

By Representative Brown

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.071, F.S.; revising requirements of the
4 supervisor of elections when a registration
5 identification card is returned as
6 undeliverable; amending s. 97.1031, F.S.;
7 correcting cross references; amending ss.
8 98.461 and 98.471, F.S.; revising requirements
9 with respect to the forms of identification
10 approved for use at a precinct; amending s.
11 101.62, F.S.; expanding the definition of the
12 term "immediate family" applicable to
13 provisions relating to delivery of absentee
14 ballots to a designee of an elector; amending
15 s. 101.64, F.S.; revising the voter's
16 certificate; amending s. 101.647, F.S.;
17 providing for return of absentee ballots to the
18 supervisor by an immediate family member of the
19 elector; expanding the definition of the term
20 "immediate family" applicable thereto; amending
21 s. 101.65, F.S.; revising the instructions to
22 absent electors, to conform; amending s.
23 101.68, F.S.; revising the requirements for
24 legal absentee ballots; repealing s. 101.685,
25 F.S., relating to absentee ballot coordinators;
26 amending s. 104.047, F.S.; prohibiting
27 solicitation by mail to vote absentee under
28 certain circumstances or to mail or give an
29 absentee ballot or absentee ballot request to
30 anyone other than the supervisor or an
31 authorized designee; providing a penalty;

1 eliminating the prohibition and penalty
2 relating to witnessing more than five absentee
3 ballots in any single election; providing an
4 effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsection (2) of section 97.071, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 97.071 Registration identification card.--

11 (2)(a) Except as provided in paragraph (b), the
12 supervisor of elections shall mail a registration
13 identification card to the voter at the address listed as the
14 legal residence on the voter's registration application. The
15 card must be sent by nonforwardable, return-if-undeliverable
16 mail. If the registration identification card is returned as
17 undeliverable, the supervisor must attempt to contact the
18 voter to verify the legal residence address and must resend
19 the registration identification card if the supervisor
20 determines that such person is eligible to vote. The
21 supervisor shall maintain, for at least 2 years from the
22 original registration date, a record of each registration
23 identification card that was returned as undeliverable and
24 that was issued either for a voter the supervisor could not
25 contact or for a person the supervisor subsequently determined
26 was not eligible to vote.~~If the identification card is~~
27 ~~returned as undeliverable and the voter has indicated a~~
28 ~~different mailing address on the registration application, the~~
29 ~~supervisor must mail a notice to the mailing address,~~
30 ~~notifying the voter that his or her registration~~
31 ~~identification card was returned and that the voter may appear~~

1 ~~in person at the supervisor's office to pick up the~~
2 ~~identification card. The supervisor must surrender the~~
3 ~~identification card to the elector upon presentation of a~~
4 ~~Florida driver's license, a Florida identification card issued~~
5 ~~under s. 322.051, or another form of picture identification~~
6 ~~approved by the Department of State. If the elector fails to~~
7 ~~furnish the required identification, or if the supervisor has~~
8 ~~doubts as to the identity of the elector, the supervisor must~~
9 ~~require the elector to swear an oath substantially similar to~~
10 ~~the one prescribed in s. 101.49 prior to surrendering the~~
11 ~~identification card. The supervisor must keep the~~
12 ~~identification card on file for 45 days following return of~~
13 ~~the card as undeliverable.~~

14 (b) The supervisor shall mail the registration voter
15 identification card by forwardable mail to voters who are
16 covered by the Uniformed and Overseas Citizens Absentee Voting
17 Act.

18 Section 2. Subsections (3) and (4) of section 97.1031,
19 Florida Statutes, are amended to read:

20 97.1031 Notice of change of residence within the same
21 county, change of name, or change of party.--

22 (3) When an elector seeks to change party affiliation,
23 the elector must provide a signed, written notification of
24 such intent to the supervisor and obtain a registration
25 identification card reflecting the new party affiliation,
26 subject to the issuance restriction in s. 97.071(4)~~(3)~~.

27 (4) The supervisor shall make the necessary changes in
28 the elector's records as soon as practical upon receipt of
29 such notice of a change of address of legal residence, name,
30 or party affiliation and shall issue the new registration
31 identification card as required by s. 97.071(4)~~(3)~~.

1 Section 3. Section 98.461, Florida Statutes, 1998
2 Supplement, is amended to read:
3 98.461 Registration form, precinct register;
4 contents.--A registration form, approved by the Department of
5 State, containing the information required in s. 97.052 shall
6 be filed alphabetically in the office of the supervisor as the
7 master list of electors of the county. However, the
8 registration forms may be microfilmed and such microfilms
9 substituted for the original registration forms; or, when
10 voter registration information, including the voter's
11 signature, is maintained digitally or on electronic, magnetic,
12 or optic media, such stored information may be substituted for
13 the original registration form. Such microfilms or stored
14 information shall be retained in the custody of the supervisor
15 of elections. In the event the original registration forms are
16 microfilmed or maintained digitally or on electronic or other
17 media, such originals may be destroyed in accordance with the
18 schedule approved by the Bureau of Archives and Records
19 Management of the Division of Library and Information Services
20 of the Department of State. As an alternative, the information
21 from the registration form, including the signature, may be
22 electronically reproduced and stored as provided in s. 98.451.
23 A computer printout may be used at the polls as a precinct
24 register in lieu of the registration books. The precinct
25 register shall contain the date of the election, the precinct
26 number, and the following information concerning each
27 registered elector: last name, first name, and middle name or
28 initial; party affiliation; residence address; registration
29 number; date of birth; sex, if provided; race, if provided;
30 whether the voter needs assistance in voting; and such other
31 additional information as to readily identify the elector. The

1 precinct register may also contain a list of the forms of
2 identification approved by the department, which must include,
3 but is not limited to, a voter registration identification
4 card, a Florida driver's license, or a Florida identification
5 card issued under s. 322.051, ~~or another form of picture~~
6 ~~identification approved by the Department of State~~. The
7 precinct register may also contain a space for the elector's
8 signature, a space for the initials of the witnessing clerk or
9 inspector, and a space for the signature slip or ballot
10 number.

11 Section 4. Section 98.471, Florida Statutes, 1998
12 Supplement, is amended to read:

13 98.471 Use of precinct register at polls.--The
14 precinct register, as prescribed in s. 98.461, may be used at
15 the polls in lieu of the registration books for the purpose of
16 identifying the elector at the polls prior to allowing him or
17 her to vote. The clerk or inspector shall require each
18 elector, upon entering the polling place, to present one of
19 the forms of identification which are on the list of forms ~~a~~
20 ~~Florida driver's license, a Florida identification card issued~~
21 ~~under s. 322.051, or another form of picture identification~~
22 approved by the Department of State pursuant to s. 98.461. The
23 elector shall sign his or her name in the space provided, and
24 the clerk or inspector shall compare the signature with that
25 on the identification provided by the elector and enter his or
26 her initials in the space provided and allow the elector to
27 vote if the clerk or inspector is satisfied as to the identity
28 of the elector. If the elector fails to furnish the required
29 identification, or if the clerk or inspector is in doubt as to
30 the identity of the elector, such clerk or inspector shall
31 follow the procedure prescribed in s. 101.49. The precinct

1 register may also contain the information set forth in s.
2 101.47(8) and, if so, the inspector shall follow the procedure
3 required in s. 101.47, except that the identification provided
4 by the elector shall be used for the signature comparison.

5 Section 5. Paragraph (b) of subsection (4) of section
6 101.62, Florida Statutes, 1998 Supplement, is amended to read:

7 101.62 Request for absentee ballots.--

8 (4)

9 (b) As soon as the remainder of the absentee ballots
10 are printed, the supervisor shall provide an absentee ballot
11 to each elector by whom a request for that ballot has been
12 made by one of the following means:

13 1. By nonforwardable, return-if-undeliverable mail to
14 the elector's current mailing address on file with the
15 supervisor, unless the elector specifies in the request that:

16 a. The elector is absent from the county and does not
17 plan to return before the day of the election;

18 b. The elector is temporarily unable to occupy the
19 residence because of hurricane, tornado, flood, fire, or other
20 emergency or natural disaster; or

21 c. The elector is in a hospital, assisted-living
22 facility, nursing home, short-term medical or rehabilitation
23 facility, or correctional facility,

24
25 in which case the supervisor shall mail the ballot by
26 nonforwardable, return-if-undeliverable mail to any other
27 address the elector specifies in the request.

28 2. By forwardable mail to voters who are entitled to
29 vote by absentee ballot under the Uniformed and Overseas
30 Citizens Voting Act.

31

1 3. By personal delivery to the elector, upon
2 presentation of the identification required in s. 101.657.

3 4. By delivery to a designee on election day or up to
4 4 days prior to the day of an election. Any elector may
5 designate in writing a person to pick up the ballot for the
6 elector; however, the person designated may not pick up more
7 than two absentee ballots per election, other than the
8 designee's own ballot, except that additional ballots may be
9 picked up for members of the designee's immediate family. For
10 purposes of this section, "immediate family" means the
11 designee's spouse or the parent, child, grandparent,
12 grandchild, or sibling of the designee or of the designee's
13 spouse. The designee shall provide to the supervisor the
14 written authorization by the elector and a picture
15 identification of the designee and must complete an affidavit.
16 The designee shall state in the affidavit that the designee is
17 authorized by the elector to pick up that ballot and shall
18 indicate if the elector is a member of the designee's
19 immediate family and, if so, the relationship. The department
20 shall prescribe the form of the affidavit. If the supervisor
21 is satisfied that the designee is authorized to pick up the
22 ballot and that the signature of the elector on the written
23 authorization matches the signature of the elector on file,
24 the supervisor shall give the ballot to that designee for
25 delivery to the elector.

26 Section 6. Subsection (1) of section 101.64, Florida
27 Statutes, 1998 Supplement, is amended to read:

28 101.64 Delivery of absentee ballots; envelopes;
29 form.--

30 (1) The supervisor shall enclose with each absentee
31 ballot two envelopes: a secrecy envelope, into which the

1 absent elector shall enclose his or her marked ballot; and a
2 mailing envelope, into which the absent elector shall then
3 place the secrecy envelope, which shall be addressed to the
4 supervisor and also bear on the back side a certificate in
5 substantially the following form:

6
7 Note: Please Read Instructions Carefully Before
8 Marking Ballot and Completing Voter's Certificate.

9
10 VOTER'S CERTIFICATE

11
12 I, ...(print name)..., do solemnly swear or affirm that
13 I am a qualified elector in this election, that I am unable to
14 attend the polls on election day for a reason authorized by
15 law or am otherwise qualified to vote absentee, and that I
16 have not and will not vote more than one ballot in this
17 election. I understand that failure to sign this certificate
18 and have my signature properly witnessed will invalidate my
19 ballot.

20
21 ...(Voter's Signature)...

22
23 Note: Your Signature Must Be Witnessed By One Witness 18
24 Years of Age or Older as provided in Item 7. of the
25 Instruction Sheet.

26
27 I swear or affirm that the elector signed this Voter's
28 Certificate in my presence.

29
30 ...(Signature of Witness)... ...(Printed Name of Witness)...
31 ...(Complete Address)... ...(Area Code and Phone Number)...

1 ...(City/State)... ...(Date of Birth)...

2
3 ~~Note: Please Read Instructions Carefully Before~~
4 ~~Marking Ballot and Completing Voter's Certificate.~~

5 ~~VOTER'S CERTIFICATE~~

6 ~~I,, am a qualified and registered voter of~~
7 ~~County, Florida. I understand that if I commit or attempt to~~
8 ~~commit any fraud in connection with voting, vote a fraudulent~~
9 ~~ballot, or vote more than once in an election, I can be~~
10 ~~convicted of a felony of the third degree and fined up to~~
11 ~~\$5,000 and/or imprisoned for up to 5 years. I also understand~~
12 ~~that failure to sign this certificate and have my signature~~
13 ~~witnessed will invalidate my ballot. I am entitled to vote an~~
14 ~~absentee ballot for one of the following reasons:~~

15
16 ~~1. I am unable without another's assistance to attend~~
17 ~~the polls.~~

18 ~~2. I may not be in the precinct of my residence during~~
19 ~~the hours the polls are open for voting on election day.~~

20 ~~3. I am an inspector, a poll worker, a deputy voting~~
21 ~~machine custodian, a deputy sheriff, a supervisor of~~
22 ~~elections, or a deputy supervisor who is assigned to a~~
23 ~~different precinct than that in which I am registered.~~

24 ~~4. On account of the tenets of my religion, I cannot~~
25 ~~attend the polls on the day of the general, special, or~~
26 ~~primary election.~~

27 ~~5. I have changed my permanent residency to another~~
28 ~~county in Florida within the time period during which the~~
29 ~~registration books are closed for the election. I understand~~
30 ~~that I am allowed to vote only for national and statewide~~
31 ~~offices and on statewide issues.~~

1 ~~I swear or affirm that the voter signed this Voter's~~
2 ~~Certificate in my presence and that, unless certified as an~~
3 ~~absentee ballot coordinator, I have not witnessed more than 5~~
4 ~~ballots for this election.~~

5

6 WITNESS:

7

8 ~~...(Signature of Witness)...~~

9

~~...(Printed Name of Witness)...~~

10

11 ~~...(Voter I.D. Number of Witness and County of Registration)...~~

12

13 ~~...(Address)...~~

14

~~...(City/State)...~~

15

16 Section 7. Section 101.647, Florida Statutes, 1998
17 Supplement, is amended to read:

18 101.647 Return of absentee ballots.--

19 (1) Absentee ballots must be returned to the
20 supervisor of elections by the elector, either in person or by
21 mail, or by an immediate family member or other person
22 designated by the elector as provided in subsection (2).

23 (2) If the elector is unable to mail or personally
24 deliver the ballot, the elector may designate in writing an
25 immediate family member or other ~~a~~ person who may return the
26 ballot for the elector; however, the person designated may not
27 return more than two absentee ballots per election, other than
28 the designee's own ballot, except that additional ballots may
29 be returned for members of the designee's immediate family.

30 ~~For purposes of this section, the term "immediate family"~~
31 ~~means the designee's spouse or the parent, child, grandparent,~~

1 ~~or sibling of the designee or of the designee's spouse.~~The
2 designee must provide to the supervisor the written
3 authorization by the elector and a picture identification of
4 the designee.

5 (3) For purposes of this section, the term "immediate
6 family" means the spouse of the elector or designee, as
7 applicable, or any parent, child, grandparent, grandchild, or
8 sibling of the elector or designee or of the elector's or
9 designee's spouse.

10 Section 8. Section 101.65, Florida Statutes, 1998
11 Supplement, is amended to read:

12 101.65 Instructions to absent electors.--The
13 supervisor shall enclose with each absentee ballot separate
14 printed instructions in substantially the following form:

15
16 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

26 3. Place your marked ballot in the enclosed secrecy
27 envelope.

28 4. Insert the secrecy envelope into the enclosed
29 mailing envelope which is addressed to the supervisor.

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

1 6. ~~VERY IMPORTANT. In order for your absentee ballot~~
2 ~~to be counted, you must sign your name on the line above~~
3 ~~"(Voter's Signature).", place the last four digits of your~~
4 ~~Social Security number in the space provided, and your ballot~~
5 ~~must be witnessed in either of the following manners:~~
6 ~~a. One witness, who is a registered voter in the~~
7 ~~state, must affix his or her signature, printed name, address,~~
8 ~~voter identification number, and county of registration on the~~
9 ~~voter's certificate. Each witness is limited to witnessing~~
10 ~~five ballots per election unless certified as an absentee~~
11 ~~ballot coordinator. A candidate may not serve as an attesting~~
12 ~~witness.~~
13 ~~b. Any notary or other officer entitled to administer~~
14 ~~oaths or any Florida supervisor of elections or deputy~~
15 ~~supervisor of elections, other than a candidate, may serve as~~
16 ~~an attesting witness.~~
17 7. VERY IMPORTANT. In order for your absentee ballot
18 to be counted, it must include the signature, printed name,
19 complete address, telephone number with area code, and date of
20 birth of a witness 18 years of age or older affixed to the
21 Voter's Certificate. No candidate may serve as an attesting
22 witness.
23 8.7. Mail, deliver, or have delivered the completed
24 mailing envelope. Be sure there is sufficient postage if
25 mailed.
26 9.8. FELONY NOTICE. It is a felony under Florida law
27 to accept any gift, payment, or gratuity in exchange for your
28 vote for a candidate. It is also a felony under Florida law to
29 vote in an election using a false identity or false address,
30 or under any other circumstances making your ballot false or
31 fraudulent.

1 Section 9. Paragraph (c) of subsection (2) of section
2 101.68, Florida Statutes, 1998 Supplement, is amended to read:

3 101.68 Canvassing of absentee ballot.--

4 (2)

5 (c)1. The canvassing board shall, if the supervisor
6 has not already done so, compare the signature of the elector
7 on the voter's certificate with the signature of the elector
8 in the registration books to see that the elector is duly
9 registered in the county and to determine the legality of that
10 absentee ballot. An absentee ballot shall be considered
11 illegal if it does not include the signature ~~and the last four~~
12 ~~digits of the social security number~~ of the elector, as shown
13 by the registration records, and the signature, printed name,
14 complete address, telephone number with area code, and date of
15 birth of an attesting witness either:

16 a. ~~The subscription of a notary or officer defined in~~
17 ~~Item 6.b. of the instruction sheet, or~~

18 b. ~~The signature, printed name, address, voter~~
19 ~~identification number, and county of registration of one~~
20 ~~attesting witness, who is a registered voter in the state.~~

21
22 However, an absentee ballot shall not be considered illegal if
23 the signature of the elector or attesting witness does not
24 cross the seal of the mailing envelope ~~or if the person~~
25 ~~witnessing the ballot is in violation of s. 104.047(3)~~. If the
26 canvassing board determines that any ballot is illegal, a
27 member of the board shall, without opening the envelope, mark
28 across the face of the envelope: "rejected as illegal." The
29 envelope and the ballot contained therein shall be preserved
30 in the manner that official ballots voted are preserved.

31

1 2. If any elector or candidate present believes that
2 an absentee ballot is illegal due to a defect apparent on the
3 voter's certificate, he or she may, at any time before the
4 ballot is removed from the envelope, file with the canvassing
5 board a protest against the canvass of that ballot, specifying
6 the precinct, the ballot, and the reason he or she believes
7 the ballot to be illegal. A challenge based upon a defect in
8 the voter's certificate may not be accepted after the ballot
9 has been removed from the mailing envelope.

10 Section 10. Section 101.685, Florida Statutes, 1998
11 Supplement, is repealed.

12 Section 11. Subsection (3) of section 104.047, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 104.047 Absentee voting.--

15 (3) Any person who by mail solicits an elector to vote
16 absentee without informing the elector that the elector must
17 swear or affirm an oath on the voter's certificate that he or
18 she is qualified to vote absentee, or who by mail solicits an
19 elector to mail or give his or her absentee ballot or absentee
20 ballot request to anyone other than the supervisor of
21 elections or an authorized designee as provided in s. 101.62
22 or s. 101.647, is guilty of a misdemeanor of the first degree,
23 punishable as provided in s. 775.082 or s. 775.083.~~Any~~
24 ~~person, other than a notary or other officer entitled to~~
25 ~~administer oaths or an absentee ballot coordinator as provided~~
26 ~~by s. 101.685, who witnesses more than five ballots in any~~
27 ~~single election, is guilty of a misdemeanor of the first~~
28 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

29 Section 12. This act shall take effect January 1,
30 2000.

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HOUSE SUMMARY

Revises requirements of the supervisor of elections when a registration identification card is returned as undeliverable. Revises requirements with respect to the forms of identification approved for use at a precinct. Revises the voter's certificate and the instructions to absent electors. Provides for the return of absentee ballots to the supervisor by an immediate family member of the elector. Expands the definition of the term "immediate family" applicable to provisions relating to delivery of absentee ballots to and return of absentee ballots by a designee of an elector. Revises the requirements for legal absentee ballots. Eliminates absentee ballot coordinators. Prohibits solicitation by mail to vote absentee under certain circumstances or to mail or give an absentee ballot or absentee ballot request to anyone other than the supervisor or an authorized designee and provides a penalty therefor. Eliminates the prohibition and penalty relating to witnessing more than five absentee ballots in any single election. See bill for details.