

By Representative Dockery

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 and 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:

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- 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.



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.

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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. This act shall take effect January 1, 2002.  
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4                           HOUSE SUMMARY  
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6           Deletes the requirement that a person requesting an  
7           absentee ballot disclose his or her social security  
8           number and the last four digits of the elector's social  
9           security number. Deletes the requirement that the absent  
10          elector provide the last four digits of his or her social  
11          security number on the absentee ballot in order for the  
12          ballot to be counted and considered legal.  
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