

1                   A bill to be entitled  
2           An act relating to absent uniformed services and overseas  
3           voters; amending s. 97.021, F.S.; defining the term  
4           "absent uniformed services voter"; revising the definition  
5           of the term "overseas voter"; amending s. 98.0981, F.S.,  
6           relating to statewide voter information; conforming a  
7           cross-reference; amending s. 101.62, F.S.; requiring the  
8           supervisor of elections to notify the absent uniformed  
9           services voter and overseas voter of the free access  
10          system for determining absentee ballot status; providing a  
11          timeframe for an absentee ballot to be sent to each absent  
12          uniformed services voter and overseas voter; providing  
13          acceptable formats for requesting an absentee ballot;  
14          modifying circumstances under which the department is  
15          authorized to prescribe rules for a ballot to be sent to  
16          absent uniformed services voters and overseas voters;  
17          amending s. 101.694, F.S.; conforming timeframes for  
18          sending an absentee ballot upon receipt of federal  
19          postcard application to those prescribed in s. 101.62,  
20          F.S.; deleting the requirement for a federal postcard  
21          application request to be effective through two regularly  
22          scheduled general elections pursuant to changes in federal  
23          law; amending s. 101.6952, F.S.; revising responsibilities  
24          of the supervisor of elections when an overseas voter's  
25          request for an absentee ballot includes an e-mail address;  
26          requiring the supervisor to record the e-mail address in  
27          the absentee ballot record and, via e-mail, confirm that  
28          the request was received, inform the voter of the

29 | estimated date the absentee ballot will be sent, and  
 30 | notify the voter when the voted absentee ballot is  
 31 | received; amending s. 379.352, F.S., relating to  
 32 | recreational licenses and permits; conforming cross-  
 33 | references; providing effective dates.

34 |  
 35 | Be It Enacted by the Legislature of the State of Florida:  
 36 |

37 | Section 1. Subsections (2) through (43) of section 97.021,  
 38 | Florida Statutes, are renumbered as subsections (3) through  
 39 | (44), respectively, a new subsection (2) is added to that  
 40 | section, and present subsection (22) of that section is amended,  
 41 | to read:

42 | 97.021 Definitions.—For the purposes of this code, except  
 43 | where the context clearly indicates otherwise, the term:

44 | (2) "Absent uniformed services voter" means:

45 | (a) A member of a uniformed service on active duty who, by  
 46 | reason of such active duty, is absent from the place of  
 47 | residence where the member is otherwise qualified to vote;

48 | (b) A member of the merchant marine who, by reason of  
 49 | service in the merchant marine, is absent from the place of  
 50 | residence where the member is otherwise qualified to vote; or

51 | (c) A spouse or dependent of a member referred to in  
 52 | paragraph (a) or paragraph (b) who, by reason of the active duty  
 53 | or service of the member, is absent from the place of residence  
 54 | where the spouse or dependent is otherwise qualified to vote.

55 | (23) ~~(22)~~ "Overseas voter" means:

56 | (a) An absent uniformed services voter who, by reason of

57 active duty or service, is absent from the United States on the  
 58 date of the election involved ~~Members of the uniformed services~~  
 59 ~~while in the active service who are permanent residents of the~~  
 60 ~~state and are temporarily residing outside the territorial~~  
 61 ~~limits of the United States and the District of Columbia;~~

62 (b) A person who resides outside the United States and is  
 63 qualified to vote in the last place in which the person was  
 64 domiciled before leaving the United States ~~Members of the~~  
 65 ~~Merchant Marine of the United States who are permanent residents~~  
 66 ~~of the state and are temporarily residing outside the~~  
 67 ~~territorial limits of the United States and the District of~~  
 68 ~~Columbia; or and~~

69 (c) A person who resides outside the United States and,  
 70 but for such residence, would be qualified to vote in the last  
 71 place in which the person was domiciled before leaving the  
 72 United States ~~Other citizens of the United States who are~~  
 73 ~~permanent residents of the state and are temporarily residing~~  
 74 ~~outside the territorial limits of the United States and the~~  
 75 ~~District of Columbia,~~

76  
 77 ~~who are qualified and registered to vote as provided by law.~~

78 Section 2. Subsection (3) of section 98.0981, Florida  
 79 Statutes, is amended to read:

80 98.0981 Reports; voting history; statewide voter  
 81 registration system information; precinct-level election  
 82 results; book closing statistics.-

83 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.-After the date  
 84 of book closing but before the date of an election as defined in

85 s. 97.021(11)~~(10)~~ to fill a national, state, county, or district  
 86 office, or to vote on a proposed constitutional amendment, the  
 87 department shall compile the following precinct-level  
 88 statistical data for each county:

89 (a) Precinct numbers.

90 (b) Total number of active registered voters by party for  
 91 each precinct.

92 Section 3. Paragraph (c) is added to subsection (1) of  
 93 section 101.62, Florida Statutes, and subsections (4) and (5) of  
 94 that section are amended to read:

95 101.62 Request for absentee ballots.-

96 (1)

97 (c) Upon receiving a request for an absentee ballot from  
 98 an absent uniformed services voter or overseas voter, the  
 99 supervisor of elections shall notify the voter of the free  
 100 access system that has been designated by the department for  
 101 determining the status of his or her absentee ballot.

102 (2) A request for an absentee ballot to be mailed to a  
 103 voter must be received no later than 5 p.m. on the sixth day  
 104 before the election by the supervisor of elections. The  
 105 supervisor of elections shall mail absentee ballots to voters  
 106 requesting ballots by such deadline no later than 4 days before  
 107 the election.

108 (4) (a) No later than 45 days before each election, the  
 109 supervisor of elections shall send an absentee ballot as  
 110 provided in subparagraph (b)2. to each absent uniformed services  
 111 voter and to each overseas voter who has requested an absentee  
 112 ballot. ~~To each absent qualified elector overseas who has~~

113 ~~requested an absentee ballot, the supervisor of elections shall~~  
 114 ~~mail an absentee ballot not less than 35 days before the primary~~  
 115 ~~election and not less than 45 days before the general election.~~

116 (b) The supervisor shall provide an absentee ballot to  
 117 each elector by whom a request for that ballot has been made by  
 118 one of the following means:

119 1. By nonforwardable, return-if-undeliverable mail to the  
 120 elector's current mailing address on file with the supervisor,  
 121 unless the elector specifies in the request that:

122 a. The elector is absent from the county and does not plan  
 123 to return before the day of the election;

124 b. The elector is temporarily unable to occupy the  
 125 residence because of hurricane, tornado, flood, fire, or other  
 126 emergency or natural disaster; or

127 c. The elector is in a hospital, assisted living facility,  
 128 nursing home, short-term medical or rehabilitation facility, or  
 129 correctional facility,

130  
 131 in which case the supervisor shall mail the ballot by  
 132 nonforwardable, return-if-undeliverable mail to any other  
 133 address the elector specifies in the request.

134 2. By forwardable mail, e-mail, or facsimile machine  
 135 transmission to absent uniformed services voters and overseas  
 136 voters ~~who are entitled to vote by absentee ballot under the~~  
 137 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~ The absent  
 138 uniformed services voter or overseas voter may designate in the  
 139 absentee ballot request the preferred method of transmission. If  
 140 the voter does not designate the method of transmission, the

141 absentee ballot shall be mailed.

142 3. By personal delivery before 7 p.m. on election day to  
143 the elector, upon presentation of the identification required in  
144 s. 101.043.

145 4. By delivery to a designee on election day or up to 5  
146 days prior to the day of an election. Any elector may designate  
147 in writing a person to pick up the ballot for the elector;  
148 however, the person designated may not pick up more than two  
149 absentee ballots per election, other than the designee's own  
150 ballot, except that additional ballots may be picked up for  
151 members of the designee's immediate family. For purposes of this  
152 section, "immediate family" means the designee's spouse or the  
153 parent, child, grandparent, or sibling of the designee or of the  
154 designee's spouse. The designee shall provide to the supervisor  
155 the written authorization by the elector and a picture  
156 identification of the designee and must complete an affidavit.  
157 The designee shall state in the affidavit that the designee is  
158 authorized by the elector to pick up that ballot and shall  
159 indicate if the elector is a member of the designee's immediate  
160 family and, if so, the relationship. The department shall  
161 prescribe the form of the affidavit. If the supervisor is  
162 satisfied that the designee is authorized to pick up the ballot  
163 and that the signature of the elector on the written  
164 authorization matches the signature of the elector on file, the  
165 supervisor shall give the ballot to that designee for delivery  
166 to the elector.

167 (5) In the event that the department ~~Elections Canvassing~~  
168 ~~Commission~~ is unable to certify candidates for the results of an

169 | election ~~for a state office~~ in time to comply with paragraph  
 170 | (4) (a) subsection (4), the Department of State is authorized to  
 171 | prescribe rules for a ballot to be sent to absent uniformed  
 172 | services voters and electors overseas voters.

173 |       Section 4. Subsection (1) of section 101.694, Florida  
 174 | Statutes, is amended to read:

175 |           101.694 Mailing of ballots upon receipt of federal  
 176 | postcard application.—

177 |           (1) Upon receipt of a federal postcard application for an  
 178 | absentee ballot executed by a person whose registration is in  
 179 | order or whose application is sufficient to register or update  
 180 | the registration of that person, the supervisor shall send the  
 181 | ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~  
 182 | ~~ballot, if the ballots are available for mailing. The federal~~  
 183 | ~~postcard application request for an absentee ballot shall be~~  
 184 | ~~effective for all elections through the next two regularly~~  
 185 | ~~scheduled general elections.~~

186 |       Section 5. Effective July 1, 2010, section 101.6952,  
 187 | Florida Statutes, is amended to read:

188 |           101.6952 Absentee ballots for overseas voters.—

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

191 |           (a) Record the voter's e-mail address in the absentee  
 192 | ballot record;

193 |           (b) Confirm by e-mail that the absentee ballot request was  
 194 | received and include in that e-mail the estimated date the  
 195 | absentee ballot will be sent to the voter;

196 |           (c) Inform the voter of the names of candidates who will

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197 be on the ballots via electronic transmission. The supervisor of  
198 elections shall e-mail to the voter the list of candidates for  
199 the primary and general election not later than 30 days before  
200 each election; and

201 (d) Notify the voter by e-mail when the voted absentee  
202 ballot is received by the supervisor of elections.

203 (2) For absentee ballots received from overseas voters,  
204 there is a presumption that the envelope was mailed on the date  
205 stated on the outside of the return envelope, regardless of the  
206 absence of a postmark on the mailed envelope or the existence of  
207 a postmark date that is later than the date of the election.

208 Section 6. Subsection (11) of section 379.352, Florida  
209 Statutes, is amended to read:

210 379.352 Recreational licenses, permits, and authorization  
211 numbers to take wild animal life, freshwater aquatic life, and  
212 marine life; issuance; costs; reporting.-

213 (11) When acting in its official capacity pursuant to this  
214 section, neither the commission nor a subagent is deemed a  
215 third-party registration organization, as defined in s.  
216 97.021~~(37)~~~~(36)~~, or a voter registration agency, as defined in s.  
217 97.021~~(41)~~~~(40)~~, and is not authorized to solicit, accept, or  
218 collect voter registration applications or provide voter  
219 registration services.

220 Section 7. Except as otherwise expressly provided in this  
221 act, this act shall take effect upon becoming a law.