

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

302-1620-04

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          authorizing the Department of State to adopt  
21          emergency rules for the 2004 election cycle;  
22          providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Section 101.657, Florida Statutes, is  
27 amended to read:  
28           101.657 Early voting ~~absentee ballots in person.--~~  
29           ~~(1) Any qualified and registered elector may pick up~~  
30 ~~and vote an absentee ballot in person at the office of, and~~  
31 ~~under the supervision of, the supervisor of elections. Before~~

1 ~~receiving the ballot, the elector must present a current and~~  
2 ~~valid picture identification as provided in s. 97.0535(3)(a).~~  
3 ~~If the elector fails to furnish the required identification,~~  
4 ~~or if the supervisor is in doubt as to the identity of the~~  
5 ~~elector, the supervisor must follow the procedure prescribed~~  
6 ~~in s. 101.49. If the elector who fails to furnish the required~~  
7 ~~identification is a first-time voter who registered by mail~~  
8 ~~and has not provided the required identification to the~~  
9 ~~supervisor of elections prior to voting, the elector shall be~~  
10 ~~allowed to vote a provisional ballot. The canvassing board~~  
11 ~~shall compare the signature on the provisional ballot envelope~~  
12 ~~with the signature on the voter's registration and, if the~~  
13 ~~signatures match, shall count the ballot.~~

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

22 (b) The supervisor shall designate at least one early  
23 voting location for every 100,000 voters registered to vote in  
24 the election. The supervisor of any county with fewer than  
25 100,000 voters registered to vote in the election shall  
26 designate at least one early voting location. Except as  
27 otherwise provided in this section, each early voting location  
28 must meet the requirements for a polling place under the  
29 election code. In addition, each early voting location must be  
30 located in a public building leased for at least 2 years, on  
31 the date early voting commences, or owned by the state,

1 county, or municipality. The selection of early voting  
2 locations must be designed to provide all voters in the county  
3 with an equal opportunity to cast a ballot, insofar as is  
4 practicable.

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

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

21  
22 IN-OFFICE VOTER CERTIFICATE

23  
24 I, ....., am a qualified elector in this election and  
25 registered voter of .... County, Florida. I do solemnly swear  
26 or affirm that I am the person so listed on the voter  
27 registration rolls of .... County and that I reside at the  
28 listed address. I understand that if I commit or attempt to  
29 commit fraud in connection with voting, vote a fraudulent  
30 ballot, or vote more than once in an election I could be  
31 convicted of a felony of the third degree and both fined up to

1 \$5,000 and imprisoned for up to 5 years. I understand that my  
2 failure to sign this certificate ~~and have my signature~~  
3 ~~witnessed~~ invalidates my ballot.

4  
5  
6 ...(Voter's Signature)...

7  
8 ...(Address)...

9  
10 ...(City/State)...

11  
12 ~~...(Name of Witness)...~~

13  
14 ~~...(Signature of Witness)...~~

15  
16 ~~...(Type of identification provided)...~~

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

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

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1           (g) The department shall adopt rules for administering  
2 this section, including, but not limited to, the selection and  
3 security of early voting locations and the security of  
4 ballots, tabulating equipment, and other voting materials at  
5 early voting locations.

6           (2) Any supervisor of elections who fails to provide  
7 for early voting as required by this section commits a  
8 misdemeanor of the first degree, punishable as provided in s.  
9 775.082 or s. 775.083.

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

12           101.5612 Testing of tabulating equipment.--

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

1 candidate to contact the county supervisor of elections as to  
2 the time and location of the public preelection test. The  
3 supervisor or the municipal elections official shall, at least  
4 15 days prior to the commencement of early voting as provided  
5 in s. 101.657 ~~an election~~, send written notice by certified  
6 mail to the county party chair of each political party and to  
7 all candidates for other than statewide office whose names  
8 appear on the ballot in the county and who did not receive  
9 written notification from the supervisor or municipal  
10 elections official at the time of qualifying, stating the time  
11 and location of the public preelection test of the automatic  
12 tabulating equipment. The canvassing board shall convene, and  
13 each member of the canvassing board shall certify to the  
14 accuracy of the test. For the test, the canvassing board may  
15 designate one member to represent it. The test shall be open  
16 to representatives of the political parties, the press, and  
17 the public. Each political party may designate one person with  
18 expertise in the computer field who shall be allowed in the  
19 central counting room when all tests are being conducted and  
20 when the official votes are being counted. ~~The~~ Such designee  
21 shall not interfere with the normal operation of the  
22 canvassing board.

23 Section 3. Section 101.5613, Florida Statutes, is  
24 amended to read:

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

1           Section 4. Section 101.659, Florida Statutes, is  
2 created to read:

3           101.659 Voting absentee ballots in person.--Any  
4 qualified and registered elector may pick up and vote an  
5 absentee ballot in person at the office of, and under the  
6 supervision of, the supervisor of elections. Before receiving  
7 the ballot, the elector must present identification as  
8 required in s. 101.043(1). If the elector fails to furnish  
9 the required identification, or if the supervisor is in doubt  
10 as to the identity of the elector, the supervisor must follow  
11 the procedure prescribed in s. 101.49.

12           Section 5. Paragraph (b) of subsection (4) of section  
13 101.62, Florida Statutes, is amended to read:

14           101.62 Request for absentee ballots.--

15           (4)

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

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

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

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

28           c. The elector is in a hospital, assisted-living  
29 facility, nursing home, short-term medical or rehabilitation  
30 facility, or correctional facility,

31

1 in which case the supervisor shall mail the ballot by  
2 nonforwardable, return-if-undeliverable mail to any other  
3 address the elector specifies in the request.

4 2. By forwardable mail to voters who are entitled to  
5 vote by absentee ballot under the Uniformed and Overseas  
6 Citizens Voting Act.

7 3. By personal delivery to the elector, upon  
8 presentation of the identification required in s. 101.659 ~~s.~~  
9 ~~101.657~~.

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



1           Section 6. Due to the exigency of the need for federal  
2 preclearance, the Department of State may adopt the rules  
3 referenced in section 1 of this act by emergency rule pursuant  
4 to section 120.54(4), Florida Statutes. Such emergency rules  
5 shall be effective through November 2, 2004.

6           Section 7. This act shall take effect upon becoming a  
7 law.

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9                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10   COMMITTEE SUBSTITUTE FOR  
11   CS/SB 618

12 Permits early voting at buildings that have been leased by the  
13 state, a county or municipality for at least two years prior  
14 to the date early voting commences.

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