

HB 1447

2004

1                   A bill to be entitled  
 2           An act relating to absentee ballots; amending s. 101.62,  
 3           F.S.; revising a restriction on what can be mailed or  
 4           delivered with an absentee ballot; amending s. 101.64,  
 5           F.S.; requiring the supervisor of elections to include an  
 6           absentee ballot receipt acknowledgment card with the  
 7           absentee ballot; providing for instructions and  
 8           applicability; amending s. 101.67, F.S.; requiring the  
 9           supervisor of elections, upon receipt of an envelope  
 10          containing the marked ballot of an absent elector, to mail  
 11          to that elector an acknowledgment of receipt of that  
 12          ballot; providing an effective date.

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

Section 1. Subsection (6) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.--

(6) Nothing other than the materials required under the Florida Election Code or otherwise necessary to vote absentee shall be mailed or delivered with any absentee ballot.

Section 2. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form; absentee ballot receipt acknowledgment card.--

(1)(a) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the

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30 secrecy envelope, which shall be addressed to the supervisor and  
 31 also bear on the back side a certificate in substantially the  
 32 following form:

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34 Note: Please Read Instructions Carefully Before  
 35 Marking Ballot and Completing Voter's Certificate.

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37 VOTER'S CERTIFICATE

38 I, \_\_\_\_\_, do solemnly swear or affirm that I am a qualified  
 39 and registered voter of \_\_\_\_\_ County, Florida, and that I have  
 40 not and will not vote more than one ballot in this election. I  
 41 understand that if I commit or attempt to commit any fraud in  
 42 connection with voting, vote a fraudulent ballot, or vote more  
 43 than once in an election, I can be convicted of a felony of the  
 44 third degree and fined up to \$5,000 and/or imprisoned for up to  
 45 5 years. I also understand that failure to sign this certificate  
 46 and have my signature properly witnessed will invalidate my  
 47 ballot.

48

49 ... (Date) ..... (Voter's Signature) ...

50

51 Note: Your Signature Must Be Witnessed By One Witness 18 Years  
 52 of Age or Older as provided in the Instruction Sheet.

53

54 I swear or affirm that the voter signed this Voter's Certificate  
 55 in my presence.

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57 ... (Signature of Witness) ...

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59 ... (Address) ...  
 60 ... (City/State) ...  
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62 (b)(2) The certificate shall be arranged on the back of  
 63 the mailing envelope so that the lines for the signatures of the  
 64 absent elector and the attesting witness are across the seal of  
 65 the envelope; however, no statement shall appear on the envelope  
 66 which indicates that a signature of the voter or witness must  
 67 cross the seal of the envelope. The absent elector and the  
 68 attesting witness shall execute the certificate on the envelope.

69 (2) The supervisor shall also enclose with each absentee  
 70 ballot an absentee ballot receipt acknowledgment card. Such card  
 71 shall be preaddressed to the office of the supervisor, with  
 72 postage prepaid, and shall instruct the absent elector to sign  
 73 the card and mail it back to the supervisor if the absent  
 74 elector desires to have receipt of his or her absentee ballot  
 75 acknowledged. An absent elector is not required to return an  
 76 absentee ballot receipt acknowledgment card, and failure to  
 77 return such card does not affect the validity of any absentee  
 78 ballot submitted by the absent elector.

79 Section 3. Section 101.67, Florida Statutes, is amended to  
 80 read:

81 101.67 Acknowledgment of receipt of absentee ballots;  
 82 safekeeping of absentee ~~mailed~~ ballots; deadline for receiving  
 83 absentee ballots.--

84 (1) Upon receipt of any envelope containing the marked  
 85 ballot of an absent elector, the supervisor of elections shall  
 86 mail an acknowledgment of receipt of that ballot to the elector  
 87 at the elector's current mailing address on file with the

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88 supervisor or at any other address the elector has specified in  
89 his or her request for the absentee ballot.

90 (2)~~(1)~~ The supervisor of elections shall safely keep in  
91 his or her office any envelopes received containing marked  
92 ballots of absent electors, and he or she shall, before the  
93 canvassing of the election returns, deliver the envelopes to the  
94 county canvassing board along with his or her file or list kept  
95 regarding said ballots.

96 (3)~~(2)~~ All marked absent electors' ballots to be counted  
97 must be received by the supervisor by 7 p.m. the day of the  
98 election. All ballots received thereafter shall be marked with  
99 the time and date of receipt and filed in the supervisor's  
100 office.

101 Section 4. This act shall take effect July 1, 2004.