



LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 175 - 321

and insert:

Section 3. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.-

(2) (a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon the completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2) ~~at 7 a.m. on the 22nd day before the election, but~~



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12 ~~must begin such canvassing by no not~~ later than noon on the day  
13 following the election. ~~In addition, for any county using~~  
14 ~~electronic tabulating equipment, the processing of vote-by-mail~~  
15 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~  
16 ~~the 22nd day before the election.~~ However, notwithstanding any  
17 such authorization to begin canvassing or otherwise processing  
18 vote-by-mail ballots early, no result shall be released until  
19 after the closing of the polls in that county on election day.  
20 Any supervisor, deputy supervisor, canvassing board member,  
21 election board member, or election employee who releases the  
22 results of a canvassing or processing of vote-by-mail ballots  
23 prior to the closing of the polls in that county on election day  
24 commits a felony of the third degree, punishable as provided in  
25 s. 775.082, s. 775.083, or s. 775.084.

26 (c)1. The canvassing board must, if the supervisor has not  
27 already done so, compare the signature of the elector on the  
28 voter's certificate or on the vote-by-mail ballot cure affidavit  
29 as provided in subsection (4) with the most recent signature of  
30 the elector in the registration books or the precinct register  
31 to see that the elector is duly registered in the county and to  
32 determine the legality of that vote-by-mail ballot. A vote-by-  
33 mail ballot may only be counted if:

34 a. The signature on the voter's certificate or the cure  
35 affidavit matches the elector's signature in the registration  
36 books or precinct register; however, in the case of a cure  
37 affidavit, the supporting identification listed in subsection  
38 (4) must also confirm the identity of the elector; or

39 b. The cure affidavit contains a signature that does not  
40 match the elector's signature in the registration books or



41 precinct register, but the elector has submitted a current and  
42 valid Tier 1 identification pursuant to subsection (4) which  
43 confirms the identity of the elector.

44  
45 For purposes of this subparagraph, any canvassing board finding  
46 that an elector's signatures do not match must be by majority  
47 vote and beyond a reasonable doubt.

48         2. The ballot of an elector who casts a vote-by-mail ballot  
49 shall be counted even if the elector dies on or before election  
50 day, as long as, before the death of the voter, the ballot was  
51 postmarked by the United States Postal Service, date-stamped  
52 with a verifiable tracking number by a common carrier, or  
53 already in the possession of the supervisor.

54         3. A vote-by-mail ballot is not considered illegal if the  
55 signature of the elector does not cross the seal of the mailing  
56 envelope.

57         4. If any elector or candidate present believes that a  
58 vote-by-mail ballot is illegal due to a defect apparent on the  
59 voter's certificate or the cure affidavit, he or she may, at any  
60 time before the ballot is removed from the envelope, file with  
61 the canvassing board a protest against the canvass of that  
62 ballot, specifying the precinct, the ballot, and the reason he  
63 or she believes the ballot to be illegal. A challenge based upon  
64 a defect in the voter's certificate or cure affidavit may not be  
65 accepted after the ballot has been removed from the mailing  
66 envelope.

67         5. If the canvassing board determines that a ballot is  
68 illegal, a member of the board must, without opening the  
69 envelope, mark across the face of the envelope: "rejected as



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70 illegal." The cure affidavit, if applicable, the envelope, and  
71 the ballot therein shall be preserved in the manner that  
72 official ballots are preserved.

73

74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 20 - 30

77 and insert:

78 return and secrecy envelopes; amending s. 101.68,  
79 F.S.; authorizing the canvassing of vote-by-mail  
80 ballots upon the completion of the public preelection  
81 testing of automatic tabulating equipment; requiring  
82 the canvassing board to use the most recent signature  
83 of an elector when verifying a signature on a vote-by-  
84 mail ballot or a cure affidavit; amending s.