



921176

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2015	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Thompson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 435 and 436

insert:

Section 14. Subsection (13) of section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(13) Designate an office within the department to be



921176

11 responsible for providing information regarding voter  
12 registration procedures and vote-by-mail ~~absentee~~ ballot  
13 procedures to absent uniformed services voters and overseas  
14 voters.

15 Section 15. Subsections (1) and (13) of section 97.021,  
16 Florida Statutes, are amended to read:

17 97.021 Definitions.—For the purposes of this code, except  
18 where the context clearly indicates otherwise, the term:

19 (1) "Absent elector" means any registered and qualified  
20 voter who casts a vote-by-mail ~~an absentee~~ ballot.

21 (13) "Election costs" shall include, but not be limited to,  
22 expenditures for all paper supplies such as envelopes,  
23 instructions to voters, affidavits, reports, ballot cards,  
24 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,  
25 notices to voters; advertisements for registration book  
26 closings, testing of voting equipment, sample ballots, and  
27 polling places; forms used to qualify candidates; polling site  
28 rental and equipment delivery and pickup; data processing time  
29 and supplies; election records retention; and labor costs,  
30 including those costs uniquely associated with vote-by-mail  
31 ~~absentee~~ ballot preparation, poll workers, and election night  
32 canvass.

33 Section 16. Section 97.026, Florida Statutes, is amended to  
34 read:

35 97.026 Forms to be available in alternative formats and via  
36 the Internet.—It is the intent of the Legislature that all forms  
37 required to be used in chapters 97-106 shall be made available  
38 upon request, in alternative formats. Such forms shall include  
39 vote-by-mail ~~absentee~~ ballots as alternative formats for such



921176

40 ballots become available and the Division of Elections is able  
41 to certify systems that provide them. Whenever possible, such  
42 forms, with the exception of vote-by-mail ~~absentee~~ ballots,  
43 shall be made available by the Department of State via the  
44 Internet. Sections that contain such forms include, but are not  
45 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,  
46 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,  
47 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,  
48 101.657, 105.031, 106.023, and 106.087.

49 Section 17. Paragraph (c) of subsection (4) of section  
50 98.065, Florida Statutes, is amended to read:

51 98.065 Registration list maintenance programs.—

52 (4)

53 (c) The supervisor must designate as inactive all voters  
54 who have been sent an address confirmation final notice and who  
55 have not returned the postage prepaid, preaddressed return form  
56 within 30 days or for which the final notice has been returned  
57 as undeliverable. Names on the inactive list may not be used to  
58 calculate the number of signatures needed on any petition. A  
59 voter on the inactive list may be restored to the active list of  
60 voters upon the voter updating his or her registration,  
61 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to  
62 vote. However, if the voter does not update his or her voter  
63 registration information, request a vote-by-mail ~~an absentee~~  
64 ballot, or vote by the second general election after being  
65 placed on the inactive list, the voter's name shall be removed  
66 from the statewide voter registration system and the voter shall  
67 be required to reregister to have his or her name restored to  
68 the statewide voter registration system.



921176

69           Section 18. Subsection (4) of section 98.077, Florida  
70 Statutes, is amended to read:

71           98.077 Update of voter signature.—

72           (4) All signature updates for use in verifying vote-by-mail  
73 ~~absentee~~ and provisional ballots must be received by the  
74 appropriate supervisor of elections no later than the start of  
75 the canvassing of vote-by-mail ~~absentee~~ ballots by the  
76 canvassing board. The signature on file at the start of the  
77 canvass of the vote-by-mail ~~absentee~~ ballots is the signature  
78 that shall be used in verifying the signature on the vote-by-  
79 mail ~~absentee~~ and provisional ballot certificates.

80           Section 19. Paragraphs (b) and (d) of subsection (1) and  
81 paragraph (a) of subsection (2) of section 98.0981, Florida  
82 Statutes, are amended to read:

83           98.0981 Reports; voting history; statewide voter  
84 registration system information; precinct-level election  
85 results; book closing statistics.—

86           (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
87 INFORMATION.—

88           (b) After receipt of the information in paragraph (a), the  
89 department shall prepare a report in electronic format which  
90 contains the following information, separately compiled for the  
91 primary and general election for all voters qualified to vote in  
92 either election:

93           1. The unique identifier assigned to each qualified voter  
94 within the statewide voter registration system;

95           2. All information provided by each qualified voter on his  
96 or her voter registration application pursuant to s. 97.052(2),  
97 except that which is confidential or exempt from public records



921176

98 requirements;

99 3. Each qualified voter's date of registration;

100 4. Each qualified voter's current state representative  
101 district, state senatorial district, and congressional district,  
102 assigned by the supervisor of elections;

103 5. Each qualified voter's current precinct; and

104 6. Voting history as transmitted under paragraph (a) to  
105 include whether the qualified voter voted at a precinct  
106 location, voted during the early voting period, voted by vote-  
107 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail  
108 ~~absentee~~ ballot that was not counted, attempted to vote by  
109 provisional ballot that was not counted, or did not vote.

110 (d) File specifications are as follows:

111 1. The file shall contain records designated by the  
112 categories below for all qualified voters who, regardless of the  
113 voter's county of residence or active or inactive registration  
114 status at the book closing for the corresponding election that  
115 the file is being created for:

116 a. Voted a regular ballot at a precinct location.

117 b. Voted at a precinct location using a provisional ballot  
118 that was subsequently counted.

119 c. Voted a regular ballot during the early voting period.

120 d. Voted during the early voting period using a provisional  
121 ballot that was subsequently counted.

122 e. Voted by vote-by-mail ~~absentee~~ ballot.

123 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but  
124 the ballot was not counted.

125 g. Attempted to vote by provisional ballot, but the ballot  
126 was not counted in that election.



921176

127           2. Each file shall be created or converted into a tab-  
128 delimited format.

129           3. File names shall adhere to the following convention:

130           a. Three-character county identifier as established by the  
131 department followed by an underscore.

132           b. Followed by four-character file type identifier of  
133 'VH03' followed by an underscore.

134           c. Followed by FVRS election ID followed by an underscore.

135           d. Followed by Date Created followed by an underscore.

136           e. Date format is YYYYMMDD.

137           f. Followed by Time Created - HHMMSS.

138           g. Followed by ".txt".

139           4. Each record shall contain the following columns: Record  
140 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
141 Date, Vote History Code, Precinct, Congressional District, House  
142 District, Senate District, County Commission District, and  
143 School Board District.

144           (2) PRECINCT-LEVEL ELECTION RESULTS.-

145           (a) Within 30 days after certification by the Elections  
146 Canvassing Commission of a presidential preference primary  
147 election, special election, primary election, or general  
148 election, the supervisors of elections shall collect and submit  
149 to the department precinct-level election results for the  
150 election in a uniform electronic format specified by paragraph  
151 (c). The precinct-level election results shall be compiled  
152 separately for the primary or special primary election that  
153 preceded the general or special general election, respectively.  
154 The results shall specifically include for each precinct the  
155 total of all ballots cast for each candidate or nominee to fill



921176

156 a national, state, county, or district office or proposed  
157 constitutional amendment, with subtotals for each candidate and  
158 ballot type, unless fewer than 10 voters voted a ballot type.  
159 "All ballots cast" means ballots cast by voters who cast a  
160 ballot whether at a precinct location, by vote-by-mail ~~absentee~~  
161 ballot including overseas vote-by-mail ~~absentee~~ ballots, during  
162 the early voting period, or by provisional ballot.

163 Section 20. Paragraph (b) of subsection (1) of section  
164 98.255, Florida Statutes, is amended to read:

165 98.255 Voter education programs.—

166 (1) The Department of State shall adopt rules prescribing  
167 minimum standards for nonpartisan voter education. The standards  
168 shall, at a minimum, address:

169 (a) Voter registration;

170 (b) Balloting procedures, by mail ~~absentee~~ and polling  
171 place;

172 (c) Voter rights and responsibilities;

173 (d) Distribution of sample ballots; and

174 (e) Public service announcements.

175 Section 21. Subsection (3) of section 101.051, Florida  
176 Statutes, is amended to read:

177 101.051 Electors seeking assistance in casting ballots;  
178 oath to be executed; forms to be furnished.—

179 (3) Any elector applying to cast a vote-by-mail ~~an absentee~~  
180 ballot in the office of the supervisor, in any election, who  
181 requires assistance to vote by reason of blindness, disability,  
182 or inability to read or write may request the assistance of some  
183 person of his or her own choice, other than the elector's  
184 employer, an agent of the employer, or an officer or agent of



921176

185 his or her union, in casting his or her vote-by-mail ~~absentee~~  
186 ballot.

187 Section 22. Paragraph (b) of subsection (1) of section  
188 101.151, Florida Statutes, is amended to read:

189 101.151 Specifications for ballots.—

190 (1)

191 (b) Early voting sites may employ a ballot-on-demand  
192 production system to print individual marksense ballots,  
193 including provisional ballots, for eligible electors pursuant to  
194 s. 101.657. Ballot-on-demand technology may be used to produce  
195 marksense vote-by-mail ~~absentee~~ and election-day ballots.

196 Section 23. Subsection (3) of section 101.5612, Florida  
197 Statutes, is amended to read:

198 101.5612 Testing of tabulating equipment.—

199 (3) For electronic or electromechanical voting systems  
200 configured to tabulate vote-by-mail ~~absentee~~ ballots at a  
201 central or regional site, the public testing shall be conducted  
202 by processing a preaudited group of ballots so produced as to  
203 record a predetermined number of valid votes for each candidate  
204 and on each measure and to include one or more ballots for each  
205 office which have activated voting positions in excess of the  
206 number allowed by law in order to test the ability of the  
207 automatic tabulating equipment to reject such votes. If any  
208 error is detected, the cause therefor shall be corrected and an  
209 errorless count shall be made before the automatic tabulating  
210 equipment is approved. The test shall be repeated and errorless  
211 results achieved immediately before the start of the official  
212 count of the ballots and again after the completion of the  
213 official count. The programs and ballots used for testing shall





921176

214 be sealed and retained under the custody of the county  
215 canvassing board.

216 Section 24. Paragraph (a) of subsection (5) and subsections  
217 (7) and (8) of section 101.5614, Florida Statutes, are amended  
218 to read:

219 101.5614 Canvass of returns.—

220 (5) (a) If any vote-by-mail ~~absentee~~ ballot is physically  
221 damaged so that it cannot properly be counted by the automatic  
222 tabulating equipment, a true duplicate copy shall be made of the  
223 damaged ballot in the presence of witnesses and substituted for  
224 the damaged ballot. Likewise, a duplicate ballot shall be made  
225 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted  
226 race or a marked vote-by-mail ~~absentee~~ ballot in which every  
227 race is undervoted which shall include all valid votes as  
228 determined by the canvassing board based on rules adopted by the  
229 division pursuant to s. 102.166(4). All duplicate ballots shall  
230 be clearly labeled "duplicate," bear a serial number which shall  
231 be recorded on the defective ballot, and be counted in lieu of  
232 the defective ballot. After a ballot has been duplicated, the  
233 defective ballot shall be placed in an envelope provided for  
234 that purpose, and the duplicate ballot shall be tallied with the  
235 other ballots for that precinct.

236 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by  
237 automatic tabulating equipment if they have been marked in a  
238 manner which will enable them to be properly counted by such  
239 equipment.

240 (8) The return printed by the automatic tabulating  
241 equipment, to which has been added the return of write-in, vote-  
242 by-mail ~~absentee~~, and manually counted votes and votes from



921176

243 provisional ballots, shall constitute the official return of the  
244 election upon certification by the canvassing board. Upon  
245 completion of the count, the returns shall be open to the  
246 public. A copy of the returns may be posted at the central  
247 counting place or at the office of the supervisor of elections  
248 in lieu of the posting of returns at individual precincts.

249 Section 25. Section 101.572, Florida Statutes, is amended  
250 to read:

251 101.572 Public inspection of ballots.—The official ballots  
252 and ballot cards received from election boards and removed from  
253 vote-by-mail absentee ballot mailing envelopes shall be open for  
254 public inspection or examination while in the custody of the  
255 supervisor of elections or the county canvassing board at any  
256 reasonable time, under reasonable conditions; however, no  
257 persons other than the supervisor of elections or his or her  
258 employees or the county canvassing board shall handle any  
259 official ballot or ballot card. If the ballots are being  
260 examined prior to the end of the contest period in s. 102.168,  
261 the supervisor of elections shall make a reasonable effort to  
262 notify all candidates whose names appear on such ballots or  
263 ballot cards by telephone or otherwise of the time and place of  
264 the inspection or examination. All such candidates, or their  
265 representatives, shall be allowed to be present during the  
266 inspection or examination.

267 Section 26. Paragraphs (a) and (b) of subsection (2) of  
268 section 101.591, Florida Statutes, are amended to read:

269 101.591 Voting system audit.—

270 (2)(a) A manual audit shall consist of a public manual  
271 tally of the votes cast in one randomly selected race that



921176

272 appears on the ballot. The tally sheet shall include election-  
273 day, vote-by-mail absentee, early voting, provisional, and  
274 overseas ballots, in at least 1 percent but no more than 2  
275 percent of the precincts chosen at random by the county  
276 canvassing board or the local board responsible for certifying  
277 the election. If 1 percent of the precincts is less than one  
278 entire precinct, the audit shall be conducted using at least one  
279 precinct chosen at random by the county canvassing board or the  
280 local board responsible for certifying the election. Such  
281 precincts shall be selected at a publicly noticed canvassing  
282 board meeting.

283 (b) An automated audit shall consist of a public automated  
284 tally of the votes cast across every race that appears on the  
285 ballot. The tally sheet shall include election day, vote-by-mail  
286 absentee, early voting, provisional, and overseas ballots in at  
287 least 20 percent of the precincts chosen at random by the county  
288 canvassing board or the local board responsible for certifying  
289 the election. Such precincts shall be selected at a publicly  
290 noticed canvassing board meeting.

291 Section 27. Section 101.6105, Florida Statutes, is amended  
292 to read:

293 101.6105 Vote-by-mail Absentee voting.—The provisions of  
294 the election code relating to vote-by-mail absentee voting and  
295 vote-by-mail absentee ballots shall apply to elections under ss.  
296 101.6101-101.6107 only insofar as they do not conflict with the  
297 provisions of ss. 101.6101-101.6107.

298 Section 28. Section 101.62, Florida Statutes, is amended to  
299 read:

300 101.62 Request for vote-by-mail absentee ballots.—



921176

301           (1) (a) The supervisor shall accept a request for a vote-by-  
302 mail ~~an absentee~~ ballot from an elector in person or in writing.  
303 One request shall be deemed sufficient to receive a vote-by-mail  
304 ~~an absentee~~ ballot for all elections through the end of the  
305 calendar year of the second ensuing regularly scheduled general  
306 election, unless the elector or the elector's designee indicates  
307 at the time the request is made the elections for which the  
308 elector desires to receive a vote-by-mail ~~an absentee~~ ballot.  
309 Such request may be considered canceled when any first-class  
310 mail sent by the supervisor to the elector is returned as  
311 undeliverable.

312           (b) The supervisor may accept a written or telephonic  
313 request for a vote-by-mail ~~an absentee~~ ballot to be mailed to an  
314 elector's address on file in the Florida Voter Registration  
315 System from the elector, or, if directly instructed by the  
316 elector, a member of the elector's immediate family, or the  
317 elector's legal guardian; if the ballot is requested to be  
318 mailed to an address other than the elector's address on file in  
319 the Florida Voter Registration System, the request must be made  
320 in writing and signed by the elector. However, an absent  
321 uniformed service voter or an overseas voter seeking a vote-by-  
322 mail ~~an absentee~~ ballot is not required to submit a signed,  
323 written request for a vote-by-mail ~~an absentee~~ ballot that is  
324 being mailed to an address other than the elector's address on  
325 file in the Florida Voter Registration System. For purposes of  
326 this section, the term "immediate family" has the same meaning  
327 as specified in paragraph (4) (c). The person making the request  
328 must disclose:

329           1. The name of the elector for whom the ballot is



921176

330 requested.

331 2. The elector's address.

332 3. The elector's date of birth.

333 4. The requester's name.

334 5. The requester's address.

335 6. The requester's driver license number, if available.

336 7. The requester's relationship to the elector.

337 8. The requester's signature (written requests only).

338 (c) Upon receiving a request for a vote-by-mail ~~an absentee~~  
339 ballot from an absent voter, the supervisor of elections shall  
340 notify the voter of the free access system that has been  
341 designated by the department for determining the status of his  
342 or her vote-by-mail ~~absentee~~ ballot.

343 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be  
344 mailed to a voter must be received no later than 5 p.m. on the  
345 sixth day before the election by the supervisor of elections.  
346 The supervisor of elections shall mail vote-by-mail ~~absentee~~  
347 ballots to voters requesting ballots by such deadline no later  
348 than 4 days before the election.

349 (3) For each request for a vote-by-mail ~~an absentee~~ ballot  
350 received, the supervisor shall record the date the request was  
351 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to  
352 the voter or the voter's designee or the date the vote-by-mail  
353 ~~absentee~~ ballot was delivered to the post office or other  
354 carrier, the date the ballot was received by the supervisor, the  
355 absence of the voter's signature on the voter's certificate, if  
356 applicable, and such other information he or she may deem  
357 necessary. This information shall be provided in electronic  
358 format as provided by rule adopted by the division. The



921176

359 information shall be updated and made available no later than 8  
360 a.m. of each day, including weekends, beginning 60 days before  
361 the primary until 15 days after the general election and shall  
362 be contemporaneously provided to the division. This information  
363 shall be confidential and exempt from s. 119.07(1) and shall be  
364 made available to or reproduced only for the voter requesting  
365 the ballot, a canvassing board, an election official, a  
366 political party or official thereof, a candidate who has filed  
367 qualification papers and is opposed in an upcoming election, and  
368 registered political committees for political purposes only.

369 (4) (a) No later than 45 days before each presidential  
370 preference primary election, primary election, and general  
371 election, the supervisor of elections shall send a vote-by-mail  
372 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each  
373 absent uniformed services voter and to each overseas voter who  
374 has requested a vote-by-mail ~~an absentee~~ ballot.

375 (b) The supervisor of elections shall mail a vote-by-mail  
376 ~~an absentee~~ ballot to each absent qualified voter, other than  
377 those listed in paragraph (a), who has requested such a ballot,  
378 between the 35th and 28th days before the presidential  
379 preference primary election, primary election, and general  
380 election. Except as otherwise provided in subsection (2) and  
381 after the period described in this paragraph, the supervisor  
382 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days  
383 after receiving a request for such a ballot.

384 (c) The supervisor shall provide a vote-by-mail ~~an absentee~~  
385 ballot to each elector by whom a request for that ballot has  
386 been made by one of the following means:

387 1. By nonforwardable, return-if-undeliverable mail to the



921176

388 elector's current mailing address on file with the supervisor or  
389 any other address the elector specifies in the request.

390 2. By forwardable mail, e-mail, or facsimile machine  
391 transmission to absent uniformed services voters and overseas  
392 voters. The absent uniformed services voter or overseas voter  
393 may designate in the vote-by-mail absentee ballot request the  
394 preferred method of transmission. If the voter does not  
395 designate the method of transmission, the vote-by-mail absentee  
396 ballot shall be mailed.

397 3. By personal delivery before 7 p.m. on election day to  
398 the elector, upon presentation of the identification required in  
399 s. 101.043.

400 4. By delivery to a designee on election day or up to 5  
401 days prior to the day of an election. Any elector may designate  
402 in writing a person to pick up the ballot for the elector;  
403 however, the person designated may not pick up more than two  
404 vote-by-mail absentee ballots per election, other than the  
405 designee's own ballot, except that additional ballots may be  
406 picked up for members of the designee's immediate family. For  
407 purposes of this section, "immediate family" means the  
408 designee's spouse or the parent, child, grandparent, or sibling  
409 of the designee or of the designee's spouse. The designee shall  
410 provide to the supervisor the written authorization by the  
411 elector and a picture identification of the designee and must  
412 complete an affidavit. The designee shall state in the affidavit  
413 that the designee is authorized by the elector to pick up that  
414 ballot and shall indicate if the elector is a member of the  
415 designee's immediate family and, if so, the relationship. The  
416 department shall prescribe the form of the affidavit. If the



921176

417 supervisor is satisfied that the designee is authorized to pick  
418 up the ballot and that the signature of the elector on the  
419 written authorization matches the signature of the elector on  
420 file, the supervisor shall give the ballot to that designee for  
421 delivery to the elector.

422 5. Except as provided in s. 101.655, the supervisor may not  
423 deliver a vote-by-mail ~~an absentee~~ ballot to an elector or an  
424 elector's immediate family member on the day of the election  
425 unless there is an emergency, to the extent that the elector  
426 will be unable to go to his or her assigned polling place. If a  
427 vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his  
428 or her designee shall execute an affidavit affirming to the  
429 facts which allow for delivery of the vote-by-mail ~~absentee~~  
430 ballot. The department shall adopt a rule providing for the form  
431 of the affidavit.

432 (5) If the department is unable to certify candidates for  
433 an election in time to comply with paragraph (4) (a), the  
434 Department of State is authorized to prescribe rules for a  
435 ballot to be sent to absent uniformed services voters and  
436 overseas voters.

437 (6) Nothing other than the materials necessary to vote by  
438 mail ~~absentee~~ shall be mailed or delivered with any vote-by-mail  
439 ~~absentee~~ ballot.

440 Section 29. Subsections (1) and (4) of section 101.64,  
441 Florida Statutes, are amended to read:

442 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;  
443 envelopes; form.—

444 (1) The supervisor shall enclose with each vote-by-mail  
445 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which





921176

446 the absent elector shall enclose his or her marked ballot; and a  
447 mailing envelope, into which the absent elector shall then place  
448 the secrecy envelope, which shall be addressed to the supervisor  
449 and also bear on the back side a certificate in substantially  
450 the following form:

451

452 Note: Please Read Instructions Carefully Before  
453 Marking Ballot and Completing Voter's Certificate.

454

455 VOTER'S CERTIFICATE

456 I, ....., do solemnly swear or affirm that I am a qualified  
457 and registered voter of .... County, Florida, and that I have  
458 not and will not vote more than one ballot in this election. I  
459 understand that if I commit or attempt to commit any fraud in  
460 connection with voting, vote a fraudulent ballot, or vote more  
461 than once in an election, I can be convicted of a felony of the  
462 third degree and fined up to \$5,000 and/or imprisoned for up to  
463 5 years. I also understand that failure to sign this certificate  
464 will invalidate my ballot.

465

466 ...(Date)... (Voter's Signature)...

467

468 (4) The supervisor shall mark, code, indicate on, or  
469 otherwise track the precinct of the absent elector for each  
470 vote-by-mail absentee ballot.

471 Section 30. Section 101.65, Florida Statutes, is amended to  
472 read:

473 101.65 Instructions to absent electors.—The supervisor  
474 shall enclose with each vote-by-mail absentee ballot separate



921176

475 printed instructions in substantially the following form:

476

477 READ THESE INSTRUCTIONS CAREFULLY

478 BEFORE MARKING BALLOT.

479 1. VERY IMPORTANT. In order to ensure that your vote-by-  
480 mail absentee ballot will be counted, it should be completed and  
481 returned as soon as possible so that it can reach the supervisor  
482 of elections of the county in which your precinct is located no  
483 later than 7 p.m. on the day of the election. However, if you  
484 are an overseas voter casting a ballot in a presidential  
485 preference primary or general election, your vote-by-mail  
486 absentee ballot must be postmarked or dated no later than the  
487 date of the election and received by the supervisor of elections  
488 of the county in which you are registered to vote no later than  
489 10 days after the date of the election.

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

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

497 4. Place your marked ballot in the enclosed secrecy  
498 envelope.

499 5. Insert the secrecy envelope into the enclosed mailing  
500 envelope which is addressed to the supervisor.

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

503 7. VERY IMPORTANT. In order for your vote-by-mail absentee



921176

504 ballot to be counted, you must sign your name on the line above  
505 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be  
506 considered illegal and not be counted if the signature on the  
507 voter's certificate does not match the signature on record. The  
508 signature on file at the start of the canvass of the vote-by-  
509 mail ~~absentee~~ ballots is the signature that will be used to  
510 verify your signature on the voter's certificate. If you need to  
511 update your signature for this election, send your signature  
512 update on a voter registration application to your supervisor of  
513 elections so that it is received no later than the start of the  
514 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
515 earlier than the 15th day before election day.

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

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

521 10. FELONY NOTICE. It is a felony under Florida law to  
522 accept any gift, payment, or gratuity in exchange for your vote  
523 for a candidate. It is also a felony under Florida law to vote  
524 in an election using a false identity or false address, or under  
525 any other circumstances making your ballot false or fraudulent.

526 Section 31. Subsections (1) and (2) of section 101.655,  
527 Florida Statutes, are amended to read:

528 101.655 Supervised voting by absent electors in certain  
529 facilities.—

530 (1) The supervisor of elections of a county shall provide  
531 supervised voting for absent electors residing in any assisted  
532 living facility, as defined in s. 429.02, or nursing home



921176

533 facility, as defined in s. 400.021, within that county at the  
534 request of any administrator of such a facility. Such request  
535 for supervised voting in the facility shall be made by  
536 submitting a written request to the supervisor of elections no  
537 later than 21 days prior to the election for which that request  
538 is submitted. The request shall specify the name and address of  
539 the facility and the name of the electors who wish to vote by  
540 mail absentee in that election. If the request contains the  
541 names of fewer than five voters, the supervisor of elections is  
542 not required to provide supervised voting.

543 (2) The supervisor of elections may, in the absence of a  
544 request from the administrator of a facility, provide for  
545 supervised voting in the facility for those persons who have  
546 requested vote-by-mail absentee ballots. The supervisor of  
547 elections shall notify the administrator of the facility that  
548 supervised voting will occur.

549 Section 32. Section 101.661, Florida Statutes, is amended  
550 to read:

551 101.661 Voting vote-by-mail absentee ballots.—All electors  
552 must personally mark or designate their choices on the vote-by-  
553 mail absentee ballot, except:

554 (1) Electors who require assistance to vote because of  
555 blindness, disability, or inability to read or write, who may  
556 have some person of the elector's choice, other than the  
557 elector's employer, an agent of the employer, or an officer or  
558 agent of the elector's union, mark the elector's choices or  
559 assist the elector in marking his or her choices on the ballot.

560 (2) As otherwise provided in s. 101.051 or s. 101.655.

561 Section 33. Section 101.662, Florida Statutes, is amended



921176

562 to read:

563           101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It  
564 is the intent of the Legislature that voting by vote-by-mail  
565 ~~absentee~~ ballot be by methods that are fully accessible to all  
566 voters, including voters having a disability. The Department of  
567 State shall work with the supervisors of elections and the  
568 disability community to develop and implement procedures and  
569 technologies, as possible, which will include procedures for  
570 providing vote-by-mail ~~absentee~~ ballots, upon request, in  
571 alternative formats that will allow all voters to cast a secret,  
572 independent, and verifiable vote-by-mail ~~absentee~~ ballot without  
573 the assistance of another person.

574           Section 34. Section 101.67, Florida Statutes, is amended to  
575 read:

576           101.67 Safekeeping of mailed ballots; deadline for  
577 receiving vote-by-mail ~~absentee~~ ballots.—

578           (1) The supervisor of elections shall safely keep in his or  
579 her office any envelopes received containing marked ballots of  
580 absent electors, and he or she shall, before the canvassing of  
581 the election returns, deliver the envelopes to the county  
582 canvassing board along with his or her file or list kept  
583 regarding said ballots.

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

589           Section 35. Section 101.68, Florida Statutes, is amended to  
590 read:



921176

591 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.-

592 (1) The supervisor of the county where the absent elector  
593 resides shall receive the voted ballot, at which time the  
594 supervisor shall compare the signature of the elector on the  
595 voter's certificate with the signature of the elector in the  
596 registration books or the precinct register to determine whether  
597 the elector is duly registered in the county and may record on  
598 the elector's registration certificate that the elector has  
599 voted. However, effective July 1, 2005, an elector who dies  
600 after casting a vote-by-mail ~~an absentee~~ ballot but on or before  
601 election day shall remain listed in the registration books until  
602 the results have been certified for the election in which the  
603 ballot was cast. The supervisor shall safely keep the ballot  
604 unopened in his or her office until the county canvassing board  
605 canvasses the vote. Except as provided in subsection (4), after  
606 a vote-by-mail ~~an absentee~~ ballot is received by the supervisor,  
607 the ballot is deemed to have been cast, and changes or additions  
608 may not be made to the voter's certificate.

609 (2) (a) The county canvassing board may begin the canvassing  
610 of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the 15th day  
611 before the election, but not later than noon on the day  
612 following the election. In addition, for any county using  
613 electronic tabulating equipment, the processing of vote-by-mail  
614 ~~absentee~~ ballots through such tabulating equipment may begin at  
615 7 a.m. on the 15th day before the election. However,  
616 notwithstanding any such authorization to begin canvassing or  
617 otherwise processing vote-by-mail ~~absentee~~ ballots early, no  
618 result shall be released until after the closing of the polls in  
619 that county on election day. Any supervisor of elections, deputy



921176

620 supervisor of elections, canvassing board member, election board  
621 member, or election employee who releases the results of a  
622 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior  
623 to the closing of the polls in that county on election day  
624 commits a felony of the third degree, punishable as provided in  
625 s. 775.082, s. 775.083, or s. 775.084.

626 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be  
627 counted by the canvassing board are accounted for, the  
628 canvassing board shall compare the number of ballots in its  
629 possession with the number of requests for ballots received to  
630 be counted according to the supervisor's file or list.

631 (c)1. The canvassing board shall, if the supervisor has not  
632 already done so, compare the signature of the elector on the  
633 voter's certificate or on the vote-by-mail ~~absentee~~ ballot  
634 affidavit as provided in subsection (4) with the signature of  
635 the elector in the registration books or the precinct register  
636 to see that the elector is duly registered in the county and to  
637 determine the legality of that vote-by-mail ~~absentee~~ ballot. The  
638 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot  
639 shall be counted even if the elector dies on or before election  
640 day, as long as, prior to the death of the voter, the ballot was  
641 postmarked by the United States Postal Service, date-stamped  
642 with a verifiable tracking number by a common carrier, or  
643 already in the possession of the supervisor of elections. A  
644 vote-by-mail ~~An absentee~~ ballot shall be considered illegal if  
645 the voter's certificate or vote-by-mail ~~absentee~~ ballot  
646 affidavit does not include the signature of the elector, as  
647 shown by the registration records or the precinct register.  
648 However, a vote-by-mail ~~an absentee~~ ballot is not considered



921176

649 illegal if the signature of the elector does not cross the seal  
650 of the mailing envelope. If the canvassing board determines that  
651 any ballot is illegal, a member of the board shall, without  
652 opening the envelope, mark across the face of the envelope:  
653 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot  
654 affidavit, if applicable, the envelope, and the ballot contained  
655 therein shall be preserved in the manner that official ballots  
656 voted are preserved.

657 2. If any elector or candidate present believes that a  
658 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect  
659 apparent on the voter's certificate or the vote-by-mail ~~absentee~~  
660 ballot affidavit, he or she may, at any time before the ballot  
661 is removed from the envelope, file with the canvassing board a  
662 protest against the canvass of that ballot, specifying the  
663 precinct, the ballot, and the reason he or she believes the  
664 ballot to be illegal. A challenge based upon a defect in the  
665 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit  
666 may not be accepted after the ballot has been removed from the  
667 mailing envelope.

668 (d) The canvassing board shall record the ballot upon the  
669 proper record, unless the ballot has been previously recorded by  
670 the supervisor. The mailing envelopes shall be opened and the  
671 secrecy envelopes shall be mixed so as to make it impossible to  
672 determine which secrecy envelope came out of which signed  
673 mailing envelope; however, in any county in which an electronic  
674 or electromechanical voting system is used, the ballots may be  
675 sorted by ballot styles and the mailing envelopes may be opened  
676 and the secrecy envelopes mixed separately for each ballot  
677 style. The votes on vote-by-mail ~~absentee~~ ballots shall be





921176

678 included in the total vote of the county.

679 (3) The supervisor or the chair of the county canvassing  
680 board shall, after the board convenes, have custody of the vote-  
681 by-mail ~~absentee~~ ballots until a final proclamation is made as  
682 to the total vote received by each candidate.

683 (4) (a) The supervisor of elections shall, on behalf of the  
684 county canvassing board, notify each elector whose ballot was  
685 rejected as illegal and provide the specific reason the ballot  
686 was rejected. The supervisor shall mail a voter registration  
687 application to the elector to be completed indicating the  
688 elector's current signature if the elector's ballot was rejected  
689 due to a difference between the elector's signature on the  
690 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit  
691 and the elector's signature in the registration books or  
692 precinct register. This section does not prohibit the supervisor  
693 from providing additional methods for updating an elector's  
694 signature.

695 (b) Until 5 p.m. on the day before an election, the  
696 supervisor shall allow an elector who has returned a vote-by-  
697 mail ~~an absentee~~ ballot that does not include the elector's  
698 signature to complete and submit an affidavit in order to cure  
699 the unsigned vote-by-mail ~~absentee~~ ballot.

700 (c) The elector shall provide identification to the  
701 supervisor and must complete a vote-by-mail ~~an absentee~~ ballot  
702 affidavit in substantially the following form:

703

704 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

705 I, ....., am a qualified voter in this election and  
706 registered voter of .... County, Florida. I do solemnly swear or



921176

707 affirm that I requested and returned the vote-by-mail absentee  
708 ballot and that I have not and will not vote more than one  
709 ballot in this election. I understand that if I commit or  
710 attempt any fraud in connection with voting, vote a fraudulent  
711 ballot, or vote more than once in an election, I may be  
712 convicted of a felony of the third degree and fined up to \$5,000  
713 and imprisoned for up to 5 years. I understand that my failure  
714 to sign this affidavit means that my vote-by-mail absentee  
715 ballot will be invalidated.

716  
717 ... (Voter's Signature) ...

718  
719 ... (Address) ...

720  
721 (d) Instructions must accompany the vote-by-mail absentee  
722 ballot affidavit in substantially the following form:

723  
724 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
725 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
726 BALLOT NOT TO COUNT.

727  
728 1. In order to ensure that your vote-by-mail absentee  
729 ballot will be counted, your affidavit should be completed and  
730 returned as soon as possible so that it can reach the supervisor  
731 of elections of the county in which your precinct is located no  
732 later than 5 p.m. on the 2nd day before the election.

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

735 3. You must make a copy of one of the following forms of



921176

736 identification:

737 a. Identification that includes your name and photograph:  
738 United States passport; debit or credit card; military  
739 identification; student identification; retirement center  
740 identification; neighborhood association identification; or  
741 public assistance identification; or

742 b. Identification that shows your name and current  
743 residence address: current utility bill, bank statement,  
744 government check, paycheck, or government document (excluding  
745 voter identification card).

746 4. Place the envelope bearing the affidavit into a mailing  
747 envelope addressed to the supervisor. Insert a copy of your  
748 identification in the mailing envelope. Mail, deliver, or have  
749 delivered the completed affidavit along with the copy of your  
750 identification to your county supervisor of elections. Be sure  
751 there is sufficient postage if mailed and that the supervisor's  
752 address is correct.

753 5. Alternatively, you may fax or e-mail your completed  
754 affidavit and a copy of your identification to the supervisor of  
755 elections. If e-mailing, please provide these documents as  
756 attachments.

757 (e) The department and each supervisor shall include the  
758 affidavit and instructions on their respective websites. The  
759 supervisor must include his or her office's mailing address, e-  
760 mail address, and fax number on the page containing the  
761 affidavit instructions; the department's instruction page must  
762 include the office mailing addresses, e-mail addresses, and fax  
763 numbers of all supervisors of elections or provide a conspicuous  
764 link to such addresses.



921176

765 (f) The supervisor shall attach each affidavit received to  
766 the appropriate vote-by-mail ~~absentee~~ ballot mailing envelope.

767 Section 36. Section 101.69, Florida Statutes, is amended to  
768 read:

769 101.69 Voting in person; return of vote-by-mail ~~absentee~~  
770 ballot.—The provisions of this code shall not be construed to  
771 prohibit any elector from voting in person at the elector's  
772 precinct on the day of an election or at an early voting site,  
773 notwithstanding that the elector has requested a vote-by-mail ~~an~~  
774 ~~absentee~~ ballot for that election. An elector who has returned a  
775 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,  
776 is deemed to have cast his or her ballot and is not entitled to  
777 vote another ballot or to have a provisional ballot counted by  
778 the county canvassing board. An elector who has received a vote-  
779 by-mail ~~an-absentee~~ ballot and has not returned the voted ballot  
780 to the supervisor, but desires to vote in person, shall return  
781 the ballot, whether voted or not, to the election board in the  
782 elector's precinct or to an early voting site. The returned  
783 ballot shall be marked "canceled" by the board and placed with  
784 other canceled ballots. However, if the elector does not return  
785 the ballot and the election official:

786 (1) Confirms that the supervisor has received the elector's  
787 vote-by-mail ~~absentee~~ ballot, the elector shall not be allowed  
788 to vote in person. If the elector maintains that he or she has  
789 not returned the vote-by-mail ~~absentee~~ ballot or remains  
790 eligible to vote, the elector shall be provided a provisional  
791 ballot as provided in s. 101.048.

792 (2) Confirms that the supervisor has not received the  
793 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be



921176

794 allowed to vote in person as provided in this code. The  
795 elector's vote-by-mail ~~absentee~~ ballot, if subsequently  
796 received, shall not be counted and shall remain in the mailing  
797 envelope, and the envelope shall be marked "Rejected as  
798 Illegal."

799 (3) Cannot determine whether the supervisor has received  
800 the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote  
801 a provisional ballot as provided in s. 101.048.

802 Section 37. Subsections (1) and (2) of section 101.6921,  
803 Florida Statutes, are amended to read:

804 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot  
805 to certain first-time voters.—

806 (1) The provisions of this section apply to voters who are  
807 subject to the provisions of s. 97.0535 and who have not  
808 provided the identification or certification required by s.  
809 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

810 (2) The supervisor shall enclose with each vote-by-mail  
811 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which  
812 the absent elector will enclose his or her marked ballot; an  
813 envelope containing the Voter's Certificate, into which the  
814 absent elector shall place the secrecy envelope; and a mailing  
815 envelope, which shall be addressed to the supervisor and into  
816 which the absent elector will place the envelope containing the  
817 Voter's Certificate and a copy of the required identification.

818 Section 38. Section 101.6923, Florida Statutes, is amended  
819 to read:

820 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions  
821 for certain first-time voters.—

822 (1) The provisions of this section apply to voters who are



921176

823 subject to the provisions of s. 97.0535 and who have not  
824 provided the identification or information required by s.  
825 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

826 (2) A voter covered by this section shall be provided with  
827 printed instructions with his or her vote-by-mail ~~absentee~~  
828 ballot in substantially the following form:

829

830 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
831 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
832 YOUR BALLOT NOT TO COUNT.

833

834 1. In order to ensure that your vote-by-mail ~~absentee~~  
835 ballot will be counted, it should be completed and returned as  
836 soon as possible so that it can reach the supervisor of  
837 elections of the county in which your precinct is located no  
838 later than 7 p.m. on the date of the election. However, if you  
839 are an overseas voter casting a ballot in a presidential  
840 preference primary or general election, your vote-by-mail  
841 ~~absentee~~ ballot must be postmarked or dated no later than the  
842 date of the election and received by the supervisor of elections  
843 of the county in which you are registered to vote no later than  
844 10 days after the date of the election.

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

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



921176

- 852           4. Place your marked ballot in the enclosed secrecy  
853 envelope and seal the envelope.
- 854           5. Insert the secrecy envelope into the enclosed envelope  
855 bearing the Voter's Certificate. Seal the envelope and  
856 completely fill out the Voter's Certificate on the back of the  
857 envelope.
- 858           a. You must sign your name on the line above (Voter's  
859 Signature).
- 860           b. If you are an overseas voter, you must include the date  
861 you signed the Voter's Certificate on the line above (Date) or  
862 your ballot may not be counted.
- 863           c. A vote-by-mail ~~An absentee~~ ballot will be considered  
864 illegal and will not be counted if the signature on the Voter's  
865 Certificate does not match the signature on record. The  
866 signature on file at the start of the canvass of the vote-by-  
867 mail ~~absentee~~ ballots is the signature that will be used to  
868 verify your signature on the Voter's Certificate. If you need to  
869 update your signature for this election, send your signature  
870 update on a voter registration application to your supervisor of  
871 elections so that it is received no later than the start of  
872 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
873 earlier than the 15th day before election day.
- 874           6. Unless you meet one of the exemptions in Item 7., you  
875 must make a copy of one of the following forms of  
876 identification:
- 877           a. Identification which must include your name and  
878 photograph: United States passport; debit or credit card;  
879 military identification; student identification; retirement  
880 center identification; neighborhood association identification;



921176

881 or public assistance identification; or

882       b. Identification which shows your name and current  
883 residence address: current utility bill, bank statement,  
884 government check, paycheck, or government document (excluding  
885 voter identification card).

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

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

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

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

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

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

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

901       8. Place the envelope bearing the Voter's Certificate into  
902 the mailing envelope addressed to the supervisor. Insert a copy  
903 of your identification in the mailing envelope. DO NOT PUT YOUR  
904 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
905 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
906 BALLOT WILL NOT COUNT.

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

909       10. FELONY NOTICE. It is a felony under Florida law to





921176

910 accept any gift, payment, or gratuity in exchange for your vote  
911 for a candidate. It is also a felony under Florida law to vote  
912 in an election using a false identity or false address, or under  
913 any other circumstances making your ballot false or fraudulent.

914 Section 39. Subsections (1) and (2) of section 101.6925,  
915 Florida Statutes, are amended to read:

916 101.6925 Canvassing special vote-by-mail ~~absentee~~ ballots.-

917 (1) The supervisor of the county where the absent elector  
918 resides shall receive the voted special vote-by-mail ~~absentee~~  
919 ballot, at which time the mailing envelope shall be opened to  
920 determine if the voter has enclosed the identification required  
921 or has indicated on the Voter's Certificate that he or she is  
922 exempt from the identification requirements.

923 (2) If the identification is enclosed or the voter has  
924 indicated that he or she is exempt from the identification  
925 requirements, the supervisor shall make the note on the  
926 registration records of the voter and proceed to canvass the  
927 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

928 Section 40. Section 101.694, Florida Statutes, is amended  
929 to read:

930 101.694 Mailing of ballots upon receipt of federal postcard  
931 application.-

932 (1) Upon receipt of a federal postcard application for a  
933 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
934 registration is in order or whose application is sufficient to  
935 register or update the registration of that person, the  
936 supervisor shall send the ballot in accordance with s.  
937 101.62(4).

938 (2) Upon receipt of a federal postcard application for a



921176

939 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
940 registration is not in order and whose application is  
941 insufficient to register or update the registration of that  
942 person, the supervisor shall follow the procedure set forth in  
943 s. 97.073.

944 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters  
945 entitled to vote by mail ~~absentee~~ under the Uniformed and  
946 Overseas Citizens Absentee Voting Act shall meet the  
947 specifications as determined by the Federal Voting Assistance  
948 Program of the United States Department of Defense and the  
949 United States Postal Service.

950 (4) Cognizance shall be taken of the fact that vote-by-mail  
951 ~~absentee~~ ballots and other materials such as instructions and  
952 envelopes are to be carried via air mail, and, to the maximum  
953 extent possible, such ballots and materials shall be reduced in  
954 size and weight of paper. The same ballot shall be used,  
955 however, as is used by other vote-by-mail ~~absentee~~ voters.

956 Section 41. Subsections (1) and (4) of section 101.6951,  
957 Florida Statutes, are amended to read:

958 101.6951 State write-in vote-by-mail ballot.—

959 (1) An overseas voter may request, not earlier than 180  
960 days before a general election, a state write-in vote-by-mail  
961 ~~absentee~~ ballot from the supervisor of elections in the county  
962 of registration. In order to receive a state write-in ballot,  
963 the voter shall state that due to military or other  
964 contingencies that preclude normal mail delivery, the voter  
965 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal  
966 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail  
967 ~~absentee~~ ballots shall be made available to voters 90 to 180



921176

968 days prior to a general election. The Department of State shall  
969 prescribe by rule the form of the state write-in vote-by-mail  
970 ballot.

971 (4) The state write-in vote-by-mail ballot shall contain  
972 all offices, federal, state, and local, for which the voter  
973 would otherwise be entitled to vote.

974 Section 42. Section 101.6952, Florida Statutes, is amended  
975 to read:

976 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent uniformed  
977 services and overseas voters.—

978 (1) If an absent uniformed services voter's or an overseas  
979 voter's request for an official vote-by-mail ~~absentee~~ ballot  
980 pursuant to s. 101.62 includes an e-mail address, the supervisor  
981 of elections shall:

982 (a) Record the voter's e-mail address in the vote-by-mail  
983 ~~absentee~~ ballot record;

984 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~ ballot  
985 request was received and include in that e-mail the estimated  
986 date the vote-by-mail ~~absentee~~ ballot will be sent to the voter;  
987 and

988 (c) Notify the voter by e-mail when the voted vote-by-mail  
989 ~~absentee~~ ballot is received by the supervisor of elections.

990 (2) (a) An absent uniformed services voter or an overseas  
991 voter who makes timely application for but does not receive an  
992 official vote-by-mail ~~absentee~~ ballot may use the federal write-  
993 in absentee ballot to vote in any federal election and any state  
994 or local election involving two or more candidates.

995 (b)1. In an election for federal office, an elector may  
996 designate a candidate by writing the name of a candidate on the



921176

997 ballot. Except for a primary or special primary election, the  
998 elector may alternatively designate a candidate by writing the  
999 name of a political party on the ballot. A written designation  
1000 of the political party shall be counted as a vote for the  
1001 candidate of that party if there is such a party candidate in  
1002 the race.

1003         2. In an election for a state or local office, an elector  
1004 may vote in the section of the federal write-in absentee ballot  
1005 designated for nonfederal races by writing on the ballot the  
1006 title of each office and by writing on the ballot the name of  
1007 the candidate for whom the elector is voting. Except for a  
1008 primary, special primary, or nonpartisan election, the elector  
1009 may alternatively designate a candidate by writing the name of a  
1010 political party on the ballot. A written designation of the  
1011 political party shall be counted as a vote for the candidate of  
1012 that party if there is such a party candidate in the race.

1013         (c) In the case of a joint candidacy, such as for the  
1014 offices of President/Vice President or Governor/Lieutenant  
1015 Governor, a valid vote for one or both qualified candidates on  
1016 the same ticket shall constitute a vote for the joint candidacy.

1017         (d) For purposes of this subsection and except where the  
1018 context clearly indicates otherwise, such as where a candidate  
1019 in the election is affiliated with a political party whose name  
1020 includes the word "Independent," "Independence," or similar  
1021 term, a voter designation of "No Party Affiliation" or  
1022 "Independent," or any minor variation, misspelling, or  
1023 abbreviation thereof, shall be considered a designation for the  
1024 candidate, other than a write-in candidate, who qualified to run  
1025 in the race with no party affiliation. If more than one



921176

1026 candidate qualifies to run as a candidate with no party  
1027 affiliation, the designation shall not count for any candidate  
1028 unless there is a valid, additional designation of the  
1029 candidate's name.

1030 (e) Any abbreviation, misspelling, or other minor variation  
1031 in the form of the name of an office, the name of a candidate,  
1032 or the name of a political party must be disregarded in  
1033 determining the validity of the ballot.

1034 (3) (a) An absent uniformed services voter or an overseas  
1035 voter who submits a federal write-in absentee ballot and later  
1036 receives an official vote-by-mail ~~absentee~~ ballot may submit the  
1037 official vote-by-mail ~~absentee~~ ballot. An elector who submits a  
1038 federal write-in absentee ballot and later receives and submits  
1039 an official vote-by-mail ~~absentee~~ ballot should make every  
1040 reasonable effort to inform the appropriate supervisor of  
1041 elections that the elector has submitted more than one ballot.

1042 (b) A federal write-in absentee ballot may not be canvassed  
1043 until 7 p.m. on the day of the election. Each federal write-in  
1044 absentee ballot received by 7 p.m. on the day of the election  
1045 shall be canvassed pursuant to ss. 101.5614(5) and 101.68,  
1046 unless the elector's official vote-by-mail ~~absentee~~ ballot is  
1047 received by 7 p.m. on election day. If the elector's official  
1048 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election  
1049 day, the federal write-in absentee ballot is invalid and the  
1050 official vote-by-mail ~~absentee~~ ballot shall be canvassed. The  
1051 time shall be regulated by the customary time in standard use in  
1052 the county seat of the locality.

1053 (4) For vote-by-mail ~~absentee~~ ballots received from absent  
1054 uniformed services voters or overseas voters, there is a



921176

1055 presumption that the envelope was mailed on the date stated on  
1056 the outside of the return envelope, regardless of the absence of  
1057 a postmark on the mailed envelope or the existence of a postmark  
1058 date that is later than the date of the election.

1059 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas  
1060 voter in any presidential preference primary or general election  
1061 which is postmarked or dated no later than the date of the  
1062 election and is received by the supervisor of elections of the  
1063 county in which the overseas voter is registered no later than  
1064 10 days after the date of the election shall be counted as long  
1065 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1066 Section 43. Section 101.697, Florida Statutes, is amended  
1067 to read:

1068 101.697 Electronic transmission of election materials.—The  
1069 Department of State shall determine whether secure electronic  
1070 means can be established for receiving ballots from overseas  
1071 voters. If such security can be established, the department  
1072 shall adopt rules to authorize a supervisor of elections to  
1073 accept from an overseas voter a request for a vote-by-mail ~~an~~  
1074 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by  
1075 secure facsimile machine transmission or other secure electronic  
1076 means. The rules must provide that in order to accept a voted  
1077 ballot, the verification of the voter must be established, the  
1078 security of the transmission must be established, and each  
1079 ballot received must be recorded.

1080 Section 44. Paragraph (a) of subsection (4) of section  
1081 102.031, Florida Statutes, is amended to read:

1082 102.031 Maintenance of good order at polls; authorities;  
1083 persons allowed in polling rooms and early voting areas;



921176

1084 unlawful solicitation of voters.-

1085 (4) (a) No person, political committee, or other group or  
1086 organization may solicit voters inside the polling place or  
1087 within 100 feet of the entrance to any polling place, a polling  
1088 room where the polling place is also a polling room, an early  
1089 voting site, or an office of the supervisor of elections where  
1090 vote-by-mail ~~absentee~~ ballots are requested and printed on  
1091 demand for the convenience of electors who appear in person to  
1092 request them. Before the opening of the polling place or early  
1093 voting site, the clerk or supervisor shall designate the no-  
1094 solicitation zone and mark the boundaries.

1095 Section 45. Subsections (2), (3), and (4) of section  
1096 102.141, Florida Statutes, are amended to read:

1097 102.141 County canvassing board; duties.-

1098 (2) The county canvassing board shall meet in a building  
1099 accessible to the public in the county where the election  
1100 occurred at a time and place to be designated by the supervisor  
1101 of elections to publicly canvass the absent ~~absentee~~ electors'  
1102 ballots as provided for in s. 101.68 and provisional ballots as  
1103 provided by ss. 101.048, 101.049, and 101.6925. Provisional  
1104 ballots cast pursuant to s. 101.049 shall be canvassed in a  
1105 manner that votes for candidates and issues on those ballots can  
1106 be segregated from other votes. Public notice of the time and  
1107 place at which the county canvassing board shall meet to canvass  
1108 the absent ~~absentee~~ electors' ballots and provisional ballots  
1109 shall be given at least 48 hours prior thereto by publication on  
1110 the supervisor of elections' website and once in one or more  
1111 newspapers of general circulation in the county or, if there is  
1112 no newspaper of general circulation in the county, by posting



921176

1113 such notice in at least four conspicuous places in the county.  
1114 As soon as the absent ~~absentee~~ electors' ballots and the  
1115 provisional ballots are canvassed, the board shall proceed to  
1116 publicly canvass the vote given each candidate, nominee,  
1117 constitutional amendment, or other measure submitted to the  
1118 electorate of the county, as shown by the returns then on file  
1119 in the office of the supervisor of elections.

1120 (3) The canvass, except the canvass of absent ~~absentee~~  
1121 electors' returns and the canvass of provisional ballots, shall  
1122 be made from the returns and certificates of the inspectors as  
1123 signed and filed by them with the supervisor, and the county  
1124 canvassing board shall not change the number of votes cast for a  
1125 candidate, nominee, constitutional amendment, or other measure  
1126 submitted to the electorate of the county, respectively, in any  
1127 polling place, as shown by the returns. All returns shall be  
1128 made to the board on or before 2 a.m. of the day following any  
1129 primary, general, or other election. If the returns from any  
1130 precinct are missing, if there are any omissions on the returns  
1131 from any precinct, or if there is an obvious error on any such  
1132 returns, the canvassing board shall order a retabulation of the  
1133 returns from such precinct. Before canvassing such returns, the  
1134 canvassing board shall examine the tabulation of the ballots  
1135 cast in such precinct and determine whether the returns  
1136 correctly reflect the votes cast. If there is a discrepancy  
1137 between the returns and the tabulation of the ballots cast, the  
1138 tabulation of the ballots cast shall be presumed correct and  
1139 such votes shall be canvassed accordingly.

1140 (4) (a) The supervisor of elections shall upload into the  
1141 county's election management system by 7 p.m. on the day before





921176

1142 the election the results of all early voting and vote-by-mail  
1143 ~~absentee~~ ballots that have been canvassed and tabulated by the  
1144 end of the early voting period. Pursuant to ss. 101.5614(9),  
1145 101.657, and 101.68(2), the tabulation of votes cast or the  
1146 results of such uploads may not be made public before the close  
1147 of the polls on election day.

1148 (b) The canvassing board shall report all early voting and  
1149 all tabulated vote-by-mail ~~absentee~~ results to the Department of  
1150 State within 30 minutes after the polls close. Thereafter, the  
1151 canvassing board shall report, with the exception of provisional  
1152 ballot results, updated precinct election results to the  
1153 department at least every 45 minutes until all results are  
1154 completely reported. The supervisor of elections shall notify  
1155 the department immediately of any circumstances that do not  
1156 permit periodic updates as required. Results shall be submitted  
1157 in a format prescribed by the department.

1158 Section 46. Subsection (8) of section 102.168, Florida  
1159 Statutes, is amended to read:

1160 102.168 Contest of election.—

1161 (8) In any contest that requires a review of the canvassing  
1162 board's decision on the legality of a vote-by-mail ~~an absentee~~  
1163 ballot pursuant to s. 101.68 based upon a comparison of the  
1164 signature on the voter's certificate and the signature of the  
1165 elector in the registration records, the circuit court may not  
1166 review or consider any evidence other than the signature on the  
1167 voter's certificate and the signature of the elector in the  
1168 registration records. The court's review of such issue shall be  
1169 to determine only if the canvassing board abused its discretion  
1170 in making its decision.



921176

1171 Section 47. Subsection (1) of section 104.047, Florida  
1172 Statutes, is amended to read:

1173 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;  
1174 violations.—

1175 (1) Except as provided in s. 101.62 or s. 101.655, any  
1176 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf  
1177 of an elector is guilty of a felony of the third degree,  
1178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1179 Section 48. Paragraph (b) of subsection (2) of section  
1180 104.0515, Florida Statutes, is amended to read:

1181 104.0515 Voting rights; deprivation of, or interference  
1182 with, prohibited; penalty.—

1183 (2) No person acting under color of law shall:

1184 (b) Deny the right of any individual to vote in any  
1185 election because of an error or omission on any record or paper  
1186 relating to any application, registration, or other act  
1187 requisite to voting, if such error or omission is not material  
1188 in determining whether such individual is qualified under law to  
1189 vote in such election. This paragraph shall apply to vote-by-  
1190 mail ~~absentee~~ ballots only if there is a pattern or history of  
1191 discrimination on the basis of race, color, or previous  
1192 condition of servitude in regard to vote-by-mail ~~absentee~~  
1193 ballots.

1194 Section 49. Section 104.0616, Florida Statutes, is amended  
1195 to read:

1196 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;  
1197 violations.—

1198 (1) For purposes of this section, the term "immediate  
1199 family" means a person's spouse or the parent, child,



921176

1200 grandparent, or sibling of the person or the person's spouse.

1201 (2) Any person who provides or offers to provide, and any  
1202 person who accepts, a pecuniary or other benefit in exchange for  
1203 distributing, ordering, requesting, collecting, delivering, or  
1204 otherwise physically possessing more than two vote-by-mail  
1205 ~~absentee~~ ballots per election in addition to his or her own  
1206 ballot or a ballot belonging to an immediate family member,  
1207 except as provided in ss. 101.6105-101.694, commits a  
1208 misdemeanor of the first degree, punishable as provided in s.  
1209 775.082, s. 775.083, or s. 775.084.

1210 Section 50. Section 104.17, Florida Statutes, is amended to  
1211 read:

1212 104.17 Voting in person after casting vote-by-mail ~~absentee~~  
1213 ballot.—Any person who willfully votes or attempts to vote both  
1214 in person and by vote-by-mail ~~absentee~~ ballot at any election is  
1215 guilty of a felony of the third degree, punishable as provided  
1216 in s. 775.082, s. 775.083, or s. 775.084.

1217 Section 51. Paragraph (b) of subsection (2) of section  
1218 117.05, Florida Statutes, is amended to read:

1219 117.05 Use of notary commission; unlawful use; notary fee;  
1220 seal; duties; employer liability; name change; advertising;  
1221 photocopies; penalties.—

1222 (2)

1223 (b) A notary public may not charge a fee for witnessing a  
1224 vote-by-mail ~~an absentee~~ ballot in an election, and must witness  
1225 such a ballot upon the request of an elector, provided the  
1226 notarial act is in accordance with the provisions of this  
1227 chapter.

1228 Section 52. Subsection (7) of section 394.459, Florida



921176

1229 Statutes, is amended to read:

1230 394.459 Rights of patients.—

1231 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible  
1232 to vote according to the laws of the state has the right to vote  
1233 in the primary and general elections. The department shall  
1234 establish rules to enable patients to obtain voter registration  
1235 forms, applications for vote-by-mail absentee ballots, and vote-  
1236 by-mail absentee ballots.

1237 Section 53. Section 741.406, Florida Statutes, is amended  
1238 to read:

1239 741.406 Voting by program participant; use of designated  
1240 address by supervisor of elections.—A program participant who is  
1241 otherwise qualified to vote may request a vote-by-mail an  
1242 absentee ballot pursuant to s. 101.62. The program participant  
1243 shall automatically receive vote-by-mail absentee ballots for  
1244 all elections in the jurisdictions in which that individual  
1245 resides in the same manner as vote-by-mail absentee voters. The  
1246 supervisor of elections shall transmit the vote-by-mail absentee  
1247 ballot to the program participant at the address designated by  
1248 the participant in his or her application as a vote-by-mail an  
1249 absentee voter. The name, address, and telephone number of a  
1250 program participant may not be included in any list of  
1251 registered voters available to the public.

1252 Section 54. Subsection (7) of section 916.107, Florida  
1253 Statutes, is amended to read:

1254 916.107 Rights of forensic clients.—

1255 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is  
1256 eligible to vote according to the laws of the state has the  
1257 right to vote in the primary and general elections. The



921176

1258 department and agency shall establish rules to enable clients to  
1259 obtain voter registration forms, applications for vote-by-mail  
1260 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.

1261  
1262 ===== T I T L E A M E N D M E N T =====

1263 And the title is amended as follows:

1264 Delete line 30

1265 and insert:

1266 a primary election; amending ss. 97.012, 97.021,  
1267 97.026, 98.065, 98.077, 98.0981, 98.255, 101.051,  
1268 101.151, 101.5612, 101.5614, 101.572, 101.591,  
1269 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661,  
1270 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923,  
1271 101.6925, 101.694, 101.6951, 101.6952, 101.697,  
1272 102.031, 102.141, 102.168, 104.047, 104.0515 104.0616,  
1273 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.;  
1274 revising references of "absentee ballot" to "vote-by-  
1275 mail ballot"; conforming terminology to changes made  
1276 by the act; providing effective dates.