

1 A bill to be entitled
2 An act relating to elections; amending s. 20.10, F.S.;
3 requiring that the Secretary of State be elected
4 rather than appointed and serve a specified term;
5 specifying when such election must occur; amending s.
6 20.32, F.S.; requiring the Florida Commission on
7 Offender Review to develop and maintain a database for
8 a specified purpose; specifying database requirements;
9 requiring specified entities to provide specified
10 information to the commission on a monthly basis;
11 requiring the Department of Management Services,
12 acting through the Florida Digital Service, to provide
13 technical assistance to the commission in developing
14 and maintaining the database; authorizing the
15 Department of Management Services to adopt rules;
16 requiring the commission to make the database publicly
17 available on a website by a specified date; requiring
18 the commission to update the database monthly;
19 requiring the commission to publish certain
20 instructions on the website; requiring the commission
21 to submit a certain comprehensive plan to the Governor
22 and the Legislature by a specified date; specifying
23 requirements for the comprehensive plan; providing
24 that certain persons who register to vote are
25 prohibited from being charged with certain crimes as a

26 result of such registration or voting; requiring the
27 commission to adopt rules; amending s. 97.021, F.S.;
28 defining terms; providing construction; repealing s.
29 97.022, F.S., relating to the Office of Election
30 Crimes and Security; repealing s. 97.0291, F.S.,
31 relating to prohibiting the use of private funds for
32 election-related expenses; creating s. 97.0556, F.S.;
33 authorizing a person who meets certain requirements to
34 register to vote at an early voting site or at his or
35 her polling place and to cast a ballot immediately
36 thereafter; amending s. 97.057, F.S.; authorizing the
37 Department of Highway Safety and Motor Vehicles to
38 preregister certain individuals to vote; providing
39 that driver license or identification card
40 applications, driver license or identification card
41 renewal applications, and applications for changes of
42 address for existing driver licenses or identification
43 cards submitted to the department serve as voter
44 registration applications; providing that an applicant
45 is deemed to have consented to the use of his or her
46 signature for voter registration purposes unless a
47 declination is made; requiring that specified
48 applications include a voter registration component,
49 subject to approval by the Department of State;
50 providing requirements for the voter registration

51 component; requiring the Department of Highway Safety
52 and Motor Vehicles to transmit voter registration
53 information electronically to the Department of State
54 within a specified timeframe; requiring the Department
55 of State to provide such information to supervisors of
56 elections; deleting provisions prohibiting persons
57 providing voter registration services for a driver
58 license office from making changes to an applicant's
59 party affiliation without the applicant's consent and
60 separate signature; deleting obsolete language; making
61 technical changes; amending s. 97.0575, F.S.; revising
62 the information a third-party voter registration
63 organization is required to provide to the Division of
64 Elections of the Department of State; deleting a
65 provision that provides for the expiration of such
66 organization's registration at the conclusion of the
67 general election cycle for which the organization is
68 registered; deleting provisions requiring such
69 organizations to provide a specified receipt to
70 applicants; revising the timeframe within which such
71 organizations must deliver completed applications to
72 the division or a supervisor of elections; revising
73 certain penalties; revising the aggregate limit of
74 such penalties; deleting provisions providing criminal
75 penalties for the unlawful copying of voter

76 registration applications or retaining of a voter's
77 personal information; deleting provisions providing
78 criminal and administrative penalties; deleting
79 provisions requiring the division to adopt certain
80 rules; deleting provisions that prohibit providing
81 applicants a pre-filled voter registration application
82 and a specified fine for such action; deleting
83 provisions providing for retroactive application;
84 creating part III of ch. 97, F.S., entitled "Florida
85 Voting Rights Act"; creating s. 97.21, F.S.;

86 prohibiting local governments, state agencies, and
87 state officials from implementing, imposing, or
88 enforcing election policies, practices, or actions
89 that result in, will result in, or are intended to
90 result in specified disparities or impairments;
91 providing that it is not a violation if such entities
92 demonstrate by a specified evidentiary standard
93 certain conditions; providing that it is always a
94 violation if specified circumstances exist;

95 prohibiting local governments from employing methods
96 of election that have the effect, will likely have the
97 effect, or are motivated in part by the intent of
98 diluting the vote of protected class members;
99 providing the requirements to establish a violation;

100 providing the relevant factors to evaluate the

101 totality of circumstances related to voter suppression
102 and vote dilution; providing construction; providing
103 that such factors are most probative under a specified
104 condition; providing the circumstances used to
105 determine whether elections in the local government
106 exhibit racially polarized voting; providing
107 construction; providing the circumstances that are
108 never relevant to violations of specified provisions;
109 providing that a state interest in preventing voter
110 fraud or bolstering voter confidence in the integrity
111 of elections is relevant under specified
112 circumstances; providing that evidence concerning the
113 intent of electors, elected officials, and public
114 officials is not required for such violations;
115 providing that voting habits of protected class
116 members may be relevant to certain violations;
117 requiring a prospective plaintiff, before filing a
118 certain action against a local government, to send a
119 notification letter, by specified means, to the local
120 government; prohibiting a party from filing an action
121 under specified circumstances; authorizing a local
122 government to adopt a specified resolution within a
123 specified timeframe; providing that if the proposed
124 remedy in such resolution is barred by state or local
125 law, or a legislatively body lacks the authority or

126 the local government is a covered jurisdiction, the
127 proposed remedy may be approved by the Florida Voting
128 Rights Act Commission if certain conditions are met;
129 authorizing a party that sent a notification letter to
130 seek reimbursement from the local government under
131 specified circumstances; authorizing a party to bring
132 a cause of action for a specified violation under
133 specified circumstances; requiring local governments
134 to take certain action; requiring the commission to
135 post notification letters and resolutions on its
136 website; authorizing the commission to adopt certain
137 rules; prohibiting local governments from asserting
138 specified defenses; authorizing specified entities to
139 file certain enforcement actions; prohibiting certain
140 entities from being compelled to disclose the identity
141 of a member; providing construction; creating s.
142 97.22, F.S.; creating the Florida Voting Rights Act
143 Commission within the Department of State; providing
144 that such commission is a separate budget entity and
145 must submit a budget in accordance with specified
146 provisions; providing duties and responsibilities of
147 the commission; providing for the composition of the
148 commission; providing that such commissioners serve
149 staggered terms; requiring that commissioners be
150 compensated at a specified hourly rate; requiring the

151 formation of a nominating committee; providing for the
152 appointment and removal of nominating committee
153 members; requiring the nominating committee to select
154 a chair; requiring that commissioners be selected
155 using a specified process; requiring that
156 commissioners initially be selected by lot and
157 randomly assigned term lengths for purposes of
158 achieving staggered terms; authorizing the commission
159 to take specified actions in any action or
160 investigation to enforce specified provisions;
161 authorizing the commission to hire staff and make
162 expenditures for a specified purpose; authorizing the
163 commission to adopt rules; creating s. 97.23, F.S.;
164 requiring the commission to enter into agreements with
165 one or more postsecondary educational institutions to
166 create the Florida Voting and Elections Database and
167 Institute for a specified purpose; requiring the
168 parties to the agreement to enter into a memorandum of
169 understanding that includes the process for selecting
170 a director; authorizing the database and institute to
171 perform specified actions; requiring the database and
172 institute to make election and voting data records for
173 a specified timeframe available to the public at no
174 cost and to maintain such records in an electronic
175 format; requiring the database and institute to use

176 certain methodologies when preparing estimates;
177 specifying the data and records that must be
178 maintained; requiring state agencies and local
179 governments to provide any information requested by
180 the director of the database and institute; requiring
181 local governments to transmit specified information to
182 the database and institute within a certain timeframe;
183 requiring specified entities to provide data,
184 statistics, and other information annually to the
185 database and institute; authorizing specified entities
186 to file enforcement actions; prohibiting certain
187 entities from being compelled to disclose the identity
188 of a member for a certain purpose; providing
189 construction; providing that enforcement actions may
190 be filed in accordance with the Florida Rules of Civil
191 Procedure or in a specified venue; requiring the
192 database and institute to publish a certain report;
193 requiring the database and institute to provide
194 nonpartisan technical assistance to specified
195 entities; providing that a rebuttable presumption
196 exists that data, estimates, or other information from
197 the database and institute is valid; creating s.
198 97.24, F.S.; defining terms; requiring the Florida
199 Voting Rights Act Commission to designate languages
200 other than English for which language assistance must

201 be provided by a local government, if certain
202 conditions exist; providing the circumstances under
203 which the commission must designate languages other
204 than English for voting and elections; requiring the
205 commission to publish specified information annually
206 on its website and distribute such information to
207 local governments; requiring local governments to
208 provide language assistance for specified purposes if
209 the commission makes a certain determination;
210 specifying the materials that must be provided in such
211 language; requiring that certain information be given
212 orally to voters; requiring that translated materials
213 convey a specified intent and meaning; prohibiting
214 local governments from relying on automatic
215 translation services; requiring that live translation
216 be used if available; requiring the commission to
217 establish a specified review process; providing
218 requirements for such review process; authorizing
219 specified entities to file enforcement actions;
220 prohibiting certain entities from being compelled to
221 disclose the identity of a member for a certain
222 purpose; providing construction; requiring that
223 enforcement actions be filed in accordance with the
224 Florida Rules of Civil Procedure or in a specified
225 venue; creating s. 97.25, F.S.; providing that the

226 enactment or implementation of a covered policy by a
227 covered jurisdiction is subject to preclearance by the
228 commission; specifying actions by a local government
229 which are covered policies; requiring that if a
230 covered jurisdiction does not make changes to its
231 method of election, such method is deemed a covered
232 policy that must be submitted to the commission;
233 specifying which local governments are covered
234 jurisdictions; requiring the commission to determine
235 and publish annually a list of local governments that
236 are covered jurisdictions on its website; requiring a
237 covered jurisdiction, if seeking preclearance, to
238 submit the covered policy to the commission in
239 writing; requiring the commission to review the
240 covered policy and grant or deny preclearance;
241 providing that the covered jurisdiction bears the
242 burden of proof in the preclearance process; providing
243 that the commission may deny preclearance only if it
244 makes a certain determination; providing that if
245 preclearance is denied, the covered policy may not be
246 enacted or implemented; requiring the commission to
247 provide a written explanation for a denial;
248 authorizing a covered jurisdiction to immediately
249 enact or implement a covered policy granted
250 preclearance; providing that such determination is not

251 | admissible and may not be considered by a court in a
252 | subsequent action challenging the covered policy;
253 | providing that a covered policy is deemed precleared
254 | and may be implemented or enacted by the covered
255 | jurisdiction if the commission fails to approve or
256 | deny the covered policy within specified timeframes;
257 | requiring the commission to grant or deny preclearance
258 | within specified timeframes; authorizing the
259 | commission to invoke a specified number of extensions
260 | of a specified timeframe to determine preclearance;
261 | providing that any denial of preclearance may be
262 | appealed only by the covered jurisdiction in a
263 | specified venue; authorizing specified entities to
264 | enjoin the enactment or implementation of specified
265 | policies and seek sanctions against covered
266 | jurisdictions in specified circumstances; authorizing
267 | specified entities to file enforcement actions;
268 | prohibiting certain entities from being compelled to
269 | disclose the identity of a member for a certain
270 | purpose; providing construction; specifying that
271 | enforcement actions must be filed in accordance with
272 | the Florida Rules of Civil Procedure or in a specified
273 | venue; requiring the commission to adopt rules;
274 | creating s. 97.26, F.S.; prohibiting a person from
275 | engaging in acts of intimidation, deception, or

276 obstruction or any other tactic that has the effect,
277 or will reasonably have the effect, of interfering
278 with another person's right to vote; specifying acts
279 that are deemed a violation; providing a rebuttable
280 presumption; authorizing specified entities to file a
281 civil action to enforce specified provisions;
282 prohibiting certain entities from being compelled to
283 disclose the identity of a member for a certain
284 purpose; providing construction; requiring that courts
285 order specified remedies; creating s. 97.27, F.S.;
286 providing construction; providing applicability;
287 creating s. 97.28, F.S.; requiring a court to order
288 specified appropriate remedies for violations of the
289 act; requiring the court to consider remedies proposed
290 by specified parties; prohibiting the court from
291 giving deference to a remedy proposed by the state or
292 local government; providing that the court is
293 empowered to require local governments to implement
294 certain remedies under specified conditions; requiring
295 the courts to grant a temporary injunction or other
296 preliminary relief requested under specified
297 conditions; requiring the court to award attorney fees
298 and litigation costs in actions to enforce specified
299 provisions; amending s. 98.045, F.S.; conforming a
300 cross-reference; amending s. 98.255, F.S.; revising

301 the standards the Department of State is required to
302 prescribe by rule for nonpartisan voter education;
303 requiring that supervisors provide public-facing voter
304 information in plain language to be understood by
305 certain persons; creating s. 100.51, F.S.;

306 establishing General Election Day as a paid holiday;
307 providing that a voter may absent himself or herself
308 from service or employment at a specific time on
309 General Election Day and may not be penalized or have
310 salary or wages deducted for such absence; creating s.
311 101.016, F.S.; requiring the Division of Elections to
312 maintain a strategic elections equipment reserve of
313 voting systems and other equipment for specified
314 purposes; requiring that such reserve include
315 specified equipment; authorizing the division to
316 contract with specified entities rather than
317 physically maintain such reserve; repealing s.
318 101.019, F.S., relating to the prohibition of ranked-
319 choice voting; amending s. 101.048, F.S.; providing
320 that a voter may cast a provisional ballot at any
321 precinct in the county in which the voter claims to be
322 registered; making technical changes; amending s.
323 101.62, F.S.; providing that a request for a vote-by-
324 mail ballot is valid until the voter cancels the
325 request; revising the timeframe during which the

326 supervisor must mail vote-by-mail ballots before
327 election day; deleting requirements for a person
328 designated by a voter to pick up the voter's vote-by-
329 mail ballot; providing for extension of deadlines
330 under certain conditions; amending s. 101.64, F.S.;
331 requiring supervisors of elections to enclose a
332 postage prepaid mailing envelope with each vote-by-
333 mail ballot; providing that vote-by-mail ballot voter
334 certificates may be signed with the last four digits
335 of the voter's social security number; making
336 technical changes; amending s. 101.65, F.S.; revising
337 the instructions that must be provided with a vote-by-
338 mail ballot; amending s. 101.68, F.S.; requiring
339 supervisors of elections to compare the signature or
340 last four digits of the social security number on a
341 voter's certificate with the signature or last four
342 digits of the social security number in the
343 registration books or precinct register when
344 canvassing a vote-by-mail ballot; requiring a
345 canvassing board to compare the signature or last four
346 digits of the social security number on a voter's
347 certificate or vote-by-mail ballot cure affidavit with
348 the signature or last four digits of the social
349 security number in the registration books or precinct
350 register when canvassing a vote-by-mail ballot;

351 deleting the authorization for certain persons to file
352 a protest against the canvass of a ballot; amending s.
353 101.69, F.S.; deleting provisions providing that
354 specified secure ballot intake stations be used only
355 during specified timeframes and be monitored by an
356 employee of the supervisor's office; requiring that
357 secure ballot intake stations be monitored by the
358 supervisor's office during specified timeframes
359 instead of continuously monitored in person by an
360 employee; deleting a provision authorizing a certain
361 civil penalty; making technical changes; amending s.
362 104.42, F.S.; conforming a provision to changes made
363 by the act; providing an effective date.

364
365 WHEREAS, Harry T. and Harriette V. Moore were the first
366 true civil rights activists of the modern civil rights era in
367 this state, and

368 WHEREAS, the Moores, and the organizations they helped
369 found and lead, were instrumental in registering more than
370 100,000 black voters in this state, and

371 WHEREAS, the Moores paid the ultimate price for the
372 freedoms they fought to secure for their community when members
373 of the Ku Klux Klan bombed their home in Mims on Christmas Day
374 in 1951, and

375 WHEREAS, at the time of their death, Florida had the most

376 registered black voters, outpacing any other state in the South,
 377 and

378 WHEREAS, the purpose of this act is to encourage maximum
 379 participation of all eligible voters in this state's electoral
 380 process, and

381 WHEREAS, electoral systems that deny race, color, or
 382 language minority groups an equal opportunity to elect
 383 candidates of their choice and influence the outcome of an
 384 election are inconsistent with the right to equal treatment
 385 before the law as provided in Articles I and II of the State
 386 Constitution as well as protections found in the 14th and 15th
 387 Amendments to the United States Constitution, and

388 WHEREAS, this act expands voting rights granted under the
 389 federal Voting Rights Act of 1965 and reaffirms the well-
 390 established principle of "one person, one vote," and

391 WHEREAS, following decisions by the United States Supreme
 392 Court in *Shelby County v. Holder* and *Brnovich v. Democratic*
 393 *National Committee*, the landmark Voting Rights Act of 1965 has
 394 been severely diminished in its ability to protect the freedom
 395 and opportunity of black and brown voters to participate fully
 396 in the political process of our democratic republic, and

397 WHEREAS, this act builds on the historical work of the
 398 named and nameless Floridians who fought for their right to the
 399 elective franchise, NOW, THEREFORE,

400

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

402

403 **Section 1. Subsection (1) of section 20.10, Florida**
 404 **Statutes, is amended to read:**

405 20.10 Department of State.—There is created a Department
 406 of State.

407 (1) The head of the Department of State is the Secretary
 408 of State. The Secretary of State shall be elected at the
 409 statewide general election at which the Governor, Lieutenant
 410 Governor, and Cabinet officers are elected as provided in s. 5,
 411 Art. IV of the State Constitution, and shall serve a term of 4
 412 years beginning on the first Tuesday after the first Monday in
 413 January of the year following such election ~~appointed by the~~
 414 ~~Governor, subject to confirmation by the Senate, and shall serve~~
 415 ~~at the pleasure of the Governor.~~ The Secretary of State shall
 416 perform the functions conferred by the State Constitution upon
 417 the custodian of state records.

418 **Section 2. Subsection (4) is added to section 20.32,**
 419 **Florida Statutes, to read:**

420 20.32 Florida Commission on Offender Review.—

421 (4) (a) For the purpose of assisting a person who has been
 422 disqualified from voting based on a felony conviction, other
 423 than a conviction for murder or a felony sexual offense, in
 424 determining whether he or she has met the requirements under s.
 425 98.0751 to have his or her voting rights restored pursuant to s.

426 4, Art. VI of the State Constitution, the commission shall
427 develop and maintain a database that contains for each such
428 person all of the following information:

429 1. His or her name and any other personal identifying
430 information.

431 2. The remaining length of any term of supervision,
432 including, but not limited to, probation, community control, or
433 parole, ordered by a court as part of his or her sentence.

434 3. The remaining amount of any restitution he or she owes
435 to a victim as ordered by a court as part of his or her
436 sentence.

437 4. The remaining amount due of any fines or fees that were
438 initially ordered by a court as part of his or her sentence or
439 as a condition of any form of supervision, including, but not
440 limited to, probation, community control, or parole.

441 5. The completion status of any other term ordered by a
442 court as a part of his or her sentence.

443 6. Any other information needed to determine whether he or
444 she has met the requirements for restoration of voting rights
445 under s. 98.0751.

446 (b) The Department of State, the Department of
447 Corrections, the clerks of the circuit court, the county
448 comptrollers, and the Board of Executive Clemency shall provide
449 to the commission on a monthly basis any information required
450 under paragraph (a).

451 (c) The Department of Management Services, acting through
452 the Florida Digital Service, shall provide any technical
453 assistance necessary for the commission to develop and maintain
454 the database. The Department of Management Services may adopt
455 rules governing the provision of such assistance.

456 (d) By July 1, 2027, the commission shall make the
457 database available on a public website. The commission must
458 update the database monthly with the information received from
459 each governmental entity under paragraph (b). The commission
460 shall publish on the website clear instructions that a person
461 who has been disqualified from voting based on a felony
462 conviction, other than for murder or a felony sexual offense,
463 may follow to have his or her voting rights restored and to
464 register to vote.

465 (e) By July 1, 2025, the commission shall provide a
466 comprehensive plan to the Governor, the President of the Senate,
467 and the Speaker of the House of Representatives which includes
468 all of the following:

469 1. The governmental entities from which and the methods by
470 which the commission shall collect, centralize, analyze, and
471 secure the information required to be included in the database.

472 2. A description of any infrastructure and services,
473 including, but not limited to, software, hardware, and
474 information technology services, which may be necessary to
475 create and maintain the database.

476 3. The anticipated number of additional employees
477 necessary for:
478 a. The commission to develop and maintain the database.
479 b. A governmental entity to provide the information
480 required under paragraph (b).
481 c. The Florida Digital Service to provide the assistance
482 required under paragraph (c).
483 4. The anticipated initial cost to develop the database;
484 the annual cost to maintain the database; and the annual
485 appropriation required to fund the anticipated costs incurred by
486 the commission, each governmental entity, and the Florida
487 Digital Service.
488 5. Any legal authority necessary for the commission to
489 develop and maintain the database.
490 6. Draft legislation to implement the comprehensive plan.
491 (f) Notwithstanding any other law, a person who registers
492 to vote or who votes in reasonable reliance on information
493 contained in the database indicating that his or her voting
494 rights have been restored pursuant to s. 4, Art. VI of the State
495 Constitution has an affirmative right to register and to vote
496 and may not be charged with a violation of any criminal law of
497 this state related to fraudulently voting or registering to
498 vote.
499 (g) The commission shall adopt rules to implement this
500 subsection.

501 **Section 3. Section 97.021, Florida Statutes, is amended to**
502 **read:**

503 97.021 Definitions.—For the purposes of this code, except
504 where the context clearly indicates otherwise, the term:

505 (1) "Absent elector" means any registered and qualified
506 voter who casts a vote-by-mail ballot.

507 (2) "Absent uniformed services voter" means:

508 (a) A member of a uniformed service on active duty who, by
509 reason of such active duty, is absent from the place of
510 residence where the member is otherwise qualified to vote;

511 (b) A member of the merchant marine who, by reason of
512 service in the merchant marine, is absent from the place of
513 residence where the member is otherwise qualified to vote; or

514 (c) A spouse or dependent of a member referred to in
515 paragraph (a) or paragraph (b) who, by reason of the active duty
516 or service of the member, is absent from the place of residence
517 where the spouse or dependent is otherwise qualified to vote.

518 (3) "Address of legal residence" means the legal
519 residential address of the elector and includes all information
520 necessary to differentiate one residence from another,
521 including, but not limited to, a distinguishing apartment,
522 suite, lot, room, or dormitory room number or other identifier.

523 (4) "Alternative formats" has the meaning ascribed in the
524 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42
525 U.S.C. ss. 12101 et seq., including specifically the technical

526 assistance manuals promulgated thereunder, as amended.

527 (5) "Automatic tabulating equipment" means an apparatus
528 that automatically examines, counts, and records votes.

529 (6) "Ballot" or "official ballot" when used in reference
530 to:

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

536 (b) "Marksense ballots" means that printed sheet of paper,
537 used in conjunction with an electronic or electromechanical vote
538 tabulation voting system, containing the names of candidates, or
539 a statement of proposed constitutional amendments or other
540 questions or propositions submitted to the electorate at any
541 election, on which sheet of paper an elector casts his or her
542 vote.

543 (7) "Candidate" means any person to whom any one or more
544 of the following applies:

545 (a) Any person who seeks to qualify for nomination or
546 election by means of the petitioning process.

547 (b) Any person who seeks to qualify for election as a
548 write-in candidate.

549 (c) Any person who receives contributions or makes
550 expenditures, or gives his or her consent for any other person

551 to receive contributions or make expenditures, with a view to
552 bringing about his or her nomination or election to, or
553 retention in, public office.

554 (d) Any person who appoints a treasurer and designates a
555 primary depository.

556 (e) Any person who files qualification papers and
557 subscribes to a candidate's oath as required by law.

558

559 However, this definition does not include any candidate for a
560 political party executive committee.

561 (8) "Database and institute" means the Florida Voting and
562 Elections Database and Institute.

563 (9) "Department" means the Department of State.

564 (10)~~(9)~~ "Division" means the Division of Elections of the
565 Department of State.

566 (11)~~(10)~~ "Early voting" means casting a ballot prior to
567 election day at a location designated by the supervisor of
568 elections and depositing the voted ballot in the tabulation
569 system.

570 (12)~~(11)~~ "Early voting area" means the area designated by
571 the supervisor of elections at an early voting site at which
572 early voting activities occur, including, but not limited to,
573 lines of voters waiting to be processed, the area where voters
574 check in and are processed, and the area where voters cast their
575 ballots.

576 (13)~~(12)~~ "Early voting site" means those locations
577 specified in s. 101.657 and the building in which early voting
578 occurs.

579 (14)~~(13)~~ "Election" means any primary election, special
580 primary election, special election, general election, or
581 presidential preference primary election.

582 (15)~~(14)~~ "Election board" means the clerk and inspectors
583 appointed to conduct an election.

584 (16)~~(15)~~ "Election costs" shall include, but not be
585 limited to, expenditures for all paper supplies such as
586 envelopes, instructions to voters, affidavits, reports, ballot
587 cards, ballot booklets for vote-by-mail voters, postage, notices
588 to voters; advertisements for registration book closings,
589 testing of voting equipment, sample ballots, and polling places;
590 forms used to qualify candidates; polling site rental and
591 equipment delivery and pickup; data processing time and
592 supplies; election records retention; and labor costs, including
593 those costs uniquely associated with vote-by-mail ballot
594 preparation, poll workers, and election night canvass.

595 (17) "Election policy or practice" includes any
596 qualification to be an elector, prerequisite to voting, or
597 method of election, as well as any law, statute, ordinance,
598 resolution, charter code or provision, regulation, rule, policy,
599 practice, procedure, standard, or action, with respect to voting
600 or the administration or schedule of elections.

601 (18)~~(16)~~ "Elector" is synonymous with the word "voter" or
 602 "qualified elector or voter," except where the word is used to
 603 describe presidential electors.

604 (19) "Federal Voting Rights Act" means the federal Voting
 605 Rights Act of 1965, 52 U.S.C. s. 10301 et seq., as amended.

606 (20) "FLVRA Commission" means the Florida Voting Rights
 607 Act Commission.

608 (21)~~(17)~~ "General election" means an election held on the
 609 first Tuesday after the first Monday in November in the even-
 610 numbered years, for the purpose of filling national, state,
 611 county, and district offices and for voting on constitutional
 612 amendments not otherwise provided for by law.

613 (22) "Government enforcement action" means any denial of
 614 administrative or judicial preclearance by the state or the
 615 Federal Government; pending litigation filed by a state or
 616 federal entity; or final judgment or adjudication, consent
 617 decree, or other similar formal action.

618 (23) "Legislative body" means a commission, council,
 619 school board, or other similar body, by whatever name known, of
 620 local government.

621 (24)~~(18)~~ "Lists of registered electors" means names and
 622 associated information of registered electors maintained by the
 623 department in the statewide voter registration system or
 624 generated or derived from the statewide voter registration
 625 system. Lists may be produced in printed or electronic format.

626 (25) "Local government" means any county, municipality,
 627 school district, special district, supervisor of elections or
 628 other governmental entity that administers elections, or any
 629 other political subdivision in this state in which elections are
 630 conducted.

631 (26) ~~(19)~~ "Member of the Merchant Marine" means an
 632 individual, other than a member of a uniformed service or an
 633 individual employed, enrolled, or maintained on the Great Lakes
 634 for the inland waterways, who is:

635 (a) Employed as an officer or crew member of a vessel
 636 documented under the laws of the United States, a vessel owned
 637 by the United States, or a vessel of foreign-flag registry under
 638 charter to or control of the United States; or

639 (b) Enrolled with the United States for employment or
 640 training for employment, or maintained by the United States for
 641 emergency relief service, as an officer or crew member of such
 642 vessel.

643 (27) "Method of election" means the method by which
 644 candidates are elected to a governmental body of a local
 645 government, and includes any at-large, district-based, share-
 646 based, or other method of election, as well as any districting
 647 or redistricting plan used to elect candidates to the
 648 governmental body. Methods of election include:

649 (a) "At-large method of election" which means a method of
 650 election in which candidates are voted on by all voters in the

651 local government's jurisdiction, voters are allowed or required
652 to cast as many votes as there are seats to fill, and voters may
653 not cast more than one vote for a given candidate.

654 (b) "District-based method of election" which means a
655 method of election in which the local government is divided into
656 districts, each district is represented by a single
657 representative, and a candidate is voted on only by voters
658 residing in his or her district.

659 (c) "Other method of election" which means a method of
660 election other than an at-large, district-based, or share-based
661 method of election, or any combination of methods of election.

662 (d) "Share-based method of election" means a method of
663 election in which more than one candidate is to be elected and
664 different groups of voters may each elect their preferred
665 candidates to the seats to fill based on their relative share of
666 the votes cast. Share-based methods of election include, but are
667 not limited to, the single transferable vote, cumulative voting,
668 limited voting, and party-list or state-list systems.

669 (28)-(20) "Minor political party" is any group as specified
670 in s. 103.095 which on January 1 preceding a primary election
671 does not have registered as members 5 percent of the total
672 registered electors of the state.

673 (29)-(21) "Newspaper of general circulation" means a
674 newspaper printed in the language most commonly spoken in the
675 area within which it circulates and which is readily available

676 for purchase by all inhabitants in the area of circulation, but
677 does not include a newspaper intended primarily for members of a
678 particular professional or occupational group, a newspaper the
679 primary function of which is to carry legal notices, or a
680 newspaper that is given away primarily to distribute
681 advertising.

682 ~~(30)-(22)~~ "Nominal value" means having a retail value of
683 \$10 or less.

684 ~~(31)-(23)~~ "Nonpartisan office" means an office for which a
685 candidate is prohibited from campaigning or qualifying for
686 election or retention in office based on party affiliation.

687 ~~(32)-(24)~~ "Office that serves persons with disabilities"
688 means any state office that takes applications either in person
689 or over the telephone from persons with disabilities for any
690 program, service, or benefit primarily related to their
691 disabilities.

692 (33) "Organization" means a person other than an
693 individual.

694 ~~(34)-(25)~~ "Overseas voter" means:

695 (a) An absent uniformed services voter who, by reason of
696 active duty or service, is absent from the United States on the
697 date of the election involved;

698 (b) A person who resides outside the United States and is
699 qualified to vote in the last place in which the person was
700 domiciled before leaving the United States; or

701 (c) A person who resides outside the United States and,
702 but for such residence, would be qualified to vote in the last
703 place in which the person was domiciled before leaving the
704 United States.

705 (35)~~(26)~~ "Overvote" means that the elector marks or
706 designates more names than there are persons to be elected to an
707 office or designates more than one answer to a ballot question,
708 and the tabulator records no vote for the office or question.

709 (36)~~(27)~~ "Persons with disabilities" means individuals who
710 have a physical or mental impairment that substantially limits
711 one or more major life activities.

712 (37)~~(28)~~ "Petition circulator" means an entity or
713 individual who collects signatures for compensation for the
714 purpose of qualifying a proposed constitutional amendment for
715 ballot placement.

716 (38)~~(29)~~ "Polling place" is the building which contains
717 the polling room where ballots are cast.

718 (39)~~(30)~~ "Polling room" means the actual room in which
719 ballots are cast on election day and during early voting.

720 (40)~~(31)~~ "Primary election" means an election held
721 preceding the general election for the purpose of nominating a
722 party nominee to be voted for in the general election to fill a
723 national, state, county, or district office.

724 (41) "Protected class" means a class of citizens who are
725 members of a race, color, or language minority group, as

726 referenced in the federal Voting Rights Act.

727 ~~(42)(32)~~ "Provisional ballot" means a conditional ballot,
728 the validity of which is determined by the canvassing board.

729 ~~(43)(33)~~ "Public assistance" means assistance provided
730 through the food assistance program under the federal
731 Supplemental Nutrition Assistance Program; the Medicaid program;
732 the Special Supplemental Food Program for Women, Infants, and
733 Children; and the Temporary Cash Assistance Program.

734 ~~(44)(34)~~ "Public office" means any federal, state, county,
735 municipal, school, or other district office or position which is
736 filled by vote of the electors.

737 ~~(45)(35)~~ "Qualifying educational institution" means any
738 public or private educational institution receiving state
739 financial assistance which has, as its primary mission, the
740 provision of education or training to students who are at least
741 18 years of age, provided such institution has more than 200
742 students enrolled in classes with the institution and provided
743 that the recognized student government organization has
744 requested this designation in writing and has filed the request
745 with the office of the supervisor of elections in the county in
746 which the institution is located.

747 ~~(46)~~ "Racially polarized voting" means voting in which the
748 candidate or electoral choice preferred by protected class
749 members diverges from the candidate or electoral choice
750 preferred by voters who are not protected class members.

751 (47)~~(36)~~ "Special election" is a special election called
 752 for the purpose of voting on a party nominee to fill a vacancy
 753 in the national, state, county, or district office.

754 (48)~~(37)~~ "Special primary election" is a special
 755 nomination election designated by the Governor, called for the
 756 purpose of nominating a party nominee to be voted on in a
 757 general or special election.

758 (49)~~(38)~~ "Supervisor" means the supervisor of elections.

759 (50)~~(39)~~ "Tactile input device" means a device that
 760 provides information to a voting system by means of a voter
 761 touching the device, such as a keyboard, and that complies with
 762 the requirements of s. 101.56062(1)(k) and (l).

763 (51)~~(40)~~ "Third-party registration organization" means any
 764 person, entity, or organization soliciting or collecting voter
 765 registration applications. A third-party voter registration
 766 organization does not include:

767 (a) A person who seeks only to register to vote or collect
 768 voter registration applications from that person's spouse,
 769 child, or parent; or

770 (b) A person engaged in registering to vote or collecting
 771 voter registration applications as an employee or agent of the
 772 division, supervisor of elections, Department of Highway Safety
 773 and Motor Vehicles, or a voter registration agency.

774 (52)~~(41)~~ "Undervote" means that the elector does not
 775 properly designate any choice for an office or ballot question,

776 and the tabulator records no vote for the office or question.

777 ~~(53)(42)~~ "Uniformed services" means the Army, Navy, Air
778 Force, Marine Corps, Space Force, and Coast Guard, the
779 commissioned corps of the Public Health Service, and the
780 commissioned corps of the National Oceanic and Atmospheric
781 Administration.

782 (54) "Vote" or "voting" includes any action necessary to
783 cast a ballot and make such ballot effective in any election or
784 primary election, which actions include, but are not limited to,
785 registering to vote, requesting a vote-by-mail ballot, and any
786 other action required by law as a prerequisite to casting a
787 ballot and having such ballot counted, canvassed, or certified
788 properly and included in the appropriate totals of votes cast
789 with respect to candidates for election or nomination and to
790 referendum questions.

791 ~~(55)(43)~~ "Voter interface device" means any device that
792 communicates voting instructions and ballot information to a
793 voter and allows the voter to select and vote for candidates and
794 issues. A voter interface device may not be used to tabulate
795 votes. Any vote tabulation must be based upon a subsequent scan
796 of the marked marksense ballot or the voter-verifiable paper
797 output after the voter interface device process has been
798 completed.

799 ~~(56)(44)~~ "Voter registration agency" means any office that
800 provides public assistance, any office that serves persons with

801 disabilities, any center for independent living, or any public
 802 library.

803 (57)~~(45)~~ "Voter registration official" means any
 804 supervisor of elections or individual authorized by the
 805 Secretary of State to accept voter registration applications and
 806 execute updates to the statewide voter registration system.

807 (58)~~(46)~~ "Voting booth" or "booth" means that booth or
 808 enclosure wherein an elector casts his or her ballot for
 809 tabulation by an electronic or electromechanical device.

810 (59)~~(47)~~ "Voting system" means a method of casting and
 811 processing votes that functions wholly or partly by use of
 812 electromechanical or electronic apparatus or by use of marksense
 813 ballots and includes, but is not limited to, the procedures for
 814 casting and processing votes and the programs, operating
 815 manuals, supplies, printouts, and other software necessary for
 816 the system's operation.

817
 818 Terms used in this code which are not defined in this section
 819 but are used in the federal Voting Rights Act and interpreted in
 820 relevant case law, including, but not limited to, "political
 821 process" and "prerequisite to voting," must be construed in a
 822 manner consistent with such usage and interpretation.

823 **Section 4.** Section 97.022, Florida Statutes, is repealed.

824 **Section 5.** Section 97.0291, Florida Statutes, is repealed.

825 **Section 6.** **Section 97.0556, Florida Statutes, is created**

826 **to read:**

827 97.0556 Same-day voter registration.—A person who meets
 828 the qualifications specified in s. 97.041 to register to vote
 829 and who provides the information required under s. 97.052 for
 830 the uniform statewide voter registration application may
 831 register at an early voting site or at his or her polling place
 832 and immediately thereafter cast a ballot.

833 **Section 7. Section 97.057, Florida Statutes, is amended to**
 834 **read:**

835 97.057 Voter registration by the Department of Highway
 836 Safety and Motor Vehicles.—

837 (1) (a) Each of the following serves as an application ~~The~~
 838 ~~Department of Highway Safety and Motor Vehicles shall provide~~
 839 ~~the opportunity to preregister to vote, register to vote, or to~~
 840 update a voter registration record when submitted to the
 841 Department of Highway Safety and Motor Vehicles to each
 842 ~~individual who comes to an office of that department to:~~

843 1.(a) An application for or renewal of ~~Apply for or renew~~
 844 a driver license;

845 2.(b) An application for or renewal of ~~Apply for or renew~~
 846 an identification card pursuant to chapter 322; or

847 3.(c) An application for a change of an ~~an~~ address on an
 848 existing driver license or identification card.

849 (b) Unless the applicant declines to register or
 850 preregister to vote, he or she is deemed to have consented to

851 the use of the signature from his or her driver license or
852 identification card application for voter registration purposes.

853 (2) An application for a driver license or an
854 identification card must include a voter registration component.

855 The voter registration component must be approved by the
856 Department of State and must include all of the following:

857 (a) The minimum amount of information necessary to prevent
858 duplicate voter registrations and to preserve the ability of the
859 department and supervisors of elections to assess the
860 eligibility of the applicant and administer voter registration
861 and other provisions of this code.

862 (b) A statement setting forth voter eligibility
863 requirements.

864 (c) An explanation that the applicant is consenting to the
865 use of his or her signature from the applicant's driver license
866 or identification card application for voter registration
867 purposes. By consenting to the use of his or her signature, the
868 applicant is deemed to have subscribed to the oaths required by
869 s. 3, Art. VI of the State Constitution and s. 97.051 and to
870 have sworn and affirmed that the voter registration information
871 contained in the application is true under penalty for false
872 swearing pursuant to s. 104.011.

873 (d) An option that allows the applicant to choose or
874 update a party affiliation. An applicant who is initially
875 registering to vote and does not exercise such option must be

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876 sent a notice by the supervisor of elections in accordance with
877 s. 97.053(5)(b).

878 (e) An option that allows the applicant to decline to
879 register to vote or preregister to vote. The Department of
880 Highway Safety and Motor Vehicles shall note any such
881 declination in its records and forward the declination to the
882 Department of State. A declination may be used only for voter
883 registration purposes and is confidential and exempt from public
884 records requirements as provided in s. 97.0585.

885 (3) The Department of Highway Safety and Motor Vehicles
886 shall:

887 (a) Develop a voter registration component for
888 applications which meets the requirements set forth in
889 subsection (2).

890 (b) Electronically transmit the voter registration
891 component of an applicant's driver license or identification
892 card application to the Department of State within 24 hours
893 after receipt. Upon receipt of the voter registration component,
894 the Department of State shall provide the information to the
895 supervisor of the county in which the applicant is registering
896 or preregistering to vote or updating his or her voter
897 registration record.

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

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

901 ~~1. Information gathered for the completion of a driver~~
902 ~~license or identification card application, renewal, or change~~
903 ~~of address can be automatically transferred to a voter~~
904 ~~registration application;~~

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

908 ~~3. Information provided can also be used to update a voter~~
909 ~~registration record, except that party affiliation will not be~~
910 ~~changed unless the individual designates a change in party~~
911 ~~affiliation and separately consents to such change in writing;~~

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

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

918 ~~(b) Require a driver license examiner to inquire orally~~
919 ~~or, if the applicant is hearing impaired, inquire in writing~~
920 ~~whether the applicant wishes to register to vote or update a~~
921 ~~voter registration record during the completion of a driver~~
922 ~~license or identification card application, renewal, or change~~
923 ~~of address.~~

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

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

930 ~~b. The additional necessary information must be obtained~~
931 ~~by the driver license examiner and must not duplicate any~~
932 ~~information already obtained while completing the forms required~~
933 ~~under subsection (1).~~

934 ~~e. A voter registration application with all of the~~
935 ~~applicant's voter registration information required to establish~~
936 ~~the applicant's eligibility pursuant to s. 97.041 must be~~
937 ~~presented to the applicant to review and verify the voter~~
938 ~~registration information received and provide an electronic~~
939 ~~signature affirming the accuracy of the information provided.~~

940 ~~d. The voter registration application may not be used to~~
941 ~~change the party affiliation of the applicant unless the~~
942 ~~applicant designates a change in party affiliation and provides~~
943 ~~a separate signature consenting to the party affiliation change.~~

944 ~~e. After verifying the voter registration information and~~
945 ~~providing his or her electronic signature, the applicant must be~~
946 ~~provided with a printed receipt that includes such information~~
947 ~~and documents any change in party affiliation.~~

948 ~~2. If the applicant declines to register to vote, update~~
949 ~~the applicant's voter registration record, or change the~~
950 ~~applicant's address by either orally declining or by failing to~~

951 ~~sign the voter registration application, the Department of~~
952 ~~Highway Safety and Motor Vehicles must note such declination on~~
953 ~~its records and shall forward the declination to the statewide~~
954 ~~voter registration system.~~

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

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

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

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

971 ~~(5) The Department of Highway Safety and Motor Vehicles~~
972 ~~must send, with each driver license renewal extension~~
973 ~~application authorized pursuant to s. 322.18(8), a uniform~~
974 ~~statewide voter registration application, the voter registration~~
975 ~~application prescribed under paragraph (3) (a), or a voter~~

976 ~~registration application developed especially for the purposes~~
977 ~~of this subsection by the Department of Highway Safety and Motor~~
978 ~~Vehicles, with the approval of the Department of State, which~~
979 ~~must meet the requirements of s. 97.052.~~

980 (4)~~(6)~~ A person providing voter registration services for
981 a driver license office may not:

982 (a) ~~Make any change to an applicant's party affiliation~~
983 ~~unless the applicant provides a separate signature consenting to~~
984 ~~the party affiliation change or discuss or~~ Seek to influence an
985 applicant's political preference or party registration;

986 (b) Display any political preference or party allegiance;

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

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

993 (5)~~(7)~~ The Department of Highway Safety and Motor Vehicles
994 shall collect data determined necessary by the Department of
995 State for program evaluation and reporting to the Election
996 Assistance Commission pursuant to federal law.

997 (6)~~(8)~~ The Department of Highway Safety and Motor Vehicles
998 shall ~~must~~ ensure that all voter registration services provided
999 by driver license offices are in compliance with the federal
1000 Voting Rights Act ~~of 1965~~.

1001 ~~(7)-(9)~~ The Department of Highway Safety and Motor Vehicles
 1002 shall retain complete records of voter registration information
 1003 received, processed, and submitted to the Department of State
 1004 ~~statewide voter registration system~~ by the Department of Highway
 1005 Safety and Motor Vehicles. The retention of such ~~These~~ records
 1006 is shall be for the explicit purpose of supporting audit and
 1007 accounting controls established to ensure accurate and complete
 1008 electronic transmission of records between the Department of
 1009 State ~~statewide voter registration system~~ and the Department of
 1010 Highway Safety and Motor Vehicles.

1011 ~~(8)-(10)~~ The Department of State shall provide the
 1012 Department of Highway Safety and Motor Vehicles with an
 1013 electronic database of street addresses valid for use as the
 1014 address of legal residence as required in s. 97.053(5). The
 1015 Department of Highway Safety and Motor Vehicles shall compare
 1016 the address provided by the applicant against the database of
 1017 valid street addresses. If the address provided by the applicant
 1018 does not match a valid street address in the database, the
 1019 applicant will be asked to verify the address provided. The
 1020 Department of Highway Safety and Motor Vehicles may ~~shall~~ not
 1021 reject any application for voter registration for which a valid
 1022 match cannot be made.

1023 ~~(9)-(11)~~ The Department of Highway Safety and Motor
 1024 Vehicles shall enter into an agreement with the Department of
 1025 State to match information in the statewide voter registration

1026 system with information in the database of the Department of
 1027 Highway Safety and Motor Vehicles to the extent required to
 1028 verify the accuracy of the driver license number, Florida
 1029 identification number, or last four digits of the social
 1030 security number provided on applications for voter registration
 1031 as required in s. 97.053.

1032 (10)~~(12)~~ The Department of Highway Safety and Motor
 1033 Vehicles shall enter into an agreement with the Commissioner of
 1034 Social Security as required by the Help America Vote Act of 2002
 1035 to verify the last four digits of the social security number
 1036 provided in applications for voter registration as required in
 1037 s. 97.053.

1038 (11)~~(13)~~ The Department of Highway Safety and Motor
 1039 Vehicles shall ~~must~~ assist the Department of State in regularly
 1040 identifying changes in residence address on the driver license
 1041 or identification card of a voter. The Department of State shall
 1042 ~~must~~ report each such change to the appropriate supervisor of
 1043 elections who must change the voter's registration records in
 1044 accordance with s. 98.065(4).

1045 ~~(14) The Department of Highway Safety and Motor Vehicles~~
 1046 ~~shall ensure that information technology processes and updates~~
 1047 ~~do not alter an applicant's party affiliation without the~~
 1048 ~~written consent of the applicant.~~

1049 **Section 8. Section 97.0575, Florida Statutes, is amended**
 1050 **to read:**

1051 97.0575 Third-party voter registration organizations.—

1052 (1) Before engaging in any voter registration activities,
 1053 a third-party voter registration organization must register and
 1054 provide to the division, in an electronic format, the following
 1055 information:

1056 (a) The names of the officers of the organization and the
 1057 name and permanent address of the organization.

1058 (b) The name and address of the organization's registered
 1059 agent in the state.

1060 (c) The names, permanent addresses, and temporary
 1061 addresses, if any, of each registration agent registering
 1062 persons to vote in this state on behalf of the organization.
 1063 This paragraph does not apply to persons who only solicit
 1064 applications and do not collect or handle voter registration
 1065 applications.

1066 ~~(d) Beginning November 6, 2024, the specific general~~
 1067 ~~election cycle for which the third-party voter registration~~
 1068 ~~organization is registering persons to vote.~~

1069 ~~(e) An affirmation that each person collecting or handling~~
 1070 ~~voter registration applications on behalf of the third-party~~
 1071 ~~voter registration organization has not been convicted of a~~
 1072 ~~felony violation of the Election Code, a felony violation of an~~
 1073 ~~offense specified in s. 825.103, a felony offense specified in~~
 1074 ~~s. 98.0751(2)(b) or (c), or a felony offense specified in~~
 1075 ~~chapter 817, chapter 831, or chapter 837. A third-party voter~~

1076 ~~registration organization is liable for a fine in the amount of~~
1077 ~~\$50,000 for each such person who has been convicted of a felony~~
1078 ~~violation of the Election Code, a felony violation of an offense~~
1079 ~~specified in s. 825.103, a felony offense specified in s.~~
1080 ~~98.0751(2) (b) or (c), or a felony offense specified in chapter~~
1081 ~~817, chapter 831, or chapter 837 who is collecting or handling~~
1082 ~~voter registration applications on behalf of the third-party~~
1083 ~~voter registration organization.~~

1084 ~~(f) An affirmation that each person collecting or handling~~
1085 ~~voter registration applications on behalf of the third-party~~
1086 ~~voter registration organization is a citizen of the United~~
1087 ~~States of America. A third-party voter registration organization~~
1088 ~~is liable for a fine in the amount of \$50,000 for each such~~
1089 ~~person who is not a citizen and is collecting or handling voter~~
1090 ~~registration applications on behalf of the third-party voter~~
1091 ~~registration organization.~~

1092 ~~(2) Beginning November 6, 2024, the registration of a~~
1093 ~~third-party voter registration organization automatically~~
1094 ~~expires at the conclusion of the specific general election cycle~~
1095 ~~for which the third-party voter registration organization is~~
1096 ~~registered.~~

1097 ~~(3) The division or the supervisor of elections shall make~~
1098 ~~voter registration forms available to third-party voter~~
1099 ~~registration organizations. All such forms must contain~~
1100 ~~information identifying the organization to which the forms are~~

1101 provided. The division shall maintain a database of all third-
1102 party voter registration organizations and the voter
1103 registration forms assigned to the third-party voter
1104 registration organization. Each supervisor of elections shall
1105 provide to the division information on voter registration forms
1106 assigned to and received from third-party voter registration
1107 organizations. The information must be provided in a format and
1108 at times as required by the division by rule. The division shall
1109 update information on third-party voter registrations daily and
1110 make the information publicly available.

1111 ~~(4) A third-party voter registration organization that~~
1112 ~~collects voter registration applications shall provide a receipt~~
1113 ~~to an applicant upon accepting possession of his or her~~
1114 ~~application. The division shall adopt by rule a uniform format~~
1115 ~~for the receipt by October 1, 2023. The format must include, but~~
1116 ~~need not be limited to, the name of the applicant, the date the~~
1117 ~~application is received, the name of the third-party voter~~
1118 ~~registration organization, the name of the registration agent,~~
1119 ~~the applicant's political party affiliation, and the county in~~
1120 ~~which the applicant resides.~~

1121 (3) (a) (5) (a) A third-party voter registration organization
1122 that collects voter registration applications serves as a
1123 fiduciary to the applicant and shall ensure that any voter
1124 registration application entrusted to the organization,
1125 irrespective of party affiliation, race, ethnicity, or gender,

1126 is promptly delivered to the division or the supervisor of
1127 elections ~~in the county in which the applicant resides~~ within 14
1128 ~~10~~ days after the application is completed by the applicant, but
1129 not after registration closes for the next ensuing election. If
1130 a voter registration application collected by any third-party
1131 voter registration organization is not promptly delivered to the
1132 division or supervisor of elections ~~in the county in which the~~
1133 ~~applicant resides~~, the third-party voter registration
1134 organization is liable for the following fines:

1135 1. A fine in the amount of \$50 ~~per each day late, up to~~
1136 ~~\$2,500~~, for each application received by the division or the
1137 supervisor of elections in the county in which the applicant
1138 resides more than 10 days after the applicant delivered the
1139 completed voter registration application to the third-party
1140 voter registration organization or any person, entity, or agent
1141 acting on its behalf. A fine in the amount of \$250 ~~\$2,500~~ for
1142 each application received if the third-party voter registration
1143 organization or person, entity, or agency acting on its behalf
1144 acted willfully.

1145 2. A fine in the amount of \$100 ~~per each day late, up to~~
1146 ~~\$5,000~~, for each application collected by a third-party voter
1147 registration organization or any person, entity, or agent acting
1148 on its behalf, before book closing for any given election for
1149 federal or state office and received by the division or the
1150 supervisor of elections in the county in which the applicant

1151 resides after the book-closing deadline for such election. A
1152 fine in the amount of \$500 ~~\$5,000~~ for each application received
1153 if the third-party voter registration organization or any
1154 person, entity, or agency acting on its behalf acted willfully.

1155 3. A fine in the amount of \$500 for each application
1156 collected by a third-party voter registration organization or
1157 any person, entity, or agent acting on its behalf, which is not
1158 submitted to the division or supervisor of elections in the
1159 county in which the applicant resides. A fine in the amount of
1160 \$1,000 ~~\$5,000~~ for any application not submitted if the third-
1161 party voter registration organization or person, entity, or
1162 agency acting on its behalf acted willfully.

1163
1164 The aggregate fine which may be assessed pursuant to this
1165 paragraph against a third-party voter registration organization,
1166 including affiliate organizations, for violations committed in a
1167 calendar year is \$1,000 ~~\$250,000~~.

1168 (b) A showing by the third-party voter registration
1169 organization that the failure to deliver the voter registration
1170 application within the required timeframe is based upon force
1171 majeure or impossibility of performance shall be an affirmative
1172 defense to a violation of this subsection. The secretary may
1173 waive the fines described in this subsection upon a showing that
1174 the failure to deliver the voter registration application
1175 promptly is based upon force majeure or impossibility of

1176 performance.

1177 ~~(6) If a person collecting voter registration applications~~
1178 ~~on behalf of a third-party voter registration organization~~
1179 ~~alters the voter registration application of any other person,~~
1180 ~~without the other person's knowledge and consent, in violation~~
1181 ~~of s. 104.012(4) and is subsequently convicted of such offense,~~
1182 ~~the applicable third-party voter registration organization is~~
1183 ~~liable for a fine in the amount of \$5,000 for each application~~
1184 ~~altered.~~

1185 ~~(7) If a person collecting voter registration applications~~
1186 ~~on behalf of a third-party voter registration organization~~
1187 ~~copies a voter's application or retains a voter's personal~~
1188 ~~information, such as the voter's Florida driver license number,~~
1189 ~~Florida identification card number, social security number, or~~
1190 ~~signature, for any reason other than to provide such application~~
1191 ~~or information to the third-party voter registration~~
1192 ~~organization in compliance with this section, the person commits~~
1193 ~~a felony of the third degree, punishable as provided in s.~~
1194 ~~775.082, s. 775.083, or s. 775.084.~~

1195 (4)(8) If the Secretary of State reasonably believes that
1196 a person has committed a violation of this section, the
1197 secretary may refer the matter to the Attorney General for
1198 enforcement. The Attorney General may institute a civil action
1199 for a violation of this section or to prevent a violation of
1200 this section. An action for relief may include a permanent or

1201 temporary injunction, a restraining order, or any other
1202 appropriate order.

1203 ~~(9) The division shall adopt by rule a form to elicit~~
1204 ~~specific information concerning the facts and circumstances from~~
1205 ~~a person who claims to have been registered to vote by a third-~~
1206 ~~party voter registration organization but who does not appear as~~
1207 ~~an active voter on the voter registration rolls. The division~~
1208 ~~shall also adopt rules to ensure the integrity of the~~
1209 ~~registration process, including controls to ensure that all~~
1210 ~~completed forms are promptly delivered to the division or a~~
1211 ~~supervisor in the county in which the applicant resides.~~

1212 (5) ~~(10)~~ The date on which an applicant signs a voter
1213 registration application is presumed to be the date on which the
1214 third-party voter registration organization received or
1215 collected the voter registration application.

1216 ~~(11) A third-party voter registration organization may not~~
1217 ~~mail or otherwise provide a voter registration application upon~~
1218 ~~which any information about an applicant has been filled in~~
1219 ~~before it is provided to the applicant. A third-party voter~~
1220 ~~registration organization that violates this section is liable~~
1221 ~~for a fine in the amount of \$50 for each such application.~~

1222 ~~(12) The requirements of this section are retroactive for~~
1223 ~~any third-party voter registration organization registered with~~
1224 ~~the department as of July 1, 2023, and must be complied with~~
1225 ~~within 90 days after the department provides notice to the~~

1226 ~~third party voter registration organization of the requirements~~
 1227 ~~contained in this section. Failure of the third party voter~~
 1228 ~~registration organization to comply with the requirements within~~
 1229 ~~90 days after receipt of the notice shall automatically result~~
 1230 ~~in the cancellation of the third-party voter registration~~
 1231 ~~organization's registration.~~

1232 **Section 9. Part III of chapter 97, Florida Statutes,**
 1233 **consisting of sections 97.21-97.28, Florida Statutes, is created**
 1234 **and entitled "Florida Voting Rights Act."**

1235 **Section 10. Section 97.21, Florida Statutes, is created to**
 1236 **read:**

1237 97.21 Prohibitions on voter suppression and vote
 1238 dilution.—

1239 (1) PROHIBITING VOTER SUPPRESSION.—

1240 (a) A local government, state agency, or state official
 1241 may not implement, impose, or enforce any election policy or
 1242 practice, or take any other action or fail to take any action,
 1243 which results in, will result in, or is intended to result in
 1244 any of the following:

1245 1. A material disparity in voter participation, access to
 1246 voting opportunities, or the opportunity or ability to
 1247 participate in the political process between protected class
 1248 members and other members of the electorate.

1249 2. Based on the totality of the circumstances, an
 1250 impairment of the equal opportunity or ability of protected

1251 class members to participate in any stage of the political
1252 process.

1253 (b) It is not a violation of paragraph (a) if a local
1254 government, state agency, or state official demonstrates by
1255 clear and convincing evidence that:

1256 1. The election policy or practice is necessary to
1257 significantly further an important and particularized
1258 governmental interest; and

1259 2. There is no alternative election policy or practice
1260 that results in a smaller disparity between protected class
1261 members and other members of the electorate.

1262 (c) Notwithstanding paragraph (b), a violation always
1263 exists under paragraph (a) if:

1264 1. The local government, state agency, or state official
1265 takes action intended to result in a material disparity; or

1266 2. The material disparity results from:

1267 a. The closure, relocation, or consolidation of, or
1268 failure to provide, one or more polling places, early voting
1269 sites, or secure ballot intake stations; or the reassignment of
1270 voters to precincts or polling places or of precincts to polling
1271 places;

1272 b. The local government's selection of or change to the
1273 time or date of an election;

1274 c. The local government conducting elections on dates that
1275 do not align with federal or state elections;

1276 d. The date the local government selects for a special
1277 election, and there exists an alternate date in a reasonable
1278 timeframe in which the disparity would be materially less
1279 significant; or

1280 e. The failure to schedule a special election in a
1281 reasonable timeframe, allowing a vacancy in an office where
1282 protected class members are generally able to elect candidates
1283 of their choice.

1284 (2) PROHIBITING VOTE DILUTION.—

1285 (a) A local government may not employ an at-large method
1286 of election, a district-based method of election, a share-based
1287 method of election, or other method of election for any office
1288 which has the effect, will likely have the effect, or is
1289 motivated in part by the intent of diluting the vote of
1290 protected class members.

1291 (b) To establish a violation under paragraph (a), it must
1292 be established that:

1293 1.a. Elections in the local government exhibit racially
1294 polarized voting resulting in an impairment of the equal
1295 opportunity or ability of protected class members to nominate or
1296 elect candidates of their choice; or

1297 b. Based on the totality of the circumstances, the equal
1298 opportunity or ability of protected class members to nominate or
1299 elect candidates of their choice is impaired; and

1300 2. Another method of election or changes to the existing

1301 method of election which could be constitutionally adopted or
 1302 ordered under s. 97.28 would likely mitigate the impairment. For
 1303 the purpose of satisfying such requirement, it is not necessary
 1304 for the total number or share of protected class members to
 1305 exceed any numerical threshold in any district or in the local
 1306 government as a whole.

1307 (3) GUIDELINES AND RELEVANT CIRCUMSTANCES FOR EVALUATING
 1308 VOTER SUPPRESSION AND VOTE DILUTION.—

1309 (a)1. To evaluate the totality of circumstances under
 1310 subparagraph (1)(a)2. or sub-subparagraph (2)(b)1.b., the
 1311 following factors may be relevant:

1312 a. The history of discrimination;

1313 b. The extent to which the protected class members have
 1314 been elected to office;

1315 c. The use of any election policy or practice that may
 1316 enhance the dilutive effective of a method of election in the
 1317 local government.

1318 d. The extent to which protected class members or
 1319 candidates experienced any history of unequal access to
 1320 election-administration or campaign finance processes that
 1321 determine which candidates will receive access to the ballot or
 1322 receive financial or other support in a given election for an
 1323 office of the local government;

1324 e. The extent to which protected class members have
 1325 historically made expenditures as defined in s. 106.011 at lower

1326 | rates than other voters;
1327 | f. The extent to which protected class members vote at
1328 | lower rates than other voters;
1329 | g. The extent to which protected class members are
1330 | disadvantaged or otherwise bear the effects of public or private
1331 | discrimination in areas that may hinder their ability to
1332 | participate effectively in any stage of the political process,
1333 | such as education, employment, health, criminal justice,
1334 | housing, transportation, land use, or environmental protection;
1335 | h. The use of overt or subtle racial appeals in political
1336 | campaigns by governmental officials or in connection with the
1337 | adoption or maintenance of the election policy or practice;
1338 | i. The extent to which candidates face hostility or
1339 | barriers while campaigning due to their membership in a
1340 | protected class;
1341 | j. The lack of responsiveness by elected officials to the
1342 | particular needs of protected class members or a community of
1343 | protected class members;
1344 | k. Whether the election policy or practice was designed to
1345 | advance, and does materially advance, a valid and substantial
1346 | state interest; and
1347 | 1. Other factors deemed relevant.
1348 | 2. A set number or combination of the factors in
1349 | subparagraph 1. are not required to determine that a violation
1350 | occurred.

1351 3. Evidence of these factors is most probative if it
1352 relates to the local government in which the alleged violation
1353 occurred, but still holds probative value if it relates to the
1354 geographic region in which the local government is located or to
1355 this state.

1356 (b) To determine whether elections in the local government
1357 exhibit racially polarized voting under sub-subparagraph
1358 (2) (b) 1.a.:

1359 1. Racially polarized voting must be assessed based on
1360 relevant election results, which may include, but are not
1361 limited to, elections for offices of the local government;
1362 elections held in the local government for other offices, such
1363 as state or federal offices; ballot measures; and other
1364 electoral choices that bear on the rights and privileges of the
1365 protected class.

1366 a. A set number or combination of elections may not be
1367 required to establish the existence of racially polarized
1368 voting.

1369 b. Evidence of nonpolarized voting in election for offices
1370 outside the local government may not preclude a finding of
1371 racially polarized voting based on elections for offices of the
1372 local government.

1373 c. Nonstatistical or nonquantitative evidence may not
1374 preclude a finding of racially polarized voting based on
1375 statistical or quantitative evidence.

1376 d. Low turnout or registration rates among protected class
1377 members may not preclude a finding of racially polarized voting.

1378 2. Racially polarized voting may be assessed based only on
1379 the combined electoral preferences of members of a protected
1380 class or classes. There is no requirement that the electoral
1381 preferences of each protected class or any subgroup within a
1382 protected class be separately polarized from those of other
1383 voters.

1384 3. The causes of or reasons for racially polarized voting,
1385 including partisan explanations or discriminatory intent, are
1386 not relevant.

1387 (c)1. If evaluating whether a violation of subsection (1)
1388 or subsection (2) is present, the following circumstances are
1389 never relevant to such a violation:

1390 a. The total number or share of protected class members on
1391 whom the election policy or practice does not impose a material
1392 burden.

1393 b. The degree to which the election policy or practice has
1394 a long pedigree or was in widespread use at some earlier date.

1395 c. The use of an identical or similar election policy or
1396 practice in other jurisdictions.

1397 d. The availability of forms of voting unimpacted by the
1398 election policy or practice.

1399 2. A state interest in preventing voter fraud or
1400 bolstering voter confidence in the integrity of elections is not

1401 relevant to an evaluation of whether a violation of subsection
1402 (1) or subsection (2) occurred unless there is substantial
1403 evidence of a number of instances that criminal activity by
1404 individual electors has occurred in the local government and the
1405 connection between the election policy or practice and a state
1406 interest in preventing voter fraud or bolstering voter
1407 confidence in the integrity of elections is supported by
1408 substantial evidence.

1409 3. Evidence concerning the intent of electors, elected
1410 officials, or public officials to discriminate against protected
1411 class members is never required under subsections (1) and (2).

1412 4. Whether protected class members typically elect
1413 candidates of their choice to the governmental body of a local
1414 government in approximate proportion to their total number or
1415 share of the population may be relevant under subsection (2).

1416 (4) Before filing an action against a local government
1417 pursuant to this section, a prospective plaintiff must send, by
1418 certified mail, return receipt requested, a notification letter
1419 to the local government asserting that the local government may
1420 be in violation of the provisions of this act. Such letter must
1421 be referred to as an "FLVRA notification letter."

1422 (a) Except as noted in paragraph (e), a party may not file
1423 an action against a local government pursuant to this section
1424 earlier than 50 days after sending an FLVRA notification letter
1425 to the local government.

1426 (b) Before receiving an FLVRA notification letter, or not
1427 later than 50 days after any FLVRA notification letter is sent
1428 to a local government, a local government may adopt a resolution
1429 that must be referred to as the "FLVRA Resolution" and that does
1430 all of the following:

1431 1. Identifies a potential violation of this section by the
1432 local government.

1433 2. Identifies a specific remedy to the potential
1434 violation.

1435 3. Affirms the local government's intent to enact and
1436 implement a remedy for a potential violation.

1437 4. Sets forth specific measures the local government will
1438 take to enact and implement the remedy.

1439 5. Provides a schedule for the enactment and
1440 implementation of the remedy.

1441 (c) Except as noted in paragraph (e), a party that has
1442 sent an FLVRA notification letter may not file an action
1443 pursuant to this section earlier than 90 days after the adoption
1444 of an FLVRA Resolution.

1445 (d) If the remedy identified in an FLVRA Resolution is
1446 barred by state or local law, or a legislative body of a local
1447 government lacks authority under state or local law to enact or
1448 implement a remedy identified in an FLVRA Resolution within 90
1449 days after the adoption of such resolution, or if the local
1450 government is a covered jurisdiction under s. 97.25, the local

1451 government may nonetheless enact and implement the remedy
1452 identified in such resolution upon approval of the FLVRA
1453 Commission, which may provide approval only if it finds that the
1454 local government may be in violation of this act, the proposed
1455 remedy would address a potential violation, and implementation
1456 of the proposed remedy is feasible. The approval of a remedy by
1457 the FLVRA Commission does not bar an action to challenge the
1458 remedy.

1459 (e) If, pursuant to this subsection, a local government
1460 enacts or implements a remedy or the FLVRA Commission approves a
1461 proposed remedy, a party that sent an FLVRA notification letter
1462 may submit a claim for reimbursement from the local government
1463 for the costs associated with producing and sending such
1464 notification letter. The party must submit the claim in writing
1465 and substantiate the claim with financial documentation,
1466 including a detailed invoice for any demography services or
1467 analysis of voting patterns in the local government. If a party
1468 and local government fail to agree to a reimbursement amount,
1469 either the party or local government may file an action for a
1470 declaratory judgment for a clarification of rights.

1471 (f) Notwithstanding this subsection, a party may bring a
1472 cause of action for a violation of this section under any of the
1473 following circumstances:

1474 1. The action is commenced within 1 year after the
1475 adoption of a challenged method of election, ordinance,

1476 resolution, rule, policy, standard, regulation, procedure, or
1477 law.

1478 2. The prospect of obtaining relief under this section
1479 would be futile.

1480 3. Another party has already submitted a notification
1481 letter under this subsection alleging a substantially similar
1482 violation and that party is eligible to bring a cause of action
1483 under this subsection.

1484 4. Following the party's submission of an FLVRA
1485 notification letter, the local government has adopted an FLVRA
1486 Resolution that identifies a remedy that would not cure the
1487 violation identified in the notification letter.

1488 5. The party is seeking preliminary relief with respect to
1489 an upcoming election in accordance with s. 97.28.

1490 (g) Any local government that receives an FLVRA
1491 notification letter or adopts an FLVRA Resolution must provide a
1492 copy to the FLVRA Commission within 1 day after receipt or
1493 adoption. The FLVRA Commission shall promptly post all FLVRA
1494 notification letters and FLVRA Resolutions on its website. The
1495 FLVRA Commission may adopt rules identifying other materials and
1496 information that must be provided to the FLVRA Commission by
1497 local governments, as well as procedures for transmittal of
1498 materials and information from local governments to the FLVRA
1499 Commission.

1500 (5) A local government may not assert the doctrine of

1501 laches as a defense to claims brought under this section. A
1502 local government may not assert that plaintiffs have failed to
1503 comply with any notice, exhaustion, or other procedural
1504 requirements under state law, other than the requirements in
1505 this section, as a defense to claims brought under this section.

1506 (6) An individual or entity aggrieved by a violation of
1507 this section, the Attorney General, or the FLVRA Commission may
1508 file an action alleging a violation of this section to enforce
1509 compliance with this section. An entity aggrieved by a violation
1510 of this section includes, but is not limited to, any entity
1511 whose membership includes individuals aggrieved by a violation
1512 of this section or whose mission would be frustrated by a
1513 violation of this section, including, but not limited to, an
1514 entity that would expend or divest resources to fulfill its
1515 mission as a result of such violation or must expend greater
1516 resources or efforts to advocate before an elected body that is
1517 less responsible to the entity or its members due to the alleged
1518 violation. An entity may not be compelled to disclose the
1519 identity of any specific member to pursue a claim on behalf of
1520 its members. This subsection shall be liberally construed to
1521 confer standing as broadly as the State Constitution allows.
1522 Such a claim may be filed pursuant to the Florida Rules of Civil
1523 Procedure or in the Second Judicial Circuit of Florida. Members
1524 of two or more protected classes that are politically cohesive
1525 in a local government may jointly file an action. In an action

1526 involving a districting plan, any individual who resides in the
1527 defendant jurisdiction and is a member of the affected class or
1528 classes, whether he or she resides in any particular district,
1529 may challenge the districting plan as a whole.

1530 **Section 11. Section 97.22, Florida Statutes, is created to**
1531 **read:**

1532 97.22 Florida Voting Rights Act Commission.—

1533 (1) There is created the Florida Voting Rights Act (FLVRA)
1534 Commission within the Department of State. The FLVRA Commission
1535 is a separate budget entity, as provided in the General
1536 Appropriations Act, and shall prepare and submit a budget
1537 request in accordance with chapter 216. The FLVRA Commission is
1538 responsible for administering the Florida Voting Rights Act. The
1539 FLVRA Commission must have its own staff, including management,
1540 research, and enforcement personnel, and is not subject to
1541 control, supervision, or direction by the Department of State.

1542 (2) (a) The FLVRA Commission shall be composed of five
1543 commissioners, each of whom shall serve a staggered 5-year term.
1544 Commissioners must be compensated for their actual time spent on
1545 the FLVRA Commission's business at an hourly rate equivalent to
1546 the rate of an assistant attorney general.

1547 1. A nominating committee shall identify qualified
1548 candidates to serve as commissioners. The nominating committee
1549 shall be composed of nominating organizations that are selected
1550 as follows:

1551 a. Organizations may apply to the Secretary of State to be
1552 certified as organizational nominators for 5-year terms, after
1553 which the organizations may be recertified. The Secretary of
1554 State must certify any organization that applies to be an
1555 organizational nominator if it meets all of the following
1556 qualifications:

1557 (I) Has demonstrated commitment to the purposes of this
1558 act and securing the voting rights of protected class members,
1559 such as referencing such class members in the organization's
1560 mission statement, involvement in numerous voting rights cases
1561 brought in this state on behalf of members of protected classes,
1562 or advocacy in support of this act.

1563 (II) Is registered as a nonprofit corporation with the
1564 Secretary of State.

1565 (III) Has been in continuous operation as a nonprofit
1566 organization under s. 501(c)(3) of the Internal Revenue Code or
1567 as a nonprofit corporation registered with the Secretary of
1568 State for at least 20 years.

1569 b. If the Secretary of State fails to timely certify an
1570 organization that satisfies the qualifications specified in sub-
1571 subparagraph a. following the organization's application as an
1572 organizational nominator, the organization may file an action
1573 against the Secretary of State for a declaratory judgment
1574 certifying the organization as an organizational nominator.

1575 2. An organizational nominator may be removed for cause by

1576 a majority vote of all fellow nominators.

1577 3. If there are fewer than 16 organizational nominators
1578 certified by the Secretary of State, the nominating committee
1579 must be composed of all such organizational nominators. If there
1580 are 16 or more organizational nominators certified by the
1581 Secretary of State, the nominating committee must be composed of
1582 15 organizational nominators randomly selected from all the
1583 nominators by lot on an annual basis.

1584 4. The nominating committee shall select its own chair to
1585 preside over meetings and votes.

1586 (b) Commissioners shall be selected as follows:

1587 1. The nominating committee shall solicit applications to
1588 serve on the FLVRA Commission from across this state. A
1589 commissioner must satisfy all of the following criteria:

1590 a. Is a resident of this state.

1591 b. Is a member in good standing of The Florida Bar with at
1592 least 5 years of legal experience.

1593 c. Has experience representing or advocating on behalf of
1594 members of protected classes.

1595 d. Has not served in elected office within the preceding 5
1596 years.

1597 e. Is not currently serving in any governmental office or
1598 holding any political party office.

1599 2. The nominating committee shall maintain a qualified
1600 candidate pool composed of 30 candidates to serve on the FLVRA

1601 Commission. Individuals may be added to the qualified applicant
1602 pool only upon a vote of three-fifths of the nominating
1603 committee.

1604 3. All members of the FLVRA Commission must be randomly
1605 selected from the qualified candidate pool. Upon the initial
1606 formation of the FLVRA Commission, five commissioners must be
1607 selected by lot from the qualified candidate pool and randomly
1608 assigned to term lengths of 5 years, 4 years, 3 years, 2 years,
1609 and 1 year. At least 60 days in advance of the conclusion of
1610 each commissioner's term, a new commissioner must be randomly
1611 selected by lot from the qualified candidate pool to serve a 5-
1612 year term upon the conclusion of the commissioner's term. If a
1613 vacancy occurs, a new commissioner must be randomly selected by
1614 lot from the qualified candidate pool within 30 days after the
1615 vacancy occurring to complete the vacated term.

1616 (3) In any action or investigation to enforce this
1617 section, the FLVRA Commission may subpoena witnesses; administer
1618 oaths; examine individuals under oath; determine material facts;
1619 and compel the production of records, books, papers, contracts,
1620 and other documents in accordance with the Florida Rules of
1621 Civil Procedure.

1622 (4) The FLVRA Commission may hire any staff and make any
1623 expenditure necessary to fulfill its responsibilities.

1624 (5) The FLVRA Commission may adopt rules to administer and
1625 enforce this part.

1626 **Section 12. Section 97.23, Florida Statutes, is created to**
1627 **read:**

1628 97.23 Statewide database and institute.—

1629 (1) The FLVRA Commission shall enter into an agreement
1630 with one or more postsecondary educational institutions in this
1631 state to create the Florida Voting and Elections Database and
1632 Institute, to maintain and administer a central repository of
1633 elections and voting data available to the public from all local
1634 governments in this state, and to foster, pursue, and sponsor
1635 research on existing laws and best practices in voting and
1636 elections. The parties to that agreement shall enter into a
1637 memorandum of understanding that includes the process for
1638 selecting the director of the database and institute.

1639 (2) The database and institute shall provide a center for
1640 research, training, and information on voting systems and
1641 election administration. The database and institute may do any
1642 of the following:

1643 (a) Conduct noncredit classes and classes for credit.

1644 (b) Organize interdisciplinary groups of scholars to
1645 research voting and elections in this state.

1646 (c) Conduct seminars involving voting and elections.

1647 (d) Establish a nonpartisan centralized database in order
1648 to collect, archive, and make publicly available, at no cost,
1649 accessible data pertaining to elections, voter registration, and
1650 ballot access in this state.

1651 (e) Assist in the dissemination of election data to the
1652 public.

1653 (f) Publish books and periodicals on voting and elections
1654 in this state.

1655 (g) Provide nonpartisan technical assistance to local
1656 governments, scholars, and the general public seeking to use the
1657 resources of the database and institute.

1658 (3) The database and institute shall make available, and
1659 maintain in an electronic format, all relevant election and
1660 voting data and records for at least the previous 12-year
1661 period. The data, information, and estimates maintained by the
1662 database and institute must be posted online and made available
1663 to the public at no cost. Maps, polling places, and vote-by-mail
1664 ballot secure intake stations must be made available in a
1665 geospatial file format. The database and institute shall prepare
1666 any estimates made under this section by applying the most
1667 advanced and validated peer-reviewed methodologies available.
1668 Data and records that must be maintained include, but are not
1669 limited to, all of the following:

1670 (a) Estimates of the total population, voting age
1671 population, and citizen voting age population by racial, color,
1672 or language minority group and disability status, broken down by
1673 precinct level on a year-by-year basis, for every local
1674 government in this state, based on data from the United States
1675 Census Bureau or the American Community Survey or data of

1676 comparable quality collected by a public office.

1677 (b) Election results at the precinct level for every
1678 federal, state, and local election held in every local
1679 government in this state.

1680 (c) Contemporaneous voter registration lists, voter
1681 history files, polling places, and vote-by-mail secure ballot
1682 intake stations for every election in every local government in
1683 this state.

1684 (d) Contemporaneous maps or other documentation of the
1685 configuration of precincts.

1686 (e) Lists of polling places, including, but not limited
1687 to, lists of precincts assigned to each polling place, if
1688 applicable.

1689 (f) Adopted district or redistricting plans for every
1690 election in every local government in this state.

1691 (g) A current record, updated monthly, of persons eligible
1692 to register to vote who have a prior criminal conviction and
1693 whose eligibility has been restored in compliance with s.
1694 98.0751.

1695 (h) Any other data that the director of the database and
1696 institute considers necessary to maintain in furtherance of the
1697 purposes of the database and institute.

1698 (4) All state agencies and local governments shall timely
1699 provide the director of the database and institute with any
1700 information requested by the director. No later than 90 days

1701 after an election, each local government shall transmit to the
1702 database and institute copies of all of the following:

1703 (a) Election results at the precinct level.

1704 (b) Contemporaneous voter registration lists.

1705 (c) Voter history files.

1706 (d) Maps, descriptions, and shapefiles for election
1707 districts.

1708 (e) Lists of polling places, shapefiles, or descriptions
1709 of the precincts assigned to each polling place.

1710 (f) Any other data as requested by the database and
1711 institute.

1712 (5) Any state entity identified by the director of the
1713 database and institute as possessing data, statistics, or other
1714 information required by the database and institute to carry out
1715 its duties and responsibilities shall provide such data,
1716 statistics, or information annually to the database and
1717 institute at the request of the director.

1718 (6) If a state agency or local government fails to provide
1719 any information to the database and institute as required by
1720 this section, the director of the database and institute, the
1721 Attorney General, or the FLVRA Commission may file an action to
1722 enforce compliance with this section. An entity aggrieved by a
1723 violation of this section includes, but is not limited to, any
1724 entity whose membership includes individuals aggrieved by this
1725 section or whose mission would be frustrated by a violation of

1726 this section, including, but not limited to, an entity that
1727 would expend or divest resources to fulfill its mission as a
1728 result of such violation or must expend greater resources or
1729 efforts to advocate before an elected body that is less
1730 responsive to the entity or its members due to the alleged
1731 violation. An entity may not be compelled to disclose the
1732 identity of any specific member to pursue a claim on behalf of
1733 its members. This section must be liberally construed to confer
1734 standing as broadly as the State Constitution allows. Such claim
1735 may be filed pursuant to the Florida Rules of Civil Procedure or
1736 in the Second Judicial Circuit.

1737 (7) No later than 90 days after the end of each state
1738 fiscal year, the database and institute shall publish a report
1739 on the priorities and finances of the database and institute.

1740 (8) The database and institute shall provide nonpartisan
1741 technical assistance to local governments, researchers, and
1742 members of the public seeking to use the resources of the
1743 database.

1744 (9) There is a rebuttable presumption that the data,
1745 estimates, or other information maintained by the database and
1746 institute is valid.

1747 **Section 13. Section 97.24, Florida Statutes, is created to**
1748 **read:**

1749 97.24 Language access.—

1750 (1) As used in this section, the term:

1751 (a) "Limited English proficient individual" means an
1752 individual who does not speak English as his or her primary
1753 language and who speaks, reads, or understands the English
1754 language other than "very well" in accordance with United States
1755 Census Bureau data or data of comparable quality collected by a
1756 governmental entity.

1757 (b) "Native American" includes any person recognized by
1758 the United States Census Bureau or the state as "American
1759 Indian."

1760 (2) The FLVRA Commission must designate one or more
1761 languages, other than English, for which assistance in voting
1762 and elections must be provided in a local government if the
1763 FLVRA Commission finds that a significant and substantial need
1764 exists for such assistance.

1765 (3) Based on the best available data, which may include
1766 information from the United States Census Bureau's American
1767 Community Survey or data of comparable quality collected by a
1768 governmental entity, the FLVRA Commission must find that a
1769 significant and substantial need exists if:

1770 (a) More than 2 percent, but no fewer than 200 citizens of
1771 voting age, of a local government speak a language other than
1772 English and are limited English proficient individuals.

1773 (b) More than 4,000 citizens of voting age of a local
1774 government speak a language other than English and are limited
1775 English proficient individuals.

1776 (4) In the case of a local government that contains any
1777 part of a Native American reservation, if more than 2 percent of
1778 the Native American citizens of voting age within the Native
1779 American reservation are proficient in a language other than
1780 English and are limited English proficient individuals, the
1781 local government must provide materials in such language.

1782 (5) (a) On an annual basis, the FLVRA Commission shall
1783 publish on its website a list of all of the following:

1784 1. Each local government in which assistance in voting and
1785 elections in a language other than English must be provided.

1786 2. Each language in which such assistance must be provided
1787 in each local government.

1788 (b) The FLVRA Commission's determinations under this
1789 section are effective upon publication, and the FLVRA Commission
1790 must distribute this information to each affected local
1791 government.

1792 (6) Each local government described in paragraph (5) (a)
1793 must provide assistance in voting and elections, including
1794 related materials, in any language designated by the FLVRA
1795 Commission under paragraph (5) (a) to voters in a local
1796 government who are limited English proficient individuals.

1797 (7) Whenever the FLVRA Commission determines that,
1798 pursuant to this section, language assistance must be provided
1799 by a local government, the local government must provide
1800 competent assistance in each designated language and provide

1801 related materials in English and in each designated language,
1802 including voter registration or voting notices, forms,
1803 instructions, assistance, ballots, or other materials or
1804 information relating to the electoral process. However, in the
1805 case of a language that is oral or unwritten, including
1806 historically unwritten languages, as may be the case for some
1807 Native Americans, a local government may provide only oral
1808 instructions, assistance, or other information on the electoral
1809 process in such language. All materials provided in a designated
1810 language must be of an equal quality to the corresponding
1811 English materials. All provided translations must convey the
1812 intent and essential meaning of the original text or
1813 communication and may not rely solely on automatic translation
1814 services. If available, language assistance must include live
1815 translation.

1816 (8) The FLVRA Commission shall establish a review process
1817 under which the FLVRA Commission determines, upon receipt of a
1818 request submitted under this subsection, whether a significant
1819 and substantial need exists in a local government for a language
1820 to be designated for language access and assistance in voting
1821 and elections if such need has not been found under subsection
1822 (3) or subsection (4). Such process, at a minimum, must include
1823 an opportunity for any voter or entity to submit a request for
1824 the commission to consider designating a language in a local
1825 government; an opportunity for public comment; and a procedure

1826 for determining that a local government must provide language
 1827 assistance.

1828 (9) Any individual or entity aggrieved by a violation of
 1829 this section, the Attorney General, or the FLVRA Commission may
 1830 file an action alleging a violation of this section. An entity
 1831 aggrieved by a violation of this section includes, but is not
 1832 limited to, any entity whose membership includes individuals
 1833 aggrieved by this section or whose mission would be frustrated
 1834 by a violation of this section, including, but not limited to,
 1835 an entity that would expend or divest resources to fulfill its
 1836 mission as a result of such violation or must expend greater
 1837 resources or efforts to advocate before an elected body that is
 1838 less responsive to the entity or its members due to the alleged
 1839 violation. An entity may not be compelled to disclose the
 1840 identity of any specific member to pursue a claim on behalf of
 1841 its members. This section must be liberally construed to confer
 1842 standing as broadly as the State Constitution allows. Such a
 1843 claim may be filed pursuant to the Florida Rules of Civil
 1844 Procedure or in the Second Judicial Circuit.

1845 **Section 14. Section 97.25, Florida Statutes, is created to**
 1846 **read:**

1847 97.25 Preclearance.—

1848 (1) The enactment or implementation of a covered policy by
 1849 a covered jurisdiction is subject to preclearance by the FLVRA
 1850 Commission.

1851 (2) For purposes of this section, a covered policy
1852 includes any new or modified:

1853 (a) Election policy or practice.

1854 (b) Method of election, including districting or
1855 redistricting.

1856 (c) Form of government.

1857 (d) Annexation, incorporation, dissolution, consolidation,
1858 or division of a local government.

1859 (e) Removal of individuals from registry lists or
1860 enrollment lists and other activities concerning any such list.

1861 (f) Hours of any early voting site, or location or number
1862 of early voting sites, polling places, or secure ballot intake
1863 stations.

1864 (g) Assignment of voting precincts to polling places or
1865 secure ballot intake station locations.

1866 (h) Assistance offered to protected class members.

1867 (i) Any additional subject matter the FLVRA Commission may
1868 identify for inclusion in this subsection, pursuant to FLVRA
1869 Commission rule, if the FLVRA Commission determines that any
1870 election policy or practice may have the effect of diminishing
1871 the right to vote of any protected class member or have the
1872 effect of violating this act.

1873 (3) Following each decennial census, if a covered
1874 jurisdiction does not make changes to its method of election,
1875 including, but not limited to, maintaining an at-large method of

1876 election or not making revisions to a district-based method of
1877 election, the method of election must be deemed a covered policy
1878 and must be submitted to the FLVRA Commission pursuant to this
1879 section.

1880 (4) A covered jurisdiction includes any of the following:

1881 (a) A local government that, within the preceding 25
1882 years, has been subject to a court order, government enforcement
1883 action, court-approved consent decree, or other settlement in
1884 which the local government conceded liability, based upon a
1885 violation of this act, the federal Voting Rights Act, the 15th
1886 Amendment to the United States Constitution, a voting-related
1887 violation of the 14th Amendment to the United States
1888 Constitution, or any violation of any other state or federal
1889 election law, concerning discrimination against members of a
1890 protected class.

1891 (b) A local government that, within the preceding 25
1892 years, has been subject to any court order, government
1893 enforcement action, court-approved consent decree, or any other
1894 settlement in which the local government conceded liability,
1895 based upon a violation of any state or federal civil rights law
1896 or the 14th Amendment to the United States Constitution,
1897 concerning discrimination against members of a protected class.

1898 (c) A local government that, during the preceding 3 years,
1899 has failed to comply with its obligation to provide data or
1900 information to the database pursuant to s. 97.23.

1901 (d) A local government that, during the preceding 25
1902 years, was found to have enacted or implemented a covered policy
1903 without obtaining preclearance for that policy pursuant to this
1904 section.

1905 (e) A local government that contains at least 1,000
1906 eligible voters of any protected class, or in which members of
1907 any protected class constitute at least 10 percent of the
1908 eligible voter population of the local government, and in which,
1909 in any year in the preceding 10 years, the percentage of voters
1910 of any protected class in a local government which participated
1911 in any general election for any local government office was at
1912 least 10 percentage points lower than the percentage of all
1913 voters in the local government who participated in such
1914 election.

1915 (f) A local government that contains at least 1,000
1916 eligible voters of any protected class, or in which members of
1917 any protected class constitute at least 10 percent of the
1918 eligible voter population of the local government, and in which,
1919 in any year in the preceding 10 years, the percentage of
1920 eligible voters of that protected class who were registered to
1921 vote was at least 10 percentage points lower than the percentage
1922 of all eligible voters in the local government who registered to
1923 vote.

1924 (g) A local government that contains at least 1,000
1925 eligible voters of any protected class, or in which members of

1926 any protected class constitute at least 10 percent of the
1927 eligible voter population of the local government, and in which,
1928 in any year in the preceding 10 years, based on data made
1929 available by the United States Census, the dissimilarity index
1930 of such protected class, calculated using census tracts, was in
1931 excess of 50 percent with respect to the race, color, or
1932 language minority group that comprises a plurality within the
1933 local government.

1934 (h) A local government that contains at least 1,000
1935 eligible voters of any protected class, or in which members of
1936 any protected class constitute at least 10 percent of the
1937 eligible voter population of the local government, and in which,
1938 in any year in the preceding 10 years, the poverty rate among
1939 the population of such protected class exceeded the poverty rate
1940 among the population of the local government as a whole by at
1941 least 10 percentage points.

1942 (i) A county that contains at least 1,000 eligible voters
1943 of any protected class, or in which members of any protected
1944 class constitute at least 10 percent of the eligible voter
1945 population of the county, and in which, in any year in the
1946 preceding 10 years, the arrest rate among members of such
1947 protected class exceeded the arrest rate among the population of
1948 the county as a whole by at least 10 percentage points.

1949 (j) Any school district that contains at least 1,000
1950 eligible voters of any protected class, or in which members of

1951 any protected class constitute at least 10 percent of the
1952 eligible voter population of the school district, and in which,
1953 in any year in the preceding 10 years, the graduation rate of
1954 such protected class was lower than the graduation rate of the
1955 entire district student population by at least 10 percentage
1956 points.

1957 (5) The FLVRA Commission shall determine on an annual
1958 basis which local governments are covered jurisdictions and
1959 publish a list of such jurisdictions on its website.

1960 (6) If a covered jurisdiction seeks preclearance from the
1961 FLVRA Commission for the adoption or implementation of any
1962 covered policy, the covered jurisdiction must submit the covered
1963 policy to the FLVRA Commission in writing and may obtain
1964 preclearance in accordance with this section.

1965 (a) The FLVRA Commission shall review the covered policy
1966 submitted for preclearance, including any comments submitted by
1967 members of the public, and make a determination to grant or deny
1968 preclearance. The covered jurisdiction bears the burden of proof
1969 in any preclearance determinations.

1970 (b)1. The FLVRA Commission may deny preclearance to a
1971 submitted covered policy only if it determines that:

1972 a. The covered policy is more likely than not to diminish
1973 the opportunity or ability of protected class members to
1974 participate in the political process and elect candidates of
1975 their choice or otherwise influence the outcome of elections; or

1976 b. The covered policy is more likely than not to violate
 1977 this act.

1978 2. If the FLVRA Commission denies preclearance, the
 1979 applicable covered jurisdiction may not enact or implement the
 1980 covered policy. The FLVRA Commission shall provide a written
 1981 explanation for a denial.

1982 (c) If the FLVRA Commission grants preclearance to a
 1983 covered policy, the covered jurisdiction may immediately enact
 1984 or implement the covered policy. A determination by the FLVRA
 1985 Commission to grant preclearance is not admissible in, and may
 1986 not be considered by, a court in any subsequent action
 1987 challenging the covered policy. If the FLVRA Commission fails to
 1988 deny or grant preclearance to a submitted covered policy within
 1989 the time periods set forth in paragraph (d), the covered policy
 1990 is deemed to be precleared, and the covered jurisdiction may
 1991 enact or implement the covered policy.

1992 (d) If a covered policy concerns the method of election
 1993 for a legislative body, districting or redistricting, the number
 1994 of seats on the legislative body, or annexation, incorporation,
 1995 dissolution, consolidation, or division of a local government,
 1996 the FLVRA Commission must review the covered policy, including
 1997 any comments submitted by members of the public, and make a
 1998 determination to deny or grant preclearance within 60 days after
 1999 the submission of the covered policy. The FLVRA Commission may
 2000 invoke up to two extensions of 90 days each to make such a

2001 determination. For all other covered policies, the FLVRA
2002 Commission shall review the covered policy, including any public
2003 comment, and make a determination to deny or grant preclearance
2004 within 30 days after the submission of the covered policy. The
2005 FLVRA Commission may invoke an extension of 60 days to make such
2006 a determination.

2007 (e) Any denial of preclearance under this section may be
2008 appealed only by the covered jurisdiction and must be filed in
2009 the Second Judicial Circuit. Other parties may not file an
2010 action to appeal a denial of preclearance or intervene in any
2011 such action brought by the covered jurisdiction.

2012 (7) If any covered jurisdiction enacts or implements any
2013 covered policy without obtaining preclearance for such covered
2014 policy in accordance with this section, any individual or entity
2015 aggrieved by such a violation, the director of the database and
2016 institute, the Attorney General, or the FLVRA Commission may
2017 file an action to enjoin enactment or implementation and seek
2018 sanctions against the covered jurisdiction for violations of
2019 this section. An entity aggrieved by a violation of this section
2020 includes, but is not limited to, any entity whose membership
2021 includes individuals aggrieved by this section or whose mission
2022 would be frustrated by a violation of this section, including,
2023 but not limited to, an entity that would expend or divest
2024 resources to fulfill its mission as a result of such violation
2025 or must expend greater resources or efforts to advocate before

2026 an elected body that is less responsive to the entity or its
2027 members due to the alleged violation. An entity may not be
2028 compelled to disclose the identity of any specific member to
2029 pursue a claim on behalf of its members. This section must be
2030 liberally construed to confer standing as broadly as the State
2031 Constitution allows. Such a claim may be filed pursuant to the
2032 Florida Rules of Civil Procedure or in the Second Judicial
2033 Circuit. A claim under this subsection does not preclude, bar,
2034 or limit in any way any other claims that may be brought
2035 regarding the covered policy, including claims brought under
2036 other sections of this act.

2037 (8) If the FLVRA Commission approves preclearance for a
2038 covered policy in violation of this section, identifies or fails
2039 to identify a list of local governments that are covered
2040 jurisdictions in violation of this section, or otherwise fails
2041 to properly implement this section, any individual or entity
2042 aggrieved by such a violation may file an action seeking
2043 appropriate relief, including, but not limited to, injunctive
2044 relief on the FLVRA Commission or any other party, as the court
2045 deems necessary to enforce this section. An entity aggrieved by
2046 a violation of this section includes, but is not limited to, any
2047 entity whose membership includes individuals aggrieved by this
2048 section or whose mission would be frustrated by a violation of
2049 this section, including, but not limited to, an entity that
2050 would expend or divest resources to fulfill its mission as a

2051 result of such violation or must expend greater resources or
 2052 efforts to advocate before an elected body that is less
 2053 responsive to the entity or its members due to the alleged
 2054 violation. An entity may not be compelled to disclose the
 2055 identity of any specific member to pursue a claim on behalf of
 2056 its members. This section must be liberally construed to confer
 2057 standing as broadly as the State Constitution allows. Such a
 2058 claim may be filed pursuant to the Florida Rules of Civil
 2059 Procedure or in the Second Judicial Circuit. A claim under this
 2060 subsection does not preclude, bar, or limit any other claims
 2061 that may be brought regarding any covered policy, including
 2062 claims brought under other sections of this act.

2063 (9) The FLVRA Commission shall adopt rules to implement
 2064 this section, including rules concerning the content of and
 2065 procedure for preclearance submission, procedures for public
 2066 comment and transparency regarding preclearance determinations,
 2067 and procedures for expedited and emergency preclearance
 2068 determinations which deviate from the timelines provided in
 2069 paragraph (6) (d), provided that such preclearance determinations
 2070 are preliminary.

2071 **Section 15. Section 97.26, Florida Statutes, is created to**
 2072 **read:**

2073 97.26 Voter intimidation, deception, and obstruction.—

2074 (1) A person may not, whether acting under color of law or
 2075 otherwise, engage in acts of intimidation, deception, or

2076 obstruction, or any other tactic that has the effect of or may
2077 reasonably have the effect of interfering with another person's
2078 right to vote.

2079 (2) A violation of subsection (1) includes any of the
2080 following:

2081 (a) The use of force or threats to use force, or the use
2082 of any other conduct to practice intimidation, which causes or
2083 will reasonably have the effect of causing interference with an
2084 individual's right to vote.

2085 (b) Knowingly using a deceptive or fraudulent device,
2086 contrivance, or communication that causes or will reasonably
2087 have the effect of causing interference with an individual's
2088 right to vote.

2089 (c) The obstruction of, impediment to, or interference
2090 with access to any early voting site, polling place, secure
2091 ballot intake station, or office of the supervisor of elections
2092 in a manner that causes or will reasonably have the effect of
2093 causing interference with an individual's right to vote or
2094 causing any delay in voting or the voting process.

2095 (3) (a) In any action to enforce this section, there is a
2096 rebuttable presumption that a person has violated this section
2097 if he or she openly carries or brandishes a firearm, an
2098 imitation firearm, a toy gun, a machete, an axe, a sword, or any
2099 weapon as defined in s. 790.001 while:

2100 1. Interacting with or observing any person voting or

2101 attempting to vote;

2102 2. Urging or aiding any person to vote or attempt to vote,
2103 whether as part of official election administration activities
2104 or unofficial activities; or

2105 3. Exercising any power or duty in administering
2106 elections, including, but not limited to, vote counting,
2107 canvassing, or certifying returns.

2108 (b) Law enforcement officers acting within the scope of
2109 their official duties are not subject to the presumption under
2110 paragraph (a), but a court may nonetheless consider a law
2111 enforcement officer's possession of a firearm in determining
2112 whether the officer violated this section.

2113 (4) Any individual or entity aggrieved by a violation of
2114 this section, the Attorney General, or the FLVRA Commission may
2115 file a civil action alleging a violation of this section. An
2116 entity aggrieved by a violation of this section includes, but is
2117 not limited to, any entity whose membership includes individuals
2118 aggrieved by this section or whose mission would be frustrated
2119 by a violation of this section, including, but not limited to,
2120 an entity that would expend or divest resources to fulfill its
2121 mission as a result of such violation or must expend greater
2122 resources or efforts to advocate before an elected body that is
2123 less responsive to the entity or its members due to the alleged
2124 violation. An entity may not be compelled to disclose the
2125 identity of any specific member to pursue a claim on behalf of

2126 its members. This section must be liberally construed to confer
2127 standing as broadly as the State Constitution allows. Such a
2128 claim may be filed pursuant to the Florida Rules of Civil
2129 Procedure or in the Second Judicial Circuit.

2130 (5) In addition to any remedies that may be imposed under
2131 s. 97.28, if the court finds a violation of this section, the
2132 court must order appropriate remedies that are tailored to
2133 addressing the violation, including, but not limited to,
2134 providing for additional time for individuals to vote in an
2135 election, a primary, or a referendum and awarding nominal
2136 damages for any violation and compensatory or punitive damages
2137 for any willful violation.

2138 **Section 16. Section 97.27, Florida Statutes, is created to**
2139 **read:**

2140 97.27 Democracy canon.—

2141 (1) Any provision of this code and any regulation,
2142 charter, home rule ordinance, or other enactment of the state or
2143 any local government relating to the right to vote must be
2144 liberally construed in favor of the rights enumerated in
2145 paragraphs (a)-(e), as follows:

2146 (a) Protecting the right to cast a ballot and make the
2147 ballot valid.

2148 (b) Ensuring eligible individuals seeking voter
2149 registration are not impaired in being registered.

2150 (c) Ensuring voters are not impaired in voting, including,

2151 but not limited to, having their votes counted.

2152 (d) Making the fundamental right to vote more accessible
2153 to eligible voters.

2154 (e) Ensuring equitable access for protected class members
2155 to opportunities to be registered to vote and to vote.

2156 (2) It is the policy of the state that courts should
2157 exercise their discretion on any issue, including, but not
2158 limited to, questions of discovery, procedure, admissibility of
2159 evidence, or remedies, in favor of the rights enumerated in
2160 paragraphs (1)(a)-(e) to the extent allowable by law.

2161 Furthermore, it is the policy of the state to promote the free
2162 flow of documents and information concerning the intent of
2163 public officials in actions concerning the right to vote.

2164 Accordingly, in any action under this act, the federal Voting
2165 Rights Act, or a voting-related claim under the State
2166 Constitution or the United States Constitution, sovereign,
2167 governmental, executive, legislative, or deliberative immunities
2168 and privileges, including any evidentiary privileges, may not be
2169 asserted. However, this section does not apply to any attorney-
2170 client or attorney work-product privileges.

2171 **Section 17. Section 97.28, Florida Statutes, is created to**
2172 **read:**

2173 97.28 Remedies.—

2174 (1) If a court finds a violation of this act, the court
2175 must order appropriate remedies that are tailored to address

2176 such violation and to ensure protected class members have
2177 equitable opportunities to fully participate in the political
2178 process and that the remedies can be implemented in a manner
2179 that will not unduly disrupt the administration of an ongoing or
2180 imminent election. Appropriate remedies include, but need not be
2181 limited to, any of the following:

2182 (a) Another method of election or changes to the existing
2183 method of election.

2184 (b) Elimination of staggered elections so that all members
2185 of the legislative body are elected at the same time.

2186 (c) Reasonably increasing the size of the legislative
2187 body.

2188 (d) Additional voting days or hours.

2189 (e) Additional polling places and early voting sites.

2190 (f) Additional opportunities to return ballots.

2191 (g) Holding special elections.

2192 (h) Expanded opportunities for voter registration.

2193 (i) Additional voter education.

2194 (j) The restoration or addition of individuals to registry
2195 lists.

2196 (k) Retaining jurisdiction for such a period of time as
2197 the court deems appropriate.

2198 (2) The court shall consider remedies proposed by any
2199 party to the action or by interested nonparties. The court may
2200 not give deference or priority to a proposed remedy because it

2201 is proposed by the state or local government.

2202 (3) If necessary to remedy a violation of this act, the
2203 court is empowered to require a local government to implement
2204 remedies that are inconsistent with any other law and any
2205 special act, charter or home rule ordinance, or other enactment
2206 of the state or local government.

2207 (4) Notwithstanding the Florida Rules of Civil Procedure
2208 or any other law, the court must grant a temporary injunction
2209 and any other preliminary relief requested under this section
2210 with respect to an upcoming election if the court determines
2211 that the party is more likely than not to succeed on the merits
2212 and that it is possible to implement an appropriate temporary
2213 remedy that would resolve the violation alleged under this
2214 section before the next general election.

2215 (5) In any action to enforce this act, the court shall
2216 award reasonable attorney fees and litigation costs, including,
2217 but not limited to, expert witness fees and expenses, to the
2218 party that filed an action, other than a state or local
2219 government, and that prevailed in such action. The party that
2220 filed the action is deemed to have prevailed when, as a result
2221 of litigation, the party against whom the action was filed has
2222 yielded some or all of the relief sought in the action. In the
2223 case of a party against whom an action was filed and who
2224 prevailed, the court may not award the party any costs unless
2225 the court finds the action to be frivolous, unreasonable, or

2226 without foundation.

2227 **Section 18. Paragraph (b) of subsection (4) of section**
 2228 **98.045, Florida Statutes, is amended to read:**

2229 98.045 Administration of voter registration.—

2230 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL
 2231 STREET ADDRESSES.—

2232 (b) The department shall make the statewide database of
 2233 valid street addresses available to the Department of Highway
 2234 Safety and Motor Vehicles as provided in s. 97.057(8) ~~s.~~
 2235 ~~97.057(10)~~. The Department of Highway Safety and Motor Vehicles
 2236 shall use the database for purposes of validating the legal
 2237 residential addresses provided in voter registration
 2238 applications received by the Department of Highway Safety and
 2239 Motor Vehicles.

2240 **Section 19. Subsections (1) and (2) of section 98.255,**
 2241 **Florida Statutes, are amended to read:**

2242 98.255 Voter education programs.—

2243 (1) The Department of State shall adopt rules prescribing
 2244 minimum standards for nonpartisan voter education. The standards
 2245 shall, at a minimum, address:

- 2246 (a) Voter registration;
- 2247 (b) Balloting procedures, by mail and polling place;
- 2248 (c) Voter rights and responsibilities;
- 2249 (d) Distribution of sample ballots; ~~and~~
- 2250 (e) Public service announcements; and

2251 (f) Plain writing standards consistent with official
2252 federal guidelines for the Plain Writing Act of 2010 and United
2253 States Election Assistance Commission best practices for
2254 designing effective voter education materials.

2255 (2) Each county supervisor shall implement the minimum
2256 voter education standards, and shall conduct additional
2257 nonpartisan education efforts as necessary to ensure that voters
2258 have a working knowledge of the voting process. This includes
2259 providing, as far as possible, public-facing voter information
2260 in plain language reasonably calculated to be understood by
2261 persons with an 8th grade reading level or lower.

2262 **Section 20. Section 100.51, Florida Statutes, is created**
2263 **to read:**

2264 100.51 General Election Day paid holiday.—In order to
2265 encourage civic participation, enable more individuals to serve
2266 as poll workers, and provide additional time for the resolution
2267 of any issue that arises while a voter is casting his or her
2268 ballot, General Election Day shall be a paid holiday. A voter is
2269 entitled to absent himself or herself from any service or
2270 employment in which he or she is engaged or employed during the
2271 time the polls are open on General Election Day. A voter who
2272 absents himself or herself under this section may not be
2273 penalized in any way, and a deduction may not be made from his
2274 or her usual salary or wages, on account of his or her absence.

2275 **Section 21. Section 101.016, Florida Statutes, is created**

2276 **to read:**

2277 101.016 Strategic elections equipment reserve.—The
 2278 Division of Elections shall maintain a strategic elections
 2279 equipment reserve of voting systems that may be deployed in the
 2280 event of an emergency as defined in s. 101.732 or upon the
 2281 occurrence of equipment capacity issues due to unexpected voter
 2282 turnout. The reserve must include tabulation equipment and any
 2283 other necessary equipment, including, but not limited to,
 2284 printers, which are in use by each supervisor of elections. In
 2285 lieu of maintaining a physical reserve of such equipment, the
 2286 division may contract with a vendor of voting equipment to
 2287 provide such equipment on an as-needed basis.

2288 **Section 22.** Section 101.019, Florida Statutes, is
 2289 repealed.

2290 **Section 23. Subsections (1) and (2) of section 101.048,**
 2291 **Florida Statutes, are amended to read:**

2292 101.048 Provisional ballots.—

2293 (1) At all elections, a voter claiming to be properly
 2294 registered in this ~~the~~ state and eligible to vote ~~at the~~
 2295 ~~precinct~~ in the election but whose eligibility cannot be
 2296 determined, a person whom an election official asserts is not
 2297 eligible, including, but not limited to, a person to whom notice
 2298 has been sent pursuant to s. 98.075(7), but for whom a final
 2299 determination of eligibility has not been made, and other
 2300 persons specified in the code shall be entitled to vote a

2301 | provisional ballot at any precinct in the county in which the
 2302 | voter claims to be registered. Once voted, the provisional
 2303 | ballot must be placed in a secrecy envelope and thereafter
 2304 | sealed in a provisional ballot envelope. The provisional ballot
 2305 | must be deposited in a ballot box. All provisional ballots must
 2306 | remain sealed in their envelopes for return to the supervisor of
 2307 | elections. The department shall prescribe the form of the
 2308 | provisional ballot envelope. A person casting a provisional
 2309 | ballot has the right to present written evidence supporting his
 2310 | or her eligibility to vote to the supervisor of elections by not
 2311 | later than 5 p.m. on the second day following the election.

2312 | (2) (a) The county canvassing board shall examine each
 2313 | Provisional Ballot Voter's Certificate and Affirmation to
 2314 | determine if the person voting that ballot was entitled to vote
 2315 | in the county in which ~~at the precinct where~~ the person cast a
 2316 | vote in the election and that the person had not already cast a
 2317 | ballot in the election. In determining whether a person casting
 2318 | a provisional ballot is entitled to vote, the county canvassing
 2319 | board shall review the information provided in the Voter's
 2320 | Certificate and Affirmation, written evidence provided by the
 2321 | person pursuant to subsection (1), information provided in any
 2322 | cure affidavit and accompanying supporting documentation
 2323 | pursuant to subsection (6), any other evidence presented by the
 2324 | supervisor, and, in the case of a challenge, any evidence
 2325 | presented by the challenger. A ballot of a person casting a

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2326 provisional ballot must ~~shall~~ be canvassed pursuant to paragraph
2327 (b) unless the canvassing board determines by a preponderance of
2328 the evidence that the person was not entitled to vote.

2329 (b) If it is determined that the person was registered and
2330 entitled to vote in the county in which ~~at the precinct where~~
2331 the person cast a vote in the election, the canvassing board
2332 must compare the signature on the Provisional Ballot Voter's
2333 Certificate and Affirmation or the provisional ballot cure
2334 affidavit with the signature on the voter's registration or
2335 precinct register. A provisional ballot may be counted only if:

2336 1. The signature on the voter's certificate or the cure
2337 affidavit matches the elector's signature in the registration
2338 books or the precinct register; however, in the case of a cure
2339 affidavit, the supporting identification listed in subsection
2340 (6) must also confirm the identity of the elector; or

2341 2. The cure affidavit contains a signature that does not
2342 match the elector's signature in the registration books or the
2343 precinct register, but the elector has submitted a current and
2344 valid Tier 1 form of identification confirming his or her
2345 identity pursuant to subsection (6).

2346

2347 For purposes of this paragraph, any canvassing board finding
2348 that signatures do not match must be by majority vote and beyond
2349 a reasonable doubt.

2350 (c) Any provisional ballot not counted must remain in the

2351 envelope containing the Provisional Ballot Voter's Certificate
 2352 and Affirmation, and the envelope must ~~shall~~ be marked "Rejected
 2353 as Illegal."

2354 (d) If a provisional ballot is validated following the
 2355 submission of a cure affidavit, the supervisor must make a copy
 2356 of the affidavit, affix it to a voter registration application,
 2357 and immediately process it as a valid request for a signature
 2358 update pursuant to s. 98.077.

2359 **Section 24. Paragraph (a) of subsection (1) and paragraphs**
 2360 **(c) and (d) of subsection (3) of section 101.62, Florida**
 2361 **Statutes, are amended, and subsection (7) is added to that**
 2362 **section, to read:**

2363 101.62 Request for vote-by-mail ballots.—

2364 (1) REQUEST.—

2365 (a) The supervisor shall accept a request for a vote-by-
 2366 mail ballot only from a voter or, if directly instructed by the
 2367 voter, a member of the voter's immediate family or the voter's
 2368 legal guardian. A request may be made in person, in writing, by
 2369 telephone, or through the supervisor's website. The department
 2370 shall prescribe by rule by October 1, 2023, a uniform statewide
 2371 application to make a written request for a vote-by-mail ballot
 2372 which includes fields for all information required in this
 2373 subsection. One request is deemed sufficient to receive a vote-
 2374 by-mail ballot for all elections until the voter or the voter's
 2375 designee notifies the supervisor that the voter cancels such

2376 ~~request through the end of the calendar year of the next~~
2377 ~~regularly scheduled general election,~~ unless the voter or the
2378 voter's designee indicates at the time the request is made the
2379 elections ~~within such period~~ for which the voter desires to
2380 receive a vote-by-mail ballot. The supervisor must cancel a
2381 request for a vote-by-mail ballot when any first-class mail or
2382 nonforwardable mail sent by the supervisor to the voter is
2383 returned as undeliverable. If the voter requests a vote-by-mail
2384 ballot thereafter, the voter must provide or confirm his or her
2385 current residential address.

2386 (3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

2387 (c) Except as otherwise provided in paragraph (a) or
2388 paragraph (b), the supervisor shall mail vote-by-mail ballots
2389 within 2 business days after receiving a request for such a
2390 ballot, but no later than the 11th ~~10th~~ day before election day.
2391 The deadline to submit a request for a ballot to be mailed is 5
2392 p.m. local time on the 12th day before an upcoming election.

2393 (d) Upon a request for a vote-by-mail ballot, the
2394 supervisor shall provide a vote-by-mail ballot to each voter by
2395 whom a request for that ballot has been made, by one of the
2396 following means:

2397 1. By nonforwardable, return-if-undeliverable mail to the
2398 voter's current mailing address on file with the supervisor or
2399 any other address the voter specifies in the request. The
2400 envelopes must be prominently marked "Do Not Forward."

2401 2. By forwardable mail, e-mail, or facsimile machine
2402 transmission to absent uniformed services voters and overseas
2403 voters. The absent uniformed services voter or overseas voter
2404 may designate in the vote-by-mail ballot request the preferred
2405 method of transmission. If the voter does not designate the
2406 method of transmission, the vote-by-mail ballot must be mailed.

2407 3. By personal delivery to the voter after vote-by-mail
2408 ballots have been mailed and up to 7 p.m. on election day upon
2409 presentation of the identification required in s. 101.043.

2410 4. By delivery to the voter's designee after vote-by-mail
2411 ballots have been mailed and up to 7 p.m. on election day. Any
2412 voter may designate in writing a person to pick up the ballot
2413 for the voter; ~~however, the person designated may not pick up~~
2414 ~~more than two vote-by-mail ballots per election, other than the~~
2415 ~~designee's own ballot, except that additional ballots may be~~
2416 ~~picked up for members of the designee's immediate family. The~~
2417 ~~designee shall provide to the supervisor the written~~
2418 ~~authorization by the voter and a picture identification of the~~
2419 ~~designee and must complete an affidavit. The designee shall~~
2420 ~~state in the affidavit that the designee is authorized by the~~
2421 ~~voter to pick up that ballot and shall indicate if the voter is~~
2422 ~~a member of the designee's immediate family and, if so, the~~
2423 ~~relationship. The department shall prescribe the form of the~~
2424 ~~affidavit. If the supervisor is satisfied that the designee is~~
2425 ~~authorized to pick up the ballot and that the signature of the~~

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2426 ~~voter on the written authorization matches the signature of the~~
2427 ~~voter on file, the supervisor must give the ballot to that~~
2428 ~~designee for delivery to the voter.~~

2429 5. Except as provided in s. 101.655, the supervisor may
2430 not deliver a vote-by-mail ballot to a voter or a voter's
2431 designee pursuant to subparagraph 3. or subparagraph 4.,
2432 respectively, during the mandatory early voting period and up to
2433 7 p.m. on election day, unless there is an emergency, to the
2434 extent that the voter will be unable to go to a designated early
2435 voting site in his or her county or to his or her assigned
2436 polling place on election day. If a vote-by-mail ballot is
2437 delivered, the voter or his or her designee must execute an
2438 affidavit affirming to the facts which allow for delivery of the
2439 vote-by-mail ballot. The department shall adopt a rule providing
2440 for the form of the affidavit.

2441 (7) DEADLINE EXTENSION.—If a deadline under this section
2442 falls on a day when the office of the supervisor is scheduled to
2443 be closed, the deadline must be extended until the next business
2444 day.

2445 **Section 25. Paragraph (a) of subsection (1) and**
2446 **subsections (2) and (4) of section 101.64, Florida Statutes, are**
2447 **amended to read:**

2448 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

2449 (1) (a) The supervisor shall enclose with each vote-by-mail
2450 ballot two envelopes: a secrecy envelope, into which the absent

2451 voter must ~~elector shall~~ enclose his or her marked ballot; and a
 2452 postage prepaid mailing envelope, into which the absent voter
 2453 must ~~elector shall~~ then place the secrecy envelope, which must
 2454 ~~shall~~ be addressed to the supervisor and also bear on the back
 2455 side a certificate in substantially the following form:

2456 Note: Please Read Instructions Carefully Before
 2457 Marking Ballot and Completing Voter's Certificate.

2458 VOTER'S CERTIFICATE

2459 I,, do solemnly swear or affirm that I am a qualified
 2460 and registered voter of County, Florida, and that I have
 2461 not and will not vote more than one ballot in this election. I
 2462 understand that if I commit or attempt to commit any fraud in
 2463 connection with voting, vote a fraudulent ballot, or vote more
 2464 than once in an election, I can be convicted of a felony of the
 2465 third degree and fined up to \$5,000 and/or imprisoned for up to
 2466 5 years. I also understand that failure to sign this certificate
 2467 will invalidate my ballot.

2468 ... (Date) ...

2469 ... (Voter's Signature or Last Four Digits of Social Security
 2470 Number) ...

2471 ... (E-Mail Address) (Home Telephone Number) ...

2472 ... (Mobile Telephone Number) ...

2473 (2) The certificate must ~~shall~~ be arranged on the back of
 2474 the mailing envelope so that the line for the signature or last
 2475 four digits of the social security number of the voter ~~absent~~

2476 ~~elector~~ is across the seal of the envelope; however, a ~~no~~
 2477 statement may not ~~shall~~ appear on the envelope which indicates
 2478 that a signature or the last four digits of the social security
 2479 number of the voter must cross the seal of the envelope. The
 2480 voter must ~~absent elector shall~~ execute the certificate on the
 2481 envelope.

2482 (4) The supervisor shall mark, code, indicate on, or
 2483 otherwise track the precinct of the voter ~~absent elector~~ for
 2484 each vote-by-mail ballot.

2485 **Section 26. Section 101.65, Florida Statutes, is amended**
 2486 **to read:**

2487 101.65 Instructions to absent electors.—The supervisor
 2488 shall enclose with each vote-by-mail ballot separate printed
 2489 instructions in substantially the following form; however, where
 2490 the instructions appear in capitalized text, the text of the
 2491 printed instructions must be in bold font:

2492
 2493 READ THESE INSTRUCTIONS CAREFULLY
 2494 BEFORE MARKING BALLOT.
 2495

2496 1. VERY IMPORTANT. In order to ensure that your vote-by-
 2497 mail ballot will be counted, it should be completed and returned
 2498 as soon as possible so that it can reach the supervisor of
 2499 elections of the county in which your precinct is located no
 2500 later than 7 p.m. on the day of the election. However, if you

2501 are an overseas voter casting a ballot in a presidential
2502 preference primary or general election, your vote-by-mail ballot
2503 must be postmarked or dated no later than the date of the
2504 election and received by the supervisor of elections of the
2505 county in which you are registered to vote no later than 10 days
2506 after the date of the election. Note that the later you return
2507 your ballot, the less time you will have to cure any signature
2508 deficiencies, which may cause your ballot not to be counted ~~is~~
2509 ~~authorized until 5 p.m. on the 2nd day after the election.~~

2510 2. Mark your ballot in secret as instructed on the ballot.
2511 You must mark your own ballot unless you are unable to do so
2512 because of blindness, disability, or inability to read or write.

2513 3. Mark only the number of candidates or issue choices for
2514 a race as indicated on the ballot. If you are allowed to "Vote
2515 for One" candidate and you vote for more than one candidate,
2516 your vote in that race will not be counted.

2517 4. Place your marked ballot in the enclosed secrecy
2518 envelope.

2519 5. Insert the secrecy envelope into the enclosed mailing
2520 envelope which is addressed to the supervisor.

2521 6. Seal the mailing envelope and completely fill out the
2522 Voter's Certificate on the back of the mailing envelope.

2523 7. VERY IMPORTANT. In order for your vote-by-mail ballot
2524 to be counted, you must sign your name or print the last four
2525 digits of your social security number on the line above (Voter's

2526 Signature or Last Four Digits of Social Security Number). A
2527 vote-by-mail ballot will be considered illegal and not be
2528 counted if the signature or the last four digits of the social
2529 security number on the voter's certificate do ~~does~~ not match the
2530 signature or social security number on record. The signature on
2531 file at the time the supervisor of elections in the county in
2532 which your precinct is located receives your vote-by-mail ballot
2533 is the signature that will be used to verify your signature on
2534 the voter's certificate. If you need to update your signature
2535 for this election, send your signature update on a voter
2536 registration application to your supervisor of elections ~~so that~~
2537 ~~it is received before your vote-by-mail ballot is received.~~

2538 8. VERY IMPORTANT. If you are an overseas voter, you must
2539 include the date you signed the Voter's Certificate or printed
2540 the last four digits of your social security number on the line
2541 above (Date) or your ballot may not be counted.

2542 9. Mail, deliver, or have delivered the completed mailing
2543 envelope. Be sure there is sufficient postage if mailed. THE
2544 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
2545 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
2546 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE
2547 STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

2548 10. FELONY NOTICE. It is a felony under Florida law to
2549 accept any gift, payment, or gratuity in exchange for your vote
2550 for a candidate. It is also a felony under Florida law to vote

2551 in an election using a false identity or false address, or under
2552 any other circumstances making your ballot false or fraudulent.

2553 **Section 27. Paragraphs (a) and (b) of subsection (1),**
2554 **paragraph (c) of subsection (2), and paragraphs (a), (c), and**
2555 **(d) of subsection (4) of section 101.68, Florida Statutes, are**
2556 **amended to read:**

2557 101.68 Canvassing of vote-by-mail ballot.—

2558 (1) (a) The supervisor of the county where the absent
2559 elector resides shall receive the voted ballot, at which time
2560 the supervisor shall compare the signature or the last four
2561 digits of the social security number of the elector on the
2562 voter's certificate with the signature or the last four digits
2563 of the social security number of the elector in the registration
2564 books or the precinct register to determine whether the elector
2565 is duly registered in the county and must record on the
2566 elector's registration record that the elector has voted. During
2567 the signature comparison process, the supervisor may not use any
2568 knowledge of the political affiliation of the elector whose
2569 signature is subject to verification.

2570 (b) An elector who dies after casting a vote-by-mail
2571 ballot but on or before election day must ~~shall~~ remain listed in
2572 the registration books until the results have been certified for
2573 the election in which the ballot was cast. The supervisor shall
2574 safely keep the ballot unopened in his or her office until the
2575 county canvassing board canvasses the vote pursuant to

2576 subsection (2).
 2577 (2)
 2578 (c)1. The canvassing board must, if the supervisor has not
 2579 already done so, compare the signature or the last four digits
 2580 of the social security number of the elector on the voter's
 2581 certificate or on the vote-by-mail ballot cure affidavit as
 2582 provided in subsection (4) with the signature or last four
 2583 digits of the social security number of the elector in the
 2584 registration books or the precinct register to see that the
 2585 elector is duly registered in the county and to determine the
 2586 legality of that vote-by-mail ballot. A vote-by-mail ballot may
 2587 only be counted if:
 2588 a. The signature or last four digits of the social
 2589 security number on the voter's certificate or the cure affidavit
 2590 match ~~matches~~ the elector's signature or last four digits of the
 2591 social security number in the registration books or precinct
 2592 register; however, in the case of a cure affidavit, the
 2593 supporting identification listed in subsection (4) must also
 2594 confirm the identity of the elector; or
 2595 b. The cure affidavit contains a signature or the last
 2596 four digits of a social security number which do ~~that does~~ not
 2597 match the elector's signature or last four digits of the social
 2598 security number in the registration books or precinct register,
 2599 but the elector has submitted a current and valid Tier 1
 2600 identification pursuant to subsection (4) which confirms the

2601 identity of the elector.

2602

2603 For purposes of this subparagraph, any canvassing board finding
2604 that an elector's signatures or last four digits of the
2605 elector's social security number do not match must be by
2606 majority vote and beyond a reasonable doubt.

2607 2. The ballot of an elector who casts a vote-by-mail
2608 ballot shall be counted even if the elector dies on or before
2609 election day, as long as, before the death of the voter, the
2610 ballot was postmarked by the United States Postal Service, date-
2611 stamped with a verifiable tracking number by a common carrier,
2612 or already in the possession of the supervisor.

2613 3. A vote-by-mail ballot is not considered illegal if the
2614 signature or last four digits of the social security number of
2615 the elector do ~~does~~ not cross the seal of the mailing envelope.

2616 4. ~~If any elector or candidate present believes that a~~
2617 ~~vote-by-mail ballot is illegal due to a defect apparent on the~~
2618 ~~voter's certificate or the cure affidavit, he or she may, at any~~
2619 ~~time before the ballot is removed from the envelope, file with~~
2620 ~~the canvassing board a protest against the canvass of that~~
2621 ~~ballot, specifying the precinct, the voter's certificate or the~~
2622 ~~cure affidavit, and the reason he or she believes the ballot to~~
2623 ~~be illegal. A challenge based upon a defect in the voter's~~
2624 ~~certificate or cure affidavit may not be accepted after the~~
2625 ~~ballot has been removed from the mailing envelope.~~

2626 ~~5.~~ If the canvassing board determines that a ballot is
 2627 illegal, a member of the board must, without opening the
 2628 envelope, mark across the face of the envelope: "rejected as
 2629 illegal." The cure affidavit, if applicable, the envelope, and
 2630 the ballot therein must ~~shall~~ be preserved in the manner that
 2631 official ballots are preserved.

2632 (4) (a) As soon as practicable, the supervisor shall, on
 2633 behalf of the county canvassing board, attempt to notify an
 2634 elector who has returned a vote-by-mail ballot that does not
 2635 include the elector's signature or last four digits of the
 2636 elector's social security number or contains a signature or the
 2637 last four digits of a social security number that do ~~does~~ not
 2638 match the elector's signature or last four digits of the
 2639 elector's social security number in the registration books or
 2640 precinct register by:

2641 1. Notifying the elector of the signature or last four
 2642 digits of the social security number deficiency by e-mail and
 2643 directing the elector to the cure affidavit and instructions on
 2644 the supervisor's website;

2645 2. Notifying the elector of the signature or last four
 2646 digits of the social security number deficiency by text message
 2647 and directing the elector to the cure affidavit and instructions
 2648 on the supervisor's website; or

2649 3. Notifying the elector of the signature or last four
 2650 digits of the social security number deficiency by telephone and

2651 directing the elector to the cure affidavit and instructions on
 2652 the supervisor's website.

2653
 2654 In addition to the notification required under subparagraph 1.,
 2655 subparagraph 2., or subparagraph 3., the supervisor must notify
 2656 the elector of the signature or last four digits of the social
 2657 security number deficiency by first-class mail and direct the
 2658 elector to the cure affidavit and instructions on the
 2659 supervisor's website. Beginning the day before the election, the
 2660 supervisor is not required to provide notice of the signature
 2661 deficiency by first-class mail, but shall continue to provide
 2662 notice as required under subparagraph 1., subparagraph 2., or
 2663 subparagraph 3.

2664 (c) The elector must complete a cure affidavit in
 2665 substantially the following form:

2666
 2667 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

2668
 2669 I,, am a qualified voter in this election and
 2670 registered voter of County, Florida. I do solemnly swear or
 2671 affirm that I requested and returned the vote-by-mail ballot and
 2672 that I have not and will not vote more than one ballot in this
 2673 election. I understand that if I commit or attempt any fraud in
 2674 connection with voting, vote a fraudulent ballot, or vote more
 2675 than once in an election, I may be convicted of a felony of the

2676 | third degree and fined up to \$5,000 and imprisoned for up to 5
 2677 | years. I understand that my failure to sign this affidavit means
 2678 | that my vote-by-mail ballot will be invalidated.

2679 |
 2680 | ... (Voter's Signature or Last Four Digits of Social Security
 2681 | Number) ...

2682 | ... (Address) ...

2683 |
 2684 | (d) Instructions must accompany the cure affidavit in
 2685 | substantially the following form:

2686 |
 2687 | READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 2688 | AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 2689 | BALLOT NOT TO COUNT.

2690 |
 2691 | 1. In order to ensure that your vote-by-mail ballot will
 2692 | be counted, your affidavit should be completed and returned as
 2693 | soon as possible so that it can reach the supervisor of
 2694 | elections of the county in which your precinct is located no
 2695 | later than 5 p.m. on the 2nd day after the election.

2696 | 2. You must sign your name or print the last four digits
 2697 | of your social security number on the line above (Voter's
 2698 | Signature or Last Four Digits of Social Security Number).

2699 | 3. You must make a copy of one of the following forms of
 2700 | identification:

2701 a. Tier 1 identification.—Current and valid identification
 2702 that includes your name and photograph: Florida driver license;
 2703 Florida identification card issued by the Department of Highway
 2704 Safety and Motor Vehicles; United States passport; debit or
 2705 credit card; military identification; student identification;
 2706 retirement center identification; neighborhood association
 2707 identification; public assistance identification; veteran health
 2708 identification card issued by the United States Department of
 2709 Veterans Affairs; a Florida license to carry a concealed weapon
 2710 or firearm; or an employee identification card issued by any
 2711 branch, department, agency, or entity of the Federal Government,
 2712 the state, a county, or a municipality; or

2713 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
 2714 FORM OF IDENTIFICATION, identification that shows your name and
 2715 current residence address: current utility bill, bank statement,
 2716 government check, paycheck, or government document (excluding
 2717 voter information card).

2718 4. Place the envelope bearing the affidavit into a mailing
 2719 envelope addressed to the supervisor. Insert a copy of your
 2720 identification in the mailing envelope. Mail (if time permits),
 2721 deliver, or have delivered the completed affidavit along with
 2722 the copy of your identification to your county supervisor of
 2723 elections. Be sure there is sufficient postage if mailed and
 2724 that the supervisor's address is correct. Remember, your
 2725 information MUST reach your county supervisor of elections no

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2726 later than 5 p.m. on the 2nd day after the election, or your
2727 ballot will not count.

2728 5. Alternatively, you may fax or e-mail your completed
2729 affidavit and a copy of your identification to the supervisor of
2730 elections. If e-mailing, please provide these documents as
2731 attachments.

2732 **Section 28. Section 101.69, Florida Statutes, is amended**
2733 **to read:**

2734 101.69 Voting in person; return of vote-by-mail ballot.—

2735 (1) The provisions of this code may ~~shall~~ not be construed
2736 to prohibit any voter ~~elector~~ from voting in person at the
2737 voter's ~~elector's~~ precinct on the day of an election or at an
2738 early voting site, notwithstanding that the voter ~~elector~~ has
2739 requested a vote-by-mail ballot for that election. A voter ~~An~~
2740 ~~elector~~ who has returned a voted vote-by-mail ballot to the
2741 supervisor, however, is deemed to have cast his or her ballot
2742 and is not entitled to vote another ballot or to have a
2743 provisional ballot counted by the county canvassing board. A
2744 voter ~~An elector~~ who has received a vote-by-mail ballot and has
2745 not returned the voted ballot to the supervisor, but desires to
2746 vote in person, shall return the ballot, whether voted or not,
2747 to the election board in the voter's ~~elector's~~ precinct or to an
2748 early voting site. The returned ballot must ~~shall~~ be marked
2749 "canceled" by the board and placed with other canceled ballots.
2750 However, if the voter ~~elector~~ does not return the ballot and the

2751 election official:

2752 (a) Confirms that the supervisor has received the voter's
2753 ~~elector's~~ vote-by-mail ballot, the voter may ~~elector shall~~ not
2754 be allowed to vote in person. If the voter ~~elector~~ maintains
2755 that he or she has not returned the vote-by-mail ballot or
2756 remains eligible to vote, the voter must ~~elector shall~~ be
2757 provided a provisional ballot as provided in s. 101.048.

2758 (b) Confirms that the supervisor has not received the
2759 voter's ~~elector's~~ vote-by-mail ballot, the voter must ~~elector~~
2760 ~~shall~~ be allowed to vote in person as provided in this code. The
2761 voter's ~~elector's~~ vote-by-mail ballot, if subsequently received,
2762 may shall not be counted and must shall remain in the mailing
2763 envelope, and the envelope must shall be marked "Rejected as
2764 Illegal."

2765 (c) Cannot determine whether the supervisor has received
2766 the voter's ~~elector's~~ vote-by-mail ballot, the voter ~~elector~~ may
2767 vote a provisional ballot as provided in s. 101.048.

2768 (2) (a) The supervisor shall allow a voter ~~an elector~~ who
2769 has received a vote-by-mail ballot to physically return a voted
2770 vote-by-mail ballot to the supervisor by placing the return mail
2771 envelope containing his or her marked ballot in a secure ballot
2772 intake station. Secure ballot intake stations must shall be
2773 placed at the main office of the supervisor, at each permanent
2774 branch office of the supervisor which meets the criteria set
2775 forth in s. 101.657(1) (a) for branch offices used for early

2776 voting and which is open for at least the minimum number of
2777 hours prescribed by s. 98.015(4), and at each early voting site.
2778 Secure ballot intake stations may also be placed at any other
2779 site that would otherwise qualify as an early voting site under
2780 s. 101.657(1). Secure ballot intake stations must be
2781 geographically located so as to provide all voters in the county
2782 with an equal opportunity to cast a ballot, insofar as is
2783 practicable. ~~Except for secure ballot intake stations at an~~
2784 ~~office of the supervisor, a secure ballot intake station may~~
2785 ~~only be used during the county's early voting hours of operation~~
2786 ~~and must be monitored in person by an employee of the~~
2787 ~~supervisor's office.~~ A secure ballot intake station at an office
2788 of the supervisor must be ~~continuously~~ monitored ~~in person~~ by an
2789 ~~employee~~ of the supervisor's office when the secure ballot
2790 intake station is accessible for deposit of ballots.

2791 (b) A supervisor shall designate each secure ballot intake
2792 station location at least 30 days before an election. The
2793 supervisor shall provide the address of each secure ballot
2794 intake station location to the division at least 30 days before
2795 an election. After a secure ballot intake station location has
2796 been designated, it may not be moved or changed except as
2797 approved by the division to correct a violation of this
2798 subsection.

2799 (c)1. On each day of early voting, all secure ballot
2800 intake stations must be emptied at the end of early voting hours

2801 and all ballots retrieved from the secure ballot intake stations
 2802 must be returned to the supervisor's office.

2803 2. For secure ballot intake stations located at an office
 2804 of the supervisor, all ballots must be retrieved before the
 2805 secure ballot intake station is no longer monitored by ~~an~~
 2806 ~~employee~~ of the supervisor.

2807 3. Employees of the supervisor must comply with procedures
 2808 for the chain of custody of ballots as required by s.
 2809 101.015(4).

2810 ~~(3) If any secure ballot intake station is left accessible~~
 2811 ~~for ballot receipt other than as authorized by this section, the~~
 2812 ~~supervisor is subject to a civil penalty of \$25,000. The~~
 2813 ~~division is authorized to enforce this provision.~~

2814 **Section 29. Subsection (1) of section 104.42, Florida**
 2815 **Statutes, is amended to read:**

2816 104.42 Fraudulent registration and illegal voting;
 2817 investigation.—

2818 (1) The supervisor of elections is authorized to
 2819 investigate fraudulent registrations and illegal voting and to
 2820 report his or her findings to the local state attorney ~~and the~~
 2821 ~~Office of Election Crimes and Security.~~

2822 **Section 30.** This act shall take effect July 1, 2025.