

1 A bill to be entitled
 2 An act relating to vote-by-mail ballots; amending s.
 3 101.697, F.S.; requiring the Department of State to
 4 develop instructions and procedures for the electronic
 5 submission of vote-by-mail ballots from overseas
 6 voters by a specified date; requiring the department,
 7 in consultation with supervisors of elections, to
 8 develop security measures; prescribing requirements
 9 for such security measures; requiring the department
 10 to perform an annual security assessment; authorizing
 11 the department to adopt emergency rules; providing
 12 legislative findings; providing an effective date.

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

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 16 Section 1. Section 101.697, Florida Statutes, is amended
 17 to read:

18 101.697 Electronic transmission of election materials.—
 19 (1) The Department of State shall, by October 15, 2017,
 20 ~~determine whether secure electronic means can be established for~~
 21 ~~receiving ballots from overseas voters. If such security can be~~
 22 ~~established, the department shall~~ adopt rules to authorize a
 23 supervisor of elections to accept from an overseas voter,
 24 including uniformed and civilian overseas vote-by-mail voters, a
 25 request for a vote-by-mail ballot or a voted vote-by-mail ballot

HB 1189

2017

26 | by secure facsimile machine transmission or other secure
27 | electronic means. The rules must provide that in order to accept
28 | a voted ballot, the verification of the voter must be
29 | established, the security of the transmission must be
30 | established, and each ballot received must be recorded. The
31 | department shall provide instructions, procedures, and services
32 | for the secure return of voted vote-by-mail ballots by
33 | electronic means under this section. The department shall, in
34 | consultation with supervisors of elections, develop security
35 | measures to ensure the accuracy and integrity of vote-by-mail
36 | voting by electronic means and to reasonably secure the
37 | transmission, processing, and storage of voter data from
38 | interception and unauthorized access. The department shall
39 | perform an annual security assessment after each election to
40 | evaluate the number of or any discrepancy in the votes received
41 | electronically.

42 | (2) The department may adopt emergency rules pursuant to
43 | s. 120.54 to implement this section. However, notwithstanding s.
44 | 120.54(4)(c), an emergency rule adopted under this section may
45 | be effective for a period longer than 90 days. The Legislature
46 | finds that such emergency rulemaking power is necessary for the
47 | preservation of the rights and welfare of the people in order to
48 | provide adequate voting opportunities to the public.

49 | Section 2. This act shall take effect July 1, 2017.