

HB 813

2011

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

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsection (1) of section 101.591, Florida  
 16 Statutes, is amended to read:

17           101.591 Voting system audit.—

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

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

27           101.62 Request for absentee ballots.—

28           (4)

HB 813

2011

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

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

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

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

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

43  
 44 ~~in which case the supervisor shall mail the ballot by~~  
 45 ~~nonforwardable, return-if-undeliverable mail to any other~~  
 46 ~~address the elector specifies in the request.~~

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

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

56 4. By delivery to a designee on election day or up to 5

HB 813

2011

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

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

80 | 101.68 Canvassing of absentee ballot.—

81 | (2) (a) The county canvassing board may begin the  
82 | canvassing of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day  
83 | before the election, but not later than noon on the day  
84 | following the election. In addition, for any county using

HB 813

2011

85 | electronic tabulating equipment, the processing of absentee  
86 | ballots through such tabulating equipment may begin at 7 a.m. on  
87 | the 15th ~~sixth~~ day before the election. However, notwithstanding  
88 | any such authorization to begin canvassing or otherwise  
89 | processing absentee ballots early, no result shall be released  
90 | until after the closing of the polls in that county on election  
91 | day. Any supervisor of elections, deputy supervisor of  
92 | elections, canvassing board member, election board member, or  
93 | election employee who releases the results of a canvassing or  
94 | processing of absentee ballots prior to the closing of the polls  
95 | in that county on election day commits a felony of the third  
96 | degree, punishable as provided in s. 775.082, s. 775.083, or s.  
97 | 775.084.

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