

By Senator Cruz

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1 A bill to be entitled
 2 An act relating to vote-by-mail ballots; amending ss.
 3 101.64, 101.65, 101.6921, and 101.6923, F.S.;
 4 requiring the supervisor of elections to enclose a
 5 postage paid mailing envelope with each vote-by-mail
 6 ballot; conforming provisions to changes made by the
 7 act; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Subsection (1) of section 101.64, Florida
 12 Statutes, is amended to read:

13 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

14 (1) The supervisor shall enclose with each vote-by-mail
 15 ballot two envelopes: a secrecy envelope, into which the absent
 16 elector shall enclose his or her marked ballot; and a postage
 17 paid mailing envelope, into which the absent elector shall then
 18 place the secrecy envelope, which shall be addressed to the
 19 supervisor and also bear on the back side a certificate in
 20 substantially the following form:

21
 22 Note: Please Read Instructions Carefully Before
 23 Marking Ballot and Completing Voter's Certificate.

24
 25 VOTER'S CERTIFICATE

26 I,, do solemnly swear or affirm that I am a qualified
 27 and registered voter of County, Florida, and that I have
 28 not and will not vote more than one ballot in this election. I
 29 understand that if I commit or attempt to commit any fraud in

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30 connection with voting, vote a fraudulent ballot, or vote more
 31 than once in an election, I can be convicted of a felony of the
 32 third degree and fined up to \$5,000 and/or imprisoned for up to
 33 5 years. I also understand that failure to sign this certificate
 34 will invalidate my ballot.

35	...(Date)...	...(Voter's Signature)...
36	...(E-Mail Address)...	...(Home Telephone Number)...
37		...(Mobile Telephone Number)...

38
 39 Section 2. Section 101.65, Florida Statutes, is amended to
 40 read:

41 101.65 Instructions to absent electors.—The supervisor
 42 shall enclose with each vote-by-mail ballot separate printed
 43 instructions in substantially the following form; however, where
 44 the instructions appear in capitalized text, the text of the
 45 printed instructions must be in bold font:

46
 47 READ THESE INSTRUCTIONS CAREFULLY
 48 BEFORE MARKING BALLOT.
 49

50 1. VERY IMPORTANT. In order to ensure that your vote-by-
 51 mail ballot will be counted, it should be completed and returned
 52 as soon as possible so that it can reach the supervisor of
 53 elections of the county in which your precinct is located no
 54 later than 7 p.m. on the day of the election. However, if you
 55 are an overseas voter casting a ballot in a presidential
 56 preference primary or general election, your vote-by-mail ballot
 57 must be postmarked or dated no later than the date of the
 58 election and received by the supervisor of elections of the

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59 county in which you are registered to vote no later than 10 days
60 after the date of the election. Note that the later you return
61 your ballot, the less time you will have to cure any signature
62 deficiencies, which is authorized until 5 p.m. on the 2nd day
63 after the election.

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

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

71 4. Place your marked ballot in the enclosed secrecy
72 envelope.

73 5. Insert the secrecy envelope into the enclosed mailing
74 envelope which is addressed to the supervisor.

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

77 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
78 be counted, you must sign your name on the line above (Voter's
79 Signature). A vote-by-mail ballot will be considered illegal and
80 not be counted if the signature on the voter's certificate does
81 not match the signature on record. The signature on file at the
82 time the supervisor of elections in the county in which your
83 precinct is located receives your vote-by-mail ballot is the
84 signature that will be used to verify your signature on the
85 voter's certificate. If you need to update your signature for
86 this election, send your signature update on a voter
87 registration application to your supervisor of elections so that

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88 it is received before your vote-by-mail ballot is received.

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

92 9. Mail, deliver, or have delivered the completed mailing
93 envelope. ~~Be sure there is sufficient postage if mailed.~~ THE
94 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
95 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
96 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE DROP BOX,
97 AVAILABLE AT EACH EARLY VOTING LOCATION.

98 10. FELONY NOTICE. It is a felony under Florida law to
99 accept any gift, payment, or gratuity in exchange for your vote
100 for a candidate. It is also a felony under Florida law to vote
101 in an election using a false identity or false address, or under
102 any other circumstances making your ballot false or fraudulent.

103 Section 3. Subsection (2) of section 101.6921, Florida
104 Statutes, is amended to read:

105 101.6921 Delivery of special vote-by-mail ballot to certain
106 first-time voters.—

107 (2) The supervisor shall enclose with each vote-by-mail
108 ballot three envelopes: a secrecy envelope, into which the
109 absent elector will enclose his or her marked ballot; an
110 envelope containing the Voter's Certificate, into which the
111 absent elector shall place the secrecy envelope; and a postage
112 paid mailing envelope, which shall be addressed to the
113 supervisor and into which the absent elector will place the
114 envelope containing the Voter's Certificate and a copy of the
115 required identification.

116 Section 4. Subsection (2) of section 101.6923, Florida

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117 Statutes, is amended to read:

118 101.6923 Special vote-by-mail ballot instructions for
119 certain first-time voters.—

120 (2) A voter covered by this section shall be provided with
121 printed instructions with his or her vote-by-mail ballot in
122 substantially the following form:

123

124 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
125 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
126 YOUR BALLOT NOT TO COUNT.

127

128 1. In order to ensure that your vote-by-mail ballot will be
129 counted, it should be completed and returned as soon as possible
130 so that it can reach the supervisor of elections of the county
131 in which your precinct is located no later than 7 p.m. on the
132 date of the election. However, if you are an overseas voter
133 casting a ballot in a presidential preference primary or general
134 election, your vote-by-mail ballot must be postmarked or dated
135 no later than the date of the election and received by the
136 supervisor of elections of the county in which you are
137 registered to vote no later than 10 days after the date of the
138 election.

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

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

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146 4. Place your marked ballot in the enclosed secrecy
147 envelope and seal the envelope.

148 5. Insert the secrecy envelope into the enclosed envelope
149 bearing the Voter's Certificate. Seal the envelope and
150 completely fill out the Voter's Certificate on the back of the
151 envelope.

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

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

157 c. A vote-by-mail ballot will be considered illegal and
158 will not be counted if the signature on the Voter's Certificate
159 does not match the signature on record. The signature on file at
160 the start of the canvass of the vote-by-mail ballots is the
161 signature that will be used to verify your signature on the
162 Voter's Certificate. If you need to update your signature for
163 this election, send your signature update on a voter
164 registration application to your supervisor of elections so that
165 it is received before your vote-by-mail ballot is received.

166 6. Unless you meet one of the exemptions in Item 7., you
167 must make a copy of one of the following forms of
168 identification:

169 a. Identification which must include your name and
170 photograph: United States passport; debit or credit card;
171 military identification; student identification; retirement
172 center identification; neighborhood association identification;
173 public assistance identification; veteran health identification
174 card issued by the United States Department of Veterans Affairs;

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175 a Florida license to carry a concealed weapon or firearm; or an
176 employee identification card issued by any branch, department,
177 agency, or entity of the Federal Government, the state, a
178 county, or a municipality; or

179 b. Identification which shows your name and current
180 residence address: current utility bill, bank statement,
181 government check, paycheck, or government document (excluding
182 voter information card).

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

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

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

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

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

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

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

198 8. Place the envelope bearing the Voter's Certificate into
199 the mailing envelope addressed to the supervisor. Insert a copy
200 of your identification in the mailing envelope. DO NOT PUT YOUR
201 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
202 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
203 BALLOT WILL NOT COUNT.

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

206 10. FELONY NOTICE. It is a felony under Florida law to
207 accept any gift, payment, or gratuity in exchange for your vote
208 for a candidate. It is also a felony under Florida law to vote
209 in an election using a false identity or false address, or under
210 any other circumstances making your ballot false or fraudulent.

211 Section 5. This act shall take effect October 1, 2021.