



Transportation & Economic Development Appropriations Subcommittee

Meeting Packet

**January 28, 2016
1:00 p.m. – 3:00 p.m.
Sumner Hall**




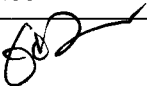
AGENDA

Transportation & Economic Development Appropriations Subcommittee
January 28, 2016
1:00 p.m. – 3:00 p.m.
Sumner Hall

- I. **Call to Order/Roll Call**
- II. **Consideration of Bills**
 - HB 361 Vote-by-mail Voting by Lee, Williams, A.
 - HB 4041 Write-in Candidates by Geller
- III. **Presentation of the Chair's Proposed Budget for Fiscal Year 2016-2017**
- IV. **Closing Remarks/Adjourn**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 361 Vote-by-mail Voting
SPONSOR(S): Lee, Jr., Williams and others
TIED BILLS: IDEN./SIM. BILLS: SB 112

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N	Toliver	Williamson
2) Transportation & Economic Development Appropriations Subcommittee		Cobb 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

Prior to 2001, a voter was required to show cause in order to vote using an absentee ballot. In 2001, the Legislature adopted the Florida Election Reform Act of 2001, which eliminated the requirement that a voter show cause to vote using an absentee ballot. Now, a voter using an absentee ballot is only required to affirm that he or she:

- Is a qualified and registered voter of the county;
- Has not and will not vote more than one ballot in the election; and
- Understands that committing or attempting to commit fraud in connection with voting is a felony of the third degree.

According to the National Conference of State Legislatures, 27 states have some form of "no-excuse absentee voting." However, there seems to be a lack of uniformity regarding what to call the current concepts of absentee voting. For instance, several Florida Supervisors of Elections websites use the terms "vote-by-mail" and "absentee" interchangeably.

The bill amends the Florida Statutes to replace the phrase "absentee ballot" with the phrase "vote-by-mail ballot."

The bill appears to have an indeterminate fiscal impact to the state and local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Prior to 2001, a voter was required to show cause in order to vote using an absentee ballot.¹ To vote by absentee ballot, a voter had to attest that one of the following reasons prevented him or her from voting in person at a polling place:

- The voter is unable to vote without another's assistance;
- The voter may not be in the precinct of residence during the hours the polls are open for voting on election day;
- The voter is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a Supervisor of Elections, or a deputy Supervisor of Elections who is assigned to a different precinct than the one in which he or she is registered;
- The voter cannot attend the polls on election day because of the tenets of his or her religion;
- The voter changed his or her residency to another county in Florida within the time period during which the registration books are closed for the election;
- The voter changed his or her permanent residency to another state and he or she is unable under the laws of that state to vote in the general election; or
- The voter is unable to attend the polls on Election Day and is voting in person at the office of the Supervisors of Elections.²

In 2001, the Legislature adopted the Florida Election Reform Act of 2001, which eliminated the requirement that a voter show cause to vote using an absentee ballot.³ Now, a voter using an absentee ballot is only required to affirm that he or she:

- Is a qualified and registered voter of the county;
- Has not and will not vote more than one ballot in the election; and
- Understands that committing or attempting to commit fraud in connection with voting is a felony of the third degree.⁴

Numerous states have amended their absentee voting laws to allow for greater absentee ballot participation by voters by removing the reasons that voters traditionally had to give in order to vote an absentee ballot.⁵ According to the National Conference of State Legislatures, 27 states have some form of "no-excuse absentee voting."⁶ However, there seems to be a lack of uniformity regarding what to call the current concepts of absentee voting. For instance, several Florida supervisors of elections websites use the terms "vote-by-mail" and "absentee" interchangeably.⁷

¹ Section 101.64, F.S. (2000).

² *Id.*

³ Chapter 2001-40, s. 1, L.O.F.

⁴ Section 101.64(1), F.S.

⁵ Tokaji & Ruth Colter, *Absentee Voting by People with Disabilities: Promoting Access and Integrity*, 38 MCGEORGE L.REV. 1015, 1021 (2007), reprinted at <http://www.americanbar.org/content/dam/aba/migrated/aging/voting/pdfs/tokaji.authcheckdam.pdf> (last accessed Nov. 18, 2015); see Enrijeta Shino, *Absentee Voting: A Cross State Analysis* at pp. 3-5 (University of Florida Mar. 8, 2014) (2000 general election signaled the turning point in easing legal requirements for absentee voting), available at The Florida Political Science Association website at http://www.fpsanet.org/uploads/8/8/7/3/8873825/2014_nominee_shino.pdf (last accessed Nov. 18, 2015).

⁶ National Conference of State Legislatures, *Absentee and Early Voting* (Feb. 11, 2015), available at <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> (last accessed Nov. 18, 2015).

⁷ See e.g., Escambia County Supervisor of Elections website at <http://www.escambiovotes.com/vote-by-mail> and <http://www.escambiovotes.com/absentee-voting-and-registration> (generally, using the term "absentee ballot" to refer to military and overseas ballots and the phrase "vote-by-mail" to refer to other ballots)(last accessed Nov. 18, 2015); Pasco County Supervisor of Elections website at <http://www.pascovotes.com/Vote-by-Mail/About-Voting-by-Mail#mil> (referring to most ballots, including military, as vote-by mail ballots)(last accessed Nov. 18, 2015); Leon County Supervisor of Elections website at

Effect of the Bill

The bill amends the Florida Statutes to replace the phrase “absentee ballot” with the phrase “vote-by-mail ballot.”

B. SECTION DIRECTORY:

Sections 1 through 40 amend ss. 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 98.255, 101.051, 101.151, 101.5612, 101.5614, 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, 102.031, 102.141, 102.168, 104.047, 104.0616, 104.17, 117.05, 394.459, 741.406, and 916.107, F.S., replacing the phrase “absentee ballot” with “vote-by-mail ballot.”

Section 41 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the Department of State, the change in terminology will require the Division of Elections to revise documentation and may require coding changes to the Florida Voter Registration System. The department indicates the changes will likely be absorbed into the division’s current operating budget.⁸

Additionally, supervisors of elections will need to make changes to documentation, forms, procedures, and websites to conform to the change in terminology. The cost of these changes is indeterminate since the level of changes required will differ from county to county.

<http://www.leonvotes.org/Request-an-Absentee-Ballot> and Sarasota County Supervisor of Elections website at <http://www.sarasotavotes.com/content.aspx?id=19> (using both terms, “vote-by-mail” and “absentee” interchangeably and simultaneously)(last accessed Nov. 18, 2015).

⁸ Department of State 2016 Agency Legislative Bill Analysis for HB 361, Oct. 27, 2015, at pg. 3 (on file with the Transportation and Economic Development Appropriations Subcommittee).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Art. VII, s. 18 of the State Constitution because it is an election law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In the past, some have expressed concern that changing the term “absentee ballot” to “vote-by-mail ballot” could result in a delay in the United States Postal Service’s processing, transmitting, and delivering of ballots. However, U.S. Postal Service Regulation 703 Nonprofit Standard Mail and Other Unique Eligibility provides the following:

8.2.5 Envelope

The envelope used to send balloting material and the envelope supplied for return of the ballots must have printed across the face the words “Official Absentee Balloting Material—First-Class Mail” (or similar language required by state law)...⁹

Therefore, using different terms with similar meanings, such as “vote-by-mail ballot,” would appear to be contemplated by the U.S. Postal Service’s regulations.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

⁹ U.S Postal Service Regulation 703.8.2.5, available at <http://pe.usps.com/text/dmm300/703.htm#1174014> (last accessed Nov. 18, 2015).

1 A bill to be entitled
 2 An act relating to vote-by-mail voting; amending ss.
 3 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981,
 4 98.255, 101.051, 101.151, 101.5612, 101.5614, 101.572,
 5 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655,
 6 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921,
 7 101.6923, 101.6925, 101.694, 101.6951, 101.6952,
 8 101.697, 102.031, 102.141, 102.168, 104.047, 104.0616,
 9 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.;
 10 revising references of "absentee ballot" to "vote-by-
 11 mail ballot"; conforming terminology to changes made
 12 by the act; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (13) of section 97.012, Florida
 17 Statutes, is amended to read:

18 97.012 Secretary of State as chief election officer.—The
 19 Secretary of State is the chief election officer of the state,
 20 and it is his or her responsibility to:

21 (13) Designate an office within the department to be
 22 responsible for providing information regarding voter
 23 registration procedures and vote-by-mail ~~absentee~~ ballot
 24 procedures to absent uniformed services voters and overseas
 25 voters.

26 Section 2. Subsections (1) and (13) of section 97.021,

27 Florida Statutes, are amended to read:

28 97.021 Definitions.—For the purposes of this code, except
29 where the context clearly indicates otherwise, the term:

30 (1) "Absent elector" means any registered and qualified
31 voter who casts a vote-by-mail ~~an absentee~~ ballot.

32 (13) "Election costs" shall include, but not be limited
33 to, expenditures for all paper supplies such as envelopes,
34 instructions to voters, affidavits, reports, ballot cards,
35 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,
36 notices to voters; advertisements for registration book
37 closings, testing of voting equipment, sample ballots, and
38 polling places; forms used to qualify candidates; polling site
39 rental and equipment delivery and pickup; data processing time
40 and supplies; election records retention; and labor costs,
41 including those costs uniquely associated with vote-by-mail
42 ~~absentee~~ ballot preparation, poll workers, and election night
43 canvass.

44 Section 3. Section 97.026, Florida Statutes, is amended to
45 read:

46 97.026 Forms to be available in alternative formats and
47 via the Internet.—It is the intent of the Legislature that all
48 forms required to be used in chapters 97-106 shall be made
49 available upon request, in alternative formats. Such forms shall
50 include vote-by-mail ~~absentee~~ ballots as alternative formats for
51 such ballots become available and the Division of Elections is
52 able to certify systems that provide them. Whenever possible,

53 such forms, with the exception of vote-by-mail ~~absentee~~ ballots,
 54 shall be made available by the Department of State via the
 55 Internet. Sections that contain such forms include, but are not
 56 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,
 57 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,
 58 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,
 59 101.657, 105.031, 106.023, and 106.087.

60 Section 4. Paragraph (c) of subsection (4) of section
 61 98.065, Florida Statutes, is amended to read:

62 98.065 Registration list maintenance programs.—

63 (4)

64 (c) The supervisor must designate as inactive all voters
 65 who have been sent an address confirmation final notice and who
 66 have not returned the postage prepaid, preaddressed return form
 67 within 30 days or for which the final notice has been returned
 68 as undeliverable. Names on the inactive list may not be used to
 69 calculate the number of signatures needed on any petition. A
 70 voter on the inactive list may be restored to the active list of
 71 voters upon the voter updating his or her registration,
 72 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to
 73 vote. However, if the voter does not update his or her voter
 74 registration information, request a vote-by-mail ~~an absentee~~
 75 ballot, or vote by the second general election after being
 76 placed on the inactive list, the voter's name shall be removed
 77 from the statewide voter registration system and the voter shall
 78 be required to reregister to have his or her name restored to

79 the statewide voter registration system.

80 Section 5. Subsection (4) of section 98.077, Florida
81 Statutes, is amended to read:

82 98.077 Update of voter signature.—

83 (4) All signature updates for use in verifying vote-by-
84 mail ~~absentee~~ and provisional ballots must be received by the
85 appropriate supervisor of elections no later than the start of
86 the canvassing of vote-by-mail ~~absentee~~ ballots by the
87 canvassing board. The signature on file at the start of the
88 canvass of the vote-by-mail ~~absentee~~ ballots is the signature
89 that shall be used in verifying the signature on the vote-by-
90 mail ~~absentee~~ and provisional ballot certificates.

91 Section 6. Paragraphs (b) and (d) of subsection (1) and
92 paragraph (a) of subsection (2) of section 98.0981, Florida
93 Statutes, are amended to read:

94 98.0981 Reports; voting history; statewide voter
95 registration system information; precinct-level election
96 results; book closing statistics.—

97 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
98 INFORMATION.—

99 (b) After receipt of the information in paragraph (a), the
100 department shall prepare a report in electronic format which
101 contains the following information, separately compiled for the
102 primary and general election for all voters qualified to vote in
103 either election:

104 1. The unique identifier assigned to each qualified voter

105 within the statewide voter registration system;

106 2. All information provided by each qualified voter on his
 107 or her voter registration application pursuant to s. 97.052(2),
 108 except that which is confidential or exempt from public records
 109 requirements;

110 3. Each qualified voter's date of registration;

111 4. Each qualified voter's current state representative
 112 district, state senatorial district, and congressional district,
 113 assigned by the supervisor of elections;

114 5. Each qualified voter's current precinct; and

115 6. Voting history as transmitted under paragraph (a) to
 116 include whether the qualified voter voted at a precinct
 117 location, voted during the early voting period, voted by vote-
 118 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail
 119 ~~absentee~~ ballot that was not counted, attempted to vote by
 120 provisional ballot that was not counted, or did not vote.

121 (d) File specifications are as follows:

122 1. The file shall contain records designated by the
 123 categories below for all qualified voters who, regardless of the
 124 voter's county of residence or active or inactive registration
 125 status at the book closing for the corresponding election that
 126 the file is being created for:

- 127 a. Voted a regular ballot at a precinct location.
- 128 b. Voted at a precinct location using a provisional ballot
 129 that was subsequently counted.
- 130 c. Voted a regular ballot during the early voting period.

- 131 d. Voted during the early voting period using a
 132 provisional ballot that was subsequently counted.
- 133 e. Voted by vote-by-mail ~~absentee~~ ballot.
- 134 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but
 135 the ballot was not counted.
- 136 g. Attempted to vote by provisional ballot, but the ballot
 137 was not counted in that election.
- 138 2. Each file shall be created or converted into a tab-
 139 delimited format.
- 140 3. File names shall adhere to the following convention:
- 141 a. Three-character county identifier as established by the
 142 department followed by an underscore.
- 143 b. Followed by four-character file type identifier of
 144 'VH03' followed by an underscore.
- 145 c. Followed by FVRS election ID followed by an underscore.
- 146 d. Followed by Date Created followed by an underscore.
- 147 e. Date format is YYYYMMDD.
- 148 f. Followed by Time Created - HHMMSS.
- 149 g. Followed by ".txt".
- 150 4. Each record shall contain the following columns: Record
 151 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
 152 Date, Vote History Code, Precinct, Congressional District, House
 153 District, Senate District, County Commission District, and
 154 School Board District.
- 155 (2) PRECINCT-LEVEL ELECTION RESULTS.—
- 156 (a) Within 30 days after certification by the Elections

157 Canvassing Commission of a presidential preference primary
 158 election, special election, primary election, or general
 159 election, the supervisors of elections shall collect and submit
 160 to the department precinct-level election results for the
 161 election in a uniform electronic format specified by paragraph
 162 (c). The precinct-level election results shall be compiled
 163 separately for the primary or special primary election that
 164 preceded the general or special general election, respectively.
 165 The results shall specifically include for each precinct the
 166 total of all ballots cast for each candidate or nominee to fill
 167 a national, state, county, or district office or proposed
 168 constitutional amendment, with subtotals for each candidate and
 169 ballot type, unless fewer than 10 voters voted a ballot type.
 170 "All ballots cast" means ballots cast by voters who cast a
 171 ballot whether at a precinct location, by vote-by-mail ~~absentee~~
 172 ballot including overseas vote-by-mail ~~absentee~~ ballots, during
 173 the early voting period, or by provisional ballot.

174 Section 7. Paragraph (b) of subsection (1) of section
 175 98.255, Florida Statutes, is amended to read:

176 98.255 Voter education programs.—

177 (1) The Department of State shall adopt rules prescribing
 178 minimum standards for nonpartisan voter education. The standards
 179 shall, at a minimum, address:

180 (a) Voter registration;

181 (b) Balloting procedures, by mail ~~absentee~~ and polling
 182 place;

- 183 (c) Voter rights and responsibilities;
- 184 (d) Distribution of sample ballots; and
- 185 (e) Public service announcements.

186 Section 8. Subsection (3) of section 101.051, Florida
 187 Statutes, is amended to read:

188 101.051 Electors seeking assistance in casting ballots;
 189 oath to be executed; forms to be furnished.—

190 (3) Any elector applying to cast a vote-by-mail ~~an~~
 191 ~~absentee~~ ballot in the office of the supervisor, in any
 192 election, who requires assistance to vote by reason of
 193 blindness, disability, or inability to read or write may request
 194 the assistance of some person of his or her own choice, other
 195 than the elector's employer, an agent of the employer, or an
 196 officer or agent of his or her union, in casting his or her
 197 vote-by-mail ~~absentee~~ ballot.

198 Section 9. Paragraph (b) of subsection (1) of section
 199 101.151, Florida Statutes, is amended to read:

200 101.151 Specifications for ballots.—

201 (1)

202 (b) Early voting sites may employ a ballot-on-demand
 203 production system to print individual marksense ballots,
 204 including provisional ballots, for eligible electors pursuant to
 205 s. 101.657. Ballot-on-demand technology may be used to produce
 206 marksense vote-by-mail ~~absentee~~ and election-day ballots.

207 Section 10. Subsection (3) of section 101.5612, Florida
 208 Statutes, is amended to read:

209 | 101.5612 Testing of tabulating equipment.—

210 | (3) For electronic or electromechanical voting systems
 211 | configured to tabulate vote-by-mail ~~absentee~~ ballots at a
 212 | central or regional site, the public testing shall be conducted
 213 | by processing a preaudited group of ballots so produced as to
 214 | record a predetermined number of valid votes for each candidate
 215 | and on each measure and to include one or more ballots for each
 216 | office which have activated voting positions in excess of the
 217 | number allowed by law in order to test the ability of the
 218 | automatic tabulating equipment to reject such votes. If any
 219 | error is detected, the cause therefor shall be corrected and an
 220 | errorless count shall be made before the automatic tabulating
 221 | equipment is approved. The test shall be repeated and errorless
 222 | results achieved immediately before the start of the official
 223 | count of the ballots and again after the completion of the
 224 | official count. The programs and ballots used for testing shall
 225 | be sealed and retained under the custody of the county
 226 | canvassing board.

227 | Section 11. Paragraph (a) of subsection (5) and
 228 | subsections (7) and (8) of section 101.5614, Florida Statutes,
 229 | are amended to read:

230 | 101.5614 Canvass of returns.—

231 | (5)(a) If any vote-by-mail ~~absentee~~ ballot is physically
 232 | damaged so that it cannot properly be counted by the automatic
 233 | tabulating equipment, a true duplicate copy shall be made of the
 234 | damaged ballot in the presence of witnesses and substituted for

235 the damaged ballot. Likewise, a duplicate ballot shall be made
 236 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted
 237 race or a marked vote-by-mail ~~absentee~~ ballot in which every
 238 race is undervoted which shall include all valid votes as
 239 determined by the canvassing board based on rules adopted by the
 240 division pursuant to s. 102.166(4). All duplicate ballots shall
 241 be clearly labeled "duplicate," bear a serial number which shall
 242 be recorded on the defective ballot, and be counted in lieu of
 243 the defective ballot. After a ballot has been duplicated, the
 244 defective ballot shall be placed in an envelope provided for
 245 that purpose, and the duplicate ballot shall be tallied with the
 246 other ballots for that precinct.

247 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by
 248 automatic tabulating equipment if they have been marked in a
 249 manner which will enable them to be properly counted by such
 250 equipment.

251 (8) The return printed by the automatic tabulating
 252 equipment, to which has been added the return of write-in, vote-
 253 by-mail ~~absentee~~, and manually counted votes and votes from
 254 provisional ballots, shall constitute the official return of the
 255 election upon certification by the canvassing board. Upon
 256 completion of the count, the returns shall be open to the
 257 public. A copy of the returns may be posted at the central
 258 counting place or at the office of the supervisor of elections
 259 in lieu of the posting of returns at individual precincts.

260 Section 12. Section 101.572, Florida Statutes, is amended

261 to read:

262 101.572 Public inspection of ballots.—The official ballots
 263 and ballot cards received from election boards and removed from
 264 vote-by-mail ~~absentee~~ ballot mailing envelopes shall be open for
 265 public inspection or examination while in the custody of the
 266 supervisor of elections or the county canvassing board at any
 267 reasonable time, under reasonable conditions; however, no
 268 persons other than the supervisor of elections or his or her
 269 employees or the county canvassing board shall handle any
 270 official ballot or ballot card. If the ballots are being
 271 examined prior to the end of the contest period in s. 102.168,
 272 the supervisor of elections shall make a reasonable effort to
 273 notify all candidates whose names appear on such ballots or
 274 ballot cards by telephone or otherwise of the time and place of
 275 the inspection or examination. All such candidates, or their
 276 representatives, shall be allowed to be present during the
 277 inspection or examination.

278 Section 13. Paragraphs (a) and (b) of subsection (2) of
 279 section 101.591, Florida Statutes, are amended to read:

280 101.591 Voting system audit.—

281 (2)(a) A manual audit shall consist of a public manual
 282 tally of the votes cast in one randomly selected race that
 283 appears on the ballot. The tally sheet shall include election-
 284 day, vote-by-mail ~~absentee~~, early voting, provisional, and
 285 overseas ballots, in at least 1 percent but no more than 2
 286 percent of the precincts chosen at random by the county

287 canvassing board or the local board responsible for certifying
 288 the election. If 1 percent of the precincts is less than one
 289 entire precinct, the audit shall be conducted using at least one
 290 precinct chosen at random by the county canvassing board or the
 291 local board responsible for certifying the election. Such
 292 precincts shall be selected at a publicly noticed canvassing
 293 board meeting.

294 (b) An automated audit shall consist of a public automated
 295 tally of the votes cast across every race that appears on the
 296 ballot. The tally sheet shall include election day, vote-by-mail
 297 ~~absentee~~, early voting, provisional, and overseas ballots in at
 298 least 20 percent of the precincts chosen at random by the county
 299 canvassing board or the local board responsible for certifying
 300 the election. Such precincts shall be selected at a publicly
 301 noticed canvassing board meeting.

302 Section 14. Section 101.6105, Florida Statutes, is amended
 303 to read:

304 101.6105 Vote-by-mail ~~Absentee~~ voting.—The provisions of
 305 the election code relating to vote-by-mail ~~absentee~~ voting and
 306 vote-by-mail ~~absentee~~ ballots shall apply to elections under ss.
 307 101.6101-101.6107 only insofar as they do not conflict with the
 308 provisions of ss. 101.6101-101.6107.

309 Section 15. Section 101.62, Florida Statutes, is amended
 310 to read:

311 101.62 Request for vote-by-mail ~~absentee~~ ballots.—

312 (1)(a) The supervisor shall accept a request for a vote-

313 | by-mail ~~an absentee~~ ballot from an elector in person or in
 314 | writing. One request shall be deemed sufficient to receive a
 315 | vote-by-mail ~~an absentee~~ ballot for all elections through the
 316 | end of the calendar year of the second ensuing regularly
 317 | scheduled general election, unless the elector or the elector's
 318 | designee indicates at the time the request is made the elections
 319 | for which the elector desires to receive a vote-by-mail ~~an~~
 320 | ~~absentee~~ ballot. Such request may be considered canceled when
 321 | any first-class mail sent by the supervisor to the elector is
 322 | returned as undeliverable.

323 | (b) The supervisor may accept a written or telephonic
 324 | request for a vote-by-mail ~~an absentee~~ ballot to be mailed to an
 325 | elector's address on file in the Florida Voter Registration
 326 | System from the elector, or, if directly instructed by the
 327 | elector, a member of the elector's immediate family, or the
 328 | elector's legal guardian; if the ballot is requested to be
 329 | mailed to an address other than the elector's address on file in
 330 | the Florida Voter Registration System, the request must be made
 331 | in writing and signed by the elector. However, an absent
 332 | uniformed service voter or an overseas voter seeking a vote-by-
 333 | mail ~~an absentee~~ ballot is not required to submit a signed,
 334 | written request for a vote-by-mail ~~an absentee~~ ballot that is
 335 | being mailed to an address other than the elector's address on
 336 | file in the Florida Voter Registration System. For purposes of
 337 | this section, the term "immediate family" has the same meaning
 338 | as specified in paragraph (4)(c). The person making the request

339 must disclose:

- 340 1. The name of the elector for whom the ballot is
- 341 requested.
- 342 2. The elector's address.
- 343 3. The elector's date of birth.
- 344 4. The requester's name.
- 345 5. The requester's address.
- 346 6. The requester's driver license number, if available.
- 347 7. The requester's relationship to the elector.
- 348 8. The requester's signature (written requests only).

349 (c) Upon receiving a request for a vote-by-mail ~~an~~
 350 ~~absentee~~ ballot from an absent voter, the supervisor of
 351 elections shall notify the voter of the free access system that
 352 has been designated by the department for determining the status
 353 of his or her vote-by-mail ~~absentee~~ ballot.

354 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be
 355 mailed to a voter must be received no later than 5 p.m. on the
 356 sixth day before the election by the supervisor of elections.
 357 The supervisor of elections shall mail vote-by-mail ~~absentee~~
 358 ballots to voters requesting ballots by such deadline no later
 359 than 4 days before the election.

360 (3) For each request for a vote-by-mail ~~an absentee~~ ballot
 361 received, the supervisor shall record the date the request was
 362 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to
 363 the voter or the voter's designee or the date the vote-by-mail
 364 ~~absentee~~ ballot was delivered to the post office or other

365 carrier, the date the ballot was received by the supervisor, the
 366 absence of the voter's signature on the voter's certificate, if
 367 applicable, and such other information he or she may deem
 368 necessary. This information shall be provided in electronic
 369 format as provided by rule adopted by the division. The
 370 information shall be updated and made available no later than 8
 371 a.m. of each day, including weekends, beginning 60 days before
 372 the primary until 15 days after the general election and shall
 373 be contemporaneously provided to the division. This information
 374 shall be confidential and exempt from s. 119.07(1) and shall be
 375 made available to or reproduced only for the voter requesting
 376 the ballot, a canvassing board, an election official, a
 377 political party or official thereof, a candidate who has filed
 378 qualification papers and is opposed in an upcoming election, and
 379 registered political committees for political purposes only.

380 (4)(a) No later than 45 days before each presidential
 381 preference primary election, primary election, and general
 382 election, the supervisor of elections shall send a vote-by-mail
 383 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each
 384 absent uniformed services voter and to each overseas voter who
 385 has requested a vote-by-mail ~~an absentee~~ ballot.

386 (b) The supervisor of elections shall mail a vote-by-mail
 387 ~~an absentee~~ ballot to each absent qualified voter, other than
 388 those listed in paragraph (a), who has requested such a ballot,
 389 between the 35th and 28th days before the presidential
 390 preference primary election, primary election, and general

391 election. Except as otherwise provided in subsection (2) and
 392 after the period described in this paragraph, the supervisor
 393 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days
 394 after receiving a request for such a ballot.

395 (c) The supervisor shall provide a vote-by-mail ~~an~~
 396 ~~absentee~~ ballot to each elector by whom a request for that
 397 ballot has been made by one of the following means:

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

401 2. By forwardable mail, e-mail, or facsimile machine
 402 transmission to absent uniformed services voters and overseas
 403 voters. The absent uniformed services voter or overseas voter
 404 may designate in the vote-by-mail ~~absentee~~ ballot request the
 405 preferred method of transmission. If the voter does not
 406 designate the method of transmission, the vote-by-mail ~~absentee~~
 407 ballot shall be mailed.

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

411 4. By delivery to a designee on election day or up to 5
 412 days prior to the day of an election. Any elector may designate
 413 in writing a person to pick up the ballot for the elector;
 414 however, the person designated may not pick up more than two
 415 vote-by-mail ~~absentee~~ ballots per election, other than the
 416 designee's own ballot, except that additional ballots may be

417 | picked up for members of the designee's immediate family. For
 418 | purposes of this section, "immediate family" means the
 419 | designee's spouse or the parent, child, grandparent, or sibling
 420 | of the designee or of the designee's spouse. The designee shall
 421 | provide to the supervisor the written authorization by the
 422 | elector and a picture identification of the designee and must
 423 | complete an affidavit. The designee shall state in the affidavit
 424 | that the designee is authorized by the elector to pick up that
 425 | ballot and shall indicate if the elector is a member of the
 426 | designee's immediate family and, if so, the relationship. The
 427 | department shall prescribe the form of the affidavit. If the
 428 | supervisor is satisfied that the designee is authorized to pick
 429 | up the ballot and that the signature of the elector on the
 430 | written authorization matches the signature of the elector on
 431 | file, the supervisor shall give the ballot to that designee for
 432 | delivery to the elector.

433 | 5. Except as provided in s. 101.655, the supervisor may
 434 | not deliver a vote-by-mail ~~an absentee~~ ballot to an elector or
 435 | an elector's immediate family member on the day of the election
 436 | unless there is an emergency, to the extent that the elector
 437 | will be unable to go to his or her assigned polling place. If a
 438 | vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his
 439 | or her designee shall execute an affidavit affirming to the
 440 | facts which allow for delivery of the vote-by-mail ~~absentee~~
 441 | ballot. The department shall adopt a rule providing for the form
 442 | of the affidavit.

443 (5) If the department is unable to certify candidates for
 444 an election in time to comply with paragraph (4)(a), the
 445 Department of State is authorized to prescribe rules for a
 446 ballot to be sent to absent uniformed services voters and
 447 overseas voters.

448 (6) Nothing other than the materials necessary to vote by
 449 mail absentee shall be mailed or delivered with any vote-by-mail
 450 ~~absentee~~ ballot.

451 Section 16. Subsections (1) and (4) of section 101.64,
 452 Florida Statutes, are amended to read:

453 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;
 454 envelopes; form.—

455 (1) The supervisor shall enclose with each vote-by-mail
 456 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which
 457 the absent elector shall enclose his or her marked ballot; and a
 458 mailing envelope, into which the absent elector shall then place
 459 the secrecy envelope, which shall be addressed to the supervisor
 460 and also bear on the back side a certificate in substantially
 461 the following form:

462
 463 Note: Please Read Instructions Carefully Before
 464 Marking Ballot and Completing Voter's Certificate.

465
 466 VOTER'S CERTIFICATE

467 I,, do solemnly swear or affirm that I am a qualified
 468 and registered voter of County, Florida, and that I have

469 not and will not vote more than one ballot in this election. I
 470 understand that if I commit or attempt to commit any fraud in
 471 connection with voting, vote a fraudulent ballot, or vote more
 472 than once in an election, I can be convicted of a felony of the
 473 third degree and fined up to \$5,000 and/or imprisoned for up to
 474 5 years. I also understand that failure to sign this certificate
 475 will invalidate my ballot.

476

477 ... (Date) ... (Voter's Signature) ...

478

479 (4) The supervisor shall mark, code, indicate on, or
 480 otherwise track the precinct of the absent elector for each
 481 vote-by-mail ~~absentee~~ ballot.

482 Section 17. Section 101.65, Florida Statutes, is amended
 483 to read:

484 101.65 Instructions to absent electors.—The supervisor
 485 shall enclose with each vote-by-mail ~~absentee~~ ballot separate
 486 printed instructions in substantially the following form:

487

488 READ THESE INSTRUCTIONS CAREFULLY
 489 BEFORE MARKING BALLOT.

490 1. VERY IMPORTANT. In order to ensure that your vote-by-
 491 mail ~~absentee~~ ballot will be counted, it should be completed and
 492 returned as soon as possible so that it can reach the supervisor
 493 of elections of the county in which your precinct is located no
 494 later than 7 p.m. on the day of the election. However, if you

495 are an overseas voter casting a ballot in a presidential
 496 preference primary or general election, your vote-by-mail
 497 ~~absentee~~ ballot must be postmarked or dated no later than the
 498 date of the election and received by the supervisor of elections
 499 of the county in which you are registered to vote no later than
 500 10 days after the date of the election.

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

504 3. Mark only the number of candidates or issue choices for
 505 a race as indicated on the ballot. If you are allowed to "Vote
 506 for One" candidate and you vote for more than one candidate,
 507 your vote in that race will not be counted.

508 4. Place your marked ballot in the enclosed secrecy
 509 envelope.

510 5. Insert the secrecy envelope into the enclosed mailing
 511 envelope which is addressed to the supervisor.

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

514 7. VERY IMPORTANT. In order for your vote-by-mail ~~absentee~~
 515 ballot to be counted, you must sign your name on the line above
 516 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be
 517 considered illegal and not be counted if the signature on the
 518 voter's certificate does not match the signature on record. The
 519 signature on file at the start of the canvass of the vote-by-
 520 mail ~~absentee~~ ballots is the signature that will be used to

521 | verify your signature on the voter's certificate. If you need to
 522 | update your signature for this election, send your signature
 523 | update on a voter registration application to your supervisor of
 524 | elections so that it is received no later than the start of the
 525 | canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
 526 | earlier than the 15th day before election day.

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

530 | 9. Mail, deliver, or have delivered the completed mailing
 531 | envelope. Be sure there is sufficient postage if mailed.

532 | 10. FELONY NOTICE. It is a felony under Florida law to
 533 | accept any gift, payment, or gratuity in exchange for your vote
 534 | for a candidate. It is also a felony under Florida law to vote
 535 | in an election using a false identity or false address, or under
 536 | any other circumstances making your ballot false or fraudulent.

537 | Section 18. Subsections (1) and (2) of section 101.655,
 538 | Florida Statutes, are amended to read:

539 | 101.655 Supervised voting by absent electors in certain
 540 | facilities.-

541 | (1) The supervisor of elections of a county shall provide
 542 | supervised voting for absent electors residing in any assisted
 543 | living facility, as defined in s. 429.02, or nursing home
 544 | facility, as defined in s. 400.021, within that county at the
 545 | request of any administrator of such a facility. Such request
 546 | for supervised voting in the facility shall be made by

547 submitting a written request to the supervisor of elections no
 548 later than 21 days prior to the election for which that request
 549 is submitted. The request shall specify the name and address of
 550 the facility and the name of the electors who wish to vote by
 551 mail ~~absentee~~ in that election. If the request contains the
 552 names of fewer than five voters, the supervisor of elections is
 553 not required to provide supervised voting.

554 (2) The supervisor of elections may, in the absence of a
 555 request from the administrator of a facility, provide for
 556 supervised voting in the facility for those persons who have
 557 requested vote-by-mail ~~absentee~~ ballots. The supervisor of
 558 elections shall notify the administrator of the facility that
 559 supervised voting will occur.

560 Section 19. Section 101.661, Florida Statutes, is amended
 561 to read:

562 101.661 Voting vote-by-mail ~~absentee~~ ballots.—All electors
 563 must personally mark or designate their choices on the vote-by-
 564 mail ~~absentee~~ ballot, except:

565 (1) Electors who require assistance to vote because of
 566 blindness, disability, or inability to read or write, who may
 567 have some person of the elector's choice, other than the
 568 elector's employer, an agent of the employer, or an officer or
 569 agent of the elector's union, mark the elector's choices or
 570 assist the elector in marking his or her choices on the ballot.

571 (2) As otherwise provided in s. 101.051 or s. 101.655.

572 Section 20. Section 101.662, Florida Statutes, is amended

573 to read:

574 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It
 575 is the intent of the Legislature that voting by vote-by-mail
 576 ~~absentee~~ ballot be by methods that are fully accessible to all
 577 voters, including voters having a disability. The Department of
 578 State shall work with the supervisors of elections and the
 579 disability community to develop and implement procedures and
 580 technologies, as possible, which will include procedures for
 581 providing vote-by-mail ~~absentee~~ ballots, upon request, in
 582 alternative formats that will allow all voters to cast a secret,
 583 independent, and verifiable vote-by-mail ~~absentee~~ ballot without
 584 the assistance of another person.

585 Section 21. Section 101.67, Florida Statutes, is amended
 586 to read:

587 101.67 Safekeeping of mailed ballots; deadline for
 588 receiving vote-by-mail ~~absentee~~ ballots.—

589 (1) The supervisor of elections shall safely keep in his
 590 or her office any envelopes received containing marked ballots
 591 of absent electors, and he or she shall, before the canvassing
 592 of the election returns, deliver the envelopes to the county
 593 canvassing board along with his or her file or list kept
 594 regarding said ballots.

595 (2) Except as provided in s. 101.6952(5), all marked
 596 absent electors' ballots to be counted must be received by the
 597 supervisor by 7 p.m. the day of the election. All ballots
 598 received thereafter shall be marked with the time and date of

599 receipt and filed in the supervisor's office.

600 Section 22. Section 101.68, Florida Statutes, is amended
601 to read:

602 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.-

603 (1) The supervisor of the county where the absent elector
604 resides shall receive the voted ballot, at which time the
605 supervisor shall compare the signature of the elector on the
606 voter's certificate with the signature of the elector in the
607 registration books or the precinct register to determine whether
608 the elector is duly registered in the county and may record on
609 the elector's registration certificate that the elector has
610 voted. However, effective July 1, 2005, an elector who dies
611 after casting a vote-by-mail ~~an absentee~~ ballot but on or before
612 election day shall remain listed in the registration books until
613 the results have been certified for the election in which the
614 ballot was cast. The supervisor shall safely keep the ballot
615 unopened in his or her office until the county canvassing board
616 canvasses the vote. Except as provided in subsection (4), after
617 a vote-by-mail ~~an absentee~~ ballot is received by the supervisor,
618 the ballot is deemed to have been cast, and changes or additions
619 may not be made to the voter's certificate.

620 (2)(a) The county canvassing board may begin the
621 canvassing of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the
622 15th day before the election, but not later than noon on the day
623 following the election. In addition, for any county using
624 electronic tabulating equipment, the processing of vote-by-mail

625 ~~absentee~~ ballots through such tabulating equipment may begin at
 626 7 a.m. on the 15th day before the election. However,
 627 notwithstanding any such authorization to begin canvassing or
 628 otherwise processing vote-by-mail ~~absentee~~ ballots early, no
 629 result shall be released until after the closing of the polls in
 630 that county on election day. Any supervisor of elections, deputy
 631 supervisor of elections, canvassing board member, election board
 632 member, or election employee who releases the results of a
 633 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior
 634 to the closing of the polls in that county on election day
 635 commits a felony of the third degree, punishable as provided in
 636 s. 775.082, s. 775.083, or s. 775.084.

637 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be
 638 counted by the canvassing board are accounted for, the
 639 canvassing board shall compare the number of ballots in its
 640 possession with the number of requests for ballots received to
 641 be counted according to the supervisor's file or list.

642 (c)1. The canvassing board shall, if the supervisor has
 643 not already done so, compare the signature of the elector on the
 644 voter's certificate or on the vote-by-mail ~~absentee~~ ballot
 645 affidavit as provided in subsection (4) with the signature of
 646 the elector in the registration books or the precinct register
 647 to see that the elector is duly registered in the county and to
 648 determine the legality of that vote-by-mail ~~absentee~~ ballot. The
 649 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot
 650 shall be counted even if the elector dies on or before election

651 day, as long as, prior to the death of the voter, the ballot was
 652 postmarked by the United States Postal Service, date-stamped
 653 with a verifiable tracking number by a common carrier, or
 654 already in the possession of the supervisor of elections. A
 655 vote-by-mail ~~An absentee~~ ballot shall be considered illegal if
 656 the voter's certificate or vote-by-mail ~~absentee~~ ballot
 657 affidavit does not include the signature of the elector, as
 658 shown by the registration records or the precinct register.
 659 However, a vote-by-mail ~~an absentee~~ ballot is not considered
 660 illegal if the signature of the elector does not cross the seal
 661 of the mailing envelope. If the canvassing board determines that
 662 any ballot is illegal, a member of the board shall, without
 663 opening the envelope, mark across the face of the envelope:
 664 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot
 665 affidavit, if applicable, the envelope, and the ballot contained
 666 therein shall be preserved in the manner that official ballots
 667 voted are preserved.

668 2. If any elector or candidate present believes that a
 669 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect
 670 apparent on the voter's certificate or the vote-by-mail ~~absentee~~
 671 ballot affidavit, he or she may, at any time before the ballot
 672 is removed from the envelope, file with the canvassing board a
 673 protest against the canvass of that ballot, specifying the
 674 precinct, the ballot, and the reason he or she believes the
 675 ballot to be illegal. A challenge based upon a defect in the
 676 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit

677 may not be accepted after the ballot has been removed from the
 678 mailing envelope.

679 (d) The canvassing board shall record the ballot upon the
 680 proper record, unless the ballot has been previously recorded by
 681 the supervisor. The mailing envelopes shall be opened and the
 682 secrecy envelopes shall be mixed so as to make it impossible to
 683 determine which secrecy envelope came out of which signed
 684 mailing envelope; however, in any county in which an electronic
 685 or electromechanical voting system is used, the ballots may be
 686 sorted by ballot styles and the mailing envelopes may be opened
 687 and the secrecy envelopes mixed separately for each ballot
 688 style. The votes on vote-by-mail ~~absentee~~ ballots shall be
 689 included in the total vote of the county.

690 (3) The supervisor or the chair of the county canvassing
 691 board shall, after the board convenes, have custody of the vote-
 692 by-mail ~~absentee~~ ballots until a final proclamation is made as
 693 to the total vote received by each candidate.

694 (4)(a) The supervisor of elections shall, on behalf of the
 695 county canvassing board, notify each elector whose ballot was
 696 rejected as illegal and provide the specific reason the ballot
 697 was rejected. The supervisor shall mail a voter registration
 698 application to the elector to be completed indicating the
 699 elector's current signature if the elector's ballot was rejected
 700 due to a difference between the elector's signature on the
 701 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
 702 and the elector's signature in the registration books or

703 precinct register. This section does not prohibit the supervisor
 704 from providing additional methods for updating an elector's
 705 signature.

706 (b) Until 5 p.m. on the day before an election, the
 707 supervisor shall allow an elector who has returned a vote-by-
 708 mail ~~an absentee~~ ballot that does not include the elector's
 709 signature to complete and submit an affidavit in order to cure
 710 the unsigned vote-by-mail ~~absentee~~ ballot.

711 (c) The elector shall provide identification to the
 712 supervisor and must complete a vote-by-mail ~~an absentee~~ ballot
 713 affidavit in substantially the following form:

714
 715 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

716 I,, am a qualified voter in this election and
 717 registered voter of County, Florida. I do solemnly swear or
 718 affirm that I requested and returned the vote-by-mail ~~absentee~~
 719 ballot and that I have not and will not vote more than one
 720 ballot in this election. I understand that if I commit or
 721 attempt any fraud in connection with voting, vote a fraudulent
 722 ballot, or vote more than once in an election, I may be
 723 convicted of a felony of the third degree and fined up to \$5,000
 724 and imprisoned for up to 5 years. I understand that my failure
 725 to sign this affidavit means that my vote-by-mail ~~absentee~~
 726 ballot will be invalidated.

727
 728 ... (Voter's Signature)...

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... (Address) ...

(d) Instructions must accompany the vote-by-mail ~~absentee~~ ballot affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ~~absentee~~ ballot will be counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the 2nd day before the election.

2. You must sign your name on the line above (Voter's Signature).

3. You must make a copy of one of the following forms of identification:

a. Identification that includes your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; or public assistance identification; or

b. Identification that shows your name and current residence address: current utility bill, bank statement,

755 government check, paycheck, or government document (excluding
756 voter identification card).

757 4. Place the envelope bearing the affidavit into a mailing
758 envelope addressed to the supervisor. Insert a copy of your
759 identification in the mailing envelope. Mail, deliver, or have
760 delivered the completed affidavit along with the copy of your
761 identification to your county supervisor of elections. Be sure
762 there is sufficient postage if mailed and that the supervisor's
763 address is correct.

764 5. Alternatively, you may fax or e-mail your completed
765 affidavit and a copy of your identification to the supervisor of
766 elections. If e-mailing, please provide these documents as
767 attachments.

768 (e) The department and each supervisor shall include the
769 affidavit and instructions on their respective websites. The
770 supervisor must include his or her office's mailing address, e-
771 mail address, and fax number on the page containing the
772 affidavit instructions; the department's instruction page must
773 include the office mailing addresses, e-mail addresses, and fax
774 numbers of all supervisors of elections or provide a conspicuous
775 link to such addresses.

776 (f) The supervisor shall attach each affidavit received to
777 the appropriate vote-by-mail ~~absentee~~ ballot mailing envelope.

778 Section 23. Section 101.69, Florida Statutes, is amended
779 to read:

780 101.69 Voting in person; return of vote-by-mail ~~absentee~~

781 ballot.—The provisions of this code shall not be construed to
 782 prohibit any elector from voting in person at the elector's
 783 precinct on the day of an election or at an early voting site,
 784 notwithstanding that the elector has requested a vote-by-mail ~~an~~
 785 ~~absentee~~ ballot for that election. An elector who has returned a
 786 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,
 787 is deemed to have cast his or her ballot and is not entitled to
 788 vote another ballot or to have a provisional ballot counted by
 789 the county canvassing board. An elector who has received a vote-
 790 by-mail ~~an absentee~~ ballot and has not returned the voted ballot
 791 to the supervisor, but desires to vote in person, shall return
 792 the ballot, whether voted or not, to the election board in the
 793 elector's precinct or to an early voting site. The returned
 794 ballot shall be marked "canceled" by the board and placed with
 795 other canceled ballots. However, if the elector does not return
 796 the ballot and the election official:

797 (1) Confirms that the supervisor has received the
 798 elector's vote-by-mail ~~absentee~~ ballot, the elector shall not be
 799 allowed to vote in person. If the elector maintains that he or
 800 she has not returned the vote-by-mail ~~absentee~~ ballot or remains
 801 eligible to vote, the elector shall be provided a provisional
 802 ballot as provided in s. 101.048.

803 (2) Confirms that the supervisor has not received the
 804 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be
 805 allowed to vote in person as provided in this code. The
 806 elector's vote-by-mail ~~absentee~~ ballot, if subsequently

807 received, shall not be counted and shall remain in the mailing
 808 envelope, and the envelope shall be marked "Rejected as
 809 Illegal."

810 (3) Cannot determine whether the supervisor has received
 811 the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote
 812 a provisional ballot as provided in s. 101.048.

813 Section 24. Subsections (1) and (2) of section 101.6921,
 814 Florida Statutes, are amended to read:

815 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot
 816 to certain first-time voters.-

817 (1) The provisions of this section apply to voters who are
 818 subject to the provisions of s. 97.0535 and who have not
 819 provided the identification or certification required by s.
 820 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

821 (2) The supervisor shall enclose with each vote-by-mail
 822 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which
 823 the absent elector will enclose his or her marked ballot; an
 824 envelope containing the Voter's Certificate, into which the
 825 absent elector shall place the secrecy envelope; and a mailing
 826 envelope, which shall be addressed to the supervisor and into
 827 which the absent elector will place the envelope containing the
 828 Voter's Certificate and a copy of the required identification.

829 Section 25. Section 101.6923, Florida Statutes, is amended
 830 to read:

831 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions
 832 for certain first-time voters.-

833 (1) The provisions of this section apply to voters who are
 834 subject to the provisions of s. 97.0535 and who have not
 835 provided the identification or information required by s.
 836 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

837 (2) A voter covered by this section shall be provided with
 838 printed instructions with his or her vote-by-mail ~~absentee~~
 839 ballot in substantially the following form:

840

841 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
 842 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
 843 YOUR BALLOT NOT TO COUNT.

844

845 1. In order to ensure that your vote-by-mail ~~absentee~~
 846 ballot will be counted, it should be completed and returned as
 847 soon as possible so that it can reach the supervisor of
 848 elections of the county in which your precinct is located no
 849 later than 7 p.m. on the date of the election. However, if you
 850 are an overseas voter casting a ballot in a presidential
 851 preference primary or general election, your vote-by-mail
 852 ~~absentee~~ ballot must be postmarked or dated no later than the
 853 date of the election and received by the supervisor of elections
 854 of the county in which you are registered to vote no later than
 855 10 days after the date of the election.

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

859 3. Mark only the number of candidates or issue choices for
 860 a race as indicated on the ballot. If you are allowed to "Vote
 861 for One" candidate and you vote for more than one, your vote in
 862 that race will not be counted.

863 4. Place your marked ballot in the enclosed secrecy
 864 envelope and seal the envelope.

865 5. Insert the secrecy envelope into the enclosed envelope
 866 bearing the Voter's Certificate. Seal the envelope and
 867 completely fill out the Voter's Certificate on the back of the
 868 envelope.

869 a. You must sign your name on the line above (Voter's
 870 Signature).

871 b. If you are an overseas voter, you must include the date
 872 you signed the Voter's Certificate on the line above (Date) or
 873 your ballot may not be counted.

874 c. A vote-by-mail ~~An absentee~~ ballot will be considered
 875 illegal and will not be counted if the signature on the Voter's
 876 Certificate does not match the signature on record. The
 877 signature on file at the start of the canvass of the vote-by-
 878 mail ~~absentee~~ ballots is the signature that will be used to
 879 verify your signature on the Voter's Certificate. If you need to
 880 update your signature for this election, send your signature
 881 update on a voter registration application to your supervisor of
 882 elections so that it is received no later than the start of
 883 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
 884 earlier than the 15th day before election day.

885 6. Unless you meet one of the exemptions in Item 7., you
 886 must make a copy of one of the following forms of
 887 identification:

888 a. Identification which must include your name and
 889 photograph: United States passport; debit or credit card;
 890 military identification; student identification; retirement
 891 center identification; neighborhood association identification;
 892 or public assistance identification; or

893 b. Identification which shows your name and current
 894 residence address: current utility bill, bank statement,
 895 government check, paycheck, or government document (excluding
 896 voter identification card).

897 7. The identification requirements of Item 6. do not apply
 898 if you meet one of the following requirements:

899 a. You are 65 years of age or older.

900 b. You have a temporary or permanent physical disability.

901 c. You are a member of a uniformed service on active duty
 902 who, by reason of such active duty, will be absent from the
 903 county on election day.

904 d. You are a member of the Merchant Marine who, by reason
 905 of service in the Merchant Marine, will be absent from the
 906 county on election day.

907 e. You are the spouse or dependent of a member referred to
 908 in paragraph c. or paragraph d. who, by reason of the active
 909 duty or service of the member, will be absent from the county on
 910 election day.

911 f. You are currently residing outside the United States.

912 8. Place the envelope bearing the Voter's Certificate into
 913 the mailing envelope addressed to the supervisor. Insert a copy
 914 of your identification in the mailing envelope. DO NOT PUT YOUR
 915 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 916 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 917 BALLOT WILL NOT COUNT.

918 9. Mail, deliver, or have delivered the completed mailing
 919 envelope. Be sure there is sufficient postage if mailed.

920 10. FELONY NOTICE. It is a felony under Florida law to
 921 accept any gift, payment, or gratuity in exchange for your vote
 922 for a candidate. It is also a felony under Florida law to vote
 923 in an election using a false identity or false address, or under
 924 any other circumstances making your ballot false or fraudulent.

925 Section 26. Subsections (1) and (2) of section 101.6925,
 926 Florida Statutes, are amended to read:

927 101.6925 Canvassing special vote-by-mail ~~absentee~~
 928 ballots.—

929 (1) The supervisor of the county where the absent elector
 930 resides shall receive the voted special vote-by-mail ~~absentee~~
 931 ballot, at which time the mailing envelope shall be opened to
 932 determine if the voter has enclosed the identification required
 933 or has indicated on the Voter's Certificate that he or she is
 934 exempt from the identification requirements.

935 (2) If the identification is enclosed or the voter has
 936 indicated that he or she is exempt from the identification

937 requirements, the supervisor shall make the note on the
 938 registration records of the voter and proceed to canvass the
 939 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

940 Section 27. Section 101.694, Florida Statutes, is amended
 941 to read:

942 101.694 Mailing of ballots upon receipt of federal
 943 postcard application.—

944 (1) Upon receipt of a federal postcard application for a
 945 vote-by-mail ~~an absentee~~ ballot executed by a person whose
 946 registration is in order or whose application is sufficient to
 947 register or update the registration of that person, the
 948 supervisor shall send the ballot in accordance with s.
 949 101.62(4).

950 (2) Upon receipt of a federal postcard application for a
 951 vote-by-mail ~~an absentee~~ ballot executed by a person whose
 952 registration is not in order and whose application is
 953 insufficient to register or update the registration of that
 954 person, the supervisor shall follow the procedure set forth in
 955 s. 97.073.

956 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters
 957 entitled to vote by mail ~~absentee~~ under the Uniformed and
 958 Overseas Citizens Absentee Voting Act shall meet the
 959 specifications as determined by the Federal Voting Assistance
 960 Program of the United States Department of Defense and the
 961 United States Postal Service.

962 (4) Cognizance shall be taken of the fact that vote-by-

963 mail ~~absentee~~ ballots and other materials such as instructions
 964 and envelopes are to be carried via air mail, and, to the
 965 maximum extent possible, such ballots and materials shall be
 966 reduced in size and weight of paper. The same ballot shall be
 967 used, however, as is used by other vote-by-mail ~~absentee~~ voters.

968 Section 28. Subsections (1) and (4) of section 101.6951,
 969 Florida Statutes, are amended to read:

970 101.6951 State write-in vote-by-mail ballot.-

971 (1) An overseas voter may request, not earlier than 180
 972 days before a general election, a state write-in vote-by-mail
 973 ~~absentee~~ ballot from the supervisor of elections in the county
 974 of registration. In order to receive a state write-in ballot,
 975 the voter shall state that due to military or other
 976 contingencies that preclude normal mail delivery, the voter
 977 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal
 978 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail
 979 ~~absentee~~ ballots shall be made available to voters 90 to 180
 980 days prior to a general election. The Department of State shall
 981 prescribe by rule the form of the state write-in vote-by-mail
 982 ballot.

983 (4) The state write-in vote-by-mail ballot shall contain
 984 all offices, federal, state, and local, for which the voter
 985 would otherwise be entitled to vote.

986 Section 29. Section 101.6952, Florida Statutes, is amended
 987 to read:

988 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent

989 | uniformed services and overseas voters.—

990 | (1) If an absent uniformed services voter's or an overseas
991 | voter's request for an official vote-by-mail ~~absentee~~ ballot
992 | pursuant to s. 101.62 includes an e-mail address, the supervisor
993 | of elections shall:

994 | (a) Record the voter's e-mail address in the vote-by-mail
995 | ~~absentee~~ ballot record;

996 | (b) Confirm by e-mail that the vote-by-mail ~~absentee~~
997 | ballot request was received and include in that e-mail the
998 | estimated date the vote-by-mail ~~absentee~~ ballot will be sent to
999 | the voter; and

1000 | (c) Notify the voter by e-mail when the voted vote-by-mail
1001 | ~~absentee~~ ballot is received by the supervisor of elections.

1002 | (2)(a) An absent uniformed services voter or an overseas
1003 | voter who makes timely application for but does not receive an
1004 | official vote-by-mail ~~absentee~~ ballot may use the federal write-
1005 | in absentee ballot to vote in any federal, state, or local
1006 | election.

1007 | (b)1. In an election for federal office, an elector may
1008 | designate a candidate by writing the name of a candidate on the
1009 | ballot. Except for a primary or special primary election, the
1010 | elector may alternatively designate a candidate by writing the
1011 | name of a political party on the ballot. A written designation
1012 | of the political party shall be counted as a vote for the
1013 | candidate of that party if there is such a party candidate in
1014 | the race.

1015 2. In a state or local election, an elector may vote in
 1016 the section of the federal write-in absentee ballot designated
 1017 for nonfederal races by writing on the ballot the title of each
 1018 office and by writing on the ballot the name of the candidate
 1019 for whom the elector is voting. Except for a primary, special
 1020 primary, or nonpartisan election, the elector may alternatively
 1021 designate a candidate by writing the name of a political party
 1022 on the ballot. A written designation of the political party
 1023 shall be counted as a vote for the candidate of that party if
 1024 there is such a party candidate in the race. In addition, the
 1025 elector may vote on any ballot measure presented in such
 1026 election by identifying the ballot measure on which he or she
 1027 desires to vote and specifying his or her vote on the measure.
 1028 For purposes of this section, a vote cast in a judicial merit
 1029 retention election shall be treated in the same manner as a
 1030 ballot measure in which the only allowable responses are "Yes"
 1031 or "No."

1032 (c) In the case of a joint candidacy, such as for the
 1033 offices of President/Vice President or Governor/Lieutenant
 1034 Governor, a valid vote for one or both qualified candidates on
 1035 the same ticket shall constitute a vote for the joint candidacy.

1036 (d) For purposes of this subsection and except when the
 1037 context clearly indicates otherwise, such as when a candidate in
 1038 the election is affiliated with a political party whose name
 1039 includes the word "Independent," "Independence," or a similar
 1040 term, a voter designation of "No Party Affiliation" or

1041 "Independent," or any minor variation, misspelling, or
 1042 abbreviation thereof, shall be considered a designation for the
 1043 candidate, other than a write-in candidate, who qualified to run
 1044 in the race with no party affiliation. If more than one
 1045 candidate qualifies to run as a candidate with no party
 1046 affiliation, the designation may not count for any candidate
 1047 unless there is a valid, additional designation of the
 1048 candidate's name.

1049 (e) Any abbreviation, misspelling, or other minor
 1050 variation in the form of the name of an office, the name of a
 1051 candidate, the ballot measure, or the name of a political party
 1052 must be disregarded in determining the validity of the ballot.

1053 (3)(a) An absent uniformed services voter or an overseas
 1054 voter who submits a federal write-in absentee ballot and later
 1055 receives an official vote-by-mail ~~absentee~~ ballot may submit the
 1056 official vote-by-mail ~~absentee~~ ballot. An elector who submits a
 1057 federal write-in absentee ballot and later receives and submits
 1058 an official vote-by-mail ~~absentee~~ ballot should make every
 1059 reasonable effort to inform the appropriate supervisor of
 1060 elections that the elector has submitted more than one ballot.

1061 (b) A federal write-in absentee ballot may not be
 1062 canvassed until 7 p.m. on the day of the election. A federal
 1063 write-in absentee ballot from an overseas voter in a
 1064 presidential preference primary or general election may not be
 1065 canvassed until the conclusion of the 10-day period specified in
 1066 subsection (5). Each federal write-in absentee ballot received

1067 by 7 p.m. on the day of the election shall be canvassed pursuant
 1068 to ss. 101.5614(5) and 101.68, unless the elector's official
 1069 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election
 1070 day. Each federal write-in absentee ballot from an overseas
 1071 voter in a presidential preference primary or general election
 1072 received by 10 days after the date of the election shall be
 1073 canvassed pursuant to ss. 101.5614(5) and 101.68, unless the
 1074 overseas voter's official vote-by-mail ~~absentee~~ ballot is
 1075 received by 10 days after the date of the election. If the
 1076 elector's official vote-by-mail ~~absentee~~ ballot is received by 7
 1077 p.m. on election day, or, for an overseas voter in a
 1078 presidential preference primary or general election, no later
 1079 than 10 days after the date of the election, the federal write-
 1080 in absentee ballot is invalid and the official vote-by-mail
 1081 ~~absentee~~ ballot shall be canvassed. The time shall be regulated
 1082 by the customary time in standard use in the county seat of the
 1083 locality.

1084 (4) For vote-by-mail ~~absentee~~ ballots received from absent
 1085 uniformed services voters or overseas voters, there is a
 1086 presumption that the envelope was mailed on the date stated on
 1087 the outside of the return envelope, regardless of the absence of
 1088 a postmark on the mailed envelope or the existence of a postmark
 1089 date that is later than the date of the election.

1090 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas
 1091 voter in any presidential preference primary or general election
 1092 which is postmarked or dated no later than the date of the

1093 election and is received by the supervisor of elections of the
 1094 county in which the overseas voter is registered no later than
 1095 10 days after the date of the election shall be counted as long
 1096 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1097 Section 30. Section 101.697, Florida Statutes, is amended
 1098 to read:

1099 101.697 Electronic transmission of election materials.—The
 1100 Department of State shall determine whether secure electronic
 1101 means can be established for receiving ballots from overseas
 1102 voters. If such security can be established, the department
 1103 shall adopt rules to authorize a supervisor of elections to
 1104 accept from an overseas voter a request for a vote-by-mail ~~an~~
 1105 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by
 1106 secure facsimile machine transmission or other secure electronic
 1107 means. The rules must provide that in order to accept a voted
 1108 ballot, the verification of the voter must be established, the
 1109 security of the transmission must be established, and each
 1110 ballot received must be recorded.

1111 Section 31. Paragraph (a) of subsection (4) of section
 1112 102.031, Florida Statutes, is amended to read:

1113 102.031 Maintenance of good order at polls; authorities;
 1114 persons allowed in polling rooms and early voting areas;
 1115 unlawful solicitation of voters.—

1116 (4)(a) No person, political committee, or other group or
 1117 organization may solicit voters inside the polling place or
 1118 within 100 feet of the entrance to any polling place, a polling

1119 room where the polling place is also a polling room, an early
 1120 voting site, or an office of the supervisor of elections where
 1121 vote-by-mail ~~absentee~~ ballots are requested and printed on
 1122 demand for the convenience of electors who appear in person to
 1123 request them. Before the opening of the polling place or early
 1124 voting site, the clerk or supervisor shall designate the no-
 1125 solicitation zone and mark the boundaries.

1126 Section 32. Subsections (2), (3), and (4) of section
 1127 102.141, Florida Statutes, are amended to read:

1128 102.141 County canvassing board; duties.—

1129 (2) The county canvassing board shall meet in a building
 1130 accessible to the public in the county where the election
 1131 occurred at a time and place to be designated by the supervisor
 1132 of elections to publicly canvass the absent ~~absentee~~ electors'
 1133 ballots as provided for in s. 101.68 and provisional ballots as
 1134 provided by ss. 101.048, 101.049, and 101.6925. Provisional
 1135 ballots cast pursuant to s. 101.049 shall be canvassed in a
 1136 manner that votes for candidates and issues on those ballots can
 1137 be segregated from other votes. Public notice of the time and
 1138 place at which the county canvassing board shall meet to canvass
 1139 the absent ~~absentee~~ electors' ballots and provisional ballots
 1140 shall be given at least 48 hours prior thereto by publication on
 1141 the supervisor of elections' website and once in one or more
 1142 newspapers of general circulation in the county or, if there is
 1143 no newspaper of general circulation in the county, by posting
 1144 such notice in at least four conspicuous places in the county.

1145 | As soon as the absent ~~absentee~~ electors' ballots and the
 1146 | provisional ballots are canvassed, the board shall proceed to
 1147 | publicly canvass the vote given each candidate, nominee,
 1148 | constitutional amendment, or other measure submitted to the
 1149 | electorate of the county, as shown by the returns then on file
 1150 | in the office of the supervisor of elections.

1151 | (3) The canvass, except the canvass of absent ~~absentee~~
 1152 | electors' returns and the canvass of provisional ballots, shall
 1153 | be made from the returns and certificates of the inspectors as
 1154 | signed and filed by them with the supervisor, and the county
 1155 | canvassing board shall not change the number of votes cast for a
 1156 | candidate, nominee, constitutional amendment, or other measure
 1157 | submitted to the electorate of the county, respectively, in any
 1158 | polling place, as shown by the returns. All returns shall be
 1159 | made to the board on or before 2 a.m. of the day following any
 1160 | primary, general, or other election. If the returns from any
 1161 | precinct are missing, if there are any omissions on the returns
 1162 | from any precinct, or if there is an obvious error on any such
 1163 | returns, the canvassing board shall order a retabulation of the
 1164 | returns from such precinct. Before canvassing such returns, the
 1165 | canvassing board shall examine the tabulation of the ballots
 1166 | cast in such precinct and determine whether the returns
 1167 | correctly reflect the votes cast. If there is a discrepancy
 1168 | between the returns and the tabulation of the ballots cast, the
 1169 | tabulation of the ballots cast shall be presumed correct and
 1170 | such votes shall be canvassed accordingly.

1171 (4) (a) The supervisor of elections shall upload into the
 1172 county's election management system by 7 p.m. on the day before
 1173 the election the results of all early voting and vote-by-mail
 1174 ~~absentee~~ ballots that have been canvassed and tabulated by the
 1175 end of the early voting period. Pursuant to ss. 101.5614(9),
 1176 101.657, and 101.68(2), the tabulation of votes cast or the
 1177 results of such uploads may not be made public before the close
 1178 of the polls on election day.

1179 (b) The canvassing board shall report all early voting and
 1180 all tabulated vote-by-mail ~~absentee~~ results to the Department of
 1181 State within 30 minutes after the polls close. Thereafter, the
 1182 canvassing board shall report, with the exception of provisional
 1183 ballot results, updated precinct election results to the
 1184 department at least every 45 minutes until all results are
 1185 completely reported. The supervisor of elections shall notify
 1186 the department immediately of any circumstances that do not
 1187 permit periodic updates as required. Results shall be submitted
 1188 in a format prescribed by the department.

1189 Section 33. Subsection (8) of section 102.168, Florida
 1190 Statutes, is amended to read:

1191 102.168 Contest of election.—

1192 (8) In any contest that requires a review of the
 1193 canvassing board's decision on the legality of a vote-by-mail ~~an~~
 1194 ~~absentee~~ ballot pursuant to s. 101.68 based upon a comparison of
 1195 the signature on the voter's certificate and the signature of
 1196 the elector in the registration records, the circuit court may

1197 not review or consider any evidence other than the signature on
 1198 the voter's certificate and the signature of the elector in the
 1199 registration records. The court's review of such issue shall be
 1200 to determine only if the canvassing board abused its discretion
 1201 in making its decision.

1202 Section 34. Subsection (1) of section 104.047, Florida
 1203 Statutes, is amended to read:

1204 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;
 1205 violations.-

1206 (1) Except as provided in s. 101.62 or s. 101.655, any
 1207 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf
 1208 of an elector is guilty of a felony of the third degree,
 1209 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1210 Section 35. Section 104.0616, Florida Statutes, is amended
 1211 to read:

1212 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;
 1213 violations.-

1214 (1) For purposes of this section, the term "immediate
 1215 family" means a person's spouse or the parent, child,
 1216 grandparent, or sibling of the person or the person's spouse.

1217 (2) Any person who provides or offers to provide, and any
 1218 person who accepts, a pecuniary or other benefit in exchange for
 1219 distributing, ordering, requesting, collecting, delivering, or
 1220 otherwise physically possessing more than two vote-by-mail
 1221 ~~absentee~~ ballots per election in addition to his or her own
 1222 ballot or a ballot belonging to an immediate family member,

1223 | except as provided in ss. 101.6105-101.694, commits a
 1224 | misdemeanor of the first degree, punishable as provided in s.
 1225 | 775.082, s. 775.083, or s. 775.084.

1226 | Section 36. Section 104.17, Florida Statutes, is amended
 1227 | to read:

1228 | 104.17 Voting in person after casting vote-by-mail
 1229 | ~~absentee~~ ballot.—Any person who willfully votes or attempts to
 1230 | vote both in person and by vote-by-mail ~~absentee~~ ballot at any
 1231 | election is guilty of a felony of the third degree, punishable
 1232 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1233 | Section 37. Paragraph (b) of subsection (2) of section
 1234 | 117.05, Florida Statutes, is amended to read:

1235 | 117.05 Use of notary commission; unlawful use; notary fee;
 1236 | seal; duties; employer liability; name change; advertising;
 1237 | photocopies; penalties.—

1238 | (2)

1239 | (b) A notary public may not charge a fee for witnessing a
 1240 | vote-by-mail ~~an absentee~~ ballot in an election, and must witness
 1241 | such a ballot upon the request of an elector, provided the
 1242 | notarial act is in accordance with the provisions of this
 1243 | chapter.

1244 | Section 38. Subsection (7) of section 394.459, Florida
 1245 | Statutes, is amended to read:

1246 | 394.459 Rights of patients.—

1247 | (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible
 1248 | to vote according to the laws of the state has the right to vote

1249 in the primary and general elections. The department shall
 1250 establish rules to enable patients to obtain voter registration
 1251 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-
 1252 by-mail ~~absentee~~ ballots.

1253 Section 39. Section 741.406, Florida Statutes, is amended
 1254 to read:

1255 741.406 Voting by program participant; use of designated
 1256 address by supervisor of elections.—A program participant who is
 1257 otherwise qualified to vote may request a vote-by-mail ~~an~~
 1258 ~~absentee~~ ballot pursuant to s. 101.62. The program participant
 1259 shall automatically receive vote-by-mail ~~absentee~~ ballots for
 1260 all elections in the jurisdictions in which that individual
 1261 resides in the same manner as vote-by-mail ~~absentee~~ voters. The
 1262 supervisor of elections shall transmit the vote-by-mail ~~absentee~~
 1263 ballot to the program participant at the address designated by
 1264 the participant in his or her application as a vote-by-mail ~~an~~
 1265 ~~absentee~~ voter. The name, address, and telephone number of a
 1266 program participant may not be included in any list of
 1267 registered voters available to the public.

1268 Section 40. Subsection (7) of section 916.107, Florida
 1269 Statutes, is amended to read:

1270 916.107 Rights of forensic clients.—

1271 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is
 1272 eligible to vote according to the laws of the state has the
 1273 right to vote in the primary and general elections. The
 1274 department and agency shall establish rules to enable clients to

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1275 | obtain voter registration forms, applications for vote-by-mail
1276 | ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.
1277 | Section 41. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4041 Write-in Candidates
SPONSOR(S): Geller
TIED BILLS: IDEN./SIM. BILLS: SB 410

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) Government Operations Subcommittee, 10 Y, 0 N, Toliver, Williamson. Row 2: 2) Transportation & Economic Development Appropriations Subcommittee, Cobb PC, Davis. Row 3: 3) State Affairs Committee.

SUMMARY ANALYSIS

The Florida Constitution sets forth residency requirements for legislators, county commissioners, justices and judges, and the governor, lieutenant governor, and members of the cabinet. The constitutional residency requirement for legislators, county commissioners, justices and judges has been interpreted by Florida courts to mean that residency within the district represented by the office sought is required only at the time of election.

The Florida Statutes provide a residency requirement for write-in candidates. Section 99.0615, F.S., requires a write-in candidate to reside within the district represented by the office sought at the time of qualification. Two recent Florida District Courts of Appeal have held the statute unconstitutional because it conflicts with the residency requirements within the Florida Constitution, which requires residency at the time of election and not at the time of qualification. Both cases have been appealed to the Florida Supreme Court. The Florida Supreme Court has heard oral arguments on the issue but has not issued an opinion in either case.

This bill repeals s. 99.0615, F.S., which was found unconstitutional by the First and Fourth District Courts of Appeal.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Residency Requirements for Candidates

The Florida Constitution sets forth eligibility requirements, which includes residency requirements, for legislators,¹ county commissioners,² judges,³ and the governor, lieutenant governor, and members of the cabinet.⁴ The Florida Supreme Court has held that the legislature is prohibited from imposing any additional eligibility requirements upon candidates for these offices;⁵ however, the legislature is allowed to mandate certain qualifications solely for the purpose of entry onto the ballot, such as full and public disclosure of financial interests, taking an oath, and paying filing fees.⁶

The Florida Constitution sets forth the following residency requirements:

- A legislator must be an elector and resident of the district from which elected, and must have resided in the state for two years prior to the election.⁷
- A county commissioner must be elected from the district from which he or she resides.⁸
- A justice or judge must reside in the territorial jurisdiction of the court from which elected.⁹
- The governor, lieutenant governor, and members of the cabinet must be an elector who has resided in the state for the seven years preceding the election.¹⁰

The constitutional residency requirement for legislators, county commissioners, justices, and judges has been interpreted by Florida courts to mean that residency within the district represented by the office sought is required only at the time of election.¹¹

The Florida Statutes also provide residency requirements in certain instances. Section 1001.361, F.S., provides that notwithstanding any local law or county charter, each candidate for district school board member must be a resident of the district school board member residence area at the time of qualification. Section 1001.463, F.S., provides that the office of district school superintendent is automatically vacated if the superintendent moves from the district he or she represents.

As for municipal elections, s. 100.3605, F.S., provides that The Florida Election Code governs the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. As such, the residency requirement for city commissioners is at the time of assuming office, unless otherwise provided by special act, charter, or ordinance provision.¹²

Residency Requirements for Write-in Candidates

The Florida Statutes provide a residency requirement for write-in candidates. Section 99.0615, F.S., requires a write-in candidate to reside within the district represented by the office sought at the time of qualification.

¹ Article III, s. 15(c), FLA. CONST.

² Article VIII, s. 1(e), FLA. CONST.

³ Article V, s. 8, FLA. CONST.

⁴ Article IV, s. 5, FLA. CONST.

⁵ *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).

⁶ *Matthews v. Steinberg*, 153 So.3d 295, 297 (Fla. 1st DCA 2014) citing *Norman v. Ambler*, 46 So.3d 178, 182-83 (Fla. 1st DCA 2010).

⁷ Article III, s. 15(c), FLA. CONST.

⁸ Article VIII, s. 1(e), FLA. CONST.

⁹ Article V, s. 8, FLA. CONST.

¹⁰ Article IV, s. 5(b), FLA. CONST.

¹¹ *Norman*, 46 So.3d at 183 (residency of legislators); *Grassi*, 532 So.2d at 1056 (residency of county commissioners); *Miller v. Mendez*, 804 So.2d 1243, 1246-47 (Fla. 2001) (residency of judges).

¹² Division of Elections Opinion 94-04 (1994).

Litigation Concerning Residency Requirements for Write-in Candidates

In September 2014, the Florida Fourth District Court of Appeal held in *Francois v. Brinkmann* that s. 99.0615, F.S., was unconstitutional because “the timing of its residency requirement for write-in candidates conflicts with the timing of the residency requirement for county commission candidates as established by Article VIII, section 1(e) of the Florida Constitution.”¹³ The case involved a county commission primary where five candidates were on the ballot and an additional candidate, Mr. Francois, entered the race as a write-in candidate.¹⁴ Mr. Francois did not live in the district represented by the office sought at the time of filing his papers to qualify as a write-in candidate.¹⁵ In *Francois*, the court reasoned that s. 99.0615, F.S., imposed qualifications in contravention to those specified in the constitution and, therefore, the statute was unconstitutional.¹⁶

One month following the *Francois* decision, the Florida First District Court of Appeal also held s. 99.0615, F.S., unconstitutional in *Matthews v. Steinberg*.¹⁷ The *Matthews* case involved a write-in candidate for state representative who did not “reside within the district he wished to represent at the time he filed his qualifying paperwork with the Division of Elections.”¹⁸ The *Matthews* court, like the *Francois* court,¹⁹ found that the requirement that residency occur at the time of qualification within s. 99.0615, F.S., was in direct contravention of the Florida Constitution’s requirement of residency at the time of election and, therefore, was unconstitutional.²⁰

Both cases, *Francois* and *Matthews*, were appealed to the Florida Supreme Court.²¹ The Florida Supreme Court ordered the proceedings for the *Matthews* case stayed pending disposition of the *Francois* case.²² The Florida Supreme Court heard oral arguments for the *Francois* case on April 9, 2015, but has not issued an opinion.²³

Effect of the Bill

The bill repeals s. 99.0615, F.S., which was found unconstitutional by the First and Fourth District Courts of Appeal.

B. SECTION DIRECTORY:

Section 1 repeals s. 99.0615, F.S., relating to write-in candidate residency requirements.

Section 2 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹³ *Francois v. Brinkmann*, 147 So.3d 613, 616 (Fla. 4th DCA 2014); appeal filed with the Florida Supreme Court (*Brinkmann v. Francois*, SC14-1899).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Francois*, 147 So.3d at 616.

¹⁷ *Matthews*, 153 So.3d 295; appeal filed with the Florida Supreme Court (*Steinberg v. Matthews*, SC14-2202).

¹⁸ *Id.*

¹⁹ *Id.* at 297 citing *Francois*, 147 So.3d at 615 (“The statutory requirement directly contravenes and adds to the constitutional fiat that legislators reside in the district at the time of election.”)

²⁰ *Id.* at 298

²¹ *Brinkmann v. Francois*, SC14-1899; *Steinberg v. Matthews*, SC14-2202.

²² *Steinberg v. Matthews*, SC14-2202, Order Stay Proceedings, 11/17/2014, available at

http://jweb.flcourts.org/pls/docket/ds_docket?p_caseyear=2014&p_casenum=2202 (last visited 12/11/2015).

²³ *Brinkmann v. Francois*, SC14-1899.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill is exempt from the mandate requirements because it is amending the elections laws.

2. Other:

The constitutionality of s. 99.0615, F.S., is currently before the Florida Supreme Court in *Brinkmann v. Francois*, SC14-1899; however, the Florida Supreme Court has not issued an opinion in the case.

B. RULE-MAKING AUTHORITY:

The bill does not appear to require any additional rulemaking authority for the Division of Elections, Department of State.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HB 4041

2016

1 A bill to be entitled
2 An act relating to write-in candidates; repealing s.
3 99.0615, F.S., relating to a requirement that a write-
4 in candidate reside within the district of the office
5 sought at the time of qualification; providing an
6 effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 99.0615, Florida Statutes, is repealed.

11 Section 2. This act shall take effect upon becoming a law.