

A bill to be entitled

An act relating to the federal write-in absentee ballot; amending s. 101.6952, F.S.; authorizing absent uniformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; providing that an eligible elector may vote on any ballot measure in an election using the federal write-in absentee ballot; amending s. 102.166, F.S.; revising minimum requirements for Department of State rules used in determining what constitutes a valid vote on a federal write-in absentee ballot involving manual recounts; providing an effective date.

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

Section 1. Subsection (2) of section 101.6952, Florida Statutes, is amended to read:

101.6952 Absentee ballots for absent uniformed services and overseas voters.—

(2) (a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, election ~~and any state,~~ or local election ~~involving two or more candidates.~~

(b)1. In an election for federal office, an elector may

27 designate a candidate by writing the name of a candidate on the  
28 ballot. Except for a primary or special primary election, the  
29 elector may alternatively designate a candidate by writing the  
30 name of a political party on the ballot. A written designation  
31 of the political party shall be counted as a vote for the  
32 candidate of that party if there is such a party candidate in  
33 the race.

34 2. In ~~an election for~~ a state or local election ~~office~~, an  
35 elector may vote in the section of the federal write-in absentee  
36 ballot designated for nonfederal races by writing on the ballot  
37 the title of each office and by writing on the ballot the name  
38 of the candidate for whom the elector is voting. Except for a  
39 primary, special primary, or nonpartisan election, the elector  
40 may alternatively designate a candidate by writing the name of a  
41 political party on the ballot. A written designation of the  
42 political party shall be counted as a vote for the candidate of  
43 that party if there is such a party candidate in the race. In  
44 addition, the elector may vote on any ballot measure presented  
45 in the election by identifying the ballot measure on which he or  
46 she desires to vote and specifying his or her vote on the  
47 measure.

48 (c) In the case of a joint candidacy, such as for the  
49 offices of President/Vice President or Governor/Lieutenant  
50 Governor, a valid vote for one or both qualified candidates on  
51 the same ticket shall constitute a vote for the joint candidacy.

52 (d) For purposes of this subsection and except where the

53 context clearly indicates otherwise, such as where a candidate  
54 in the election is affiliated with a political party whose name  
55 includes the word "Independent," "Independence," or a similar  
56 term, a voter designation of "No Party Affiliation" or  
57 "Independent," or any minor variation, misspelling, or  
58 abbreviation thereof, shall be considered a designation for the  
59 candidate, other than a write-in candidate, who qualified to run  
60 in the race with no party affiliation. If more than one  
61 candidate qualifies to run as a candidate with no party  
62 affiliation, the designation does ~~shall~~ not count for any  
63 candidate unless there is a valid, additional designation of the  
64 candidate's name.

65 (e) Any abbreviation, misspelling, or other minor  
66 variation in the form of the name of an office, the name of a  
67 candidate, ballot measure, or the name of a political party must  
68 be disregarded in determining the validity of the ballot.

69 Section 2. Subsection (4) of section 102.166, Florida  
70 Statutes, is amended to read:

71 102.166 Manual recounts of overvotes and undervotes.—

72 (4) (a) A vote for a candidate or ballot measure shall be  
73 counted if there is a clear indication on the ballot that the  
74 voter has made a definite choice.

75 (b) The Department of State shall adopt specific rules for  
76 the federal write-in absentee ballot and for each certified  
77 voting system prescribing what constitutes a "clear indication  
78 on the ballot that the voter has made a definite choice." The

79 | rules shall be consistent, to the extent practicable, and may  
80 | not:

81 |       1. Exclusively provide that the voter must properly mark  
82 | or designate his or her choice on the ballot; or

83 |       2. Contain a catch-all provision that fails to identify  
84 | specific standards, such as "any other mark or indication  
85 | clearly indicating that the voter has made a definite choice."

86 |       (c) The rule for the federal write-in absentee ballot must  
87 | address, at a minimum, the following issues:

88 |       1. The appropriate lines or spaces for designating a  
89 | candidate choice and, for state and local races, the office or  
90 | ballot measure to be voted, including the proximity of each to  
91 | the other and the effect of intervening blank lines.

92 |       2. The sufficiency of designating a candidate's first or  
93 | last name when no other candidate in the race has the same or a  
94 | similar name.

95 |       3. The sufficiency of designating a candidate's first or  
96 | last name when an opposing candidate has the same or a similar  
97 | name, notwithstanding generational suffixes and titles such as  
98 | "Jr.," "Sr.," or "III." The rule should contemplate the  
99 | sufficiency of additional first names and first initials, middle  
100 | names and middle initials, generational suffixes and titles,  
101 | nicknames, and, in general elections, the name or abbreviation  
102 | of a political party.

103 |       4. Candidate designations containing both a qualified  
104 | candidate's name and a political party, including those in which

105 ~~where~~ the party designated is the candidate's party, is not the  
106 candidate's party, has an opposing candidate in the race, or  
107 does not have an opposing candidate in the race.

108 5. Situations where the abbreviation or name of a  
109 candidate is the same as the abbreviation or name of a political  
110 party to which the candidate does not belong, including those in  
111 which ~~where~~ the party designated has another candidate in the  
112 race or does not have a candidate in the race.

113 6. The use of marks, symbols, or language, such as arrows,  
114 quotation marks, or the word "same" or "ditto," to indicate that  
115 the same political party designation applies to all listed  
116 offices or the elector's approval or disapproval of all listed  
117 ballot measures.

118 7. Situations in which ~~where~~ an elector designates the  
119 name of a qualified candidate for an incorrect office.

120 8. Situations in which ~~where~~ an elector designates an  
121 otherwise correct office name that includes an incorrect  
122 district number.

123 Section 3. This act shall take effect July 1, 2014.