

By Senator Hill

1-00892-09

20091378__

1 A bill to be entitled
2 An act relating to absentee ballots; amending s.
3 101.68, F.S.; requiring the supervisor of elections to
4 notify an absent elector if the voter's certificate on
5 a mailed absentee ballot has not been signed;
6 providing conditions under which the elector may sign
7 the certificate and have the ballot counted; requiring
8 the supervisor of elections to make available to
9 certain persons or political parties a list of names
10 of absent electors being notified that their
11 signatures were omitted on the voter's certificate;
12 providing an exception; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (1) and (2) of section 101.68,
17 Florida Statutes, are amended to read:

18 101.68 Canvassing of absentee ballot.—

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

1-00892-09

20091378__

30 supervisor shall safely keep the ballot unopened in his or her
31 office until the county canvassing board canvasses the vote.
32 After an absentee ballot is received by the supervisor, the
33 ballot is deemed to have been cast, ~~and changes or additions may~~
34 ~~not be made to the voter's certificate.~~

35 (b) If an absentee ballot is received by the supervisor and
36 the voter's certificate has not been signed, the supervisor
37 shall notify the elector of the omission, if the identity of the
38 elector can be ascertained from the mailing envelope. To
39 complete the voter's certificate, the elector must:

40 1. Personally appear at the supervisor's main office by 7
41 p.m. on the day of the election and, upon providing proper
42 identification as described in s. 101.043, sign the voter's
43 certificate; or

44 2. Personally appear at the first meeting of the county
45 canvassing board convened after 7 p.m. on the day of the
46 election and, upon providing proper identification as described
47 in s. 101.043, sign the voter's certificate.

48 (c) The ballot shall not be considered illegal due to an
49 unsigned voter's certificate if the certificate is signed in
50 accordance with the provisions of subparagraph (b)1. or
51 subparagraph (b)2.

52 (d) Except as otherwise provided in s. 741.465, the
53 supervisor of elections shall make available to a political
54 party or official thereof or a candidate who has filed
55 qualifying papers and is opposed in an upcoming election a list
56 of names of absent electors who are being notified that their
57 signatures were omitted on the voter's certificate.

58 (2) (a) The county canvassing board may begin the canvassing

1-00892-09

20091378__

59 of absentee ballots at 7 a.m. on the sixth day before the
60 election, but not later than noon on the day following the
61 election. In addition, for any county using electronic
62 tabulating equipment, the processing of absentee ballots through
63 such tabulating equipment may begin at 7 a.m. on the sixth day
64 before the election. However, notwithstanding any such
65 authorization to begin canvassing or otherwise processing
66 absentee ballots early, no result shall be released until after
67 the closing of the polls in that county on election day. Any
68 supervisor of elections, deputy supervisor of elections,
69 canvassing board member, election board member, or election
70 employee who releases the results of a canvassing or processing
71 of absentee ballots prior to the closing of the polls in that
72 county on election day commits a felony of the third degree,
73 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

74 (b) To ensure that all absentee ballots to be counted by
75 the canvassing board are accounted for, the canvassing board
76 shall compare the number of ballots in its possession with the
77 number of requests for ballots received to be counted according
78 to the supervisor's file or list.

79 (c)1. The canvassing board shall, if the supervisor has not
80 already done so, compare the signature of the elector on the
81 voter's certificate with the signature of the elector in the
82 registration books to see that the elector is duly registered in
83 the county and to determine the legality of that absentee
84 ballot. The ballot of an elector who casts an absentee ballot
85 shall be counted even if the elector dies on or before election
86 day, as long as, prior to the death of the voter, the ballot was
87 postmarked by the United States Postal Service, date-stamped

1-00892-09

20091378__

88 with a verifiable tracking number by common carrier, or already
89 in the possession of the supervisor of elections. An absentee
90 ballot shall be considered illegal if it does not include the
91 signature of the elector, as shown by the registration records,
92 or if the signature of the elector is not timely added in
93 compliance with subparagraph (1)(b)1. or subparagraph (1)(b)2.
94 However, An absentee ballot shall not be considered illegal if
95 the signature of the elector does not cross the seal of the
96 mailing envelope. If the canvassing board determines that any
97 ballot is illegal, a member of the board shall, without opening
98 the envelope, mark across the face of the envelope: "rejected as
99 illegal." The envelope and the ballot contained therein shall be
100 preserved in the manner that official ballots voted are
101 preserved.

102 2. If any elector or candidate present believes that an
103 absentee ballot is illegal due to a defect apparent on the
104 voter's certificate, he or she may, at any time before the
105 ballot is removed from the envelope, file with the canvassing
106 board a protest against the canvass of that ballot, specifying
107 the precinct, the ballot, and the reason he or she believes the
108 ballot to be illegal. A challenge based upon a defect in the
109 voter's certificate may not be accepted after the ballot has
110 been removed from the mailing envelope.

111 (d) The canvassing board shall record the ballot upon the
112 proper record, unless the ballot has been previously recorded by
113 the supervisor. The mailing envelopes shall be opened and the
114 secrecy envelopes shall be mixed so as to make it impossible to
115 determine which secrecy envelope came out of which signed
116 mailing envelope; however, in any county in which an electronic

1-00892-09

20091378__

117 or electromechanical voting system is used, the ballots may be
118 sorted by ballot styles and the mailing envelopes may be opened
119 and the secrecy envelopes mixed separately for each ballot
120 style. The votes on absentee ballots shall be included in the
121 total vote of the county.

122 Section 2. This act shall take effect July 1, 2009.