

By the Committees on Governmental Oversight and Accountability;
and Ethics and Elections; and Senator Baxley

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1 A bill to be entitled
2 An act relating to election administration; amending
3 s. 101.62, F.S.; limiting the duration of requests for
4 vote-by-mail ballots to all elections through the end
5 of the calendar year of the next regularly scheduled
6 general election; requiring vote-by-mail ballot
7 requests to include additional identifying information
8 regarding the requesting elector; prohibiting the
9 supervisor from mailing, delivering, or otherwise
10 providing vote-by-mail ballots to an elector, or a
11 designee thereof, unless a request has been made for
12 such ballot; requiring supervisors of elections to
13 record whether a voter's certificate on a vote-by-mail
14 ballot has a mismatched signature; restricting who an
15 elector may designate to pick up a vote-by-mail ballot
16 to conform to changes made by the act; amending s.
17 101.64, F.S.; prohibiting the display of an absent
18 elector's party affiliation or other partisan
19 information on the outside of vote-by-mail ballots and
20 return and secrecy envelopes; amending s. 101.65,
21 F.S.; revising instructions to absent electors to
22 conform to changes made by the act; amending s.
23 101.68, F.S.; authorizing the canvassing of vote-by-
24 mail ballots upon the completion of the public
25 preelection testing of automatic tabulating equipment;
26 requiring the canvassing board to use the most recent
27 signature of an elector when verifying a signature on
28 a vote-by-mail ballot or a cure affidavit; amending s.
29 101.69, F.S.; prohibiting the use of drop boxes for

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30 the return of vote-by-mail ballots; amending s.
31 104.0616, F.S.; prohibiting any person from
32 distributing, ordering, requesting, collecting,
33 delivering, or otherwise physically possessing a vote-
34 by-mail ballot of another person, not including a
35 ballot belonging to an immediate family member;
36 providing an exception; providing a penalty; providing
37 for construction and applicability; providing an
38 effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Paragraphs (a) and (b) of subsection (1),
43 subsection (3), and paragraph (c) of subsection (4) of section
44 101.62, Florida Statutes, are amended, and paragraph (d) is
45 added to subsection (1) of that section, to read:

46 101.62 Request for vote-by-mail ballots.—

47 (1) (a) The supervisor shall accept a request for a vote-by-
48 mail ballot from an elector in person or in writing. One request
49 is ~~shall be~~ deemed sufficient to receive a vote-by-mail ballot
50 for all elections through the end of the calendar year of the
51 next ~~second ensuing~~ regularly scheduled general election, unless
52 the elector or the elector's designee indicates at the time the
53 request is made the elections for which the elector desires to
54 receive a vote-by-mail ballot. Such request may be considered
55 canceled when any first-class mail sent by the supervisor to the
56 elector is returned as undeliverable.

57 (b) The supervisor may accept a written or telephonic
58 request for a vote-by-mail ballot to be mailed to an elector's

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59 address on file in the Florida Voter Registration System from
60 the elector, or, if directly instructed by the elector, a member
61 of the elector's immediate family, or the elector's legal
62 guardian.~~+~~ If the ballot is requested to be mailed to an address
63 other than the elector's address on file in the Florida Voter
64 Registration System, the request must be made in writing and
65 signed by the elector. However, an absent uniformed service
66 voter or an overseas voter seeking a vote-by-mail ballot is not
67 required to submit a signed, written request for a vote-by-mail
68 ballot that is being mailed to an address other than the
69 elector's address on file in the Florida Voter Registration
70 System. For purposes of this section, the term "immediate
71 family" has the same meaning as specified in paragraph (4)(c).
72 The person making the request must disclose:

- 73 1. The name of the elector for whom the ballot is
74 requested.
- 75 2. The elector's address.
- 76 3. The elector's date of birth.
- 77 4. The elector's Florida driver license number or Florida
78 identification card number or the last four digits of the
79 elector's social security number.
- 80 5. The requester's name.
- 81 ~~6.5.~~ The requester's address.
- 82 ~~7.6.~~ The requester's driver license number, if available.
- 83 ~~8.7.~~ The requester's relationship to the elector.
- 84 ~~9.8.~~ The requester's signature (written requests only).
- 85 (d) A supervisor may not mail or otherwise deliver or
86 provide a vote-by-mail ballot to an elector or an elector's
87 designee unless a request for such ballot has been made that

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88 meets the requirements of this section.

89 (3) (a) For each request for a vote-by-mail ballot received,
90 the supervisor shall record the date the request was made;; the
91 date the vote-by-mail ballot was delivered to the voter or the
92 voter's designee or the date the vote-by-mail ballot was
93 delivered to the post office or other carrier;; the date the
94 ballot was received by the supervisor;; the absence of the
95 voter's signature on the voter's certificate, if applicable;;
96 and such other information he or she may deem necessary. ~~This~~
97 ~~information shall be provided in electronic format as provided~~
98 ~~by rule adopted by the division. The information shall be~~
99 ~~updated and made available no later than 8 a.m. of each day,~~
100 ~~including weekends, beginning 60 days before the primary until~~
101 ~~15 days after the general election and shall be~~
102 ~~contemporaneously provided to the division.~~ This information
103 shall be confidential and exempt from s. 119.07(1) and shall be
104 made available to or reproduced only for the voter requesting
105 the ballot, a canvassing board, an election official, a
106 political party or official thereof, a candidate who has filed
107 qualification papers and is opposed in an upcoming election, and
108 registered political committees for political purposes only.

109 (b) For each returned vote-by-mail ballot, the supervisor
110 shall record whether the voter's certificate contains a
111 signature that does not match the elector's signature in the
112 registration books or precinct register.

113 (c) The information specified in paragraphs (a) and (b)
114 shall be provided in electronic format as prescribed by division
115 rule. The information shall be updated and made available no
116 later than 8 a.m. of each day, including weekends, beginning 60

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117 days before the primary election until 15 days after the general
118 election and shall be contemporaneously provided to the
119 division.

120 (4)

121 (c) The supervisor shall provide a vote-by-mail ballot to
122 each elector by whom a request for that ballot has been made by
123 one of the following means:

124 1. By nonforwardable, return-if-undeliverable mail to the
125 elector's current mailing address on file with the supervisor or
126 any other address the elector specifies in the request.

127 2. By forwardable mail, e-mail, or facsimile machine
128 transmission to absent uniformed services voters and overseas
129 voters. The absent uniformed services voter or overseas voter
130 may designate in the vote-by-mail ballot request the preferred
131 method of transmission. If the voter does not designate the
132 method of transmission, the vote-by-mail ballot shall be mailed.

133 3. By personal delivery before 7 p.m. on election day to
134 the elector, upon presentation of the identification required in
135 s. 101.043.

136 4. By delivery to a designee on election day or up to 9
137 days before ~~prior to~~ the day of an election. Any elector may
138 designate in writing an immediate family member ~~a person~~ to pick
139 up the ballot for the elector; ~~however, the person designated~~
140 ~~may not pick up more than two vote-by-mail ballots per election,~~
141 ~~other than the designee's own ballot, except that additional~~
142 ~~ballots may be picked up for members of the designee's immediate~~
143 ~~family.~~ For purposes of this section, "immediate family" means
144 the elector's ~~designee's~~ spouse or the parent, child,
145 grandparent, or sibling of the elector ~~designee~~ or of the

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146 designee's spouse. The designee shall provide to the supervisor
147 the written authorization by the elector and a picture
148 identification of the designee and must complete an affidavit.
149 The designee shall state in the affidavit that the designee is
150 authorized by the elector to pick up that ballot and that shall
151 ~~indicate if~~ the elector is a member of the designee's immediate
152 family and indicate, if so, the relationship. The department
153 shall prescribe the form of the affidavit. If the supervisor is
154 satisfied that the designee is authorized to pick up the ballot
155 and that the signature of the elector on the written
156 authorization matches the signature of the elector on file, the
157 supervisor shall give the ballot to that designee for delivery
158 to the elector.

159 5. Except as provided in s. 101.655, the supervisor may not
160 deliver a vote-by-mail ballot to an elector or an elector's
161 immediate family member on the day of the election unless there
162 is an emergency, to the extent that the elector will be unable
163 to go to his or her assigned polling place. If a vote-by-mail
164 ballot is delivered, the elector or his or her designee shall
165 execute an affidavit affirming to the facts which allow for
166 delivery of the vote-by-mail ballot. The department shall adopt
167 a rule providing for the form of the affidavit.

168 Section 2. Subsection (6) is added to section 101.64,
169 Florida Statutes, to read:

170 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

171 (6) The outside of the ballot and the secrecy and mailing
172 envelopes may not display the party affiliation of the absent
173 elector who has been issued such ballot or display any other
174 partisan information.

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175 Section 3. Section 101.65, Florida Statutes, is amended to
176 read:

177 101.65 Instructions to absent electors.—The supervisor
178 shall enclose with each vote-by-mail ballot separate printed
179 instructions in substantially the following form; however, where
180 the instructions appear in capitalized text, the text of the
181 printed instructions must be in bold font:

182

183 READ THESE INSTRUCTIONS CAREFULLY
184 BEFORE MARKING BALLOT.

185

186 1. VERY IMPORTANT. In order to ensure that your vote-by-
187 mail ballot will be counted, it should be completed and returned
188 as soon as possible so that it can reach the supervisor of
189 elections of the county in which your precinct is located no
190 later than 7 p.m. on the day of the election. However, if you
191 are an overseas voter casting a ballot in a presidential
192 preference primary or general election, your vote-by-mail ballot
193 must be postmarked or dated no later than the date of the
194 election and received by the supervisor of elections of the
195 county in which you are registered to vote no later than 10 days
196 after the date of the election. Note that the later you return
197 your ballot, the less time you will have to cure any signature
198 deficiencies, which is authorized until 5 p.m. on the 2nd day
199 after the election.

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

203 3. Mark only the number of candidates or issue choices for

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204 a race as indicated on the ballot. If you are allowed to "Vote
205 for One" candidate and you vote for more than one candidate,
206 your vote in that race will not be counted.

207 4. Place your marked ballot in the enclosed secrecy
208 envelope.

209 5. Insert the secrecy envelope into the enclosed mailing
210 envelope which is addressed to the supervisor.

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

213 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
214 be counted, you must sign your name on the line above (Voter's
215 Signature). A vote-by-mail ballot will be considered illegal and
216 not be counted if the signature on the voter's certificate does
217 not match the signature on record. The signature on file at the
218 time the supervisor of elections in the county in which your
219 precinct is located receives your vote-by-mail ballot is the
220 signature that will be used to verify your signature on the
221 voter's certificate. If you need to update your signature for
222 this election, send your signature update on a voter
223 registration application to your supervisor of elections so that
224 it is received before your vote-by-mail ballot is received.

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

228 9. Mail, deliver, or have delivered the completed mailing
229 envelope. Be sure there is sufficient postage if mailed. THE
230 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
231 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
232 LOCATED ~~OR DROPPED OFF AT AN AUTHORIZED SECURE DROP BOX,~~

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233 ~~AVAILABLE AT EACH EARLY VOTING LOCATION.~~

234 10. FELONY NOTICE. It is a felony under Florida law to
235 accept any gift, payment, or gratuity in exchange for your vote
236 for a candidate. It is also a felony under Florida law to vote
237 in an election using a false identity or false address, or under
238 any other circumstances making your ballot false or fraudulent.

239 Section 4. Paragraphs (a) and (c) of subsection (2) of
240 section 101.68, Florida Statutes, are amended to read:

241 101.68 Canvassing of vote-by-mail ballot.-

242 (2) (a) The county canvassing board may begin the canvassing
243 of vote-by-mail ballots upon the completion of the public
244 testing of automatic tabulating equipment pursuant to s.
245 101.5612(2) at 7 a.m. on the 22nd day before the election, but
246 must begin such canvassing by no ~~not~~ later than noon on the day
247 following the election. ~~In addition, for any county using~~
248 ~~electronic tabulating equipment, the processing of vote-by-mail~~
249 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~
250 ~~the 22nd day before the election.~~ However, notwithstanding any
251 such authorization to begin canvassing or otherwise processing
252 vote-by-mail ballots early, no result shall be released until
253 after the closing of the polls in that county on election day.
254 Any supervisor, deputy supervisor, canvassing board member,
255 election board member, or election employee who releases the
256 results of a canvassing or processing of vote-by-mail ballots
257 prior to the closing of the polls in that county on election day
258 commits a felony of the third degree, punishable as provided in
259 s. 775.082, s. 775.083, or s. 775.084.

260 (c)1. The canvassing board must, if the supervisor has not
261 already done so, compare the signature of the elector on the

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262 voter's certificate or on the vote-by-mail ballot cure affidavit
263 as provided in subsection (4) with the most recent signature of
264 the elector in the registration books or the precinct register
265 to see that the elector is duly registered in the county and to
266 determine the legality of that vote-by-mail ballot. A vote-by-
267 mail ballot may only be counted if:

268 a. The signature on the voter's certificate or the cure
269 affidavit matches the elector's signature in the registration
270 books or precinct register; however, in the case of a cure
271 affidavit, the supporting identification listed in subsection
272 (4) must also confirm the identity of the elector; or

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

278
279 For purposes of this subparagraph, any canvassing board finding
280 that an elector's signatures do not match must be by majority
281 vote and beyond a reasonable doubt.

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

288 3. A vote-by-mail ballot is not considered illegal if the
289 signature of the elector does not cross the seal of the mailing
290 envelope.

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291 4. If any elector or candidate present believes that a
292 vote-by-mail ballot is illegal due to a defect apparent on the
293 voter's certificate or the cure affidavit, he or she may, at any
294 time before the ballot is removed from the envelope, file with
295 the canvassing board a protest against the canvass of that
296 ballot, specifying the precinct, the ballot, and the reason he
297 or she believes the ballot to be illegal. A challenge based upon
298 a defect in the voter's certificate or cure affidavit may not be
299 accepted after the ballot has been removed from the mailing
300 envelope.

301 5. If the canvassing board determines that a ballot is
302 illegal, a member of the board must, without opening the
303 envelope, mark across the face of the envelope: "rejected as
304 illegal." The cure affidavit, if applicable, the envelope, and
305 the ballot therein shall be preserved in the manner that
306 official ballots are preserved.

307 Section 5. Subsection (2) of section 101.69, Florida
308 Statutes, is amended to read:

309 101.69 Voting in person; return of vote-by-mail ballot.—

310 (2) The supervisor may not ~~shall~~ allow an elector who has
311 received a vote-by-mail ballot to physically return a voted
312 vote-by-mail ballot to the supervisor by placing the envelope
313 containing his or her marked ballot in a ~~secure~~ drop box. ~~Secure~~
314 ~~drop boxes shall be placed at the main office of the supervisor,~~
315 ~~at each branch office of the supervisor, and at each early~~
316 ~~voting site. Secure drop boxes may also be placed at any other~~
317 ~~site that would otherwise qualify as an early voting site under~~
318 ~~s. 101.657(1); provided, however, that any such site must be~~
319 ~~staffed during the county's early voting hours of operation by~~

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320 ~~an employee of the supervisor's office or a sworn law~~
321 ~~enforcement officer.~~

322 Section 6. Subsection (2) of section 104.0616, Florida
323 Statutes, is amended to read:

324 104.0616 Vote-by-mail ballots and voting; violations.—

325 (2) Any person who distributes, orders, requests, collects,
326 delivers ~~provides or offers to provide,~~ and any person who
327 ~~accepts, a pecuniary or other benefit in exchange for~~
328 ~~distributing, ordering, requesting, collecting, delivering, or~~
329 ~~otherwise physically~~ possesses a vote-by-mail ballot of another
330 person, not including possessing more than two vote-by-mail
331 ~~ballots per election in addition to his or her own ballot or a~~
332 ~~ballot belonging to an immediate family member, except as~~
333 ~~provided in ss. 101.6105-101.694, commits a misdemeanor of the~~
334 ~~first degree, punishable as provided in s. 775.082, s. 775.083,~~
335 ~~or s. 775.084.~~

336 Section 7. Notwithstanding that an elector has submitted a
337 vote-by-mail ballot request before the effective date of this
338 act initially applicable through the end of the calendar year of
339 the second ensuing regularly scheduled general election, any
340 such elector must affirmatively resubmit a vote-by-mail ballot
341 request following the effective date of this act in order to
342 receive vote-by-mail ballots for the 2022 primary and general
343 elections.

344 Section 8. This act shall take effect July 1, 2021.