

By Senator Thurston

33-01307-17

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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 to
17 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
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

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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 s.
43 120.54 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.