plans and bids as prescribed by law. The plans shall be approved by the [department], and the counties shall proceed with the required construction or modification and shall be responsible for the full construction or modification cost of the facility.

(4) Nothing in this section shall be construed to abridge the powers granted local units of government in chapters 39 and 416 and other applicable provisions of law to operate detention programs, except that on the implementation date, the counties within the region where the state has assumed detention services shall lose the statutory authority to provide such services, whether such authority is granted by chapter 39, chapter 416, or other applicable law. On said implementation date the statutory authority to provide operation of detention services in that region shall be transferred to and be vested in the department.

Note.--Substitution made to conform to paragraph (c) in which only 18 catchment areas are designated.

Approved by the Governor June 9, 1977.

Filed in Office Secretary of State June 9, 1977.
enforcement with respect to violations; providing for
civil penalties; prescribing penalties for violations
of such regulations; clarifying language and removing
redundant and obsolete provisions; amending s.
112.3145(2)(c), (6), Florida Statutes, 1976 Supplement;
providing for filing of disclosure of financial
interests by candidates; amending ss. 130.03, 130.18,
180.04, 180.10, 236.36, and 342.04, Florida Statutes;
conforming cross-references; repealing ss. 97.031,
97.062, 97.103, 98.082, 98.121, 98.131, 98.141, 98.151,
98.221, 98.291, 98.311, 98.312, 98.313, 98.331, and
98.381, Florida Statutes, which relate to certificates
of election, registration records, and registration and
voting by electors; repealing ss. 99.023, 99.111,
99.151, 99.153, 99.172, and 99.193, Florida Statutes,
which prescribe regulations for the qualification,
nomination, and election of candidates, the holding of
testimonial affairs, and prohibit the buying of votes;
repealing ss. 100.121, 100.131, 100.171, and 100.251,
Florida Statutes, which relate to the holding and
court of, and qualification of candidates for,
certain elections held to elect public officers or to
approve or reject issues; repealing ss. 101.081,
101.691, and 101.70, Florida Statutes, which prescribe
procedures and regulations with respect to voting,
bolls, methods of qualifying for office, voting
equipment, duties of election officials, and adoption
of provisions of election laws by certain agencies and
political subdivisions; repealing ss. 102.041 and
102.051, Florida Statutes, which relate to powers of,
and filling of vacancies on, election boards; repealing
ss. 103.041, 103.102, and 103.111, Florida Statutes,
which relate to presidential electors and prescribe
regulations for political parties; repealing ss.
104.021, 104.12, 104.14, 104.181, 104.25, 104.272, and
104.28, Florida Statutes, which prescribe violations
and penalties; repealing s. 104.35, Florida Statutes,
which prohibits the distribution of literature against
a candidate on election day; repealing ss. 104.44,
104.45, and 104.46, Florida Statutes, which repeal
conflicting laws, authorize municipalities to adopt
election laws, and require a pamphlet and manual of
such laws; repealing s. 105.021, Florida Statutes,
which sets the dates of nonpartisan judicial elections;
repealing ss. 106.10, 106.41, and 106.251, Florida Statutes,
which relate to campaign financing and
enforcement of certain campaign financing violations;
repealing s. 1, chapter 75-246, Laws of Florida, which
prescribes the dates for the second primary election;
providing an effective date.

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

Section 1. Sections 97.011, 97.021, and 97.041, Florida Statutes,
are amended to read:

97.011 Short title.--All chapters in this revision, including
Chapters 97 through 106 inclusive shall be known and may be
revised as "The Florida Election Code."

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

(1) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(2) "Primary election" means an 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, or district office. The first primary is a nomination or elimination election, the second primary is a nominating election only.

(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) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, and county, and district offices and for voting on constitutional amendments not otherwise provided for by law as proposed by the legislature.

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

(6) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention based on party affiliation.

(7) "Elector" as used throughout this code is synonymous with the word "voter" or "qualified elector or voter", except where the word is used to describe Presidential electors.

(8) "Absent elector" means any registered and qualified voter who:

(a) Due to physical disability, is unable without another's assistance to attend the polls;

(b) Is an inspector, a poll worker, a deputy voting machine custodian, deputy sheriff, supervisor of elections, or deputy supervisor who is assigned to a different precinct than that in which he is registered to vote;

(c) On account of the tenets of his religion, cannot attend the polls on the day of a general, special, or primary election;

(d) Has changed his residency to another county in Florida within 60 days of the time period during which the registration books are closed for the election for which the ballot is requested;

(e) Except persons confined in prison or jail, will not be in the county of his residence during the hours the polls are open for voting on the day of an election, except that any person confined in prison shall not be entitled to vote absentee; or
(f) Has changed his residency to another state within thirty days of a general election for which a ballot is requested and is ineligible under the laws of that state to vote in that general election, provided, that this shall pertain only to Presidential ballots.

(7) "Freeholder" is any person who has an immediately beneficial ownership interest, legal or equitable, in the title to a fee simple estate in land, not wholly exempt from taxation. For the purposes of this election code, an owner of condominium property as well as a tenant of a cooperative apartment corporation is deemed to have an immediate beneficial ownership interest, legal or equitable, in the title to a fee simple estate in land. As used in this subsection, "cooperative apartment corporation" means a corporation organized for the purpose of owning, maintaining, and operating an apartment building or apartment buildings to be occupied by tenants and located on realty owned in fee simple by the corporation; "tenant" means any lessee occupying for dwelling purposes an apartment in a building owned by such corporation under a leasehold initially in excess of ninety-eight years; and "condominium property" is that real property as defined by Chapter 718.

(9) "Ballot" or "official ballot" when used in reference to:

(a) "Voting machines" (except when reference is made to irregular ballots) means that portion of the printed strips of cardboard, paper, or other material within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) "Paper ballots ballot" means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his vote.

(c) "Electronic or electromechanical devices" means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(9) "Write-in candidate" means any person who publicly campaigns for public office and whose name will not be printed on a ballot. Such person shall be subject to the provisions of §§ 99.104, 99.103, and chapter 304, the same as if such person had duly qualified as a candidate as defined in subsection (18). A vote cast for a write-in candidate shall be referred to as an "irregular ballot."

(10) "Voting booth" or "booth," wherever used in this election code, shall mean that booth or enclosure wherein an elector casts his ballot, be it a paper ballot, or a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(11) "Election board" shall mean the clerk and inspectors appointed to conduct an election.

(12) Wherever the word "supervisor" is used it shall mean the supervisor of elections.
"Weekday" shall include every day but Sunday.

"Minor Minority political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor minority political party of this state by filing with the Department of State a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor minority political party to notify the Department of State of any changes in the filing certificate within five days of such changes. Any organization which was considered a minority political party prior to June 15, 1970, must register with the Department of State and otherwise comply with the provisions of this subsection; notwithstanding any previous organization or recognition it had obtained.

"Members of the Merchant Marine of the United States" means persons (other than members of the Armed Forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the Armed Forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessel; but does not include persons so employed, or enrolled for such employment, or for training for such employment, or maintained for emergency relief service, on the Great Lakes or the inland waterways.

"Armed Forces" shall be interpreted to mean and include the Army of the United States, Navy, Air Force of the United States, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, when on active duty.

"Dependent" means any person who is in fact a dependent.

"Candidate" shall mean any person to whom any one or more of the following applies:

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

(b) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination, election, or retention to public office.

(c) Any person who appoints a treasurer and designates a primary depository; or

(d) Any person who files qualification papers and subscribes to a candidate's oath as required by law, who has filed his qualification papers, and paid his qualifying fees as required by law.

"Permanent Branch office" shall mean a substantial structure, fixed or movable, or a motor vehicle, bus, or other mobile
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unit, in which voter registrations will be accepted, which office and location shall be designated by the supervisor. Notice--of--the--time and-place-of-such-registrations-shall-be-published-at-least-once,-not less-than-one-day-prior-to-the-taking-of--said--registrations--in--a newspaper-of--general-circulation-in-the-county-where-such-office-is to-be-located;

(20) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

97.041 Qualifications to register or vote.--

(1)(a) Any person at least 18 years of age, or any person who will attain the age of 18 prior to the next succeeding primary, special primary, general, or special general election, who is a citizen of the United States and a permanent resident of Florida and of the county where he wishes to register is eligible to register with the supervisor when the registration books are open. Upon registration, such person shall be a qualified elector of that county.

(b) Any person who will become 18 years of age on or before the date of any election and who is otherwise qualified shall be entitled, within 180 days preceding his 18th birthday, to preregister for an election occurring on or after his 18th birthday with the supervisor when the registration books are open. Upon registration, such person shall be a qualified elector of that county.

(2) When any person presents himself to register and there is any question regarding his qualifications the supervisor may require satisfactory proof of his qualifications.

(3) The following persons are not entitled to register or to vote:

(a) Persons not registered;
(b) Persons under guardianship or confined in any state prison;
(a) Persons adjudicated mentally incompetent in this or any other state and who have not had their competency restored pursuant to law.
(b) Persons convicted of any felony by any court of record and whose civil rights have not been restored.

(4) Any person who is not registered shall not be entitled to vote.

Section 2. Subsection (2) of section 97.051, Florida Statutes, is amended to read:

97.051 Oath and identification of elector for registration.--

(2) The person shall also execute a written statement under oath that he has never previously registered to vote in any other

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jurisdiction or that he has been registered, stating the place of the
last prior registration and the name under which he was registered
and requesting the proper official in that jurisdiction to strike his
registration from the record. The oath may be administered by the
registration officer. The registration officer shall, within 2 weeks
of the execution of the written statement, notify the supervisor in
that jurisdiction to cancel the prior registration. The applicant
shall also give a sufficient description of himself as to reasonably
identify his person.

Section 3. Sections 97.061, 97.063, 97.0631, 97.064, 97.065,
97.072, 97.091, 97.102, and 97.111, Florida Statutes, are amended to
read:

97.061 Special registration for identification-cards; electors
requiring assistance.--

(1) Any person who is otherwise eligible to register but who is
unable to read or write or who, because of some physical disability
likely to continue for a prolonged period of time, needs assistance
in voting shall upon his request be registered by the supervisor under the procedure prescribed by this
section and shall be entitled to receive assistance at the polls
under the conditions prescribed by the applicable provisions of this
section code.

(2) The supervisor, upon finding that a person is qualified to
register pursuant to this section under the procedure prescribed in
subsection (1) and that such person's incapacity is expected to
continue indefinitely, shall enter in his registration record a
specific description of the particular disabling impairment and a
precise, accurate, and full description of the physical appearance of
the person, giving in addition to the information required of all
other electors the person's weight, height, color of eyes, description of hair, complexion, and any other distinguishing
characteristic which would be of assistance in establishing his
identity.

(3) Upon registering any person pursuant to this section, the
supervisor shall make a notation on the registration books or records
which are delivered to the polls on election day that such person is
eligible for assistance in voting, and the supervisor may issue such
to such person a special registration identification card or make some
notation on the regular registration identification card that such
person is eligible for assistance in voting. Such persons upon being
registered shall be issued a special registration identification card
of a distinctive color and convenient size which shall contain the
name of the person bearing it and the other information required
above and which shall indicate that it must be presented by such
person in order for him to be entitled to receive assistance of
two election officials or some other person of his own choice who has
not previously so acted for more than one other person during the
election vote without the necessity of executing the "Declaration to
Secure Assistance" prescribed in s. 101.051 being examined orally and
under oath at the polling place by the election inspection board.
Such person shall notify the supervisor if he is required to keep the supervisor advised of any change in his condition which makes it unnecessary for him to receive assistance in voting would avoid the necessity of this special procedure or which would require
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the alteration of his physical description; provided—that—any—such
disabled—elector—registered—to—vote—under—this—section—who—has
identified himself by signing the registration book shall continue to
be—privileged—to—identify—himself—as—the—poll—he—uses—in—his
signature—in—lieu—of—the—identification—card—and—receive—assistance
in—voting—as—prescribed—by—s.191.051.

97.063 Eligibility for absentee registration.—

(1) The following persons shall be entitled to register absentee
if qualified pursuant to s. 97.041 and as otherwise provided by law:

(a) Members of the Armed Forces while in the active service and
their spouses and dependents;

(b) Members of the Merchant Marine of the United States and their
spouses and dependents;

(c) Citizens of the United States who are permanent residents of
the state and are temporarily residing outside the territorial limits
of the United States and the District of Columbia, and their spouses
and dependents when residing with or accompanying them;

(d) Citizens of the United States who are permanent residents of
the state and are temporarily residing outside the state or who are
residing within the state but temporarily outside the county of their
permanent residence; and

(e) Residents of the state who are physically disabled or and
unable to register in person.

(2) The federal postcard application, as provided by 50 U.S.C. s.
1464, shall be accepted as a request for an application for absentee
registration when duly executed by any person the persons described
in paragraphs (a)–(c) of subsection (1). Any person Persons described
in paragraph paragraphs (d) or paragraph (e) of subsection (1)
may obtain an application for absentee registration by writing to the
supervisor of elections for the county of his their permanent
residence stating that registering in person would cause a hardship
due to temporary absence from the state or physical disability, or
stating that he is unable to register in person, and requesting that
an application for absentee registration be provided to him them.

(3) Upon receipt of the duly executed federal postcard
application or other such request for an application for absentee
registration as provided for by subsection (2), the supervisor of
elections shall mail to the applicant an application for absentee
registration if the applicant has never registered in the county or
if the applicant has registered and has failed to reregister. Upon
receipt of such application, the supervisor shall note on the
application the precinct in which the voter is registered in

(4) The application for absentee registration shall be in
substantially of the following form:

APPLICATION FOR ABSENTEE
REGISTRATION

"I, ...., being first duly sworn, on oath say that I am a citizen
of the United States and eligible to become a legal voter in the
State of Florida; that my legal residence is .... Street (or Avenue)
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in-the-——-election-precinct, or-the-——-ward in the municipality
City--(Town) of ...., County of ....; that I have not been and will
not be able to register personally for the reason that ....; that--I
desire-to-be-registered-in-such-——-precinct, that my full name is
....; that I was born on .... at ....; that, if I was born in a
foreign country, I obtained citizenship by means of ....; that my sex
is ....; that my race is ....; that I-am-——-feet-——-inches--in
height--that-my-occupation-is-——-, that-my-legal-residence-is-in-the
State-of-Florida-in-the-County-of-——-, that my party affiliation is
....; that I desire a registration certificate be mailed to me at
....; and I do solemnly swear (or affirm) that I will protect and
defend the Constitution of the United States and the Constitution of
the State of Florida, that I am 18 years of age, or will have
attained the age of 18 on or before prior-to the next election, that
I-am-a-resident-of-the-State-of-Florida-and-of-the-county, that I
am qualified to vote under the Constitution and laws of the State of
Florida; that if I am currently registered in another county or
state, A-registered-elector-of-the-State-of-——-that my
registration in .... County, said State of .... is recorded at the
following address:

...(Registering Official)...
...(Street)...., ...(City)..., ...(State)...

and--that--I-hereby--request--the--above-named-official-to-cancel-my
former-registration;

OR

I-am-not-registered-in-any-other-state:

...(Signature)...

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

...(Signature and title of person administering oath)...

or the signatures of two registered voters of .... County, Florida:

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

(5) The application for absentee registration shall be witnessed
either by a notary or other official authorized to administer oaths
or by two registered electors of the county for which the application
is requested.

(6) If the elector is registered in any other county of Florida,
or in any other state, the supervisor shall also have the elector
complete a separate form, signed by the elector, to be mailed by the
supervisor to the registering official in the jurisdiction in which
such elector was last registered for the purpose of advising such
official to cancel the elector's former registration.

(7) Upon the return of the application for absentee
registration form, the supervisor shall properly register the
applicant's name in the registration books of the county and maintain
on file, as the basis for such registration, the properly filled out
form received from the applicant; provided no absentee registrations
shall be accepted when the registration books are closed.
97.0631 Armed Services overseas.--A member of the Armed Services, upon receiving an overseas assignment, may notify the supervisor of elections in the county where registered of his overseas address, and thereafter, the supervisor shall notify said serviceman at least 90 days prior to regular primary and general elections and as soon as possible prior to any special election so that said serviceman may follow the procedures for absentee voting registration provided by law.

97.064 Registration of federal employees and military personnel when previously registered.--

(1) When a person holding a position in the Government of the United States or in the military service (including the spouse and dependents of such persons) 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 his registration has lapsed because of his failure to return the notice mailed to his address of record by the supervisor in compliance with the provisions to purge the registration books under the permanent single registration law, it is lawful in such case for such elector, if retaining his qualifications to vote under his last registration, to complete make-out and forward to the supervisor of the county in which he is registered a federal postcard application the form as provided in subsection (2) and thereby have his name transferred from the inactive files to the present registration books.

(2) The affidavit required for reinstatement of registration shall be in the following form:

AFFIDAVIT FOR REINSTATEMENT
OF REGISTRATION

STATE OF FLORIDA
COUNTY OF

Before me, the undersigned authority, authorized to take oaths personally appeared who being by me first duly sworn deplores and says that he (she) is a qualified elector of the State of Florida and that he (she) is registered as such elector in the precinct of the 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) thereby authorizes the supervisor of elections in the county aforesaid to transfer his (her) name from the inactive files and reinstate the same in the new registration books. That he (she) holds a position 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 elections at any time within the time allowed by law for registration.

(Signature of elector making affidavit)

Sworn to and subscribed before me this day of 19

(Signature and title of officer administering oath)
(2) Upon receipt of the federal postcard application affidavit set forth in subsection (2), 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 made, 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. Such reinstatement shall be permitted even though the registration books or records may have been closed in preparation for the impending election.

(3) No person entitled to have his name reinstated, as provided in subsection (1) due to his military service, shall be deprived of voting in any election because of failure to reregister after his name has been stricken from the registration books, but the supervisor or the registering official may require reasonable proof of his military service and shall require him to execute the federal postcard application form provided in subsection (2) before allowing him to vote.

97.065 Administration of oaths; military personnel, federal employees, and other absentee registrants.--For the purposes of this code ss. 97.063 and 97.064, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States except when this code requires an oath to be administered and attested by another official specifically named.

97.072 Replacement of registration identification card.--Each elector has the right to a replacement of his registration identification card without charge when same becomes defaced, upon his surrendering the card to the supervisor. Any elector who loses his card is entitled to receive a duplicate thereof from the supervisor of the county in which he was registered upon application, and proof of the loss in the following manner: He shall apply for a new registration identification card, stating under oath administered by the supervisor that his card was lost and was not sold, bartered, or willfully destroyed or lost. The supervisor shall examine the application and, if he feels the facts justify it, he shall issue a duplicate card, marking across its face "Duplicate," 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 if the applicant notifies the supervisor of his appeal to the board of county commissioners within three days of the rejection.

97.091 Electors must be registered in precinct; provisions for residence or name change.--

(1) No person shall be permitted to vote in any election precinct or district other than the one in which he has his permanent place of residence and in which he is registered; provided however, that persons temporarily residing outside of the county listed in s. 181.691 shall be registered in the precinct in which the county courthouse is located when they have no permanent address in the county and it is their intention to remain a resident of Florida and of the county in which they are registered to vote.
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(2) An elector who moves from the precinct within the county in which registered, or whose name changes because of marriage or other legal process, may be permitted to vote in the precinct to which he has moved his former residence, or the precinct where such person is registered under a former name, in any election prior to and including the next general election, provided such elector furnishes at the polls proof of his new residence address and executes an affidavit under oath in substantially the following form:

AFFIDAVIT
Change of Residence of Registered Voter

I, ...(Name of voter)...., being first duly sworn under oath, certify that my former residence was ...(Address).... in the municipality of ...., in .... County, Florida, and I was registered to vote in the .... precinct of .... County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at ...(Address).... in the Municipality of ...., in .... County, Florida, and am therefore eligible to vote in the .... precinct of .... County, Florida; and I further certify that I am otherwise legally registered and entitled to vote.

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

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

...(Signature and title of person administering oath)....

An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector furnishes at the polls proof of his new name and executes an affidavit under oath in substantially the following form:

AFFIDAVIT
Change of Name of Registered Voter

I, ...(New name of voter)...., being first duly sworn under oath, certify that my name has been changed because of marriage or other legal process. My former name and address appear on the registration books of precinct .... as follows:

Name .................................................................

Address.....................................................................

Municipality City.....................................................

County .....................................................................

Florida, Zip ................................................................

My present name and address are as follows:

Name ........................................................................

Address.....................................................................

Municipality ............................................................

County .....................................................................
and I further certify that I am otherwise legally registered and entitled to vote.

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

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

...(Signature and title of person administering oath)...

Such affidavit, when properly executed and presented at the precinct in which such elector is entitled to vote registered under--a former name, shall entitle such elector to vote as herein provided in this subsection. Upon receipt of an affidavit certifying a change in residence or change in name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to reflect the change in residence or change in name of such elector. After one general election has passed, subsequent to the change of residence or name, the voter whose residence has changed shall notify the supervisor in writing and obtain a certificate of transfer to the precinct in which he presently has his permanent place of residence, and, in the case of change of name, such elector shall notify the supervisor as provided in § 97.1037 to be entitled to vote in any future elections.

(3) When an elector's name does not appear on the registration books of the election precinct in which he is registered and when he cannot present a valid registration identification card, he may have his name restored if the supervisor is otherwise satisfied that he is validly registered upon making satisfactory proof to the supervisor of the fact of his valid registration, that his name has been erroneously omitted from the books, and that he is entitled to have his name restored. The supervisor, if he is satisfied as to the satisfactory proof of the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card signed by the supervisor and the elector across the face of which shall be written or inscribed "Duplicate Registration Identification Card." Upon presentation of such card at his precinct he shall be entitled to vote.

97.102 Electors moving within the state or out of the state.--

(1) An elector who changes his residence to another county in Florida from the county in Florida in which he is registered as an elector after the books in the county to which he has changed his residence are closed for any within-60 days of a general, primary, or special election shall be permitted to vote absentee in the county of his former residence in that election for President and Vice President, United States Senator, and statewide offices. Such person shall not be permitted to vote in the county of his former residence after the general election.

(2) An elector registered in this state who moves his permanent residence to another state within-30 days of a general election and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his former residence for those offices.
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(3) The elector shall be required to register in the new county or state of residence in order to participate in future elections.

97.111 How persons may register change of party affiliation.--Any person who has registered and desires to change his party affiliation may at any time after a general election and until the books are closed for 30 days before the next succeeding primary election when the registration books are open in the main office or in any temporary or permanent branch office and at no other time, change his party affiliation. The person shall surrender his certificate of registration identification card, or make a sworn affidavit if his certificate of 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 shall be retained on file by the supervisor.

Section 4. Section 98.031, Florida Statutes, 1976 Supplement, is amended to read:

98.031 Registration and election districts, precincts and polling places; boundaries.--

(1) Subject to the provisions of s. 98.091, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (a) of subsection (3), the board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create new districts or precincts. Each precinct as nearly as practicable shall be composed of contiguous and compact areas having clearly observable boundaries and shall be numbered and a polling place at a suitable location designated. The district or precinct shall not be changed thereafter except with the consent of four members of the board of county commissioners and the supervisor. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. 98.091, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

(2) When in any election there are less than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts into one election district upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts into election districts shall be given in the same manner as provided in s. 101.71(2).

(3)(a) No election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed, during the period between January 1 of any year the last digit of which is 7 and December 1 of any year the last digit of which is 0.

2. In addition to those periods of time during which change of precinct or district boundaries is not prohibited pursuant to subparagraph 1., the boundaries of election precincts and districts may be changed during the period between January 1 of any year the last digit of which is 7 and January 1 of any year the last digit of which is 0, when such change is due to the subdivision of an existing
precinct or district or to municipal annexation, detachment, or consolidation or other such action.

(b) The Secretary of State may, upon the request of a county, waive compliance with paragraph (a) if such county has met the requirements of the U.S. Bureau of the Census as set forth in its guidelines.

(4) Each supervisor of elections shall provide and maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, election district, representative district, and senatorial district in the county. A word description of the geographical boundaries shall be attached to each map.

(b) Each supervisor of elections shall send a copy of each map with attached description to the Secretary of State no later than March 1 of any year the last digit of which is 7. No later than April 1 in any such year, the Secretary of State shall transmit an appropriate copy or facsimile of each map to the United States Bureau of the Census.

(c) The supervisor of elections shall notify the Secretary of State in writing within 30 days of any reorganization of precincts or election districts and shall furnish a copy of the map showing the current geographical boundaries, designation, and word description of each new precinct or election district.

Section 5. Sections 98.041, 98.051, 98.081, 98.091, 98.101, 98.111, 98.161, 98.181, 98.201, 98.211, 98.212, 98.231, 98.251, 98.271, 98.301, 98.321, and 98.441, Florida Statutes, are amended to read:

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 and municipalities. This system shall be put into use by all municipalities prior to January 1, 1977, and shall be in lieu of any other system of municipal registration. Electors shall be registered in pursuance of this system by the supervisor or by a deputy supervisor precinct-registration-officers, and electors registered shall not thereafter be required to register or reregister except as provided by law.

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

(1)(a) The office of the supervisor of election shall be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day beginning no later than 9 a.m.
(b) A supervisor may keep his office and any branch offices open on any weekday, excluding legal holidays, for 10 hours in addition to the 8 hours specified in paragraph (a), provided notice of the time and place shall be published at least once, not less than one day prior to such extension of time in a newspaper of general circulation in the county in which such offices are to be located. However, if the publication deadline for such notice cannot be met, the public notice shall be posted at the courthouse and may be advertised in the news media.

(c) During the 30-day period prior to the closing of the registration books for any statewide or federal election, the supervisor shall keep his office open each weekday for a period not less than 8 hours per day and may keep any branch office open each weekday, excluding legal holidays. Application for voter registration shall be accepted each weekday in the office or branch office of the supervisor at which a deputy supervisor is on duty during a period of not less than 8 hours or more than 12 hours per day beginning at 8 a.m. and extending no later than 8 p.m. to permit qualified applicants to be registered to vote. Such offices may, in the discretion of the supervisor, be opened up to and including 5 nights each week until 9 p.m. However, in those counties in which the normal office hours for county officers begin after 8 a.m., the office of the supervisor shall open and accept applications for voter registration during the same 8-hour period.

(2)(a) When registration books are open, voter registration and changes in registration shall be accepted in the office or branch office of the supervisor when such office is open as provided by law. A supervisor may keep his office and any permanent branch offices open on one or more Saturdays per month between the hours of 8 a.m. and 5 p.m. or during any portion thereof.

(b) A supervisor may open his office and any permanent branch offices at times other than those times specified in this section. The supervisor shall give public notice of such opening by publishing twice in a newspaper of general circulation printed in his county the hours and days of the week he will keep his registration books open. If there is no newspaper published in the county, the supervisor shall have notices posted in at least three public places, one of which shall be the courthouse.

(3) The board of county commissioners may authorize the supervisor to keep his office open for less time than specified in subsection (3)(b) at no time shall the office be open less than 1 day each week for 8 hours. However, the office must remain open each weekday, excluding holidays, during the 30-day period prior to the closing of the registration books for any primary or general election. If the time when registration shall be accepted 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 registration books open. If there is no newspaper published in the county, the supervisor shall have notices posted in at least three public places, one of which shall be the courthouse.

(3)(a)(4) The registration books shall close for the first and second primary elections at 5 p.m. on the 45th day before each state and local election and on the 30th day before the first primary each national election for President and Vice President of the United States and shall remain closed until for 5 days after the second
primary election, during which time no registration, address change, party change, or name change shall be accepted and-after-which-time they-shall-be-open for such elections registration. For any other election, the books shall close at 5 p.m. on the 30th day before such election and shall remain closed until after such election, during which time no registration, address change, party change, or name change shall be accepted for such election. However, when the books are closed for an election the primaries registration and changes in registration shall be accepted for all subsequent elections the general election. For purposes of this subsection, however, a first and second primary shall be considered one election.

(b)§ 5.081 Removal of names from registration books; procedure.--

(1) During each odd-numbered year Between-October-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 4 two years, a form to be filled in, signed and returned by mail within 30 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 the registration books. The list of the electors, temporarily withdrawn, shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector in writing person makes known to the supervisor that his status has not changed. The supervisor shall then required-to reinstate the name on the registration books at-any-time-the-books-are-open without the elector reregistering. Notice of these requirements shall be printed on the voter registration identification card certificates. This method prescribed for the removal of names is considered cumulative to other provisions of law statutes relating to the removal of names from registration books 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.
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(2) Any elector may have his name removed from the registration books by filing with the supervisor a written request, duly acknowledged, and upon receipt of such request the supervisor shall remove the name of the elector from the registration books; provided, that any person whose name is removed between the first primary and the subsequent general election shall not register in a different political party after the first primary and before the subsequent general election.

(3) When the name of any elector is removed from the books pursuant to this section, s. 98.201, or s. 98.301, his original registration form shall be filed alphabetically in the office of the supervisor.

(4) When the name of any elector has been erroneously or illegally removed from the registration books pursuant to this section, s. 98.201, or s. 98.301, the name of the elector shall be restored by the supervisor upon satisfactory proof, even though the registration books are closed.

98.091 Use of system by municipalities.--

(1) The board of county commissioners, with the concurrence of the supervisor of elections, may arrange the boundaries of the precincts in each municipality within the county to conform to the boundaries of the municipality, subject to the concurrence of the governing body of the municipality. All binders, files, and other equipment or materials necessary for the permanent registration system provided--by--s--98.041 shall be furnished by the board of county commissioners. However, each municipality in a county shall reimburse the board of county commissioners 50 percent of the cost of such binders, files, and equipment necessary for the precincts within the municipality, unless agreed to otherwise by the county and the municipality, except that no such reimbursement shall be required where such a system is presently in effect by law.

(2) The supervisor of elections shall deliver the records required for a municipal election to the municipal elections boards or other appropriate elections officials on the morning of the day before the election and collect them on the day after the election. The municipality shall reimburse the county for the actual costs incurred.

(3) Any person who is a duly registered elector pursuant to this code chapter and who resides within the boundaries of a municipality is qualified to participate in all municipal elections, the provisions of special acts or local charters notwithstanding. Electors who are not registered under the permanent registration system shall not be permitted to vote.

98.101 Specifications for permanent registration binders, files and forms.--In the permanent registration this system, visible record binders, files, and registration forms shall be used as registration books. The binders shall be visible record binders, metal bound with built-in shifts, to hold executed registration forms, with labelholders 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 shall be 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; provided, however, that any county may, as an alternate method, use electronic data processing equipment to fulfill the requirements of this chapter.

98.111 Registration form; Department of State to prescribe; information required.--

(1) The Department of State shall prescribe the registration form and the form shall be prepared to elicit the following information:

(a) Registration number.
(b) Date of registration.
(c) Full name.
(d) Sex.
(e) Party affiliation.
(f) Date of birth.
(g) Race.
(h) State or country of birth.
(i) Residence address at time of registering.
(j) Post-office mailing address at time of registering.
(k) Precinct number.

(1) If the registrant is able to write his name or mark his ballot, and if not, the reason therefor.

(1) Whether such registrant has been convicted of any felony, and if so, whether he has had his civil rights restored.

(m) Other information deemed necessary by the Department of State.

(2) There shall also be printed on the form an affidavit to include the oaths prescribed by law, and a sworn statement by the applicant that all the information on the form is true, followed by a space for the elector's signature.

(3) The Department of State shall prescribe a form to elicit whether the applicant has been convicted of a felony, and, if so, whether his civil rights have been restored. The form shall include a sworn statement by the applicant that all the information is true, followed by a space for the applicant's signature. This form shall be retained on file in the office of the supervisor.

98.161 Supervisor of elections; election, tenure of office, compensation, custody of books, successor, seal.--

(1) A supervisor of elections shall be elected in each county at the general election in each year the number of which is a
multiple of four for a 4-year term commencing January 1967 and every 4 years thereafter. A supervisor of elections in each county shall hold office for 4 years, beginning on the first Tuesday after the first Monday in January following the election and until his successor is elected and qualified. Each supervisor shall, before performing any of his duties, take the oath prescribed in s. 5, Art. II of the State Constitution and give a surety bond payable to the Governor in the sum of $5,000 $500 conditioned on the faithful discharge of his duties.

(2) The supervisor's compensation shall be paid by the board of county commissioners.

(3) The supervisor is the official custodian of the registration books and has exclusive control of matters pertaining to registration of electors.

(4) The supervisor shall preserve statements and other information required to be filed with his office pursuant to chapter 106 for a period of 10 years from date of receipt.

(5) The supervisor shall, upon leaving his office, deliver to his successor immediately all records belonging to his office.

(6) Each supervisor is authorized to obtain for his office an impression seal approved by the Department of State. An impression of the seal with a description thereof shall be filed with the Department of State. The supervisor is empowered 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 provided, however, said seal need not be affixed to registration certificates.

98.181 Supervisor of elections to make up indexes or records.--A set of indexes or records as the supervisor may direct shall be kept in each municipality of over 25,000 population, when such municipality is not the county seat, as will enable the supervisor, or the supervisor's deputy, to provide registration services to the electors in such municipality as are provided by the supervisor at the supervisor's office at the county seat. Such set of indexes or records may be limited to cover those persons residing in such municipality and its environs. If there be two or more such municipalities in a county then an additional set shall be kept, or such number of sets as may be required to serve each such municipality in the county shall be equally available in such cities, the same as if they were the county seat.

98.201 Removal of names of disqualified electors.--

(1) Whenever it shall come to the supervisor's knowledge that any elector has become disqualified to vote by reason of conviction of any disqualifying crime or from other causes, or has moved from the county to another precinct without complying with s. 97.091, or his right to vote has become affected since his registration, the supervisor shall notify the person at his last known address by certified- or-registered mail. Should there be evidence that the notice was not received, then notice shall be given by publication in
a newspaper of general circulation in the county where the person was last registered or last known. The notice by publication shall run one time. The notification shall plainly state that the registration is allegedly invalidated and shall be in the form of a notice to show cause why the person's name should not be removed from the registration books. The notice shall state a time and place for the person so notified to appear before the supervisor to show cause why his name should not be removed. Upon hearing all evidence in an administrative hearing, the supervisor of elections shall determine whether or not there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence he shall strike the name forthwith. Appeal shall be to the circuit court in and for the county wherein the person was registered. Notice of appeal shall be filed within the time and in the manner provided by the Florida Appellate Rules and shall act as supersedeas. Trial in the circuit court shall be de novo and governed by the rules of that court. Unless the person can show that his name was erroneously or illegally stricken from the registration books or that he is indigent, he shall be made to bear the costs of the trial in the circuit court. Otherwise, the costs of the appeal shall be paid by the board of county commissioners.

(2) The supervisor may, whenever he has reason to believe that an elector has become disqualified at any time, process and forward to such any elector a post or renewal card to verify the qualifications of such an elector and, on the nonreturn of such card within the prescribed time set by law, shall proceed as otherwise provided in s. 98.081, for nonreturns.

98.211 County registers open to inspection; copies.---

(1) The registration books are public records. Every citizen is allowed to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom. The supervisor shall may furnish at cost lists of the registered electors of the county that include only the names, party political affiliation, residence address, and precinct number mailing-address of any electors, and shall furnish such lists only to the courts for the purpose of jury selection, municipalities, other governmental agencies, candidates to further their candidacy, registered political committees and registered committees of continuous existence and political parties or officials thereof for political purposes only, and incumbent officeholders to report to their constituents, and such lists shall be used solely for political purposes and not for commercial purposes 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. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political activities, voter registration, law enforcement, or jury selection.

(2) Any person who acquires a precinct list from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire a list of the registered voters of .... County, Florida; that the lists acquired will be used only for the purposes prescribed in said section and for no other purpose;
and that I will not permit the use or copying of such list by persons not authorized by the Election Code of the State of Florida to use such list.

...(Signature of person acquiring list)...

Sworn to and subscribed before me, the Supervisor or Deputy Supervisor of Elections of .... County, Florida, this .... day of ...., 19.......

...(Signature of Supervisor or Deputy Supervisor)...

98.212 Supervisors to furnish statistical and other information.--

(1) Upon written request supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies and to recognized political party committees, statistical information for the purpose of analyzing election returns and results.

(2) In general election years, between January 1 and December 17, supervisors may require reimbursement for any or all actual expense of supplying such information but at all other times such information shall be supplied or made available at out-of-pocket cost for materials. Supervisors may use are authorized to utilize the services of research and statistical personnel that may be supplied. All such statistical information and all analyses shall be made public no later than 30 days after the completion of compilation.

(3) Lists of names submitted to supervisors for indication of registration or nonregistration or for party affiliation shall be processed at any time all times at cost; provided, that in no case shall the charge exceed 10 3 cents for each name on which the information is furnished.

98.231 Supervisor of elections to furnish Department of State number of registered electors.--The supervisor of each county, within 15 20 days after the closing of registration books prior to the election, shall, for the county and for each legislative and congressional district in which such county or any portion thereof is located, advise the Department of State of the total number of registered electors of each political party in which any elector has registered and the number of electors registered as independents or without party affiliation.

98.251 Election Code laws; copies thereof.--A pamphlet of a reprint of the election code general--laws--pertaining--to--elections outlining the duties of clerks, inspectors and other election officials, and including instructions to electors for their use at any election, adequately indexed, shall be prepared by the Department of State. It shall have prepared a sufficient number of these pamphlets printed so that one may be given to each candidate who qualifies with the department and so that a sufficient number may be sent to each supervisor prior to the first day of qualifying for distribution to each candidate who qualifies with the supervisor and to each clerk of elections, of the laws regulating elections and at least--30--days--before--any--election--shall--submit--them--to--each supervisor--for--the--use--of--the--inspectors--of--the--elections. The cost of printing these pamphlets shall be paid out of funds appropriated for
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conducting elections. Any citizen may purchase a copy by payment of the actual cost of printing and distribution as determined by the Department of State.

98.271 Appointment of deputy supervisors; authority; compensation.

(1) Each supervisor shall select and appoint, subject to removal by him, as many deputy supervisors as may be necessary and 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. Each deputy supervisor of elections shall, before entering office, make an oath in writing that he will faithfully perform the duties of his office, which oath shall be acknowledged by the supervisor and filed with the clerk of the circuit court.

(2) The supervisor may appoint as many deputy supervisors as he deems necessary for the purpose of registering voters and accepting changes in registration and may limit the authority of such deputies to such duties.

98.301 Duty of officials. Department of Health and Rehabilitative Services to furnish lists of deceased persons, persons adjudicated mentally incompetent, and persons convicted of a felony.

(1) It is the duty of the Department of Health and Rehabilitative Services to furnish each supervisor monthly to each supervisor of elections a list containing the name, address, age, race, and sex of deceased persons 18 years of age or older who were residents of such supervisor's county, and a copy of said list to every municipality in said county and upon receipt of these reports, transmitting names and addresses of deceased persons over 18 years of age, the supervisor is required to strike their names from the registration books and the municipalities are also required to strike the names of said deceased persons from their registration books.

(2) Each clerk of the circuit court shall, at least once each month, deliver to the supervisor of his county a list stating the name, address, age, race, and sex of persons convicted of a felony during the preceding calendar month, a list stating the name, address, age, race, and sex of persons adjudicated mentally incompetent during the preceding calendar month, and a list stating the name, address, age, race, and sex of persons whose mental competency has been restored.

(3) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incompetent. Persons who have had their mental competency restored or who have had their civil rights restored after conviction of a felony shall be required to reregister to have their names restored to the registration books.

(4) Nothing in this section shall limit or restrict the supervisor in his duty to remove the names of such deceased persons from the registration books after verification of information received from other sources as provided in s. 98.201 or other provisions of this code the registration laws.
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98.321 Certificate of election Supervisor-to-give-certificate-to person-elected.--The supervisor shall give to any person the election of whom is certified by the county canvassing board 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. The Department of State shall give to any person the election of whom is certified by the state canvassing board a certificate of his election. The certificate of election which is issued to any person shall be prima facie evidence of the election of such person.

98.441 Alternative procedure.--The foregoing provisions of ss. 98.391, 98.401, 98.412, 98.421, and 98.431 are not intended to repeal any of the other provisions of this election code but to provide an alternative procedure in conjunction with the other provisions of this said election code which may be followed in the affected counties.


99.021 Form of candidate oath.--

(1) (a) Each candidate, whether a party candidate or an independent candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, shall be required to take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify, and shall be substantially in the following form:
in which he shall state:

1. The party of which he is a member;
2. That he is not a registered member of any other political party and has not been a candidate for nomination for any other party for a period of six months preceding the general election for which he qualified;
3. The title of the office for which he is a candidate;
4. That he is a qualified elector of the state;
5. The name of the county of his legal residence;
6. That he is qualified under the laws of Florida to hold office for which he desires to be nominated;
7. 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;
8. That he has not violated any of the laws of the state relating to elections or registration of electors;
9. That he has taken the oath as required by ss. 876.05-876.10;
10. That he has qualified for no other public office in the state, the term of which office or any part thereof, runs concurrently to the office he seeks; and
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Section 1. That he has submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election. Such statement shall be filed at the same time and with the officer before whom said person qualifies as a candidate but need not be filed by any person who had no contributions or expenditures during such period.

(b) A printed copy of the oath of candidate is required to be furnished to the candidate by the executive committee of his party, and the oath shall be substantially in the following form:

State of Florida
County of ....

Before me, an officer authorized to administer oaths, personally appeared ... (please print name as you wish it to appear on the ballot) .... to me well known, who, being sworn, says he is a member of the .... party, that he is a candidate for the office of ....; that he is not a registered member of any other political party and he has not been a candidate for nomination for any other party for a period of 6 months preceding the general election in which he seeks election; 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 state executive committee of the .... party; if any, that he is qualified under the Constitution and the laws of Florida to hold the office for which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state in violation of ss. 99.012, Florida Statutes, the term of which office or any part thereof runs concurrent to the office he seeks; that he has resigned from any office which he is required to resign pursuant to s. 99.012, Florida Statutes; and that he has submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election.

...(Signature of candidate)...

...(Address)...

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

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

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which he is a member;

2. That he is not a registered member of any other political party and has not been a candidate for nomination for any other
political party for a period of 6 months preceding the general election for which he seeks to qualify; and

3. That he has paid the assessment levied against him, if any, as a candidate for said office by the executive committee of the party of which he is a member.

(c) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot.

(2) The provisions of subsection (1) relating to the required oath of candidates for nomination in a primary election, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office offices-in-the-primary, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee vacancies-under-59.3111.

99.032 Qualification of candidates for county commission and district-school-board.—A candidate for the office of county commission or-district-school-board shall, at the time he qualifies, be have-been a bona-fide resident of the district from which he qualifies for—a-period-of-at-least-6-months-prior-to-the-qualifying date.

99.061 Nomination or election of candidates for state, county, district and United States offices; sworn statement, receipt and filing fee.--

(1) Each person seeking to qualify candidates for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall of any recognized-political-party-for-state-offices-of-Secretary-of-State, Attorney-General, State-Comptroller, State-Treasurer, Commissioner of Education, Commissioner of Agriculture, State-Senator, member-of-the House-of-Representatives, Supreme-Court-Justice, Circuit-Judge, State Attorney-and-candidates-for-the-positions-of-representatives-to Congress-and-United-States-Senate--are-required-to-file-his-their qualification papers and pay the qualification fees and party assessment, if any has been levied, to the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the first day for qualifying filing-date, which shall be the 63rd day prior to the first primary, but not later than noon of the 49th day prior to the date of the first primary in the-year-in-which-any-primary-is-held.


(2) Each person seeking to qualify candidates for nomination or election to a county office, or district office not covered by subsection (1), shall file his qualification papers and pay the
qualification fees their sworn statement and receipt for party assessment, if any has been levied, with-and-pay-their-filing-fees to the supervisor of elections clerk-of-the-circuit-court of the county, or qualify by the alternative method with the supervisor of elections, who shall receive same in his capacity as clerk of the board of county commissioners of said county, at any time after noon of the first day for qualifying filing date, which shall be the 63rd day prior to the first primary, but not later than noon the 49th day prior to the first primary in the year in which any primary is held for the qualifying of such candidates. The supervisor of elections clerk-of-the-circuit-court shall remit to the Secretary of the state executive committee of the political party to which the candidate belongs within 30 days after the closing of qualifying time the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) The Department of State shall certify to the supervisor of elections board of county commissioners within ten days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who are required by law to qualify with the Department of State.

(4) Notwithstanding the qualifying period prescribed in this section, if a candidate has submitted the necessary petitions by the required deadline in order to qualify for nomination or election to office, or if a minor party has submitted the necessary petitions by the required deadline in order to qualify to have a slate of candidates on the general election ballot, and such candidate or minor party is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, such candidate, or candidates designated by the minor party, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date such candidate or minor party is notified that the necessary number of signatures has been obtained. Any candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

(6) Within 7 five days after the closing of qualifying time or within 7 days after a candidate files his qualifying papers, whichever last occurs, the Department of State or the supervisor of elections clerk-of-the-circuit-court, as the case may be, shall notify a candidate by registered mail of any error in his papers or fees. Candidates notified shall have 72 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to file with the appropriate qualifying officer any papers or fees necessary to correct any such error. If a candidate does not correct such error within the prescribed period he shall be disqualified. This subsection shall not apply to errors or omissions made in the amount of filing fees or the designation of a district or the office for which the candidate qualifies.

99.081 United States Senators elected in general election. United States Senators from Florida shall be 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 Representatives to Congress.
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(1) A Representative to Congress shall be elected in and for each congressional district at each every general election.

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

99.092 Filing fee of candidate; notification of Department of State.--

(1) Each person seeking to qualify candidate for nomination or election to any office, except a person seeking to qualify pursuant to those candidates described in s. 99.095, shall is required to pay a filing fee to the officer with whom he qualifies and, if any party assessment has been levied, attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers the sworn statement. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the committee assessment is 2 percent of the annual salary unless made less by the executive committee of the state or legislative office it shall not be less than $120. The annual salary of the office for purposes of computing the filing fee and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fees shall be returned to the candidate unless he withdraws his candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, his qualifying fee shall be returned to his designated beneficiary, and if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the candidate's designated beneficiary.

(2) The supervisor of elections upon filing of the party assessments and filing fees, the clerk of the circuit court shall immediately after the last day for close of qualifying date submit to the Department of State a list containing the names, party affiliation, and addresses of all candidates and the office for which they qualified.

(3) Each candidate for the office of Governor and the office of Lieutenant Governor shall pay a separate fee for his office in accordance with this section.

99.095 Alternative method of qualifying.--

(1) A person seeking to qualify candidate for nomination to any office who is unable to pay the filing fee and party assessment prescribed by s. 99.092 without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify to have his name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person using candidate availing himself of this petitioning process shall file an oath with the officer by whom the candidate would qualify for the office stating that he intends to qualify for the office sought and stating that he is unable to pay the filing fee and party assessment for that office without imposing
an undue burden on his personal resources or on resources otherwise available to him. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first primary is held, but no later than noon of the 63rd day prior to the 92nd day prior to the date of the first primary election. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section prescribed herein.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section and shall affix the date of issuance on each form. Such forms shall be prescribed by the Department of State. A signature on the petition which is not in the exact form as the name on the voter registration books shall be counted as a valid signature for purposes of subsection (1) if, after comparing the signature on the petition with the signature of the alleged signer as shown on the voter registration books, the supervisor of elections determines that the person signing the petition and the person registering to vote are one and the same. No signature shall be counted toward the number of signatures required by subsection (3) unless it is on a petition form prescribed pursuant to this subsection.

(3) When a candidate has filed the oath prescribed in subsection (1), he may begin to seek signatures on petitions supporting his candidacy. Only signatures of electors who are registered in the political party by which the candidate seeks to be nominated and who are registered to vote in the county, district, or other geographical entity represented by the office sought shall be counted toward obtaining the minimum numbers of signatures prescribed in this subsection. A candidate for an office elected on a statewide basis shall obtain the signatures of a number of qualified electors equal to at least 35 percent of the total number of registered electors of Florida who are registered in the party by which he seeks nomination, as shown by the compilation by the Department of State for the last preceding most-recent general election. A candidate for any federal, state, or county or district office to be elected on less than a statewide basis shall obtain the signatures of a number of qualified electors of the district or county or other geographical entity equal to at least 35 percent of the total number of registered voters of the party by which he seeks nomination that are registered within the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding most-recent general election. A separate petition shall be circulated for each candidate availing himself of the provisions of this section. However, candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same nominating petition for both candidates.

(4) (a) Each candidate for nomination to federal, state, statewide or other multicounty district office shall file a separate petition for nominations from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for in which such petition is circulated, not later than the first date for qualifying for office. Each supervisor of elections to whom a petition is submitted shall
check the signatures of the persons on the petition to verify their status as electors of the political party for which the candidate seeks nomination and of that county, district, or other geographical unit represented by the office being sought by the candidate. Prior to no later than the first last date for qualifying, the supervisor shall certify the number shown as registered electors of such county, district, or other geographical unit and of the appropriate political party and submit such certification to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate and the board of county commissioners of the appropriate county or counties that the candidate’s name is to be placed on the ballot. If the required number of signatures has been obtained, the candidate, during the time prescribed for qualifying for office, immediately submit a copy of such notice and file his qualifying papers and oath prescribed by s. 99.021 with the Department of State to the officer with whom he qualifies pursuant to s. 99.061. Upon receipt of the copy of such notice and qualifying papers, the department qualifying officer shall certify the name of the candidate to the appropriate supervisor or supervisors of elections board or boards of county commissioners as having qualified for the office sought.

(b) Each candidate for nomination to a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the 92nd day preceding the first primary election, to the supervisor of the county for which the petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the political party for which the candidate seeks nomination and of the county, district, or other geographical entity represented by the office being sought. Prior to the first date for qualifying the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice and file his qualifying papers and oath prescribed by s. 99.021 with the supervisor. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his name printed on the ballot.

Section 7. Section 99.152, Florida Statutes, is transferred to section 99.0955, Florida Statutes, and amended to read:

99.0955 99.152 Independent candidates for statewide office; name on general election ballot.--

(1) Any registered elector seeking to have his name placed on the ballot at the general election as an independent candidate for an the
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office of Governor, lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Agriculture, Commissioner of Education, member of the Public Service Commission, and United States Senator may have his name as an independent candidate printed on the general election ballot in which election such office is to one or more of those offices will be filled, provided he is otherwise qualified to hold the office that he seeks and provided a petition requesting that he be assigned a position on the general election ballot is signed by the required number of registered electors. Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election, but prior to the 92nd day prior to the date of the first primary election.

(2) A candidate for an office elected on a statewide basis shall obtain the signatures of a number of the qualified electors equal to 3.5 percent of the registered electors of Florida, as shown by the compilation by the Department of State for the last preceding general election. When joint candidates for the offices of Governor and Lieutenant Governor are provided by law, independent candidates for the offices of Governor and Lieutenant Governor shall must likewise form a such joint candidacy candidates, and only one petition shall will be used required to place both names on the ballot as otherwise provided in this section. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis shall obtain the signatures of a number of the qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of the registered voters of the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

(3)(a) Each candidate for a federal, state, or multicounty district office shall submit a separate petition for shall--be submitted--from each county from which signatures are sought solicited. Each The petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. the counties-no later than 35 days prior to the first primary preceding said general election, and the each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in s. 99.097 on or before the day of the first primary, certify to the Department of State prior to the first day of qualifying the number shown as registered electors of said county. The--supervisor--shall--be--paid--by--the--person--requesting--the--certification--the--sum--of--10-cents--for--each--name--checked--or--the--actual cost of checking such names, whichever is less. However persons who cannot--pay--such--charges--without--imposing--an--undue--burden--on--their personal resources or--upon--resources--otherwise--available--to--them shall--upon--written--certification--of--such--inability--given--under--oath to the supervisor--be--entitled--to--have--signatures--verified--at--no charge.--In--such--event the board of county commissioners shall be reimbursed--in the manner and the amount provided in s. 99.095(5). The supervisor--shall--then--forward--the--petition--with--a--certificate attatched to The Department of State which shall determine whether or not the required number of signatures has been obtained and shall notify the candidate percentage-factor as required herein has been met. If--the--percentage-factor--has--been--met,--the--Department--of--State

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shall notify the candidate that he has secured a position on the ballot for the said general election. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his qualifying papers within 5 days of being so notified by the Department of State to qualify with the Department of State, pay his filing fee, and take and subscribe to the oath provided in s. 99.021. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the filing fees. The name of qualification of each candidate who qualifies pursuant to this paragraph to have his name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by becoming official upon his filing with the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor if the candidate is otherwise qualified to hold the office which he is seeking.

(b) Each candidate for a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the 92nd day preceding the first primary election, to the supervisor of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, prior to the first day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice and file his qualification papers with the supervisor of elections, pay his filing fee, and take the oath prescribed in s. 99.021. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the filing fee. Upon qualifying with the supervisor and paying the cost of checking the petitions or filing the oath required by s. 99.097, such candidate shall be entitled to have his name placed on the general election ballot.

Section 8. Section 101.261, Florida Statutes, is transferred to section 99.096, Florida Statutes, and amended to read:

99.096 101.261 Minor Minority party candidates for state offices; names on ballot.--

(1) A minor Minority political party may have the names of its candidates for the offices which are elected on a statewide basis of governor, lieutenant governor, secretary of state, attorney, general, comptroller, treasurer, commissioner of agriculture, commissioner of education, member of the Public Service Commission, justice of the supreme court, and United States Senator printed on the general election ballot in an election in which one or more of those offices will be filled, if a petition requesting that the party be assigned a position on the general election ballot is signed by 3 percent of the registered electors of the state, as shown by the compilation by the Department of State for the last preceding general election. A minor political party may have the names of its candidates for offices which are elected on less than a statewide basis printed on the general election ballot in an election in which
one or more of those offices are to be filled, if such party has
qualified by petition to have a slate of candidates for offices
elected on a statewide basis printed on the ballot and if such
petition requesting that the party be assigned a position on the
general election ballot is signed by 3 percent of the registered
electors of the district, county, or other geographical entity
represented by the office, as shown by the compilation by the
Department of State for the last preceding general election.

(2) Petitions to have a slate of candidates printed on the ballot
shall be provided by the Department of State. The form of the
petitions shall be prescribed by the Department of State. A minor
political party may obtain such petition forms at any time after the
first Tuesday after the first Monday in January preceding said
general election but prior to the 92nd day prior to the date of the
first primary election.

(3) A separate petition shall be submitted from each county
for which signatures are solicited. The petition shall be
submitted to the supervisor of elections of the county no later than
35 days prior to noon of the 92nd day preceding the first primary
preceding the general election, and the supervisor shall check the
names and shall, upon payment of the cost of checking the petitions
prescribed in s. 99.071 on or before the day of the first primary,
certify, prior to the first day for qualifying, the number shown as
registered electors of the county. The supervisor shall then forward the
petition, with a certificate attached, to the Department of State which shall
determine whether or not the percentage factor as required in this
section herein has been met. When the percentage factor has been met,
the Department of State shall notify the minor minority party
executive committee that the party has secured a position on the
general election ballot.

(4) The executive committee of the party shall, at the time of
submitting the petitions to the various supervisors of elections, or
no later than noon of the 92nd day preceding 35 days prior to the
date of the first primary election, submit to the Department of State
an official list of the candidates nominated by that party to be on
the ballot in the general election. If the minor party has qualified
to have a slate of candidates for any offices for which candidates
are required to qualify with a supervisor of elections, the
Department of State shall notify such supervisor of the name of each
candidate eligible to qualify for such an office. Candidates selected
by a party pursuant to this section shall qualify with the
Department of State or appropriate supervisor of elections, pay their
filing fee, and take and subscribe to the oath provided in s. 99.021,
during the time prescribed for qualifying for office within 5 days of
notification by the Department of State that the party has secured a
position on the general election ballot. Any candidate who is unable to
pay such fee without imposing an undue burden on his personal
resources or upon resources otherwise available to him shall, upon written certification of such inability given
under oath to the Department of State or appropriate supervisor of
elections, be exempt from paying the filing fees. The
qualification of each candidate to be on the general election ballot
shall become official upon his filing his qualifying papers, with the
Department of State if the candidate is otherwise legally qualified
to hold the office which he is seeking. The official list of
nominated candidates may not be changed by the party after having
been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

Section 9. Section 101.263, Florida Statutes, is transferred to section 99.0965, Florida Statutes, and amended to read:

99.0965 101.263 Minor Minority parties; selection of candidates.—A minor minority political party with a position on the general election ballot may provide for the designation of its official list of nominated candidates in any manner that it deems proper. The state executive committee of the party shall by resolution adopt a procedure for the selection of candidates, a copy of which shall be submitted to the Department of State.

Section 10. Section 99.097, Florida Statutes, 1976 Supplement, is amended to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

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

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, he may require that the supervisor of elections use the random sampling verification method in certifying the petition.

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

(4) The supervisor shall be paid by the candidate, minor party, or person authorized by such minor party submitting the petition, or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition the sum of 10 cents for each signature checked or the actual cost of checking such
signature, whichever is less. However, if a candidate cannot pay such charges without imposing an undue burden on his personal resources or upon the resources otherwise available to him, he shall upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge; provided that if such candidate has filed the oath prescribed by s. 99.095(1) he shall not be required to file a second oath in order to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to have a minor party's slate of candidates placed on the ballot or to have an issue placed on the ballot. In the event a candidate is entitled to have the signatures verified at no charge, the board of county commissioners of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such board of county commissioners to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less.

(5) The Any--a££eetee candidate or announced opponent, representative of a designated political committee, or person, party, or other organization submitting the petition, which does not wish to accept the results of a verification pursuant to subsection (1)(b) may require a complete check of the names and signatures pursuant to subsection (1)(a). If any such candidate or announced opponent, representative of a designated political committee, party, or person or organization submitting the petition requires such a complete check and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless he has filed the oath stating that he is unable to pay such charges, announced opponent, representative of a designated political committee, party, or person or organization submitting the petition shall pay to the board of county commissioners of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature name checked or the actual cost of checking such additional signatures names, whichever is less. Such petitions shall be retained by the supervisor for a period of 1 year following the election for which such petitions are circulated.

Section 11. Sections 99.103 and 99.121, Florida Statutes, are amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.--

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party shall be declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, five percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the general revenue fund of the state.
(2) Not later than 30 days prior to the first primary in even-numbered years, the Department of State shall remit all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by it to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103.

99.121 Department of State and supervisor to certify state, congressional, district and county nominations to supervisors of elections county commissioners.--

(1) The Department of State shall certify to the supervisor of elections board of county commissioners of each county affected by a candidacy for office 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 county, containing a congressional, senatorial, or other district, in case of any officer to be voted for by the electors of that district, containing more than one county, the names of persons nominated to such office the offices.

(2) 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 25 days prior to the general election.

(3) The names of such persons shall be printed by the supervisor of elections boards of county commissioners upon the ballot in their proper place except as provided by law in chapter 100.

Section 12. Sections 100.011, 100.021, 100.031, 100.041, 100.051, 100.071, 100.081, 100.091, 100.101, 100.102, 100.111, 100.141, 100.161, 100.181, 100.191, 100.201, 100.211, 100.221, 100.241, 100.261, 100.271, 100.281, 100.291, 100.301, 100.311, 100.321, 100.331, 100.341, 100.342, 100.351, and 100.361, Florida Statutes, are amended to read:

100.011 Opening and closing of polls, all elections; expenses.--

(1) The polls shall be open at the voting places at 7:00 a.m., on the day of the election, and shall be kept open until 7:00 p.m. of the same day, and the time shall 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. During the election and canvass of the votes the ballot box shall not be concealed.

(2) The time of opening and closing of the 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 repeated.

(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 Department of State shall, between July 1 and September 1 in any year in which a general election is 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. During the month of June at least 60 days prior to the date of holding the election the Department of State shall have the notice published two four times in a newspaper of general circulation printed in each county, and in counties in which there is no newspaper of general circulation printed, it 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 shall be held in each county on the first Tuesday after next succeeding the first Monday in November of each even-numbered year to choose a successor to each elective federal, state, county, and district officer whose term will expire before the next general election and, except as provided in the State Constitution, to fill each vacancy in elective office for the unexpired portion of the term. The Clerk of the Circuit Court, sheriff, superintendent of schools, property appraiser, and tax collector shall be chosen by the qualified electors at the general election in each year the number of which is a multiple of four, and the Governor and the administrative officers of the executive branch of the state shall be elected for terms of 4 years in each even-numbered year the number of which is not a multiple of four.

100.041 Officers chosen at general election.--

(1) State senators shall be elected for terms of 4 years, those from representing the odd-numbered districts in each year the number of which is a multiple of four and those shall be elected at a general-election-to-be-held-in-1920-and-every--4--years-thereafter. State senators from the even-numbered districts in each even-numbered year the number of which is not a multiple of four shall be chosen in the general-election-in-1922, and every 4 years thereafter. Members of the House of Representatives shall be elected for terms of 2 years in each even-numbered year chosen at every general election. In each county a The Clerk of the Circuit Court, county-courts-judge, sheriff, superintendent of schools, county property appraiser, and county tax collector shall be chosen for each county by the its qualified electors at the general election in each year the number of which is a multiple of four. The Governor and the administrative officers of the executive branch of the state department shall be elected for terms of 4 years in each even-numbered year the number of which is not a multiple of four. The terms of such state and county offices other than the terms of members of the Legislature elected shall begin on the first Tuesday after the first Monday in January after said election. The term of office of each member of the Legislature shall begin upon election. The Governor elected at the general-election-of-1966, shall be eligible for re-election to said office in the general-election-of-1966, but the Governor elected at the general-election-of-1966, and thereafter, shall not be eligible for reelection to said office in the next succeeding term.

(2) Each county commissioner from an odd-numbered district shall be elected in the county at large at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected
in the county at large at the general election in each even-numbered year the number of which is not a multiple of four for a 4-year term commencing on the second Tuesday following such election. 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 2 years; those elected from the odd-numbered districts shall serve 4 years; and thereafter the terms shall be for 4 years. Beginning in 1972, the term of office of a county commissioner shall begin on the Tuesday 2 weeks following the day of the general election held in said year, provided, that the Art. VIII of the State Constitution of 1885 shall not be affected.

(3) (a) School board members shall be elected at the general election for terms of 4 years held in November. The term of office of a school board member shall begin on the second Tuesday 2 weeks following the day of the general election in which such member is elected.

(b) In each school district those counties which have five school board members, the terms shall be arranged so that three members are elected at one general election and two members elected at the next ensuing general election.

(4) Except as provided in subsections (2) and (3) the terms of office of each county and each district officer not otherwise provided by law shall commence on the first Tuesday after the first Monday in January following his next after their election.

100.051 Candidate's name on general election ballot.--The supervisor of elections shall print on ballots the names of candidates who have been nominated by a recognized political party, other than a minor political party, and the candidates who have otherwise obtained a position on the general election ballot in compliance with the requirements of this code.

100.071 Grouping of candidates on primary ballots.--

(a) Where two or more similar offices are to be filled in the same election, the names of candidates shall be placed or printed upon the ballot or voting machines in groups or districts; that is, if two or more places on the Supreme Court or two or more members of the Legislature or two or more members of a governing board from the same election district are to be elected from the same geographical area, then the candidates' names shall be placed or printed on the ballot or voting machines in groups or districts, such as group 1, group 2, group 3 as the case may be.

(b) The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices, so as to emphasize the necessity of voting for one candidate in each of the numbered group or district groups.
(2) Each nominee of a recognized political party chosen in the primaries shall appear on the general election ballot in the same numbered group or district as the general election ballot in which their names appeared on the primary election ballot.

100.081 Conducting primary elections; 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 8 of Article VIII of the State Constitution of 1986.

100.091 Second primary election.--

(1) A second primary election shall be held on the third Tuesday after the first primary election in each year in which a general election is held for the nomination of candidates of political parties where nominations are not made in the first primary election. Provided, however, in 1978, 1980, and 1982, the second primary shall be held on the fourth Tuesday after the first primary election.

(2) The names of the candidates placing first and second in the first primary election shall be placed on the ballot in the second primary election for each contest in which no candidate receives a majority of the votes cast in the first primary election, subject to the following exceptions:

(a) In any contest in which there is a tie for first place in the first primary election only the names of the candidates so tying shall be placed on the ballot in the second primary election.

(b) In any contest in which there is a tie for second place in the first primary election and the candidate placing first did not receive a majority of the votes cast, then in that event only the names of the candidates placing first and the names of the candidates tying for second shall be placed on the ballot in the second primary election.

(3) The candidate who receives the highest number of votes cast for the office in the second primary election shall be declared nominated. In case two or more persons shall receive an equal and highest number of votes for the same office in the second primary, such persons shall draw lots to determine who shall receive the nomination.

100.101 Special elections and special primary elections.--Special elections or special primary elections shall be held in the following cases:

(1) If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.

(2) If a vacancy occurs in the office of state senator or member of the House of Representatives.

(3) If it shall be necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.
(4) If when a vacancy occurs in the office of member of the House of Representatives of national--representative--in Congress from Florida.

(5) If a vacancy occurs in nomination.

100.102 Cost of special elections and special primary elections to be incurred by the state.--Whenever any special election or special primary election is to be held as required in s. 100.101, each county incurring expenses resulting from such special election or special primary election shall be reimbursed by the state. Reimbursement shall be based upon actual expenses as filed by the supervisor of elections with the county governing body. The Department of State shall verify the expenses of each special election and each special primary election and authorize payment for reimbursement to each county affected.

100.111 Filling vacancy.--

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term commencing on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, any person seeking nomination or election to the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the first primary but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the first and second primary elections, the Governor may call a special primary election, and if necessary a second special primary election, to select party nominees for the unexpired portion of such term.

(2) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), in--an--office which--may--be--filled-by--appointment, and a special election is called by the Governor to fill the vacancy in such office, nominees of recognized political parties other than minor political parties shall be chosen under the primary laws of Florida shall--be--chosen in a special primary election which shall be called by the Governor who, after consultation with the Secretary of State, may fix the date of a primary election and if necessary a second primary election to select nominees of recognized political parties other than minor political parties to become candidates in the special election above-referred to. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for any special primary and for the special election to coincide with the dates of the first and second primary and general
election. If a vacancy in office occurs in any district in the Florida Senate or House of Representatives, or in any Congressional District, and no session of the Legislature, or session of Congress if the vacancy is in a Congressional District, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates last-date for candidates to qualify in such special election or special primary election shall be fixed by the Department of State and candidates shall qualify not later than noon of the last day so fixed.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries shall not be later than such dates as shall be fixed by the Department of State and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations of the time element.

(c) The qualification fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(d) Each county canvassing board shall make as speedy a return of the result of such special elections and primaries as the time element will permit and the Elections canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as the time element will permit.

Section 4, when used in this subsection only, the following quoted words shall have the meaning herein indicated:

1. "County-office" shall include any office which is filled by election by the electors of one county only.

2. "District-office" shall include any office which is filled by election by the electors of an area comprising two or more counties but less than statewide.

3. "State-office" shall include any office which is filled by election by the electors of the entire state.

4. "District-committee" shall mean the majority of the members of the state executive committee of a political party from the counties comprising the area involving a district office, and which members are convened into session at a meeting designated by the chairman of such state executive committee or by a vice-chairman designated by said chairman. When such a district committee shall be convened into session, the members thereof shall elect from among their number a secretary who shall keep accurate minutes of the proceedings of said committee. That at the conclusion of the meeting of said committee, such secretary shall file in the office of the chairman of the party's state executive committee the written minutes of such meeting signed by the presiding officer and secretary of such committee at said meeting and that copies of said minutes or of motions or resolutions appearing therein as adopted at said district committee meeting duly certified to by the chairman and secretary of such state executive committee shall be accepted as legal evidence of the action of such a district committee.
(3)(a)~(b) In the event that death, resignation, withdrawal, removal or any other cause or event should cause a party a vacancy in office—or nomination after the last date of filing for a special or local primary election which leaves an office from such party nomination or election to any county, district or state office, then—in that event the Governor shall, after conferring with the Secretary of State, call a such special primary election and, if necessary, a second special primary election to select for such office a nominee of such recognized political party or parties to fill the vacancy in nomination or office, and the Department of State shall then set the latest practicable filing date for such office which will permit ballots to be available. The dates last date on which candidates may qualify for such special primary election shall be fixed by the Department of State and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations of the time element. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each the county canvassing board shall make as speedy return of the results of such primaries as the time element will permit and the Elections Canvassing Commission shall likewise make as a speedy a canvass and declaration of the nominating party as the time element will permit. In those instances where time limitations will not permit full compliance with the provisions of the general election laws relating to the publication of notice of election, the publication of sample ballots, the notice to be given concerning the appointment of clerks and inspectors, the notice relative to the appointment of watchers, or other similar requirements affected by the time element, then the Department of State shall be given the authority to modify the time requirements only in order to permit the holding of such elections. Provided, however, that no special election shall be held in which less than 10 days’ notice is given either by publication in a paper of general circulation within the county, or if there be no paper, by posting notice in at least 10 conspicuous places throughout the county at least 10 days prior to the election, at least one of said notices to be posted at the county courthouse. Provided further, if said death, resignation, withdrawal, removal, or any other cause shall occur later than September 15, or if the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and the Department of State shall notify the chairman of the appropriate state, congressional district, or county political party executive committee of such that party, losing the nominee or candidate and the chairman shall as soon as possible call a meeting of his executive committee to designate a nominee to fill the vacancy. The candidate or nominee shall be named as soon as possible in order that he may have his name printed or otherwise placed on the ballot of the ensuing general election, but in no event shall the supervisor of elections of the county commissioners be required to place a name on a ballot submitted less than 5 days prior to an election. For purposes of this paragraph "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office. In the event the ballots are printed—more than 5 days prior to an
When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations as to county, district, and state offices, such vacancies shall be filled as follows: A vacancy in a county office shall be filled by the county executive committee of the political party losing its candidate, provided, that if at any time such action is required of a county committee and there be less than three members of such committee, the vacancy shall be filled by a district executive committee of the party which would be convened to fill a vacancy in a congressional office in the district wherein such county is located. A vacancy in a district office shall be filled by a district executive committee of the party losing its candidate. A vacancy in a state office shall be filled by the state executive committee of the party losing its candidate. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as he would have taken if he had he regularly qualified for election to said office.

In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections, the Department of State shall have the authority by emergency rule to provide for the conduct of orderly elections.

Notice of special election to fill any vacancy in office or nomination generally. Whenever a special election is required to fill any vacancy in office or nomination, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State. The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the date set for each special primary election and the special election, the dates fixed for qualifying for office, and the dates fixed for filing campaign expense statements. The Department shall deliver a copy of such notice to the supervisor of elections of each county in which the special election is to be held.
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held. The supervisor in-the-state,-county-and-district-thereof, it
shall have the notice published two three times in a newspaper of
general circulation printed in the each county wherein a special
election is to be held at least 10 15 days prior to the first day set
for qualifying for office election. If such a The Department of State
shall deliver to the sheriffs of counties in which no newspaper is
not published within the period set forth, the supervisor 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 conspicuously places in the county not less than 10 days
prior to the first date set for qualifying.

100.161 Filling vacancy of United States Senators.--Should a
vacancy happen in the representation of this state in the Senate of
the United States Congress, the Governor shall issue a writ of
election to fill such vacancy at the next general election, and the
Governor may make a temporary appointment until the
vacancy is filled by election.

100.181 Determination of person elected.--The person receiving
the highest number of votes cast in a general or special election for
an office shall be elected to the office. In case two or more
persons receive an equal and highest number of votes for
the same office, such persons shall draw lots to determine who shall
be elected to 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 or special primary elections to fill
a vacancy in office or nomination, except that the canvass of returns
by the county canvassing board boards of each county the counties in
which a special election is held shall be made on the day following the election elections and the certificate of the
result of the canvass shall be immediately forwarded to the
Department of State. The Elections Canvassing Commission 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 Referendum election required before issuing bonds.--
Whenever any county, district, or municipality is by law given power
to issue bonds which are required to be approved by referendum, such
bonds shall be issued only after the same have been approved by the
majority of votes cast by those persons eligible to vote in such
referendum election by freeholders who are qualified electors
residing in the county, district, or municipality.

100.211 Power to call bond referendum election, notice
required.--The board of county commissioners or the governing
authority of any district or municipality may call a bond referendum
election under this code. In the event it is determined to hold any
referendum is called to decide whether a majority of the
electors freeholders participating are in favor of the issuance of
bonds in the county district, or municipality, the board of county
commissioners or the governing authority of the municipality or
district, shall by resolution order the bond referendum election to be held in the county, district, or municipality and shall give at
least--30-days' notice of the election in the manner prescribed by s.
100.342, 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 4 consecutive weeks during the 30-day period. If no newspaper is 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 bond referenda where not covered under this code. -- The laws governing the holding of general elections are applicable to bond referenda elections, except as provided in ss. 100.201-100.351. The places for voting in a bond referendum shall be the same as the places for voting in general elections, when a bond referendum is held in the county or district; but when a bond referendum is held in a municipality the polling places shall be the same as in other municipal elections.

100.241 Freeholder voting; election; etc.--

(1) In any election or referendum in which only electors who are 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 geographical area in which the election or referendum is to be held municipality shall be used.

(2) Qualification and registration of electors participating in such an election or referendum shall be the same as prescribed for voting in other elections under this code, and, in addition, each such elector shall submit proof by affidavit made before an inspector that he is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.

(3) Each registered elector who makes a sworn affidavit of ownership to the inspectors, giving either a legal description, address, or location of property in his name which is not wholly exempt from taxation shall be entitled to vote in the election or referendum and shall be considered a freeholder.

(4) The supervisor of elections shall be compensated at reasonable rates for actual costs of services rendered in conducting such a freeholders' election or referendum shall be paid by the county, district, or municipality requiring the same to be held.

(5) It is unlawful for any person to vote or participate in any county, district, or other bond election or referendum which is limited to a vote of the electors who are freeholders, unless such person is a freeholder and a qualified elector. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082, s. 775.083, or s. 775.084.

100.261 Holding bond referendum elections with other elections.-- Whenever any bond referendum election is called, it shall be lawful for any county, district, or municipality to hold such bond referendum 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, provided, however, nothing in this
section shall prohibit the holding of a special or separate bond referendum election.

100.271 Inspectors, clerk, duties; return and canvass of referendum election recorded.--In any bond referendum, unless the referendum 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. Any bond referendum election held in a municipality shall be returned to and canvassed by the governing authority which called the referendum election, but in any county or district the counties-and-districts returns shall be 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, or and in the case of a district the certificate of declaration of result shall be is recorded in the minutes of the governing authority of such district, or in the case of a municipality the result shall be recorded in the minutes of the governing authority of the municipality, as the case may be. If any bond referendum is held in conjunction with any other election, however, the officials responsible for the canvass of such election shall also canvass the returns of the referendum and certify the same to the proper governing body.

100.281 Approval to issue bonds.--Should a majority of the votes cast in a bond referendum be in favor of approving the issuance of bonds, then the issuance of said bonds is deemed authorized in accordance with s. 12, Art. VII of the State Constitution. In the event less than a majority of those voting on the issue voted participating-did-not-vote in favor of approving the issuance of the proposed bonds, then the issuance of those specified bonds shall be 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 referendum election is called and held, and the minutes have been recorded as provided in s. 100.271 and also a separate finding as to the total number of votes cast in the referendum election both in favor and against the approval of bonds, then a duly certified copy of the finding shall be is admissible as prima facie evidence in all state courts of the truth, including the regularity of the call, conduct, and holding of the referendum 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 a referendum election to determine whether such refunding bonds shall be issued, the referendum election may be held as provided by ss. 100.201-100.351.

100.311 Local law governs bond election held by municipalities cities or towns.--No section of this code controlling or regulating bond referenda shall be deemed to repeal or modify any provision contained in any local law relating to bond referenda.
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elections held by any municipality cities - or - towns, but ss. 100.201-
100.351 shall be ss.100.201-100.221=100.241=100.351--are deemed
additional and supplementary to any such local law 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 referendum election
and of the declaration of the result thereof, by an action a - bit - in
equity in the circuit court of the county in which the referendum
election was held. The action shall be brought filed
against the county commissioners in the case of a county or district
referendum election, or against the governing authority of the
municipality in the case of a municipal referendum election. In case
any such referendum election or the declaration of results thereof
shall be adjudged to be illegal and void in any such suit, the
judgment or - decree shall have the effect of nullifying the referendum
election - in - toto. No suit shall be brought to test the validity of
any bond referendum election unless the suit shall be instituted
within 60 days after the declaration of the results of the referendum
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 referendum election or the
description of the results thereof, in which event the exclusive
jurisdiction to determine the legality of such referendum 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--decree in said validation
proceedings shall be final and conclusive as to the legality and
validity of the referendum 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 Referendum for defeated bond issue defeated-not-to-be
received-for-period-of-6-months.--If any bond referendum election is
called and held for approving the issuance of bonds for a particular
purpose and such referendum does election shall not result in the
approval of the bonds as - provided - in - ss.100.201, then no other
referendum election for the approval of bonds for the same purpose
shall be called for at least 6 months.

100.341 Bond referendum election ballot.--The ballots used in
bond referenda shall be 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 referendum 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-an-elector-to-express-his-choice-by-making-an
X-mak-in-the-space-to-the-right-or-left-of-the-question--shall-be
printed on the ballot.

100.342 Elections: Notice of special election or referendum
elections.--In any all special election or referendum elections not
otherwise provided for there shall be at least 30 days' notice of the
election or referendum by publication in a newspaper of general
circulation in published-within the county, district, or municipality
as the case may be. The publication shall be made at least twice,
Once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held, every--a--week--for four--consecutive--weeks--during--the--30--day--period. If there is no newspaper of general circulation be--published in the county, district, or municipality, the notice shall be posted in as many places as deemed advisable by the supervisor of elections and--in no event--shall the notice be posted in less than five--ten--places within the territorial limits of the county, district, or municipality.

100.351 Referendum election; certificate of results to Department of State.--Whenever an election is held under a referendum provision of an act of the Legislature, the election officials of the governmental unit in which the election is held shall certify the results thereof to the Department of State which shall enter such results upon the official record of the act requiring such election on file in the office of the Department of State.

100.361 Municipal recall.--

(1) RECALL PETITION.--Any member of the governing body of a municipality which has at least 500 registered electors or charter county, hereinafter referred to in this section as municipality, may be removed from office by the electors of the municipality by the following procedure:

(a) A petition shall be prepared naming the person sought to be recalled and containing a "statement of grounds for recall" in not more than 200 words. The petition shall be signed by at least 50 electors of a municipality of less than 500 electors, or by 10% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. In a municipality of 500 or more but less than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. In a municipality of 2,000 or more but less than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. In a municipality of 5,000 or more but less than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. In a municipality of 10,000 or more but less than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 5% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. In a municipality of 25,000 or more, the petition shall be signed by at least 1,000 electors or by 3% of the total number of registered electors of the municipality as of the preceding municipal election, whichever is greater. A specific person shall be designated therein as chairman of the committee to act for the committee. Only qualified electors of the municipality are eligible to sign the petition. Signatures and affidavits of circulators shall be executed as provided in paragraph (c). All
signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date of the first signature is obtained on the petition.

(b) The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to include the following:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and
7. The commission of a felony involving moral turpitude.

(c) Each elector of the municipality signing a petition shall sign his name in ink or indelible pencil as registered in the office of the supervisor of elections and shall state his place of residence and voting precinct. Each counterpart of the petition shall contain line for signature by electors and a form of affidavit, to be executed by the circulator thereof, verifying the fact that the circulator saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the circulator on the date indicated.

(d) The petition shall be filed with the city auditor or clerk, or his equivalent, by the person designated as chairman of the committee, and, when the petition is filed, the city auditor or clerk, or his equivalent, shall submit such petition to the county supervisor of elections who shall, within a period of not more than 30 days, determine whether the petition contains the required valid signatures. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(e) If it is determined that the petition does not contain the required signatures, the city auditor or clerk, or his equivalent, shall certify to the governing body and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition and the petition shall not be used in any other proceeding.

(f) If it is determined that the petition has the required signatures, then the city auditor or clerk, or his equivalent, shall serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the city auditor or clerk, or his equivalent, a defensive statement of not more than 200 words. The city auditor or clerk, or his equivalent, shall, within 5 days, prepare a sufficient number of typewritten, printed, or mimeographed counterparts of the recall petition and "statement of grounds for recall" and defensive statements thereto, as well as the names and affidavits upon the original petition, and deliver them to the person who has been designated as chairman of the committee and take his
The prepared counterpart shall be entitled "Recall Petition and Defense" and shall contain lines and spaces for signatures of registered electors, place of residence, election precinct number, and date of signing, together with affidavits to be executed by the circulators which conform to the provisions of paragraph (c). The city auditor or clerk, or his equivalent, shall deliver forms sufficient to carry the signatures of 30 percent of the registered electors.

(g) Upon receipt of the counterparts, the committee may circulate them to obtain the signatures of 15 percent of the electors. Any elector who signs a recall petition shall have the right to demand in writing that his name be stricken from the petition. A written demand signed by the elector shall be filed with the city auditor or clerk, or his equivalent, and upon receipt of the demand the city auditor or clerk, or his equivalent, shall strike the name of the elector from the petition and place his initials to the side of the signature stricken. However, no signature may be stricken after the city auditor or clerk, or his equivalent, has certified the total of electors to the governing body.

(h) Within 60 days after delivery of the counterparts to the chairman, the chairman shall file with the city auditor or clerk, or his equivalent, the counterparts that bear signatures of electors. The city auditor or clerk, or his equivalent, shall assemble all signed counterparts, check to see that each counterpart is properly verified by the affidavit of the circulator, and submit such petitions to the county supervisor of elections who shall ascertain the number of different signatures upon the counterparts, purge the names withdrawn, certify within 30 days whether 15 percent of the qualified electors of the municipality have signed the petitions, and report his findings to the governing body. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(i) If the petitions do not contain the required signatures, the city auditor or clerk, or his equivalent, shall report such fact to the governing body and file the petitions and the proceedings shall be terminated, and the petitions shall not again be used. If the signatures do amount to 15 percent of the qualified electors, he shall serve notice of that fact upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified voters who signed.

(2) RECALL ELECTION.—If the person designated in the petition files with the city auditor or clerk, or his equivalent, within 5 days after the last-mentioned notice his written resignation, the city auditor or clerk, or his equivalent, shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the governing body shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days nor more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period the governing body shall call a special recall election to be held within the period aforesaid.
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(3) BALLOTS.--The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall ... be removed from the office of ... by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of ...(name of person)...."

"Against the recall of ...(name of person)...."

Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines may be used.

(4) FILLING OF VACANCIES.--If in any election a majority of the votes cast on the question of removal of any member of the governing body of a municipality is affirmative, the member whose removal is sought shall be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by the recall shall be filled by the governing body according to the provisions of the appropriate law. If, however, an election is held for the recall of more than one member, candidates to succeed them for the unexpired terms shall be voted upon at the same election, and shall be nominated in the same manner as provided by the appropriate law for the nomination of candidates at general elections.

(5) COUNTING THE VOTE.--Candidates shall not be nominated to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(6) EFFECT OF RESIGNATIONS.--No proceedings for the recall of all of the members of the governing body at the same election shall be defeated in whole or in part by the resignation of any or all of them, but, upon the resignation of any of them, the governing body shall have power to fill the vacancy or vacancies until successors are elected, and the proceedings for the recall and election of successors shall continue and have the same effect as though there had been no resignation.

(7) WHEN PETITION MAY BE FILED.--Except as otherwise provided, no petition to recall any member of the governing body of a municipality shall be filed until he has served one-fourth of his term of office, or within one year after he takes office. No person removed by a recall, or resigning after petition has been filed against him, shall be eligible to be appointed to the governing body within a period of 953 days.
2 years after the date of such recall or resignation. The city auditor or clerk, or his equivalent, shall preserve in his office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed. This method of removing members of the governing body of a municipality is in addition to such other methods now or hereafter provided by the general laws of this state.

(8) OFFENSES RELATING TO PETITIONS.—No person shall impersonate another, purposely write his name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he is not a qualified elector of the municipality. No expenditures for campaigning for or against an officer being recalled shall be made until the date on which the recall election is to be held is publicly announced. The committee and the officer being recalled shall be subject to chapter 106. No person shall employ or pay another to accept employment or payment for circulating a recall petition. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.

(9) INTENT.—It is the intent of the legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(10) PROVISIONS APPLICABLE.—The provisions of this act shall apply to cities and charter counties which have adopted recall provisions.


101.011 Voting by paper ballot.—

(1) In counties where paper ballots are used, each elector shall be 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 after the name of the candidate of his choice for each office to be filled, and likewise mark an "X" after the answer he desires in case of a constitutional amendment or other question submitted to a vote.

(2) At a general election an elector may vote for a write-in candidate by writing in the name of such person in the blank space provided.

(3) No paper ballot shall be voided or declared invalid in any special, general, or primary election within the state by reason of the fact that same is marked other than with an "X", so long as there is a clear indication thereon to the election officials that the person marking such ballot has made a definite choice, and provided further, that the mark placed on said ballot with respect to any candidate by any such voter shall be located in the blank space square on the ballot opposite such candidate's name.
(3) After preparing his paper ballot the elector shall fold the ballot so as to conceal the face of the ballot 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 shall be numbered consecutively and filed by the inspectors.

(4) 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, as to those names which are properly marked, and nothing in this code shall be construed to prevent any elector, at any general election, from voting for any qualified candidate.

(5) Any elector who shall by mistake, spoil a ballot, so he cannot 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 shall keep a record of all ballots destroyed.

101.021 Elector to vote receive the primary ballot of the political party in which he is registered designated-in--registration book.--In a primary election a qualified elector is entitled to receive--and vote the official primary election ballot of the political party designated in his registration, and no other. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered.--provided--that--he--shall--not--receive--such ballot--if,--in--the--event--he--is-challenged;--he--fails--to--execute--the affidavit--required-of--a-challenged-elector-by--s--101.117--

101.031 Instructions for electors.--

(1) The Department of State, for in case of municipal elections, the governing body of the municipality, city--or--town--council shall print in large type on cards, instructions for the electors to use in voting preparing-their-balloons. It shall provide not less than two cards for each voting precinct and furnish such cards to the voting place election inspectors. Each supervisor of elections shall send a sufficient number of these cards with the-ballot-boxes to the precincts prior to an election. The duty of election inspectors shall display the cards in each polling place election--booths as Information for electors. The cards shall contain information about how to vote 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 Department of State secretary-of-state may deem necessary.

(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, and if not, two election officers who are members of the same political party shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to
vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

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 shall be by secret, official ballot ballots, printed and distributed as provided by this code, and no vote 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 electors seeking assistance; form to be executed; assistance to electors in casting ballots; forms to be furnished by county commissioners.—

(1) Any elector applying to vote in any election who is unable to read or write or who because of some physical disability needs assistance in voting under the provisions of § 97.061 has been issued a special registration identification card upon the presentation of such identification card or if he does not have it or a renewal thereof and has submitted to the examination required by subsection (3), may request assistance of two election officials or some other person of his own choice who has not previously so acted for more than one other person during the election to assist him in casting his vote, without suggestion or interference from the inspectors, but in all cases, any such elector before retiring to the voting booth may have one of the election officials read over to him, without suggestion or interference, the titles of the offices to be filled and the candidates therefor and the issues on the ballot. After the elector requests the aid of the two election officials inspectors, or the person of his choice, they shall retire to the voting booth for the purpose of casting the elector's vote for the candidates according to the elector's choice provided further that the person selected by the elector to render assistance in voting shall be a registered elector in the same precinct.

(2) It shall be unlawful for any person to be in the voting booth with any elector except as provided in subsection (1) above.

(3) Any elector applying to cast an absentee ballot in the office of the supervisor, in any election, who is unable to read or write or who because of some physical disability needs assistance in voting under the provisions of § 97.061 has been issued a special registration identification card upon the presentation of such identification card or if he does not have it or a renewal thereof and has submitted to the examination required by this section, may request the assistance of some person of his own choice, who has not previously assisted more than one other person during the election, in casting his absentee ballot. Provided, however, that no supervisor of elections, his deputies, or members of his staff shall act in such capacity.

(4) If an elector needs assistance in voting pursuant to the provisions of this section has been issued a special registration identification card under the provisions of § 97.061 but does not have it or a renewal thereof on his person at the time he presents
himself—for-voting, the clerk or one of the inspectors shall require
place the elector requesting assistance in voting to take the
following person-under oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida

County of ....

Date ....

Precinct ....

I, .... (Print name) ...., swear or affirm that I am a registered
elector and request assistance from .... (Print names) .... in voting
at the .... (name of election) .... held on .... (date of election) .... for
the following reason .............................................

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

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

...(Signature of voter)...

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

...(Signature of Official Administering Oath)...

and—orally-examine—him—according—to—the—form—provided—below—which
form—the—clerk—or—the—inspector—shall—fill—out—in—his—own—handwriting—and
certify—to—in—the—space—provided—for—his—signature.—The—form—is—in
the—mode—of—identification—slips—and—the—inspector—shall—present—the—form
to—the—clerk—or—the—inspector—in—charge—of—the—booth—which—clerk—or
inspector—shall—also—certify—that—he—sign—and—deposit—the—form—in—the
container—for—identification—slips.—This—form—shall—he—as—follows:

I—hereby—certify—that—an—applicant—to—vote—stated—that—he—could
not—cast—his—vote—without—assistance—whereupon—I—propounded—the
following—questions—to—the—applicant:

1.—Hold—up—you—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?...........................................

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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?  

(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 the voting booth.  

(Signature of official supervising voting booth)  

When assistance is given to election officials or person giving assistance must sign below:  

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

(Signature of election official)  

(Signature of election official)  

OR  

(Signature of person assisting elector)  

(5) The supervisor of elections 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 of these forms thereof to each voting precinct along with other election paraphernalia.  

101.11 Person desiring to vote may be challenged; challenger to execute oath; oath of challenged elector; determination of challenge.  

(1) When the right to vote of any person who desires to vote is questioned by any elector or watcher, the challenge shall be reduced to writing with an oath as provided in this section herein, giving
reasons for the challenge, which shall be delivered to the clerk or inspector.

Oath of Person Entering Challenge

Any elector or authorized poll watcher challenging an elector at an election, shall execute the oath set forth below:

Oath of Person Entering Challenge

State of Florida

County of ....

I do solemnly swear that my name is ....; that I am a member of the .... 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 municipality town-or-city of ....; and that I have reason to believe that .... is attempting to vote illegally and the reasons for my belief are set forth herein to wit: .................................................................

...(Signature of person challenging voter elector)...

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

...(Clerk of election or inspector)...

(2) Before a challenged elector is permitted to vote by any officer or person in charge of admission to the polling place, his right to vote shall be determined in accordance with the provisions of subsection (3). The clerk or inspector shall immediately deliver to the challenged elector a copy of the oath of the person entering the challenge and shall request the challenged elector to execute the following affidavit:

Oath of Challenged Voter Elector

State of Florida

County of ....

I do solemnly swear that my name is ....; that I am a member of the .... 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 municipality town-or-city of ...., in this the .... precinct of .... county; that I personally made application for registration and signed my name and that I am a qualified voter electee, and I am not registered to vote in any other precinct other than the one in which I am presently seeking to vote.

...(Signature of voter electee)...

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

...(Inspector or Clerk of election or
Any inspector or clerk of election may administer the oath.

(3) If the challenged person refuses to make and sign the affidavit, the clerk or inspector shall refuse to allow him to vote. If such person 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 comparison of the information and his signature and the taking of other evidence which may then be offered, the clerk and inspectors shall decide by a majority vote whether the challenged person may be permitted to vote. If the challenged person is unable to write or sign his name, the clerk or inspector 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 the clerk or one of the inspectors 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 clerk or inspector shall compare his appearance with the description entered upon the precinct register opposite his name. The clerk or inspector shall then proceed as in other cases to determine whether the challenged person may be permitted to vote.

101.121 Persons allowed in polling places.—As many electors may be admitted to vote as there are voting booths available and no person who is not in line to vote may come within 15 feet of any polling place whatever from the opening to the closing of the polls, except the sheriff or his deputy, officially designated watchers, the inspectors, the clerks of election, and the supervisor of elections or his deputy. However, the sheriff, a deputy sheriff, or a city policeman may enter the polling place with permission from the clerk or a majority of the inspectors except to cast his ballot.

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher for each polling place at any one time during the election. The watchers shall not be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform their functions but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities, and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he serves and shall be present at all times during the election. The names of electors loudly enough to be heard by the watchers.

(2) Each party and each candidate requesting to have poll watchers shall designate in writing poll watchers for each precinct prior to noon of the 10th day preceding the election. The poll watchers for each precinct shall be approved by the supervisor of elections at least 5 days prior to the election. Watchers must be designated and appointed at least five days prior to any primary, general, special, or other election by written notice to the supervisor of elections. Such written designation is to be furnished.
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and--signed--by--the--chairman--vice-chairman--or--secretary--of--a--party
executive--committee--or--by--a--candidate--or--authorized--deputy--of--the
candidate. The supervisor shall then furnish to each precinct a list
of the designated poll watchers designated and approved for such
precinct to--each-precinct--which-list-shall-designate-the-precincts
in--which-the-watchers-are-qualified-to-serve.

(3) No candidate, sheriff, deputy sheriff, policeman, or other
law enforcement officer may be designated as a poll watcher.

101.141 Specifications for primary election ballot.--In counties
where voting machines are not used, and for use-for absentee
ballots not designed for tabulation by an electronic or
electromechanical voting system voting-prior-to-election-day-in-those
counties--using--voting--machines, the primary election ballot shall
conform to the following specifications:

(1) The ballots shall be are of a 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 county, the precinct number, and the date
of the election, provided that a county--and precinct number, but
the-number shall not be required for absentee ballots 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 a
perforated line between the stubs and between the lower stub and top
of the ballot, each stub shall have printed thereon: "Official
Primary Ballot," below which shall appear the party name; on
the left side shall be a blank line under which shall be "Signature
of Voter electee" (only on the top stub); on the right side shall
appear: "Initials of Issuing Official officer," above which shall
be a blank line; under the party name shall appear the name of
the county, the precinct number, and the date of the primary
election; 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. However, a second stub shall not
be required for absentee ballots.

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

(4) The ballot shall have the headings, under which appear the
names of the offices 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 "State" and
thereunder the offices of Governor and Lieutenant Governor, Secretary
of State, Attorney General, Comptroller, State Treasurer,
Commissioner of Education, Commissioner of Agriculture, Public
Service Commissioner, State Attorney, and Public Defender; the
heading "Legislative" and thereunder the offices of state senator and
member--of--the--state--representative--House-of-Representatives; the
heading "County" and thereunder Clerk of the Circuit Court, clerk of
the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: Members of the board of county commissioners, members of the district school board and such other county and district offices involved in the primary election in the order fixed by the Department of State; the heading "Official Presidential Preference Primary Ballot," as provided in s. 103.101, followed, in the years of their election, by "Party offices," and thereunder the offices of state and county party executive committee members, committeeman and committeewoman—except when more than one candidate is to be nominated for an office and qualify to run in groups7; 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 for such office shall qualify and run in a group or district, the group or district number shall be printed beneath the name of the office, and the names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number numbers there shall be printed the words, "Vote for One". The name of the office shall be printed over each numbered group or district and each numbered group or district clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or similar surname and one candidate is currently holding that office the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all the offices as above set forth are not involved, those offices to be filled shall be arranged on the ballot in the order named.

On each 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 blackface caps; the offices, group, or district numbers and the words, "Vote for One (or such other proper number)" shall be in 12-point upper and lower case blackface type; the names of candidates shall be in 10-point lightface 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.

Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the first primary election, mail to each supervisor of elections 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 the ballots are printed final printing shall under its certificate; approve the form of ballots including the color to insure that they comply with the form required by law.

If the above requirements as to type, size, and kind are not 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 in which voting machines are not used, and for absentee ballots

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not designed for tabulation by an electronic or electromechanical voting system, 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 county, precinct number, and the date of the election-the county and the precinct number. The precinct number, however, shall not be required for absentee ballots is-omi~ed-in-counties-having-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 of the county, the precinct and number of precinct and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter Elector." On the right side shall be "Initials of Issuing Official Officer" above which there shall be a blank line. 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. 1st". However, a second stub shall not be required for absentee ballots.

(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate person-whose name-is-printed-on-the-ballot, place a cross (X) mark in the blank space square at the right of the name of the candidate person for whom you desire to vote." The ballot shall have headings under which shall appear in-more-than-three-columns the names of the offices and names of duly nominated candidates for the respective offices in the following order: The heading "Elector 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 the 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. Then shall appear the subheading "For write-in-voting-for-electors-for-President-and-Vice-President" followed by blank spaces to the number of such electors to which this state is entitled under federal law. Then shall follow the heading "Congressional" and thereunder the office of United States senator and representative in congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, State Treasurer, Commissioner of Education, Commissioner of Agriculture, Public Service Commissioner, State Attorney, and Public Defender; 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 representative house-of-representatives; then the heading "County" and thereunder Clerk of the Circuit Court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: Members of the board of county commissioners, members of the district school board, and such other county offices
involved in the general election in the order fixed by the Department of State.

(b) 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, the candidates for such office shall qualify and run in a group or district groups, and the group or district number members shall be printed beneath the name names of the office. The name of the office shall be printed over each numbered group or district and each numbered group or district clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One" and the names of the candidates in the respective groups or districts shall be arranged thereunder.

(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) Minor political party candidates and independent candidates shall have their names appear on the general election ballot following the names of recognized political parties, and in the same order as they were certified.

(6)(a) All offices for which there are more than one candidate, including write-ins, shall be placed at the top of the ballot immediately following instructions. A blank line shall be left at the bottom of the list of the candidates in races where write-in candidates have qualified under s. 99023.

(b) Except for justices of the Supreme Court and judges of District Courts of Appeal, the names of unopposed candidates shall not appear on the general election ballot unless a write-in candidate has qualified under s. 99023. Each unopposed candidate shall be deemed to have voted for himself.

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

(8) Should the above directions for complete preparation of the ballot be insufficient, the Department 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. Not less than 60 days prior to a general election the Department of State shall mail to each supervisor of elections the clerk of the board of county commissioners in the county of the form of the ballot to be used, forms for use in the general election, with instructions for preparation of the ballot and before the ballots are printed final printing shall, under his certificate, approve the form of ballots to insure that they comply with the form required by law.

(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.
101.161 Constitutional amendment or other public measure.-- Whenever a constitutional amendment or other public measure is submitted statewide 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 word "for," and also by the word "against" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice. When voting machines are used the amendment or measure shall be in the form relating to the use of voting machines. The exact wording of the substance of the amendment or other public measure to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, or enabling resolution or ordinance legislation, and shall be furnished to the supervisor of elections of each county in which such public measure is to be voted on. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall may also appear on the ballot.

101.171 Copy of constitutional amendment to be posted.--Whenever any amendment to the State Constitution is to be voted upon at any election, the Department of State shall have printed and furnish to each supervisor of elections a sufficient number of copies of the amendment, and the supervisor shall have one copy thereof conspicuously posted at each precinct upon the day of election. The amendment shall be printed in legible type and a copy thereof shall be furnished the county commissioners by the Department of State.

Section 14. Section 101.181, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 101.181, F.S., for present text.)

101.181 Form of primary ballot.--

(1) The primary election ballot shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

.... Party

.... COUNTY, FLORIDA

Precinct No. ....

...(Date)...

(Signature of Voter) (Initials of Issuing Official)

Stub No. 1

OFFICIAL PRIMARY BALLOT

.... Party

.... COUNTY, FLORIDA

Precinct No. ....

...(Date)...

(Initials of Issuing Official)

Stub No. 2

965
TO VOTE for a candidate, mark a cross (X) in the blank space at the RIGHT of the name of the candidate for whom you desire to vote.

UNITED STATES SENATOR

Vote for One

(Name of Candidate)

(Name of Candidate)

(Name of Candidate)

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

(2) The primary election ballot shall be arranged and printed so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

Section 15. Section 101.191, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 101.191, F.S., for present text.)

101.191 Form of general election ballot.--

(1) The general election ballot shall be in substantially the following form:

OFFICIAL BALLOT GENERAL ELECTION

No. .....            ..... COUNTY, FLORIDA

Precinct No. .....       ...(Date)...

(Signature of Voter)   (Initials of Issuing Official)

Stub No. 1

OFFICIAL BALLOT GENERAL ELECTION

No. .....            ..... COUNTY, FLORIDA

Precinct No. .....       ...(Date)...

(Initials of Issuing Official)

Stub No. 2
TO VOTE for a candidate, mark a cross (X) in the blank space at the RIGHT of the name of the candidate for whom you desire to vote.

ELECTORS
For President
and
Vice President

(A vote for the candidates will actually be a vote for their electors)

Vote for group

DEMOCRATIC

(Name of Candidate)
For President

(Name of Candidate)
For Vice President

REPUBLICAN

(Name of Candidate)
For President

(Name of Candidate)
For Vice President

(NAME OF MINOR PARTY)

(Name of Candidate)
For President

(Name of Candidate)
For Vice President

INDEPENDENT

(Name of Candidate)
For President

(Name of Candidate)
For Vice President

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UNITED STATES SENATOR

Vote for One

(Name of Candidate) (Party abbreviation)

(Name of Candidate) (Party abbreviation)

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

PROPOSED CONSTITUTIONAL AMENDMENTS

Mark a cross (X) in the blank space at the RIGHT for the Amendment or against the Amendment.

No. ....

CONSTITUTIONAL AMENDMENT

ARTICLE ...., SECTION ....

(Here the wording of the substance of the amendment shall be inserted.)

FOR the Amendment

AGAINST the Amendment

(2) The general election ballot shall be arranged and printed so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President, and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.


101.20 Publication of ballot form; sample ballots.--

(1) Two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced sized ballots may be furnished to election officials so that one may be given to any elector desiring same.

(2) Upon completion of the list of qualified candidates, a sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county prior to the day of election. If the county has an addressograph or equivalent system for mailing to registered
electors, a sample ballot may be mailed to each registered elector or
to each household in which there is a registered elector, in lieu of
publication, at least 7 days prior to any election.

101.21 Official ballots; number; printing; payment for ballots.--

(1) In any county in which voting machines are not used, there shall be printed as many official ballots as shall be equal to 110 percent of the registered qualified electors at the voting place. The printing and delivery of ballots and cards of instruction shall, in a municipal election, elections be paid for by the municipality severally, and in all other elections by the county counties severally.

(2) In any county in which voting machines are used, 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 supervisor, unless it shall become necessary during the election to make use of same upon or in said machine.

101.22 Voting procedure, paper ballots.--Before any paper ballot is delivered to an elector at the polls on election day, 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 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 inspector inspectors shall then and there search the elector and if the original ballot is found on or about his person, the inspector inspectors shall take possession of the ballot and discharge the elector from the polling place without permitting him to vote. An inspector inspectors of elections, where paper ballots are used, is is clothed with such police power as is necessary to carry out the provisions of this section.

101.23 Election inspector to keep list of those voting.--

(1) When any person has been admitted to vote, his name shall be checked by the clerk or one of the inspectors at the place indicated upon the registration books or voter history form provided by the supervisor by one of the inspectors. One of the inspectors shall, at the same time, keep a poll list containing names of electors who have voted or a list of registered electors on which list those electors who have voted are indicated. Such lists shall be available for inspection during regular voting hours by poll watchers designated and appointed pursuant to s. 101.131, provided that the election inspector may regulate access to the lists so as to ensure that such inspection does not unreasonably interfere with the orderly operation of the polling place.
(2) The inspectors shall may prevent any person from voting a second time when they have reason to believe that the person has voted. They shall may refuse to allow any person to vote who is not a qualified elector, or who has become disqualified to vote in the precinct, and may or prevent any elector from consuming more than five minutes in voting.

These subsections shall apply where voting machines or paper ballots are used:

101.24 Ballot boxes and ballots.--The supervisor of elections county-commissioners, except where voting machines are used, shall prepare for each polling place 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 each any primary, general or special election the supervisor they shall place in the ballot box as many ballots as required provided in s. 101.21. After securely sealing the ballot box, the supervisor they shall send the ballot box to the clerk or inspector of election of the precinct in which it is to be used, which clerk or inspector shall be placed under oath or affirmation to perform his duties faithfully and without favor or prejudice to any political party.

101.251 Supervisor of elections county-commissioners to print names of candidates on ballots, etc.--

(1) The supervisor of elections board of county commissioners of each county shall print on the general election ballots to be used in such county their counties, the names of candidates nominated by primary election or special primary elections or selected by the 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 25 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. 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 5 days prior to the election and the names are printed upon the ballots to be voted at said election.

(2) In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections board of county commissioners of each county shall have printed on the general election ballot to be used in the its county the names of the judicial officers, as defined in chapter 105, who are entitled to have their names printed on the ballot, and minor minority party and independent candidates who have been certified by the department of
(3) In addition to the names printed on the ballot, a blank-line shall be printed under those offices where a write-in candidate has qualified under the provisions of § 99.023.

(4) The board of county commissioners shall deliver the ballots to the supervisor not later than 20 days preceding a general election except as provided in chapter 100.

101.252 Candidates entitled to have names printed on certain ballots; official ballot; exception.--

(1) Any candidate for nomination who has qualified as prescribed by law, is entitled to have his name printed on the official primary election ballot; provided that 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 shall be declared nominated for the office.

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his name printed on the official presidential preference primary election ballot; provided that when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the presidential preference primary election ballot and such candidate shall be declared elected to for the state or county executive committee.

101.253 When names not to be printed on ballot.--

(1) No candidate's name, which candidate who is required to qualify with a supervisor of elections voted for by-electors of a single-county-in any primary or general election shall be printed on the ballot, if such candidate who has notified the supervisor of elections board of county commissioners in writing, under oath, on or before the 39th day not less than 30 days before the election, that he will not accept the nomination or office for which he filed qualification papers. The supervisor of elections board of county commissioners may, in his discretion with the approval of the Department of State, allow such a candidate to withdraw after the 39th 30th day before an election upon receipt of written notice, sworn to under oath, that he will not accept the nomination or for office for which he qualified.

(2) No candidate's name, which candidate who is required to qualify with the Department of State voted for by-electors of more than one county in any primary or general election shall be printed on the ballot, if such candidate who has notified the Department of State in writing, under oath, on or before the 39th day not less than 30 days before the election, that he will not accept the nomination or office for which he filed qualification papers. The Department of State may in its discretion allow such a candidate to withdraw after the 39th 30th day before an election upon receipt of a written notice, sworn to under oath, that he will not accept the nomination or for office for which he qualified.

(3) In no case shall the supervisor be required to print a name on the ballot which name is submitted less than 5 days prior to the election. In the event the ballots are printed 5 days or more prior
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to the election, the name of any candidate whose death, resignation, removal, or withdrawal created a vacancy in office or nomination, shall be stricken from the ballot with a rubber stamp or appropriate printing device, and the name of the new nominee shall be inserted on the ballot in a like manner.

101.254 When nominated names to appear in groups or districts.--
When an office requires the nomination of more than one candidate, as many groups or districts shall be numerically designated as there are vacancies to be filled by nomination. Each candidate shall indicate the group or district in which he desires his name to appear on the ballot.

101.27 Voting machine ballots.--

(1) All ballots for voting machines shall be printed on strips of white cardboard, paper, or other material of such size as will fill the ballot frames of the machine, in plain black type as large as the space will permit, so as to show the name of the candidate, statement of the proposed constitutional amendment, or other question or proposition submitted to the electorate at any election. Party nominations--shall--be--arranged--on--each--voting-machine,--either-in columns-or-horizontal-rows;

(2) The captions on the ballots for voting machines shall be placed so as to indicate to the elector what push knob, key, lever, or other device is used or operated in order to cast his vote for or against a candidate, proposed constitutional amendment, or other question or proposition submitted to the electorate at any election.

(3)--Where--an--elector--is--to--vote--on--a--proposed--constitutional amendment--or--other--question--or--proposition;--the--words--"for"--and "against"--shall--be--used--on--the--ballot--to--indicate--the--voter's-choice.

(4) The order in which the voting machine ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot for that election. However, nothing in this subsection shall prohibit the county supervisor(s) of elections from arranging the ballot by party, candidates, either in columns or horizontal rows. The names of the unopposed candidates shall not appear on the general election ballot unless a write-in candidate has qualified under the provisions of s. 99.023. Each unopposed candidate shall be deemed to have voted for himself.

(5) If the official ballot is longer than the voting machine can accommodate, paper ballots may be used in conjunction with a voting machine, in which case the order of the offices on the voting machine ballot shall be the same as prescribed in ss. 101.141(4) and 101.151(3). Where the machine ballot is filled in this order there shall be a continuation of the ballot in the same order on paper ballots, provided, however, no state or federal opposed officer shall be placed upon a paper ballot. In any primary election, if the official ballot is longer than the voting machine can accommodate, then paper ballots may be used in conjunction with a voting machine in which case the order of the offices on the voting machine ballot shall be the same as prescribed in s. 101.141(4), provided, however, that no portion of a category of candidates as established in s. 101.141(4) shall be divided between the voting machine ballot and the paper ballot. In the event a category of candidates must be removed from the voting machine ballot because of the foregoing
provision, the supervisor of elections board-of-county-commissioners in such county may, in its discretion, complete the balance of the voting machine ballot with some whole portion of another category of candidates out of its proper sequence, provided, however, no state or federal office shall be placed upon a paper ballot.

(5) In all primary elections and nonpartisan judges elections, county supervisors of elections may, with the approval of their boards of county commissioners, when combinations of horizontal and vertical ballots are used, or when large or irregular numbers of candidates make the ballot confusing, print voting machine ballots in shaded colors to group and identify the number of candidates in any or all given races. Colors shall be light or pastel with candidates' names overprinted in plain black type, and in no case shall any particular color or pattern of colors be used to identify any political party in the general election.

(6) Should the above directions for the complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form in which the ballot may be printed, and prior to the final printing of the ballot the supervisor of elections county commissioners shall submit such ballot to the Department of State for its review and approval to insure that such ballot complies with the form required by law. No ballot shall be used in any election which has not first been approved by the Department of State.

101.28 Requirements of voting machines.--The Division of Elections of the Department of State shall adopt uniform rules for the purchase, use, and sale of voting machines, voting machine equipment, and electronic and electromechanical voting systems and equipment in the state. Such standards and specifications shall meet the following minimum requirements:

(1) All machines shall:

(a) Secure to the elector secrecy in the act of voting;

(b) Provide facilities for voting for or against as many questions as may be submitted;

(c) Permit the elector to vote for the candidates of one or more parties;

(d) Permit the elector to vote for as many persons for an office as he is lawfully entitled to vote for, but no more;

(e) Prevent the elector from voting for the same person more than once for the same office;

(f) Permit the elector to vote for or against any question he may have the right to vote upon, but no other;

(g) Be so equipped that when used in primary elections, the election officials can, by a single adjustment on the outside of the machine, lock out all races and questions except those in which the elector is entitled to vote of the elector's party--by a single adjustment on the outside of the machine;
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(h) Correctly register or record, and accurately count, all votes cast for any and all persons and for or against any and all questions;

(i) Be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(j) Be provided with a counter which shall show at all times during any election how many persons have voted;

(k) Be provided with one device per machine for each party for voting for all presidential electors of that party by one operation, and in that connection there shall be provided on the ballot the words "Electors for President and Vice President" followed by the name of the party and thereafter by the names of the candidates thereof for the office of President and Vice President, and a registering device which shall register the votes cast for such electors thus voted for collectively, as contemplated by s. 103.011.

(2) Each voting machine shall be furnished with an electric light, or a proper substitute for one, which shall give sufficient light to enable electors while voting to read the ballots and be suitable for use by the election officers in examining the counters.

(3) 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.

(4) Voting machines may be provided with a device or devices which shall print a copy or copies of the count shown on the candidate and question counters, as registered both before the polls open and after the polls close.

101.29 Providing machines; payment for same.--The authorities adopting the use of voting machines shall, as soon as practicable, provide for each polling place one or more voting machines in complete working order, and the authorities in charge of elections shall preserve and keep such machines and have them repaired, and have custody of same when not in use at any election. If it is impracticable 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 commissioners or the municipal authorities on the adoption and rental or purchase of voting machines shall provide for the payment for such machines as they may deem for the best interest of their respective localities.

101.292 Definitions.--As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) "Voting equipment" means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or
improvement of voting machines, the individual retail value of which is in excess of $1,000, or the combined retail value of which is in excess of $17,000. "Voting equipment" shall also include electronic or electromechanical voting systems, marking devices, and automatic tabulating equipment as defined in s. 101.5603 as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices.

(3) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

101.293 Competitive bids required.--

(1) Any purchase of voting equipment by a governing body shall be by means of sealed competitive bids from at least two bidders, except under the following conditions:

(a) If a majority of such governing body agrees by vote that an emergency situation exists in regard to the purchase of such equipment to the extent that the potential benefits derived from competitive bids is outweighed by the detrimental effects of a delay in the acquisition of such equipment; or

(b) If a majority of the governing body finds that there is but a single source from which suitable equipment may be obtained.

If such conditions are found to exist, the chairman of the governing body shall certify to the Division of Elections the situation and conditions requiring an exception to the competitive bidding requirements of this section.

(2) The Division of Elections of the Department of State shall establish bidding procedures for carrying out the provisions and the intent of ss. 101.292-101.295, and each governing body shall follow the procedures so established.

Section 17. Subsections (1), (3), and (4) of section 101.294, Florida Statutes, are amended to read:

101.294 Approval of division required for certain transactions.--

(1) No governing body shall purchase or cause to be purchased, or sell or cause to be sold, any voting equipment without the prior approval of the Division of Elections of the Department of State. However, if the division fails to act on a request for approval within 30 days after proper notice is received by the division, approval shall not be required.

(3) Any governing body contemplating the purchase or sale of voting equipment shall notify the Division of Elections of such considerations. The division shall attempt to coordinate the sale of excess or outmoded equipment by one county with purchases of necessary equipment by other counties.

(4) The division shall inform the governing bodies of the various counties of the state of the availability of new or used voting equipment and of sources available for obtaining such equipment.
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101.295 Penalties for violation.--Any member of a governing body which knowingly purchases or sells voting equipment in violation of the provisions of ss. 101.292-101.295, which member knowingly votes to purchase or sell voting equipment in violation of the provisions of ss. 101.292-101.295, is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083 and if such member voted in favor of the purchase or sale, the members of a governing body voting to violate ss. 101.291-101.295 shall be subject to immediate suspension from office on the grounds of malfeasance.

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 of any voting machine or machines at any election in one or more precincts. The use of any voting machine or machines on an experimental basis shall be as valid for all purposes as if they had been adopted.

101.32 Adoption of voting machines; powers incident to adoption.--

(1) 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.

(2) 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 s. 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 of the municipality 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.

(3) The provisions of this section relating to the submission of a question to the public with respect relating to the adoption of voting machines shall be construed as permissive.

(4) In every case in which the governing body authorizes of any municipality shall adopt and use at any precinct any voting machine, the governing body may do anything necessary which it deems necessary to be requisite to a fair, honest, and satisfactory use of the machines.

101.33 Number of electors for each machine.--In any county in which voting machines are used, the board of county commissioners shall provide at least one voting machine for each 400 registered electors in the county; provided, in any county in which 25 percent
or more of the registered electors are 60 years of age or older, the board of county commissioners shall provide at least one machine for each 350 registered electors. The supervisor of elections shall determine the actual number of machines to be used in each precinct at each election. In determining the number of machines to be used in each precinct, the supervisor shall take into consideration the traditional voting patterns of such precinct, and shall furnish the number of machines necessary to efficiently handle the number of anticipated voters in the precinct. In precincts containing 350 or less registered electors there shall be one voting machine, and in precincts containing more than 350 registered electors there shall be available one machine for every 350 registered electors or major fraction thereof, for each first primary and general election. In all other elections, the ratio of voting machines to registered electors may be determined by the board of county commissioners. However, in any precinct having between 350 and 526 registered electors, two voting machines shall be provided when deemed necessary by the supervisor of elections.

101.34 Supervisor shall be custodian of voting machines.—The supervisor shall be 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. The compensation for such deputies shall be paid by the board of county commissioners from the same fund the clerks and inspectors are paid from.

101.35 Preparation of voting machines; notice of sealing; instruction of members of board of election in use 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 shall be set at zero. 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 by the supervisor at least 30 days before the election, and they shall be considered as officers of election. The supervisor shall, at least 10 days prior to an election, insert a legal notice in a newspaper of general circulation in the county and mail written notice to the chairman of the county executive committee of each party the principal parties, whose responsibility it is to notify any candidate representing such their party, or if the election is to be a municipal, bond, or referendum election, or if there is no chairman of any county executive committee, to the chairman of at least two local organization organizations representing each the opposing side sides, stating the time and place where the machines will be sealed, at which time one representative of each political party or opposing side sides and each a candidate or his representative shall be is afforded an opportunity to see that the machines are in proper condition. Each representative shall The representatives must have written authorization from the candidate, group, or party that he represents they represent and shall not interfere or assume any of the deputy custodian's duties. Any such representative of the above-mentioned may check the voting machines to make sure they are in proper working order. At the completion of this inspection, the machines shall be sealed, and any such authorized representative or any of the above-mentioned may remain present and record the voting machine numbers, the protective counter numbers, and the seal numbers. The
representative shall certify the number of machines and that the counters are set at zero and the numbers registered on the protective counters and on the seals. Upon completion of sealing the voting machines, the keys shall be delivered to the board of officials having charge of the election, together with a written report stating that such machines are properly prepared for the election. The machines shall be transferred to the polling place, and it is the duty of the local authorities to provide protection against molestation or damage injury to such machines. The lantern or light fixtures shall be in good order before opening the polls.

Section 101.36 Voting machines or electronic or electromechanical voting, when used.--In counties having adopted voting machines or electronic or electromechanical voting, the machines or voting devices shall be so arranged as to require individual voting for all offices. The order in which the ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot. The voting machines or devices shall be used by the counties in all general, primary, and special elections. In counties above 260,000 population according to the latest federal census which have adopted the use of voting machines or electronic or electromechanical voting, it shall be mandatory for all municipalities in such counties to use such voting machines or devices in all elections, but in all counties of lesser population it shall be optional with each municipality as to whether it shall use ballots or voting machines or devices in its elections. Authority is hereby granted to the board of county commissioners of any county that has adopted voting machines or electronic or electromechanical voting to permit municipalities within the county to use county-owned voting machines or devices and to permit public agencies, private organizations, and others to use such machines or devices on a rental basis, upon such terms and conditions as the board may determine.

Section 101.38 Disposition of voting machine keys immediately following an election.--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 and 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, education, or display 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 stored in a suitable place as soon as possible after the election.

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 inoperable or injured, it shall be the duty of the election board to substitute an operable 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 inoperable machine cannot be repaired in time for use, unofficial ballots may be used as nearly as possible like the official ballots, and with votes registered on the voting machines, and the result shall be declared the same as though no machine had become inoperable. The ballots thus voted shall be preserved and returned with a certificate or statement setting forth how and why same were voted.

101.45 Election board opening polls.--

(1) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting machines. The keys to the machines shall be delivered to the election officers by 6 a.m. of the day of the election at least one hour before the polls are opened 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 custodian. 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 election 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 envelope. 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, 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 shall be allowed to vote.

(2) If any counter is found not to register at zero, the board of election shall immediately notify the custodian, who shall adjust such counters at zero, 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.

(3) If the machine is equipped with a device or devices which produce a printed record of the register shown on the candidate and amendment counters, the board of elections of each precinct shall
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take the necessary steps to secure such printed record from each machine. In the event any counter is found not to register at zero, and if upon notification, it is impracticable for the custodian to arrive in time to adjust such counter, the board of elections if the machine is equipped with a device or devices which produces a printed record of the register shown on the candidate and amendment counters, shall for each machine take the necessary steps to secure such printed record from each machine and shall post the printed record from such machine some in a conspicuous place in such precinct. 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 supervisor board or official in charge of elections.

101.47 Requirements before elector enters voting machine booth.—

(1) Whenever in elections where voting machines are used, each elector desiring to vote shall be required to identify himself to the clerk or an inspector 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 in substantially the form provided by this code.

(2) It is the duty of the clerk or inspector shall 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 initial the slip in the place provided and the initials signing shall constitute an oath or affirmation of the fact stated by the clerk or inspector above his initials 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 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 initial the slip, and his initials shall constitute an oath or affirmation as to the printed facts set forth above his initials, and then the clerk or inspector shall deposit the slip through the slot in the locked or sealed container.

(6) The identification slip, when signed by any person as an elector and initialed 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 voted.

(7) The clerk and inspectors shall return all unused signature identification blanks to the supervisor immediately on the closing of the polls, and shall 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. The supervisor shall destroy all unused signature identification slips as soon as practicable.

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

No. ....

SIGNATURE IDENTIFICATION SLIP

ELE rON

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 voter in this election.

...(Signature of voter)...

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. ......

...(Initials Signature of clerk or inspector)...

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

...(Initials Signature of official operating machine)...

(9) The supervisor of elections shall prepare and deliver to each precinct polling-place the same number of signature identification slips as there are qualified
electors for such precinct polling places. In preparing the slips the
same shall either be numbered consecutively beginning with number (1)
and continued to such number as there are qualified electors for the
each county or be uniquely numbered for each elector. In preparing
the identification slips, the appropriate information to designate
the date, name of county, and kind of election (general, special, or
primary) shall be printed in at the appropriate blank spaces
appearing in the form. The supervisor shall preserve for one year a
record in his office showing the number of signature identification
slips which he delivered to each precinct, designating on such record
the precinct number and address and numbers of slips so delivered.

(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 thereto 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.

(12) It shall be unlawful for any person, other than the
printer while printing and delivering the slips to the supervisor of
elections, 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
or a sealed container for delivery to the voting precincts, the
clers 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 in this section.

(13) 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
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signature of the same persons shall be 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 1 year.

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 shall be 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 am registered to vote,
personally made application for registration within the last 2 years
and at the such time I registered signed my name in the registration
book, and at said time I resided on .... Street, in the municipality
Town or City of ...., County of ...., State of Florida; that I am a
qualified voter elector of the county and state aforesaid and have
not voted in this election.

...(Signature of voter 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 or with
assistance from a member of the election board, the form and make an
affidavit to the facts stated in the filled-in form, such affidavit
shall be then be 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.

101.51 Electors to occupy booth alone; time allowed.--

(1) 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 the booth or compartment to cast his vote, allowing only one
elector at a time to pass through to vote. No elector, while casting
his ballot, shall occupy a booth or compartment longer than 5 minutes
or be allowed to occupy a booth or compartment already occupied, nor to speak with anyone, except as provided by s. 101.051, while in the polling place.

(2) If an elector requires longer than 5 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 reenter on any pretext whatever. After the elector has voted, or declined or failed to vote within five minutes, he shall immediately withdraw from the polling place and go beyond the prohibited distance. If he refuses to leave after the lapse of 5 minutes, he shall be removed by the election officials.

Section 19. Subsections (1) and (2) of section 101.54, Florida Statutes, are amended to read:

101.54 Tabulation of vote and proclamation of results, where voting machine used.--

(1) 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 compartments 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 results 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 shall be entered on the certificate of returns, by two inspectors of different political affiliation, 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 shall be 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 announcement. 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 shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall immediately 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 operating. The same procedure shall be followed for each machine where more than one machine is used in the same precinct, and a final proclamation made of the total vote received by each candidate. 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.

(2) 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 supervisor 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.

Section 20. Section 101.545, Florida Statutes, is created to read:

101.545 Retention and destruction of certain election materials.—All ballots, forms, and other election materials shall be retained in the custody of the supervisor in accordance with the schedule approved by the Division of Archives and History of the Department of State. All unused ballots, forms, and other election materials may, with the approval of the Department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.


101.55 Certificate of results 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 Department 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 chairman of the county canvassing board, 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 10 days, unless another election is held within 3 weeks, in which event the machine shall remain locked for 5 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 6 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 6 months and the ballots disposed of at the discretion of the official or body having charge of them.

101.5602 Purpose.--The purpose of this act is to authorize the use of electronic and electromechanical voting systems in which the voter records his vote in such a manner by means of marking or punching a ballot or one or more ballot cards which are designed so that votes may be counted by data processing machines at one or more counting places.

101.5603 Definitions.--As used in this act:

(1) "Automatic tabulating equipment" includes apparatus necessary to automatically examine and count, and record automatically votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.

(2) "Ballot-card" means a ballot which is voted by the process of punching.

(3) "Ballot-labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and statements of measures to be voted on.

(4) "Ballot" means the card, tape, or other vehicle upon which the elector's choices are recorded may include ballot cards, ballot labels, and paper ballots.

(5) "Ballot information" means the material containing the names of offices and candidates and the questions to be voted on.

(6) "Counting-location" means a location selected by the county canvassing board for the automatic processing or counting, or both of ballots.

(7) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment.

(8) "Marking device" means either an approved apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment. The hole or mark made by -- a marking
101.5604 Adoption of system; procurement of equipment; commercial tabulations.--The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State secretary--of--state in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures, and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.

101.5605 Examination and approval of equipment by secretary--of--state.--

(1) The Department of State secretary--of--state shall publicly examine all makes of electronic or electromechanical voting systems submitted to it and determine whether the systems comply with the requirements of s. 101.5606.

(2) Any person owning or interested in an electronic or electromechanical voting system may submit it to the Department of State secretary--of--state for examination. The vote counting segment shall be certified after a satisfactory evaluation testing has been performed according to electronic industry standards. This testing shall include but not be limited to the basic source program and its security; the ballot reader; the vote processor, especially in its logic and memory components; the digital printer; the fail safe operations; counting center environmental requirements; and equipment reliability estimate. For the purpose of assisting in examining the system, the Department of State secretary--of--state may employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, and shall require from them a written report of their examination. The person submitting a system for approval or the board of county commissioners of any county seeking approval of a given system shall reimburse the Department of State in an amount equal to the actual costs incurred by the department in examining the system. Such reimbursement shall be made whether or not the system is approved by the Department of State secretary--of--state. Neither the Secretary of State nor any examiner shall have any pecuniary interest in any voting equipment. The Department of State secretary--of--state shall approve or disapprove any voting system submitted to it within 180 days after the date of its initial submission.

(3) Within 30 days after completing the examination and upon approval of any electronic or electromechanical voting system, the Department of State secretary--of--state shall make and maintain a file in his office his report on the system, together with a written or printed description and drawings and photographs clearly identifying the system and the operation thereof. As soon as practicable after such filing, the Department of State secretary--of--state shall send a notice of certification and, upon request, a copy of the report to the governing bodies of the respective counties of the state. Any voting system that does not receive the approval of the Department of
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State secretary-of-state shall not be adopted for or used at any election. After a voting system has been approved by the Department of State secretary-of-state, any change or improvement in the system is required to be approved by the Department of State secretary-of-state prior to the adoption of such change or improvement by any county. However, the Department of State shall not reexamine or reapprove the system in its entirety.

4. No governing body shall purchase or cause to be purchased any certified voting system or equipment without prior approval of the Department of State. The department, within 30 days of receipt of notice of intention to make such a purchase, shall reexamine the voting system or equipment to be purchased to insure that any changes made in the equipment or system since the most recent certification of the equipment or system also comply with the requirements of this act. If any of the changes do not comply with the requirements of this act, the department shall suspend all sales of the equipment or system in the state until the equipment or system complies with the requirements of this act.

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

1. It permits and requires voting in secrecy.

2. It permits each elector to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote, and no others; to vote for as many persons for an office as he is entitled to vote for; and to vote for or against any question upon which he is entitled to vote.

3. The automatic tabulating equipment may be set to reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.

4. It is capable of correctly counting votes on ballots or ballot-cards on which the proper number of votes have been marked for any office or question or issue that has been voted.

5. When used in primary elections, the automatic tabulating equipment will count only votes for the candidates of one party and will reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast and will reject all votes of a voter cast for candidates of more than one party.

6. At presidential elections it permits each elector at presidential elections, by one operation punch-or-mark, to vote for all presidential electors of a party or independent candidate the candidates-of-a-party for President and Vice President, and presidential electors.

7. It provides a method for write-in voting.

8. It is capable of accumulating a count of the specific number of ballots or ballot-cards tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots or ballot-cards tallied for a precinct.
(9) It is capable of tallying votes from ballots or ballot-cards of different political parties from the same precinct, in the case of a primary election.

(10) It is capable of automatically producing precinct totals in either printed, marked, or punched form, or combination thereof.

101.5607 Department of State Secretary—of—state to prescribe rules and regulations.—The Department of State secretary—of—state shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, and of counting, tabulating, and recording votes, by the electronic or electromechanical voting systems and methods provided by this act.

101.5608 Paper balloting procedures to apply.—So far as practicable applicable, the procedures for voting paper ballots as prescribed in this code shall apply to procedures followed pursuant to this act. The following procedures shall apply, however, and any procedure prescribed for paper ballots which is made impractical because of any of the following requirements may be modified with approval of the Department of State to facilitate adherence to the following requirements:

(1) After preparing his ballot, the elector shall place his ballot in the secrecy envelope so as to cover the ballot but leave the attached stub exposed.

(2) The ballot shall have two stubs. Stub number one shall have the ballot serial number on it. Stub number two shall have the official title of the election and the name of the county and state on it. On ballots to be used in the precincts, the ballot serial number shall also be on stub number two. On absentee ballots, the ballot serial number may be on stub number two, but shall be on stub number one.

(3) Ballots to be used in the precincts shall be assembled in pads so that stub number one will remain on the ballot pad and stub number two will go with the ballot. On absentee ballots, stub number one shall be retained by the supervisor, and stub number two may be retained by the supervisor or sent with the ballot.

(4) The elector shall sign the signature slip, poll list, or ballot stub on which the ballot serial number may be recorded.

(5) Absentee ballots shall be placed in the secrecy envelope before being placed in the mailing envelope on which the Voter's Certificate is printed.

101.5609 Ballot requirements.—

(1) The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots. Ballots for all questions or propositions to be voted on shall be provided in the same manner and shall be arranged on or in the marking device in the places provided for such purposes.

(2) When an electronic voting system utilizes ballot information a-ballot-label-booklet-and-ballot-cards—ballots for candidates and
all propositions to be voted upon, such may—be—placed-on-the
electronic-voting-device-by-providing-in-the-ballot-information-may
be provided with a booklet—separate-ballot—label—pages—or-series-of
pages distinguished by different colors. More than one public measure or proposition may be placed on the same ballot—label—page or series of pages.

(3) In primary elections, a separate ballot information label
booklet, marking device, and voting booth shall be used for each political party holding a primary, with the ballot information label
booklet arranged to include ballot—label—pages listing the
candidates of the party and public measures and other propositions to be voted upon on the day of the primary election. One ballot card may
be used for recording the voter's vote er—choices on all such races
ballots, proposals, public measures, or propositions, and such ballot
card shall, if possible, be arranged so as to record the voter's vote
er—choices in a separate column or columns for races, each—such
kind of ballot proposals proposal, public measures measure, or
propositions proposition.

(4) If the ballot information label booklet includes pages
containing both candidates for office and pages containing public
measures or propositions to be voted on, the election official in
charge of the election shall divide the pages by protruding tabs
identifying the division of the pages which relate to candidates,
constitutional amendments, bond referenda, or other propositions.

(5) Voting squares may be placed in front of or in back of the
names of candidates and statements of questions and shall be of such
size as is compatible with the type of system used. Ballots and
ballot information labels shall be printed in a size and style of
type as plain and clear as the ballot spaces will reasonably permit.
Tear-off stubs shall be of a size suitable for the ballots er—cards
used and for the requirements of the marking device. The
ballots er—ballot—cards may contain special printed marks and holes
as required for proper positioning and reading of the ballots by the
automatic tabulating equipment. When ballots er—ballot—cards are
bound into pads, they may be bound at the top or bottom or at either
side. In the case of the paper ballots, all offices and questions may
be printed on the same sheet of paper.

(6)—A—separate—write-in—ballot—which—may—be—in—the—form—of—a
paper—ballot—card—or—envelope—in—which—the—elector—places—his
ballot—card—after—voting—shall—be—provided—when—necessary—to—permit
electors to write in the names of persons whose names are not on the
ballot.

(7) Absentee ballots may consist of ballot cards, envelopes,
or—ballot cards voted in person in the office of the election
official in charge of the election or voted by mail. When a ballot
card is used for voting by mail it shall must be accompanied by a
marking device punching—tool, voter instructions, an envelope which
will maintain the secrecy of a marked ballot, a mailing envelope, and
a specimen ballot showing the proper positions to vote on the ballot
card for each party, candidate, proposal, public measure, or
proposition, and any other item needed by the elector to cast his
vote, and, If a punching device is required, shall must be mounted on
a suitable material to receive the punched—out chip.
(7) any voter who spoils his ballot or makes an error may return the ballot to the election officials and secure another, except that in no case shall a voter be furnished with more than three ballots. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope separate from the ballot.

101.5611 Instructions to electors--Model-electronic-voting-marking device.--

(1) For the instruction of voters on election day, the supervisor of elections shall provide at each polling place one instruction model illustrating the manner of electronic voting with the system marking-device. Each such instruction model shall show the arrangement of party rows, office columns, and questions to be voted on. Such model shall be located at a place which voters must pass to reach the official voting booth marking-device-used-in-the-actual casting-of-votes.

(2) Before entering the voting booth each voter shall be offered instruction in voting the-operation-of-the marking-device by use of the instruction model, and the voter shall be given ample opportunity to operate the model by himself. In instructing voters, no precinct official may show partiality to any political party or candidate. The duty-of-instruction-shall-be-discharged-by-an-inspector-from-each-of-the-political-parties-represented, and they shall alternate serving as instructor so that each inspector shall serve a like time at such duties. No instructions may be given after the elector enters the voting booth.

101.5612 Testing of tabulating equipment.--

(1) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county in which the test is to be conducted or, if there is no newspaper of general circulation in the county, at least four places in the county. The canvassing board shall convene and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. Each member of the county canvassing board established by § 192.141 shall attend the test. The test shall be open to representatives of the political parties, the press, and the public.

(2) The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause thereof shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count the test shall be
repeated, the programs used and ballots used shall be sealed and retained under the custody of the county canvassing board.

101.5613 Examination of equipment during voting.--A member of the election board clerks shall occasionally examine the face of the voting machine and the ballot information labels to determine that the machine and the ballot information labels have not been damaged or tampered with.

101.5614 Canvass of returns.--

(1) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the marking devices against further voting. They shall thereafter open the ballot box and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such envelopes containing ballots that have been cast—determine—that the number of ballots corresponds with the number of ballots issued by the supervisor voters who voted as shown on the polling lists. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots voters shall be entered on the forms provided.

(2) If the ballots are to be tallied at a central location, ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, all write-in ballots or envelopes on which write-in votes have been cast shall be serially numbered, starting with the number one and the same number shall be placed on the ballot card of the voter.

the election board shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith to the central counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party, together with the unused, void, and defective ballots. The clerk of the election board shall certify under oath that the ballots were placed in such container and the container was sealed in its presence and under its supervision, and it shall further certify under oath to the number of ballots of each type placed in the container.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures prescribed in paragraph (a) for the counting of votes at a central location.

(3)(4) All proceedings at the central counting location or other designated location shall be under the direction of the county canvassing board, under the observation of at least two election inspectors who shall not be of the same political party, and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release.

5(a)—For each ballot or ballot and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card and if the
(4) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication of the intent of the voter as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(5) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

(6) The return printed by the automatic tabulating equipment, to which has been added the return of write-in absentee, and manually counted votes, shall constitute the official return of the each precinct or election district. Upon completion of the count, the returns shall be open to the public. A copy of the returns may shall
be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

101.5615 Recounts and election contests.--Except as herein provided, recounts and election contests shall be conducted as otherwise provided for in this code. The automatic tabulating equipment shall be tested prior to the recount or election contest, as provided in s. 101.5612 and then the official ballots or ballot cards shall be recounted on the automatic tabulating equipment. Each duplicate ballot shall be compared with the original ballot to insure the correctness of the duplicate. In addition, the ballot or ballot cards shall be checked for the presence or absence of inspectors' initials and other distinguishing marks, the ballots marked rejected, defective, objected to, and absentee ballots shall be examined to determine the propriety of such labels, and the duplicate absentee ballots, duplicate overvoted ballots, and duplicate damaged ballots shall be compared with their respective originals to determine the correctness of the duplicates.

101.58 Supervising and observing registration and election processes.--The Department of State may, at any time it deems fit or upon the petition of 5 percent of the registered electors, or upon the petition of any candidate, county executive committee chairman, state committeeman or committeewoman or state executive committee chairman, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy shall supervise preparation of the election machines and procedures 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 Department of State a certificate that he personally examined the voting machines and with such certificate file a report of his findings and observations of the registration and election processes in the county or municipality, 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 Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

101.62 Request for absentee ballots--application--time--form.--

(1) An absent elector may request from his supervisor of elections or his deputy for an absentee ballot during the 1-year period preceding an election at any permanent registration office maintained by the supervisor for the purpose of registering electors. The supervisor may accept a request for an absentee ballot for an elector from any person designated by such elector. A supervisor may accept an application obtained from a supervisor of a county other than that in which the applicant is registered provided the application bears the signature and official seal of the officer issuing such absentee application. Such request application may be made by the registered voter--either in person, by mail, or by telephone to the supervisor--at any time during the 45 days preceding an election, but not later than 5 p.m. of the day preceding such election. One request shall apply to receive an absentee ballot for each of the following regular primaries and general election which is held within such 1-year
period, provided the elector or his designee applicant so indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot.

(2) If a request for an absentee ballot is received, after the Friday before the election, by the supervisor of elections from an absent elector overseas, the supervisor shall send a notice to the elector acknowledging receipt of his request and notifying the elector that the ballot will not be forwarded due to insufficient time for return of the ballot by the required deadline. The application—blank—shall be sent immediately by mail or delivered by hand in the office of the supervisor or in any permanent branch office thereof, or may be delivered by hand by the supervisor or any authorized deputy at any other location within the county, to the absent elector. Before mailing or delivering such application, the supervisor shall fill in the precinct in which the voter is registered in the space provided on the application for this purpose. When there is insufficient time for the elector to return the application; receive and vote his ballot, and return the ballot to the supervisor by 5 p.m. on the day of the election, a telephoned or written request may be accepted as an application if the necessary information is submitted to identify adequately the elector making request for his ballot, and the supervisor may mail or deliver by hand the application and ballot at the same time. However, no application for an absentee ballot shall be issued after 5 p.m. on the day preceding such election.

(3) Upon receipt of a request for an absentee ballot, the supervisor shall record the date the request is made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information he may deem necessary. The application—blank—shall be in substantially the following form and signed by the applicant:

APPLICATION FOR ABSENT ELECTOR’S BALLOT

I, ______, duly qualified and registered as a ______ (party) elector of the ______ precinct of the county of ______ and State of Florida, coming within the purview of the definition “absent elector” because {check appropriate reason}:

1. I am disabled and unable, without the assistance of another, to attend the polls on election day.

2. I am a permanent resident of the county and will be absent from the county during the entire period the polls are open.

3. I will be unable to attend the polls because of the tenets of my religion.

4. I will be a supervisor of elections or deputy supervisor of elections, a poll worker or voting machine deputy, or deputy sheriff who is assigned to a different precinct than that in which I am registered to vote.

5. I have changed my residency to another county in Florida within 45 days of the election for which I am requesting a ballot. I understand that I am allowed to vote only for national and statewide offices as provided in s. 97.1027, Florida Statutes.
6. I have changed my residency to another state within 30 days of the election for which I am requesting an absentee ballot and I am ineligible under the laws of that state to vote for President and Vice-President of the United States, I understand that I am allowed to vote only for President and Vice-President as provided in Public Law 91-285 and s. 97.032, Florida Statutes.

I, hereby, make application for an official ballot or ballots to be voted by me at the following elections: Ist primary, 2nd primary, general election, to be held on. Send absentee elector’s ballot to me at post office, county, city address if any.

Home address of applicant

Date

{Signature of absent elector}

{SEAL}

(4) As soon as the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector for whom a request has been made. Any elector, however, may designate in writing a person to pick up the ballot for him. Upon presentation by such designee in person of such written authorization, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

(5) No campaign literature shall be mailed or delivered with any absentee ballot. In primary elections, the supervisor of elections will supply the elector with the ballot of the party in which he is registered and no others.

Section 22. Section 101.635, Florida Statutes, is created to read:

101.635 Distribution of blocks of printed ballots.--In any county in which the supervisor maintains deputies in a municipality other than the county seat, and such municipality has a population in excess of 90,000, blocks of numbered ballots shall be made available as required and as the supervisor may direct in order to comply with the provisions of s. 98.181. All ballots made available in any such municipality shall be fully accounted for to the supervisor.


101.64 Delivery. Mailing of absentee ballots; numbering; return envelopes; form.
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(1)(a) The supervisor shall deliver to the first absentee ballot for the first applicant, the second ballot for the second applicant, and so on. If the applicant appears in person he shall sign stub No. 1 and No. 2 and enter the name of the elector in the place indicated for the elector to sign. If the elector does not appear in person, the supervisor shall then detach the ballot from stubs No. 1 and No. 2 and forward by mail, prepaid and registered postage prepaid or deliver personally one of such ballots (or if there be more than one kind of ballot to be voted, then one of each kind) to each applicant from his county as shown by the list provided by s. 101.63, provided such applicant is properly registered. Before mailing or delivering such application, the supervisor shall fill in the precint in which the voter is registered in the space provided on the envelope for that purpose. If the ballot is printed and available at the time the application is mailed to an elector, the absentee ballot shall be mailed together with the application.

(b) In counties under the permanent registration system or the system described in s. 98.041, where the supervisor maintains deputies in municipalities other than the county seat, and where such municipalities have a population in excess of 90,000, all ballots shall be made available as required and as the supervisor may direct in order to comply with the provisions of s. 98.181. All ballots made available in municipalities where deputies are maintained shall be fully accounted for to the supervisor.

The supervisor shall enclose with each absentee such ballot two envelopes, a plain white envelope into which the absent elector shall enclose and seal his marked ballot and then place the sealed white envelope in the second envelope which is addressed to the supervisor and also bearing on the back side of this "mailing return envelope" a certificate which shall be substantially in the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate. VOTER'S CERTIFICATE

I, ..., am duly qualified and registered as a ..., (Party) voter of the ... Precinct of ... County, Florida, coming within the purview of the definition of "absent elector", and I am entitled to vote an absentee ballot for the following reason:

CHECK ONLY ONE

1. ... I am unable without another's assistance to attend the polls.

2. ... I will not be in the county of my residence during the hours the polls are open for voting on election day.

3. ... I am an inspector, a poll worker, a deputy voting machine custodian, deputy sheriff, supervisor of elections, or deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. ... On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
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5. .... I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices.

6. .... I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

...(Voter's Signature)...

Note: Your Signature Must Be Witnessed By Either

1. A Notary or Officer Defined in Item 5(b) of the Instruction Sheet.

Or

2. Two Witnesses Eighteen (18) Years or Older.

1. Subscribed and sworn to before me this .... day of ...., 19....

...(Official Title)...

My Commission Expires this .... day of ...., 19....

...(Signature of Official)...

...(Address)...

...(City/State)...

Or

2. ...

...(First Witness)...

...(Address)...

...(City/State)...

...(Address)...

...(Second Witness)...

...(City/State)...

ELECTOR'S-CERTIFICATE

I, the duly qualified and registered elector of the precinct of the County of ______ and State of Florida coming within the purview of the definition of absent elector and that I am entitled to vote an absentee ballot for the reason stated in the application for an absentee ballot which I have signed.

...(Elector's Signature)...

...(State)...

...(County)...

Subscribed and sworn to before me this .... day of .... A.D. 19....

...(Official Title)...

My Commission Expires
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this----day-of----A.D.----19----

(2) The statement shall be so arranged that the signature of the absent elector and the attesting witness or witnesses shall be across the seal flap of the envelope. The absent elector and the attesting witness or witnesses shall execute the said form on the envelope.

101.65 Instructions to absent electors.--The supervisor shall enclose with each ballot sent to an absent elector separate printed instructions furnished by him containing substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. Mark your ballot in secret as instructed on the ballot.

2. Place your marked ballot in the enclosed plain white envelope.

3. Securely seal the plain white envelope and place it in the enclosed mailing envelope which is addressed to the supervisor.

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

5. VERY IMPORTANT. Sign your name on the line above "(Voter's Signature)".

a. Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses.

b. Any notary or other officer entitled to administer oaths, a Florida supervisor of elections, or his deputy may serve as a sole attesting witness. The sole attesting witness shall affix his signature, official title, and address to the Voter's Certificate.

6. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

7. VERY IMPORTANT. The supervisor of elections of the county in which your precinct is located must receive your ballot no later than 7 p.m. on the day of the election.

Upon receipt of the enclosed ballot, mark the same according to the instructions. Place the marked ballot in the enclosed plain envelope and securely seal it and place it in the second envelope addressed to the supervisor. The application, if mailed with the ballot, shall be returned in a separate envelope from the ballot.
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101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots; certain absentee ballots not to be counted.—

(1) 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 along with his file or list kept regarding said ballots.

(2) All marked absent electors' ballots to be counted must be received by the supervisor by 7 p.m. the day of the election. All ballots received thereafter shall be marked with the time and date of receipt and filed in his office.

101.68 Canvassing of absent elector's ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the information on the Voter's Certificate on the back of the envelope with the information in the registration books to determine whether the elector is duly registered in the precinct, and it may record received on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his office until the county canvassing board canvasses the vote according to law. The canvassing board shall begin the canvassing of absentee ballots not later than noon on the day following the election. The canvassing board shall compare the ballots presented to it by the supervisor for canvass with the record listed or card file required by s. 101.62(3), so as to compare the number of ballots in its possession with the number of requests applications for ballots received to be counted according to the supervisor's file or list to insure all the absentee ballots to be counted by the canvassing board are accounted for. The canvassing board shall, if the supervisor has not already done so, compare the information on the back of the envelope with the registration book to see that the elector is duly registered in the precinct and 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 voted are preserved.

(2) If any elector or candidate present believes that any
absentee ballot is illegal as to any defect apparent on the Voter's
Certificate, he may, at any time before the ballot is removed from
the envelope, file with the canvassing board a protest against the
canvass of such ballot, specifying the precinct, the ballot, and the
reason he believes such ballot to be illegal. No challenge based
upon any defect in the Voter's Certificate shall be accepted after
the ballot has been removed from the mailing envelope.

(3) The county canvassing board of county canvassers shall
then record the ballot upon the poll book of the proper precinct in
the same manner as clerks of elections record votes, unless the
ballot has been previously recorded by the supervisor of elections.
The mailing covering envelopes for the entire county shall be opened
and the plain white sealed envelopes shall be mixed up so as to make
it impossible to determine which plain envelope came out of which
signed mailing envelope; provided, however, in any county in which an
electronic or electromechanical voting system is used, the ballots
may be sorted by ballot styles and the mailing envelopes may be
opened and the plain white envelopes mixed up for each ballot style
separately. The votes on absentee ballots shall be included in the total of the
precinct of the county.

(4) The supervisor or the chairman of the canvassing board
shall, after the board convenes, have custody of the absent electors'
ballots until a final proclamation is made as to the total vote
received by each candidate.

101.69 Voting in person; return of absent elector's ballot.--The
provisions 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 has requested an absentee ballot and the same has
been mailed to him; provided, that the elector returns the
ballot whether voted or not, if he received same, to the election
board in his precinct. The returned ballot shall be marked
"canceled" by the board and placed with other canceled ballots.

101.692 Postcard application for ballot.--

(1) Upon receipt of a federal postcard application for an
absentee ballot executed by one of the persons listed in s. 101.691,
the supervisor of elections shall check the registration records to
determine whether the applicant's registration is in order.

(2) If the applicant's registration is in order, an absentee
ballot shall be mailed as provided in s. 101.694.

(3) If the applicant's registration is not in order, and the
supervisor finds that the applicant has never registered
in the county, that the registration books are open and that the
applicant is entitled to register absentee in accordance with the
provisions of s. 97.063(1), then the supervisor shall send to the
applicant in the same envelope containing the absentee ballot, the
"application for absentee registration" form as provided in s.
97.063(4), which shall permit the applicant's registration in
accordance with s. 97.063 when it is properly filled out and returned to the supervisor during the period in which the registration books are open.

(4) If the applicant's registration is not in order and the supervisor finds that the applicant has previously been registered and his registration has lapsed because of his failure to reregister or because of his failure to return a notice mailed to his address of record by the supervisor in compliance with the provisions of the permanent single registration law, then the supervisor shall reinstate such elector to the same." If the applicant does not complete his registration.

(5) No absentee ballot mailed in accordance with subsection (3) shall be counted if the applicant does not complete his registration.

101.694 Mailing of ballots upon receipt of federal postcard application.

(1) Upon receipt of a federal postcard application for an absentee ballot executed by a person one of the persons covered by s. 101.691, whose registration is in order, the supervisor of elections shall mail to the applicant a ballot, if the ballots they are available for mailing.

(2) Upon receipt of a federal postcard application for an absentee ballot executed by a person one of the persons covered by s. 101.691, whose registration is not in order, the supervisor of elections shall follow the procedure set forth in subsection (3) or subsection (4) of s. 101.692, where applicable.

(3) There shall be printed across the face of each envelope in which a ballot is sent to a federal postcard applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material-via Air Mail", or similar language, between the bars. All printing on the face of each envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Otherwise the envelopes shall be the same as those used in sending ballots to, or receiving them from, other absentee voters.

(4) The gummed--flap of the envelope supplied for the return of the ballot shall be separated by a wax--paper--or--other--appropriate protective--insert--from the remaining balloting material and there shall be included an instruction sheet outlining a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material.
Cognizance shall be taken of the fact that absentee ballots and other materials such as instructions and envelopes are to be carried via air mail, and to the maximum extent possible, such ballots and materials shall be reduced in size and weight of paper. The same ballot shall be used, however, as is used by other absentee voters.

Polling place.--

There shall be in each precinct in each county one polling place managed by a board of inspectors and clerk of election. The inspectors of elections 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 voting booth at a time; 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, except otherwise than to perform his duties as such inspector.

Notwithstanding the provisions of the above subsection (1) and of s. 98.031, whenever the supervisor of elections of any county shall determine that the accommodations for holding any election at a polling place designated for any precinct in the county are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, said supervisor may provide, by resolution, duly adopted not less than 60 days prior to the holding of such election, that the voting place for such precinct shall be moved for the purpose of such election to another site in said precinct or, if such is not available, to another site in a contiguous precinct. If such action of the supervisor shall result in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, he shall give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, not less than two times in issues of a newspaper of general circulation published in said county and may notify the voters by mail or use such other advertising media as necessary to properly publicize said change.

In cases of emergency and when time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place within the boundaries of the same precinct and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.

Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. Such sign shall be large enough to be clearly visible to occupants of passing vehicular traffic on roadways contiguous to the polling place, with letters no smaller than 3" high, and shall be displayed at all times while the polls are open on any election day.
101.72 Booths.--The supervisor of elections of 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 room or covered enclosure shall be provided booths or compartments shall be provided, one booth or compartment for each 125 or fraction of 125 qualified electors registered for that election and furnished each booth or compartment shall be furnished with a shelf or table for the convenience of electors in preparing their ballots and 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 10 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 two four times in a some newspaper of general circulation in the county, and if there is no newspaper of general circulation in the county, 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 place in case of natural disaster.--

(1) In case of an epidemic or natural disaster existing in any precinct at the time of the holding of any election, the supervisor of elections may establish at any safe and convenient point outside such precinct an additional polling place for the electors of such precinct to vote. The registration books of the affected precinct shall be applicable to and be used at the such polling place established.

Section 24. Section 104.451, Florida Statutes, 1976 Supplement, is transferred to section 101.75, Florida Statutes, and amended to read:

101.75 Municipal elections; change of dates for cause.--

(1) In any municipality when the date of the municipal elections falls on the same date as any statewide election and voting machines are not available for both elections, the municipality may provide that the municipal primary and general elections may be held within 30 days prior to or subsequent to the statewide general election.

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Whenever it is impracticable to hold a municipal election due to an emergency resulting from a flood or hurricane, or due to the immediate probability or imminence of such flood or hurricane, the Governor by executive order, upon determining that such impracticability exists, may suspend the election at any time prior to the close of the polls. The election shall be held within 30 days after the date of suspension and notice of the election shall be published at least once in a newspaper of general circulation in the municipality at least 1 week prior to the date the election is to be held.

In each county, the supervisor of elections shall appoint two election boards for each precinct in the county; provided, however, the supervisor of elections may, in any election, appoint one election board if he has reason to believe that only one is necessary. Each election board shall be composed of three inspectors and a clerk. The clerk shall be in charge of and responsible for seeing that the election board carries out its duties and responsibilities of the attendance and diligence performance of the clerks and inspectors.

Each member of the election board shall be able to read and write the English language and shall be a registered elector of the precinct in which he is appointed. No election board shall be composed solely of members of one political party, nor shall any board be composed of members of the same political party. A board shall be composed of members of different political parties, on the board, one of which shall be an opposite candidate for any office.
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(3) The supervisor shall furnish inspectors of elections for each precinct with one of the registration books for each precinct divided alphabetically as will best facilitate the holding of an election. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in his county a sufficient number of forms and blanks for use on election day.

(4) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall come on duty and count the votes cast upon the closing of the polls. In such case, 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 a.m. the next morning, and if the count is not completed at that time the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted and all ballots not counted, all registration books, and other records, and shall advise the first board as to what has transpired in tabulating the results of the election.

(5) In precincts in which there are more than 1,000 registered electors, the supervisor of elections shall appoint additional election boards necessary for the election.

(6) In precincts in which there are less than 300 registered electors it is not necessary to appoint two election boards but one such board shall suffice.

(7) For any precinct using voting machines, there shall be one election board appointed plus an additional inspector for each machine in excess of one; provided, that the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.

(8) The supervisor of elections shall conduct training classes for inspectors, clerks, and deputy sheriffs prior to each first primary, general, or special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate shall be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has been issued a certificate, except persons who are appointed to fill a vacancy on election day who have attended previous training classes conducted within 2 years of the election. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (9) from among persons who have not received the training and certification required by this section.

(9) In the case of absence or refusal to act of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he replaces.

102.021 Compensation of inspectors and clerks.—
(1) Each inspector and each clerk of any election and each deputy sheriff serving at a precinct shall be paid for his services by the board of county commissioners, and each inspector who delivers the returns to the county seat shall receive such sums as the board of county commissioners shall determine.

(2) Inspectors and clerks of elections and deputy sheriffs serving at the precincts may receive compensation and traveling expenses as provided in s. 112.061, for attending the poll worker classes required by s. 102.012(8).

102.031 Election boards to maintain good order.--Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election, and during the canvass of the votes.

102.061 Duties of election board; counting; closing polls.--

(1) 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 relieving board shall proceed to open the ballot box in presence of the public desiring to witness the canvass and count the ballots without adjournment or interruption until the count is completed, except for the necessary interruption provided for in s. 102.012. The ballots shall be first counted and if the number of ballots exceeds the number of persons who voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots shall be placed back into the box and one of the inspectors shall publicly draw out and destroy unopened as many ballots as equal to such excess. If two or more ballots are found folded together to present the appearance of a single ballot, they shall be 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 ballots shall be destroyed.

(2) In counting the ballots the election inspection board shall use either the tally call system of counting or a system whereby the ballots are opened and placed in piles according to the candidate voted for and then the number of ballots in each pile is counted. The ballots shall be then be reshuffled and the process repeated until the total votes cast for each candidate for each 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 supervisor of elections, 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 court judge; and the remaining copy shall be enclosed in the ballot box together with the oaths of inspectors and clerks. All the ballot boxes, ballots, ballot stubs, memoranda and papers of all kinds 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 and the poll lists 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 shall 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 clerk or inspectors, and who shall maintain good order. The deputy may summon assistance a posse from among bystanders to aid him when necessary to maintain peace and order at the polls.

102.101 Sheriff and other officers not allowed in polling place.--No sheriff, deputy sheriff, policeman, or other officer of the law shall be allowed within the polling place without permission from the clerk or a majority of the inspectors, except to cast his ballot. Upon the failure of any of said officers to comply with this provision, the clerk or the inspectors or any one of them shall make affidavit against such officer for his arrest.

102.111 Elections Canvassing Commission.--Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer, member of the legislature or representative to Congress. The Governor and Cabinet shall meet in the Secretary of State's office after reasonable notice, and they shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall canvass the returns of the election and determine and declare who has been elected for each office or as each member. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election all missing counties shall be ignored and the results shown by the returns on the file shall be certified.

102.121 Elections Canvassing Commission to issue certificates.--The Elections Canvassing Commission shall make and sign separate certificates of the result of the election for federal national and state officers, which certificates shall be written and contain the total number of votes cast 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 Department of State's office in a book to be kept for that purpose. The department shall have a certified copy of each certificate published once in one or more newspapers printed in Tallahassee.
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102.131 Returns before canvassing commission.--If any returns shall appear to be irregular or false so that the Elections Canvassing Commission is unable to determine the true vote for any office, nomination, constitutional amendment or any other measure presented to the electors of the state, it shall so certify and shall not include the returns in its determination, canvass, and declaration. The Elections Canvassing Commission in determining the true vote shall not have authority to look beyond the county returns. The Department of State shall file in its office all the returns, together with other documents and papers received by it or the commission. The commission 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.

Section 26. Subsections (1), (3), and (4) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.--

(1) The county canvassing board shall be composed of the supervisor of elections, a county court judge who shall act as chairman, and the chairman of the board of county commissioners. In the event any member of the county canvassing board is unable to serve or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:

(a) If no county court judge is able to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located shall appoint a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed as a substitute member. In such event, the members of the county canvassing board shall meet and elect a chairman.

(b) If the supervisor of elections is unable to serve or is disqualified, the chairman of the board of county commissioners shall appoint a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed as a substitute member. The supervisor, however, shall act in an advisory capacity to the canvassing board.

(c) If the chairman of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed as a substitute member.

(d) If a substitute member cannot be appointed as provided elsewhere in this subsection, the chief judge of the judicial circuit in which the county is located shall appoint a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed as a substitute member. --the--chairman-of-the-board-of
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county commissioners shall designate a member of the board of county commissioners to serve in his place. In the event the chairman of the board of county commissioners is unable to act, the board of county commissioners shall designate one of its members to act in his stead. The county court judge shall act as chairman of the county canvassing board.

(3) The canvass, except absentee electors' returns, shall be made entirely from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for the candidates, nominees, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election, and all returns of missing precincts shall be ignored and the results as shown by the returns then on file certified. If the returns from any precinct are missing or if there are any omissions on the returns from any precinct or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office or that a candidate for retention to a judicial officer was retained or not retained by one-half of a percent or less of the votes cast on the question of retention or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

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

Section 27. Sections 102.151, 102.166, and 102.167, Florida Statutes, are amended to read:

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102.151 County canvassing board to issue certificates; supervisor to give notice to Department 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 relates to offices for which the candidates or nominees have been voted for in more than one county, shall be immediately transmitted to the Department 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 Department of State immediately after the county canvassing board has canvassed the returns of the election, a list containing the names of all county and district officers nominated or elected, the office for which each was nominated or elected, and the mailing address of each in their respective counties.

102.166 Protest of election returns; procedure; venue.—

1. Any candidate for nomination or election, or any elector qualified to vote in such primary or election, whenever any candidate believes that election returns are erroneous, he shall have the right to file a written protest against the canvass of such returns thereof as being erroneous by filing with the appropriate canvassing board a sworn, written protest specifying the precincts in which he believes such returns are erroneous.

(a) Such protest shall be filed with the canvassing board prior to the time the canvassing board adjourns or within 5 days of midnight of the date the election is held, whichever last occurs canvass has been completed and the totals of votes tabulated.

(b) Before canvassing such returns the canvassing board shall examine the counters on the machine or the tabulation of the paper ballots cast in such precincts and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machine or the tabulation of the paper ballots cast, the counters of such machines or the precinct tabulation of the paper ballots cast shall be presumed correct and such votes shall be canvassed accordingly. The rights of all parties in interest to appeal to the court for protection against error are not annulled.

2. Any candidate for nomination or election, or any elector qualified to vote in such primary or election, whenever any elector believes election returns are fraudulent, he shall have the right to protest the returns thereof or the practices attendant thereto as being fraudulent by presenting to any circuit judge of the circuit sitting in any county wherein such fraud is alleged to have occurred a sworn, written protest that there exist fraudulent returns. If it is alleged that fraudulent returns or practices exist in more than one county, venue for such protest shall be in any such county wherein such fraud is alleged to have occurred.

(a) A protest alleging error shall be filed with the county canvassing board prior to the time it adjourns or within 5 days of midnight of election day. The protest alleging fraud shall be presented to a circuit judge prior to the time the canvassing board adjourns or within 5 days of midnight of the date the election occurs, whichever last occurs election day.
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(b) The circuit judge to whom the protest is presented shall have authority to fashion such orders as he may deem necessary to insure that such allegation is investigated, examined, or checked, or to prevent or correct such fraud or to provide any relief appropriate under such circumstances. Any candidate or elector presenting such a protest to a circuit judge shall be entitled to an immediate hearing thereon or to any appropriate relief.

102.167 Form of protest of election returns.--

(1) The form of the "Protest of Election Returns to Canvassing Board" shall be as follows:

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

......, Florida

......, 19....

As provided in Section 102.166(1), Florida Statutes, I, .... of .... County, Florida, believe the election returns from Precinct No. .... in the .... election 19.... are erroneous.

I hereby protest the canvass of such returns by the .... Canvassing Board, and request that said returns be investigated, examined, checked and corrected by said Canvassing Board. The basis for this protest is .............................................................. 
........................................................................................................
........................................................................................................
........................................................................................................
........................................................................................................

Under penalties of perjury, I swear (or affirm) that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

...(Signature of person elector protesting election returns)...

Precinct-......

......-County

Witness-to-signature

(1)-......

(2)-......

(2) The form of the "Protest of Election Returns to Circuit Judge" shall be as follows:

PROTEST OF ELECTION RETURNS TO CIRCUIT JUDGE

......, Florida

......, 19....

As provided in Section 102.166(2), Florida Statutes, I, .... of .... Florida, being a qualified elector in Precinct No. .... of ....
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County, Florida believe the election returns from Precinct No. .... in the .... election of .... 19.... are fraudulent.

I hereby protest against the canvass of such returns by the .... Canvassing Board, and request that said returns be investigated, examined, checked and corrected. The basis for this protest is ....

[...]

Under penalties of perjury, I swear (or affirm) that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

...(Signature of person elector protesting election returns)...

Precinct-No---- County

...(Witness-to-signature)....

...(Witness-to-signature)....

Section 28. Section 102.161, Florida Statutes, is transferred to s. 102.168, Florida Statutes, and amended to read:

102.168 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 nomination thereto, or by any taxpayer on any question submitted by referendum. Such contestant shall file a sworn bill of complaint, together with the fees prescribed in chapter 28, with the Clerk of the Circuit Court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns adjourns 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 canvassing board or election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate defendant.

Section 29. Section 102.163, Florida Statutes, is transferred to section 102.1682, Florida Statutes, and amended to read:

102.1682 Judgment Deeree of ouster; revocation of commission.--If the contestant is found to be entitled to the office and, if on the findings a judgment deeree to that effect is entered, and if the adverse party has been commissioned or has entered upon the duties thereof or is holding the office, then a judgment deeree of ouster shall be deeree entered against such party. Upon presentation of a certified copy of the judgment deeree of ouster to the Governor, the Governor shall revoke such commission and commission the person found in the judgment to be deeree entitled to the office. If a judgment is entered setting aside a referendum, then the election shall be void.

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Section 30. Section 102.162, Florida Statutes, is transferred to section 102.1685, Florida Statutes, and amended to read:

102.1685 Venue.—The venue for contesting a nomination or election contest or the results of a referendum 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.

Section 31. Section 102.164, Florida Statutes, is transferred to section 102.169, Florida Statutes, and amended to read:

102.169 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 prescribed in s. 102.168 shall be an alternative or cumulative remedy.

Section 32. Sections 103.011, 103.021, 103.051, 103.061, 103.062, 103.081, 103.091, 103.101, and 103.121, Florida Statutes, are amended to read:

103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of four—every four years. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors of the party supporting such candidates. The Department of State shall certify as elected the presidential electors of the party whose candidates for President and Vice President who received the highest number of votes.

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

(1) The Governor shall nominate the presidential electors of each political party who have elected President of the United States subsequent to January 1, 1900. He shall nominate only the electors recommended by the state executive committee of the respective political parties. Each such elector shall be a qualified elector of the party he represents who has taken an oath that he will vote for the candidates of the party that he is nominated to represent. The Governor shall certify to the Department of State on or before September 1, in each presidential election year, the names of a number of electors for each political party equal to the number of senators and representatives which this state has in Congress.

(2) The names of the presidential electors shall not be printed on the general election ballot, but the names of the actual candidates for President and Vice President for whom the presidential electors will vote if elected shall be printed on the ballot in the order in which the party of which the candidate is a nominee polled the highest number of votes for Governor in the last general election.
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THREE A minor political party which have not elected a President of the United States since January 1, 1980 may have the names of its candidates for President and Vice President, and independent candidates for President and Vice President may have their names printed on the general election ballots if a petition is signed by one percent of the registered electors of Florida, as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be submitted from each county for which signatures are solicited. Said petition shall be submitted to the supervisor of elections of the respective county no later than August 15 or 35 days prior to the date of the first primary, whichever shall come later, of each presidential election year. The supervisor shall check the names and shall, on or before the date of the first primary, certify the number shown as registered electors of said county, and said supervisor shall be paid by the person requesting the certification the cost of checking the petitions prescribed in s. 99.097.

The supervisor shall then forward the petition, with his certificate attached, to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor as required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Any minor political party which have met the petitioning requirements of s. 99.096, and will have the names of a candidate or candidates for any office or offices to be filled by a statewide election state-wide printed on the general election ballot, and which minor party is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States, may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held within 15 days after the minority political party have been notified by the Department of State that they have secured positions on the general election ballot as provided in s. 101.261. When the Department of State has been so notified it shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

When for any reason a person nominated or elected as 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 required for him to be eligible for nomination in the first instance. Such person shall file with the Governor an oath that he will support the same candidates for President and Vice President that the person who is unable to serve was committed to support.

103.051 Congress sets meeting dates of electors.--The presidential electors shall, at noon, on the day which is
directed by Congress, meet at Tallahassee and perform the duties
required of enjained-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 noon 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 to attend the
Governor, and ready to perform the duties of presidential
elector. The Governor shall forthwith deliver to the presidential
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 such absent electors shall fail to appear
before 10 a.m. on 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.

103.062 Plurality of votes to fill vacancy; proceeding in case of
tie.--If any more than the number of persons required to fill the
vacancy as provided by s. 103.061 receive the highest greatest and an equal number of votes, then the election of those
receiving having such equal--and highest and equal number of votes
shall be determined by lot drawn by the Governor in the presence
of the presidential electors attending; otherwise, they, to the
number required, receiving the highest greatest number of votes, shall be considered elected to fill the vacancy.

103.081 Use of party name; political advertising.--

(1) No person shall use the name, abbreviation, or symbol of any
political party, the name, abbreviation, or symbol of which is filed
with the Department of State in political advertising in newspapers,
other publications, handbills, radio or television, or any other form
of advertising in connection with any political activities in support
of a candidate of any other party, unless such person shall first
obtain the written permission of the chairman of the state executive
commitee of the party the name, abbreviation, or symbol of which is
to be used with whom such person is affiliated.

(2) No person, or group of persons, shall use the name,
abbreviation, or symbol of any political party, the name,
abbreviation, or symbol of which is filed with the Department of
State in connection with any club, group, association, or organization of any
kind unless approval and permission have been given in writing
by the state executive committee of such party. This
subsection shall not apply to organizations which are chartered by the national executive committee of the party the name, abbreviation, or symbol of which is to be
used, or to organizations which have been in existence and organized on a statewide basis for a period of 10 years and
organized--for--such-period-on-a-statewide-basis-are--also
specifically-excluded-from-this-provision.

103.091 Minority Political parties party.--
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(1) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A minority political party may provide for the selection of its national committee and its state and county executive committee in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committeewoman. In counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible.

(2) The state executive committee of a 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 to national conventions.

(3) The state executive committee of each political party shall file with the Department of State the names and addresses of its chairman, vice chairman, secretary, treasurer, and members and shall file a copy of its constitution, bylaws, and rules and regulations with the Department of State. Each county executive committee shall file with the state executive committee and with the supervisor of elections the names and addresses of its officers and members.

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the presidential preference primary election. The terms shall commence on the first day of the month following the presidential preference primary election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 63rd day or later than noon of the 49th day preceding the presidential preference primary election. The outgoing chairman of each state and county executive committee shall, within 30 days after the committee members take office, call an organizational meeting of all newly elected members for the purpose of electing officers.

(5) In the event of no election of a county committeeman or committeewoman, or of a vacancy occurring from any other cause in any county executive committee, the county 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 those present at a meeting at which a quorum is present. Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term.

103.101 Presidential preference primary.--

1017
(1) (a) Each political party other than a minor political party which had at least for its candidate for President and Vice President--in the last election--more than ten percent of the total vote cast for President and Vice President in the state--and with which 10 percent of the total registered electors have voted by February 17 of each general election year, shall elect on the second Tuesday in March in each year the number of which is a multiple of four, one person to be the candidate for nomination of such party for President of the United States. Each elector of such party may vote his preference for one person to be the candidate for nomination of such party for President.

(b) The name of any candidate for a political party nomination for President of the United States shall be printed on the ballots upon the direction of a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chairman, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of each house of the Legislature both the House and Senate, and the chairman chairman of each political party required to have a presidential preference primary under this section. The Secretary of State, during the second week--in January each year a presidential preference primary is held, shall prepare and publish a list of names of presidential candidates who are generally advocated or recognized in news media throughout the United States or in the state. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday during the second week in January each year a presidential preference primary election is held. Each person designated by the Secretary of State as a presidential candidate shall appear on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday during the third week in January each year a presidential preference primary is held, on a date publicly announced by the chairman. The selection committee shall publicly announce and submit the names of presidential candidates who shall appear on the presidential primary ballot to the Department of State no later than 5 p.m. on the following day January 20--each year--a presidential preference primary election is held. Not later than February 17, The Department of State shall notify, within 5 days from receipt of such list, each presidential candidate designated by the committee. Such notification shall be in writing by registered mail with return receipt requested.

(b) Any presidential candidate whose name is not selected by the Secretary of State or whose name is deleted by the selection committee may request in writing to the chairman of the selection committee prior to the third Tuesday after the first Monday in January February 10 each year a presidential preference primary election is held, that his name be placed on the ballot. On the third Tuesday after the first Monday in January February 10 or later than the first Monday in January February 17, the Secretary of State shall convene the committee to consider such requests. If any member of the selection committee of the same political party as the candidate requests that such candidate's name be placed on the ballot, the
committee shall direct the Department of State to place the
candidate's name on the ballot. Within 5 days after such meeting, the
Department of State shall notify the presidential candidate that his
name will appear on the ballot.

(3)(4) A candidate's name shall be printed on the Florida
presidential preference primary ballot unless he submits to the
Department of State, prior to the third Tuesday after the first
Monday in January, by noon, February 15, in each year, a
presidential preference primary ballot without qualification
that he is not now, and does not presently intend to become, a
candidate for President at the upcoming nominating convention. If a
candidate withdraws pursuant to this subsection section, the
Department of State shall notify the state executive committee that
the candidate's name will not be placed on the ballot. The
Department of State shall, no later than the fourth Tuesday after the
first Monday in January, certify to each supervisor of elections the
name of each candidate for political party nomination to be printed
on the ballot.

(4)(5) The names of candidates for political party nominations
for President of the United States shall be printed on official
ballots for the presidential preference primary election
elections and shall be marked, counted, canvassed, returned, and proclaimed in
the same manner and under the same conditions, so far as the same are
applicable, as other state elections.

(5)(6) Unless otherwise provided by party rule and not later than
noon, March 1, each year, that a presidential preference primary is
held, each presidential candidate whose name has been selected to be
placed on the ballot may submit to the Department of State a list of
delegates and delegate alternates. The state executive committee of
each party, by rule adopted at least 90 days prior to the
presidential preference primary election, shall determine the number
and establish procedures to be followed in the selection of delegates and
delegate alternates from among each candidate's supporters. However, no more than 25 percent of the total number of delegates may
be elected by the state executive committee. A copy of any rule
adopted by the executive committee shall be filed with the Department
of State within 7 days after its adoption and shall become a public
record.

(a) The Department of State shall make lists of delegates and
delegate alternates available to the public at accessible places
within each congressional district and at such times as may
reasonably be determined.

(b) If a presidential candidate fails to submit a list of
delegates by noon on March 1 and by virtue of the vote of the
presidential preference primary becomes entitled to delegates and
delegate alternates, such candidate shall have delegates and delegate
alternates elected from among the candidate's supporters according to
party rule. The state executive committee of each party, at least 90
days prior to the primary election, shall adopt rules for such
certification.

(6)(7) Any person selected as a delegate or delegate alternate to
the national convention shall file a qualification oath with the
Department of State, pledging support at the convention to the
candidate of his party for the office of President of the United
States that he was selected to support. The oath shall state that the
delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention or receives less than 35 percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge and any other oath as prescribed by the Department of State. No delegate shall be required to vote for such candidate after two convention nominating ballots have been taken.

(7) Any delegate to a national convention whose presidential candidate withdraws after being entitled to delegate votes pursuant to this section shall be an unpledged delegate to the national convention.

(8) Delegates shall be allocated among the candidates by one of the following two methods:

(a) The presidential candidate receiving the highest number of votes in any congressional district shall receive all delegate votes from such congressional district. The presidential candidate receiving the highest number of statewide votes shall receive all statewide delegate votes and all votes of delegates chosen by the state executive committee of the candidate's party.

(b) When provided by party rule, delegates at the congressional district level and at the statewide level shall be allocated among the several candidates on the basis of the proportion that the number of votes each candidate receives bears to the total number of votes cast for the candidates of the same party at the congressional district or statewide level. Such party rule shall provide that delegates need not be allocated to any candidate receiving less than 15 percent of the votes cast for candidates of his political party at the congressional district or statewide level. Such party rule shall provide that the entire number of delegates for a given congressional district and the entire number of statewide delegates be allocated among only those candidates receiving over 15 percent of the vote. In the event that delegates are to be chosen pursuant to the provisions of this paragraph, the Secretary of State shall cause the
words "No Preference" to appear on the presidential preference primary ballot after the names of the candidates of any political party electing to utilize the provisions of this paragraph. An elector may cast his vote for such designation in the same manner that he casts a vote for a candidate of that party. In the event that the number of votes cast for such designation at the district or statewide level is at least 15 percent of the total votes cast for the ballot of such party at that level, delegates shall be allocated in the manner prescribed above. Delegates so allocated shall be considered uncommitted delegates and shall be chosen in the manner prescribed by party rule for delegates allocated to candidates. When delegates are to be allocated according to the provisions of this paragraph, the number of delegates that each candidate is to receive shall be rounded to the nearest whole number.

(9) The Department of State shall place the candidates' names on the ballot in alphabetical order. The ballot as prescribed in this section shall be used.

(10) The form of the presidential preference primary ballot shall be in substantially the following as follows, the heading, office and candidates shown being sufficient to demonstrate the form required:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

No. •••• Party

•••• COUNTY, FLORIDA

Precinct No. ••••

...(Date)...

(Signature of Voter) (Initials of Issuing Official)

Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

No. •••• Party

•••• COUNTY, FLORIDA

Precinct No. ••••

...(Date)...

(Initials of Issuing Official)

Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

•••• Party

•••• COUNTY, FLORIDA

Precinct No. ••••

...(Date)...

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote.

For President

(Name of Candidate)
103.121 Powers and duties of executive committees.--

(1) Each state and county executive committee of a political party committees shall have the following powers and duties:

(a) To adopt a constitution by two-thirds vote of the full committee.

(b) To adopt such bylaws as they may deem necessary by majority vote of the full committee.

(c) To conduct its meetings according to generally accepted parliamentary practice.

(d) To make party nomination when required by law.

(e) To conduct campaigns for party nominees.

(f) To raise and expend party funds for the maintenance and administration of the party organization and to do anything that is
(g) To make any assessment it requires of candidates, for the purpose of meeting its expenses or maintaining its party organization, not later than 29 calendar days before the last-filing date for state offices of each year in which a general election is held. No executive committee shall levy an assessment to exceed 2 percent of the annual salary of the office sought by the candidate. Within 5 days after adoption, the state executive committee shall deliver a certified copy of its assessment resolution to the Department of State; the county executive committee shall deliver a certified copy of its assessment resolution to the supervisor of elections, the board of county commissioners. The state executive committee shall have exclusive power to levy and receive payment of assessments upon candidates to be voted for in a single county except state senators and members of the House of Representatives and representatives to the Congress of the United States, 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 shall be entitled to a receipt from the officer with whom he qualified. If any executive committee fails to meet and levy party assessments before the expiration of the last day for levying assessments in a year in which a general election is held, then such assessments shall be 2 percent.

(h) To appoint from its own membership the necessary subcommittees;

(i) And to allow proxies, 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.

(2) The state executive committee shall declare by resolution recommend for the recommendation of candidates for presidential electors and deliver a certified copy thereof to the Governor prior to September 1 of each presidential election year within the time required for filing sworn statements by candidates.

(3) The chairman and treasurer of an executive committee of any political party shall be accountable for the funds of such committee and jointly liable for their proper expenditure for authorized purposes only. The chairman and treasurer of the state executive committee of any political party shall furnish adequate bond, but not less than $10,000, conditioned in effect upon the faithful representation of the party's committee of the state executive committee, shall furnish adequate bond, but not less than $5,000, conditioned as aforesaid. A bond for chairman and treasurer of the state executive committee of a political party shall be filed with the Department of State. A bond for chairman and treasurer of the state executive committee of a political party shall be filed with the supervisor of elections for the circuit court provided further that notice of filing such bonds with the...
The funds of each such state executive committee shall be publicly audited at the end of each calendar year and a copy of such audit furnished both the Attorney General and the Department of State for its examination prior to April 1 of the ensuing year. Copies of such audit when filed with the Attorney General and Department of State shall become public documents. The treasurer of each county executive committee shall maintain adequate records evidencing receipt and disbursement of all party funds received by him, and such records shall be publicly audited at the end of each calendar year and a copy of such audit filed with the supervisor of elections and the state executive committee prior to April 1 of the ensuing year. Such records are subject to inspection by any member of the party represented by the committee and by the state attorney of the judicial circuit in which the county executive committee is located.

(4) Any chairman or treasurer of a state or county executive committee of any political party who knowingly makes an unlawful expenditure, misappropriates, or makes a false or improper accounting of the funds of such committee is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 33. Sections 104.011 and 104.012, Florida Statutes, are amended to read:

104.011 False swearing.--Whoever willfully swears or affirms falsely is guilty of willfully and corruptly swearing or affirming or willfully and fraudulently subscribes to any oath or affirmation or willfully and corruptly procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting, registration, or elections is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.012 Consideration for registration.--Any person who gives anything of value that is redeemable in cash to any person in consideration for his becoming a registered voter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

Section 34. Subsections (3) and (4) of section 104.013, Florida Statutes, 1976 Supplement, are amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.--

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

(4) Any person who violates any of the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
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Section 35. Sections 104.031, 104.041, 104.051, 104.061, 104.071, 104.081, 104.091, 104.101, 104.11, 104.13, 104.15, 104.16, 104.17, 104.18, 104.19, 104.20, 104.21, 104.22, 104.23, 104.24, 104.26, 104.271, 104.29, 104.30, 104.32, 104.39, 104.41, 104.42, and 104.43, Florida Statutes, are amended to read:

104.031 False declaration to secure assistance in preparing ballot.--Any person who makes a false declaration for assistance in voting, or in the preparation of his ballot in any election, is guilty of a misdemeanor, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.051 Violations; neglect of duty; corrupt practices.--

(1) Any official person, including clerks, inspectors, and other officials, who willfully violates any of the provisions of this election code shall be excluded from the polls. Any election official who is excluded shall be replaced by other election officials, as provided in this code.

(2) Any election official or any other official who willfully and with bad motive refuses or willfully neglects to perform his duties as prescribed by this election code is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any election official or other official who performs his duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who attempts to influence or interfere with any elector voting an absentee ballot is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The provisions 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, or deter any voter in voting 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 his the right to vote.
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of-suffrage at any election is shall—be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, on the first conviction, and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent on-the-second conviction.

(2) No person shall directly or indirectly give or promise anything of value to another intending thereby to buy his or another's vote, or to corruptly influence him or another in casting his vote. Any person who violates violating this subsection is shall—be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this shall not apply to the serving of food to be consumed at a political rally or meeting.

104.071 Remuneration by candidate for services, support, etc.; penalty.—

(1) It is unlawful for any person supporting a candidate or for any candidate who—shall, in order to aid or promote the his nomination or election of such candidate in any election, directly or indirectly—himself or by or through any other person to:

(a) 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

(b) Give or promise to give, pay, or loan any money or other thing of value to the owner, editor, publisher, or agent, of any communication media as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election, or any candidate for election, and no such owner, editor, or agent shall give, solicit, or accept such payment or reward. It shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination in any election or any candidate for election in return for the giving or promising to give, pay, or loan any money or other thing of value to said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern, or

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

(d) 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.

(2) Any person who violates candidate-found-guilty-of-a-violation of any provision of this section is shall—be guilty of a felony misdemeanor of the third first degree, punishable as provided in s. 775.082, or s. 775.083, and from and after his conviction shall 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 to cause for removal or impeachment.

104.081 Threats of employers to control votes of employees.--It shall be unlawful for any person...
corporation having one or more persons in his service as an employee to discharge or threaten to discharge any employee in his 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 person who violates violating the provisions of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any firm, company, association, or corporation violating the provisions of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083, in addition to the penalty of being punished for a misdemeanor of the first degree, which shall be personally applied to each official or agent who actually participated.

104.091 Aiding, abetting, or advising in violation of the code.

Corporations prohibited from doing certain acts.

1. No corporation shall do anything or any act that is prohibited of individuals by the election code. Likewise, any corporation except those whose principal business is enumerated in s. 99.161(1), may do any act or thing that an individual may do, provided, however, those individuals and corporations enumerated in s. 99.161(1) shall not, directly or indirectly, make any payment, loan, or exchange of money or other thing of value to any corporation for the purpose of making, directly or indirectly, any political contribution authorized in this section.

2. Any person or officer or employee or attorney or other representative of any corporation acting for and on behalf of such corporation who shall violate this section shall be guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, and the corporation shall be guilty of a felony of the third degree, punishable as provided in s. 775.083.

3. Any person who shall knowingly aid, abet, or advise the violation of this code section shall be punished in like manner as the principal offender. Violations of this section shall be prosecuted in the county where such violation occurred.

104.101 Failure to assist officers at polls. Any person summoned by the sheriff or deputy sheriff who fails to assist him in maintaining the peace at the polls is shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

104.11 Neglect of duty by sheriff or other officer. Any sheriff, deputy sheriff, or other officer who shall willfully neglects or willfully refuses to perform his duties relating to elections shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

104.13 Intermingling ballots. Whoever willfully places any ballot in the ballot box except as properly voted by electors, or willfully intermingles any other ballots which have not been duly received during the election with the ballots which are voted by the electors, is shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.15 Person knowing he is not qualified elector voting at any election. Whoever, knowing he is not a qualified elector, willfully votes at any election shall be guilty of a felony of the third
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degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.16 Voting fraudulent substitute ballot.—Any elector who knowingly votes or attempts to vote a fraudulent substitute ballot, or any person who knowingly solicits shall—solicit or attempts attempt to vote a fraudulent substitute ballot, is shall—be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.17 Voting in person after casting absentee ballot.—Any person who shall—willfully votes vote or attempts attempt to vote both in person and by absentee ballot at any election is shall—be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.18 Casting more than one ballot vote at any election.—Whoever willfully votes vote more than one ballot vote at any election is shall—be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.19 Use of stickers, rubber stamps, etc., unlawfully.—It is shall—be unlawful for any person casting a ballot at any election to use stickers or rubber stamps or to carry into a voting booth any mechanical device, paper, or memorandum which might be used to affect adversely the normal election process. Any person who violates the provisions of this section is shall—upon conviction, shall—be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

104.20 Ballot not to be seen, and other offenses.—Any elector who shall, except as provided by law, allows allow his ballot to be seen by any person, or who takes shall—take or removes remove or attempts attempt to take or remove any ballot from the polling place before the close of the polls, or places place any mark or his ballot by which it may be identified, or remains 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 endeavors shall—endeavor to induce any elector to show how he voted—or-mask mask his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—his—hi

104.21 Changing electors' ballots.—Whoever fraudulently and deceitfully changes or attempts to change the vote or ballot of any elector by which actions such elector is prevented from voting such ballot or from voting such ballot as he intended, is shall—be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.22 Stealing and destroying records, etc., of election.—Any person who is guilty of stealing, willfully 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 makes make any entry or alteration therein except as provided allowed and directed by law,
or who permits any other person so to do, is shall--be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.23 Disclosing how elector votes.--Any election official or person assisting any elector who shall willfully discloses disclose how any elector voted, except upon trial in court, is shall--be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104.24 Penalty for assuming name.--No registered elector shall in connection with any part of the election process fraudulently call himself or fraudulently pass by any other name than the name by which he is registered, or fraudulently use the name of another in voting. Any person who violates violating this section is shall--be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

104.26 Penalty for destroying ballot or booth, etc.--Any person who wrongfully, during or before an election, removes, tears down, or destroys or defaces any ballot, 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, is shall--be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

104.271 False--willful or malicious charges against opposing candidates; penalty.--Any candidate who, in a primary election or other election, falsely willfully or--maliciously charges an opposing candidate participating in such election with a violation of any provision provision of this code, which charge is known by the candidate making such charge to be false or malicious, is s--99+61= or--any--other--section--of--the--election--laws--providing--and--declaring--that--certain--acts--of--candidates--shall--constitute--violations--of--the--law--shall--be guilty of a felony misdemeanor of the third first degree, punishable as provided in s. 775.082 or s. 775.083, and, in addition to--such--penal--provisions, a person from and after his any such conviction shall be disqualified to hold 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 a--position--or--office--to which--he--aspired,--his--conviction--shall--be--cause--for--removal--or--impeachment.

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 official officials who denies deny this privilege or interferes interfere therewith is shall--be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

104.30 Voting machine; unlawful possession; tampering with.--

(1) Any unauthorized person who shall unlawfully has have possession of any voting machine or key thereof is shall--be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers tampering or attempts attempting to tamper with or destroy any voting machine, with the intention of
interfering with the election process or the results thereof, is
 guilty of a felony of the third degree, punishable as
 provided in s. 775.082, s. 775.083, or s. 775.084.

104.32 Supervisor of elections; delivery of books to successor.--
Any supervisor of elections who willfully 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 is
 guilty of a misdemeanor of the first degree, punishable as
 provided in s. 775.082 or s. 775.083.

104.39 Witnesses as to violations.--Any person who violates
any provision provisions of this the-election code shall be
competent as to 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 criminal
proceeding civil or criminal, against the person so testifying,
except in a prosecution for perjury. 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
 testifying was given and may plead the giving of testimony in bar to
such indictment information or prosecution.

104.41 Violations not otherwise provided for.--Any violation of
this the-election code not otherwise provided for is
a misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.

104.42 Fraudulent registration and illegal voting; investigation.--The board of county commissioners in any county may appropriate funds for the
purpose of investigating fraudulent registrations and illegal voting.

104.43 Grand juries; special investigation.--The grand jury in
any circuit 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 is any violation of the provisions of this the
election code, and shall return indictments when sufficient ground is
found.

Section 36. Sections 105.011 and 105.031, Florida Statutes, are
amended to read:

105.011 Definitions.--As used in this chapter the terms:
(1) "Judicial office officers" includes means:
(1) Office of Justice Judges of the Supreme Court;
(2) Office of Judge Judges of a District Court;
(3) Office of Judge Judges of a the Circuit Court;
(4) Office of County Court Judge Judges.

A judicial office is a nonpartisan office, and a candidate for
election or retention thereto is prohibited from campaigning or
qualifying for such an office based on party affiliation.

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105.031 Qualification; filing fee; oath of office.--

(1) TIME OF QUALIFYING.--Candidates for judicial office shall qualify with the Division of Elections of the Department of State no earlier than noon of the 63rd day, and no later than noon of the 49th day, before the first primary nonpartisan election. Filing shall be on forms provided for that purpose by the Division of Elections. Any person seeking to qualify as a candidate for circuit judge or county court judge by the alternative method, if he has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he is notified that the necessary number of signatures has been obtained. Any person who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

(2) FILING IN GROUPS.--Candidates shall qualify in groups where multiple judicial offices are to be filled.

(3) QUALIFYING FEE.--Each candidate qualifying for judicial office shall, during the time for qualifying, pay the Division of Elections a qualifying fee of 3.5 percent of the annual salary of the office to which he seeks election or retention, or qualify by the alternative method. The Division of Elections shall forward all such qualifying fees to the Department of Revenue for deposit in the General Revenue Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying.

(4) CANDIDATE'S OATH OF OFFICE.--All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the Division of Elections upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the Division of Elections, and shall be in substantially the following form:

State of Florida  
County of ....

Before me, an officer authorized to administer oaths personally appeared (please print name as you wish it to appear on the ballot) ...., to me well known, who, being sworn, says he is a candidate for the judicial office of ....; that his legal residence is .... County, Florida; that he is a qualified elector of the state and of the territorial jurisdiction of the court to which he seeks election; that he is qualified under the Constitution and Laws of Florida to hold the judicial office to which he desires to be elected or retained; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he seeks; that he has resigned from any office which he is required to resign pursuant to s. 99.012, Florida Statutes; and that he has
submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election.

...(Signature of candidate)...

...(Address)...

Sworn to and subscribed before me this .... day of ....,

19... at Leon County, Florida.

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

(Signature and title of officer administering oath)

(a)--That--he--was--registered--to--vote--in--this--state--in--the--last preceding--general--election;

(b)--The--title--of--the--office--for--which--he--is--a--candidate;

(c)--That--he--is--a--qualified--elector--of--the--state--and--of--the territorial--jurisdiction--of--the--court--to--which--election--is--sought;

(d)--The--name--of--the--county--of--his--legal--residence;

(e)--That--he--is--qualified--under--the--laws--of--this--state--to--hold--the judicial--office--to--which--he--desires--to--be--elected;

(f)--That--he--has--not--violated--any--of--the--laws--of--the--state relating--to--elections--or--registration--of--electors;

(g)--That--he--has--taken--the--oath--as--required--by--ss.--876.05--876.10;

(h)--That--he--has--qualified--for--no--other--public--office--in--the state>--the--term--of--which--office--or--any--part--thereof--runs--concurrent to--the--office--he--seeks;--and

(i)--That--he--has--filed--with--the--division--a--sworn--statement--of contributions--and--expenditures--incurred--prior--to--the--time--of qualifying--and--since--the--last--preceding--general--election;

Section 37. Section 105.035, Florida Statutes, is created to read:

105.035 Alternative method of qualifying for certain judicial offices.--

(1) A person seeking to qualify for election to the office of circuit judge or county court judge who is unable to pay the qualifying fee without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify for election to such office by means of the petitioning process prescribed in this section. A person using this petitioning process shall file an oath with the Division of Elections stating that he intends to qualify for the office sought and stating that he is unable to pay the qualifying fee for the office without imposing an undue burden on his resources or on resources otherwise available to
him. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 92nd day prior to the date of the first primary election. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until he has filed the oath prescribed in this subsection.

(2) The Division of Elections shall prescribe the form of the petitions and shall, upon receipt of a written oath from a candidate, provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. No signature shall be counted toward the number of signatures required unless it is on a petition form prescribed pursuant to this subsection.

(3) A candidate for the office of circuit judge shall obtain the signature of a number of qualified electors equal to at least 3 percent of the total number of registered electors of the judicial circuit as shown by the compilation by the Department of State for the last preceding general election. A candidate for the office of county court judge shall obtain the signatures of a number of qualified electors equal to at least 3 percent of the total number of registered electors of the county as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself of the provisions of this section.

(4) Each candidate seeking to qualify for election to a judicial office pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of the judicial circuit or county, as the case may be. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors of the circuit or county and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

Section 38. Sections 105.041, 105.051, 105.061, 105.071, 105.08, 105.09, and 105.10, Florida Statutes, are amended to read:

105.041 Form of ballot.--In a judicial-nonpartisan-election:

(1) PAPER BALLOTS.--The names of candidates for judicial office which appear on the ballot at the first primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for judicial office which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot. When
the paper ballot is used, it shall be separate and apart from any other ballot and shall contain, in addition to the formal parts and instructions to voters, the names of all the candidates and the respective judicial offices for which they are candidates.

(2) VOTING-MACHINES.--When voting machines are used, the name of the candidate in the judicial nonpartisan election shall be on a separate line or column and shall be clearly designated as such.

(2)-(3) LISTING OF CANDIDATES.--The names of all candidates for the judicial office of circuit judge or office of county court judge being filled shall be listed in alphabetical order. With respect to justices and judges of District Courts of Appeal the question "Shall [Justice or Judge] (name of justice or judge) of the [name of the court] be retained in office?" and thereafter the words "For Retention" and "Against Retention".

(4) WRITE-IN-CANDIDATES.--

(a) Provision shall be made for the elector to write in the name of any person who has filed the oath or affirmation required by s. 105.031(4) with the Division of Elections at least 45 days prior to the date of the second nonpartisan election.

(b) The division of elections shall follow the procedure prescribed by s. 99.023(3) for any candidate qualifying in accordance with paragraph (a) of this subsection.

(3) REFERENCE TO PARTY AFFILIATION PROHIBITED.--No reference to political party affiliation shall appear on any ballot with respect to any to--be--used--in--a nonpartisan judicial office or candidate election.

105.051 Determination of election to office.--

(1)(a) The names of an unopposed candidate for the office of circuit judge or county court judge candidates shall not appear on any the nonpartisan ballot and such candidate shall be deemed to have voted for himself at the general election. Unless an write-in candidate has qualified under s. 105.041(4).

(b) If two or more candidates qualify for such an a--particular office, the names of those candidates shall be placed on the ballot at for the first primary nonpartisan election. If any candidate for such an office receives a majority of the votes cast for such office in the first primary election, the name of the candidate who receives such majority shall not appear on any other ballot and such candidate shall be deemed to have voted for himself at the general election. If no candidate for such an office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot; provided, if more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.
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(2) In order to be elected in the first nonpartisan election, a candidate must receive a majority of all the votes cast for the office. If no candidate receives a majority of all votes cast, the two candidates receiving the highest number of votes shall have their names placed on the ballot for election at the second nonpartisan election.

(c) The candidate who receives the highest number of votes cast for the office at the general election shall be declared elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) With respect to any justice of the Supreme Court or judge of a District Court of Appeal who qualifies to run for retention to office, the question prescribed in s. 105.041(2) shall be placed on the ballot at the general election. If a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

105.061 Electors qualified to vote.--Each qualified elector of the territorial jurisdiction of a court shall be eligible to vote for a candidate for each judicial office of such court, or in the case of a Justice of the Supreme Court or a Judge of a District Court of Appeal, for or against retention of such justice or judge in partisan elections.

105.071 Candidates for judicial office; limitations on political activity.--A candidate for judicial office shall not:

(1) Participate in any partisan political party activities; provided that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which he is registered to vote;

(2) Campaign as a member of any political party;

(3) Publicly represent or advertise himself as a member of any political party;

(4) Endorse any candidate;

(5) Make political speeches other than in his own behalf;

(6) Make contributions to political party funds;

(7) Accept contributions from any political party funds;

(8) Solicit contributions from any political party funds;

(9) Accept or retain a place on any political party committee;

(10) Make any contribution to any person, group, or organization for its endorsement to judicial office; or
(11) Agree to pay all or any part of any advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention thereto who violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

105.08 Campaign contribution and expense.--A candidate for judicial office may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his contributions and expenses, and shall file reports thereof on the same basis as required of a candidate for a nonjudicial state office and county offices.

105.09 Political activity in behalf of a candidate for judicial office limited.--

(1) No political party or partisan political organization shall endorse, support, or assist any candidate in a campaign for election to judicial office.

(2) Any person who knowingly, in his individual capacity or as an officer of an organization, violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, upon conviction, shall be punished by a fine of up to $500 or imprisonment in the county jail for a term of up to 6 months or by both such fine and imprisonment.

105.10 Applicability of election code.--If any provision of this chapter is in conflict with any other provision of this code, the provisions of this chapter shall prevail.

Section 39. Sections 106.011 and 106.021, Florida Statutes, are amended to read:

106.011 Definitions.--As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Candidate" means:

(a) Any person who has filed his qualification papers and subscribed to the candidate oath as required by s. 99.021, or

(b) Any person who has received contributions or made expenditures, appointed a campaign treasurer, designated a campaign depository, pursuant to this chapter, or given his consent for any other person to receive contributions or make expenditures, with a view to knowing about his nomination or election to public office in this state. However, for the purposes of this chapter, this definition shall not include those candidates for county executive committees of political parties.

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"Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party and which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $100,000. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04 and the state and county executive committees of political parties regulated by chapter 103 shall not be considered political committees for the purposes of this chapter. Corporations regulated by chapter 607 or chapter 617 are not political committees if their political activities are limited to contributions to candidates or political committees or expenditures in support or opposition of an issue from corporate funds and if no contributions are received by such corporations.

"Committee of continuous existence" means any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.

"Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

(c) The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

"Expenditure" means a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election.

"Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate, political committee, or agent of such candidate or committee.

"Election" means any primary election, special primary election, general election, special general election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting an issue to the electors for their approval or rejection pursuant to the State Constitution, a general or special act of the Legislature, or the charter of any political subdivision of this state.
(7) "Issue" means any proposition which is required by the state constitution, by law or resolution of the legislature, or by the charter, ordinance, or resolution of any political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have such proposition placed on the ballot at any election.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity.

(9) "Campaign treasurer" means an individual appointed by a candidate or political committee as provided in this chapter.

(10) "Public office" means any federal, state, county, municipal, school or other district, precinct, or political party office or position which is filled by vote of the electors of this state.

(11) "Testimonial" means any breakfast, dinner, luncheon, rally, party, reception, or other affair held to raise funds or any other purpose.

(12) "Division" means the Division of Elections of the Department of State.

(13) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mailing companies, advertising agencies, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephoneists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters and excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer or his or her campaign associates.

106.021 Campaign treasurers; deputies; primary and secondary depositories.--

(1) (a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination, election, or retention to office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he obtains the petitions. Each candidate shall at the same time he designates his campaign depository and appoints his treasurer also designate the office for which he is a candidate. Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he is a candidate and using the campaign funds for that candidacy. No person shall accept any contribution or make any expenditure with a view to bringing about his nomination, election, or retention to public office, nor authorize another to accept such contributions or make such expenditure on his behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate candidates for an office offices

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voted upon on a statewide basis may appoint not more than 15 deputy campaign treasurers, and any candidate or political committee may appoint not more than three deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to file reports pursuant to s. 106.07.

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his or its campaign treasurer pursuant to paragraph (a).

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall be a registered voter in this state and shall, before such appointment may become effective, have accepted appointment to such position in writing filed with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint himself as his own campaign treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates shall not be required to designate a campaign depository in the state.

(2) A candidate or political committee may remove his or its campaign treasurer or any deputy treasurer. In case of the death, resignation, or removal of a campaign treasurer before compliance with all obligations of a campaign treasurer under this chapter, the candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment. No resignation shall be effective until it has been submitted to the candidate or committee in writing, and a copy thereof has been filed with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. No treasurer or deputy treasurer shall be deemed removed by a candidate or political committee until written notice of such removal has been given to such treasurer or deputy treasurer and has been filed with the officer before whom such candidate is required to qualify or with the officer with whom such committee is required to file reports.

(3) No contribution shall be received or expenditure made by or on behalf of a candidate or political committee until the candidate or political committee appoints a campaign treasurer and certifies
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the name and address of the campaign treasurer pursuant to this section. Each candidate shall appoint his campaign treasurer and file the name of such treasurer not later than the day the candidate qualifies for office.

(3)(4) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate himself or of his family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications media for the purpose of jointly endorsing six or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

(4)(5) A deputy campaign treasurer may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and chairman of the political committee, in the case of a political committee.

Section 40. Section 106.025, Florida Statutes, is created to read:

106.025 Testimonials.--

(1)(a) No testimonial may be held for purposes of raising funds to be used in a campaign for public office or nomination or election thereto, unless the person for whom such funds are to be so used is a candidate for public office, and written notice of intent to hold such testimonial is filed pursuant to this subsection.

(b) Notice of intent to hold such a testimonial shall be filed by the candidate or person in charge of such testimonial with the officer with whom reports are required to be filed by the candidate for whom the funds are to be used pursuant to s. 106.07. Such notice shall state the date and place the testimonial is to be held, the name and address of the person or persons in charge of such testimonial, and the name and address of the candidate for whose campaign the funds are to be used. No moneys may be raised and no expenditures made in furtherance of such a testimonial until the notice of intent has been filed.

(c) All money and contributions received with respect to such a testimonial shall be made only through the campaign treasurer of the candidate for whom the funds are to be used and shall be deemed to be campaign contributions and accounted for and subject to the same restrictions as other campaign contributions. Any amount paid for the purchase of tickets for testimonials held pursuant to this subsection shall be a contribution subject to the limits of s. 106.08, and shall be included in calculating the maximum contributions permitted by s. 106.08. All expenditures made with respect to such a testimonial shall be made only by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures accounted for and subject to the same restrictions as other campaign expenditures.
(d) Any tickets or advertising for such a testimonial shall contain the following statement: "The purchase of a ticket for, or a contribution to, the testimonial is a contribution to the campaign of ...(name of the candidate for whose benefit the testimonial is held)...". Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.

(e) Any person or candidate who holds a testimonial or consents to a testimonial being held in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) (a) Except for testimonials held pursuant to subsection (l), no testimonial shall be held in honor or on behalf of any person holding public office unless a notice of intent to hold such testimonial has first been filed pursuant to this subsection by the person in charge of such testimonial and unless a separate testimonial account has been set up in a depository and a treasurer appointed. No money or donation may be accepted nor any payment made with respect to such testimonial until the notice of intent has been filed and a separate testimonial account has been established and a treasurer appointed.

(b) Such notice, in the case of a state or multicounty district officer, shall be filed with the Division of Elections, and, in the case of any other public officer, shall be filed with the supervisor of elections of the county in which such officer resides. Such notice shall state the date and place the testimonial is to be held, the name and address of the person or persons in charge of the testimonial, the name and address of the officer in whose honor or in whose behalf the testimonial is to be held, the purpose for which the testimonial is to be held, and the purpose for which the funds raised are to be used.

(c) All money and donations received and all payments made with respect to such testimonial shall be made only through the treasurer, duly appointed pursuant to this subsection. The appointed treasurer shall keep detailed accounts of all deposits and all payments made with respect to such account in the same manner and subject to the same restrictions as required for a campaign account by a campaign treasurer and shall file regular reports on the first and third Mondays of each month with the officer with whom the notice of intent is filed until the funds on deposit are disposed of and the account closed. Each report shall contain the following information:

1. The full name, residence address or business address, mailing address if different from the residence address or business address, occupation, and principal place of business, if any, of each person, political committee, or committee of continuous existence who, within the reporting period, purchases one or more tickets or gives any money or donation with respect to such testimonial, together with the amount and date thereof. The occupation and principal place of business, however, need not be listed if the purchase price of the ticket or tickets or if the money or donation does not exceed $100.

2. The full name, residence address or business address, mailing address if different from the residence address or business address, occupation, and principal place of business, if any, of each person, political committee, or committee of continuous existence to whom any payment is made within the reporting period, together with the date and amount thereof and the purpose therefor.
(d) No person may purchase more than $1,000 worth of tickets to such a testimonial or give money or make any donation in excess of $1,000 with respect to such a testimonial or purchase any ticket for or give any money or make any donation to such a testimonial in the name of another. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The proceeds of the testimonial held pursuant to this subsection remaining after the payment of the expenses therefor shall be disposed of as provided in this paragraph. All proceeds after payment of the expenses for such testimonial shall either be donated to a charity stated in the notice of intent, returned prorata to each person who purchased a ticket or gave money or made a donation, or given, in the case of a state officer, to the state to be deposited in the General Revenue Fund, or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof. Such disposition of funds shall be made by the person in charge of such testimonial within 90 days from the date the testimonial is held, and a report shall be filed with the officer with whom the notice of intent is filed which report shall be in the form and manner and contain the information prescribed in s. 106.141(6).

(f) Any person or officer who holds a testimonial or who consents to a testimonial being held in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(g) Any person who is required by the provisions of this subsection to dispose of funds in a testimonial account who fails to dispose of the funds in the manner provided in this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section shall not apply to any testimonial held on behalf of a political party by the state or county executive committee of such party, provided that the proceeds of such testimonial are reported pursuant to s. 106.29.

Section 41. Subsections (1), (3), and (4) of section 106.03, Florida Statutes, are amended to read:

106.03 Registration of political committees.--

(1) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $100,000 shall file a statement of organization with the officer with whom such committee files original reports pursuant to s. 106.07, within 10 days after its organization or, if later, within 10 days after the date on which it has information which causes the committee to anticipate that it will receive contributions or make expenditures in excess of $100,000. However, committees required by the Federal Campaign Communications Act of 1971 (Public Law 92-225) to file statements of organization with federal officials may file a duplicate copy of such statement in lieu of the statement required by this section. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.
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(3) Any change in information previously submitted in a statement of organization shall be reported to the officer with whom such committee is required to file reports pursuant to s. 106.07 Division of Elections within 10 days following the change.

(4) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $100 shall notify the officer with whom such committee is required to file reports pursuant to s. 106.07 Division of Elections.

Section 42. Section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.--

(1) In order to qualify as a committee of continuous existence for the purposes of this chapter, a group, organization, association, or other such entity which is involved in making contributions to candidates must meet the following criteria:

(a) It shall have been in continuous existence for a period of at least 2 years prior to filing an application with the Division of Elections pursuant to subsection (2). However, the division, in its discretion, may waive the requirement of at least 2 years' prior existence upon a showing of reasonable expectation by any such applicant that it is a group, organization, association, or other such entity of a continuous nature, and the division may disqualify for cause any group, organization, association, or other such entity within 2 years of such qualification under this paragraph.

(b) It shall be organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization;

(b) A minimum of 25 percent of the income of such organization must be derived from dues or assessments payable on a regular basis by its members pursuant to provisions contained in the charter or bylaws.

(2) Any group, organization, association, or other entity may seek certification from the Department of State as a committee of continuous existence by filing an application with the Division of Elections on a form provided by the division. Such application shall provide the information required of political committees by s. 106.03(2). Each application shall be accompanied by the name and street address of the principal officer of the applying entity as of the date of the application; a membership list; a copy of the charter or bylaws of the organization; a copy of the dues or assessment schedule of the organization or formula by which dues or assessments are levied; and a complete financial statement or annual audit summarizing all income received and all expenses incurred by the organization during the 12 months preceding the date of application. A membership list shall be made available for inspection if deemed necessary by the division.

(3) If the Division of Elections Department of State finds that an applying organization meets the criteria for a committee of continuous existence as provided by subsection (1), it shall certify
such findings and notify the applying organization of such certification. If it finds that an applying organization does not meet the criteria for certification, it shall notify the organization of such findings and shall state the reasons why such criteria are not met.

(4) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January between--June--15 and July--30 of each year. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). In addition to such annual report, each committee shall file regular reports with the Division of Elections at the same times that reports are required of candidates by s. 106.07(1). A duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records. Reports shall be on forms provided by the division and shall contain the following information:

(a) The full name, residence address or business address, mailing address if different from residence address or business address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. However, if the contribution is less than $100, the occupation of the contributor need not be listed, and only the name and mailing address is necessary. For any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, however, only the aggregate amount of such contributions need be listed together with the number of members paying such dues and the amount of the membership dues.

(b) The name and address of each political committee or committee of continuous existence from which the reporting committee received, or to which it made, any transfer of funds, together with the amounts and dates of all transfers.

(c) Any other receipt of funds not listed pursuant to paragraphs (a) or (b), including the sources and amounts of all such funds.

(d) The name, address, and office sought by each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution. The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) No committee of continuous existence shall contribute to any candidate or to any political committee in excess of the limits contained in s. 106.08(1) or participate in any other activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support
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of, or in opposition to, an issue unless such committee first
registers as a political committee pursuant to this chapter and
undertakes all the practices and procedures required thereof.

(6) All accounts and records of a committee of continuous
existence may be inspected under reasonable circumstances by any
authorized representative of the Division of Elections or the Florida
State Elections Commission. The right of inspection may be enforced
by appropriate writ issued by any court of competent jurisdiction.

(7) If a committee of continuous existence ceases to meet the
criteria prescribed by subsection (1), the Division of Elections
Department of State shall revoke its certification until such time as
the criteria are again met.

Section 43. Section 106.05, Florida Statutes, 1976 Supplement, is
amended to read:

106.05 Deposit of contributions; statement of campaign
treasurer.—All funds received by the campaign treasurer of any
candidate or political committee shall, prior to the end of the
second business day following the receipt thereof (Sundays and legal
holidays excluded), be deposited in a campaign depository designated
pursuant to s. 106.021 in an account designated "Campaign Account
Fund of (name of candidate or committee)." All deposits shall be
accompanied by a bank deposit slip containing the name of each
ccontributor and the amount contributed by each. However, any
contribution which is in an amount of $100 or less need not be
deposited in such account until the end of the 7th day following the
receipt thereof, unless during such 7-day period the aggregate of
contributions received totals more than $100. A detailed statement
showing the names, residences, and mailing addresses of the persons
contributing, or providing funds so deposited, together with a
statement of the amount received from or provided by each person,
shall accompany all deposits so made by the campaign treasurer. Cash
contributions shall also be accompanied by the receipt form required
by s. 106.09. Such statement shall be in triplicate upon a form
prescribed by the Division of Elections; one copy to be retained by
the campaign depository for its records, one copy to be filed by the
depository as set forth in s. 106.07, if applicable, and one copy to
be retained by the campaign treasurer for his records. Statements
shall be certified as correct by the campaign treasurer. If a
contribution is deposited in a secondary campaign depository, the
depository shall forward the full amount of the deposit, along with a
copy of the deposit slip statement accompanying the deposit, to the
primary campaign depository prior to the end of the first business
day following the deposit.

Section 44. Section 106.055, Florida Statutes, is created to
read:

106.055 Valuation of in kind contributions.—Any person who makes
an in kind contribution shall, at the time of making such
contribution, place a value on such contribution, which valuation
shall be the fair market value of such contribution.

Section 45. Subsection (2) of section 106.06, Florida Statutes,
is amended to read:

106.06 Treasurer to keep records; inspections.—
(2) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida State Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurer of a political committee supporting a candidate may be joined with the campaign treasurer of the candidate as respondent in such a proceeding.

Section 46. Section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.--

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate or political committee. Reports shall be filed on the first Monday of each calendar quarter from the time the campaign treasurer is appointed. Following the last day of qualifying for office, the unopposed candidate shall file the following reports:

(a) On the Monday preceding the election for a candidate who is unopposed in seeking nomination or election to any office;

(b) On Monday of each week preceding the election for a candidate who is opposed in seeking nomination or election to a statewide office or for political committees supporting or opposing candidates or issues to be voted on in a statewide election; or

(c) On the first and third Mondays of each month and the Monday immediately preceding the election for a candidate who is opposed in seeking nomination or election to less than a statewide office, for political committees supporting or opposing candidates or issues to be voted on in an election on less than a statewide basis, or for committees of continuous existence.

(2) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked no later than midnight of the Friday preceding the day designated shall be deemed to have been filed in a timely manner. All such reports shall be open to public inspection. All candidates who qualify with the Secretary of State shall file a duplicate copy at the same time with the supervisor of elections in the county in which the candidate resides. Any report which is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail as to why the report is incomplete and be given 3 days from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice shall constitute a violation of this chapter.
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(3) Reports required of a political committee shall be filed with the Division of Elections if such committee is supporting or opposing a candidate for statewide office or advocating the acceptance or rejection of an issue to be voted on in a statewide election. If such political committee is supporting or opposing a candidate for districtwide-(multicounty)-office or is advocating the acceptance or rejection of an issue to be voted on in an election to be held in more than one county, such reports shall be filed with the supervisor of elections Clerk-of-the-Circuit-Court of each county in which the election is to be held, and a duplicate copy shall be filed with the Division of Elections. If such political committee is supporting or opposing a candidate for countywide office or for any office on less than a countywide basis, or is advocating the acceptance or rejection of an issue to be voted on in a countywide election or in any election on less than a countywide basis, such reports shall be filed with the supervisor of elections Clerk-of-the-Circuit-Court of the county in which such election is being held. However, political committees which only support or oppose candidates for municipal office or issues to be voted on in a municipal election shall file their reports with the officer before whom municipal city candidates qualify. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4) Each report required by this section shall contain the following information:

(a) The full name, residence address or business address, mailing address if different from the residence address or business address, occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is less than $100, the occupation and principal place of business of the contributor need not be listed, and only the name, residence address or business address, mailing address, if different from the residence address or business address, is necessary;

(b) The name and address of each political committee from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(c) Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans;

(d) The total amount of proceeds from:

1. Sales-of-tickets-to Each testimonial dinner, luncheon, rally, or other fund-raising event regulated by s. 106.025 and 99-93, and

2. Sales of such items as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
(e) Each contribution, rebate, refund, or other receipt not otherwise listed under paragraphs (a) through (d);

(f) The total sum of all receipts by or for such committee or candidate during the reporting period;

(g) The full name, residence address or business address, mailing address if different from the residence address or business address, and principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually;

(h) The full name, residence address or business address, mailing address if different from the residence address or business address, and principal place of business, if any, of each person to whom an expenditure for personal services, salary, or reimbursed expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually;

(i) The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period;

(j) The total sum of expenditures made by such committee or candidate during the reporting period;

(k) The amount and nature of debts and obligations owed by or to the committee or candidate which relate to the conduct of any political campaign.

(5) A report shall be filed 45 days after the last election in a given election period in which a candidate or political committee participates, or 45 days after the election in which a candidate is eliminated for nomination or election to office. If such final report shows an unexpended balance of contributions, the campaign treasurer of the candidate or political committee shall file with the officer before whom original reports are filed pursuant to subsections (2) and (3) a supplemental statement of contributions and expenditures. Such supplemental statement shall be filed on the first Monday of each calendar quarter until the account shows no unexpended balance of contributions and the account has been closed.

(6) The candidate and his campaign treasurer, in the case of a candidate, or the political committee chairman and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chairman who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) The campaign depository shall return all checks drawn on the account and all deposit slips for such account to the campaign
treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(8) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(9) The provisions of this section to the contrary notwithstanding, any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates may file a copy of the list of contributions required by the Federal Campaign Communications Act of 1971 (Public Law 92-225) with the Department of State in lieu of any report required in this section. However, any contribution or expenditure not required to be reported by the committee under such federal law shall be reported to the division in accordance with the provisions of this chapter.

Section 47. Section 106.071, Florida Statutes, is created to read:

106.071 Independent expenditures; reports; disclaimers.--

(1) Each person who makes an independent expenditure with respect to any candidate or issue which expenditure, in the aggregate, is in the amount of $100 or more shall file periodic reports of such expenditures in the same manner, at the same time, and with the same officer as a political committee supporting or opposing such candidate or issue. Any political advertisement paid for by an independent expenditure shall prominently state "Paid political advertisement paid for by ... (Name of person or committee paying for advertisement)... independently of any candidate," and shall contain the name and address of the person paying for the political advertisement.
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(2) Any person who fails to include the disclaimer prescribed in subsection (1) in any political advertisement which is required to contain such disclaimer is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) No person may make a contribution in excess of $1,000 to any other person to be used by such other person to make an independent expenditure.

Section 48. Sections 106.08, 106.09, 106.11, 106.12, and 106.14, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.--

(1) No person or political committee shall make contributions to any candidate or political committee in this state for any election in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $1,000.

(b) To a candidate for legislative or multicounty office, $1,000.

(c) To a candidate for statewide office, $3,000.

(d) To any political committee in support of, or in opposition to, an issue to be voted on in a statewide election, $3,000.

(e) To any political committee in support of, or in opposition to, an issue to be voted on in a countywide, districtwide, or less than countywide election, $1,000.

(f) To a political committee supporting or opposing one or more candidates, $1,000.

(g) To a candidate for county court judge or circuit judge, $1,000.

(h) To a candidate for retention as a judge of a District Court of Appeal, $2,000.

(i) To a candidate for retention as a justice of the Supreme Court, $3,000.

The contribution limits provided in paragraphs (a) through (i) shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by this subsection shall apply to each election in which a candidate participates. For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections or election time segments, whether or not the candidate has opposition in the respective elections; provided, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a District Court of Appeal, there shall be
only one election which shall be the general election, and with respect to candidates for circuit judge or county court judge there shall be only two elections which shall be the first primary election and general election.

(2) Any contribution received by the campaign treasurer or a deputy treasurer of a candidate or political committee on the day of any election or less than 5 days prior to the day of any an election in which a candidate or political committee participates shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of a candidate or political committee.

(3) No person shall make any contribution in support of or opposition to a candidate for election or nomination or in support of or in opposition to an issue, to any political committee, through or in the name of another, directly or indirectly, in any primary or general election or in any election at which an issue is presented to the electors for their approval or rejection. The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate to continue regular personal contributions to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months.

(4) Any person who knowingly and willfully makes a contribution in violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any person who knowingly and willfully violates the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

106.09 Receipts for Cash contributions and contribution by cashier's checks.--

(1) No person shall make or accept a cash contribution or contribution by means of a cashier's check in excess of $100 unless the contribution is accompanied by a contribution statement on a form approved by the Division of Elections. Such statement shall contain the following information:
Any person who makes or accepts a contribution in violation of this section is guilty of a misdemeanor of the first degree punishable as provided in ss. 775,082, 775,083.

106.11 Expenditures by candidates and political committees.—Each candidate and each political committee which designates a designating primary campaign depository pursuant to s. 106.021(1) shall make expenditures only from funds on deposit in such primary campaign depository and only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1) The campaign treasurer or duly-authorized deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of deliver—an—authorization—voucher—to—the—person—or—firm—providing—goods—or—services—to—the—candidate—or—the political committee for—which funds—are—to—be—expended. The campaign account shall be separate from any personal or other account, and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee. The checks for such account The authorization—voucher—shall—be—in—a—form—approved—by—the—Division—of Elections and shall contain as a minimum the following information:

(a) The statement "Campaign Account of ...(name of candidate or political committee)....".

(b) The account number and the name of the bank.

(c) The exact amount of the expenditure funds—authorized—to—be expended—by—such—voucher.
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(d) The signature of the campaign treasurer or deputy treasurer.

(e) The exact purpose for which the expenditure is authorized.

(f) The name of the payee.

2. No candidate, campaign manager, treasurer, deputy treasurer, political committee, or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenditure, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expenditure and to honor all other checks drawn on such account which checks are outstanding and to meet all expenses previously authorized but not yet paid, provided an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is sufficient amount of money in the petty cash fund to pay for such expenditure. Any such expenses incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter in the voucher.

Such--an--expenditure--will--not--be--in--violation--of--the--expense--limitations--provided--by--s.--106;18--if--5--1973;

(d)--The--signature--of--the--campaign--treasurer--or--deputy--treasurer--authorizing--the--expenditure;

(e) The provider of goods or services shall present such authorization voucher to the primary depository for payment from the account of the candidate or political committee authorizing the expenditure. The provider of goods or services shall certify in writing in a space provided on the voucher that all the information contained on such voucher is true and complete to the best of his knowledge, and shall sign such certification.

(f) If the primary depository finds an authorization voucher to be complete and in order, it shall render payment in the amount authorized by the voucher from the account of the candidate or political committee authorizing the expenditure. If the voucher is not in order, the primary depository shall return the forms to the provider of goods or services and immediately file a complete report of the occurrence with the Division of Elections.

The campaign treasurer may issue to the candidate a voucher for traveling expenses still to be incurred.

106.12 Petty cash funds allowed.--
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(2)¶¶ Following the close of the last day for qualifying and until the report is filed pursuant to s. 106.07(5) Beginning on the 40th day preceding an election in which a candidate or political committee intends to participate, the campaign treasurer of each candidate or each political committee is authorized to withdraw the following amount each week from the primary depository campaign account for the purpose of providing a petty cash fund for the candidate or political committee:

(a) For all candidates for nomination or election on a statewide basis, $500 $1,000 per week.

(b) For all other candidates and all political committees, $100 $200 per week.

(3)¶¶ The petty cash fund so provided shall may be spent only in amounts less than $20 and only for office supplies, transportation expenses, and other necessities in an amount of less than $20. Petty cash shall not be used for the purchase of time, space, or services from communications media as defined in s. 106.011(13).¶¶.

106.14 No goods or services provided without prior authorization.—

(1) Except as provided by subsection (2), no person, corporation, or other business entity, political committee, or other group or organization shall provide goods or render services for consideration to any candidate or political committee until payment for such goods or services has been made pursuant to unless such provision of goods or rendition of services is first-authorized-in-the-manner—provided by s. 106.11 or unless the expense is to be paid from petty cash on hand as provided by s. 106.12. Any provider of goods or services who knowingly renders such goods or services without first receiving payment for such goods or services an authorization—voucher or knowingly renders goods or services in excess of the expenditure or amount of goods or services for which payment is made authorized—by such form shall be in violation of this chapter.

(2) Authorization vouchers for expenditures to public utilities for telephone, electric, gas, water, and like services shall be made issued when the bill for such services is received if the candidate or political committee receiving such services has deposited with the utility an amount which such public utility estimates as being sufficient to meet all charges for a given billing period.

(3)¶¶ Any corporation, partnership, or other business entity which is convicted of knowingly and willfully violates violating this section is guilty of a misdemeanor, punishable by a fine of it shall be fined not less than $1,000 and not more than $10,000. If it is a
domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; and, if a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(4) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any individual who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor in the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 49. Section 106.1405, Florida Statutes, is created to read:

106.1405 Use of campaign funds by candidates.—If a candidate or spouse of a candidate intends to draw a salary from the campaign account of such candidate or use funds on deposit in a campaign account to defray normal living expenses for himself or his family, other than expenses actually incurred for transportation, meals, and lodging by himself or a member of his family during travel in the course of the campaign, the candidate shall within 30 days after January 1, 1978, or at the same time he appoints his treasurer and designates his campaign depository, whichever last occurs, file with the officer before whom he qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used.

Section 50. Section 106.141, Florida Statutes, is created to read:

106.141 Disposition by candidates of surplus funds.—

(1) Any candidate who withdraws his candidacy shall, pursuant to this section within 90 days of withdrawing his candidacy, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his candidacy.

(2) Each candidate shall, pursuant to this section within 90 days after having been eliminated as a candidate or elected to office, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate has been eliminated as a candidate or elected to office.

(3) All funds on deposit in the campaign account of any candidate, which funds have not been used in a campaign for public office within 2 years from the date the campaign account was established shall be, within 90 days following the second anniversary of the date the campaign account was established, disposed of pursuant to this section. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the second anniversary of the date the campaign account was established.
(4) Any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, either return prorata to each contributor the funds which have not been spent or obligated to be spent with respect to a campaign which has been conducted, or give the funds which have not been spent or obligated to be spent with respect to a campaign which has been conducted, in the case of a candidate for state office, to the state to be deposited in the General Revenue Fund, or, in the case of a candidate for an office of a political subdivision, to such political subdivision to be deposited in the general fund thereof.

(5) A candidate elected to office may dispose of all of the funds in such account in the manner provided in this section or may retain on deposit in such account any amount of the funds on deposit in such account up to:

(a) $6,000, for a candidate for statewide office.

(b) $3,000, for a candidate for legislative or multi-county office.

(c) $1,500, for a candidate for countywide office or for a candidate in any election conducted on less than a countywide basis.

(d) $6,000, for a candidate for retention as a justice of the Supreme Court.

(e) $3,000, for a candidate for retention as a judge of a District Court of Appeal.

(f) $1,500, for a candidate for county court judge or circuit judge.

Any funds so retained by a candidate shall be used only for legitimate expenses in connection with his public office. Any candidate elected to office who retains funds pursuant to this subsection and who has funds remaining in such account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (4), dispose of all funds on deposit in the account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously retained funds are deposited an amount equal to the difference between the amount retained and the amount of previously retained funds to be used for legitimate office expenses. Upon leaving public office, any person who has funds retained pursuant to this subsection remaining on deposit shall give such funds, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section, and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing the name and address of each person or unit of
government to whom any of the funds were distributed and the amounts thereof, the name and address of each person to whom an expenditure was made together with the amount thereof and purpose therefor, and listing the amount of such funds retained by the candidate. Such report shall be signed by the candidate and the campaign treasurer, and certified as true and correct pursuant to s. 106.07.

(7) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his candidacy or after the candidate has been eliminated as a candidate or elected to office, or after the second anniversary of the date the campaign account of such candidate was established, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any candidate who is required by the provisions of this section to dispose of funds in his campaign account who fails to dispose of the funds in the manner provided in this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 51. Section 104.371, Florida Statutes, 1976 Supplement, is transferred to section 106.142, Florida Statutes, and amended to read:

106.142 Political advertisement defined.--"Political advertisement" is a paid expression in any mass media attracting public attention, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which shall support or oppose any candidate or issue, excluding the campaign messages designed to be worn on a person's clothing used by a candidate and his supporters transmit—any—idea—furthering—the candidacy—for—a—public—office—of—a—person—or—which—shall—endorse—or—oppose—any—proposition—or—issue—which—is—submitted—to—the—electors for—their—approval—or—rejection—at—any—election—held—by—this—state—or—any—political—subdivision—thereof.

Section 52. Section 104.37, Florida Statutes, is transferred to section 106.143, Florida Statutes, and amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement advertisements and any 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—by—any—organization—and—if—the—same—is—being—circulated—by—any—person—or—organization—shall—be—circulated—by—a—committee—or—a—group—of—a—committee, and if such literature is in circular form it shall have upon it the name of the person or organization paying for such advertisement.

(2) Any printed political advertisement advertisements of a candidate candidates running for office in a general election elections shall express bear the name of the political party of which the candidate is the nominee affiliated. This—provision—is intended—to—be—bread—in—scope—and—shall—include—all—media—such—as—posters,signs, billboards, cards, circulars, letters, newspaper—and
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magazine--advertisements--and--any--other--form--of--advertising. Any political advertisement circular--printed-material, etc., endorsing or--using--the-name-of--the--candidate, shall expressly state set-forth in-comparable-printing whether the permission of the candidate by name has been obtained to advertise such endorsement permitting this printing.

(3)---When--any--candidate--running--for--office--in--a--general-election uses--the--media--of--radio--or--television,--it--shall--be--distinctly announced--in--such--broadcasts--or--television--the-name-of--the-political party--with--which--such--candidate--is--affiliated.

(3)(4) It shall be unlawful for any candidate or person on behalf of a--to--publish--any--circular--advertisement--list--of--candidates name,--or--other--form--of--announcement--to--the--public--in--which--the--name of--any--other--candidate--to--represent--that--any--person--or--organization supports--such--candidate--unless--the--person--or--organization--so represented--has--given--specific--approval--in--writing--to--make--such representation--group--or--organization--is--used--in--support--of--his candidacy--unless--prior--to--such--publication--the--candidate--shall--have given--his--specific--approval--to--make--such--publication. Provided, that this section--shall--not--apply--to:

(a) Editorial endorsement by any newspaper, radio, or television station or other recognized news media.

(b) Publication by a party committee advocating the candidacy of its nominees.

(5)---Publication--of--sample--ballots--or--partial--sample--ballots provided--that--such--ballots--contain--the--name--of--all--candidates--in their--proper--order--of--the--races--therein--mentioned,--if--a--partial ballot--contains--all--races--without--omission--from--the--top--of--the--ballot to--and--including--the--last--race--shown--thereon,--and--show--no--indication of--preference--or--recommendation--in--regard--to--a--candidate--shown thereon--without--his--prior--specific--consent.

(5) All--political--advertisements--or--endorsements including--any publication--which--purports--to--rate--rank--or--characterize--candidates for--public--office--sponsored--by--any--group,--club,--association,--or other--organization--except--organizations--affiliated--with--political parties--regulated--by--chapter--103--for--purpose--of--endorsing--the candidacy--of--one--or--more--candidates--for--public--office--or--for--purpose of--endorsing--or--opposing--any--referendum--shall--contain--the--following information:

(a) The--name--of--the--principal--officer--of--the--endorsing organization--and--his--mailing--address.

(b) The--number--of--members--of--the--organization--during--the preceding--12--months--and--how many--of--these--members,--if--any,--have--paid dues,--and

(c) A--statement--as--to--whether--any--of--the--candidates--being endorsed--in--such--advertisement--has--made--a--contribution--to--the organization--or--has--otherwise--participated--in--providing--payment--for such--advertisements--excluding--individual--payment--of--membership-dues,
Any person who willfully violates the provisions of this section is subject to the civil penalties prescribed in § 106.265.

Section 53. Section 104.373, Florida Statutes, is transferred to section 106.144, Florida Statutes, and amended to read:

106.144 104.373 Endorsements by certain groups and organizations.—

(1) Any group, club, association, or other organization, except organizations affiliated with political parties regulated by chapter 103, which intends to endorse the candidacy of one or more candidates for public office or which endorses or opposes any referendum by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement as provided by this section with the officer or officers provided in this section therein. Such statement shall be filed with the officer before whom each candidate that the organization intends to endorse qualified for office pursuant to law. Each statement shall contain the following information:

(a) The date the organization was chartered and the number of members during the most recent 12 months and how many of these members, if any, have paid dues;

(b) A list of current officers or directors of such organization and a statement as to their method of selection;

(c) A statement of the procedures used by such organization in determining which candidates to endorse;

(d) If political advertisements for endorsement purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of such funds; and

(e) The amount of funds contributed to the organization by candidates for public office, including payments contributions in the form of dues, and the name of, and office sought by, each such candidate.

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of subsection (1) is subject to the civil penalties prescribed in § 106.265.

Section 54. Section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts expenditures prohibited.—

(1) No person, candidate, political party, political committee, or person acting on behalf of another shall, prior to qualifying for office, directly or indirectly in furtherance of any candidacy make any use of...
(e) -- Advertising on radio or television;
(f) -- Advertising in newspapers, magazines, or periodicals;
(g) -- Advertising on billboards, banners, or streamers;
(h) -- Advertising on campaign literature or any other printing; or
(i) -- Advertising in which to address the public;

(1) No person 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 such a person pay money or give anything of value for such privilege.

(2) If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not more than $10,000, and, if a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; if a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(3) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in a violation of this section shall be guilty of a misdemeanor of the first degree and punished as provided in s. 775.082 or s. 775.083.

(4) Any individual violating the provisions of this section shall be guilty of a misdemeanor in the first degree and punished as provided in s. 775.082 or s. 775.083.

Section 55. Section 106.16, Florida Statutes, is amended to read:

106.16 Limitation on certain rates and charges.--

(1) No person or corporation within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one a candidate for state or county public office for political advertising in a county or for political broadcasts in a county at a rate in excess of that charged another political candidate the lowest local rate available to advertisers otherwise qualifying for maximum frequency discounts, bulk discounts, and advertising packages, including any cash discounts allowed, nor shall such a person or corporation charge one political candidate in a county a higher rate than another political candidate, and no candidate or political committee shall pay for political advertising or broadcasts any rate or charge in excess of the lowest local rate available to advertisers otherwise qualifying for maximum frequency discounts, bulk discounts, and advertising packages, including any cash discounts allowed.

(2) Violations of this section are punishable as provided in s. 106.14(3), (4), or (5) s. 106.15(3), (4), and (5) s. 106.17 of the Florida Statutes, 1973.

Section 56. Subsection (6) of section 106.17, Florida Statutes, is amended to read:

106.17 Polls, surveys, etc., acts prohibited, exceptions, penalty.--
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(6) Any person who violates the provisions of this section is shall be guilty of a misdemeanor of the first degree, punishable and punished as provided in s. 775.082 or s. 775.083.

Section 57. Sections 106.18, 106.19, 106.20, 106.21, and 106.22, Florida Statutes, are amended to read:

106.18 When a candidate's name to be omitted from ballot.--

(1) The name of a candidate shall not be printed on the ballot for an election if the candidate is or--his--campaign--treasurer--has been convicted of violating s. 106.19 fF.8-1973).

(2) Any candidate whose name is removed from the ballot pursuant to subsection (1) is disqualified as a candidate for office. If the disqualification of such candidate results in a vacancy in nomination, such vacancy shall be filled by a person other than such candidate A--vacancy-on-an-official-ballot-under-this-section-may-be filled in the manner provided by law--but-not--by--the--name--of--the--candidate.

(3) No certificate of election shall be granted to any candidate until all pre-election reports required by s. 106.07 fF.8-1973 have been filed in accordance with the provisions of s. 106.07 or s. 106.20.

106.19 Violations by candidates, persons connected with campaigns, and political committees--campaign-treasurer.--

(1) Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, or committee chairman, vice chairman, campaign treasurer, or deputy treasurer or other officer of any political committee, or any agent or person acting on behalf of any candidate or political committee, or any other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed prohibited by s. 106.08 fF.8-1973;)

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(3) in excess-of-the-amounts-provided-in---s---106.16---fF.8-1973---any---expenditure-in-excess-of-funds-on-deposit-as-provided-in s. 106.13 fF.8-1973), or any other expenditure prohibited by this chapter; or

(e)---Makes-any-expenditure-in-any-manner-other-than-that-provided by-this-chapter;

is shall be guilty of a misdemeanor of the first degree, punishable, and punished as provided in s. 775.082 or s. 775.083.

(2) Any candidate, campaign treasurer, or deputy treasurer or any chairman, or vice chairman, or other officer of any political committee, or any agent or person acting on behalf of any candidate
or political committee, or any other person who violates paragraphs (a), (b), (d), or (e) of subsection (1) shall be subject to a civil penalty equal to three times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state. The Division of Elections shall have authority to bring a civil action in circuit court to recover such civil penalty.

106.20 Failure to submit reports; penalties.--If any campaign treasurer fails to submit a report required by s. 106.07, the filing officer who is to receive such report shall send a notice to the campaign treasurer by registered mail with return receipt requested, stating that such report is overdue and ordering such treasurer to file the report not later than 5 p.m. of the second business day after the notice is received. Copies of such notice shall be mailed in a like manner to the candidate or the chairman of the political committee appointing such treasurer. Any campaign treasurer who fails willfully to submit such reports prior to the time designated in the notice is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

106.21 Certificates of nomination or election not to be issued upon conviction.--

(1) If a successful candidate is convicted of violating s. 106.19 prior to the issuance of his certificate of nomination or election, such certificate shall not be issued, and a vacancy shall be declared and filled as provided by law.

(2) If a successful candidate is convicted of violating s. 106.19 subsequent to the issuance of a certificate of election but prior to taking office, such certificate shall be rescinded by the issuing body and declared void, and a vacancy in office shall exist and be filled as provided by law.

106.22 Duties of the Division of Elections.--It shall be the duty of the Division of Elections to:

(1) Prescribe forms for statements and other information required to be filed by this chapter. Such forms shall be furnished by the Department of State or office of the supervisor of elections and shall be furnished to persons required to file such statements and information with such agency.

(2) Prepare and publish a manual prescribing a uniform system for accounts for use by persons required by this chapter to file statements.

(3) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(4) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(5) Make statements and other information filed with it available for public inspection and copying during regular office hours and to make copying facilities available at a charge not to exceed actual cost.
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(4) Preserve such statements and other information required to be filed with the division pursuant to this chapter for a period of 10 years from date of receipt.

(5) Prepare and publish summaries of the statements received.

(6) Prepare and publish an annual report including:

(a) Compilations of total reported contributions and expenditures for all candidates, political committees, and other persons during the year.

(b) Total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the state and local levels.

(c) Total amounts expended for influencing nominations and elections, stated separately.

(d) Total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the state and local levels for candidates and political committees.

(e) Aggregate amounts contributed in excess of §100.

(7) Prepare and publish from time to time special reports comparing the various totals and expenditures made with respect to preceding elections.

(8) Prepare and publish such reports as it may deem appropriate.

(9) Assure wide dissemination of statistics, summaries, and reports prepared under this chapter.

(10) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter.

(11) Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25 [FF-5-1973].

(12) Employ such personnel or contract for such services as are necessary to adequately carry out the intent of this chapter.

(13) Provide adequate staffing and facilities for the Florida Elections Commission created by s. 106.24.

(14) Prescribe suitable rules and regulations to carry out the provisions of this chapter. Such rules shall be prescribed pursuant to chapter 120.

(15) Make an annual report to the Legislature concerning activities of the division and recommending improvements in the election code.

Section 58. Subsection (1) of section 106.23, Florida Statutes, 1976 Supplement, is amended to read:
106.23 Powers of the Division of Elections.--

(1) In order to carry out the responsibilities prescribed by this chapter, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed, or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 59. Subsections (1) and (2) of section 106.24, Florida Statutes, are amended to read:

106.24 Florida Elections Commission; membership; powers; duties.--

(1) There is created within the Department of State a Florida Elections Commission, hereinafter referred to as the commission. It shall be composed of seven members including a chairman, unless the membership is increased pursuant to subsection (2), all six of whom shall be appointed by the Governor with the approval of three members of the cabinet and subject to confirmation by the Senate. Members of the commission appointed by the Governor shall serve for 4-year terms except that, of the original appointees, three members shall be appointed for terms of 2 years each and their successors shall be appointed for full 4-year terms. The chairman of the commission shall be designated by the Governor serve for a term of 3 years. Vacancies on the commission shall be filled for the unexpired terms in the manner of the original appointment to the vacated position. Members of the commission may be reappointed to succeed themselves. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the seven members of the commission, no more than four members shall be from the same political party at any one time.

(2) In making the original appointments to the commission, the Governor shall appoint three persons each from a list of at least 15 names submitted by the chairman of the state executive committee of each political party in the state which had cast for its candidate
for President and Vice-President in the last election more than 10 percent of the total vote cast for President and Vice-President in the state, and with which 10 percent of the total registered electors have registered by February 1 of each general election year. Subsequent appointments shall be made from a list of at least five persons submitted by the chairman of the state executive committee of the political party submitting the name of the original appointee to the position vacated or the term of which has expired. The six members of the commission so appointed shall by majority vote submit a list of at least three names from which the Governor shall appoint the chairman of the commission, with the approval of three members of the cabinet and subject to confirmation by the Senate. Subsequent vacancies in the chairmanship shall be filled in the same manner as the original appointment. No member of the commission shall be a member of any county, state, or national committee of a political party, be an officer in any partisan political club or organization, hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his appointment.

Section 60. Sections 106.25 and 106.26, Florida Statutes, are amended to read:

106.25 Reports of alleged violations to Department of State; disposition of findings.--

(1) Jurisdiction to investigate and determine violations of this chapter is vested in the Division of Elections and the Florida Elections Commission; provided that nothing in this section shall limit the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The Division of Elections shall investigate and report to the Florida Elections Commission all violations of this chapter. Any person having information of any violation of this chapter shall file with the Division of Elections a sworn complaint. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney.

(3) For the purposes of Florida Elections Commission jurisdiction, a violation shall mean performance of an act prohibited by this chapter, or failure to perform an act required by this chapter.

(4) The division shall, by written report filed with the commission, find an apparent violation or no apparent violation of this chapter, whereupon the commission shall make a preliminary determination to consider the matter or to refer the matter to the State Attorney for the judicial circuit in which the alleged violation occurred.

(a) It shall be the duty of a State Attorney receiving a complaint referred by the commission to promptly and thoroughly investigate the same, to undertake such criminal or civil actions as are justified by law, and to report to the commission the results of such investigation, the action taken, and the disposition thereof.
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(b) The failure or refusal of a state attorney to prosecute or to
initiate action upon a complaint or a referral by the commission
shall not bar further action by the commission under this chapter.

(1) Any citizen of the state having information of any violation
of this chapter may file a sworn complaint with the division of
elections, with a copy being filed with the chairman of the Elections
Commission, if the complaint alleges violations by a candidate for
federally state, or legislative office, including all judicial
offices, by a political committee supporting any such candidate, by
the state executive committee of any political party, or by a
political committee advocating the acceptance or rejection of an
issue to be voted upon in a statewide election, the division shall
investigate the allegations contained in the complaint and report its
findings to the Department of State for further action as provided in
subsection (2). If the complaint alleges violations by a candidate
for any other office chosen at an election, by any political
committee supporting such a candidate, by any county executive
committee of any political party, or by any political committee
advocating the acceptance or rejection of an issue voted upon on less
than a statewide basis, the division shall forward a copy of the
complaint to the state attorney for the judicial circuit in which the
alleged violation occurred. If the complaint alleges violations in a
campaign in which the incumbent state attorney is a candidate, the
division of elections shall investigate the allegations and report
its findings to the Department of State for further action as
provided in subsection (2)(a). It shall be the duty of the state attorney
receiving a complaint pursuant to this subsection promptly and
thoroughly to investigate the allegations contained therein and to
file a full report of the investigation and proposed disposition of
the complaint with the Division of Elections. When the results of the
investigation indicate that a violation of the chapter has occurred,
the state attorney may immediately proceed with such civil and
criminal actions provided by this chapter as are justified by the
facts of the situation. Each complaint received by the division shall
be kept confidential until such time as the Department of State
concludes that disposition of such complaint has occurred pursuant to
this chapter, at which time such complaint and all relevant reports
and recommendations shall become matters of public record. The
division shall initiate appropriate investigative or referral action
on each complaint within 72 hours (Saturdays, Sundays, and legal
holidays excluded). Nothing contained in this subsection shall be
deemed to preclude the Division of Elections from investigating any
possible violations of this chapter that come to its knowledge other
than by means of a sworn complaint.

(2) Whenever, in the judgment of the Department of State, any
candidate for federal, state, or legislative office, including all
judicial offices, any political committee supporting such a
candidate, the state executive committee of any political party, or
any political committee advocating the acceptance or rejection of an
issue to be voted upon on a statewide basis, has engaged in any act or
practice which constitutes a violation of this chapter or any rule or
regulation promulgated pursuant to this chapter, the Department of
State shall convene the Elections Commission at the easiest
reasonable time to hear all available facts concerning the violation
and to recommend legal disposition of the violation when justified by
the facts.

(3) Upon the convening of the Elections Commission, the
Department of State shall present all available information to the
(5) All sworn complaints filed pursuant to this chapter with the Division of Elections or the Florida Elections Commission, all division investigations and investigative reports or other papers of the division or commission with respect to violations of this chapter, and all proceedings of the commission with respect to violations of this chapter shall be confidential and shall be exempt from the provisions of chapters 119 and 286 and shall be exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violations. Upon entry of an order by the commission disposing of a case before it, the entire proceedings and records relating to such case shall become a public record; provided that if an order disposing of a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such order and the proceedings and records relating to such case shall not become public until noon of the day following such election. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. 

(6) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit or--any person who willfully discloses the contents of any complaint before such complaint is declared a public record by the Department of State shall be guilty of a misdemeanor of the first degree and punished as provided in s. 775.082 or s. 775.083.

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.

(1) The commission shall pursuant to rules adopted and published in accordance with chapter 120 consider all matters reported to it by the Division of Elections or otherwise coming to its attention. In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses and the production of any paper or record. The commission shall have the right to obtain the attendance of witnesses and the production of any paper or record that is within the scope of its jurisdiction and such paper or record is not privileged.
of witnesses before it. The chairman thereof shall issue said process on behalf of the commission. The chairman or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him of the subject matter of the commission's investigation or inquiry and a notice that he may be accompanied at the hearing by counsel of his own choosing.

(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.

(3) All witnesses summoned before the commission other than on the request of the subject of a hearing shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(4) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chairman or, in his absence, the vice chairman shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chairman or, in his absence, the vice chairman not to discuss his testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chairman. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him after receiving such instructions he shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chairman.

(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and such other matters as the commission or its chairman may direct. A witness at a hearing, upon
his advance request and at his own expense, shall be furnished a
certified transcript of his testimony at the hearing.

(6) Before or during a hearing, any person noticed to appear
before the commission e-witness or his counsel may file with the
commission, for incorporation into the record of the hearing, sworn
written statements relevant to the purpose, subject matter, and scope
of the commission's investigation or inquiry. Any such witness shall,
however, prior to filing such statement, consent to answer questions
from the commission regarding the contents of the statement.

(7) Any person whose name is mentioned or who is otherwise
identified during a hearing being conducted by the commission and
who, in the opinion of the commission, may be adversely affected
thereby may, upon his request or upon the request of any member of
the commission, appear personally before the commission and testify
on his own behalf or, with the commission's consent, file a sworn
written statement of facts or other documentary evidence for
incorporation into the record of the hearing. Any such witness shall,
however, prior to filing such statement, consent to answer questions
from the commission regarding the contents of the statement.

(8) Upon the consent of a majority of its members, the commission
may permit any other person to appear and testify at a hearing or
submit a sworn written statement of facts or other documentary
evidence for incorporation into the record thereof. No request to
appear, appearance, or submission shall limit in any way the
commission's power of subpoena. Any such witness shall, however,
prior to filing such statement, consent to answer questions from the
commission regarding the contents of the statement.

(9) Any person who appears before the commission pursuant to this
section shall have all the rights, privileges, and responsibilities
of a witness appearing before a court of competent jurisdiction.

(10) If the commission fails in any material respect to comply
with the requirements of this section, any person subject to subpoena
or subpoena duces tecum who is injured by such failure shall be
relieved of any requirement to attend the hearing for which the
subpoena was issued or, if present, to testify or produce evidence
therein; and such failure shall be a complete defense in any
proceeding against such person for contempt or other punishment.

(11) Whoever willfully affirms or swears falsely in regard to any
material matter or thing before the commission shall be guilty of a
felony in the third degree and punished as provided by s. 775.082, s.
775.083, or s. 775.084.

(12) At the conclusion of its hearings concerning an alleged
violation, the commission shall immediately begin deliberations on
the evidence presented at such hearings and shall then proceed to
determine by the affirmative vote votes of four of the members
present whether probable-cause-exists-to-believe-that a violation of
this chapter has occurred. Such shall promptly be made public. The
order shall contain a finding of violation or no violation, together
with brief findings of pertinent facts, the assessment of such civil
penalties as permitted by this chapter or no such assessment, and
shall bear the signature or facsimile signature of the chairman or
vice chairman. The-findings-of-the-commission-concerning-an-alleged
violation-shall-be-made-public--by-the- --chairman--as--soon--as--such
determination-is-made.
section 61. Section 106.265, Florida Statutes, is created to read:

106.265 Civil penalties.--

(1) The commission is authorized upon finding of violation of this chapter to impose civil penalties in the form of fines not to exceed $1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances, the gravity of the act or omission, any previous history of similar acts or omissions, the appropriateness of such penalty to the financial resources of the person, political committee, or committee of continuous existence, and whether the person, political committee, or committee of continuous existence has shown good faith in attempting to comply with the provisions of this chapter.

(2) If any person, political committee or committee of continuous existence fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission may bring an action in any circuit court of this state to enforce such penalty.

(3) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund.

Section 62, sections 106.27 and 106.29, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition by Department of Legal Affairs.--

(1) Criminal proceedings for violations of this chapter may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter shall be advanced on the docket of the court in which filed and put ahead of all other actions. If the commission determines that probable cause exists to believe a violation of this chapter has occurred, the commission shall immediately transmit such determination to the Department of Legal Affairs for disposition pursuant to this section. The commission and the Department of State shall forthwith transmit to the Department of Legal Affairs all available information concerning the alleged violation:

(a) If the alleged violation involves a candidate for federal, state, legislative, or judicial office; a political committee or a committee of continuous existence supporting such a candidate; the state executive committee of any political party; or a committee advocating the acceptance or rejection of an issue to be voted upon in a statewide election, the Department of Legal Affairs is authorized to initiate legal action;

(b) If the alleged violation involves a candidate for any other office chosen at an election; any political committee or committee of continuous existence supporting such a candidate; the county executive committee of any political party; or a committee advocating the acceptance or rejection of an issue voted upon on less than a
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statewide basis, the Elections Commission shall determine whether legal action in civil or criminal proceedings should be taken by the Department of Legal Affairs or by the State Attorney and shall forward all relevant material to that office for further legal action.

{2} If the commission determines that probable cause exists to believe a violation of this chapter has occurred by a candidate for the office of Attorney General, the commission shall immediately transmit such determination to the State Attorney in the circuit in which the violation occurred for disposition pursuant to this section. The commission and the Department of State shall forthwith transmit to the State Attorney in the circuit in which the violation occurred all available information concerning the alleged violation.

{3} Upon receipt of a determination by the commission, the Department of Legal Affairs shall institute such legal proceedings on behalf of the state as it deems to be justified by the facts presented and in keeping with the spirit and intent of this chapter. Such legal proceedings may include:

{2}{a} Civil actions may be brought for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought in the appropriate court of competent jurisdiction and the venue shall be in the county in which the alleged violation occurred or circuit court for the circuit in which the alleged violator or violators are found, reside, or transact business. Upon a proper showing that such person or political committee has engaged or is about to engage in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court, and the civil fines provided by this chapter may be imposed.

{3}{b} Civil actions may be brought to temporarily enjoin the issuance of certificates of nomination or election to successful candidates who are alleged to have violated the provisions of this chapter. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

{c} Criminal proceedings. Such proceedings concerning violations of this chapter may be brought by the Department of Legal Affairs in the appropriate circuit courts of this state, or the Department of Legal Affairs may forward all relevant information to an appropriate State Attorney in any judicial circuit for the initiation of criminal proceedings.

{4} Any action brought under this section shall be advanced on the docket of the circuit court in which filed and put ahead of all other actions except other actions brought under this section.

106.29 Reports by political parties.--

(1) Each state and county executive committee of any political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall be filed at the same times and contain the same information as reports required of candidates by s. 106.07 [F.S. 1973]. Each state and county executive committee shall file such
reports quarterly, except that however, during the period from the
last day for candidate qualifying until to the general election, each
state executive committee shall file reports on the Monday of each
week, and each county executive committee shall file reports on the first Monday of each month. State executive
committees shall file their reports with the Division of Elections.
County committees shall file their reports with the supervisor of
elections clerk-of-the-circuit-court in the county in which such
committee exists.

(2) The chairman and treasurer of each committee shall certify as
to the correctness of each report filed by them on behalf of such
committee. Any committee chairman or treasurer who certifies the
correctness of any report while knowing that such report is
incorrect, false, or incomplete is shall be guilty of a felony of the
third degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

(3) Any contribution received by a state or county committee less
than 5 days before an election shall not be used or expended in
behalf of any candidate, issue, or political party participating in
such election.

(4) No state or county executive committee, in the furtherance of
any candidate or political party, directly or indirectly, shall give,
pay, or expend any money, give or pay anything of value, authorize
any expenditure, or become pecuniarily liable for any expenditures
prohibited by this chapter. However, the contribution of funds by one
executive committee to another, to established party organizations
for legitimate party or campaign purposes, or to individual
candidates of that party in general elections in amounts exceeding
those set forth in s. 106.08 shall not be prohibited,
but all such contributions shall be recorded and accounted for in the
reports of the contributor and recipient.

Section 63. Paragraph (c) of subsection (2) and subsection (6) of
section 112.3145, Florida Statutes, 1976 Supplement, are amended to
read:

112.3145 Disclosure of financial interests and clients
represented before agencies.--

(2)

(c) State officers, and specified employees, and persons seeking
to qualify as candidates for state office shall file their statements
of financial interests with the Secretary of State. Local officers
and persons seeking to qualify as candidates for local office shall
file their statements of financial interests with the Clerk of the
Circuit Court of the county in which they are principally employed or
are residents. Persons seeking to qualify as candidates for public
office shall file their statements of financial interests with the
officer before whom they qualify.

(6) A public officer who has filed a disclosure for any calendar
or fiscal year shall not be required to file a second disclosure for
the same year or any part thereof notwithstanding any requirement of
this act; provided that any public officer who qualifies as a
candidate for public office shall file a copy of his disclosure with
the officer before whom he qualifies as a candidate at the time he
qualifies.
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Section 64. Sections 130.03, 130.18, 180.04, 180.10, 236.36, and 342.04, Florida Statutes, are amended to read:

130.03 Election required before issuance of bonds.—Bonds shall be issued only after the same shall have been approved by the majority of the votes cast in an election in which a majority of the freeholders, who are qualified electors residing in such county, shall participate, which said election shall be called and held, and the result thereof declared and recorded, in the manner prescribed by ss. 100.201-100.221, 100.241, 100.251, 100.261-100.341, 100.351, and said election or any subsequent elections for the same purpose shall be subject to all the provisions of said chapter.

130.18 Calling and conduct of election for bonds to build bridges over navigable streams.—Bonds shall be issued only after the same shall have been approved by the majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in such county, shall participate, which said election shall be called and held, and the result thereof declared and recorded, in the manner prescribed by ss. 100.201-100.221, 100.241, 100.251, 100.261-100.341, 100.351, and said election or any subsequent elections for the same purpose shall be subject to all the provisions of said chapter.

180.04 Ordinance or resolution authorizing construction or extension of utility; election.—If after the passage of said resolution the said city council or other legislative body, by whatever name known, shall determine to proceed toward the construction of said utility, but not earlier than 40 days after the passage of said ordinance or resolution, the said city council, or other legislative body, by whatever name known, shall pass an ordinance or resolution authorizing the construction of the utility, or any extension thereof, reciting the purpose, the territory to be included, correcting any errors, remedying any sustained objections, authorizing the issuance of mortgage revenue certificates or debentures to pay for the construction and all other costs of the said utility, and containing all other necessary provisions. All other legislative and administrative functions and proceedings shall be the same as provided for the government of the municipality. The city council, or other legislative body, by whatever name known, of the municipality, may adopt and provide for the enforcement of all resolutions and ordinances that may be required for the accomplishment of the purposes of this chapter and its decision shall be final in determining to construct the utility, or any extension thereof as and where proposed, to promote the public health, safety and welfare by the accomplishment of the purposes of this chapter; provided, that where any mortgage revenue certificate, debentures, or other evidences of indebtedness shall come within the purview of s. 12, Art. VII of the State Constitution, the same shall be issued only after having been approved by the majority of the votes cast in an election in which a majority of the owners of freeholds not wholly exempt from taxation who are qualified electors residing in such municipality, shall participate, pursuant to the provisions of ss. 100.201-100.221, 100.241, 100.251, 100.261-100.341, 100.351.

180.10 When election necessary.—Where any mortgage revenue certificates, debentures, or other evidences of indebtedness shall come within the purview of s. 12, Art. VII of the State Constitution, the same shall be issued only after having been approved by the majority of the votes cast in an election in which a majority of the owners of freeholds not wholly exempt from taxation, who are

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qualified electors residing in such municipality, shall participate, pursuant to the provisions of ss. 100.201-100.221, 100.241, 100.261-100.341, 100.351.

236.36 Proposals for issuing bonds.--Whenever the residents of a school district in this state shall desire the issuance of bonds by such school district for the purpose of acquiring, building, enlarging, furnishing, or otherwise improving buildings or school grounds, or for any other exclusive use of the public schools within such school district, they shall present to the school board a petition signed by not less than 25 percent of the duly qualified electors residing within the school district, setting forth in general terms the amount of the bonds desired to be issued, the purpose thereof, and that the proceeds derived from the sale of such bonds shall be used for the purposes set forth in the petition. The requirement for such petition may be dispensed with and the proposition of issuing bonds for the purposes as herein outlined may be initiated by the school board of the said district; provided, that nothing contained in this section shall repeal any of the provisions of ss. 100.201-100.221, 100.241, 100.261-100.341, 100.351.

342.04 Time warrants.--Any county or incorporated city or town in the state, desiring to carry on all or any part of the work mentioned in ss. 342.03 may issue and sell time warrants not to exceed in amount the sum of $15,000 for any county or the sum of $5,000 for any incorporated city or town, provided such time warrants shall not exceed 50 percent of the estimated revenue to be derived from the tax to be levied by virtue of s. 342.03; and provided further, that such time warrants shall not be sold for less than their par value and shall not draw a rate of interest in excess of 6 percent per year; and provided further, that where such time warrants shall come within the purview of s. 12, Art. VII of the State Constitution, the said time warrants shall be issued only after the same shall have been approved by the majority of the votes cast in an election in which a majority of the owners of freeholds not wholly exempt from taxation who are qualified electors residing in such county or city or town, shall participate, which said election shall be called and held, and the result thereof declared and recorded in the manner prescribed by ss. 100.201-100.221, 100.241, 100.261-100.341, 100.351 and said election shall be subject to all the provisions of said chapter.

Section 65. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.


Section 67. This act shall take effect January 1, 1978.