

By the Committee on Ethics and Elections; and Senator Sebesta

313-666-00

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; eliminating the
8 requirement that pollworkers be trained at
9 formal classes; amending s. 102.021, F.S., to
10 conform; amending s. 102.031, F.S.; providing
11 for a deputy sheriff to be present at each
12 polling place; providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Section 101.657, Florida Statutes, is
17 amended to read:

18 101.657 Voting absentee ballots in person.--

19 (1) Notwithstanding s. 97.021(1), any qualified and
20 registered elector who is unable to attend the polls on
21 election day may pick up and vote an absentee ballot in person
22 at the office of, and under the supervision of, the supervisor
23 of elections. Before receiving the ballot, the elector must
24 present a Florida driver's license, a Florida identification
25 card issued under s. 322.051, or another form of picture
26 identification approved by the Department of State. If the
27 elector fails to furnish the required identification, or if
28 the supervisor is in doubt as to the identity of the elector,
29 the supervisor must follow the procedure prescribed in s.
30 101.49.

31

1 (2) As an alternative to the provisions of ss. 101.64,
2 101.647, and 101.65, the supervisor of elections may allow an
3 elector to cast an absentee ballot in the main or branch
4 office of the supervisor by depositing the voted ballot in a
5 voting device used by the supervisor to collect or tabulate
6 ballots. The results or tabulation may not be made before the
7 close of the polls on election day.

8 (3) The elector must provide picture identification
9 and must complete an In-Office Voter Certificate in
10 substantially the following form:

11 IN-OFFICE VOTER CERTIFICATE

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

24
25
26(Voter's Signature). . . .

27
28(Address). . . .

29
30(City/State). . . .

1(Name of Witness)....

2

3(Signature of Witness)....

4

5(Type of identification provided)....

6

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

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

15 Section 2. Subsections (1) and (8) of section 102.012,
16 Florida Statutes, are amended to read:

17 102.012 Inspectors and clerks to conduct elections.--

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

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

13 (8) The supervisor of elections shall conduct training
14 ~~classes~~ for inspectors, clerks, and deputy sheriffs prior to
15 each first primary, general, and special election for the
16 purpose of instructing such persons in their duties and
17 responsibilities as election officials. A certificate may be
18 issued by the supervisor of elections to each person
19 completing such training. No person shall serve as an
20 inspector, clerk, or deputy sheriff for an election unless
21 such person has completed the training ~~class~~ as required. A
22 person who has attended previous training ~~classes~~ conducted
23 within 2 years of the election may be appointed by the
24 supervisor to fill a vacancy on election day. If no person
25 with prior training is available to fill such vacancy, the
26 supervisor of elections may fill such vacancy in accordance
27 with the provisions of subsection (9) from among persons who
28 have not received the training required by this section.

29 Section 3. Subsection (2) of section 102.021, Florida
30 Statutes, is amended to read:

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1 102.021 Compensation of inspectors, clerks, and deputy
2 sheriffs.--

3 (2) Inspectors and clerks of election and deputy
4 sheriffs serving at the precincts may receive compensation and
5 travel expenses, as provided in s. 112.061, for attending the
6 poll worker training ~~classes~~ required by s. 102.012(8).

7 Section 4. Subsection (2) of section 102.031, Florida
8 Statutes, is amended to read:

9 102.031 Maintenance of good order at polls;
10 authorities; persons allowed in polling rooms; unlawful
11 solicitation of voters.--

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

19 Section 5. This act shall take effect July 1, 2000.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 SB 270

24 Committee Substitute for Senate Bill 270 removes the provision
25 in the bill requiring the last four digits of a voter's social
26 security number on the Voter Certificate. The committee
27 substitute also removes the requirement that supervisors of
28 elections hold formal training classes for poll workers. This
29 will allow more flexibility in the manner in which poll
30 workers receive training.
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