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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/07/2012 02:17 PM

Senator Smith moved the following:

Senate Amendment (with title amendment)

Between lines 28 and 29

insert:

Section 2. Subsections (7) and (8) of section 101.5603, Florida Statutes, are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(7) "Security-enhanced envelope" means a device with a tinted pattern on the inside, used in lieu of a secrecy envelope for enclosing a marked ballot, which conceals the voter's



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14 choices.

15 Section 3. Subsections (1), (2), (3), (5), and (7) of
16 section 101.6103, Florida Statutes, are amended to read:

17 101.6103 Mail ballot election procedure.—

18 (1) Except as otherwise provided in subsection (7), the
19 supervisor of elections shall mail all official ballots with
20 either a secrecy envelope and ~~a return mailing envelope~~ or a
21 security-enhanced envelope, and instructions sufficient to
22 describe the voting process to each elector entitled to vote in
23 the election not sooner than the 20th day before the election
24 and not later than the 10th day before the date of the election.
25 All such ballots shall be mailed by first-class mail. Ballots
26 shall be addressed to each elector at the address appearing in
27 the registration records and placed in an envelope which is
28 prominently marked "Do Not Forward."

29 (2) (a) In any county in which secrecy envelopes and return
30 mailing envelopes are used, upon receipt of the ballot the
31 elector shall mark the ballot, place it in the secrecy envelope,
32 sign the return mailing envelope supplied with the ballot, and
33 comply with the instructions provided with the ballot.

34 (b) In any county in which security-enhanced envelopes are
35 used, upon receipt of the ballot the elector shall mark the
36 ballot, place it in the security-enhanced envelope, sign the
37 security-enhanced envelope supplied with the ballot, and comply
38 with the instructions provided with the ballot.

39 (c) The elector shall mail, deliver, or have delivered the
40 marked ballot so that it reaches the supervisor of elections no
41 later than 7 p.m. on the day of the election. The ballot must be
42 returned in the return mailing envelope or security-enhanced



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43 envelope.

44 (3) The return mailing envelope or security-enhanced
45 envelope shall contain a statement in substantially the
46 following form:

47 VOTER'S CERTIFICATE

48 I, ...(Print Name)..., do solemnly swear (or affirm) that I
49 am a qualified voter in this election and that I have not and
50 will not vote more than one ballot in this election.

51 I understand that failure to sign this certificate and give
52 my residence address will invalidate my ballot.

53 ... (Signature) ...

54 ... (Residence Address) ...

55 (5) A ballot shall be counted only if:

56 (a) It is returned in the return mailing envelope or
57 security-enhanced envelope;

58 (b) The elector's signature has been verified as provided
59 in this subsection; and

60 (c) It is received by the supervisor of elections not later
61 than 7 p.m. on the day of the election.

62
63 The supervisor of elections shall verify the signature of each
64 elector on the return mailing envelope or security-enhanced
65 envelope with the signature on the elector's registration
66 records. Such verification may commence at any time prior to the
67 canvass of votes. The supervisor of elections shall safely keep
68 the ballot unopened in his or her office until the county
69 canvassing board canvasses the vote. If the supervisor of
70 elections determines that an elector to whom a replacement
71 ballot has been issued under subsection (4) has voted more than



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72 once, the canvassing board shall determine which ballot, if any,
73 is to be counted.

74 (7) With respect to absent electors overseas entitled to
75 vote in the election, the supervisor of elections shall mail an
76 official ballot with either a secrecy envelope and, a return
77 mailing envelope or a security-enhanced envelope, and
78 instructions sufficient to describe the voting process to each
79 such elector on a date sufficient to allow such elector time to
80 vote in the election and to have his or her marked ballot reach
81 the supervisor by 7 p.m. on the day of the election.

82 Section 4. Section 101.6104, Florida Statutes, is amended
83 to read:

84 101.6104 Challenge of votes.—If any elector present for the
85 canvass of votes believes that any ballot is illegal due to any
86 defect apparent on the voter's certificate, the elector may, at
87 any time before the ballot is removed from the envelope, file
88 with the canvassing board a protest against the canvass of such
89 ballot, specifying the reason he or she believes the ballot to
90 be illegal. A ~~No~~ challenge based upon any defect on the voter's
91 certificate may not ~~shall~~ be accepted after the ballot has been
92 removed from the return mailing envelope or security-enhanced
93 envelope.

94 Section 5. Subsections (1) and (2) of section 101.64,
95 Florida Statutes, are amended to read:

96 101.64 Delivery of absentee ballots; envelopes; form.—

97 (1)(a) The supervisor may: ~~shall~~

98 1. Enclose with each absentee ballot two envelopes: a
99 secrecy envelope, into which the absent elector shall enclose
100 his or her marked ballot, ~~+~~ and a return mailing envelope, into



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101 which the absent elector shall then place the secrecy envelope;
102 or

103 2. Enclose with each absentee ballot a security-enhanced
104 envelope, into which the absent elector shall enclose his or her
105 marked ballot.

106 (b) Return mailing envelopes and security-enhanced
107 envelopes ~~which~~ shall be addressed to the supervisor and shall
108 also bear on the back side a certificate in substantially the
109 following form:

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

112 VOTER'S CERTIFICATE

113 I,, do solemnly swear or affirm that I am a qualified
114 and registered voter of County, Florida, and that I have
115 not and will not vote more than one ballot in this election. I
116 understand that if I commit or attempt to commit any fraud in
117 connection with voting, vote a fraudulent ballot, or vote more
118 than once in an election, I can be convicted of a felony of the
119 third degree and fined up to \$5,000 and/or imprisoned for up to
120 5 years. I also understand that failure to sign this certificate
121 will invalidate my ballot.

122 ... (Date) ...

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

124 (2) The certificate shall be arranged on the back of the
125 return mailing envelope or security-enhanced envelope so that
126 the line for the signature of the absent elector is across the
127 seal of the envelope; however, no statement may ~~shall~~ appear on
128 the envelope which indicates that a signature of the voter must
129 cross the seal of the envelope. The absent elector shall execute



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130 the certificate on the envelope.

131 Section 6. Section 101.65, Florida Statutes, is amended to
132 read:

133 101.65 Instructions to absent electors.—The supervisor
134 shall enclose with each absentee ballot separate printed
135 instructions in substantially the following form:

136 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

137 1. VERY IMPORTANT. In order to ensure that your absentee
138 ballot will be counted, it should be completed and returned as
139 soon as possible so that it can reach the supervisor of
140 elections of the county in which your precinct is located no
141 later than 7 p.m. on the day of the election.

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

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

149 4. Place your marked ballot in the enclosed secrecy
150 envelope or security-enhanced envelope, whichever is provided.

151 5. If you received a secrecy envelope, insert the secrecy
152 envelope into the enclosed return mailing envelope which is
153 addressed to the supervisor.

154 6. Seal the return mailing envelope or security-enhanced
155 envelope and completely fill out the Voter's Certificate on the
156 back of the return mailing envelope or security-enhanced
157 envelope.

158 7. VERY IMPORTANT. In order for your absentee ballot to be



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159 counted, you must sign your name on the line above (Voter's
160 Signature). An absentee ballot will be considered illegal and
161 not be counted if the signature on the voter's certificate does
162 not match the signature on record. The signature on file at the
163 start of the canvass of the absentee ballots is the signature
164 that will be used to verify your signature on the voter's
165 certificate. If you need to update your signature for this
166 election, send your signature update on a voter registration
167 application to your supervisor of elections so that it is
168 received no later than the start of the canvassing of absentee
169 ballots, which occurs no earlier than the 15th day before
170 election day.

171 8. VERY IMPORTANT. If you are an overseas voter, you must
172 include the date you signed the Voter's Certificate on the line
173 above (Date) or your ballot may not be counted.

174 9. Mail, deliver, or have delivered the completed return
175 mailing envelope or security-enhanced envelope. Be sure there is
176 sufficient postage if mailed.

177 10. FELONY NOTICE. It is a felony under Florida law to
178 accept any gift, payment, or gratuity in exchange for your vote
179 for a candidate. It is also a felony under Florida law to vote
180 in an election using a false identity or false address, or under
181 any other circumstances making your ballot false or fraudulent.

182 Section 7. Paragraphs (c) and (d) of subsection (2) of
183 section 101.68, Florida Statutes, are amended to read:

184 101.68 Canvassing of absentee ballot.—

185 (2)

186 (c)1. The canvassing board shall, if the supervisor has not
187 already done so, compare the signature of the elector on the



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188 voter's certificate with the signature of the elector in the
189 registration books to see that the elector is duly registered in
190 the county and to determine the legality of that absentee
191 ballot. The ballot of an elector who casts an absentee ballot
192 shall be counted even if the elector dies on or before election
193 day, as long as, prior to the death of the voter, the ballot was
194 postmarked by the United States Postal Service, date-stamped
195 with a verifiable tracking number by common carrier, or already
196 in the possession of the supervisor of elections. An absentee
197 ballot shall be considered illegal if it does not include the
198 signature of the elector, as shown by the registration records.
199 However, an absentee ballot shall not be considered illegal if
200 the signature of the elector does not cross the seal of the
201 return mailing envelope or security-enhanced envelope. If the
202 canvassing board determines that any ballot is illegal, a member
203 of the board shall, without opening the envelope, mark across
204 the face of the envelope: "rejected as illegal." The envelope
205 and the ballot contained therein shall be preserved in the
206 manner that official ballots voted are preserved.

207 2. If any elector or candidate present believes that an
208 absentee ballot is illegal due to a defect apparent on the
209 voter's certificate, he or she may, at any time before the
210 ballot is removed from the envelope, file with the canvassing
211 board a protest against the canvass of that ballot, specifying
212 the precinct, the ballot, and the reason he or she believes the
213 ballot to be illegal. A challenge based upon a defect in the
214 voter's certificate may not be accepted after the ballot has
215 been removed from the return mailing envelope or security-
216 enhanced envelope.



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217 (d)1. The canvassing board shall record the ballot upon the
218 proper record, unless the ballot has been previously recorded by
219 the supervisor.

220 2.a. In any county in which secrecy envelopes and mailing
221 envelopes are used, the return mailing envelopes shall be opened
222 and the secrecy envelopes shall be mixed so as to make it
223 impossible to determine which secrecy envelope came out of which
224 signed return mailing envelope; however, in any county in which
225 an electronic or electromechanical voting system is used, the
226 ballots may be sorted by ballot styles and the return mailing
227 envelopes may be opened and the secrecy envelopes mixed
228 separately for each ballot style.

229 b. In any county in which security-enhanced envelopes are
230 used, the supervisor shall separate the marked ballots from the
231 security-enhanced envelopes so as to make it impossible to
232 determine which ballot came out of which signed security-
233 enhanced envelope.

234 3. The votes on absentee ballots shall be included in the
235 total vote of the county.

236 Section 8. Subsection (2) of section 101.69, Florida
237 Statutes, is amended to read:

238 101.69 Voting in person; return of absentee ballot.—The
239 provisions of this code shall not be construed to prohibit any
240 elector from voting in person at the elector's precinct on the
241 day of an election or at an early voting site, notwithstanding
242 that the elector has requested an absentee ballot for that
243 election. An elector who has returned a voted absentee ballot to
244 the supervisor, however, is deemed to have cast his or her
245 ballot and is not entitled to vote another ballot or to have a



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246 provisional ballot counted by the county canvassing board. An
247 elector who has received an absentee ballot and has not returned
248 the voted ballot to the supervisor, but desires to vote in
249 person, shall return the ballot, whether voted or not, to the
250 election board in the elector's precinct or to an early voting
251 site. The returned ballot shall be marked "canceled" by the
252 board and placed with other canceled ballots. However, if the
253 elector does not return the ballot and the election official:

254 (2) Confirms that the supervisor has not received the
255 elector's absentee ballot, the elector shall be allowed to vote
256 in person as provided in this code. The elector's absentee
257 ballot, if subsequently received, shall not be counted and shall
258 remain in the return mailing envelope or security-enhanced
259 envelope, and the envelope shall be marked "Rejected as
260 Illegal."

261 Section 9. Subsection (2) of section 101.6921, Florida
262 Statutes, is amended to read:

263 101.6921 Delivery of special absentee ballot to certain
264 first-time voters.-

265 (2) (a) In any county in which secrecy envelopes and return
266 mailing envelopes are used, the supervisor shall enclose with
267 each absentee ballot three envelopes: a secrecy envelope, into
268 which the absent elector will enclose his or her marked ballot;
269 an envelope containing the Voter's Certificate, into which the
270 absent elector shall place the secrecy envelope; and a return
271 mailing envelope, which shall be addressed to the supervisor and
272 into which the absent elector will place the envelope containing
273 the Voter's Certificate and a copy of the required
274 identification.



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275 (b) In any county in which security-enhanced envelopes are
276 used, the supervisor shall enclose with each absentee ballot two
277 envelopes: a security-enhanced envelope containing the Voter's
278 Certificate, into which the absent elector shall place the
279 marked ballot, and a return mailing envelope, which shall be
280 addressed to the supervisor and into which the absent elector
281 will place the envelope containing the Voter's Certificate and a
282 copy of the required identification.

283 Section 10. Subsection (2) of section 101.6923, Florida
284 Statutes, is amended to read:

285 101.6923 Special absentee ballot instructions for certain
286 first-time voters.—

287 (2) A voter covered by this section shall be provided with
288 printed instructions with his or her absentee ballot in
289 substantially the following form:

290 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
291 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
292 TO COUNT.

293 1. In order to ensure that your absentee ballot will be
294 counted, it should be completed and returned as soon as possible
295 so that it can reach the supervisor of elections of the county
296 in which your precinct is located no later than 7 p.m. on the
297 date of the election.

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

301 3. Mark only the number of candidates or issue choices for
302 a race as indicated on the ballot. If you are allowed to "Vote
303 for One" candidate and you vote for more than one, your vote in



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304 that race will not be counted.

305 4. Place your marked ballot in the enclosed secrecy
306 envelope or security-enhanced envelope, whichever is provided,
307 and seal the envelope.

308 5. If you received a secrecy envelope, insert the secrecy
309 envelope into the enclosed envelope bearing the Voter's
310 Certificate. Seal the envelope and completely fill out the
311 Voter's Certificate on the back of the envelope.

312 a. You must sign your name on the line above (Voter's
313 Signature).

314 b. If you are an overseas voter, you must include the date
315 you signed the Voter's Certificate on the line above (Date) or
316 your ballot may not be counted.

317 c. An absentee ballot will be considered illegal and will
318 not be counted if the signature on the Voter's Certificate does
319 not match the signature on record. The signature on file at the
320 start of the canvass of the absentee ballots is the signature
321 that will be used to verify your signature on the Voter's
322 Certificate. If you need to update your signature for this
323 election, send your signature update on a voter registration
324 application to your supervisor of elections so that it is
325 received no later than the start of canvassing of absentee
326 ballots, which occurs no earlier than the 15th day before
327 election day.

328 6. Unless you meet one of the exemptions in Item 7., you
329 must make a copy of one of the following forms of
330 identification:

331 a. Identification which must include your name and
332 photograph: United States passport; debit or credit card;



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333 military identification; student identification; retirement
334 center identification; neighborhood association identification;
335 or public assistance identification; or

336 b. Identification which shows your name and current
337 residence address: current utility bill, bank statement,
338 government check, paycheck, or government document (excluding
339 voter identification card).

340 7. The identification requirements of Item 6. do not apply
341 if you meet one of the following requirements:

342 a. You are 65 years of age or older.

343 b. You have a temporary or permanent physical disability.

344 c. You are a member of a uniformed service on active duty
345 who, by reason of such active duty, will be absent from the
346 county on election day.

347 d. You are a member of the Merchant Marine who, by reason
348 of service in the Merchant Marine, will be absent from the
349 county on election day.

350 e. You are the spouse or dependent of a member referred to
351 in paragraph c. or paragraph d. who, by reason of the active
352 duty or service of the member, will be absent from the county on
353 election day.

354 f. You are currently residing outside the United States.

355 8. Place the envelope bearing the Voter's Certificate into
356 the return mailing envelope addressed to the supervisor. Insert
357 a copy of your identification in the return mailing envelope. DO
358 NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
359 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
360 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

361 9. Mail, deliver, or have delivered the completed return



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362 mailing envelope. Be sure there is sufficient postage if mailed.
363 10. FELONY NOTICE. It is a felony under Florida law to accept
364 any gift, payment, or gratuity in exchange for your vote for a
365 candidate. It is also a felony under Florida law to vote in an
366 election using a false identity or false address, or under any
367 other circumstances making your ballot false or fraudulent.

368
369 ===== T I T L E A M E N D M E N T =====

370 And the title is amended as follows:

371 Delete line 6

372 and insert:

373 confirm the elector's legal residence; amending s.
374 101.5603, F.S.; defining the term "security-enhanced
375 envelope" for purposes of the Electronic Voting
376 Systems Act; amending s. 101.6103, F.S.; revising mail
377 ballot election procedures to include the use of a
378 security-enhanced envelope; amending s. 101.6104,
379 F.S.; making conforming changes to procedures for the
380 challenge of votes; amending s. 101.64, F.S.; revising
381 procedures for the delivery of absentee ballots to
382 include the use of a security-enhanced envelope;
383 amending s. 101.65, F.S.; making conforming changes to
384 the instructions to absent electors; amending s.
385 101.68, F.S.; making conforming changes to the
386 procedures for the canvassing of absentee ballots;
387 amending s. 101.69, F.S.; making conforming changes to
388 procedures for voting in person after returning an
389 absentee ballot; amending s. 101.6921, F.S.; making
390 conforming changes to procedures for the delivery of



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391 special absentee ballots to certain first-time voters;
392 amending s. 101.6923, F.S.; making conforming changes
393 to special absentee ballot instructions for certain
394 first-time voters; providing an