

Amendment No.13

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Cruz offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

Section 3. Paragraphs (c) and (d) of subsection (2) and subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.-

(2)

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. The ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day, as long as, prior to the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped

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20 with a verifiable tracking number by common carrier, or already  
21 in the possession of the supervisor of elections. An absentee  
22 ballot shall be considered illegal if it does not include the  
23 signature of the elector, as shown by the registration records.  
24 However, an absentee ballot shall not be considered illegal if  
25 the signature of the elector does not cross the seal of the  
26 mailing envelope or if the supervisor has received a completed  
27 and verified affidavit prescribed by subsection (4) from an  
28 elector who did not sign the voter's certificate. If the  
29 canvassing board determines that any ballot is illegal, a member  
30 of the board shall, without opening the envelope, mark across  
31 the face of the envelope: "rejected as illegal." The envelope  
32 and the ballot contained therein shall be preserved in the  
33 manner that official ballots voted are preserved.

34 2. If any elector or candidate present believes that an  
35 absentee ballot is illegal due to a defect apparent on the  
36 voter's certificate, he or she may, at any time before the  
37 ballot is removed from the envelope, file with the canvassing  
38 board a protest against the canvass of that ballot, specifying  
39 the precinct, the ballot, and the reason he or she believes the  
40 ballot to be illegal. A challenge based upon a defect in the  
41 voter's certificate may not be accepted after the ballot has  
42 been removed from the mailing envelope.

43 (d) The canvassing board shall record the ballot upon the  
44 proper record, unless the ballot has been previously recorded by  
45 the supervisor. The mailing envelopes shall be opened and the  
46 secrecy envelopes, if used by the supervisor, shall be mixed so  
47 as to make it impossible to determine which secrecy envelope

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48 came out of which signed mailing envelope; however, in any  
49 county in which an electronic or electromechanical voting system  
50 is used, the ballots may be sorted by ballot styles and the  
51 mailing envelopes may be opened and the secrecy envelopes, if  
52 used by the supervisor, mixed separately for each ballot style.  
53 The votes on absentee ballots shall be included in the total  
54 vote of the county.

55 (4) (a) The supervisor of elections shall, on behalf of the  
56 county canvassing board, notify each elector whose ballot was  
57 rejected as illegal because of a difference between the  
58 elector's signature on the ballot and that on the elector's  
59 voter registration record. The supervisor shall mail a voter  
60 registration application to the elector to be completed  
61 indicating the elector's current signature. This section does  
62 not prohibit the supervisor from providing additional methods  
63 for updating an elector's signature.

64 (b) If the canvassing board has not begun the canvassing  
65 of absentee ballots pursuant to subsection (2), the supervisor  
66 shall allow an elector who has returned an absentee ballot that  
67 does not include the elector's signature to complete an  
68 affidavit in order to cure the unsigned absentee ballot.

69 (c) The elector shall provide identification to the  
70 supervisor and must complete an Absentee Ballot Affidavit in  
71 substantially the following form:

72  
73 ABSENTEE BALLOT AFFIDAVIT

74  
75 I, . . . ., am a qualified voter in this election and registered

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76 voter of .... County, Florida. I do solemnly swear or affirm  
77 that I requested, voted, and returned the absentee ballot and  
78 that I have not and will not vote more than one ballot in this  
79 election. I understand that if I commit or attempt any fraud in  
80 connection with voting, vote a fraudulent ballot, or vote more  
81 than once in an election, I can be convicted of a felony of the  
82 third degree and fined up to \$5,000 and imprisoned for up to 5  
83 years. I understand that my failure to sign this affidavit means  
84 that my absentee ballot will be invalidated.

85  
86 ...(Voter's Signature)...

87  
88 ...(Address)...

89  
90 ...(City/State)...

91  
92 (d) Upon the elector's completion of the affidavit and  
93 verification by the supervisor, the supervisor shall reissue an  
94 absentee ballot to the elector.

95  
96 -----  
97 **T I T L E A M E N D M E N T**

98 Remove line 11 and insert:

99 voting; amending s. 101.68, F.S.; requiring the  
100 supervisor of elections to notify an elector whose  
101 absentee ballot is returned without a signature or  
102 with another defect that an absentee ballot may be  
103 reissued upon completion of an affidavit; revising

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Bill No. HB 7013 (2013)

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104        what a canvassing board may consider an illegal  
105        absentee ballot; providing form for the affidavit;  
106        providing procedures for such reissuance of an  
107        absentee ballot; providing an effective date.