

By Senator Polsky

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1                   A bill to be entitled  
2       An act relating to elections; amending s. 97.052,  
3       F.S.; requiring the uniform statewide voter  
4       registration application to be accepted for the  
5       purpose of vote-by-mail ballot requests; requiring the  
6       uniform statewide voter registration application to  
7       elicit whether an applicant requests a vote-by-mail  
8       ballot; specifying requirements for a certain  
9       statement of the applicant's intent; amending s.  
10      97.0525, F.S.; requiring the online voter registration  
11      system to permit an applicant to request a vote-by-  
12      mail ballot; amending s. 100.111, F.S.; requiring the  
13      Governor to consult with supervisors of elections of  
14      affected counties in fixing the dates for special  
15      elections; requiring the Governor, in the event of a  
16      vacancy in a state legislative office, to limit the  
17      duration of a vacancy during a regular legislative  
18      session to the greatest extent possible in fixing  
19      special election dates; requiring the Governor to fix  
20      the date for a special election to be held within a  
21      certain timeframe; revising the minimum time between a  
22      special primary election and a special election;  
23      amending s. 100.141, F.S.; requiring the Governor to  
24      issue an order calling for a special election within a  
25      certain timeframe; conforming a provision to changes  
26      made by the act; amending s. 101.62, F.S.; requiring a  
27      supervisor of elections to accept certain requests for  
28      vote-by-mail ballots; providing that a request made on  
29      a vote-by-mail ballot return mailing envelope does not

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30 require specified identifying information and is  
31 sufficient if such ballot is counted; amending s.  
32 101.64, F.S.; requiring a vote-by-mail ballot return  
33 mailing envelope to bear a statement and a checkbox  
34 that allows an absent elector to request a vote-by-  
35 mail ballot for all elections taking place during a  
36 specified timeframe; providing an effective date.  
37

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

40 Section 1. Paragraph (a) of subsection (1) of section  
41 97.052, Florida Statutes, is amended, and paragraph (v) is added  
42 to subsection (2) of that section, to read:

43 97.052 Uniform statewide voter registration application.—

44 (1) The department shall prescribe by rule a uniform  
45 statewide voter registration application for use in this state.

46 (a) The uniform statewide voter registration application  
47 must be accepted for any one or more of the following purposes:

- 48 1. Initial registration.
- 49 2. Change of address.
- 50 3. Change of party affiliation.
- 51 4. Change of name.
- 52 5. Replacement of a voter information card.
- 53 6. Signature update.
- 54 7. Vote-by-mail ballot request.

55 (2) The uniform statewide voter registration application  
56 must be designed to elicit the following information from the  
57 applicant:

58 (v) Whether the applicant requests a vote-by-mail ballot,

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59 by including a statement in substantially the following form: "I  
60 request a vote-by-mail ballot." The statement must be followed  
61 by a box for the applicant to check to affirm the statement.

62 Section 2. Paragraph (a) of subsection (2) of section  
63 97.0525, Florida Statutes, is amended to read:

64 97.0525 Online voter registration.—

65 (2) The division shall establish and maintain a secure  
66 Internet website that safeguards an applicant's information to  
67 ensure data integrity and permits an applicant to:

68 (a) Submit a voter registration application, including a  
69 first-time voter registration application, applications and  
70 updates to current voter registration records, and a vote-by-  
71 mail ballot request made by checking a box to affirm the  
72 statement that must be included on the uniform statewide voter  
73 registration application pursuant to s. 97.052(2)(v).

74 Section 3. Subsection (2) of section 100.111, Florida  
75 Statutes, is amended to read:

76 100.111 Filling vacancy.—

77 (2) Whenever there is a vacancy for which a special  
78 election is required pursuant to s. 100.101, the Governor, after  
79 consultation with the Secretary of State and the supervisor of  
80 elections of any affected county, shall fix the dates of a  
81 special primary election and a special election. Nominees of  
82 political parties shall be chosen under the primary laws of this  
83 state in the special primary election to become candidates in  
84 the special election. Before ~~Prior to~~ setting the special  
85 election dates, the Governor shall consider any upcoming  
86 elections in the jurisdiction where the special election will be  
87 held and, in the event of a vacancy in a state legislative

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88 office, shall limit the duration of any such vacancy during a  
89 regular legislative session to the greatest extent possible in  
90 fixing such dates. Notwithstanding the foregoing, any special  
91 election may not be held later than 180 days after a vacancy has  
92 occurred. The dates fixed by the Governor ~~shall~~ must be specific  
93 days certain and ~~may shall~~ may not be established by the happening  
94 of a condition or stated in the alternative. The dates fixed  
95 ~~must shall~~ must provide a minimum of 10 ~~2~~ weeks between each  
96 election. In the event a vacancy occurs in the office of state  
97 senator or member of the House of Representatives when the  
98 Legislature is in regular legislative session, the minimum times  
99 prescribed by this subsection may be waived upon concurrence of  
100 the Governor, the Speaker of the House of Representatives, and  
101 the President of the Senate. If a vacancy occurs in the office  
102 of state senator and no session of the Legislature is scheduled  
103 to be held ~~before~~ prior to the next general election, the  
104 Governor may fix the dates for the special primary election and  
105 for the special election to coincide with the dates of the  
106 primary election and general election. If a vacancy in office  
107 occurs in any district in the state Senate or House of  
108 Representatives or in any congressional district, and no session  
109 of the Legislature, or session of Congress if the vacancy is in  
110 a congressional district, is scheduled to be held during the  
111 unexpired portion of the term, the Governor is not required to  
112 call a special election to fill such vacancy.

113 (a) The dates for candidates to qualify in such special  
114 election or special primary election must ~~shall~~ be fixed by the  
115 Department of State, and candidates must ~~shall~~ qualify no ~~not~~  
116 later than noon of the last day so fixed. The dates fixed for

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117 qualifying must ~~shall~~ allow a minimum of 14 days between the  
118 last day of qualifying and the special primary election.

119 (b) The filing of campaign expense statements by candidates  
120 in such special elections or special primaries and by committees  
121 making contributions or expenditures to influence the results of  
122 such special primaries or special elections must ~~shall~~ be no ~~not~~  
123 later than such dates as ~~shall be~~ fixed by the Department of  
124 State, and in fixing such dates the Department of State shall  
125 take into consideration and be governed by the practical time  
126 limitations.

127 (c) The dates for a candidate to qualify by the petition  
128 process pursuant to s. 99.095 in such special primary or special  
129 election must ~~shall~~ be fixed by the Department of State. In  
130 fixing such dates the Department of State shall take into  
131 consideration and be governed by the practical time limitations.  
132 Any candidate seeking to qualify by the petition process in a  
133 special primary election must ~~shall~~ obtain 25 percent of the  
134 signatures required by s. 99.095.

135 (d) The qualifying fees and party assessments of such  
136 candidates as may qualify must ~~shall~~ be the same as collected  
137 for the same office at the last previous primary for that  
138 office. The party assessment must ~~shall~~ be paid to the  
139 appropriate executive committee of the political party to which  
140 the candidate belongs.

141 (e) Each county canvassing board shall make as speedy a  
142 return of the result of such special primary elections and  
143 special elections as time will permit, and the Elections  
144 Canvassing Commission likewise shall make as speedy a canvass  
145 and declaration of the nominees as time will permit.

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146 Section 4. Subsection (1) of section 100.141, Florida  
147 Statutes, is amended to read:

148 100.141 Notice of special election to fill any vacancy in  
149 office.—

150 (1) Whenever a special election is required to fill any  
151 vacancy in office, the Governor, after consultation with the  
152 Secretary of State and the supervisor of elections of any  
153 affected county, shall issue an order declaring on what day the  
154 election shall be held and deliver the order to the Department  
155 of State. The Governor shall issue the order within 14 calendar  
156 days after the occurrence of the vacancy or, for vacancies  
157 arising due to a resignation pursuant to s. 99.012, within 14  
158 calendar days after submittal of the written resignation to the  
159 Governor, whichever is sooner.

160 Section 5. Present paragraphs (b) and (c) of subsection (1)  
161 of section 101.62, Florida Statutes, are redesignated as  
162 paragraphs (c) and (d), respectively, a new paragraph (b) is  
163 added to that subsection, and paragraph (a) and present  
164 paragraph (b) of that subsection are amended, to read:

165 101.62 Request for vote-by-mail ballots.—

166 (1) (a) The supervisor shall accept a request for a vote-by-  
167 mail ballot from an elector in person or in writing, including:

168 1. A request made by checking the vote-by-mail ballot  
169 request box included on the uniform statewide voter registration  
170 application pursuant to s. 97.052(2)(v) or on an application  
171 submitted online pursuant to s. 97.0525; or

172 2. A request made by checking the vote-by-mail ballot  
173 request box included on a vote-by-mail return mailing envelope  
174 pursuant to s. 101.64(1)(b)2.

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175        **(b)** One request is deemed sufficient to receive a vote-by-  
176 mail ballot for all elections through the end of the calendar  
177 year of the next regularly scheduled general election, unless  
178 the elector or the elector's designee indicates at the time the  
179 request is made the elections within such period for which the  
180 elector desires to receive a vote-by-mail ballot. Such request  
181 may be considered canceled when any first-class mail sent by the  
182 supervisor to the elector is returned as undeliverable.

183        **(c)** ~~(b)~~ The supervisor may accept a written, an in-person,  
184 or a telephonic request for a vote-by-mail ballot to be mailed  
185 to an elector's address on file in the Florida Voter  
186 Registration System from the elector, or, if directly instructed  
187 by the elector, a member of the elector's immediate family, or  
188 the elector's legal guardian. If an in-person or a telephonic  
189 request is made, the elector must provide the elector's Florida  
190 driver license number, the elector's Florida identification card  
191 number, or the last four digits of the elector's social security  
192 number, whichever may be verified in the supervisor's records.  
193 If the ballot is requested to be mailed to an address other than  
194 the elector's address on file in the Florida Voter Registration  
195 System, the request must be made in writing. A written request  
196 must be signed by the elector and include the elector's Florida  
197 driver license number, the elector's Florida identification card  
198 number, or the last four digits of the elector's social security  
199 number. However, a request made as provided in subparagraph  
200 (a)2. does not require the inclusion of the elector's Florida  
201 driver license number, the elector's Florida identification card  
202 number, or the last four digits of the elector's social security  
203 number and is sufficient if the vote-by-mail ballot is counted.

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204 However, an absent uniformed service voter or an overseas voter  
205 seeking a vote-by-mail ballot is not required to submit a  
206 signed, written request for a vote-by-mail ballot that is being  
207 mailed to an address other than the elector's address on file in  
208 the Florida Voter Registration System. For purposes of this  
209 section, the term "immediate family" has the same meaning as  
210 specified in paragraph (4) (c). The person making the request  
211 must disclose:

- 212 1. The name of the elector for whom the ballot is  
213 requested.
- 214 2. The elector's address.
- 215 3. The elector's date of birth.
- 216 4. The elector's Florida driver license number, the  
217 elector's Florida identification card number, or the last four  
218 digits of the elector's social security number, whichever may be  
219 verified in the supervisor's records.
- 220 5. The requester's name.
- 221 6. The requester's address.
- 222 7. The requester's driver license number, the requester's  
223 identification card number, or the last four digits of the  
224 requester's social security number, if available.
- 225 8. The requester's relationship to the elector.
- 226 9. The requester's signature (written requests only).

227 Section 6. Paragraph (b) of subsection (1) of section  
228 101.64, Florida Statutes, is amended to read:

229 101.64 Delivery of vote-by-mail ballots; envelopes; form.-  
230 (1)

231 (b) Each return mailing envelope must bear the following:

- 232 1. The absent elector's name.

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233       2. A statement in substantially the following form: "I  
234 request a vote-by-mail ballot for all elections taking place  
235 through the end of the calendar year of the next regularly  
236 scheduled general election." The statement must be followed by a  
237 box that the absent elector may check to affirm the statement.

238       3. ~~and~~ Any encoded mark used by the supervisor's office.  
239       Section 7. This act shall take effect July 1, 2022.