

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tant offered the following:

2
3 **Amendment to Amendment (107453)**

4 Remove lines 719-1128 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 21. Subsection (1) of section 101.64, Florida
34 Statutes, is amended to read:

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

36 (1)(a) The supervisor shall enclose with each vote-by-mail
37 ballot two envelopes: a secrecy envelope, into which the absent
38 elector shall enclose his or her marked ballot; and a mailing

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64 Section 22. Subsections (1) and (2) of section 101.68,
65 Florida Statutes, are amended to read:

66 101.68 Canvassing of vote-by-mail ballot.-

67 (1) The supervisor of the county in which ~~where~~ the absent
68 elector resides shall receive the voted ballot, at which time
69 the supervisor shall compare the signature of the elector on the
70 voter's certificate with the signature of the elector in the
71 registration books or the precinct register to determine whether
72 the elector is duly registered in the county and must ~~may~~ record
73 on the elector's registration record ~~certificate~~ that the
74 elector has voted. During the signature comparison process, the
75 supervisor may not use any knowledge of the political
76 affiliation of the voter whose signature is subject to
77 verification. An elector who dies after casting a vote-by-mail
78 ballot but on or before election day shall remain listed in the
79 registration books until the results have been certified for the
80 election in which the ballot was cast. The supervisor shall
81 safely keep the ballot unopened in his or her office until the
82 county canvassing board canvasses the vote. Except as provided
83 in subsection (4), after a vote-by-mail ballot is received by
84 the supervisor, the ballot is deemed to have been cast, and
85 changes or additions may not be made to the voter's certificate.

86 (2) (a) The county canvassing board may begin the
87 canvassing of vote-by-mail ballots upon the completion of the
88 public testing of automatic tabulating equipment pursuant to s.

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89 ~~101.5612(2) at 7 a.m. on the 22nd day before the election, but~~
90 ~~must begin such canvassing by not later than noon on the day~~
91 ~~following the election. In addition, for any county using~~
92 ~~electronic tabulating equipment, the processing of vote-by-mail~~
93 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~
94 ~~the 22nd day before the election.~~ However, notwithstanding any
95 such authorization to begin canvassing or otherwise processing
96 vote-by-mail ballots early, no result shall be released until
97 after the closing of the polls in that county on election day.
98 Any supervisor, deputy supervisor, canvassing board member,
99 election board member, or election employee who releases the
100 results of a canvassing or processing of vote-by-mail ballots
101 prior to the closing of the polls in that county on election day
102 commits a felony of the third degree, punishable as provided in
103 s. 775.082, s. 775.083, or s. 775.084.

104 (b) To ensure that all vote-by-mail ballots to be counted
105 by the canvassing board are accounted for, the canvassing board
106 shall compare the number of ballots in its possession with the
107 number of requests for ballots received to be counted according
108 to the supervisor's file or list.

109 (c)1. The canvassing board must, if the supervisor has not
110 already done so, compare the signature of the elector on the
111 voter's certificate or on the vote-by-mail ballot cure affidavit
112 as provided in subsection (4) with the signature of the elector
113 in the registration books or the precinct register to see that

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114 the elector is duly registered in the county and to determine
115 the legality of that vote-by-mail ballot. A vote-by-mail ballot
116 may only be counted if:

117 a. The signature on the voter's certificate or the cure
118 affidavit matches the elector's signature in the registration
119 books or precinct register; however, in the case of a cure
120 affidavit, the supporting identification listed in subsection
121 (4) must also confirm the identity of the elector; or

122 b. The cure affidavit contains a signature that does not
123 match the elector's signature in the registration books or
124 precinct register, but the elector has submitted a current and
125 valid Tier 1 identification pursuant to subsection (4) which
126 confirms the identity of the elector.

127

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

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

137 3. A vote-by-mail ballot is not considered illegal if the
138 signature of the elector does not cross the seal of the mailing

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139 envelope.

140 4. If any elector or candidate present believes that a
141 vote-by-mail ballot is illegal due to a defect apparent on the
142 voter's certificate or the cure affidavit, he or she may, at any
143 time before the ballot is removed from the envelope, file with
144 the canvassing board a protest against the canvass of that
145 ballot, specifying the precinct, the voter's certificate or the
146 cure affidavit ~~the ballot~~, and the reason he or she believes the
147 ballot to be illegal. A challenge based upon a defect in the
148 voter's certificate or cure affidavit may not be accepted after
149 the ballot has been removed from the mailing envelope.

150 5. If the canvassing board determines that a ballot is
151 illegal, a member of the board must, without opening the
152 envelope, mark across the face of the envelope: "rejected as
153 illegal." The cure affidavit, if applicable, the envelope, and
154 the ballot therein shall be preserved in the manner that
155 official ballots are preserved.

156 (d) The canvassing board shall record the ballot upon the
157 proper record, unless the ballot has been previously recorded by
158 the supervisor. The mailing envelopes shall be opened and the
159 secrecy envelopes shall be mixed so as to make it impossible to
160 determine which secrecy envelope came out of which signed
161 mailing envelope; however, in any county in which an electronic
162 or electromechanical voting system is used, the ballots may be
163 sorted by ballot styles and the mailing envelopes may be opened

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164 and the secrecy envelopes mixed separately for each ballot
165 style. The votes on vote-by-mail ballots shall be included in
166 the total vote of the county.

167 Section 23. Subsection (2) of section 101.69, Florida
168 Statutes, is amended and subsection (3) is added to that section
169 to read:

170 101.69 Voting in person; return of vote-by-mail ballot.—

171 (2) (a) The supervisor shall allow an elector who has
172 received a vote-by-mail ballot to physically return a voted
173 vote-by-mail ballot to the supervisor by placing the return mail
174 envelope containing his or her marked ballot in a secure drop
175 box. Secure drop boxes shall be placed at the main office of the
176 supervisor, at each permanent branch office of the supervisor,
177 and at each early voting site. Secure drop boxes may also be
178 placed at any other site that would otherwise qualify as an
179 early voting site under s. 101.657(1). Drop boxes must be
180 geographically located so as to provide all voters in the county
181 with an equal opportunity to cast a ballot, insofar as is
182 practicable. Except for secure drop boxes at an office of the
183 supervisor, a secure drop box may only be used; provided,
184 ~~however, that any such site must be staffed~~ during the county's
185 early voting hours of operation and must be monitored in person
186 by an employee of the supervisor's office. A secure drop box at
187 an office of the supervisor must be continuously monitored in
188 person by an employee of the supervisor's office when the drop

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189 box is accessible for deposit of ballots ~~or a sworn law~~
190 ~~enforcement officer.~~

191 (b) A supervisor shall designate each drop box site at
192 least 30 days before an election. The supervisor shall provide
193 the address of each drop box location to the division at least
194 30 days before an election. After a drop box location has been
195 designated, it may not be moved or changed except as approved by
196 the division to correct a violation of this subsection.

197 (c) An elector's designee designated under s. 104.0616 may
198 also return the elector's ballot to a drop box if he or she has
199 on his or her person the declaration described in s. 104.0616(4)
200 or is otherwise expressly designated as required by s.
201 104.0616(3).

202 (d) A person returning a ballot by use of a drop box
203 monitored by an employee of the supervisor's office must present
204 one of the current and valid picture identifications authorized
205 in s. 101.043(1)(a) for in person voting. The employee of the
206 supervisor's office must ensure that the name on the
207 identification provided matches the printed name on the mailing
208 envelope or the name of the designee on the declaration
209 described in s. 104.0616(4). If an elector returning the
210 elector's own ballot is not in possession of the required
211 identification, the elector must complete a signed attestation
212 listing the elector's name and stating that the elector did not
213 have identification on his or her person when returning his or

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214 her own ballot. If the name on the identification provided does
215 not match the name printed on the mailing envelope, the person
216 depositing the ballot must provide a declaration described in s.
217 104.0616(4) which names the person as designee if in their
218 possession. If the person other than the elector whose ballot is
219 being deposited does not have a declaration or required
220 identification, the person may not deposit any ballot unless the
221 person signs a designee's attestation under penalty of perjury
222 listing the person's name, stating that the person is expressly
223 designated to return each ballot deposited that is not his or
224 her own, listing the person's driver license number, the
225 person's Florida identification card number, or the last four
226 digits of the person's social security number or stating that
227 the person does not have or know any such number, and listing
228 the names of each elector whose ballot is being deposited and
229 the relationship of such elector to the person signing the
230 attestation. The declaration and any attestation required in
231 this subsection must be deposited into the drop box with the
232 return mailing envelope. A copy of the declaration or
233 attestation must be maintained with other election records. Any
234 designee's attestation that does not list the driver license
235 number or Florida identification card number of the designee
236 must be segregated and available for inspection pursuant to s.
237 119.01(1) by the time the election is certified. On each day a
238 drop box is in use, the drop box must be emptied at the end of

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239 the day's usage, and more frequently if usage requires, and all
240 the ballots retrieved from each drop box must be promptly
241 delivered to the supervisor's office.

242 (e) The Division of Elections may prescribe by rule forms
243 of the attestations described in paragraph (d) which shall
244 include notice that making false attestation is a felony of the
245 third degree under s. 104.032. The division and each supervisor
246 shall ensure that copies of the attestation forms described in
247 paragraph (d) and the declaration form described in s.
248 104.0616(4) are available online and at each supervisor's office
249 for the convenience of voters. Each supervisor shall ensure that
250 copies of the attestation forms described in paragraph (d) are
251 available at each drop box location.

252 (3) If any drop box is left accessible for ballot receipt
253 other than as authorized by this section, the supervisor is
254 subject to a civil penalty of \$25,000. The Division of Elections
255 is authorized to enforce this provision.

256 Section 24. Paragraphs (a), (b), and (e) of subsection (4)
257 of section 102.031, Florida Statutes, are amended to read:

258 102.031 Maintenance of good order at polls; authorities;
259 persons allowed in polling rooms and early voting areas;
260 unlawful solicitation of voters.—

261 (4) (a) No person, political committee, or other group or
262 organization may solicit voters inside the polling place or
263 within 150 feet of a drop box or the entrance to any polling

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264 place, a polling room where the polling place is also a polling
265 room, an early voting site, or an office of the supervisor where
266 vote-by-mail ballots are requested and printed on demand for the
267 convenience of electors who appear in person to request them.
268 Before the opening of the polling place or early voting site,
269 the clerk or supervisor shall designate the no-solicitation zone
270 and mark the boundaries.

271 (b) For the purpose of this subsection, the terms
272 "solicit" or "solicitation" shall include, but not be limited
273 to, seeking or attempting to seek any vote, fact, opinion, or
274 contribution; distributing or attempting to distribute any
275 political or campaign material, leaflet, or handout; conducting
276 a poll except as specified in this paragraph; seeking or
277 attempting to seek a signature on any petition; ~~and~~ selling or
278 attempting to sell any item; and engaging in any activity with
279 the intent to influence or effect of influencing a voter. The
280 terms "solicit" or "solicitation" may not be construed to
281 prohibit an employee of, or a volunteer with, the supervisor
282 from providing nonpartisan assistance to voters within the no-
283 solicitation zone, including, but not limited to, giving items
284 to voters, or to prohibit exit polling.

285 (e) The owner, operator, or lessee of the property on
286 which a polling place or an early voting site is located, or an
287 agent or employee thereof, may not prohibit the solicitation of
288 voters by a candidate or a candidate's designee outside of the

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289 no-solicitation zone during polling hours.

290 Section 25. Section 102.07, Florida Statutes, is created
291 to read:

292 102.07 Vote-by-mail count reporting.—Beginning at 7:00
293 p.m. election day, the supervisor must, at least once every hour
294 while actively counting, post on his or her website the number
295 of vote-by-mail ballots that have been received and the number
296 of vote-by-mail ballots that remain uncounted.

297 Section 26. Subsection (1) and paragraphs (a) and (b) of
298 subsection (2) of section 102.141, Florida Statutes, are amended
299 to read:

300 102.141 County canvassing board; duties.—

301 (1) The county canvassing board shall be composed of the
302 supervisor of elections; a county court judge, who shall act as
303 chair; and the chair of the board of county commissioners. The
304 names of the canvassing board members must be published on the
305 supervisor's website upon completion of the logic and accuracy
306 test. Alternate canvassing board members must be appointed
307 pursuant to paragraph (e). In the event any member of the county
308 canvassing board is unable to serve, is a candidate who has
309 opposition in the election being canvassed, or is an active
310 participant in the campaign or candidacy of any candidate who
311 has opposition in the election being canvassed, such member
312 shall be replaced as follows:

313 (a) If no county court judge is able to serve or if all

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314 are disqualified, the chief judge of the judicial circuit in
315 which the county is located shall appoint as a substitute member
316 a qualified elector of the county who is not a candidate with
317 opposition in the election being canvassed and who is not an
318 active participant in the campaign or candidacy of any candidate
319 with opposition in the election being canvassed. In such event,
320 the members of the county canvassing board shall meet and elect
321 a chair.

322 (b) If the supervisor of elections is unable to serve or
323 is disqualified, the chair of the board of county commissioners
324 shall appoint as a substitute member a member of the board of
325 county commissioners who is not a candidate with opposition in
326 the election being canvassed and who is not an active
327 participant in the campaign or candidacy of any candidate with
328 opposition in the election being canvassed. The supervisor,
329 however, shall act in an advisory capacity to the canvassing
330 board.

331 (c) If the chair of the board of county commissioners is
332 unable to serve or is disqualified, the board of county
333 commissioners shall appoint as a substitute member one of its
334 members who is not a candidate with opposition in the election
335 being canvassed and who is not an active participant in the
336 campaign or candidacy of any candidate with opposition in the
337 election being canvassed.

338 (d) If a substitute member or alternate member cannot be

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339 appointed as provided elsewhere in this subsection, or in the
340 event of a vacancy in such office, the chief judge of the
341 judicial circuit in which the county is located shall appoint as
342 a substitute member or alternate member a qualified elector of
343 the county who is not a candidate with opposition in the
344 election being canvassed and who is not an active participant in
345 the campaign or candidacy of any candidate with opposition in
346 the election being canvassed.

347 (e)1. The chief judge of the judicial circuit in which the
348 county is located shall appoint a county court judge as an
349 alternate member of the county canvassing board or, if each
350 county court judge is unable to serve or is disqualified, shall
351 appoint an alternate member who is qualified to serve as a
352 substitute member under paragraph (a).

353 2. The chair of the board of county commissioners shall
354 appoint a member of the board of county commissioners as an
355 alternate member of the county canvassing board or, if each
356 member of the board of county commissioners is unable to serve
357 or is disqualified, shall appoint an alternate member who is
358 qualified to serve as a substitute member under paragraph (d).

359 3. If a member of the county canvassing board is unable to
360 participate in a meeting of the board, the chair of the county
361 canvassing board or his or her designee shall designate which
362 alternate member will serve as a member of the board in the
363 place of the member who is unable to participate at that

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364 meeting.

365 4. If not serving as one of the three members of the
366 county canvassing board, an alternate member may be present,
367 observe, and communicate with the three members constituting the
368 county canvassing board, but may not vote in the board's
369 decisions or determinations.

370 (2) (a) The county canvassing board shall meet in a
371 building accessible to the public in the county where the
372 election occurred at a time and place to be designated by the
373 supervisor to publicly canvass the absent electors' ballots as
374 provided for in s. 101.68 and provisional ballots as provided by
375 ss. 101.048, 101.049, and 101.6925. During each meeting of the
376 county canvassing board, each political party and each candidate
377 may have one watcher able to view directly or on a display
378 screen ballots being examined for signature matching and other
379 processes. Provisional ballots cast pursuant to s. 101.049 shall
380 be canvassed in a manner that votes for candidates and issues on
381 those ballots can be segregated from other votes. As soon as the
382 absent electors' ballots and the provisional ballots are
383 canvassed, the board shall proceed to publicly canvass the vote
384 given each candidate, nominee, constitutional amendment, or
385 other measure submitted to the electorate of the county, as
386 shown by the returns then on file in the office of the
387 supervisor.

388 (b) Public notice of the canvassing board members,

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389 alternates, time, and place at which the county canvassing board
390 shall meet to canvass the absent electors' ballots and
391 provisional ballots must be given at least 48 hours prior
392 thereto by publication on the supervisor's website and published
393 in one or more newspapers of general circulation in the county
394 or, if there is no newspaper of general circulation in the
395 county, by posting such notice in at least four conspicuous
396 places in the county. The time given in the notice as to the
397 convening of the meeting of the county canvassing board must be
398 specific and may not be a time period during which the board may
399 meet.

400 Section 27. Section 104.032, Florida Statutes, is created
401 to read:

402 104.032 False declaration or attestation regarding vote-
403 by-mail ballots.-Any person who makes a false declaration under
404 s. 104.0616(4) to distribute, order, request, collect, deliver,
405 or possess the vote-by-mail ballot of another person or makes a
406 false attestation under s. 101.69(2)(d) is guilty of a felony of
407 the third degree, punishable as provided in s. 775.082, s.
408 775.083, or s. 775.084.

409 Section 28. Section 104.0616, Florida Statutes, is amended
410 to read:

411 104.0616 Vote-by-mail ballots and voting; violations.-

412 (1) For purposes of this section, the term "immediate
413 family" means a person's spouse or the parent, child,

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414 | grandparent, grandchild, legal guardian, or sibling of the
415 | person or the

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