

By the Committee on Rules, Ethics & Elections and
 Representative Goodlette

1 A bill to be entitled
 2 An act relating to absentee ballots; amending
 3 s. 97.021, F.S.; redefining the term "absent
 4 elector"; amending s. 101.62, F.S.; modifying
 5 the information persons requesting absentee
 6 ballots must disclose; amending s. 101.657,
 7 F.S.; allowing any qualified and registered
 8 elector to vote an absentee ballot in person in
 9 the office of the supervisor of elections;
 10 amending s. 101.64, F.S.; modifying the voter's
 11 certificate on absentee ballots; amending s.
 12 101.65, F.S.; modifying the instructions to
 13 absent electors; amending s. 101.68, F.S.;
 14 modifying the information that must be included
 15 on an absentee ballot; amending s. 104.047,
 16 F.S.; deleting a prohibition against persons
 17 witnessing more than five ballots in an
 18 election and the penalty therefor; deleting a
 19 prohibition against returning more than two
 20 absentee ballots in violation of law and the
 21 penalty therefor; repealing s. 101.647, F.S.,
 22 relating to requirements for the return of
 23 absentee ballots; repealing s. 101.685, F.S.,
 24 relating to authorization for absentee ballot
 25 coordinators; providing an effective date.

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

28
 29 Section 1. Subsection (1) of section 97.021, Florida
 30 Statutes, is amended to read:

31

1 97.021 Definitions.--For the purposes of this code,
2 except where the context clearly indicates otherwise, the
3 term:

4 (1) "Absent elector" means any registered and
5 qualified voter who casts an absentee ballot.+

6 ~~(a) Is unable without another's assistance to attend
7 the polls.~~

8 ~~(b) Is 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 he or she is registered
12 to vote.~~

13 ~~(c) On account of the tenets of his or her religion,
14 cannot attend the polls on the day of the general, special, or
15 primary election.~~

16 ~~(d) May not be in the precinct of his or her residence
17 during the hours the polls are open for voting on the day of
18 the election.~~

19 ~~(e) Has changed his or her residency to another county
20 in this state within the time period during which the
21 registration books are closed for the election for which the
22 ballot is requested.~~

23 ~~(f) Has changed his or her residency to another state
24 and is ineligible under the laws of that state to vote in the
25 general election; however, this pertains only to presidential
26 ballots.~~

27 Section 2. Paragraph (b) of subsection (1) of section
28 101.62, Florida Statutes, is amended to read:

29 101.62 Request for absentee ballots.--

30 (1)

31

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

8 1. The name of the elector for whom the ballot is
9 requested;

10 2. The elector's address;

11 ~~3. The last four digits of the elector's social~~
12 ~~security number;~~

13 3.4. The ~~registration number on the~~ elector's date of
14 birth ~~registration identification card;~~

15 4.5. The requester's name;

16 5.6. The requester's address;

17 6.7. The requester's ~~social security number and, if~~
18 available, driver's license number, if available;

19 7.8. The requester's relationship to the elector; and

20 8.9. The requester's signature (written requests
21 only).

22 Section 3. Section 101.657, Florida Statutes, is
23 amended to read:

24 101.657 Voting absentee ballots in person.--

25 (1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and
26 registered elector ~~who is unable to attend the polls on~~
27 ~~election day~~ may pick up and vote an absentee ballot in person
28 at the office of, and under the supervision of, the supervisor
29 of elections. Before receiving the ballot, the elector must
30 present a Florida driver's license, a Florida identification
31 card issued under s. 322.051, or another form of picture

1
2 ... (Voter's Signature) ...
3
4 ... (Address) ...
5
6 ... (City/State) ...
7
8 ... (Name of Witness) ...
9
10 ... (Signature of Witness) ...
11
12 ... (Type of identification provided) ...
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14 (c)~~(4)~~ Any elector may challenge an elector seeking to
15 cast an absentee ballot under the provisions of s. 101.111.
16 Any challenged ballot must be placed in a regular absentee
17 ballot envelope. The canvassing board shall review the ballot
18 and decide the validity of the ballot by majority vote.
19 (d)~~(5)~~ The canvass of returns for ballots cast under
20 this subsection ~~section~~ shall be substantially the same as
21 votes cast by electors in precincts, as provided in s.
22 101.5614.
23 Section 4. Section 101.64, Florida Statutes, is
24 amended to read:
25 101.64 Delivery of absentee ballots; envelopes;
26 form.--
27 (1) The supervisor shall enclose with each absentee
28 ballot two envelopes: a secrecy envelope, into which the
29 absent elector shall enclose his or her marked ballot; and a
30 mailing envelope, into which the absent elector shall then
31 place the secrecy envelope, which shall be addressed to the

1 supervisor and also bear on the back side a certificate in
2 substantially the following form:

3

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

6

VOTER'S CERTIFICATE

7 I, , do solemnly swear or affirm that I am a
8 qualified and registered voter of County, Florida, and
9 that I have not and will not vote more than one ballot in this
10 election. I understand that if I commit or attempt to commit
11 any fraud in connection with voting, vote a fraudulent ballot,
12 or vote more than once in an election, I can be convicted of a
13 felony of the third degree and fined up to \$5,000 and/or
14 imprisoned for up to 5 years. I also understand that failure
15 to sign this certificate and have my signature properly
16 witnessed will invalidate my ballot. ~~I am entitled to vote an~~
17 ~~absentee ballot for one of 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 ~~...(Voter's Signature)...~~ ...(Date Signed)...

14
15 ~~...(Last four digits of voter's social security number)...~~

16 Note: Your Signature Must Be Witnessed By ~~Either:~~

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

19
20 ~~Sworn to (or affirmed) and subscribed before me this~~
21 ~~.... day of, ...(year)...., by ...(name of person~~
22 ~~making statement).... My commission expires this day of~~
23 ~~....., ...(year)....~~

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

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

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

27 ~~Personally Known OR Produced Identification~~

28 ~~.....~~

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

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31 ~~OR~~

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~~b.~~ One Witness 18 Years of Age or Older as provided in Item 7 of the Instruction Sheet, ~~who is a registered voter in the State.~~

I swear or affirm that the elector ~~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)...~~

(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 5. Section 101.65, Florida Statutes, is amended to read:

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:

4
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 Social~~
24 ~~Security number in the space provided, and your ballot must be~~
25 ~~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. No candidate may serve as an attesting witness.

11 ~~8.7.~~ Mail, deliver, or have delivered the completed
12 mailing envelope. Be sure there is sufficient postage if
13 mailed.

14 ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law
15 to accept any gift, payment, or gratuity in exchange for your
16 vote for a candidate. It is also a felony under Florida law to
17 vote in an election using a false identity or false address,
18 or under any other circumstances making your ballot false or
19 fraudulent.

20 Section 6. Paragraph (c) of subsection (2) of section
21 101.68, Florida Statutes, is amended to read:

22 101.68 Canvassing of absentee ballot.--

23 (2)

24 (c)1. The canvassing board shall, if the supervisor
25 has not already done so, compare the signature of the elector
26 on the voter's certificate with the signature of the elector
27 in the registration books to see that the elector is duly
28 registered in the county and to determine the legality of that
29 absentee ballot. An absentee ballot shall be considered
30 illegal if it does not include the signature ~~and the last four~~
31 ~~digits of the social security number~~ of the elector, as shown

1 by the registration records, and the signature and address of
2 an attesting witness ~~either:~~

3 ~~a. The subscription of a notary or officer defined in~~
4 ~~Item 6.b. of the instruction sheet, or~~

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

8
9 However, an absentee ballot shall not be considered illegal if
10 the signature of the elector or attesting witness does not
11 cross the seal of the mailing envelope ~~or if the person~~
12 ~~witnessing the ballot is in violation of s. 104.047(3)~~. If the
13 canvassing board determines that any ballot is illegal, a
14 member of the board shall, without opening the envelope, mark
15 across the face of the envelope: "rejected as illegal." The
16 envelope and the ballot contained therein shall be preserved
17 in the manner that official ballots voted are preserved.

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

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

29 104.047 Absentee ballots and voting; violations.--

30 (1) Any person who provides or offers to provide, and
31 any person who accepts, a pecuniary or other benefit in

1 exchange for distributing, ordering, requesting, collecting,
2 delivering, or otherwise physically possessing absentee
3 ballots, except as provided in ss. 101.6105-101.694, is guilty
4 of a felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

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

10 ~~(3) Any person, other than a notary or other officer~~
11 ~~entitled to administer oaths or an absentee ballot coordinator~~
12 ~~as provided by s. 101.685, who witnesses more than five~~
13 ~~ballots in any single election, is guilty of a misdemeanor of~~
14 ~~the first degree, punishable as provided in s. 775.082 or s.~~
15 ~~775.083.~~

16 (3)(4) Any person who marks or designates a choice on
17 the ballot of another person, except as provided in s.
18 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
19 the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

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

25 Section 8. Sections 101.647 and 101.685, Florida
26 Statutes, are repealed.

27 Section 9. This act shall take effect January 1, 2002.
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HOUSE SUMMARY

Revises various provisions of law relating to absentee ballots. Redefines the term "absent elector" to remove the reason requirements. Modifies the information persons requesting absentee ballots must disclose. Allows any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections. Modifies absentee ballot certificates, instructions to absent electors, and information that must be included on an absentee ballot. Deletes the prohibition against persons witnessing more than five ballots in an election and the prohibition against returning more than two absentee ballots in violation of law. Repeals requirements for the return of absentee ballots and authorization for absentee ballot coordinators. See bill for details.