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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/16/2013 11:02 AM

Senator Sobel 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



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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



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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,



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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



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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



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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



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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



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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) If the canvassing board has not begun the canvassing of
213 absentee ballots pursuant to subsection (2), the supervisor
214 shall allow an elector who has returned an absentee ballot that
215 does not include the elector's signature to complete an
216 affidavit in order to cure the unsigned absentee ballot.



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217 (c) The elector shall provide identification to the
218 supervisor and must complete an absentee ballot affidavit in
219 substantially the following form:

220

221 ABSENTEE BALLOT AFFIDAVIT

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

232

233 ... (Voter's Signature) ...

234

235 ... (Address) ...

236

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

239

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

243

244 1. In order to ensure that your absentee ballot will be
245 counted, your affidavit should be completed and returned as soon



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246 as possible so that it can reach the supervisor of elections of
247 the county in which your precinct is located no later than the
248 start of the canvassing of absentee ballots, which occurs no
249 earlier than the 15th day before an election.

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

252 3. You must make a copy of one of the following forms of
253 identification:

254 a. Identification which must include your name and
255 photograph: United States passport; debit or credit card;
256 military identification; student identification; retirement
257 center identification; neighborhood association identification;
258 or public assistance identification; or

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

263 4. Place the envelope bearing the affidavit into a mailing
264 envelope addressed to the supervisor. Insert a copy of your
265 identification in the mailing envelope.

266 5. Mail, deliver, or have delivered the completed affidavit
267 along with the copy of your identification to your county
268 supervisor of elections. Be sure there is sufficient postage if
269 mailed and that the supervisor's address is correct.

270 (e) The department and each supervisor shall include the
271 affidavit and instructions on their respective websites. The
272 supervisor must include his or her office's mailing address on
273 the page containing the affidavit instructions; the department's
274 instruction page must include the office mailing addresses of



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275 all supervisors of elections or provide a conspicuous link to
276 such addresses.

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

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

281 101.6923 Special absentee ballot instructions for certain
282 first-time voters.—

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

286

287 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
288 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
289 YOUR BALLOT NOT TO COUNT.

290

291 1. In order to ensure that your absentee ballot will be
292 counted, it should be completed and returned as soon as possible
293 so that it can reach the supervisor of elections of the county
294 in which your precinct is located no later than 7 p.m. on the
295 date of the election. However, if you are an overseas voter
296 casting a ballot in a presidential preference primary or general
297 election, your absentee ballot must be postmarked or signed and
298 dated no later than the date of the election and received by the
299 supervisor of elections of the county in which you are
300 registered to vote no later than 10 days after the date of the
301 election.

302 2. Mark your ballot in secret as instructed on the ballot.
303 You must mark your own ballot unless you are unable to do so



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304 because of blindness, disability, or inability to read or write.

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

309 4. Place your marked ballot in the enclosed secrecy
310 envelope and seal the envelope.

311 5. Insert the secrecy envelope into the enclosed envelope
312 bearing the Voter's Certificate. Seal the envelope and
313 completely fill out the Voter's Certificate on the back of the
314 envelope.

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

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

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

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



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333 identification:

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

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

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

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

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

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

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

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

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

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



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362 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
363 BALLOT WILL NOT COUNT.

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

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

371
372 ===== T I T L E A M E N D M E N T =====

373 And the title is amended as follows:

374 Delete lines 1219 - 1251

375 and insert:

376 affidavit under certain circumstances; amending s.
377 101.65, F.S.; revising the instructions to absent
378 electors; amending s. 101.657, F.S.; revising the list
379 of permissible sites available for early voting;
380 authorizing the supervisor to designate one additional
381 early voting site per election; providing
382 requirements; requiring each county to operate at
383 least the same number of early voting sites as used
384 for the 2012 general election; revising the number of
385 days and hours for early voting; amending s. 101.67,
386 F.S.; conforming a provision to changes made by the
387 act; amending s. 101.68, F.S., and reenacting
388 subsection (2), relating to the canvassing of absentee
389 ballots; authorizing the supervisor to use the
390 elector's signature in a precinct register to compare



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391 with the elector's signature on the voter's
392 certificate; providing that an absentee ballot must
393 clearly identify the name of the witness in order to
394 be considered legal; requiring the supervisor to
395 provide the elector with the specific reason his or
396 her ballot was rejected; requiring the supervisor to
397 allow electors to complete an affidavit to cure an
398 unsigned absentee ballot before canvassing; providing
399 the form and contents of the affidavit; providing
400 instructions to accompany each absentee ballot
401 affidavit; requiring the affidavit, instructions, and
402 the supervisor's office mailing address to be posted
403 on certain websites; requiring the supervisor to
404 attach a received affidavit to the appropriate
405 absentee ballot mailing envelope; amending s.