

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Government Operations  
 2 Subcommittee

3 Representative Chestnut offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (9) is added to section 101.5603,  
 8 Florida Statutes, to read:

9 101.5603 Definitions relating to Electronic Voting Systems  
 10 Act.—As used in this act, the term:

11 (9) "Security-enhanced envelope" means a device with a  
 12 tinted pattern on the inside, used in lieu of a secrecy envelope  
 13 for enclosing a marked ballot, which conceals the voter's  
 14 choices.

15 Section 2. Subsections (1), (2), (3), (4), (5), and (7) of  
 16 section 101.6103, Florida Statutes, are amended to read:

17 101.6103 Mail ballot election procedure.—

18 (1) Except as otherwise provided in subsection (7), the  
 19 supervisor of elections shall mail all official ballots with

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20 either a secrecy envelope, and a return mailing envelope, or a  
21 security-enhanced envelope, and instructions sufficient to  
22 describe the voting process to each elector entitled to vote in  
23 the election not sooner than the 20th day before the election  
24 and not later than the 10th day before the date of the election.  
25 All such ballots shall be mailed by first-class mail. Ballots  
26 shall be addressed to each elector at the address appearing in  
27 the registration records and placed in an envelope which is  
28 prominently marked "Do Not Forward."

29 (2) (a) In any county in which secrecy envelopes and mailing  
30 envelopes are used, upon receipt of the ballot the elector shall  
31 mark the ballot, place it in the secrecy envelope, sign the  
32 return mailing envelope supplied with the ballot, and comply  
33 with the instructions provided with the ballot.

34 (b) In any county in which security-enhanced envelopes are  
35 used, upon receipt of the ballot the elector shall mark the  
36 ballot, place it in the security-enhanced envelope, sign the  
37 security-enhanced envelope, and comply with the instructions  
38 provided in the ballot.

39 (c) The elector shall mail, deliver, or have delivered the  
40 marked ballot so that it reaches the supervisor of elections no  
41 later than 7 p.m. on the day of the election. The ballot must be  
42 returned in the return mailing envelope or security-enhanced  
43 envelope.

44 (3) The return mailing envelope or security-enhanced  
45 envelope shall contain a statement in substantially the  
46 following form:

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VOTER'S CERTIFICATE

I, ...(Print Name)..., do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

...(Signature)...

...(Residence Address)...

(4) If the ballot is destroyed, spoiled, lost, or not received by the elector, the elector may obtain a replacement ballot from the supervisor of elections as provided in this subsection. An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and present such statement to the supervisor of elections prior to 7 p.m. on the day of the election. The supervisor of elections shall keep a record of each replacement ballot provided under this subsection.

(5) A ballot shall be counted only if:

(a) It is returned in the return mailing envelope or security-enhanced envelope;

(b) The elector's signature has been verified as provided in this subsection; and

(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

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72 The supervisor of elections shall verify the signature of each  
73 elector on the return mailing envelope or security-enhanced  
74 envelope with the signature on the elector's registration  
75 records. Such verification may commence at any time prior to the  
76 canvass of votes. The supervisor of elections shall safely keep  
77 the ballot unopened in his or her office until the county  
78 canvassing board canvasses the vote. If the supervisor of  
79 elections determines that an elector to whom a replacement  
80 ballot has been issued under subsection (4) has voted more than  
81 once, the canvassing board shall determine which ballot, if any,  
82 is to be counted.

83 (7) With respect to absent electors overseas entitled to  
84 vote in the election, the supervisor of elections shall mail an  
85 official ballot with either a secrecy envelope, and a return  
86 mailing envelope, or a security-enhanced envelope, and  
87 instructions sufficient to describe the voting process to each  
88 such elector on a date sufficient to allow such elector time to  
89 vote in the election and to have his or her marked ballot reach  
90 the supervisor by 7 p.m. on the day of the election.

91 Section 3. Section 101.6104, Florida Statutes, is amended  
92 to read:

93 101.6104 Challenge of votes.—If any elector present for  
94 the canvass of votes believes that any ballot is illegal due to  
95 any defect apparent on the voter's certificate, the elector may,  
96 at any time before the ballot is removed from the envelope, file  
97 with the canvassing board a protest against the canvass of such  
98 ballot, specifying the reason he or she believes the ballot to  
99 be illegal. No challenge based upon any defect on the voter's

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100 certificate shall be accepted after the ballot has been removed  
101 from the return mailing envelope or security-enhanced envelope.

102 Section 4. Subsections (1) and (2) of section 101.64,  
103 Florida Statutes, are amended to read:

104 101.64 Delivery of absentee ballots; envelopes; form.—

105 (1) (a) The supervisor shall have the option to:

106 1. Enclose with each absentee ballot two envelopes: a  
107 secrecy envelope, into which the absent elector shall enclose  
108 his or her marked ballot, and a mailing envelope, into which the  
109 absent elector shall then place the secrecy envelope; ~~or~~ or

110 2. Enclose a security-enhanced envelope, into which the  
111 absent elector shall then place the ballot.

112 (b) Mailing envelopes or security-enhanced envelopes ~~which~~  
113 shall be addressed to the supervisor and shall also bear on the  
114 back side a certificate in substantially the following form:

115 Note: Please Read Instructions Carefully Before  
116 Marking Ballot and Completing Voter's Certificate.

117 VOTER'S CERTIFICATE

118 I, ....., do solemnly swear or affirm that I am a qualified  
119 and registered voter of .... County, Florida, and that I have  
120 not and will not vote more than one ballot in this election. I  
121 understand that if I commit or attempt to commit any fraud in  
122 connection with voting, vote a fraudulent ballot, or vote more  
123 than once in an election, I can be convicted of a felony of the  
124 third degree and fined up to \$5,000 and/or imprisoned for up to

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125 5 years. I also understand that failure to sign this certificate  
126 will invalidate my ballot.

127 ... (Date) ... (Voter's Signature) ...

128 (2) The certificate shall be arranged on the back of the  
129 mailing envelope or security-enhanced envelope so that the line  
130 for the signature of the absent elector is across the seal of  
131 the envelope; however, no statement shall appear on the envelope  
132 which indicates that a signature of the voter must cross the  
133 seal of the envelope. The absent elector shall execute the  
134 certificate on the envelope.

135 Section 5. Section 101.65, Florida Statutes, is amended to  
136 read:

137 101.65 Instructions to absent electors.—The supervisor  
138 shall enclose with each absentee ballot separate printed  
139 instructions in substantially the following form:

140 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

153 4. Place your marked ballot in the enclosed secrecy  
154 envelope or security-enhanced envelope, whichever is provided.

155 5. If you received a secrecy envelope, insert the secrecy  
156 envelope into the enclosed mailing envelope which is addressed  
157 to the supervisor.

158 6. Seal the mailing envelope or security-enhanced envelope  
159 and completely fill out the Voter's Certificate on the back of  
160 the mailing envelope or security-enhanced envelope.

161 7. VERY IMPORTANT. In order for your absentee ballot to be  
162 counted, you must sign your name on the line above (Voter's  
163 Signature). An absentee ballot will be considered illegal and  
164 not be counted if the signature on the voter's certificate does  
165 not match the signature on record. The signature on file at the  
166 start of the canvass of the absentee ballots is the signature  
167 that will be used to verify your signature on the voter's  
168 certificate. If you need to update your signature for this  
169 election, send your signature update on a voter registration  
170 application to your supervisor of elections so that it is  
171 received no later than the start of the canvassing of absentee  
172 ballots, which occurs no earlier than the 15th day before  
173 election day.

174 8. VERY IMPORTANT. If you are an overseas voter, you must  
175 include the date you signed the Voter's Certificate on the line  
176 above (Date) or your ballot may not be counted.

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177 9. Mail, deliver, or have delivered the completed mailing  
178 envelope or security-enhanced envelope. Be sure there is  
179 sufficient postage if mailed.

180 10. FELONY NOTICE. It is a felony under Florida law to  
181 accept any gift, payment, or gratuity in exchange for your vote  
182 for a candidate. It is also a felony under Florida law to vote  
183 in an election using a false identity or false address, or under  
184 any other circumstances making your ballot false or fraudulent.

185 Section 6. Paragraphs (c) and (d) of subsection (2) of  
186 section 101.68, Florida Statutes, are amended to read:

187 101.68 Canvassing of absentee ballot.—

188 (2)

189 (c)1. The canvassing board shall, if the supervisor has  
190 not already done so, compare the signature of the elector on the  
191 voter's certificate with the signature of the elector in the  
192 registration books to see that the elector is duly registered in  
193 the county and to determine the legality of that absentee  
194 ballot. The ballot of an elector who casts an absentee ballot  
195 shall be counted even if the elector dies on or before election  
196 day, as long as, prior to the death of the voter, the ballot was  
197 postmarked by the United States Postal Service, date-stamped  
198 with a verifiable tracking number by common carrier, or already  
199 in the possession of the supervisor of elections. An absentee  
200 ballot shall be considered illegal if it does not include the  
201 signature of the elector, as shown by the registration records.  
202 However, an absentee ballot shall not be considered illegal if  
203 the signature of the elector does not cross the seal of the  
204 mailing envelope or security-enhanced envelope. If the

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205 canvassing board determines that any ballot is illegal, a member  
206 of the board shall, without opening the envelope, mark across  
207 the face of the envelope: "rejected as illegal." The envelope  
208 and the ballot contained therein shall be preserved in the  
209 manner that official ballots voted are preserved.

210 2. If any elector or candidate present believes that an  
211 absentee ballot is illegal due to a defect apparent on the  
212 voter's certificate, he or she may, at any time before the  
213 ballot is removed from the envelope, file with the canvassing  
214 board a protest against the canvass of that ballot, specifying  
215 the precinct, the ballot, and the reason he or she believes the  
216 ballot to be illegal. A challenge based upon a defect in the  
217 voter's certificate may not be accepted after the ballot has  
218 been removed from the mailing envelope or security-enhanced  
219 envelope.

220 (d)1. The canvassing board shall record the ballot upon the  
221 proper record, unless the ballot has been previously recorded by  
222 the supervisor.

223 2.a. In any county in which secrecy envelopes and mailing  
224 envelopes are used, the mailing envelopes shall be opened and  
225 the secrecy envelopes shall be mixed so as to make it impossible  
226 to determine which secrecy envelope came out of which signed  
227 mailing envelope; however, in any county in which an electronic  
228 or electromechanical voting system is used, the ballots may be  
229 sorted by ballot styles and the mailing envelopes may be opened  
230 and the secrecy envelopes mixed separately for each ballot  
231 style.

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232        b. In any county in which security-enhanced envelopes are  
233 used, the supervisor shall separate the market ballots from the  
234 security-enhanced envelopes so as to make it impossible to  
235 determine which ballot came out of which signed security-  
236 enhanced envelope.

237        3. The votes on absentee ballots shall be included in the  
238 total vote of the county.

239        Section 7. Subsection (2) of section 101.69, Florida  
240 Statutes, is amended to read:

241        101.69 Voting in person; return of absentee ballot.—The  
242 provisions of this code shall not be construed to prohibit any  
243 elector from voting in person at the elector's precinct on the  
244 day of an election or at an early voting site, notwithstanding  
245 that the elector has requested an absentee ballot for that  
246 election. An elector who has returned a voted absentee ballot to  
247 the supervisor, however, is deemed to have cast his or her  
248 ballot and is not entitled to vote another ballot or to have a  
249 provisional ballot counted by the county canvassing board. An  
250 elector who has received an absentee ballot and has not returned  
251 the voted ballot to the supervisor, but desires to vote in  
252 person, shall return the ballot, whether voted or not, to the  
253 election board in the elector's precinct or to an early voting  
254 site. The returned ballot shall be marked "canceled" by the  
255 board and placed with other canceled ballots. However, if the  
256 elector does not return the ballot and the election official:

257        (2) Confirms that the supervisor has not received the  
258 elector's absentee ballot, the elector shall be allowed to vote  
259 in person as provided in this code. The elector's absentee

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260 ballot, if subsequently received, shall not be counted and shall  
261 remain in the mailing envelope or security-enhanced envelope,  
262 and the envelope shall be marked "Rejected as Illegal."

263 Section 7. Subsection (2) of section 101.6921, Florida  
264 Statutes, is amended to read:

265 101.6921 Delivery of special absentee ballot to certain  
266 first-time voters.-

267 (2) (a) In any county in which secrecy envelopes and mailing  
268 envelopes are used, the supervisor shall enclose with each  
269 absentee ballot three envelopes: a secrecy envelope, into which  
270 the absent elector will enclose his or her marked ballot; an  
271 envelope containing the Voter's Certificate, into which the  
272 absent elector shall place the secrecy envelope; and a mailing  
273 envelope, which shall be addressed to the supervisor and into  
274 which the absent elector will place the envelope containing the  
275 Voter's Certificate and a copy of the required identification.

276 (b) In any county in which security-enhanced envelopes are  
277 used, the supervisor shall enclose with each absentee ballot two  
278 envelopes: a security-enhanced envelope containing the Voter's  
279 Certificate, into which the absent elector shall place the  
280 marked ballot and a mailing envelope, which shall be addressed  
281 to the supervisor and into which the absent elector will place  
282 the envelope containing the Voter's Certificate and a copy of  
283 the required identification.

284 Section 8. Subsection (2) of section 101.6923, Florida  
285 Statutes, is amended to read:

286 101.6923 Special absentee ballot instructions for certain  
287 first-time voters.-

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

291 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
292 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
293 TO COUNT.

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

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

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

306 4. Place your marked ballot in the enclosed secrecy  
307 envelope or security-enhanced envelope, whichever is provided,  
308 and seal the envelope.

309 5. If you received a secrecy envelope, insert the secrecy  
310 envelope into the enclosed envelope bearing the Voter's  
311 Certificate. Seal the envelope and completely fill out the  
312 Voter's Certificate on the back of the envelope.

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

315 b. If you are an overseas voter, you must include the date  
316 you signed the Voter's Certificate on the line above (Date) or  
317 your ballot may not be counted.

318 c. An absentee ballot will be considered illegal and will  
319 not be counted if the signature on the Voter's Certificate does  
320 not match the signature on record. The signature on file at the  
321 start of the canvass of the absentee ballots is the signature  
322 that will be used to verify your signature on the Voter's  
323 Certificate. If you need to update your signature for this  
324 election, send your signature update on a voter registration  
325 application to your supervisor of elections so that it is  
326 received no later than the start of canvassing of absentee  
327 ballots, which occurs no earlier than the 15th day before  
328 election day.

329 6. Unless you meet one of the exemptions in Item 7., you  
330 must make a copy of one of the following forms of  
331 identification:

332 a. Identification which must include your name and  
333 photograph: United States passport; debit or credit card;  
334 military identification; student identification; retirement  
335 center identification; neighborhood association identification;  
336 or public assistance identification; or

337 b. Identification which shows your name and current  
338 residence address: current utility bill, bank statement,  
339 government check, paycheck, or government document (excluding  
340 voter identification card).

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

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

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

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

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

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

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

356 8. Place the envelope bearing the Voter's Certificate into  
357 the mailing envelope addressed to the supervisor. Insert a copy  
358 of your identification in the mailing envelope. DO NOT PUT YOUR  
359 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
360 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
361 BALLOT WILL NOT COUNT.

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

364 10. FELONY NOTICE. It is a felony under Florida law to  
365 accept any gift, payment, or gratuity in exchange for your vote  
366 for a candidate. It is also a felony under Florida law to vote  
367 in an election using a false identity or false address, or under  
368 any other circumstances making your ballot false or fraudulent.

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369 Section 9. This act shall take effect July 1, 2012.  
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373 **T I T L E A M E N D M E N T**

374 Remove lines 4-5 and insert:

375 creating a definition for "security-enhanced envelope"; amending  
376 s. 101.6103, F.S.; revising mail ballot election procedures;  
377 amending s. 101.6104, F.S.; making conforming changes to  
378 procedures for the challenge of votes; amending s. 101.64, F.S.;  
379 revising procedures for the delivery of absentee ballots;  
380 amending s. 101.65, F.S.; making conforming changes to  
381 instructions to absent electors; amending s. 101.68, F.S.;  
382 making conforming changes to procedures for canvassing of  
383 absentee ballots; amending s. 101.69, F.S.; making conforming  
384 changes to procedures for voting in person after returning an  
385 absentee ballot; amending s. 101.6921, F.S.; making conforming  
386 changes to procedures for delivery of special absentee ballots;  
387 amending s. 101.6923, F.S.; making conforming changes to special  
388 absentee ballot instructions;  
389