

By the Committee on Ethics and Elections; and Senator Cowin

313-1989-03

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 supervisors of elections to provide notice of
9 early voting; requiring the Department of State
10 to adopt rules; providing a penalty for failure
11 to provide for early voting; creating s.
12 101.659, F.S.; providing for a voter to cast an
13 in-person absentee ballot as formerly provided
14 under s. 101.657, F.S., to conform; amending s.
15 101.62, F.S.; conforming a cross-reference;
16 providing an effective date.

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

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

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

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1 ~~as to the identity of the elector, the supervisor must follow~~
2 ~~the procedure prescribed in s. 101.49.~~

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

11 (b) The supervisor shall designate at least one early
12 voting location for every 85,000 voters registered to vote in
13 the election. The supervisor of any county with fewer than
14 85,000 voters registered to vote in the election shall
15 designate at least one early voting location. Except as
16 otherwise provided in this section, each early voting location
17 must meet the requirements for a polling place under the
18 election code. In addition, each early voting location must be
19 located in a public building owned by the state, county, or
20 municipality. The selection of early voting locations must be
21 designed to provide all voters in the county with an equal
22 opportunity to cast a ballot, insofar as is practicable.

23 (c) Early voting shall commence at 9 a.m. on the 10th
24 day before an election and conclude at 5 p.m. on the day
25 before the election. For a special election or special primary
26 election pursuant to s. 100.101, early voting shall commence
27 at 9 a.m. on the 8th day before the election and conclude at 5
28 p.m. on the day before the election. Early voting at each
29 location shall be conducted, at a minimum, from 9 a.m. to 5
30 p.m. Monday through Friday and for a total of 10 hours on each
31 weekend during the early voting period. The supervisor shall

1 publish the address and hours of operation of early voting
2 facilities two times in a newspaper of general circulation at
3 least 14 days prior to the date of the election.

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

7
8 IN-OFFICE VOTER CERTIFICATE
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10 I, , am a qualified elector in this election and
11 registered voter of County, Florida. I do solemnly swear
12 or affirm that I am the person so listed on the voter
13 registration rolls of County and that I reside at the
14 listed address. I understand that if I commit or attempt to
15 commit fraud in connection with voting, vote a fraudulent
16 ballot, or vote more than once in an election I could be
17 convicted of a felony of the third degree and both fined up to
18 \$5,000 and imprisoned for up to 5 years. I understand that my
19 failure to sign this certificate ~~and have my signature~~
20 ~~witnessed~~ invalidates my ballot.

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22
23 . . . (Voter's Signature) . . .

24
25 . . . (Address) . . .

26
27 . . . (City/State) . . .

28
29 ~~. . . (Name of Witness) . . .~~

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31 ~~. . . (Signature of Witness) . . .~~

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2 ... (Type of identification provided) ...

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4 (e)(b) If an elector seeking to vote early is
5 challenged by any other elector or poll watcher, the oaths
6 provided in s. 101.111 shall be completed, sworn, and
7 subscribed. The challenged elector shall vote a provisional
8 ballot as otherwise provided in this chapter. Any elector may
9 challenge an elector seeking to cast an absentee ballot under
10 the provisions of s. 101.111. Any challenged ballot must be
11 placed in a regular absentee ballot envelope. The canvassing
12 board shall review the ballot and decide the validity of the
13 ballot by majority vote.

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

17 (g) The department shall adopt rules for administering
18 this section, including, but not limited to, the selection and
19 security of early voting locations and the security of
20 ballots, tabulating equipment, and other voting materials at
21 early voting locations.

22 (2) Any supervisor of elections who fails to provide
23 for early voting as required by this section commits a
24 misdemeanor of the first degree, punishable as provided in s.
25 775.082 or s. 775.083.

26 Section 2. Section 101.659, Florida Statutes, is
27 created to read:

28 101.659 Voting absentee ballots in person.--Any
29 qualified and registered elector may pick up and vote an
30 absentee ballot in person at the office of, and under the
31 supervision of, the supervisor of elections. Before receiving

1 the ballot, the elector must present a Florida driver's
2 license, a Florida identification card issued under s.
3 322.051, or another form of picture identification approved by
4 the Department of State. If the elector fails to furnish the
5 required identification, or if the supervisor is in doubt as
6 to the identity of the elector, the supervisor must follow the
7 procedure prescribed in s. 101.49.

8 Section 3. Paragraph (b) of subsection (4) of section
9 101.62, Florida Statutes, is amended to read:

10 101.62 Request for absentee ballots.--

11 (4)

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

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

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

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

24 c. The elector is in a hospital, assisted-living
25 facility, nursing home, short-term medical or rehabilitation
26 facility, or correctional facility,

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28 in which case the supervisor shall mail the ballot by
29 nonforwardable, return-if-undeliverable mail to any other
30 address the elector specifies in the request.

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

4 3. By personal delivery to the elector, upon
5 presentation of the identification required in s. 101.659 ~~s.~~
6 ~~101.657~~.

7 4. By delivery to a designee on election day or up to
8 4 days prior to the day of an election. Any elector may
9 designate in writing a person to pick up the ballot for the
10 elector; however, the person designated may not pick up more
11 than two absentee ballots per election, other than the
12 designee's own ballot, except that additional ballots may be
13 picked up for members of the designee's immediate family. For
14 purposes of this section, "immediate family" means the
15 designee's spouse or the parent, child, grandparent, or
16 sibling of the designee or of the designee's spouse. The
17 designee shall provide to the supervisor the written
18 authorization by the elector and a picture identification of
19 the designee and must complete an affidavit. The designee
20 shall state in the affidavit that the designee is authorized
21 by the elector to pick up that ballot and shall indicate if
22 the elector is a member of the designee's immediate family
23 and, if so, the relationship. The department shall prescribe
24 the form of the affidavit. If the supervisor is satisfied that
25 the designee is authorized to pick up the ballot and that the
26 signature of the elector on the written authorization matches
27 the signature of the elector on file, the supervisor shall
28 give the ballot to that designee for delivery to the elector.

29 Section 4. This act shall take effect January 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1732

The committee substitute differs from the original bill in that it: clarifies that supervisors in counties with less than 85,000 registered voters in a given election must designate at least one early voting location; eliminates the first weekend of early voting for special elections; requires notice of early voting; requires all early voting facilities to be located in public buildings; and makes technical changes.