

By Senator Sebesta

20-172-00

1 A bill to be entitled
2 An act relating to elections; amending s.
3 101.657, F.S.; providing an alternative
4 procedure for voting by absentee ballot;
5 amending s. 102.012, F.S.; eliminating a
6 requirement that election boards be composed of
7 three inspectors and a clerk; amending s.
8 102.031, F.S.; providing for a deputy sheriff
9 to be present at each polling place; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 101.657, Florida Statutes, is
15 amended to read:

16 101.657 Voting absentee ballots in person.--

17 (1) Notwithstanding s. 97.021(1), any qualified and
18 registered elector who is unable to attend the polls on
19 election day may pick up and vote an absentee ballot in person
20 at the office of, and under the supervision of, the supervisor
21 of elections. Before receiving the ballot, the elector must
22 present a Florida driver's license, a Florida identification
23 card issued under s. 322.051, or another form of picture
24 identification approved by the Department of State. If the
25 elector fails to furnish the required identification, or if
26 the supervisor is in doubt as to the identity of the elector,
27 the supervisor must follow the procedure prescribed in s.
28 101.49.

29 (2) As an alternative to the provisions of ss. 101.64,
30 101.647, and 101.65, the supervisor of elections may allow an
31 elector to cast an absentee ballot in the main or branch

1 office of the supervisor by depositing the voted ballot in a
2 voting device used by the supervisor to collect or tabulate
3 ballots. The results or tabulation may not be made before the
4 close of the polls on election day.

5 (3) The elector must provide picture identification
6 and must complete an In-Office Voter Certificate in
7 substantially the following form:

8 IN-OFFICE VOTER CERTIFICATE

9 I, , am a qualified and registered voter of County,
10 Florida. I do solemnly swear or affirm that I am the person so
11 listed on the voter registration rolls of County and that
12 I reside at the listed address. I understand that if I commit
13 or attempt to commit fraud in connection with voting, vote a
14 fraudulent ballot, or vote more than once in an election I
15 could be convicted of a felony of the third degree and both
16 fined up to \$5,000 and imprisoned for up to 5 years. I
17 understand that my failure to sign this certificate and have
18 my signature witnessed invalidates my ballot. I am entitled to
19 vote an absentee ballot because I am unable to attend the
20 polls on election day.

21
22
23(Voter's Signature). . . .

24
25(Last four digits of voter's social security number). . . .

26
27(Address). . . .

28
29(City/State). . . .

30
31(Name of Witness). . . .

1
2(Signature of Witness)....

3
4(Type of identification provided)....

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6 (4) Any elector may challenge an elector seeking to
7 cast an absentee ballot under the provisions of s. 101.111.
8 Any challenged ballot must be placed in a regular absentee
9 ballot envelope. The canvassing board shall review the ballot
10 and decide the validity of the ballot by majority vote.

11 (5) The canvass of returns for ballots cast under this
12 section shall be substantially the same as votes cast by
13 electors in precincts, as provided in s. 101.5614.

14 Section 2. Subsection (1) of section 102.012, Florida
15 Statutes, is amended to read:

16 102.012 Inspectors and clerks to conduct elections.--

17 (1) The supervisor of elections of each county, at
18 least 20 days prior to the holding of any election, shall
19 appoint two election boards for each precinct in the county;
20 however, the supervisor of elections may, in any election,
21 appoint one election board if the supervisor has reason to
22 believe that only one is necessary. ~~Each election board shall~~
23 ~~be composed of three inspectors and a clerk.~~ The clerk shall
24 be in charge of, and responsible for, seeing that the election
25 board carries out its duties and responsibilities. Each
26 inspector and each clerk shall take and subscribe to an oath
27 or affirmation, which shall be written or printed, to the
28 effect that he or she will perform the duties of inspector or
29 clerk of election, respectively, according to law and will
30 endeavor to prevent all fraud, deceit, or abuse in conducting
31 the election. The oath may be taken before an officer

1 authorized to administer oaths or before any of the persons
2 who are to act as inspectors, one of them to swear the others,
3 and one of the others sworn thus, in turn, to administer the
4 oath to the one who has not been sworn. The oaths shall be
5 returned with the poll list and the returns of the election to
6 the supervisor. In all questions that may arise before the
7 members of an election board, the decision of a majority of
8 them shall decide the question. The supervisor of elections
9 of each county shall be responsible for the attendance and
10 diligent performance of his or her duties by each clerk and
11 inspector.

12 Section 3. Subsection (2) of section 102.031, Florida
13 Statutes, is amended to read:

14 102.031 Maintenance of good order at polls;
15 authorities; persons allowed in polling rooms; unlawful
16 solicitation of voters.--

17 (2) The sheriff shall deputize a deputy sheriff for
18 each polling place ~~precinct~~ who shall be present during the
19 time the polls are open and until the election is completed,
20 who shall be subject to all lawful commands of the clerk or
21 inspectors, and who shall maintain good order. The deputy may
22 summon assistance from among bystanders to aid him or her when
23 necessary to maintain peace and order at the polls.

24 Section 4. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Revises provisions of the election code. Provides an
alternative procedure for absentee voting. Deletes a
requirement that election boards be composed of three
inspectors and a clerk and requires that a deputy sheriff
be present at each polling place.