

By Representative Kosmas

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. 97.1031, F.S.; revising cross  
6           references, to conform; amending s. 101.64,  
7           F.S.; modifying absentee ballot certificates;  
8           amending s. 101.65, F.S.; modifying  
9           instructions to absent electors; amending s.  
10          101.68, F.S.; modifying information that must  
11          be included on an absentee ballot; amending s.  
12          101.647, F.S.; prescribing information that an  
13          absent elector's designee must include with an  
14          absentee ballot; amending s. 101.694, F.S.;  
15          deleting certain printing specifications for  
16          envelopes sent to federal postcard applicants  
17          for absentee ballots; amending s. 104.047,  
18          F.S.; deleting a prohibition against persons  
19          witnessing more than five ballots in an  
20          election; repealing s. 97.056, F.S., relating  
21          to voting requirements for certain persons who  
22          register by mail; repealing s. 101.685, F.S.,  
23          relating to absentee ballot coordinators;  
24          providing effective dates.

25

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

27

28           Section 1. Section 97.071, Florida Statutes, is  
29 amended to read:

30

30           97.071 Registration identification card.--

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. Subsections (3) and (4) of section 97.1031,  
25 Florida Statutes, are amended to read:

26 97.1031 Notice of change of residence within the same  
27 county, change of name, or change of party.--

28 (3) When an elector seeks to change party affiliation,  
29 the elector must provide a signed, written notification of  
30 such intent to the supervisor and obtain a registration  
31

1 identification card reflecting the new party affiliation,  
2 subject to the issuance restriction in s. 97.071~~(3)~~~~(4)~~.

3 (4) The supervisor shall make the necessary changes in  
4 the elector's records as soon as practical upon receipt of  
5 such notice of a change of address of legal residence, name,  
6 or party affiliation and shall issue the new registration  
7 identification card as required by s. 97.071~~(3)~~~~(4)~~.

8 Section 3. Effective January 1, 2001, section 101.64,  
9 Florida Statutes, is amended to read:

10 101.64 Delivery of absentee ballots; envelopes;  
11 form.--

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

19

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

22 VOTER'S CERTIFICATE

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

3

4 1. I am unable without another's assistance to attend  
5 the polls.

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

8 3. I am an inspector, a poll worker, a deputy voting  
9 machine custodian, a deputy sheriff, a supervisor of  
10 elections, or a deputy supervisor who is assigned to a  
11 different precinct than that in which I am registered.

12 4. On account of the tenets of my religion, I cannot  
13 attend the polls on the day of the general, special, or  
14 primary election.

15 5. I have changed my permanent residency to another  
16 county in Florida within the time period during which the  
17 registration books are closed for the election. I understand  
18 that I am allowed to vote only for national and statewide  
19 offices and on statewide issues.

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

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

27

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

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

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



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

...(Address)...

...(City/State)...

(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.

Section 4. Effective January 1, 2001, section 101.65, Florida Statutes, is amended to read:

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

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

- 1           3. Place your marked ballot in the enclosed secrecy  
2 envelope.
- 3           4. Insert the secrecy envelope into the enclosed  
4 mailing envelope which is addressed to the supervisor.
- 5           5. Seal the mailing envelope and completely fill out  
6 the Voter's Certificate on the back of the mailing envelope.
- 7           6. VERY IMPORTANT. In order for your absentee ballot  
8 to be counted, you must sign your name on the line above  
9 (Voter's Signature)., ~~place the last four digits of your~~  
10 ~~Social Security number in the space provided, and your ballot~~  
11 ~~must be witnessed in either of the following manners:~~
- 12           a. ~~One witness, who is a registered voter in the~~  
13 ~~state, must affix his or her signature, printed name, address,~~  
14 ~~voter identification number, and county of registration on the~~  
15 ~~voter's certificate. Each witness is limited to witnessing~~  
16 ~~five ballots per election unless certified as an absentee~~  
17 ~~ballot coordinator. A candidate may not serve as an attesting~~  
18 ~~witness.~~
- 19           b. ~~Any notary or other officer entitled to administer~~  
20 ~~oaths or any Florida supervisor of elections or deputy~~  
21 ~~supervisor of elections, other than a candidate, may serve as~~  
22 ~~an attesting witness.~~
- 23           7. VERY IMPORTANT. In order for your absentee ballot  
24 to be counted, it must include the signature and address of a  
25 witness 18 years of age or older affixed to the voter's  
26 certificate. A candidate may not serve as an attesting  
27 witness.
- 28           8.7. Mail, deliver, or have delivered the completed  
29 mailing envelope. Be sure there is sufficient postage if  
30 mailed.
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1           ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law  
2 to accept any gift, payment, or gratuity in exchange for your  
3 vote for a candidate. It is also a felony under Florida law to  
4 vote in an election using a false identity or false address,  
5 or under any other circumstances making your ballot false or  
6 fraudulent.

7           Section 5. Effective January 1, 2001, paragraph (c) of  
8 subsection (2) of section 101.68, Florida Statutes, is amended  
9 to read:

10           101.68 Canvassing of absentee ballot.--

11           (2)

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

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

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

27  
28 However, an absentee ballot shall not be considered illegal if  
29 the signature of the elector or attesting witness does not  
30 cross the seal of the mailing envelope ~~or if the person~~  
31 ~~witnessing the ballot is in violation of s. 104.047(3).~~ If the

1 canvassing board determines that any ballot is illegal, a  
2 member of the board shall, without opening the envelope, mark  
3 across the face of the envelope: "rejected as illegal." The  
4 envelope and the ballot contained therein shall be preserved  
5 in the manner that official ballots voted are preserved.

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

15         Section 6. Section 101.647, Florida Statutes, is  
16 amended to read:

17         101.647 Return of absentee ballots.--

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

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

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

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

16 101.694 Mailing of ballots upon receipt of federal  
17 postcard application.--

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

1 return address of sender. Additional specifications may be  
2 prescribed by rule of the Division of Elections upon  
3 recommendation of the presidential designee under the  
4 Uniformed and Overseas Citizens Absentee Voting Act.  
5 Otherwise, the envelopes shall be the same as those used in  
6 sending ballots to, or receiving them from, other absentee  
7 voters.

8 Section 8. Section 104.047, Florida Statutes, is  
9 amended to read:

10 104.047 Absentee voting.--

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

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

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

28 (3)~~(4)~~ Any person who marks or designates a choice on  
29 the ballot of another person, except as provided in s.  
30 101.051, s. 101.655, or s. 101.661, is guilty of a felony of  
31

1 the third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 ~~(4)(5)~~ Any person who returns more than two absentee  
4 ballots to the supervisors of elections in violation of s.  
5 101.647 is guilty of a misdemeanor of the first degree,  
6 punishable as provided in s. 775.082 or s. 775.083.

7 Section 9. Section 97.056, Florida Statutes, is  
8 repealed.

9 Section 10. Section 101.685, Florida Statutes, is  
10 repealed.

11 Section 11. Except as otherwise provided in this act,  
12 this act shall take effect July 1, 2000.

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15 HOUSE SUMMARY

16

17 Deletes procedures for mailing voter registration  
18 identification cards. Modifies absentee ballot  
19 certificates that appear on the back of the absentee  
20 ballot envelope. Modifies the instructions to be given to  
21 absent electors and the information that must be included  
22 on an absentee ballot. Prescribes information that an  
23 absent elector's designee must include with an absentee  
24 ballot. Deletes a printing specification requiring red  
25 ink on envelopes sent to federal postcard applicants for  
26 absentee ballots. Deletes the prohibition against a  
27 person witnessing more than five ballots in an election.  
28 Repeals provisions relating to voting requirements for  
29 certain persons who register by mail and to absentee  
30 ballot coordinators. See bill for details.

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