

By the Committees on Governmental Oversight and Productivity;  
Ethics and Elections; and Senators Cowin and Margolis

302-2157-03

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; amending s.  
12          101.5612, F.S.; modifying the timeframe for  
13          testing voting equipment; amending s. 101.5613,  
14          F.S.; providing for periodic examination of  
15          equipment during early voting; creating s.  
16          101.659, F.S.; providing for a voter to cast an  
17          in-person absentee ballot as formerly provided  
18          under s. 101.657, F.S., to conform; amending s.  
19          101.62, F.S.; conforming a cross-reference;  
20          providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

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

26           101.657 Early voting absentee ballots in person.--  
27           ~~(1) Any qualified and registered elector may pick up~~  
28           ~~and vote an absentee ballot in person at the office of, and~~  
29           ~~under the supervision of, the supervisor of elections. Before~~  
30           ~~receiving the ballot, the elector must present a Florida~~  
31           ~~driver's license, a Florida identification card issued under~~

1 ~~s. 322.051, or another form of picture identification approved~~  
2 ~~by the Department of State. If the elector fails to furnish~~  
3 ~~the required identification, or if the supervisor is in doubt~~  
4 ~~as to the identity of the elector, the supervisor must follow~~  
5 ~~the procedure prescribed in s. 101.49.~~

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

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

26 (c) Early voting shall commence at 9 a.m. on the 10th  
27 day before an election and conclude at 5 p.m. on the day  
28 before the election. For a special election or special primary  
29 election pursuant to s. 100.101, early voting shall commence  
30 at 9 a.m. on the 8th day before the election and conclude at 5  
31 p.m. on the day before the election. Early voting at each

1 location shall be conducted, at a minimum, from 9 a.m. to 5  
2 p.m. Monday through Friday and for a total of 10 hours on each  
3 weekend during the early voting period. The supervisor shall  
4 publish the address and hours of operation of early voting  
5 facilities two times in a newspaper of general circulation at  
6 least 14 days prior to the date of the election.

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

10  
11 IN-OFFICE VOTER CERTIFICATE

12  
13 I, . . . . , am a qualified elector in this election and  
14 registered voter of . . . . County, Florida. I do solemnly swear  
15 or affirm that I am the person so listed on the voter  
16 registration rolls of . . . . County and that I reside at the  
17 listed address. I understand that if I commit or attempt to  
18 commit fraud in connection with voting, vote a fraudulent  
19 ballot, or vote more than once in an election I could be  
20 convicted of a felony of the third degree and both fined up to  
21 \$5,000 and imprisoned for up to 5 years. I understand that my  
22 failure to sign this certificate ~~and have my signature~~  
23 ~~witnessed~~ invalidates my ballot.

24  
25  
26 . . . (Voter's Signature) . . .

27  
28 . . . (Address) . . .

29  
30 . . . (City/State) . . .  
31

1 ~~...(Name of Witness)...~~

2

3 ~~...(Signature of Witness)...~~

4

5 ... (Type of identification provided)...

6

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

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

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

25 (2) Any supervisor of elections who fails to provide  
26 for early voting as required by this section commits a  
27 misdemeanor of the first degree, punishable as provided in s.  
28 775.082 or s. 775.083.

29 Section 2. Subsection (2) of section 101.5612, Florida  
30 Statutes, is amended to read:

31 101.5612 Testing of tabulating equipment.--

1           (2) On any day not more than 10 days prior to the  
2 commencement of early voting as provided in s. 101.657  
3 ~~election day~~, the supervisor of elections shall have the  
4 automatic tabulating equipment publicly tested to ascertain  
5 that the equipment will correctly count the votes cast for all  
6 offices and on all measures. Public notice of the time and  
7 place of the test shall be given at least 48 hours prior  
8 thereto by publication once in one or more newspapers of  
9 general circulation in the county or, if there is no newspaper  
10 of general circulation in the county, by posting such notice  
11 in at least four conspicuous places in the county. The  
12 supervisor or the municipal elections official may, at the  
13 time of qualifying, give written notice of the time and  
14 location of such public preelection test to each candidate  
15 qualifying with that office and obtain a signed receipt that  
16 such notice has been given. The Department of State shall give  
17 written notice to each statewide candidate at the time of  
18 qualifying, or immediately at the end of qualifying, that the  
19 voting equipment will be tested and advise each such candidate  
20 to contact the county supervisor of elections as to the time  
21 and location of the public preelection test. The supervisor or  
22 the municipal elections official shall, at least 15 days prior  
23 to the commencement of early voting as provided in s. 101.657  
24 ~~an election~~, send written notice by certified mail to the  
25 county party chair of each political party and to all  
26 candidates for other than statewide office whose names appear  
27 on the ballot in the county and who did not receive written  
28 notification from the supervisor or municipal elections  
29 official at the time of qualifying, stating the time and  
30 location of the public preelection test of the automatic  
31 tabulating equipment. The canvassing board shall convene, and

1 each member of the canvassing board shall certify to the  
2 accuracy of the test. For the test, the canvassing board may  
3 designate one member to represent it. The test shall be open  
4 to representatives of the political parties, the press, and  
5 the public. Each political party may designate one person with  
6 expertise in the computer field who shall be allowed in the  
7 central counting room when all tests are being conducted and  
8 when the official votes are being counted. Such designee shall  
9 not interfere with the normal operation of the canvassing  
10 board.

11 Section 3. Section 101.5613, Florida Statutes, is  
12 amended to read:

13 101.5613 Examination of equipment during voting.--A  
14 member of the election board or, for purposes of early voting  
15 pursuant to s. 101.657, a representative of the supervisor of  
16 elections, shall occasionally examine the face of the voting  
17 device and the ballot information to determine that the device  
18 and the ballot information have not been damaged or tampered  
19 with.

20 Section 4. Section 101.659, Florida Statutes, is  
21 created to read:

22 101.659 Voting absentee ballots in person.--Any  
23 qualified and registered elector may pick up and vote an  
24 absentee ballot in person at the office of, and under the  
25 supervision of, the supervisor of elections. Before receiving  
26 the ballot, the elector must present a Florida driver's  
27 license, a Florida identification card issued under s.  
28 322.051, or another form of picture identification approved by  
29 the Department of State. If the elector fails to furnish the  
30 required identification, or if the supervisor is in doubt as  
31

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

3 Section 5. Paragraph (b) of subsection (4) of section  
4 101.62, Florida Statutes, is amended to read:

5 101.62 Request for absentee ballots.--

6 (4)

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

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

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

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

19 c. The elector is in a hospital, assisted-living  
20 facility, nursing home, short-term medical or rehabilitation  
21 facility, or correctional facility,

22  
23 in which case the supervisor shall mail the ballot by  
24 nonforwardable, return-if-undeliverable mail to any other  
25 address the elector specifies in the request.

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

29 3. By personal delivery to the elector, upon  
30 presentation of the identification required in s. 101.659 ~~s.~~  
31 ~~101.657~~.

1           4. By delivery to a designee on election day or up to  
2 4 days prior to the day of an election. Any elector may  
3 designate in writing a person to pick up the ballot for the  
4 elector; however, the person designated may not pick up more  
5 than two absentee ballots per election, other than the  
6 designee's own ballot, except that additional ballots may be  
7 picked up for members of the designee's immediate family. For  
8 purposes of this section, "immediate family" means the  
9 designee's spouse or the parent, child, grandparent, or  
10 sibling of the designee or of the designee's spouse. The  
11 designee shall provide to the supervisor the written  
12 authorization by the elector and a picture identification of  
13 the designee and must complete an affidavit. The designee  
14 shall state in the affidavit that the designee is authorized  
15 by the elector to pick up that ballot and shall indicate if  
16 the elector is a member of the designee's immediate family  
17 and, if so, the relationship. The department shall prescribe  
18 the form of the affidavit. If the supervisor is satisfied that  
19 the designee is authorized to pick up the ballot and that the  
20 signature of the elector on the written authorization matches  
21 the signature of the elector on file, the supervisor shall  
22 give the ballot to that designee for delivery to the elector.

23           Section 6. This act shall take effect January 1, 2004.

24  
25                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
26                   COMMITTEE SUBSTITUTE FOR  
27                   CS for SB 1732

28 The Committee Substitute provides for the testing of  
29 tabulating equipment used for early voting not more than 10  
30 days prior to its commencement; requires notification of  
31 county political party chairs and candidates of the  
preelection test; and provides for the presence of a  
representative of the supervisor of elections during the early  
voting process.