



HB 1355

2003

A bill to be entitled

An act relating to early voting; amending s. 101.657, F.S.; requiring supervisors of elections to allow electors to vote early; providing requirements for the location and number of early voting facilities; specifying the period and hours of operation; requiring the Department of State to adopt rules; providing a penalty for failure to provide for early voting; creating s. 101.659, F.S.; providing for a voter to cast an in-person absentee ballot as formerly provided under s. 101.657, F.S., to conform; amending s. 101.62, F.S.; conforming a cross reference; providing an effective date.

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

Section 1. Section 101.657, Florida Statutes, is amended to read:

101.657 Early voting ~~absentee ballots in person.--~~

~~(1) Any qualified and registered elector may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.~~

(1)(a)(2) As an alternative to the provisions of ss. 101.64, ~~and~~ 101.65, and 101.659, the supervisor of elections



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31 shall ~~may~~ allow an elector to vote early ~~cast an absentee ballot~~
 32 ~~in the main or branch office of the supervisor~~ by depositing a
 33 ~~the~~ voted ballot in a voting device used by the supervisor to
 34 collect or tabulate ballots. The results or tabulation may not
 35 be made before the close of the polls on election day.

36 (b) The supervisor shall designate at least one early
 37 voting location for every 85,000 voters registered to vote in
 38 the election. Except as otherwise provided in this section, each
 39 early voting location must meet the requirements for a polling
 40 place under the election code. The selection of early voting
 41 locations must be designed to provide all voters in the county
 42 with an equal opportunity to cast a ballot, insofar as is
 43 practicable.

44 (c) Early voting shall commence at 9 a.m. on the 10th day
 45 before an election and conclude at 5 p.m. on the day before the
 46 election. Early voting at each location shall be conducted, at a
 47 minimum, from 9 a.m. to 5 p.m. Monday through Friday and for a
 48 total of 10 hours on each weekend during the early voting
 49 period.

50 (d)(a) An ~~The~~ elector seeking to vote early must provide
 51 picture identification and must complete an In-Office Voter
 52 Certificate in substantially the following form:

53 IN-OFFICE VOTER CERTIFICATE

54
 55 I, ____, am a qualified elector in this election and registered
 56 voter of ____ County, Florida. I do solemnly swear or affirm
 57 that I am the person so listed on the voter registration rolls
 58 of ____ County and that I reside at the listed address. I
 59 understand that if I commit or attempt to commit fraud in
 60 connection with voting, vote a fraudulent ballot, or vote more



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61 than once in an election I could be convicted of a felony of the
 62 third degree and both fined up to \$5,000 and imprisoned for up
 63 to 5 years. I understand that my failure to sign this
 64 certificate ~~and have my signature witnessed~~ invalidates my
 65 ballot.

66
 67
 68 . . . (Voter's Signature) . . .

69
 70 . . . (Address) . . .

71
 72 . . . (City/State) . . .

73
 74 ~~. . . (Name of Witness) . . .~~

75
 76 ~~. . . (Signature of Witness) . . .~~

77
 78 . . . (Type of identification provided) . . .

79
 80 (e)(b) If an elector seeking to vote early is challenged
 81 by any other elector or poll watcher, the oaths provided in s.
 82 101.111 shall be completed, sworn, and subscribed. The
 83 challenged elector shall vote a provisional ballot as otherwise
 84 provided in this chapter. ~~Any elector may challenge an elector~~
 85 ~~seeking to cast an absentee ballot under the provisions of s.~~
 86 ~~101.111. Any challenged ballot must be placed in a regular~~
 87 ~~absentee ballot envelope.~~ The canvassing board shall review the
 88 ballot and decide the validity of the ballot by majority vote.



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89 ~~(f)(e)~~ The canvass of returns for ballots cast under this
90 subsection shall be substantially the same as votes cast by
91 electors in precincts, as provided in s. 101.5614.

92 (g) The department shall adopt rules for administering
93 this section, including, but not limited to, the selection and
94 security of early voting locations and the security of ballots,
95 tabulating equipment, and other voting materials at early voting
96 locations.

97 (2) Any supervisor of elections who fails to provide for
98 early voting as required by this section commits a misdemeanor
99 of the first degree, punishable as provided in s. 775.082 or s.
100 775.083.

101 Section 2. Section 101.659, Florida Statutes, is created
102 to read:

103 101.659 Voting absentee ballots in person.--Any qualified
104 and registered elector may pick up and vote an absentee ballot
105 in person at the office of, and under the supervision of, the
106 supervisor of elections. Before receiving the ballot, the
107 elector must present a Florida driver's license, a Florida
108 identification card issued under s. 322.051, or another form of
109 picture identification approved by the Department of State. If
110 the elector fails to furnish the required identification, or if
111 the supervisor is in doubt as to the identity of the elector,
112 the supervisor must follow the procedure prescribed in s.
113 101.49.

114 Section 3. Paragraph (b) of subsection (4) of section
115 101.62, Florida Statutes, is amended to read:

116 101.62 Request for absentee ballots.--
117 (4)



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118 (b) As soon as the remainder of the absentee ballots are
119 printed, the supervisor shall provide an absentee ballot to each
120 elector by whom a request for that ballot has been made by one
121 of the following means:

122 1. By nonforwardable, return-if-undeliverable mail to the
123 elector's current mailing address on file with the supervisor,
124 unless the elector specifies in the request that:

125 a. The elector is absent from the county and does not plan
126 to return before the day of the election;

127 b. The elector is temporarily unable to occupy the
128 residence because of hurricane, tornado, flood, fire, or other
129 emergency or natural disaster; or

130 c. The elector is in a hospital, assisted-living facility,
131 nursing home, short-term medical or rehabilitation facility, or
132 correctional facility,

133

134 in which case the supervisor shall mail the ballot by
135 nonforwardable, return-if-undeliverable mail to any other
136 address the elector specifies in the request.

137 2. By forwardable mail to voters who are entitled to vote
138 by absentee ballot under the Uniformed and Overseas Citizens
139 Voting Act.

140 3. By personal delivery to the elector, upon presentation
141 of the identification required in s. 101.659 ~~101.657~~.

142 4. By delivery to a designee on election day or up to 4
143 days prior to the day of an election. Any elector may designate
144 in writing a person to pick up the ballot for the elector;
145 however, the person designated may not pick up more than two
146 absentee ballots per election, other than the designee's own
147 ballot, except that additional ballots may be picked up for



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148 members of the designee's immediate family. For purposes of this
149 section, "immediate family" means the designee's spouse or the
150 parent, child, grandparent, or sibling of the designee or of the
151 designee's spouse. The designee shall provide to the supervisor
152 the written authorization by the elector and a picture
153 identification of the designee and must complete an affidavit.
154 The designee shall state in the affidavit that the designee is
155 authorized by the elector to pick up that ballot and shall
156 indicate if the elector is a member of the designee's immediate
157 family and, if so, the relationship. The department shall
158 prescribe the form of the affidavit. If the supervisor is
159 satisfied that the designee is authorized to pick up the ballot
160 and that the signature of the elector on the written
161 authorization matches the signature of the elector on file, the
162 supervisor shall give the ballot to that designee for delivery
163 to the elector.

164 Section 4. This act shall take effect January 1, 2004.