

By Representatives Meek and Garcia

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; defining the term "legal
4 residence"; amending s. 101.62, F.S.;
5 restricting requests for absentee ballots to
6 electors by mail or in person; providing
7 requirements to receive an absentee ballot by
8 mail or in person; amending s. 101.64, F.S.;
9 revising the voter's certificate to include
10 reference to the requirements to receive an
11 absentee ballot; increasing the number of
12 witnesses required for an absentee ballot and
13 revising witnessing requirements; amending s.
14 101.65, F.S., relating to instructions to
15 absent electors, to conform; amending s.
16 101.68, F.S., relating to canvassing of
17 absentee ballots; providing that an absentee
18 ballot shall be considered illegal if it does
19 not include the signature and address, printed
20 name, and voter registration or driver's
21 license number of each attesting witness;
22 creating s. 104.042, F.S.; prohibiting fraud or
23 misconduct in connection with an absentee
24 ballot; providing a penalty; creating s.
25 104.043, F.S.; providing presumption with
26 respect to possession of altered or fraudulent
27 absentee ballot; amending s. 104.012, F.S.;
28 increasing the penalty for giving anything
29 redeemable in cash in consideration for
30 registration, for interfering with
31 registration, for soliciting registration for

1 compensation, and for altering a voter
2 registration application; amending s. 104.013,
3 F.S.; increasing the penalty for the
4 unauthorized use, possession, or destruction of
5 a voter registration identification card;
6 amending s. 104.031, F.S.; increasing the
7 penalty for making a false declaration to
8 secure assistance in voting; amending s.
9 104.045, F.S.; increasing the penalty for vote
10 selling; amending s. 104.051, F.S.; increasing
11 the penalty for an election official or
12 employee attempting to influence or interfere
13 with any elector voting a ballot; amending s.
14 104.0515, F.S.; increasing the penalty for
15 interfering with voting rights; amending s.
16 104.061, F.S.; increasing the penalty for
17 corruptly influencing voting; amending s.
18 104.081, F.S.; increasing the penalty for
19 employers who threaten employees regarding
20 voting; amending s. 104.185, F.S.; increasing
21 penalty for knowingly signing a petition more
22 than once and for signing another person's name
23 or a fictitious name; amending s. 104.24, F.S.;
24 increasing the penalty for fraudulently using a
25 name other than one's own in any part of the
26 election process or in voting; providing an
27 effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (12) through (30) of section
2 97.021, Florida Statutes, are renumbered as subsections (13)
3 through (31), respectively, and a new subsection (12) is added
4 to said section, to read:

5 97.021 Definitions.--For the purposes of this code,
6 except where the context clearly indicates otherwise, the
7 term:

8 (12) "Legal residence" means the residence for which
9 the elector has filed for a homestead or, if no homestead has
10 been claimed by the elector, the residence where the elector
11 has continuously resided for at least 90 days prior to the
12 last day to register for the election in which the elector
13 will vote.

14 Section 2. Subsection (1) and paragraph (b) of
15 subsection (4) of section 101.62, Florida Statutes, are
16 amended to read:

17 101.62 Request for absentee ballots.--

18 (1)(a) The supervisor may accept a request for an
19 absentee ballot only from an elector and only by mail or in
20 person.

21 1. The request for an absentee ballot by mail shall be
22 honored if the elector provides documentation establishing
23 that he or she will be unable to physically vote on the
24 scheduled election date because of one of the following
25 reasons:

26 a. Due to infirmity, illness, or advanced age, the
27 elector is physically unable to attend the polls.

28 b. It is necessary that the elector be absent from the
29 precinct of his or her residence during the hours the polls
30 are open for voting on election day.

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1 c. The elector is an inspector, a poll worker, a
2 deputy voting machine custodian, a deputy sheriff, a
3 supervisor of elections, or a deputy supervisor who is
4 assigned to a different precinct than that in which he or she
5 is registered.

6 d. Because of the tenets of the elector's religion, he
7 or she cannot attend the polls on the date of the general,
8 special, or primary election.

9 e. The elector has changed his or her permanent
10 residency to another county in Florida within the time period
11 during which the registration books are closed for the
12 election. Such an elector may only vote for national and
13 statewide offices and statewide issues.

14 f. The elector changed his or her permanent residency
15 to another state and is unable under the laws of such state to
16 vote in the general election. Such an elector may only vote
17 for President and Vice President ~~or for an elector from any~~
18 ~~person designated by such elector.~~

19 2. The request for an absentee ballot made by the
20 elector in person shall be honored if the elector will be
21 absent from the precinct of his or her residence during the
22 hours the polls are open for voting on election day and agrees
23 to vote in person prior to the election. ~~Such request may be~~
24 ~~made in person, by mail, or by telephone.~~

25 (b) One request shall be deemed sufficient to receive
26 an absentee ballot for all elections which are held within a
27 calendar year, unless the elector ~~or the elector's designee~~
28 indicates at the time the request is made the elections for
29 which the elector desires to receive an absentee ballot. Such
30 request may be considered canceled when any first-class mail
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1 sent by the supervisor to the elector is returned as
2 undeliverable.

3 (4)

4 (b) As soon as the remainder of the absentee ballots
5 are printed, the supervisor shall deliver or mail an absentee
6 ballot to each elector by whom a request for that ballot has
7 been made as provided in subsection (1). ~~Any elector may~~
8 ~~designate in writing a person to pick up the ballot for the~~
9 ~~elector; however, the person designated may not pick up more~~
10 ~~than two absentee ballots per election, other than the~~
11 ~~designee's own ballot, except that additional ballots may be~~
12 ~~picked up for members of the designee's immediate family. For~~
13 ~~purposes of this section, "immediate family" means the~~
14 ~~designee's spouse or the parent, child, grandparent, or~~
15 ~~sibling of the designee or of the designee's spouse. The~~
16 ~~designee shall provide to the supervisor the written~~
17 ~~authorization by the elector and a picture identification of~~
18 ~~the designee and must complete an affidavit. The designee~~
19 ~~shall state in the affidavit that the designee is authorized~~
20 ~~by the elector to pick up that ballot and shall indicate if~~
21 ~~the elector is a member of the designee's immediate family~~
22 ~~and, if so, the relationship. The department shall prescribe~~
23 ~~the form of the affidavit. If the supervisor is satisfied that~~
24 ~~the designee is authorized to pick up the ballot and that the~~
25 ~~signature of the elector on the written authorization matches~~
26 ~~the signature of the elector on file, the supervisor shall~~
27 ~~give the ballot to that designee for delivery to the elector.~~

28 Section 3. Section 101.64, Florida Statutes, is
29 amended to read:

30 101.64 Delivery of absentee ballots; envelopes;
31 form.--

1 (2) The certificate shall be arranged on the back of
2 the mailing envelope so that the lines for the signatures of
3 the absent elector and the attesting witnesses ~~witness~~ are
4 across the seal of the envelope; however, no statement shall
5 appear on the envelope which indicates that a signature of the
6 voter or any witness must cross the seal of the envelope. The
7 absent elector and the attesting witnesses ~~witness~~ shall
8 execute the certificate on the envelope. Each witness shall
9 print his or her name next to his or her signature and shall
10 also list his or her voter registration number or driver's
11 license number for identification purposes on the certificate.
12 The failure to provide all this information shall invalidate
13 the absentee ballot.

14 Section 4. Section 101.65, Florida Statutes, is
15 amended to read:

16 101.65 Instructions to absent electors.--The
17 supervisor shall enclose with each absentee ballot separate
18 printed instructions in substantially the following form:

19
20 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

26 2. Mark your ballot in secret as instructed on the
27 ballot.

28 3. Place your marked ballot in the enclosed secrecy
29 envelope.

30 4. Insert the secrecy envelope into the enclosed
31 mailing envelope which is addressed to the supervisor.

1 5. Seal the mailing envelope and completely fill out
2 the Voter's Certificate on the back of the mailing envelope.

3 6. VERY IMPORTANT. Sign your name on the line above
4 "(Voter's Signature)."

5 7. VERY IMPORTANT. In order for your absentee ballot
6 to be counted, it must include the signatures and addresses
7 ~~signature and address~~ of two witnesses ~~a witness~~ 18 years of
8 age or older affixed to the Voter's Certificate. Each witness
9 must also print his or her name next to his or her signature
10 and list his or her voter registration number or driver's
11 license number for identification on the certificate. No
12 candidate may serve as an attesting witness.

13 8. Mail, deliver, or have delivered the completed
14 mailing envelope. Be sure there is sufficient postage if
15 mailed.

16 9. VERY IMPORTANT. Any person perpetrating or
17 attempting to perpetrate or aid in the perpetration of any
18 fraud in connection with an absentee ballot is guilty of a
19 felony and can be imprisoned for up to 5 years.

20 Section 5. Paragraph (c) of subsection (2) of section
21 101.68, Florida Statutes, is amended to read:

22 101.68 Canvassing of absentee ballot.--

23 (2)

24 (c)1. The canvassing board shall, if the supervisor
25 has not already done so, compare the signature of the elector
26 on the voter's certificate with the signature of the elector
27 in the registration books to see that the elector is duly
28 registered in the county and to determine the legality of that
29 absentee ballot. An absentee ballot shall be considered
30 illegal if it does not include the signature of the elector,
31 as shown by the registration records, and the signature and

1 address, printed name, and voter registration or driver's
2 license number of each attesting witness ~~signature and address~~
3 ~~of an attesting witness~~. However, an absentee ballot shall
4 not be considered illegal if the signature of the elector or
5 any attesting witness does not cross the seal of the mailing
6 envelope. If the canvassing board determines that any ballot
7 is illegal, a member of the board shall, without opening the
8 envelope, mark across the face of the envelope: "rejected as
9 illegal." The envelope and the ballot contained therein shall
10 be preserved in the manner that official ballots voted are
11 preserved.

12 2. If any elector or candidate present believes that
13 an absentee ballot is illegal due to a defect apparent on the
14 voter's certificate, he or she may, at any time before the
15 ballot is removed from the envelope, file with the canvassing
16 board a protest against the canvass of that ballot, specifying
17 the precinct, the ballot, and the reason he or she believes
18 the ballot to be illegal. A challenge based upon a defect in
19 the voter's certificate may not be accepted after the ballot
20 has been removed from the mailing envelope.

21 Section 6. Section 104.042, Florida Statutes, is
22 created to read:

23 104.042 Fraud or misconduct in connection with an
24 absentee ballot.--Any person perpetrating or attempting to
25 perpetrate or aid in the perpetration of any fraud or
26 misconduct in connection with an absentee ballot commits a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084. Conduct prohibited by this
29 section includes, but is not limited to, false witnessing of
30 an absentee ballot, obtaining an absentee ballot from election
31 authorities through misrepresentation or false promises,

1 unlawful possession of an unopened envelope containing an
2 absentee ballot, willful interference without authority in the
3 delivery by election officials of an absentee ballot to a
4 voter, and using a false address to allow registration or
5 voting in an election in which that person would not otherwise
6 be eligible to vote.

7 Section 7. Section 104.043, Florida Statutes, is
8 created to read:

9 104.043 Presumption if in possession of altered or
10 fraudulent absentee ballot.--Proof of possession of an altered
11 or fraudulent absentee ballot, unless satisfactorily
12 explained, gives rise to an inference that the person in
13 possession had knowledge of the alteration or fraud.

14 Section 8. Section 104.012, Florida Statutes, is
15 amended to read:

16 104.012 Consideration for registration; interference
17 with registration; soliciting registrations for compensation;
18 alteration of registration application.--

19 (1) Any person who gives anything of value that is
20 redeemable in cash to any person in consideration for his or
21 her becoming a registered voter commits a felony ~~misdemeanor~~
22 of the third ~~first~~ degree, punishable as provided in s.
23 775.082, ~~or s. 775.083,~~ or s. 775.084. This section shall not
24 be interpreted, however, to exclude such services as
25 transportation to the place of registration or baby-sitting in
26 connection with the absence of an elector from home for
27 registering.

28 (2) A person who by bribery, menace, threat, or other
29 corruption, directly or indirectly, influences, deceives, or
30 deters or attempts to influence, deceive, or deter any person
31 in the free exercise of that person's right to register to

1 vote at any time, upon the first conviction, commits a felony
2 ~~misdemeanor~~ of the third first degree, punishable as provided
3 in s. 775.082,~~or~~ s. 775.083, or s. 775.084, and, upon any
4 subsequent conviction, commits a felony of the second third
5 degree, punishable as provided in s. 775.082, s. 775.083, or
6 s. 775.084.

7 (3) A person may not solicit or pay another person to
8 solicit voter registrations for compensation that is based
9 upon the number of registrations obtained. A person who
10 violates the provisions of this subsection commits a felony
11 ~~misdemeanor~~ of the third first degree, punishable as provided
12 in s. 775.082,~~or~~ s. 775.083, or s. 775.084.

13 (4) A person who alters the voter registration
14 application of any other person, without the other person's
15 knowledge and consent, commits a felony ~~misdemeanor~~ of the
16 third first degree, punishable as provided in s. 775.082,~~or~~
17 s. 775.083, or s. 775.084.

18 Section 9. Section 104.013, Florida Statutes, is
19 amended to read:

20 104.013 Unauthorized use, possession, or destruction
21 of voter registration identification card.--

22 (1) It is unlawful for any person knowingly to have in
23 his or her possession any blank, forged, stolen, fictitious,
24 counterfeit, or unlawfully issued voter registration
25 identification card unless possession by such person has been
26 duly authorized by the supervisor.

27 (2) It is unlawful for any person to barter, trade,
28 sell, or give away a voter registration identification card
29 unless said person has been duly authorized to issue a
30 registration identification card.

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1 (3) It is unlawful for any person willfully to destroy
2 or deface the registration identification card of a duly
3 registered voter.

4 (4) Any person who violates any of the provisions of
5 this section commits a felony ~~misdemeanor~~ of the third first
6 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,
7 or s. 775.084.

8 Section 10. Section 104.031, Florida Statutes, is
9 amended to read:

10 104.031 False declaration to secure assistance in
11 preparing ballot.--Any person who makes a false declaration
12 for assistance in voting, or in the preparation of his or her
13 ballot, in any election commits ~~is guilty of a felony~~
14 ~~misdemeanor~~ of the third first degree, punishable as provided
15 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

16 Section 11. Section 104.045, Florida Statutes, is
17 amended to read:

18 104.045 Vote selling.--Any person who:

19 (1) Corruptly offers to vote for or against, or to
20 refrain from voting for or against, any candidate in any
21 election in return for pecuniary or other benefit; or

22 (2) Accepts a pecuniary or other benefit in exchange
23 for a promise to vote for or against, or to refrain from
24 voting for or against, any candidate in any election,

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26 commits ~~is guilty of a felony~~ ~~misdemeanor~~ of the third first
27 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,
28 or s. 775.084.

29 Section 12. Subsection (4) of section 104.051, Florida
30 Statutes, is amended to read:

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1 104.051 Violations; neglect of duty; corrupt
2 practices.--

3 (4) Any supervisor, deputy supervisor, or election
4 employee who attempts to influence or interfere with any
5 elector voting a ballot commits ~~is guilty of a felony~~
6 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided
7 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

8 Section 13. Section 104.0515, Florida Statutes, is
9 amended to read:

10 104.0515 Voting rights; deprivation of, or
11 interference with, prohibited; penalty.--

12 (1) All citizens of this state who are otherwise
13 qualified by law to vote at any election by the people in this
14 state or in any district, county, city, town, municipality,
15 school district, or other subdivision of this state shall be
16 entitled and allowed to vote at all such elections without
17 distinction according to race, color, or previous condition of
18 servitude, notwithstanding any law, ordinance, regulation,
19 custom, or usage to the contrary.

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

21 (a) In determining whether any individual is qualified
22 under law to vote in any election, apply any standard,
23 practice, or procedure different from the standards,
24 practices, or procedures applied under law to other
25 individuals within the same political subdivision who have
26 been found to be qualified to vote; or

27 (b) Deny the right of any individual to vote in any
28 election because of an error or omission on any record or
29 paper relating to any application, registration, or other act
30 requisite to voting, if such error or omission is not material
31 in determining whether such individual is qualified under law

1 to vote in such election. This paragraph shall apply to
2 absentee ballots only if there is a pattern or history of
3 discrimination on the basis of race, color, or previous
4 condition of servitude in regard to absentee ballots.

5 (3) No person, whether acting under color of law or
6 otherwise, shall intimidate, threaten, or coerce, or attempt
7 to intimidate, threaten, or coerce, any other person for the
8 purpose of interfering with the right of such other person to
9 vote or not to vote as that person may choose, or for the
10 purpose of causing such other person to vote for, or not vote
11 for, any candidate for any office at any general, special, or
12 primary election held solely or in part for the purpose of
13 selecting or electing any such candidate.

14 (4) No voting qualification or prerequisite to voting,
15 and no standard, practice, or procedure, shall be imposed or
16 applied by any political subdivision of this state to deny or
17 abridge the right of any citizen to vote on account of race or
18 color.

19 (5) Any person who violates the provisions of this
20 section commits ~~is guilty of a felony misdemeanor~~ of the third
21 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
22 775.083, or s. 775.084.

23 Section 14. Subsection (1) of section 104.061, Florida
24 Statutes, is amended to read:

25 104.061 Corruptly influencing voting.--

26 (1) Whoever by bribery, menace, threat, or other
27 corruption whatsoever, either directly or indirectly, attempts
28 to influence, deceive, or deter any elector in voting or
29 interferes with him or her in the free exercise of the
30 elector's right to vote at any election commits ~~is guilty of a~~
31 felony misdemeanor of the third ~~first~~ degree, punishable as

1 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084 for the
2 first conviction, and a felony of the second ~~third~~ degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084, for any subsequent conviction.

5 Section 15. Section 104.081, Florida Statutes, is
6 amended to read:

7 104.081 Threats of employers to control votes of
8 employees.--It shall be unlawful for any person having one or
9 more persons in his or her service as employees to discharge
10 or threaten to discharge any employee in his or her service
11 for voting or not voting in any election, state, county, or
12 municipal, for any candidate or measure submitted to a vote of
13 the people. Any person who violates the provisions of this
14 section commits ~~is guilty of a felony misdemeanor~~ of the third
15 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
16 775.083, or s. 775.084.

17 Section 16. Section 104.185, Florida Statutes, is
18 amended to read:

19 104.185 Petitions; knowingly signing more than once;
20 signing another person's name or a fictitious name.--

21 (1) A person who knowingly signs a petition or
22 petitions for a candidate, a minor political party, or an
23 issue more than one time commits a felony misdemeanor of the
24 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~
25 s. 775.083, or s. 775.084.

26 (2) A person who signs another person's name or a
27 fictitious name to any petition to secure ballot position for
28 a candidate, a minor political party, or an issue commits a
29 felony misdemeanor of the third ~~first~~ degree, punishable as
30 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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1 Section 17. Section 104.24, Florida Statutes, is
2 amended to read:
3 104.24 Penalty for assuming name.--A person may not ~~No~~
4 ~~registered elector shall~~, in connection with any part of the
5 election process, fraudulently call himself or herself, or
6 fraudulently pass by, any other name than the name by which
7 the person ~~elector~~ is registered or fraudulently use the name
8 of another in voting. Any person who violates this section
9 commits ~~is guilty of a~~ felony misdemeanor of the third ~~first~~
10 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,
11 or s. 775.084.

12 Section 18. This act shall take effect January 1 of
13 the year after the year in which enacted.
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HOUSE SUMMARY

Amends various provisions of the Florida Election Code. Defines the term "legal residence." Restricts requests for absentee ballots to electors by mail or in person and provides requirements with respect thereto. Revises the voter's certificate to include reference to the requirements to receive an absentee ballot. Increases the number of witnesses required for an absentee ballot and revises witnessing requirements. Revises the instructions to absent electors, to conform. Provides that an absentee ballot shall be considered illegal if it does not include the signature and address, printed name, and voter registration or driver's license number of each attesting witness.

Prohibits fraud or misconduct in connection with an absentee ballot and provides a penalty therefor. Provides presumption with respect to possession of altered or fraudulent absentee ballot. Increases the penalty for giving anything redeemable in cash in consideration for registration, interfering with registration, soliciting registration for compensation, and altering a voter registration application; for unauthorized use, possession, or destruction of a voter registration identification card; for making a false declaration to secure assistance in voting; for vote selling; for any attempt by an election official or employee to influence or interfere with any elector voting a ballot; for interfering with voting rights; for corruptly influencing voting; for threats by employers against employees regarding voting; for knowingly signing a petition more than once and for signing another person's name or a fictitious name; and for fraudulently using a name other than one's own in any part of the election process or in voting. See bill for details.