

Florida Voting Law Changes – Approved May 6th, 2021

This law makes a number of changes to Florida Statute (FS). This summary shows the Section number of the law, the FS section affected, and a short description of the change.

Sec	FS Section	Description
1	97.029	New section concerning civil actions challenging the validity of election laws.
2	97.0291	New section prohibits the use of private funds for election-related expenses. No donations in the form of money, grants, property, or personal services. Does not prohibit donation of space for a polling room or early voting site.
3	97.052	Modifies para (t) of subsection (2) concerning the uniform state-wide voter registration application. Specifically, the application must include the following statement: “I affirm that I am not a convicted felon, or if I am, my right to vote has been restored” and providing a box for the applicant to check
4	97.0525	Modifies subsections (1) and (2) and para (b) of subsection (3) regarding online voter registration. Removes “Beginning October 1 st , 2017” from (1). Adds the requirement for the division to maintain a secure Internet website for data integrity. Adds the requirement for a comprehensive risk assessment every two years. The assessment must include: load testing/stress testing, screening of computers/networks, evaluation of database infrastructure, identification of any anticipated threats.
5	97.053	Modifies para (a) of subsection (5) and subsection (6) regarding voter registration applications regarding the checkbox affirming that if convicted of a felony the applicant has had his/her voting rights restored. Also, notes that all applications, even those for name change, address change, or party affiliation change must comply with these requirements.
6	97.057	Adds subsection (13) which states that the Dept. of Highway Safety and Motor Vehicles must assist the DOS in regularly identifying changes in residence address.
7	97.0575	Modifies para (c) and (d) of subsection (1), para (a) of subsection (3) and subsection (5) concerning 3 rd -Party voter registrations. Confirms that organizations who only solicit applications and do not collect or handle applications are exempt from this para. Removes requirement for a sworn statement by each registration agent. Requires 3 rd -Party voter registration organizations to deliver applications to county elections office within 14 days after completion but before registration closes. 3 rd -Party organization must also inform applicants how to register online and how to determine whether the application has been received. Provides fines for delinquent delivery, or for non-delivery to elections office. Provides for division to adopt rules to ensure integrity in the registration process.

Florida Voting Law Changes – Approved May 6th, 2021

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8	97.0585	Para (d), (e), and (f) of subsection (10) are modified with regard to public records exemptions. Deletes (d) and combines (e) and (f) concerning confidentiality of information obtained for the purpose of voter registration.
9	97.1031	Adds requirement to provide DOB and ID information when changing address or changing party affiliation on voter registration.
10	98.0981	Changes subsections (4) and (5) to (5) and (6) and adds a new subsection (4). Amends subsection (a) of paragraph (2) concerning Precinct-level election results where there are fewer than 30 voters with a particular ballot type. New subsection (4) requires supervisor of elections to make live updates hourly on his/her website and transmit the data to the division who must also maintain state-wide updates.
11	99.012	Changes para (f) of subsection (3) and para (g) of subsection (4) to clarify that an office is deemed vacant on the effective date of resignation by official.
12	99.021	Changes para (c) of subsection (1) to para (c) and adds new para (c) regarding party affiliation. Candidate must state in writing that he/she has been a registered member of the party for 365 days prior to qualifying, or, if NPA, that he/she has not been a registered member of any political party in the past 365 days.
13	99.061	Changes para (a) of subsection (7) to require the statement of party affiliation (see change 12) as part of the requirement to run for office.
14	99.063	Changes para (b) of subsection (2) to require the statement of party affiliation (see change 12) as part of the requirement to run for Governor and Lt. Governor
15	100.111	Changes para (a) of subsection (3) regarding vacancies (in the event of death, resignation, etc.) where there is no candidate. Requires state party chair to call meeting of state executive committee members.
16	101.051	Changes subsections (2) and (5) regarding helping electors within 150' of drop box or entrance of polling place. If elector needs help (other than election official) helper must take oath that he/she is not attempting to sway elector.
17	101.131	Changes subsection (5) regarding poll watchers: supervisor of elections must provide each designated poll watcher an ID badge that must be worn while performing poll watcher duties.
18	101.545	Adds requirement for supervisor of elections to retain all ballots, forms, and other election materials for a minimum of 22 months following an election.
19	101.5605	Changes para (d) of subsection (2) to require that the DOS approve or disapprove any voting system within 120 days after the initial submission. Was 90 days.

Florida Voting Law Changes – Approved May 6th, 2021

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20	101.5614	Changes para (a) of subsection (4) regarding canvassing of returns. Requires that if a vote-by-mail ballot is damaged and cannot be counted by the automatic tabulating equipment, a copy of the ballot will be made in an open and accessible room in the presence of witnesses. Clarifies how over-votes and under-votes will be handled on duplicate ballots – all in open and in the presence of witnesses. Requires any ballot with observer objection to be reviewed by the canvassing board for determination.
21	101.572	Changes subsection (1) and adds subsection (2) regarding public inspection of ballots. Adds “...voter certificates on such mailing envelops” to the requirement for public inspection. Adds that a candidate, party official, political committee official or designee is allowed reasonable access to review or inspect ballot materials. Requires supervisor to publish notice of access prior to signature comparisons on vote-by-mail.
22	101.591	Changes subsection (5) regarding voting systems audits. Requires county canvassing board to provide a report of audit to DOS by December 15 of general election year. These reports will be consolidated into one report at the state level.
23	101.595	Changes subsections (1) and (3) requiring consolidation of reports (section 22) and changing deadline for DOS to submit report to Governor from Jan 31 to February 15 of the year following the election.
24	101.62	Adds subsection (7) and changes para (a) and (b) of subsection (1), subsection (3), and para (c) of subsection (4) regarding vote-by-mail ballots. Requests for vote-by-mail ballots are good for all elections through the end of the next calendar year. Requests may be made in person, written, or by telephone. Requires elector’s DL or ID number. Requires supervisor of elections to record date of request, ID number, date delivered, address delivered to, whether signature matches record. Requires that only voters who request vote-by-mail ballots (except with certain disabilities) be sent ballots.
25		Existing vote-by-mail requests shall be good until the end of 2022 calendar year.
26	101.64	Changes subsection (1) regarding delivery of vote-by-mail ballots. Requires supervisor of elections to include in the packet a return mailing envelope that bears the absent elector’s name and any encoding mark used by the office and a mailing envelope/secretary envelope that does not contain any information about the absent elector.

Florida Voting Law Changes – Approved May 6th, 2021

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27	101.68	Changes subsection (1) and (2) regarding canvassing of vote-by-mail ballots. During the signature comparison process, requires supervisor to record that the elector voted and that he/she cannot use any knowledge of the voter's political affiliation during this process. States that the county canvassing board may begin canvassing upon completion of the public testing of automatic tabulating equipment, but must begin no later than noon of the day following the election. If any elector or candidate present believes that a vote-by-mail ballot is illegal he/she may file protest with the canvassing board and must specify the precinct, voter's certificate/cure affidavit, and the reason for the protest.
28	101.69	Adds subsection (3) and changes subsection (2) regarding vote in person. Allows a voter who has received a vote-by-mail ballot to return the ballot to the supervisor by placing it in a drop box. Requires secure drop boxes to be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot. Except for drop box at supervisor's office, they may only be used during hours of early voting and must be monitored by an employee of the supervisor's office. Drop box at the supervisor's office must be monitored in person whenever it is accessible. Adds that supervisor shall designate each drop box site 30 days prior to election and it cannot be moved. Requires that at the end of each day of early voting the drop boxes be emptied and all ballots returned to the supervisor's office. For boxes at supervisor's office, ballots must be retrieved before the box is no longer monitored. Notes chain of custody requirements. Levies a fine of \$25,000 for failing to comply with these provisions.
29	102.031	Changes para (a), (b), and (e) of subsection (4) regarding unlawful solicitation. Adds drop boxes to areas around which solicitation is unlawful. Adds to the definition "...and engaging in any activity with the intent to influence" a voter. Does not prohibit poll workers or volunteers from providing nonpartisan assistance to voters. Candidates or their designees may solicit voters outside of the 150' zone.
30	102.072	New section on vote-by-mail counting. Requires supervisor, beginning at 7:00 PM on election day to post on his/her website the number of vote-by-mail ballots that have been received and the number that remain uncounted.
31	102.141	Changes subsection (1) and para (a) and (b) of subsection (2) regarding the county canvassing board duties. Requires that the names of the canvassing board members be published on the supervisor's website. Requires that canvassing board meetings allow each political party to have one watcher to view directly or on a display screen ballots being

Florida Voting Law Changes – Approved May 6th, 2021

		examined for signature matching, etc. Notice of meetings shall be given at least 48 hours prior.
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32	104.0616	Changes subsection (1) and (2) regarding voting violations. Adds grandchild to list of immediate family members. Adds that any person who distributes, orders, requests, collects, delivers, or otherwise possesses more than two vote-by-mail ballots per election commits a misdemeanor of the first degree. (Exceptions include ballots for immediate family members.)

To see Title IX of the Florida Statutes (concerning voting and elections), click here:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Index&Title_Request=IX#TitleIX