

CS/House Bill 7013 (Ch. 2013-57, Laws of Fla.)

(Signed into law on May 21, 2013; Effective, January 1, 2014, except in the preclearance counties (Collier, Hardee, Hendry, Hillsborough, and Monroe) where they have to wait to implement until provisions are precleared.)

ELECTIONS ADMINISTRATION

- **Pre-General Election Preparation Report:** Requires SOE to post a report on his or her official website at least 3 months before a general election which outlines preparations for the upcoming general election. The report must include, at a minimum:
 - ✓ Anticipated staffing levels for early voting period, on election day, and after election day.
 - ✓ Anticipated amount of automatic tabulating equipment at each early voting site and polling place.
- **County-to-County Address Change at the Polls:** Permits a registered voter who moves from one Florida county to another county to vote a regular ballot if the county to which the voter moved uses an electronic database as a precinct register at the polling place.
- **Post-Book Closing Late Registration:** Expands list of persons who have until 5pm on Friday before the election to register in the SOE's office to include an individual or accompanying family member who has returned from military deployment or activation.
- **Absentee Ballots:**
 - *New crime.* Creates a first degree misdemeanor for any person who provides or offers to provide, and any person who accepts a pecuniary or other benefit in exchange for physically possessing more than 2 absentee ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member.
 - *Request.* Requires a written request signed by the voter if the request is to mail the absentee ballot to an address other than the one on file in FVRS.
 - ✓ Exception: An absent uniformed service voter or an overseas voter is not required to have signed, written request for the ballot to be mailed to different address.
 - *Missing signature.*
 - ✓ Requires the SOE to record in daily uploaded absentee ballot request report when a voter's certificate is returned without a signature.
 - ✓ Allows voter to cure the missing signature if he or she completes an absentee ballot affidavit and provides an ID by 5 pm on the day before the election.
 - ✓ The format of the absentee ballot affidavit is in statute.
 - ✓ Absentee ballot affidavit and ID delivery methods: mail, personal delivery, delivery by someone other than voter, fax, or email.
 - ✓ Requires the Division and SOEs to post online absentee ballot affidavit and instructions and contact information.
 - *Emergency excuse for election day absentee ballot delivery.* Limits election day delivery of absentee ballot to a voter or a voter's immediate family member unless the voter executes affidavit as to an emergency that precludes the voter from going to the voter's assigned polling place.
 - ✓ Exception for voters residing in an assisted living facility.
 - ✓ DOS to adopt form of affidavit by rule.

- *10-day extension for overseas absentee ballot.* Allows all races on an overseas absentee ballot in a presidential preference primary or general election to be counted if received by the SOE up to 10 days after election day, provided the ballot is postmarked or signed and dated no later than the date of the election and the absentee ballot is otherwise proper. (Effect: Extends what was previously permitted for federal races to all races.)
- *Signature comparison.* Allows canvassing board to compare voter's signature on the voter's certificate or absentee ballot affidavit against the voter's signature on the precinct register (previously limited to signature on record in registration books).
- *Rejected absentee ballot.* Requires SOE to provide voter a specific reason for the ballot's rejection.
- **Equipment for Voters with Disabilities:** Extends time from 2016 to 2020 for persons with disabilities to be able to vote on devices that meet HAVA voter accessibility requirements.
- **Multi-Language Ballots:** Allows SOEs in counties subject to multi-language ballot requirements to petition the U.S. D.O.J. for authorization to print and deliver single language ballots for each minority language required.
- **Early Voting (EV):**
 - *EV times.* Expands minimum hours per day from 6 to 8 hours (maximum hours remain at 12 hours per day).
 - *EV days.* Increases possible days – EV as a minimum must begin on the 10th day and end on the 3rd day before an election that contains federal or state races on ballot; however, in addition, the SOE may offer EV on the 15th, 14th, 13th, 12th, 11th, or 2nd day before such an election.
 - *EV sites.*
 - ✓ Expands existing permissible sites to also include fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center.
 - ✓ Allows SOE to designate one additional site per election in an area of the county that does not have an eligible EV location. This site must be geographically located to provide all voters in that area with an equal opportunity to cast a ballot.
 - ✓ Requires each county to maintain at a minimum the same number of EV sites for a general election it operated for the 2012 general election.
- **Early Upload of Election Returns:** Requires SOE to upload into the county's election management system by 7pm on the day before the election the results of all early voting and absentee ballots that have been tabulated by the end of the early voting period, but the tabulation is not to be made public before the closing of polls on election day.
- **No-Solicitation Zone:**
 - *Applicability.* Extends the no-solicitation zone to include the SOE's office where absentee ballots are requested and printed on demand for voters who appear in person to request them.

- *Prohibition.* Except as specified in law, prohibits the SOE from designating any other no-solicitation zone or otherwise restrict persons from soliciting voters at a polling place or EV site.
- **Appointment Process for Alternate Members of Canvassing Board:**
 - Chief Judge to appoint an additional county judge (or qualified voter of county in another judge is not available).
 - Chair, County Commission to appoint an additional county commissioner (or qualified voter of county if commissioner not available).
 - Alternate members may be present, observe, and communicate with the three canvassing board members.
 - If one member is unable to participate in a meeting, the canvassing board chair shall designate which alternate member will serve for that meeting.
- **Post-Election Audit Options:** Allows the option to conduct an automated independent audit (AIA) in lieu of a manual audit.
 - ✓ AIA consists of public automated tally of votes casts in every race on the ballot.
 - ✓ Tally sheet is to include election day, early vote, absentee, provisional, and overseas ballots in at least 20% of precincts chosen at random by canvassing board at publicly noticed meeting.
 - ✓ DOS must adopt rules for approval of the AIA.

ELECTION DATES

- **Primary Election Date Change:** Moves the date of the primary election from 12 to 10 weeks before the general election. The primary election in 2014 will now occur on August 26th.
- **Presidential Preference Primary Election (PPP) Date Selection Process:** Establishes a new procedure to set the date for the PPP by requiring it to be held on the first Tuesday that party rules provide the state delegations to be allocated in a winner-take-all manner without the party imposing any penalty on the delegations. (New law likely means the PPP will be held later than January of presidential election year.)

CONSTITUTIONAL AMENDMENTS

- **Constitutional Amendments Proposed by Joint Resolution (JR):**
 - *Word limitation.*
 - ✓ Limits the first ballot summary for JR to 75 words.
 - ✓ 75-word limit does not apply to any Joint Resolution re-written by Attorney General.
 - ✓ Deletes the provision that stated the full text is presumed to be a clear and unambiguous statement of the amendment.
 - *Coded text.* Repeals provision that required voting systems to be capable of handling coded text (deletions and additions) of amendments by December 31, 2013.

VOTING SYSTEM DEFECTS

- **Disclosure of Defects:**
 - Persons seeking certification of voting systems and vendors desiring to sell or lease voting equipment must provide DOS with name, mailing address, and telephone number of a registered agent.
 - Vendors must disclose to DOS any known defects in voting system by December 31, 2013, and thereafter by January 1 of each odd-numbered year along with any known corrective measures. Otherwise, must also notify DOS within 30 days of knowing of any defect.
 - Upon disclosure of a defect, DOS may suspend the sale, lease, and use of the voting system in the state.
- **Investigation of Defects.**
 - DOS has ability to investigate if defect exists in any system (procedures are specified in statute).
 - If DOS determines a defect exists and the vendor cannot cure within timeframe established by DOS, then DOS shall impose civil penalty of \$25,000, plus costs of DOS investigation.
 - DOS also has ability to disapprove the voting system for use in Florida.