

By the Committee on Ethics and Elections; and Senator Dean

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

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30 record and, via e-mail, confirm that the request was
31 received, inform the voter of the estimated date the
32 absentee ballot will be sent, and notify the voter
33 when the voted absentee ballot is received; amending
34 s. 379.352, F.S., relating to recreational licenses
35 and permits; conforming cross-references; providing
36 effective dates.

37
38 Be It Enacted by the Legislature of the State of Florida:

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

45 97.021 Definitions.—For the purposes of this code, except
46 where the context clearly indicates otherwise, the term:

47 (2) "Absent uniformed services voter" means:

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

51 (b) A member of the Merchant Marine who, by reason of
52 service in the Merchant Marine, is absent from the place of
53 residence where the member is otherwise qualified to vote; or

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

58 (23)~~(22)~~ "Overseas voter" means:

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59 (a) An absent uniformed services voter who, by reason of
 60 active duty or service, is absent from the United States on the
 61 date of the election involved ~~Members of the uniformed services~~
 62 ~~while in the active service who are permanent residents of the~~
 63 ~~state and are temporarily residing outside the territorial~~
 64 ~~limits of the United States and the District of Columbia;~~

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

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

79
 80 ~~who are qualified and registered to vote as provided by law.~~

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

83 98.0981 Reports; voting history; statewide voter
 84 registration system information; precinct-level election
 85 results; book closing statistics.—

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

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

92 (a) Precinct numbers.

93 (b) Total number of active registered voters by party for
94 each precinct.

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

98 101.62 Request for absentee ballots.-

99 (1)

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

105 (4) (a) No later than 45 days before each election, the
106 supervisor of elections shall send an absentee ballot as
107 provided in subparagraph (b)2. to each absent uniformed services
108 voter and to each overseas voter who has requested an absentee
109 ballot. ~~To each absent qualified elector overseas who has~~
110 ~~requested an absentee ballot, the supervisor of elections shall~~
111 ~~mail an absentee ballot not less than 35 days before the primary~~
112 ~~election and not less than 45 days before the general election.~~

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

116 1. By nonforwardable, return-if-undeliverable mail to the

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117 elector's current mailing address on file with the supervisor,
118 unless the elector specifies in the request that:

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

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

124 c. The elector is in a hospital, assisted living facility,
125 nursing home, short-term medical or rehabilitation facility, or
126 correctional facility,

127

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

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

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

142 4. By delivery to a designee on election day or up to 5
143 days prior to the day of an election. Any elector may designate
144 in writing a person to pick up the ballot for the elector;
145 however, the person designated may not pick up more than two

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146 absentee ballots per election, other than the designee's own
147 ballot, except that additional ballots may be picked up for
148 members of the designee's immediate family. For purposes of this
149 section, "immediate family" means the designee's spouse or the
150 parent, child, grandparent, or sibling of the designee or of the
151 designee's spouse. The designee shall provide to the supervisor
152 the written authorization by the elector and a picture
153 identification of the designee and must complete an affidavit.
154 The designee shall state in the affidavit that the designee is
155 authorized by the elector to pick up that ballot and shall
156 indicate if the elector is a member of the designee's immediate
157 family and, if so, the relationship. The department shall
158 prescribe the form of the affidavit. If the supervisor is
159 satisfied that the designee is authorized to pick up the ballot
160 and that the signature of the elector on the written
161 authorization matches the signature of the elector on file, the
162 supervisor shall give the ballot to that designee for delivery
163 to the elector.

164 (5) In the event that the department Elections Canvassing
165 ~~Commission~~ is unable to certify candidates for the results of an
166 ~~election for a state office~~ in time to comply with paragraph
167 (4) (a) subsection (4), the Department of State is authorized to
168 prescribe rules for a ballot to be sent to absent uniformed
169 services voters and electors overseas voters.

170 Section 4. Subsection (1) of section 101.694, Florida
171 Statutes, is amended to read:

172 101.694 Mailing of ballots upon receipt of federal postcard
173 application.—

174 (1) Upon receipt of a federal postcard application for an

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

183 Section 5. Effective July 1, 2010, section 101.6952,
184 Florida Statutes, is amended to read:

185 101.6952 Absentee ballots for absent uniformed services and
186 overseas voters.—

187 (1) If an absent uniformed services voter's or an overseas
188 voter's request for an absentee ballot includes an e-mail
189 address, the supervisor of elections shall:

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

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

195 (c) Notify the voter by e-mail when the voted absentee
196 ballot is received by the supervisor of elections ~~inform the~~
197 ~~voter of the names of candidates who will be on the ballots via~~
198 ~~electronic transmission. The supervisor of elections shall e-~~
199 ~~mail to the voter the list of candidates for the primary and~~
200 ~~general election not later than 30 days before each election.~~

201 (2) For absentee ballots received from absent uniformed
202 services voters or overseas voters, there is a presumption that
203 the envelope was mailed on the date stated on the outside of the

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204 return envelope, regardless of the absence of a postmark on the
205 mailed envelope or the existence of a postmark date that is
206 later than the date of the election.

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

209 379.352 Recreational licenses, permits, and authorization
210 numbers to take wild animal life, freshwater aquatic life, and
211 marine life; issuance; costs; reporting.—

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

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