

By the Committees on Transportation and Economic Development
Appropriations; and Ethics and Elections; and Senator Thrasher

606-05207-10

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1 A bill to be entitled
2 An act relating to voting; amending s. 97.021, F.S.;
3 defining the term "absent uniformed services voter";
4 revising the definition of the term "overseas voter";
5 amending s. 98.0981, F.S., relating to statewide voter
6 information; conforming a cross-reference; amending s.
7 101.56075, F.S.; extending the deadline by which
8 persons with disabilities will be required to vote on
9 voter interface devices that meet certain
10 requirements; amending s. 101.62, F.S.; requiring the
11 supervisor of elections to notify the absent uniformed
12 services voter and overseas voter of the free access
13 system for determining absentee ballot status;
14 providing a timeframe for an absentee ballot to be
15 sent to each absent uniformed services voter and
16 overseas voter; providing acceptable formats for
17 requesting an absentee ballot; modifying circumstances
18 under which the Department of State is authorized to
19 prescribe rules for a ballot to be sent to absent
20 uniformed services voters and overseas voters;
21 amending s. 101.694, F.S.; conforming timeframes for
22 sending an absentee ballot upon receipt of a federal
23 postcard application to those prescribed in s. 101.62,
24 F.S.; deleting the requirement for a federal postcard
25 application request to be effective through two
26 regularly scheduled general elections pursuant to
27 changes in federal law; amending s. 101.6952, F.S.;
28 revising responsibilities of the supervisor of
29 elections when an absent uniformed services voter's or

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

40
41 Be It Enacted by the Legislature of the State of Florida:

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

48 97.021 Definitions.—For the purposes of this code, except
49 where the context clearly indicates otherwise, the term:

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

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

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

57 (c) A spouse or dependent of a member referred to in
58 paragraph (a) or paragraph (b) who, by reason of the active duty

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59 or service of the member, is absent from the place of residence
60 where the spouse or dependent is otherwise qualified to vote.

61 (23)~~(22)~~ "Overseas voter" means:

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

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

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

82
83 ~~who are qualified and registered to vote as provided by law.~~

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

86 98.0981 Reports; voting history; statewide voter
87 registration system information; precinct-level election

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88 results; book closing statistics.—

89 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date
90 of book closing but before the date of an election as defined in
91 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,
92 or district office, or to vote on a proposed constitutional
93 amendment, the department shall compile the following precinct-
94 level statistical data for each county:

95 (a) Precinct numbers.

96 (b) Total number of active registered voters by party for
97 each precinct.

98 Section 3. Subsection (3) of section 101.56075, Florida
99 Statutes, is amended to read:

100 101.56075 Voting methods.—

101 (3) By 2016 ~~2012~~, persons with disabilities shall vote on a
102 voter interface device that meets the voter accessibility
103 requirements for individuals with disabilities under s. 301 of
104 the federal Help America Vote Act of 2002 and s. 101.56062 which
105 are consistent with subsection (1) of this section.

106 Section 4. Paragraph (c) is added to subsection (1) of
107 section 101.62, Florida Statutes, and subsections (4) and (5) of
108 that section are amended, to read:

109 101.62 Request for absentee ballots.—

110 (1)

111 (c) Upon receiving a request for an absentee ballot from an
112 absent uniformed services voter or overseas voter, the
113 supervisor of elections shall notify the voter of the free
114 access system that has been designated by the department for
115 determining the status of his or her absentee ballot.

116 (4) (a) No later than 45 days before each election, the

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117 supervisor of elections shall send an absentee ballot as
118 provided in subparagraph (b)2. to each absent uniformed services
119 voter and to each overseas voter who has requested an absentee
120 ballot. ~~To each absent qualified elector overseas who has~~
121 ~~requested an absentee ballot, the supervisor of elections shall~~
122 ~~mail an absentee ballot not less than 35 days before the primary~~
123 ~~election and not less than 45 days before the general election.~~

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

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

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

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

135 c. The elector is in a hospital, assisted living facility,
136 nursing home, short-term medical or rehabilitation facility, or
137 correctional facility,

138

139 in which case the supervisor shall mail the ballot by
140 nonforwardable, return-if-undeliverable mail to any other
141 address the elector specifies in the request.

142 2. By forwardable mail, e-mail, or facsimile machine
143 transmission to absent uniformed services voters and overseas
144 voters ~~who are entitled to vote by absentee ballot under the~~
145 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~ The absent

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146 uniformed services voter or overseas voter may designate in the
147 absentee ballot request the preferred method of transmission. If
148 the voter does not designate the method of transmission, the
149 absentee ballot shall be mailed.

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

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

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

181 Section 5. Subsection (1) of section 101.694, Florida
182 Statutes, is amended to read:

183 101.694 Mailing of ballots upon receipt of federal postcard
184 application.—

185 (1) Upon receipt of a federal postcard application for an
186 absentee ballot executed by a person whose registration is in
187 order or whose application is sufficient to register or update
188 the registration of that person, the supervisor shall send the
189 ballot in accordance with s. 101.62(4) mail to the applicant a
190 ~~ballot, if the ballots are available for mailing. The federal~~
191 ~~postcard application request for an absentee ballot shall be~~
192 ~~effective for all elections through the next two regularly~~
193 ~~scheduled general elections.~~

194 Section 6. Effective July 1, 2010, section 101.6952,
195 Florida Statutes, is amended to read:

196 101.6952 Absentee ballots for absent uniformed services and
197 overseas voters.—

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

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

203 (b) Confirm by e-mail that the absentee ballot request was

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204 received and include in that e-mail the estimated date the
205 absentee ballot will be sent to the voter; and

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

212 (2) For absentee ballots received from absent uniformed
213 services voters or overseas voters, there is a presumption that
214 the envelope was mailed on the date stated on the outside of the
215 return envelope, regardless of the absence of a postmark on the
216 mailed envelope or the existence of a postmark date that is
217 later than the date of the election.

218 Section 7. Subsection (11) of section 379.352, Florida
219 Statutes, is amended to read:

220 379.352 Recreational licenses, permits, and authorization
221 numbers to take wild animal life, freshwater aquatic life, and
222 marine life; issuance; costs; reporting.—

223 (11) When acting in its official capacity pursuant to this
224 section, neither the commission nor a subagent is deemed a
225 third-party registration organization, as defined in s.
226 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as
227 defined in s. 97.021(41) ~~s. 97.021(40)~~, and is not authorized to
228 solicit, accept, or collect voter registration applications or
229 provide voter registration services.

230 Section 8. Except as otherwise expressly provided in this
231 act, this act shall take effect upon becoming a law.