

By Senator Thompson

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1 A bill to be entitled
 2 An act relating to absentee voting; amending ss.
 3 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981,
 4 98.255, 100.025, 101.051, 101.151, 101.5612, 101.5614,
 5 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65,
 6 101.655, 101.661, 101.662, 101.663, 101.67, 101.68,
 7 101.69, 101.6921, 101.6923, 101.6925, 101.694,
 8 101.6951, 101.6952, 101.697, 102.031, 102.141,
 9 102.168, 104.047, 104.0515, 104.0616, 104.17, 117.05,
 10 394.459, 741.406, and 916.107, F.S.; replacing the
 11 term "absentee ballot" with the term "vote-by-mail
 12 ballot"; conforming terminology to changes made by the
 13 act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (13) of section 97.012, Florida
 18 Statutes, is amended to read:

19 97.012 Secretary of State as chief election officer.—The
 20 Secretary of State is the chief election officer of the state,
 21 and it is his or her responsibility to:

22 (13) Designate an office within the department to be
 23 responsible for providing information regarding voter
 24 registration procedures and vote-by-mail ~~absentee~~ ballot
 25 procedures to absent uniformed services voters and overseas
 26 voters.

27 Section 2. Subsections (1) and (13) of section 97.021,
 28 Florida Statutes, are amended to read:

29 97.021 Definitions.—For the purposes of this code, except

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 where the context clearly indicates otherwise, the term:

31 (1) "Absent elector" means any registered and qualified
32 voter who casts a vote-by-mail ~~an absentee~~ ballot.

33 (13) "Election costs" shall include, but not be limited to,
34 expenditures for all paper supplies such as envelopes,
35 instructions to voters, affidavits, reports, ballot cards,
36 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,
37 notices to voters; advertisements for registration book
38 closings, testing of voting equipment, sample ballots, and
39 polling places; forms used to qualify candidates; polling site
40 rental and equipment delivery and pickup; data processing time
41 and supplies; election records retention; and labor costs,
42 including those costs uniquely associated with vote-by-mail
43 ~~absentee~~ ballot preparation, poll workers, and election night
44 canvass.

45 Section 3. Section 97.026, Florida Statutes, is amended to
46 read:

47 97.026 Forms to be available in alternative formats and via
48 the Internet.—It is the intent of the Legislature that all forms
49 required to be used in chapters 97-106 shall be made available
50 upon request, in alternative formats. Such forms shall include
51 vote-by-mail ~~absentee~~ ballots as alternative formats for such
52 ballots become available and the Division of Elections is able
53 to certify systems that provide them. Whenever possible, such
54 forms, with the exception of vote-by-mail ~~absentee~~ ballots,
55 shall be made available by the Department of State via the
56 Internet. Sections that contain such forms include, but are not
57 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,
58 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,

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59 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,
60 101.657, 105.031, 106.023, and 106.087.

61 Section 4. Paragraph (c) of subsection (4) of section
62 98.065, Florida Statutes, is amended to read:

63 98.065 Registration list maintenance programs.—

64 (4)

65 (c) The supervisor must designate as inactive all voters
66 who have been sent an address confirmation final notice and who
67 have not returned the postage prepaid, preaddressed return form
68 within 30 days or for which the final notice has been returned
69 as undeliverable. Names on the inactive list may not be used to
70 calculate the number of signatures needed on any petition. A
71 voter on the inactive list may be restored to the active list of
72 voters upon the voter updating his or her registration,
73 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to
74 vote. However, if the voter does not update his or her voter
75 registration information, request a vote-by-mail ~~an absentee~~
76 ballot, or vote by the second general election after being
77 placed on the inactive list, the voter's name shall be removed
78 from the statewide voter registration system and the voter shall
79 be required to reregister to have his or her name restored to
80 the statewide voter registration system.

81 Section 5. Subsection (4) of section 98.077, Florida
82 Statutes, is amended to read:

83 98.077 Update of voter signature.—

84 (4) All signature updates for use in verifying vote-by-mail
85 ~~absentee~~ and provisional ballots must be received by the
86 appropriate supervisor of elections no later than the start of
87 the canvassing of vote-by-mail ~~absentee~~ ballots by the

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88 canvassing board. The signature on file at the start of the
89 canvass of the vote-by-mail ~~absentee~~ ballots is the signature
90 that shall be used in verifying the signature on the vote-by-
91 mail ~~absentee~~ and provisional ballot certificates.

92 Section 6. Paragraphs (b) and (d) of subsection (1) and
93 paragraph (a) of subsection (2) of section 98.0981, Florida
94 Statutes, are amended to read:

95 98.0981 Reports; voting history; statewide voter
96 registration system information; precinct-level election
97 results; book closing statistics.—

98 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
99 INFORMATION.—

100 (b) After receipt of the information in paragraph (a), the
101 department shall prepare a report in electronic format which
102 contains the following information, separately compiled for the
103 primary and general election for all voters qualified to vote in
104 either election:

105 1. The unique identifier assigned to each qualified voter
106 within the statewide voter registration system;

107 2. All information provided by each qualified voter on his
108 or her voter registration application pursuant to s. 97.052(2),
109 except that which is confidential or exempt from public records
110 requirements;

111 3. Each qualified voter's date of registration;

112 4. Each qualified voter's current state representative
113 district, state senatorial district, and congressional district,
114 assigned by the supervisor of elections;

115 5. Each qualified voter's current precinct; and

116 6. Voting history as transmitted under paragraph (a) to

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117 include whether the qualified voter voted at a precinct
118 location, voted during the early voting period, voted by vote-
119 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail
120 ~~absentee~~ ballot that was not counted, attempted to vote by
121 provisional ballot that was not counted, or did not vote.

122 (d) File specifications are as follows:

123 1. The file shall contain records designated by the
124 categories below for all qualified voters who, regardless of the
125 voter's county of residence or active or inactive registration
126 status at the book closing for the corresponding election that
127 the file is being created for:

128 a. Voted a regular ballot at a precinct location.

129 b. Voted at a precinct location using a provisional ballot
130 that was subsequently counted.

131 c. Voted a regular ballot during the early voting period.

132 d. Voted during the early voting period using a provisional
133 ballot that was subsequently counted.

134 e. Voted by vote-by-mail ~~absentee~~ ballot.

135 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but
136 the ballot was not counted.

137 g. Attempted to vote by provisional ballot, but the ballot
138 was not counted in that election.

139 2. Each file shall be created or converted into a tab-
140 delimited format.

141 3. File names shall adhere to the following convention:

142 a. Three-character county identifier as established by the
143 department followed by an underscore.

144 b. Followed by four-character file type identifier of
145 'VH03' followed by an underscore.

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146 c. Followed by FVRS election ID followed by an underscore.
147 d. Followed by Date Created followed by an underscore.
148 e. Date format is YYYYMMDD.
149 f. Followed by Time Created - HHMMSS.
150 g. Followed by ".txt".

151 4. Each record shall contain the following columns: Record
152 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
153 Date, Vote History Code, Precinct, Congressional District, House
154 District, Senate District, County Commission District, and
155 School Board District.

156 (2) PRECINCT-LEVEL ELECTION RESULTS.—

157 (a) Within 30 days after certification by the Elections
158 Canvassing Commission of a presidential preference primary
159 election, special election, primary election, or general
160 election, the supervisors of elections shall collect and submit
161 to the department precinct-level election results for the
162 election in a uniform electronic format specified by paragraph
163 (c). The precinct-level election results shall be compiled
164 separately for the primary or special primary election that
165 preceded the general or special general election, respectively.
166 The results shall specifically include for each precinct the
167 total of all ballots cast for each candidate or nominee to fill
168 a national, state, county, or district office or proposed
169 constitutional amendment, with subtotals for each candidate and
170 ballot type, unless fewer than 10 voters voted a ballot type.
171 "All ballots cast" means ballots cast by voters who cast a
172 ballot whether at a precinct location, by vote-by-mail ~~absentee~~
173 ballot including overseas vote-by-mail ~~absentee~~ ballots, during
174 the early voting period, or by provisional ballot.

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175 Section 7. Subsection (1) of section 98.255, Florida
176 Statutes, is amended to read:

177 98.255 Voter education programs.—

178 (1) The Department of State shall adopt rules prescribing
179 minimum standards for nonpartisan voter education. The standards
180 shall, at a minimum, address:

181 (a) Voter registration;

182 (b) Balloting procedures, by mail ~~absentee~~ and polling
183 place;

184 (c) Voter rights and responsibilities;

185 (d) Distribution of sample ballots; and

186 (e) Public service announcements.

187 Section 8. Section 100.025, Florida Statutes, is amended to
188 read:

189 100.025 Citizens residing overseas; notice of elections.—A
190 citizen of this state who is residing overseas may notify the
191 supervisor of elections in the county where he or she is
192 registered of his or her overseas address; and, thereafter, the
193 supervisor shall notify such citizen at least 90 days prior to
194 regular primary and general elections and when possible prior to
195 any special election so that such citizen may follow the
196 procedures for ~~absentee~~ voting by mail provided by law.

197 Section 9. Subsection (3) of section 101.051, Florida
198 Statutes, is amended to read:

199 101.051 Electors seeking assistance in casting ballots;
200 oath to be executed; forms to be furnished.—

201 (3) Any elector applying to cast a vote-by-mail ~~an absentee~~
202 ballot in the office of the supervisor, in any election, who
203 requires assistance to vote by reason of blindness, disability,

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204 or inability to read or write may request the assistance of some
205 person of his or her own choice, other than the elector's
206 employer, an agent of the employer, or an officer or agent of
207 his or her union, in casting his or her vote-by-mail ~~absentee~~
208 ballot.

209 Section 10. Paragraph (b) of subsection (1) of section
210 101.151, Florida Statutes, is amended to read:

211 101.151 Specifications for ballots.—

212 (1)

213 (b) Early voting sites may employ a ballot-on-demand
214 production system to print individual marksense ballots,
215 including provisional ballots, for eligible electors pursuant to
216 s. 101.657. Ballot-on-demand technology may be used to produce
217 marksense vote-by-mail ~~absentee~~ and election-day ballots.

218 Section 11. Subsection (3) of section 101.5612, Florida
219 Statutes, is amended to read:

220 101.5612 Testing of tabulating equipment.—

221 (3) For electronic or electromechanical voting systems
222 configured to tabulate vote-by-mail ~~absentee~~ ballots at a
223 central or regional site, the public testing shall be conducted
224 by processing a preaudited group of ballots so produced as to
225 record a predetermined number of valid votes for each candidate
226 and on each measure and to include one or more ballots for each
227 office which have activated voting positions in excess of the
228 number allowed by law in order to test the ability of the
229 automatic tabulating equipment to reject such votes. If any
230 error is detected, the cause therefor shall be corrected and an
231 errorless count shall be made before the automatic tabulating
232 equipment is approved. The test shall be repeated and errorless

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233 results achieved immediately before the start of the official
234 count of the ballots and again after the completion of the
235 official count. The programs and ballots used for testing shall
236 be sealed and retained under the custody of the county
237 canvassing board.

238 Section 12. Paragraph (a) of subsection (5) and subsections
239 (7) and (8) of section 101.5614, Florida Statutes, are amended
240 to read:

241 101.5614 Canvass of returns.—

242 (5) (a) If any vote-by-mail ~~absentee~~ ballot is physically
243 damaged so that it cannot properly be counted by the automatic
244 tabulating equipment, a true duplicate copy shall be made of the
245 damaged ballot in the presence of witnesses and substituted for
246 the damaged ballot. Likewise, a duplicate ballot shall be made
247 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted
248 race or a marked vote-by-mail ~~absentee~~ ballot in which every
249 race is undervoted which shall include all valid votes as
250 determined by the canvassing board based on rules adopted by the
251 division pursuant to s. 102.166(4). All duplicate ballots shall
252 be clearly labeled "duplicate," bear a serial number which shall
253 be recorded on the defective ballot, and be counted in lieu of
254 the defective ballot. After a ballot has been duplicated, the
255 defective ballot shall be placed in an envelope provided for
256 that purpose, and the duplicate ballot shall be tallied with the
257 other ballots for that precinct.

258 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by
259 automatic tabulating equipment if they have been marked in a
260 manner which will enable them to be properly counted by such
261 equipment.

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262 (8) The return printed by the automatic tabulating
263 equipment, to which has been added the return of write-in, vote-
264 by-mail absentee, and manually counted votes and votes from
265 provisional ballots, shall constitute the official return of the
266 election upon certification by the canvassing board. Upon
267 completion of the count, the returns shall be open to the
268 public. A copy of the returns may be posted at the central
269 counting place or at the office of the supervisor of elections
270 in lieu of the posting of returns at individual precincts.

271 Section 13. Section 101.572, Florida Statutes, is amended
272 to read:

273 101.572 Public inspection of ballots.—The official ballots
274 and ballot cards received from election boards and removed from
275 vote-by-mail absentee ballot mailing envelopes shall be open for
276 public inspection or examination while in the custody of the
277 supervisor of elections or the county canvassing board at any
278 reasonable time, under reasonable conditions; however, no
279 persons other than the supervisor of elections or his or her
280 employees or the county canvassing board shall handle any
281 official ballot or ballot card. If the ballots are being
282 examined prior to the end of the contest period in s. 102.168,
283 the supervisor of elections shall make a reasonable effort to
284 notify all candidates whose names appear on such ballots or
285 ballot cards by telephone or otherwise of the time and place of
286 the inspection or examination. All such candidates, or their
287 representatives, shall be allowed to be present during the
288 inspection or examination.

289 Section 14. Paragraphs (a) and (b) of subsection (2) of
290 section 101.591, Florida Statutes, are amended to read:

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291 101.591 Voting system audit.—

292 (2) (a) A manual audit shall consist of a public manual
293 tally of the votes cast in one randomly selected race that
294 appears on the ballot. The tally sheet shall include election-
295 day, vote-by-mail absentee, early voting, provisional, and
296 overseas ballots, in at least 1 percent but no more than 2
297 percent of the precincts chosen at random by the county
298 canvassing board or the local board responsible for certifying
299 the election. If 1 percent of the precincts is less than one
300 entire precinct, the audit shall be conducted using at least one
301 precinct chosen at random by the county canvassing board or the
302 local board responsible for certifying the election. Such
303 precincts shall be selected at a publicly noticed canvassing
304 board meeting.

305 (b) An automated audit shall consist of a public automated
306 tally of the votes cast across every race that appears on the
307 ballot. The tally sheet shall include election day, vote-by-mail
308 ~~absentee~~, early voting, provisional, and overseas ballots in at
309 least 20 percent of the precincts chosen at random by the county
310 canvassing board or the local board responsible for certifying
311 the election. Such precincts shall be selected at a publicly
312 noticed canvassing board meeting.

313 Section 15. Section 101.6105, Florida Statutes, is amended
314 to read:

315 101.6105 Vote-by-mail Absentee voting.—The provisions of
316 the election code relating to vote-by-mail absentee voting and
317 vote-by-mail absentee ballots shall apply to elections under ss.
318 101.6101-101.6107 only insofar as they do not conflict with the
319 provisions of ss. 101.6101-101.6107.

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320 Section 16. Section 101.62, Florida Statutes, is amended to
321 read:

322 101.62 Request for vote-by-mail ~~absentee~~ ballots.-

323 (1) (a) The supervisor shall accept a request for a vote-by-
324 mail ~~an absentee~~ ballot from an elector in person or in writing.
325 One request shall be deemed sufficient to receive a vote-by-mail
326 ~~an absentee~~ ballot for all elections through the end of the
327 calendar year of the second ensuing regularly scheduled general
328 election, unless the elector or the elector's designee indicates
329 at the time the request is made the elections for which the
330 elector desires to receive a vote-by-mail ~~an absentee~~ ballot.
331 Such request may be considered canceled when any first-class
332 mail sent by the supervisor to the elector is returned as
333 undeliverable.

334 (b) The supervisor may accept a written or telephonic
335 request for a vote-by-mail ~~an absentee~~ ballot to be mailed to an
336 elector's address on file in the Florida Voter Registration
337 System from the elector, or, if directly instructed by the
338 elector, a member of the elector's immediate family, or the
339 elector's legal guardian; if the ballot is requested to be
340 mailed to an address other than the elector's address on file in
341 the Florida Voter Registration System, the request must be made
342 in writing and signed by the elector. However, an absent
343 uniformed service voter or an overseas voter seeking a vote-by-
344 mail ~~an absentee~~ ballot is not required to submit a signed,
345 written request for a vote-by-mail ~~an absentee~~ ballot that is
346 being mailed to an address other than the elector's address on
347 file in the Florida Voter Registration System. For purposes of
348 this section, the term "immediate family" has the same meaning

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349 as specified in paragraph (4) (c). The person making the request
350 must disclose:

- 351 1. The name of the elector for whom the ballot is
352 requested.
- 353 2. The elector's address.
- 354 3. The elector's date of birth.
- 355 4. The requester's name.
- 356 5. The requester's address.
- 357 6. The requester's driver license number, if available.
- 358 7. The requester's relationship to the elector.
- 359 8. The requester's signature (written requests only).

360 (c) Upon receiving a request for a vote-by-mail ~~an absentee~~
361 ballot from an absent voter, the supervisor of elections shall
362 notify the voter of the free access system that has been
363 designated by the department for determining the status of his
364 or her vote-by-mail ~~absentee~~ ballot.

365 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be
366 mailed to a voter must be received no later than 5 p.m. on the
367 sixth day before the election by the supervisor of elections.
368 The supervisor of elections shall mail vote-by-mail ~~absentee~~
369 ballots to voters requesting ballots by such deadline no later
370 than 4 days before the election.

371 (3) For each request for a vote-by-mail ~~an absentee~~ ballot
372 received, the supervisor shall record the date the request was
373 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to
374 the voter or the voter's designee or the date the vote-by-mail
375 ~~absentee~~ ballot was delivered to the post office or other
376 carrier, the date the ballot was received by the supervisor, the
377 absence of the voter's signature on the voter's certificate, if

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378 applicable, and such other information he or she may deem
379 necessary. This information shall be provided in electronic
380 format as provided by rule adopted by the division. The
381 information shall be updated and made available no later than 8
382 a.m. of each day, including weekends, beginning 60 days before
383 the primary until 15 days after the general election and shall
384 be contemporaneously provided to the division. This information
385 shall be confidential and exempt from s. 119.07(1) and shall be
386 made available to or reproduced only for the voter requesting
387 the ballot, a canvassing board, an election official, a
388 political party or official thereof, a candidate who has filed
389 qualification papers and is opposed in an upcoming election, and
390 registered political committees for political purposes only.

391 (4) (a) No later than 45 days before each presidential
392 preference primary election, primary election, and general
393 election, the supervisor of elections shall send a vote-by-mail
394 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each
395 absent uniformed services voter and to each overseas voter who
396 has requested a vote-by-mail ~~an absentee~~ ballot.

397 (b) The supervisor of elections shall mail a vote-by-mail
398 ~~an absentee~~ ballot to each absent qualified voter, other than
399 those listed in paragraph (a), who has requested such a ballot,
400 between the 35th and 28th days before the presidential
401 preference primary election, primary election, and general
402 election. Except as otherwise provided in subsection (2) and
403 after the period described in this paragraph, the supervisor
404 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days
405 after receiving a request for such a ballot.

406 (c) The supervisor shall provide a vote-by-mail ~~an absentee~~

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407 ballot to each elector by whom a request for that ballot has
408 been made by one of the following means:

409 1. By nonforwardable, return-if-undeliverable mail to the
410 elector's current mailing address on file with the supervisor or
411 any other address the elector specifies in the request.

412 2. By forwardable mail, e-mail, or facsimile machine
413 transmission to absent uniformed services voters and overseas
414 voters. The absent uniformed services voter or overseas voter
415 may designate in the vote-by-mail ~~absentee~~ ballot request the
416 preferred method of transmission. If the voter does not
417 designate the method of transmission, the vote-by-mail ~~absentee~~
418 ballot shall be mailed.

419 3. By personal delivery before 7 p.m. on election day to
420 the elector, upon presentation of the identification required in
421 s. 101.043.

422 4. By delivery to a designee on election day or up to 5
423 days prior to the day of an election. Any elector may designate
424 in writing a person to pick up the ballot for the elector;
425 however, the person designated may not pick up more than two
426 vote-by-mail ~~absentee~~ ballots per election, other than the
427 designee's own ballot, except that additional ballots may be
428 picked up for members of the designee's immediate family. For
429 purposes of this section, "immediate family" means the
430 designee's spouse or the parent, child, grandparent, or sibling
431 of the designee or of the designee's spouse. The designee shall
432 provide to the supervisor the written authorization by the
433 elector and a picture identification of the designee and must
434 complete an affidavit. The designee shall state in the affidavit
435 that the designee is authorized by the elector to pick up that

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436 ballot and shall indicate if the elector is a member of the
437 designee's immediate family and, if so, the relationship. The
438 department shall prescribe the form of the affidavit. If the
439 supervisor is satisfied that the designee is authorized to pick
440 up the ballot and that the signature of the elector on the
441 written authorization matches the signature of the elector on
442 file, the supervisor shall give the ballot to that designee for
443 delivery to the elector.

444 5. Except as provided in s. 101.655, the supervisor may not
445 deliver a vote-by-mail ~~an absentee~~ ballot to an elector or an
446 elector's immediate family member on the day of the election
447 unless there is an emergency, to the extent that the elector
448 will be unable to go to his or her assigned polling place. If a
449 vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his
450 or her designee shall execute an affidavit affirming to the
451 facts which allow for delivery of the vote-by-mail ~~absentee~~
452 ballot. The department shall adopt a rule providing for the form
453 of the affidavit.

454 (5) If the department is unable to certify candidates for
455 an election in time to comply with paragraph (4) (a), the
456 Department of State is authorized to prescribe rules for a
457 ballot to be sent to absent uniformed services voters and
458 overseas voters.

459 (6) Only ~~Nothing other than~~ the materials necessary to vote
460 by mail may ~~absentee~~ shall be mailed or delivered with any vote-
461 by-mail ~~absentee~~ ballot.

462 Section 17. Subsections (1) and (4) of section 101.64,
463 Florida Statutes, are amended to read:

464 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;

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494 read:

495 101.65 Instructions to absent electors.—The supervisor
496 shall enclose with each vote-by-mail ~~absentee~~ ballot separate
497 printed instructions in substantially the following form:

498

499 READ THESE INSTRUCTIONS CAREFULLY
500 BEFORE MARKING BALLOT.

501 1. VERY IMPORTANT. In order to ensure that your vote-by-
502 mail ~~absentee~~ ballot will be counted, it should be completed and
503 returned as soon as possible so that it can reach the supervisor
504 of elections of the county in which your precinct is located no
505 later than 7 p.m. on the day of the election. However, if you
506 are an overseas voter casting a ballot in a presidential
507 preference primary or general election, your vote-by-mail
508 ~~absentee~~ ballot must be postmarked or dated no later than the
509 date of the election and received by the supervisor of elections
510 of the county in which you are registered to vote no later than
511 10 days after the date of the election.

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

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

519 4. Place your marked ballot in the enclosed secrecy
520 envelope.

521 5. Insert the secrecy envelope into the enclosed mailing
522 envelope which is addressed to the supervisor.

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

525 7. VERY IMPORTANT. In order for your vote-by-mail ~~absentee~~
526 ballot to be counted, you must sign your name on the line above
527 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be
528 considered illegal and not be counted if the signature on the
529 voter's certificate does not match the signature on record. The
530 signature on file at the start of the canvass of the vote-by-
531 mail ~~absentee~~ ballots is the signature that will be used to
532 verify your signature on the voter's certificate. If you need to
533 update your signature for this election, send your signature
534 update on a voter registration application to your supervisor of
535 elections so that it is received no later than the start of the
536 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
537 earlier than the 15th day before election day.

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

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

543 10. FELONY NOTICE. It is a felony under Florida law to
544 accept any gift, payment, or gratuity in exchange for your vote
545 for a candidate. It is also a felony under Florida law to vote
546 in an election using a false identity or false address, or under
547 any other circumstances making your ballot false or fraudulent.

548 Section 19. Subsections (1) and (2) of section 101.655,
549 Florida Statutes, are amended to read:

550 101.655 Supervised voting by absent electors in certain
551 facilities.-

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552 (1) The supervisor of elections of a county shall provide
553 supervised voting for absent electors residing in any assisted
554 living facility, as defined in s. 429.02, or nursing home
555 facility, as defined in s. 400.021, within that county at the
556 request of any administrator of such a facility. Such request
557 for supervised voting in the facility shall be made by
558 submitting a written request to the supervisor of elections no
559 later than 21 days prior to the election for which that request
560 is submitted. The request shall specify the name and address of
561 the facility and the name of the electors who wish to vote by
562 mail ~~absentee~~ in that election. If the request contains the
563 names of fewer than five voters, the supervisor of elections is
564 not required to provide supervised voting.

565 (2) The supervisor of elections may, in the absence of a
566 request from the administrator of a facility, provide for
567 supervised voting in the facility for those persons who have
568 requested vote-by-mail ~~absentee~~ ballots. The supervisor of
569 elections shall notify the administrator of the facility that
570 supervised voting will occur.

571 Section 20. Section 101.661, Florida Statutes, is amended
572 to read:

573 101.661 Voting vote-by-mail ~~absentee~~ ballots.—All electors
574 must personally mark or designate their choices on the vote-by-
575 mail ~~absentee~~ ballot, except:

576 (1) Electors who require assistance to vote because of
577 blindness, disability, or inability to read or write, who may
578 have some person of the elector's choice, other than the
579 elector's employer, an agent of the employer, or an officer or
580 agent of the elector's union, mark the elector's choices or

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581 assist the elector in marking his or her choices on the ballot.

582 (2) As otherwise provided in s. 101.051 or s. 101.655.

583 Section 21. Section 101.662, Florida Statutes, is amended
584 to read:

585 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It
586 is the intent of the Legislature that voting by vote-by-mail
587 ~~absentee~~ ballot be by methods that are fully accessible to all
588 voters, including voters having a disability. The Department of
589 State shall work with the supervisors of elections and the
590 disability community to develop and implement procedures and
591 technologies, as possible, which will include procedures for
592 providing vote-by-mail ~~absentee~~ ballots, upon request, in
593 alternative formats that will allow all voters to cast a secret,
594 independent, and verifiable vote-by-mail ~~absentee~~ ballot without
595 the assistance of another person.

596 Section 22. Section 101.663, Florida Statutes, is amended
597 to read:

598 101.663 Electors; change of residence to another state.—An
599 elector registered in this state who moves his or her permanent
600 residence to another state after the registration books in that
601 state have closed is ~~shall be~~ permitted to vote by mail ~~absentee~~
602 in the county of his or her former residence for the offices of
603 President and Vice President of the United States.

604 Section 23. Section 101.67, Florida Statutes, is amended to
605 read:

606 101.67 Safekeeping of mailed ballots; deadline for
607 receiving vote-by-mail ~~absentee~~ ballots.—

608 (1) The supervisor of elections shall safely keep in his or
609 her office any envelopes received containing marked ballots of

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610 absent electors, and he or she shall, before the canvassing of
611 the election returns, deliver the envelopes to the county
612 canvassing board along with his or her file or list kept
613 regarding said ballots.

614 (2) Except as provided in s. 101.6952(5), all marked absent
615 electors' ballots to be counted must be received by the
616 supervisor by 7 p.m. the day of the election. All ballots
617 received thereafter shall be marked with the time and date of
618 receipt and filed in the supervisor's office.

619 Section 24. Section 101.68, Florida Statutes, is amended to
620 read:

621 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.—

622 (1) The supervisor of the county where the absent elector
623 resides shall receive the voted ballot, at which time the
624 supervisor shall compare the signature of the elector on the
625 voter's certificate with the signature of the elector in the
626 registration books or the precinct register to determine whether
627 the elector is duly registered in the county and may record on
628 the elector's registration certificate that the elector has
629 voted. However, effective July 1, 2005, an elector who dies
630 after casting a vote-by-mail ~~an absentee~~ ballot but on or before
631 election day shall remain listed in the registration books until
632 the results have been certified for the election in which the
633 ballot was cast. The supervisor shall safely keep the ballot
634 unopened in his or her office until the county canvassing board
635 canvasses the vote. Except as provided in subsection (4), after
636 a vote-by-mail ~~an absentee~~ ballot is received by the supervisor,
637 the ballot is deemed to have been cast, and changes or additions
638 may not be made to the voter's certificate.

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639 (2) (a) The county canvassing board may begin the canvassing
640 of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the 15th day
641 before the election, but not later than noon on the day
642 following the election. In addition, for any county using
643 electronic tabulating equipment, the processing of vote-by-mail
644 ~~absentee~~ ballots through such tabulating equipment may begin at
645 7 a.m. on the 15th day before the election. However,
646 notwithstanding any such authorization to begin canvassing or
647 otherwise processing vote-by-mail ~~absentee~~ ballots early, no
648 result shall be released until after the closing of the polls in
649 that county on election day. Any supervisor of elections, deputy
650 supervisor of elections, canvassing board member, election board
651 member, or election employee who releases the results of a
652 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior
653 to the closing of the polls in that county on election day
654 commits a felony of the third degree, punishable as provided in
655 s. 775.082, s. 775.083, or s. 775.084.

656 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be
657 counted by the canvassing board are accounted for, the
658 canvassing board shall compare the number of ballots in its
659 possession with the number of requests for ballots received to
660 be counted according to the supervisor's file or list.

661 (c)1. The canvassing board shall, if the supervisor has not
662 already done so, compare the signature of the elector on the
663 voter's certificate or on the vote-by-mail ~~absentee~~ ballot
664 affidavit as provided in subsection (4) with the signature of
665 the elector in the registration books or the precinct register
666 to see that the elector is duly registered in the county and to
667 determine the legality of that vote-by-mail ~~absentee~~ ballot. The

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668 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot
669 shall be counted even if the elector dies on or before election
670 day, as long as, prior to the death of the voter, the ballot was
671 postmarked by the United States Postal Service, date-stamped
672 with a verifiable tracking number by a common carrier, or
673 already in the possession of the supervisor of elections. A
674 vote-by-mail ~~An absentee~~ ballot is ~~shall be~~ considered illegal
675 if the voter's certificate or vote-by-mail ~~absentee~~ ballot
676 affidavit does not include the signature of the elector, as
677 shown by the registration records or the precinct register.
678 However, a vote-by-mail ~~an absentee~~ ballot is not considered
679 illegal if the signature of the elector does not cross the seal
680 of the mailing envelope. If the canvassing board determines that
681 any ballot is illegal, a member of the board shall, without
682 opening the envelope, mark across the face of the envelope:
683 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot
684 affidavit, if applicable, the envelope, and the ballot contained
685 therein shall be preserved in the manner that official ballots
686 voted are preserved.

687 2. If any elector or candidate present believes that a
688 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect
689 apparent on the voter's certificate or the vote-by-mail ~~absentee~~
690 ballot affidavit, he or she may, at any time before the ballot
691 is removed from the envelope, file with the canvassing board a
692 protest against the canvass of that ballot, specifying the
693 precinct, the ballot, and the reason he or she believes the
694 ballot to be illegal. A challenge based upon a defect in the
695 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
696 may not be accepted after the ballot has been removed from the

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697 mailing envelope.

698 (d) The canvassing board shall record the ballot upon the
699 proper record, unless the ballot has been previously recorded by
700 the supervisor. The mailing envelopes shall be opened and the
701 secrecy envelopes shall be mixed so as to make it impossible to
702 determine which secrecy envelope came out of which signed
703 mailing envelope; however, in any county in which an electronic
704 or electromechanical voting system is used, the ballots may be
705 sorted by ballot styles and the mailing envelopes may be opened
706 and the secrecy envelopes mixed separately for each ballot
707 style. The votes on vote-by-mail ~~absentee~~ ballots shall be
708 included in the total vote of the county.

709 (3) The supervisor or the chair of the county canvassing
710 board shall, after the board convenes, have custody of the vote-
711 by-mail ~~absentee~~ ballots until a final proclamation is made as
712 to the total vote received by each candidate.

713 (4) (a) The supervisor of elections shall, on behalf of the
714 county canvassing board, notify each elector whose ballot was
715 rejected as illegal and provide the specific reason the ballot
716 was rejected. The supervisor shall mail a voter registration
717 application to the elector to be completed indicating the
718 elector's current signature if the elector's ballot was rejected
719 due to a difference between the elector's signature on the
720 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
721 and the elector's signature in the registration books or
722 precinct register. This section does not prohibit the supervisor
723 from providing additional methods for updating an elector's
724 signature.

725 (b) Until 5 p.m. on the day before an election, the

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726 supervisor shall allow an elector who has returned a vote-by-
 727 mail ~~an absentee~~ ballot that does not include the elector's
 728 signature to complete and submit an affidavit in order to cure
 729 the unsigned vote-by-mail ~~absentee~~ ballot.

730 (c) The elector shall provide identification to the
 731 supervisor and must complete a vote-by-mail ~~an absentee~~ ballot
 732 affidavit in substantially the following form:

733

734 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

735 I,, am a qualified voter in this election and
 736 registered voter of County, Florida. I do solemnly swear or
 737 affirm that I requested and returned the vote-by-mail ~~absentee~~
 738 ballot and that I have not and will not vote more than one
 739 ballot in this election. I understand that if I commit or
 740 attempt any fraud in connection with voting, vote a fraudulent
 741 ballot, or vote more than once in an election, I may be
 742 convicted of a felony of the third degree and fined up to \$5,000
 743 and imprisoned for up to 5 years. I understand that my failure
 744 to sign this affidavit means that my vote-by-mail ~~absentee~~
 745 ballot will be invalidated.

746

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

748

749 ... (Address) ...

750

751 (d) Instructions must accompany the vote-by-mail ~~absentee~~
 752 ballot affidavit in substantially the following form:

753

754 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE

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755 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
756 BALLOT NOT TO COUNT.

757

758 1. In order to ensure that your vote-by-mail ~~absentee~~
759 ballot will be counted, your affidavit should be completed and
760 returned as soon as possible so that it can reach the supervisor
761 of elections of the county in which your precinct is located no
762 later than 5 p.m. on the 2nd day before the election.

763 2. You must sign your name on the line above (Voter's
764 Signature).

765 3. You must make a copy of one of the following forms of
766 identification:

767 a. Identification that includes your name and photograph:
768 United States passport; debit or credit card; military
769 identification; student identification; retirement center
770 identification; neighborhood association identification; or
771 public assistance identification; or

772 b. Identification that shows your name and current
773 residence address: current utility bill, bank statement,
774 government check, paycheck, or government document (excluding
775 voter identification card).

776 4. Place the envelope bearing the affidavit into a mailing
777 envelope addressed to the supervisor. Insert a copy of your
778 identification in the mailing envelope. Mail, deliver, or have
779 delivered the completed affidavit along with the copy of your
780 identification to your county supervisor of elections. Be sure
781 there is sufficient postage if mailed and that the supervisor's
782 address is correct.

783 5. Alternatively, you may fax or e-mail your completed

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784 affidavit and a copy of your identification to the supervisor of
785 elections. If e-mailing, please provide these documents as
786 attachments.

787 (e) The department and each supervisor shall include the
788 affidavit and instructions on their respective websites. The
789 supervisor must include his or her office's mailing address, e-
790 mail address, and fax number on the page containing the
791 affidavit instructions; the department's instruction page must
792 include the office mailing addresses, e-mail addresses, and fax
793 numbers of all supervisors of elections or provide a conspicuous
794 link to such addresses.

795 (f) The supervisor shall attach each affidavit received to
796 the appropriate vote-by-mail ~~absentee~~ ballot mailing envelope.

797 Section 25. Section 101.69, Florida Statutes, is amended to
798 read:

799 101.69 Voting in person; return of vote-by-mail ~~absentee~~
800 ballot.—The provisions of this code shall not be construed to
801 prohibit any elector from voting in person at the elector's
802 precinct on the day of an election or at an early voting site,
803 notwithstanding that the elector has requested a vote-by-mail ~~an~~
804 ~~absentee~~ ballot for that election. An elector who has returned a
805 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,
806 is deemed to have cast his or her ballot and is not entitled to
807 vote another ballot or to have a provisional ballot counted by
808 the county canvassing board. An elector who has received a vote-
809 by-mail ~~an absentee~~ ballot and has not returned the voted ballot
810 to the supervisor, but desires to vote in person, shall return
811 the ballot, whether voted or not, to the election board in the
812 elector's precinct or to an early voting site. The returned

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813 ballot shall be marked "canceled" by the board and placed with
814 other canceled ballots. However, if the elector does not return
815 the ballot and the election official:

816 (1) Confirms that the supervisor has received the elector's
817 vote-by-mail ~~absentee~~ ballot, the elector shall not be allowed
818 to vote in person. If the elector maintains that he or she has
819 not returned the vote-by-mail ~~absentee~~ ballot or remains
820 eligible to vote, the elector shall be provided a provisional
821 ballot as provided in s. 101.048.

822 (2) Confirms that the supervisor has not received the
823 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be
824 allowed to vote in person as provided in this code. The
825 elector's vote-by-mail ~~absentee~~ ballot, if subsequently
826 received, shall not be counted and shall remain in the mailing
827 envelope, and the envelope shall be marked "Rejected as
828 Illegal."

829 (3) Cannot determine whether the supervisor has received
830 the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote
831 a provisional ballot as provided in s. 101.048.

832 Section 26. Subsections (1) and (2) of section 101.6921,
833 Florida Statutes, are amended to read:

834 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot
835 to certain first-time voters.—

836 (1) The provisions of this section apply to voters who are
837 subject to the provisions of s. 97.0535 and who have not
838 provided the identification or certification required by s.
839 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

840 (2) The supervisor shall enclose with each vote-by-mail
841 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which

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842 the absent elector will enclose his or her marked ballot; an
843 envelope containing the Voter's Certificate, into which the
844 absent elector shall place the secrecy envelope; and a mailing
845 envelope, which shall be addressed to the supervisor and into
846 which the absent elector will place the envelope containing the
847 Voter's Certificate and a copy of the required identification.

848 Section 27. Section 101.6923, Florida Statutes, is amended
849 to read:

850 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions
851 for certain first-time voters.—

852 (1) The provisions of this section apply to voters who are
853 subject to the provisions of s. 97.0535 and who have not
854 provided the identification or information required by s.
855 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

856 (2) A voter covered by this section shall be provided with
857 printed instructions with his or her vote-by-mail ~~absentee~~
858 ballot in substantially the following form:

859
860 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
861 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
862 YOUR BALLOT NOT TO COUNT.

863
864 1. In order to ensure that your vote-by-mail ~~absentee~~
865 ballot will be counted, it should be completed and returned as
866 soon as possible so that it can reach the supervisor of
867 elections of the county in which your precinct is located no
868 later than 7 p.m. on the date of the election. However, if you
869 are an overseas voter casting a ballot in a presidential
870 preference primary or general election, your vote-by-mail

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871 ~~absentee~~ ballot must be postmarked or dated no later than the
872 date of the election and received by the supervisor of elections
873 of the county in which you are registered to vote no later than
874 10 days after the date of the election.

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

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

882 4. Place your marked ballot in the enclosed secrecy
883 envelope and seal the envelope.

884 5. Insert the secrecy envelope into the enclosed envelope
885 bearing the Voter's Certificate. Seal the envelope and
886 completely fill out the Voter's Certificate on the back of the
887 envelope.

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

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

893 c. A vote-by-mail ~~An absentee~~ ballot will be considered
894 illegal and will not be counted if the signature on the Voter's
895 Certificate does not match the signature on record. The
896 signature on file at the start of the canvass of the vote-by-
897 mail ~~absentee~~ ballots is the signature that will be used to
898 verify your signature on the Voter's Certificate. If you need to
899 update your signature for this election, send your signature

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900 update on a voter registration application to your supervisor of
901 elections so that it is received no later than the start of
902 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
903 earlier than the 15th day before election day.

904 6. Unless you meet one of the exemptions in Item 7., you
905 must make a copy of one of the following forms of
906 identification:

907 a. Identification which must include your name and
908 photograph: United States passport; debit or credit card;
909 military identification; student identification; retirement
910 center identification; neighborhood association identification;
911 or public assistance identification; or

912 b. Identification which shows your name and current
913 residence address: current utility bill, bank statement,
914 government check, paycheck, or government document (excluding
915 voter identification card).

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

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

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

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

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

926 e. You are the spouse or dependent of a member referred to
927 in paragraph c. or paragraph d. who, by reason of the active
928 duty or service of the member, will be absent from the county on

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929 election day.

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

931 8. Place the envelope bearing the Voter's Certificate into
932 the mailing envelope addressed to the supervisor. Insert a copy
933 of your identification in the mailing envelope. DO NOT PUT YOUR
934 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
935 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
936 BALLOT WILL NOT COUNT.

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

939 10. FELONY NOTICE. It is a felony under Florida law to
940 accept any gift, payment, or gratuity in exchange for your vote
941 for a candidate. It is also a felony under Florida law to vote
942 in an election using a false identity or false address, or under
943 any other circumstances making your ballot false or fraudulent.

944 Section 28. Subsections (1) and (2) of section 101.6925,
945 Florida Statutes, are amended to read:

946 101.6925 Canvassing special vote-by-mail ~~absentee~~ ballots.—

947 (1) The supervisor of the county where the absent elector
948 resides shall receive the voted special vote-by-mail ~~absentee~~
949 ballot, at which time the mailing envelope shall be opened to
950 determine if the voter has enclosed the identification required
951 or has indicated on the Voter's Certificate that he or she is
952 exempt from the identification requirements.

953 (2) If the identification is enclosed or the voter has
954 indicated that he or she is exempt from the identification
955 requirements, the supervisor shall make the note on the
956 registration records of the voter and proceed to canvass the
957 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

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958 Section 29. Section 101.694, Florida Statutes, is amended
959 to read:

960 101.694 Mailing of ballots upon receipt of federal postcard
961 application.—

962 (1) Upon receipt of a federal postcard application for a
963 vote-by-mail ~~an absentee~~ ballot executed by a person whose
964 registration is in order or whose application is sufficient to
965 register or update the registration of that person, the
966 supervisor shall send the ballot in accordance with s.
967 101.62(4).

968 (2) Upon receipt of a federal postcard application for a
969 vote-by-mail ~~an absentee~~ ballot executed by a person whose
970 registration is not in order and whose application is
971 insufficient to register or update the registration of that
972 person, the supervisor shall follow the procedure set forth in
973 s. 97.073.

974 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters
975 entitled to vote by mail ~~absentee~~ under the Uniformed and
976 Overseas Citizens Absentee Voting Act shall meet the
977 specifications as determined by the Federal Voting Assistance
978 Program of the United States Department of Defense and the
979 United States Postal Service.

980 (4) Cognizance shall be taken of the fact that vote-by-mail
981 ~~absentee~~ ballots and other materials such as instructions and
982 envelopes are to be carried via air mail, and, to the maximum
983 extent possible, such ballots and materials shall be reduced in
984 size and weight of paper. The same ballot shall be used,
985 however, as is used by other vote-by-mail ~~absentee~~ voters.

986 Section 30. Subsections (1) and (4) of section 101.6951,

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987 Florida Statutes, are amended to read:

988 101.6951 State write-in vote-by-mail ballot.-

989 (1) An overseas voter may request, not earlier than 180
990 days before a general election, a state write-in vote-by-mail
991 ~~absentee~~ ballot from the supervisor of elections in the county
992 of registration. In order to receive a state write-in ballot,
993 the voter shall state that due to military or other
994 contingencies that preclude normal mail delivery, the voter
995 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal
996 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail
997 ~~absentee~~ ballots shall be made available to voters 90 to 180
998 days prior to a general election. The Department of State shall
999 prescribe by rule the form of the state write-in vote-by-mail
1000 ballot.

1001 (4) The state write-in vote-by-mail ballot shall contain
1002 all offices, federal, state, and local, for which the voter
1003 would otherwise be entitled to vote.

1004 Section 31. Section 101.6952, Florida Statutes, is amended
1005 to read:

1006 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent uniformed
1007 services and overseas voters.-

1008 (1) If an absent uniformed services voter's or an overseas
1009 voter's request for an official vote-by-mail ~~absentee~~ ballot
1010 pursuant to s. 101.62 includes an e-mail address, the supervisor
1011 of elections shall:

1012 (a) Record the voter's e-mail address in the vote-by-mail
1013 ~~absentee~~ ballot record;

1014 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~ ballot
1015 request was received and include in that e-mail the estimated

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1016 date the vote-by-mail ~~absentee~~ ballot will be sent to the voter;
1017 and

1018 (c) Notify the voter by e-mail when the voted vote-by-mail
1019 ~~absentee~~ ballot is received by the supervisor of elections.

1020 (2) (a) An absent uniformed services voter or an overseas
1021 voter who makes timely application for but does not receive an
1022 official vote-by-mail ~~absentee~~ ballot may use the federal write-
1023 in absentee ballot to vote in any federal, state, or local
1024 election.

1025 (b)1. In an election for federal office, an elector may
1026 designate a candidate by writing the name of a candidate on the
1027 ballot. Except for a primary or special primary election, the
1028 elector may alternatively designate a candidate by writing the
1029 name of a political party on the ballot. A written designation
1030 of the political party shall be counted as a vote for the
1031 candidate of that party if there is such a party candidate in
1032 the race.

1033 2. In a state or local election, an elector may vote in the
1034 section of the federal write-in absentee ballot designated for
1035 nonfederal races by writing on the ballot the title of each
1036 office and by writing on the ballot the name of the candidate
1037 for whom the elector is voting. Except for a primary, special
1038 primary, or nonpartisan election, the elector may alternatively
1039 designate a candidate by writing the name of a political party
1040 on the ballot. A written designation of the political party
1041 shall be counted as a vote for the candidate of that party if
1042 there is such a party candidate in the race. In addition, the
1043 elector may vote on any ballot measure presented in such
1044 election by identifying the ballot measure on which he or she

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1045 desires to vote and specifying his or her vote on the measure.
1046 For purposes of this section, a vote cast in a judicial merit
1047 retention election shall be treated in the same manner as a
1048 ballot measure in which the only allowable responses are "Yes"
1049 or "No."

1050 (c) In the case of a joint candidacy, such as for the
1051 offices of President/Vice President or Governor/Lieutenant
1052 Governor, a valid vote for one or both qualified candidates on
1053 the same ticket shall constitute a vote for the joint candidacy.

1054 (d) For purposes of this subsection and except when the
1055 context clearly indicates otherwise, such as when a candidate in
1056 the election is affiliated with a political party whose name
1057 includes the word "Independent," "Independence," or a similar
1058 term, a voter designation of "No Party Affiliation" or
1059 "Independent," or any minor variation, misspelling, or
1060 abbreviation thereof, shall be considered a designation for the
1061 candidate, other than a write-in candidate, who qualified to run
1062 in the race with no party affiliation. If more than one
1063 candidate qualifies to run as a candidate with no party
1064 affiliation, the designation may not count for any candidate
1065 unless there is a valid, additional designation of the
1066 candidate's name.

1067 (e) Any abbreviation, misspelling, or other minor variation
1068 in the form of the name of an office, the name of a candidate,
1069 the ballot measure, or the name of a political party must be
1070 disregarded in determining the validity of the ballot.

1071 (3) (a) An absent uniformed services voter or an overseas
1072 voter who submits a federal write-in absentee ballot and later
1073 receives an official vote-by-mail ~~absentee~~ ballot may submit the

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1074 official vote-by-mail ~~absentee~~ ballot. An elector who submits a
1075 federal write-in absentee ballot and later receives and submits
1076 an official vote-by-mail ~~absentee~~ ballot should make every
1077 reasonable effort to inform the appropriate supervisor of
1078 elections that the elector has submitted more than one ballot.

1079 (b) A federal write-in absentee ballot may not be canvassed
1080 until 7 p.m. on the day of the election. A federal write-in
1081 absentee ballot from an overseas voter in a presidential
1082 preference primary or general election may not be canvassed
1083 until the conclusion of the 10-day period specified in
1084 subsection (5). Each federal write-in absentee ballot received
1085 by 7 p.m. on the day of the election shall be canvassed pursuant
1086 to ss. 101.5614(5) and 101.68, unless the elector's official
1087 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election
1088 day. Each federal write-in absentee ballot from an overseas
1089 voter in a presidential preference primary or general election
1090 received by 10 days after the date of the election shall be
1091 canvassed pursuant to ss. 101.5614(5) and 101.68, unless the
1092 overseas voter's official vote-by-mail ~~absentee~~ ballot is
1093 received by 10 days after the date of the election. If the
1094 elector's official vote-by-mail ~~absentee~~ ballot is received by 7
1095 p.m. on election day, or, for an overseas voter in a
1096 presidential preference primary or general election, no later
1097 than 10 days after the date of the election, the federal write-
1098 in absentee ballot is invalid and the official vote-by-mail
1099 ~~absentee~~ ballot shall be canvassed. The time shall be regulated
1100 by the customary time in standard use in the county seat of the
1101 locality.

1102 (4) For vote-by-mail ~~absentee~~ ballots received from absent

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1103 uniformed services voters or overseas voters, there is a
1104 presumption that the envelope was mailed on the date stated on
1105 the outside of the return envelope, regardless of the absence of
1106 a postmark on the mailed envelope or the existence of a postmark
1107 date that is later than the date of the election.

1108 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas
1109 voter in any presidential preference primary or general election
1110 which is postmarked or dated no later than the date of the
1111 election and is received by the supervisor of elections of the
1112 county in which the overseas voter is registered no later than
1113 10 days after the date of the election shall be counted as long
1114 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1115 Section 32. Section 101.697, Florida Statutes, is amended
1116 to read:

1117 101.697 Electronic transmission of election materials.—The
1118 Department of State shall determine whether secure electronic
1119 means can be established for receiving ballots from overseas
1120 voters. If such security can be established, the department
1121 shall adopt rules to authorize a supervisor of elections to
1122 accept from an overseas voter a request for a vote-by-mail ~~an~~
1123 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by
1124 secure facsimile machine transmission or other secure electronic
1125 means. The rules must provide that in order to accept a voted
1126 ballot, the verification of the voter must be established, the
1127 security of the transmission must be established, and each
1128 ballot received must be recorded.

1129 Section 33. Paragraph (a) of subsection (4) of section
1130 102.031, Florida Statutes, is amended to read:

1131 102.031 Maintenance of good order at polls; authorities;

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1132 persons allowed in polling rooms and early voting areas;
1133 unlawful solicitation of voters.—

1134 (4) (a) No person, political committee, or other group or
1135 organization may solicit voters inside the polling place or
1136 within 100 feet of the entrance to any polling place, a polling
1137 room where the polling place is also a polling room, an early
1138 voting site, or an office of the supervisor of elections where
1139 vote-by-mail ~~absentee~~ ballots are requested and printed on
1140 demand for the convenience of electors who appear in person to
1141 request them. Before the opening of the polling place or early
1142 voting site, the clerk or supervisor shall designate the no-
1143 solicitation zone and mark the boundaries.

1144 Section 34. Subsections (2), (3), and (4) of section
1145 102.141, Florida Statutes, are amended to read:

1146 102.141 County canvassing board; duties.—

1147 (2) The county canvassing board shall meet in a building
1148 accessible to the public in the county where the election
1149 occurred at a time and place to be designated by the supervisor
1150 of elections to publicly canvass the absent ~~absentee~~ electors'
1151 ballots as provided for in s. 101.68 and provisional ballots as
1152 provided by ss. 101.048, 101.049, and 101.6925. Provisional
1153 ballots cast pursuant to s. 101.049 shall be canvassed in a
1154 manner that votes for candidates and issues on those ballots can
1155 be segregated from other votes. Public notice of the time and
1156 place at which the county canvassing board shall meet to canvass
1157 the absent ~~absentee~~ electors' ballots and provisional ballots
1158 shall be given at least 48 hours prior thereto by publication on
1159 the supervisor of elections' website and once in one or more
1160 newspapers of general circulation in the county or, if there is

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1161 no newspaper of general circulation in the county, by posting
1162 such notice in at least four conspicuous places in the county.
1163 As soon as the absent ~~absentee~~ electors' ballots and the
1164 provisional ballots are canvassed, the board shall proceed to
1165 publicly canvass the vote given each candidate, nominee,
1166 constitutional amendment, or other measure submitted to the
1167 electorate of the county, as shown by the returns then on file
1168 in the office of the supervisor of elections.

1169 (3) The canvass, except the canvass of absent ~~absentee~~
1170 electors' returns and the canvass of provisional ballots, shall
1171 be made from the returns and certificates of the inspectors as
1172 signed and filed by them with the supervisor, and the county
1173 canvassing board shall not change the number of votes cast for a
1174 candidate, nominee, constitutional amendment, or other measure
1175 submitted to the electorate of the county, respectively, in any
1176 polling place, as shown by the returns. All returns shall be
1177 made to the board on or before 2 a.m. of the day following any
1178 primary, general, or other election. If the returns from any
1179 precinct are missing, if there are any omissions on the returns
1180 from any precinct, or if there is an obvious error on any such
1181 returns, the canvassing board shall order a retabulation of the
1182 returns from such precinct. Before canvassing such returns, the
1183 canvassing board shall examine the tabulation of the ballots
1184 cast in such precinct and determine whether the returns
1185 correctly reflect the votes cast. If there is a discrepancy
1186 between the returns and the tabulation of the ballots cast, the
1187 tabulation of the ballots cast shall be presumed correct and
1188 such votes shall be canvassed accordingly.

1189 (4) (a) The supervisor of elections shall upload into the

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1190 county's election management system by 7 p.m. on the day before
1191 the election the results of all early voting and vote-by-mail
1192 ~~absentee~~ ballots that have been canvassed and tabulated by the
1193 end of the early voting period. Pursuant to ss. 101.5614(9),
1194 101.657, and 101.68(2), the tabulation of votes cast or the
1195 results of such uploads may not be made public before the close
1196 of the polls on election day.

1197 (b) The canvassing board shall report all early voting and
1198 all tabulated vote-by-mail ~~absentee~~ results to the Department of
1199 State within 30 minutes after the polls close. Thereafter, the
1200 canvassing board shall report, with the exception of provisional
1201 ballot results, updated precinct election results to the
1202 department at least every 45 minutes until all results are
1203 completely reported. The supervisor of elections shall notify
1204 the department immediately of any circumstances that do not
1205 permit periodic updates as required. Results shall be submitted
1206 in a format prescribed by the department.

1207 Section 35. Subsection (8) of section 102.168, Florida
1208 Statutes, is amended to read:

1209 102.168 Contest of election.—

1210 (8) In any contest that requires a review of the canvassing
1211 board's decision on the legality of a vote-by-mail ~~an absentee~~
1212 ballot pursuant to s. 101.68 based upon a comparison of the
1213 signature on the voter's certificate and the signature of the
1214 elector in the registration records, the circuit court may not
1215 review or consider any evidence other than the signature on the
1216 voter's certificate and the signature of the elector in the
1217 registration records. The court's review of such issue shall be
1218 to determine only if the canvassing board abused its discretion

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1219 in making its decision.

1220 Section 36. Subsection (1) of section 104.047, Florida
1221 Statutes, is amended to read:

1222 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;
1223 violations.—

1224 (1) Except as provided in s. 101.62 or s. 101.655, any
1225 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf
1226 of an elector is guilty of a felony of the third degree,
1227 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1228 Section 37. Paragraph (b) of subsection (2) of section
1229 104.0515, Florida Statutes, is amended to read:

1230 104.0515 Voting rights; deprivation of, or interference
1231 with, prohibited; penalty.—

1232 (2) No person acting under color of law shall:

1233 (b) Deny the right of any individual to vote in any
1234 election because of an error or omission on any record or paper
1235 relating to any application, registration, or other act
1236 requisite to voting, if such error or omission is not material
1237 in determining whether such individual is qualified under law to
1238 vote in such election. This paragraph shall apply to vote-by-
1239 mail ~~absentee~~ ballots only if there is a pattern or history of
1240 discrimination on the basis of race, color, or previous
1241 condition of servitude in regard to vote-by-mail ~~absentee~~
1242 ballots.

1243 Section 38. Section 104.0616, Florida Statutes, is amended
1244 to read:

1245 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;
1246 violations.—

1247 (1) For purposes of this section, the term "immediate

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1248 family" means a person's spouse or the parent, child,
1249 grandparent, or sibling of the person or the person's spouse.

1250 (2) Any person who provides or offers to provide, and any
1251 person who accepts, a pecuniary or other benefit in exchange for
1252 distributing, ordering, requesting, collecting, delivering, or
1253 otherwise physically possessing more than two vote-by-mail
1254 ~~absentee~~ ballots per election in addition to his or her own
1255 ballot or a ballot belonging to an immediate family member,
1256 except as provided in ss. 101.6105-101.694, commits a
1257 misdemeanor of the first degree, punishable as provided in s.
1258 775.082, s. 775.083, or s. 775.084.

1259 Section 39. Section 104.17, Florida Statutes, is amended to
1260 read:

1261 104.17 Voting in person after casting vote-by-mail ~~absentee~~
1262 ballot.—Any person who willfully votes or attempts to vote both
1263 in person and by vote-by-mail ~~absentee~~ ballot at any election is
1264 guilty of a felony of the third degree, punishable as provided
1265 in s. 775.082, s. 775.083, or s. 775.084.

1266 Section 40. Paragraph (b) of subsection (2) of section
1267 117.05, Florida Statutes, is amended to read:

1268 117.05 Use of notary commission; unlawful use; notary fee;
1269 seal; duties; employer liability; name change; advertising;
1270 photocopies; penalties.—

1271 (2)

1272 (b) A notary public may not charge a fee for witnessing a
1273 vote-by-mail ~~an absentee~~ ballot in an election, and must witness
1274 such a ballot upon the request of an elector, provided the
1275 notarial act is in accordance with the provisions of this
1276 chapter.

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1277 Section 41. Subsection (7) of section 394.459, Florida
1278 Statutes, is amended to read:

1279 394.459 Rights of patients.—

1280 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible
1281 to vote according to the laws of the state has the right to vote
1282 in the primary and general elections. The department shall
1283 establish rules to enable patients to obtain voter registration
1284 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-
1285 by-mail ~~absentee~~ ballots.

1286 Section 42. Section 741.406, Florida Statutes, is amended
1287 to read:

1288 741.406 Voting by program participant; use of designated
1289 address by supervisor of elections.—A program participant who is
1290 otherwise qualified to vote may request a vote-by-mail ~~an~~
1291 ~~absentee~~ ballot pursuant to s. 101.62. The program participant
1292 shall automatically receive vote-by-mail ~~absentee~~ ballots for
1293 all elections in the jurisdictions in which that individual
1294 resides in the same manner as vote-by-mail ~~absentee~~ voters. The
1295 supervisor of elections shall transmit the vote-by-mail ~~absentee~~
1296 ballot to the program participant at the address designated by
1297 the participant in his or her application as a vote-by-mail ~~an~~
1298 ~~absentee~~ voter. The name, address, and telephone number of a
1299 program participant may not be included in any list of
1300 registered voters available to the public.

1301 Section 43. Subsection (7) of section 916.107, Florida
1302 Statutes, is amended to read:

1303 916.107 Rights of forensic clients.—

1304 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is
1305 eligible to vote according to the laws of the state has the

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1306 right to vote in the primary and general elections. The
1307 department and agency shall establish rules to enable clients to
1308 obtain voter registration forms, applications for vote-by-mail
1309 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.

1310 Section 44. This act shall take effect July 1, 2016.