

1
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 ~~...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.

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