



Committee on Ethics & Elections

**Thursday, March 13, 2008
9:00-10:30 AM
12 HOB**

Meeting Packet

Revised

**Marco Rubio
Speaker**

**Pat Patterson
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Ethics & Elections

Start Date and Time: Thursday, March 13, 2008 09:00 am

End Date and Time: Thursday, March 13, 2008 10:30 am

Location: 12 HOB

Duration: 1.50 hrs

Consideration of the following bill(s):

HM 439 Federal 2010 Census in Creole by Roberson

HB 1201 Elections by Patterson

NOTICE FINALIZED on 03/11/2008 15:36 by MURPHY.NANCY

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This memorial does not appear to implicate any of the house principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

During the 2000 Decennial Census, the U.S. Census Bureau ("Bureau") provided households receiving the census form in the mail the option of requesting the questionnaire in Spanish, Tagalog, Vietnamese, or Korean. Additionally, people who believed that they were not included on a form or did not receive a form could use the "Be Counted" questionnaire that was available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

The Bureau provided Language Assistance Guides in 49 languages. Each language assistance guide was provided in long form and short form to assist respondents in completing the census questionnaire.¹

| | | |
|---------------------------|------------|--------------------------|
| Albanian | German | Samoan |
| Amharic | Greek | Serbian (Serbo-Croatian) |
| Arabic | Hebrew | Slovak |
| Armenian | Hindi | Somali |
| Bengali | Hmong | Spanish |
| Burmese | Hungarian | Swahili |
| Cambodian | Ilocano | Tagalog |
| Chamorro | Italian | Thai |
| Chinese | Japanese | Tibetan |
| Creole | Korean | Tigrinya |
| Croatian (Serbo-Croatian) | Kurdish | Tongan |
| Czech | Lao | Ukrainian |
| Dari | Polish | Urdu |
| Dinka | Portuguese | Vietnamese |
| Dutch | Romani | Yiddish |
| Farsi | Romanian | |
| French | Russian | |

Since the 2000 Decennial Survey, the U.S. Census Bureau has enacted changes in the manner it collects demographic and socioeconomic data. The 2010 Decennial Survey will only ask for name, sex, age, date of birth, race, ethnicity, relationship and housing tenure. The new short-form survey is anticipated to take only minutes to complete.

More detailed socioeconomic data (previously collected through the decennial census' "long-form" questionnaire), including ancestry and national origin, is now collected through the American Community Survey (ACS). The ACS is a large, sample-size survey that is conducted annually. The survey is accomplished through mail, telephone, and personal visits. The Bureau presently provides for the ACS surveys to be published in English and Spanish.

¹ U.S. Census Bureau

The Bureau reports that preparation for the 2010 Decennial Survey is still at an early stage. The Bureau expects to distribute census questionnaires in Chinese, Spanish, Korean, Russian and Vietnamese. The Bureau anticipates that it will publish Language Assistance Guides in over 50 languages for the 2010 Decennial Survey.²

Effect of Proposed Changes

The memorial expresses the opinion of the Legislature to the Federal Government.³ HM 439 adopts the position that, given the considerable size of Florida's Haitian population, it is in the interest of equity and obtaining the most accurate information possible from the next census, that forms for the 2010 Decennial Survey should be made more accessible to the Haitian population of Florida.

HM 439 urges Congress to adopt legislation that would require the U.S. Census Bureau to make census forms for the 2010 Decennial Census available in the Creole language. HM 439 further encourages Congress to adopt legislation that will require the U.S. Census Bureau to allow census respondents to indicate whether they are a Haitian national or of Haitian descent.

The memorial does not specify a particular bill or legislative proposal it intends to support.

C. SECTION DIRECTORY:

Not Applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There appears to be no appreciable economic impact to the private sector.

D. FISCAL COMMENTS:

None.

² Telephone conference with Jennifer Marks, U.S. Census Bureau. March 7, 2008

³ A memorial is a special form of concurrent resolution addressed to an executive agency or another legislative body, usually Congress, that expresses the sentiment of the Florida Legislature on a matter outside its legislative jurisdiction.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the memorial does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule making authority is required to implement the intent of this memorial.

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

None provided.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

House Memorial

A memorial to the Congress of the United States, urging Congress to make forms for the United States Decennial Census of 2010 available in the Creole language for the Haitian population of Florida.

WHEREAS, results from the United States Decennial Census of 2000 show that there were 419,317 foreign-born persons from Haiti in the United States when the census was taken, and

WHEREAS, the state with the largest population of foreign-born persons from Haiti in 2000 was Florida with 182,224, which represented 6.8 percent of Florida's total foreign-born population of 2.7 million, and

WHEREAS, in conducting the federal decennial statewide census in 2000, the United States Census Bureau used a variety of methods to communicate with people who could not speak English, and

WHEREAS, households that received the census form in the mail had the option of requesting the form in Spanish, Chinese, Tagalog, Vietnamese, or Korean, and

WHEREAS, individuals who believed that they were not included on a form or did not receive a form could use the "Be Counted" questionnaires that were available in public areas and printed in English, Spanish, Tagalog, Vietnamese, and Korean, and

WHEREAS, the Census Bureau also published a short-form and a long-form language assistance guide in 49 different languages, one of which was Creole, to assist respondents, and

29 WHEREAS, however, given the considerable size of Florida's
 30 Haitian population, in the interest of equity and obtaining the
 31 most accurate information possible from the next federal
 32 decennial statewide census, the United States Census Bureau
 33 should make forms for the United States Decennial Census of 2010
 34 more accessible to the Haitian population of Florida by making
 35 the census forms available in the Creole language, and

36 WHEREAS, in addition, the census forms for the United
 37 States Decennial Census of 2010 should be prepared in a manner
 38 that will allow a respondent to indicate whether he or she is a
 39 Haitian national or of Haitian descent, NOW, THEREFORE,

40

41 Be It Resolved by the Legislature of the State of Florida:

42

43 That the Congress of the United States is urged to require
 44 the United States Census Bureau to make census forms for the
 45 United States Decennial Census of 2010 available in the Creole
 46 language to provide for optimal accessibility by the Haitian
 47 population of Florida and to prepare the census forms in a
 48 manner that will allow a respondent to indicate whether he or
 49 she is a Haitian national or of Haitian descent.


50 BE IT FURTHER RESOLVED that copies of this memorial be
 51 dispatched to the President of the United States, to the
 52 President of the United States Senate, to the Speaker of the
 53 United States House of Representatives, and to each member of
 54 the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1201

SPONSOR(S): Patterson

TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|--------|----------------|--|
| 1) <u>Committee on Ethics & Elections</u> | _____ | West <i>RU</i> | Mitchell  |
| 2) <u>Economic Expansion & Infrastructure Council</u> | _____ | _____ | _____ |
| 3) _____ | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

Since the 2000 General Election, Florida has been a national leader in election reform. The state created a model for the rest of the nation when it passed the Election Reform Act of 2001; the Voter Accessibility Act of 2002; and in 2003, implemented the federal Help America Vote Act of 2002 (HAVA), becoming fully compliant with all requirements by 2006.

Florida was one of only a handful of states to accomplish the monumental task of meeting all requirements in preparation for the 2006 election cycle. In 2007, Florida passed a sweeping voting systems standardization bill (HB 537; ch. 2007-30, Laws of Fla.) that requires paper ballots in precincts and early voting sites by July 1, 2008 (with the exception of one touchscreen voting machine in each precinct and early voting site to comply with HAVA requirements). The Department of State (DOS) is currently in the process of implementing this legislation and this bill clarifies certain sections of the Election Code and conforms other sections following the changes made in the 2007 legislation.

While most of the bill is an update to language to conform to changes in the 2007 legislation, some areas are updates to current practices and/or proposed changes in current law.

In 2007, a bill containing similar provisions, HB 1615, was filed by Representative Ford and referred to the Economic Expansion & Infrastructure Council, Committee on Ethics & Elections, and the Policy & Budget Council, but died on May 4, 2007, in committee.

HB 1201 is effective January 1, 2009.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Registration list maintenance forms and procedures are revised to provide for proper and effective notice to voters in an effort to maintain accurate voter registration rolls. In addition, registration list maintenance programs are amended to provide clarification on the process for voters moving both within the state and outside the state. A county supervisor of elections (supervisor) would be able to remove a deceased voter's name from the registration list in the event that the supervisor receives a copy of a death certificate.

The "resign-to-run" law, s. 99.012, F.S., is clarified following a change made in 2007 to provide that while a sitting state officer may run for federal office without having to resign from the state office, a person may not *qualify* to run for two different offices concurrently.

The bill would allow changes to a voter's party affiliation after the book-closing deadline for any non-primary election. For a primary election, any change to a voter's party affiliation after the book closing deadline would be effective at the next election.

Petition signature verification is clarified to address issues that arise when a voter lists an address other than the legal address in the voter registration system. The bill would also allow individuals to submit a petition revocation form directly to a supervisor when a petition revocation form for a citizen initiative has not been submitted and sponsored by a political committee.

Procedures are reorganized to provide clarification to both petitioners and city clerks in the event of a municipal recall. This section also eliminates the prohibition on expenditures for campaigning for or against an officer being recalled until the date the recall election is publicly announced.

The bill clarifies that only a qualified, registered elector or poll watcher of a county may challenge a person's right to vote in that county. It is also proposed that the supervisor be required to provide the election board in the challenged voter's precinct with a copy of the challenge.

The election emergency law, s. 101.733, F.S., is amended to permit a notice of a suspended or delayed election be made in a reasonable manner, rather than requiring publication in a newspaper of general circulation in that affected area. In addition, in the case of an emergency situation that warrants a change in procedure, it provides authority for the Governor to call for a mail ballot election.

Poll worker training requirements are amended to eliminate the required one hour of poll worker training specifically related to issues of sensitivity to voters with disabilities prior to each election. This requirement currently equals one-half of the required training for inspectors and one-third of

the required training for clerks. The new requirement would ensure that the required training is incorporated into the existing training format and would be completed once during an election cycle.

The bill removes the requirement for a supervisor to provide early voting on a local bond referendum that does not involve a state or federal election. A county, district, or municipality may still opt to provide early voting in these instances, but is not required to do so.

The bill amends s. 102.031, F.S., relating to solicitation activities at the polls. In response to a decision in *CBS Broadcasting, Inc. v. Cobb*,¹ a 2006 ruling from the U.S. District Court, Southern District, the bill clarifies that the terms "solicit" or "soliciting" do not include exit polling.

The bill would require a candidate, political committee or political party to request a recount in cases where the vote was within one-quarter of one percent rather than calling for an automatic recount. If there was a discrepancy, the canvassing board would determine the cause and report the results.

The remaining noncontroversial changes include investigations into candidate petition activities, qualifications to preregister to vote, notification regarding unverified information on voter registration applications, forms of voter identification, changes to the federal candidate oath, secret voting, occupying voting booth alone, voting by electronic or electromechanical methods as it pertains to ballot stubs, and certification of county returns.

C. SECTION DIRECTORY:

Section 1. Amends s. 97.012, F.S., to clarify that the Secretary of State has the authority to conduct preliminary investigations into candidate petition activities.

Section 2. Amends s. 97.041, F.S., to clarify that a person may pre-register to vote on or after one's 16th birthday (rather than upon receipt of a valid driver's license.)

Section 3. Amends s. 97.053, F.S., to provide that if the driver's license number, Florida identification number or the last four digits of a voter's social security number submitted as part of a completed voter registration application cannot be verified, the applicant must provide evidence to verify the authenticity of the number in question. If the applicant provides the necessary evidence, he or she will be placed on the voter rolls as an active voter. Otherwise, the applicant will be permitted to vote a provisional ballot and will then have until 5 p.m. on the second day following the election to provide the necessary evidence and have the provisional ballot be counted.

Section 4. Amends s. 97.0535, F.S., to conform the section to a change made in 2007 to s. 101.043, F.S., (HB 537; ch. 2007-30, Laws of Fla.) whereby two forms of voter identification required at the polls were eliminated – an employee badge or identification and a buyer's club identification.

Section 5. Amends s. 97.055, F.S., to provide that a change in a voter's party affiliation cannot be made after the book closing date prior to a primary election. Any change in party affiliation will be effective for subsequent elections.

Section 6. Amends s. 97.1031, F.S., to provide that an elector may submit a change in party affiliation after the book closing deadline which will be effective for subsequent elections other than

¹ 470 F.Supp.2d 1365 (S.D. Fla. 2006).

a general election. Any changes made after the deadline immediately prior to a general election will be effective for the general election.

Section 7. Amends s. 98.065, F.S., to return list maintenance activities of the supervisors of elections to those in place prior to 2005. If the supervisor receives information that indicates that a voter's legal residence may have changed to an address outside the state, the supervisor shall send an address confirmation final notice to the voter. If the voter does not respond to the address confirmation final notice within 30 days or the notice is returned as undeliverable, he or she must be designated as inactive.

Section 8. Creates s. 98.0655, F.S., to provide for registration list maintenance forms and their contents.

Section 9. Amends s. 98.075, F.S., to require a supervisor to remove the name of a deceased person upon receipt of a copy of the person's death certificate.

Section 10. Amends s. 99.012, F.S., to clarify a change made in 2007 relating to the so-called "resign-to-run" law. The change provides that a person cannot qualify to run for two offices at the same time.

Section 11. Amends s. 99.021, F.S., to make a conforming change to the candidate oath required by section 1 above.

Section 12. Amends s. 99.063, F. S., to move the time to designate a Lieutenant Governor and for them to file from the 9th day to the 10th day following a primary election.

Section 13. Amends s. 99.097, F.S., to provide that if a voter signs an initiative petition and lists an address other than the legal residence where the voter is registered, the petition will not be counted. The voter will be sent a new voter registration application on which to submit a change of address.

Section 14. Amends s. 100.221, F.S., to provide that a county, district, or municipality is not required to provide early voting for a stand-alone bond referendum.

Section 15. Amends s. 100.361, F.S., to clarify the process of municipal recall.

Section 16. Amends s. 100.371, F.S., to provide that a standard petition revocation form may be submitted directly by the voter to a supervisor of elections in certain circumstances. Requires the Division of Elections to adopt rules to implement this provision.

Section 17. Amends s. 101.041, F.S., to provide a technical change eliminating a reference to "printed and distributed" ballot.

Section 18. Amends s. 101.045, F.S., to allow a change in party affiliation. Conforming change for sections 5 & 6 above.

Section 19. Amends s. 101.111, F.S., to provide that a person's ability to vote may be challenged in advance by providing the supervisor with the challenge no sooner than 30 days before an election. A copy of the challenge is then sent to the election board in the challenged voter's precinct because a supervisor has no way of knowing where a voter may vote in a particular election, given the popularity of early voting in Florida.

Section 20. Amends s. 101.51, F.S., to clarify that an election official shall permit an election to enter a voting booth or compartment alone in order to cast a ballot.

Section 21. Amends s. 101.56075, F.S., on July 1, 2008 to clarify that any person on request may vote on a voting system that meets the requirements for individuals with disabilities.

Section 22. Amends s. 101.5608, F.S., to clarify that a voter must place his or her marked ballot into a tabulator rather than a ballot box.

Section 23. Conforming change to s.101.5614 F.S.

Section 24. Amends s. 101.6102, F.S., relating to mail ballot elections. Conforming change to permit mail ballot elections to be called in certain emergency circumstances, as provided in section 25 of the bill.

Section 25. Amends s. 101.733, F.S., relating to election emergencies, to allow the Governor to call for a mail ballot election in a declared state of emergency. The section now also provides rulemaking authority to the Division of Elections to implement the change.

Section 26. Amends s. 102.014, F.S., to eliminate the requirement that one of the three hours of poll worker training conducted prior to each election be dedicated to etiquette and sensitivity related to voters with a disability. The change requires that each supervisor still conduct a uniform program that includes these topics and report that each pollworker has completed the program prior to each election cycle.

Section 27. Amends s. 102.031, F.S., to reflect a recent court decision relating to exit polling and maintenance of good order at the polls. The amendment clarifies that the terms "solicit" and "solicitation" do not include exit polling (i.e., that exit polling is permitted.)

Section 28. Amends s. 102.112, F.S., to clarify that the canvassing board must "compare" the number of persons who voted with the number of ballots counted, rather than having to "reconcile" these figures.

Section 29. Amends s. 102.141, F.S., to have the county canvassing board determine the cause and report the results of any discrepancy in recounts.

Section 30. Effective July 1, 2008, amends s. 102.166, F.S., to change the procedures for manual recounts. It requires a manual recount of the votes cast in a race in the entire jurisdiction of the race, rather than simply the overvotes and undervotes in a race. It also exempts from the audit provisions of s. 101.591, F.S., any race in which a manual recount has been conducted.

Section 31. Amends s. 103.101, F.S., to make it consistent with a court decision related to reconsideration of candidates and their placement on the presidential preference primary ballot.

Section 32. Amends s. 190.006, F.S., to make uniform the qualifying requirements for community development districts. Similar changes were made in 2007 in HB 537 to streamline qualifying for special district offices.

Section 33. Provides an effective date of January 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may some minor costs associated with conducting manual recounts, as directed in s. 102.166, F.S. Because one cannot predict the number of races that might require a manual recount in any given election, the cost is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

Section 25 of the bill provide new rulemaking authority to the Department of State.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Several sections may require an effective date other than January 1, 2009. A change in the effective date of those sections will be accomplished by amendment in the future.

D. STATEMENT OF THE SPONSOR

None provided.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

A bill to be entitled

An act relating to elections; amending s. 97.012, F.S.;
 revising provisions relating to investigative duties of
 the Secretary of State; amending s. 97.041, F.S.; revising
 requirements for voter preregistration of minors; amending
 s. 97.053, F.S.; revising provisions relating to
 verification of certain information on voter registration
 applications; amending s. 97.0535, F.S.; deleting certain
 forms of identification for voter registration applicants;
 amending s. 97.055, F.S.; providing for change of party
 affiliation after the closing of the registration books;
 amending s. 97.1031, F.S.; authorizing certain
 modifications to party affiliation registration; amending
 s. 98.065, F.S.; revising registration list maintenance
 provisions; creating s. 98.0655, F.S.; requiring the
 Department of State to prescribe registration list
 maintenance forms; providing criteria; amending s. 98.075,
 F.S.; authorizing removal of deceased persons' names from
 registration records upon receipt of death certificates;
 amending s. 99.012, F.S.; revising restrictions against
 candidates qualifying for multiple public offices;
 amending s. 99.021, F.S.; deleting a resignation statement
 from the qualifying oath for candidates for federal
 office; amending s. 99.063, F.S.; revising deadline for
 gubernatorial candidates to designate running mates;
 revising deadline for Lieutenant Governor candidates to
 file certain information with the Department of State;
 amending s. 99.097, F.S.; prohibiting the counting of

29 petitions listing an address other than the legal address
30 of registration; requiring the mailing of a new voter
31 registration application for an address update; amending
32 s. 100.221, F.S.; providing circumstances under which
33 early voting is not required; amending s. 100.361, F.S.;
34 revising provisions relating to the recall of municipal or
35 charter county officers, recall committees, recall
36 petitions, recall defense, and offenses related thereto;
37 amending s. 100.371, F.S.; deleting requirement that
38 petition-revocation forms be adopted by rule; providing a
39 process for submitting standard petition-revocation forms
40 in lieu of petition-revocation forms for a particular
41 petition that have not been submitted and approved;
42 deleting requirements that certain information be recorded
43 in the statewide voter registration system; amending s.
44 101.041, F.S.; deleting a requirement for the printing and
45 distribution of official ballots; amending s. 101.045,
46 F.S.; providing a method for changing party affiliation
47 registration; amending s. 101.111, F.S.; revising methods
48 by which a person's right to vote may be challenged;
49 amending s. 101.51, F.S.; deleting provisions specifying
50 certain responsibilities of election officials prior to
51 allowing electors to enter a booth or compartment to vote;
52 amending s. 101.56075, F.S.; authorizing persons to vote
53 on a voter interface device upon request; authorizing,
54 rather than requiring, persons with disabilities to vote
55 on a voter interface device by 2012 that meets certain
56 requirements; amending s. 101.5608, F.S.; revising certain

57 | procedures relating to deposit of ballots; amending s.
58 | 101.5614, F.S.; conforming a cross-reference; amending s.
59 | 101.6102, F.S.; providing an exception for conducting
60 | elections by mail ballot; amending s. 101.733, F.S.;
61 | authorizing the Governor to call for mail ballot elections
62 | under certain emergency circumstances; requiring the
63 | department to adopt rules for such mail ballot elections;
64 | revising notice requirements for elections rescheduled due
65 | to an emergency; amending s. 102.014, F.S.; revising
66 | provisions relating to the training of poll workers;
67 | amending s. 102.031, F.S.; providing that exit polling is
68 | not a form of solicitation; amending s. 102.112, F.S.;
69 | revising duties of county canvassing boards; revising the
70 | deadline for submitting county returns to the Department
71 | of State; amending s. 102.141, F.S.; providing procedures
72 | for canvassing boards to use when conducting recounts;
73 | deleting certain canvassing board requirements for
74 | reporting results; amending s. 102.166, F.S.; permitting
75 | candidates, certain political committees, and certain
76 | political parties to request manual recounts by a
77 | specified time; requiring manual recounts of votes cast
78 | upon timely receipt of requests by appropriate parties;
79 | deleting certain provisions relating to recount of
80 | overvotes, undervotes, and provisional ballots; providing
81 | circumstances under which canvassing boards are not
82 | required to conduct manual audits; requiring canvassing
83 | boards to track ballots under certain circumstances;
84 | providing criteria for determining when ballots are deemed

HB 1201

2008

85 not properly completed; providing for canvassing boards to
 86 use certain information for statutory reports; amending s.
 87 103.101, F.S.; deleting provisions relating to requests
 88 for placement of candidates' names on presidential
 89 preference primary ballots; amending s. 190.006, F.S.;
 90 deleting certain fee requirements for candidates seeking
 91 election to the board of supervisors of community
 92 development districts; providing effective dates.
 93

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

95
 96 Section 1. Subsection (15) of section 97.012, Florida
 97 Statutes, is amended to read:

98 97.012 Secretary of State as chief election officer.--The
 99 Secretary of State is the chief election officer of the state,
 100 and it is his or her responsibility to:

101 (15) Conduct preliminary investigations into any
 102 irregularities or fraud involving voter registration, voting, ~~e~~
 103 candidate petition, or issue petition activities and report his
 104 or her findings to the statewide prosecutor or the state
 105 attorney for the judicial circuit in which the alleged violation
 106 occurred for prosecution, if warranted. The Department of State
 107 may prescribe by rule requirements for filing an elections-fraud
 108 complaint and for investigating any such complaint.

109 Section 2. Paragraph (b) of subsection (1) of section
 110 97.041, Florida Statutes, is amended to read:

111 97.041 Qualifications to register or vote.--

112 (1)

HB 1201

2008

113 (b) A person who is otherwise qualified may preregister on
 114 or after that person's 16th ~~17th~~ birthday ~~or receipt of a valid~~
 115 ~~Florida driver's license, whichever occurs earlier,~~ and may vote
 116 in any election occurring on or after that person's 18th
 117 birthday.

118 Section 3. Subsection (6) of section 97.053, Florida
 119 Statutes, is amended to read:

120 97.053 Acceptance of voter registration applications.--

121 (6) A voter registration application may be accepted as
 122 valid only after the department has verified the authenticity or
 123 nonexistence of the driver's license number, the Florida
 124 identification card number, or the last four digits of the
 125 social security number provided by the applicant. If a completed
 126 voter registration application has been received by the book-
 127 closing deadline but the driver's license number, the Florida
 128 identification card number, or the last four digits of the
 129 social security number provided by the applicant cannot be
 130 verified, the applicant shall be notified that the number cannot
 131 be verified ~~application is incomplete~~ and that the applicant
 132 ~~voter~~ must provide evidence to the supervisor sufficient to
 133 verify the authenticity of the number provided on the
 134 application. If the applicant ~~voter~~ provides the necessary
 135 evidence, the supervisor shall place the applicant's ~~voter's~~
 136 name on the registration rolls as an active voter. If the
 137 applicant ~~voter~~ has not provided the necessary evidence or the
 138 number has not otherwise been verified prior to the applicant
 139 presenting himself or herself to vote, the applicant shall be
 140 provided a provisional ballot. The provisional ballot shall be

HB 1201

2008

141 counted only if the driver's license number, Florida
 142 identification card number, or last four digits of the social
 143 security number provided on the application are ~~is~~ verified by
 144 the end of the canvassing period or if the applicant presents
 145 evidence to the supervisor of elections sufficient to verify the
 146 authenticity of the ~~driver's license number, Florida~~
 147 ~~identification card number, or last four digits of the social~~
 148 ~~security number provided on the application~~ no later than 5 p.m.
 149 of the second day following the election.

150 Section 4. Paragraph (a) of subsection (3) of section
 151 97.0535, Florida Statutes, is amended to read:

152 97.0535 Special requirements for certain applicants.--

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

- 156 1. United States passport.
- 157 ~~2. Employee badge or identification.~~
- 158 ~~3. Buyer's club identification.~~
- 159 ~~2.4.~~ Debit or credit card.
- 160 ~~3.5.~~ Military identification.
- 161 ~~4.6.~~ Student identification.
- 162 ~~5.~~ Retirement center identification.
- 163 ~~6.8.~~ Neighborhood association identification.
- 164 ~~7.9.~~ Public assistance identification.

165 Section 5. Subsection (1) of section 97.055, Florida
 166 Statutes, is amended to read:

167 97.055 Registration books; when closed for an election.--

168 (1) (a) The registration books must be closed on the 29th
 169 day before each election and must remain closed until after that
 170 election. If an election is called and there are fewer than 29
 171 days before that election, the registration books must be closed
 172 immediately.

173 (b) When the registration books are closed for an
 174 election, updates to a voter's name, address, ~~and signature~~, and
 175 party affiliation made pursuant to ss. 97.1031, 98.077, and
 176 101.045 shall be the only changes permitted for purposes of the
 177 upcoming election. New voter registration applications and other
 178 ~~party~~ changes must be accepted but only for the purpose of
 179 subsequent elections.

180 Section 6. Section 97.1031, Florida Statutes, is amended
 181 to read:

182 97.1031 Notice of change of residence, change of name, or
 183 change of party affiliation.--

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

196 (2) When an elector moves from the address named on that
 197 person's voter registration record to another address in a
 198 different county but within the state, the elector seeks to
 199 change party affiliation, or the name of an elector is changed
 200 by marriage or other legal process, the elector shall provide
 201 notice of such change to a voter registration official using a
 202 voter registration application signed by the elector. A voter
 203 information card reflecting the new information shall be issued
 204 to the elector as provided in subsection (4) ~~(3)~~.

205 (3) An elector may submit a change or update to his or her
 206 party affiliation on record in the statewide voter registration
 207 system at any time using a voter registration application. When
 208 the registration books are closed for an upcoming election other
 209 than a general election, a change or update to a party
 210 affiliation on record shall be accepted, but only for the
 211 purpose of subsequent elections. For purposes of an upcoming
 212 general election, a change or update to a voter's party
 213 affiliation may still be made after the registration books are
 214 closed for that election.

215 ~~(4)(3)~~ The voter registration official shall make the
 216 necessary changes in the elector's records as soon as practical
 217 upon receipt of such notice of a change of address of legal
 218 residence, name, or party affiliation. The supervisor of
 219 elections shall issue the new voter information card.

220 Section 7. Subsection (4) of section 98.065, Florida
 221 Statutes, is amended to read:

222 98.065 Registration list maintenance programs.--

223 (4) (a) If the supervisor receives change-of-address
 224 information pursuant to the activities conducted in subsection
 225 (2), from jury notices signed by the voter and returned to the
 226 courts, from the Department of Highway Safety and Motor
 227 Vehicles, or from other sources, which ~~information~~ indicates
 228 that ~~the legal address of a registered voter's legal residence~~
 229 ~~voter~~ might have changed to another location within the state,
 230 the supervisor shall change the registration records to show the
 231 new address and shall send by forwardable return if-
 232 undeliverable mail an address change confirmation notice to the
 233 voter as provided in s. 98.0655(2) to the address at which the
 234 voter was last registered. A supervisor may also send an address
 235 confirmation notice to any voter who the supervisor has reason
 236 to believe has moved from his or her legal residence.

237 (b) If the supervisor receives change-of-address
 238 information pursuant to the activities conducted in subsection
 239 (2), from jury notices signed by the voter and returned to the
 240 courts or from other sources, which indicates that a registered
 241 voter's legal residence might have changed to a location outside
 242 the state, the supervisor shall send an address confirmation
 243 final notice to the voter as provided in s. 98.0655(3). The
 244 address confirmation notice shall contain a postage prepaid,
 245 preaddressed return form on which.

246 1. ~~If the voter has changed his or her address of legal~~
 247 ~~residence to a location outside the state, the voter shall mark~~
 248 ~~that the voter's legal residence has changed to a location~~
 249 ~~outside the state. The form shall also include information on~~
 250 ~~how to register in the new state in order to be eligible to~~

HB 1201

2008

251 ~~vote. The form must be returned within 30 days after the date of~~
252 ~~the notice. The completed form shall constitute a request to be~~
253 ~~removed from the statewide voter registration system.~~

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

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

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

HB 1201

2008

279 registration system and the voter shall be required to
 280 reregister to have his or her name restored to the statewide
 281 voter registration system.

282 Section 8. Section 98.0655, Florida Statutes, is created
 283 to read:

284 98.0655 Registration list maintenance forms.--The
 285 department shall prescribe registration list maintenance forms
 286 to be used by the supervisors which must include:

287 (1) An address confirmation request that includes:

288 (a) The voter's name and address of legal residence as
 289 shown on the voter registration record.

290 (b) A request that the supervisor be informed if either
 291 the name or address of legal residence of the voter is
 292 incorrect.

293 (2) An address change notice, which must be sent by
 294 forwardable mail and must include a postage prepaid,
 295 preaddressed return form with which the voter may verify or
 296 correct the voter's address information.

297 (3) An address confirmation final notice, which must be
 298 sent by forwardable mail and must include a postage prepaid,
 299 preaddressed return form and a statement that:

300 (a) If the voter has not changed legal residence or has
 301 changed legal residence within the state, the voter should
 302 return the return form with any necessary changes within 30 days
 303 after the date of notice.

304 (b) If the voter has changed legal residence to a location
 305 outside the state, the voter should return the return form,
 306 which shall serve as a request to be removed from the

HB 1201

2008

307 registration books, and the voter will be provided with
 308 information on how to register in the new jurisdiction in order
 309 to be eligible to vote.

310 (c) If the return form is not returned, or if the voter
 311 does not update his or her registration information, vote, or
 312 request an absentee ballot by the second general election
 313 thereafter, the voter's name will be removed from the statewide
 314 voter registration system and the voter will be required to
 315 reregister to have his or her name restored to the statewide
 316 voter registration system.

317 Section 9. Subsection (3) of section 98.075, Florida
 318 Statutes, is amended to read:

319 98.075 Registration records maintenance activities;
 320 ineligibility determinations.--

321 (3) DECEASED PERSONS.--The department shall identify those
 322 registered voters who are deceased by comparing information on
 323 the lists of deceased persons received from the Department of
 324 Health as provided in s. 98.093. Upon receipt of such
 325 information through the statewide voter registration system, the
 326 supervisor shall remove the name of the registered voter.
 327 Additionally, the supervisor shall remove the name of a deceased
 328 registered voter from the statewide voter registration system
 329 upon receipt of a copy of a death certificate issued by a
 330 governmental agency authorized to issue death certificates.

331 Section 10. Section 99.012, Florida Statutes, is amended
 332 to read:

333 99.012 Restrictions on individuals qualifying for public
 334 office.--

335 (1) As used in this section:

336 (a) "Officer" means a person, whether elected or
 337 appointed, who has the authority to exercise the sovereign power
 338 of the state pertaining to an office recognized under the State
 339 Constitution or laws of the state. With respect to a
 340 municipality, the term "officer" means a person, whether elected
 341 or appointed, who has the authority to exercise municipal power
 342 as provided by the State Constitution, state laws, or municipal
 343 charter.

344 (b) "Subordinate officer" means a person who has been
 345 delegated the authority to exercise the sovereign power of the
 346 state by an officer. With respect to a municipality, subordinate
 347 officer means a person who has been delegated the authority to
 348 exercise municipal power by an officer.

349 (2) No person may qualify as a candidate for more than one
 350 public office, whether federal, state, district, county, or
 351 municipal, if the terms or any part thereof run concurrently
 352 with each other.

353 (3) (a) No officer may qualify as a candidate for another
 354 ~~public office, whether~~ state, district, county, or municipal
 355 public office, if the terms or any part thereof run concurrently
 356 with each other, without resigning from the office he or she
 357 presently holds.

358 (b) The resignation is irrevocable.

359 (c) The written resignation must be submitted at least 10
 360 days prior to the first day of qualifying for the office he or
 361 she intends to seek.

362 (d) The resignation must be effective no later than the
 363 earlier of the following dates:

- 364 1. The date the officer would take office, if elected; or
- 365 2. The date the officer's successor is required to take
 366 office.

367 (e)1. An elected district, county, or municipal officer
 368 must submit his or her resignation to the officer before whom he
 369 or she qualified for the office he or she holds, with a copy to
 370 the Governor and the Department of State.

371 2. An appointed district, county, or municipal officer
 372 must submit his or her resignation to the officer or authority
 373 which appointed him or her to the office he or she holds, with a
 374 copy to the Governor and the Department of State.

375 3. All other officers must submit their resignations to
 376 the Governor with a copy to the Department of State.

377 (f)1. With regard to an elective office, the resignation
 378 creates a vacancy in office to be filled by election. Persons
 379 may qualify as candidates for nomination and election as if the
 380 public officer's term were otherwise scheduled to expire.

381 2. With regard to an elective charter county office or
 382 elective municipal office, the vacancy created by the officer's
 383 resignation may be filled for that portion of the officer's
 384 unexpired term in a manner provided by the respective charter.
 385 The office is deemed vacant upon the effective date of the
 386 resignation submitted by the official in his or her letter of
 387 resignation.

388 (g) Any officer who submits his or her resignation,
 389 effective immediately or effective on a date prior to the date

390 of his or her qualifying for office, may then qualify for office
 391 as a nonofficeholder, and the provisions of this subsection do
 392 not apply.

393 (4) A person who is a subordinate officer, deputy sheriff,
 394 or police officer must resign effective upon qualifying pursuant
 395 to this chapter if the person is seeking to qualify for a public
 396 office that is currently held by an officer who has authority to
 397 appoint, employ, promote, or otherwise supervise that person and
 398 who has qualified as a candidate for reelection to that office.

399 (5) The name of any person who does not comply with this
 400 section may be removed from every ballot on which it appears
 401 when ordered by a circuit court upon the petition of an elector
 402 or the Department of State.

403 (6) This section does not apply to:

404 (a) Political party offices.

405 (b) Persons serving without salary as members of an
 406 appointive board or authority.

407 ~~(c) Persons seeking any federal public office.~~

408 (7) Nothing contained in subsection ~~subsections~~ (3) and
 409 ~~(4)~~ relates to persons holding any federal office.

410 Section 11. Paragraph (a) of subsection (1) of section
 411 99.021, Florida Statutes, is amended to read:

412 99.021 Form of candidate oath.--

413 (1)(a)1. Each candidate, whether a party candidate, a
 414 candidate with no party affiliation, or a write-in candidate, in
 415 order to qualify for nomination or election to any office other
 416 than a judicial office as defined in chapter 105 or a federal
 417 office, shall take and subscribe to an oath or affirmation in

HB 1201

2008

418 writing. A printed copy of the oath or affirmation shall be
 419 furnished to the candidate by the officer before whom such
 420 candidate seeks to qualify and shall be substantially in the
 421 following form:

422

423 State of Florida

424 County of _____

425 Before me, an officer authorized to administer oaths,
 426 personally appeared (please print name as you wish it to
 427 appear on the ballot) , to me well known, who, being sworn,
 428 says that he or she is a candidate for the office of _____; that
 429 he or she is a qualified elector of _____ County, Florida; that
 430 he or she is qualified under the Constitution and the laws of
 431 Florida to hold the office to which he or she desires to be
 432 nominated or elected; that he or she has taken the oath required
 433 by ss. 876.05-876.10, Florida Statutes; that he or she has
 434 qualified for no other public office in the state, the term of
 435 which office or any part thereof runs concurrent with that of
 436 the office he or she seeks; and that he or she has resigned from
 437 any office from which he or she is required to resign pursuant
 438 to s. 99.012, Florida Statutes.

439 (Signature of candidate)

440 (Address)

441

442 Sworn to and subscribed before me this _____ day of _____,
 443 (year) , at _____ County, Florida.

444 (Signature and title of officer administering oath)

445

HB 1201

2008

446 2. Each candidate for federal office, whether a party
 447 candidate, a candidate with no party affiliation, or a write-in
 448 candidate, in order to qualify for nomination or election to
 449 office shall take and subscribe to an oath or affirmation in
 450 writing. A printed copy of the oath or affirmation shall be
 451 furnished to the candidate by the officer before whom such
 452 candidate seeks to qualify and shall be substantially in the
 453 following form:

454

455 State of Florida

456 County of _____

457 Before me, an officer authorized to administer oaths,
 458 personally appeared (please print name as you wish it to
 459 appear on the ballot) , to me well known, who, being sworn,
 460 says that he or she is a candidate for the office of _____; that
 461 he or she is qualified under the Constitution and laws of the
 462 United States to hold the office to which he or she desires to
 463 be nominated or elected; and that he or she has qualified for no
 464 other public office in the state, the term of which office or
 465 any part thereof runs concurrent with that of the office he or
 466 she seeks; ~~and that he or she has resigned from any office from~~
 467 ~~which he or she is required to resign pursuant to s. 99.012,~~
 468 ~~Florida Statutes.~~

469 (Signature of candidate)

470 (Address)

471

472 Sworn to and subscribed before me this _____ day of _____,
 473 (year) , at _____ County, Florida.

474 (Signature and title of officer administering oath)
 475 Section 12. Subsections (1) and (2) of section 99.063,
 476 Florida Statutes, are amended to read:
 477 99.063 Candidates for Governor and Lieutenant Governor.--
 478 (1) No later than 5 p.m. of the 10th ~~9th~~ day following the
 479 primary election, each candidate for Governor shall designate a
 480 Lieutenant Governor as a running mate. Such designation must be
 481 made in writing to the Department of State.
 482 (2) No later than 5 p.m. of the 10th ~~9th~~ day following the
 483 primary election, each designated candidate for Lieutenant
 484 Governor shall file with the Department of State:
 485 (a) The candidate's oath required by s. 99.021, which must
 486 contain the name of the candidate as it is to appear on the
 487 ballot; the office sought; and the signature of the candidate,
 488 duly acknowledged.
 489 (b) The loyalty oath required by s. 876.05, signed by the
 490 candidate and duly acknowledged.
 491 (c) If the office sought is partisan, the written
 492 statement of political party affiliation required by s.
 493 99.021(1)(b).
 494 (d) The full and public disclosure of financial interests
 495 pursuant to s. 8, Art. II of the State Constitution. A public
 496 officer who has filed the full and public disclosure with the
 497 Commission on Ethics prior to qualifying for office may file a
 498 copy of that disclosure at the time of qualifying.
 499 Section 13. Paragraph (b) of subsection (3) of section
 500 99.097, Florida Statutes, is amended to read:
 501 99.097 Verification of signatures on petitions.--

HB 1201

2008

502 (3)
 503 (b) If a voter signs a petition and lists an address other
 504 than the legal residence where the voter is registered, the
 505 petition shall not be counted. The supervisor shall mail to the
 506 voter a new voter registration application on which the voter
 507 may submit an address update, along with the reason the new
 508 application is being sent ~~treat the signature as if the voter~~
 509 ~~had listed the address where the voter is registered.~~

510 Section 14. Section 100.221, Florida Statutes, is amended
 511 to read:

512 100.221 General election laws to govern bond
 513 referenda.--The laws governing the holding of general elections
 514 are applicable to bond referenda, except as provided in ss.
 515 100.201-100.351. A county, district, or municipality is not
 516 required to offer early voting for a bond referendum not held in
 517 conjunction with a county or state election. The places for
 518 voting in a bond referendum shall be the same as the places for
 519 voting in general elections, when a bond referendum is held in
 520 the county or district; but when a bond referendum is held in a
 521 municipality, the polling places shall be the same as in other
 522 municipal elections.

523 Section 15. Section 100.361, Florida Statutes, is amended
 524 to read:

525 100.361 Municipal recall.--

526 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member
 527 of the governing body of a municipality or charter county,
 528 hereinafter referred to in this section as "municipality," may
 529 be removed from office by the electors of the municipality. When

530 the official represents a district and is elected only by
 531 electors residing in that district, only electors from that
 532 district are eligible to sign the petition to recall that
 533 official and are entitled to vote in the recall election. When
 534 the official represents a district and is elected at-large by
 535 the electors of the municipality, all electors of the
 536 municipality are eligible to sign the petition to recall that
 537 official and are entitled to vote in the recall election. Where
 538 used in this section, the term "district" shall be construed to
 539 mean the area or region of a municipality from which a member of
 540 the governing body is elected by the electors from such area or
 541 region. Members may be removed from office pursuant to ~~by~~ the
 542 procedures provided in this section. This method of removing
 543 members of the governing body of a municipality is in addition
 544 to such other methods now or hereafter provided by general law.

545 (2) RECALL PETITION. ~~--following procedure:~~

546 (a) Petition content. ~~--A petition shall contain the name~~
 547 of ~~be prepared naming~~ the person sought to be recalled and
 548 ~~containing~~ a statement of grounds for recall. The statement of
 549 grounds may not exceed in not more than 200 words, and the
 550 stated grounds are limited solely to those ~~the grounds~~ specified
 551 in paragraph (d) ~~(b)~~. If more than one member of the governing
 552 body is sought to be recalled, whether such member is elected by
 553 the electors of a district or by the electors of the
 554 municipality at-large, a separate recall petition shall be
 555 prepared for each member sought to be recalled. Upon request,
 556 the content of a petition should be, but is not required to be,
 557 provided by the proponent in alternative formats.

558 (b) Requisite signatures.--

559 1. In a municipality or district of fewer than 500
 560 electors, the petition shall be signed by at least 50 electors
 561 or by 10 percent of the total number of registered electors of
 562 the municipality or district as of the preceding municipal
 563 election, whichever is greater.

564 2. In a municipality or district of 500 or more but fewer
 565 than 2,000 registered electors, the petition shall be signed by
 566 at least 100 electors or by 10 percent of the total number of
 567 registered electors of the municipality or district as of the
 568 preceding municipal election, whichever is greater.

569 3. In a municipality or district of 2,000 or more but
 570 fewer than 5,000 registered electors, the petition shall be
 571 signed by at least 250 electors or by 10 percent of the total
 572 number of registered electors of the municipality or district as
 573 of the preceding municipal election, whichever is greater.

574 4. In a municipality or district of 5,000 or more but
 575 fewer than 10,000 registered electors, the petition shall be
 576 signed by at least 500 electors or by 10 percent of the total
 577 number of registered electors of the municipality or district as
 578 of the preceding municipal election, whichever is greater.

579 5. In a municipality or district of 10,000 or more but
 580 fewer than 25,000 registered electors, the petition shall be
 581 signed by at least 1,000 electors or by 10 percent of the total
 582 number of registered electors of the municipality or district as
 583 of the preceding municipal election, whichever is greater.

584 6. In a municipality or district of 25,000 or more
 585 registered electors, the petition shall be signed by at least

HB 1201

2008

586 1,000 electors or by 5 percent of the total number of registered
 587 electors of the municipality or district as of the preceding
 588 municipal election, whichever is greater.

589
 590 ~~Electors of the municipality or district making charges~~
 591 ~~contained in the statement of grounds for recall and those~~
 592 ~~signing the recall petition shall be designated as the~~
 593 ~~"committee." A specific person shall be designated in the~~
 594 ~~petition as chair of the committee to act for the committee.~~
 595 ~~Electors of the municipality or district are eligible to sign~~
 596 ~~the petition. Signatures and oaths of witnesses shall be~~
 597 ~~executed as provided in paragraph (c).~~ All signatures shall be
 598 obtained, as provided in paragraph (e), within a period of 30
 599 days, and all signed and dated the petition forms shall be filed
 600 at the same time no later than within 30 days after the date the
 601 first signature is obtained on the petition.

602 (c) Recall committee.--Electors of the municipality or
 603 district making charges contained in the statement of grounds
 604 for recall and those signing the recall petition shall be
 605 designated as the "committee." A specific person shall be
 606 designated in the petition as chair of the committee to act for
 607 the committee. The recall committee and the officer being
 608 recalled are subject to chapter 106.

609 (d) ~~(b)~~ Grounds for recall.--The grounds for removal of
 610 elected municipal officials shall, for the purposes of this
 611 section ~~act~~, be limited to the following and must be contained
 612 in the petition:

- 613 1. Malfeasance;

614 2. Misfeasance;
 615 3. Neglect of duty;
 616 4. Drunkenness;
 617 5. Incompetence;
 618 6. Permanent inability to perform official duties; and
 619 7. Conviction of a felony involving moral turpitude.
 620 (e) ~~(e)~~ Signature process.--Only electors of the
 621 municipality or district are eligible to sign the petition. Each
 622 elector ~~of the municipality~~ signing a petition shall sign his or
 623 her name in ink or indelible pencil as registered in the office
 624 of the supervisor of elections and shall state on the petition
 625 his or her place of residence and voting precinct. Each petition
 626 shall contain appropriate lines for the signature, printed name,
 627 and street address of the elector and an oath, to be executed by
 628 a witness thereof, verifying the fact that the witness saw each
 629 person sign the counterpart of the petition, that each signature
 630 appearing thereon is the genuine signature of the person it
 631 purports to be, and that the petition was signed in the presence
 632 of the witness on the date indicated.
 633 (f) ~~(d)~~ Filing of signed petitions.--All signed The
 634 petition forms shall be filed at the same time no later than 30
 635 days after the date the first signature is obtained on the
 636 petition. with the auditor or clerk of the municipality or
 637 charter county, or his or her equivalent, hereinafter referred
 638 to as clerk, by The person designated as chair of the committee,
 639 shall file the signed petition forms with the auditor or clerk
 640 of the municipality or charter county, or his or her equivalent,

641 hereinafter referred to as clerk. The petition cannot be amended
 642 after it is filed with the clerk.

643 (g) Verification of signatures.--

644 1. Immediately after the filing of and, when the petition
 645 forms is filed, the clerk shall submit such forms petition to
 646 the county supervisor of elections. No more than 30 days after
 647 the date all petition forms are submitted to the supervisor by
 648 the clerk, the supervisor who shall promptly verify the
 649 signatures in accordance with s. 99.097 and, within a period of
 650 not more than 30 days after the petition is filed with the
 651 supervisor, determine whether the requisite number of valid
 652 signatures was obtained for the petition contains the required
 653 valid signatures. The committee seeking verification of the
 654 signatures shall pay in advance to the supervisor the sum of 10
 655 cents for each signature checked or the actual cost of checking
 656 such signature, whichever is less.

657 2. The petition cannot be amended after it is filed with
 658 the clerk. The supervisor shall be paid by the persons or
 659 committee seeking verification the sum of 10 cents for each name
 660 checked. Upon filing with the clerk, the petition and all
 661 subsequent papers or forms required or permitted to be filed
 662 with the clerk in connection with this section must, upon
 663 request, be made available in alternative formats by the clerk.

664 3.(e) If the supervisor determines it is determined that
 665 the requisite number of petition does not contain the required
 666 signatures was not obtained, the clerk shall, upon receipt of
 667 such determination in writing, so certify to the governing body
 668 of the municipality or charter county and file the petition

HB 1201

2008

669 without taking further action, and the matter shall be at an
 670 end. No additional names may be added to the petition, and the
 671 petition shall not be used in any other proceeding.

672 ~~4.(f)~~ If it is determined that the petition has the
 673 requisite number of verified and valid ~~required~~ signatures, then
 674 the process in subsection (3) shall be followed.

675 (3) RECALL PETITION AND DEFENSE.--

676 (a) Notice.--Upon receipt of a written determination that
 677 the requisite number of signatures was obtained, the clerk shall
 678 at once serve upon the person sought to be recalled a certified
 679 copy of the petition. Within 5 days after service, the person
 680 sought to be recalled may file with the clerk a defensive
 681 statement of not more than 200 words.

682 (b) Content and preparation.--Within 5 days after the date
 683 of receipt of the defensive statement or after the last day a
 684 defensive statement could have been filed, the clerk shall,
 685 within 5 days, prepare a document entitled "Recall Petition and
 686 Defense." The "Recall Petition and Defense" shall consist
 687 sufficient number of typewritten, printed, or mimeographed
 688 copies of the recall petition, including the names, addresses,
 689 and oaths on the original petition form; the and defensive
 690 statement, or if no defensive statement was filed, a statement
 691 to that effect; lines and spaces for the registered electors'
 692 signatures, places of residence, election precinct numbers, and
 693 dates of signing; and lines and spaces for signatures of
 694 witnesses to oaths which conform to the provisions of paragraph
 695 (2)(e). The clerk shall make copies of the "Recall Petition and
 696 Defense" sufficient to carry the signatures of 30 percent of the

HB 1201

2008

697 registered electors. Upon preparing and making sufficient copies
698 of the "Recall Petition and Defense," the clerk shall as well as
699 ~~the names, addresses, and oaths on the original petition, and~~
700 deliver the copies them to the person who has been designated as
701 chair of the committee and take his or her receipt therefor.
702 ~~Such prepared copies shall be entitled "Recall Petition and~~
703 ~~Defense" and shall contain lines and spaces for signatures and~~
704 ~~printed names of registered electors, place of residence,~~
705 ~~election precinct number, and date of signing, together with~~
706 ~~oaths to be executed by the witnesses which conform to the~~
707 ~~provisions of paragraph (c). The clerk shall deliver forms~~
708 ~~sufficient to carry the signatures of 30 percent of the~~
709 ~~registered electors.~~

710 (c)(g) Requisite signatures.--Upon receipt of the "Recall
711 Petition and Defense," the committee may circulate them to
712 obtain the signatures of 15 percent of the electors. All
713 signatures shall be obtained and all signed petition forms filed
714 with the clerk no later than 60 days after delivery of the
715 "Recall Petition and Defense" to the chair of the committee. ~~Any~~
716 ~~elector who signs a recall petition shall have the right to~~
717 ~~demand in writing that his or her name be stricken from the~~
718 ~~petition. A written demand signed by the elector shall be filed~~
719 ~~with the clerk and upon receipt of the demand the clerk shall~~
720 ~~strike the name of the elector from the petition and place his~~
721 ~~or her initials to the side of the signature stricken. However,~~
722 ~~no signature may be stricken after the clerk has delivered the~~
723 ~~"Recall Petition and Defense" to the supervisor of elections for~~
724 ~~verification.~~

725 (d) (h) Signed petitions; request for striking
 726 name.--Within 60 days after delivery of the "Recall Petition and
 727 Defense" to the chair, the chair shall file with the clerk the
 728 "Recall Petition and Defense" which bears the signatures of
 729 electors. The clerk shall assemble all signed petitions, check
 730 to see that each petition is properly verified by the oath of a
 731 witness, and submit such petitions to the county supervisor of
 732 elections. Any elector who signs a recall petition shall have
 733 the right to demand in writing that his or her name be stricken
 734 from the petition. A written demand signed by the elector shall
 735 be filed with the clerk, and, upon receipt of the demand, the
 736 clerk shall strike the name of the elector from the petition and
 737 place his or her initials to the side of the signature stricken.
 738 However, no signature may be stricken after the clerk has
 739 delivered the "Recall Petition and Defense" to the supervisor
 740 for verification of the signatures.

741 (e) Verification of signatures.--Within 30 days of receipt
 742 of the signed "Recall Petition and Defense," the supervisor, who
 743 shall determine the number of valid signatures, purge the names
 744 withdrawn, and certify within 30 days whether 15 percent of the
 745 qualified electors of the municipality have signed the
 746 petitions, and report his or her findings to the governing body.
 747 The supervisor shall be paid by the persons or committee seeking
 748 verification the sum of 10 cents for each name checked.

749 (f) (i) Reporting.--If the supervisor determines that the
 750 requisite number of petitions do not contain the required
 751 signatures was not obtained, the clerk shall, upon receipt of
 752 such determination in writing, so certify report such fact to

753 the governing body and retain file the petitions. The
 754 proceedings shall be terminated, and the petitions shall not
 755 again be used. If the supervisor determines that ~~signatures de~~
 756 ~~amount to~~ at least 15 percent of the qualified electors signed
 757 the petition, the clerk shall, upon receipt of such
 758 determination in writing, serve notice of that determination
 759 ~~fact~~ upon the person sought to be recalled and deliver to the
 760 governing body a certificate as to the percentage of qualified
 761 electors ~~voters~~ who signed.

762 (4)-(2) RECALL ELECTION.--If the person designated in the
 763 petition files with the clerk, within 5 days after the last-
 764 mentioned notice, his or her written resignation, the clerk
 765 shall at once notify the governing body of that fact, and the
 766 resignation shall be irrevocable. The governing body shall then
 767 proceed to fill the vacancy according to the provisions of the
 768 appropriate law. In the absence of a resignation, the chief
 769 judge of the judicial circuit in which the municipality is
 770 located shall fix a day for holding a recall election for the
 771 removal of those not resigning. Any such election shall be held
 772 not less than 30 days or more than 60 days after the expiration
 773 of the 5-day period last-mentioned and at the same time as any
 774 other general or special election held within the period; but if
 775 no such election is to be held within that period, the judge
 776 shall call a special recall election to be held within the
 777 period aforesaid.

778 (5)-(3) BALLOTS.--The ballots at the recall election shall
 779 conform to the following: With respect to each person whose
 780 removal is sought, the question shall be submitted: "Shall _____

HB 1201

2008

781 be removed from the office of _____ by recall?" Immediately
 782 following each question there shall be printed on the ballots
 783 the two propositions in the order here set forth:

784 " (name of person) should be removed from office."

785 " (name of person) should not be removed from office."

786 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

787 (a) If an election is held for the recall of members
 788 elected only at-large, candidates to succeed them for the
 789 unexpired terms shall be voted upon at the same election and
 790 shall be elected in the same manner as provided by the
 791 appropriate law for the election of candidates at general
 792 elections. Candidates shall not be elected to succeed any
 793 particular member. If only one member is removed, the candidate
 794 receiving the highest number of votes shall be declared elected
 795 to fill the vacancy. If more than one member is removed,
 796 candidates equal in number to the number of members removed
 797 shall be declared elected to fill the vacancies; and, among the
 798 successful candidates, those receiving the greatest number of
 799 votes shall be declared elected for the longest terms. Cases of
 800 ties, and all other matters not herein specially provided for,
 801 shall be determined by the rules governing elections generally.

802 (b) If an election is held for the recall of members
 803 elected only from districts, candidates to succeed them for the
 804 unexpired terms shall be voted upon at a special election called
 805 by the chief judge of the judicial circuit in which the
 806 districts are located not less than 30 days or more than 60 days
 807 after the expiration of the recall election. The qualifying
 808 period, for purposes of this section, shall be established by

HB 1201

2008

809 the chief judge of the judicial circuit after consultation with
810 the clerk. Any candidate seeking election to fill the unexpired
811 term of a recalled district municipal official shall reside in
812 the district represented by the recalled official and qualify
813 for office in the manner required by law. Each candidate
814 receiving the highest number of votes for each office in the
815 special district recall election shall be declared elected to
816 fill the unexpired term of the recalled official. Candidates
817 seeking election to fill a vacancy created by the removal of a
818 municipal official shall be subject to the provisions of chapter
819 106.

820 (c) When an election is held for the recall of members of
821 the governing body composed of both members elected at-large and
822 from districts, candidates to succeed them for the unexpired
823 terms shall be voted upon at a special election as provided in
824 paragraph (b).

825 (d) However, in any recall election held pursuant to
826 paragraph (b) or paragraph (c), if only one member is voted to
827 be removed from office, the vacancy created by the recall shall
828 be filled by the governing body according to the provisions of
829 the appropriate law for filling vacancies.

830 ~~(7)~~(5) EFFECT OF RESIGNATIONS.--If the member of the
831 governing body being recalled resigns from office prior to the
832 recall election, the remaining members shall fill the vacancy
833 created according to the appropriate law for filling vacancies.
834 If all of the members of the governing body are sought to be
835 recalled and all of the members resign prior to the recall
836 election, the recall election shall be canceled, and a special

837 election shall be called to fill the unexpired terms of the
 838 resigning members. If all of the members of the governing body
 839 are sought to be recalled and any of the members resign prior to
 840 the recall election, the proceedings for the recall of members
 841 not resigning and the election of successors to fill the
 842 unexpired terms shall continue and have the same effect as
 843 though there had been no resignation.

844 (8) ~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall
 845 any member of the governing body of a municipality shall be
 846 filed until the member has served one-fourth of his or her term
 847 of office. No person removed by a recall, or resigning after a
 848 petition has been filed against him or her, shall be eligible to
 849 be appointed to the governing body within a period of 2 years
 850 after the date of such recall or resignation.

851 (9) RETENTION OF PETITION.--The clerk shall preserve in
 852 his or her office all papers comprising or connected with a
 853 petition for recall for a period of 2 years after they were
 854 filed. ~~This method of removing members of the governing body of~~
 855 ~~a municipality is in addition to such other methods now or~~
 856 ~~hereafter provided by the general laws of this state.~~

857 (10) ~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall
 858 impersonate another, purposely write his or her name or
 859 residence falsely in the signing of any petition for recall or
 860 forge any name thereto, or sign any paper with knowledge that he
 861 or she is not a qualified elector of the municipality. ~~No~~
 862 ~~expenditures for campaigning for or against an officer being~~
 863 ~~recalled shall be made until the date on which the recall~~
 864 ~~election is to be held is publicly announced. The committee and~~

HB 1201

2008

865 ~~the officer being recalled shall be subject to chapter 106. No~~
 866 ~~person shall employ or pay another to accept employment or~~
 867 ~~payment for circulating or witnessing a recall petition. Any~~
 868 ~~person violating any of the provisions of this section commits~~
 869 ~~shall be deemed guilty of a misdemeanor of the second degree,~~
 870 ~~punishable as provided in s. 775.082 or s. 775.083 and shall,~~
 871 ~~upon conviction, be punished as provided by law.~~

872 ~~(11)(8)~~ INTENT.--It is the intent of the Legislature that
 873 the recall procedures provided in this section ~~act~~ shall be
 874 uniform statewide. Therefore, all municipal charter and special
 875 law provisions which are contrary to the provisions of this
 876 section ~~act~~ are hereby repealed to the extent of this conflict.

877 ~~(12)(9)~~ PROVISIONS APPLICABLE.--The provisions of this
 878 section ~~act~~ shall apply to cities and charter counties whether
 879 or not they have adopted recall provisions.

880 Section 16. Subsections (3), (4), and (6) of section
 881 100.371, Florida Statutes, are amended to read:

882 100.371 Initiatives; procedure for placement on ballot.--

883 (3) Each signature shall be dated when made and shall be
 884 valid for a period of 4 years following such date, provided all
 885 other requirements of law are met. The sponsor shall submit
 886 signed and dated forms to the appropriate supervisor of
 887 elections for verification as to the number of registered
 888 electors whose valid signatures appear thereon. The supervisor
 889 shall promptly verify the signatures within 30 days of receipt
 890 of the petition forms and payment of the fee required by s.
 891 99.097. The supervisor shall promptly record ~~in the statewide~~
 892 ~~voter registration system,~~ in the manner prescribed by the

HB 1201

2008

893 Secretary of State, the date each form is received by the
 894 supervisor, and the date the signature on the form is verified
 895 as valid. The supervisor may verify that the signature on a form
 896 is valid only if:

897 (a) The form contains the original signature of the
 898 purported elector.

899 (b) The purported elector has accurately recorded on the
 900 form the date on which he or she signed the form.

901 (c) The form accurately sets forth the purported elector's
 902 name, street address, county, and voter registration number or
 903 date of birth.

904 (d) The purported elector is, at the time he or she signs
 905 the form, a duly qualified and registered elector authorized to
 906 vote in the county in which his or her signature is submitted.

907
 908 The supervisor shall retain the signature forms for at least 1
 909 year following the election in which the issue appeared on the
 910 ballot or until the Division of Elections notifies the
 911 supervisors of elections that the committee that ~~which~~
 912 circulated the petition is no longer seeking to obtain ballot
 913 position.

914 (4) The Secretary of State shall determine from the
 915 signatures verified by the supervisors of elections ~~and recorded~~
 916 ~~in the statewide voter registration system~~ the total number of
 917 verified valid signatures and the distribution of such
 918 signatures by congressional districts. Upon a determination that
 919 the requisite number and distribution of valid signatures have
 920 been obtained, the secretary shall issue a certificate of ballot

921 position for that proposed amendment and shall assign a
 922 designating number pursuant to s. 101.161.

923 (6) (a) An elector's signature on a petition form may be
 924 revoked within 150 days of the date on which he or she signed
 925 the petition form by submitting to the appropriate supervisor of
 926 elections a signed petition-revocation form ~~adopted by rule for~~
 927 ~~this purpose by the division.~~

928 (b) The petition-revocation form and the manner in which
 929 signatures are obtained, submitted, and verified shall be
 930 subject to the same relevant requirements and timeframes as the
 931 corresponding petition form and processes under this code and
 932 shall be approved by the Secretary of State before any signature
 933 on a petition-revocation form is obtained.

934 (c) In those circumstances in which a petition-revocation
 935 form for a corresponding initiative petition has not been
 936 submitted and approved, an elector may complete and submit a
 937 standard petition-revocation form directly to the supervisor of
 938 elections. All other requirements and processes apply for the
 939 submission and verification of the signatures as for initiative
 940 petitions.

941 (d) ~~(e)~~ Supervisors of elections shall provide petition-
 942 revocation forms to the public at all main and branch offices.

943 (e) ~~(d)~~ The petition-revocation form shall be filed with
 944 the supervisor of elections by February 1 preceding the next
 945 general election or, if the initiative amendment is not
 946 certified for ballot position in that election, by February 1
 947 preceding the next successive general election. The supervisor
 948 of elections shall promptly verify the signature on the

HB 1201

2008

949 petition-revocation form and process such revocation upon
 950 payment, in advance, of a fee of 10 cents or the actual cost of
 951 verifying such signature, whichever is less. The supervisor
 952 shall promptly record each valid and verified petition-
 953 revocation form ~~in the statewide voter registration system~~ in
 954 the manner prescribed by the Secretary of State.

955 Section 17. Section 101.041, Florida Statutes, is amended
 956 to read:

957 101.041 Secret voting.--In all elections held on any
 958 subject that ~~which~~ may be submitted to a vote, and for all or
 959 any state, county, district, or municipal officers, the voting
 960 shall be by secret, official ballot ~~printed and distributed~~ as
 961 provided by this code, and no vote shall be received or counted
 962 in any election, ~~except~~ as prescribed by this code.

963 Section 18. Subsection (2) of section 101.045, Florida
 964 Statutes, is amended to read:

965 101.045 Electors must be registered in precinct;
 966 provisions for change of residence, ~~or~~ name, or party
 967 affiliation change.--

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

973
 974 Change of Legal Residence of Registered
 975 Voter
 976

HB 1201

2008

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

988

989 (Signature of voter whose address of legal residence has
 990 changed)

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

995

996 Change of Name of Registered
 997 Voter

998

999 Under penalties for false swearing, I, (New name of voter) ,
 1000 swear (or affirm) that my name has been changed because of
 1001 marriage or other legal process. My former name and address of
 1002 legal residence appear on the registration records of precinct
 1003 _____ as follows:

1004

Name

HB 1201

2008

1005 Address
 1006 Municipality
 1007 County
 1008 Florida, Zip

1009 My present name and address of legal residence are as follows:

1010 Name
 1011 Address
 1012 Municipality
 1013 County
 1014 Florida, Zip

1015 and I further swear (or affirm) that I am otherwise legally
 1016 registered and entitled to vote.

1017

1018 (Signature of voter whose name has changed)

1019

1020 (c) An elector who wants to change his or her party
 1021 affiliation on record prior to voting in a general election may
 1022 do so in accordance with s. 97.1031 by completing a voter
 1023 registration application and signing the oath on the
 1024 application.

1025 (d)~~(e)~~ Such affirmation or application, when completed and
 1026 presented at the precinct in which such elector is entitled to
 1027 vote, and upon verification of the elector's registration, shall
 1028 entitle such elector to vote as provided in this subsection. If
 1029 the elector's eligibility to vote cannot be determined, he or
 1030 she shall be entitled to vote a provisional ballot, subject to
 1031 the requirements and procedures in s. 101.048. Upon receipt of
 1032 an affirmation or application certifying a change in address of

HB 1201

2008

1033 legal residence, ~~or name, or party affiliation~~, the supervisor
 1034 shall as soon as practicable make the necessary changes in the
 1035 statewide voter registration system ~~to indicate the change in~~
 1036 ~~address of legal residence or name of such elector.~~

1037 (e) ~~(d)~~ Instead of the affirmation contained in paragraph
 1038 (a) or paragraph (b), an elector may complete a voter
 1039 registration application that indicates the change of name or
 1040 change of address of legal residence.

1041 Section 19. Section 101.111, Florida Statutes, is amended
 1042 to read:

1043 101.111 Person desiring to vote may be challenged;
 1044 challenger to execute oath; oath of person challenged;
 1045 determination of challenge.--

1046 (1) (a) ~~When the right to vote of any person who desires to~~
 1047 ~~vote is challenged by Any~~ qualified, registered elector or poll
 1048 watcher of a county may challenge the right of a person to vote
 1049 in that county. ~~7 The challenge must be in shall be reduced to~~
 1050 writing and contain the following ~~with an oath as provided in~~
 1051 ~~this section, giving reasons for the challenge, which shall be~~
 1052 ~~delivered to the clerk or inspector. Any elector or poll watcher~~
 1053 ~~challenging the right of a person to vote shall execute the oath~~
 1054 ~~set forth below:~~

1055
 1056 OATH OF PERSON ENTERING CHALLENGE

1057
 1058 State of Florida
 1059 County of _____

1060

HB 1201

2008

1061 I do solemnly swear (or affirm) that my name is _____; that I am
 1062 a member of the _____ Party; that I am a registered voter or
 1063 pollwatcher; that my residence address is _____, in the
 1064 municipality of _____; and that I have reason to believe that
 1065 _____ is attempting to vote illegally and the reasons for my
 1066 belief are set forth herein to wit:

1067 (Signature of person challenging voter)

1068

1069 Sworn and subscribed to before me this _____ day of _____,
 1070 (year) .

1071 (Clerk of election)

1072 ~~(b)(2)~~ The clerk or inspector shall immediately deliver to
 1073 the challenged person a copy of the oath of the person entering
 1074 the challenge, and the challenged voter shall be allowed to cast
 1075 a provisional ballot in accordance with s. 101.048.

1076 ~~(c)(3)~~ Alternatively, a challenge in accordance with this
 1077 section may be filed in advance with the supervisor of elections
 1078 ~~no Any elector or poll watcher may challenge the right of any~~
 1079 ~~voter to vote not~~ sooner than 30 days before an election. The
 1080 supervisor shall promptly provide the election board in the
 1081 challenged voter's precinct with ~~by filing a completed copy of~~
 1082 the oath of the person entering the challenge contained in
 1083 ~~subsection (1) to the supervisor of election's office. The~~
 1084 challenged voter shall be allowed ~~permitted~~ to cast a
 1085 provisional ballot in accordance with s. 101.048.

1086 ~~(2)(4)~~ Any elector or poll watcher filing a frivolous
 1087 challenge of any person's right to vote commits a misdemeanor of
 1088 the first degree, punishable as provided in s. 775.082 or s.

HB 1201

2008

1089 775.083; however, electors or poll watchers shall not be subject
 1090 to liability for any action taken in good faith and in
 1091 furtherance of any activity or duty permitted of such electors
 1092 or poll watchers by law. Each instance where any elector or poll
 1093 watcher files a frivolous challenge of any person's right to
 1094 vote constitutes a separate offense.

1095 Section 20. Subsection (1) of section 101.51, Florida
 1096 Statutes, is amended to read:

1097 101.51 Electors to occupy booth alone.--

1098 (1) When the elector presents himself or herself to vote,
 1099 an ~~the~~ election official shall ~~ascertain whether the elector's~~
 1100 ~~name is upon the register of electors, and, if the elector's~~
 1101 ~~name appears and no challenge interposes, or, if interposed, be~~
 1102 ~~not sustained, one of the election officials stationed at the~~
 1103 ~~entrance shall announce the name of the elector and permit the~~
 1104 elector ~~him or her~~ to enter the booth or compartment to cast his
 1105 or her vote, allowing only one elector at a time to pass through
 1106 to vote. An elector, while casting his or her ballot, may not
 1107 occupy a booth or compartment already occupied or speak with
 1108 anyone, except as provided by s. 101.051.

1109 Section 21. Effective July 1, 2008, section 101.56075,
 1110 Florida Statutes, is amended to read:

1111 101.56075 Voting methods.--

1112 (1) Except as provided in subsection (2), all voting shall
 1113 be by marksense ballot utilizing a marking device for the
 1114 purpose of designating ballot selections.

1115 (2) Persons with disabilities or other persons upon
 1116 request may vote on a voter interface device that meets the

HB 1201

2008

1117 voting system accessibility requirements for individuals with
 1118 disabilities pursuant to s. 301 of the federal Help America Vote
 1119 Act of 2002 and s. 101.56062.

1120 (3) By 2012, persons with disabilities may ~~shall~~ vote on a
 1121 voter interface device that meets the voter accessibility
 1122 requirements for individuals with disabilities under s. 301 of
 1123 the federal Help America Vote Act of 2002 and s. 101.56062 which
 1124 are consistent with subsection (1) of this section.

1125 Section 22. Paragraph (a) of subsection (2) of section
 1126 101.5608, Florida Statutes, is amended to read:

1127 101.5608 Voting by electronic or electromechanical method;
 1128 procedures.--

1129 (2) When an electronic or electromechanical voting system
 1130 utilizes a ballot card or marksense ballot, the following
 1131 procedures shall be followed:

1132 (a) After receiving a ballot from an inspector, the
 1133 elector shall, without leaving the polling place, retire to a
 1134 booth or compartment and mark the ballot. After preparing his or
 1135 her ballot, the elector shall place the ballot in a secrecy
 1136 envelope ~~with the stub exposed or shall fold over that portion~~
 1137 ~~on which write in votes may be cast, as instructed,~~ so that the
 1138 ballot will be deposited in the tabulator ~~ballot box~~ without
 1139 exposing the voter's choices. ~~Before the ballot is deposited in~~
 1140 ~~the ballot box, the inspector shall detach the exposed stub and~~
 1141 ~~place it in a separate envelope for audit purposes; when a fold-~~
 1142 ~~over ballot is used, the entire ballot shall be placed in the~~
 1143 ~~ballot box.~~

HB 1201

2008

1144 Section 23. Subsection (5) of section 101.5614, Florida
 1145 Statutes, is amended to read:

1146 101.5614 Canvass of returns.--

1147 (5) If any absentee ballot is physically damaged so that
 1148 it cannot properly be counted by the automatic tabulating
 1149 equipment, a true duplicate copy shall be made of the damaged
 1150 ballot in the presence of witnesses and substituted for the
 1151 damaged ballot. Likewise, a duplicate ballot shall be made of an
 1152 absentee ballot containing an overvoted race or a marked
 1153 absentee ballot in which every race is undervoted which shall
 1154 include all valid votes as determined by the canvassing board
 1155 based on rules adopted by the division pursuant to s.

1156 102.166(3)~~(4)~~. All duplicate ballots shall be clearly labeled
 1157 "duplicate," bear a serial number which shall be recorded on the
 1158 defective ballot, and be counted in lieu of the defective
 1159 ballot. After a ballot has been duplicated, the defective ballot
 1160 shall be placed in an envelope provided for that purpose, and
 1161 the duplicate ballot shall be tallied with the other ballots for
 1162 that precinct.

1163 Section 24. Subsection (2) of section 101.6102, Florida
 1164 Statutes, is amended to read:

1165 101.6102 Mail ballot elections; limitations.--

1166 (2) Except as provided in s. 101.733(1), the following
 1167 elections may not be conducted by mail ballot:

1168 (a) An election at which any candidate is nominated,
 1169 elected, retained, or recalled; or

1170 (b) An election held on the same date as another election,
 1171 other than a mail ballot election, in which the qualified

1172 electors of that political subdivision are eligible to cast
 1173 ballots.

1174 Section 25. Subsections (1) and (2) of section 101.733,
 1175 Florida Statutes, are amended to read:

1176 101.733 Election emergency; purpose; elections emergency
 1177 contingency plan.--Because of the existing and continuing
 1178 possibility of an emergency or common disaster occurring before
 1179 or during a regularly scheduled or special election, and in
 1180 order to ensure maximum citizen participation in the electoral
 1181 process and provide a safe and orderly procedure for persons
 1182 seeking to exercise their right to vote, generally to minimize
 1183 to whatever degree possible a person's exposure to danger during
 1184 declared states of emergency, and to protect the integrity of
 1185 the electoral process, it is hereby found and declared to be
 1186 necessary to designate a procedure for the emergency suspension
 1187 or delay and rescheduling of elections.

1188 (1) (a) The Governor may, upon issuance of an executive
 1189 order declaring a state of emergency or impending emergency,
 1190 suspend or delay any election. The Governor may take such action
 1191 independently or at the request of the Secretary of State, a
 1192 supervisor of elections from a county affected by the emergency
 1193 circumstances, or a municipal clerk from a municipality affected
 1194 by the emergency circumstances.

1195 (b) The Governor may, in the event of a declared state of
 1196 emergency or impending emergency, in lieu of suspending or
 1197 delaying an election, call for a mail ballot election. The
 1198 Department of State shall adopt, by rule, timelines and
 1199 procedures for the mail ballot election.

HB 1201

2008

1200 (2) The Governor, upon consultation with the Secretary of
 1201 State, shall reschedule any election suspended or delayed due to
 1202 an emergency. The election shall be held within 10 days after
 1203 the date of the suspended or delayed election or as soon
 1204 thereafter as is practicable. Notice of the election shall be
 1205 provided in any reasonable manner, including, where practicable,
 1206 publication ~~published~~ at least once in a newspaper of general
 1207 circulation in the affected area and, ~~where practicable,~~
 1208 broadcast as a public service announcement on radio and
 1209 television stations at least 1 week prior to the date the
 1210 election is to be held.

1211 Section 26. Subsection (7) of section 102.014, Florida
 1212 Statutes, is amended to read:

1213 102.014 Poll worker recruitment and training.--

1214 (7) The Department of State shall develop a mandatory,
 1215 statewide, and uniform program for training poll workers on
 1216 issues of etiquette and sensitivity with respect to voters
 1217 having a disability. ~~The program must consist of approximately 1~~
 1218 ~~hour of the required number of hours set forth in paragraph~~
 1219 ~~(4)(a).~~ The program must be conducted locally by each supervisor
 1220 of elections, who shall periodically certify to the Department
 1221 of State whether each poll worker has completed the program
 1222 prior to working during the election cycle. The supervisor of
 1223 elections shall contract with a recognized disability-related
 1224 organization, such as a center for independent living, family
 1225 network on disabilities, deaf service bureau, or other such
 1226 organization, to develop and assist with training the trainers
 1227 in the disability sensitivity programs. The program must include

HB 1201

2008

1228 actual demonstrations of obstacles confronted by disabled
 1229 persons during the voting process, including obtaining access to
 1230 the polling place, traveling through the polling area, and using
 1231 the voting system.

1232 Section 27. Subsection (4) of section 102.031, Florida
 1233 Statutes, is amended to read:

1234 102.031 Maintenance of good order at polls; authorities;
 1235 persons allowed in polling rooms and early voting areas;
 1236 unlawful solicitation of voters.--

1237 (4) (a) No person, political committee, committee of
 1238 continuous existence, or other group or organization may solicit
 1239 voters inside the polling place or within 100 feet of the
 1240 entrance to any polling place, or polling room where the polling
 1241 place is also a polling room, or early voting site. Before the
 1242 opening of the polling place or early voting site, the clerk or
 1243 supervisor shall designate the no-solicitation zone and mark the
 1244 boundaries.

1245 (b) For the purpose of this subsection, the term "solicit"
 1246 or "solicitation" shall include, but not be limited to, seeking
 1247 or attempting to seek any vote, fact, opinion, or contribution;
 1248 distributing or attempting to distribute any political or
 1249 campaign material, leaflet, or handout; conducting a poll except
 1250 as specified in this paragraph; seeking or attempting to seek a
 1251 signature on any petition; and selling or attempting to sell any
 1252 item. The term "solicit" or "solicitation" shall not be
 1253 construed to prohibit exit polling.

1254 (c) Each supervisor of elections shall inform the clerk of
 1255 the area within which soliciting is unlawful, based on the

HB 1201

2008

1256 particular characteristics of that polling place. The supervisor
 1257 or the clerk may take any reasonable action necessary to ensure
 1258 order at the polling places, including, but not limited to,
 1259 having disruptive and unruly persons removed by law enforcement
 1260 officers from the polling room or place or from the 100-foot
 1261 zone surrounding the polling place.

1262 Section 28. Subsections (1) and (2) of section 102.112,
 1263 Florida Statutes, are amended to read:

1264 102.112 Deadline for submission of county returns to the
 1265 Department of State.--

1266 (1) The county canvassing board or a majority thereof
 1267 shall file the county returns for the election of a federal or
 1268 state officer with the Department of State immediately after
 1269 certification of the election results. The returns must contain
 1270 a certification by the canvassing board that the board has
 1271 compared ~~reconciled~~ the number of persons who voted with the
 1272 number of ballots counted and that the certification includes
 1273 all valid votes cast in the election.

1274 (2) Returns must be filed by 5 p.m. on the 9th ~~7th~~ day
 1275 following a primary election and by noon on the 12th day
 1276 following the general election. However, the Department of State
 1277 may correct typographical errors, including the transposition of
 1278 numbers, in any returns submitted to the Department of State
 1279 pursuant to s. 102.111(1).

1280 Section 29. Paragraphs (b) and (c) of subsection (7) of
 1281 section 102.141, Florida Statutes, are amended to read:

1282 102.141 County canvassing board; duties.--

1283 (7) If the unofficial returns reflect that a candidate for
1284 any office was defeated or eliminated by one-half of a percent
1285 or less of the votes cast for such office, that a candidate for
1286 retention to a judicial office was retained or not retained by
1287 one-half of a percent or less of the votes cast on the question
1288 of retention, or that a measure appearing on the ballot was
1289 approved or rejected by one-half of a percent or less of the
1290 votes cast on such measure, the board responsible for certifying
1291 the results of the vote on such race or measure shall order a
1292 recount of the votes cast with respect to such office or
1293 measure. The Elections Canvassing Commission is the board
1294 responsible for ordering federal, state, and multicounty
1295 recounts. A recount need not be ordered with respect to the
1296 returns for any office, however, if the candidate or candidates
1297 defeated or eliminated from contention for such office by one-
1298 half of a percent or less of the votes cast for such office
1299 request in writing that a recount not be made.

1300 (b) Each canvassing board responsible for conducting a
1301 recount where touchscreen ballots were used shall re-collect the
1302 votes from ~~examine the counters on~~ the precinct tabulators to
1303 ensure that the total of the returns on the precinct tabulators
1304 equals the overall election return. If there is a discrepancy,
1305 the canvassing board shall determine the cause and report the
1306 results ~~between the overall election return and the counters of~~
1307 ~~the precinct tabulators, the counters of the precinct tabulators~~
1308 ~~shall be presumed correct and such votes shall be canvassed~~
1309 accordingly.

1310 (c) The canvassing board shall submit on forms or in
 1311 formats provided by the division a second set of unofficial
 1312 returns to the Department of State for each federal, statewide,
 1313 state, or multicounty office or ballot measure no later than 3
 1314 p.m. on the fifth day after any primary election and no later
 1315 than 3 p.m. on the ninth day after any general election in which
 1316 a recount was conducted pursuant to this subsection. ~~If the~~
 1317 ~~canvassing board is unable to complete the recount prescribed in~~
 1318 ~~this subsection by the deadline, the second set of unofficial~~
 1319 ~~returns submitted by the canvassing board shall be identical to~~
 1320 ~~the initial unofficial returns and the submission shall also~~
 1321 ~~include a detailed explanation of why it was unable to timely~~
 1322 ~~complete the recount. However, the canvassing board shall~~
 1323 ~~complete the recount prescribed in this subsection, along with~~
 1324 ~~any manual recount prescribed in s. 102.166, and certify~~
 1325 ~~election returns in accordance with the requirements of this~~
 1326 ~~chapter.~~

1327 Section 30. Effective July 1, 2008, section 102.166,
 1328 Florida Statutes, is amended to read:

1329 102.166 Manual recounts.--

1330 (1) If the second set of unofficial returns pursuant to s.
 1331 102.141 indicates that a candidate for any office was defeated
 1332 or eliminated by one-quarter of a percent or less of the votes
 1333 cast for such office, that a candidate for retention to a
 1334 judicial office was retained or not retained by one-quarter of a
 1335 percent or less of the votes cast on the question of retention,
 1336 or that a measure appearing on the ballot was approved or
 1337 rejected by one-quarter of a percent or less of the votes cast

1338 on such measure, any candidate in the affected race, any
 1339 political committee that supports or opposes an issue that is
 1340 affected, or any political party that had candidates appear on
 1341 the ballot in the affected race may request a manual recount.
 1342 Such request must be filed no later than 5 p.m. on the 5th day
 1343 after a primary election and no later than 5 p.m. on the 9th day
 1344 after a general election. Upon timely receipt of a request, the
 1345 board responsible for certifying the results of the vote on such
 1346 race or measure shall order a manual recount of the votes
 1347 ~~overvotes and undervotes~~ cast in such race or measure in the
 1348 entire geographic jurisdiction of such race ~~office or ballot~~
 1349 measure. ~~A manual recount may not be ordered, however, if the~~
 1350 ~~number of overvotes, undervotes, and provisional ballots is~~
 1351 ~~fewer than the number of votes needed to change the outcome of~~
 1352 ~~the election.~~

1353 ~~(2) (a) Any hardware or software used to identify and sort~~
 1354 ~~overvotes and undervotes for a given race or ballot measure must~~
 1355 ~~be certified by the Department of State as part of the voting~~
 1356 ~~system pursuant to s. 101.015. Any such hardware or software~~
 1357 ~~must be capable of simultaneously counting votes.~~

1358 ~~(b) Overvotes and undervotes shall be identified and~~
 1359 ~~sorted while recounting ballots pursuant to s. 102.141, if the~~
 1360 ~~hardware or software for this purpose has been certified or the~~
 1361 ~~department's rules so provide.~~

1362 (2) (3) Any manual recount shall be open to the public.

1363 (3) (4) (a) A vote for a candidate or ballot measure shall
 1364 be counted if there is a clear indication on the ballot that the
 1365 voter has made a definite choice.

HB 1201

2008

1366 (b) The Department of State shall adopt specific rules for
 1367 each certified voting system prescribing what constitutes a
 1368 "clear indication on the ballot that the voter has made a
 1369 definite choice." The rules may not:

1370 1. Exclusively provide that the voter must properly mark
 1371 or designate his or her choice on the ballot; or

1372 2. Contain a catch-all provision that fails to identify
 1373 specific standards, such as "any other mark or indication
 1374 clearly indicating that the voter has made a definite choice."

1375 (4)~~(5)~~ Procedures for a manual recount are as follows:

1376 (a) The county canvassing board shall appoint as many
 1377 counting teams of at least two electors as is necessary to
 1378 manually recount the ballots. A counting team must have, when
 1379 possible, members of at least two political parties. A candidate
 1380 involved in the race shall not be a member of the counting team.

1381 (b) Each duplicate ballot prepared pursuant to s.
 1382 101.5614(5) or s. 102.141(7) shall be compared with the original
 1383 ballot to ensure the correctness of the duplicate.

1384 (c) If a counting team is unable to determine whether the
 1385 ballot contains a clear indication that the voter has made a
 1386 definite choice, the ballot shall be presented to the county
 1387 canvassing board for a determination.

1388 (d) The Department of State shall adopt detailed rules
 1389 prescribing additional recount procedures for each certified
 1390 voting system which shall be uniform to the extent practicable.
 1391 The rules shall address, at a minimum, the following areas:

- 1392 1. Security of ballots during the recount process;
- 1393 2. Time and place of recounts;

HB 1201

2008

- 1394 3. Public observance of recounts;
- 1395 4. Objections to ballot determinations;
- 1396 5. Record of recount proceedings; and
- 1397 6. Procedures relating to candidate and petitioner
- 1398 representatives.

1399 (5) Notwithstanding s. 101.591, in any instance in which a
 1400 manual recount was conducted on a countywide race, the
 1401 canvassing board is not required to conduct a manual audit of
 1402 the voting system. However, the canvassing board shall track the
 1403 ballots that were not properly completed for the purpose of
 1404 determining whether the voting system accurately recorded the
 1405 votes. For purposes of this subsection, a ballot that has not
 1406 been properly completed is a ballot on which:

1407 (a) Votes have been marked by the voter outside the vote
 1408 targets;

1409 (b) Votes have been marked by the voter using a manual
 1410 marking device that cannot be read by the voting system; or

1411 (c) In the judgment of the canvassing board, the voter
 1412 marked the ballot in such a manner that the voting system may
 1413 not have read the marks as votes cast.

1414
 1415 If a voting system audit is conducted pursuant to s. 101.591,
 1416 the canvassing board shall include the information from the
 1417 manual recount and from the ballots not properly completed as
 1418 part of the report required by that section.

1419 Section 31. Subsection (2) of section 103.101, Florida
 1420 Statutes, is amended to read:

1421 103.101 Presidential preference primary.--

HB 1201

2008

1422 (2) (a) There shall be a Presidential Candidate Selection
1423 Committee composed of the Secretary of State, who shall be a
1424 nonvoting chair; the Speaker of the House of Representatives;
1425 the President of the Senate; the minority leader of each house
1426 of the Legislature; and the chair of each political party
1427 required to have a presidential preference primary under this
1428 section.

1429 (b) ~~(a)~~ By October 31 of the year preceding the
1430 presidential preference primary, each political party shall
1431 submit to the Secretary of State a list of its presidential
1432 candidates to be placed on the presidential preference primary
1433 ballot or candidates entitled to have delegates appear on the
1434 presidential preference primary ballot. The Secretary of State
1435 shall prepare and publish a list of the names of the
1436 presidential candidates submitted. The Secretary of State shall
1437 submit such list of names of presidential candidates to the
1438 selection committee on the first Tuesday after the first Monday
1439 in November of the year preceding the presidential preference
1440 primary. Each person designated as a presidential candidate
1441 shall have his or her name appear, or have his or her delegates'
1442 names appear, on the presidential preference primary ballot
1443 unless all committee members of the same political party as the
1444 candidate agree to delete such candidate's name from the ballot.

1445 (c) The selection committee shall meet in Tallahassee on
1446 the first Tuesday after the first Monday in November of the year
1447 preceding the presidential preference primary. The selection
1448 committee shall publicly announce and submit to the Department
1449 of State no later than 5 p.m. on the following day the names of

1450 presidential candidates who shall have their names appear, or
 1451 who are entitled to have their delegates' names appear, on the
 1452 presidential preference primary ballot. The Department of State
 1453 shall immediately notify each presidential candidate designated
 1454 by the committee. Such notification shall be in writing, by
 1455 registered mail, with return receipt requested.

1456 ~~(b) Any presidential candidate whose name does not appear~~
 1457 ~~on the list submitted to the Secretary of State may request that~~
 1458 ~~the selection committee place his or her name on the ballot.~~
 1459 ~~Such request shall be made in writing to the Secretary of State~~
 1460 ~~no later than the second Tuesday after the first Monday in~~
 1461 ~~November of the year preceding the presidential preference~~
 1462 ~~primary.~~

1463 ~~(c) If a presidential candidate makes a request that the~~
 1464 ~~selection committee reconsider placing the candidate's name on~~
 1465 ~~the ballot, the selection committee will reconvene no later than~~
 1466 ~~the second Thursday after the first Monday in November of the~~
 1467 ~~year preceding the presidential preference primary to reconsider~~
 1468 ~~placing the candidate's name on the ballot. The Department of~~
 1469 ~~State shall immediately notify such candidate of the selection~~
 1470 ~~committee's decision.~~

1471 Section 32. Paragraph (c) of subsection (3) of section
 1472 190.006, Florida Statutes, is amended to read:

1473 190.006 Board of supervisors; members and meetings.--

1474 (3)

1475 (c) Candidates seeking election to office by qualified
 1476 electors under this subsection shall conduct their campaigns in
 1477 accordance with the provisions of chapter 106 and shall file

HB 1201

2008

1478 | qualifying papers and qualify for individual seats in accordance
 1479 | with s. 99.061. Candidates shall pay a qualifying fee, which
 1480 | ~~shall consist of a filing fee and an election assessment or, as~~
 1481 | ~~an alternative, shall file a petition signed by not less than 1~~
 1482 | ~~percent of the registered voters of the district, and take the~~
 1483 | ~~oath required in s. 99.021, with the supervisor of elections in~~
 1484 | ~~the county affected by such candidacy. The amount of the filing~~
 1485 | ~~fee is 3 percent of \$4,800; however, if the electors have~~
 1486 | ~~provided for compensation pursuant to subsection (8), the amount~~
 1487 | ~~of the filing fee is 3 percent of the maximum annual~~
 1488 | ~~compensation so provided. The amount of the election assessment~~
 1489 | ~~is 1 percent of \$4,800; however, if the electors have provided~~
 1490 | ~~for compensation pursuant to subsection (8), the amount of the~~
 1491 | ~~election assessment is 1 percent of the maximum annual~~
 1492 | ~~compensation so provided. The filing fee, which and election~~
 1493 | ~~assessment shall be assessed and distributed as provided in s.~~
 1494 | 105.031(3).

1495 | Section 33. Except as otherwise expressly provided in this
 1496 | act, this act shall take effect January 1, 2009.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1201

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Ethics & Elections
2 Representative Patterson offered the following:

3

4 **Amendment**

5 Remove line(s) 1495-1496 and insert:

6 Section 33. This act shall take effect January 1, 2009,
7 except that section 3 shall take effect upon becoming law, and
8 sections 9, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 shall
9 take effect on July 1, 2008.

10

11

12

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 1201

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Committee on Ethics & Elections
 2 Representative Patterson offered the following:

Amendment

Remove line(s) 1479-1494 and insert:

3
 4
 5 with s. 99.061. ~~Candidates shall pay a qualifying fee, which~~
 6 ~~shall consist of a filing fee and an election assessment or, as~~
 7 ~~an alternative, shall file a petition signed by not less than 1~~
 8 ~~percent of the registered voters of the district, and take the~~
 9 ~~oath required in s. 99.021, with the supervisor of elections in~~
 10 ~~the county affected by such candidacy. The amount of the filing~~
 11 ~~fee is 3 percent of \$4,800; however, if the electors have~~
 12 ~~provided for compensation pursuant to subsection (8), the amount~~
 13 ~~of the filing fee is 3 percent of the maximum annual~~
 14 ~~compensation so provided. The amount of the election assessment~~
 15 ~~is 1 percent of \$4,800; however, if the electors have provided~~
 16 ~~for compensation pursuant to subsection (8), the amount of the~~
 17 ~~election assessment is 1 percent of the maximum annual~~
 18 ~~compensation so provided. The filing fee and election assessment~~
 19 ~~shall be distributed as provided in s. 105.031(3).~~
 20