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1 A bill to be entitled
2 An act relating to overseas voter ballots; amending
3 ss. 101.65 and 101.6923, F.S.; revising absentee
4 ballot instructions to notify an overseas voter when
5 his or her ballot must be postmarked or signed and
6 dated and received; amending s. 101.67, F.S.;
7 establishing a controlling provision that determines
8 the deadline for receiving a ballot from an overseas
9 voter; amending s. 101.6952, F.S.; providing
10 circumstances and establishing a deadline under which
11 an absentee ballot sent from an overseas voter will be
12 counted in a presidential preference primary or
13 general election; providing an effective date.

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

16
17 Section 1. Section 101.65, Florida Statutes, is amended to
18 read:

19 101.65 Instructions to absent electors.—The supervisor
20 shall enclose with each absentee ballot separate printed
21 instructions in substantially the following form:

22
23 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

24 1. VERY IMPORTANT. In order to ensure that your absentee
25 ballot will be counted, it should be completed and returned as
26 soon as possible so that it can reach the supervisor of
27 elections of the county in which your precinct is located no
28 later than 7 p.m. on the day of the election. However, if you

29 | are an overseas voter casting a ballot in a presidential
30 | preference primary or general election, your ballot must be
31 | postmarked or signed and dated no later than the date of the
32 | election and received by the supervisor of elections of the
33 | county in which you are registered to vote no later than 10 days
34 | after the date of the election.

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

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

42 | 4. Place your marked ballot in the enclosed secrecy
43 | envelope.

44 | 5. Insert the secrecy envelope into the enclosed mailing
45 | envelope which is addressed to the supervisor.

46 | 6. Seal the mailing envelope and completely fill out the
47 | Voter's Certificate on the back of the mailing envelope.

48 | 7. VERY IMPORTANT. In order for your absentee ballot to be
49 | counted, you must sign your name on the line above (Voter's
50 | Signature). An absentee ballot will be considered illegal and
51 | not be counted if the signature on the voter's certificate does
52 | not match the signature on record. The signature on file at the
53 | start of the canvass of the absentee ballots is the signature
54 | that will be used to verify your signature on the voter's
55 | certificate. If you need to update your signature for this
56 | election, send your signature update on a voter registration

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57 application to your supervisor of elections so that it is
58 received no later than the start of the canvassing of absentee
59 ballots, which occurs no earlier than the 15th day before
60 election day.

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

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

66 10. FELONY NOTICE. It is a felony under Florida law to
67 accept any gift, payment, or gratuity in exchange for your vote
68 for a candidate. It is also a felony under Florida law to vote
69 in an election using a false identity or false address, or under
70 any other circumstances making your ballot false or fraudulent.

71 Section 2. Subsection (2) of section 101.67, Florida
72 Statutes, is amended to read:

73 101.67 Safekeeping of mailed ballots; deadline for
74 receiving absentee ballots.—

75 (2) All marked absent electors' ballots to be counted must
76 be received by the supervisor by 7 p.m. the day of the election.
77 All ballots received thereafter shall be marked with the time
78 and date of receipt and filed in the supervisor's office.

79 However, notwithstanding the provisions of this subsection, the
80 deadline for determining whether an absentee ballot received
81 from an overseas voter for any presidential preference primary
82 or general election is governed by the provisions of s.
83 101.6952(5).

84 Section 3. Subsection (2) of section 101.6923, Florida

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85 Statutes, is amended to read:

86 101.6923 Special absentee ballot instructions for certain
87 first-time voters.—

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

91 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
92 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
93 TO COUNT.

94 1. In order to ensure that your absentee ballot will be
95 counted, it should be completed and returned as soon as possible
96 so that it can reach the supervisor of elections of the county
97 in which your precinct is located no later than 7 p.m. on the
98 date of the election. However, if you are an overseas voter
99 casting a ballot in a presidential preference primary or general
100 election, your ballot must be postmarked or signed and dated no
101 later than the date of the election and received by the
102 supervisor of elections of the county in which you are
103 registered to vote no later than 10 days after the date of the
104 election.

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

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

112 4. Place your marked ballot in the enclosed secrecy

113 envelope and seal the envelope.

114 5. Insert the secrecy envelope into the enclosed envelope
115 bearing the Voter's Certificate. Seal the envelope and
116 completely fill out the Voter's Certificate on the back of the
117 envelope.

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

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

123 c. An absentee ballot will be considered illegal and will
124 not be counted if the signature on the Voter's Certificate does
125 not match the signature on record. The signature on file at the
126 start of the canvass of the absentee ballots is the signature
127 that will be used to verify your signature on the Voter's
128 Certificate. If you need to update your signature for this
129 election, send your signature update on a voter registration
130 application to your supervisor of elections so that it is
131 received no later than the start of canvassing of absentee
132 ballots, which occurs no earlier than the 15th day before
133 election day.

134 6. Unless you meet one of the exemptions in Item 7., you
135 must make a copy of one of the following forms of
136 identification:

137 a. Identification which must include your name and
138 photograph: United States passport; debit or credit card;
139 military identification; student identification; retirement
140 center identification; neighborhood association identification;

141 or public assistance identification; or

142 b. Identification which shows your name and current
143 residence address: current utility bill, bank statement,
144 government check, paycheck, or government document (excluding
145 voter identification card).

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

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

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

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

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

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

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

161 8. Place the envelope bearing the Voter's Certificate into
162 the mailing envelope addressed to the supervisor. Insert a copy
163 of your identification in the mailing envelope. DO NOT PUT YOUR
164 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
165 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
166 BALLOT WILL NOT COUNT.

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

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169 10. FELONY NOTICE. It is a felony under Florida law to
170 accept any gift, payment, or gratuity in exchange for your vote
171 for a candidate. It is also a felony under Florida law to vote
172 in an election using a false identity or false address, or under
173 any other circumstances making your ballot false or fraudulent.

174 Section 4. Subsection (5) is added to section 101.6952,
175 Florida Statutes, to read:

176 101.6952 Absentee ballots for absent uniformed services
177 and overseas voters.—

178 (5) An absentee ballot from an overseas voter in any
179 presidential preference primary or general election which is
180 postmarked or signed and dated no later than the date of the
181 election and which is received by the supervisor of elections of
182 the county in which the overseas voter is registered no later
183 than 10 days after the date of the election shall be counted as
184 long as the absentee ballot is otherwise proper.

185 Section 5. This act shall take effect January 1, 2014.