

HB 131

2010

1 A bill to be entitled
2 An act relating to elections; amending s. 101.6952, F.S.;
3 revising responsibilities of the supervisor of elections
4 when an overseas voter's request for an absentee ballot
5 includes an e-mail address; requiring the supervisor to
6 record the e-mail address in the absentee ballot record
7 and, via e-mail, confirm that the request was received,
8 inform the voter of the estimated date the ballot will be
9 sent, and notify the voter when the absentee ballot is
10 received; amending s. 101.697, F.S.; providing that an
11 overseas voter may request an absentee ballot and transmit
12 the voted ballot by facsimile or electronic mail;
13 providing that an overseas voter may request an absentee
14 ballot, vote, and return the ballot by other secured
15 transmission when certain criteria are met; requiring the
16 Department of State to adopt rules establishing the
17 process for accepting voted absentee ballots via
18 facsimile, e-mail, or other secure electronic means;
19 establishing minimum criteria; deleting existing
20 provisions relating to electronic transmission of election
21 materials to conform; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 101.6952, Florida Statutes, is amended
26 to read:

27 101.6952 Absentee ballots for overseas voters.--

28 (1) If an overseas voter's request for an absentee ballot
 29 includes an e-mail address, the supervisor of elections shall:

30 (a) Record the voter's e-mail address in the absentee
 31 ballot record;

32 (b) Confirm via e-mail that the absentee ballot request
 33 was received and include in that e-mail the estimated date the
 34 ballot will be sent to the voter;

35 (c) Inform the voter of the names of candidates who will
 36 be on the ballots via electronic transmission. The supervisor of
 37 elections shall e-mail to the voter the list of candidates for
 38 the primary and general election not later than 30 days before
 39 each election; and

40 (d) E-mail the voter when the voted absentee ballot is
 41 received by the supervisor of elections.

42 (2) For absentee ballots received from overseas voters,
 43 there is a presumption that the envelope was mailed on the date
 44 stated on the outside of the return envelope, regardless of the
 45 absence of a postmark on the mailed envelope or the existence of
 46 a postmark date that is later than the date of the election.

47 Section 2. Section 101.697, Florida Statutes, is amended
 48 to read:

49 101.697 Electronic transmission of election materials.--

50 (1) An overseas voter may request an absentee ballot and
 51 transmit a voted absentee ballot via facsimile or electronic
 52 mail to a supervisor of elections.

53 (2) An overseas voter may request an absentee ballot,
 54 vote, and return a voted absentee ballot by other secured
 55 transmission, provided the voting system process has been

HB 131

2010

56 approved by the Department of State. The department shall adopt
57 rules for the submission and approval of the secured
58 transmission process.

59 (3) The department shall adopt rules that provide the
60 process for accepting the voted absentee ballot via facsimile,
61 e-mail, or other secure electronic means. The rules must provide
62 at a minimum, the process for verifying the voter, establishing
63 the security of the transmission of the voted absentee ballot,
64 and recording the voted absentee ballot once received. The
65 ~~Department of State shall determine whether secure electronic~~
66 ~~means can be established for receiving ballots from overseas~~
67 ~~voters. If such security can be established, the department~~
68 ~~shall adopt rules to authorize a supervisor of elections to~~
69 ~~accept from an overseas voter a request for an absentee ballot~~
70 ~~or a voted absentee ballot by secure facsimile machine~~
71 ~~transmission or other secure electronic means. The rules must~~
72 ~~provide that in order to accept a voted ballot, the verification~~
73 ~~of the voter must be established, the security of the~~
74 ~~transmission must be established, and each ballot received must~~
75 ~~be recorded.~~

76 Section 3. This act shall take effect upon becoming a law.