

By Senator Peaden

1-1121-01

See HB

1 A bill to be entitled
2 An act relating to absentee ballots; amending
3 s. 101.62, F.S.; deleting the requirement that
4 a person requesting an absentee ballot disclose
5 his or her social security number and the last
6 four digits of the elector's social security
7 number; amending ss. 101.64, 101.65, F.S.;
8 revising the voter's certificate and the
9 instructions to absent electors to delete the
10 requirement that an absent elector provide the
11 last four digits of the elector's social
12 security number; amending s. 101.68, F.S.;
13 deleting the requirement that the last four
14 digits of the elector's social security number
15 be provided for an absentee ballot to be
16 considered legal; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (1) of section
21 101.62, Florida Statutes, is amended to read:

22 101.62 Request for absentee ballots.--

23 (1)

24 (b) The supervisor may accept a written or telephonic
25 request for an absentee ballot from the elector, or, if
26 directly instructed by the elector, a member of the elector's
27 immediate family, or the elector's legal guardian. For
28 purposes of this section, the term "immediate family" has the
29 same meaning as specified in paragraph (4)(b). The person
30 making the request must disclose:

31

- 1 1. The name of the elector for whom the ballot is
- 2 requested;
- 3 2. The elector's address;
- 4 ~~3. The last four digits of the elector's social~~
- 5 ~~security number;~~
- 6 3.4. The registration number on the elector's
- 7 registration identification card;
- 8 ~~4.5.~~ The requester's name;
- 9 ~~5.6.~~ The requester's address;
- 10 ~~6.7.~~ The requester's ~~social security number and, if~~
- 11 ~~available,~~ driver's license number, if available;
- 12 ~~7.8.~~ The requester's relationship to the elector; and
- 13 ~~8.9.~~ The requester's signature (written requests
- 14 only).

15 Section 2. Subsection (1) of section 101.64, Florida

16 Statutes, is amended to read:

17 101.64 Delivery of absentee ballots; envelopes;

18 form.--

19 (1) The supervisor shall enclose with each absentee

20 ballot two envelopes: a secrecy envelope, into which the

21 absent elector shall enclose his or her marked ballot; and a

22 mailing envelope, into which the absent elector shall then

23 place the secrecy envelope, which shall be addressed to the

24 supervisor and also bear on the back side a certificate in

25 substantially the following form:

26

27 Note: Please Read Instructions Carefully Before

28 Marking Ballot and Completing Voter's Certificate.

29 VOTER'S CERTIFICATE

30 I,, am a qualified and registered voter of

31 County, Florida. I understand that if I commit or attempt to

1 commit any fraud in connection with voting, vote a fraudulent
2 ballot, or vote more than once in an election, I can be
3 convicted of a felony of the third degree and fined up to
4 \$5,000 and/or imprisoned for up to 5 years. I also understand
5 that failure to sign this certificate and have my signature
6 witnessed will invalidate my ballot. I am entitled to vote an
7 absentee ballot for one of the following reasons:

8
9 1. I am unable without another's assistance to attend
10 the polls.

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

13 3. I am an inspector, a poll worker, a deputy voting
14 machine custodian, a deputy sheriff, a supervisor of
15 elections, or a deputy supervisor who is assigned to a
16 different precinct than that in which I am registered.

17 4. On account of the tenets of my religion, I cannot
18 attend the polls on the day of the general, special, or
19 primary election.

20 5. I have changed my permanent residency to another
21 county in Florida within the time period during which the
22 registration books are closed for the election. I understand
23 that I am allowed to vote only for national and statewide
24 offices and on statewide issues.

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

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

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... (Voter's Signature) ...
~~... (Last four digits of voter's social security number) ...~~
 Note: Your Signature Must Be Witnessed By Either:
 a. A Notary or Officer Defined in Item 6.b. of the
 Instruction Sheet.

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

 ... (Signature of Official) ...
 ... (Print, Type, or Stamp Name) ...
 ... (State or Country of Commission) ...
 Personally Known OR Produced Identification

 Type of Identification Produced

 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:

1 ... (Signature of Witness) ...
2 ... (Printed Name of Witness) ...
3
4 ... (Voter I.D. Number of Witness and County of Registration) ...
5
6 ... (Address) ...
7 ... (City/State) ...
8

9 Section 3. Section 101.65, Florida Statutes, is
10 amended to read:

11 101.65 Instructions to absent electors.--The
12 supervisor shall enclose with each absentee ballot separate
13 printed instructions in substantially the following form:
14

15 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

25 3. Place your marked ballot in the enclosed secrecy
26 envelope.

27 4. Insert the secrecy envelope into the enclosed
28 mailing envelope which is addressed to the supervisor.

29 5. Seal the mailing envelope and completely fill out
30 the Voter's Certificate on the back of the mailing envelope.
31

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

6 a. One witness, who is a registered voter in the
7 state, must affix his or her signature, printed name, address,
8 voter identification number, and county of registration on the
9 voter's certificate. Each witness is limited to witnessing
10 five ballots per election unless certified as an absentee
11 ballot coordinator. A candidate may not serve as an attesting
12 witness.

13 b. Any notary or other officer entitled to administer
14 oaths or any Florida supervisor of elections or deputy
15 supervisor of elections, other than a candidate, may serve as
16 an attesting witness.

17 7. Mail, deliver, or have delivered the completed
18 mailing envelope. Be sure there is sufficient postage if
19 mailed.

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

26 Section 4. Paragraph (c) of subsection (2) of section
27 101.68, Florida Statutes, is amended to read:

28 101.68 Canvassing of absentee ballot.--

29 (2)

30 (c)1. The canvassing board shall, if the supervisor
31 has not already done so, compare the signature of the elector

1 on the voter's certificate with the signature of the elector
2 in the registration books to see that the elector is duly
3 registered in the county and to determine the legality of that
4 absentee ballot. An absentee ballot shall be considered
5 illegal if it does not include the signature ~~and the last four~~
6 ~~digits of the social security number~~ of the elector, as shown
7 by the registration records, and 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.

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Section 5. This act shall take effect January 1, 2002.

LEGISLATIVE SUMMARY

Deletes the requirement that a person requesting an absentee ballot disclose his or her social security number and the last four digits of the elector's social security number. Deletes the requirement that the absent elector provide the last four digits of his or her social security number on the absentee ballot in order for the ballot to be counted and considered legal.