

By Senator Sachs

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1 A bill to be entitled
2 An act relating to elections; amending s. 101.591,
3 F.S.; providing circumstances under which a voting
4 system audit is not required to be conducted; amending
5 s. 101.62, F.S.; deleting certain required
6 justifications for a supervisor to send an absentee
7 ballot to an alternative address; amending s. 101.68,
8 F.S.; increasing the number of days before an election
9 that a county canvassing board may begin canvassing
10 absentee ballots and processing absentee ballots when
11 electronic tabulating equipment is used; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (1) of section 101.591, Florida
17 Statutes, is amended to read:

18 101.591 Voting system audit.—

19 (1) Immediately following the certification of each
20 election, the county canvassing board or the local board
21 responsible for certifying the election shall conduct a manual
22 audit of the voting systems used in randomly selected precincts.
23 However, if a manual recount was conducted pursuant to s.
24 102.166, it is not necessary to conduct a manual audit of the
25 voting system.

26 Section 2. Paragraph (b) of subsection (4) of section
27 101.62, Florida Statutes, is amended to read:

28 101.62 Request for absentee ballots.—

29 (4)

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

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

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

38 ~~b. The elector is temporarily unable to occupy the~~
39 ~~residence because of hurricane, tornado, flood, fire, or other~~
40 ~~emergency or natural disaster; or~~

41 ~~c. The elector is in a hospital, assisted living facility,~~
42 ~~nursing home, short-term medical or rehabilitation facility, or~~
43 ~~correctional facility,~~

44
45 ~~in which case the supervisor shall mail the ballot by~~
46 ~~nonforwardable, return-if-undeliverable mail to any other~~
47 ~~address the elector specifies in the request.~~

48 2. By forwardable mail, e-mail, or facsimile machine
49 transmission to absent uniformed services voters and overseas
50 voters. The absent uniformed services voter or overseas voter
51 may designate in the absentee ballot request the preferred
52 method of transmission. If the voter does not designate the
53 method of transmission, the absentee ballot shall be mailed.

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

57 4. By delivery to a designee on election day or up to 5
58 days prior to the day of an election. Any elector may designate

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59 in writing a person to pick up the ballot for the elector;
60 however, the person designated may not pick up more than two
61 absentee ballots per election, other than the designee's own
62 ballot, except that additional ballots may be picked up for
63 members of the designee's immediate family. For purposes of this
64 section, "immediate family" means the designee's spouse or the
65 parent, child, grandparent, or sibling of the designee or of the
66 designee's spouse. The designee shall provide to the supervisor
67 the written authorization by the elector and a picture
68 identification of the designee and must complete an affidavit.
69 The designee shall state in the affidavit that the designee is
70 authorized by the elector to pick up that ballot and shall
71 indicate if the elector is a member of the designee's immediate
72 family and, if so, the relationship. The department shall
73 prescribe the form of the affidavit. If the supervisor is
74 satisfied that the designee is authorized to pick up the ballot
75 and that the signature of the elector on the written
76 authorization matches the signature of the elector on file, the
77 supervisor shall give the ballot to that designee for delivery
78 to the elector.

79 Section 3. Paragraph (a) of subsection (2) of section
80 101.68, Florida Statutes, is amended to read:

81 101.68 Canvassing of absentee ballot.—

82 (2) (a) The county canvassing board may begin the canvassing
83 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
84 election, but not later than noon on the day following the
85 election. In addition, for any county using electronic
86 tabulating equipment, the processing of absentee ballots through
87 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~

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88 day before the election. However, notwithstanding any such
89 authorization to begin canvassing or otherwise processing
90 absentee ballots early, no result shall be released until after
91 the closing of the polls in that county on election day. Any
92 supervisor of elections, deputy supervisor of elections,
93 canvassing board member, election board member, or election
94 employee who releases the results of a canvassing or processing
95 of absentee ballots prior to the closing of the polls in that
96 county on election day commits a felony of the third degree,
97 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

98 Section 4. This act shall take effect July 1, 2011.