

Bill No. CS for SB 2086

Barcode 162366

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following **amendment to amendment** (912202):

Senate Amendment (with title amendment)

On page 77, lines 13-27, delete those lines

and insert:

Section 48. Subsection (1) and paragraph (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.--

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. However, effective July 1, 2005, an elector who dies after casting an absentee ballot but on or before election day shall remain listed in the registration books until the results have been

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1 certified for the election in which the ballot was cast. The
2 supervisor shall safely keep the ballot unopened in his or her
3 office until the county canvassing board canvasses the vote.
4 After an absentee ballot is received by the supervisor, the
5 ballot is deemed to have been cast, and changes or additions
6 may not be made to the voter's certificate.

7 (2)

8 (c)1. The canvassing board shall, if the supervisor
9 has not already done so, compare the signature of the elector
10 on the voter's certificate with the signature of the elector
11 in the registration books to see that the elector is duly
12 registered in the county and to determine the legality of that
13 absentee ballot. Effective July 1, 2005, the ballot of an
14 elector who casts an absentee ballot shall be counted even if
15 the elector dies on or before election day, as long as, prior
16 to the death of the voter, the ballot was postmarked by the
17 United States Postal Service, date-stamped with a verifiable
18 tracking number by common carrier, or already in the
19 possession of the supervisor of elections. An absentee ballot
20 shall be considered illegal if it does not include the
21 signature of the elector, as shown by the registration
22 records. However, an absentee ballot shall not be considered
23 illegal if the signature of the elector does not cross the
24 seal of the mailing envelope. If the canvassing board
25 determines that any ballot is illegal, a member of the board
26 shall, without opening the envelope, mark across the face of
27 the envelope: "rejected as illegal." The envelope and the
28 ballot contained therein shall be preserved in the manner that
29 official ballots voted are preserved.

30 2. If any elector or candidate present believes that
31 an absentee ballot is illegal due to a defect apparent on the

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

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 133, line 9, after the first semicolon,

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14 insert:

15 providing that electors who die on or before
 16 election day and have cast an absentee ballot
 17 shall remain on the voter registration books
 18 until the election is certified; providing that
 19 the ballot of an elector who casts an absentee
 20 ballot shall be counted even if the elector
 21 dies on or before election day if certain
 22 conditions are met;

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