

By Senator Saunders

25-1474A-99

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           97.071, F.S.; deleting procedures for mailing  
4           voter registration identification cards;  
5           amending s. 101.64, F.S.; modifying absentee  
6           ballot certificates; amending s. 101.65, F.S.;  
7           modifying instructions to absent electors;  
8           amending s. 101.68, F.S.; modifying information  
9           that must be included on an absentee ballot;  
10          amending s. 101.647, F.S.; prescribing  
11          information that an absent elector's designee  
12          must include with an absentee ballot; amending  
13          s. 104.047, F.S.; prohibiting the receipt of a  
14          fee or benefit for witnessing an absentee  
15          ballot; providing a criminal penalty; providing  
16          an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 97.071, Florida Statutes, 1998  
21 Supplement, is amended to read:

- 22           97.071 Registration identification card.--  
23           (1) A registration identification card must be  
24 furnished to all voters registering under the permanent single  
25 registration system and must contain:  
26           (a) Voter's registration number.  
27           (b) Date of registration.  
28           (c) Full name.  
29           (d) Party affiliation.  
30           (e) Date of birth.  
31           (f) Race or ethnicity, if provided by the applicant.

- 1 (g) Sex, if provided by the applicant.  
2 (h) Address of legal residence.  
3 (i) Precinct number.  
4 (j) Signature of supervisor.  
5 (k) Place for voter's signature.  
6 (l) Other information deemed necessary by the  
7 department.

8 ~~(2)(a) Except as provided in paragraph (b), the~~  
9 ~~supervisor of elections shall mail a registration~~  
10 ~~identification card to the voter at the address listed as the~~  
11 ~~legal residence on the voter's registration application. The~~  
12 ~~card must be sent by nonforwardable, return-if-undeliverable~~  
13 ~~mail. If the identification card is returned as undeliverable~~  
14 ~~and the voter has indicated a different mailing address on the~~  
15 ~~registration application, the supervisor must mail a notice to~~  
16 ~~the mailing address, notifying the voter that his or her~~  
17 ~~registration identification card was returned and that the~~  
18 ~~voter may appear in person at the supervisor's office to pick~~  
19 ~~up the identification card. The supervisor must surrender the~~  
20 ~~identification card to the elector upon presentation of a~~  
21 ~~Florida driver's license, a Florida identification card issued~~  
22 ~~under s. 322.051, or another form of picture identification~~  
23 ~~approved by the Department of State. If the elector fails to~~  
24 ~~furnish the required identification, or if the supervisor has~~  
25 ~~doubts as to the identity of the elector, the supervisor must~~  
26 ~~require the elector to swear an oath substantially similar to~~  
27 ~~the one prescribed in s. 101.49 prior to surrendering the~~  
28 ~~identification card. The supervisor must keep the~~  
29 ~~identification card on file for 45 days following return of~~  
30 ~~the card as undeliverable.~~

31

1           ~~(b) The supervisor shall mail the voter identification~~  
2 ~~card by forwardable mail to voters who are covered by the~~  
3 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~

4           (2)~~(3)~~ A voter may receive a replacement of a  
5 registration identification card by providing a signed,  
6 written request for a replacement card to the supervisor. Upon  
7 verification of registration, the supervisor shall issue the  
8 voter a duplicate card without charge.

9           (3)~~(4)~~ In the case of a change of name, address, or  
10 party affiliation, the supervisor must issue the voter a new  
11 registration identification card. However, a registration  
12 identification card indicating a party affiliation change made  
13 between the book-closing date for the first primary election  
14 and the date of the second primary election may not be issued  
15 until after the second primary election.

16           Section 2. Section 101.64, Florida Statutes, 1998  
17 Supplement, is amended to read:

18           101.64 Delivery of absentee ballots; envelopes;  
19 form.--

20           (1) The supervisor shall enclose with each absentee  
21 ballot two envelopes: a secrecy envelope, into which the  
22 absent elector shall enclose his or her marked ballot; and a  
23 mailing envelope, into which the absent elector shall then  
24 place the secrecy envelope, which shall be addressed to the  
25 supervisor and also bear on the back side a certificate in  
26 substantially the following form:

27  
28           Note: Please Read Instructions Carefully Before  
29 Marking Ballot and Completing Voter's Certificate.

30   VOTER'S CERTIFICATE

31

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

11

12           1. I am unable without another's assistance to attend  
13 the polls.

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

16           3. I am an inspector, a poll worker, a deputy voting  
17 machine custodian, a deputy sheriff, a supervisor of  
18 elections, or a deputy supervisor who is assigned to a  
19 different precinct than that in which I am registered.

20           4. On account of the tenets of my religion, I cannot  
21 attend the polls on the day of the general, special, or  
22 primary election.

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

28           6. I have changed my permanent residency to another  
29 state and am unable under the laws of such state to vote in  
30 the general election. I understand that I am allowed to vote  
31 only for President and Vice President.

1           7. I am unable to attend the polls on election day and  
2 am voting this ballot in person at the office of, and under  
3 the supervision of, the county supervisor of elections.  
4  
5   ...(Voter's Signature)...  
6   ....(Printed Name of Voter)....  
7  
8 ~~....(Last four digits of voter's social security number)...~~  
9 Note: Your Signature Must Be Witnessed By One Witness 18 Years  
10 of Age or Older as provided in Item 7. of the Instruction  
11 Sheet.~~Either:~~  
12                 a. ~~A Notary or Officer Defined in Item 6.b. of the~~  
13 ~~Instruction Sheet.~~  
14  
15                 Sworn to ~~(or affirmed)~~ and subscribed before me this  
16 ~~.... day of ....., ..(year)..., by ....(name of person~~  
17 ~~making statement).... My commission expires this .... day of~~  
18 ~~....., ..(year)....~~  
19   ~~...(Signature of Official)...~~  
20   ~~...(Print, Type, or Stamp Name)...~~  
21   ~~...(State or Country of Commission)...~~  
22                 Personally Known ..... OR Produced Identification  
23 ~~.....~~  
24                 Type of Identification Produced.....  
25  
26   OR  
27  
28                 b. ~~One Witness, who is a registered voter in the~~  
29 ~~State.~~  
30  
31

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

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

6  
7 ~~WITNESS:~~

8  
9 ...(Signature of Witness)...

10 ... (Printed Name of Witness)...

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

14  
15 ...(Address)...

16 ... (City/State/Country)...

17  
18 (2) The certificate shall be arranged on the back of  
19 the mailing envelope so that the lines for the signatures of  
20 the absent elector and the attesting witness are across the  
21 seal of the envelope; however, no statement shall appear on  
22 the envelope which indicates that a signature of the voter or  
23 witness must cross the seal of the envelope. The absent  
24 elector and the attesting witness shall execute the  
25 certificate on the envelope.

26 Section 3. Section 101.65, Florida Statutes, 1998  
27 Supplement, is amended to read:

28 101.65 Instructions to absent electors.--The  
29 supervisor shall enclose with each absentee ballot separate  
30 printed instructions in substantially the following form:

31

1 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.  
2       1. VERY IMPORTANT. In order to ensure that your  
3 absentee ballot will be counted, it should be completed and  
4 returned as soon as possible so that it can reach the  
5 supervisor of elections of the county in which your precinct  
6 is located no later than 7 p.m. on the day of the election.  
7       2. Mark your ballot in secret as instructed on the  
8 ballot. You must mark your own ballot unless you are unable to  
9 do so because of blindness, disability, or inability to read  
10 or write.  
11       3. Place your marked ballot in the enclosed secrecy  
12 envelope.  
13       4. Insert the secrecy envelope into the enclosed  
14 mailing envelope which is addressed to the supervisor.  
15       5. Seal the mailing envelope and completely fill out  
16 the Voter's Certificate on the back of the mailing envelope.  
17       6. VERY IMPORTANT. In order for your absentee ballot  
18 to be counted, you must sign your name on the line above  
19 (Voter's Signature) and print your name legibly on the line  
20 above....(Printed Name of Voter)....., ~~place the last four~~  
21 ~~digits of your Social Security number in the space provided,~~  
22 ~~and your ballot must be witnessed in either of the following~~  
23 ~~manners:~~  
24       a. ~~One witness, who is a registered voter in the~~  
25 ~~state, must affix his or her signature, printed name, address,~~  
26 ~~voter identification number, and county of registration on the~~  
27 ~~voter's certificate. Each witness is limited to witnessing~~  
28 ~~five ballots per election unless certified as an absentee~~  
29 ~~ballot coordinator. A candidate may not serve as an attesting~~  
30 ~~witness.~~  
31

1           ~~b. Any notary or other officer entitled to administer~~  
2 ~~oaths or any Florida supervisor of elections or deputy~~  
3 ~~supervisor of elections, other than a candidate, may serve as~~  
4 ~~an attesting witness.~~

5           7. VERY IMPORTANT. In order for your absentee ballot  
6 to be counted, it must include the signature, legibly printed  
7 name, and address of a witness 18 years of age or older  
8 affixed to the voter's certificate. Each witness is limited to  
9 witnessing 5 ballots per election unless certified as an  
10 absentee ballot coordinator or unless the witness is an  
11 officer entitled to administer oaths. A candidate may not  
12 serve as an attesting witness.

13           ~~8.7.~~ Mail, deliver, or have delivered the completed  
14 mailing envelope. Be sure there is sufficient postage if  
15 mailed.

16           ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law  
17 to accept any gift, payment, or gratuity in exchange for your  
18 vote for a candidate. It is also a felony under Florida law to  
19 vote in an election using a false identity or false address,  
20 or under any other circumstances making your ballot false or  
21 fraudulent.

22           Section 4. Paragraph (c) of subsection (2) of section  
23 101.68, Florida Statutes, 1998 Supplement, is amended to read:

24           101.68 Canvassing of absentee ballot.--

25           (2)

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



1 illegal if it does not include the signature ~~and the last four~~  
2 ~~digits of the social security number~~ of the elector, as shown  
3 by the registration records, and the signature, printed name,  
4 which must be legible unless the name is plainly apparent from  
5 the signature, and address of an attesting witness.~~either+~~

6 a. ~~The subscription of a notary or officer defined in~~  
7 ~~item 6.b. of the instruction sheet, or~~

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

11  
12 However, an absentee ballot shall not be considered illegal if  
13 the signature of the elector or attesting witness does not  
14 cross the seal of the mailing envelope or if the person  
15 witnessing the ballot is in violation of s. 104.047(3). If the  
16 canvassing board determines that any ballot is illegal, a  
17 member of the board shall, without opening the envelope, mark  
18 across the face of the envelope: "rejected as illegal." The  
19 envelope and the ballot contained therein shall be preserved  
20 in the manner that official ballots voted are preserved.

21 2. If any elector or candidate present believes that  
22 an absentee ballot is illegal due to a defect apparent on the  
23 voter's certificate, he or she may, at any time before the  
24 ballot is removed from the envelope, file with the canvassing  
25 board a protest against the canvass of that ballot, specifying  
26 the precinct, the ballot, and the reason he or she believes  
27 the ballot to be illegal. A challenge based upon a defect in  
28 the voter's certificate may not be accepted after the ballot  
29 has been removed from the mailing envelope.

30 Section 5. Section 101.647, Florida Statutes, is  
31 amended to read:

1           101.647 Return of absentee ballots.--

2           (1) Absentee ballots must be returned to the  
3 supervisor of elections by the elector, either in person or by  
4 mail.

5           (2) If the elector is unable to mail or personally  
6 deliver the ballot, the elector may designate ~~in writing~~ a  
7 person who may return the ballot for the elector; however, the  
8 person designated may not return more than two absentee  
9 ballots per election, other than the designee's own ballot,  
10 except that additional ballots may be returned for members of  
11 the designee's immediate family. For purposes of this  
12 section, the term "immediate family" means the designee's  
13 spouse or the parent, child, grandparent, or sibling of the  
14 designee or of the designee's spouse. The designee must  
15 provide to the supervisor ~~the written authorization by the~~  
16 ~~elector and~~ a picture identification of the designee and must  
17 complete an affidavit. The designee shall state in the  
18 affidavit that the designee is authorized to return that  
19 ballot and shall indicate if the elector is a member of the  
20 designee's immediate family and, if so, the relationship. The  
21 designee shall also state in the affidavit that the designee  
22 has not and will not return more than two absentee ballots for  
23 this election, other than the designee's own ballot and  
24 ballots for the designee's immediate family. The department  
25 shall prescribe the form of the affidavit. If the supervisor  
26 is satisfied that the designee is authorized under law to  
27 return the ballot, the supervisor shall accept receipt of the  
28 ballot.

29           Section 6. Subsections (1) and (3) of section 104.047,  
30 Florida Statutes, 1998 Supplement, are amended to read:

31           104.047 Absentee voting.--

1 (1) Any person who provides or offers to provide, and  
2 any person who accepts, a pecuniary or other benefit in  
3 exchange for distributing, ordering, requesting, witnessing,  
4 collecting, delivering, or otherwise physically possessing  
5 absentee ballots, except as provided in ss. 101.6105-101.694,  
6 is guilty of a felony of the third degree, punishable as  
7 provided in s. 775.082, s. 775.083, or s. 775.084.

8 (3) Any person, other than an ~~a notary or other~~  
9 officer entitled to administer oaths or an absentee ballot  
10 coordinator as provided by s. 101.685, who witnesses more than  
11 five ballots in any single election, is guilty of a  
12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083.

14 Section 7. This act shall take effect January 1, 2000.

15  
16 \*\*\*\*\*

17 SENATE SUMMARY

18 Deletes procedures for mailing voter registration  
19 identification cards. Modifies absentee ballot  
20 certificates that appear on the back of the absentee  
21 ballot envelope. Modifies the instructions to be given to  
22 absent electors and the information that must be included  
23 on an absentee ballot. Prescribes information that an  
24 absent elector's designee must include with an absentee  
25 ballot. Provides that a person who accepts a pecuniary or  
26 other benefit for witnessing an absentee ballot is guilty  
27 of a third-degree felony.  
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29  
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31