

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tant offered the following:

2
3 **Amendment**

4 Remove lines 882-1128 and insert:

5 legal guardian, or sibling of the designee or of the designee's
6 spouse. The designee shall provide to the supervisor the written
7 authorization by the elector and a picture identification of the
8 designee and must complete an affidavit. The designee shall
9 state in the affidavit that the designee is authorized by the
10 elector to pick up that ballot and shall indicate if the elector
11 is a member of the designee's immediate family and, if so, the
12 relationship. The department shall prescribe the form of the
13 affidavit. If the supervisor is satisfied that the designee is

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14 authorized to pick up the ballot and that the signature of the
15 elector on the written authorization matches the signature of
16 the elector on file, the supervisor shall give the ballot to
17 that designee for delivery to the elector.

18 5. Except as provided in s. 101.655, the supervisor may
19 not deliver a vote-by-mail ballot to an elector or an elector's
20 immediate family member on the day of the election unless there
21 is an emergency, to the extent that the elector will be unable
22 to go to his or her assigned polling place. If a vote-by-mail
23 ballot is delivered, the elector or his or her designee shall
24 execute an affidavit affirming to the facts which allow for
25 delivery of the vote-by-mail ballot. The department shall adopt
26 a rule providing for the form of the affidavit.

27 (7) Except as expressly authorized for voters having a
28 disability under s. 101.662, for overseas voters under s.
29 101.697, or for local referenda under ss. 101.6102 and 101.6103,
30 a county, municipality, or state agency may not send a vote-by-
31 mail ballot to a voter unless the voter has requested a vote-by-
32 mail ballot in the manner authorized under this section.

33 Section 20. Subsection (6) is added to section 101.64,
34 Florida Statutes, to read:

35 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

36 (6) The outside of the ballot and the secrecy and mailing
37 envelopes may not display the party affiliation of the absent
38 elector who has been issued such ballot or display any other

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39 partisan information.

40 Section 21. Subsection (1) and paragraph (a) of subsection
41 (2) of section 101.68, Florida Statutes, are amended to read:

42 101.68 Canvassing of vote-by-mail ballot.-

43 (1) The supervisor of the county where the absent elector
44 resides shall receive the voted ballot, at which time the
45 supervisor shall compare the signature of the elector on the
46 voter's certificate with the signature of the elector in the
47 registration books or the precinct register to determine whether
48 the elector is duly registered in the county and must ~~may~~ record
49 on the elector's registration record ~~certificate~~ that the
50 elector has voted. During the signature comparison process, the
51 supervisor may not use any knowledge of the political
52 affiliation of the voter whose signature is subject to
53 verification. An elector who dies after casting a vote-by-mail
54 ballot but on or before election day shall remain listed in the
55 registration books until the results have been certified for the
56 election in which the ballot was cast. The supervisor shall
57 safely keep the ballot unopened in his or her office until the
58 county canvassing board canvasses the vote. Except as provided
59 in subsection (4), after a vote-by-mail ballot is received by
60 the supervisor, the ballot is deemed to have been cast, and
61 changes or additions may not be made to the voter's certificate.

62 (2) (a) The county canvassing board may begin the
63 canvassing of vote-by-mail ballots upon the completion of the

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64 public testing of automatic tabulating equipment pursuant to s.
65 101.5612(2) at 7 a.m. on the 22nd day before the election, but
66 must begin such canvassing by no not later than noon on the day
67 following the election. In addition, for any county using
68 electronic tabulating equipment, the processing of vote by mail
69 ballots through such tabulating equipment may begin at 7 a.m. on
70 the 22nd day before the election. However, notwithstanding any
71 such authorization to begin canvassing or otherwise processing
72 vote-by-mail ballots early, no result shall be released until
73 after the closing of the polls in that county on election day.
74 Any supervisor, deputy supervisor, canvassing board member,
75 election board member, or election employee who releases the
76 results of a canvassing or processing of vote-by-mail ballots
77 prior to the closing of the polls in that county on election day
78 commits a felony of the third degree, punishable as provided in
79 s. 775.082, s. 775.083, or s. 775.084.

80 Section 22. Subsection (2) of section 101.69, Florida
81 Statutes, is amended, and subsection (3) is added to that
82 section, to read:

83 101.69 Voting in person; return of vote-by-mail ballot.—

84 (2)(a) The supervisor shall allow an elector who has
85 received a vote-by-mail ballot to physically return a voted
86 vote-by-mail ballot to the supervisor by placing the envelope
87 containing his or her marked ballot in a secure drop box. Secure
88 drop boxes shall be placed at the main office of the supervisor,

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89 at each branch office of the supervisor, and at each early
90 voting site. Secure drop boxes may also be placed at any other
91 site that would otherwise qualify as an early voting site under
92 s. 101.657(1). A secure drop box may only be used; provided,
93 however, that any such site must be staffed during the county's
94 early voting hours of operation and must be monitored in person
95 by an employee of the supervisor's office or a sworn law
96 enforcement officer.

97 (b) A supervisor shall designate each drop box site at
98 least 30 days before an election. After a drop box location has
99 been designated, it may not be moved or changed.

100 (c) On each day of early voting, all drop boxes must be
101 emptied at the end of early voting hours and all ballots
102 retrieved from the drop boxes must be returned to the
103 supervisor's office. Employees of the supervisor must comply
104 with procedures for the chain of custody of ballots as required
105 by s. 101.015(4).

106 (3) If any drop box at an early voting site is left
107 accessible for the return of ballots outside of early voting
108 hours, the supervisor is subject to a civil penalty of \$25,000.
109 The division is authorized to enforce this provision.

110 Section 23. Paragraphs (a), (b), and (e) of subsection (4)
111 of section 102.031, Florida Statutes, are amended to read:

112 102.031 Maintenance of good order at polls; authorities;
113 persons allowed in polling rooms and early voting areas;

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114 unlawful solicitation of voters.-

115 (4) (a) No person, political committee, or other group or
116 organization may solicit voters inside the polling place or
117 within 150 feet of a drop box or the entrance to any polling
118 place, a polling room where the polling place is also a polling
119 room, an early voting site, or an office of the supervisor where
120 vote-by-mail ballots are requested and printed on demand for the
121 convenience of electors who appear in person to request them.
122 Before the opening of a drop box location, ~~a~~ the polling place,
123 or an early voting site, the clerk or supervisor shall designate
124 the no-solicitation zone and mark the boundaries.

125 (b) For the purpose of this subsection, the terms
126 "solicit" or "solicitation" shall include, but not be limited
127 to, seeking or attempting to seek any vote, fact, opinion, or
128 contribution; distributing or attempting to distribute any
129 political or campaign material, leaflet, or handout; conducting
130 a poll except as specified in this paragraph; seeking or
131 attempting to seek a signature on any petition; ~~and~~ selling or
132 attempting to sell any item; and giving or attempting to give
133 any item to a voter. The terms "solicit" or "solicitation" may
134 not be construed to prohibit an employee of, or a volunteer
135 with, the supervisor from providing nonpartisan assistance to
136 voters within the no-solicitation zone such as, but not limited
137 to, giving items to voters, or to prohibit exit polling.

138 (e) The owner, operator, or lessee of the property on

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139 | which a polling place or an early voting site is located, or an
140 | agent or employee thereof, may not prohibit the solicitation of
141 | voters by a candidate or a candidate's designee outside of the
142 | no-solicitation zone during polling hours.

143 | Section 24. Subsection (1) and paragraphs (a) and (b) of
144 | subsection (2) of section 102.141, Florida Statutes, are amended
145 | to read:

146 | 102.141 County canvassing board; duties.—

147 | (1) The county canvassing board shall be composed of the
148 | supervisor of elections; a county court judge, who shall act as
149 | chair; and the chair of the board of county commissioners. The
150 | names of the canvassing board members must be published on the
151 | supervisor's website before any vote-by-mail ballot is
152 | tabulated. Alternate canvassing board members must be appointed
153 | pursuant to paragraph (e). In the event any member of the county
154 | canvassing board is unable to serve, is a candidate who has
155 | opposition in the election being canvassed, or is an active
156 | participant in the campaign or candidacy of any candidate who
157 | has opposition in the election being canvassed, such member
158 | shall be replaced as follows:

159 | (a) If no county court judge is able to serve or if all
160 | are disqualified, the chief judge of the judicial circuit in
161 | which the county is located shall appoint as a substitute member
162 | a qualified elector of the county who is not a candidate with
163 | opposition in the election being canvassed and who is not an

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164 active participant in the campaign or candidacy of any candidate
165 with opposition in the election being canvassed. In such event,
166 the members of the county canvassing board shall meet and elect
167 a chair.

168 (b) If the supervisor of elections is unable to serve or
169 is disqualified, the chair of the board of county commissioners
170 shall appoint as a substitute member a member of the board of
171 county commissioners who is not a candidate with opposition in
172 the election being canvassed and who is not an active
173 participant in the campaign or candidacy of any candidate with
174 opposition in the election being canvassed. The supervisor,
175 however, shall act in an advisory capacity to the canvassing
176 board.

177 (c) If the chair of the board of county commissioners is
178 unable to serve or is disqualified, the board of county
179 commissioners shall appoint as a substitute member one of its
180 members who is not a candidate with opposition in the election
181 being canvassed and who is not an active participant in the
182 campaign or candidacy of any candidate with opposition in the
183 election being canvassed.

184 (d) If a substitute member or alternate member cannot be
185 appointed as provided elsewhere in this subsection, or in the
186 event of a vacancy in such office, the chief judge of the
187 judicial circuit in which the county is located shall appoint as
188 a substitute member or alternate member a qualified elector of

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189 the county who is not a candidate with opposition in the
190 election being canvassed and who is not an active participant in
191 the campaign or candidacy of any candidate with opposition in
192 the election being canvassed.

193 (e)1. The chief judge of the judicial circuit in which the
194 county is located shall appoint a county court judge as an
195 alternate member of the county canvassing board or, if each
196 county court judge is unable to serve or is disqualified, shall
197 appoint an alternate member who is qualified to serve as a
198 substitute member under paragraph (a).

199 2. The chair of the board of county commissioners shall
200 appoint a member of the board of county commissioners as an
201 alternate member of the county canvassing board or, if each
202 member of the board of county commissioners is unable to serve
203 or is disqualified, shall appoint an alternate member who is
204 qualified to serve as a substitute member under paragraph (d).

205 3. If a member of the county canvassing board is unable to
206 participate in a meeting of the board, the chair of the county
207 canvassing board or his or her designee shall designate which
208 alternate member will serve as a member of the board in the
209 place of the member who is unable to participate at that
210 meeting.

211 4. If not serving as one of the three members of the
212 county canvassing board, an alternate member may be present,
213 observe, and communicate with the three members constituting the

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214 county canvassing board, but may not vote in the board's
215 decisions or determinations.

216 (2) (a) The county canvassing board shall meet in a
217 building accessible to the public in the county where the
218 election occurred at a time and place to be designated by the
219 supervisor to publicly canvass the absent electors' ballots as
220 provided for in s. 101.68 and provisional ballots as provided by
221 ss. 101.048, 101.049, and 101.6925. During each meeting of the
222 county canvassing board, each political party and each candidate
223 may have one watcher within a distance that allows him or her to
224 directly observe ballots being examined for signature matching
225 and other processes. Provisional ballots cast pursuant to s.
226 101.049 shall be canvassed in a manner that votes for candidates
227 and issues on those ballots can be segregated from other votes.
228 As soon as the absent electors' ballots and the provisional
229 ballots are canvassed, the board shall proceed to publicly
230 canvass the vote given each candidate, nominee, constitutional
231 amendment, or other measure submitted to the electorate of the
232 county, as shown by the returns then on file in the office of
233 the supervisor.

234 (b) Public notice of the canvassing board members,
235 alternates, time, and place at which the county canvassing board
236 shall meet to canvass the absent electors' ballots and
237 provisional ballots must be given at least 48 hours prior
238 thereto by publication on the supervisor's website and published

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239 in one or more newspapers of general circulation in the county
240 or, if there is no newspaper of general circulation in the
241 county, by posting such notice in at least four conspicuous
242 places in the county. The time given in the notice as to the
243 convening of the meeting of the county canvassing board must be
244 specific and may not be a time period during which the board may
245 meet.

246 Section 25. Section 104.0616, Florida Statutes, is amended
247 to read:

248 104.0616 Vote-by-mail ballots and voting; violations.—

249 (1) For purposes of this section, the term "immediate
250 family" means a person's spouse or the parent, child,
251 grandparent, grandchild, legal guardian, or sibling of the
252 person or the

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