

By the Committee on Ethics and Elections; and Senator Saunders

313-669-00

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; repealing s.
19 97.056, F.S., relating to registration by mail;
20 repealing s. 101.685, F.S., relating to
21 absentee ballot coordinators; providing an
22 effective date.

23

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

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26 Section 1. Section 97.071, Florida Statutes, is
27 amended to read:

28 97.071 Registration identification card.--

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

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

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

1 ~~require the elector to swear an oath substantially similar to~~
2 ~~the one prescribed in s. 101.49 prior to surrendering the~~
3 ~~identification card. The supervisor must keep the~~
4 ~~identification card on file for 45 days following return of~~
5 ~~the card as undeliverable.~~

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

9 (2)~~(3)~~ A voter may receive a replacement of a
10 registration identification card by providing a signed,
11 written request for a replacement card to the supervisor. Upon
12 verification of registration, the supervisor shall issue the
13 voter a duplicate card without charge.

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

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

23 101.64 Delivery of absentee ballots; envelopes;
24 form.--

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

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

VOTER'S CERTIFICATE

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

1. I am unable without another's assistance to attend
the polls.
2. I may not be in the precinct of my residence during
the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting
machine custodian, a deputy sheriff, a supervisor of
elections, or a deputy supervisor who is assigned to a
different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot
attend the polls on the day of the general, special, or
primary election.
5. I have changed my permanent residency to another
county in Florida within the time period during which the
registration books are closed for the election. I understand
that I am allowed to vote only for national and statewide
offices and on statewide issues.

1 101.65 Instructions to absent electors.--The
2 supervisor shall enclose with each absentee ballot separate
3 printed instructions in substantially the following form:
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5 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

15 3. Place your marked ballot in the enclosed secrecy
16 envelope.

17 4. Insert the secrecy envelope into the enclosed
18 mailing envelope which is addressed to the supervisor.

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

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

26 a. ~~One witness, who is a registered voter in the~~
27 ~~state, must affix his or her signature, printed name, address,~~
28 ~~voter identification number, and county of registration on the~~
29 ~~voter's certificate. Each witness is limited to witnessing~~
30 ~~five ballots per election unless certified as an absentee~~

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1 ~~ballot coordinator. A candidate may not serve as an attesting~~
2 ~~witness.~~

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

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

12 8.7. Mail, deliver, or have delivered the completed
13 mailing envelope. Be sure there is sufficient postage if
14 mailed.

15 9.8. FELONY NOTICE. It is a felony under Florida law
16 to accept any gift, payment, or gratuity in exchange for your
17 vote for a candidate. It is also a felony under Florida law to
18 vote in an election using a false identity or false address,
19 or under any other circumstances making your ballot false or
20 fraudulent.

21 Section 4. Effective January 1, 2001, paragraph (c) of
22 subsection (2) of section 101.68, Florida Statutes, is amended
23 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 and address of
4 an attesting witness.~~either:~~

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

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

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

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

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

31 101.647 Return of absentee ballots.--

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

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

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

30 101.694 Mailing of ballots upon receipt of federal
31 postcard application.--

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

22 Section 7. Section 104.047, Florida Statutes, is
23 amended to read:

24 104.047 Absentee voting.--

25 (1) Any person who provides or offers to provide, and
26 any person who accepts, a pecuniary or other benefit in
27 exchange for distributing, ordering, requesting, collecting,
28 delivering, or otherwise physically possessing absentee
29 ballots, except as provided in ss. 101.6105-101.694, is guilty
30 of a felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 (2) Except as provided in s. 101.62 or s. 101.655, any
2 person who requests an absentee ballot on behalf of an elector
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 ~~(3) Any person, other than a notary or other officer~~
6 ~~entitled to administer oaths or an absentee ballot coordinator~~
7 ~~as provided by s. 101.685, who witnesses more than five~~
8 ~~ballots in any single election, is guilty of a misdemeanor of~~
9 ~~the first degree, punishable as provided in s. 775.082 or s.~~
10 ~~775.083.~~

11 (3)~~(4)~~ Any person who marks or designates a choice on
12 the ballot of another person, except as provided in s.
13 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
14 the third degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

16 (4)~~(5)~~ Any person who returns more than two absentee
17 ballots to the supervisors of elections in violation of s.
18 101.647 is guilty of a misdemeanor of the first degree,
19 punishable as provided in s. 775.082 or s. 775.083.

20 Section 8. Section 97.056, Florida Statutes, is
21 repealed.

22 Section 9. Section 101.685, Florida Statutes, is
23 repealed.

24 Section 10. Except as otherwise provided in this act,
25 this act shall take effect July 1, 2000.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 334

Committee Substitute for Senate Bill 334 deletes a requirement that absentee ballot witnesses include their "Country" on the Voter's Certificate; deletes a requirement that absentee voters and witnesses include their printed name on the Voter's Certificate; repeals the provision of law authorizing political parties to appoint absentee ballot coordinators; deletes a newly-created felony offense for "witnessing" absentee ballots for compensation; and, modifies the effective date.