

By Senator Rich

34-02590-08

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1 A bill to be entitled

2 An act relating to elections; amending s. 101.6102, F.S.;

3 revising limitations of mail ballot elections; authorizing

4 a board of county commissioners to choose to have certain

5 elections by mail, subject to specified prior notice;

6 amending s. 101.6103, F.S.; requiring certain electors

7 using mail ballots to pay postage; requiring the Secretary

8 of State to establish rules relating to mail ballot

9 deposit sites; prohibiting unofficial deposit sites or

10 ballot-collection services; providing for penalties;

11 amending s. 101.62, F.S.; providing for a permanent

12 absentee voter status; providing requirements for

13 supervisors of elections relating to permanent absentee

14 voters; providing an effective date.

15

16 Be It Enacted by the Legislature of the State of Florida:

17

18 Section 1. Section 101.6102, Florida Statutes, is amended

19 to read:

20 101.6102 Mail ballot elections; limitations.--

21 (1) (a) An election may be conducted by mail ballot if:

22 1. The election is a referendum election at which all or a

23 portion of the qualified electors of one of the following

24 subdivisions of government are the only electors eligible to

25 vote:

- 26 a. Counties;
- 27 b. Municipalities ~~Cities~~;
- 28 c. School districts covering no more than one county; or
- 29 d. Special districts;

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30           2. The governing body responsible for calling the election  
31 and the supervisor of elections responsible for the conduct of  
32 the election authorize the use of mail ballots for the election;  
33 and

34           3. The Secretary of State approves a written plan for the  
35 conduct of the election, which shall include a written timetable  
36 for the conduct of the election, submitted by the supervisor of  
37 elections.

38           (b) ~~In addition,~~ An annexation referendum which includes  
39 only qualified electors of one county may also be voted on by  
40 mail ballot election.

41           (2) The following elections may not be conducted by mail  
42 ballot:

43           (a) An election at which any candidate is nominated,  
44 elected, retained, or recalled; or

45           (b) An election held on the same date as another election,  
46 other than a mail ballot election, in which the qualified  
47 electors of that political subdivision are eligible to cast  
48 ballots.

49           (3) Notwithstanding subsections (1) and (2), a board of  
50 county commissioners may choose to conduct any election in that  
51 county, whether countywide, statewide, or federal, by mail ballot  
52 but must make that declaration no later than 120 days before the  
53 date of the scheduled election.

54           (4)~~(3)~~ The supervisor of elections shall be responsible for  
55 the conduct of any election held under ss. 101.6101-101.6107.

56           (5)~~(4)~~ The costs of a mail ballot election shall be borne  
57 by the jurisdiction initiating the calling of the election,  
58 unless otherwise provided by law.

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59        ~~(6)~~~~(5)~~ Nothing in this section shall be construed to  
60 prohibit the use of a mail ballot election in a municipal  
61 annexation referendum requiring separate vote of the registered  
62 electors of the annexing municipality and of the area proposed to  
63 be annexed. If a mail ballot election is authorized for a  
64 municipal annexation referendum, the provisions of ss. 101.6101-  
65 101.6107 shall control over any conflicting provisions of s.  
66 171.0413.

67        Section 2. Subsections (9), (10), and (11) are added to  
68 section 101.6103, Florida Statutes, to read:

69        101.6103 Mail ballot election procedure.--

70        (9) The supervisor of elections shall keep a record of all  
71 ballots mailed and all ballots returned.

72        (10) The elector shall pay postage if he or she chooses to  
73 return the ballot by mail.

74        (11) (a) The Secretary of State by rule shall establish  
75 requirements and criteria for the designation of places of  
76 deposit for the ballots cast in the election. The rules shall  
77 also specify the dates and times the places of deposit must be  
78 open and the security requirements for the places of deposit. At  
79 a minimum, the places designated under this paragraph shall be  
80 open on the date of the election for a period of at least 8  
81 hours, but must be open until at least 7 p.m. At each place of  
82 deposit designated under this paragraph, the county clerk shall  
83 prominently display a sign stating that the location is an  
84 official ballot drop site.

85        (b) Persons and organizations are prohibited from hosting  
86 unofficial deposit sites or ballot-collection services and are  
87 subject to the same penalties as voter fraud.

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88 Section 3. Paragraph (a) of subsection (1) of section  
89 101.62, Florida Statutes, is amended to read:

90 101.62 Request for absentee ballots.--

91 (1)(a) The supervisor may accept a request for an absentee  
92 ballot from an elector in person or in writing.

93 1. Except as provided in s. 101.694, one request shall be  
94 deemed sufficient to receive an absentee ballot for all elections  
95 through the next two regularly scheduled general elections,  
96 unless the elector or the elector's designee indicates at the  
97 time the request is made the elections for which the elector  
98 desires to receive an absentee ballot. Such request may be  
99 considered canceled when any first-class mail sent by the  
100 supervisor to the elector is returned as undeliverable.

101 2. Except as provided in s. 101.694, upon receipt of a  
102 request for a permanent absentee voter status by an elector, the  
103 supervisor shall place the elector's name on a permanent absentee  
104 voter list and mail an absentee ballot to the elector for every  
105 election thereafter until the elector requests to be removed from  
106 the permanent absentee voter list or the supervisor removes the  
107 elector from the list because the elector has not voted in two  
108 consecutive general elections or because any first-class mail  
109 sent by the supervisor to the elector is returned as  
110 undeliverable. An elector may request a permanent absentee voter  
111 status using the same procedures used to register for absentee  
112 ballots.

113 Section 4. This act shall take effect July 1, 2008.