

By Senator Cowin

20-469C-03

1 A bill to be entitled
 2 An act relating to early voting; amending s.
 3 101.657, F.S.; requiring supervisors of
 4 elections to allow electors to vote early;
 5 providing requirements for the location and
 6 number of early voting facilities; specifying
 7 the period and hours of operation; requiring
 8 the Department of State to adopt rules;
 9 providing a penalty for failure to provide for
 10 early voting; creating s. 101.659, F.S.;
 11 providing for a voter to cast an in-person
 12 absentee ballot as formerly provided under s.
 13 101.657, F.S., to conform; providing an
 14 effective date.

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

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

20 101.657 Early voting ~~absentee ballots in person.--~~
 21 ~~(1) Any qualified and registered elector may pick up~~
 22 ~~and vote an absentee ballot in person at the office of, and~~
 23 ~~under the supervision of, the supervisor of elections. Before~~
 24 ~~receiving the ballot, the elector must present a Florida~~
 25 ~~driver's license, a Florida identification card issued under~~
 26 ~~s. 322.051, or another form of picture identification approved~~
 27 ~~by the Department of State. If the elector fails to furnish~~
 28 ~~the required identification, or if the supervisor is in doubt~~
 29 ~~as to the identity of the elector, the supervisor must follow~~
 30 ~~the procedure prescribed in s. 101.49.~~

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1 (1)(a)~~(2)~~ As an alternative to the provisions of ss.
2 101.64, ~~and~~ 101.65, and 101.659, the supervisor of elections
3 shall ~~may~~ allow an elector to vote early ~~cast an absentee~~
4 ~~ballot in the main or branch office of the supervisor by~~
5 depositing a ~~the~~ voted ballot in a voting device used by the
6 supervisor to collect or tabulate ballots. The results or
7 tabulation may not be made before the close of the polls on
8 election day.

9 (b) The supervisor shall designate at least one early
10 voting location for every 85,000 voters registered to vote in
11 the election. Except as otherwise provided in this section,
12 each early voting location must meet the requirements for a
13 polling place under the election code. The selection of early
14 voting locations must be designed to provide all voters in the
15 county with an equal opportunity to cast a ballot, insofar as
16 is practicable.

17 (c) Early voting shall commence at 9 a.m. on the 10th
18 day before an election and conclude at 5 p.m. on the day
19 before the election. Early voting at each location shall be
20 conducted, at a minimum, from 9 a.m. to 5 p.m. Monday through
21 Friday and for a total of 10 hours on each weekend during the
22 early voting period.

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

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27 IN-OFFICE VOTER CERTIFICATE

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29 I,, am a qualified elector in this election and
30 registered voter of County, Florida. I do solemnly swear
31 or affirm that I am the person so listed on the voter

1 registration rolls of County and that I reside at the
2 listed address. I understand that if I commit or attempt to
3 commit fraud in connection with voting, vote a fraudulent
4 ballot, or vote more than once in an election I could be
5 convicted of a felony of the third degree and both fined up to
6 \$5,000 and imprisoned for up to 5 years. I understand that my
7 failure to sign this certificate ~~and have my signature~~
8 ~~witnessed~~ invalidates my ballot.

9

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11 ...(Voter's Signature)...

12

13 ...(Address)...

14

15 ...(City/State)...

16

17 ~~...(Name of Witness)...~~

18

19 ~~...(Signature of Witness)...~~

20

21 ...(Type of identification provided)...

22

23 (e)~~(b)~~ If an elector seeking to vote early is
24 challenged by any other elector or poll watcher, the oaths
25 provided in s. 101.111 shall be completed, sworn, and
26 subscribed. The challenged elector shall vote a provisional
27 ballot as otherwise provided in this chapter.~~Any elector may~~
28 ~~challenge an elector seeking to cast an absentee ballot under~~
29 ~~the provisions of s. 101.111. Any challenged ballot must be~~
30 ~~placed in a regular absentee ballot envelope.~~The canvassing

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1 board shall review the ballot and decide the validity of the
2 ballot by majority vote.

3 ~~(f)(c)~~ The canvass of returns for ballots cast under
4 this subsection shall be substantially the same as votes cast
5 by electors in precincts, as provided in s. 101.5614.

6 (g) The department shall adopt rules for administering
7 this section, including, but not limited to, the selection and
8 security of early voting locations and the security of
9 ballots, tabulating equipment, and other voting materials at
10 early voting locations.

11 (2) Any supervisor of elections who fails to provide
12 for early voting as required by this section commits a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 Section 2. Section 101.659, Florida Statutes, is
16 created to read:

17 101.659 Voting absentee ballots in person.--Any
18 qualified and registered elector may pick up and vote an
19 absentee ballot in person at the office of, and under the
20 supervision of, the supervisor of elections. Before receiving
21 the ballot, the elector must present a Florida driver's
22 license, a Florida identification card issued under s.
23 322.051, or another form of picture identification approved by
24 the Department of State. If the elector fails to furnish the
25 required identification, or if the supervisor is in doubt as
26 to the identity of the elector, the supervisor must follow the
27 procedure prescribed in s. 101.49.

28 Section 3. This act shall take effect January 1, 2004.
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SENATE SUMMARY

Requires that supervisors of elections allow early voting during a 10-day period before each election. Requires at least one location for every 85,000 voters. Requires a polling place to be open from 9 a.m. to 5 p.m. on weekdays and to be open for a total of 10 hours on weekends during the period for early voting. Provides that it is a first-degree misdemeanor for a supervisor of elections to fail to provide for early voting.