

By the Committee on Election Reform and Representatives  
 Flanagan, Henriquez, Futch, Detert, Wilson, Brown, Crow and  
 Stafford

1                                   A bill to be entitled  
 2           An act relating to absentee ballots; amending  
 3           s. 97.021, F.S.; revising the definition of  
 4           "absent elector" to remove the "for cause"  
 5           requirements; amending s. 101.657, F.S.;  
 6           revising a cross reference, to conform;  
 7           amending s. 101.64, F.S.; modifying absentee  
 8           ballot certificates; amending s. 101.65, F.S.;  
 9           modifying instructions to absent electors;  
 10          amending s. 101.68, F.S.; modifying information  
 11          that must be included on an absentee ballot;  
 12          amending s. 101.647, F.S.; prescribing  
 13          information that an absent elector's designee  
 14          must include with an absentee ballot; amending  
 15          s. 101.694, F.S.; deleting certain printing  
 16          specifications for envelopes sent to federal  
 17          postcard applicants for absentee ballots;  
 18          amending s. 104.047, F.S.; prohibiting the  
 19          offer, provision, or receipt of a pecuniary or  
 20          other benefit for witnessing an absentee ballot  
 21          except as provided by law; providing penalties;  
 22          deleting a prohibition against persons  
 23          witnessing more than five ballots in an  
 24          election; repealing s. 101.685, F.S., relating  
 25          to absentee ballot coordinators; providing  
 26          effective dates.

27  
 28   Be It Enacted by the Legislature of the State of Florida:

29  
 30           Section 1. Subsection (1) of section 97.021, Florida  
 31   Statutes, is amended to read:

1           97.021 Definitions.--For the purposes of this code,  
2 except where the context clearly indicates otherwise, the  
3 term:

4           (1) "Absent elector" means any registered and  
5 qualified voter who is unable to attend the polls on election  
6 day.+

7           ~~(a) Is unable without another's assistance to attend~~  
8 ~~the polls.~~

9           ~~(b) Is an inspector, a poll worker, a deputy voting~~  
10 ~~machine custodian, a deputy sheriff, a supervisor of~~  
11 ~~elections, or a deputy supervisor who is assigned to a~~  
12 ~~different precinct than that in which he or she is registered~~  
13 ~~to vote.~~

14           ~~(c) On account of the tenets of his or her religion,~~  
15 ~~cannot attend the polls on the day of the general, special, or~~  
16 ~~primary election.~~

17           ~~(d) May not be in the precinct of his or her residence~~  
18 ~~during the hours the polls are open for voting on the day of~~  
19 ~~the election.~~

20           ~~(e) Has changed his or her residency to another county~~  
21 ~~in this state within the time period during which the~~  
22 ~~registration books are closed for the election for which the~~  
23 ~~ballot is requested.~~

24           ~~(f) Has changed his or her residency to another state~~  
25 ~~and is ineligible under the laws of that state to vote in the~~  
26 ~~general election; however, this pertains only to presidential~~  
27 ~~ballots.~~

28           Section 2. Section 101.657, Florida Statutes, is  
29 amended to read:

30           101.657 Voting absentee ballots in  
31 person.--~~Notwithstanding s. 97.021(1),~~Any absent qualified

1 ~~and registered~~ elector ~~who is unable to attend the polls on~~  
2 ~~election day~~ may pick up and vote an absentee ballot in person  
3 at the office of, and under the supervision of, the supervisor  
4 of elections. Before receiving the ballot, the elector must  
5 present a Florida driver's license, a Florida identification  
6 card issued under s. 322.051, or another form of picture  
7 identification approved by the Department of State. If the  
8 elector fails to furnish the required identification, or if  
9 the supervisor is in doubt as to the identity of the elector,  
10 the supervisor must follow the procedure prescribed in s.  
11 101.49.

12 Section 3. Section 101.64, Florida Statutes, is  
13 amended to read:

14 101.64 Delivery of absentee ballots; envelopes;  
15 form.--

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

23  
24 Note: Please Read Instructions Carefully Before  
25 Marking Ballot and Completing Voter's Certificate.

26 VOTER'S CERTIFICATE

27 I, . . . . , do solemnly swear or affirm that I am a  
28 qualified and registered voter of . . . . County, Florida, and  
29 that I am unable to attend the polls on election day. I  
30 understand that if I commit or attempt to commit any fraud in  
31 connection with voting, vote a fraudulent ballot, or vote more

1 than once in an election, I can be convicted of a felony of  
2 the third degree and fined up to \$5,000 and/or imprisoned for  
3 up to 5 years. I also understand that failure to sign this  
4 certificate and have my signature witnessed will invalidate my  
5 ballot. ~~I am entitled to vote an absentee ballot for one of~~  
6 ~~the following reasons:~~  
7  
8       1. ~~I am unable without another's assistance to attend~~  
9 ~~the polls.~~  
10       2. ~~I may not be in the precinct of my residence during~~  
11 ~~the hours the polls are open for voting on election day.~~  
12       3. ~~I am an inspector, a poll worker, a deputy voting~~  
13 ~~machine custodian, a deputy sheriff, a supervisor of~~  
14 ~~elections, or a deputy supervisor who is assigned to a~~  
15 ~~different precinct than that in which I am registered.~~  
16       4. ~~On account of the tenets of my religion, I cannot~~  
17 ~~attend the polls on the day of the general, special, or~~  
18 ~~primary election.~~  
19       5. ~~I have changed my permanent residency to another~~  
20 ~~county in Florida within the time period during which the~~  
21 ~~registration books are closed for the election. I understand~~  
22 ~~that I am allowed to vote only for national and statewide~~  
23 ~~offices and on statewide issues.~~  
24       6. ~~I have changed my permanent residency to another~~  
25 ~~state and am unable under the laws of such state to vote in~~  
26 ~~the general election. I understand that I am allowed to vote~~  
27 ~~only for President and Vice President.~~  
28       7. ~~I am unable to attend the polls on election day and~~  
29 ~~am voting this ballot in person at the office of, and under~~  
30 ~~the supervision of, the county supervisor of elections.~~  
31



1 ~~WITNESS:~~  
2  
3 ...(Signature of Witness)...  
4 ... (Printed Name of Witness)...  
5  
6 ~~...(Voter I.D. Number of Witness and County of~~  
7 ~~Registration)...  
8  
9 ...(Address)...  
10 ... (City/State)...~~

11  
12 (2) The certificate shall be arranged on the back of  
13 the mailing envelope so that the lines for the signatures of  
14 the absent elector and the attesting witness are across the  
15 seal of the envelope; however, no statement shall appear on  
16 the envelope which indicates that a signature of the voter or  
17 witness must cross the seal of the envelope. The absent  
18 elector and the attesting witness shall execute the  
19 certificate on the envelope.

20 Section 4. Section 101.65, Florida Statutes, is  
21 amended to read:

22 101.65 Instructions to absent electors.--The  
23 supervisor shall enclose with each absentee ballot separate  
24 printed instructions in substantially the following form:  
25

26 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

- 1           2. Mark your ballot in secret as instructed on the  
2 ballot. You must mark your own ballot unless you are unable to  
3 do so because of blindness, disability, or inability to read  
4 or write.
- 5           3. Place your marked ballot in the enclosed secrecy  
6 envelope.
- 7           4. Insert the secrecy envelope into the enclosed  
8 mailing envelope which is addressed to the supervisor.
- 9           5. Seal the mailing envelope and completely fill out  
10 the Voter's Certificate on the back of the mailing envelope.
- 11           6. VERY IMPORTANT. In order for your absentee ballot  
12 to be counted, you must sign your name on the line above  
13 (Voter's Signature). ~~, place the last four digits of your~~  
14 ~~Social Security number in the space provided, and your ballot~~  
15 ~~must be witnessed in either of the following manners:~~
- 16           a. ~~One witness, who is a registered voter in the~~  
17 ~~state, must affix his or her signature, printed name, address,~~  
18 ~~voter identification number, and county of registration on the~~  
19 ~~voter's certificate. Each witness is limited to witnessing~~  
20 ~~five ballots per election unless certified as an absentee~~  
21 ~~ballot coordinator. A candidate may not serve as an attesting~~  
22 ~~witness.~~
- 23           b. ~~Any notary or other officer entitled to administer~~  
24 ~~oaths or any Florida supervisor of elections or deputy~~  
25 ~~supervisor of elections, other than a candidate, may serve as~~  
26 ~~an attesting witness.~~
- 27           7. VERY IMPORTANT. In order for your absentee ballot  
28 to be counted, it must include the signature and address of a  
29 witness 18 years of age or older affixed to the voter's  
30 certificate. A candidate may not serve as an attesting  
31 witness.

1           ~~8.7.~~ Mail, deliver, or have delivered the completed  
2 mailing envelope. Be sure there is sufficient postage if  
3 mailed.

4           ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law  
5 to accept any gift, payment, or gratuity in exchange for your  
6 vote for a candidate. It is also a felony under Florida law to  
7 vote in an election using a false identity or false address,  
8 or under any other circumstances making your ballot false or  
9 fraudulent.

10           Section 5. Paragraph (c) of subsection (2) of section  
11 101.68, Florida Statutes, is amended to read:

12           101.68 Canvassing of absentee ballot.--

13           (2)

14           (c)1. The canvassing board shall, if the supervisor  
15 has not already done so, compare the signature of the elector  
16 on the voter's certificate with the signature of the elector  
17 in the registration books to see that the elector is duly  
18 registered in the county and to determine the legality of that  
19 absentee ballot. An absentee ballot shall be considered  
20 illegal if it does not include the signature ~~and the last four~~  
21 ~~digits of the social security number~~ of the elector, as shown  
22 by the registration records, and the signature and address of  
23 an attesting witness.~~either:~~

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

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

29  
30 However, an absentee ballot shall not be considered illegal if  
31 the signature of the elector or attesting witness does not

1 cross the seal of the mailing envelope ~~or if the person~~  
2 ~~witnessing the ballot is in violation of s. 104.047(3)~~. If the  
3 canvassing board determines that any ballot is illegal, a  
4 member of the board shall, without opening the envelope, mark  
5 across the face of the envelope: "rejected as illegal." The  
6 envelope and the ballot contained therein shall be preserved  
7 in the manner that official ballots voted are preserved.

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

17           Section 6. Section 101.647, Florida Statutes, is  
18 amended to read:

19           101.647 Return of absentee ballots.--

20           (1) Absentee ballots must be returned to the  
21 supervisor of elections by the elector, either in person or by  
22 mail.

23           (2) If the elector is unable to mail or personally  
24 deliver the ballot, the elector may designate ~~in writing~~ a  
25 person who may return the ballot for the elector; however, the  
26 person designated may not return more than two absentee  
27 ballots per election, other than the designee's own ballot,  
28 except that additional ballots may be returned for members of  
29 the designee's immediate family. For purposes of this  
30 section, the term "immediate family" means the designee's  
31 spouse or the parent, child, grandparent, or sibling of the

1 designee or of the designee's spouse. The designee must  
2 provide to the supervisor ~~the written authorization by the~~  
3 ~~elector and~~ a picture identification of the designee and must  
4 complete an affidavit. The designee shall state in the  
5 affidavit that the designee is authorized to return that  
6 ballot and shall indicate if the elector is a member of the  
7 designee's immediate family and, if so, the relationship. The  
8 designee shall also state in the affidavit that the designee  
9 has not and will not return more than two absentee ballots for  
10 this election, other than the designee's own ballot and  
11 ballots for the designee's immediate family. The department  
12 shall prescribe the form of the affidavit. If the supervisor  
13 is satisfied that the designee is authorized under law to  
14 return the ballot, the supervisor shall accept receipt of the  
15 ballot.

16 Section 7. Subsection (3) of section 101.694, Florida  
17 Statutes, is amended to read:

18 101.694 Mailing of ballots upon receipt of federal  
19 postcard application.--

20 (3) There shall be printed across the face of each  
21 envelope in which a ballot is sent to a federal postcard  
22 applicant, or is returned by such applicant to the supervisor,  
23 two parallel horizontal ~~red~~ bars, each one-quarter inch wide,  
24 extending from one side of the envelope to the other side,  
25 with an intervening space of one-quarter inch, the top bar to  
26 be 1 1/4 inches from the top of the envelope, and with the  
27 words "Official Election Balloting Material-via Air Mail," or  
28 similar language, between the bars. There shall be printed in  
29 the upper right corner of each such envelope, in a box, the  
30 words "Free of U. S. Postage, including Air Mail." ~~All~~  
31 ~~printing on the face of each envelope shall be in red, and~~

1 There shall be printed ~~in red~~ in the upper left corner of each  
2 ballot envelope an appropriate inscription or blanks for  
3 return address of sender. Additional specifications may be  
4 prescribed by rule of the Division of Elections upon  
5 recommendation of the presidential designee under the  
6 Uniformed and Overseas Citizens Absentee Voting Act.  
7 Otherwise, the envelopes shall be the same as those used in  
8 sending ballots to, or receiving them from, other absentee  
9 voters.

10 Section 8. Effective January 1, 2001, section 104.047,  
11 Florida Statutes, is amended to read:

12 104.047 Absentee voting.--

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

20 (2) Except as provided in s. 101.62 or s. 101.655, any  
21 person who requests an absentee ballot on behalf of an elector  
22 is guilty of a felony of the third degree, punishable as  
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24 ~~(3) Any person, other than a notary or other officer~~  
25 ~~entitled to administer oaths or an absentee ballot coordinator~~  
26 ~~as provided by s. 101.685, who witnesses more than five~~  
27 ~~ballots in any single election, is guilty of a misdemeanor of~~  
28 ~~the first degree, punishable as provided in s. 775.082 or s.~~  
29 ~~775.083.~~

30 (3)~~(4)~~ Any person who marks or designates a choice on  
31 the ballot of another person, except as provided in s.

1 101.051, s. 101.655, or s. 101.661, is guilty of a felony of  
2 the third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

4 (4)~~(5)~~ Any person who returns more than two absentee  
5 ballots to the supervisors of elections in violation of s.  
6 101.647 is guilty of a misdemeanor of the first degree,  
7 punishable as provided in s. 775.082 or s. 775.083.

8 Section 9. Effective January 1, 2001, section 101.685,  
9 Florida Statutes, is repealed.

10 Section 10. Except as otherwise provided herein, this  
11 act shall take effect upon becoming a law.

12 \*\*\*\*\*

13  
14 HOUSE SUMMARY

15 Revises the definition of "absent elector" to remove the  
16 "for cause" requirements. Modifies absentee ballot  
17 certificates that appear on the back of the absentee  
18 ballot envelope. Modifies the instructions to be given to  
19 absent electors and the information that must be included  
20 on an absentee ballot. Prescribes information that an  
21 absent elector's designee must include with an absentee  
22 ballot. Deletes a printing specification requiring red  
23 ink on envelopes sent to federal postcard applicants for  
24 absentee ballots. Prohibits the offer, provision, or  
25 receipt of a pecuniary or other benefit for witnessing an  
26 absentee ballot except as provided by law. Deletes the  
27 prohibition against a person witnessing more than five  
28 ballots in an election. Repeals provisions authorizing  
29 and regulating absentee ballot coordinators. See bill for  
30 details.  
31