

By the Committee on Ethics and Elections; and Senator Rich

582-06392-08

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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 on, and requirements for, mail ballot
4 elections; authorizing certain candidate elections to be
5 conducted by mail ballot; amending s. 101.6103, F.S.;
6 requiring the supervisor of elections to keep a record of
7 all mail ballots; clarifying that electors mailing ballots
8 must pay postage; requiring all supervisors of elections
9 offices to remain open extra hours on the day of a mail
10 ballot election; amending s. 101.62, F.S.; providing for
11 permanent absentee voter status; revising circumstances
12 under which an absentee ballot request is deemed
13 cancelled; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 101.6102, Florida Statutes, is amended
18 to read:

19 101.6102 Mail ballot elections; limitations.--

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

21 1. It is an ~~The election is a referendum~~ election at which
22 all or a portion of the qualified electors of one of the
23 following subdivisions of government are the only electors
24 eligible to vote:

25 a. Counties;

26 b. Municipalities ~~Cities~~;

27 c. School districts covering no more than one county; or

28 d. Special districts; however, for candidate elections, the
29 district must cover no more than one county;

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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 non-mail-~~
46 ~~ballot election, other than a mail ballot election,~~ in which the
47 qualified electors of that political subdivision are eligible to
48 cast ballots may not be conducted by mail ballot.

49 (3) The supervisor of elections shall be responsible for
50 the conduct of any election held under ss. 101.6101-101.6107.

51 (4) The costs of a mail ballot election shall be borne by
52 the jurisdiction initiating the calling of the election, unless
53 otherwise provided by law.

54 (5) Nothing in this section shall be construed to prohibit
55 the use of a mail ballot election in a municipal annexation
56 referendum requiring separate vote of the registered electors of
57 the annexing municipality and of the area proposed to be annexed.
58 If a mail ballot election is authorized for a municipal

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59 annexation referendum, the provisions of ss. 101.6101-101.6107
60 shall control over any conflicting provisions of s. 171.0413.

61 Section 2. Subsections (1) and (2) of section 101.6103,
62 Florida Statutes, are amended to read:

63 101.6103 Mail ballot election procedure.--

64 (1) Except as otherwise provided in subsection (7), the
65 supervisor of elections shall mail all official ballots with a
66 secrecy envelope, a return mailing envelope, and instructions
67 sufficient to describe the voting process to each elector
68 entitled to vote in the election not sooner than the 20th day
69 before the election and not later than the 10th day before the
70 date of the election. All such ballots shall be mailed by first-
71 class mail. Ballots shall be addressed to each elector at the
72 address appearing in the registration records and placed in an
73 envelope which is prominently marked "Do Not Forward." The
74 supervisor of elections shall keep a record of all ballots mailed
75 and all ballots returned.

76 (2) Upon receipt of the ballot the elector shall mark the
77 ballot, place it in the secrecy envelope, sign the return mailing
78 envelope supplied with the ballot, and comply with the
79 instructions provided with the ballot. The elector shall mail,
80 deliver, or have delivered the marked ballot so that it reaches
81 the supervisor of elections no later than 7 p.m. on the day of
82 the election. The ballot must be returned in the return mailing
83 envelope. The elector shall pay postage if he or she chooses to
84 return the ballot by mail. If the elector chooses to return the
85 ballot in person, the main and branch offices of the supervisor
86 of elections shall remain open on the day of the election until 7
87 p.m.

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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. Except as
93 provided in s. 101.694, one request shall be deemed sufficient to
94 receive an absentee ballot for all elections ~~through the next two~~
95 ~~regularly scheduled general elections~~, unless the elector or the
96 elector's designee indicates at the time the request is made the
97 elections for which the elector desires to receive an absentee
98 ballot. Such request may be considered canceled when any first-
99 class mail sent by the supervisor to the elector is returned as
100 undeliverable or when the elector notifies the supervisor in
101 person or in writing that he or she no longer wishes to receive
102 an absentee ballot.

103 Section 4. This act shall take effect January 1, 2009.