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

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

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

17 101.68 Canvassing of absentee ballot.--

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

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

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

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

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

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

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

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

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

78 (c)1. The canvassing board shall, if the supervisor has  
79 not already done so, compare the signature of the elector on the  
80 voter's certificate with the signature of the elector in the  
81 registration books to see that the elector is duly registered in  
82 the county and to determine the legality of that absentee  
83 ballot. The ballot of an elector who casts an absentee ballot  
84 shall be counted even if the elector dies on or before election

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85 day, as long as, prior to the death of the voter, the ballot was  
86 postmarked by the United States Postal Service, date-stamped  
87 with a verifiable tracking number by common carrier, or already  
88 in the possession of the supervisor of elections. An absentee  
89 ballot shall be considered illegal if it does not include the  
90 signature of the elector, as shown by the registration records,  
91 or if the signature of the elector is not timely added in  
92 compliance with subparagraph (1)(b)1. or subparagraph (1)(b)2.

93 However, An absentee ballot shall not be considered illegal if  
94 the signature of the elector does not cross the seal of the  
95 mailing envelope. If the canvassing board determines that any  
96 ballot is illegal, a member of the board shall, without opening  
97 the envelope, mark across the face of the envelope: "rejected as  
98 illegal." The envelope and the ballot contained therein shall be  
99 preserved in the manner that official ballots voted are  
100 preserved.

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

110 (d) The canvassing board shall record the ballot upon the  
111 proper record, unless the ballot has been previously recorded by  
112 the supervisor. The mailing envelopes shall be opened and the

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113 | secrecy envelopes shall be mixed so as to make it impossible to  
114 | determine which secrecy envelope came out of which signed  
115 | mailing envelope; however, in any county in which an electronic  
116 | or electromechanical voting system is used, the ballots may be  
117 | sorted by ballot styles and the mailing envelopes may be opened  
118 | and the secrecy envelopes mixed separately for each ballot  
119 | style. The votes on absentee ballots shall be included in the  
120 | total vote of the county.

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