sale of wood, lumber and similar home grown materials by the Florida state prison, which from time to time have been placed in the state treasury by the state prison in an account known as the state prison farm reforestation and pasture account, be and the same are hereby placed in the general revenue fund, and any additional funds derived from the sale of wood, lumber and similar home grown materials at the prison shall be placed in the general revenue fund.

Became a Law Without the Governor’s Approval.

Filed in Office Secretary of State June 11, 1951.

CHAPTER 26870—(No. 391)

HOUSE BILL NO. 300

AN ACT Creating the Election Code of 1951, Amending and Revising Chapters 97, 98, 99, 100, 101, 102, 103, 104 Relating to Qualification and Registration of Electors; Registration Officers and Procedures; Candidates, Campaign Expenses and Contesting Elections; Elections: General, Primary, Special, Bond and Referendum; Voting; Conducting and Canvassing Results of Elections; Presidential Electors, Political Parties, Executive Committees and Members; Providing Penalties; and Repealing Chapters 105, 106 and 875.

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

Section 1. Chapter 97, Florida Statutes, is amended to read:

CHAPTER 97

QUALIFICATION AND REGISTRATION OF ELECTORS

97.011 Short title.—All chapters in this revision, including chapters 97 to 104 inclusive, are cited as “THE ELECTION CODE OF 1951”.

97.021 Definitions.—The following words and phrases when used in this code shall be construed:

(1) “Primary election” means election held preceding the general election, for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state or county
office. The first primary is a nomination or elimination election, the second primary is a nominating election only.

(2) "General election" means an election held on the first Tuesday after the first Monday in November in the even number of years, for the purpose of voting on party nominees for national, state or county offices and for voting on constitutional amendments as proposed by the legislature.

(3) "Special primary election" is a special called nomination election designated by the governor, for the purpose of nominating a party nominee to be voted on in a general or special general election.

(4) "Special general election" is a special called election for the purpose of voting on a party nominee to fill a vacancy in the national, state or county office.

(5) "Elector" as used throughout this code is synonymous with the word "voter" or "qualified elector or voter".

(6) (a) Any group of citizens may organize as a political party" if the general purpose of the organization is for election to office of qualified persons, and the determination of public issues under the accepted democratic processes of the United States of America.

(b) Any such group may be recognized as a political party which on January 1 preceding a primary election has registered to vote as members more than five percent of the total registered electors of the state. Such political party shall nominate its candidates for elective offices to be voted for in the next general election, in the primary and in no other manner except to fill vacancies in nomination as otherwise provided.

(c) A minority political party is any such group as defined above which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state.

(7) Wherever the word "supervisor" is used it shall mean the supervisor of registration.

97.031 Registration prerequisite to voting.—No person whose name is not on the registration books is permitted to vote in any election.
97.041 Qualifications to register.—Any person twenty-one years of age, at the time of registration, upon proof of his birth date, who is a citizen of the United States, a permanent resident living in Florida for one year and residing in the county where he wishes to register for six months, is eligible to register with the supervisor when the registration books are open. Naturalized citizens must present to the registration officer a certificate of naturalization or certified copy thereof. The following persons are not entitled to vote:

1. Persons not registered.
2. Persons under guardianship or confined in any state prison.
3. Persons insane or idiotic.
4. Persons convicted of any felony by any court of record and whose civil rights have not been restored.
5. Persons convicted of bribery, perjury, larceny or any infamous crime in this or other states, or interested in any wager depending on the result of any election.

97.051 Oath and identification of elector for registration.—A person making application for registration as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of Florida; that I am twenty-one years old, a resident of Florida for one year and of this county for six months; that I am a citizen of the United States and qualified to vote under the Constitution and Laws of the State." The person must also state under oath, to be administered by the registration officer, whether he is registered in any other jurisdiction. If he answers affirmatively, the registration officer shall notify the supervisor in that jurisdiction to cancel the prior registration. He shall also give a sufficient description of himself as to reasonably identify his person.

97.061 Registration; physical disability; illiteracy.—

(1) A person shall be registered without charge upon furnishing the supervisor with information required by law as prescribed by the secretary of state under authority of §98.111 and after being duly sworn by the supervisor and signing the registration books.

(2) If an elector is unable to mark his ballot or sign his name,
the registering officer shall sign the elector's name and enter his reasons upon the register.

(3) (a) If physical infirmity is reason for inability to write he shall state that fact.

(b) If illiteracy is claimed as reason for inability to write upon the registration book, identification slip or ballot, then upon submitting satisfactory proof that the person cannot write his own name, the applicant may be allowed to mark the registration book, identification slip or ballot by using the "X" mark as means of writing his signature. The supervisor shall, in addition to entering that fact on the books, enter a full description of the person, giving his height, approximate weight, color, complexion and color of eyes.

(c) Any person now registered as an illiterate shall comply with this section before January first, 1954. The purpose of this procedure is to obtain accurate information concerning those who are actually illiterate and not merely claim illiteracy for the purpose of registering as illiterate.

97.062 Registration; special armed service preregistration book. —Any person subject to be called for military duty in the service of his country who has received orders or induction papers, or is already inducted or enlisted, and is a citizen of the state of Florida and under the age of twenty-one years, and who will be eligible to vote in any primary, general, school, municipal or special election when he reaches the age of twenty-one years, may make application to the supervisor of registration of the county of his legal residence, presenting at the time evidence to show that he is about to be inducted into the military service, has received orders to report, or is already inducted or enlisted into the armed service, and enter his name on a special registration book of the precinct of his or her residence by filling out the following affidavit:

AFFIDAVIT

.................. being first duly sworn upon oath says that he is a citizen of the United States; that he is about to be called into the military service of his country; that he is now ........ years of age; that his legal residence is ............ County of the State of Florida; that he will be twenty-one years of age on the ............ day of ............ 195..., and will then be
eligible to vote in election precinct No. .........., or .......... ward in the city of ..................., county of .............; that he may not be able to appear personally and register when he becomes twenty-one years of age because of absence from the state on military duty; that he is not and will not be registered in any other county or state at this time; that his full name is ......................; that he was born on .............. and that he is .......... feet and .......... inches tall, and weighs .......... pounds; that he has been a legal resident of the State of Florida more than twelve months and of the county of .......... for more than six months, last past; that his party affiliation is ................ and that he desires the supervisor of registration of .......... county to enter his name in the registration books of his precinct when he becomes twenty-one years of age; that his precinct and the date he becomes twenty-one years of age are correctly recited herein, and that this application and affidavit are made for this purpose and no other purpose.

Signature of Applicant

Sworn to and subscribed before me this .......... day of .......... A.D. 19 .......

Supervisor of Registration.

Upon filing the application and affidavit the supervisor of registration shall hold such application and affidavit until the applicant becomes twenty-one years of age. When such applicant has attained the age of twenty-one years and is eligible to vote, the supervisor of registration is directed to enter such application on the legal registration books of his precinct or ward, and forward to such applicant a certificate of registration which shall be evidence of his official registration to vote in all general, primary, school, municipal or special elections.

The supervisor of registration shall keep a separate armed service special preregistration book in which only the names of members of armed services who register under this special provision prior to induction or after induction and prior to becoming twenty-one years of age, shall be entered. Registration in this special armed service preregistration book shall be sufficient registration
when the registrant becomes twenty-one years of age, and upon receipt of the certificate of registration to vote registrant shall be qualified as any other regularly registered elector.

97.071 Registration certificate.—A certificate of registration shall be furnished each registered elector upon registering, containing a statement of: the precinct or district number where registered, full name, place of residence, sex, age, state or country of nativity, party affiliation, occupation, color, freeholder status, date of registration and signature of the registration officer. The certificate of registration is in substantially the following form:

REGISTRATION CERTIFICATE NO. ..............
State of Florida

Precinct or District No............

The bearer .................................. is at the date hereof a qualified elector in the above precinct-district. He resides at ........................................, sex ................., is...... years of age, state or country of nativity ................., political party affiliation ................................, by occupation a ......................................... his color is .................., freeholder status .................. and is entered to vote in said precinct, unless hereinafter disqualified.

Registered on this ........ day of ............... A.D. 19....

.....................................................
Supervisor of Registration for said County.

97.081 Registration of freeholder.—

(1) The supervisor or other registering officer shall require every person registering to state under oath or affirmation whether he is a freeholder, and record it opposite his name in the registration books.

(2) The county commissioners of any county may at any time call for a re-registration of freeholder electors for the purpose of securing a new and up-to-date list of freeholders to be used for qualifying freeholder electors to participate in any election called for the purpose of approving the issuance of bonds of such county or for the purpose of approving an act with reference thereto.
(3) The latest list of re-registered qualified freeholders shall supersede prior lists and in any bond election held after a re-registration of freeholders the power to issue bonds shall be based upon the approval by a majority of the votes cast in an election in which a majority of the re-registered freeholders who re-register and are qualified shall participate.

(4) The county commissioners shall by resolution call for such re-registration, notify the supervisor, and shall publish the calling of such re-registration in a newspaper of general circulation once each week for four consecutive weeks stating the purpose and use of such re-registration.

(5) The registration books shall be kept open for at least thirty days and closed at least five days prior to the holding of any bond election at which time a certified number of re-registered freeholders shall be available, as provided by law.

97.091 Electors must be registered in precinct.—No person is allowed to vote in any precinct or district other than the one in which he is registered. When an elector’s name does not appear on the registration books of the election precinct in which he is registered and resides he can present a registration certificate to the election inspectors or can make other satisfactory proof, to the supervisor, of the fact of his previous registration, and that his name has been omitted from the books, and that he is entitled to have his name restored, and receive from the supervisor a duplicate certificate of registration across the face of which is written in red ink “duplicate registration certificate.” Upon presentation of the original registration certificate or a properly issued duplicate registration certificate at his precinct, he is entitled to vote, provided the certificate properly identifies him to the clerks or inspectors of the election.

97.101 Replacement of registration certificate.—Every elector has the right to a replacement of his certificate of registration without charge when same becomes defaced, upon his surrendering the certificate to the supervisor. Any elector who loses his certificate is entitled to a renewal thereof by the supervisor of the county in which he was registered upon application and proof of the loss, in the following manner: he shall, when the books are open, apply for a renewal of certificate, stating under oath, administered by the supervisor that his certificate was lost and was not sold, bar-
tered or wilfully destroyed or lost, which application the supervisor shall examine and if he feels the facts justify it, he shall issue a renewal certificate, marking across its face "renewal," and make this entry in the registration books. The decision in such case, if it is against the application, is subject to review by the board of county commissioners, provided the applicant shall notify the supervisor of his appeal to the board of county commissioners within three days after notice of the rejection.

97.111 How persons may register change of party affiliation.—Any person who has registered, desiring to change his party affiliation may at any time after a general election and prior to a primary election when the registration books are open, and at no other time, change his party affiliation. The person shall surrender his certificate of registration or card, or make a sworn affidavit if his certificate or card is lost, to the supervisor, at which time the supervisor shall cancel his prior registration and issue the person a new certificate and card. All cancellations are retained on file by the supervisor.

97.121 Persons inducted into military service, re-registration not a prerequisite to right to vote.—

(1) A person inducted into the military service of the United States and remaining in service when the registration books of any county are open for reregistration of electors is exempt from any general or local law, requiring reregistration as a prerequisite to vote in elections, provided the person has registered as an elector and his name has not been removed from the registration lists.

(2) No persons entitled to exemption due to military service shall be deprived of voting in any election because of failure to reregister, but the supervisor or other registering officers may require reasonable proof of his military service, as grounds for exemption.

97.131 Registration of federal employees and military personnel absent from the state.—When a person holding a position in the government of the United States or in the military service is, by reason of his duties incident to his position, required to be absent from the state during the period of time required for the registration of qualified electors to vote in a primary or general election as now required by law and thereby unable to register, in
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such a case it is lawful for such elector, if retaining his qualifications to vote under his last registration, to make out and forward to the supervisor of the county in which he is registered the following affidavit, or one in substantially the same form:

"STATE OF ....................
COUNTY OF ....................... 

Before me, the undersigned authority, authorized to take oaths, personally appeared .......................................... , who, being by me first duly sworn, deposes and says that he (she) is a qualified elector of the State of Florida and that he (she) is registered as such elector in ............... Precinct, County of ............... , State of Florida, and that since the time of such registration he (she) has not by any act of omission or commission become disqualified to serve as a qualified elector in the precinct and county aforesaid. That he (she) reaffirms the oath taken by him (her) upon his (her) original registration; that he (she) hereby authorized the supervisor of registration in the county aforesaid to transfer his (her) name from the present registration books and reregister the same in the new registration books. That he (she) holds a positon under the government of the United States or in the military service and by reason of the duties attendant thereto it is impossible for him (her) to appear personally before said supervisor of registration at any time within the time allowed by law for such reregistration.

Sworn to and subscribed before
me this ........ day of .............. A. D. 19.....

...........................................
(Name and title of officer administering oath)

Upon receipt of this affidavit the supervisor shall make out his renewal certificate of registration, transferring the elector's prior registration to the new registration books, and the renewal or transfer of registration, when so allowed and certified, is valid for all intents and purposes; provided the elector retains his residence
and other qualifications to vote at the place specified in the registration.

Section 2. Chapter 98, Florida Statutes, is amended to read:

CHAPTER 98

REGISTRATION OFFICE, OFFICERS AND PROCEDURES

98.011 Time of registration and office hours.—The supervisor shall keep the registration books open at his office from 9 o'clock A. M. to 12 M., and from 2 o'clock P. M. until 5 P. M., on all week days throughout each year, unless the board of county commissioners shall authorize otherwise, but the registration books must be kept open at least one day in each week, and every week day for thirty days prior to closing for any primary or general election. If the time when the registration books are to remain open has been limited by the board of county commissioners, the supervisor shall give notice by publishing twice in a newspaper of general circulation printed in his county naming the days of the week he will keep his books open. If there is no newspaper published in the county the supervisor shall have notices posted in at least three public places of which one shall be the courthouse. All the registration books close on the thirtieth day preceding the day on which there is a primary or general election and remain closed for five days following the election. No person shall register at any time other than during the period provided for registration of electors. In computing the thirty day period, the election day is excluded.

When a special election is called at a time when the books are open the supervisor shall close all books to further registration thirty days prior to election date or immediately in the event the date of the election is less than thirty days.

98.021 Registration books open in precincts; officers and duties. —The registration books in each precinct may if necessary be opened at a convenient place on each week day from 9 o'clock A. M. to 12 M., and from 2 o'clock P. M. until 5 P. M., and one night each week until 9 P. M. during the month of January in even numbered years. Unless the board of county commissioners directs otherwise, the books must be kept open for not less than one
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day in each week throughout the period. Each precinct registration officer shall post notice in at least three public places within his precinct stating the building in which the registration books will be open.

98.031 Registration and election districts, precincts and polling places; boundaries. — Each election precinct, election district and polling place in this state as defined and fixed is recognized and continued. The board of county commissioners in each county upon recommendation and approval of the supervisor may, in any general election year, on or before the first day of February alter or create new districts, precincts or polling places. Each precinct shall be numbered and a polling place at a suitable location designated. The district, precinct or polling place shall not be changed thereafter without the consent of four members of the board of county commissioners and the supervisor in a joint meeting. The board of county commissioners and the supervisor may if requested by official action of a municipality or if practical and desirable have precinct boundaries conform to municipal boundaries.

98.041 Permanent single registration system established; effective date.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties except those mentioned in §98.141 including elections held in municipalities which by resolution elect to use the system. The system shall be established on or before January 1, 1960, and become effective in each county on January 1 subsequent to the date the board of county commissioners shall officially adopt the system. When the system is adopted, the supervisor shall obtain materials as provided in §98.361. Electors shall be registered in pursuance of this system by the supervisor or by precinct registration officers, and electors registered shall not thereafter be required to register or reregister except as provided by law or as provided for the registration of freeholders.

98.051 Registration books for permanent registration system; when open.—

(1) The permanent registration books shall be kept open each week day in the office of the supervisor from 9 o'clock A. M. until 12 M., and from 2 o'clock P. M. until 5 o'clock P. M. to permit
electors previously registered and others, to be registered under this permanent registration system.

(2) The first year only when the permanent registration system becomes effective, the books may be kept open each week day by the precinct registration officers from 9 o'clock A. M. until 12 M. and from 1 o'clock P. M. until 9 o'clock P. M. at a convenient place in the precinct during the months of January and February.

(3) The books shall close on the thirtieth day before each election at 5 o'clock P. M. and remain closed for five days after the election, after which they shall be open for permanent registration except in bond elections as contemplated by article IX, section 6, Florida constitution.

4. The board of county commissioners may authorize the supervisor to keep his office open for less time, but at no time shall the office be open less than one day each week.

The supervisor shall give notice of the days of the week his office will be open by publication in two issues of a newspaper of general circulation published in the county. If there is no newspaper published in the county, the supervisor shall have such notice posted in at least three public places of which one shall be the courthouse.

98.061 Registration certificates; certificate of transfer; when reregistration required.—

(1) Registration certificates issued to electors registering under this permanent registration system are of the form provided for by §98.111. When a qualified elector moves from one precinct to another in the county, he shall notify the supervisor and obtain a certificate of transfer before he is qualified to vote in the precinct.

(2) An elector registered in one county, who moves to another county and remains there for six months must reregister in the county where he now resides and request the supervisor to ask the cancellation of his former registration before being eligible to vote.

98.071 Duty of elector to record change in registration.—It is the duty of electors under this permanent registration system to
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notify the supervisor in person of any changes in his record with reference to name by marriage or other legal process.

98.081 Removal of names from registration books; procedure.—Between January 1 and January 31, preceding a general election, upon adoption of the permanent registration system the supervisor shall mail either to each qualified elector in the county or to each elector who did not vote in any election in the county during the past two years, a form to be filled in, signed and returned by mail within thirty days after the notice is postmarked. The form returned shall advise the supervisor whether the elector’s status has changed from that of the registration record. Names of electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. The list of the electors, temporarily withdrawn, shall be posted at the courthouse. Names will be restored to the registration records when the elector in person makes known to the supervisor that his status has not changed. The supervisor is then required to reinstate the names on the registration books at any time the books are open without the elector reregistering. Notice of these requirements shall be printed on the registration certificates. This method prescribed for the removal of names is considered cumulative to statutes relating to the removal of names from registration book by the supervisor or board of county commissioners. This is not a reregistration but a method to be used for keeping the permanent registration list up to date.

98.091 Use of system by cities.—Any municipality in a county which has adopted this permanent registration system and which has not less than 1500 population according to the last state or federal census may use such system in its elections in place of a separate registration for its electors. Any municipality desiring to use this system shall before October 1 of any year adopt a resolution to that effect and shall notify the board of county commissioners that they desire to use this system. The board of county commissioners shall, prior to the following January 1, arrange the boundaries of the precincts in the county so that no precinct in the said municipality adopting this system extends beyond the boundaries of the municipality and shall be in not more than one ward or district of the municipality. When a municipality has adopted this system, it shall be effective on January 1 following the adop-
tion of the resolution on or before the prior October first. The supervisor or one of his deputies, shall deliver the registration records required for a municipal election to the municipal election boards on the morning of the election and collect them when the polls are closed, and the municipality shall reimburse the supervisor for actual costs incurred. In the event any municipality elects to use this system, regardless of the provisions of its charter or other laws relating to electors, any registered elector in the precinct at the time the municipal election is held is qualified to participate in such election.

Upon the adoption of this system by a municipality the supervisor shall appoint the city clerk or a full time employee in the office of the city clerk, as deputy supervisor, who shall be authorized to register electors at the same time and under the same conditions as the supervisor. The supervisor may furnish the municipality upon request a complete up-to-date list of the qualified electors registered in the precinct upon payment of actual cost of compiling the list.

98.101 Specifications for permanent registration binders, files and forms.—In this system, visible record binders, files and registration forms are used as registration books. The binders shall be visible record binders, metal bound with built-in shifts, to hold executed registration forms, with label-holders and followers for sheet protection as necessary. The registration forms shall consist of duplicates, both to be signed by the registrant. One of the original executed forms shall be used for the poll binders, which binders shall have a built-in lock to protect the forms. The poll binders are divided in a manner convenient for electors to vote. The other original form shall be used for the office copies and arranged alphabetically, in suitable filing cabinets, thus providing a master list of all electors in the county.

98.111 Registration form; secretary of state to prescribe; information required.—The secretary of state shall prescribe the registration form and the form shall be prepared to elicit the following information: (1) registration number, (2) date of registration, (3) full name, (4) sex, (5) political affiliation, (6) business or occupation, (7) date of birth, (8) age, (9) color, (10) state or country of birth, (11) if naturalized, the time, place and court of naturalization as evidenced by legal proof, (12) postoffice ad-
dress at time of registering, same to be entered with as specific particularity as possible, (13) freeholder status, (14) whether the registrant owns a beneficial interest in the fee simple title to real estate in the county, special taxing district, or municipality in which he resides, or pays tax on real or personal property located in the county, special taxing district or municipality, (15) the fact whether the registrant is able to write his name or mark his ballot, and if not, the nature of the disability, (16) whether such registrant has been convicted of any felony, and if so, have his civil rights been restored, and (17) other information deemed necessary by the secretary of state. There shall also be printed on the form an affidavit to include the oath prescribed by article VI §3, Florida constitution, and a statement that all the information on the form is true.

98.121 Preservation of certain registration forms.—When names of registrants are removed from the books, their executed registration forms shall be attached together and filed alphabetically in the office of the supervisor.

98.131 Permanent registration system mandatory by 1960.—All counties which have not adopted the permanent registration system or the system described in §98.041 shall adopt the system in the year 1960 and reregister all the electors in said year. On and after January 1, 1960, electors shall not participate in elections if they are not registered in the permanent registration system.

The board of county commissioners shall pay any expenses incurred by the supervisor in putting this permanent registration system into operation including extra clerical help or assistants required, provided such expense shall be subject to approval by the board of county commissioners.

98.141 Counties having permanent registration system exempt. —Counties which have or may have adopted a permanent registration system before January 1, 1960, under authority of special or population acts, if in the opinion of the secretary of state they substantially comply with the requirements of the state permanent registration system, may upon resolution of the board of county commissioners, adopt this law as the basis for their system without reregistration.
98.151 Existing law effective until system adopted.—Until this system is effective in a county, the existing state laws relating to registration of electors shall remain in full force and effect. Upon the adoption of this permanent registration system, all state laws in conflict or inconsistent with the provisions of this code shall cease to remain in full force and effect.

98.161 Supervisor of registration; election, tenure of office, compensation.—There is elected at the general election in 1948, and every four years thereafter a supervisor of registration in each county, and he shall hold office for four years, beginning on Tuesday after the first Monday in January succeeding his election, and until his successor is elected and qualified. The terms of the office of supervisors priorly appointed and now holding office are extended to expire on the first Tuesday after the first Monday in January, 1949. Each supervisor shall before performing any of his duties, take the oath prescribed in article XVI of section 2 of the state constitution and give bond payable to the governor in the sum of five hundred dollars, with two sureties approved by his board of county commissioners, conditioned on the faithful discharge of his duties; and his compensation shall be of such sum in proportion to the amount of work to be done and allowed by his board of county commissioners; provided that the compensation is not less than one hundred dollars per annum. The compensation of precinct registration officers is fixed by their board of county commissioners, after the supervisor has certified the amount of service performed.

98.171 Supervisor to keep separate precinct register.—The supervisor shall enter in the separate book of the precinct in which the elector resides, the same number and information concerning the elector as entered in the general registration book, arranging the names alphabetically, according to surname. The supervisor or his deputy shall require the elector then to sign his name, and he shall attest the registration.

98.181 Supervisor of registration to make up books; certify official lists.—

(1) Immediately upon the expiration of the time for registration at the precincts each precinct registration officer shall promptly deliver his book and blanks to the supervisor at the county
seat where they shall be kept, and the supervisor shall then make
up the registration books for the precincts in his county, so that
the two books of each precinct shall be as nearly duplicate as
possible. The duplicate books shall be marked and numbered on
the backs to designate clearly the precinct to which they belong,
and one of the books marked on the back “office copy” and kept at
all times in the supervisor’s office.

(2) The supervisor shall attach his certificate to each of the
two books, certifying that they have been examined and revised
and the registration was made in compliance with the constitution
and laws of this state, impartially, to the best of his ability. The
books or lists of names so certified, with the additions, corrections,
erasures and revisions in conformity to law, shall constitute the
registration books and elector list of the county.

98.191 New registration books.—The
supervisor of any county
shall, whenever it may be necessary, transfer and transcribe into
new registration books and into new books of the precinct, the
names of all legally registered electors as their names appear
upon the old registration books.

98.201 Custodian of registration books.—The supervisor is the
official custodian of the books of registration with the exclusive
control of matters pertaining to the registration of electors. When-
ever it shall come to his knowledge that any elector has died or
has become disqualified to vote by reason of conviction of any
disqualifying crime or from other causes, or has removed from
the county or to another precinct without obtaining a certificate
of transfer, or his right to vote has become affected since his regis-
tration, the supervisor shall make a note on the books opposite
the elector’s name, and mark off the name by running a pen
through it and note the date of erasure, and no election official
shall allow such person to vote, whether the person has a certifi-
cate or not, unless he exhibits to the election official a certificate
signed by the supervisor showing that he has been restored to
the books subsequent to the date of the erasure.

98.211 County registers open to inspection; copies.—The regist-
tration books are public records. Every citizen is allowed to examine
the general county and precinct books while they are in the cus-
tody of the supervisor, but is not allowed to make copies or
extracts therefrom. The supervisor may furnish copies of the names, occupations, color, party and residence of any electors upon reasonable compensation, not exceeding customary fees for copying papers, in the office of the clerk of the circuit court including the affixing of his official seal, but shall not furnish in writing any other information contained in the books.

98.221 Public inspection of all renewals and transfers allowed.—The supervisor shall keep open for public inspection a record of renewals and transfers of registration allowed under §97.131, and shall not allow renewal or transfer to be made except upon basis of a lawful registration personally made in the state previously, which registration would entitle the elector to vote but for the requirement of biennial registration in the particular county or city, nor shall any registration officer allow any renewal or transfer under §97.131, except to an elector qualified to vote in the county, precinct or city.

98.231 Supervisor of registration to furnish secretary of state number of registered electors.—The supervisor of each county, within five days after the closing of registration books prior to the election, shall advise the secretary of state the total number of registered electors of each political party.

98.241 Supervisor to furnish inspectors of elections registration books.—The supervisor shall furnish inspectors of elections with one of the registration books for each precinct, and he is not authorized prior to any election to furnish copies of the books of his county, or allow indiscriminate handling or examination thereof by anyone, but he shall at all times allow any elector to examine his own status upon the books.

98.251 Blanks and forms; election laws.—Each supervisor shall furnish to inspectors of election at the polling place at each precinct in his county, a sufficient number of forms and copies of election laws for their use at the election. The secretary of state shall prepare the blanks, forms and a sufficient number of copies of the laws regulating elections, and at least sixty days before any election transmit them to each supervisor for use of the inspector of election.

98.261 Supervisor to deliver books and papers to successor.—The supervisor shall, upon his removal from office, deliver to his
successor immediately all books, papers and blanks belonging to his office.

98.271 Appointment of deputy supervisors and precinct officers; compensation.—Each supervisor shall appoint, subject to removal by him, as many deputy supervisors as shall be approved by the board of county commissioners whose compensation shall be paid by the board of county commissioners and who shall have the same powers and whose acts shall be as effective as the acts of the supervisor. In addition, the supervisor shall appoint, subject to removal by him, precinct registration officers for each precinct, who shall register electors in the precincts. Whenever the supervisor shall remove any precinct registration officer, the precinct registration officer shall, on demand, surrender to the supervisor, all books and papers connected with the office. Each precinct registration officer shall, before entering office, make an oath in writing that he will faithfully perform the duties of his office, which oath is filed by the supervisor.

98.281 Special registration procedure, deputy supervisor to handle registration.—Each supervisor may appoint deputy supervisors to accept registration of those who are qualified in settled sections of the county as may be reasonably necessary. These appointments are in addition to precinct registration officers, who shall accept registration during the time provided in §98.021.

98.291 Names may be restored to registration books.—When the name of any elector has been wrongfully or erroneously erased, the name of the elector is restored by the supervisor on application and proof to him, or restored by order of the board of county commissioners, if the supervisor fails to do so.

98.301 Duty of bureau of vital statistics to furnish the supervisor with list deceased persons.—It is the duty of the bureau of vital statistics of the state to furnish each supervisor monthly a list of deceased persons who were residents of their county, and upon receipt of these reports, transmitting names and addresses of deceased persons over twenty-one years of age, the supervisor is required to strike their names from the registration books.

98.311 County judge to furnish supervisor with list of mentally incompetent persons.—From October 1, 1949 each county judge shall, at least once each month, deliver to the supervisor of his county a list stating the name, address, age, color and sex of per-
sons adjudged mentally incompetent during the preceding calendar month.

98.321 Supervisor to give certificate to person elected.—The supervisor shall give to any person nominated or elected to a county office a certificate of his nomination or election and give to any person desiring it a certified copy thereof, upon payment to him of the customary fees for copying and certifying papers in the office of the clerk of the circuit court.

98.331 Secretary of state to make certificate and transmit to person elected.—The secretary of state shall make and transmit to each person nominated or elected to any state office, immediately after the state canvass, a certificate of election, which certificate is prima facie evidence of his nomination or election to the office.

98.341 Seal of office for supervisor.—

(1) The attorney general shall approve a suitable seal for the supervisor for each county and the supervisor shall then deposit an impression and description of the seal with the secretary of state.

(2) Each supervisor is authorized to obtain for his office an impression seal of the seal as herein provided, and the cost of the impression seal shall be paid by the board of county commissioners upon signed requisition of the supervisor from the county general fund.

(3) The supervisor is empowered and directed to attach an impression of his seal upon official documents and certificates executed over his signature, and take oaths and acknowledgments under his seal in matters pertaining to his office.

98.351 Form of registration books.—There shall be one or more volumes, well bound with leather backs and corners and cloth sides for each election precinct, large enough to contain the names of all electors of the precinct for which provided, called the “General County Register for Election Precinct .................,” (number to be inserted). The pages of the register are alphabetically indexed on the margin. There is one registration book bound in tag board with cloth strips on the back for each election precinct in each county, called “Precinct Register for ............... Precinct ............... County,” and its pages are alpha-
betically indexed in the margin so as to facilitate registering the electors in the precinct in alphabetical order, according to surname. These precinct registers are bound in different sizes, so as to suit the different precincts. The paper, size of papers, ruling and printing are the same as used for the general county register.

The following form of oath shall be printed in the column in which the word “Oath” appears: “I, having been first duly sworn, say, upon oath, that the statements here entered opposite my name, as to my qualifications as an elector, are true.” The supervisor shall administer this oath; and he shall also administer the oath required by §3 of article VI of the constitution of Florida, in the manner prescribed by §97.051.

The pages of the registration book shall carry the heading “Official Register of Electors for ...... Precinct, ............. County, Florida,” and shall be ruled and printed in columns with the following headings: (1) number, (2) date, (3) surname and given name, (4) sex, (5) party affiliation, (6) voted, (7) occupation, (8) age and date of birth, (9) color, (10) nativity, (11) declaration of naturalization, (12) residence, (13) oath, signature of voter, (14) signature of supervisor, (15) freeholder—tax on real property, (16) tax on personal property and (17) remarks.

98.361 Registration books, forms and certificates furnished by secretary of state.—(1) The secretary of state shall prepare a sufficient number of registration books, and all other books and blanks required by law for registration of electors for county not under permanent registration system. Upon request of the supervisor the secretary of state shall furnish required books and blanks.

(2) Upon request, the secretary of state shall prepare and furnish each supervisor in a county which has adopted the permanent registration system a sufficient number of registration forms and certificates.

(3) All binders, files and other materials are furnished by the board of county commissioners.

98.371 Supervisor to certify omitted names to board of county commissioners.—The supervisor shall, five days after the county registration books are closed, certify in writing to the board of county commissioners, to the best of his knowledge and belief
the names of all persons who have died or have become ineligible
to vote and have been stricken from the registration books.

98.381 Conflicting registration laws.—All registration laws after
January 1, 1960, in conflict with the election code of 1951 are re-
pealed except Chapter 22195, Laws of 1943, creating the Hills-
borough County Election Board.

Section 3 Chapter 99, Florida Statutes, is amended to read:

CHAPTER 99
CANDIDATES, CAMPAIGN EXPENSES AND CONTESTING
ELECTIONS

99.011 Candidate defined.—The word "candidate" shall mean
any person who has announced to any person, or to the public,
that he is a candidate for a certain office.

99.021 Form of candidate oath.—Every candidate for nomina-
tion to any office is required to take, sign and subscribe to an oath
or affirmation in writing, in which he shall state the party of which
he is a member (1) that he voted for a majority of the nominees of
the party of which he is a member at the last general election and
that he pledges himself to vote for a majority of the nominees of
such party whose names shall appear upon the ballot at the next
general election; (2) the title of the office for which he is a can-
didate; (3) that he is a qualified elector of the state; (4) the name
of the county of his legal residence; (5) that he is qualified under
the laws of Florida to hold the office for which he desires to be
nominated; (6) that he has paid the assessment levied against him
as a candidate for said office by the executive committee of the
party of which he is a member; and (7) that he has not violated
any of the laws of the state relating to elections or registration of
electors.

A printed copy of the statement is required to be furnished to
the candidate by the executive committee of said party and said
sworn statement shall be substantially in the following form:

State of Florida
County of .........................

Before me, an officer authorized to administer oaths, personally
appeared .............................., to me well known,
who, being sworn, says he is a member of the .................... party; that he voted for a majority of the nominees of said party at the last general election and that he pledges himself to vote for a majority of the nominees of such party whose names shall appear on the ballot at the next general election; that he is a candidate for the office of .................... in the general primary election in the year 19....; that he is a qualified elector of .................... county, Florida; that he has paid the assessment levied against him as a candidate for said office by the .................... executive committee of the .................... party; that he is qualified under the constitution and laws of Florida to hold the office for which he desires to be nominated; and that he has not violated any of the laws of the state relating to elections or the registration of electors.

(Signature of the candidate)

Sworn to and subscribed before me this .... day of ....... 19.... at .................... county, Florida.

99.031 Filing fee of candidate.—A candidate for nomination for any office is required to pay, to the officer with whom he qualifies, a filing fee and committee assessment at the time of filing the sworn statement. The amount of the filing fee is three per cent of the annual salary of the office. The amount of committee assessment is two percent of the annual salary unless made less by the executive committees.

99.041 Candidates entitled to have names printed on official ballot.—A candidate who has filed a sworn statement, paid a filing fee and committee assessment is entitled to have his name printed on the official primary election ballot; except when there is only one candidate of any political party qualified for an office the name of the candidate shall not be printed on the primary election ballot, and such candidate is declared nominated for the office.

99.051 When nominated names to appear in groups.—When an office requires the nomination of more than one candidate, as many groups shall be numerically designated as they are vacancies to be filled by nomination, each candidate shall indicate the group in which he desires his name to appear on the ballot.
99.061 Nomination of candidates for state, county and United States offices; sworn statement, receipt and filing fee.—

(1) Candidates for nomination of any recognized political party for state offices of secretary of state, attorney general, state comptroller, state treasurer, state superintendent of public instruction, commissioner of agriculture, state senator, member of the house of representatives, supreme court judge, circuit judge, states attorney and candidates for the offices of representatives to congress and United States senate, are required to file their qualification papers, pay the qualification fees and party assessment, if any has been levied, to the secretary of state not later than noon of February first of the year in which any primary is held.

(2) Candidates for nomination of any recognized political party for the office of governor and all other candidates for state offices are required to file their qualification papers and pay their qualification fees not later than noon March fifteenth of the year in which any primary is held.

(3) Candidates for nomination to a county office shall file their sworn statement and receipt for party assessment, if any has been levied, with and pay his filing fee to the clerk of the circuit court of the county, who shall receive same in his capacity as clerk of the board of county commissioners of said county, not later than noon March fifteenth of the year in which any primary is held.

99.071 Nomination for judge of inferior court and solicitor.— A candidate for nomination by a political party for the office of judge or solicitor of any inferior court created with jurisdiction wholly within the county by special legislative act is classified as a county officer and is required to file a sworn statement and pay a filing fee to the clerk of the circuit court in the county where the court exists not later than noon February first prior to the first primary election.

99.081 United States senators elected in general election.— United States senators from Florida are elected at the general election held next preceding the expiration of their terms of office and such election shall conform as nearly as practicable to the methods provided for the election of state officers.
99.091 Representative to Congress.—

(1) A representative to congress is elected in and for each congressional district at every general election.

(2) When Florida is entitled to additional representatives according to the last census, representatives are elected from the state at large and at large thereafter until the state is redistricted by the legislature.

99.101 Filing fee required of candidate for committeeman and committeewoman.—Candidates for nomination, by any recognized political party under the primary law, to the office of national committeeman or committeewoman shall file a qualification oath and pay a filing fee of one hundred dollars with the secretary of state.

99.102 Filing fee required of candidates for delegates to national convention.—Candidates for nomination by any recognized political party under the primary laws, to the office of delegate to the national convention shall file a qualification oath and pay a filing fee of; 1. Congressional—$25.00 2. State at Large—$50.00, payable to the secretary of state.

99.111 Notification to supervisor of unopposed candidates.—The clerk of the circuit court shall notify the supervisor of the names of all persons who qualified for a county office and is without opposition in the primary election.

99.121 Secretary of state and supervisor to certify state, congressional, district and county nominations to county commissioners.—The secretary of state shall certify to the board of county commissioners of each county in case of an officer to be voted for by the electors of the whole state, and to the board of county commissioners of the counties composing a congressional, senatorial or other district, in case of any officer to be voted for by the electors of the district containing more than one county, the names of persons nominated to the offices.

The supervisors shall certify to their boards of county commissioners the names of persons nominated to county offices. The certifications shall be filed with the boards of county commissioners not less than fifty-five days prior to the general election.
The names of such persons shall be printed by the boards of county commissioners upon the ballot in their proper place except as provided in chapter 100.

99.131 County commissioners to print names of candidates on ballots, etc.—The board of county commissioners of each county shall print on the general election ballots to be used in their counties, names of candidates nominated by primary elections or special primary elections or put in by appropriate executive committee of any political party, including presidential electors recommended by the state executive committee and nominated by the governor, provided the names are certified and filed with them at least fifty-five days prior to election day except as provided in chapter 100 for filling vacancies. This certificate shall contain the names of persons nominated and the offices for which they are nominated, and shall be signed and sworn to by a majority of the members of the appropriate canvassing board of primary elections, or in case of a nomination by an executive committee, by the chairman or secretary thereof. All committee nominations are made as provided by laws governing primary elections; and further, there are printed on the ballots the names of candidates of political parties nominated or selected to fill vacancies in nomination or vacancies in office in the manner and within the time provided by chapter 100.

In addition to names printed on the ballot, there shall be printed under each office to be voted upon, a blank line. If an election is held to fill a vacancy in either house of the legislature during a regular session thereof the names of all candidates nominated by the executive committee of a political party may be certified to the proper authority not less than five days prior to the election and the names are printed upon the ballots to be voted at said election.

The board of county commissioners shall deliver the ballots to the supervisor not later than forty days preceding a general election except as provided in chapter 100. Any member of the board of county commissions who violates this provision shall, upon conviction, be guilty of a misdemeanor and punished accordingly.

99.141 When names not to be printed on ballot.—No candidate’s name who is voted for by electors of a single county, shall be
printed on the ballot who has notified the board of county commissioners in writing, not less than fifty-five days before the election, duly acknowledged, that he will not accept the nomination specified in the certificate of nomination.

No candidate’s name, who is voted for by electors of more than one county, shall be printed on the ballot who has notified the secretary of state in writing, not less than seventy days before the election, duly acknowledged, that he will not accept the nomination specified in the certificate of nomination.

99.151 Preservation of certificates and petitions of nominations.

(1) The board of county commissioners shall preserve in the office of the clerk of the circuit court all certificates of nomination filed with them for six months after the election for which such nominations are made.

(2) Upon filing of party assessment, qualification fee, the clerk of the circuit court shall, at the close of qualifying date, submit to the secretary of state a list of the names of all persons seeking nomination to county office.

99.161 Candidate’s statement of campaign expenses; political advertisements; form of oath.—

(1) Each candidate for nomination and election to public office shall file with the officer with whom his qualification oath was filed, four detailed itemized statements of his campaign expenses. The first statement shall be filed not less than ten days nor more than twenty days prior to the first primary; the second statement of expenses shall be filed not less than ten days nor more than thirty days following the second primary; a third statement of expenses shall be filed after October 1 and before October 10; and a fourth statement shall be filed on or before December 1 following the general election. Sworn statements shall be filed not later than 12 o’clock noon on the last day in which statements may be filed.

(2) The statements shall be in itemized, detailed form, including names, addresses and detailed amounts covering all the expenditures made directly or indirectly by him or by any other person, corporation or association acting for him or in behalf of his
candidacy with his knowledge, or with his actual or tacit consent. All obligations, debts or liabilities assumed or incurred on account of his candidacy up to three days prior to the day on which said statements are presented to be filed shall be listed and shall include the names of all contributors to his candidacy with the amount given by each, and a list of all gifts, loans and contributions made on account of his candidacy. Such statement shall be cumulative as to amounts and shall set forth that the same is as full and explicit as said candidate is able to make it and shall also before some officer qualified to administer oaths be subscribed to and filed with the following oath:

"I do solemnly swear that the statement herewith filed embraces all money spent by me or in my behalf, with my knowledge and consent through or by any other person; that I have neither directly nor indirectly, arranged, encouraged or connived at the spending of any money other than as shown in my said statement; that I have not repaid any money so spent; or claimed to have been so spent, and that I will not do so, and that I have not violated any of the provisions of the laws governing primary elections and the expenditure of funds in connection with a candidacy for a nomination in a primary, in letter or in spirit, so help me God."

(3) Any candidate for nomination or election in any state or county election who is automatically nominated or elected by having no opposition to qualify is not required to file any campaign expense statement.

(4) If any candidate is nominated without opposition but has opposition in the general election, he shall file only the last two campaign expense statements.

(5) If any candidate is nominated in the primary election but has no opposition in the general election, he shall file only the first two campaign expense statements.

(6) In the event Senate Bill 8 relating to candidates' statements of campaign expenses becomes law, paragraph 99.161 shall be deleted, repealed and superseded and the provisions of Senate Bill 8 shall be substituted for paragraph 99.161.

(Above Section may be affected by Chap. 26819)

99.172 Expenditures allowed in furtherance of candidacy at
primary election.—No person, in the furtherance of his candidacy for nomination for public office, in a primary election, shall himself, or by any other person, or on behalf of any other person, directly or indirectly, give, pay or expend any money or give or pay anything of value, or authorize any expenditure or become pecuniarily liable, except for the following purposes; (1) fee for qualifying, (2) for his traveling expenses while campaigning, (3) stenographic work, (4) clerks at his campaign headquarters to address, prepare and mail campaign literature, (5) telegrams, (6) telephones, (7) postage, (8) freight, (9) express, (10) stationery, (11) list of electors, (12) office rent, (13) newspaper advertising, (14) printing and the renting of halls in which to address the electors, (15) radio time and (16) the renting or buying of public address equipment and the automotive equipment necessary to transport and operate it.

No candidate shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his candidacy, nor shall anyone speaking for a candidate pay money or give anything of value for such privilege.

The expenditure of any money or giving, paying or promising to give or pay any money or anything of value directly or indirectly by any candidate in furtherance of his candidacy for nomination in a primary election, except for the purposes authorized by this section, are prohibited.

99.183 Statement to be kept for three years admissible as evidence.—The officers, with whom statements of campaign expenses are filed, shall securely keep the statements for at least three years, and a copy of the statements duly certified to by the officer with whom filed is admissible as evidence in any state courts.

99.192 Contest of election.—The certification of election or nomination of any person to office may be contested in the circuit court in accordance with chancery procedure by any unsuccessful candidate for such office, or by any tax payer on any question submitted by referendum.

Such contestant shall file a sworn bill of complaint within ten days after the canvass by the canvassing board of the election returns for such office, and shall set forth the grounds on which
he intends to establish his right to such office, or to set aside the result of the election on a submitted referendum. The successful candidate and the canvassing board or election board shall be the proper party defendant.

99.202 Venue.—The venue for nomination or election contest or on a referendum result shall be in the county in which the contestant qualified or in the county in which the question was submitted for referendum or if the election or referendum covered more than one county then in Leon County.

99.211 Decree of ouster; revocation of commission.—If the contestant is found to be entitled to the office and if on the findings a decree to that effect shall be entered, and if the adverse party has been commissioned or has entered upon the duties thereof or is holding the office then a judgment decree of ouster is entered against such party. Upon presentation of a certified copy of the judgment decree of ouster to the governor he shall revoke such commission and commission the person found in the decree entitled to the office.

If a judgment is entered setting aside a referendum then the election shall be void.

99.221 Quo Warranto not abridged.—Nothing in this code shall be construed to abrogate or abridge any remedy that may now exist by quo warranto, but in such case the proceeding in chancery is taken to be an alternative or cumulative remedy.

99.231 Appeal, etc.—Writ of error and appeals to the supreme court shall lie as in other cases.

Section 4. Chapter 100, Florida Statutes, is amended to read:

CHAPTER 100

GENERAL, PRIMARY, SPECIAL, BOND AND REFERENDUM ELECTIONS

100.011 Opening and closing of polls, all elections; expenses.—
(1) The polls shall be open at the voting places at 7 o’clock A. M., on the day of the election, and shall be kept open until 7 o’clock P. M., of the same day, and the time to be regulated by the customary time in standard use in the locality. The inspectors shall
make public proclamation of the opening and closing of the polls, and during the election and canvass of the votes the ballot box shall not be concealed.

(2) The time of opening and closing polls shall be observed in all elections held in this state, including municipal and school elections; and all provisions of general, special or local laws, or municipal charters setting forth contrary hours are repealed.

(3) The expenses of holding all elections for county and state offices necessarily incurred shall be paid out of the treasury of the county or state, as the case may be, in the same manner and by the same officers as in general elections.

100.021 Notice of general election.—The secretary of state shall, between the first days of July and September in any year in which a general election shall be held, make out a notice stating what offices and vacancies are to be filled at the general election in the state, and in each county and district thereof. At least sixty days prior to the date of holding the election the secretary of state shall have the notice published four times in a newspaper printed in each county, and in counties in which no newspaper is printed, he shall send to the sheriff a notice of the offices and vacancies to be filled at such general election by the qualified voters of his county, or any district thereof, and the sheriff shall have at least five copies of the notice posted in the most conspicuous and public places in the county.

100.031—General election.—A general election is held in each county on the Tuesday next succeeding the first Monday in November, 1906, and biennially on the same day, at which time the qualified electors shall choose, as provided by constitution and laws of this state, persons to fill all vacant federal, state or county offices required to be filled by an election.

100.041 Officers chosen at general election.—The governor, the administrative officers of the executive department, and the state senators representing the odd numbered districts, shall be elected at a general election to be held in 1920, and every four years thereafter. State senators from the even numbered districts shall be chosen in the general election in 1922, and every four years thereafter. Members of the house of representatives shall be chosen at every general election. The clerk of the circuit court, county judge,
sheriff, superintendent of public instruction, county surveyor, county assessor of taxes and county tax collector shall be chosen for each county by its qualified electors at the general election 1920, and every four years thereafter. The justice of the peace for each justice district, and a constable for each justice district shall be elected by the qualified electors of the county at the general election 1920, and every four years thereafter.

A board of county commissioners of five members, one for each district, elected from the several counties at large, shall be elected by the qualified electors of the county at every general election beginning in 1944. The commissioners elected from the even numbered districts shall serve two years, those elected from the odd numbered districts shall serve four years, and thereafter the terms shall be for four years; provided, that section II of article VIII of the state constitution shall not be affected.

County board members shall be elected at the general elections held in November, their terms to be arranged as follows:

1. In counties which now have five board members, the terms shall be arranged with three members elected at one general election and two members elected at the next ensuing general election.

2. In counties which now have three county board members, at the general election to be held in 1948, one member shall be elected from each of the county board member residence districts numbered two and four respectively for four year terms, and one member shall be elected from the county board member residence district numbered five for a two year term. At subsequent general election members of the county board shall be elected for four year terms on the basis of the plan outlined herein so that three members are elected at one general election and two members are elected at the next ensuing general election.

100.051 Candidate's name on general election ballot.—The board of county commissioners of each county shall print on ballots to be used in their county at the next general election the names of candidates who have been nominated and qualified.

100.061 First primary election.—A first primary election is held on the first Tuesday after the first Monday in May of every year.
in which a general election is held for nomination of candidates of political parties; and a second primary is held as provided by section 100.091, except if any candidate has received a majority of the votes cast, he is declared nominated for such office.

100.071 Grouping of candidates on primary ballot.—

(1) Where two or more similar offices are to be filled in the same election, the names of candidates are placed or printed upon the ballot or voting machine in groups; that is, if two or more places on the supreme court, or two or more members of the legislature from the same county, are to be elected, then the candidates' names are placed or printed on the ballot or voting machines in groups, such as group 1, group 2, group 3 as the case may be.

(2) Nominees of recognized political parties chosen in primaries are in the same numbered group on the general election ballot in which their names appeared on the primary election ballot.

100.081 Conducting primary election; nomination of county commissioners.—The primary elections shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers, provided, that county commissioners are nominated by the several districts of the county instead of by the county at large, except as provided by section II of article VIII of the state constitution.

100.091 Second primary election.—A second primary election is held on the fourth Tuesday after the first Monday in May of every year in which a general election is held for the nomination of candidates of political parties for state and county offices for which nominations were not made in first primary election, which said primary election is held and the returns made, canvassed and certified, and ballots to be voted on furnished, as provided for first primary election; provided, that there is printed upon the ballot only the names of candidates who have received in the first primary election the greatest and next greatest or equal number of votes; and if more than two candidates have received the greatest or next greatest or equal number of votes in the election the names of all the candidates shall be printed upon the ballot for the second primary election. In the second primary election the candidate who shall receive the highest number of votes cast for the office is declared nominated.
100.101 Special elections.—Special elections shall be held in the following cases:

(1) Where there has been no choice of any officer who should have been elected at a general election.

(2) When a vacancy occurs in the office of state senator or member of the house of representatives.

(3) When it shall be necessary to elect presidential electors, by reason of the offices of president and vice-president both having become vacant.

(4) When a vacancy occurs in the office of national representative in congress from Florida.

100.111 Filling vacancy.—Vacancies occurring in national, state or county offices may be filled as follows:

(1) APPOINTMENTS BY GOVERNOR.—When a vacancy occurs in the elective office held by a state or county official, except members of the state senate or state or national house of representatives, the governor may appoint a successor to serve until noon Tuesday after the first Monday in January following the next general election.

(2) QUALIFICATION AND ELECTION OF PERSON TO FILL VACANCY IN OFFICE HELD BY A STATE OR COUNTY OFFICIAL.—

(a) When a vacancy occurs prior to five days before the regular time for qualifying in the regular primary it shall become subject to nomination in the primary and election at the next general election.

(b) When a vacancy occurs within five days before the regular time for qualifying or after time for qualifying has closed and before 30 days prior to the first primary, it shall become subject to the first primary nomination. Ten days shall be allowed from the time the vacancy occurs in which to specially qualify and a separate ballot shall be prepared in event regular primary ballots have already been printed.

(c) When a vacancy occurs later than 30 days before the first primary and before 40 days prior to the general election, it shall be subject to a special first primary and if necessary seven
days later a special second primary to be called by the governor. Ten days shall be allowed from the time the vacancy occurs in which to specially qualify and the name of the person nominated in the special primary shall be placed on the general election ballot but in event the general election ballots have already been printed then a separate ballot shall be prepared.

(d) When a vacancy occurs in a state or county office within forty days prior to a general election or after the general election and before the first Tuesday after the first Monday in January following the general election, a special primary and special general election shall be called by the governor to nominate and elect a successor. Ten days from the time the vacancy occurs shall be allowed in which to specially qualify. The special first primary shall be called within sixty days following the vacancy and the special second primary if necessary shall be held seven days after the first primary. The special general election shall be held twenty-one days after the first primary.

(3) APPOINTMENTS BY GOVERNOR UNEXPIRED TERM.—When a person is appointed by the governor to fill an unexpired term he shall hold office until a successor shall be duly elected and qualified.

(4) APPOINTED BY GOVERNOR TEMPORARY ACTING OFFICIAL.—In the event of a vacancy in any county or state office where the public business is affected by the absence of an officer of authority the governor shall appoint a temporary acting official who shall serve and exercise all authority necessary to carry out the duties of the official in whose place he was appointed, until either by appointment or election a successor is selected.

(5) QUALIFICATION AND ELECTION OF PERSON TO FILL A VACANCY IN THE OFFICE OF NATIONAL HOUSE OF REPRESENTATIVES.—

(a) When a vacancy occurs in the office of representative in the national house of representatives from Florida within five days before the regular time for qualifying or after time for qualifying has closed and before thirty days prior to the first primary, it shall become subject to the first primary nomination. Ten days shall be allowed from the time the vacancy occurs in which to
specially qualify and a separate ballot shall be prepared in event regular primary ballots have already been printed.

(b) When a vacancy occurs in the office of representative in the national house of representatives from Florida later than thirty days before the first primary and before forty days prior to the general election a special first primary and if necessary seven days later a special second primary to be called by the governor not later than fifteen days after vacancy and ten days shall be allowed from the time the vacancy occurs in which to specially qualify. The name of the person nominated in the special primary shall be placed on the general election ballot but in event the general election ballots have already been printed then a separate ballot shall be prepared in each county in the district where the primary is held.

(c) When a vacancy occurs in the office of representative in the national house of representatives from Florida within forty days prior to a general election and after the general election and before the first Tuesday after the first Monday in January following the general election, the governor shall call a special primary and a special general election to nominate and elect a successor. Ten days from the time the vacancy occurs shall be allowed in which to specially qualify, the first special primary shall be called within sixty days following the vacancy and the special second primary if necessary shall be held seven days after the first primary. The special general election shall be held twenty-one days after the first primary.

(d) Should a vacancy occur in the office of representative in the national house of representatives within forty-five days prior to a session of congress or during a session of congress the governor shall call a special general election to be held within twenty days following the vacancy and persons shall be nominated within ten days after the vacancy by the state executive committees within the congressional district and the name of the person so nominated shall be placed on the special general election ballot.

6 QUALIFICATION AND ELECTION OF PERSON TO FILL A VACANCY IN THE OFFICE OF THE SENATE AND HOUSE OF THE STATE LEGISLATURE—

(a) A vacancy which occurs in the representation in the house
or senate of the state legislature more than forty days prior to a general election and after the second regular primary election, shall be filled as required by general law relating to other state and county officers and the governor shall call a special first primary and if necessary seven days later a special second primary within fifteen days after the vacancy occurs. Ten days shall be allowed from the time the vacancy occurs in which to specially qualify and the name of the person nominated in the special primaries shall be placed on the general election ballot but in event the general election ballots have already been printed then separate ballots shall be prepared.

(b) Should a vacancy occur within forty days prior to a general election and forty-five days prior to the beginning of a regular session of the legislature the governor shall call a special first primary to be held within fifteen days following the vacancy and a second primary to follow within seven days and a special general election to follow within ten days after the second primary or within twenty-one days after the first primary.

(c) Should a vacancy occur in the representation of the house or the senate of the state legislature within forty-five days prior to a session of the legislature or during a session of the legislature the governor shall call a special general election to be held within ten days following the vacancy and persons shall be nominated within five days after the vacancy by the county committees within the senatorial district in the case of a vacancy in the senate or by the county committees in each county where the vacancy occurs and candidates so nominated shall be placed on the special general election ballot.

Should a vacancy occur at any other time in the representation in the house or senate of the state legislature it shall be filled in accordance with general provisions filling vacancies.

(d) When a vacancy occurs in the office of state senator or member of the house of representatives, special elections shall not be held unless a session of the legislature is to be held after the vacancy occurs and prior to the regular primary and general election.

(e) This section shall be liberally construed to the end that
vacancies in the membership of the legislature occurring during any regular session may be filled as speedily as possible and no nomination of candidates by primary election, executive committee or otherwise than as provided shall be required.

100.121 Candidates in special election; filing fee and campaign expenses; canvassing returns.— Whenever there is a vacancy in an elective office which may not be filled by an appointment, and a special election is called by the governor to fill the vacancy:

(1) The last date on which a candidate is entitled to qualify shall be fixed by the secretary of state and the candidate shall qualify not later than noon of the day so fixed,

(2) the qualification fee of the candidate shall be in the amount fixed in the general primary election law and the party assessment collected from the candidate shall not be more than the maximum in the general primary general law and the party assessment so collected shall be remitted to the appropriate executive committee of the political party.

(3) the filing of campaign expense statements by a candidate in a special election shall not be later than the dates fixed by the secretary of state and he should take into consideration and be governed by the practical limitations of the time element, and

(4) the county canvassing board shall make as speedy return of the result of the primary as the time element will permit and the state canvassing board likewise shall make as speedy a canvass and declaration of the nominee as possible.

100.131 Notice of special election; vacancy in legislature during regular session.— Whenever a special election is required to fill a vacancy in the office of state senator or representative during a regular session, the governor shall issue an order declaring on what day the election shall be held and deliver the order to the secretary of state who shall deliver to the sheriff of the county in which the special election is to be held a notice of the time of election and the office to be filled by the electors of the affected county. The sheriff shall have a copy of the notice published one time in a newspaper published in
the county, if a newspaper is published on a date not less than five or more than ten days prior to the election. If a newspaper is not published in the county or not published within the period set forth, then the sheriff shall have at least five copies of the notice posted in the most conspicuous and public places in the county, such notices to be posted not less than five days nor more than ten days prior to the election.

100.141 Notice of special election; generally.—Whenever a special election is required, the governor shall issue an order declaring on what day the election shall be held and deliver the order to the secretary of state. The secretary of state shall prepare a notice stating what offices and vacancies are to be filled in a special election in the state, county and district thereof; he shall have the notice published three times in a newspaper printed in each county wherein a special election is to be held at least fifteen days prior to the election. The secretary of state shall deliver to the sheriffs, of counties in which no newspaper is published, a notice of the time of the special election and the offices to be filled by the electors of their respective counties, or district thereof. The sheriff shall post at least five copies of the notice in the most public and conspicuous places in the county.

100.151 County Commissioners calling special election, notice.—The county commissioners shall not call any special election until notice is given to the supervisor of registration and his consent obtained as to a date when the registration books can be available.

100.161 Filling vacancy of United State Senators.—Should a vacancy occur in the senate of Congress, or in the state representation, the governor shall issue writs of election to fill such vacancy at the next general election and make temporary appointments to serve until noon of Tuesday after the first Monday of January following the general election.

100.171 Arrangement for special election; appointment of election officials.—The board of county commissioners of the county in which a special election is held shall upon the publication or posting of the notice of election as provided in section 100.13, hold a meeting or meetings for the arranging of a special ele-
tion, the appointment of clerks and managers of voting pre-
cincts in their respective counties and do the things necessary
to conduct such election which shall conform to the laws gov-
erning general elections, except requirements governing special
primary and special general elections which have special pro-
visions.

100.181 Determination of person elected.— The person receiv-
ing the highest number of votes cast for one office is elected to
the office. In case two or more persons receiving an equal and
highest number of votes for the same office, such persons shall
draw lots to determine who shall occupy the office.

100.191 General election laws applicable to special elections;
returns.— All laws that are applicable to general elections are
applicable to special elections, except, that the canvass of re-
turns by the county canvassing boards of the counties in which
special elections are held is made on the day following the elec-
tions and the certificate of the result of the canvass is immedi-
ately forwarded to the secretary of state. The board of state
canvassers shall immediately upon receipt of returns from the
county in which a special election is held proceed to canvass
the returns and determine and declare the result thereof.

100.201 Election required before issuing bonds.— Whenever
any county, district or municipality is by law given power to
issue bonds, such bonds shall be issued only after the same have
been approved by the majority of votes cast in an election in
which a majority of freeholders who are qualified electors re-
siding in the county, district or municipality.

100.211 Power to call bond election, notice required.—
The board of county commissioners, or the governing author-
ity of any district or municipality may call elections under this
code. In the event it is determined to hold any election to
decide whether a majority of freeholders who are qualified elec-
tors are in favor of issuance of bonds in the county, district
or municipality, the board of county commissioners, or the gov-
erning authority of the municipality or district, shall by resolu-
tion order an election to be held in the county, district or
municipality and shall give at least thirty days’ notice of the
election by publication in a newspaper published within the county, district or municipality as the case may be. The publication shall be made at least once each week for four consecutive weeks during the thirty days' period. If no newspaper be published in the county, district or municipality, then the notice shall be posted in at least ten different places within the territorial limits of the county, district or municipality.

100.221 General election laws to govern where not covered under this code.— The laws governing the holding of general elections are applicable to bond elections, except as provided in §§100.201-100.351. The places for voting in bond elections are the same as the places for voting in general elections, when the bond elections are held in the county or district; but when bond elections are held in a municipality the polling places are the same as in other municipal elections.

100.231 Registration closes five days prior to election.—

The registration books shall close not later than five days prior to the date of holding any bond election.

100.241 Freeholder requirements.—

(1) Any person is deemed a freeholder who has an immediate beneficial ownership, interest, legal or equitable, in the title of a fee simple estate in land.

(2) (a) In any election where only freeholders are qualified to vote the regular registration books of the county shall be used and if the registration system of the county is used for voting by a municipality, the books covering the precincts located within the municipality shall be used and only those persons who are shown thereon as freeholders shall be entitled to vote in said election.

(b) In order to determine the number of freeholders entitled to vote in each particular election, the supervisor shall determine from the records of his office the number of freeholders appearing on said registration books and shall execute his certificate as to the number, which shall be accepted as the determination prima facie of those entitled to vote in the election.

(c) Those persons shown on the registration books in a free-
holders' election to be freeholders shall be permitted to vote in the election.

(d) Any registered elector who is not shown as a freeholder, but who presents to the inspectors a tax receipt showing a payment of taxes on property in his name or a deed or certified copy thereof of property in his name, or makes a sworn affidavit of ownership giving either a legal description, address or location of the property in his name shall be entitled to vote in the election and shall be considered a freeholder.

The number of persons qualifying in this manner shall be added to the number shown on the certificate of the supervisor in determining the number of persons qualified as freeholders.

(e) The supervisor shall be compensated as reasonable rates for actual costs and services rendered in conducting a freeholders election by the county, district or municipality requiring the same to be held.

(f) It is unlawful for any person to vote or participate in any county, district or other bond election held, who is not a freeholder and a qualified elector.

100.251 Registration and freeholders proof.— Qualification and registration of electors participating in any bond election are the same as prescribed for voting in elections under the general election laws and in addition, they shall submit proof by affidavit, tax receipt, deed or certified copy of deed before the registration officer that they are freeholders who are qualified electors residing in the county, district or municipality in which the election is to be held.

100.261 Holding bond elections with other election prohibited.— It is unlawful for any county, district or municipality to hold any bond election on the day of any state, county or municipal primary or general election, or on the day of any election of such county, district or municipality for any purpose other than the purpose of voting on such bonds.

100.271 Inspectors, clerk, duties; return and canvass of election recorded.— In any bond election, except where the election is held in connection with a regular or special state, county or municipal election, at least two inspectors and one clerk shall
be appointed and qualified, as in cases of general elections, and they shall canvass the vote cast and make due returns of same without delay. Elections held in a municipality shall be returned to and canvassed by the governing authority which called the election, but in counties and districts returns are made to the board of county commissioners. The board of county commissioners or in the case of a municipality, the governing authority thereof, shall canvass the returns and declare the result and have same recorded in the minutes of the board of county commissioners, and in case of a district the certificate of declaration of result is recorded in the minutes of the governing authority of such district, or in the minutes of the governing authority of the municipality, as the case may be.

100.281 Returns necessary to authorize issuance of bond.—

Should a majority of the freeholders who are qualified electors participate in a bond election and a majority of the votes cast be in favor of approving the issuance of bonds, then the issuance of said bonds is deemed authorized in accordance with §6, Art. IX of the state constitution as amended. Before any bonds are deemed to have been authorized, it shall be found and determined by the canvassing board that a majority of freeholders qualified to vote did participate in the bond election. In the event a majority of the freeholders who are qualified electors residing in such county, district or municipality, shall fail to participate in the election, or a majority did participate but a majority of those participating did not vote in favor of approval of the issuance of the proposed bonds, then the issuance of those specified bonds are deemed to have failed of approval and it is unlawful to issue or attempt to issue the said bonds.

100.291 Record results of election prima facie evidence.—

Whenever any bond election is called and held, and the minutes have been recorded as provided in §100.271 and also a separate finding as to the total number of votes cast in the election both in favor and against the approval of bond, then a duly certified copy of the finding is admissible as prima facie evidence in all state courts of the truth, including the regularity of the call, conduct and holding of the election at the time and place specified.
100.301 Refunding bonds excluded.— Sections 100.201-100.351 shall not apply to refunding bonds and wherever the word “bond” or “bonds” is used in these sections it shall be construed to exclude refunding bonds; but if the statute, ordinance or resolution under which refunding bonds are authorized or are to be issued requires an election to determine whether such refunding bonds shall be issued, the election may be held as provided by §§100.201-100.351.

100.311 Local law governs bond election held by cities or towns.— No section of this code controlling or regulating bond elections is deemed to repeal or modify any provision contained in any local law relating to bond elections held by cities or towns, but §§100.201-100.351 are deemed additional and supplementary to such local laws.

100.321 Test suit.— Any taxpayer of the county, district or municipality wherein bonds are declared to have been authorized, shall have the right to test the legality of the election and of the declaration of the result thereof, by a bill in equity in the circuit court of the county wherein the election was held. The bill shall be filed against the county commissioners in the case of a county or district election, or against the governing authority of the municipality in the case of a municipal election. In case any such election or the declaration of result thereof shall be adjudged to be illegal and void in any such suit, the judgment or decree shall have the effect of nullifying the election in toto. No suit shall be brought to test the validity of any bond election unless the suit shall be instituted within sixty days after the declaration of the results of any bond election. In the event proceedings shall be filed in any court to validate the bonds, which have been voted for, then any such taxpayer shall be bound to intervene in such validation suit and contest the validity of the holding of the election or the declaration of the results thereof, in which event the exclusive jurisdiction to determine the legality of such election or the declaration of the results thereof shall be vested in the court hearing and determining said validation proceedings. If said bonds in the validation proceedings shall be held valid on final hearing or an intervention by the taxpayer shall be interposed and held not to have been sustained, then the judgment and
decrees in said validation proceedings shall be final and conclusive as to the legality and validity of the election and of the declaration of the results thereof, and no separate suit at law or in equity to test the same shall be thereafter permissible.

100.331 **Bond issue defeated not to be recalled for period of six months.**—If any bond election is called and held for approving the issuance of bonds for a particular purpose and such election shall not result in the approval of the bonds as provided in §100.281, then no other election for the approval of bonds for the same purpose shall be called for at least six months.

100.341 **Bond election ballot.**—The ballots used in bond elections are on plain white paper with printed description of the issuance of bonds to be voted on as prescribed by the authority calling the election. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question “For Bonds” and “Against Bonds.” Direction to electors to express his choice by making an “X” mark in the space to the right or left of the question shall be printed on the ballot.

100.351 **Referendum election; certificate of results to secretary of state.**—Whenever election is held under a referendum provision of an act of the legislature, the election officials of the governmental unit wherein the election is held shall certify the results thereof to the secretary of state who shall enter same upon the official record of the act requiring such election on file in his office.

Section 5. Chapter 101, Florida Statutes, is amended to read:

**CHAPTER 101**

**VOTING; BALLOTS, VOTING MACHINES, ABSENTEE; PROCEDURE**

101.011 **Voting.**—In counties where ballots are used, each elector is given a ballot by the inspector. Before delivering the ballot to the elector, one of the inspectors shall write his initials or name on the stub attached to the ballot; then the
elector shall, without leaving the polling place, retire alone to a booth or compartment provided, and place an “X” mark before the name of the candidate of his choice for each office to be filled or by filling a candidate’s name in the blank space provided and place an “X” mark in the margin, and likewise marking an “X” before the answer he desires in case of a constitutional amendment or other question submitted to a vote.

101.021 Elector to receive ballot of the political party designated in registration book.— Any qualified elector is entitled to vote in a primary election and receive the official primary election ballot of the political party designated in his registration, and no other; provided, that an elector, who voted at the preceding general election, for any nominee of any political party for any office for which a nomination is required, is not entitled to receive or vote the ballot of a different political party at such primary election.

101.031 Instructions for electors.— The secretary of state (or in case of municipal elections, the city or town council) shall print in large type on cards, instructions for the electors in preparing their ballots. He shall provide not less than four cards for each voting precinct and furnish them to each supervisor on their requisition. It is the duty of the supervisors and the board of county commissioners to send a sufficient number of these cards with the ballot boxes to the precincts prior to an election. It is the duty of election inspectors to display the cards in the election booths as information for electors. The cards shall contain information about how to obtain ballots, how to prepare ballots for depositing in the ballot box, how to obtain a new ballot in place of one accidentally spoiled and such other information as the secretary of state may deem necessary.

101.041 Secret voting.— In all elections held on any subject which may be submitted to a vote, and for all, or any, state, county, district or municipal officers, the voting is by secret, official ballots, printed and distributed as provided by this code, and no ballot shall be received or counted in any election, except as prescribed by this code. Only those provisions of this law which are consistent with the law governing primaries, shall apply to primaries and, only those provisions of this law which
are consistent with the law relating to the use of voting machines shall apply to voting machines.

101.051 Examination by election board of physically infirm electors.— (1) Where any elector is unable to write, or is incapacitated for writing, or because of blindness, or inability to read, or physical incapacity, or is unable to prepare his ballot and such disability is shown on the registration record, the clerk or one of the inspectors shall place the person under oath and orally examine him according to the form provided below, which form the clerk or inspector shall fill out in his own handwriting and certify to in the space provided for his signature. The form is in lieu of identification slips and the elector shall present the form to the clerk or inspector in charge of the booth, which clerk or inspector shall also certify, sign and deposit the form in the container for identification slips. This form shall be as follows:

I hereby certify that an applicant to vote stated that he could not write, whereupon I propounded the following questions to the applicant:

1. Hold up your right hand. Do you solemnly swear that the answers you give to these questions are true, so help you God? ....................

2. What is your name? ........................................


4. Your address? ............................................

5. Your occupation? ........................................

6. Your political party? ....................................

7. Why are you unable to write? ........................

8. Did you previously present yourself and have your name entered on the registration books in time for this election? ..................

9. Are you a duly qualified elector in this precinct? .............

10. Are you physically able to cast your vote? ..................

(If answer is “no”, then ask: (a) Do you now request assist-
I further certify that I correctly wrote in the answers as given by the applicant and compared them with the information on the registration books opposite the name given by the applicant and found the applicant qualified to vote.

(Clerk or Inspector)

I hereby certify that this form filled out and signed by an election official of this precinct was handed to me by the applicant who was personally known to me or who told me that his name and address was that shown on the form; and I admitted the applicant to the booth.

(Signature of official preparing ballot)

When assistance is given, election official or person giving assistance must sign below:

(Signature of clerk or inspector or person assisting elector to vote.)

(2) It shall be unlawful for any person to be in the voting booth with any elector, except as provided above. In such cases only the elector may upon request be assisted by two election officials that he may select or some other person of his own choice who has not previously so acted for any other person during the election. The officials or person giving the assistance shall first be required to sign the certificate last provided above.
(3) It shall be the duty of the board of county commissioners to furnish a sufficient number of these forms to the supervisor who shall deliver a sufficient number thereof to each voting precinct along with other election paraphernalia.

101.061 Assistance to blind, disabled and illiterate electors in marking ballots.— Any elector applying to vote in any election who is blind, or has lost the use of his hand or hands, or because of illiteracy, and is unable to prepare his ballot may request assistance of two inspectors of his choice or some other person of his own choice who has not previously so acted for any other person during the election to mark his ballot without suggestion or interference from the inspectors. In all cases any elector before retiring to the booth may have one of the clerks of the election read over to him the titles of the offices to be filled and the candidates therefor. After the elector requests the aid of the two inspectors, they shall retire to the booth for the purpose of marking the elector’s ballot for the candidates according to the elector’s choice. All electors after voting are required to withdraw immediately from the voting place.

101.071 To occupy booth alone; time allowed elector.—

When the elector presents himself to vote, the election official shall ascertain whether his name is upon the register of electors, and if his name appears and no challenge interposes, or if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him to enter through the entrance to the booth to cast his vote, allowing only one elector at a time to pass through to vote. No elector, while receiving, preparing and casting his ballot, shall occupy a booth longer than five minutes or be allowed to occupy a booth already occupied, or to speak with anyone, except as provided by §§101.051 and 101.061, while in the polling place. If an elector requires longer than five minutes, then upon a sufficient reason he may be granted a longer period of time by the election officials in charge. After casting his vote, he shall at once leave the polling room by the exit opening, and shall not be permitted to re-enter on any pretext whatever. After the elector has voted, declined or failed to vote within five minutes, he shall immediately withdraw from
the place and go beyond the prohibited distance. If he refuses to leave after the lapse of five minutes he shall be removed by the election officials.

101.081 Elector to deposit ballot.— After preparing his ballot the elector shall fold the ballot so as to conceal the face and show the stub attached with the name or initials of the inspector, and hand it to the receiving inspector who shall detach the stub and return the ballot to the elector to deposit in the ballot box in the presence of the inspectors. The detached stubs are numbered consecutively and filed by the inspectors.

101.091 Marking more names than persons to be elected.—

If the elector marks more names than there are persons to be elected to an office, or if it is impossible to determine the elector's choice, his ballot shall not be counted for the office; but this shall not vitiate the ballot, so far as those which are properly marked, and nothing in this code is construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

101.101 Elector who spoils ballot.— Any elector who shall, by mistake, spoil a ballot, so he cannot safely vote the same, may return it to the inspectors who shall immediately detach the stub and destroy the ballot without examination, and give the elector another ballot. In no case shall an elector be furnished with more than three ballots, or carry a ballot outside the polling room. The clerk of inspection shall keep a record of all ballots destroyed.

101.111 Person offering to vote may be challenged by any elector or watcher; oath of challenged elector; determination of challenge.— When the right to vote of any person who desires to vote is questioned by any elector or watcher, the challenge is communicated to the inspectors, before the person is permitted to vote, by the sheriff or some other officer or person in charge of admission to the polling place, when his right to vote must be determined by law. It is not necessary for the elector or watcher entering the challenge to state any reason for such challenge. The inspectors of election shall immediately deliver to the challenged person the following form of affidavit:

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State of Florida

County of ..................................................  

I do solemnly swear that my name is ........................ ,
that I am a member of the ..................... party and that at
the last general election I voted for a majority of the nominees
of such party; that I am ............ years old; that I was born in
the state of ............ or the country of .............. ; that
my residence is on ................. street, in the town or city of
.........................., in this election precinct of .................
county; that I personally made application for registration and
signed my name and that I am a qualified elector.

..........................................................

(Signature of elector)

Sworn and subscribed before me this
........... day of ..................... 19....

..........................................................

(Inspectors of election)

Any inspectors or clerks of election may administer the oath. If
the challenged person refuses to make and sign the affidavit,
the inspectors shall refuse to allow him to vote. If such per-
son makes the affidavit, the inspectors and clerk of election shall
compare the information in the affidavit with that entered on
the registration books opposite his name, and, upon such com-
parison of the information and his signature and the taking of
other evidence which may then be offered, the inspectors shall
decide by majority of votes whether the challenged person is
permitted to vote. If the challenged person be unable to write
or sign his name, the inspectors shall examine the precinct
register to ascertain whether the person registered under the
name of such person is represented to have signed his name. If
he is so represented, then he shall be denied permission to vote
without further examination; but, if not, then one of the in-
spectors shall place such person under oath and orally examine
him upon the subject matter contained in the affidavit and if
there is any doubt as to the identity of such person, the in-
spector shall compare his appearance with the description en-
tered upon the precinct register opposite his name. The inspec-

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tor shall then proceed as in other cases to determine whether the challenged person is permitted to vote.

101.121 Persons allowed in polling places.— As many electors are admitted to vote as there may be booths available and no person is permitted under any pretext to come within fifteen feet of any polling place whatever from the opening of the polls until the completion of the count of the ballots and certificates of returns, except the sheriff or his deputy, the inspectors and clerks of election. No sheriff, deputy sheriff or city policeman shall enter the polling place without permission from a majority of the inspectors, except to cast his ballot.

101.131 Watchers at polls; appointments; duties.—

All political parties and all individual candidates for office are permitted by the election officials to have one watcher for each candidate or political party in all polling places from the beginning to the conclusion of all elections. The watchers are not permitted to come closer than fifteen feet from the official's table or voting booths but are allowed within the polling room to watch and observe the conduct of electors and officials. The watchers are required to furnish their materials and necessities, and shall not obstruct the orderly conducting of any election. During the elections the officials are required to call out the names of electors loud enough to be heard by the watchers. The authority the watchers are required to present to the officials is their appointment or designation by a candidate or if representing a political party, then the designation from the chairman of the executive committee or an equivalent party officer.

101.141 Specifications for primary election ballots.— In counties where voting machines are not used, and for use for absentee voting prior to election day in those counties using voting machines, the primary election ballot shall conform to the following specifications:

(1) The ballots are of different color for each political party participating in the primary election. All ballots shall contain the same information as far as possible and be printed on paper of such thickness that the printing cannot be distinguished from the back.
(2) Across the top of the ballot shall be printed, “Official Primary Ballot ...................... Party” (with proper party name inserted), beneath which shall be printed the date of the election, county, and precinct number, but the number shall be omitted in voting machine counties, but filled in by the person issuing the ballot. Above the caption of the ballot shall be two stubs, with perforated line between the stubs and between the lower stub and top of the ballot, each stub shall have printed thereon: “Official Primary Ballot,” above which shall appear the party name; on the left side shall be a blank line under which shall be “signature of elector” (only on the top stub); on the right side shall appear: “Initials of issuing officer,” under which shall be a blank line; the stubs of all ballots for each precinct shall be prenumbered consecutively, beginning with “No. 1,” the stubs on each ballot shall bear the same number.

(3) Beneath the caption and preceding names of candidates, shall be the following words: “To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.”

(4) The ballot shall have the headings, under which appear the names of the officers and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: The heading “Congressional,” and thereunder the offices of United States senator and representative in Congress; the heading, “Judicial,” and thereunder the offices of the justices of supreme court, circuit court judges, and other judicial offices involved in the primary election in the order fixed by the secretary of state; the heading, “State” and thereunder the offices of governor, secretary of state, comptroller, commissioner of agriculture, state treasurer, attorney general, superintendent of public instruction, railroad commissioner and state attorney; the heading, “Legislative,” and thereunder the offices of state senator and member of the state house of representatives; the heading, “County,” and thereunder the offices of clerk of the circuit court, sheriff, tax assessor, tax collector, superintendent of public instruction, and thereafter such other county offices involved in the primary election in the order fixed by the secretary of
state; the heading, “Party Offices,” and thereunder the offices of national committeeman and committeewoman, state committeeman and committeewoman, congressional committeeman and committeewoman, precinct committeeman and committeewoman and delegates of national convention. Except where more than one candidate is to be nominated for an office and qualify and run in groups, immediately following the name of each office on the ballot shall be printed, “Vote for one (or such other proper number).” When more than one candidate is to be nominated for office and the candidates qualify and run in groups, the group’s number is printed beneath the name of the office and names of candidates in the respective group are arranged thereunder in alphabetical order as to surnames, and following group numbers there is printed the words, “Vote for one.” If in any primary election all the offices as above set forth are not involved, those offices to be filled are arranged on the ballot in the order named.

(5) On the ballot stubs the words, “Official Primary Ballot” and the party name, and on the caption the words, “Official Primary Ballot .................. Party” shall be in 18-point caps; the printed instruction to electors immediately preceding the offices and names of candidates shall be in 10-point type; the headings shall be in 12-point black-face caps; the offices, group numbers and the words, “Vote for one (or such other proper number),” shall be in 12-point upper and lower case black-face type; the names of candidates shall be in 10-point light-face caps; the lines on which are printed the candidates names shall be at least one and one-half picas apart, and the box to the right of each candidate’s name provided for the cross (X) in voting shall be two picas wide and one and one-half picas high.

(6) Should the above directions for complete preparation of the ballot be insufficient, the secretary of state shall determine and prescribe any additional matter or form, and the secretary of state shall, not less than thirty days prior to the first primary election, mail to the clerk of the board of county commissioners in the counties, the form of the ballot to be used with instructions for the preparation and printing and before final printing shall, under his certificate, approve the form of the ballot including the color.

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(7) If the above requirements as to type, size and kind should not be possible to follow, the ballot shall be prepared to conform as closely as possible to such requirements.

101.151 Specifications for general election ballot.— In counties where voting machines are not used, the general election ballot shall conform to the following specifications:

(1) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) Across the top of the ballot shall be printed “Official Ballot, General Election,” beneath which shall be printed the date of the election, the county and the precinct number. The precinct number is omitted in counties have voting machines, but shall be filled in by the person issuing the ballot. Above the caption of the ballot shall be two stubs with perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, “General Election, Official Ballot,” and then shall appear the name, county and number of precinct and the date of the election. On the left side shall be a blank line under which there shall be a space for signature of the elector. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with “No. 1.”

(3) Beneath the caption and preceding the names of candidates shall be the following words: “To vote for a person whose name is printed on the ballot, place a cross (X) mark in the square at the right of the name of the person for whom you desire to vote.” The ballot shall have headings under which shall appear in not more than three columns the names of the officers and names of duly nominated candidates for the respective offices in the following order: The heading “Electors for President and Vice-President” and thereunder the names of the candidates for president and vice-president of the United States nominated by the political party which received the highest vote for governor in the last general election of governor in this state, above which shall appear the name of said party.
Then shall appear the names of other candidates for president and vice-president of the United States who have been properly nominated and blank space of similar size for write-in candidates for president and vice-president. Then shall follow the heading “Congressional” and thereunder the offices of United States senator and representative in Congress; then the heading “Judicial” and thereunder the offices of justices of the supreme court, circuit court judges and such other judicial offices involved in the general election in the order to be fixed by the secretary of state; then the heading “State” and thereunder the offices of governor, secretary of state, comptroller, commissioner of agriculture, state treasurer, attorney general, superintendent of public instruction, state attorney, together with the names of the candidates for each office and the title of the office which they seek; then the heading “Legislative” and thereunder the office of state senator and member of the State House of Representatives; then the heading “County” and thereunder the offices of clerk of the circuit court, sheriff, tax assessor, tax collector, superintendent of public instruction, and thereafter such other county offices involved in said general election in the order to be fixed by the secretary of state.

Immediately following the name of each office on the ballot shall be printed, “Vote for One.” When more than one candidate is nominated for office and the candidates qualify and run in groups, the group numbers shall be printed beneath the names of the office and the names of the candidates in the respective groups shall be arranged thereunder. Following the group number shall be printed the words, “Vote for One.”

(4) The names of the candidates of the party which received the highest number of votes for governor in the last election in which a governor was elected shall be placed first under the heading for each office together with appropriate abbreviation of party name, the names of the candidates of the party which received the second highest vote for governor shall be second under the heading for each office together with appropriate abbreviation of the party name.
(5) All offices for which there are more than one candidate shall be placed at the top of the ballot immediately following the instructions. Thereafter, all candidates for office where only one candidate is seeking the position shall be printed in succession in the general order as provided for contested offices. Then shall appear the names of the unopposed candidates. Above the names of unopposed candidates shall be printed the following: "The remaining offices required by law to be filled at this election are being sought by only one candidate for each office. To vote for all of the candidates, place an (X) mark in this space." Then shall appear a square one-half inch by one-half inch. Then shall follow: "When so marked a vote will be counted for each of the listed candidates for the office sought. To vote for some but not all, of the candidates, do not place a cross (X) mark in the above square, but place a cross (X) mark in the square to the right of the name of the candidate for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose." A blank line with appropriate voting space shall be left at the bottom of the list of the candidates for each office.

(6) The same requirement as to the type, size and kind of printing of official ballots in primary election as provided in subsection 5 §101.141, shall govern the printing of official ballots in general elections.

(7) Should the above directions for complete preparation of the ballot be insufficient, the secretary of state shall determine and prescribe any additional matter or form, including the number of columns in which the ballot may be printed, so as to provide a presentable ballot and conserve paper, and not less than sixty days prior to a general election mail to the clerk of the board of county commissioners in the counties the forms for use in the general election with instructions for preparation of the ballot and before final printing shall, under his certificate, approve the form of the ballot.
(8) The provisions of subsection 7, §101.141 shall be applicable in printing of said ballot.

101.161 Constitutional amendment or other public measure.—Whenever a constitutional amendment or other public measure shall be submitted to the vote of the people, the substance of such amendment, or other public measure shall be printed on the ballot one time, after the list of candidates, followed by the phrase "for the amendment," and also by the phrase "against the amendment," with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice, excepting that when voting machines are used the amendment or measure shall be in the form relating to the use of voting machines. The phraseology of the substance of the amendment or other public measure, shall be furnished to the several counties by the secretary of state so as to insure uniformity, and he shall be authorized to give each of the proposed constitutional amendments or other public measure, a designating number for convenient reference and this number designation may also appear on the ballot.

101.171 Copy of constitutional amendment to be posted.—Whenever any amendment to the state constitution is voted upon at any election, the county commissioners of each county shall have the amendment printed in legible type and a copy thereof conspicuously posted at each precinct upon the day of election, such printed amendments to be furnished the county commissioners by the secretary of state.

101.181 Form of primary ballot. — The form of the primary election shall be as follows: The heading, office and candidates shown being sufficient to demonstrate the form required.
TO VOTE for a person whose name is printed on the ballot, mark a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

CONGRESSIONAL

UNITED STATE SENATOR

Vote for One

William Jones

Charles Smith

John Williams

(And thence, other offices under this heading followed by the headings and offices as prescribed in §101.141.)

101.191 Form of general election ballot. — The form of the general election ballot shall be as follows: The heading, office and candidate shown being sufficient to demonstrate the form required.
GENERAL ELECTION OFFICIAL BALLOT

No. .......... ORANGE COUNTY, FLORIDA
November 2, 1949

Signature of elector

Initials of Issuing Official

GENERAL ELECTION OFFICIAL BALLOT

No. .......... ORANGE COUNTY, FLORIDA
November 2, 1949

Initials of Issuing Official

OFFICIAL BALLOT
GENERAL ELECTION
ORANGE COUNTY, FLORIDA
November 2, 1949
Precinct No. 11

To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot write his name in the blank space provided for that purpose.

ELECTORS
for President
and Vice-President

Vote for group

DEМОCRAT

HARRY S. TRUMAN
for President
ALBEN W. BARKLEY
for Vice-President

REPUBLICAN

THOMAS E. DEWEY
for President
EARL WARREN
for Vice-President

875
WRITE IN

CONGRESSIONAL

UNITED STATES SENATOR

Vote for One

THOMAS BROWN (Dem)
BERT L. AKER (Rep)

(And thence, other offices under this heading, followed by the headings and offices as prescribed in §101.151.)

PROPOSED CONSTITUTIONAL AMENDMENTS

Mark a cross (X) mark in the square at the RIGHT for the Amendment or against the Amendment

No. 1

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 17

(Here the Secretary of State will insert brief description of the amendment as otherwise provided by law.)

FOR the Amendment

AGAINST the Amendment

101.20 Publication of ballot form.— Upon completion of the list of qualified candidates, in counties where paper ballots are used, the board of county commissioners shall publish in a newspaper of general circulation, in the county at least twenty days before any primary, general or special election of whatever nature, a sample ballot form, or should the county have an addressograph or equivalent system for mailing to registered electors, a sample ballot may be mailed to each registered elector in lieu of publication at least twenty days before any election.

101.21 Number of Ballots required, payment for ballots.—

Where voting machines are not used, there shall be as many official ballots as shall be equal to one hundred and ten per cent of the registered qualified electors at the voting place. The printing and delivery of ballots and cards of instruction shall
in municipal elections be paid for by the several cities and towns respectively, and in all other elections by the counties respectively.

101.22 Voting procedure, ballots.—Before any ballot is delivered to an elector, one of the inspectors shall affix his initials on the line provided on each of the two ballot stubs and the elector shall sign his name on the line on the top stub, and if he is unable to write, he shall sign his mark with the assistance of one of the inspectors. The inspector shall compare the signature on the ballot stub with the signature on the elector’s registration and if necessary require such other identification. If the inspector is reasonably sure that the person is entitled to vote, he shall then detach and retain the upper stub and the elector shall go to the booth and mark his ballot and after he has marked his ballot, he shall fold it so as to leave the stub remaining attached visible so that it can be detached without unfolding. The inspector shall compare it with the stub he retained and if it is the ballot he delivered to the elector, he shall detach and retain the remaining stub and the elector shall then deposit the folded ballot in the ballot box. But, if the marked ballot returned proves to be a different one from the one delivered to him, the inspectors shall then and there search the elector and if the original ballot is found on or about his person, the inspectors shall take possession of the ballot and discharge the elector from the polling place without permitting him to vote. Inspectors of elections, where ballots are used, are clothed with such police power as is necessary to carry out the provisions of this section.

101.23 Election clerk to keep list of those voting.—

When any person has voted, his name shall be checked on the margin of the page opposite his name or at the place indicated upon the registration books by one of the inspectors, and the clerk shall keep a poll list containing one column headed “Names of electors,” and the name of each elector voting shall be entered in such column. The inspectors may prevent any person from voting a second time when they have reason to believe that the person has voted. They may refuse to allow any person to vote who is not a qualified elector, or who has
become disqualified to vote in the precinct or prevent any elector from consuming more than five minutes in voting. But no inspector shall handle the ballot being voted or interfere with the voting of any elector.

101.24 Ballot Boxes and Ballots.— The county commissioners, except where voting machines are used, shall prepare one ballot box for each polling place in their respective counties, of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. Before any general or special election they shall place in the ballot box as many ballots as provided in §101.21. After securely locking the ballot box, and sealing up the keyhole and other openings, they shall send the key in a sealed envelope, to the inspector of elections of the precinct, together with the box. The custodian is placed under oath or affirmation to perform his commission faithfully and without favor or prejudice to any political party.

101.25 Names of ballot.— The nomination of all candidates for all elective state, congressional and county offices, for United States senator and for the election of members of the state, congressional and county executive committees is made in the manner provided in this code.

The name of no person nominated shall be placed upon the official ballot to be voted at any general election as a candidate for any office, unless the person has been nominated for the office under the provisions of this code.

101.26 Order of titles and names of candidates.— The ballots printed shall contain the names of all candidates nominated who have not declined. In general elections the names of the candidates shall be printed on the ballots in the order in which their party nominee ran for governor in last election.

101.27 Voting machines; defined.— The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to law shall be deemed official ballots under this code. The word “ballot” as used in this article (except when reference is made to irregular ballots) means that portion of the cardboard or paper
or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word 'yes' for voting for any question or proposition, and the word 'no' for voting against any question. The term 'question' shall mean any constitutional amendment, proposition or other question submitted to the elector at any election. The term ‘official ballot’ shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the questions submitted. The term ‘irregular ballot’ shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term ‘voting machine custodian’ shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term ‘protective counter’ shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever. The term 'board of elections' shall mean the clerk and inspectors appointed to conduct an election.

101.28 Requirements of voting machines.— Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements: It shall secure to the elector secrecy in the act of voting; it shall provide facilities for voting for or against as many questions as may be submitted; it shall permit the elector to vote for the candidates of one or more parties; it shall permit the elector to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the elector from voting for the same persons more than once for the same office; it shall permit the elector to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the elector's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which
shall show at all times during any election how many persons
have voted; it shall be provided with a mechanical model, illus-
trating the manner of voting on the machine, suitable for the
instruction of electors; it may also be provided with one device
for each party, for voting for all the presidential electors of that
party by one operation, and a ballot therefor containing only
the words “presidential electors for” preceded by the name of
that party and followed by the names of the candidates thereof
for the offices of president and vice-president, and a registering
device therefor which shall register the vote cast for said elec-
tors when thus voted collectively; provided, however, that means
shall be furnished whereby the elector can cast a vote in part
for the candidates for presidential electors of one party and in
part for those of one or more other parties or in part or in whole
for persons not nominated by any party. Every voting machine
shall be furnished with a lantern, or a proper substitute for
one, which shall give sufficient light to enable electors while
voting to read the ballots and suitable for use by the election
officers in examining the counters. All voting machines used
in any election shall be provided with a screen, hood or curtain
which shall be so made and adjusted as to conceal the elector
and his action while voting.

101.29 Providing machines; payment for same.—The author-
ities adopting the use of voting machines, shall, as soon as prac-
ticable, provide for each polling place one or more voting ma-
chines in complete working order, and the authorities in charge
of elections shall preserve and keep them repaired, and have
custody of same when not in use at any election. If it is im-
practicable to supply each election district with voting machines
at any election, as many may be supplied as it is practicable to
procure, and these may be used in the districts as the officers
adopting the machine may direct. The board of county com-
misioners or the municipal authorities on the adoption and
rental or purchase of voting machines may provide for payment
as they may deem for the best interest of their respective lo-
calities.

101.30 Voting machine model.—For the instruction of electors
on any election days there shall, so far as practicable, be pro-
vided for each polling place a mechanically operated model of a
portion of the face of the machine. The model, if furnished, shall, during the election, be located on the election officers’ table or in some other place which the electors must pass to reach the machine, and each elector shall, before entering the machine booth, be instructed regarding its operation and such instruction illustrated on the model, and the elector given opportunity to personally operate the model. The elector’s attention shall also be called to the diagram of the face of the machine so that the elector can become familiar with the location of the questions and the names of the offices and candidates. In case any elector, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two election officers of the same party shall give such instructions to him, but no officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any elector to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, candidate, amendment, question or proposition. After giving them instructions and before the elector shall have registered his vote, the officers or persons assisting him shall retire and such elector shall then register his vote in secret.

101.31 Experimental use of voting machines.—The board of county commissioners of any county or the governing body of any municipality may provide for experimental use at any election in one or more precincts, voting machine or machines and the use of any machine shall be as valid for all purposes as if they had been adopted.

101.32 Adoption of voting machines; powers incident to adoption.—The board of county commissioners or the governing body of a municipality, may if they so elect, submit to the electors of a county or municipality at a general or special election the question of whether it shall adopt voting machines; provided that no special election shall be called for the sole purpose of determining this question. If a majority of the electors approve of same, the board of county commissioners of the county or governing body of the municipality shall adopt for use at elections any kind of voting machine that meets the requirements set forth in §101.28, and the machines shall be used at any and
all elections held in the county or municipality or any part thereof for voting, registering and counting votes cast at any election; provided that the board of county commissioners or governing body may purchase, install and use, not to exceed five voting machines, for experimenting with same in districts or precincts without submission of the question to the electors of the county or municipality. Voting machines may be adopted for use in different districts in the same county or municipality.

In every case in which the governing authorities of any city or town, shall adopt and use at any precinct any voting machine, the governing authorities may do anything necessary which they deem to be requisite to a fair, honest and satisfactory use of the machines.

101.33 Number of electors for each machine.— In precincts containing six hundred or less registered electors there shall be one voting machine and in precincts containing more than six hundred registered electors there shall be available one machine for every six hundred registered electors or fraction thereof which are expected to participate in any election.

101.34 Supervisor shall be custodian of voting machine.— The supervisor is the custodian of voting machines in the county using them, and he shall appoint deputies necessary to prepare and supervise the machines prior to and during elections and their compensation shall be the same as clerks and inspectors of elections and they shall be paid by the board of county commissioners from the same fund the clerks and inspectors are paid from.

101.35 Custodians of voting machines.— Where a voting machine is used, it shall be in proper order for use at any election at the polling place before the time fixed for opening of the polls, and the counters set at zero (000). The custodian, the supervisor, shall appoint one or more deputies to be known as deputy custodians of voting machines, who shall be competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and shall be instructed at least thirty days before the election. They shall be considered as officers of elections. Before the machines are prepared for any election, written notice shall be mailed to the chairman of at least two local
organizations of the principal parties, stating the time and place where the machine will be prepared, at which time one representative of each political party is afforded an opportunity to see that the machines are in proper condition. The representatives are sworn to faithfully perform their duties and are regarded as election officials but shall not interfere or assume any of the deputy custodians’ duties. When the machine has been examined by such representatives it shall be sealed with a numbered seal. The representatives shall certify to the numbers of machines, that all counters are set at zero (000), and the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or someone authorized, other than the person who prepared them, shall inspect each machine and report in writing the fact whether the machines are in the proper order as set forth above; and the right of such inspection shall be accorded any candidate or his representative authorized in writing. When a machine is properly prepared, it shall be locked against voting and sealed, and the keys delivered to the board of officials having charge of said election, together with a written report, stating that such machine is properly prepared for the election. The machine shall be transferred to the polling place, and it is the duty of the local authorities to provide protection against molestation or injury to it. The lantern or light fixture shall be in good order before the opening of the polls.

Those members of the board of elections who have not served regularly at each election in a precinct in which a voting machine is used shall attend meetings and receive such instructions from the deputy custodians concerning their duties as is necessary for the proper conduct of the election with the machine. The instruction shall be given not more than twenty-one days prior to date of election and as near the election as practicable for all primary general elections. The deputy custodian shall, when giving the instruction, call as many meetings as necessary and within five days, file a report with the board or official in charge of elections stating that he has instructed the election officers, giving their names, time and place where the instructions were given. Each member shall receive a certificate from the deputy custodian certifying that he is qualified to properly conduct the election with the machine. The members shall be
entitled to receive ten cents for every mile traveled of the estimated distance by the most usual route from their place of residence to the place of instruction, and like sum for returning.

101.36 Voting machine; when used.— In counties having adopted voting machines, the machines shall be so arranged as to require individual voting as between the candidate for the offices for which two or more candidates appear on the ballot, and to permit straight voting by pulling one lever for the candidate for all offices in which there is only one candidate for the office. The order in which the ballot is arranged shall as nearly as practical conform to the requirements of the form of the paper ballot. The voting machines shall be used by the counties in all general, primary and special elections. In counties where voting machines are adopted and used in state or county elections, they shall also be used by municipalities in any municipal election. Authority is hereby granted to the board of county commissioners of any county having adopted voting machines to permit municipalities within the county to use county owned voting machines.

101.37 Location of voting machines.— At all elections where voting machines are used, the arrangement of the polling room shall be as follows: The exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least one foot from every wall or partition of the polling room and at least four feet from any table where any of the election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by electors. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how an elector votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each elector has cast his vote, to see that the ballots on the face of the machine are in proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient
reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns.

101.38 Disposition of voting machine keys.— The keys of the machine shall be enclosed in an envelope supplied by the custodian on which shall be written the number of the machine, the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers and returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key of any voting machine and all election officers or persons entrusted with the keys for election purposes, or in the preparation of the machines, shall not retain them longer than necessary to use them for such purpose. All machines shall be boxed and stored in a suitable place as soon as possible after the election.

101.39 Voting machines, sealing curtains.— Curtains on all voting machines shall be securely sealed or fastened before being used in any election so that the clearance lever can not be operated without opening or closing curtains. And no voting machine, while in use, shall be concealed in any voting place, so as to hide or obscure the machine from public view.

101.40 Voting machine out of order.— In case any voting machine used in any precinct shall, during the time the polls are open, become injured, it is the duty of the election board to substitute a perfect machine, if possible, and at the close of the polls, the records of votes shown on the counters of both machines shall be added together in ascertaining the results of the election. If no other machine can be prepared for use at the election, and the one injured can not be repaired in time for use, unofficial ballots made as nearly as possible like the official ballots may be used, received by election officers and placed in receptacle in such case to be provided by said officers, and counted with votes registered on the voting machines, and the result shall be declared the same as though there had been no accident to the voting machine. The ballots thus voted shall
be preserved and returned with a certificate or statement setting forth how and why same were voted.

101.41 Sample ballots.— (1) Where voting machines are used, two sample ballots must be furnished to each polling place by the officer whose duty it is to provide official ballots, arranged in the form of a diagram showing the official ballot on the voting machine as it will appear on election day. Sample ballots shall be open to inspection by all electors in any election and a sufficient number of reduced size ballots shall be furnished to election officials so that one may be given to each elector desiring same.

(2) Upon completion of the list of qualified candidates, the board of county commissioners shall publish in a newspaper of general circulation, in the county at least twenty days before any primary, general or special election of whatever nature, a sample ballot form, or should the county have an addressograph or equivalent system for mailing to registered electors, a sample ballot may be mailed to each registered elector in lieu of publication at least twenty days before any election.

101.42 Official ballots; number; printing.— (1) Official ballots of the form and description for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and are delivered to the supervisors. Two sets of official ballots shall be provided for each polling place for each precinct, of which one set shall be inserted or placed in or upon the machine and the other retained in the custody of the board of elections, unless it shall become necessary during the election to make use of same upon or in said machine.

(2) All ballots for voting machines shall be printed on white paper of such size as will fill the ballot frames of the machine, in plain color type as large as the space will permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the captions of the ballots on said machines so placed as to indicate to the elector what push knob, key lever or other device is used or operated in order to vote for the candidates of his choice.

101.43 Substitute ballot.— When voting machines are used and
the required official ballots for a precinct are not delivered in
time to be used on election day, or after delivery, are lost, de-
stroyed or stolen, the clerk or other officials whose duty it is
to provide ballots for use at such election, in lieu of the official
ballots, shall have substitute ballots prepared, conforming as nearly
as possible to the official ballots, and the board of election shall
substitute these ballots to be used in the same manner as the
official ballots would have been used at the election.

101.44 Irregular ballots.— Ballots voted for any person whose
name does not appear on the machine as a qualified candidate
for office are referred to as irregular ballots. Such irregular
ballot shall be deposited, written or affixed in or upon the re-
ceptacle or device provided on the machine for that purpose.
An irregular ballot must be cast in its appropriate place on the
machine, or it is void and not counted.

101.45 Election board opening polls.— The board of election
of each precinct shall attend the polling place one-half hour
before the time set for opening of the polls and shall arrange
the furniture, stationery and voting machines. The said boards
shall, if not previously done, insert in their proper places on
the machines the ballots containing the names of offices to be
filled and the names of candidates nominated. The keys to the
machines shall be delivered to the election officers at least one-
half hour before opening the polls, in a sealed envelope, on
which shall be written or printed the number and location of
the machine, the number of the seal and the number registered
on the protective counter or device, as reported by the cus-
todian. The said envelope shall not be opened until at least
one member of the board from each of two political parties is
present, and shall have examined the envelope to see that same
has not been opened. Before opening the envelope, the elect-
ion officers present shall examine the number on the seal on
the machine, also the number registered on the protective counter,
and see if they are the same as the number written on the en-
velope. If they are not the same, the custodian or an authorized
person must be present when the machine is opened to re-examine
such machine and certify that it is properly arranged. If the
numbers are found to agree with those on the envelope, the
election officer shall proceed to open the doors concealing the
counters and each officer shall carefully examine every counter and see that it registers zero (000), and same is subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are opened, and only electors are to operate same. If any counter is found not to register at zero (000), the board of election shall immediately notify the custodian, who shall adjust such counters at zero (000), but if it is impracticable for the custodian to arrive in time to adjust such counters, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room and it shall remain throughout election day. In filling out the statement of canvass, they shall subtract such number from the total then registered thereon.

101.46 Instruction to electors before election.— The authorities in charge of elections, where voting machines are used, shall designate suitable and adequate times and places for giving instructions to electors who apply, and the machines shall contain a sample ballot showing the title of offices to be filled, and, so far as practicable, the names of candidates to be voted on at the next election. No voting machine which is to be assigned for use in an election shall be used for instruction after having been prepared and sealed for the election. During the public exhibition of any voting machine for any instruction, the counting mechanism shall be concealed but the doors may be temporarily opened when authorized by the board or official in charge of elections.

101.47 Requirements before elector enters voting machine booth.—

(1) In all elections where voting machines are used, every elector desiring to vote is required to identify himself to the clerk and inspectors of the election as a duly qualified elector at such election by signing his signature, in ink or indelible pencil, to an identification blank or slip, which is substantially the form provided by this code.

(2) It is the duty of the clerk or inspector to compare the signature with the signature of the elector upon the registration
books, and if satisfied that the signature is the same, he then shall sign the slip in the place provided and the signing shall constitute an oath or affirmation of the fact stated by the clerk or inspector above his signature.

(3) The board of county commissioners shall furnish and the supervisor shall supply sufficient containers for each precinct, each container to be securely sealed. Each container shall have a slot large enough to receive the identification slips. Before the polls open, the clerk in the presence of all inspectors and the public, shall open the container and ascertain that it is empty, and while empty shall securely seal same and place a seal across the lid and body of the container leaving a slot open without breaking or removing the seal; and the clerk or inspectors shall sign their names upon the seal. Printed forms of seals shall be furnished with each container, containing a statement over the place for the signature that the container was opened, emptied, and sealed while empty before the polls were opened; the signing of the certificate shall constitute the clerk’s or inspector’s certificate to the facts.

(4) No person shall be admitted to a voting machine unless he presents to the clerk or inspector an identification slip as provided in subsections (1) and (2) of this section.

(5) Before the elector enters a voting machine he shall deliver his identification slip duly signed to the clerk or inspector operating the machine, and the clerk or inspector shall also sign the slip and his signature shall constitute an oath or affirmation as to the printed facts set forth above his signature, and then the clerk or inspector shall deposit the slip through the slot in the locked and sealed container.

(6) The identification slip, when signed by any person as an elector and by the clerk or inspector comparing his signature and by the clerk or inspector admitting him to the voting machine and depositing slip in the container, shall be prima facie evidence that the person whose name appears therein as an elector was admitted to the voting machine and that he then and there voted.

(7) It is the duty of the clerk and inspectors to return all unused signature identification blanks to the supervisor immedi-
ately on the closing of the polls, and then seal the slot of the container with a seal signed by all the election officials in that precinct and the clerk shall deliver same to the supervisor.

(8) The identification slip shall be in the following form:

No. ............

SIGNATURE IDENTIFICATION SLIP

Held in ............... County, Florida, on the ...... day of ............. A. D. 19......

I affix my signature hereto in the place and at the time of voting for the purpose of identifying myself as a duly registered and qualified elector in this election.

(Signature of elector)

I hereby certify that the foregoing signature was signed in my presence during voting hours at this voting precinct and by me compared with that on the registration books and approved for voting in precinct No. ............

(Signature of clerk or inspector)

I hereby certify that I admitted the person who signed this identification slip to the voting machine; that said elector was personally known to me, or told me that he signed it; and that the number of the voting machine is ............

(Signature of official operating machine)

(9) It shall be the duty of the board of county commissioners to prepare and send to the supervisor for delivery to each polling place the same number of signature identification slips as there are qualified electors for such polling place. In preparing the slips the same shall be numbered consecutively beginning with number (1) and continued to such number as there are qualified electors for each county. In preparing the identification slips the appropriate information to designate the date, name of county and kind of election, to wit: general, special or primary, shall be printed in at the appropriate blank spaces appearing in the form.
(10) Any certificate signed by any clerk or inspector of any election certifying to the result of the election in or for any precinct is admissible in evidence in the trial of any cause, either civil or criminal, in any court in the state, and when admitted shall constitute prima facie evidence that it was signed by the persons whose names are signed hereto and conclusive proof that any person who signed the certificate as clerk or inspector of election was duly appointed and qualified to act throughout the election and in the capacity indicated upon said certificate, unless the contrary is disclosed thereby.

(11) It shall be the duty of the supervisor to deliver the required number of identification slips, numbered in consecutive numerical order, to each precinct and to preserve for one year a record in his office showing the number of identification slips which he delivered to each precinct designating the precinct number and address and the numbers of slips so delivered (Such as: Delivered to precinct number one, five hundred identification slips, numbered one to five hundred inclusive.)

(12) The identification slips and all other election materials required to be delivered to each precinct shall be delivered by enclosing and locking same in the voting machine; along with an itemized list with a receipt in the form: "I hereby certify that I have checked the items listed hereon and acknowledge receipt thereof," which receipt shall be signed by the clerk of the precinct and deposited in the container provided for identification slips.

(13) It shall be unlawful for any person, other than the printer while printing and delivering the slips to the board of county commissioners, the county commissioners and their agents engaged by them in delivering the slips to the supervisor and his agents in placing the slips in the voting machine for delivery to the voting precincts, the clerks and inspectors and qualified electors while acting inside of polling places during the election, to have in their possession any signature identification slip or other slip containing the same, or substantially the same wording as the signature identification slip; and it shall be unlawful for any person or official to deliver any official slip or other slip containing the same or substantially the same wording as the signature identification slip to any person other than as herein provided.
101.48 Examination by election board of physically infirm electors.—(1) Where the elector is unable to write, or is incapacitated for writing, or because of blindness, or inability to read, or physical incapacity, or is unable to operate the voting machine and such disability is shown on the registration record, the clerk or one of the inspectors shall place the person under oath and orally examine him according to the form provided below, which form the clerk or inspector shall fill out in his own handwriting and certify to in the space provided for his signature. The form is in lieu of identification slips and the elector shall present the form to the clerk or inspector operating the voting machine, which clerk or inspector shall also certify and sign the form, and deposit same in the container for identification slips. This form shall be as follows:

I hereby certify that an applicant to vote stated that he could not write, whereupon I propounded the following questions to the applicant:

1. Hold up your right hand. Do you solemnly swear that the answers you give to these questions are true, so help you God?

2. What is your name?

3. Your age? Your sex?

4. Your address?

5. Your occupation?

6. Your political party?

7. Why are you unable to write?

8. Did you previously present yourself and have your name entered on the registration books in time for this election?

9. Are you a duly qualified elector in this precinct?

10. Are you physically able to case your vote? (If answer is "no", then ask: (a) Do you now request assistance in voting? (b) Why do you need such assistance?).
I further certify that I correctly wrote in the answers as given by the applicant and compared the same with the information on the registration books opposite the name given by the applicant and found the applicant qualified to vote.

.................................

(Clerk or Inspector)

I hereby certify that this form filled out and signed by an election official of this precinct was handed to me by the applicant who was personally known to me or who told me that his name and address was that shown on the form; and that I admitted the applicant to voting machine No. .......

.................................

(Signature of official operating machine.)

When assistance is given, election official or person giving assistance must sign below:

.................................

(Note: It shall be unlawful to assist, or be in the compartment, while the curtain thereof is closed, with any elector unless such elector is blind, unable to read, or so physically incapacitated as to be unable to operate the machine and requests such assistance.)

I certify that I assisted this elector in voting at his request.

.................................

(Signature of clerk or inspector or person assisting elector to vote.)

(2) It shall be unlawful for any person to be in the voting booth with any elector while the curtain is closed, except as provided above. In such cases only the elector may upon request be assisted by two election officials that he may select or some other person of his own choice who has not previously so acted for any other person during the election. The officials giving the assistance shall first be required to sign the certificate last provided above.

(3) It shall be the duty of the board of county commissioners to furnish a sufficient number of these forms to the supervisor who
shall deliver a sufficient number thereof to each voting precinct along with other election paraphernalia.

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signature, shall doubt that the handwriting affixed to a signature identification slip of any elector who presents himself at the polls to vote, is the same as the signature of the elector affixed in the registration book, it shall become the duty of the clerk or inspector to deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF ................................

I do solemnly swear (or affirm) that my name is ......................; that my occupation is that of ...............; that I am ........ years old; that I was born in the State of ......................; County of ...............; that I personally made application for registration within the last two years and at such time signed my name in the registration book, and at said time I resided on ............... Street, in the Town or City of ......................, County of ..............., State of Florida; that I am a qualified elector of the county and state aforesaid and have not voted in this election.

..................................................

(Signature of elector).

Sworn to and subscribed before me this ...... day of ..........., A. D. 19....

..................................................

Clerk or inspector of election

Precinct No. ......................

County of ..............................

(2) The person shall fill out, in his own handwriting, the form and make an affidavit to the facts stated in the filled-in form, such affidavit is then sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to the voting machine to cast his vote, but if the person fails or refuses
to make out or file such affidavit, then he shall not be permitted to vote.

101.50 Election officers to preserve affidavits and identification slips.—All signature identification slips where voting machines are used shall be preserved by the clerk and inspectors of election, but in those instances where an affidavit has been made in addition to the identification slip, such affidavits and slips bearing the signatures of the same persons are placed together in a separate envelope and kept separate from the remaining slips, but all such slips and affidavits preserved shall be returned to the supervisor whose duty it is to preserve them for at least one year, subject to inspection by any elector, and to deliver the same to any prosecuting officers of the county, upon demand, after taking his written receipt.

101.51 To occupy booth alone; time allowed elector.—When the elector presents himself to vote, the election official shall ascertain whether his name is upon the register of electors, and if his name appears and no challenge interposes, or if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him to enter through the entrance to the booth or compartment to cast his vote, allowing only one elector at a time to pass through to vote. No elector, while receiving, preparing and casting his ballot, shall occupy a booth or compartment longer than five minutes or be allowed to occupy a booth or compartment already occupied, nor to speak with anyone, except as provided by §§101.051 and 101.061, while in the polling place. If an elector requires longer than five minutes, then upon a sufficient reason he may be granted a longer period of time by the election officials in charge. After casting his vote, he shall at once leave the polling room by the exit opening, and shall not be permitted to re-enter on any pretext whatever. After the elector has voted, declined or failed to vote within five minutes, he shall immediately withdraw from the place and go beyond the prohibited distance. If he refuses to leave after the lapse of five minutes he shall be removed by the election officials.

101.52 Assistance to blind, disabled and illiterate electors in using voting machines.—Any elector applying to vote in any election who is blind or has lost the use of his hand or hands, or because of illiteracy, and is unable to use the voting machine may
request assistance of two inspectors of his choice or some other person of his own choice who has not previously so acted for any other person during the election to use the voting machine without suggestion or interference from the inspectors, but in all cases any elector before retiring to the compartment may have one of the clerks of the election to read over to him the title of the offices to be filled and the candidates therefor. After the elector requests the aid of the two inspectors, they shall retire to the compartment for the purpose of operating the voting machine for the candidates according to the elector's choice. All electors after voting are required to withdraw immediately from the voting place.

101.53 Watchers at polls; appointment; duties.—All political parties and all individual candidates for office shall be permitted by the election officials to have one watcher for each candidate or political party in all polling places from the beginning to the conclusion of all elections. The watchers shall not be permitted to come closer than fifteen feet from the official's table or voting machines but are allowed within the polling room to watch and observe the conduct of electors and officials. The watchers are required to furnish their materials and necessities, and shall not obstruct the orderly conducting of any election. During the elections the officials shall call out the names of electors loud enough to be heard by the watchers. The authority the watchers are required to present to the officials is their appointment or designation by a candidate or if representing a political party, then the designation from the chairman of the executive committee or an equivalent party officer. Watchers have the right to challenge electors and it is not necessary for the watchers to state any reason for such challenge and no election official, or officer shall interfere with the watchers in the orderly performance of their duties.

101.54 Tabulation of vote and proclamation of results, where voting machine used.—As soon as the polls are closed, the inspectors of election shall immediately lock and seal the voting machines against voting. The inspectors then shall sign a certificate stating that the machines have been locked against voting and sealed; the number of electors as shown on the public counters; the number on the seal; the number registered on the protective counter, if one is provided; and that the voting machines are closed and locked. The inspectors then shall open the counting compart-
ments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The clerk of the board of elections shall then read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also read and announce the vote on each constitutional amendment, proposition or other question. The results shall be announced four times by the following procedure. While the clerk is announcing the results, one inspector shall stand by his side and check the clerk's announcements. The vote as registered is entered on the tabulation, by two inspectors of opposite political faith, whenever practicable, but not including the clerk, in the same order on the space which has the same designating number and letter, after which the figures are verified by being called off from the counters of the machine by the inspector standing near the clerk. While the inspector is announcing the results, the clerk shall stand by his side and check the inspector's announcements. After the results are announced by the clerk and the inspector, they shall exchange positions with the two inspectors who are tabulating the results. The same procedure as used by the clerk and inspector shall again be followed by the two inspectors in announcing the results. The tabulation shall then be filled out, which shall show the total number of votes cast for each office, the number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated or elected. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the board of elections. Any candidate or duly accredited watcher who may desire to be present shall be admitted to the polling place from the closing of the polls until count and tabulation are complete. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the clerk who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter; also the vote cast for and against each question submitted. During each proclamation ample opportunity is given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by
the board, after which the doors of the voting machine shall be closed and locked. Before adjourning, the board shall, with the seal provided therefor, so seal the operating lever of the machines that the voting and counting mechanism will be prevented from operation. The same procedure shall be followed for each machine where more than one machine is used in any precinct, and a final proclamation made to the total vote received by each candidate. Irregular ballots, enclosed in properly sealed package and properly endorsed, shall be filed with the original statement of returns. The inspector filing the returns shall deliver to the said board or officer from whom they were received, the keys of the voting machine, enclosed in a sealed envelope having endorsed thereon a certificate of the inspectors stating the number of the machine or machines, and the precinct where it has been used, the number on the seal and the number on the protective counter, if any. As each vote is read and announced, it shall be recorded on two statements by two other members of the board, and when completed compared with the numbers on the counters of the machine. If found correct, the result shall be announced by the clerk and the tabulation of votes, after being duly certified and sworn to, shall be filed as provided for filing election returns.

101.55 Certificate of returns.—In precincts where voting machines are used, certificates of results shall be printed to conform with the type of machines used, on a form approved by the secretary of state. The designating number and letter on the counter for each candidate shall be printed next to the candidate’s name on the certificate of the result. The form of such certificate shall also provide for the entry of the total number of votes cast for each candidate and upon each question. Three of such certificates shall be made in each precinct of which one shall be sent to the supervisor of the county, another sent to the county judge, and another publicly posted at the polling place in which the precinct is situated.

101.56 Locking machine and returning irregular ballots.—The election officers shall, as soon as the count is completed and ascertained, lock the counter compartment of the machine, and it shall so remain for a period not less than ten days, unless another election is held within three weeks, in which event the machine shall remain locked for five days, except in either event it may be opened by the canvassing board or by order of a court of competent
jurisdiction. Whenever irregular ballots have been voted, the election officers shall return such ballots in a secured package endorsed “irregular ballots” and return and file such package with the original statement of the result of the election made by them. The package shall be filed for six months succeeding the election, and not opened or its contents examined during that time except by a judge of a court lawfully empowered to direct the package to be opened and examined. The package may be opened at the end of six months and the ballots disposed of at the discretion of the official or body having charge of them.

101.57 Protest of election returns; inspection by canvassing board.—Whenever any elector, believing that election returns are erroneous and fraudulent, he shall have a right to file a written protest against the canvass of such returns with the canvassing board specifying the precinct or precincts in which he believes such returns are erroneous or fraudulent. Such protest may be filed with the canvassing board up until the time the canvass has been completed and the totals of votes tabulated. Before canvassing such returns the canvassing board shall examine the counters on the machines in such precincts and find whether the returns correctly show the votes cast. If there be discrepancies between the returns and the counters of the machines, the counters of such machines shall be presumptively correct, and the votes shown by the counter shall be canvassed wherever there is a discrepancy between the returns and the vote shown by the counters. The rights of all parties in interest to appeal to the courts for protection against error or fraud are not annulled. The secretary of state shall prescribe the form of protest which may be filed by the elector.

101.58 Investigating condition and operation of voting machines. —The secretary of state may, at any time he deems fit or upon the petition of five percent of the registered electors, appoint one or more deputies who shall investigate and examine the condition, custody and operation of voting machines in any county or municipality. The deputy shall supervise preparation of such machines for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his duty. He shall file with the secretary of state a certificate that he personally examined the voting machines and with such certificate file a report of his find-
ings in the county or municipality in which the machines are situated and a copy of the certificate and report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the secretary of state and paid from the unappropriated portion of the state general revenue fund.

101.59 Striking names from registration books.—The supervisor shall strike from the registration books any name appearing thereon where he has evidence that the person registered illegally, however the person has a right to appear before the supervisor and establish the legality of his registration, in which event his name shall be restored to the books.

101.60 Election board to report violations of this code.—It shall be the duty of the clerk and inspectors to report any violation of this code to the proper prosecuting officers of the county. If ordered by a majority of the board at any precinct, any person presenting himself to vote may be arrested by any peace officer attending such precinct, for known violations of the election code.

101.61 Absent elector defined.—The term absent elector shall mean any registered and qualified elector who due to physical disability is unable without another’s assistance to attend the polls, or any qualified elector wherever he may be, except persons confined in prison or jail, so long as he will not be in the county of his residence during the hours the polls are open for voting on the day of any election. Such person may cast an absentee ballot upon compliance with the absent elector provisions of this code.

101.62 Absentee ballots, application, time, form.—At any time during the forty-five days preceding any election any elector intending to be absent on the day of election from his home county may make application to the county supervisor either in person or by mail, upon a blank furnished by the supervisor for the official ballot to be voted at such election. The application may be made on a blank prepared by the elector if the application is substantially in the form required by this code. When any written request of an elector for an absentee ballot sets forth statutory grounds for making application for such ballot it shall be accepted as a bona fide application if the signature on the application agrees with the elector's signature on the registration books. The
application blank shall be sent immediately, by mail, to the absent elector by the supervisor, together with the absentee ballot if they are ready for distribution or shall be delivered to the absent elector upon personal application at the supervisor’s office. The application blank shall be in substantially the following form, and signed by the applicant and witnessed as required under this code.

Application for absent elector’s ballot.

I, .................................................., duly qualified and registered as a .......................................... elector of (party)

the .................................................. precinct of the county of ................................................., and State of Florida, and a .................................................., not confined to prison (give occupation)

or jail, and intending to be absent from the said county on the day for holding such election because (check appropriate reason):

(1) □ I am physically disabled and unable without the assistance of another to attend the polls on election day.

(2) □ I intend to be absent from the county during the entire period the polls are open for voting on the day of election and can not without manifest inconvenience vote in person, I hereby make application for an official ballot, or ballots, to be voted by me at the election to be held in ................................................. on ....................................................

(date)

Send “absent elector’s ballot” to me at .........................
post office, county, city address, if any ..........................

Home address of applicant .................................

Date .........................

In witness whereof I have hereunto set my hand and seal this the ........ day of ................................................. 19........

Signed and sealed in presence of:
In primary elections, the supervisor of registration will supply the elector with the ballot of the party in which he is registered and no others.

101.63 Absentee ballot; filing; record.—Upon receipt of application for absentee ballot, filled out and signed, the supervisor shall file it in his office and enter the name and address of the applicant to which the ballot is to be sent, upon a list to be kept by the supervisor or clerk for that purpose, together with the date of receiving the application, the date of mailing or delivering the ballot to the elector, the date of receiving the ballot from the elector and such other information he may deem necessary.

101.64 Mailing absentee ballots; numbering; return envelopes; form.—The supervisor shall, after the printer delivers the ballots for a precinct in which applications for absent electors have been received, prepare the first numbered ballot for the first applicant, the second ballot for the second applicant, and so on. The supervisor shall initial both stubs No. 1 and No. 2 and enter the name of the elector in the place indicated for the elector to sign. If the applicant appears in person he shall sign stub No. 1 as if he were voting on election day. The supervisor shall then detach the ballot and stub No. 2 from No. 1 and forward by mail, postage prepaid or deliver personally, one of such ballots with stub No. 2 attached (or if there be more than one kind of ballots to be voted, then one of each kind) to each applicant from his county as shown by §101.63, provided such applicant is properly registered. The supervisor shall not receive such applications after the deadline provided in §101.65. The supervisor shall enclose with such ballot two envelopes, a plain white envelope into which the absent voter shall enclose and seal his marked ballot and then place the
sealed white envelope, together with detached stub No. 2 in the second envelope which is addressed to the supervisor and also bearing on the back side a printed statement in substantially the following form: I ............................................, do solemnly declare that I am a resident of .................., precinct of .................. county or of the .................. precinct or ward of the city of .................. in the county of .................., State of Florida, and have been a resident of such county or city for six months and of this state for one year and am entitled to vote in such precinct; that the enclosed ballot was marked by me personally and enclosed in this envelope and sealed by me without being exhibited to any other person.

In the presence of:
(Two witnesses)

............................................

............................................

(Signature of absent Elector)

The statement shall be so arranged that the signatures of the absent elector and two witnesses shall be across the flap of the envelope. The absent elector shall sign the said envelope and the two witnesses shall then sign certifying that the person is personally known to them and the names signed as the absent elector is the correct name.

101.65 Instruction to absent electors.—The supervisor shall enclose with each ballot sent to an absent elector separate printed instructions furnished by them containing substantially the following: “Upon receipt of the enclosed ballot you will mark the same according to the instructions, then detach stub No. 2 bearing the initial of the supervisor from the ballot. Place the marked ballot in the enclosed plain envelope and securely seal it, and then place stub No. 2 and sealed plain envelope in the second envelope addressed to the supervisor. Fill out the statement printed on the back of the envelope, sign, and have the envelope signed by two witnesses who have seen you sign, place the necessary postage upon the envelope and deposit it in the post office or in some government receptacle provided for the deposit of mail, or deliver it
personally to this office so that absent elector’s ballot will reach the supervisor of the county in which your precinct is located not later than 5 o’clock in the afternoon of the day preceding the primary or general election.

101.66 Absent elector’s ballot; signing, sealing, mailing.—Upon receipt of the absentee ballot and printed instruction as provided in §101.65, F. S. the absentee shall, in secret, mark his ballot, follow the instructions enclosed with his ballot and return same to the supervisor of the county in which his precinct is located.

101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots.—The supervisor shall safely keep in his office any envelopes received containing marked ballots of absent electors, and he shall, before the canvassing of the election returns deliver the envelopes to the county canvassing board and his list kept regarding same. All marked absent elector’s ballots to be counted must be received by the supervisor by 5 o’clock in the afternoon of the day preceding any election, all ballots received thereafter shall be marked with the time and date of receipt, and filed in his office. No application for an absent elector’s ballot shall be received or handed out to an elector unless there remains time for the ballot to be mailed to the supervisor by United States mail or personally voted in the office of the supervisor before the deadline for receiving said ballots.

101.68 Canvassing absent elector’s ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot and shall safely keep the ballot unopened in his office until the board of county canvassers canvases the vote according to law. The canvassing board shall compare the information on the back of the envelope with the registration book to see that the elector is duly registered in the precinct, has not voted on election day and to determine the legality of the absent elector’s ballot. If it is determined, by the canvassing board that any vote is illegal, then some member of the board shall, without opening the envelope, mark across the face of the envelope “rejected as illegal.” The envelope and the ballot contained therein shall be preserved in the manner that official ballots are preserved.

(2) The board of county canvassers shall then open the covering envelope and record the ballot upon the poll book of the proper
precinct in the same manner as clerks of elections record votes. The ballots for the entire county still in the plain sealed envelope shall be mixed up so as to make it impossible to determine which plain envelope came out of which signed envelope. The vote of all absent electors shall be added to the total of the poll for the county.

101.69 Voting in person; return of ballot; double voting.—The provision of this code shall not be construed to prohibit any absent elector, returning to his home county from voting in his precinct at any election notwithstanding that he may have made application for an absent elector’s ballot and same may have been mailed to him; provided, that the elector has not voted the ballot and provided also that he returns the ballot if he received same to the election board in his precinct. The returned ballot shall be marked “canceled” by the board and placed in the regular box of other cancelled ballots.

101.70 Any governmental agency or political subdivision may adopt any provisions of the absentee voting law.—Any municipality, school district or other governmental agency or political subdivision may by resolution or ordinance adopt this law as means of providing for absentee voting in any authorized election. In such event the words “city clerk” or other appropriate official is inserted wherever the word “supervisor” appears.

101.71 Polling place.—There is in each precinct in each county one polling place, managed by a board of inspectors and clerk of election. The inspectors of election shall rail off and construct a space, in which to hold an election, with an opening at one end for entrance of the electors and an opening at the other for their exit. Only one elector shall be allowed to enter any polling place at a time, and no one except inspectors shall be allowed to speak to him while casting his vote, and no inspector shall speak to or interfere with the elector concerning his voting, otherwise than to perform his duties as such inspector.

101.72 Booths.—The county commissioners of each county (or in case of a municipal election, the mayor or other chief executive officer), where voting machines are not used, shall provide at each polling place, a room or covered enclosure. In such place or covered enclosure shall be provided booths or compartments, one booth or compartment for each hundred or fraction of hundred over fifty qualified electors registered for that election, and
furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector in one compartment to see an elector in another in the act of marking his ballot and each voting table or shelf shall be kept supplied with conveniences for marking the ballots.

101.73 Description of election districts and precincts.—Within ten days after there is any change in the division, number or boundaries of the election precincts, or of the location of the polling places, the county commissioners shall make in writing an accurate description of any new or altered election precincts, setting forth the boundary lines thereof, so as to designate accurately the limits of each precinct. They shall at the same time name, clearly define and describe in writing the polling place which they have established in each new or altered election precinct or in any precinct in which they may have changed the polling place. Such changes shall be recorded in the registry of deeds in the clerk of the circuit court's office for such county. Upon the recording of the changes, the county commissioners shall publish the change four times in some newspaper in the county, and if there is no newspaper, they shall post a plainly written or printed copy at the courthouse in a conspicuous place and also at three other places in each changed or altered district.

101.74 Temporary change of polling places in case of epidemic.—In case of an epidemic existing in any city or town, at the time of holding any election, the county commissioners may establish at any safe and convenient point outside such infected locality, additional polling places for the electors in the infected precinct, in which the qualified electors shall be allowed to vote. The registration books belonging to the infected precinct shall be applicable to and are used at such polling places established.

CHAPTER 102
CONDUCTING ELECTIONS AND ASCERTAINING RESULTS

Section 6, chapter 102, Florida Statutes, is amended to read:

102.012 Inspectors and Clerks to conduct elections.—

(1) The board of county commissioners in each county, at
least twenty days prior to the holding of any election, shall ap-
point two election inspection boards for each precinct in the
county. Each election inspection board is composed of three in-
spectors and a clerk, all of whom must be registered qualified
electors of the precinct in which they are appointed; and all of
whom shall not belong to the same political party. One of the
boards shall conduct the voting, beginning at 7 o'clock A.M. and
closing at 7 o'clock P. M. at which time the second board shall
come on and count the votes cast. The first board shall turn over
to the second board all closed ballot boxes, registration books and
other records of the election at the time the boards change. The
second board shall continue counting until the count is complete
or until 7 o'clock A.M. the next morning, and if the count is not
completed, the first board that conducted the election shall again
report for duty and complete the count. The second board shall
turn over all ballots counted and not counted, all registration
books and other records, and shall advise the first board what
has transpired in tabulating the results of the election.

(2) In precincts of more than a thousand registered electors
the board of county commissioners shall appoint additional elec-
tion inspection boards necessary for the election on the recommen-
dation of the supervisor.

(3) In precincts of less than three hundred registered electors
it is not necessary to appoint two election inspection boards but
one such board shall suffice.

(4) The board of county commissioners may, in any election,
in their discretion and except in first primary elections, appoint
one election inspection board if they have reasons to believe that
only one is necessary.

(5) In precincts using voting machines there shall be one
election inspection board appointed plus an additional inspector
for each machine in excess of one.

(6) The board of county commissioners may require the su-
pervisor to divide alphabetically the registration books for each
precinct as will best facilitate the holding of an election.

(7) The board of county commissioners shall publish the names
of the inspectors and clerks once in a newspaper published in
the county, at least fifteen days before the election day. If there is no newspaper published in the county then the board of county commissioners shall have the names of the inspectors and clerks posted in at least five conspicuous places in the county, at least fifteen days prior to election day.

(8) Only electors who can read and write the English language shall be appointed to the election inspection board.

102.021 Compensation of inspectors and clerks.—Inspectors and clerks of any election and the deputy sheriff serving at the precincts shall be paid for their services by their respective boards of county commissioners, and the inspectors who deliver the returns to the county seat shall receive such sum as the board of county commissioners shall determine but in no event shall the sum exceed one dollar per hour and seven and one-half cents per mile each way while performing such services.

102.031 Inspectors to maintain good order.—The inspectors shall possess full authority to maintain order at the polls and enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes.

102.041 Voting procedure; powers of inspectors.—The powers of inspectors relating to voting procedure in general elections as provided in §101.22 shall govern the powers of the inspectors relating to voting procedure in primary elections.

102.051 Filling vacancy of clerk or inspector.—In case of absence or refusal to act of any inspector or clerk appointed by the board of county commissioners, the qualified electors present favoring the ticket which the absent inspector or clerk was chosen to represent, shall choose from among them an inspector or clerk, who together with those present, shall constitute a board of four. The inspector or clerk so chosen shall (if any be present), represent the same political party that the absent inspector or clerk would have represented, and the person chosen may act as inspector or clerk of the election at the precinct where he may be chosen. The inspectors and clerks shall each take and subscribe an oath or affirmation, which is written or printed, to the effect that they will perform the duties of inspectors or clerk of election according to law, and will endeavor to prevent all fraud, deceit or abuse in conducting the election. The oath may be taken before an officer
authorized to administer oaths, or before either of the persons who are to act as inspectors, one of them to swear the others, and one of the others sworn thus in turn to administer the oath to him who has not been sworn. The oaths are returned with the poll list and the returns of the election to the supervisor. One of the inspectors shall be chosen by them as chairman of their board. In all questions that may arise before them, the decision of a majority of them shall decide the question.

102.061 Duties of election board; counting; closing polls.—At the close of the election at each precinct, the election inspection board that conducted the election shall turn the ballot box, registration books and other records over to the relieving board when more than one board is conducting the election, which shall proceed to open the ballot box in presence of the public desiring to witness the canvass, count the ballots without adjournment or interruption until the count is completed, except for the necessary interruption provided for in §102.0111. The ballots are first counted and if the number of ballots exceeds the number of persons voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots are replaced in the box and one of the inspectors shall publicly draw out and destroy unopened as many ballots as are equal to such excess. If two or more ballots are found folded together to present the appearance of a single ballot, they are laid aside until the count is completed, and if, upon comparison of the count, and the appearance of such ballots, a majority of the inspectors are of the opinion that the ballots were voted by one person such ballot shall be destroyed.

(2) In counting the ballots the election inspection board shall use either (a) the tally call system of counting; or (b) a system whereby the ballots are opened and placed in piles according to the candidate voted for, then the number of ballots in each pile is counted. The ballots are then reshuffled and the process repeated until the total votes cast for each candidate for every office has been determined; and no other system of counting shall be used.

(3) Where voting machines are used the procedure and the tabulating of results shall conform to the provisions of the law relating to voting machines.

102.071 Tabulation of votes and proclamation of results where
ballots are used.—The election board shall post at the polls, for the benefit of the public, the results of the voting for each office or other item on the ballot as the count is completed. Upon completion of all counts in all races triplicate certificates of the results shall be drawn up, upon a form provided by the board of county commissioners, by the inspectors and clerk at each precinct, which shall contain the name of each person voted for, for each office, the number of votes cast for each person for such office, and if any question is submitted, the certificate shall also contain the number of votes cast for and against the question. The certificate shall be signed by the inspectors and clerk, and one of the certificates delivered without delay by one of the inspectors, securely sealed, to the supervisor for immediate publication; the duplicate copy of the certificate shall be delivered to the county judge; and the remaining copy shall be enclosed in the ballot box together with the poll lists and oaths of inspectors and clerks. All the ballot boxes, ballots, ballot stubs, memoranda and papers of all kind used in the election shall also be transmitted, sealed by the inspectors, with the certificates of result of the election to be filed in the supervisor’s office. Registration books shall not be placed in the ballot boxes but returned to the supervisor.

102.081 Deputy sheriff at each polling place.—The sheriff shall deputize a deputy sheriff for each precinct who must be present during the time the polls are open and until the election is completed, who shall be subject to all lawful commands of the inspectors, and who shall maintain good order. The deputy may summon a posse from among bystanders to aid him when necessary to maintain peace and order at the polls.

102.091 Duty of sheriff to watch for violations, appointment of special officers.—The sheriff shall exercise strict vigilance in the detection of any violations of the election laws and in apprehending the violators. The governor may appoint special officers, when deemed necessary, to see that violators of the election laws are apprehended and punished.

102.101 Sheriff and other officers not allowed in polling places.—No sheriff, deputy sheriff, policeman or other officer is allowed within the polling place unless summoned by a majority of the inspectors. On failure of any of said officers to comply with this provision, the inspectors or one of them shall make affidavit against such officer for his arrest.
102.111 Board of state canvassers.—Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the secretary of state concerning the election of any state officer, member of the legislature or representative to congress. The secretary of state, comptroller and attorney general, or any two of them, together with an administrative officer of the executive department who may be designated by them, shall meet in the secretary of state’s office after reasonable notice, and they shall be a board of state canvassers, who shall canvass the returns of the election and determine and declare who has been elected for such office, or as such member. If the returns are not in by the seventh day at 5 o’clock P. M. following an election all missing counties are ignored and the results shown by the returns on the file are certified.

102.121 State canvassing board to issue certificates.—The board of state canvassers shall make and sign separate certificates of the result of the election for national and state officers, which certificates shall be written and contain the total number of votes given for each person for each office and for each member of the legislature and state senate. The certificates, the one including the result of the election for presidential electors and representatives to congress, and the other including the result of the election for state officers, members of the legislature and state senators, shall be recorded in the secretary of state’s office in a book to be kept by him for that purpose. He shall have a certified copy of each certificate published once in one or more newspapers printed in Tallahassee.

102.131 False and fraudulent returns.—If any returns shall appear to be irregular, false or fraudulent so that the state canvassing board is unable to determine the true vote for any officer or member, they shall so certify and shall not include the returns in their determination, canvass and declaration. The secretary of state shall file in his office all the returns, together with other documents and papers received by him or the board. The board shall canvass the returns for presidential electors and representatives to congress separately from their canvass of returns for state officers or members of the legislature.

102.141 County canvassing board; duties.—On the third day after any election, or sooner if the returns are received, the county
judge and supervisor with the assistance of the chairman or other members of the board of county commissioners shall meet in the supervisor’s office. In case the county judge or supervisor cannot act, another member of the board of county commissioners who is designated by the chairman of the board shall act in his place, and they shall constitute the county canvassing board. They shall proceed publicly to canvass the vote given each candidate and nominee as shown by the returns then on file in the office of the county judge and supervisor.

The canvass, except absent electors’ returns, shall be made entirely from the returns and certificates of the inspectors, as signed and filed by them with the county judge and supervisor, respectively, and the board of county canvassers shall not change the number of votes cast for the candidates or nominees respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before the third day after the election, and all returns of missing precincts shall be ignored and the results as shown by the returns then on file certified.

The canvassing board may employ such clerical help to assist with the work of the board as they deem necessary, with one member of the board present at all times until the canvass of the returns is completed. The clerical help shall be paid from the same fund as inspectors and other necessary election officials.

102.151 County canvassing board to issue certificate; supervisor to give notice to secretary of state.—The county canvassing board shall make and sign triplicate certificates containing the total number of votes cast for each person nominated or elected, the names of persons for whom such votes were cast and the number of votes cast for each candidate or nominee. One of such certificates which relate to offices for which the candidates or nominees have been voted for in more than one county, shall be immediately transmitted to the secretary of state, another to the clerk of the circuit court and the third copy filed in the supervisor’s office. The supervisor shall transmit to the secretary of state immediately after the county canvassing board has canvassed the returns of the election, a list containing the names of all county officers nominated or elected, the office for which each was nominated or elected, with their post office address in their respective counties.
LAWS OF FLORIDA

Section 7, chapter 103, Florida Statutes, is amended to read:

CHAPTER 103
PRESIDENTIAL ELECTORS; POLITICAL PARTIES; EXECUTIVE COMMITTEES AND MEMBERS

103.011 Electors of president and vice-president.—

Electors of president and vice-president, known as presidential electors, are elected on the first Tuesday after the first Monday in November, 1908, and on the same day thereafter every four years. Votes cast for the actual candidate for president or vice-president, whose names appear on the general election ballot, are counted as votes cast for the presidential electors of the party supporting such candidate. The secretary of state shall certify as elected the presidential electors of the party whose candidates for president and vice-president received the greatest number of votes.

103.021 Nomination for presidential electors.—Candidates for presidential electors are nominated in the following manner:

(1) The governor shall nominate the presidential electors of all political parties who have elected a president of the United States subsequent to January 1, 1900. He shall nominate the electors upon recommendation of the state executive committee of the political parties and shall nominate only persons who are qualified electors and who have taken an oath that they will vote for the candidate of the party that they are nominated to represent. The governor shall certify to the secretary of state on or before September 1, in a presidential election year, the names of a number of persons for each political party, equal to the number of senators and representatives which this state has in congress. They shall be nominated the electors from this state for president and vice-president of the United States.

(2) The names of the electors are not printed on the general election ballot, but the names of the actual candidates for president and vice-president for whom the electors will vote if elected are printed on the ballot in the order in which the party of which the candidate is a nominee polled the greatest number of votes for governor in the last general election.
(3) Minor political parties, which have not elected a president of the United States since January 1, 1900, may have the names of their candidates for president and vice-president printed on the general election ballots provided a petition signed by seven thousand five hundred registered voters of Florida of which no more than one thousand shall come from any one county, and at least twenty-five shall come from each of thirty-four counties. A separate petition shall be submitted from at least thirty-four counties. Said petition is first submitted to the supervisor of registration of said county and the supervisor shall check the names and certify to the secretary of state, the number shown as registered voters of said county and said supervisor shall be paid by the person requesting the certification the sum of ten cents for each name checked. The supervisor shall then forward the petition with his certificate attached to the secretary of state who shall order the names of the candidates petitioned to be included on the ballot and to permit the required number of persons to be certified as electors in the case of major party candidates when the number of the petitioners complies with the number required of the petition.

(4) When, for any reason a person nominated or elected a presidential elector, is unable to serve because of death, incapacity, or otherwise, the governor may appoint a person to fill such vacancy who possesses the qualifications whereby he could have been nominated in the first instance. Such person shall file with the governor an oath that he will support the candidate for president and vice-president that the person who is unable to serve was committed to support.

103.031 Plurality of votes to fill vacancy; proceedings in case of tie.—If any more than the number of persons required to fill the vacancy as provided by §103.06 shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes is determined by lot drawn by the governor in the presence of the electors attending; otherwise, they, to the number required, having the greatest number of votes, are considered elected to fill the vacancy.

103.041 Presidential electors to receive certificate of election.—When any person is elected to the office of presidential elector or representative in congress the governor shall make out, sign and
103.051 Congress sets meeting dates of electors.—The presidential electors shall, at 12 o'clock on the day which is directed by congress, meet at Tallahassee and perform the duties enjoined upon them by the constitution and laws of the United States.

103.061 Meeting of electors and filling of vacancies.—

Each presidential elector, shall, before the hour of 12 o'clock on the day preceding the day fixed by congress to elect a president and vice-president, give notice to the governor that he is in Tallahassee, and ready to perform the duties of elector. The governor shall forthwith deliver to the electors present a certificate of the names of all the electors; and if on examination thereof, it should be found that one or more electors are absent, and shall fail to appear before 10 o'clock in the morning of the day of election of president and vice-president, the electors present shall elect by ballot, in the presence of the governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of one or more of the electors.

103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee is entitled to receive ten dollars for each day’s attendance, and ten cents for every mile of travel by the most usual route from his place of residence to Tallahassee, and like sum for returning. The sum is allowed by the comptroller, on the certificate of the governor, and paid by the treasurer out of moneys not appropriated.

103.081 Committees for each party.—The following committees shall constitute the executive or managing committees of each political party, namely: A state executive committee and a county executive committee; provided that nothing herein contained shall prevent a political party from electing or appointing other committees, in accordance with its practice.

103.091 Minority political party.—

(1) A minority political party may provide for the selection of its state executive committee in such manner as it deems proper.

(2) The state executive committee of minority political party
may by resolution provide a method of election of national committeemen, national committeewomen and nomination of presidential electors if such party is entitled to a place on the ballot as otherwise provided for presidential electors, and may provide also for the election of delegates and alternates of national conventions.

103.101 Delegates to national convention.—

(1) Each political party which had cast for its candidate for governor in the last election more than twenty percent of the total vote cast for governor shall elect at the second primary in the year 1952 and every four years thereafter the delegates of said party to the national convention, one man and one woman delegate from each congressional district.

(2) Each political party which had cast for its candidate for governor in the last election more than twenty percent of the total vote cast for governor shall elect at the second primary in the year 1952 and every four years thereafter the remaining delegates which said party is entitled to have as representatives at the national convention from the state-at-large and the number is equally divided, one-half women and one-half men.

(3) Each candidate for election as a delegate to a national convention may have printed in small type following his or her name the name of the candidate for president whom he or she intends to vote for in said convention.

(4) National committeemen and committeewomen of any political party authorized to have a primary under this section shall be elected in the first primary in the year 1952 and every four years thereafter.

(5) Wherever an election is conducted for party delegate or officer, the results of such election are determined by plurality vote.

(6) The names of all candidates for delegates shall be alphabetically listed according to surname.

(7) Each political party whose candidate for governor in the last election for governor received less than twenty percent of the total vote cast for said office shall elect its delegates to its party's national convention and its national committeemen and
national committeewomen in such manner as may be determined by the State Executive Committee of said party.

103.111 State and county executive committees.—

(1) The state executive committee of each political party shall consist of two members, a man and a woman for each county, who are elected for four years in the first primary elections held in the year 1942 and every four years thereafter. The members of the executive committee shall, within thirty days after their election, meet and organize by electing from their members a chairman and a vice-chairman, one of whom is a man and the other a woman, and a vice-chairman for each congressional district, and other such officers as each committee deems necessary. The outgoing chairman of the state executive committee shall, not less than ten days before the first meeting, notify each newly elected member of the time and place of the meetings.

(2) The county executive committee of each political party shall consist of two members, a man and a woman, from each precinct within the county, who shall be elected for four years at the first primary held in the year 1942, and every four years thereafter. The members of the committee shall, within thirty days after their election, meet at the county seat and organize by electing from among their members a chairman and a vice-chairman, one of whom is a man and the other a woman, and other officers as are necessary.

(3) Each committee and its officers shall have the powers usually exercised by such committees and by the officers not inconsistent with the provisions of this code. Each of the several executive committees shall have the power to appoint from its own membership the necessary sub-committees. Proxies are allowed by executive committees, but each proxy shall reside in the same election precinct, in the case of a county executive committee, or in the same county in the case of a state executive committee, as the committeeman or committeewoman represented by the proxy. In the event of no election of committeemen or committeewomen, or of a vacancy occurring from any other cause in any county executive committee, the chairman shall call a meeting of the county executive committee by due notice to all members and the vacancy shall be filled by a majority vote of the members of the
county executive committee attending from among the members of the party residing in the precinct where the vacancy occurs. In the event of no election or of a vacancy occurring from any other cause in the state executive committee, the executive committee, or a majority thereof, of the county so without representation, may fill the vacancy by the election of some person who is a member of the party in the county. Any officer or member of any of the committees may be removed and his or her office declared vacant upon a two-thirds vote of the entire membership of the committee at any regular meeting or at any special meeting, after ten days notice to the membership of the committee that a motion for that purpose will be considered at a special meeting. The removal may be for any cause which in the opinion of two-thirds of the membership of the committee warrants the removal of the member. Any vacancy so created is filled as provided above.

(4) The members of the state executive committee from each congressional district under the vice-chairman from such district shall perform all duties usually handled by congressional district committees if authorized.

103.121 Powers and duties of executive committees.—The state and county executive committees shall have the following powers and duties:

(1) to adopt a constitution by two-thirds vote, of the full committee,

(2) to adopt such by-laws as they may deem necessary by majority vote of the full committee,

(3) to conduct their meetings according to general accepted parliamentary practice,

(4) to make party nomination when required by law,

(5) to furnish without charge upon application from any prospective candidate a printed form of the sworn statement,

(6) to conduct campaigns for party nominees,

(7) to do anything that is considered by custom and practice as proper for party committees,

(8) to make assessment it requires of candidates for the pur-
poses of meeting their expenses or maintaining their party organization, not later than January 15th of each year in which a general election is held. No executive committee shall levy assessments to exceed two percent of the annual salary of the office sought by any candidate.

Within five days the state executive committee shall deliver a certified copy of the assessments to the secretary of state. The county executive committee, shall deliver their certified copy to the clerk of the board of county commissioners. The certified copies are filed by the secretary of state, and by the board of county commissioners. The county executive committees shall have exclusive power to levy assessments upon candidates to be voted for in a single county except state senators and the state executive committees shall have exclusive power to levy all other assessments authorized. Upon payment by a candidate of his filing fee and committee assessment, he is entitled to receive a receipt from the officer with whom he qualified. When the executive committee shall nominate a candidate to fill a vacancy, they shall have exclusive power to levy assessments upon all candidates at the time who are seeking nomination and the candidates shall pay their assessments to the proper authority.

(9) to declare by resolution for the nomination of candidates for other than elective offices, and for president and vice-president of the United States. Upon adoption of a resolution, and upon service of a certified copy thereof upon the secretary of state, within the time required for filing sworn statements by candidates, the names of candidates for such offices and positions shall appear upon the official primary election ballot. The form of the ballot shall correspond to the form prescribed in §101.141,

(10) and a quorum shall be a majority of those elected.

Section 8. Chapter 104, Florida Statutes, is amended to read:

CHAPTER 104

ELECTION CODE; VIOLATIONS; PENALTIES

104.011 False swearing.—Whoever is found guilty of willful and corrupt swearing or affirming or willfully and fraudulently subscribes any oath or affirmation, or willfully and corruptly procures another person to swear or affirm falsely, or subscribes an oath or
affirmation in connection with or arising out of voting, registration or elections shall, upon conviction, be guilty of a felony.

104.021 False Certificate of nomination.—Any person who shall falsely or fraudulently make a certificate of nomination or any part thereof, or file any certificate of nomination, knowing the same or any part thereof to be false or supress any nomination which has been duly filed or any part thereof, shall, upon conviction, be guilty of a felony.

104.031 False declaration to secure assistance in preparing ballot.—Any person who makes a false declaration for assistance in the preparation of his ballot in any election shall, upon conviction, be guilty of a felony.

104.041 Fraud in connection with casting vote.—Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast or to be cast, or attempted to be cast, shall, upon conviction, be guilty of a felony.

104.051 Violations; neglect of duty; corrupt practices.—

(1) Any person, including clerks, inspectors, and other officials, who shall wilfully and fraudulently violate any of the provisions of this election code shall be subject to immediate arrest and exclusion from the polls, and replaced by other election officials, as provided by section 99.03.

(2) Any election official or any other official who wilfully and with bad motive refuses or neglects to perform his duties as prescribed by this election code shall, upon conviction, be guilty of a misdemeanor.

(3) Any election official or other official who performs his duty as prescribed by this election code fraudulently and corruptly shall, upon conviction, be guilty of a felony.

(4) Any persons who are appointed to conduct the election of electors of President and Vice President of the United States shall, for neglect of duty or improper conduct, be liable to the same penalties as other election officials in similar circumstances.

(5) Any supervisor, deputy supervisor or any employee who shall solicit votes, attempt to influence or interfere with any elector
(6) No provision of this section shall preclude punishment for a greater offense if such offense is stated in other parts of the election code.

**104.061 Corruptly influencing voting.—**

(1) Whoever by bribery, menace, threat or other corruption whatsoever, either directly or indirectly, attempts to influence or deceive any elector in giving his vote or ballot or preparing the same, or to deter him from giving the same, or disturbs or interferes with him in the free exercise of the right of suffrage at any election shall, upon conviction, be guilty of a misdemeanor on the first conviction and a felony on the second conviction.

(2) Any person or candidate who shall give, lend, solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor, or any other thing of value of whatever nature whatsoever, or the promise thereof, either to influence a vote or under pretense of being used to procure the vote of any other person, or to be used in any poll or other place prior to or on the day of any election for or against any candidate for office or as pay for services or reimbursement for loss of time, or for expenses as a consideration for his promising to vote, working for, electioneering for or making public speeches for or against any candidate seeking nomination, shall, upon conviction, be guilty of a misdemeanor on the first conviction, and of a felony on the second conviction.

No person in the furtherance of or in opposition to the candidacy of any person for nomination or election in any election shall give or promise to give, pay, loan, expend or contribute any money or other thing of value for any proposition whatsoever; provided personal services and personal traveling expenses may be contributed, and provided further that campaign contributions may be made to a candidate direct or to his campaign manager by other than a corporation to be expended only as authorized by law. Any person who violates the provisions of this subsection shall, upon first conviction, be guilty of a misdemeanor and upon second conviction guilty of a felony.

**104.071 Remuneration by candidates for services, support, etc.; penalty.—**It is unlawful for any person or candidate who shall, in
order to aid or promote his nomination in any election, directly or indirectly, himself or by or through any other person to:

(1) promise to appoint another person, promise to secure or aid in securing appointment, nomination or election of another person to any public or private position, or to any position of honor, trust or emolument, except one who has publicly announced or defined what his choice or purpose in relation to any election in which he may be called to take part, if elected, or

(2) give or promise to give, pay, loan any money or other thing of value to the owner, editor, publisher or agent of any newspaper or other periodical as compensation or reward for, or to induce him to advocate or oppose, through the columns of his paper, any candidate for nomination in any election, and no such owner, editor, publisher or agent shall give, solicit or accept such payment or reward, or

(3) give, pay, expend or contribute any money or thing of value for the furtherance of the candidacy of any other candidate, or

(4) furnish, give or deliver to another person any money or other thing of value, to be used by another person for any purpose prohibited by the election laws.

Any candidate found guilty of a violation of any provisions of this section shall be punished for a misdemeanor and from and after his conviction be disqualified to hold the office or position to which he aspires for the term affected. If at the time of conviction such person who was a candidate is serving in the position or office to which he aspired, his conviction is cause for removal or impeachment.

104.081 Threats of employers to control votes of employees.—It shall be unlawful for any person, firm, company, association or corporation having one or more persons in their service as employees to discharge or threaten to discharge any employee in their service for voting or not voting in any election, state, county or municipal, for any candidate or measure submitted to a vote of the people. Any persons violating the provisions of this section shall, on conviction, be guilty of a misdemeanor. Any firm, company, association or corporation violating the provisions of this
section shall be fined not more than one thousand ($1000.00) dollars in addition to the penalty of being punished for a misdemeanor, which shall be personally applied to each official or agent who actually participated.

104.091 Use of money for political purposes by corporation prohibited.—No corporation whatsoever shall pay or agree to pay or contribute or consent to contribute directly or indirectly, any money, property or other thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing registration of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office.

Any officer, employee, agent or attorney, or other representative of any corporation acting for and on behalf of such corporation, who shall violate this section shall, upon conviction, be guilty of a felony, and the corporation, if a domestic corporation, shall be automatically dissolved, and if a foreign corporation its rights to do business in this state shall be automatically revoked.

Any person who shall aid, abet or advise the violation of this section shall be punished in like manner as the principal offender. Violations of this section shall be prosecuted in the county where such payment or contribution is made.

104.101—Failure to assist officers at polls.—Any person summoned by the sheriff or deputy sheriff who shall fail or refuse to assist him in maintaining the peace at the polls shall, upon conviction, be guilty of a misdemeanor.

104.11 Neglect of duty by sheriff or other officer.—Any sheriff, deputy sheriff or other officer who shall wilfully neglect or refuse to perform his duties relating to elections shall, upon conviction, be guilty of a misdemeanor.

104.12 Calling out militia on election day.—Any officer or other person who shall call out or order out the militia of this state to appear and exercise on any day during an election, except in cases of invasion or insurrection, or except in obedience to some civil magistrate to suppress riots, or to enforce law, he shall, upon conviction, be guilty of a misdemeanor.

104.13 Intermingling ballots.—Whoever places any ballot in the
ballot box except as properly voted by electors, or wilfully inter-mingles any other ballots which have not been duly received during the election with the ballots which are voted by the electors shall, upon conviction, be guilty of a misdemeanor.

104.14 Illegal voting; bond election.—It is unlawful for any person to vote or participate in any county, district, or other bond election, who is not a freeholder and a qualified elector. Any person violating this section shall, upon conviction, be guilty of a misdemeanor.

104.15 Person knowing he is not qualified elector voting at any election.—Whoever, knowing he is not a qualified elector, wilfully votes at any election shall, upon conviction, be guilty of a misdemeanor.

104.16 Voting substitute ballot.—Any elector who votes or attempts to vote a substitute ballot shall, upon conviction, be guilty of a misdemeanor.

104.17 Voting in person after casting absentee ballot.—Any person who shall vote or attempt to vote both in person and by absentee ballot shall, upon conviction, be guilty of a misdemeanor.

104.18 Casting more than one vote at any election.—Whoever casts more than one vote at any election shall, upon conviction, be guilty of a misdemeanor.

104.19 Use of stickers, rubber stamps, etc. unlawfully.—It shall be unlawful for any person casting a ballot at any election to use stickers, rubber stamps, or carry into a voting booth any mechanical device, paper or memorandum other than the official ballot. In casting a write-in ballot the elector shall cast the same in his own handwriting or in the handwriting of an authorized person aiding him. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor.

104.20 Ballot not to be seen, and other offenses.—Any elector who shall, except as provided by law, allow his ballot to be seen by any person, or who shall take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, or place any mark on his ballot by which it may be identified, or shall remain longer than the specified time allowed by law in the booth or compartment after having been notified
that his time has expired, or who shall endeavor to induce any elector to show how he voted, or mark his ballot, or aid or attempt to aid any elector unlawfully, or shall print or procure to be printed, or have in his possession, any copies of any ballot prepared to be voted shall, upon conviction, be guilty of a misdemeanor.

104.21 Changing electors' ballots.—Whoever fraudulently and deceitfully changes the vote or ballot of any elector by which such elector is prevented from voting such ballot or from voting such ballot as he intended, shall, upon conviction, be guilty of a misdemeanor.

104.22 Stealing and destroying records, etc. of election.—Any person who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing or unlawfully moving or securing and detaining the whole or any part of any ballot box or any record tally sheet or copy thereof, booth returns, or any other paper or document provided for, or who shall fraudulently make any entry or alteration therein except as allowed and directed by the laws, or who permits any other person so to do, shall, upon conviction, be guilty of a misdemeanor.

104.23 Disclosing how elector votes.—Any election official or person assisting any elector who shall disclose how any elector voted, except upon trial in court, shall, upon conviction, be guilty of a misdemeanor.

104.24 Penalty for assuming name.—No registered elector shall call himself or pass by any other name than the name by which he is registered, or fraudulently use the name of another in voting. Any person violating this section shall, upon conviction, be guilty of a misdemeanor.

104.25 Betting on result of election.—Whoever makes or becomes directly or indirectly interested in any wager or bet, the result of which shall depend upon any election, provided such wager or bet shall occur on or before the day of election, shall, upon conviction, be guilty of a misdemeanor.

104.26 Penalty for destroying booth.—Any person who wrongfully, during or before an election, removes, tears down or destroys or defaces any booth, compartment or other convenience provided for the purpose of enabling the elector to prepare his ballot,
or any card for the instruction of the voter, shall, upon conviction, be guilty of a misdemeanor.

104.27 Campaign expense statement.—Any candidate who fails to make and file expense statements required by law shall forfeit the election and shall not be entitled to have his name printed upon the ballot, and shall not be eligible to serve for the ensuing term in the office for which he was a candidate.

In the event Senate Bill 8 becomes law paragraph 104.27 shall be deleted, repealed and superseded by the penalties as set forth in Senate Bill 8, and shall be substituted in the place of paragraph 104.27.

(Above section may be affected by Chap. 26819).

104.28 Violating provisions covering expenditures of candidates. —Any person who violates the provisions of section 99.17 concerning expenditures of candidates shall, upon conviction, be guilty of a misdemeanor.

104.29 Inspectors refusing to allow watchers while ballots are counted.—The inspectors or other election officials shall allow at all times while the ballots are being counted as many as three persons near to them to see whether the ballots are being correctly read, called, and the votes correctly tallied, and any officials who deny this privilege or interfere therewith shall upon conviction, be guilty of a misdemeanor.

104.30 Voting machine; unlawful possession; tampering with.—

(1) Any unauthorized person who shall unlawfully have possession of any voting machine or key thereof shall, upon conviction, be guilty of a misdemeanor.

(2) Any person tampering or attempting to tamper with, destroy, deface or impair in any manner or destroy any voting machine while the same is in use in any election, or who shall after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine shall, upon conviction, be guilty of a felony.

104.31 Political activities of state officers and employees.—

(1) No officer or employee of the state shall (a) use his offi-
cial authority or influence for the purpose of interfering with an election, or a nomination for office, or affecting the result thereof, or (b) directly or indirectly coercing or attempting to coerce, command or advise any other officer or employee to pay, lend or contribute any part of his salary or anything else of value to any party, committee, organization, agency or person for political purposes, or (c) directly or indirectly coerces or attempts to coerce, command and advise any such officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of said officer or employee. The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

(2) Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor.

104.32 Supervisor of registration; delivery of books to successor.
—Any supervisor of registration who wilfully fails or refuses to promptly comply with the demand of his successor for the delivery of registration books, papers, and blanks connected with his office shall, upon conviction, be guilty of a misdemeanor.

104.33 Precinct registration officer; delivery of books.—Any precinct registration officer who wilfully fails or refuses to promptly comply with the demand of the supervisor of registration to deliver the registration books and papers connected with his office shall, upon conviction, be guilty of a misdemeanor.

104.34 Circulating charges against any candidate; requirements.
—It shall be unlawful for any candidate or other person, during 18 days preceding the day of any election, to publish or circulate or cause to be published or circulated any charge against or attack against any candidate unless such charge or attack has been personally served upon the candidate at least 18 days prior to the day of the election, and any person failing to comply with this section shall, upon conviction, be guilty of a misdemeanor. Any answer to a charge or attack that contains defensive matter shall not be construed to be a charge or attack.

104.35 Distribution of literature against a candidate on election
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day.—It shall be a misdemeanor for any candidate or other person to distribute or cause to be distributed on the day of any election any pictures, cards, literature, or other writing against any candidate.

104.36 Distribution of literature, etc. near polling places.—On the day of any election it shall be unlawful for any person to distribute any political pamphlets, cards or literature of any kind, or solicit votes, or approach any elector in an attempt to solicit votes within 100 yards of any polling place. All peace officers or election officials shall arrest any person violating the provisions of this section in their presence. Any person violating the provisions of this section shall be, upon conviction, guilty of a misdemeanor.

104.37 Political literature circulated prior to election; requirements.—All political advertisements and all campaign literature published or circulated prior to or on the day of any election shall be signed by the author thereof, and if the same is being published and circulated by a club or committee, then it shall be signed by the chairman and secretary of such club or committee, and if such literature is in circular form it shall have upon it the name of the printer or publisher. All political advertisements appearing in newspapers shall be marked “paid advertisements”. Any person who publishes or circulates any campaign literature or advertisement in violation of this section shall, upon conviction, be guilty of a misdemeanor.

104.38 Newspaper assailing candidate in an election; space for reply.—If any newspaper in its columns assails the personal character of any candidate for nomination in any election, or charges said candidate with malfeasance or misfeasance in office, or otherwise attacks his official record, or gives to another free space for such purpose, such newspaper shall upon request of such candidate immediately publish free of cost any reply he may make thereto in as conspicuous a place and in the same kind of type as the matter that calls for such reply, provided such reply does not take up more space than the matter replied to. Any person or firm failing to comply with the provisions of this section shall, upon conviction, be guilty of a misdemeanor.

104.381 Sale of alcoholic beverages prohibited; time prohibited.—All bar rooms, saloons, cocktail lounges, and other places for the sale of intoxicating beverages at retail within the area of any state,
county, or municipal, general, primary or special election, shall be closed during the hours the polls are open; provided the Board of County Commissioners or governing body of any municipality as the case may be, may enlarge the time for such closing not to exceed twelve o'clock midnight of the evening preceding the day of such election until seven o'clock in the morning of the day thereafter and during the time hereby or so fixed the sale of all alcoholic beverages is prohibited, provided, however, that this section shall not require any vendors licensed under Section 561.34, Florida Statutes, 1949, subsections (1), (2) and (3), to close their places of business. Any person who shall violate this section shall, upon conviction, be guilty of a misdemeanor.

104.39 Witnesses as to violations.—Any person violating any provisions of the election code shall be a competent witness against any other person so violating and may be compelled to attend and testify as any other person can be. The testimony given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person so testifying shall not be liable to indictment or punishment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given, and may plead the giving of testimony in bar to such indictment, information or prosecution.

104.40 Felony penalty.—The penalty for every felony under this chapter not otherwise specifically provided herein shall be imprisonment in the state prison for not more than one year or by fine of not more than five thousand ($5,000.00) dollars or by both such fine and imprisonment.

104.41 Violations not otherwise provided for.—Any violation of the election code not otherwise provided for shall be punished as a misdemeanor.

104.42 Fraudulent registration and illegal voting; investigation. —The board of county commissioners in all counties may appropriate not in excess of five thousand ($5,000.00) dollars for the purpose of investigating fraudulent registrations and illegal voting.

104.43 Grand juries; special investigation.—The grand juries of every county shall, upon the request of any candidate or qualified voter, make special investigation when it convenes during a campaign preceding any election day to determine whether there shall
be any violation of the provisions of the election code, and shall return indictments when sufficient ground is found.

104.44 **Conflicting laws repealed.**—All local laws that conflict with the election code of 1951 shall stand repealed after January 1st, 1954.

104.45 **Municipality may adopt state election laws.**—Upon presentation of a petition signed by twenty-five qualified electors in a municipality, a municipality may upon official approval by the governing authority under the charter, adopt the state election laws for conducting a municipal election. In such event the words “city clerk or appropriate official” are inserted wherever the words “supervisor of registration” appears.

104.46 **Pamphlet and manual prepared of the Election Code.**—A pamphlet of a reprint of the general laws pertaining to elections and a manual of the Election Code of 1951 outlining the duties of clerks, inspectors and other election officials, and including instructions to electors for their use at any election, each adequately indexed, shall be prepared under the supervision of the statutory revision department of the attorney general’s office. The secretary of state shall have printed a sufficient number of these pamphlets and manuals and mail copies to all boards of county commissioners for use of the clerks, inspectors and other election officials, the cost of printing shall be paid out of funds appropriated for conducting elections. Any citizen may purchase a copy by payment of the actual cost of printing and distribution as determined by the secretary of state.

Section 9. Chapters 105, 106 and 875, Florida Statutes, together with section or parts of sections of chapters 97, 98, 99, 100, 101, 102, 103 and 104 not revised or brought forward in this Act are hereby repealed.

Section 10. **Severability.**—It is declared to be the legislative intent that, if any section, sub-section, sentence, clause or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Section 11. **Effective date.**—This Act shall take effect September 1, 1951.

Became a law without the Governor’s approval.

Filed in Office Secretary of State June 11, 1951.