



Committee on Ethics & Elections

**Thursday, February 22, 2007
9:00 a.m – 10:00 a.m.
12 HOB**

**Marco Rubio
Speaker**

**Rep. Pat Patterson
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Ethics & Elections

Start Date and Time: Thursday, February 22, 2007 09:00 am

End Date and Time: Thursday, February 22, 2007 10:00 am

Location: 12 HOB

Duration: 1.00 hrs

Workshop on the following:

Citizens Initiatives

Invitation to review voting equipment demonstration

NOTICE FINALIZED on 02/15/2007 16:11 by JJD

Citizen Ballot Initiative Reform

Idea #38

Section 1.

- Clarifies the duties of Supervisors of Elections to ensure the accuracy of submitted petition signatures by verifying every signature submitted.
- Provides that initiative sponsors who claim an “undue burden” to avoid the supervisors’ statutory 10 cents per signature verification fee may not provide compensation to a paid petition circulator. If a sponsor does provide compensation to a paid circulator, the sponsor must reimburse the supervisor for the verification fees.

Section 2.

- Provides further obligations to ensure the accuracy of petition signatures, *e.g.*, requiring the address, county, and voter registration number or date of birth of the elector.
- Provides a process allowing an elector to revoke his or her previously-verified signature on a ballot initiative.
- Requires paid petition circulators to wear badges identifying themselves as such, and provides that paid petition circulators may not receive compensation on a ‘per signature’ basis.
- Protects the rights of private property owners by codifying owners’ rights to allow, disallow, or restrict signature-gathering activities on their property.

Section 3 grandfathers in all signatures gathered under the current law, until the effective date of the bill.

Section 4 contains a severability clause.

Section 5 provides an effective date of August 1, 2007.

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1 A bill to be entitled
 2 An act relating to initiative petition procedures and standards;
 3 amending s. 99.097; revising references relating to verification
 4 of signatures on petitions; providing requirements for initiative
 5 sponsors filing a certificate of undue burden; amending s.
 6 100.371, F.S.; revising procedures for placing an initiative on
 7 the ballot; providing requirements for information to be
 8 contained in petition forms; providing procedure for revocation
 9 of a petition signature; providing regulation of initiative
 10 petition circulators; providing private property rights relating
 11 to activity on the property that supports or opposes ballot
 12 initiatives; providing that signatures submitted for verification
 13 shall be verified and counted before the effective date;
 14 providing severability; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17 Section 1. Subsections (1), (3), and (4) of section 99.097,
 18 Florida Statutes, are amended to read:

19 99.097 Verification of signatures on petitions.--

20 (1) As determined by each supervisor, based upon local
 21 conditions, the verifying ~~checking~~ of signatures ~~names~~ on
 22 petitions may be based on the most inexpensive and
 23 administratively feasible of either of the following methods of
 24 verification:

25 (a) A name-by-name, signature-by-signature check of the
 26 number of valid ~~authorized~~ signatures on the petitions; or

27 (b) A check of a random sample, as provided by the
 28 Department of State, of names and signatures on the petitions.

29 The sample must be such that a determination can be made as to

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30 whether or not the required number of valid signatures ~~has~~ ~~have~~
 31 been obtained with a reliability of at least 99.5 percent. Rules
 32 and guidelines for this method of petition verification shall be
 33 promulgated by the Department of State, which may include a
 34 requirement that petitions bear an additional number of names and
 35 signatures, not to exceed 15 percent of the names and valid
 36 signatures otherwise required. If the petitions do not meet such
 37 criteria, then the use of the verification method described in
 38 this paragraph shall not be available to supervisors.
 39 Notwithstanding any other provision of law, petitions to secure
 40 ballot placement for an issue, and petition revocations directed
 41 thereto pursuant to s. 100.371, must be verified by the method
 42 provided in paragraph (a).

43 (3)(a) A signature ~~name~~ on a petition, of a ~~which~~ name that
 44 is not in substantially the same form as a name on the voter
 45 registration books, shall be counted as a valid signature if,
 46 after comparing the signature on the petition with the signature
 47 of the ~~alleged~~ signer as shown on the registration books, the
 48 supervisor determines that the person signing the petition and
 49 the person who registered to vote are one and the same. In any
 50 situation in which this code requires the form of the petition to
 51 be prescribed by the division, no signature shall be counted
 52 toward the number of signatures required unless it is on a
 53 petition form prescribed by the division.

54 (b) If a voter signs a petition and lists an address other
 55 than the legal residence where the voter is registered, the
 56 supervisor shall treat the signature as if the voter had listed
 57 the address where the voter is registered.

58 (4)(a) The supervisor shall be paid in advance the sum of

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YEAR

59 | 10 cents for each signature verified ~~checked~~ or the actual cost
60 | of verifying ~~checking~~ such signature, whichever is less, by the
61 | candidate or, in the case of a petition to have an issue placed
62 | on the ballot by initiative, by the initiative sponsor ~~person or~~
63 | ~~organization submitting the petition~~. However, if a candidate or
64 | initiative sponsor, ~~person, or organization~~ seeking to have an
65 | ~~issue placed upon the ballot~~ cannot pay such charges without
66 | imposing an undue burden on personal resources or upon the
67 | resources otherwise available to such candidate or initiative
68 | sponsor, ~~person, or organization~~, such candidate or initiative
69 | sponsor, ~~person, or organization~~ shall, upon written
70 | certification of such inability given under oath to the
71 | supervisor, be entitled to have the signatures verified at no
72 | charge. In the event a candidate or initiative sponsor, ~~person,~~
73 | ~~or organization submitting a petition to have an issue placed~~
74 | ~~upon the ballot~~ is entitled to have the signatures verified at no
75 | charge, the supervisor of elections of each county in which the
76 | signatures are verified at no charge shall submit the total
77 | number of such signatures checked in the county to the Chief
78 | Financial Officer no later than December 1 of the general
79 | election year, and the Chief Financial Officer shall cause such
80 | supervisor of elections to be reimbursed from the General Revenue
81 | Fund in an amount equal to 10 cents for each signature verified
82 | ~~name checked~~ or the actual cost of verifying ~~checking~~ such
83 | signatures, whichever is less. In no event shall such
84 | reimbursement of costs be deemed or applied as extra compensation
85 | for the supervisor. Petitions shall be retained by the
86 | supervisors for a period of 1 year following the election for
87 | which the petitions were circulated.

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YEAR

88 (b) An initiative sponsor that has filed a certification of
 89 undue burden under paragraph (a) may not provide compensation to
 90 any paid petition circulator, as defined in s. 100.371, unless
 91 the initiative sponsor first pays all supervisors for each
 92 signature verified or reimburses the General Revenue Fund for
 93 such costs. If an initiative sponsor subject to this paragraph
 94 provides compensation to a paid petition circulator before the
 95 date the initiative sponsor pays all supervisors for each
 96 signature verified or reimburses the General Revenue Fund for
 97 such costs, no signature on a petition circulated by the paid
 98 petition circulator before that date may be counted toward the
 99 number of valid signatures required for ballot placement until
 100 the initiative sponsor pays all supervisors for each signature
 101 verified or reimburses the General Revenue Fund for such costs.

102 Section 2. Subsections (1) and (3) of section 100.371,
 103 Florida Statutes, are amended, subsection (6) is renumbered as
 104 subsection (10) and amended, and new subsections (6) through (9)
 105 are added to that section, to read:

106 100.371 Initiatives; procedure for placement on ballot;
 107 private property rights.--

108 (1) Constitutional amendments proposed by initiative shall
 109 be placed on the ballot for the general election, provided the
 110 initiative petition has been filed with the Secretary of State no
 111 later than February 1 of the year the general election is held. A
 112 petition shall be deemed to be filed with the Secretary of State
 113 upon the date the secretary determines that valid and verified
 114 ~~the petition forms have~~ has been signed by the constitutionally
 115 required number and distribution of electors pursuant to this
 116 code, subject to the right of revocation established in this

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YEAR

117 | section.
 118 | (3) (a) Each signature shall be dated when made and shall be
 119 | valid for a period of 4 years following such date, provided all
 120 | other requirements of law are met. The sponsor shall submit
 121 | signed and dated forms to the appropriate supervisor of elections
 122 | for verification as to the number of registered electors whose
 123 | valid signatures appear thereon. The supervisor shall promptly
 124 | verify the signatures within 20 days of receipt of the petition
 125 | forms and upon payment of the fee required by s. 99.097. The
 126 | supervisor shall promptly record ~~each valid signature~~ in the
 127 | statewide voter registration system, in the manner prescribed by
 128 | the Secretary of State, the date each form is received by the
 129 | supervisor and the date the signature on the form is verified as
 130 | valid. The supervisor shall verify that the signature on a form
 131 | is valid only if the form complies with all of the following:
 132 | 1. The form shall contain the original signature of the
 133 | purported elector.
 134 | 2. The purported elector shall accurately record on the
 135 | form the date on which he or she signed the form.
 136 | 3. The date the elector signed the form, as recorded by the
 137 | elector, shall be no more than 20 days before the date the form
 138 | is received by the supervisor of elections.
 139 | 4. The form shall accurately set forth the purported
 140 | elector's name, street address, county, and voter registration
 141 | number or date of birth.
 142 | 5. The purported elector shall be, at the time he or she
 143 | signs the form, a duly qualified and registered elector
 144 | authorized to vote in the county in which his or her signature is
 145 | submitted.

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YEAR

146 (b) The supervisor shall retain the signature forms for at
 147 least 1 year following the election in which the issue appeared
 148 on the ballot or until the Division of Elections notifies the
 149 supervisors of elections that the committee which circulated the
 150 petition is no longer seeking to obtain ballot position.

151 (6) An elector's signature on a petition form may be revoked
 152 by submitting to the appropriate supervisor of elections a signed
 153 petition-revocation form adopted by rule for this purpose by the
 154 division. The petition-revocation form shall be subject to the
 155 same relevant requirements as the corresponding petition form
 156 under this code and shall be approved by the Secretary of State
 157 before any signature on a petition-revocation form is obtained.
 158 The petition-revocation form shall be filed with the supervisor
 159 of elections no later than the February 1 preceding the next
 160 general election or, if the initiative amendment is not certified
 161 for ballot position in that election, no later than the February
 162 1 preceding the next successive general election. The supervisor
 163 of elections shall promptly verify the signature on the petition-
 164 revocation form and process such revocation upon payment, in
 165 advance, of a fee of 10 cents or the actual cost of verifying
 166 such signature, whichever is less. The supervisor shall promptly
 167 record each valid and verified petition-revocation form in the
 168 statewide voter registration system in the manner prescribed by
 169 the Secretary of State.

170 (7) (a) If a person is presented with a petition form or
 171 petition-revocation form for his or her possible signature by a
 172 petition circulator, the person shall record this fact on the
 173 form, and the name and address of the petition circulator shall
 174 legibly appear on the form before the signature on the form may

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ORIGINAL

YEAR

175 be verified by the supervisor. For purposes of this subsection,
 176 the term "petition circulator" means any person who, in the
 177 context of a direct face-to-face conversation, presents to
 178 another person for his or her possible signature a petition form
 179 or petition-revocation form regarding ballot placement for an
 180 initiative.

181 (b) A paid petition circulator shall, when engaged in the
 182 activities of a petition circulator described in paragraph (a),
 183 wear a prominent badge, in a form and manner prescribed by rule
 184 by the division, identifying him or her as a "PAID PETITION
 185 CIRCULATOR." For purposes of this subsection, the term "paid
 186 petition circulator" means a petition circulator who receives any
 187 compensation as a direct or indirect consequence of the
 188 activities of a petition circulator described in paragraph (a).

189 (c) No petition circulator may receive, and no person may
 190 provide to a petition circulator, compensation that is based,
 191 directly or indirectly, upon the number of signatures obtained on
 192 petition or petition-revocation forms.

193 (8) A signed petition form or petition-revocation form
 194 regarding ballot placement for an initiative that does not fully
 195 comply with the applicable provisions of this code or the rules
 196 adopted under this section, or that was obtained in violation of
 197 the applicable provisions of this code or the rules adopted under
 198 this section, may be verified by the supervisor of elections and
 199 counted toward the number of valid signatures required for ballot
 200 placement only if those deficiencies or violations are corrected
 201 prior to the date specified in subsection (1).

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YEAR

202 (9) In addition to any other practice or action permissible
 203 under law, an owner, lessee, or other person lawfully exercising
 204 control over private property may:

205 (a) Prohibit persons from engaging in activity on the
 206 property that supports or opposes initiatives;

207 (b) Permit or prohibit persons from engaging in activity on
 208 the property in support of or opposition to a particular
 209 initiative; or

210 (c) Permit persons to engage in activity on the property
 211 that supports or opposes initiatives, subject to restrictions
 212 with respect to time, place, and manner that are reasonable and
 213 uniformly applied.

214 ~~(10)(6)~~ The Department of State may adopt rules in
 215 accordance with s. 120.54 to carry out the provisions of
 216 subsections (1)-~~(9)~~ ~~(6)~~.

217 Section 3. Any signature gathered on a previously approved
 218 initiative petition form that has been submitted for verification
 219 before August 1, 2007, may be verified and counted, if otherwise
 220 valid. However, any initiative petition form that is submitted
 221 for verification on or after that date may be verified and
 222 counted only if it complies with this act and has been approved
 223 by the Secretary of State before obtaining elector signatures.

224 Section 4. If any provision of this act or its application
 225 to any person or circumstance is held invalid, the invalidity
 226 does not affect other provisions or applications of the act that
 227 can be given effect without the invalid provision or application,
 228 and to this end the provisions of this act are severable.

229 Section 5. Except as otherwise expressly provided in this
 230 act, this act shall take effect August 1, 2007.