

By Senator Saunders

25-239-00

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. 101.694, F.S.; deleting certain printing
14 specifications for envelopes sent to federal
15 postcard applicants for absentee ballots;
16 amending s. 104.047, F.S.; deleting a
17 prohibition against persons witnessing more
18 than five ballots in an election; prohibiting
19 the receipt of a fee or benefit for witnessing
20 an absentee ballot; providing a criminal
21 penalty; repealing s. 97.056, F.S., relating to
22 registration by mail; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:
26

27 Section 1. Section 97.071, Florida Statutes, is
28 amended to read:
29 97.071 Registration identification card.--
30
31

1 (1) A registration identification card must be
2 furnished to all voters registering under the permanent single
3 registration system and must contain:

- 4 (a) Voter's registration number.
- 5 (b) Date of registration.
- 6 (c) Full name.
- 7 (d) Party affiliation.
- 8 (e) Date of birth.
- 9 (f) Race or ethnicity, if provided by the applicant.
- 10 (g) Sex, if provided by the applicant.
- 11 (h) Address of legal residence.
- 12 (i) Precinct number.
- 13 (j) Signature of supervisor.
- 14 (k) Place for voter's signature.
- 15 (l) Other information deemed necessary by the
16 department.

17 ~~(2)(a) Except as provided in paragraph (b), the~~
18 ~~supervisor of elections shall mail a registration~~
19 ~~identification card to the voter at the address listed as the~~
20 ~~legal residence on the voter's registration application. The~~
21 ~~card must be sent by nonforwardable, return-if-undeliverable~~
22 ~~mail. If the identification card is returned as undeliverable~~
23 ~~and the voter has indicated a different mailing address on the~~
24 ~~registration application, the supervisor must mail a notice to~~
25 ~~the mailing address, notifying the voter that his or her~~
26 ~~registration identification card was returned and that the~~
27 ~~voter may appear in person at the supervisor's office to pick~~
28 ~~up the identification card. The supervisor must surrender the~~
29 ~~identification card to the elector upon presentation of a~~
30 ~~Florida driver's license, a Florida identification card issued~~
31 ~~under s. 322.051, or another form of picture identification~~

1 ~~approved by the Department of State. If the elector fails to~~
2 ~~furnish the required identification, or if the supervisor has~~
3 ~~doubts as to the identity of the elector, the supervisor must~~
4 ~~require the elector to swear an oath substantially similar to~~
5 ~~the one prescribed in s. 101.49 prior to surrendering the~~
6 ~~identification card. The supervisor must keep the~~
7 ~~identification card on file for 45 days following return of~~
8 ~~the card as undeliverable.~~

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

12 (2)~~(3)~~ A voter may receive a replacement of a
13 registration identification card by providing a signed,
14 written request for a replacement card to the supervisor. Upon
15 verification of registration, the supervisor shall issue the
16 voter a duplicate card without charge.

17 (3)~~(4)~~ In the case of a change of name, address, or
18 party affiliation, the supervisor must issue the voter a new
19 registration identification card. However, a registration
20 identification card indicating a party affiliation change made
21 between the book-closing date for the first primary election
22 and the date of the second primary election may not be issued
23 until after the second primary election.

24 Section 2. Effective January 1, 2001, section 101.64,
25 Florida Statutes, is amended to read:

26 101.64 Delivery of absentee ballots; envelopes;
27 form.--

28 (1) The supervisor shall enclose with each absentee
29 ballot two envelopes: a secrecy envelope, into which the
30 absent elector shall enclose his or her marked ballot; and a
31 mailing envelope, into which the absent elector shall then

1 place the secrecy envelope, which shall be addressed to the
2 supervisor and also bear on the back side a certificate in
3 substantially the following form:

4

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

7

VOTER'S CERTIFICATE

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

18

19 1. I am unable without another's assistance to attend
20 the polls.

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

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

27 4. On account of the tenets of my religion, I cannot
28 attend the polls on the day of the general, special, or
29 primary election.

30 5. I have changed my permanent residency to another
31 county in Florida within the time period during which the

1 registration books are closed for the election. I understand
2 that I am allowed to vote only for national and statewide
3 offices and on statewide issues.

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

8 7. I am unable to attend the polls on election day and
9 am voting this ballot in person at the office of, and under
10 the supervision of, the county supervisor of elections.

11
12
13
14

...(Voter's Signature)...

....(Printed Name of Voter)....

15 ~~...(Last four digits of voter's social security number)...~~

16 Note: Your Signature Must Be Witnessed By One Witness 18 Years
17 of Age or Older as provided in Item 7. of the Instruction
18 Sheet. ~~Either:~~

19 ~~a. A Notary or Officer Defined in Item 6.b. of the~~
20 ~~Instruction Sheet.~~

21

22 ~~Sworn to (or affirmed) and subscribed before me this~~
23 ~~.... day of, ...(year)...., by ...(name of person~~
24 ~~making statement).... My commission expires this day of~~
25 ~~....., ...(year)....~~

26

~~...(Signature of Official)...~~

27

~~...(Print, Type, or Stamp Name)...~~

28

~~...(State or Country of Commission)...~~

29

~~Personally Known OR Produced Identification~~

30

~~.....~~

31

~~Type of Identification Produced.....~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

OR

~~b. One Witness, who is a registered voter in the State.~~

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

WITNESS:

...(Signature of Witness)...

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

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

...(Address)...

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

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

1 Section 3. Effective January 1, 2001, section 101.65,
2 Florida Statutes, is amended to read:

3 101.65 Instructions to absent electors.--The
4 supervisor shall enclose with each absentee ballot separate
5 printed instructions in substantially the following form:

6
7 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

13 2. Mark your ballot in secret as instructed on the
14 ballot. You must mark your own ballot unless you are unable to
15 do so because of blindness, disability, or inability to read
16 or write.

17 3. Place your marked ballot in the enclosed secrecy
18 envelope.

19 4. Insert the secrecy envelope into the enclosed
20 mailing envelope which is addressed to the supervisor.

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

23 6. VERY IMPORTANT. In order for your absentee ballot
24 to be counted, you must sign your name on the line above
25 (Voter's Signature), and print your name legibly on the line
26 above (Printed name of Voter).~~place the last four digits of~~
27 ~~your Social Security number in the space provided, and your~~
28 ~~ballot must be witnessed in either of the following manners:~~

29 a. ~~One witness, who is a registered voter in the~~
30 ~~state, must affix his or her signature, printed name, address,~~
31 ~~voter identification number, and county of registration on the~~

1 ~~voter's certificate. Each witness is limited to witnessing~~
2 ~~five ballots per election unless certified as an absentee~~
3 ~~ballot coordinator. A candidate may not serve as an attesting~~
4 ~~witness.~~

5 ~~b. Any notary or other officer entitled to administer~~
6 ~~oaths or any Florida supervisor of elections or deputy~~
7 ~~supervisor of elections, other than a candidate, may serve as~~
8 ~~an attesting witness.~~

9 7. VERY IMPORTANT. In order for your absentee ballot
10 to be counted, it must include the signature, legibly printed
11 name, and address of a witness 18 years of age or older
12 affixed to the voter's certificate. A candidate may not serve
13 as an attesting witness.

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

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

23 Section 4. Effective January 1, 2001, paragraph (c) of
24 subsection (2) of section 101.68, Florida Statutes, is amended
25 to read:

26 101.68 Canvassing of absentee ballot.--

27 (2)

28 (c)1. The canvassing board shall, if the supervisor
29 has not already done so, compare the signature of the elector
30 on the voter's certificate with the signature of the elector
31 in the registration books to see that the elector is duly

1 registered in the county and to determine the legality of that
2 absentee ballot. An absentee ballot shall be considered
3 illegal if it does not include the signature ~~and the last four~~
4 ~~digits of the social security number~~ of the elector, as shown
5 by the registration records, and the signature, printed name,
6 which must be legible unless the name is plainly apparent from
7 the signature, and address of an attesting witness.~~either:~~

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

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

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

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

1 Section 5. Section 101.647, Florida Statutes, is
2 amended to read:

3 101.647 Return of absentee ballots.--

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

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

1 Section 6. Subsection (3) of section 101.694, Florida
2 Statutes, is amended to read:

3 101.694 Mailing of ballots upon receipt of federal
4 postcard application.--

5 (3) There shall be printed across the face of each
6 envelope in which a ballot is sent to a federal postcard
7 applicant, or is returned by such applicant to the supervisor,
8 two parallel horizontal ~~red~~ bars, each one-quarter inch wide,
9 extending from one side of the envelope to the other side,
10 with an intervening space of one-quarter inch, the top bar to
11 be 1 1/4 inches from the top of the envelope, and with the
12 words "Official Election Balloting Material-via Air Mail," or
13 similar language, between the bars. There shall be printed in
14 the upper right corner of each such envelope, in a box, the
15 words "Free of U. S. Postage, including Air Mail." ~~All~~
16 ~~printing on the face of each envelope shall be in red, and~~
17 There shall be printed ~~in red~~ in the upper left corner of each
18 ballot envelope an appropriate inscription or blanks for
19 return address of sender. Additional specifications may be
20 prescribed by rule of the Division of Elections upon
21 recommendation of the presidential designee under the
22 Uniformed and Overseas Citizens Absentee Voting Act.
23 Otherwise, the envelopes shall be the same as those used in
24 sending ballots to, or receiving them from, other absentee
25 voters.

26 Section 7. Section 104.047, Florida Statutes, is
27 amended to read:

28 104.047 Absentee voting.--

29 (1) Any person who provides or offers to provide, and
30 any person who accepts, a pecuniary or other benefit in
31 exchange for distributing, ordering, requesting, witnessing,

1 collecting, delivering, or otherwise physically possessing
2 absentee ballots, except as provided in ss. 101.6105-101.694,
3 is guilty of a felony of the third degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

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

9 ~~(3) Any person, other than a notary or other officer~~
10 ~~entitled to administer oaths or an absentee ballot coordinator~~
11 ~~as provided by s. 101.685, who witnesses more than five~~
12 ~~ballots in any single election, is guilty of a misdemeanor of~~
13 ~~the first degree, punishable as provided in s. 775.082 or s.~~
14 ~~775.083.~~

15 (3)~~(4)~~ Any person who marks or designates a choice on
16 the ballot of another person, except as provided in s.
17 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
18 the third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20 (4)~~(5)~~ Any person who returns more than two absentee
21 ballots to the supervisors of elections in violation of s.
22 101.647 is guilty of a misdemeanor of the first degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 Section 8. Section 97.056, Florida Statutes, is
25 repealed.

26 Section 9. Except as otherwise provided in this act,
27 this act shall take effect July 1, 2001.

28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Deletes procedures for mailing voter registration identification cards. Modifies absentee ballot certificates that appear on the back of the absentee ballot envelope. Modifies the instructions to be given to absent electors and the information that must be included on an absentee ballot. Prescribes information that an absent elector's designee must include with an absentee ballot. Deletes a printing specification requiring red ink on envelopes sent to federal postcard applicants for absentee ballots. Deletes the prohibition against a person witnessing more than five ballots in an election. Provides that a person who accepts a pecuniary or other benefit for witnessing an absentee ballot is guilty of a third-degree felony. Repeals s. 97.056, F.S., relating to registration by mail.