

By Senator Storms

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1                                   A bill to be entitled  
2           An act relating to elections; amending s. 97.052,  
3           F.S.; requiring that the federal write-in absentee  
4           ballot be accepted as an application for voter  
5           registration when it contains information required by  
6           the constitution and laws of the state; amending s.  
7           101.6103, F.S.; requiring the counting of absentee  
8           ballots cast by overseas voters in a mail ballot  
9           election if received within 10 days after the election  
10          and legal; amending s. 101.65, F.S.; revising the  
11          printed instructions that accompany an absentee  
12          ballot; amending s. 101.67, F.S.; conforming  
13          provisions relating to when an absentee ballot must be  
14          received to be counted; amending s. 101.6923, F.S.;  
15          revising the printed instructions that accompany  
16          special absentee ballots for certain first-time  
17          voters; amending s. 101.6925, F.S.; requiring the  
18          counting of a special absentee ballot cast by an  
19          overseas voter if received within 10 days after an  
20          election and legal; amending s. 101.694, F.S.;  
21          providing for the processing or mailing of an absentee  
22          ballot upon receipt of a federal write-in absentee  
23          ballot; amending s. 101.6952, F.S.; requiring the  
24          supervisor of elections to e-mail ballots and  
25          balloting materials to certain absent voters;  
26          permitting the use of the federal write-in absentee  
27          ballot by overseas voters in any federal, state, or  
28          local election; authorizing the use of facsimile  
29          transmission or e-mail delivery if offered by the

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30 voter's jurisdiction; creating s. 101.6956, F.S.;

31 requiring the counting of absentee ballots cast by

32 overseas voters if received within 10 days after an

33 election and legal; amending s. 101.697, F.S.;

34 removing provisions requiring the Department of State

35 to make a determination regarding secure electronic

36 ballots from overseas voters; requiring the department

37 to adopt rules governing the acceptance of absentee

38 ballots from uniformed services voters and the use of

39 electronic mail; amending s. 102.112, F.S.; revising

40 the deadline for submission of county returns for a

41 primary election to the Department of State; providing

42 an effective date.

43

44 Be It Enacted by the Legislature of the State of Florida:

45

46 Section 1. Subsection (5) of section 97.052, Florida

47 Statutes, is amended to read:

48 97.052 Uniform statewide voter registration application.—

49 (5) The voter registration application form prescribed by

50 the Election Assistance Commission pursuant to federal law, ~~or~~

51 the federal postcard application, or the federal write-in

52 absentee ballot must be accepted as an application for

53 registration in this state if the completed application, federal

54 ~~or~~ postcard application, or federal write-in absentee ballot

55 contains the information required by the constitution and laws

56 of this state.

57 Section 2. Subsection (7) of section 101.6103, Florida

58 Statutes, is amended to read:

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59 101.6103 Mail ballot election procedure.—

60 (7) With respect to absent electors overseas entitled to  
61 vote in the election, the supervisor of elections shall mail an  
62 official ballot with a secrecy envelope, a return mailing  
63 envelope, and instructions sufficient to describe the voting  
64 process to each such elector on a date sufficient to allow such  
65 elector time to vote in the election and to have his or her  
66 marked ballot reach the supervisor by 7 p.m. on the day of the  
67 election. However, a ballot cast by an overseas voter shall be  
68 counted if the ballot is received within 10 days after the date  
69 of the election, is postmarked or signed and dated no later than  
70 the date of the election, and is legal.

71 Section 3. Section 101.65, Florida Statutes, is amended to  
72 read:

73 101.65 Instructions to absent electors.—The supervisor  
74 shall enclose with each absentee ballot separate printed  
75 instructions in substantially the following form:

76  
77 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

78 1. VERY IMPORTANT. In order to ensure that your absentee  
79 ballot will be counted, it should be completed and returned as  
80 soon as possible so that it can reach the supervisor of  
81 elections of the county in which your precinct is located no  
82 later than 7 p.m. on the day of the election.

83 2. Mark your ballot in secret as instructed on the ballot.  
84 You must mark your own ballot unless you are unable to do so  
85 because of blindness, disability, or inability to read or write.

86 3. Mark only the number of candidates or issue choices for  
87 a race as indicated on the ballot. If you are allowed to "Vote

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88 for One" candidate and you vote for more than one candidate,  
89 your vote in that race will not be counted.

90 4. Place your marked ballot in the enclosed secrecy  
91 envelope.

92 5. Insert the secrecy envelope into the enclosed mailing  
93 envelope which is addressed to the supervisor.

94 6. Seal the mailing envelope and completely fill out the  
95 Voter's Certificate on the back of the mailing envelope.

96 7. VERY IMPORTANT. In order for your absentee ballot to be  
97 counted, you must sign your name on the line above (Voter's  
98 Signature).

99 8. VERY IMPORTANT. If you are an overseas voter, you must  
100 include the date you signed the Voter's Certificate on the line  
101 above (Date) or your ballot may not be counted. An absentee  
102 ballot cast by an overseas voter shall be counted if the ballot  
103 is received within 10 days after the date of the election, is  
104 postmarked or signed and dated no later than the date of the  
105 election, and is legal.

106 9. Mail, deliver, or have delivered the completed mailing  
107 envelope. Be sure there is sufficient postage if mailed.

108 10. FELONY NOTICE. It is a felony under Florida law to  
109 accept any gift, payment, or gratuity in exchange for your vote  
110 for a candidate. It is also a felony under Florida law to vote  
111 in an election using a false identity or false address, or under  
112 any other circumstances making your ballot false or fraudulent.

113 Section 4. Section 101.67, Florida Statutes, is amended to  
114 read:

115 101.67 Safekeeping of mailed ballots; deadline for  
116 receiving absentee ballots.-

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117 (1) The supervisor of elections shall safely keep in his or  
118 her office any envelopes received containing marked ballots of  
119 absent electors, and he or she shall, before the canvassing of  
120 the election returns, deliver the envelopes to the county  
121 canvassing board along with his or her file or list kept  
122 regarding such ~~said~~ ballots.

123 (2) Except as otherwise provided in s. 101.6956, all marked  
124 absent electors' ballots to be counted must be received by the  
125 supervisor by 7 p.m. the day of the election. All ballots  
126 received after the applicable deadline ~~thereafter~~ shall be  
127 marked with the time and date of receipt and filed in the  
128 supervisor's office.

129 Section 5. Subsection (2) of section 101.6923, Florida  
130 Statutes, is amended to read:

131 101.6923 Special absentee ballot instructions for certain  
132 first-time voters.—

133 (2) A voter covered by this section shall be provided with  
134 printed instructions with his or her absentee ballot in  
135 substantially the following form:

136

137 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
138 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
139 TO COUNT.

140

141 1. In order to ensure that your absentee ballot will be  
142 counted, it should be completed and returned as soon as possible  
143 so that it can reach the supervisor of elections of the county  
144 in which your precinct is located no later than 7 p.m. on the  
145 date of the election.

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146           2. Mark your ballot in secret as instructed on the ballot.  
147 You must mark your own ballot unless you are unable to do so  
148 because of blindness, disability, or inability to read or write.

149           3. Mark only the number of candidates or issue choices for  
150 a race as indicated on the ballot. If you are allowed to "Vote  
151 for One" candidate and you vote for more than one, your vote in  
152 that race will not be counted.

153           4. Place your marked ballot in the enclosed secrecy  
154 envelope and seal the envelope.

155           5. Insert the secrecy envelope into the enclosed envelope  
156 bearing the Voter's Certificate. Seal the envelope and  
157 completely fill out the Voter's Certificate on the back of the  
158 envelope.

159           a. You must sign your name on the line above (Voter's  
160 Signature).

161           b. If you are an overseas voter, you must include the date  
162 you signed the Voter's Certificate on the line above (Date) or  
163 your ballot may not be counted. An absentee ballot cast by an  
164 overseas voter shall be counted if the ballot is received within  
165 10 days after the date of the election, is postmarked or signed  
166 and dated no later than the date of the election, and is legal.

167           6. Unless you meet one of the exemptions in Item 7., you  
168 must make a copy of one of the following forms of  
169 identification:

170           a. Identification which must include your name and  
171 photograph: United States passport; debit or credit card;  
172 military identification; student identification; retirement  
173 center identification; neighborhood association identification;  
174 or public assistance identification; or

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175           b. Identification which shows your name and current  
176 residence address: current utility bill, bank statement,  
177 government check, paycheck, or government document (excluding  
178 voter identification card).

179           7. The identification requirements of Item 6. do not apply  
180 if you meet one of the following requirements:

181           a. You are 65 years of age or older.

182           b. You have a temporary or permanent physical disability.

183           c. You are a member of a uniformed service on active duty  
184 who, by reason of such active duty, will be absent from the  
185 county on election day.

186           d. You are a member of the Merchant Marine who, by reason  
187 of service in the Merchant Marine, will be absent from the  
188 county on election day.

189           e. You are the spouse or dependent of a member referred to  
190 in paragraph c. or paragraph d. who, by reason of the active  
191 duty or service of the member, will be absent from the county on  
192 election day.

193           f. You are currently residing outside the United States.

194           8. Place the envelope bearing the Voter's Certificate into  
195 the mailing envelope addressed to the supervisor. Insert a copy  
196 of your identification in the mailing envelope. DO NOT PUT YOUR  
197 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
198 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
199 BALLOT WILL NOT COUNT.

200           9. Mail, deliver, or have delivered the completed mailing  
201 envelope. Be sure there is sufficient postage if mailed.

202           10. FELONY NOTICE. It is a felony under Florida law to  
203 accept any gift, payment, or gratuity in exchange for your vote

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204 for a candidate. It is also a felony under Florida law to vote  
205 in an election using a false identity or false address, or under  
206 any other circumstances making your ballot false or fraudulent.

207 Section 6. Subsection (3) of section 101.6925, Florida  
208 Statutes, is amended to read:

209 101.6925 Canvassing special absentee ballots.—

210 (3) If the identification is not enclosed in the mailing  
211 envelope and the voter has not indicated that he or she is  
212 exempt from the identification requirements, the supervisor  
213 shall check the voter registration records to determine if the  
214 voter's identification was previously received or the voter had  
215 previously notified the supervisor that he or she was exempt.  
216 The envelope with the Voter's Certificate shall not be opened  
217 unless the identification has been received or the voter has  
218 indicated that he or she is exempt. The ballot shall be treated  
219 as a provisional ballot until 7 p.m. on election day and shall  
220 not be canvassed unless the supervisor has received the required  
221 identification or written indication of exemption by 7 p.m. on  
222 election day. However, an absentee ballot cast by an overseas  
223 voter shall be counted if the ballot is received within 10 days  
224 after the date of the election, is postmarked or signed and  
225 dated no later than the date of the election, and is legal.

226 Section 7. Section 101.694, Florida Statutes, is amended to  
227 read:

228 101.694 Mailing or processing of absentee ballots upon  
229 receipt of federal postcard application or federal write-in  
230 absentee ballot.—

231 (1) Upon receipt of a federal postcard application for an  
232 absentee ballot executed by a person whose registration is in



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233 order or whose application is sufficient to register or update  
234 the registration of that person, the supervisor shall mail to  
235 the applicant a ballot, if the ballots are available for  
236 mailing. The federal postcard application request for an  
237 absentee ballot shall be effective for all elections through the  
238 next two regularly scheduled general elections.

239 (2) Upon receipt of a federal write-in absentee ballot  
240 executed by a person whose registration is in order or whose  
241 information on the form is sufficient to register or update the  
242 registration of that person, the supervisor shall consider the  
243 ballot as an absentee ballot request and, if voted, process the  
244 ballot pursuant to s. 101.67(1). If the federal write-in  
245 absentee ballot received isn't voted, the supervisor shall mail  
246 to the applicant an absentee ballot, if the ballots are  
247 available for mailing.

248 (3)~~(2)~~ Upon receipt of a federal postcard application for  
249 an absentee ballot or a federal write-in absentee ballot  
250 executed by a person whose registration is not in order and  
251 whose application is insufficient to register or update the  
252 registration of that person, the supervisor shall follow the  
253 procedure set forth in s. 97.073.

254 (4)~~(3)~~ Absentee envelopes printed for voters entitled to  
255 vote absentee under the Uniformed and Overseas Citizens Absentee  
256 Voting Act shall meet the specifications as determined by the  
257 Federal Voting Assistance Program of the United States  
258 Department of Defense and the United States Postal Service.

259 (5)~~(4)~~ Cognizance shall be taken of the fact that absentee  
260 ballots and other materials such as instructions and envelopes  
261 are to be carried via air mail, and, to the maximum extent

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262 possible, such ballots and materials shall be reduced in size  
263 and weight of paper. The same ballot shall be used, however, as  
264 is used by other absentee voters.

265 Section 8. Section 101.6952, Florida Statutes, is amended  
266 to read:

267 101.6952 Absentee ballots for overseas voters.—

268 (1) If an overseas voter's request for an absentee ballot  
269 includes an e-mail address, the supervisor of elections shall  
270 inform the voter of the names of candidates who will be on the  
271 ballots via electronic transmission. The supervisor of elections  
272 shall e-mail to the voter ballots and balloting materials ~~the~~  
273 ~~list of candidates~~ for the primary and general election not  
274 later than 30 days before each election.

275 (2) A voter who is entitled to vote absentee under the  
276 Uniformed and Overseas Citizens Absentee Voting Act may use the  
277 federal write-in absentee ballot in any federal, state, or local  
278 election for which the voter is entitled to vote. The voter may  
279 choose facsimile transmission or e-mail delivery if offered by  
280 the voter's jurisdiction. The supervisor of elections shall  
281 transmit ballots and balloting materials to the voter using the  
282 electronic means that the voter has chosen.

283 (3) ~~(2)~~ For absentee ballots received from overseas voters,  
284 there is a presumption that the envelope was mailed on the date  
285 stated on the outside of the return envelope, regardless of the  
286 absence of a postmark on the mailed envelope or the existence of  
287 a postmark date that is later than the date of the election.

288 Section 9. Section 101.6956, Florida Statutes, is created  
289 to read:

290 101.6956 Receipt and counting of absentee ballots of

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291 overseas voters.-An absentee ballot cast by an overseas voter  
292 which is postmarked or signed and dated no later than the date  
293 of the applicable federal, state, or local election shall be  
294 counted if received within 10 days after the date of the  
295 election and legal.

296 Section 10. Section 101.697, Florida Statutes, is amended  
297 to read:

298 101.697 Electronic transmission of election materials.-The  
299 Department of State shall ~~determine whether secure electronic~~  
300 ~~means can be established for receiving ballots from overseas~~  
301 ~~voters. If such security can be established, the department~~  
302 ~~shall~~ adopt rules to authorize a supervisor of elections to  
303 accept from a uniformed services voter or an overseas voter a  
304 request for an absentee ballot and ~~or~~ a voted absentee ballot by  
305 secure facsimile machine transmission, electronic mail, or other  
306 secure electronic means. The rules must provide that in order to  
307 accept a voted ballot, the verification of the voter must be  
308 established, the security of the transmission must be  
309 established, and each ballot received must be recorded.

310 Section 11. Subsection (2) of section 102.112, Florida  
311 Statutes, is amended to read:

312 102.112 Deadline for submission of county returns to the  
313 Department of State.-

314 (2) Returns must be filed by 5 p.m. on the 11th ~~7th~~ day  
315 following a primary election and by noon on the 12th day  
316 following the general election. However, the Department of State  
317 may correct typographical errors, including the transposition of  
318 numbers, in any returns submitted to the Department of State  
319 pursuant to s. 102.111(1).

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Section 12. This act shall take effect July 1, 2010.