affiliated party committee may use names and abbreviations as registered under s. 103.081 in the disclaimer.

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(8)(6) This section does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(9)(7) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(10)(8) This section does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- (a) Designed to be worn by a person.
- (b) Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with subsection (1).
- (c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with subsection (1).
- (d) Placed at no cost on an Internet website for which there is no cost to post content for public users.
- (e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- (f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- (g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with subsection (1).
- (h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with subsection (1).
- (i) Contained in or distributed through any other technology-related item, service, or device for which compliance with subsection (1) is not reasonably practical due to the size or nature of such item, service, or device

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as available, or the means of displaying the message or advertisement makes compliance with subsection (1) impracticable.

(11)(9) Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.266.

Section 67. Section 106.1437, Florida Statutes, is amended to read:

106.1437 Miscellaneous advertisements.—Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section ~~does~~ shall not apply to an editorial endorsement. ~~For purposes of this chapter, an expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.~~

Section 68. Section 106.17, Florida Statutes, is amended to read:

106.17 Polls and surveys relating to candidacies.—Any candidate, political committee, committee of continuous existence, electioneering communication organization, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, committee of continuous existence, electioneering communication organization, or political party maintains complete jurisdiction over the poll in all its aspects. ~~State and county executive committees of a political party or an affiliated party committee may authorize and conduct political polls for the purpose of determining the viability of potential candidates. Such poll results may be shared with potential candidates, and expenditures incurred by state and county executive committees or an affiliated party committee for potential candidate polls are not contributions to the potential candidates.~~

Section 69. Subsection (4) is added to section 106.19, Florida Statutes, to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(4) Except as otherwise expressly stated, the failure by a candidate to comply with the requirements of this chapter has no effect upon whether the candidate has qualified for the office the candidate is seeking.

Section 70. Subsections (2) and (3), paragraph (i) of subsection (4), and subsection (5) of section 106.25, Florida Statutes, are amended to read:

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

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Such sworn complaint must be based upon personal information or information other than hearsay. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant that is based upon such facts or allegations that were raised or could have been raised in the first complaint. If the complaint includes allegations of violations relating to expense items reimbursed by a candidate, committee, or organization to the campaign account before a sworn complaint is filed, the commission shall be barred from investigating such allegations. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. The respondent shall have 14 days after receipt of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period. If the executive director finds that the complaint is legally sufficient, the respondent shall be notified of such finding by letter, which sets forth the statutory provisions alleged to have been violated and the alleged factual basis that supports the finding. All sworn complaints alleging violations of the Florida Election Code over which the commission has jurisdiction shall be filed with the commission within 2 years after the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission. The complainant may withdraw the sworn complaint at any time prior to a probable cause hearing if good cause is shown. Withdrawal shall be requested in writing, signed by the complainant, and witnessed by a notary public, stating the facts and circumstances constituting good cause. The executive director shall prepare a written recommendation regarding disposition of the request which shall be given to the commission together with the request. "Good cause" shall be determined based upon the legal sufficiency or insufficiency of the complaint to allege a violation and the reasons given by the complainant for wishing to withdraw the complaint. If withdrawal is permitted, the commission must close the investigation and the case. No further action may be taken. The complaint will become a public record at the time of withdrawal.

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104. The commission may not by rule determine what constitutes willfulness or

further define the term "willful" for purposes of this chapter or chapter 104. Willfulness is a determination of fact; however, at the request of the respondent at any time after probable cause is found, willfulness may be considered and determined in an informal hearing before the commission.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred.

(i)1. Upon a commission finding of probable cause, the counsel for the commission shall attempt to reach a consent agreement with the respondent. At any time, the commission may enter into a consent order with a respondent without requiring the respondent to admit to a violation of law within the jurisdiction of the commission.

2. A consent agreement is not binding upon either party unless and until it is signed by the respondent and by counsel for the commission upon approval by the commission.

3. Nothing herein shall be construed to prevent the commission from entering into a consent agreement with a respondent prior to a commission finding of probable cause if a respondent indicates in writing a desire to enter into negotiations directed towards reaching such a consent agreement. Any consent agreement reached under this subparagraph is subject to the provisions of subparagraph 2. and shall have the same force and effect as a consent agreement reached after the commission finding of probable cause.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred. Notwithstanding any other provisions of this section, the commission may, at its discretion, dismiss any complaint at any stage of disposition if it determines that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

(5) Unless A person alleged by the Elections Commission to have committed a violation of this chapter or chapter 104 may elect, as a matter of right elects, within 30 days after the date of the filing of the commission's allegations, to have a formal administrative or informal hearing conducted before the commission, or elects to resolve the complaint by consent order, such person shall be entitled to a formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings. The administrative law judge in such proceedings shall enter a final order, which may include the imposition of civil penalties, subject to appeal as provided in s. 120.68. If the person does not elect to have a hearing by an administrative law judge and does not elect to resolve the complaint by a consent order, the person is entitled to a formal or informal hearing conducted before the commission.

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Section 71. Subsection (1) of section 106.26, Florida Statutes, is amended to read:

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

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all sworn complaints filed with it and all matters reported to it by the Division of Elections. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers, or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint in the before-any circuit court where the witness resides of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

Section 72. Subsections (1) through (4) of section 106.265, Florida Statutes, are amended and renumbered, and present subsection (5) of that section is renumbered as subsection (6), to read:

106.265 Civil penalties.—

(1) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized

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upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$1,000 per count, or, if applicable, to impose a civil penalty as provided in s. 104.271 or s. 106.19.

(2) In determining the amount of such civil penalties, the commission or administrative law judge shall consider, among other mitigating and aggravating circumstances:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, electioneering communications organization, or political party; and

(d) Whether the person, political committee, committee of continuous existence, electioneering communications organization, or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104.

~~(3)(2)~~ If any person, political committee, committee of continuous existence, electioneering communications organization, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

~~(4)(3)~~ Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund Election Campaign Financing Trust Fund.

~~(5)(4)~~ Notwithstanding any other provisions of this chapter, Any fine assessed pursuant to the provisions of this chapter shall, which fine is designated to be deposited or which would otherwise be deposited into the General Revenue Fund of the state, shall be deposited into the Election Campaign Financing Trust Fund.

Section 73. Subsection (1) and paragraph (b) of subsection (3) of section 106.29, Florida Statutes, are amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. However, the reports shall not include contributions and expenditures that are reported to the Federal Election Commission. In addition, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of

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the special election or the preceding special primary election must file campaign treasurers' reports on the dates set by the Department of State pursuant to s. 100.111. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding each special primary election, special election, both the primary election, and the general election. In addition to the reports filed under this section, the state executive committee and each county executive committee shall file a copy of each prior written acceptance of an in-kind contribution given by the committee during the preceding calendar quarter as required under s. 106.08(6). Each state executive committee shall ~~file the original and one copy of its reports with the Division of Elections.~~ Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

(3)

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$1,000 for a state executive committee, and \$50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the special election or general election, the fine shall be \$10,000 per day for each day a state executive committee is late and \$500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections

Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.

Section 74. Subsection (5) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide for:

(a) ~~Specifications for printed campaign treasurer's reports outlining the format for such reports, including size of paper, typeface, color of print, and placement of required information on the form.~~

(b)1. specifications for electronically transmitted campaign treasurer's reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

2. ~~All electronically transmitted campaign treasurer's reports must also be filed in printed format. Printed format shall not include campaign treasurer's reports submitted by electronic facsimile transmission.~~

Section 75. Paragraph (b) of subsection (12) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(12)

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

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5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Section 76. Paragraph (d) of subsection (1) of section 112.3215, Florida Statutes, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

Section 77. Subsection (1) of section 876.05, Florida Statutes, is amended to read:

876.05 Public employees; oath.—

(1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, ~~and all candidates for public office~~, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

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I,, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Section 78. Section 876.07, Florida Statutes, is repealed.

Section 79. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 80. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 19, 2011.

Filed in Office Secretary of State May 19, 2011.

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Exhibit 2c

FLORIDA DEPARTMENT OF STATE
CHAPTER 2011-40, LAWS OF FLORIDA (HB 1355)

DEPARTMENT OF JUSTICE PRE-CLEARANCE SUBMISSION
PURSUANT TO SECTION 5 OF THE VOTING RIGHTS ACT

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
1	97.012	Sets out the Secretary of State's duties as the chief elections official of the state ranging from maintaining uniformity in the interpretation of the elections laws to administering the Florida Voter Registration System to conducting preliminary investigations into voting and registration irregularities or fraud.	<ul style="list-style-type: none"> Adds that the Secretary of State has the duty to provide written direction and opinions that would apply uniformly throughout the state to all supervisors of elections regarding their duties under the Florida Election Code or rules adopted by the Department of State's Division of Elections. The Division of Elections over whom the Secretary has oversight already issues advisory opinions to those persons or entities specified in law as being able to request the opinion. 	May 19, 2011
2	97.021	Defines words or phrases as used throughout the Florida Election Code (chapters 97-106, Florida Statutes).	<ul style="list-style-type: none"> Revises the definition for "minor political party" to cross-reference a newly created section in chapter 103, Florida Statutes, relating to the presidential electors; political parties and committees. <p>Cf. Sections 46 of chapter 2011-40, Laws of Florida</p>	May 19, 2011
3	97.025	Requires the Department of State to print the Florida Election Code which comprises chapters 97-106, Florida Statutes, into a publication separate and apart from the Florida Statutes.	Requires the publication to be made available to each candidate who qualifies with the Department and to the Supervisors of Elections which means that the publication can be provided online in lieu of by hardcopy.	May 19, 2011
4	97.0575	<p>Sets forth registration and requirements for third-party voter registration organizations:</p> <ul style="list-style-type: none"> A "third-party voter registration organization" is defined as by § 97.021(37), Florida Statutes, as "any person, entity, or organization soliciting or collecting voter registration 	<p>Amends registration and reporting requirements for third-party voter registration organizations as follows:</p> <ul style="list-style-type: none"> Retains existing requirement that third-party voter registration organizations register with the Division of Elections before engaging in any voter registration activities. Amends registration requirements to include the 	May 19, 2011



Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<p>applications” with the exception of a person registering or collecting an application from that person’s spouse, child or parent; or a person who collects voter registration applications as an employee or agent of the Division of Elections, Supervisor of Elections’ office, the Department of Highway Safety and Motor Vehicles or a voter registration agency.</p> <ul style="list-style-type: none"> • Third-party voter registration organizations must register with the Division of Elections prior to engaging in any voter registration activities. • Third-party voter registration organizations must submit a report to the Division of Elections on or before the 15th day after the end of each calendar quarter providing the date and location of any organized voter registration drives conducted by the organization in the prior calendar quarter. • Third-party voter registrations must promptly deliver voter registration applications to the Division of Elections or Supervisor of Elections. • Provides that third-party voter registration organizations are subject to fines: (1) for each application submitted more than 10 days after the applicant delivered the completed application to the third-party registration organization; (2) for each application collected by a third-party voter registration organization before book closing for a given election and received by the Division of Elections or Supervisor of Elections after the book closing deadline for the election; and (3) for each application collected by a third-party voter 	<p>names and addresses of third-party voter registration organization’s registration agent and removes requirement that third-party voter registration organizations provide names of their board of directors. Requires registration agents to provide a sworn statement that the agent will obey all state laws and rules regarding the registration of voters.</p> <ul style="list-style-type: none"> • Requires the State and Supervisors of Elections to provide voter registration forms to third-party voter registration organizations. Requires forms to contain information identifying the organization to which they were provided. • Requires the Division of Elections to maintain a database of all third-party voter registration organizations and the voter registration forms assigned to each organization. Requires Supervisors of Elections to provide information to the Division regarding voter registration forms provided to and received from third-party voter registration organizations. • Amends existing requirement that third-party voter registration organizations “promptly” deliver each voter registration application to the Division of Elections or Supervisor of Elections to specifically require that applications be delivered within 48 hours (or the next business day if the appropriate office is closed for the 48-hour period). • Amends schedule of fines imposed on third-party voter registration organizations for failure to promptly deliver voter registration applications to conform to 48-hour delivery requirement. Retains existing fine amounts and aggregate fine limit of \$1,000 per third-party voter registration organization for violations committed in a calendar year. Removes provision providing for reduction in fines based on compliance with registration requirements. • Requires Division of Elections to adopt rules to ensure the integrity of the registration process, including rules 	

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<p>registration organization that is not submitted to the Division of Elections or Supervisor of Elections.</p> <ul style="list-style-type: none"> Provides for waiver of fines by the Secretary of State upon a showing that failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance. Provides that the aggregate fine that may be assessed against a third-party voter registration organization for violations committed in a calendar year is \$1,000. Provides that fines will be reduced by three-fourths for third-party voter registration organizations that have complied with the registration requirements of § 97.0575, Florida Statutes. Provides the Division of Elections with authority to investigate any violation of § 97.0575, Florida Statutes, and to assess civil fines. Provides that civil fines provided in §97.0575, Florida Statutes, are in addition to any applicable criminal penalties. Requires the Department of State to adopt rules as necessary to implement the statutory provision. <p>The list of 3rd party voter registration organizations registered with the State is made available currently on a Excel spreadsheet at: http://election.dos.state.fl.us/tpvr/</p>	<p>requiring third-party voter registration organizations to account for registration forms used by their registration agents.</p> <ul style="list-style-type: none"> Amends provision authorizing Division of Elections to investigate violations of and enforce the provisions of § 97.0575, Florida Statutes, to instead authorize the Secretary of State to refer potential violations to the Attorney General for enforcement. Provides that amendments to § 97.0575, Florida Statutes, apply to any third-party voter registration organization registered with the Department of State as of the effective day of Ch. 2011-40, Laws of Florida. Third-party voter registration organizations must comply with law as amended within 90 days after the Department provides notice of the amended requirements. Provides that failure to comply with the law as amended within 90 days will result in the cancellation of a third-party voter registration organization's registration. 	
5 and 6	97.071	<p>Requires voter information card to contain the following information:</p> <ul style="list-style-type: none"> Voter registration number 	<ul style="list-style-type: none"> Requires new voter information cards issued on or after August 1, 2012, to include polling place address in addition to information previously required. 	August 1, 2012

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> • Date of registration • Full name • Party affiliation • Date of birth • Address of legal residence • Precinct number • Name of and contact information for Supervisor of Elections • Other information deemed necessary <p>Requires a voter information card to be issued anytime the voter requests a replacement card, or makes an address, name or political party change.</p>	<ul style="list-style-type: none"> • Adds requirement that Supervisor of Elections issue new voter information card to a voter when a polling place address changes. 	
7	97.073	Requires the Supervisor of Elections to notify an applicant regarding the disposition of his or her voter registration application.	<ul style="list-style-type: none"> • Imposes a 5 business day timeframe in which the Supervisor of Elections must notify an applicant that his or her application has been approved, is incomplete, has been denied, or is a duplicate of an existing registration. 	May 19, 2011
8	97.1031	<ul style="list-style-type: none"> • Requires a person to update his or her voter registration record whenever there is an address change, name change, or political party affiliation change. • For in-county address changes, requires that a voter notify the Supervisor of Elections within that county using a signed written notice, by telephone, or electronic means. Notification other than by signed, written notice must include the voter's date of birth. • For address changes from one county to another county, requires that a voter notify a voter registration official using a voter registration application. 	<ul style="list-style-type: none"> • Expands options for a voter to change his or her residence address in the voter registration record by allowing notification of both in-county and county-to-county address changes to be provided to Supervisor of Elections: (1) by telephone or electronic means (with date of birth); (2) using a voter registration application; or (3) by other signed written notice. • Expands options for a voter to change his or her political party affiliation by allowing notification to be provided to Supervisor of Elections or other voter registration official by using a signed written notice containing the voter's date of birth or voter registration number, rather than requiring change to be submitted on a voter registration application. • Expands options for a voter to submit changes to his or her name in the voter registration record by allowing notification to be provided to Supervisor of Elections or other voter registration official by using a signed written notice containing the voter's date of birth or voter registration number, rather than requiring 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> For changes to a voter's name or political party affiliation, requires that a voter notify a voter registration official using a voter registration application. 	change to be submitted on voter registration application.	
9	98.075	<p>Requires Department of State to identify registered voters who are deceased using information received from the Florida Department of Health.</p> <p>Requires supervisors to remove the name of a deceased registered voter upon receipt of the information from the Department of Health or United States Social Security Administration through the statewide voter registration system</p>	<ul style="list-style-type: none"> Expands the data/information sources that may be used to remove registered voters identified as deceased to include information obtained from the United States Social Security Administration, including any master death file or index Imposes 7-day deadline for supervisors of elections to remove the name of a deceased registered voter after receipt of information from the Department of Health or United States Social Security Administration through the statewide voter registration system. Requires supervisors of elections to remove the name of a deceased registered voter from the statewide voter registration system upon receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates. 	May 19, 2011
10	98.093	Requires state and local governmental agencies to provide information and access to the Department of State to ensure the maintenance of accurate and current voter registration records.	<ul style="list-style-type: none"> Updates the law to reflect that the Florida Parole Commission rather than the Board of Executive Clemency is now responsible for furnishing clemency data. Changes the frequency of clemency reports to be submitted to the Department of State from monthly to bimonthly. Specifies additional information that must be included in clemency data, to include driver's license number, Florida identification card number, the last four digits of the person's social security number, if available, and record identifiers assigned by the Department of Law Enforcement. Clarifies that the role of the Department of Corrections is to provide information to enable the Department of State to identify registered voters who are convicted felons and to meet its obligations under state and federal law. 	May 19, 2011
11	98.0981	<ul style="list-style-type: none"> Requires supervisors of elections to transmit completely updated voting history information 	<ul style="list-style-type: none"> Amends the reporting deadlines for supervisors of elections to transmit voting history and precinct level results to the 	Eff. July 1, 2012

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<p>for each qualified voter who voted within 45 days after a general election.</p> <ul style="list-style-type: none"> Requires the Department of State to prepare a report using the voting data provided by supervisors of elections and submit a report containing specified information to the Florida Legislature within 60 days after a general election. Requires Supervisors of Elections to collect and submit to the Department of State precinct-level election results containing specified data within 45 days after a presidential preference primary election, special election, or general election 	<p>Department of State from 45 days to 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election.</p> <ul style="list-style-type: none"> Amends the reporting deadline for the Department of State to submit a report to the Florida Legislature from 60 days to 45 days after certification of election results by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election. Codifies the file specifications for voting history and election results data. Requires the Supervisors of Elections to reconcile election results with voting history data. Requires precinct-level election results received from the Supervisor of Elections within 30 days after the certification of election results in specified elections to be made publicly available in a searchable, sortable and downloadable database per statutory file specifications. 	
12	99.012	Provides that the name of any person who does not comply with Florida's resign-to-run requirements may be removed from the ballot when ordered by a circuit court.	<ul style="list-style-type: none"> Clarifies that if an order of a court that has become final determines that a person did not comply with Florida's resign-to-run requirements, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot. Amends law to expressly exclude persons seeking the office of President or Vice President of the United States from Florida's resign-to-run law. 	May 19, 2011
13	99.021	Provides the requirements for completing a candidate oath.	<ul style="list-style-type: none"> Removes reference in the candidate oath to public employee loyalty oath that is taken only after a candidate has been elected and becomes a public official. Revises the candidate oath to require support of the United States Constitution and Florida Constitution. 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<ul style="list-style-type: none"> • Codifies existing practice in which candidates who are qualifying for presidency under Chapter 103, Florida Statutes, (relating to presidential electors, political party committees) are not required to complete the state candidate oath. • Replaces requirement that a printed copy of the oath to be furnished to the candidate by the qualifying officer with a requirement that the oath be made available to the candidate. • Revises oath for candidates seeking nomination of political party to state that the candidate has not been registered as a member of another party for 365 days before the beginning of qualifying. <p>Cf. s. 51, ch. 2011-40, Laws of Florida</p>	
14	99.061	Provides the method for qualifying as a nominee or candidate for federal, state, county or district office including all the forms and information that must be provided.	<ul style="list-style-type: none"> • Requires financial disclosure statements and candidate's oath to be executed before a notary or other person authorized to administer oaths. • Requires the qualifying check drawn upon candidate's account to be made payable to the person or entity prescribed by the filing officer (unless the candidate obtained the required number of signatures to qualify by petition). • Removes reference to public employee loyalty oath that is taken only after a candidate has been elected and becomes a public official. • Provides that a candidate whose qualifying check is returned by the bank for any reason shall have until the end of qualifying to pay the fee with a cashier's check (rather than 48 hours after notification by the qualifying officer regarding the returned check). • Codifies case law that filing officer performs a ministerial function in reviewing qualifying papers and review is limited to whether all required items have been properly filed and whether each item is complete on its face and not whether the contents of the qualifying papers are accurate. • Provides that the decision of a qualifying officer concerning 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			whether a candidate is qualified is exempt from administrative review under chapter 120, Florida Statutes (relating to the Administrative Procedures Act).	
15	99.063	Provides the method for qualifying as a candidate for Lt. Governor.	<ul style="list-style-type: none"> • Now requires candidate's oath for Lt. Governor to be executed before notary or other person authorized to administer oaths. • Removes reference to public employee loyalty oath that is taken only after a candidate has been elected and becomes a public official. 	May 19, 2011
16	99.092	Requires election assessment fees which are a part of the qualifying fees to be deposited into the Clearing Funds Trust Fund and then transferred to the Elections Commission Trust Fund within the Department of Legal Affairs.	<ul style="list-style-type: none"> • Streamlines the deposit of the election assessment by requiring transfer directly into the Elections Commission Trust Fund. 	May 19, 2011
17	99.093	Requires municipal candidate's election assessment fees which are a part of the qualifying fees to be forwarded to the Department of State for transfer to the Elections Commission Trust Fund within the Department of Legal Affairs.	<ul style="list-style-type: none"> • Requires the municipal candidate's election assessment to be forwarded directly to the Florida Elections Commission for deposit into the Elections Commission Trust Fund. 	May 19, 2011
18	99.095	Provides the method for qualifying for office by petition in lieu of qualifying fee and party assessments.	<ul style="list-style-type: none"> • Provides special provisions for county or district candidates qualifying by petition in year of apportionment, allowing signatures to be obtained from any registered voter in the respective county, without regard for district boundaries, and providing that candidate shall obtain at least the number of signatures of one percent of the total number of registered voters divided by the total number of districts of the office involved. 	May 19, 2011
19	99.097	<ul style="list-style-type: none"> • Sets forth the requirements for verifying signatures on petitions including candidate and initiative petitions. 	<ul style="list-style-type: none"> • Codifies existing rule that signatures for citizen initiative petitions may not be verified by the random sample method. • Revises signature verification process to require all other requirements of the petition to be satisfied before the signature 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> Provides two methods for signature verification: 1) name-by-name/signature-by-signature or 2) random sample method. Allows petition verification results by random sample method to be contested in circuit court. Permits a candidate, person, or organization to have petition signatures verified at no cost where payment of signature verification fee would result in an undue burden on the resources of the party filing the undue burden certification. 	<ul style="list-style-type: none"> can be verified as valid. Revises language describing signature verification process while retaining substantive standard that signatures shall be verified and counted as valid for a registered voter if the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system. Provides that an undue burden oath may not be filed in lieu of paying the signature verification fee where a person has been paid to collect signatures on a petition. Requires payment of signature verification fee by a candidate, person, or organization submitting an undue burden oath where payment is subsequently made to any person to solicit signatures on a petition. Payment shall be made from any contributions received under chapter 106, Florida Statutes (relating to campaign financing) 	
20	100.061	Sets the date for holding a primary election for political party candidates on the Tuesday of the 10 th week before the general election.	<ul style="list-style-type: none"> Moves the State's primary election from 10 weeks to 12 weeks before the general election; therefore, the primary in 2012 will be held on August 14, 2012. 	May 19, 2011
21	100.101	Sets forth events requiring a special election and special primary election.	<ul style="list-style-type: none"> Eliminates an exception to holding a special election in the event a vacancy in state or county office is created when an incumbent officeholder qualifies for federal office. See also section 22 of ch. 2011-40, Laws of Florida, which eliminates reference to these two types of vacancies. 	May 19, 2011
22	100.111	<p>Sets forth the process for filling a vacancy in office or nomination.</p> <ul style="list-style-type: none"> Provides that no special election is required to fill a vacancy in a state or county office required to be filled by election where, during an election year, the incumbent has qualified as a candidate for federal office. Instead, persons seeking nomination or election to the vacated office shall qualify during the state qualifying period. 	<ul style="list-style-type: none"> Removes exemption from special election requirements when a vacancy occurs in a state or county office by reason of the incumbent having qualified as a candidate for federal office. Revises the process for notifying the political party executive committee regarding a vacancy in nomination created by death, resignation, withdrawal, or removal. Requires the filing officer, rather than the Department of State, to notify the chair of the state or county political party executive committee. Clarifies which political party committee is responsible for filling a 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> Requires Secretary of State to notify supervisor of elections where such a vacancy occurs in an election year other than the one immediately preceding expiration of the present term and requiring supervisor to provide public notice of the vacancy. Requires Department of State to notify the chair of the appropriate political party executive committee in the event that death, resignation, withdrawal, removal, or any other cause or event causes the party to have a vacancy in nomination. 	<p>vacancy in nomination in different offices.</p> <ul style="list-style-type: none"> Requires political parties to submit the name of the person designated to fill a vacancy in nomination to the filing officer rather than always to the Department of State. Provides that a vacancy in nomination is not created if an order of a court that has become final determines that a nominee did not properly qualify or did not meet the necessary qualifications to hold the office for which he or she sought to qualify. 	
23	100.371	<ul style="list-style-type: none"> Sets forth the process for ballot placement of constitutional amendments proposed by initiative, including verification of petition signatures. Provides process for revoking petition signatures by sponsoring committee opposing citizen initiative or by signer of petition. 	<ul style="list-style-type: none"> Clarifies that the "appropriate" supervisor of elections to whom signed petitions must be submitted for verification is the supervisor of elections for the county of residence listed by the person signing the form. Requires supervisors of elections to notify petition sponsor of misfiled petitions. Amends the requirement that the petition signer had to be a registered voter of the county where the petition was submitted for verification at the time of signing the petition. It is now sufficient that the voter be a registered voter of the State of Florida (not a specific county) at the time of signing and at the time of verification. Amends the period of validity for signed petitions from 4 years to 2 years. Eliminates provisions in law relating to revocation of citizen initiative petitions that were declared unconstitutional in <i>Browning v. Florida Hometown Democracy, Inc., PAC</i>, 29 So. 3d 1053 (Fla. 2010). 	May 19, 2011
24	101.001	Pertains to setting precinct boundaries and polling places as follows:	<ul style="list-style-type: none"> Requires supervisors to provide to the Department of State data on all precincts in each county associated with the most recent 	Effective July 1, 2012

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> Requires Supervisors of Elections to maintain maps regarding geographical boundaries and designation for precincts in accordance with one of five categories of designation: 1) census blocks, 2) governmental units, 3) visible street, stream, rail, lakes, etc appearing on maps, 4) public parks, public school grounds or churches, 5) political subdivisions. Requires any changes to boundaries or designation of precincts or polling places to be posted at the supervisor's office. 	<p>decennial census. Requires the Department of State to maintain a searchable database containing the precincts and the corresponding most recent decennial census blocks within the precincts.</p> <ul style="list-style-type: none"> Establishes that the latest U.S. decennial census block is to be used as the default basic unit for creating or changing precinct boundaries. Provides an exception if the census block boundaries split or conflict with another political boundary, then the precinct boundaries may still be defined along the other four categories of designation currently existing in law. Repeals provision providing that, prior to July 1, 2012, a supervisor of elections could apply for and obtain from the Secretary of State a waiver of the precinct boundary requirements. Adds requirement that changes to county precinct data must be reported to the Department of State within 10 days after the change. Requires precinct boundary data to be provided for all precincts for which precinct-level election results and voting history results are reported. 	
25	101.043	<p>Requires every voter to present a photo and signature identification at the polls before voting. Nine acceptable forms of ID exist:</p> <ul style="list-style-type: none"> Florida driver's license Florida identification card issued by the Department of Highway Safety and Motor Vehicles. United States passport. Debit or credit card. Military identification. Student identification. Retirement center identification. 	<ul style="list-style-type: none"> Prohibits use of the address appearing on the identification presented by the voter as the basis to confirm the voter's legal residence or otherwise challenge the voter's legal residence. Provides that a voter may not be asked to provide additional information or to recite his or her home address when he or she presents picture identification to the clerk or inspector and the address on the identification matches the address in the supervisor's records. 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> • Neighborhood association identification. • Public assistance identification. <p>The signature part of the requirement may be satisfied with some other form of identification if not on the photo ID.</p>		
26	101.045	<p>Requires that electors vote in precinct in which they are registered and in which they have legal residence.</p> <p>Provides that an elector who moves from the precinct in which the elector is registered may vote in the precinct to which he or she has moved his or her legal residence provided the elector completes an affirmation regarding the change of legal residence or completes a voter registration application indicating the address change.</p>	<ul style="list-style-type: none"> • Provides that an elector who moves from the precinct in which he or she is registered to another precinct within the same county may vote in the precinct to which he or she has moved his or her legal residence, provided the affirmation or voter registration application are completed by the elector as provided under prior law. • Provides that, except for an active uniformed services voter or a member of his or her family, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and vote a regular ballot, but is entitled to vote a provisional ballot. • A ballot of a person casting a provisional ballot "shall be counted" unless the canvassing board determines by a preponderance of evidence that the person was not entitled to vote (i.e., not a registered voter, not voting in precinct corresponding to new address on provisional ballot certificate, voted before in same election, or fraud). <i>See</i> § 101.048, Fla. Stat. 	May 19, 2011
27	101.131	Provides the process and timelines for designating and approving poll watchers for parties, political committees and candidates for specific polling places and early voting sites and for specific hours.	<ul style="list-style-type: none"> • Requires poll watcher designations to be submitted to supervisors of elections on a form prescribed by the Department of State, Division of Elections. • Specifies that the officials entitled to designate poll watchers are the chair of a political party county executive committee, the chair of a political committee, and a candidate. • Provides that poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated, if the number of poll watchers in any particular polling place does not exceed the 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>number allowed for each candidate, political committee or political party.</p> <ul style="list-style-type: none"> Requires supervisors of elections to provide poll watcher identification badges to poll watchers no later than 7 days before early voting begins. Requires each poll watcher to wear his or her identification badge while in the polling room or early voting area. 	
28	101.151	<ul style="list-style-type: none"> Sets forth ballot specifications such as the use of marksense ballots and ballot on demand technology. Allows the use of ballot-on-demand technology to produce absentee ballots and generate ballots during early voting. Requires prior approval of Secretary of State to use ballot-on-demand technology for generating ballots at the polls on Election Day. Provides that minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot in the same order as they were certified. 	<ul style="list-style-type: none"> Expands authority of Supervisors of Elections to use ballot-on-demand technology to produce marksense election-day ballots without requiring prior approval from Secretary of State. Revises the ballot layout to remove redundant headings that preceded office titles. Provides that the names of minor political party candidates shall appear on the general election ballot in the order they were qualified, followed by the names of candidates with no party affiliation, in the order they were qualified. 	May 19, 2011
29, 30	101.161	Provides the parameters for how a constitutional amendment or other public referendum is placed on the ballot.	<ul style="list-style-type: none"> Clarifies exemption of constitutional amendments proposed by joint resolution from ballot summary requirements. Sets up a new process by which joint resolutions proposing a constitutional amendment or revision are placed on the ballot which includes: <ul style="list-style-type: none"> A 30 day window from the date a joint legislative resolution is filed with the Secretary of State to challenge the joint resolution's ballot statement. Authority of the Attorney General to prepare a revised ballot title or summary in the event the Court finds that all ballot statements embodied in a joint resolution are defective. (must be completed within 10 days) A 10-day window to challenge judicially the Attorney 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>General's revision of the ballot statement</p> <ul style="list-style-type: none"> Expressly authorizes the use of the full text of the amendment or revision in place of a ballot summary. Provides a statutory presumption that a ballot statement that consists of the full text of an amendment or revision is a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote. Provides that amendment of section 101.161 applies retroactively to all joint resolutions adopted by the Legislature during the 2011 Regular Session. 	
31	101.5605	Sets forth the process for examining and approving voting equipment.	<ul style="list-style-type: none"> Corrects an error in law that referred to non-existent electronic industry standards for evaluating voting systems and replaces it with cross-reference to standards adopted by department rule. 	May 19, 2011
32	101.5606	Sets forth the requirements for approving electronic voting systems.	<ul style="list-style-type: none"> Eliminates reference to outmoded methods of producing precinct totals. 	May 19, 2011
33	101.56075	Sets forth the primary method for voting in Florida which is by marksense ballot with an exception for persons with disabilities who may opt to use touch screen technology.	<ul style="list-style-type: none"> Mandates that, by December 31, 2013, all voting systems used in the state for a state election must be capable of placing the entire text of a constitutional amendment including stricken or underlined text on the ballot. (This corresponds to changes in section 29). This represents a change from current practice which is just to place the ballot summary of a constitutional amendment or revision. 	May 19, 2011
34	101.5612	Sets forth the methodology for testing voting systems.	<ul style="list-style-type: none"> Changes the random sample testing of voting systems: <ul style="list-style-type: none"> Requires testing of either 5 percent or 10 of the optical scan machines, whichever is greater; and Requires testing of least 2 percent of the touch screen systems. <p>This reflects Florida's elimination of the touch screen voting devices as the primary method for voting in Florida, while</p>	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			maintaining their availability for persons with disabilities.	
35	101.5614	Provides the process for public canvassing of election returns and duplicating damaged absentee ballots and write-in ballots.	<ul style="list-style-type: none"> Clarifies the process for canvassing write-in votes cast on a ballot to allow for review of ballot or ballot image. 	May 19, 2011
36	101.591	Requires a voting system audit to be conducted after certification of each election. The audit consists of a public manual tally of votes cast in one randomly selected race that appears on the ballot. The audit must be completed no later than 7 days after certification and a report must be filed with the Department of State within 15 days thereafter.	<ul style="list-style-type: none"> Creates an exception for conducting a mandatory post-elections voting systems audit if a manual recount is undertaken pursuant to § 102.166, Fla. Stat. 	May 19, 2011
37	101.62	<ul style="list-style-type: none"> Sets forth the process for requesting, delivering and returning an absentee ballot. Mandates the daily reporting by noon of the following day all prior day absentee ballot request and ballot processing information including who requested, how many were requested, how many voted, etc. Requires absentee ballots to be sent no later than 45 days before each election via the method specified by the voter (e-mail, mail, or fax; default: mail) to the uniformed services voter and overseas voters (UOCAVA voters). Requires absentee ballots to be mailed (nonforwardable, return-if-undeliverable) to all other (non-UOCAVA) voters to the mailing address on record unless the person specifies that he or she is out of county, temporarily out of home due to natural disaster, or in a medical, rehabilitative or corrections facility, then to another mailing address. 	<ul style="list-style-type: none"> Clarifies that a request for an absentee ballot shall be deemed sufficient to receive an absentee ballot for all elections through the end of the calendar year of the second ensuing regularly scheduled general election. Amends time for supervisors of elections to provide information regarding absentee ballot requests from noon to 8 a.m. and expressly includes weekends. Imposes a 7-day window in which absentee ballots must be mailed to all non-UOCAVA voters (Between the 35th and 28th day before an election), and thereafter requires supervisors of elections to mail absentee ballots within 2 business days after receiving a request. Requires absentee ballot to be mailed to the mailing address on record or any other address specified in the request. 	May 19, 2011
38	101.65	Provides the content for absentee ballot instructions.	Revises the ballot instructions to include notice to the voter that: <ul style="list-style-type: none"> The absentee ballot will not be counted if the signature on 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>the voter's certificate does not match the signature on record (which is the current standard under section 101.68, Florida Statutes, for not counting an absentee ballot), and</p> <ul style="list-style-type: none"> Signature updates for purposes of absentee or provisional ballot canvassing, can be made up until canvassing of absentee ballots starts (canvassing may start as early as 15 days before election). Cf. Section 40 of chapter 2011-40, Laws of Florida 	
39	101.657	<ul style="list-style-type: none"> Provides for early voting in county, state, and federal elections beginning on the 15th day before an election and ending on the 2nd day before an election. Early voting shall be provided for 8 hours per weekday and 8 hours in the aggregate each weekend at each site. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day. Early voting is optional for municipal and special district elections not held in conjunction with a county, state, or federal election. For special elections held pursuant to § 100.101, Florida Statutes, provides for early voting beginning on the 8th day before an election and ending on the 2nd day before an election. 	<ul style="list-style-type: none"> Requires supervisors of elections to provide to the division no later than the 30th day before an election the address of each early voting site and the hours that early voting will occur at each site. Compresses the same maximum number of early voting hours (96) from a 14-day period into an 8-day period, beginning on the 10th day and ending on the 3rd day before the election. Requires no less than 6 hours of early voting and no more than 12 hours of early voting to be held at each site (compared to 8 hours under prior law). Retains existing requirement that all early voting sites allow any person in line at the closing of the site to vote. Provides supervisors of elections flexibility in scheduling early voting by eliminating requirement that all early voting sites in a county be open on the same days for the same amount of time. Increases weekend early voting hours from 16 aggregate hours (under prior law) to a minimum of 18 and maximum of 36 hours of weekend early voting. Makes it an option to hold early voting for county elections not held in conjunction with federal or state election. 	May 19, 2011
40	101.68	Provides the process for canvassing absentee ballots which can begin as early as 7 a.m. on the 6 th day before the election	<ul style="list-style-type: none"> Allows for earlier canvassing of absentee ballots beginning at 7 a.m. on the 15th day before the election. 	May 19, 2011
41	101.6923	Provides the content for absentee ballot instructions for certain first-time mail-in registrants who are	Revises the ballot instructions to include notice to the voter that:	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		referred to as "MRG" voters in Florida (Mail-in ReGistrants) pursuant to section 97.535, Florida Statutes. These are persons who have been confirmed to have no Florida driver's license number, no state identification number or social security number and are registering by mail and for the 1 st time in Florida. They are permitted to register and vote if they provide a form of identification required by law for which they produce with the registration form or before they vote. Exceptions to special ID requirement for persons subject Voting Accessibility for the Elderly and Handicapped Act, and the Uniformed and Overseas Citizens Absentee Voting Act.	<ul style="list-style-type: none"> The absentee ballot will not count if the signature on the ballot certificate does not match the signature on record (which is the current standard under section 101.68, Florida Statutes, for not counting an absentee ballot), and Signature updates for purposes of absentee or provisional ballot canvassing, can be made up until canvassing of absentee ballots starts (canvassing may start as early as 15 days before election). Cf. Section 40 of chapter 2011-40, Laws of Florida. 	
42	101.75	Provides authority for a municipality to change the date for a municipal election. Requires a 14-day qualifying period for municipal candidates (current law sets a 4-day qualifying period for county, state and federal offices).	<ul style="list-style-type: none"> Removes requirement for 14-day qualifying period and allows a municipality to set by ordinance its own qualifying period for municipal offices. 	May 19, 2011
43	102.141	Provides the composition and duties of the county canvassing board including the responsibility to submit to the Department of State preliminary election results by 11:59 p.m. on election night.	<p>Changes election night result reporting timeline as follows for the canvassing board and/or supervisor of elections:</p> <ul style="list-style-type: none"> Report all early voting and tabulated absentee ballot results within 30 minutes after the polls close. Report all other precinct election results in 45-minute periodic increments until all results are completely submitted (excludes provisional ballot results). Notify the Department of State if periodic updates cannot be done as required. Submit results in a format prescribed by the Department of State. 	May 19, 2011
44	102.168	Provides a cause of action to contest an election in circuit court including identification of indispensable parties to the action, the grounds upon which a contest may be based, timeline for filing, serving and	<ul style="list-style-type: none"> Clarifies that the canvassing board responsible for canvassing the election is an indispensable party defendant in county and local elections, and the Elections Canvassing Commission is an 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		responding to complaint, and setting of hearing.	<p>indispensable party in federal, state, multicounty, and judicial elections (with the exception of county court elections).</p> <ul style="list-style-type: none"> Provides that in any contest requiring review of the canvassing board's decision on the legality of an absentee ballot based upon a signature comparison, the circuit court may not review or consider any evidence other than the signatures on the certificate and in the registration records. The court's review of this issue is to determine only if the canvassing board abused its discretion in making its decision. 	
45	103.021	Provides the process for placing the names of candidates for President and Vice-President on the general election ballot depending on whether they are associated with a major political party, a minor political party affiliated or not affiliated with a national party, or without a political party affiliation.	<ul style="list-style-type: none"> Changes the definition for "national party" from a political party that is established and admitted to the ballot in one other state to a political party that is registered with and recognized as a qualified national committee of a political party by the Federal Election Commission. <p>(There are currently 71 minor political parties registered in Florida of which possibly 7 would fall into the above category) http://election.dos.state.fl.us/candidate/parties.shtml http://query.nictusa.com/fecimg/abbreviations.html</p>	May 19, 2011
46	103.095	The substantive provision for creating or registering a minor political party is set forth in definition only. creation of minor political parties is contained entirely in definition under section 97.021 which states that a minor political party is a group with less than 5% of the total number of registered voters in the state and has filed a certificate with the department of state that lists the names of the current officers and members of the executive committee and includes a copy of its constitution or bylaws.	<ul style="list-style-type: none"> Creates new procedures for minor political parties to register in Florida (e.g., requires filing of certificate showing name of organization, names and addresses of officers, completed uniform statewide voter registration applications reflecting affiliation of officers with proposed minor political party); procedures are retroactive for those groups currently registered as minor political parties. Provides the Division rule-making authority for dissolution of political parties. <p>Cf. Section 2 of chapter 2011-40, Laws of Florida (revising definition for "minor political party")</p>	May 19, 2011
47	103.101	<ul style="list-style-type: none"> Sets the Presidential Primary Election (PPP) date as the last Tuesday in January in the year for electing a president and vice-president. 	<ul style="list-style-type: none"> Eliminates the current date for the PPP and creates a 10-member PPP Date Selection Committee that is directed to set a new PPP date every four years to fall sometime between the first Tuesday in January and the first Tuesday in March. 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		<ul style="list-style-type: none"> Vests the Presidential Candidate Selection Committee (consisting of the Secretary of State, the Speaker of the Florida House of Representatives, the Senate President, and the chair of each political party required to have a presidential preference primary) as the body responsible for designating the names of candidates who will appear on the PPP ballot. Requires the state executive committee to designate the number of delegates and alternates in accordance with procedures adopted by rule at least 120 days (4 months before the presidential preference primary election. 	<ul style="list-style-type: none"> Specifies that the Committee shall consist of: three persons selected by the Governor, no more than two of whom can be from the same political party; three persons selected by the Speaker of the House of Representatives, no more than two of whom can be from the same political party; three persons selected by the President of the Senate, no more than two of whom can be from the same political party; and the Secretary of State, who shall serve as the nonvoting chair. The Committee must meet and select the date no later than October 1 of the year preceding the PPP election. Eliminates the Presidential Candidate Selection Committee and provides a new process for how presidential candidates will be selected and submitted to the Secretary of State for publication no later than the 1st Tuesday after the 1st Monday in November of the year preceding the PPP. Requires the state executive committee to adopt rules for designating delegates and alternates 60 days (2 months) in lieu of 120 days before the presidential preference primary election. 	
48, 49	103.141	Provides that a county executive committee member may be removed for violation of an oath either by at least a 2/3 majority vote of the committee members or by the unilateral decision of the chair of the county executive committee.	<ul style="list-style-type: none"> Eliminates the state executive committee chair's authority to unilaterally remove a member for violation of an oath. 	May 19, 2011
50	104.29	Provides a 1 st degree misdemeanor if an election official does not allow a maximum of three people to publicly view the tallying of ballots.	<ul style="list-style-type: none"> Revises the criminal violation to clarify that the election official must allow as many as 3 people to view the reconciliation of ballots after the polls close. The penalty remains the same. 	May 19, 2011
51	105.031	Provides the form of the candidate's oath for judicial races.	<ul style="list-style-type: none"> Revises the judicial candidate oath form to eliminate reference to a public employee oath and add references to support of the United States and Florida Constitutions. <p>Cf. s. 13, chapter 2011-40, Laws of Florida</p>	May 19, 2011
52	106.011	Provides the definitions for use in chapter 106, Florida Statutes, relating to campaign financing	<ul style="list-style-type: none"> Clarifies that the definition for "contribution" does not include editorial endorsements. [Note: Legislative drafting error omitted 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		including, but not limited to, for what constitutes a political committee, committees of continuous existence, contributions, independent expenditures, etc. Provides circumstances in which an expenditure does not constitute an independent expenditure.	a comma and the word "or"] <ul style="list-style-type: none"> Clarifies that the relevant time period for determining whether independent expenditure conditions apply in a candidate's race is after the last day of the qualifying period for that candidate, rather than the default qualifying period for statewide or legislative office. Conforms the statutory cross-reference in the definition for "unopposed candidate" to reflect a subsection of law also renumbered by the new law. Revises the definition of "candidate" to provide that expenditures related to potential candidate polls are not contributions or expenditures for the purpose of the triggering a candidacy. 	
53	106.021	Provides the appointment process for campaign treasurers and deputies and setting up depositories.	<ul style="list-style-type: none"> Eliminates the reporting requirement to provide address of a person to whom a reimbursement was made. 	May 19, 2011
54	106.022	Requires each political committee, committee of continuous existence or electioneering communications organization to appoint a registered agent and to file a statement of such appointment with the Division of Elections. Sets forth the agent's duties for such committees or organizations.	<ul style="list-style-type: none"> Requires the entity's registered agent's statement of appointment to be filed with the filing officer corresponding to whom the entity registered in the first place which may or may not have been the Division of Elections. 	May 19, 2011
55	106.023	Requires a candidate to submit a sworn or affirmed statement that the candidate "received," read, and understands the requirements of chapter 106, Florida Statutes.	<ul style="list-style-type: none"> Revises the statutory candidate's statement to reflect that the candidate was "provided access to," read, and understands the requirements of chapter 106, Florida Statutes. 	May 19, 2011
56	106.025	Provides requirements for conducting campaign fund raisers	<ul style="list-style-type: none"> Exempts tickets and advertising for campaign fund raisers from political advertisement and printed disclaimer requirements. 	May 19, 2011
57	106.03	Requires the registration of political committees and electioneering communication organizations (ECO) upon certain contribution or expenditures thresholds.	<ul style="list-style-type: none"> Changes the threshold for registering as a political committee such that such person or entity no longer has to register based solely on the <i>anticipation of</i> rather than the "actual" receipt of contributions or expenditure in excess of \$500 in a calendar 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>year.</p> <ul style="list-style-type: none"> Changes ECO registration requirements such that registration is no longer dependent upon the amount of any contributions received by the entity, but is dependent solely upon its expenditures. ECOs must now register within: (a) 24 hours of the date on which it makes expenditures for an electioneering communication in excess of \$5,000 if such expenditures occur within 30 days of a primary or special primary election or 60 days before any other election; or (b) 24 hours after the 30th day before a primary or special primary election, or within 24 hours after the 60th day before any other election, as applicable, if it makes expenditures for an electioneering communication in excess of \$5,000 before the "30/60 day" election window. <p>Cf. also Section 60 of ch. 2011-40, Laws of Florida</p>	
58	Section 106.04	Provides the requirements for committees of continuous existence to report expenditures and contributions.	<ul style="list-style-type: none"> Relocates an existing provision of law in section 106.07(1)(d)1., Florida Statutes (requiring any committee of continuous existence [CCE] that contributes or expends funds to influence a special primary election and special election to fill a vacancy in office to file campaign reports). Increases late-filing fines for reports immediately preceding primary and special election to \$500/day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Adds that notice to the committee treasurer or registered agent that a late report is deemed sufficient when there is proof of delivery to the address on record with the filing officer. Modifies the process by which the CCE treasurer may appeal a late filing fee fine within 20 days after receipt of notice. The appeal must now be directly filed with the commission with a copy to the filing officer who assessed the fine rather than just notifying the filing officer that the CCE intends to appeal or dispute the matter before the Florida Elections Commission. Adds a new requirement for CCEs to report any change in 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>information previously submitted within 10 days after the change.</p> <ul style="list-style-type: none"> • Clarifies that if a CCE ceases to meet the criteria for certification, the certification will be revoked. • Specifies the depositories for fines assessed against CCEs. 	
59	106.07	Requires periodic campaign finance reports by the candidate's or political committee's campaign treasurer and sets forth periodic filing deadlines before and after the elections.	<ul style="list-style-type: none"> • Provides that: (1) Notification to the campaign treasurer of incomplete candidate reports must now be by certified (no longer registered) mail or by any common carrier that provides a proof of delivery. Notice is deemed sufficient when there is proof of delivery to the address on record with the filing officer. The treasurer has 7 days (formerly 3) after receipt of the notice to file an addendum to the report. (2) Treasurers must now retain receipts for reimbursement of authorized expenditures. (3) Copies of credit card statements are no longer required, but the report must reflect the transaction information for each credit card purchase. (4) Campaign depositories need no longer return all checks to the campaign treasurer. (5) Increased fines for late filed reports also apply to special primary and special elections, not merely to primary and general elections. (6) Notice of fines for late filed reports by political committees can now also be served on the registered agent of the political committee (in addition to the candidate or chair). 	May 19, 2011
60	106.0703	Provides the certification, reporting and filing requirements for electioneering communications organizations.	<ul style="list-style-type: none"> • Eliminates the 'retroactive' electronic reporting requirement for electioneering communications organizations who engage in activities prior to registration. Cf. 57 of ch. 2011-40, Laws of Florida 	May 19, 2011
61	106.0705	Provides for electronic filing of campaign treasurer's reports with the state.	<ul style="list-style-type: none"> • Requires a former candidate to report electronically to the Division of Elections his or her disposition of surplus funds via the electronic reporting system. 	May 19, 2011
62	106.08	Provides for limits on contributions.	<ul style="list-style-type: none"> • Eliminates the exceptions for having to return contributions received after a candidate withdraws or is defeated or becomes unopposed or is elected to office. [Note: The chapter law fails 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<ul style="list-style-type: none"> to remove cross-reference to paragraph (c) which was eliminated in paragraph (b)] Changes the filing of the written acceptance of in-kind contributions by political parties from always being filed with the Division. County executive committees now file with the applicable SOE. 	
63	106.09	Provides for a \$50 limit on cash or cashier check contribution.	<ul style="list-style-type: none"> Clarifies that the \$50 cap on cash/cashier's check contributions is an aggregated cap per candidate/committee per election. 	May 19, 2011
64	106.11	Provides the parameters for expenditures by candidates and political committees.	<ul style="list-style-type: none"> Eliminates the requirement that a candidate or political committee include in its filing with the Division a list of all authorized debit card users and the card's expiration date. Adds that a candidate who makes a loan to the campaign does not have to wait until the campaign is over to be reimbursed; instead, the candidate may be reimbursed by the campaign at any time the campaign has sufficient funds to repay the loan and satisfy its other obligations. 	May 19, 2011
65	106.141	Provides how a candidate can dispose of surplus funds after a campaign including donating funds to the candidate's registered political party (a maximum of \$5,000 to the party or, in the case of a Florida senate candidate, no more than \$30,000).	<ul style="list-style-type: none"> Removes the caps on the amount of post-campaign surplus funds that a candidate may give to the candidate's political party. 	May 19, 2011
66	106.143	Provides the requirements for political disclaimers which apply regardless of whether the candidate is partisan, non-partisan, or a write-in candidate.	<ul style="list-style-type: none"> Creates a specific political advertising disclaimer for write-in candidates, which is essentially distinct from other partisan candidate disclaimers in that the words "write-in candidate" instead of the phrase "party affiliation" must follow the name of the write-in candidate. Specifies the disclaimer for political ads made as an in-kind contribution from a political party. Revises disclaimer for joint endorsement political advertisements. Provides that a political advertisement paid for by a candidate need not expressly indicate that the ad was approved by the candidate. 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<ul style="list-style-type: none"> Provides that political advertisements paid for by a political party or affiliated party committee may use names and abbreviations registered with the Department of State in the disclaimer. States that a non-partisan candidate is prohibited from campaigning based on party affiliation. Adds that although a political ad for a nonpartisan candidate cannot refer to the candidate's political party, it can refer to the candidate's partisan-related experience. 	
67	106.1437	Provides parameters for miscellaneous advertisements (those intended to influence public policy or the vote of a public official and those do not otherwise a political ad, independent expenditure, or electioneering communication) which includes clearly designating the sponsor.	<ul style="list-style-type: none"> States that an expenditure made for, or in furtherance of, a miscellaneous advertisement is neither a contribution to or on behalf of a candidate and does not constitute an independent expenditure. 	May 19, 2011
68	106.17	Allows candidate polls and surveys to be conducted.	<ul style="list-style-type: none"> Authorizes political party committees to conduct political polls for the purpose of determining the viability of potential candidates. Allows the results of the poll to be shared with potential candidates and provides that expenditures relating to such polls are not considered contributions to the potential candidates. 	May 19, 2011
69	106.19	Prohibits certain activities by candidates, political committees and those persons or entities connected with campaigns that could subject the person or entity to civil and/or criminal penalties.	Expressly states that a candidate's failure to comply with the requirements of chapter 106, Florida Statutes, does not affect whether the candidate has qualified for office.	May 19, 2011
70	106.25	Provides the authority of and the process for the Florida Elections Commission to investigate complaints or violations of chapters 104 and 106, Florida Statutes.	<ul style="list-style-type: none"> Provides a respondent 14 days to file a response to an initial complaint before the commission's executive director may determine the legal sufficiency of the complaint. Expressly prohibits the Commission from adopting by rule any determination of what constitutes "willfulness" or defining the term "willful" Allows a respondent to enter into a consent order with the Commission without having to admit to any violation of law 	May 19, 2011

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
			<p>within the commission's jurisdiction.</p> <ul style="list-style-type: none"> Clarifies that a person alleged to have committed a violation of chapter 104 or 106, Florida Statutes has the right to a formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings. Authorizes the administrative law judge to impose civil penalties in a formal administrative hearing. 	
71	106.26	Sets forth the Florida Elections Commissioners' powers	<ul style="list-style-type: none"> Adds that if the commission files a complaint against a witness who fails to respond to a subpoena, the complaint must be filed in the circuit court where the witness resides. 	May 19, 2011
72	106.265	Authorizes the Florida Elections Commission to impose civil penalties for violations of chapters 104 and 106, Florida Statutes.	<ul style="list-style-type: none"> Authorizes administrative law judge to impose civil penalties when a case is referred to the Division of Administrative Hearings. Clarifies that electioneering communications organizations are also subject to civil penalties. Clarifies that the fines assessed go to the General Revenue Fund in lieu of the Election Campaign Financing Trust Fund. 	May 19, 2011
73	106.29	<p>Requires state and county executive committees of political parties to file regular reports of all contributions and expenditures in accordance with the same filing deadlines as those imposed on candidates.</p> <p>Sets late filing fees and process for notifying the committee and for payment.</p> <p>Provides for restrictions and expenditures on contributions and expenditures, and penalties.</p>	<ul style="list-style-type: none"> Expressly excludes political parties from reporting contributions and expenditures that are reported to the Federal Election Commission. Requires political party committees to file campaign treasurers' reports for any contributions or expenditures made to influence the results of a special election or preceding special primary election held to fill a vacancy in office. Adds that written notice to the chair of the committee of late filing is deemed complete upon proof of delivery to the mailing or street address on record with the filing officer. 	May 19, 2011
74	106.35	Provides for the distribution of funds from the Election Campaign Financing Trust Fund.	<ul style="list-style-type: none"> Eliminates superfluous requirements for printed copies of campaign treasurer's reports that are already filed electronically. 	May 19, 2011
75	112.312	Provides for definitions of terms used in Part III of chapter 112, Florida Statutes, relating to the Code of Ethics for Public Officers and Employees.	<ul style="list-style-type: none"> Excludes from the definition of "Gift" contributions or expenditures that are reported pursuant to federal law. 	May 19, 2011
76	112.3215	Sets parameters for lobbying before the executive	<ul style="list-style-type: none"> Excludes from the definition of "Expenditure" contributions or 	May 19,

Section	Statute/Law	Status of law prior to effective date of change	Change to law	Eff. Date
		branch or the Constitution Revision Commission.	expenditures that are reported pursuant to federal law.	2011
77	876.05	Provides the requisite oath to be completed by current and new public employees.	<ul style="list-style-type: none"> Excludes the requirement for candidates for public office from having to execute the public employee oath because they are not public employees unless and until they are elected. 	May 19, 2011
78	876.07	Provides that a candidate who refuses to file the public employee oath does not qualify for public office and the name cannot be placed on the ballot.	<ul style="list-style-type: none"> Repeals this provision. Cf. Section 77 of chapter 2011-40, Laws of Florida, amending s. 876.05, Florida Statutes.	May 19, 2011
79			<ul style="list-style-type: none"> Provides a severability clause. 	
80			<ul style="list-style-type: none"> Provides that the bill takes effect upon becoming law (Signed by Governor Scott on May 19, 2011). 	

Exhibit 2d



U.S. Department of Justice
Civil Rights Division

TCH:RSB:RPL:ESS:TAL:tst
DJ 166-012-3
2011-2187

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

August 8, 2011

The Honorable Kurt S. Browning
Secretary of State
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

This refers to Chapter 2011-40, Laws of Florida (CS/CS/HB 1355), which amends numerous provisions of the Florida Election Code and other Florida Statutes, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on June 9, 2011; additional information was received through July 29, 2011.

Your July 29, 2011, letter withdraws Sections 4, 23, 26, and 39 of Chapter 2011-40 from Section 5 review. Accordingly, no determination by the Attorney General is required concerning these provisions. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.25(a). Your letter advises that the State of Florida has instead filed a declaratory judgment action under Section 5 concerning Sections 4, 23, 26, and 39 of Chapter 2011-40 in the District Court for the District of Columbia.

The Attorney General does not interpose any objection to the remaining changes contained in the legislation. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. 28 C.F.R. 51.41.

Chapter 2011-40 includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review. 28 C.F.R. 51.15.

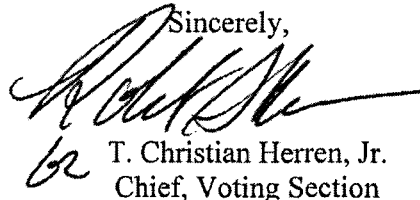
Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section

Exhibit 3

naplesnews.com

Printer-friendly story
Read more at naplesnews.com

Collier elections chief: Voter roll review already under way will continue

By JENNA BUZZACCO-FOERSTER

Thursday, June 7, 2012

NAPLES — Collier County's elections chief said Thursday her office won't halt its effort to identify and purge noncitizens from voter registration rolls despite a request from the federal government to Florida elections officials to do just that.

Collier Supervisor of Elections Jennifer Edwards said the staff already has sent out letters to 27 registered voters — 10 of which have been removed from the voter rolls — identified in the state search, and now are just waiting to hear back about their status.

The decision to continue the process comes about a week after federal officials sent Florida Secretary of State Ken Detzner a letter demanding the state end the search for noncitizen voters. The request — made by T. Christian Herren, voting section chief for the Department of Justice — claimed Florida's purge violates federal anti-discrimination and voter registration laws.

Florida began looking for noncitizens on its voter rolls last year by comparing driver license information to voter registration lists. An initial search showed that as many as 182,000 registered voters may not be citizens. State officials sent out an initial list of more than 2,600 names earlier this year and asked county election officials to verify the information and remove ineligible voters.

But Herren in his letter wrote that the state's procedures to identify noncitizens hasn't been reviewed to make sure it isn't discriminatory. Florida must secure approval for changes in voting procedures because five counties — including Collier — still are covered by the Voting Rights Act of 1965.

Edwards said state law outlines the procedure for maintaining registration records, and as such the policy is in compliance.

"It's already been pre-cleared," she said.

Lee County elections officials couldn't be reached for comment Thursday.

— The Associated Press contributed to this report.



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Exhibit 4



Civil Rights Division

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

May 31, 2012

The Honorable Ken Detzner
Florida Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

This refers to certain new procedures that the State of Florida has recently implemented to attempt to verify the eligibility of registered voters. Specifically, we understand that the Florida Secretary of State is working in coordination with the Florida Department of Highway Safety and Motor Vehicles ("DHSMV") to identify registered voters for possible removal from the Florida Voter Registration System ("FVRS"). Based on recent news reports, public comments by state and local officials, and our review of a Florida Department of State training presentation, it appears that Florida is seeking (1) to verify voter registration records in FVRS against databases maintained by DHSMV, as well as possibly other agencies, for purposes of identifying potentially ineligible voters based on citizenship, and (2) to distribute the results of this matching process to county supervisors of elections for further action, including possible removal of registered voters from the voter rolls. News reports and other information, including a press release from your office, indicate that this procedure has been initiated and is ongoing.

The practice described above appears to be different from the benchmark practice currently in force or effect in the five covered counties in Florida subject to the requirements of Section 5 of the Voting Rights Act. 42 U.S.C. 1973c.

Our records do not reflect that these changes affecting voting have been submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5 of the Voting Rights Act. 42 U.S.C. 1973c(a). Accordingly, it is necessary that they either be brought before that court or submitted to the Attorney General for a determination that they neither have the purpose nor will have the effect of discriminating on account of race, color, or membership in a language minority group under Section 5. Changes that affect voting are legally unenforceable in the five covered counties unless and until the requisite determination under Section 5 has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991). Should you desire to make an administrative submission of these changes under Section 5, please refer to file number 2012-3250 in your response so that it may be channeled correctly.

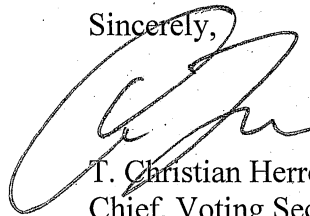
We also note that the State of Florida, as a whole, is subject to the requirements of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. 1973gg—1973gg-10. Section 8

of the NVRA provides the standards for conducting list maintenance for voter registration lists used for elections for federal office. We have a shared interest in ensuring that the NVRA's goal of maintaining accurate and current registration rolls for federal elections is met. At the same time, Section 8 of the NVRA reflects Congress's determination that list maintenance efforts must also be conducted within an appropriate time period, and in a uniform and non-discriminatory manner.

In particular, Section 8(c)(2)(A) of the NVRA provides that "[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters." 42 U.S.C. 1973gg-6(c)(2)(A). Further, Section 8(b)(1) of the NVRA provides that programs and activities aimed at "ensuring the maintenance of an accurate and current voter registration roll" shall be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965...." 42 U.S.C. 1973gg-6(b)(1). The practice described above appears to be a program to systematically remove the names of potentially ineligible voters from the official list of eligible voters within the meaning of Section 8 of the NVRA, and does not appear to fall within any of the exceptions allowed within the 90 day period before a federal election. Because Florida's primary election for federal office is August 14, 2012, that 90 day period began on May 16, 2012. As a consequence, the practice appears to violate the NVRA.

To enable us to meet our responsibility to enforce federal law, please inform us by June 6 of the action that the State of Florida plans to take concerning the matters discussed in this letter. Specifically, please advise whether the State intends to cease the practice discussed above, so that the Department can determine what further action, if any, is necessary. If you have any questions, please call Voting Section attorney Elise Sandra Shore at 202-305-0070.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Herren", written over a horizontal line.

T. Christian Herren, Jr.
Chief, Voting Section

cc: Attorney General Pam Bondi
Daniel Nordby, Esq.

Exhibit 5

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE MORALES, on behalf of
himself and those similarly situated,

Plaintiff,

v.

KAREN HANDEL, in her official
capacity as Georgia Secretary of
State,

Defendant.

CIVIL CASE NO.
1:08-CV-3172

Three-judge court
(SFB, JTC, WSD)

ORDER

I. INTRODUCTION

“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” Wesberry v. Sanders, 376 U.S. 1, 17, 84 S. Ct. 526, 535 (1964).

Accordingly, “[e]very voter . . . , whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes.” Anderson v. United States, 417 U.S. 211, 227, 94 S. Ct. 2253, 2263–64 (1974). “The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." Reynolds v. Sims, 377 U.S. 533, 555, 84 S. Ct. 1362, 1378 (1964).

"Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised." Purcell v. Gonzalez, 549 U.S. 1, 3, 127 S. Ct. 5, 7 (2006).

"[T]he electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters." Crawford v. Marion County Election Bd., 553 U.S. — , 128 S. Ct. 1610, 1620 (2008) (quotation marks and citation omitted) (noting that "public confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process").

II. BACKGROUND

Plaintiff Jose Morales (alternatively "Plaintiff" or "Morales") resides in Cherokee County, Georgia and became a naturalized United States citizen in November 2007. He is a registered student at Kennesaw State University. Morales obtained his Georgia driver's license in 2006, prior to becoming a

U.S. citizen. In September 2008, he completed a voter registration application on campus.

Thereafter, Morales received a letter dated 19 September 2008 from the Cherokee County Elections and Registration (“County Registrar”) office. Citing procedures set out in the Georgia Election Code, the letter informed Morales that he was required to provide verification of his citizenship. On 26 September 2008, the County Registrar’s office sent Morales a second letter stating that he might not be qualified to vote because his citizenship status was unclear. Morales was advised in the letter that a hearing had been scheduled for 15 October 2008 to determine his qualifications. At some time on 26 September 2008, Morales appeared at the County Registrar’s office where he presented his passport as evidence of his United States citizenship. The passport was accepted as verification and the next day, 27 September 2008, the voter registration records were changed to indicate Morales was eligible and registered to vote. A short time later, Morales received his voter registration card. On 10 October 2008, a letter was sent to Morales advising him that his 15 October 2008 hearing had been cancelled and informing him “YOU WILL BE ALLOWED TO VOTE.”

On 9 October 2008, after Morales had received his voter registration card but the day before the 10 October 2008 letter was sent confirming his

eligibility and registration to vote, Morales filed this lawsuit with the district court seeking a temporary restraining order (“TRO”)¹ and preliminary injunction against Georgia’s Secretary of State, Karen Handel (“the Secretary”). Morales’s claim for the TRO was based upon Section 5 of the Voting Rights Act of 1965.² Section 5 prohibits certain states with a specified history of voting discrimination from enacting or administering a change in existing voting practice or procedure without first receiving “preclearance” from the United States Department of Justice (“DOJ”) or the United States

¹ Morales requested a temporary restraining order specifically directing the Georgia Secretary of State to: (1) cease using any citizenship data derived from the Department of Driver Services’ database; (2) direct all county boards of elections to cease using any lists derived from that citizenship data as the basis for voter challenges, correspondences, hearings, or removals; (3) direct all county boards to immediately send letters rescinding previous correspondences based on the database matching lists; (4) report any county that refuses to comply; and (5) rescind the Secretary’s prior 24 September 2008 memorandum on absentee voter procedures. (Compl. ¶¶ A-C.)

² Morales also based his claim on alleged violations of the National Voter Registration Act (“NVRA”), 42 U.S.C. § 1973gg *et seq.*. As a three-judge court convened pursuant to Section 5, we are only required to address claims under that section, though we could hear related claims as well. *See Allee v. Medrano*, 416 U.S. 802, 812, 94 S. Ct. 2191, 2198 (1974) (noting that a three-judge court could hear claims ancillary to those for which a three-judge court was statutorily required, even if those ancillary claims would not otherwise be heard by such a court). Although the court received evidence and heard argument on the NVRA claim at the 22 October hearing, we exercise our discretion not to address that claim, which will instead be decided by a single-judge court. *See White v. Alabama*, 851 F. Supp. 427, 429 (finding it proper for a three-judge court to sever non-Section 5 claims for resolution by a single-judge court).

District Court for the District of Columbia. See 42 U.S.C. § 1973c, as amended by Pub. L. 109-246, 120 Stat. 577 (2006). The State of Georgia is subject to the requirements of Section 5. See id.; 28 C.F.R. app. § 51. Preclearance is necessary to ensure that a voting change “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color.” 42 U.S.C. § 1973c.

In this case, the “change” in voting practice or procedure alluded to concerns Georgia’s attempt to comply with the provisions of the Help America Vote Act (“HAVA”)³, passed by Congress in 2002, which requires the Secretary to maintain a statewide database of registered voters.⁴ One of the two principal purposes of HAVA is to prevent voter fraud, and the Act requires that the Secretary create a system to verify the information on voter registration applications by matching the registration information against the State’s Department of Driver Services (“DDS”) database and the Social Security Administration (“SSA”) database. See 42 U.S.C. § 15483; Florida

³ HAVA recognizes the fundamental requirement of United States citizenship to vote in federal elections by specifically providing, in the new mail-in ballot procedures, for the requirement that mail-in ballots include the question: “Are you a citizen of the United States of America?” 42 U.S.C. § 15483(b)(4)(A)(i).

⁴ The Georgia Election Code provides that the Secretary of State is responsible for coordinating the obligations of the State under HAVA. O.C.G.A. § 21-2-50.

State Conf. of the NAACP v. Browning, 522 F.3d 1153, 1168 (11th Cir. 2008).

When Morales's voter registration information was matched with the information in the DDS and SSA databases, the match results indicated that Morales might not be a citizen. Because he was "flagged" in the database, the County Registrar sent him the 19 September 2008 letter requiring him to verify his citizenship.⁵

On 16 October 2008 the Chief Judge of this court entered an order denying Plaintiff's requested TRO. He found that no specific irreparable harm would occur before the three-judge court convened to warrant entry of the requested TRO. In considering the harm to the Secretary should such a TRO be granted, the court concluded that it was necessary to allow for further development of the factual record. The court also concluded that granting the requested TRO would effectively prevent the Secretary and those acting in concert with her, specifically the 159 county registrars and their companion election boards, from removing fraudulent or disqualified voters from the voting lists. Such inability was found to significantly injure and diminish the public's respect for, and confidence in, the electoral process. Also, the court,

⁵ It appears that Morales was flagged in the database because he did not become a citizen until after he obtained his driver's license. Morales became a naturalized citizen on 7 November 2007. In Georgia, an applicant for a driver's license indicates whether he is or is not a U.S. citizen.

in weighing the interests of the parties, concluded that the Secretary's ability to maintain reliable voter lists was paramount to the temporary and minor inconvenience to those individuals whose eligibility had been questioned on the grounds of citizenship. Finally, the court opined that the temporary relief sought by Plaintiff would likely lead to significant voter confusion.

This case involves a complex area of the law that is freighted with significance given its timing and nature. As such, a clear understanding of the competing interests before us is in order. First, we sketch the contours of the current voting process in Georgia.

A. Registration

Under both the Georgia Constitution and provisions within the Georgia election code, a person must be a citizen of the United States to register and vote in Georgia. Ga. Const. art. II, § I, ¶ II; O.C.G.A. §§ 21-2-216(a)(2), 21-2-220(b). To register to vote in Georgia, a person must be at least eighteen years old and a resident of the county in which he or she seeks to vote.

O.C.G.A. § 21-2-216. A "resident" of Georgia is defined under the state's motor vehicle code as either a United States citizen or an alien with legal authorization from the U.S. government for his or her residency. *Id.* § 40-5-1(15). Only Georgia residents may obtain either a driver's license or an identification card from the DDS. *Id.* §§ 40-5-20(a), 40-5-100(a).

A person can apply to register as an elector⁶ in person through the DDS, the Department of Natural Resources, other designated offices or by mail-in voter registration application. Id. § 21-2-220. It is important to note that Georgia has no statutory framework within which same-day registration and voting can take place. A person who applies to register to vote for the first time in Georgia is not “registered” to vote at the time he or she submits a voter registration application to one of the 159 county registrars. The person is only “registered” once eligibility has been established. Georgia law provides that a county board of registrars has the right and duty to examine the qualifications to be an elector in the county. Id. § 21-2-228. The Georgia Election Code further provides that a board of registrars may hold a hearing, upon three days written notice, to examine the qualification or disqualification of applicants or electors and may require the production of documents and subpoena witnesses. Id. If a board of registrars determines that a person is not qualified to register or remain registered to vote, the individual is provided written notice of that decision and may appeal that decision to the Superior Court. Id. § 21-2-228(e, f).

⁶ The term “elector” under Georgia law means a person registered to vote. Id. § 21-2-216(a).

B. Voting

In Georgia, votes are cast using either a direct reporting electronic machine (“DRE machine”) or a paper ballot. Votes that are cast via the DRE machine are final, cannot be retrieved, and the vote of a particular elector cannot be identified after the DRE vote is cast. There are three kinds of paper ballots — “absentee ballots,” “provisional ballots,” and “challenged ballots.” An absentee ballot is mailed to a registered elector upon request. The elector then votes the ballot, places it in an envelope, signs an oath printed on the envelope, places that envelope inside another envelope and mails the whole package back to the registrar any time before the day of the election. Id. § 21-2-385(a).

Provisional ballots look exactly like absentee ballots but are used for different purposes. Id. § 21-2-419(a). Provisional ballots are provided to individuals who present themselves at a polling place on election day and claim to be registered electors, but whose names do not appear on the official list of registered electors. Id. § 21-2-418(a). The provisional ballots, once voted, are placed in colored envelopes to differentiate them from other types of paper ballots and then placed in a separate, secure ballot box. Id. § 21-2-419(a). A registrar has forty-eight hours after the election to determine whether those casting the provisional ballots had, in fact, registered to vote.

Id. § 21-2-419(c). There is no right to appeal the refusal to count provisional ballots.

Challenged ballots mirror absentee and provisional ballots in appearance. However, challenged ballots are provided only to those individuals whose status as a registered elector is challenged by either the registrar or another citizen. Id. § 21-2-230. If practicable, registrars are directed to clear up any challenges prior to election day. If an eligibility issue cannot be resolved in that time, the challenged individuals are permitted to cast a “challenged” ballot. The Georgia election code requires registrars to resolve all challenged ballots prior to the certification of the election results. Id. Written notice is then provided to the challenged elector indicating whether the challenge was successful. If the challenge is successful, the elector may then appeal that decision to a Superior Court. Id. An appeal does not delay the certification process. Id. §§ 21-2-229(e), 21-2-230.

III. LEGAL STANDARDS

A. Jurisdiction

At the hearing on 22 October 2008, the members of the court inquired of all parties as to whether, in light of Morales having secured a voting card and the assurances of his registrar (and the Secretary of State) that he would be allowed to vote, there remained Article III standing. Essentially, the court

wondered aloud if the case were moot, given that the sole plaintiff in the controversy had achieved complete relief. While the complaint seeks relief for those “similarly situated” to Morales, there are no class allegations in this complaint and recognition of a class has not been pressed or adjudicated. A review of the pertinent precedents reveals that our jurisdiction here is a thorny issue not easily resolved.

Morales, based upon the voluntary action by his registrar, reinforced by in-court assurances from the Secretary that he will be able to cast his vote, appears to have achieved the relief he sought for himself when he filed this action. Clearly, at the time of the filing of this action the court had Article III jurisdiction — that point is not at issue. It is the subsequent, voluntary actions by the Secretary and other election officials in response to Morales’ efforts to establish his eligibility that have occasioned a suggestion of mootness. However, it should be stressed that Morales challenged, and held an individual right to do so, the lack of preclearance as to the changes in the electoral process caused by Georgia’s compliance with HAVA.

We conclude that this case, under the unique facts before us, satisfies an exception to the mootness doctrine in that the injury complained of viz Section 5 constitutes a “wrong capable of repetition, yet evading review.” Southern Pac. Terminal Co. v. ICC, 219 U.S. 498, 515, 31 S. Ct. 279, 283

(1911). As long as Georgia's system for compiling the databases "remains and controls future elections[,]" Moore v. Ogilvie, 394 U.S. 814, 816, 89 S. Ct. 1493, 1494 (1969), we think the exception as outlined by the Supreme Court in a range of cases starting with Southern Pacific and running through Morse v. Republican Party of Virginia, 517 U.S. 186, 116 S. Ct. 1186 (1996), applies.⁷

First, the injury at bar appears to be of a type likely to befall the plaintiff again. If Morales undertakes one of the actions that would cause his eligibility to be questioned by reference to the databases at issue, there is a "reasonable expectation that . . . [he] would be subjected to the same action again." Weinstein v. Bradford, 423 U.S. 147, 149, 96 S. Ct. 347, 348-49 (1975). Second, the injury here is of inherently limited duration and is likely to always become moot before federal court litigation is completed. Ogilvie, 394 U.S. at 816.

Our circuit also has addressed this well-established exception to the mootness doctrine. We have held that "[t]his exception allows a court to reach the merits of a case which is otherwise moot if (1) there is a reasonable expectation or a demonstrated probability that the same controversy will

⁷ In Morse, the Court observed: "Like other cases *challenging electoral practices*, therefore, this controversy is not moot because it is capable of repetition, yet evading review." Morse v. Republican Party of Va., 517 U.S. at 235 n.48, 116 S. Ct. at 1213 (quotation marks omitted) (emphasis added).

recur involving the same complaining party, and (2) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration.” Brooks v. Georgia State Bd. of Elections, 59 F.3d 1114, 1120 (11th Cir. 1995).

Here, given the strong public interest in maintaining confidence in the electoral process, the voluntary nature of the actions undertaken to provide temporal relief to Morales in response to the citizenship evidence he submitted, the ability of the Secretary or other election officials (i.e., the 159 county voter registrars in Georgia) to resume the process and procedures challenged, and the press of time involved in the election cycle, the court is persuaded that the exception to the mootness doctrine exists. The Secretary also concedes Morales and a few thousand other voter applicants were subject to the citizenship verification procedures he now challenges even though Morales himself was cleared to vote. Accordingly, we have proceeded to rule on this case within the parameters discussed below.

B. Voting Rights Act

Congress passed the Voting Rights Act in 1965 to end the practice of racial discrimination in voting in various Southern states, including Georgia. See South Carolina v. Katzenbach, 383 U.S. 301, 315, 329–30, 86 S. Ct. 803, 812, 819 (1966). Section 5 of the Act assists in achieving this goal by

“suspend[ing] new voting regulations pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment.” Id. at 334, 86 S. Ct. at 822. All changes in the voting process of a covered state would have to be precleared by the Department of Justice in order for that state to implement it, “so long as those changes reflect policy choices made by state or local officials.” Young v. Fordice, 520 U.S. 273, 284, 117 S. Ct. 1228, 1235–36 (1997); see also Allen v. State Bd. of Elections, 393 U.S. 544, 566, 89 S. Ct. 817, 832 (1969) (noting that “Congress intended to reach any state enactment which altered the election law of a covered State in even a minor way”).

The Supreme Court has separated cases involving preclearance issues into two categories — “substantive discrimination” questions and “coverage” questions. Id. at 559, 89 S. Ct. at 828. “Substantive discrimination” cases involve the issue of whether a change has the “purpose or effect” of infringing on the right to vote based on race or color. Perkins v. Matthews, 400 U.S. 379, 384–85, 91 S. Ct. 431, 435 (1971). Only the Attorney General and the United States District Court for the District of Columbia have the authority to make preclearance decisions in such cases. See id. Accordingly, states making substantive changes to their voting procedures must either seek a declaratory judgment from the District Court for the District of Columbia or

submit materials describing the change to the Attorney General. See 42 U.S.C. § 1973c; Morris v. Gressette, 432 U.S. 491, 502, 97 S. Ct. 2411, 2419 (1977). The state would be permitted to implement the changes under the latter alternative if “it has (i) filed a complete submission with the Attorney General, and (ii) received no objection from that office within 60 days.”⁸ Morris, 432 U.S. at 502, 97 S. Ct. at 2419.

“Coverage” questions, on the other hand, involve the preliminary question of “whether a particular state enactment is subject to the provisions of the Voting Rights Act, and therefore must be submitted for approval before enforcement.” Allen, 393 U.S. at 558–59, 89 S. Ct. at 828. A private party, as well as the United States, has standing to “seek a declaratory judgment that a new state enactment is governed by § 5,” and, if “the State has failed to submit the covered enactment for § 5 approval, the private party has standing to obtain an injunction against further enforcement, pending the State’s submission of the [covered enactment] pursuant to § 5.” Id. at 555, 89 S. Ct. at 826; see also 42 U.S.C. § 1973j(d), (f). All such actions must be heard by three-judge district courts, in accordance with the provisions of 28 U.S.C.

⁸ Under this standard, the Attorney General would not have to affirmatively approve the change, rather he only must not have issued an objection to it. See Morris, 432 U.S. at 502, 97 S. Ct. at 2419.

§ 2284, the decisions of which would be immediately appealable to the Supreme Court. See 42 U.S.C. § 1973c(a).

The present dispute involves a coverage action brought against a state subject to the preclearance requirements of Section 5. In addressing whether a Section 5 violation has occurred, we engage in a three-step analysis. See Lopez v. Monterey County, Cal., 519 U.S. 9, 23, 117 S. Ct. 340, 349 (1996). First, we must determine whether the state’s enactment constitutes a change covered under Section 5. See id. Second, if the action does constitute a change, we then look at whether the state has satisfied the requirements for Section 5 approval. See id. Finally, if the approval requirements have not been met, we then must determine “what temporary remedy, if any, is appropriate” until such time as preclearance is obtained or the proposed change abandoned. Id.

In order to evaluate whether a practice constitutes a “change” under Section 5, we must compare it to the “baseline” for that coverage jurisdiction. See Riley v. Kennedy, 553 U.S. —, 128 S. Ct. 1970, 1982 (2008). The “baseline” would be “the most recent practice that was both precleared and in force or effect.” Id. (quotation marks and citation omitted). After determining this baseline, we then must look at “whether a State has enact[ed] or is seek[ing] to administer a practice or procedure that is different

enough from the baseline to qualify as a change.” See id. (quotation marks and citation omitted).

C. Help America Vote Act of 2002

As previously noted, Congress passed the Help America Vote Act of 2002, 42 U.S.C. § 15301 et seq., as part of an effort to reform federal election administration. See Browning, 522 F.3d at 1155. Under HAVA, states are required to establish and maintain a centralized computerized voter registration list that contains the name and registration information for every legally registered voter in that state. See 42 U.S.C. § 15483(a). Each registered voter in the list must be assigned a unique identification number. See id. § 15483(a)(1)(A)(iii).

HAVA also imposes a series of voter verification requirements on states, thereby limiting their ability to accept and process applications for voter registration. When an individual fills out such an application, she is required to provide either her driver’s license number or the last four digits of her Social Security number. See id. § 15483(a)(5)(A)(i). If she does not have one, the state must assign her a unique identifying number, which should be the same as the one used for her entry in the computerized list. See id. § 15483(a)(5)(A)(ii). For all new applicants, HAVA gives states the discretion to decide on the appropriate standards for evaluating, in accordance with

state law, whether an applicant provided sufficient and valid information to meet the statute's requirements. See id. § 15483(a)(5)(A)(iii). As part of the voter verification process, HAVA requires the chief state election official, here the Secretary, to enter into an agreement with the official in charge of the state motor vehicle authority. See id. § 15483(a)(5)(B)(i). Under the terms of such an agreement, information from the statewide voter registration system would be matched with that contained in the motor vehicle authority's database, though only to the extent needed to permit the assessment of the accuracy of the information contained on the registration applications. See id. The motor vehicle authority must enter into a similar agreement with the Commissioner of Social Security, which would cover those situations in which no driver's license number was provided. See id. §§ 405(r)(8), 15483(a)(5)(B)(ii).

Georgia only began to comply with the voter verification provisions of HAVA in March of 2007, when the Secretary entered into an information-sharing agreement with the DDS.⁹ Under this agreement, DDS verifies the

⁹ Until 2006, Georgia believed itself to be exempted from these requirements based on 42 U.S.C. § 15483(a)(5)(D), which exempts states which are permitted to request applicants to provide their full nine-digit Social Security numbers. A 2006 court order forbade the use of complete Social Security numbers, in response to which Georgia agreed to follow the HAVA scheme pursuant to a consent decree. See Schwier v. Cox, 439 F.3d 1285 (11th Cir. 2006).

following fields from registration applications: driver's license number, last name, first name, date of birth, last four digits of Social Security number, and citizenship status. DDS has also entered into an agreement with the SSA, pursuant to which the SSA will verify the accuracy of the following fields from the applications: forename/surname, date of birth, last four digits of Social Security number, and whether the individual is deceased.

As part of its compliance with HAVA's requirements, Georgia has created a voter registration database, which contains the information from all applicants. All newly inputted information is transmitted to the DDS every week night in order for DDS to conduct the HAVA verification process. DDS sends this information on to the SSA. The next business day, the results of DDS and SSA verification are available to county registrars, who can access the information either by looking up an individual applicant in the database or by requesting a county-wide compilation report. If the data verification process could not verify that the applicant was a United States citizen, then the registrar would be made aware of the discrepancy. This would occur either by "NON-CITIZEN" or "N" being displayed in flashing red letters on the screen when that applicant's registration entry is displayed or by a

notation on the compilation report.¹⁰ If a registrar receives this information, the Secretary has suggested, but cannot require, that the registrar treat the application in the manner prescribed under Sections 21-2-226 and 21-2-228 of the Georgia Election Code for challenging the vote. In the absence of clear guidance from the Secretary, registrars for the 159 counties in Georgia could conceivably adopt a range of disparate methodologies for resolving these discrepancies.¹¹ At the time of the 22 October hearing, these voter verification processes had identified 50,378 applications with potential data mismatches in any of the listed categories, 4538 of which involved questions of citizenship.¹²

¹⁰ Based on the record and responses at the 22 October 2008 hearing, it appears that the registrars would be similarly notified if any of the other fields could not be verified. However, questionable citizenship is the only one that would produce a flashing red light on the computer screen.

¹¹ Many registrars appear to have dispatched letters to potential ineligible voters, as occurred with Morales. They could also have adopted other methods, such as calling those applicants, visiting their reported addresses, or performing general research into birth records and so on.

¹² The vast majority of these came from applications involving individuals trying to register for the first time — 3821 of the 4538 citizenship mismatches and 47,190 of the 50,378 total mismatches. At the time of the hearing, Georgia had processed and submitted for verification more than 550,000 registration applications.

IV. DISCUSSION

The changes Georgia adopted as a result of HAVA must be compared against the Section 5 baseline in order to determine if they constitute a change that should have been precleared. According to the DOJ¹³, the appropriate baseline would be the system Georgia had in place at the time HAVA was adopted. At that point in time, the state did not have an automated system for verifying registration applicant information nor any standards for operating that system. Given this baseline, there are at least two features of Georgia's post-HAVA system that constitute changes that require preclearance. One is the comparison of information in the DDS and SSA databases that results in the identification of applicants whose eligibility could not be verified. The other is the disparate methodologies employed by registrars in attempting to evaluate, notify and qualify potential ineligible voters.¹⁴ Though these could both be characterized as exercises of local discretion, permitted under federal and state law, in response to the federal mandate of HAVA, this does not shield them from review under Section 5. See Young, 520 U.S. at 284, 117 S. Ct. at 1235–36 (noting that preclearance is

¹³ The DOJ requested to participate in this action as *amicus curie* and, by agreement of the parties and the court, was permitted to do so.

¹⁴ The Court implies no ruling on whether the 159 local registrars must seek preclearance under Section 5.

required, even when “the changes are made in an effort to comply with federal law”). The two changes which were implemented by the State and its county registrars reflect policy choices requiring preclearance under Section 5.

Accordingly, since Georgia has failed to preclear either of these changes, we find it to have committed a technical violation of Section 5. Though the Secretary has not conceded that she should have sought preclearance for these changes, we note that the State has filed for preclearance of its new procedures in response to an 8 October 2008 letter from the Department of Justice as well as the initiation of this suit. To date, the State appears to be cooperating fully with the Attorney General and DOJ’s requests in the preclearance evaluation.

V. REMEDY

This challenged automated voter verification process is a change affecting voting that is covered by the preclearance requirements of Section 5. See Young, 520 U.S. 273, 117 S. Ct. 1228. The Secretary has implemented this automated voter verification process without first obtaining preclearance under Section 5 from the United States District Court for the District of Columbia or the Attorney General of the United States.

The Secretary now has submitted to the Attorney General this automated voter verification process for review under Section 5, and that submission remains pending.

Because the Secretary is currently implementing an unprecleared voting change covered by Section 5, and because there is an imminent federal general election occurring on 4 November 2008, temporary injunctive relief is required under Section 5, to remain in effect unless and until preclearance is obtained by the Secretary. Accordingly, the court will grant the Plaintiff's request for a preliminary injunction under Section 5, to the extent set forth below.

The Secretary and all persons acting in concert with the Secretary, including county election officials, are hereby ENJOINED to undertake the following continuing actions that shall remain in effect as a temporary remedy for the lack of preclearance, unless and until preclearance is obtained under Section 5:

(1) Consistent with state and federal law, to reasonably ensure that persons who have been identified ("flagged") as potentially ineligible by the State's unprecleared automated voter verification procedures, and who remain in that status at the time of voting, shall have the opportunity to cast a ballot during early voting, absentee voting and election day voting for the

November election by existing paper ballot procedures established under state law, namely the challenged ballot procedure (O.C.G.A. § 21-2-230). The Secretary has advised this court that these persons have been entered into the state's voter registration database, will be entered onto the state's electronic poll books and will have their flagged status noted, both in the voter registration database that is used during early and absentee voting, and in the electronic poll books used in polling place on election day. Timely notice shall be provided to persons who cast challenged ballots pursuant to the provisions of this paragraph of specifically what steps they must take to provide any needed proof of eligibility, and when these steps must be taken, in order to have their challenged ballots counted under state law. Consistent with state and federal law, these paper challenged ballots shall be set aside and considered under existing state law procedures for evaluating and counting challenged ballots. The Secretary hereby is required to issue before the 4 November 2008 election uniform guidance, in writing, to all county registrars explaining the operation of existing challenged balloting requirements of state law in this regard; and shall certify such notice to this court upon completion;

(2) Consistent with federal law, to reasonably ensure that no voter is permanently deleted from the voter registration list, and no voter registration

application is permanently denied, based upon information flowing from the unprecleared automated voter verification process, unless the voter admits, in writing, to election officials his/her present ineligibility. This is designed and intended to reasonably ensure that voter information will remain on the voter registration list to be checked against challenged ballots cast by voters in the November election;

(3) Make diligent and immediate efforts to notify, in a uniform manner, every person whose voter registration presently remains flagged as potentially ineligible under the unprecleared automated verification procedures, that they can vote in the November election by challenged paper ballot and make diligent and immediate efforts to notify every such person that information contained in the person's registration or Department of Driver Services records, or both, has raised a question regarding the person's eligibility to vote, and that they will be given an opportunity by the local registrar to address their qualifications. The persons filing challenged ballots shall be notified promptly, in writing, of what is necessary to resolve the challenge (e.g., delivering a document demonstrating proof of citizenship to a county voter registration office in person or by later-verified facsimile, or bringing such document to those persons responsible for resolving challenged ballots within a certain specified number of days after election day); and,

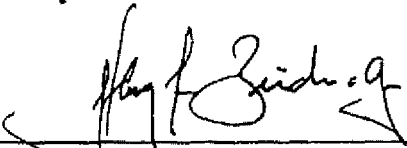
(4) Consult with the Department of Justice to determine whether there are any additional actions that can be taken prior to the November election to reasonably ensure that persons who are actually eligible to vote, but whom the State's unprecleared voter verification procedures have flagged as potentially ineligible, are allowed to vote a ballot in the November election.

This temporary injunction addresses the Secretary's and the State of Georgia's compelling interest in complying with Section 5's mandate to ensure that no eligible voter is denied the right to vote for failure to comply with an unprecleared voting practice. It also preserves the integrity of the voting process by ascertaining the eligibility of the challenged voter to cast a vote, thereby preventing the dilution of the votes of eligible voters. Moreover, this temporary remedy addresses the Secretary's compelling interest in complying with HAVA so that no ineligible voter casts a ballot that cannot be later adjudged eligible, since there will be an opportunity for voters to provide additional information as to their eligibility before election day, on election day or after the election, as well as an opportunity for election officials to review this information and make a reasoned and informed determination on challenged ballots after the election. This remedy is designed and intended to reasonably ensure that no eligible voter is denied the right to cast a vote that can be counted later, and that no ineligible voter is allowed to cast a ballot

that cannot be discounted later. Such a remedy is intended to avoid irreparable harm to the interests of both voter access and voter integrity, and to voters and the State. In discharging their respective obligations under the law and in complying with this order such intent should inform and guide the actions of the Secretary and all those acting in concert with the Secretary, particularly the local registrars and elections boards. This is "a remedy that in all the circumstances of the case implements the mandate of § 5 in the most equitable and practicable manner and with least offense to its provisions" as well as with the least offense to the requirements of HAVA.

Clark v. Roemer, 500 U.S. 646, 660, 111 S. Ct. 2096, 2105 (1991).

SO ORDERED, this 27 day of October, 2008.


 STANLEY F. BIRCH, JR.
 UNITED STATES CIRCUIT JUDGE
 ELEVENTH CIRCUIT COURT OF APPEALS


 JACK T. CAMP, CHIEF
 UNITED STATES DISTRICT JUDGE
 FOR THE NORTHERN DISTRICT OF GEORGIA

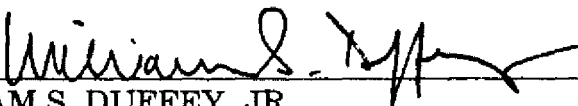

 WILLIAM S. DUFFEY, JR.
 UNITED STATES DISTRICT JUDGE
 FOR THE NORTHERN DISTRICT OF GEORGIA

Exhibit 6



U.S. Department of Justice

Civil Rights Division

JDR:GS:AHN:par
DJ 166-012-3
2001-1693

Voting Section - GSJ
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

December 17, 2001

The Honorable Robert A. Butterworth
Attorney General
State of Florida
The Capitol
Tallahassee, Florida 32399-1050

Dear Mr. Attorney General:

This letter regards your submission under Section 5 of the Voting Rights Act of the "Florida Election Reform Act of 2001." In our initial response to your submission, sent August 17, 2001, we requested additional information on, among other provisions, those addressing use of provisional ballots; posting of a voter's bill of rights; posting of voter responsibilities; and new voter purging procedures. We received additional information most recently on October 16, which by statute required our further response by the date of this letter.

As discussed below, the material the State has sent us in its initial submission and in response to our letter of August 17 has been extremely helpful in clarifying the provisions of the Act, and it has enabled us to now preclear the State's proposed procedures for provisional ballots (Sections 35, 36, 38, 41) and a voter bill of rights (Section 60). To round out our review, however, we renew our August 17 request for technical information regarding proposed voter purge procedures (Sections 70-72).

I. Provisional Ballots

With respect to Sections 35, 36, 38, and 41 of the Reform Act, which establish an entitlement to provisional ballots for voters whose eligibility cannot be readily determined and procedures for canvassing provisional ballots, the Attorney General does not interpose any objection to the specified changes.

This determination is expressly based on your representations on behalf of the State that, notwithstanding the availability of provisional ballots, poll workers will continue to first attempt to

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verify a person's eligibility and correct precinct assignment, and that if the poll worker can determine that a person is in the wrong precinct, the poll worker will direct the person to the correct precinct. See Letter, Oct. 15, 2001 at p.7. Modification of these procedures (i.e., poll workers' failure to first try to verify precinct eligibility, at precinct, prior to distribution of a provisional ballot) would constitute an unprecleared voting change.

II. Voter Bill of Rights

With respect to the portion of Section 60 of the Reform Act that amends Fla. Stat. § 101.031 to require posting of a Voter's Bill of Rights, the Attorney General does not interpose any objection.

III. Statewide Database and Purge Procedures

With respect to Sections 70-72 of the Reform Act, which authorize the Department of State to contract with the Florida Association of Court Clerks to design and maintain a statewide on-line voter registration database, and which create new voter purge procedures, we still need additional information in order to make the comparison required by Section 5 of the Voting Rights Act between the purge procedures implemented pursuant to Section 8 of the 1998 Anti-Voter Fraud Act and the purge procedures mandated by Sections 70-72 of the Election Reform Act. Set forth below is additional information necessary for us to complete our review of Sections 70-72, identified by the number of the request in our August 17, 2001 letter.

5(a) Please identify whether the statewide voter registration database/list created pursuant to § 98.0975 contained the names and voter registration status of all registered voters in the State of Florida, or only those Florida residents identified as having lost their right to vote or whose continuing eligibility to vote was questioned. In addition, please also provide the categories of information provided in the database/list.

5(b) Please identify with specificity the "other computer databases" that were utilized pursuant to § 98.0975, and the "other relevant sources" available to the State pursuant to § 98.0977. If the sources of information are not prescribed and/or limited by law, please indicate this for both sections. Please also provide information for both sections regarding the role of elections supervisors in identifying ineligible and potentially ineligible voters, specifically any mandatory procedures to be followed.

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5(d) Please identify or describe for both sections the standard of proof required, and the nature and degree of evidence necessary, for state officials and county supervisors of elections to determine that a voter is potentially ineligible so that he or she was or will be identified as such in the database for any of the specified reasons. For § 98.0977, please clarify the evidence necessary to establish the "suggestion" of ineligibility denoted in § 98.0977(3), and whether or not that language changes the procedure for identifying potentially ineligible voters set forth in 98.075.

5(e) Please identify or describe for both sections the standard of proof required, and the nature and degree of evidence necessary, to make a final determination that a voter is ineligible for any of the specified reasons. In other words, please clarify the quantity and type of evidence that a voter would be required to produce to establish that he or she remains eligible against any of the enumerated challenges. In addition, please complete your answer with regard to § 98.0977, which appears to be incomplete.

5(f) Please provide the procedures that will be required of supervisors of elections pertaining to voters who fail to respond to the required mailing pursuant to § 98.0977, and specifically, indicate whether supervisors must purge voters who fail to respond to the mailing, or wait for more information. As the question sought a comparison of those practices required by county supervisors of elections prior to purging voters pursuant to § 98.0975 and § 98.0977, please address whether these practices and/or the discretion afforded to elections supervisors under § 98.0977 have changed from prior practice.

5(g) Please identify the procedures that could have been utilized by a voter who wished to contest his or her designation as a potentially ineligible voter with respect to § 98.0975, and please complete your answer with respect to § 98.0977.

5(j) Please complete your answer with respect to § 98.0977.

5(k) For both § 98.0975 or § 98.0977, please provide the criteria that were or will be used by state and county election officials to initially identify and/or confirm the identity of a potentially ineligible voter (e.g., first and last name, sex, race, ethnic background, Social Security number, date of birth, etc.), and whether the match for each criterion must be exact or may be approximate.

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The chart format in which you provided your initial responses to Request numbers 5(a) - (k) was particularly clear and helpful. If possible, please continue to use this form by adding the remainder of the information identified above into one revised chart.

Finally, note that if the State plans to issue implementing regulations for Section 70, those regulations would be subject to Section 5 review. See 28 C.F.R. 51.15.

If you have any questions concerning this letter, or if we can assist you in obtaining the requested information, please contact Amy Nemko (202-514-3232), an attorney on our staff. Refer to File No. 2001-1693 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph D. Rich". The signature is fluid and cursive, with the first name "Joseph" and last name "Rich" clearly distinguishable.

Joseph D. Rich
Chief, Voting Section

Exhibit 7



OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

SECTION 5 SUBMISSION

NO. 2001-1623

Reply to:

Office of the Attorney General
State Programs
(850)414-3300; SunCom 994-3300

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

January 29, 2002

Mr. Joseph D. Rich
Acting Chief, Voting Section
Civil Rights Division
Department of Justice
Post Office Box 66128
Washington D. C. 20035-1693

CIVIL RIGHTS DIVISION
VOTING SECTION
02 JAN 30 AM 10:53

RE: Submission Under Section 5 of the Voting Rights Act
Florida Election Reform Act of 2001, Chapter 2001-40, Laws of Florida
File No. 2001-1693 Response to Letter of December 17, 2001

Dear Mr. Rich:

This is in response to your letter of December 17, 2001 requesting additional information regarding Sections 70-72 of Florida's Election Reform Act of 2001 pertaining to the statewide voter database and purge procedures.

As in my previous correspondence, this response follows the numbering system set out in your December 17 letter beginning with 5(a) and concluding with 5(k).

Before responding to the specific inquiries of your December 17, 2001, letter we believe it helpful to summarize the purpose and effect of the voting changes which remain under Section 5 review. These changes concern the manner by which state and local election officials will identify persons who should be removed from the list of eligible voters because of death, a finding of mental incapacity with respect to voting, or conviction of a felony (without the restoration of civil rights). As you know, the statutory provisions which preclude voting by persons who have been found to be mentally incompetent (and whose mental capacity with respect to voting has not been restored), and by persons convicted of a felony (unless and until civil rights have been restored), as well by those who have died are long-standing provisions of Florida law and such voting requirements are not themselves subject to Section 5 review.

The changes in law under review are designed to improve the process by which ineligible voters will be identified. The new procedures address deficiencies of the prior law which placed too much weight on the accuracy of state records, required no notice to, or input from, voters whose rights were impacted, and placed a difficult standard on local election officials who might question the accuracy of state records. The new statute establishes that computer records might "suggest" ineligibility, but such suggestion only begins an investigative process to determine if the voter is, in fact, ineligible. Election officials now are required to notify voters of the suggestion of ineligibility and afford the voter an opportunity to correct mistakes. A voter is not

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removed, under the new law, unless the election official determines that the voter is, in fact, ineligible. If that decision is made, the voter will again be notified.

The new law significantly enhances the rights of voters by promoting fair and accurate treatment. As you are aware, some voters seeking to participate in the 2000 national election in Florida alleged that when they appeared to vote they were told, for the first time, that they had been removed from the list of eligible voters because of one of the above-described factors; and they contended that such removal was an error. The new requirements of Florida law will minimize, to a very significant degree, the chances that such erroneous removals will occur in future elections. The new law markedly enhances the legal protections of the right to vote.

The voting changes under review are entitled to Section 5 preclearance since they do not have the purpose, and will not have the effect, of denying or abridging the right to vote on account of race, color or membership in a language minority group. Clearly the new methods for identifying ineligible voters will not lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise. Minority voting rights are advanced by the change in Florida law.

We now turn to addressing the specific inquiries of your letter, which are answered in the order, and with the references, of your letter.

5(a)

Section 98.0975 referenced the "central voter file" (CVC), and we assume that is what you are describing as the "statewide voter registration databases/list." The central voter file was defined by section 98.097 as "a statewide, centrally maintained database containing the voter registration information of all counties in this state." Thus, the central voter file was to include information regarding all registered voters. We have attached a document which describes database structure and its fields so that you can see the fields of information included. Exhibit A.

There are three main categories of information in the CVF:

- Biographical and identification data – name, address, date of birth, race, gender, social security number (an optional field), voter registration number (as provided by the supervisor of elections), precinct codes, single member district codes, and other identifying data as available from the county voter registration system, which is maintained by the county supervisor of elections.
- Voter history data – data, as available from the counties, reflecting voter history for state election cycles. As previously noted, the voter history only reflects whether a voter cast a ballot, not how a voter voted.
- A record of those active voters contained within the biographical and identification data that had been identified by Database Technologies, Inc. (contractor) as possible ineligible voters. The contractor identifies these possible ineligible voters as outlined in the Requirements Document. (Exhibit B).

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5(b)

In responding to this question and the ones that follow we want to emphasize that a major purpose of the change in law is to enhance the protection to citizens in evaluating whether they have lost their eligibility to vote in a particular county. Both the old law and the new law used the term "other computer databases" in describing the sources of relevant information. (Compare 98.0975(3)(a)(Florida Statutes 2000) with 98.0977(4)(Florida Statutes 2001.) The new law also says that election officials may use "other relevant sources" in evaluating voter eligibility. (98.0977(3)(Florida Statutes 2001.) Neither the old law nor the new law limited the sources of information. Sources that have been used include the following:

- Criminal history data from the Florida Department of Law Enforcement.
- Records of voting rights restoration from the Florida Office of Executive Clemency.
- Records of deceased persons from the Florida Bureau of Vital Statistics.
- Data Base Technology's Proprietary Data from:
 - Florida's Department of Motor Vehicles.
 - United States Social Security Administration Death File.
 - Department of Corrections in Florida and other states.

Again, however, these sources are not exhaustive. If an election official learns that a voter has died, for example, the voter's name should be removed from the list of eligible voters.

You also seek information regarding the role of elections supervisors in identifying ineligible or potentially ineligible voters. Under both the old and new laws elections supervisors are required to implement list maintenance procedures and those procedures are described by statute. Compare 98.065 - 98.0975 (Florida Statutes 2000) with 98.065 - 98.0977 (Florida Statutes 2001). The major change is that the new law provides more protection to voters to ensure that any removal is proper.

Under the old law sent forth in 98.0975, state officials sent to county election officials a listing of voters determined to be ineligible. County election supervisors were required to "attempt to verify the information" but also were required to remove the names if "the supervisor does not determine that the information provided by the division is incorrect." The double-negative of this statutory language required an affirmative finding that a mistake had been made by state officials. The presumption was that the list was correct. Virtually no procedural or substantive protection was afforded to the affected voter.

Protection of the right to vote is enhanced significantly by the new law. Under 98.0977 the information from databases listing deaths, criminal felony convictions, or incompetency are merely the starting point for evaluating whether a particular voter should be removed from the voter list. That is why the statutes now say the data "suggests" that a particular voter should be removed from the list. Under the new law, each potentially ineligible voter must be notified of the possible removal and the voter is thereby given an opportunity to provide information indicating that removal would be improper. There is no longer a presumption favoring the accuracy of any computer database. Actually, the presumption now favors the voter, since a voter is not removed unless "the supervisor of elections determines that the voter is not eligible to vote under the laws of this state." These voter protections are described in 98.0977(3).

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5(d)

The preceding paragraphs describe the difference in the standards of the old and new laws. The old law placed greater reliance on the accuracy of computer databases. The old law described no specific steps that an election supervisor must take to verify information provided by the state officials; thus "verification" might be satisfied merely by confirming that names provided by state officials match names on the list of eligible voters. The new law describes specific procedures requiring notice to voters and an opportunity to correct mistakes. In fact, the new law requires notice to voters before any decision on removal, and a subsequent notice after any decision to remove the voter from the list of eligible voters. Also, it is worth repeating that the old law required removal if "the supervisor does not determine that the information provided by the division is incorrect" whereas the new law precludes removal unless the elections supervisor "determines that the voter is not eligible to vote under the laws of this state."

Your letter indicates a need for further explanation of the use of the word "suggests" in the new law. That word does not change the procedures from the old law for identifying potentially ineligible voters, but the word clarifies that the appearance of a name on the list does not, by itself, confirm ineligibility. In other words, the presumption of ineligibility contained in the old law is removed by use of the word "suggests." The new safeguards of notice and inquiry form the basis for the decision as to whether a particular voter should be removed from the list of eligible voters. The final determination is made by the elections supervisor based on the totality of factual information that is available including information from the voter.

The supervisors must also conduct general list maintenance once every two years pursuant to Section 98.065, Florida Statutes, for the purpose of protecting "the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records". Section 98.075, Florida Statutes, provides for further list maintenance activities including address confirmations

To determine that a voter is potentially ineligible to vote, a supervisor of elections must attempt to verify the information provided on the CVF pertaining to deaths, felonies and mental incapacitation. If the supervisor determines this information is correct the name of that voter must be removed from the registration rolls, subject of course to the due process entitlements discussed below.

At this time, the Division of Elections recognizes no "other relevant sources" sufficiently reliable for use in the Statewide Voter Registration Database pursuant to Section 98.0977, Florida Statutes. In the past, Database Technologies used other sources that the Division of Elections did not deem sufficiently reliable and are not permitted for use pursuant to the current Section 98.0977, Florida Statutes.

Accordingly, the initial design of the database will only compare Voter Biographical and Identification Data to the following three databases, although additional sources are permitted should the supervisors of elections deem them sufficiently reliable, as specifically prescribed in Section 98.0977(3), Florida Statutes:

- Criminal history data from the Florida Department of Law Enforcement.

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- Records of voting rights restoration from the Florida Board of Executive Clemency.
- Records of deceased persons from the Florida Office of Vital Statistics.

There is no reliable single source of data for those adjudicated mentally incompetent in Florida at this time. To the extent that county supervisors of elections receive and are able to verify information on such adjudication, the system will allow that data to be entered into the database.

The clerk of the court is required to provide a list to the supervisor of elections of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month, which person was a resident of that supervisor's county pursuant to Section 98.093(2), Florida Statutes. In addition, the clerk of court is required to provide the supervisor of elections with a list of each person whose mental capacity has been restored with respect to voting.

Each supervisor compares voter registration information with information provided by the Florida Department of Law Enforcement, the Board of Executive Clemency, Office of Vital Statistics and other relevant sources as noted above. At that point, if the supervisor finds information suggesting ineligibility to vote, the person shall be notified by certified United States mail. Subsection (6) provides that the supervisors' duties are mandatory, violation of which shall result in a misdemeanor for the supervisor of elections. Section 98.0977, Florida Statutes, mandates all other list maintenance activities as outlined above.

It should be noted that through the implementation of Section 98.0977, Florida Statutes, the burden of proof is shifted from the voter to the supervisor of elections. The recent pre-clearance of provisional ballots also allows a voter to cast a provisional ballot if there is any doubt as to eligibility at the polls.

After comparing the data, if the supervisor of elections finds information that suggests that a voter is ineligible to vote, the voter must be notified. The supervisor bears the burden to demonstrate ineligibility by the highest degree of proof consistent with the fact that the fundamental right to vote is at stake.

5(e)

The old law did not require any notice to impacted voters. Thus, a voter may not have known that he or she had been removed from the list of eligible voters until appearing at the poll to vote. The new law corrects that deficiency by requiring notice and an opportunity for the voter to submit information. Notice is again required if a decision is made to remove a voter. The type of information to be submitted by the voter under the new law will depend on the allegation suggesting ineligibility. For example, a voter might respond that "I am not dead." Or a voter might deny that he or she was ever convicted of a felony; or the voter might show that rights have been restored after conviction. Legislation cannot anticipate every issue that may arise, and here the legislature required fact-finding by the local election officials. There can be no contention that it will be difficult for election officials to determine, with input from impacted voters, whether a particular voter is dead, has been declared mentally incompetent or has been convicted of a felony and has not had civil rights restored. Again, an affirmative finding of ineligibility must be made before any removal occurs. Election supervisors who fail to perform these duties properly face sanctions. Section 98.0977(6).

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While there is no guidance in this statute as to the course of action a voter must follow to contest an a determination of ineligibility, Section 98.081(3), Florida Statutes, states that if a voter's name has been erroneously removed, the supervisor shall restore that person's name upon satisfactory proof which would involve virtually any conceivable demonstration of documented eligibility.

After finding information suggesting ineligibility, the supervisor of elections must send a notice of this finding to the voter via certified United States mail. The notice must state the reason for potential ineligibility and must request information from the voter in order to make a final determination on the voter's eligibility. After reviewing this additional information, if the supervisor of elections determines the voter is eligible, the voter shall remain on the registration books. If, after reviewing the additional information, the supervisor of elections finds the voter is ineligible, the supervisor of elections must notify the voter, and state the reason for ineligibility. At that point, the voter is removed from the rolls. This section requires that this information be gathered *before* removal. As set out above, the burden of proof is on the supervisor of elections to establish ineligibility.

The following is the completed answer found in the response dated October 15, 2001, on page 23: "This is basically a reasonableness standard using supervisor of elections experience and expertise, infused with the recognition that at issue is the right to vote.

5(f)

The new law envisions that election supervisors will have the most accurate information available to make the necessary determination. All state and local government entities are required to facilitate provision of information. (See 98.0977(4)) Notice to voters is provided by certified mail. If a voter fails to contest the suggestion of removal indicated by state records the decision must be made on the basis of other available information. Any final decision, however, is no longer based on a presumption created by a record-keeping system, but rather is based on a fair evaluation of all available information relevant to the voter's continued eligibility. If the decision is to remove the voter, the voter again receives notice by certified mail. This new law significantly enhances the protection afforded to voters as compared to prior Florida law.

5(g)

The old law did not limit the steps that a voter could take to contest the designation as a "potentially ineligible voter." The voter had the option of proving to the elections supervisor that the designation was wrong. The deficiency of the old law was that there was no requirement that the voter even be notified that she was a "potentially ineligible voter." Thus, a voter may not learn of the action until appearing to vote and learning that her name had been removed from the list of eligible voters. Of course, even under the old law, the voter could – even after removal – seek to restore the name to the list of eligible voters pursuant to Section 98.081(3) or challenge the removal pursuant to the Florida Administrative Procedure Act, and, if necessary, to circuit court. The new law addresses deficiencies of the old law by requiring notice and an opportunity to be heard to each "potentially ineligible voter" **prior** to a decision to remove the voter from the list of eligible voters.

Under the former statute, a voter who wished to contest his or her designation as a potentially ineligible voter under Section 98.0975, Florida Statutes, would have had to refer to Section

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98.081(3), Florida Statutes. This subsection states that if a voter's name has been erroneously removed, the supervisor of elections shall restore that person's name upon satisfactory proof. In addition, under existing Section 98.075, Florida Statutes, if the supervisor of elections believes a voter is not 18, not a United States citizen, is a fictitious person or has listed an address that is not that voter's legal residence, the voter is entitled to an administrative hearing through the process provided by Chapter 120, Florida Statutes, Florida's Administrative Procedure Act. At this hearing, the supervisor would have to show the required basis for removal and, if the supervisor made out a prima facie case, the voter would then be permitted to show why his or her name should remain on the registration books. Finally, the voter may appeal this decision in a circuit court.

The following is the completed answer found in the response dated October 15, 2001, on page 23: "There are basically two notifications. First, the opportunity to respond and show they are not the same person. Second, if a voter provides satisfactory proof that his or her name has been erroneously removed, the supervisor must restore that person's registration pursuant to Section 98.081(3), Florida Statutes."

5(j)

The following is the completed answer found in the response dated October 15, 2001, on page 24: "Access is intended to be restricted to the supervisors of elections and certain Department of State employees. This will be determined during the creation of the database."

5(k)

98.0975

For the CVF, pursuant to former Section 98.0975, Florida Statutes, the initial identification of potentially ineligible voters was defined in the Requirements Document. (Exhibit B). Processing the files was very involved. The first step was to standardize the way the name in each file was parsed. This step was essential due to the wide variety of files and the lack of a consistent method of data entry. All name suffixes were stripped from the last name field and placed in a separate suffix field. The first name field was defined to contain any character appearing before the first space. The remaining data was assigned to the middle name field.

The second step was to look for matches in the files. The records were compared based on the last name, first name the least common denominator of the middle name and the date of birth. In using the least common denominator while matching the middle name, a blank field or a matching middle initial was considered to be a match. In other words, John Doe and John R. Doe were considered to be matches for John Robert Doe, while John Michael Doe was not.

The third step was to run matches against social security numbers, where available. If a match was found, then those records were compared again by last name, first name and date of birth. At least one of those fields had to match before the record was considered a hit. If the social security number was the only field that matched, that hit was discarded. The Division has found that social security numbers are an excellent source for confirming identity after other factors have been researched. However, social security numbers, as a source for establishing identity, are not as reliable because

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social security numbers are frequently made up or the numbers are commonly interchanged.

The final step taken to establish felon matches was to compare the hits found against the clemency data in the same manner as stated above. If a record of clemency was found, the match was not reported to the supervisors of elections.

98.0977

Pursuant to Section 98.0977, Florida Statutes, for the Statewide Voter Registration Database matches will be run in much the same manner. However, a ranking procedure will be implemented. This procedure involves a mathematical algorithm as described in Exhibit C. Each match on a set of predefined criteria that can be adjusted over time to provide for greater accuracy is also being implemented. Under this approach, quality points are assigned to elements of matches based on additional fields available in the data. A quality point level is selected, above which matches will be worked and below which they will be discarded. Initially, the system will use a very high quality point level. Over time, however, a lower quality point level may prove accurate and, if so, may be adopted.

The current draft of the proposed ranking algorithms is attached as Exhibit C. Please note that it provides differing quality point levels for exact, as opposed to varying, levels of approximate matches.

Under both systems, once a voter is identified as a potential ineligible, the supervisor of elections in each county must make the final administrative determination. The Division will provide the supervisors of elections with a standardized letter for voter contact requesting additional information to aid in this determination. Evidence of missing or erroneous data would be the most common item indicating that a voter was identified as potentially ineligible in error.

The statewide voter registration database is of a highly technical nature. As we learn more, the database will be subject to modifications. This is a growing and technologically innovative process that will be adjusted as experience and expertise dictates. The overriding purpose of this endeavor is to develop and maintain the best and most reliable voter database.

The Division of Elections has approached the design and development of the Central Voter Registration Database as a joint project in cooperation with the Florida State Association of Supervisors of Elections (FSASE) and a great deal of input from the data source agencies and the public. The FSASE seated two advisory boards, the Voter Registration Advisory Board composed of Supervisors of Elections and the VR Technical Advisory Group composed of technical computer experts from the county election offices.

Monthly public meetings of these participants' representatives of the data source agencies, and other interested individuals began on September 5, 2001. They were tasked with both design and implementation of the new system. These meetings are slated to continue through the final development and the operational, life of the system. Once the system is completed and operational the Division of Elections will implement an ongoing performance review of the system. A key part of the system design is the ability to monitor the frequency of incorrect matches, thereby allowing for the detection and correction of incorrect data. This process will result in an increase in accuracy as experience warrants. The VR Advisory Board and the Department's Project Management, Oversight and Budget groups will be responsible for monitoring the performance of the system throughout the

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system's life.

Design documents and summaries of meetings are available on the Department's website at <http://election.dos.state.fl.us/cvdb>

We have attempted to respond to all of your questions fully and accurately, and we submit this letter as our complete and final response to the remaining inquiries of your written request for additional information. In conclusion, we submit that it cannot be disputed that the new law is an improvement over the prior law in advancing fairness to voters and better assuring that only persons who are in fact ineligible will be removed from the list of eligible voters. The standard for Section 5 preclearance is satisfied. Although the statutory time period for preclearance cannot be tolled further, we remain willing to discuss factual issues with you

If you require further information, please do not hesitate to contact George Waas of my office at (850) 414-3662 or Amy K. Tuck with the Department of State, Division of Elections at (850) 245-6208.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Butterworth", with a large, sweeping flourish extending from the end of the signature.

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL

Exhibit 8



U.S. Department of Justice

Civil Rights Division

JDR:GS:AHN:jdh
DJ 166-012-3
2001-1693

Voting Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

March 28, 2002

The Honorable Robert A. Butterworth
Attorney General
State of Florida
The Capitol
Tallahassee, Florida 32399-1050

Dear Mr. Attorney General:

This refers to your submission under Section 5 of the Voting Rights Act, 42 U.S.C. 1973, of the "Florida Election Reform Act of 2001." In our previous responses to your submission, the Attorney General precleared all but Sections 70, 71, and 72, which create a new statewide voter registration database and voter purge procedures, authorize State funds to do so, and designate State voter registration information as public record. In our initial response to your submission, sent August 17, 2001, we requested additional information on these three sections, among other provisions. We received additional information from you regarding Sections 70, 71, and 72 of the Act most recently on January 30, 2002.

The Attorney General does not interpose any objection to Sections 70, 71, and 72 of the Election Reform Act. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.14).

This determination is expressly based on the State's entire Section 5 submission, including the representations and clarifications in your January, 29, 2002, letter [hereafter "Jan. 29 letter"] regarding the State's implementation of the aforementioned sections. The State represented, for example:

- that there is no longer a presumption favoring the accuracy of any computer database and that the presumption now favors the voter; Jan. 29 letter at 3;

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- that the appearance of a voter's name on the State's list of potentially ineligible voters does not, by itself, confirm that voter's ineligibility; Jan. 29 letter at 4;

- that verification by county election officials may not be satisfied merely by confirming that names of potentially ineligible voters provided by state officials match names on counties' lists of registered voters; Jan. 29 letter at 4;

- that through implementation of Fla. Stat. § 98.0977, the burden of proof is shifted from the voter to the supervisor of elections to establish ineligibility by the highest degree of proof consistent with the fact that the fundamental right to vote is at stake; Jan. 29 letter at 5; and

- that if a voter fails to contest the suggestion of ineligibility indicated by state records, the final decision is no longer based on a presumption created by the record-keeping system but is based on a fair evaluation of all available information relevant to the voter's continued eligibility; Jan 29 letter at 6.

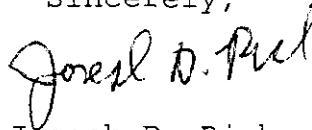
Modification of the implementing procedures set forth in your Jan. 29 letter would likely constitute voting changes requiring preclearance under Section 5. Further, we understand that the implementing procedures, like the Election Reform Act itself, will apply to the State of Florida as a whole and not just the Section 5 covered counties, and that the State will inform county supervisors of elections of the implementing procedures discussed in the January 29 letter as summarized in this letter.

Finally, as we noted in our December 17, 2001, letter, Section 5 preclearance should be sought if the State plans to issue implementing regulations or administrative procedures for Section 70. See 28 C.F.R. 51.15.

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If you have any questions concerning this letter, please contact Amy Nemko (202-514-3232), an attorney on our staff. Refer to File No. 2001-1693 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph D. Rich". The signature is written in a cursive, slightly slanted style.

Joseph D. Rich
Chief, Voting Section

Exhibit 9



CIVIL RIGHTS DIVISION
VOTING SECTION

2006 JUN 27 AM 11: 56

TERRY GODDARD
ATTORNEY GENERAL

Office of the Attorney General
State of Arizona

Direct Line (602) 542-7993

June 26, 2006

VIA OVERNIGHT DELIVERY

Mr. John Tanner
Chief, Voting Section
Civil Rights Division
Room 7254, NWB
U.S. Department of Justice
1800 G Street, N.W.
Washington, D.C. 20006

SECTION 5 SUBMISSION

NO. 2006-4991

Re: Submission under Section 5 of the Voting Rights Act
Arizona Secretary of State Elections Instructions and Procedures Manual ("Procedures Manual"), June 2006 Updates
EXPEDITED PRECLEARANCE REQUESTED

Dear Mr. Tanner:

We make the following submission pursuant to Section 5 of the Voting Rights Act of 1965, as amended. To have the updated Procedures Manual in effect in time for the primary election on September 12, 2006, we request expedited review pursuant to 28 C.F.R. § 51.34. For your convenience, the information is set forth below as prescribed by 28 C.F.R. 51.27.

A. COPY OF ENACTMENT.

A copy of the Arizona Secretary of State's June 2006 Procedures Manual is attached as **Exhibit A.**

B. COPY OF EXISTING PROCEDURES.

A copy of the current Procedures Manual is attached as **Exhibit B.**

C. EXPLANATION OF CHANGES.

A "red-lined" version of the 2006 Procedures Manual is attached as **Exhibit C.** The "red-lined" version indicates the changes between the current Procedures Manual and the Manual that is the subject of this submission. The substantive changes, with reference to the page numbers as found in Exhibit C, are as follows:

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- Pg. 29 Adds the TDD line.
- Pg. 31 Adds reference to "Sample Forms: HAVA Administrative Complaint Form."
- Pg. 35 Changes years and dates to reflect relevant dates for 2006 and 2007.
- Pg. 44 Deletes the reference to A.R.S. § 16-901(23) because it does not apply in this area.
- Pg. 45 Adds a reference to A.R.S. § 16-901(23); changes the "10" to "9" because only 9 reports are now required; adds a reference to A.R.S. § 16-913(K).
- Pg. 46 Adds the citation to and language of A.R.S. § 16-921, which was amended to permit an insurer licensed in Arizona to make up to two written solicitations for political contributions from a licensed insurance producer with whom the insurer has an exclusive contract.
- Pg. 47 Allows a political action committee to file a statement of organization prior to filing an application for an official serial number for a petition. If a request for a serial number is later filed, the committee is required to file an amended statement of organization within five days.
- Pg. 48 Adds a reference to A.R.S. § 16-917(A), which was amended to require political committees making independent expenditures within ten days before the day of any election to send by certified mail a copy of the literature and/or advertisement to each candidate named, or referred to, in the literature and/or advertisement within 24 hours after submitting or mailing it.
- Pg. 49-53 Updates the filing schedule for campaign finance reports ("CFRs") for political committees, except standing political committees, by removing the 2005 dates and adding the relevant dates for the 2006 election cycle. Updates the filing schedule for CFRs for standing political committees. Also updates the filing schedule by reflecting the fact that standing political committees are no longer required to file a report covering the period beginning January 1 through May 31 (A.R.S. § 16-913(K)).
- Pg. 53 Adds language that statewide candidates must file their CFRs with the Secretary of State ("SOS"). Also adds language that the provision requiring statewide and legislative candidates to file their CFRs with the SOS does not apply to candidates for federal office and that those reports are filed with the Federal Election Commission.

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- Pg. 54 Adds language that the SOS shall make available for public access copies of all reports filed with the SOS's office through the office website.
- Adds a reference to A.R.S. § 16-916.01, which permits county officers in charge of elections to implement an electronic filing system for relevant documents under the campaign finance laws. It also permits the county officer to require written or printed copies of filings during the implementation of the electronic filing systems.
- Adds a new paragraph on "Additional Filing Methods." This paragraph reflects A.R.S. § 16-916(C), which expands the methods for the delivery of CFRs.
- Pg. 57-58 Adds a new paragraph on "Political Party Candidates Filing of Nomination Papers." The new paragraph sets forth the requirements of A.R.S. § 16-311(A).
- Pg. 59 Adds to the list of circumstances under which a candidate may not run as a write-in candidate. Specifically, it provides that a candidate may not file for the general election if the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures as prescribed in A.R.S. § 16-341.
- Pg. 60 Adds a new paragraph on "Continued Representation" of political organizations on the official ballot, pursuant to A.R.S. § 16-804.
- Pg. 61-62 Adds new section on Arizona's "Proof of Citizenship Requirement." The Department of Justice precleared this requirement as part of Proposition 200, approved by Arizona's voters in the general election of 2004. This section describes what constitutes "satisfactory evidence of United States citizenship" when registering to vote.
- Pg. 63-64 Moves the section on "Statewide Voter Registration System" to pages 70 and 71.
- Pg. 64 Adds to the section on "Voter Registration Processing" the requirement that the voter registration form be accompanied by evidence of U.S. citizenship pursuant to A.R.S. § 16-166(F).
- Pg. 65 Adds language pursuant to A.R.S. § 16-166(G) that registrants modifying their registration record in the county in which they are currently registered need not provide proof of citizenship. Explains that voters registering in new counties do need to provide proof of citizenship.

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Removes language regarding applicants who already have a unique identifying number assigned by the SOS.

- Pg. 66 Adds language that the counties will determine what number to use as the voter registration identification number printed on a citizen's voter registration card. Also provides procedures for when a driver's license or social security number provided by the applicant to establish U.S. citizenship does not match state motor vehicle records or records of the social security administration.
- Pg. 67-69 Adds language to clarify that the voter registration form, when accompanied by proof of citizenship, must be accepted if the citizenship question is not answered. Changes the phrase "can not" to "shall not" in explaining that the registration shall not be completed until the citizenship question is answered yes as required by A.R.S. § 16-121.01 and 42 U.S.C. § 15483(b)(4)(B). Adds language that if the citizenship box is marked "no," the recorder shall send a copy of the form to the registrant with a letter explaining that the registrant must be a U.S. citizen.
- Removes language indicating that the registrant establishes U.S. citizenship by answering "yes" to the citizenship question. Outlines procedures for collecting and maintaining information provided by registrants to establish citizenship. Also adds procedures for processing and verifying proof of U.S. citizenship.
- Pg. 70 Removes language from the section on "Statewide Voter Registration System" (moved from page 63) that the SOS "shall develop" a statewide database, and that the database "shall" include a unique voter identifying number. Identifies by number the four major areas for comparison under the statewide voter registration system. Under a subsection on motor vehicle records, adds language that the voter registration form requires either a driver's license number or the last four digits of the social security number. Adds that the counties "shall" process any discrepancies or updates obtained from the MVD.
- Pg. 71-73 Identifies information for determining if duplicate records exist among counties, and adds procedures for processing information regarding felonies obtained from juror questionnaires. Adds new information regarding the restoration of rights for convicted felons, and language that the SOS's office "shall" compare all death notification records received from DHS.

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- Pg. 73-74 Adds section on "Voter Registration Record Status List." The section explains the circumstances under which voter registration records are considered "active," "inactive," "canceled," "pending," or "rejected."
- Pg. 75 Changes "applicant" to "registrant." Clarifies that registrations generated through Arizona State EZ Voter System include registrations done through the EZ Voter Internet Service or voter registrations processed in a Motor Vehicle Division office and electronically transmitted to the SOS.
- Pg. 76 Adds cite to A.R.S. § 16-152(B).
- Under section entitled "Incomplete or Illegible Registration," provides that a new voter registration must also include proof of U.S. citizenship, pursuant to A.R.S. § 16-166(F), and gives cite to that statute.
- Pg. 77 Updates the relevant dates for 2006 and 2007. Adds cite to A.R.S. § 16-135(B).
- Pg. 78 Removes footnote 2.
- Adds a paragraph that explains that once a county cancels a voter registration, the record of the voter shall be retained for five years on the voter registration database before it is moved to alternative storage.
- Pg. 79 Removes reference to footnote 2.
- Adds provision under "Mailing Requirements" that only official election mailings shall count toward the first attempt under the NVRA in accordance with law.
- Pg. 80 Moves section on "Voter Registration Data Processing" to this part of Procedures Manual.
- Pg. 80-82 Moves section on "Auditable Formats Internet Transmission" to this part of Procedures Manual. Removes the paragraph on "Identification," and rewords the paragraphs on "Encryption" and "Auditability." Changes language to state that when encrypting information for transmission, the county "shall" choose no less than 128-bit strength.
- Pg. 82 Under section on "Voter Registration/Duplicate Match File Requirements," removes the requirement that the counties electronically transmit a voter registration file to the SOS on a daily basis. Instead, the counties are required to transmit such files that contain records that are new, changed or deleted since the last submission.

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- Pg. 83-84 Removes "phone number" from the list of fields that are included in the voter registration file transmitted to the SOS.
- Pg. 84 Under section on "Precinct Registers," adds: a requirement that counties run a full file right before printing off signature rosters and precinct registers to ensure that the information at the statewide level and what is printed on the signature rosters is synchronized; a requirement that county recorders check the Systematic Alien Verification for Entitlements (SAVE) program database at least 2 weeks before the election for any registrant who submitted a certificate of naturalization and input the verified registrants prior to printing the rosters; and, a requirement that if time does not permit, the county recorders print these in a supplement to the roster to be distributed to each precinct immediately preceding the election or give the newly registered voter a recorder's certificate.
- Pg. 86 Under section on "Voter Requests for Early Ballots," provides that elector, to make a complete and correct request for an early ballot, can provide information other than date of birth and state or county of birth "that if compared to the voter registration information on file would confirm the identify of the elector."
- Pg. 87 Adds paragraphs on how to obtain information from protected voters on their participation in an election year. Moves paragraphs pertaining to absent uniformed or overseas voters to section starting on page 95.
- Pg. 90 Adds paragraph on "Use of Accessible Voting Device at On-Site Early Voting" to provide more specific instructions.
- Moves section on "Early Voting Sites" to this part of Procedures Manual. Also provides that recorder may mark or post the 75-foot limit from the outside doorway.
- Pg. 91 The paragraph on "Voter Assistance" is moved to the section on "Special Election Boards for Ill or Disabled Voters," starting on page 93.
- Adds requirement that county recorders provide clear instructions to early voters regarding the appropriate marking device to be used to mark the ballot.
- Pg. 93 Adds a paragraph on how to deal with persons who wish to vote for presidential electors but who have begun residence in another state after the 30th day immediately before an election in which presidential electors are chosen. Adds section on "Special Election Boards for Ill or Disabled Voters."

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Pg. 94-95 Moves section entitled "Challenges to Early Voting Ballots" to this part of Procedures Manual.

Pg. 95-105 Reorganizes section and changes name to "Military and Overseas Voters." Adds definitions of "absent uniformed services voter" and "overseas voter." Adds sections on "Qualifications for Voter Registration" and "Fax and Electronic Transmission." Rewrites section on "Special Write-In Early Ballots."

Under "Federal Write-In Early Ballots," provides that in circumstances set forth in the Manual, an overseas voter may use a federal write-in early ballot if the voter applies for an early ballot by 7:00 p.m. on election day; this is changed from "30 days before the general election." Also provides for how to handle situations when a United States citizen who has never resided in the United States wants both to register to vote and to vote.

Provides that a federal write-in early ball of an overseas voter shall not be counted if the application for an early ballot is received by the county recorder or other officer in charge of elections after 7:00 p.m. on election day, *or* an early ballot from the overseas voter is received by 7:00 p.m. on election day.

Adds sections on "Emergency Procedures – UOCAVA Early Ballot Processing," and "UOCAVA Reporting."

Pg. 106-107 Under section on "Required Number and Type of Voting Systems, Including Devices, for Primary and General Elections," removes references to 2004 elections.

Adds to list of requirements for voting systems used for elections with federal offices on the ballot; specifically, adds requirement that the ballot shall "provide a paper document or ballot that visually indicates the voter's selections."

Adds reference to A.R.S. § 16-446.

Pg. 108 Removes sentence "Cities and towns are exempt from A.R.S. § 16-447," and removes cite to A.R.S. § 16-442(B). Adds paragraphs on the requirements of A.R.S. § 16-442.01(A) and (B). Moves discussion of A.R.S. § 16-442.01(C) to pg. 109.

Pg. 108-109 Under section on "Certification of Voting Machines," adds information regarding the equipment certification process and software security.

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- Adds paragraph on "Election and System Software Escrow Requirement" and on "Equipment Refresh Policy."
- Pg. 109-110 Moves section on "Filing of Computer Election Programs with Secretary of State" to an earlier part of the Procedures Manual.
- Pg. 111-112 Adds expanded section on "Election Management System Security."
- Pg. 112-113 Adds section on "Voting Equipment Security."
- Pg. 113-114 Adds section on "Election Media Security."
- Pg. 114-119 Moves section on "Logic and Accuracy Tests" to earlier in the Procedures Manual.
- Pg. 114 Changes language regarding logic and accuracy tests from "seven working days" to "ten business days."
- Pg. 115 Expands on discussion of "Conduct of the Test."
- Pg. 116 Provides that the results of each blank ballot test and a fully voted ballot test be preserved with the official results of the election.
- Pg. 117 Changes language from "tabulating equipment" to "voting equipment."
- Removes language that the logic and accuracy test ballots and database be sealed in a container.
- Pg. 118 Removes the phrase "tabulation machines, computers" from section on "Logic and Accuracy Tests Performed by the Secretary of State."
- Expands on explanation of "Scope of Test."
- Under section on "Materials and Equipment Supplied by County," adds language that ballots or ballot layouts for accessible voting equipment will be delivered to the secretary of state no later than two weeks before early voting.
- Pg. 119 Removes language "tabulation system" from section on "Materials and Equipment Supplied by County."
- Provides that all tests performed by the secretary of state will be conducted while the voting equipment is in election mode.

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Moves section on "Tabulation Back-Up Plan" to earlier in Procedures Manual.

Pg. 120 Substitutes language "as determined on the voter registration cut off 29 days before any election" with "after the registration cut-off date for the election."

Under section "Sample Ballots for Primary Elections," adds requirement that sample ballots "shall include the list of acceptable form of identification for voters."

Pg. 121 Adds requirement that each sample ballot clearly indicate in a conspicuous location that it is not an official ballot.

Pg. 122 Under section on "Sample Ballots for General Elections," adds requirement that sample ballots "shall include the list of acceptable forms of identification for voters."

Adds requirement that each sample ballot clearly indicate in a conspicuous location that it is not an official ballot.

Pg. 123 Under section on "Sample Ballot" (for Presidential Preference Election), adds requirements that sample ballots "shall include the list of acceptable forms of identification for voters," *and* that each sample ballot clearly indicate in a conspicuous location that it is not an official ballot.

Pg. 125 Under section on "Records Retention," adds statement that ballots and voting materials must be retained six months for all non-federal elections and adds cite to A.R.S. § 16-624(A).

Pg. 126 Under primary election official ballot specifications, adds language that ballot specifications for accessible voting devices shall follow the same format and rotation as those of a printed ballot.

Under general election official ballot specifications, adds language that ballot specifications for accessible voting devices shall follow the same format and rotation as those of a printed ballot.

Pg. 129 Adds section on "Provisional Ballot Affidavit Specifications."

Pg. 131 Clarifies that polling place changes are "precleared" by the Department of Justice.

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- Pg. 132-133 Under section "Instruction of Election Board Workers," adds the following to the list of topics that shall be covered in election board worker training:
- Procedures for proof of identification.
 - Accessible voting equipment.
- Combines provisional ballot processing at the polls with procedures for proof of identification at the polls.
- Pg. 134 Under section "Premium Board Worker Training," adds language that training sessions shall be taught by personnel under the supervision of an individual who holds an election officer's certificate issued by the SOS in accordance with A.R.S. § 16-407.
- Pg. 136 Adds new duty for judges to examine the numbers on the seals on the voting machines to make sure they correspond to the numbers on the precinct election supplies inventory list.
- Pg. 137 Adds new duty for marshals to preserve order at the polls and permit no violation of the election laws.
- Moves "New Poll Worker Orientation" to here from page 138.
- Changes section name from "Pre-Election Meeting" to "Pre-Election Responsibilities."
- Pg. 138 Makes "Building Access" a separate section.
- Adds language to "Equipment and Furniture Arrangement" and changes "DRE" to "Accessible Voting System."
- Adds language to "Voting Device Check" to provide more specificity.
- Pg. 139-140 Moves section on "Precinct Zero Report" to pg. 140. Adds language to section on "Setting Up the Polling Place" to make directions more specific. Adds language regarding tamper-resistant or tamper evident seals.
- Pg. 140-141 Adds language to section on "Precinct Zero Report."
- Pg. 142 Under "Who May Vote," adds new first paragraph and removes rest of section.
- Pg. 143-144 Under "Early Ballot Drop Off," changes language of second paragraph.

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Adds new section on "Ballot Box Overflow" to provide information to poll workers on how to resolve issues that arise at the polling place on election day.

- Pg. 144 Adds new section on "Access to Auxiliary Bin" to provide information to poll workers on how to resolve issues that arise at the polling place on election day.
- Pg. 145 Moves "Complete Power Failure or Unit Failure/Ballot Emergency Bin" to here from page 141.
- Removes section entitled "When Names Do Not Appear on the Signature Roster."
- Pg. 147 Removes "Voter Registration Data Processing" from here and moves it to page 80.
- Pg. 148 Deletes "Filing of Computer Election Programs with Secretary of State."
- Pg. 149 Removes "Equipment Diagnostic Testing" from here and moves it to page 111.
- Pg. 149-153 Removes entire section on "Logic and Accuracy Tests" from here and moves it to pages 114-119.
- Pg. 153 Removes "Tabulation Back-Up Plan" from here and moves it to page 119.
- Pg. 154 Under section on "Spoiled Ballots," adds language that the inspector or judge shall mark the spoiled ballot in a manner to assure that it cannot be counted by any electronic voting system.
- Pg. 154-162 Adds section on "Procedure for Proof of Identification and Provisional Ballot Processing at the Polls."¹
- Pg. 163 Adds two more reasons why a voter may vote a provisional ballot; specifically, when the voter has not provided sufficient identification at the polling location, and when the voter is challenged at the polling place.
- Pg. 164-170 Deletes section on "Procedure for Provisional Ballots" because it has been incorporated with identification at the polls and is now in the section entitled "Procedure for Proof of Identification and Provisional Ballot Processing at the Polls" starting at page 154.

¹ The Department of Justice precleared the Secretary of State's "Procedure for Proof of Identification at the Polls" on October 7, 2005 (DOJ File #2005-2943).

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- Pg. 171 Removes reference to A.R.S. § 16-513(A)(4).
- Adds Department of Justice Observers to list of persons who can remain inside the 75-foot limit while the polls are open.
- Pg. 172 Adds new section on "Electioneering Outside the 75 Foot Limit."
- Pg. 173 Removes "Early Voting Sites" from here and moves it to page 90.
- Pg. 173-179 Removes entire section on "Early Ballot Processing" from here and moves it to pages 189-193.
- Pg. 183 Adds to instructions for transporting the memory pack; specifically, adds that for accessible voting units with a paper receipt, the receipt will be placed in the container and that at least 2 designated election officials representing voters of different political parties shall deliver the container to the designated receiving site.
- Under section "Certificate of Performance – Precinct Ballot Report," adds to the steps to be taken after all voters have left the polling place.
- Pg. 184 Under section "Final Closing of the Polling Place, adds to the list of steps to be taken by the remaining election officials; specifically, they shall transport the voter verifiable paper audit trail printout or canister to the designated receiving site.
- Pg. 185 Under "Election Security Requirements," adds "polling place ballot security" to list of basic security duties.
- Pg. 185-186 Adds new section on "Polling Place Ballot Security."
- Pg. 186 Provides that transportation of ballots may be monitored by political observers; removes mandatory language.
- Pg. 187-193 Moves "Early Ballot Processing" to this part of Procedures Manual from pages 173-178.
- Pg. 197 Under "Provisional Ballots," adds paragraph that provisional ballot envelopes shall be visually distinguishable from other ballot envelopes and that the envelopes for provisional and conditional provisional ballots may be printed on color paper, may bear bar codes that do not identify the voter or may use other methods to visually distinguish those types of ballot envelopes.

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Provides that provisional ballots be kept separate from conditional provisional ballots.

- Pg. 199 Removes language that "If a voter has marked his/her sample ballot/full text of issues instead of the optical scan ballot, the sample ballot is sent to the duplication board."
- Pg. 203 Under "Provisional Ballot Processing at Central Count," adds new paragraph that conditional provisional ballots shall be clearly distinguishable and kept separate from all other provisional ballots and that they shall not be processed until the voter has produced sufficient identification to the county recorder.
- Pg. 206 Moves "Verification of Provisional Ballots" to this part of Procedures Manual.
- Adds to list of reasons why a ballot shall remain unopened and shall not be counted; specifically, the ballot shall not be counted if the voter has not produced sufficient identification.
- Pg. 207 Adds new section entitled "Rejection Reason Code."
- Pg. 208 Under "Audit Board Instructions," adds that optical scan and accessible voting device tapes/printouts and a copy of the downloaded precinct results, in addition to all board logs, shall be delivered to an audit board upon the completion of each board's function.
- Adds to the list of duties of the audit board; specifically, adds that the audit board: receives the optical scan and accessible voting device precinct paper tape; receives a copy of the transmitted precinct results from the election management system; verifies that the count from the optical scan and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system; and produces a written record that the correct amounts for each candidate and issue were transmitted from the polling place to the elections management system.
- Pg. 210 Deletes section entitled "Multiprogramming and Network Environments."
- Pg. 211 Moves "Election Reporting" to here from page 234.
- Pg. 212 Changes title to "Storage of Ballots and Reports." States that the ballots shall be delivered to the county treasurer for secure storage, but removes requirement that they be stored in the treasurer's vault.

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- Pg. 214 Under section on "Primary and General Elections," adds requirement that the Board of Supervisors shall, within 10 days after the primary election, deliver the canvass to the secretary of state.
- Pg. 214-215 Adds new section on "Additional Reporting."
- Pg. 218 Under section "Determining Whether Recount is Required," changes language to state that a recount is required when the margin of votes for a particular office is less than or equal to the lesser of 10 votes in an office to be filled by the electors of a city or town or a county or subdivision of a city, town or county.
- Pg. 219 Under "Method of Recount," provides that ballots shall be recounted on an electronic voting system programmed under the supervision of, and not by, the SOS.
- Provides that if the election for office of the SOS is contested, the electronic voting system shall be furnished and programmed under the supervision, and not at the direction, of the governor.
- Adds cite to A.R.S. § 16-664.
- Under section on "Registration and Voting Information," adds paragraph on Accessible Voting Device for use by voters with disabilities.
- Pg. 220 Removes paragraph that beginning on January 1, 2006, the board of supervisors shall provide at each polling place at least one device that complies with HAVA.
- Pg. 221 Under section entitled "Accessibility," adds paragraph that requires counties to submit the results of their inspections to the SOS at the same time they certify their election results.
- Pg. 222 Under "Walkways and Pathways to Building," adds requirement for accessible walks that they must be free of any objects with bottom edges that are higher than 27 inches but less than 80 inches above the walkway and that extend more than four inches into the walkway.
- Pg. 223 Under "Corridors and Passageways," adds requirement that they be free of any objects with bottom edges that are higher than 27 inches but less than 80 inches above the walkway and that extend more than four inches into the walkway.
- Adds new language on "Stairs."

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- Pg. 224 Removes paragraph that beginning on January 1, 2006, the board of supervisors shall provide at each polling place at least one direct recording electronic system for voters with disabilities for each polling place that is certified for use by voters with disabilities.
- Pg. 227 Under "Terminology," adds definition for "Absent Uniformed Services Voter."

Modifies definition for "Accessible Voting System."

Modifies definition for "Ballot."
- Pg. 228 Adds definition for "Conditional Provisional Ballot."
- Pg. 230 Adds definition for "Overseas Voter."
- Pg. 232 Under definition of "Vote," modifies language under "For Accessible Voting Systems," and adds language to "For AutoMark Voting."

Adds definition for "Voting Device."
- Pg. 234 Moves "Election Reporting" from here to page 211.
- Pg. 234-236 Moves "Auditable Formats Internet Transmission" from here to pages 80-82.
- Pg. 236-237 Moves "Voter Registration/Duplicate Match Information" from here to pages 82-84.
- Pg. 238-269 Under "Schedule of Events," changes dates for 2006 election.
- Pg. 270 Adds "Equipment Certification Procedures."
- Pg. 271-280 Adds new procedure for "Arizona Voting Equipment Certification."²
- Pg. 281-288 Adds new procedure for "Arizona Voting Equipment Decertification."³
- Pg. 289-300 Adds new procedure for "Arizona Voting Equipment Emergency Conditional Certification."⁴

² The Department of Justice precleared this procedure on March 2, 2006 (DOJ File #2006-0514).

³ Please see footnote 2.

⁴ Please see footnote 2.

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Pg. 301-302 Reorganizes and adds to "Sample Forms." Specifically, the following Sample Forms were added:

Under "Voter Registration," the National Voter Registration Form was added.

Under "Military and Overseas Voters," the Federal Post Card Application and the Federal Write-In Absentee Ballot were added.

Under "Uniform Correspondence," all of the forms listed were added.

Under "Early Voting," Accessible Voting Device Affidavit was added.

Under "Polling Place," Identification at the Polls Requirements for Voters was added.

Under "Additional Reporting Forms," all of the forms listed were added.

Pg. 309 Provides sample of the National Voter Registration Form.

Pg. 310 Provides sample of the Federal Post Card Application.

Pg. 311 Provides sample of the Federal Write-In Absentee Ballot.

Pg. 314 Provides sample of 2nd Notice That Citizenship Documentation Needed.

Pg. 315 Provides sample of AZ DLN Number Did Not Match at MVD.

Pg. 316 Provides sample of Citizenship Proof needed.

Pg. 317 Provides sample of Jury Questionnaire – Felon.

Pg. 318 Provides sample of Jury Questionnaire – Citizenship.

Pg. 319 Provides sample of Felony Conviction.

Pg. 320 Provides sample of County Recorder Naturalization Ceremony Certification.

Pg. 321 Provides sample of Recorder's Certificate.

Pg. 322 Adds line at bottom of document to which candidate must sign his/her name that he/she has read all applicable laws relating to campaign financing and reporting.

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- Pg. 323 Adds line at bottom of document to which candidate must sign his/her name, that he/she has read all applicable laws relating to campaign financing and reporting.
- Pg. 324 Adds line at bottom of document to which candidate must sign his/her name that he/she has read all applicable laws relating to campaign financing and reporting.
- Pg. 325 Adds line at bottom of document to which candidate must sign his/her name that he/she has read all applicable laws relating to campaign financing and reporting.
- Pg. 326-327 Moves "Sample Failure to File Notice" here and updates it for current election.
- Pg. 328 Provides sample of Accessible Voting Device Affidavit.
- Pg. 330 Reformats and updates the Precinct Election Supplies Inventory List.
- Pg. 331 Moves "Instructions to Voters and Election Officers" to here.
- Adds language that voter should provide identification documents to the election officer in charge.
- Pg. 332 Moves "Right to Vote a Provisional Ballot" to here.
- Adds the following to the circumstances under which a person has a right to vote a provisional ballot:
- If the voter requested an early ballot but did not vote an early ballot.
 - If the voter has not produced sufficient identification.
 - If the voter was challenged as a qualified voter.
- Provides that to vote a provisional ballot, the voter must sign an affirmation on the provisional ballot envelope stating that information filled out on the provisional ballot envelope is correct, that he/she resides in the precinct, that he/she is eligible to vote in this election and that he/she has not previously voted in this election.
- Adds language on what happens after a provisional ballot is placed in a provisional ballot envelope; specifically, that the voter will be given information on how to present sufficient identification to the county recorder if necessary.

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- Pg. 333 Provides new instructions on "Identification at the Polls – Requirement for Voters."
- Pg. 336 Provides sample "Polling Place Setup."
- Pg. 340 Provides sample "Write-In Tally Sheet."
- Pg. 341 Deletes "Note" at the bottom of the "Master Audit Form Format" sheet.
- Pg. 342 Reformats "Master Audit Form."
- Pg. 344 Provides sample reporting form for "Equipment, Software and Firmware Certification Statement."
- Pg. 346 Provides sample "Cover Sheet for Additional Reports."
- Pg. 347 Provides sample "Accessibility Report."
- Pg. 348 Provides sample "Poll Worker Training Report."
- Pg. 349 Provides sample "Voter Education Report."
- Pg. 350-351 Provides sample HAVA Administrative Complaint forms in English and Spanish.

Technical, grammatical and formatting changes also are made.

D. PERSON MAKING THE SUBMISSION.

Terri Skladany, Chief Assistant Attorney General
Mary O'Grady, Solicitor General
Diana L. Varela, Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007
(602) 542-7993

E. SUBMITTING AUTHORITY.

The State of Arizona.

F. COUNTY AND STATE OF SUBMITTING AUTHORITY.

Not applicable since the submission is from the State.

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G. PARTY RESPONSIBLE FOR CHANGE.

The Secretary of State adopted the Procedures Manual, which was approved by the Arizona Governor and the Attorney General's office as required by A.R.S. § 16-452(B).

H. AUTHORITY FOR MAKING CHANGE.

The Secretary of State has the authority and duty to adopt the Procedures Manual pursuant to A.R.S. § 16-452(B).

I. DATE OF ADOPTION.

The Arizona Secretary of State adopted the revised Procedures Manual on March 28, 2006 and submitted revisions following consultation with the Governor and Attorney General's office on May 15, 2006 and June 14, 2006. The Attorney General's office approved the Procedures Manual on June 19, 2006, and the Governor approved the Procedures Manual on June 20, 2006. The Approval letters are attached as **Exhibit D**.

J. EFFECTIVE DATE.

The Procedures Manual will become effective upon preclearance by the United States Department of Justice. Early voting, however, begins on August 10, 2006 for the primary election. Voter registration closes August 14, 2006 for the primary election.

K. ENFORCEMENT OF CHANGE.

Arizona has begun implementing its proof of citizenship requirement and rules for identification at the polls after the Department of Justice precleared Proposition 200 in January 2005, and the Secretary of State's Procedure for Proof of Identification at the Polls on October 7, 2005. In addition, the Secretary of State's procedures for election equipment certification, decertification and emergency conditional certification have been in effect since precleared by the Department of Justice in early 2006. As far as the State is aware, additional changes contained in the Procedures Manual have not yet been enforced or administered.

L. SCOPE OF CHANGE.

The changes affect the entire jurisdiction.

M. REASONS FOR THE CHANGE.

The Arizona Secretary of State is required to adopt a Procedures Manual for each statewide election. See A.R.S. § 16-452. The changes in the 2006 Procedures Manual were adopted to conform to recent amendments to Arizona law, such as amendments required by HAVA and changes from Proposition 200 following the general election of 2004.

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N. ANTICIPATED EFFECT ON MEMBERS OF RACIAL OR LANGUAGE MINORITY GROUPS.

The changes contained in the Procedures Manual were made without discriminatory intent and will have no discriminatory effect on members of racial or language minority groups.

O. PAST OR PENDING LITIGATION.

The June 2006 Procedures Manual is not the subject of litigation. However, in obtaining preclearance of Proposition 200, the State advised the Department of Justice of two challenges that attempted to remove Proposition 200 from the ballot before the 2004 general election.⁵ The State also informed the Department of Justice of a lawsuit challenging the voting-related provisions of Proposition 200 shortly after the general election in 2004.⁶ The district court dismissed that suit for lack of standing, and was affirmed by the Ninth Circuit.

Several plaintiffs filed a more recent, consolidated challenge to Proposition 200 that is presently being litigated in federal court.⁷ The suit alleges that the proof of citizenship requirement is preempted by the NVRA when applied to the federal voter registration form. The suit also alleges that the proof of citizenship requirement and rules regarding identification at the polls violate the 24th Amendment, deny equal protection, and violate Section 2 of the Voting Rights Act.

In an Opinion and Order dated June 19, 2006, the district court judge denied the plaintiffs' request for a temporary restraining order with regard to Arizona's proof of citizenship requirement. The Court held that plaintiffs have not shown there is a likelihood they will succeed on the merits regarding their preemption claim under the NVRA.

On June 20, 2006, the Navajo Nation filed an action in federal court⁸ seeking to enjoin the Secretary of State from implementing the voter identification requirements of Proposition 200 at polling places located on the Navajo Reservation.

P. PRECLEARANCE OF PRIOR PRACTICE.

The Department of Justice precleared the current Procedures Manual on October 5, 2004 (DOJ file number 2004-3400). Arizona revised the current Manual to add procedures in the wake of Proposition 200 regarding proof of identification at the polls. The Department of Justice precleared the revision on October 7, 2005 (DOJ file number 2005-2943).

⁵ *SEIU, AFL-CIO, et al. v. Janice K. Brewer, et al.*, Maricopa Co. Superior Court Cause No. V2004-015592; *No On 200, Arizonans for Real Immigration Reform, et al. v. Jan Brewer, et al.*, Maricopa Co. Superior Court Cause No. CV2004-020468.

⁶ *Friendly House, et al. v. Janet Napolitano, et al.* Federal District Court Cause No. CV 04-649 TUC DCB.

⁷ *Gonzalez, et al. v. State of Arizona, et al (Lead); Inter-Tribal Council of Arizona, et al. v. Brewer (Cons.)*, District Court Cause No. CV06-01268.

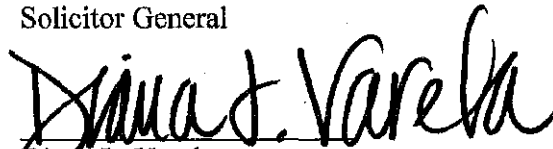
⁸ *The Navajo Nation v. Jan Brewer, et al.*, Federal District Court Cause No. 3:06-cv-01575-EHC.

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If you have any questions regarding this submission or if you require any additional information, please contact me as soon as possible.

Very truly yours,

Terri Skladany
Chief Assistant Attorney General
Mary O'Grady
Solicitor General


Diana L. Varela
Assistant Attorney General

Attachments
#472730, v. 3

Exhibit 10

From: [Phillips, Eddie L.](#)
To: [Phillips, Eddie L.](#)
Subject: List Maintenance of Potential Non-Citizen Matches
Date: Monday, April 23, 2012 5:17:52 PM
Attachments: [vivaf45.png](#)

Good afternoon Supervisors!

The SOE website has been updated with a revised PowerPoint presentation for List Maintenance of Potential Non-Citizen Matches.

[Link to Webinar PowerPoint](#)

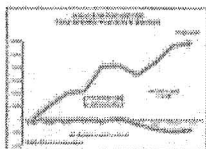
Also, a sample word document and form is provided for your convenience. As discussed in the PowerPoint, you may attach a copy of the DAVE screenshot associated with the file.

[Link to sample word document](#)

[Link to sample form](#)

Dr. Gisela Salas, Director
Florida Division of Elections

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Florida Department of State

1

Processing Ineligible Registered Voters- Non-Immigrants

Presented by:
Dr. Christopher Sharp, Chief
Bureau of Voter Registration
Services
April 2012



Ken Detzner
Secretary of State

Dr. Gisela Salas, Director
Division of
Elections

Initial Identification of Non-U.S. Citizens

- FVRS voter registration records matched against DHSMV's DAVE records
- 1256 registered voters identified in this batch as 'non-immigrants' in DAVE and therefore potentially ineligible.
 - ✓ *Non-immigrant:* Someone who is legally authorized to be in the U.S. for a limited period of time and for specific activity or purpose.
 - ✓ *Non-immigrant:* Subject to annual renewal of driver's license or state ID card every year.

Examples of Non-immigrants

- ✓ Temporary visitor for business or pleasure
- ✓ Diplomat or other foreign government official
- ✓ Students: academic, vocational
- ✓ Researcher
- ✓ Person in special or highly skilled occupation
- ✓ Temporary agricultural or seasonal worker
- ✓ Exchange Visitor
- ✓ Religious worker
- ✓ Entertainer
- ✓ Media, journalist
- ✓ Au pair
- ✓ Victim of human trafficking or other criminal activity
- ✓ A person seeking safe haven from dire homeland situations like civil war, natural disaster or other extraordinary conditions

What BVRS Reviewed

- Review of DHSMV DAVE database-initial screen:
 - ✓ “Not a U.S. Citizen” status
 - ✓ Foreign Country of Birth listed
 - ✓ Supporting ID documents to comply with federal REAL ID Act
 - *REAL ID Act requires persons to provide documentary proof of legal status whenever they apply or renew a driver’s license or state ID card.*
 - *By December 1, 2017, the cycle for all renewals will be completed and every record in DAVE will have supporting documentation of legal status in order for issuance or renewal of driver’s license or state ID card.*
 - *(For persons born after December 1, 1964, proof must be provided by December 1, 2014.)*

BVRS Review-Cont'd

- Review of REAL ID compliant documentation for legal status of non-U.S. citizens:
 - ✓ Passport (country of origin)
 - ✓ Visa
 - ✓ Birth certificate
 - ✓ "Green card" for legal permanent resident (not a U.S. citizen)
 - ✓ Other government issued document authorizing temporary stay

BVRS Review-Cont'd

- Cross-check of **ICE's** public online site regarding non U.S. citizen detainees

<https://locator.ice.gov/odls/homePage.do>

ICE: Immigration and Customs Enforcement bureau within the Department of Homeland Security (**DHS**). One of the 3 bureaus besides CIS (Citizenship and Immigration services) and CBP (Customs and Border Patrol) that serves as successor to INS.

NOTE: A DOS request is currently pending before DHS to access a federal database (such as SAVE--Systematic Alien Verification for Entitlements) and/or other federal databases in order to cross-check whether a non U.S. citizen's legal status has changed since obtaining a driver's license or state ID card.

Content of List File

CNTY OF RESIDENCE	FVRS VTR ID	FVRS REG STAT	FVRS REG DATE	LAST NAME	FIRST_NAME	MIDDLE LE_N AME	HSMV_LICENSE_ HSMV_SSN NO	HSMV_G ENDER	HSMV_BIRTH DATE	Verification status	Last DHMV transaction date	Reviewer
CAL	123456789	ACT	9/18/2008	SMITH	JOHN	A	123456789 Full DL #	M	6/10/1978	verified thru dave, non US citizen; verified through ICE	11/23/2011	Me 13-12

Notes from examiner that supporting documents were viewed to verify citizenship status, and citizenship status

Last date individual went to DHSMV

Reviewer initials and date

These are our match items before we look for supporting documents. At least three criteria must be exact in FVRS and DAVE

What to Do (cont'd)

Follow steps in section 98.075(6) and (7), F.S., as you would for any other potentially ineligible voter:

- 1. Review file** information [Note: These files are not compiled electronically in the same way that the Division compiles felon or mental incompetency files. There are no attached scanned images or documents in these files.]
- 2. Conduct** any additional **research** [Refer to whatever other sources you have to confirm identity and potential change in legal status. You should all have access to DHSMV's DAVE. If you find information credible and reliable, proceed.]

What to Do (cont'd)

3. **Initiate notice (within 7 days).** Send notice by certified mail, return receipt requested or by some other means of verified delivery). Notice must include:

- ✓ A statement of **basis for ineligibility**
- ✓ A copy of any **supporting documentation**
 - *Print out the latest screen shot from the DHSMV DAVE containing legal status. This is what DHSMV has last recorded.*
 - *Redact confidential/personal identifying information such as DL, state ID #, SSN, and signature.*
- ✓ A statement that **failure to respond** within 30 days may result in removal from rolls
- ✓ A **return form** that requires voter to admit or deny accuracy of information
- ✓ A statement that a person denying ineligibility has a **right to a hearing**
- ✓ Contact information for Supervisor of Elections
- ✓ Instructions for seeking restoration of civil rights (Not applicable in these cases)

DAVE Screen Shot (redacted)

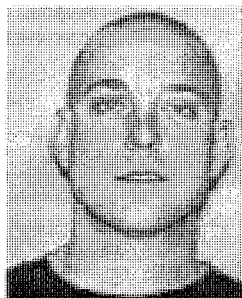


MAN Driver And Vehicle Express (MDAVE)

DIGITAL IMAGES ARE RESTRICTED TO LAW ENFORCEMENT USE PURSUANT TO
S.322.142(4) FLORIDA STATUTES - IMAGES INCLUDE PHOTOGRAPHS AND SIGNATURES

Individual Summary Page

New Search



DL/ID Number

[REDACTED]

Class

E

Status

VALID

Date of Birth

[REDACTED]

Sex

M

Height

5'02

Country Of Birth
CANADA

Restrictions

A

Endorsements

Issue Date

03-09-11

Duplicate Date

Expiration Date

03-09-17

SSN

[REDACTED]

Pass Number

[REDACTED]

Conditional Messages:

NOT A CITIZEN SAFE DRIVER

Sample Notice

Suggested

Sample
Notice to
Send
Potentially
Ineligible
Non-U.S.
Citizen

(Date)

(Voter's name and address)
(Voter Reg. No.)

Dear Mr./Mrs. XXXXXXXX:

The _____ County Supervisor of Elections has received information from the Florida Division of Elections that calls into question your eligibility to be registered to vote. The information originated from the Florida Department of Highway Safety and Motor Vehicles (see attached) which lists you as not being a U.S. citizen. In Florida, only U.S. Citizens can register and vote. See s. 97.041, *Fla. Stat.* (2011).

Please complete and return the enclosed 'voter eligibility form' to the Supervisor of Elections' office within thirty (30) days of receipt.

If you believe we have made a mistake about your identity or citizenship status, or you have acquired citizenship since your last interaction with DHSMV, please include with the 'voter eligibility form' a copy of any document that either shows that you are not the person identified in this letter or that you are a U.S. citizen. The following documents are examples of proof of U.S. citizenship: U.S. Birth Certificate, Passport, U.S. Consular Certificate of Birth, or U.S. Certificate of Naturalization. If your name has changed or you use another name different from that on the document, please include a copy of the document showing that name change. You also have the right to request a hearing if you deny that the ineligibility information is accurate.

You may mail, fax or e-mail the voter eligibility form and supporting documentation or you can come in person with that form and any supporting document to the Supervisor of Elections' office. If you fail to respond within thirty (30) days, we may determine that you are ineligible and remove your name from the voter registration rolls. You will then no longer be eligible to vote.

You may reach our offices as follows: [insert contact information including phone number, physical street address, mailing address, fax number and e-mail address.]

Sincerely,

Supervisor of Elections

Enclosures: Voter Eligibility Form with Self-addressed Return Envelope
DAVE Screen shot

What to Do (cont'd)

- 4. Allow voter 30 days to respond** (if you receive verification that mail delivered)
- 5. Publish notice ONLY** if notice undeliverable (Section 98.075(7)(a)2.a.-e, Fla. Stat.)
- 6. Provide hearing ONLY** if person denies ineligibility AND person requests hearing

Sample Return Form

Suggested
Sample
'Voter
Eligibility
Form' to
Send to
Voter

VOTER ELIGIBILITY FORM		
<p>1. You have been identified as potentially ineligible to be registered to vote.</p> <p>2. If you do not respond within thirty (30) days after receiving this notice, the supervisor of elections may determine that you are ineligible to be registered to vote and remove your name from the voter registration system.</p>		
<u>PLEASE PRINT</u>		
Voter's Name	<div style="display: flex; justify-content: space-between;"> Last Name First Middle </div>	
Date of Birth (MMDDYY)		
Gender (please circle)	<div style="display: flex; justify-content: space-around;"> Male Female </div>	
Personal Identifying Number (Provide only one of these card numbers)		
Driver's License No or Florida ID Card No.		Last 4 Social Security No.
Residential Address		
<div style="display: flex; justify-content: space-between;"> Phone Number Home: Work: </div>		
<p>Please check the box that applies to you sign and date form:</p> <p><input type="checkbox"/> Under penalties of perjury, I swear or affirm that the information that I am ineligible is inaccurate AND: _____ I request a hearing. (Please bring whatever documents you have in support of your eligibility), OR _____ I do not request a hearing. Please see attached document in support of my eligibility. DO NOT MAIL ORIGINAL.</p> <p><input type="checkbox"/> Under penalties of perjury, I swear or affirm that the information that I am ineligible is accurate.</p>		
SIGNATURE OF VOTER: _____		DATE: _____
<p>(It is a criminal offense to knowingly make a false statement in writing with the intent to mislead a public official in the performance of his or her official duty. s. 837.06, Fla. Stat.)</p> <p>Return form to: [insert contact information: fax, e-mail, mailing and physical addresses]</p>		

What to Do (cont'd)

7. Review proof of U.S. citizenship if provided

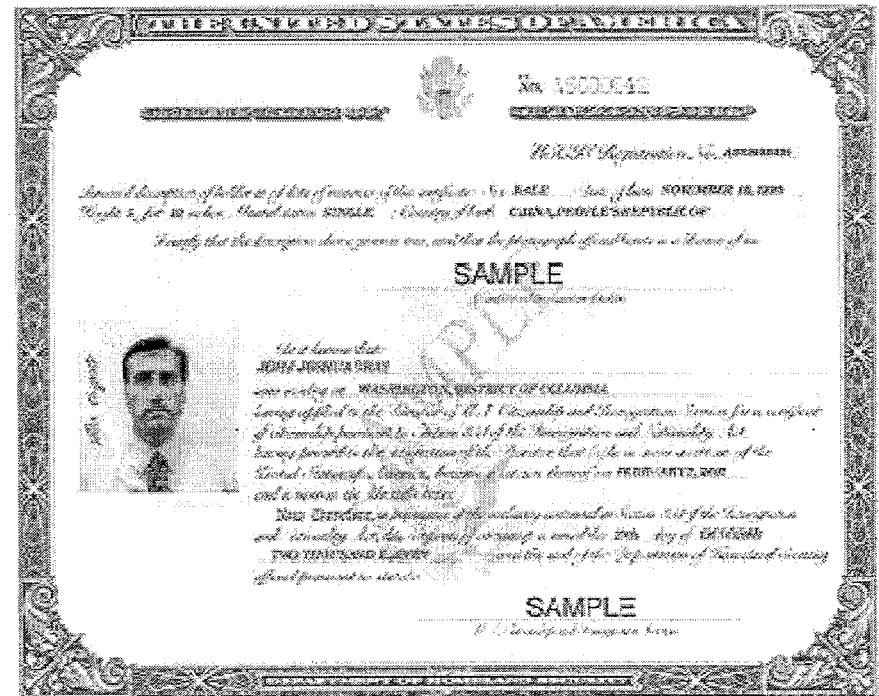
- ✓ U.S. Passport Booklet or Card
 - ✓ U.S. Birth Certificate
 - ✓ U.S. Certificate of Consulate Birth
 - ✓ U. S. Certificate of Citizenship
 - ✓ U.S. Certificate of Naturalization
- *If there is a difference in name, the voter should provide the documentation supporting the name change, the voter will have to provide court order or marriage license showing authorized name change.*
 - *Remember: 1. If a person has dual citizenship with the U.S. and another country, he or she is still eligible to register and vote as a U.S. citizen. 2. Persons born in certain U.S. territories (e.g., Puerto Rico, island of Guam, Panama Canal, Virgin Islands, etc.) , he or she may be a U.S. citizen. Contact USCIS for confirmation*

Sample Citizenship Documents

U.S. PASSPORT



CERTIFICATE OF CITIZENSHIP



Sample Citizenship Documents

U. S. BIRTH CERTIFICATE SAMPLE -FLORIDA

Certificate of Birth
STATE OF FLORIDA

THE STATE OF FLORIDA PROUDLY PROCLAIMS THE ARRIVAL OF A NEW CITIZEN

Child First Name Middle Last Name Jr

BORN ON NOVEMBER 09, 2007 AT 0909

IN THE CITY OF SOUTH MIAMI

IN THE COUNTY OF MIAMI-DADE

AT SOUTH MIAMI HOSPITAL

Love and Commitment Make a Family a Treasure - One Child at a Time

WE ARE PROUD TO BEHOLD AND CONGRATULATE THE PARENTS

MOTHER'S MAIDEN NAME: Mother's Name Middle Maiden
FATHER'S NAME: Father's Name Middle Father's Last

NATIVE OF: GEORGIA, UNITED STATES
NATIVE OF: HONDURAS

DECLARED AND TESTED ON MAY 28, 2008

State File Number: 100-2007-123456 Date Filed: October 24, 2008

U.S. BIRTH CERTIFICATE SAMPLE -TEXAS

STATE OF TEXAS
ELLIS COUNTY

FILE NO.: [REDACTED]

NAME: [REDACTED]

DATE OF BIRTH: [REDACTED] SEX: MALE

PLACE OF BIRTH: DALLAS COUNTY, TEXAS

FATHER: [REDACTED] MOTHER: [REDACTED]

DATE FILED: [REDACTED]

09-18-2008

CRISTY ALLEY
CLERK OF COURT
ELLIS COUNTY, TEXAS

What to Do

8. **Determine eligibility** of person based on information you have
9. **If ineligible, remove voter's name** from rolls
10. **Record the 'removal reason code'** as "K" for not U.S. citizen
11. **Send notice** to the voter regarding removal
12. **Retain record permanently** as they are part of the voter registration records. See item #158, GS-3
<http://dlis.dos.state.fl.us/barm/genschedules/GS3.pdf>

Pointers

- It is strongly encouraged but not required (for continuing registration purposes) that a registered voter who is determined to be a U.S. citizen to contact DHSMV to correct or update his or her legal status on record.
 - 1) Refer person to DHSMV's website
 - www.GatherGoGet.com for documentation instructions
 - www.flhsmv.gov to locate driver license or tax collector offices
 - 2) Provide DHSMV's "in-person" contact: 850-617-2000

Pointers

- If you determine that a registered voter initially identified as not a U.S. citizen has subsequently become a U.S. citizen, this person shall be deemed eligible for purposes of continuing registration and should not be removed from the rolls.
- HOWEVER, the matter should be referred to the State Attorney. See Section 104.011 (false swearing of an application) and Section 104.42, F.S. ('duty to report fraudulent registration and illegal voting').

Required Feedback:

- If you determine that a registered voter is eligible for whatever reason (e.g., mismatch—misidentification, obtained U.S. citizenship, administrative error, etc.) then the voter's shall not be removed from the rolls.
 - 1. NOTIFY immediately the chief of the Bureau of Voter Registration Services**
 - 2. PROVIDE the registered voter's name and FVRS No.**
- This will help to ensure the integrity and improve the process.

THE END

- QUESTIONS
- SUGGESTIONS
- COMMENTS

For further information or questions, contact:

Dr. Christopher Sharp,

Chief, Bureau of Voter Registration Services

Florida Department of State

