

Bill No. SB 506

Barcode 853742

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. 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, it was:

(a) Postmarked by the U.S. 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 2. Subsection (3) is added to section 101.657, Florida Statutes, to read:

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1 101.657 Early voting.--

2 (3) The ballot of every elector voting early shall be
3 counted even if the elector dies on or before election day.

4 Section 3. Subsection (1) and paragraph (c) of
5 subsection (2) of section 101.68, Florida Statutes, are
6 amended to read:

7 101.68 Canvassing of absentee ballot.--

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

21 (2)

22 (c)1. The canvassing board shall, if the supervisor
23 has not already done so, compare the signature of the elector
24 on the voter's certificate with the signature of the elector
25 in the registration books to see that the elector is duly
26 registered in the county and to determine the legality of that
27 absentee ballot. The ballot of an elector who casts an
28 absentee ballot shall be counted even if the elector dies on
29 or before election day, as long as, prior to the death of the
30 voter, it was postmarked by the U.S. postal service,
31 date-stamped with a verifiable tracking number by common

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1 carrier, or already in the possession of the supervisor of
2 elections. An absentee ballot shall be considered illegal if
3 it does not include the signature of the elector, as shown by
4 the registration records. However, an absentee ballot shall
5 not be considered illegal if the signature of the elector does
6 not cross the seal of the mailing envelope. If the canvassing
7 board determines that any ballot is illegal, a member of the
8 board shall, without opening the envelope, mark across the
9 face of the envelope: "rejected as illegal." The envelope and
10 the ballot contained therein shall be preserved in the manner
11 that official ballots voted are preserved.

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

21 Section 4. This act shall take effect July 1, 2005.

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

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28 and insert: An act relating to voting; amending s. 101.6103,
29 F.S.; requiring that a mail ballot that otherwise satisfies
30 the requirements of law for mail ballots be counted even if
31 the elector dies after mailing the ballot but before election

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1 day, provided that certain conditions are met; amending s.
2 101.657, F.S.; requiring that an early voting ballot that
3 otherwise satisfies the requirements of law for early voting
4 ballots be counted even if the elector dies on or before
5 election day; amending s. 101.68, F.S.; providing that
6 electors who die on or before election day and have cast an
7 absentee ballot shall remain on the voter registration books
8 until the election is certified; providing that the ballot of
9 an elector who casts an absentee ballot shall be counted even
10 if the elector dies on or before election day, provided that
11 certain conditions are met; providing an effective date.

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