

By Senator Dean

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

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 101.6952, Florida Statutes, is amended
28 to read:

29 101.6952 Absentee ballots for overseas voters.—

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

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

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

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

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

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

49 Section 2. Section 101.697, Florida Statutes, is amended to
50 read:

51 101.697 Electronic transmission of election materials.—

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

55 (2) An overseas voter may request an absentee ballot, vote,
56 and return a voted absentee ballot by other secured
57 transmission, provided the voting system process has been
58 approved by the Department of State. The department shall adopt

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59 rules for the submission and approval of the secured
60 transmission process.

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

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