

1 A bill to be entitled
2 An act relating to elections; amending s. 97.052, F.S.;
3 requiring that the federal write-in absentee ballot be
4 accepted as an application for voter registration when it
5 contains information required by the constitution and laws
6 of the state; amending s. 101.6103, F.S.; requiring the
7 counting of absentee ballots cast by overseas voters in a
8 mail ballot election if received within 10 days after the
9 election and legal; amending s. 101.65, F.S.; revising the
10 printed instructions which accompany an absentee ballot;
11 amending s. 101.67, F.S.; conforming provisions relating
12 to when an absentee ballot must be received to be counted;
13 amending s. 101.6923, F.S.; revising the printed
14 instructions which accompany special absentee ballots for
15 certain first-time voters; amending s. 101.6925, F.S.;
16 requiring the counting of a special absentee ballot cast
17 by an overseas voter if received within 10 days after an
18 election and legal; amending s. 101.694, F.S.; providing
19 for the processing or mailing of an absentee ballot upon
20 receipt of a federal write-in absentee ballot; amending s.
21 101.6952, F.S.; permitting the use of the federal write-in
22 absentee ballot by overseas voters in any federal, state,
23 or local election; creating s. 101.6956, F.S.; requiring
24 the counting of absentee ballots cast by overseas voters
25 if received within 10 days after an election and legal;
26 amending s. 102.112, F.S.; revising the deadline for
27 submission of county returns for a primary election to the
28 Department of State; providing an effective date.

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

Section 1. Subsection (5) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.--

(5) The voter registration application form prescribed by the Election Assistance Commission pursuant to federal law, ~~or~~ the federal postcard application, or the federal write-in absentee ballot must be accepted as an application for registration in this state if the completed application, federal ~~or~~ postcard application, or federal write-in absentee ballot contains the information required by the constitution and laws of this state.

Section 2. Subsection (7) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.--

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

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57 Section 3. Section 101.65, Florida Statutes, is amended to
58 read:

59 101.65 Instructions to absent electors.--The supervisor
60 shall enclose with each absentee ballot separate printed
61 instructions in substantially the following form:

62

63 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

76 4. Place your marked ballot in the enclosed secrecy
77 envelope.

78 5. Insert the secrecy envelope into the enclosed mailing
79 envelope which is addressed to the supervisor.

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

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

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85 8. VERY IMPORTANT. If you are an overseas voter, you must
86 include the date you signed the Voter's Certificate on the line
87 above (Date) or your ballot may not be counted. An absentee
88 ballot cast by an overseas voter shall be counted if the ballot
89 is received within 10 days after the date of the election, is
90 postmarked or signed and dated no later than the date of the
91 election, and is legal.

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

94 10. FELONY NOTICE. It is a felony under Florida law to
95 accept any gift, payment, or gratuity in exchange for your vote
96 for a candidate. It is also a felony under Florida law to vote
97 in an election using a false identity or false address, or under
98 any other circumstances making your ballot false or fraudulent.

99 Section 4. Section 101.67, Florida Statutes, is amended to
100 read:

101 101.67 Safekeeping of mailed ballots; deadline for
102 receiving absentee ballots.--

103 (1) The supervisor of elections shall safely keep in his
104 or her office any envelopes received containing marked ballots
105 of absent electors, and he or she shall, before the canvassing
106 of the election returns, deliver the envelopes to the county
107 canvassing board along with his or her file or list kept
108 regarding such ~~said~~ ballots.

109 (2) Except as otherwise provided in s. 101.6956, all
110 marked absent electors' ballots to be counted must be received
111 by the supervisor by 7 p.m. the day of the election. All ballots
112 received after the applicable deadline ~~thereafter~~ shall be

113 marked with the time and date of receipt and filed in the
 114 supervisor's office.

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

117 101.6923 Special absentee ballot instructions for certain
 118 first-time voters.--

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

122

123 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 124 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 125 TO COUNT.

126

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

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

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

139 4. Place your marked ballot in the enclosed secrecy
 140 envelope and seal the envelope.

141 5. Insert the secrecy envelope into the enclosed envelope
142 bearing the Voter's Certificate. Seal the envelope and
143 completely fill out the Voter's Certificate on the back of the
144 envelope.

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

147 b. If you are an overseas voter, you must include the date
148 you signed the Voter's Certificate on the line above (Date) or
149 your ballot may not be counted. An absentee ballot cast by an
150 overseas voter shall be counted if the ballot is received within
151 10 days after the date of the election, is postmarked or signed
152 and dated no later than the date of the election, and is legal.

153 6. Unless you meet one of the exemptions in Item 7., you
154 must make a copy of one of the following forms of
155 identification:

156 a. Identification which must include your name and
157 photograph: United States passport; debit or credit card;
158 military identification; student identification; retirement
159 center identification; neighborhood association identification;
160 or public assistance identification; or

161 b. Identification which shows your name and current
162 residence address: current utility bill, bank statement,
163 government check, paycheck, or government document (excluding
164 voter identification card).

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

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

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

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

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

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

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

180 8. Place the envelope bearing the Voter's Certificate into
 181 the mailing envelope addressed to the supervisor. Insert a copy
 182 of your identification in the mailing envelope. DO NOT PUT YOUR
 183 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 184 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 185 BALLOT WILL NOT COUNT.

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

188 10. FELONY NOTICE. It is a felony under Florida law to
 189 accept any gift, payment, or gratuity in exchange for your vote
 190 for a candidate. It is also a felony under Florida law to vote
 191 in an election using a false identity or false address, or under
 192 any other circumstances making your ballot false or fraudulent.

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

195 101.6925 Canvassing special absentee ballots.--

196 (3) If the identification is not enclosed in the mailing
197 envelope and the voter has not indicated that he or she is
198 exempt from the identification requirements, the supervisor
199 shall check the voter registration records to determine if the
200 voter's identification was previously received or the voter had
201 previously notified the supervisor that he or she was exempt.
202 The envelope with the Voter's Certificate shall not be opened
203 unless the identification has been received or the voter has
204 indicated that he or she is exempt. The ballot shall be treated
205 as a provisional ballot until 7 p.m. on election day and shall
206 not be canvassed unless the supervisor has received the required
207 identification or written indication of exemption by 7 p.m. on
208 election day. However, an absentee ballot cast by an overseas
209 voter shall be counted if the ballot is received within 10 days
210 after the date of the election, is postmarked or signed and
211 dated no later than the date of the election, and is legal.

212 Section 7. Section 101.694, Florida Statutes, is amended
213 to read:

214 101.694 Mailing or processing of absentee ballots upon
215 receipt of federal postcard application or federal write-in
216 absentee ballot.--

217 (1) Upon receipt of a federal postcard application for an
218 absentee ballot executed by a person whose registration is in
219 order or whose application is sufficient to register or update
220 the registration of that person, the supervisor shall mail to
221 the applicant a ballot, if the ballots are available for
222 mailing. The federal postcard application request for an

223 absentee ballot shall be effective for all elections through the
 224 next two regularly scheduled general elections.

225 (2) Upon receipt of a federal write-in absentee ballot
 226 executed by a person whose registration is in order or whose
 227 information on the form is sufficient to register or update the
 228 registration of that person, the supervisor shall consider the
 229 ballot as an absentee ballot request and, if voted, process the
 230 ballot pursuant to s. 101.67(1). If the federal write-in
 231 absentee ballot received isn't voted, the supervisor shall mail
 232 to the applicant an absentee ballot, if the ballots are
 233 available for mailing.

234 (3)~~(2)~~ Upon receipt of a federal postcard application for
 235 an absentee ballot or a federal write-in absentee ballot
 236 executed by a person whose registration is not in order and
 237 whose application is insufficient to register or update the
 238 registration of that person, the supervisor shall follow the
 239 procedure set forth in s. 97.073.

240 (4)~~(3)~~ Absentee envelopes printed for voters entitled to
 241 vote absentee under the Uniformed and Overseas Citizens Absentee
 242 Voting Act shall meet the specifications as determined by the
 243 Federal Voting Assistance Program of the United States
 244 Department of Defense and the United States Postal Service.

245 (5)~~(4)~~ Cognizance shall be taken of the fact that absentee
 246 ballots and other materials such as instructions and envelopes
 247 are to be carried via air mail, and, to the maximum extent
 248 possible, such ballots and materials shall be reduced in size
 249 and weight of paper. The same ballot shall be used, however, as
 250 is used by other absentee voters.

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251 Section 8. Section 101.6952, Florida Statutes, is amended
 252 to read:

253 101.6952 Absentee ballots for overseas voters.--

254 (1) If an overseas voter's request for an absentee ballot
 255 includes an e-mail address, the supervisor of elections shall
 256 inform the voter of the names of candidates who will be on the
 257 ballots via electronic transmission. The supervisor of elections
 258 shall e-mail to the voter the list of candidates for the primary
 259 and general election not later than 30 days before each
 260 election.

261 (2) A voter entitled to vote absentee under the Uniformed
 262 and Overseas Citizens Absentee Voting Act may use the federal
 263 write-in absentee ballot in any federal, state, or local
 264 election for which the voter is entitled to vote.

265 (3)~~(2)~~ For absentee ballots received from overseas voters,
 266 there is a presumption that the envelope was mailed on the date
 267 stated on the outside of the return envelope, regardless of the
 268 absence of a postmark on the mailed envelope or the existence of
 269 a postmark date that is later than the date of the election.

270 Section 9. Section 101.6956, Florida Statutes, is created
 271 to read:

272 101.6956 Receipt and counting of absentee ballots of
 273 overseas voters.--An absentee ballot cast by an overseas voter
 274 which is postmarked or signed and dated no later than the date
 275 of the applicable federal, state, or local election shall be
 276 counted if received within 10 days after the date of the
 277 election and legal.

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278 Section 10. Subsection (2) of section 102.112, Florida
279 Statutes, is amended to read:

280 102.112 Deadline for submission of county returns to the
281 Department of State.--

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

288 Section 11. This act shall take effect July 1, 2010.