

HB 0759

2004

A bill to be entitled

An act relating to absentee ballots; amending s. 101.62, F.S.; revising a restriction on what can be mailed or delivered with an absentee ballot; amending s. 101.64, F.S.; requiring the supervisor of elections to include an absentee ballot receipt acknowledgment card with the absentee ballot; providing for instructions and applicability; amending s. 101.67, F.S.; requiring the supervisor of elections, upon receipt of an envelope containing the marked ballot of an absent elector, to mail to that elector an acknowledgment of receipt of that ballot; providing an effective date.

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:

33

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

36

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.

56

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

58

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59 ... (Address) ...
 60 ... (City/State) ...
 61

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 ~~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.