

1                                   A bill to be entitled  
2           An act relating to absentee ballots; amending  
3           s. 101.64, F.S.; removing the requirement that  
4           a voter's signature on an absentee ballot must  
5           be witnessed; amending s. 101.65, F.S.;  
6           revising the Voter's Certificate and  
7           instructions to absent electors to remove the  
8           requirement of an attesting witness; amending  
9           s. 101.68, F.S.; requiring that the supervisor  
10          of elections compare an elector's signature to  
11          verify registration; removing the requirement  
12          of the signature of an attesting witness for an  
13          absentee ballot to be considered legal;  
14          amending ss. 101.6921 and 101.6923, F.S.;  
15          revising the Voter's Certificate and  
16          instructions for special absentee ballots for  
17          certain first-time voters to remove the  
18          requirement of an attesting witness; amending  
19          s. 101.6952, F.S., relating to absentee ballots  
20          received from overseas voters, to conform;  
21          amending s. 101.657, F.S., relating to absentee  
22          ballots voted In-Office; providing an effective  
23          date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Section 101.64, Florida Statutes, is  
28 amended to read:

29           101.64 Delivery of absentee ballots; envelopes;  
30 form.--

31

1           (1) The supervisor shall enclose with each absentee  
 2 ballot two envelopes: a secrecy envelope, into which the  
 3 absent elector shall enclose his or her marked ballot; and a  
 4 mailing envelope, into which the absent elector shall then  
 5 place the secrecy envelope, which shall be addressed to the  
 6 supervisor and also bear on the back side a certificate in  
 7 substantially the following form:

8  
 9           Note: Please Read Instructions Carefully Before  
 10 Marking Ballot and Completing Voter's Certificate.

11  
 12           VOTER'S CERTIFICATE

13           I, . . . ., do solemnly swear or affirm that I am a  
 14 qualified and registered voter of . . . . County, Florida, and  
 15 that I have not and will not vote more than one ballot in this  
 16 election. I understand that if I commit or attempt to commit  
 17 any fraud in connection with voting, vote a fraudulent ballot,  
 18 or vote more than once in an election, I can be convicted of a  
 19 felony of the third degree and fined up to \$5,000 and/or  
 20 imprisoned for up to 5 years. I also understand that failure  
 21 to sign this certificate ~~and have my signature properly~~  
 22 ~~witnessed~~ will invalidate my ballot.

23  
 24           . . .(Date) . . .   . . .(Voter's Signature) . . .

25  
 26 ~~Note: Your Signature Must Be Witnessed By One Witness 18 Years~~  
 27 ~~of Age or Older as provided in the Instruction Sheet.~~

28  
 29 ~~I swear or affirm that the voter signed this Voter's~~  
 30 ~~Certificate in my presence.~~

31

1 ~~...Signature of Witness)...~~

2

3 ~~...(Address)...~~

4

~~...(City/State)...~~

5

6 (2) The certificate shall be arranged on the back of  
 7 the mailing envelope so that the lines for the signature  
 8 ~~signatures~~ of the absent elector is ~~and the attesting witness~~  
 9 ~~are~~ across the seal of the envelope; however, no statement  
 10 shall appear on the envelope which indicates that a signature  
 11 of the voter ~~or witness~~ must cross the seal of the envelope.  
 12 The absent elector ~~and the attesting witness~~ shall execute the  
 13 certificate on the envelope.

14 Section 2. Section 101.65, Florida Statutes, is  
 15 amended to read:

16 101.65 Instructions to absent electors.--The  
 17 supervisor shall enclose with each absentee ballot separate  
 18 printed instructions in substantially the following form:

19

20 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

21 1. VERY IMPORTANT. In order to ensure that your  
 22 absentee ballot will be counted, it should be completed and  
 23 returned as soon as possible so that it can reach the  
 24 supervisor of elections of the county in which your precinct  
 25 is located no later than 7 p.m. on the day of the election.

26 2. Mark your ballot in secret as instructed on the  
 27 ballot. You must mark your own ballot unless you are unable to  
 28 do so because of blindness, disability, or inability to read  
 29 or write.

30 3. Mark only the number of candidates or issue choices  
 31 for a race as indicated on the ballot. If you are allowed to

1 "Vote for One" candidate and you vote for more than one  
2 candidate, your vote in that race will not be counted.

3 4. Place your marked ballot in the enclosed secrecy  
4 envelope.

5 5. Insert the secrecy envelope into the enclosed  
6 mailing envelope which is addressed to the supervisor.

7 6. Seal the mailing envelope and completely fill out  
8 the Voter's Certificate on the back of the mailing envelope.

9 7. VERY IMPORTANT. In order for your absentee ballot  
10 to be counted, you must sign your name on the line above  
11 (Voter's Signature).

12 8. VERY IMPORTANT. If you are an overseas voter, you  
13 must include the date you signed the Voter's Certificate on  
14 the line above (Date) or your ballot may not be counted.

15 ~~9. VERY IMPORTANT. In order for your absentee ballot~~  
16 ~~to be counted, it must include the signature and address of a~~  
17 ~~witness 18 years of age or older affixed to the Voter's~~  
18 ~~Certificate. No candidate may serve as an attesting witness.~~

19 ~~9.10.~~ Mail, deliver, or have delivered the completed  
20 mailing envelope. Be sure there is sufficient postage if  
21 mailed.

22 ~~10.11.~~ FELONY NOTICE. It is a felony under Florida law  
23 to accept any gift, payment, or gratuity in exchange for your  
24 vote for a candidate. It is also a felony under Florida law to  
25 vote in an election using a false identity or false address,  
26 or under any other circumstances making your ballot false or  
27 fraudulent.

28 Section 3. Subsection (1) and paragraph (c) of  
29 subsection (2) of section 101.68, Florida Statutes, are  
30 amended to read:

31 101.68 Canvassing of absentee ballot.--

1           (1) The supervisor of the county where the absent  
2 elector resides shall receive the voted ballot, at which time  
3 the supervisor shall ~~may~~ compare the signature of the elector  
4 on the voter's certificate with the signature of the elector  
5 in the registration books to determine whether the elector is  
6 duly registered in the county and may record on the elector's  
7 registration certificate that the elector has voted. The  
8 supervisor shall safely keep the ballot unopened in his or her  
9 office until the county canvassing board canvasses the vote.

10           (2)

11           (c)1. The canvassing board shall, if the supervisor  
12 has not already done so, compare the signature of the elector  
13 on the voter's certificate with the signature of the elector  
14 in the registration books to see that the elector is duly  
15 registered in the county and to determine the legality of that  
16 absentee ballot. An absentee ballot shall be considered  
17 illegal if it does not include the signature of the elector,  
18 as shown by the registration records, ~~and the signature and~~  
19 ~~address of an attesting witness~~. However, an absentee ballot  
20 shall not be considered illegal if the signature of the  
21 elector ~~or attesting witness~~ does not cross the seal of the  
22 mailing envelope. If the canvassing board determines that any  
23 ballot is illegal, a member of the board shall, without  
24 opening the envelope, mark across the face of the envelope:  
25 "rejected as illegal." The envelope and the ballot contained  
26 therein shall be preserved in the manner that official ballots  
27 voted are preserved.

28           2. If any elector or candidate present believes that  
29 an absentee ballot is illegal due to a defect apparent on the  
30 voter's certificate, he or she may, at any time before the  
31 ballot is removed from the envelope, file with the canvassing

1 board a protest against the canvass of that ballot, specifying  
 2 the precinct, the ballot, and the reason he or she believes  
 3 the ballot to be illegal. A challenge based upon a defect in  
 4 the voter's certificate may not be accepted after the ballot  
 5 has been removed from the mailing envelope.

6 Section 4. Subsections (3) and (4) of section  
 7 101.6921, Florida Statutes, are amended to read:

8 101.6921 Delivery of special absentee ballot to  
 9 certain first-time voters.--

10 (3) The Voter's Certificate shall be in substantially  
 11 the following form:

12  
 13 Note: Please Read Instructions Carefully Before Marking Ballot  
 14 and Completing Voter's Certificate

15  
 16 VOTER'S CERTIFICATE

17  
 18 I, \_\_\_\_\_, do solemnly swear or affirm that I am a  
 19 qualified and registered voter of \_\_\_\_\_ County, Florida, and  
 20 that I have not and will not vote more than one ballot in this  
 21 election. I understand that if I commit or attempt to commit  
 22 any fraud in connection with voting, vote a fraudulent ballot,  
 23 or vote more than once in an election, I can be convicted of a  
 24 felony of the third degree and fined up to \$5,000 and/or  
 25 imprisoned for up to 5 years. I also understand that failure  
 26 to sign this certificate ~~and have my signature properly~~  
 27 ~~witnessed~~ will invalidate my ballot. I understand that unless  
 28 I meet one of the exemptions below, I must provide a copy of a  
 29 current and valid identification as provided in the  
 30 instruction sheet to the supervisor of elections in order for  
 31 my ballot to count.

1 I further certify that I am exempt from the  
 2 requirements to furnish a copy of a current and valid  
 3 identification with my ballot because of one or more of the  
 4 following (check all that apply):  
 5 [ ] I am 65 years of age or older.  
 6 [ ] I have a permanent or temporary physical  
 7 disability.  
 8 [ ] I am a member of a uniformed service on active duty  
 9 who, by reason of such active duty, will be absent from the  
 10 county on election day.  
 11 [ ] I am a member of the Merchant Marine who, by reason  
 12 of service in the Merchant Marine, will be absent from the  
 13 county on election day.  
 14 [ ] I am the spouse or dependent of a member of the  
 15 uniformed service or Merchant Marine who, by reason of the  
 16 active duty or service of the member, will be absent from the  
 17 county on election day.  
 18 [ ] I am currently residing outside the United States.

19  
 20 ... (Date) ..... Voter's Signature ...

21  
 22 ~~Note: Your signature must be witnessed by one witness 18 years~~  
 23 ~~of age or older as provided in the instruction sheet.~~

24  
 25 ~~I swear or affirm that the voter signed this Voter's~~  
 26 ~~Certificate in my presence.~~

27  
 28 ~~... (Signature of Witness) ...~~

29  
 30 ~~... (Address) ...~~

31

1 ~~... (City/State) ...~~

2

3 (4) The certificate shall be arranged on the back of  
4 the envelope so that the lines for the signature ~~signatures~~ of  
5 the absent elector is ~~and the attesting witness are~~ across the  
6 seal of the envelope.

7 Section 5. Subsection (2) of section 101.6923, Florida  
8 Statutes, is amended to read:

9 101.6923 Special absentee ballot instructions for  
10 certain first-time voters.--

11 (2) A voter covered by this section shall be provided  
12 with the following printed instructions with his or her  
13 absentee ballot:

14

15 READ THESE INSTRUCTIONS CAREFULLY BEFORE  
16 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE  
17 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
18 COUNT.

19

20 1. In order to ensure that your absentee ballot will  
21 be counted, it should be completed and returned as soon as  
22 possible so that it can reach the supervisor of elections of  
23 the county in which your precinct is located no later than 7  
24 p.m. on the date of the election.

25 2. Mark your ballot in secret as instructed on the  
26 ballot. You must mark your own ballot unless you are unable to  
27 do so because of blindness, disability, or inability to read  
28 or write.

29 3. Mark only the number of candidates or issue choices  
30 for a race as indicated on the ballot. If you are allowed to

31



1 "Vote for One" candidate and you vote for more than one, your  
2 vote in that race will not be counted.

3 4. Place your marked ballot in the enclosed secrecy  
4 envelope and seal the envelope.

5 5. Insert the secrecy envelope into the enclosed  
6 envelope bearing the Voter's Certificate. Seal the envelope  
7 and completely fill out the Voter's Certificate on the back of  
8 the envelope.

9 a. You must sign your name on the line above (Voter's  
10 Signature).

11 ~~b. You must have your signature witnessed. Have the~~  
12 ~~witness sign above (Signature of Witness) and include his or~~  
13 ~~her address. No candidate may serve as an attesting witness.~~

14 b.e. If you are an overseas voter, you must include  
15 the date you signed the Voter's Certificate on the line above  
16 (Date) or your ballot may not be counted.

17 6. Unless you meet one of the exemptions in Item 7.,  
18 you must make a copy of one of the following forms of  
19 identification:

20 a. Identification which must include your name and  
21 photograph: current and valid Florida driver's license;  
22 Florida identification card issued by the Department of  
23 Highway Safety and Motor Vehicles; United States passport;  
24 employee badge or identification; buyer's club identification  
25 card; debit or credit card; military identification; student  
26 identification; retirement center identification; neighborhood  
27 association identification; entertainment identification; or  
28 public assistance identification; or

29 b. Identification which shows your name and current  
30 residence address: current utility bill, bank statement,  
31

1 government check, paycheck, or government document (excluding  
2 voter identification card).

3 7. The identification requirements of Item 6. do not  
4 apply if you meet one of the following requirements:

5 a. You are 65 years of age or older.

6 b. You have a temporary or permanent physical  
7 disability.

8 c. You are a member of a uniformed service on active  
9 duty who, by reason of such active duty, will be absent from  
10 the county on election day.

11 d. You are a member of the Merchant Marine who, by  
12 reason of service in the Merchant Marine, will be absent from  
13 the county on election day.

14 e. You are the spouse or dependent of a member  
15 referred to in paragraph c. or paragraph d. who, by reason of  
16 the active duty or service of the member, will be absent from  
17 the county on election day.

18 f. You are currently residing outside the United  
19 States.

20 8. Place the envelope bearing the Voter's Certificate  
21 into the mailing envelope addressed to the supervisor. Insert  
22 a copy of your identification in the mailing envelope. DO NOT  
23 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE  
24 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S  
25 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

26 9. Mail, deliver, or have delivered the completed  
27 mailing envelope. Be sure there is sufficient postage if  
28 mailed.

29 10. FELONY NOTICE. It is a felony under Florida law to  
30 accept any gift, payment, or gratuity in exchange for your  
31 vote for a candidate. It is also a felony under Florida law to

1 | vote in an election using a false identity or false address,  
2 | or under any other circumstances making your ballot false or  
3 | fraudulent.

4 |         Section 6. Subsection (2) of section 101.6952, Florida  
5 | Statutes, is amended to read:

6 |             101.6952 Absentee ballots for overseas voters.--

7 |             (2) For absentee ballots received from overseas  
8 | voters, there is a presumption that the envelope was mailed on  
9 | the date stated ~~and witnessed~~ on the outside of the return  
10 | envelope, regardless of the absence of a postmark on the  
11 | mailed envelope or the existence of a postmark date that is  
12 | later than the date of the election.

13 |         Section 7. Paragraph (a) of subsection (2) of section  
14 | 101.657, Florida Statutes, is amended to read:

15 |             101.657 Voting absentee ballots in person.--

16 |             (2) As an alternative to the provisions of ss. 101.64  
17 | and 101.65, the supervisor of elections may allow an elector  
18 | to cast an absentee ballot in the main or branch office of the  
19 | supervisor by depositing the voted ballot in a voting device  
20 | used by the supervisor to collect or tabulate ballots. The  
21 | results or tabulation may not be made before the close of the  
22 | polls on election day.

23 |             (a) The elector must provide identification as  
24 | required in subsection (1) and must complete an In-Office  
25 | Voter Certificate in substantially the following form:

26 |  
27 |                             IN-OFFICE VOTER CERTIFICATE

28 |  
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

10

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 Section 8. This act shall take effect July 1, 2004.

24

25

26

27

28

29

30

31