

By Senator Cowin

20-558-04

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 current and~~
31 ~~valid picture identification as provided in s. 97.0535(3)(a).~~

1 ~~If the elector fails to furnish the required identification,~~
2 ~~or if the supervisor is in doubt as to the identity of the~~
3 ~~elector, the supervisor must follow the procedure prescribed~~
4 ~~in s. 101.49. If the elector who fails to furnish the required~~
5 ~~identification is a first-time voter who registered by mail~~
6 ~~and has not provided the required identification to the~~
7 ~~supervisor of elections prior to voting, the elector shall be~~
8 ~~allowed to vote a provisional ballot. The canvassing board~~
9 ~~shall compare the signature on the provisional ballot envelope~~
10 ~~with the signature on the voter's registration and, if the~~
11 ~~signatures match, shall count the ballot.~~

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

20 (b) The supervisor shall designate at least one early
21 voting location for every 70,000 voters registered to vote in
22 the election. The supervisor of any county with fewer than
23 70,000 voters registered to vote in the election shall
24 designate at least one early voting location. Except as
25 otherwise provided in this section, each early voting location
26 must meet the requirements for a polling place under the
27 election code. In addition, each early voting location must be
28 located in a public building owned by the state, county, or
29 municipality. The selection of early voting locations must be
30 designed to provide all voters in the county with an equal
31 opportunity to cast a ballot, insofar as is practicable.

1 (c) Early voting shall commence at 9 a.m. on the 10th
2 day before an election and conclude at 5 p.m. on the day
3 before the election. For a special election or special primary
4 election pursuant to s. 100.101, early voting shall commence
5 at 9 a.m. on the 8th day before the election and conclude at 5
6 p.m. on the day before the election. Early voting at each
7 location shall be conducted, at a minimum, from 9 a.m. to 5
8 p.m. Monday through Friday and for a total of 10 hours on each
9 weekend during the early voting period. The supervisor shall
10 publish the address and hours of operation of early voting
11 facilities two times in a newspaper of general circulation at
12 least 14 days prior to the date of the election.

13 (d)(a) An ~~The~~ elector seeking to vote early must
14 present ~~provide~~ identification as required in s. 101.043(1)
15 ~~subsection (1)~~ and must complete an In-Office Voter
16 Certificate in substantially the following form:

17
18 IN-OFFICE VOTER CERTIFICATE

19
20 I,, am a qualified elector in this election and
21 registered voter of County, Florida. I do solemnly swear
22 or affirm that I am the person so listed on the voter
23 registration rolls of County and that I reside at the
24 listed address. I understand that if I commit or attempt to
25 commit fraud in connection with voting, vote a fraudulent
26 ballot, or vote more than once in an election I could be
27 convicted of a felony of the third degree and both fined up to
28 \$5,000 and imprisoned for up to 5 years. I understand that my
29 failure to sign this certificate ~~and have my signature~~
30 ~~witnessed~~ invalidates my ballot.

1
2 ... (Voter's Signature)...

3
4 ... (Address)...

5
6 ... (City/State)...

7
8 ~~... (Name of Witness)...~~

9
10 ~~... (Signature of Witness)...~~

11
12 ~~... (Type of identification provided)...~~

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

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

27 (g) The department shall adopt rules for administering
28 this section, including, but not limited to, the selection and
29 security of early voting locations and the security of
30 ballots, tabulating equipment, and other voting materials at
31 early voting locations.

1 (2) Any supervisor of elections who fails to provide
2 for early voting as required by this section commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

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

7 101.5612 Testing of tabulating equipment.--

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

1 mail to the county party chair of each political party and to
2 all candidates for other than statewide office whose names
3 appear on the ballot in the county and who did not receive
4 written notification from the supervisor or municipal
5 elections official at the time of qualifying, stating the time
6 and location of the public preelection test of the automatic
7 tabulating equipment. The canvassing board shall convene, and
8 each member of the canvassing board shall certify to the
9 accuracy of the test. For the test, the canvassing board may
10 designate one member to represent it. The test shall be open
11 to representatives of the political parties, the press, and
12 the public. Each political party may designate one person with
13 expertise in the computer field who shall be allowed in the
14 central counting room when all tests are being conducted and
15 when the official votes are being counted. The ~~Such~~ designee
16 shall not interfere with the normal operation of the
17 canvassing board.

18 Section 3. Section 101.5613, Florida Statutes, is
19 amended to read:

20 101.5613 Examination of equipment during voting.--A
21 member of the election board or, for purposes of early voting
22 pursuant to s. 101.657, a representative of the supervisor of
23 elections, shall occasionally examine the face of the voting
24 device and the ballot information to determine that the device
25 and the ballot information have not been damaged or tampered
26 with.

27 Section 4. Section 101.659, Florida Statutes, is
28 created to read:

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

1 supervision of, the supervisor of elections. Before receiving
2 the ballot, the elector must present identification as
3 required in s. 101.043(1). If the elector fails to furnish
4 the required identification, or if the supervisor is in doubt
5 as to the identity of the elector, the supervisor must follow
6 the procedure prescribed in s. 101.49.

7 Section 5. Paragraph (b) of subsection (4) of section
8 101.62, Florida Statutes, is amended to read:

9 101.62 Request for absentee ballots.--

10 (4)

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

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

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

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

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

26
27 in which case the supervisor shall mail the ballot by
28 nonforwardable, return-if-undeliverable mail to any other
29 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 6. This act shall take effect January 1, 2005.
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SENATE SUMMARY

Requires supervisors of elections to allow electors to vote early. Provides requirements for the location and number of early voting facilities. Specifies the period and hours of operation. Requires supervisors of elections to provide notice of early voting. Requires the Department of State to adopt rules. Provides a penalty for failure to provide for early voting. Modifies the timeframe for testing voting equipment. Provides for periodic examination of equipment during early voting. Provides for a voter to cast an in-person absentee ballot.