

By Senator Smith

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1 A bill to be entitled
2 An act relating to canvassing of absentee ballots;
3 amending s. 101.68, F.S.; extending the time for
4 canvassing and processing absentee ballots to 28 days
5 before an election; amending ss. 101.65 and 101.6923,
6 F.S.; revising absentee ballot instructions for absent
7 electors and certain first-time voters, respectively,
8 to conform to changes made by the act; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (a) of subsection (2) of section
14 101.68, Florida Statutes, is amended to read:

15 101.68 Canvassing of absentee ballot.—

16 (2) (a) The county canvassing board may begin the canvassing
17 of absentee ballots at 7 a.m. on the 28th ~~15th~~ day before the
18 election, but not later than noon on the day following the
19 election. In addition, for any county using electronic
20 tabulating equipment, the processing of absentee ballots through
21 such tabulating equipment may begin at 7 a.m. on the 28th ~~15th~~
22 day before the election. However, notwithstanding any such
23 authorization to begin canvassing or otherwise processing
24 absentee ballots early, no result shall be released until after
25 the closing of the polls in that county on election day. Any
26 supervisor of elections, deputy supervisor of elections,
27 canvassing board member, election board member, or election
28 employee who releases the results of a canvassing or processing
29 of absentee ballots before ~~prior to~~ the closing of the polls in

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30 that county on election day commits a felony of the third
31 degree, punishable as provided in s. 775.082, s. 775.083, or s.
32 775.084.

33 Section 2. Section 101.65, Florida Statutes, is amended to
34 read:

35 101.65 Instructions to absent electors.—The supervisor
36 shall enclose with each absentee ballot separate printed
37 instructions in substantially the following form:

38
39 READ THESE INSTRUCTIONS CAREFULLY
40 BEFORE MARKING BALLOT.

41 1. VERY IMPORTANT. In order to ensure that your absentee
42 ballot will be counted, it should be completed and returned as
43 soon as possible so that it can reach the supervisor of
44 elections of the county in which your precinct is located no
45 later than 7 p.m. on the day of the election. However, if you
46 are an overseas voter casting a ballot in a presidential
47 preference primary or general election, your absentee ballot
48 must be postmarked or dated no later than the date of the
49 election and received by the supervisor of elections of the
50 county in which you are registered to vote no later than 10 days
51 after the date of the election.

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

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

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- 59 4. Place your marked ballot in the enclosed secrecy
60 envelope.
- 61 5. Insert the secrecy envelope into the enclosed mailing
62 envelope which is addressed to the supervisor.
- 63 6. Seal the mailing envelope and completely fill out the
64 Voter's Certificate on the back of the mailing envelope.
- 65 7. VERY IMPORTANT. In order for your absentee ballot to be
66 counted, you must sign your name on the line above (Voter's
67 Signature). An absentee ballot will be considered illegal and
68 not be counted if the signature on the voter's certificate does
69 not match the signature on record. The signature on file at the
70 start of the canvass of the absentee ballots is the signature
71 that will be used to verify your signature on the voter's
72 certificate. If you need to update your signature for this
73 election, send your signature update on a voter registration
74 application to your supervisor of elections so that it is
75 received no later than the start of the canvassing of absentee
76 ballots, which occurs no earlier than the 28th ~~15th~~ day before
77 election day.
- 78 8. VERY IMPORTANT. If you are an overseas voter, you must
79 include the date you signed the Voter's Certificate on the line
80 above (Date) or your ballot may not be counted.
- 81 9. Mail, deliver, or have delivered the completed mailing
82 envelope. Be sure there is sufficient postage if mailed.
- 83 10. FELONY NOTICE. It is a felony under Florida law to
84 accept any gift, payment, or gratuity in exchange for your vote
85 for a candidate. It is also a felony under Florida law to vote
86 in an election using a false identity or false address, or under
87 any other circumstances making your ballot false or fraudulent.

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88 Section 3. Subsection (2) of section 101.6923, Florida
89 Statutes, is amended to read:

90 101.6923 Special absentee ballot instructions for certain
91 first-time voters.—

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

95

96 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
97 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
98 YOUR BALLOT NOT TO COUNT.

99

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

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

114 3. Mark only the number of candidates or issue choices for
115 a race as indicated on the ballot. If you are allowed to "Vote
116 for One" candidate and you vote for more than one, your vote in

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117 that race will not be counted.

118 4. Place your marked ballot in the enclosed secrecy
119 envelope and seal the envelope.

120 5. Insert the secrecy envelope into the enclosed envelope
121 bearing the Voter's Certificate. Seal the envelope and
122 completely fill out the Voter's Certificate on the back of the
123 envelope.

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

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

129 c. An absentee ballot will be considered illegal and will
130 not be counted if the signature on the Voter's Certificate does
131 not match the signature on record. The signature on file at the
132 start of the canvass of the absentee ballots is the signature
133 that will be used to verify your signature on the Voter's
134 Certificate. If you need to update your signature for this
135 election, send your signature update on a voter registration
136 application to your supervisor of elections so that it is
137 received no later than the start of canvassing of absentee
138 ballots, which occurs no earlier than the 28th ~~15th~~ day before
139 election day.

140 6. Unless you meet one of the exemptions in Item 7., you
141 must make a copy of one of the following forms of
142 identification:

143 a. Identification which must include your name and
144 photograph: United States passport; debit or credit card;
145 military identification; student identification; retirement

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146 center identification; neighborhood association identification;
147 or public assistance identification; or

148 b. Identification which shows your name and current
149 residence address: current utility bill, bank statement,
150 government check, paycheck, or government document (excluding
151 voter identification card).

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

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

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

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

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

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

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

167 8. Place the envelope bearing the Voter's Certificate into
168 the mailing envelope addressed to the supervisor. Insert a copy
169 of your identification in the mailing envelope. DO NOT PUT YOUR
170 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
171 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
172 BALLOT WILL NOT COUNT.

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

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175 10. FELONY NOTICE. It is a felony under Florida law to
176 accept any gift, payment, or gratuity in exchange for your vote
177 for a candidate. It is also a felony under Florida law to vote
178 in an election using a false identity or false address, or under
179 any other circumstances making your ballot false or fraudulent.

180 Section 4. This act shall take effect July 1, 2015.