

Bill No. CS for SB 2176

Barcode 031624

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

WD
04/26/2005 11:12 PM

.
. .
. .
. .
. .
. .

The Committee on Transportation and Economic Development
Appropriations (Hill) recommended the following amendment:

Senate Amendment (with title amendment)

On page 79, between lines 19 and 20,

insert:

Section 47. Subsection (7) is added to section
101.6103, Florida Statutes, to read:

101.6103 Mail ballot election procedure.--

(7) A ballot that otherwise satisfies the requirements
of subsection (5) shall be counted even if the elector dies
after mailing the ballot but before election day, as long as,
prior to the death of the voter, the ballot was:

(a) Postmarked by the United States Postal Service;

(b) Date-stamped with a verifiable tracking number by
common carrier; or

(c) Already in the possession of the supervisor of
elections.

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

Bill No. CS for SB 2176

Barcode 031624

1 amended to read:

2 101.68 Canvassing of absentee ballot.--

3 (1) The supervisor of the county where the absent
4 elector resides shall receive the voted ballot, at which time
5 the supervisor shall compare the signature of the elector on
6 the voter's certificate with the signature of the elector in
7 the registration books to determine whether the elector is
8 duly registered in the county and may record on the elector's
9 registration certificate that the elector has voted. However,
10 an elector who dies after casting an absentee ballot but on or
11 before election day shall remain listed in the registration
12 books until the results have been certified for the election
13 in which the ballot was cast. The supervisor shall safely keep
14 the ballot unopened in his or her office until the county
15 canvassing board canvasses the vote.

16 (2)

17 (c)1. The canvassing board shall, if the supervisor
18 has not already done so, compare the signature of the elector
19 on the voter's certificate with the signature of the elector
20 in the registration books to see that the elector is duly
21 registered in the county and to determine the legality of that
22 absentee ballot. The ballot of an elector who casts an
23 absentee ballot shall be counted even if the elector dies on
24 or before election day, as long as, prior to the death of the
25 voter, the ballot was postmarked by the United States Postal
26 Service, date-stamped with a verifiable tracking number by
27 common carrier, or already in the possession of the supervisor
28 of elections. An absentee ballot shall be considered illegal
29 if it does not include the signature of the elector, as shown
30 by the registration records. However, an absentee ballot shall
31 not be considered illegal if the signature of the elector does

Bill No. CS for SB 2176

Barcode 031624

1 not cross the seal of the mailing envelope. If the canvassing
 2 board determines that any ballot is illegal, a member of the
 3 board shall, without opening the envelope, mark across the
 4 face of the envelope: "rejected as illegal." The envelope and
 5 the ballot contained therein shall be preserved in the manner
 6 that official ballots voted are preserved.

7 2. If any elector or candidate present believes that
 8 an absentee ballot is illegal due to a defect apparent on the
 9 voter's certificate, he or she may, at any time before the
 10 ballot is removed from the envelope, file with the canvassing
 11 board a protest against the canvass of that ballot, specifying
 12 the precinct, the ballot, and the reason he or she believes
 13 the ballot to be illegal. A challenge based upon a defect in
 14 the voter's certificate may not be accepted after the ballot
 15 has been removed from the mailing envelope.

16
 17 (Redesignate subsequent sections.)
 18

19
 20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 7, line 11, after the semicolon,

23
 24 insert:

25 amending s. 101.6103, F.S.; requiring that a
 26 mail ballot that otherwise satisfies the
 27 requirements of law for mail ballots be counted
 28 even if the elector dies after mailing the
 29 ballot but before election day if certain
 30 conditions are met; amending s. 101.68, F.S. ;
 31 providing that electors who die on or before

Bill No. CS for SB 2176

Barcode 031624

1 election day and have cast an absentee ballot
2 shall remain on the voter registration books
3 until the election is certified; providing that
4 the ballot of an elector who casts an absentee
5 ballot shall be counted even if the elector
6 dies on or before election day if certain
7 conditions are met;

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31