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LEGISLATIVE ACTION

Senate

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House

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Floor: 1g/RE/2R

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04/16/2013 06:10 PM

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Senator Latvala moved the following:

1 **Senate Amendment to Amendment (301346) (with title**
2 **amendment)**

3
4 Delete lines 478 - 1002

5 and insert:

6 Section 12. Section 101.65, Florida Statutes, is amended to
7 read:

8 101.65 Instructions to absent electors.—The supervisor
9 shall enclose with each absentee ballot separate printed
10 instructions in substantially the following form:

11
12 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

13 1. VERY IMPORTANT. In order to ensure that your absentee



498932

14 ballot will be counted, it should be completed and returned as
15 soon as possible so that it can reach the supervisor of
16 elections of the county in which your precinct is located no
17 later than 7 p.m. on the day of the election. However, if you
18 are an overseas voter casting a ballot in a presidential
19 preference primary or general election, your absentee ballot
20 must be postmarked or signed and dated no later than the date of
21 the election and received by the supervisor of elections of the
22 county in which you are registered to vote no later than 10 days
23 after the date of the election.

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

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

31 4. Place your marked ballot in the enclosed secrecy
32 envelope.

33 5. Insert the secrecy envelope into the enclosed mailing
34 envelope which is addressed to the supervisor.

35 6. Seal the mailing envelope and completely fill out the
36 Voter's Certificate on the back of the mailing envelope.

37 7. VERY IMPORTANT. In order for your absentee ballot to be
38 counted, you must sign your name on the line above (Voter's
39 Signature). An absentee ballot will be considered illegal and
40 not be counted if the signature on the voter's certificate does
41 not match the signature on record. The signature on file at the
42 start of the canvass of the absentee ballots is the signature



498932

43 that will be used to verify your signature on the voter's
44 certificate. If you need to update your signature for this
45 election, send your signature update on a voter registration
46 application to your supervisor of elections so that it is
47 received no later than the start of the canvassing of absentee
48 ballots, which occurs no earlier than the 15th day before
49 election day.

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

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

55 10. FELONY NOTICE. It is a felony under Florida law to
56 accept any gift, payment, or gratuity in exchange for your vote
57 for a candidate. It is also a felony under Florida law to vote
58 in an election using a false identity or false address, or under
59 any other circumstances making your ballot false or fraudulent.

60 Section 13. Paragraphs (a) and (d) of subsection (1) of
61 section 101.657, Florida Statutes, are amended to read:

62 101.657 Early voting.—

63 (1)(a) As a convenience to the voter, the supervisor of
64 elections shall allow an elector to vote early in the main or
65 branch office of the supervisor. The supervisor shall mark,
66 code, indicate on, or otherwise track the voter's precinct for
67 each early voted ballot. In order for a branch office to be used
68 for early voting, it shall be a permanent facility of the
69 supervisor and shall have been designated and used as such for
70 at least 1 year prior to the election. The supervisor may also
71 designate any city hall, ~~or~~ permanent public library facility,



498932

72 fairground, civic center, courthouse, county commission
73 building, stadium, convention center, government-owned senior
74 center, or government-owned community center as early voting
75 sites; however, if so designated, the sites must be
76 geographically located so as to provide all voters in the county
77 an equal opportunity to cast a ballot, insofar as is
78 practicable. In addition, a supervisor may designate one early
79 voting site per election in an area of the county that does not
80 have any of the eligible early voting locations. Such additional
81 early voting site must be geographically located so as to
82 provide all voters in that area with an equal opportunity to
83 cast a ballot, insofar as is practicable. Each county shall, at
84 a minimum, operate the same total number of early voting sites
85 for a general election which the county operated for the 2012
86 general election. The results or tabulation of votes cast during
87 early voting may not be made before the close of the polls on
88 election day. Results shall be reported by precinct.

89 (d) Early voting shall begin on the 10th day before an
90 election that contains state or federal races and end on the 3rd
91 day before the election, and shall be provided for no less than
92 8 ½ hours and no more than 12 hours per day at each site during
93 the applicable period. In addition, early voting may be offered
94 at the discretion of the supervisor of elections on the 15th,
95 14th, 13th, 12th, 11th, or 2nd day before an election that
96 contains state or federal races for at least 8 hours per day,
97 but not more than 12 hours per day. The supervisor of elections
98 may provide early voting for elections that are not held in
99 conjunction with a state or federal election. However, the
100 supervisor has the discretion to determine the hours of



498932

101 operation of early voting sites in those elections.

102 Section 14. Subsection (2) of section 101.67, Florida
103 Statutes, is amended to read:

104 101.67 Safekeeping of mailed ballots; deadline for
105 receiving absentee ballots.—

106 (2) Except as provided in s. 101.6952(5), all marked absent
107 electors' ballots to be counted must be received by the
108 supervisor by 7 p.m. the day of the election. All ballots
109 received thereafter shall be marked with the time and date of
110 receipt and filed in the supervisor's office.

111 Section 15. Subsections (1) and (4) of section 101.68,
112 Florida Statutes, are amended, and subsection (2) of that
113 section is reenacted and amended, to read:

114 101.68 Canvassing of absentee ballot.—

115 (1) The supervisor of the county where the absent elector
116 resides shall receive the voted ballot, at which time the
117 supervisor shall compare the signature of the elector on the
118 voter's certificate with the signature of the elector in the
119 registration books or the precinct register to determine whether
120 the elector is duly registered in the county and may record on
121 the elector's registration certificate that the elector has
122 voted. However, effective July 1, 2005, an elector who dies
123 after casting an absentee ballot but on or before election day
124 shall remain listed in the registration books until the results
125 have been certified for the election in which the ballot was
126 cast. The supervisor shall safely keep the ballot unopened in
127 his or her office until the county canvassing board canvasses
128 the vote. Except as provided in subsection (4), after an
129 absentee ballot is received by the supervisor, the ballot is



498932

130 deemed to have been cast, and changes or additions may not be
131 made to the voter's certificate.

132 (2) (a) The county canvassing board may begin the canvassing
133 of absentee ballots at 7 a.m. on the 15th day before the
134 election, but not later than noon on the day following the
135 election. In addition, for any county using electronic
136 tabulating equipment, the processing of absentee ballots through
137 such tabulating equipment may begin at 7 a.m. on the 15th day
138 before the election. However, notwithstanding any such
139 authorization to begin canvassing or otherwise processing
140 absentee ballots early, no result shall be released until after
141 the closing of the polls in that county on election day. Any
142 supervisor of elections, deputy supervisor of elections,
143 canvassing board member, election board member, or election
144 employee who releases the results of a canvassing or processing
145 of absentee ballots prior to the closing of the polls in that
146 county on election day commits a felony of the third degree,
147 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

148 (b) To ensure that all absentee ballots to be counted by
149 the canvassing board are accounted for, the canvassing board
150 shall compare the number of ballots in its possession with the
151 number of requests for ballots received to be counted according
152 to the supervisor's file or list.

153 (c)1. The canvassing board shall, if the supervisor has not
154 already done so, compare the signature of the elector on the
155 voter's certificate or on the absentee ballot affidavit as
156 provided in subsection (4) with the signature of the elector in
157 the registration books or the precinct register to see that the
158 elector is duly registered in the county and to determine the



498932

159 legality of that absentee ballot. The ballot of an elector who
160 casts an absentee ballot shall be counted even if the elector
161 dies on or before election day, as long as, prior to the death
162 of the voter, the ballot was postmarked by the United States
163 Postal Service, date-stamped with a verifiable tracking number
164 by common carrier, or already in the possession of the
165 supervisor of elections. An absentee ballot shall be considered
166 illegal if the voter's certificate or absentee ballot affidavit
167 ~~it~~ does not include the signature of the elector, as shown by
168 the registration records or the precinct register. However, an
169 absentee ballot is ~~shall~~ not ~~be~~ considered illegal if the
170 signature of the elector does not cross the seal of the mailing
171 envelope. If the canvassing board determines that any ballot is
172 illegal, a member of the board shall, without opening the
173 envelope, mark across the face of the envelope: "rejected as
174 illegal." The absentee ballot affidavit, if applicable, the
175 envelope, and the ballot contained therein shall be preserved in
176 the manner that official ballots voted are preserved.

177 2. If any elector or candidate present believes that an
178 absentee ballot is illegal due to a defect apparent on the
179 voter's certificate or the absentee ballot affidavit, he or she
180 may, at any time before the ballot is removed from the envelope,
181 file with the canvassing board a protest against the canvass of
182 that ballot, specifying the precinct, the ballot, and the reason
183 he or she believes the ballot to be illegal. A challenge based
184 upon a defect in the voter's certificate or absentee ballot
185 affidavit may not be accepted after the ballot has been removed
186 from the mailing envelope.

187 (d) The canvassing board shall record the ballot upon the



498932

188 proper record, unless the ballot has been previously recorded by
189 the supervisor. The mailing envelopes shall be opened and the
190 secrecy envelopes shall be mixed so as to make it impossible to
191 determine which secrecy envelope came out of which signed
192 mailing envelope; however, in any county in which an electronic
193 or electromechanical voting system is used, the ballots may be
194 sorted by ballot styles and the mailing envelopes may be opened
195 and the secrecy envelopes mixed separately for each ballot
196 style. The votes on absentee ballots shall be included in the
197 total vote of the county.

198 (4) (a) The supervisor of elections shall, on behalf of the
199 county canvassing board, notify each elector whose ballot was
200 rejected as illegal and provide the specific reason the ballot
201 was rejected because of a difference between the elector's
202 signature on the ballot and that on the elector's voter
203 registration record. The supervisor shall mail a voter
204 registration application to the elector to be completed
205 indicating the elector's current signature if the elector's
206 ballot was rejected due to a difference between the elector's
207 signature on the voter's certificate or absentee ballot
208 affidavit and the elector's signature in the registration books
209 or precinct register. This section does not prohibit the
210 supervisor from providing additional methods for updating an
211 elector's signature.

212 (b) Until 5 p.m. on the 2nd day before an election, the
213 supervisor shall allow an elector who has returned an absentee
214 ballot that does not include the elector's signature to complete
215 an affidavit in order to cure the unsigned absentee ballot.

216 (c) The elector shall provide identification to the



498932

217 supervisor and must complete an absentee ballot affidavit in
218 substantially the following form:

219

220 ABSENTEE BALLOT AFFIDAVIT

221 I,, am a qualified voter in this election and
222 registered voter of County, Florida. I do solemnly swear or
223 affirm that I requested and returned the absentee ballot and
224 that I have not and will not vote more than one ballot in this
225 election. I understand that if I commit or attempt any fraud in
226 connection with voting, vote a fraudulent ballot, or vote more
227 than once in an election, I may be convicted of a felony of the
228 third degree and fined up to \$5,000 and imprisoned for up to 5
229 years. I understand that my failure to sign this affidavit means
230 that my absentee ballot will be invalidated.

231

232 ... (Voter's Signature) ...

233

234 ... (Address) ...

235

236 (d) Instructions must accompany the absentee ballot
237 affidavit in substantially the following form:

238

239 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
240 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
241 BALLOT NOT TO COUNT.

242

243 1. In order to ensure that your absentee ballot will be
244 counted, your affidavit should be completed and returned as soon
245 as possible so that it can reach the supervisor of elections of



498932

246 the county in which your precinct is located no later than 5
247 p.m. on the 2nd day before the election.

248 2. You must sign your name on the line above (Voter's
249 Signature).

250 3. You must make a copy of one of the following forms of
251 identification:

252 a. Identification that includes your name and photograph:
253 United States passport; debit or credit card; military
254 identification; student identification; retirement center
255 identification; neighborhood association identification; or
256 public assistance identification; or

257 b. Identification that shows your name and current
258 residence address: current utility bill, bank statement,
259 government check, paycheck, or government document (excluding
260 voter identification card).

261 4. Place the envelope bearing the affidavit into a mailing
262 envelope addressed to the supervisor. Insert a copy of your
263 identification in the mailing envelope. Mail, deliver, or have
264 delivered the completed affidavit along with the copy of your
265 identification to your county supervisor of elections. Be sure
266 there is sufficient postage if mailed and that the supervisor's
267 address is correct.

268 5. Alternatively, you may fax or e-mail your completed
269 affidavit and a copy of your identification to the supervisor of
270 elections. If e-mailing, please provide these documents as
271 attachments.

272 (e) The department and each supervisor shall include the
273 affidavit and instructions on their respective websites. The
274 supervisor must include his or her office's mailing address, e-



498932

275 mail address, and fax number on the page containing the
276 affidavit instructions; the department's instruction page must
277 include the office mailing addresses, e-mail addresses, and fax
278 numbers of all supervisors of elections or provide a conspicuous
279 link to such addresses.

280 (f) The supervisor shall attach each affidavit received to
281 the appropriate absentee ballot mailing envelope.

282 Section 16. Subsection (2) of section 101.6923, Florida
283 Statutes, is amended to read:

284 101.6923 Special absentee ballot instructions for certain
285 first-time voters.-

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

289
290 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
291 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
292 YOUR BALLOT NOT TO COUNT.

293
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. However, if you are an overseas voter
299 casting a ballot in a presidential preference primary or general
300 election, your absentee ballot must be postmarked or signed and
301 dated no later than the date of the election and received by the
302 supervisor of elections of the county in which you are
303 registered to vote no later than 10 days after the date of the



498932

304 election.

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

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

312 4. Place your marked ballot in the enclosed secrecy
313 envelope and seal the envelope.

314 5. Insert the secrecy envelope into the enclosed envelope
315 bearing the Voter's Certificate. Seal the envelope and
316 completely fill out the Voter's Certificate on the back of the
317 envelope.

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

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

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



498932

333 election day.

334 6. Unless you meet one of the exemptions in Item 7., you
335 must make a copy of one of the following forms of
336 identification:

337 a. Identification which must include your name and
338 photograph: United States passport; debit or credit card;
339 military identification; student identification; retirement
340 center identification; neighborhood association identification;
341 or public assistance identification; or

342 b. Identification which shows your name and current
343 residence address: current utility bill, bank statement,
344 government check, paycheck, or government document (excluding
345 voter identification card).

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

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

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

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

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

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

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

361 8. Place the envelope bearing the Voter's Certificate into



498932

362 the mailing envelope addressed to the supervisor. Insert a copy
363 of your identification in the mailing envelope. DO NOT PUT YOUR
364 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
365 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
366 BALLOT WILL NOT COUNT.

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

369 10. FELONY NOTICE. It is a felony under Florida law to
370 accept any gift, payment, or gratuity in exchange for your vote
371 for a candidate. It is also a felony under Florida law to vote
372 in an election using a false identity or false address, or under
373 any other circumstances making your ballot false or fraudulent.

374
375 ===== T I T L E A M E N D M E N T =====

376 And the title is amended as follows:

377 Delete lines 1219 - 1251

378 and insert:

379 affidavit under certain circumstances; amending s.
380 101.65, F.S.; revising the instructions to absent
381 electors; amending s. 101.657, F.S.; revising the list
382 of permissible sites available for early voting;
383 authorizing the supervisor to designate one additional
384 early voting site per election; providing
385 requirements; requiring each county to operate at
386 least the same number of early voting sites for a
387 general election as used for the 2012 general
388 election; revising the number of days and hours for
389 early voting; amending s. 101.67, F.S.; conforming a
390 provision to changes made by the act; amending s.



498932

391 101.68, F.S., and reenacting subsection (2), relating
392 to the canvassing of absentee ballots; authorizing the
393 supervisor to use the elector's signature in a
394 precinct register to compare with the elector's
395 signature on the voter's certificate; requiring the
396 supervisor to provide the elector with the specific
397 reason his or her ballot was rejected; requiring the
398 supervisor to allow electors to complete an affidavit
399 to cure an unsigned absentee ballot before a specified
400 time; providing the form and contents of the
401 affidavit; providing instructions to accompany each
402 absentee ballot affidavit; requiring the affidavit,
403 instructions, and the supervisor's office mailing
404 address to be posted on certain websites; requiring
405 the supervisor to attach a received affidavit to the
406 appropriate absentee ballot mailing envelope; amending
407 s.