

1                                   A bill to be entitled  
 2           An act relating to vote-by-mail voting; amending ss.  
 3           97.012, 97.021, 97.026, 98.065, 98.077, 98.0981,  
 4           98.255, 101.051, 101.151, 101.5612, 101.5614, 101.572,  
 5           101.591, 101.6105, 101.62, 101.64, 101.65, 101.655,  
 6           101.661, 101.662, 101.67, 101.68, 101.69, 101.6921,  
 7           101.6923, 101.6925, 101.694, 101.6951, 101.6952,  
 8           101.697, 102.031, 102.141, 102.168, 104.047, 104.0616,  
 9           104.17, 117.05, 394.459, 741.406, and 916.107, F.S.;  
 10          revising references of "absentee ballot" to "vote-by-  
 11          mail ballot"; conforming terminology to changes made  
 12          by the act; providing an effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Subsection (13) of section 97.012, Florida  
 17   Statutes, is amended to read:

18           97.012 Secretary of State as chief election officer.—The  
 19   Secretary of State is the chief election officer of the state,  
 20   and it is his or her responsibility to:

21           (13) Designate an office within the department to be  
 22   responsible for providing information regarding voter  
 23   registration procedures and vote-by-mail ~~absentee~~ ballot  
 24   procedures to absent uniformed services voters and overseas  
 25   voters.

26           Section 2. Subsections (1) and (13) of section 97.021,

27 Florida Statutes, are amended to read:

28 97.021 Definitions.—For the purposes of this code, except  
29 where the context clearly indicates otherwise, the term:

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

32 (13) "Election costs" shall include, but not be limited  
33 to, expenditures for all paper supplies such as envelopes,  
34 instructions to voters, affidavits, reports, ballot cards,  
35 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,  
36 notices to voters; advertisements for registration book  
37 closings, testing of voting equipment, sample ballots, and  
38 polling places; forms used to qualify candidates; polling site  
39 rental and equipment delivery and pickup; data processing time  
40 and supplies; election records retention; and labor costs,  
41 including those costs uniquely associated with vote-by-mail  
42 ~~absentee~~ ballot preparation, poll workers, and election night  
43 canvass.

44 Section 3. Section 97.026, Florida Statutes, is amended to  
45 read:

46 97.026 Forms to be available in alternative formats and  
47 via the Internet.—It is the intent of the Legislature that all  
48 forms required to be used in chapters 97-106 shall be made  
49 available upon request, in alternative formats. Such forms shall  
50 include vote-by-mail ~~absentee~~ ballots as alternative formats for  
51 such ballots become available and the Division of Elections is  
52 able to certify systems that provide them. Whenever possible,

53 such forms, with the exception of vote-by-mail ~~absentee~~ ballots,  
54 shall be made available by the Department of State via the  
55 Internet. Sections that contain such forms include, but are not  
56 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,  
57 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,  
58 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,  
59 101.657, 105.031, 106.023, and 106.087.

60 Section 4. Paragraph (c) of subsection (4) of section  
61 98.065, Florida Statutes, is amended to read:

62 98.065 Registration list maintenance programs.—

63 (4)

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

79 the statewide voter registration system.

80 Section 5. Subsection (4) of section 98.077, Florida  
 81 Statutes, is amended to read:

82 98.077 Update of voter signature.—

83 (4) All signature updates for use in verifying vote-by-  
 84 mail ~~absentee~~ and provisional ballots must be received by the  
 85 appropriate supervisor of elections no later than the start of  
 86 the canvassing of vote-by-mail ~~absentee~~ ballots by the  
 87 canvassing board. The signature on file at the start of the  
 88 canvass of the vote-by-mail ~~absentee~~ ballots is the signature  
 89 that shall be used in verifying the signature on the vote-by-  
 90 mail ~~absentee~~ and provisional ballot certificates.

91 Section 6. Paragraphs (b) and (d) of subsection (1) and  
 92 paragraph (a) of subsection (2) of section 98.0981, Florida  
 93 Statutes, are amended to read:

94 98.0981 Reports; voting history; statewide voter  
 95 registration system information; precinct-level election  
 96 results; book closing statistics.—

97 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
 98 INFORMATION.—

99 (b) After receipt of the information in paragraph (a), the  
 100 department shall prepare a report in electronic format which  
 101 contains the following information, separately compiled for the  
 102 primary and general election for all voters qualified to vote in  
 103 either election:

104 1. The unique identifier assigned to each qualified voter

105 within the statewide voter registration system;

106 2. All information provided by each qualified voter on his  
107 or her voter registration application pursuant to s. 97.052(2),  
108 except that which is confidential or exempt from public records  
109 requirements;

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

111 4. Each qualified voter's current state representative  
112 district, state senatorial district, and congressional district,  
113 assigned by the supervisor of elections;

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

115 6. Voting history as transmitted under paragraph (a) to  
116 include whether the qualified voter voted at a precinct  
117 location, voted during the early voting period, voted by vote-  
118 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail  
119 ~~absentee~~ ballot that was not counted, attempted to vote by  
120 provisional ballot that was not counted, or did not vote.

121 (d) File specifications are as follows:

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

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

128 b. Voted at a precinct location using a provisional ballot  
129 that was subsequently counted.

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

- 131 d. Voted during the early voting period using a  
 132 provisional ballot that was subsequently counted.
- 133 e. Voted by vote-by-mail ~~absentee~~ ballot.
- 134 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but  
 135 the ballot was not counted.
- 136 g. Attempted to vote by provisional ballot, but the ballot  
 137 was not counted in that election.
- 138 2. Each file shall be created or converted into a tab-  
 139 delimited format.
- 140 3. File names shall adhere to the following convention:
- 141 a. Three-character county identifier as established by the  
 142 department followed by an underscore.
- 143 b. Followed by four-character file type identifier of  
 144 'VH03' followed by an underscore.
- 145 c. Followed by FVRS election ID followed by an underscore.
- 146 d. Followed by Date Created followed by an underscore.
- 147 e. Date format is YYYYMMDD.
- 148 f. Followed by Time Created - HHMMSS.
- 149 g. Followed by ".txt".
- 150 4. Each record shall contain the following columns: Record  
 151 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
 152 Date, Vote History Code, Precinct, Congressional District, House  
 153 District, Senate District, County Commission District, and  
 154 School Board District.
- 155 (2) PRECINCT-LEVEL ELECTION RESULTS.—
- 156 (a) Within 30 days after certification by the Elections

157 Canvassing Commission of a presidential preference primary  
 158 election, special election, primary election, or general  
 159 election, the supervisors of elections shall collect and submit  
 160 to the department precinct-level election results for the  
 161 election in a uniform electronic format specified by paragraph  
 162 (c). The precinct-level election results shall be compiled  
 163 separately for the primary or special primary election that  
 164 preceded the general or special general election, respectively.  
 165 The results shall specifically include for each precinct the  
 166 total of all ballots cast for each candidate or nominee to fill  
 167 a national, state, county, or district office or proposed  
 168 constitutional amendment, with subtotals for each candidate and  
 169 ballot type, unless fewer than 10 voters voted a ballot type.  
 170 "All ballots cast" means ballots cast by voters who cast a  
 171 ballot whether at a precinct location, by vote-by-mail ~~absentee~~  
 172 ballot including overseas vote-by-mail ~~absentee~~ ballots, during  
 173 the early voting period, or by provisional ballot.

174 Section 7. Paragraph (b) of subsection (1) of section  
 175 98.255, Florida Statutes, is amended to read:

176 98.255 Voter education programs.—

177 (1) The Department of State shall adopt rules prescribing  
 178 minimum standards for nonpartisan voter education. The standards  
 179 shall, at a minimum, address:

180 (a) Voter registration;

181 (b) Balloting procedures, by mail ~~absentee~~ and polling  
 182 place;

- 183 (c) Voter rights and responsibilities;
- 184 (d) Distribution of sample ballots; and
- 185 (e) Public service announcements.

186 Section 8. Subsection (3) of section 101.051, Florida  
 187 Statutes, is amended to read:

188 101.051 Electors seeking assistance in casting ballots;  
 189 oath to be executed; forms to be furnished.—

190 (3) Any elector applying to cast a vote-by-mail ~~an~~  
 191 ~~absentee~~ ballot in the office of the supervisor, in any  
 192 election, who requires assistance to vote by reason of  
 193 blindness, disability, or inability to read or write may request  
 194 the assistance of some person of his or her own choice, other  
 195 than the elector's employer, an agent of the employer, or an  
 196 officer or agent of his or her union, in casting his or her  
 197 vote-by-mail ~~absentee~~ ballot.

198 Section 9. Paragraph (b) of subsection (1) of section  
 199 101.151, Florida Statutes, is amended to read:

200 101.151 Specifications for ballots.—

201 (1)

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

207 Section 10. Subsection (3) of section 101.5612, Florida  
 208 Statutes, is amended to read:



209 101.5612 Testing of tabulating equipment.—

210 (3) For electronic or electromechanical voting systems  
211 configured to tabulate vote-by-mail ~~absentee~~ ballots at a  
212 central or regional site, the public testing shall be conducted  
213 by processing a preaudited group of ballots so produced as to  
214 record a predetermined number of valid votes for each candidate  
215 and on each measure and to include one or more ballots for each  
216 office which have activated voting positions in excess of the  
217 number allowed by law in order to test the ability of the  
218 automatic tabulating equipment to reject such votes. If any  
219 error is detected, the cause therefor shall be corrected and an  
220 errorless count shall be made before the automatic tabulating  
221 equipment is approved. The test shall be repeated and errorless  
222 results achieved immediately before the start of the official  
223 count of the ballots and again after the completion of the  
224 official count. The programs and ballots used for testing shall  
225 be sealed and retained under the custody of the county  
226 canvassing board.

227 Section 11. Paragraph (a) of subsection (5) and  
228 subsections (7) and (8) of section 101.5614, Florida Statutes,  
229 are amended to read:

230 101.5614 Canvass of returns.—

231 (5) (a) If any vote-by-mail ~~absentee~~ ballot is physically  
232 damaged so that it cannot properly be counted by the automatic  
233 tabulating equipment, a true duplicate copy shall be made of the  
234 damaged ballot in the presence of witnesses and substituted for

235 the damaged ballot. Likewise, a duplicate ballot shall be made  
236 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted  
237 race or a marked vote-by-mail ~~absentee~~ ballot in which every  
238 race is undervoted which shall include all valid votes as  
239 determined by the canvassing board based on rules adopted by the  
240 division pursuant to s. 102.166(4). All duplicate ballots shall  
241 be clearly labeled "duplicate," bear a serial number which shall  
242 be recorded on the defective ballot, and be counted in lieu of  
243 the defective ballot. After a ballot has been duplicated, the  
244 defective ballot shall be placed in an envelope provided for  
245 that purpose, and the duplicate ballot shall be tallied with the  
246 other ballots for that precinct.

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

251 (8) The return printed by the automatic tabulating  
252 equipment, to which has been added the return of write-in, vote-  
253 by-mail ~~absentee~~, and manually counted votes and votes from  
254 provisional ballots, shall constitute the official return of the  
255 election upon certification by the canvassing board. Upon  
256 completion of the count, the returns shall be open to the  
257 public. A copy of the returns may be posted at the central  
258 counting place or at the office of the supervisor of elections  
259 in lieu of the posting of returns at individual precincts.

260 Section 12. Section 101.572, Florida Statutes, is amended

261 to read:

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

278 Section 13. Paragraphs (a) and (b) of subsection (2) of  
 279 section 101.591, Florida Statutes, are amended to read:

280 101.591 Voting system audit.—

281 (2)(a) A manual audit shall consist of a public manual  
 282 tally of the votes cast in one randomly selected race that  
 283 appears on the ballot. The tally sheet shall include election-  
 284 day, vote-by-mail ~~absentee~~, early voting, provisional, and  
 285 overseas ballots, in at least 1 percent but no more than 2  
 286 percent of the precincts chosen at random by the county

287 canvassing board or the local board responsible for certifying  
 288 the election. If 1 percent of the precincts is less than one  
 289 entire precinct, the audit shall be conducted using at least one  
 290 precinct chosen at random by the county canvassing board or the  
 291 local board responsible for certifying the election. Such  
 292 precincts shall be selected at a publicly noticed canvassing  
 293 board meeting.

294 (b) An automated audit shall consist of a public automated  
 295 tally of the votes cast across every race that appears on the  
 296 ballot. The tally sheet shall include election day, vote-by-mail  
 297 ~~absentee~~, early voting, provisional, and overseas ballots in at  
 298 least 20 percent of the precincts chosen at random by the county  
 299 canvassing board or the local board responsible for certifying  
 300 the election. Such precincts shall be selected at a publicly  
 301 noticed canvassing board meeting.

302 Section 14. Section 101.6105, Florida Statutes, is amended  
 303 to read:

304 101.6105 Vote-by-mail ~~Absentee~~ voting.—The provisions of  
 305 the election code relating to vote-by-mail ~~absentee~~ voting and  
 306 vote-by-mail ~~absentee~~ ballots shall apply to elections under ss.  
 307 101.6101-101.6107 only insofar as they do not conflict with the  
 308 provisions of ss. 101.6101-101.6107.

309 Section 15. Section 101.62, Florida Statutes, is amended  
 310 to read:

311 101.62 Request for vote-by-mail ~~absentee~~ ballots.—

312 (1) (a) The supervisor shall accept a request for a vote-

313 by-mail ~~an absentee~~ ballot from an elector in person or in  
314 writing. One request shall be deemed sufficient to receive a  
315 vote-by-mail ~~an absentee~~ ballot for all elections through the  
316 end of the calendar year of the second ensuing regularly  
317 scheduled general election, unless the elector or the elector's  
318 designee indicates at the time the request is made the elections  
319 for which the elector desires to receive a vote-by-mail ~~an~~  
320 ~~absentee~~ ballot. Such request may be considered canceled when  
321 any first-class mail sent by the supervisor to the elector is  
322 returned as undeliverable.

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

339 must disclose:

- 340 1. The name of the elector for whom the ballot is
- 341 requested.
- 342 2. The elector's address.
- 343 3. The elector's date of birth.
- 344 4. The requester's name.
- 345 5. The requester's address.
- 346 6. The requester's driver license number, if available.
- 347 7. The requester's relationship to the elector.
- 348 8. The requester's signature (written requests only).

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

354 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be  
 355 mailed to a voter must be received no later than 5 p.m. on the  
 356 sixth day before the election by the supervisor of elections.  
 357 The supervisor of elections shall mail vote-by-mail ~~absentee~~  
 358 ballots to voters requesting ballots by such deadline no later  
 359 than 4 days before the election.

360 (3) For each request for a vote-by-mail ~~an absentee~~ ballot  
 361 received, the supervisor shall record the date the request was  
 362 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to  
 363 the voter or the voter's designee or the date the vote-by-mail  
 364 ~~absentee~~ ballot was delivered to the post office or other

365 carrier, the date the ballot was received by the supervisor, the  
366 absence of the voter's signature on the voter's certificate, if  
367 applicable, and such other information he or she may deem  
368 necessary. This information shall be provided in electronic  
369 format as provided by rule adopted by the division. The  
370 information shall be updated and made available no later than 8  
371 a.m. of each day, including weekends, beginning 60 days before  
372 the primary until 15 days after the general election and shall  
373 be contemporaneously provided to the division. This information  
374 shall be confidential and exempt from s. 119.07(1) and shall be  
375 made available to or reproduced only for the voter requesting  
376 the ballot, a canvassing board, an election official, a  
377 political party or official thereof, a candidate who has filed  
378 qualification papers and is opposed in an upcoming election, and  
379 registered political committees for political purposes only.

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

386 (b) The supervisor of elections shall mail a vote-by-mail  
387 ~~an absentee~~ ballot to each absent qualified voter, other than  
388 those listed in paragraph (a), who has requested such a ballot,  
389 between the 35th and 28th days before the presidential  
390 preference primary election, primary election, and general

391 election. Except as otherwise provided in subsection (2) and  
392 after the period described in this paragraph, the supervisor  
393 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days  
394 after receiving a request for such a ballot.

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

398 1. By nonforwardable, return-if-undeliverable mail to the  
399 elector's current mailing address on file with the supervisor or  
400 any other address the elector specifies in the request.

401 2. By forwardable mail, e-mail, or facsimile machine  
402 transmission to absent uniformed services voters and overseas  
403 voters. The absent uniformed services voter or overseas voter  
404 may designate in the vote-by-mail ~~absentee~~ ballot request the  
405 preferred method of transmission. If the voter does not  
406 designate the method of transmission, the vote-by-mail ~~absentee~~  
407 ballot shall be mailed.

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

411 4. By delivery to a designee on election day or up to 5  
412 days prior to the day of an election. Any elector may designate  
413 in writing a person to pick up the ballot for the elector;  
414 however, the person designated may not pick up more than two  
415 vote-by-mail ~~absentee~~ ballots per election, other than the  
416 designee's own ballot, except that additional ballots may be



417 | picked up for members of the designee's immediate family. For  
418 | purposes of this section, "immediate family" means the  
419 | designee's spouse or the parent, child, grandparent, or sibling  
420 | of the designee or of the designee's spouse. The designee shall  
421 | provide to the supervisor the written authorization by the  
422 | elector and a picture identification of the designee and must  
423 | complete an affidavit. The designee shall state in the affidavit  
424 | that the designee is authorized by the elector to pick up that  
425 | ballot and shall indicate if the elector is a member of the  
426 | designee's immediate family and, if so, the relationship. The  
427 | department shall prescribe the form of the affidavit. If the  
428 | supervisor is satisfied that the designee is authorized to pick  
429 | up the ballot and that the signature of the elector on the  
430 | written authorization matches the signature of the elector on  
431 | file, the supervisor shall give the ballot to that designee for  
432 | delivery to the elector.

433 |         5. Except as provided in s. 101.655, the supervisor may  
434 | not deliver a vote-by-mail ~~an absentee~~ ballot to an elector or  
435 | an elector's immediate family member on the day of the election  
436 | unless there is an emergency, to the extent that the elector  
437 | will be unable to go to his or her assigned polling place. If a  
438 | vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his  
439 | or her designee shall execute an affidavit affirming to the  
440 | facts which allow for delivery of the vote-by-mail ~~absentee~~  
441 | ballot. The department shall adopt a rule providing for the form  
442 | of the affidavit.

443 (5) If the department is unable to certify candidates for  
 444 an election in time to comply with paragraph (4) (a), the  
 445 Department of State is authorized to prescribe rules for a  
 446 ballot to be sent to absent uniformed services voters and  
 447 overseas voters.

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

451 Section 16. Subsections (1) and (4) of section 101.64,  
 452 Florida Statutes, are amended to read:

453 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;  
 454 envelopes; form.—

455 (1) The supervisor shall enclose with each vote-by-mail  
 456 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which  
 457 the absent elector shall enclose his or her marked ballot; and a  
 458 mailing envelope, into which the absent elector shall then place  
 459 the secrecy envelope, which shall be addressed to the supervisor  
 460 and also bear on the back side a certificate in substantially  
 461 the following form:

462  
 463 Note: Please Read Instructions Carefully Before  
 464 Marking Ballot and Completing Voter's Certificate.

465  
 466 VOTER'S CERTIFICATE

467 I, . . . ., do solemnly swear or affirm that I am a qualified  
 468 and registered voter of . . . . County, Florida, and that I have



495 are an overseas voter casting a ballot in a presidential  
496 preference primary or general election, your vote-by-mail  
497 ~~absentee~~ ballot must be postmarked or dated no later than the  
498 date of the election and received by the supervisor of elections  
499 of the county in which you are registered to vote no later than  
500 10 days after the date of the election.

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

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

508 4. Place your marked ballot in the enclosed secrecy  
509 envelope.

510 5. Insert the secrecy envelope into the enclosed mailing  
511 envelope which is addressed to the supervisor.

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

514 7. VERY IMPORTANT. In order for your vote-by-mail ~~absentee~~  
515 ballot to be counted, you must sign your name on the line above  
516 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be  
517 considered illegal and not be counted if the signature on the  
518 voter's certificate does not match the signature on record. The  
519 signature on file at the start of the canvass of the vote-by-  
520 mail ~~absentee~~ ballots is the signature that will be used to

521 verify your signature on the voter's certificate. If you need to  
522 update your signature for this election, send your signature  
523 update on a voter registration application to your supervisor of  
524 elections so that it is received no later than the start of the  
525 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
526 earlier than the 15th day before election day.

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

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

532 10. FELONY NOTICE. It is a felony under Florida law to  
533 accept any gift, payment, or gratuity in exchange for your vote  
534 for a candidate. It is also a felony under Florida law to vote  
535 in an election using a false identity or false address, or under  
536 any other circumstances making your ballot false or fraudulent.

537 Section 18. Subsections (1) and (2) of section 101.655,  
538 Florida Statutes, are amended to read:

539 101.655 Supervised voting by absent electors in certain  
540 facilities.—

541 (1) The supervisor of elections of a county shall provide  
542 supervised voting for absent electors residing in any assisted  
543 living facility, as defined in s. 429.02, or nursing home  
544 facility, as defined in s. 400.021, within that county at the  
545 request of any administrator of such a facility. Such request  
546 for supervised voting in the facility shall be made by

547 submitting a written request to the supervisor of elections no  
548 later than 21 days prior to the election for which that request  
549 is submitted. The request shall specify the name and address of  
550 the facility and the name of the electors who wish to vote by  
551 mail ~~absentee~~ in that election. If the request contains the  
552 names of fewer than five voters, the supervisor of elections is  
553 not required to provide supervised voting.

554 (2) The supervisor of elections may, in the absence of a  
555 request from the administrator of a facility, provide for  
556 supervised voting in the facility for those persons who have  
557 requested vote-by-mail ~~absentee~~ ballots. The supervisor of  
558 elections shall notify the administrator of the facility that  
559 supervised voting will occur.

560 Section 19. Section 101.661, Florida Statutes, is amended  
561 to read:

562 101.661 Voting vote-by-mail ~~absentee~~ ballots.—All electors  
563 must personally mark or designate their choices on the vote-by-  
564 mail ~~absentee~~ ballot, except:

565 (1) Electors who require assistance to vote because of  
566 blindness, disability, or inability to read or write, who may  
567 have some person of the elector's choice, other than the  
568 elector's employer, an agent of the employer, or an officer or  
569 agent of the elector's union, mark the elector's choices or  
570 assist the elector in marking his or her choices on the ballot.

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

572 Section 20. Section 101.662, Florida Statutes, is amended

573 to read:

574 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It  
575 is the intent of the Legislature that voting by vote-by-mail  
576 ~~absentee~~ ballot be by methods that are fully accessible to all  
577 voters, including voters having a disability. The Department of  
578 State shall work with the supervisors of elections and the  
579 disability community to develop and implement procedures and  
580 technologies, as possible, which will include procedures for  
581 providing vote-by-mail ~~absentee~~ ballots, upon request, in  
582 alternative formats that will allow all voters to cast a secret,  
583 independent, and verifiable vote-by-mail ~~absentee~~ ballot without  
584 the assistance of another person.

585 Section 21. Section 101.67, Florida Statutes, is amended  
586 to read:

587 101.67 Safekeeping of mailed ballots; deadline for  
588 receiving vote-by-mail ~~absentee~~ ballots.—

589 (1) The supervisor of elections shall safely keep in his  
590 or her office any envelopes received containing marked ballots  
591 of absent electors, and he or she shall, before the canvassing  
592 of the election returns, deliver the envelopes to the county  
593 canvassing board along with his or her file or list kept  
594 regarding said ballots.

595 (2) Except as provided in s. 101.6952(5), all marked  
596 absent electors' ballots to be counted must be received by the  
597 supervisor by 7 p.m. the day of the election. All ballots  
598 received thereafter shall be marked with the time and date of

599 receipt and filed in the supervisor's office.

600 Section 22. Section 101.68, Florida Statutes, is amended  
601 to read:

602 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.—

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

620 (2) (a) The county canvassing board may begin the  
621 canvassing of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the  
622 15th day before the election, but not later than noon on the day  
623 following the election. In addition, for any county using  
624 electronic tabulating equipment, the processing of vote-by-mail



625 ~~absentee~~ ballots through such tabulating equipment may begin at  
626 7 a.m. on the 15th day before the election. However,  
627 notwithstanding any such authorization to begin canvassing or  
628 otherwise processing vote-by-mail ~~absentee~~ ballots early, no  
629 result shall be released until after the closing of the polls in  
630 that county on election day. Any supervisor of elections, deputy  
631 supervisor of elections, canvassing board member, election board  
632 member, or election employee who releases the results of a  
633 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior  
634 to the closing of the polls in that county on election day  
635 commits a felony of the third degree, punishable as provided in  
636 s. 775.082, s. 775.083, or s. 775.084.

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

642 (c)1. The canvassing board shall, if the supervisor has  
643 not already done so, compare the signature of the elector on the  
644 voter's certificate or on the vote-by-mail ~~absentee~~ ballot  
645 affidavit as provided in subsection (4) with the signature of  
646 the elector in the registration books or the precinct register  
647 to see that the elector is duly registered in the county and to  
648 determine the legality of that vote-by-mail ~~absentee~~ ballot. The  
649 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot  
650 shall be counted even if the elector dies on or before election

651 day, as long as, prior to the death of the voter, the ballot was  
652 postmarked by the United States Postal Service, date-stamped  
653 with a verifiable tracking number by a common carrier, or  
654 already in the possession of the supervisor of elections. A  
655 vote-by-mail ~~An absentee~~ ballot shall be considered illegal if  
656 the voter's certificate or vote-by-mail ~~absentee~~ ballot  
657 affidavit does not include the signature of the elector, as  
658 shown by the registration records or the precinct register.  
659 However, a vote-by-mail ~~an absentee~~ ballot is not considered  
660 illegal if the signature of the elector does not cross the seal  
661 of the mailing envelope. If the canvassing board determines that  
662 any ballot is illegal, a member of the board shall, without  
663 opening the envelope, mark across the face of the envelope:  
664 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot  
665 affidavit, if applicable, the envelope, and the ballot contained  
666 therein shall be preserved in the manner that official ballots  
667 voted are preserved.

668 2. If any elector or candidate present believes that a  
669 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect  
670 apparent on the voter's certificate or the vote-by-mail ~~absentee~~  
671 ballot affidavit, he or she may, at any time before the ballot  
672 is removed from the envelope, file with the canvassing board a  
673 protest against the canvass of that ballot, specifying the  
674 precinct, the ballot, and the reason he or she believes the  
675 ballot to be illegal. A challenge based upon a defect in the  
676 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit

677 | may not be accepted after the ballot has been removed from the  
678 | mailing envelope.

679 |         (d) The canvassing board shall record the ballot upon the  
680 | proper record, unless the ballot has been previously recorded by  
681 | the supervisor. The mailing envelopes shall be opened and the  
682 | secrecy envelopes shall be mixed so as to make it impossible to  
683 | determine which secrecy envelope came out of which signed  
684 | mailing envelope; however, in any county in which an electronic  
685 | or electromechanical voting system is used, the ballots may be  
686 | sorted by ballot styles and the mailing envelopes may be opened  
687 | and the secrecy envelopes mixed separately for each ballot  
688 | style. The votes on vote-by-mail ~~absentee~~ ballots shall be  
689 | included in the total vote of the county.

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

694 |         (4) (a) The supervisor of elections shall, on behalf of the  
695 | county canvassing board, notify each elector whose ballot was  
696 | rejected as illegal and provide the specific reason the ballot  
697 | was rejected. The supervisor shall mail a voter registration  
698 | application to the elector to be completed indicating the  
699 | elector's current signature if the elector's ballot was rejected  
700 | due to a difference between the elector's signature on the  
701 | voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit  
702 | and the elector's signature in the registration books or

703 precinct register. This section does not prohibit the supervisor  
 704 from providing additional methods for updating an elector's  
 705 signature.

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

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

714  
 715 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

716 I, ....., am a qualified voter in this election and  
 717 registered voter of .... County, Florida. I do solemnly swear or  
 718 affirm that I requested and returned the vote-by-mail ~~absentee~~  
 719 ballot and that I have not and will not vote more than one  
 720 ballot in this election. I understand that if I commit or  
 721 attempt any fraud in connection with voting, vote a fraudulent  
 722 ballot, or vote more than once in an election, I may be  
 723 convicted of a felony of the third degree and fined up to \$5,000  
 724 and imprisoned for up to 5 years. I understand that my failure  
 725 to sign this affidavit means that my vote-by-mail ~~absentee~~  
 726 ballot will be invalidated.

727  
 728 ... (Voter's Signature) ...

729  
730 ... (Address) ...

731  
732 (d) Instructions must accompany the vote-by-mail absentee  
733 ballot affidavit in substantially the following form:

734  
735 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
736 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
737 BALLOT NOT TO COUNT.

738  
739 1. In order to ensure that your vote-by-mail absentee  
740 ballot will be counted, your affidavit should be completed and  
741 returned as soon as possible so that it can reach the supervisor  
742 of elections of the county in which your precinct is located no  
743 later than 5 p.m. on the 2nd day before the election.

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

746 3. You must make a copy of one of the following forms of  
747 identification:

748 a. Identification that includes your name and photograph:  
749 United States passport; debit or credit card; military  
750 identification; student identification; retirement center  
751 identification; neighborhood association identification; or  
752 public assistance identification; or

753 b. Identification that shows your name and current  
754 residence address: current utility bill, bank statement,

755 government check, paycheck, or government document (excluding  
756 voter identification card).

757 4. Place the envelope bearing the affidavit into a mailing  
758 envelope addressed to the supervisor. Insert a copy of your  
759 identification in the mailing envelope. Mail, deliver, or have  
760 delivered the completed affidavit along with the copy of your  
761 identification to your county supervisor of elections. Be sure  
762 there is sufficient postage if mailed and that the supervisor's  
763 address is correct.

764 5. Alternatively, you may fax or e-mail your completed  
765 affidavit and a copy of your identification to the supervisor of  
766 elections. If e-mailing, please provide these documents as  
767 attachments.

768 (e) The department and each supervisor shall include the  
769 affidavit and instructions on their respective websites. The  
770 supervisor must include his or her office's mailing address, e-  
771 mail address, and fax number on the page containing the  
772 affidavit instructions; the department's instruction page must  
773 include the office mailing addresses, e-mail addresses, and fax  
774 numbers of all supervisors of elections or provide a conspicuous  
775 link to such addresses.

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

778 Section 23. Section 101.69, Florida Statutes, is amended  
779 to read:

780 101.69 Voting in person; return of vote-by-mail ~~absentee~~

781 ballot.—The provisions of this code shall not be construed to  
782 prohibit any elector from voting in person at the elector's  
783 precinct on the day of an election or at an early voting site,  
784 notwithstanding that the elector has requested a vote-by-mail ~~an~~  
785 ~~absentee~~ ballot for that election. An elector who has returned a  
786 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,  
787 is deemed to have cast his or her ballot and is not entitled to  
788 vote another ballot or to have a provisional ballot counted by  
789 the county canvassing board. An elector who has received a vote-  
790 by-mail ~~an absentee~~ ballot and has not returned the voted ballot  
791 to the supervisor, but desires to vote in person, shall return  
792 the ballot, whether voted or not, to the election board in the  
793 elector's precinct or to an early voting site. The returned  
794 ballot shall be marked "canceled" by the board and placed with  
795 other canceled ballots. However, if the elector does not return  
796 the ballot and the election official:

797 (1) Confirms that the supervisor has received the  
798 elector's vote-by-mail ~~absentee~~ ballot, the elector shall not be  
799 allowed to vote in person. If the elector maintains that he or  
800 she has not returned the vote-by-mail ~~absentee~~ ballot or remains  
801 eligible to vote, the elector shall be provided a provisional  
802 ballot as provided in s. 101.048.

803 (2) Confirms that the supervisor has not received the  
804 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be  
805 allowed to vote in person as provided in this code. The  
806 elector's vote-by-mail ~~absentee~~ ballot, if subsequently

807 received, shall not be counted and shall remain in the mailing  
 808 envelope, and the envelope shall be marked "Rejected as  
 809 Illegal."

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

813 Section 24. Subsections (1) and (2) of section 101.6921,  
 814 Florida Statutes, are amended to read:

815 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot  
 816 to certain first-time voters.—

817 (1) The provisions of this section apply to voters who are  
 818 subject to the provisions of s. 97.0535 and who have not  
 819 provided the identification or certification required by s.  
 820 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

821 (2) The supervisor shall enclose with each vote-by-mail  
 822 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which  
 823 the absent elector will enclose his or her marked ballot; an  
 824 envelope containing the Voter's Certificate, into which the  
 825 absent elector shall place the secrecy envelope; and a mailing  
 826 envelope, which shall be addressed to the supervisor and into  
 827 which the absent elector will place the envelope containing the  
 828 Voter's Certificate and a copy of the required identification.

829 Section 25. Section 101.6923, Florida Statutes, is amended  
 830 to read:

831 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions  
 832 for certain first-time voters.—



833 (1) The provisions of this section apply to voters who are  
834 subject to the provisions of s. 97.0535 and who have not  
835 provided the identification or information required by s.  
836 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

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

840

841 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
842 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
843 YOUR BALLOT NOT TO COUNT.

844

845 1. In order to ensure that your vote-by-mail ~~absentee~~  
846 ballot will be counted, it should be completed and returned as  
847 soon as possible so that it can reach the supervisor of  
848 elections of the county in which your precinct is located no  
849 later than 7 p.m. on the date of the election. However, if you  
850 are an overseas voter casting a ballot in a presidential  
851 preference primary or general election, your vote-by-mail  
852 ~~absentee~~ ballot must be postmarked or dated no later than the  
853 date of the election and received by the supervisor of elections  
854 of the county in which you are registered to vote no later than  
855 10 days after the date of the election.

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

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

863 4. Place your marked ballot in the enclosed secrecy  
864 envelope and seal the envelope.

865 5. Insert the secrecy envelope into the enclosed envelope  
866 bearing the Voter's Certificate. Seal the envelope and  
867 completely fill out the Voter's Certificate on the back of the  
868 envelope.

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

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

874 c. A vote-by-mail ~~An absentee~~ ballot will be considered  
875 illegal and will not be counted if the signature on the Voter's  
876 Certificate does not match the signature on record. The  
877 signature on file at the start of the canvass of the vote-by-  
878 mail ~~absentee~~ ballots is the signature that will be used to  
879 verify your signature on the Voter's Certificate. If you need to  
880 update your signature for this election, send your signature  
881 update on a voter registration application to your supervisor of  
882 elections so that it is received no later than the start of  
883 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
884 earlier than the 15th day before election day.

885           6. Unless you meet one of the exemptions in Item 7., you  
886 must make a copy of one of the following forms of  
887 identification:

888           a. Identification which must include your name and  
889 photograph: United States passport; debit or credit card;  
890 military identification; student identification; retirement  
891 center identification; neighborhood association identification;  
892 or public assistance identification; or

893           b. Identification which shows your name and current  
894 residence address: current utility bill, bank statement,  
895 government check, paycheck, or government document (excluding  
896 voter identification card).

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

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

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

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

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

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

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

912 8. Place the envelope bearing the Voter's Certificate into  
 913 the mailing envelope addressed to the supervisor. Insert a copy  
 914 of your identification in the mailing envelope. DO NOT PUT YOUR  
 915 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 916 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 917 BALLOT WILL NOT COUNT.

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

920 10. FELONY NOTICE. It is a felony under Florida law to  
 921 accept any gift, payment, or gratuity in exchange for your vote  
 922 for a candidate. It is also a felony under Florida law to vote  
 923 in an election using a false identity or false address, or under  
 924 any other circumstances making your ballot false or fraudulent.

925 Section 26. Subsections (1) and (2) of section 101.6925,  
 926 Florida Statutes, are amended to read:

927 101.6925 Canvassing special vote-by-mail ~~absentee~~  
 928 ballots.—

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

935 (2) If the identification is enclosed or the voter has  
 936 indicated that he or she is exempt from the identification

937 requirements, the supervisor shall make the note on the  
938 registration records of the voter and proceed to canvass the  
939 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

940 Section 27. Section 101.694, Florida Statutes, is amended  
941 to read:

942 101.694 Mailing of ballots upon receipt of federal  
943 postcard application.—

944 (1) Upon receipt of a federal postcard application for a  
945 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
946 registration is in order or whose application is sufficient to  
947 register or update the registration of that person, the  
948 supervisor shall send the ballot in accordance with s.  
949 101.62(4).

950 (2) Upon receipt of a federal postcard application for a  
951 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
952 registration is not in order and whose application is  
953 insufficient to register or update the registration of that  
954 person, the supervisor shall follow the procedure set forth in  
955 s. 97.073.

956 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters  
957 entitled to vote by mail ~~absentee~~ under the Uniformed and  
958 Overseas Citizens Absentee Voting Act shall meet the  
959 specifications as determined by the Federal Voting Assistance  
960 Program of the United States Department of Defense and the  
961 United States Postal Service.

962 (4) Cognizance shall be taken of the fact that vote-by-

963 mail ~~absentee~~ ballots and other materials such as instructions  
 964 and envelopes are to be carried via air mail, and, to the  
 965 maximum extent possible, such ballots and materials shall be  
 966 reduced in size and weight of paper. The same ballot shall be  
 967 used, however, as is used by other vote-by-mail ~~absentee~~ voters.

968 Section 28. Subsections (1) and (4) of section 101.6951,  
 969 Florida Statutes, are amended to read:

970 101.6951 State write-in vote-by-mail ballot.—

971 (1) An overseas voter may request, not earlier than 180  
 972 days before a general election, a state write-in vote-by-mail  
 973 ~~absentee~~ ballot from the supervisor of elections in the county  
 974 of registration. In order to receive a state write-in ballot,  
 975 the voter shall state that due to military or other  
 976 contingencies that preclude normal mail delivery, the voter  
 977 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal  
 978 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail  
 979 ~~absentee~~ ballots shall be made available to voters 90 to 180  
 980 days prior to a general election. The Department of State shall  
 981 prescribe by rule the form of the state write-in vote-by-mail  
 982 ballot.

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

986 Section 29. Section 101.6952, Florida Statutes, is amended  
 987 to read:

988 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent

989 uniformed services and overseas voters.—

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

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

996 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~  
 997 ballot request was received and include in that e-mail the  
 998 estimated date the vote-by-mail ~~absentee~~ ballot will be sent to  
 999 the voter; and

1000 (c) Notify the voter by e-mail when the voted vote-by-mail  
 1001 ~~absentee~~ ballot is received by the supervisor of elections.

1002 (2)(a) An absent uniformed services voter or an overseas  
 1003 voter who makes timely application for but does not receive an  
 1004 official vote-by-mail ~~absentee~~ ballot may use the federal write-  
 1005 in absentee ballot to vote in any federal, state, or local  
 1006 election.

1007 (b)1. In an election for federal office, an elector may  
 1008 designate a candidate by writing the name of a candidate on the  
 1009 ballot. Except for a primary or special primary election, the  
 1010 elector may alternatively designate a candidate by writing the  
 1011 name of a political party on the ballot. A written designation  
 1012 of the political party shall be counted as a vote for the  
 1013 candidate of that party if there is such a party candidate in  
 1014 the race.

1015           2. In a state or local election, an elector may vote in  
1016 the section of the federal write-in absentee ballot designated  
1017 for nonfederal races by writing on the ballot the title of each  
1018 office and by writing on the ballot the name of the candidate  
1019 for whom the elector is voting. Except for a primary, special  
1020 primary, or nonpartisan election, the elector may alternatively  
1021 designate a candidate by writing the name of a political party  
1022 on the ballot. A written designation of the political party  
1023 shall be counted as a vote for the candidate of that party if  
1024 there is such a party candidate in the race. In addition, the  
1025 elector may vote on any ballot measure presented in such  
1026 election by identifying the ballot measure on which he or she  
1027 desires to vote and specifying his or her vote on the measure.  
1028 For purposes of this section, a vote cast in a judicial merit  
1029 retention election shall be treated in the same manner as a  
1030 ballot measure in which the only allowable responses are "Yes"  
1031 or "No."

1032           (c) In the case of a joint candidacy, such as for the  
1033 offices of President/Vice President or Governor/Lieutenant  
1034 Governor, a valid vote for one or both qualified candidates on  
1035 the same ticket shall constitute a vote for the joint candidacy.

1036           (d) For purposes of this subsection and except when the  
1037 context clearly indicates otherwise, such as when a candidate in  
1038 the election is affiliated with a political party whose name  
1039 includes the word "Independent," "Independence," or a similar  
1040 term, a voter designation of "No Party Affiliation" or



1041 "Independent," or any minor variation, misspelling, or  
1042 abbreviation thereof, shall be considered a designation for the  
1043 candidate, other than a write-in candidate, who qualified to run  
1044 in the race with no party affiliation. If more than one  
1045 candidate qualifies to run as a candidate with no party  
1046 affiliation, the designation may not count for any candidate  
1047 unless there is a valid, additional designation of the  
1048 candidate's name.

1049 (e) Any abbreviation, misspelling, or other minor  
1050 variation in the form of the name of an office, the name of a  
1051 candidate, the ballot measure, or the name of a political party  
1052 must be disregarded in determining the validity of the ballot.

1053 (3) (a) An absent uniformed services voter or an overseas  
1054 voter who submits a federal write-in absentee ballot and later  
1055 receives an official vote-by-mail ~~absentee~~ ballot may submit the  
1056 official vote-by-mail ~~absentee~~ ballot. An elector who submits a  
1057 federal write-in absentee ballot and later receives and submits  
1058 an official vote-by-mail ~~absentee~~ ballot should make every  
1059 reasonable effort to inform the appropriate supervisor of  
1060 elections that the elector has submitted more than one ballot.

1061 (b) A federal write-in absentee ballot may not be  
1062 canvassed until 7 p.m. on the day of the election. A federal  
1063 write-in absentee ballot from an overseas voter in a  
1064 presidential preference primary or general election may not be  
1065 canvassed until the conclusion of the 10-day period specified in  
1066 subsection (5). Each federal write-in absentee ballot received

1067 by 7 p.m. on the day of the election shall be canvassed pursuant  
1068 to ss. 101.5614(5) and 101.68, unless the elector's official  
1069 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election  
1070 day. Each federal write-in absentee ballot from an overseas  
1071 voter in a presidential preference primary or general election  
1072 received by 10 days after the date of the election shall be  
1073 canvassed pursuant to ss. 101.5614(5) and 101.68, unless the  
1074 overseas voter's official vote-by-mail ~~absentee~~ ballot is  
1075 received by 10 days after the date of the election. If the  
1076 elector's official vote-by-mail ~~absentee~~ ballot is received by 7  
1077 p.m. on election day, or, for an overseas voter in a  
1078 presidential preference primary or general election, no later  
1079 than 10 days after the date of the election, the federal write-  
1080 in absentee ballot is invalid and the official vote-by-mail  
1081 ~~absentee~~ ballot shall be canvassed. The time shall be regulated  
1082 by the customary time in standard use in the county seat of the  
1083 locality.

1084 (4) For vote-by-mail ~~absentee~~ ballots received from absent  
1085 uniformed services voters or overseas voters, there is a  
1086 presumption that the envelope was mailed on the date stated on  
1087 the outside of the return envelope, regardless of the absence of  
1088 a postmark on the mailed envelope or the existence of a postmark  
1089 date that is later than the date of the election.

1090 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas  
1091 voter in any presidential preference primary or general election  
1092 which is postmarked or dated no later than the date of the

1093 election and is received by the supervisor of elections of the  
 1094 county in which the overseas voter is registered no later than  
 1095 10 days after the date of the election shall be counted as long  
 1096 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1097 Section 30. Section 101.697, Florida Statutes, is amended  
 1098 to read:

1099 101.697 Electronic transmission of election materials.—The  
 1100 Department of State shall determine whether secure electronic  
 1101 means can be established for receiving ballots from overseas  
 1102 voters. If such security can be established, the department  
 1103 shall adopt rules to authorize a supervisor of elections to  
 1104 accept from an overseas voter a request for a vote-by-mail ~~an~~  
 1105 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by  
 1106 secure facsimile machine transmission or other secure electronic  
 1107 means. The rules must provide that in order to accept a voted  
 1108 ballot, the verification of the voter must be established, the  
 1109 security of the transmission must be established, and each  
 1110 ballot received must be recorded.

1111 Section 31. Paragraph (a) of subsection (4) of section  
 1112 102.031, Florida Statutes, is amended to read:

1113 102.031 Maintenance of good order at polls; authorities;  
 1114 persons allowed in polling rooms and early voting areas;  
 1115 unlawful solicitation of voters.—

1116 (4) (a) No person, political committee, or other group or  
 1117 organization may solicit voters inside the polling place or  
 1118 within 100 feet of the entrance to any polling place, a polling

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1119 room where the polling place is also a polling room, an early  
1120 voting site, or an office of the supervisor of elections where  
1121 vote-by-mail ~~absentee~~ ballots are requested and printed on  
1122 demand for the convenience of electors who appear in person to  
1123 request them. Before the opening of the polling place or early  
1124 voting site, the clerk or supervisor shall designate the no-  
1125 solicitation zone and mark the boundaries.

1126 Section 32. Subsections (2), (3), and (4) of section  
1127 102.141, Florida Statutes, are amended to read:

1128 102.141 County canvassing board; duties.—

1129 (2) The county canvassing board shall meet in a building  
1130 accessible to the public in the county where the election  
1131 occurred at a time and place to be designated by the supervisor  
1132 of elections to publicly canvass the absent ~~absentee~~ electors'  
1133 ballots as provided for in s. 101.68 and provisional ballots as  
1134 provided by ss. 101.048, 101.049, and 101.6925. Provisional  
1135 ballots cast pursuant to s. 101.049 shall be canvassed in a  
1136 manner that votes for candidates and issues on those ballots can  
1137 be segregated from other votes. Public notice of the time and  
1138 place at which the county canvassing board shall meet to canvass  
1139 the absent ~~absentee~~ electors' ballots and provisional ballots  
1140 shall be given at least 48 hours prior thereto by publication on  
1141 the supervisor of elections' website and once in one or more  
1142 newspapers of general circulation in the county or, if there is  
1143 no newspaper of general circulation in the county, by posting  
1144 such notice in at least four conspicuous places in the county.

1145 As soon as the absent ~~absentee~~ electors' ballots and the  
1146 provisional ballots are canvassed, the board shall proceed to  
1147 publicly canvass the vote given each candidate, nominee,  
1148 constitutional amendment, or other measure submitted to the  
1149 electorate of the county, as shown by the returns then on file  
1150 in the office of the supervisor of elections.

1151 (3) The canvass, except the canvass of absent ~~absentee~~  
1152 electors' returns and the canvass of provisional ballots, shall  
1153 be made from the returns and certificates of the inspectors as  
1154 signed and filed by them with the supervisor, and the county  
1155 canvassing board shall not change the number of votes cast for a  
1156 candidate, nominee, constitutional amendment, or other measure  
1157 submitted to the electorate of the county, respectively, in any  
1158 polling place, as shown by the returns. All returns shall be  
1159 made to the board on or before 2 a.m. of the day following any  
1160 primary, general, or other election. If the returns from any  
1161 precinct are missing, if there are any omissions on the returns  
1162 from any precinct, or if there is an obvious error on any such  
1163 returns, the canvassing board shall order a retabulation of the  
1164 returns from such precinct. Before canvassing such returns, the  
1165 canvassing board shall examine the tabulation of the ballots  
1166 cast in such precinct and determine whether the returns  
1167 correctly reflect the votes cast. If there is a discrepancy  
1168 between the returns and the tabulation of the ballots cast, the  
1169 tabulation of the ballots cast shall be presumed correct and  
1170 such votes shall be canvassed accordingly.

1171 (4) (a) The supervisor of elections shall upload into the  
 1172 county's election management system by 7 p.m. on the day before  
 1173 the election the results of all early voting and vote-by-mail  
 1174 ~~absentee~~ ballots that have been canvassed and tabulated by the  
 1175 end of the early voting period. Pursuant to ss. 101.5614(9),  
 1176 101.657, and 101.68(2), the tabulation of votes cast or the  
 1177 results of such uploads may not be made public before the close  
 1178 of the polls on election day.

1179 (b) The canvassing board shall report all early voting and  
 1180 all tabulated vote-by-mail ~~absentee~~ results to the Department of  
 1181 State within 30 minutes after the polls close. Thereafter, the  
 1182 canvassing board shall report, with the exception of provisional  
 1183 ballot results, updated precinct election results to the  
 1184 department at least every 45 minutes until all results are  
 1185 completely reported. The supervisor of elections shall notify  
 1186 the department immediately of any circumstances that do not  
 1187 permit periodic updates as required. Results shall be submitted  
 1188 in a format prescribed by the department.

1189 Section 33. Subsection (8) of section 102.168, Florida  
 1190 Statutes, is amended to read:

1191 102.168 Contest of election.—

1192 (8) In any contest that requires a review of the  
 1193 canvassing board's decision on the legality of a vote-by-mail ~~an~~  
 1194 ~~absentee~~ ballot pursuant to s. 101.68 based upon a comparison of  
 1195 the signature on the voter's certificate and the signature of  
 1196 the elector in the registration records, the circuit court may

1197 not review or consider any evidence other than the signature on  
 1198 the voter's certificate and the signature of the elector in the  
 1199 registration records. The court's review of such issue shall be  
 1200 to determine only if the canvassing board abused its discretion  
 1201 in making its decision.

1202 Section 34. Subsection (1) of section 104.047, Florida  
 1203 Statutes, is amended to read:

1204 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;  
 1205 violations.—

1206 (1) Except as provided in s. 101.62 or s. 101.655, any  
 1207 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf  
 1208 of an elector is guilty of a felony of the third degree,  
 1209 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1210 Section 35. Section 104.0616, Florida Statutes, is amended  
 1211 to read:

1212 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;  
 1213 violations.—

1214 (1) For purposes of this section, the term "immediate  
 1215 family" means a person's spouse or the parent, child,  
 1216 grandparent, or sibling of the person or the person's spouse.

1217 (2) Any person who provides or offers to provide, and any  
 1218 person who accepts, a pecuniary or other benefit in exchange for  
 1219 distributing, ordering, requesting, collecting, delivering, or  
 1220 otherwise physically possessing more than two vote-by-mail  
 1221 ~~absentee~~ ballots per election in addition to his or her own  
 1222 ballot or a ballot belonging to an immediate family member,

1223 except as provided in ss. 101.6105-101.694, commits a  
 1224 misdemeanor of the first degree, punishable as provided in s.  
 1225 775.082, s. 775.083, or s. 775.084.

1226 Section 36. Section 104.17, Florida Statutes, is amended  
 1227 to read:

1228 104.17 Voting in person after casting vote-by-mail  
 1229 ~~absentee~~ ballot.—Any person who willfully votes or attempts to  
 1230 vote both in person and by vote-by-mail ~~absentee~~ ballot at any  
 1231 election is guilty of a felony of the third degree, punishable  
 1232 as provided in s. 775.082, s. 775.083, or s. 775.084.

1233 Section 37. Paragraph (b) of subsection (2) of section  
 1234 117.05, Florida Statutes, is amended to read:

1235 117.05 Use of notary commission; unlawful use; notary fee;  
 1236 seal; duties; employer liability; name change; advertising;  
 1237 photocopies; penalties.—

1238 (2)

1239 (b) A notary public may not charge a fee for witnessing a  
 1240 vote-by-mail ~~an absentee~~ ballot in an election, and must witness  
 1241 such a ballot upon the request of an elector, provided the  
 1242 notarial act is in accordance with the provisions of this  
 1243 chapter.

1244 Section 38. Subsection (7) of section 394.459, Florida  
 1245 Statutes, is amended to read:

1246 394.459 Rights of patients.—

1247 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible  
 1248 to vote according to the laws of the state has the right to vote



1249 in the primary and general elections. The department shall  
 1250 establish rules to enable patients to obtain voter registration  
 1251 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-  
 1252 by-mail ~~absentee~~ ballots.

1253 Section 39. Section 741.406, Florida Statutes, is amended  
 1254 to read:

1255 741.406 Voting by program participant; use of designated  
 1256 address by supervisor of elections.—A program participant who is  
 1257 otherwise qualified to vote may request a vote-by-mail ~~an~~  
 1258 ~~absentee~~ ballot pursuant to s. 101.62. The program participant  
 1259 shall automatically receive vote-by-mail ~~absentee~~ ballots for  
 1260 all elections in the jurisdictions in which that individual  
 1261 resides in the same manner as vote-by-mail ~~absentee~~ voters. The  
 1262 supervisor of elections shall transmit the vote-by-mail ~~absentee~~  
 1263 ballot to the program participant at the address designated by  
 1264 the participant in his or her application as a vote-by-mail ~~an~~  
 1265 ~~absentee~~ voter. The name, address, and telephone number of a  
 1266 program participant may not be included in any list of  
 1267 registered voters available to the public.

1268 Section 40. Subsection (7) of section 916.107, Florida  
 1269 Statutes, is amended to read:

1270 916.107 Rights of forensic clients.—

1271 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is  
 1272 eligible to vote according to the laws of the state has the  
 1273 right to vote in the primary and general elections. The  
 1274 department and agency shall establish rules to enable clients to

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1275 obtain voter registration forms, applications for vote-by-mail  
1276 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.  
1277 Section 41. This act shall take effect July 1, 2016.