

By the Committee on Ethics and Elections; and Senator Smith

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1 A bill to be entitled
2 An act relating to canvassing of absentee ballots;
3 amending s. 101.68, F.S.; authorizing the county
4 canvassing board to begin the canvassing of absentee
5 ballots after successfully completing testing of the
6 electronic tabulating equipment; removing obsolete
7 language; amending ss. 101.65 and 101.6923, F.S.;
8 revising absentee ballot instructions for absent
9 electors and certain first-time voters, respectively,
10 to conform to changes made by the act; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (a) of subsection (2) of section
16 101.68, Florida Statutes, is amended to read:

17 101.68 Canvassing of absentee ballot.-

18 (2) (a) The county canvassing board may begin the canvassing
19 of absentee ballots after successfully testing the electronic
20 tabulating equipment as required by this chapter at 7 a.m. on
21 ~~the 15th day before the election,~~ but not later than noon on the
22 day following the election. ~~In addition, for any county using~~
23 ~~electronic tabulating equipment, the processing of absentee~~
24 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~
25 ~~the 15th day before the election.~~ However, notwithstanding any
26 such authorization to begin canvassing or otherwise processing
27 absentee ballots early, no result shall be released until after
28 the closing of the polls in that county on election day. Any
29 supervisor of elections, deputy supervisor of elections,

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30 canvassing board member, election board member, or election
31 employee who releases the results of a canvassing or processing
32 of absentee ballots before ~~prior to~~ the closing of the polls in
33 that county on election day commits a felony of the third
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.
35 775.084.

36 Section 2. Section 101.65, Florida Statutes, is amended to
37 read:

38 101.65 Instructions to absent electors.—The supervisor
39 shall enclose with each absentee ballot separate printed
40 instructions in substantially the following form:

41

42 READ THESE INSTRUCTIONS CAREFULLY

43 BEFORE MARKING BALLOT.

44 1. VERY IMPORTANT. In order to ensure that your absentee
45 ballot will be counted, it should be completed and returned as
46 soon as possible so that it can reach the supervisor of
47 elections of the county in which your precinct is located no
48 later than 7 p.m. on the day of the election. However, if you
49 are an overseas voter casting a ballot in a presidential
50 preference primary or general election, your absentee ballot
51 must be postmarked or dated no later than the date of the
52 election and received by the supervisor of elections of the
53 county in which you are registered to vote no later than 10 days
54 after the date of the election.

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

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

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

62 4. Place your marked ballot in the enclosed secrecy
63 envelope.

64 5. Insert the secrecy envelope into the enclosed mailing
65 envelope which is addressed to the supervisor.

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

68 7. VERY IMPORTANT. In order for your absentee ballot to be
69 counted, you must sign your name on the line above (Voter's
70 Signature). An absentee ballot will be considered illegal and
71 not be counted if the signature on the voter's certificate does
72 not match the signature on record. The signature on file at the
73 start of the canvass of the absentee ballots is the signature
74 that will be used to verify your signature on the voter's
75 certificate. If you need to update your signature for this
76 election, send your signature update on a voter registration
77 application to your supervisor of elections so that it is
78 received no later than the start of the canvassing of absentee
79 ballots, which can occur as early as the 25th ~~occurs no earlier~~
80 ~~than the 15th~~ day before election day.

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

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

86 10. FELONY NOTICE. It is a felony under Florida law to
87 accept any gift, payment, or gratuity in exchange for your vote

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88 for a candidate. It is also a felony under Florida law to vote
89 in an election using a false identity or false address, or under
90 any other circumstances making your ballot false or fraudulent.

91 Section 3. Subsection (2) of section 101.6923, Florida
92 Statutes, is amended to read:

93 101.6923 Special absentee ballot instructions for certain
94 first-time voters.—

95 (2) A voter covered by this section shall be provided with
96 printed instructions with his or her absentee ballot in
97 substantially the following form:

98

99 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
100 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
101 YOUR BALLOT NOT TO COUNT.

102

103 1. In order to ensure that your absentee ballot will be
104 counted, it should be completed and returned as soon as possible
105 so that it can reach the supervisor of elections of the county
106 in which your precinct is located no later than 7 p.m. on the
107 date of the election. However, if you are an overseas voter
108 casting a ballot in a presidential preference primary or general
109 election, your absentee ballot must be postmarked or dated no
110 later than the date of the election and received by the
111 supervisor of elections of the county in which you are
112 registered to vote no later than 10 days after the date of the
113 election.

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

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

121 4. Place your marked ballot in the enclosed secrecy
122 envelope and seal the envelope.

123 5. Insert the secrecy envelope into the enclosed envelope
124 bearing the Voter's Certificate. Seal the envelope and
125 completely fill out the Voter's Certificate on the back of the
126 envelope.

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

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

132 c. An absentee ballot will be considered illegal and will
133 not be counted if the signature on the Voter's Certificate does
134 not match the signature on record. The signature on file at the
135 start of the canvass of the absentee ballots is the signature
136 that will be used to verify your signature on the Voter's
137 Certificate. If you need to update your signature for this
138 election, send your signature update on a voter registration
139 application to your supervisor of elections so that it is
140 received no later than the start of canvassing of absentee
141 ballots, which can occur as early as the 25th ~~occurs no earlier~~
142 ~~than the 15th~~ day before election day.

143 6. Unless you meet one of the exemptions in Item 7., you
144 must make a copy of one of the following forms of
145 identification:

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146 a. Identification which must include your name and
147 photograph: United States passport; debit or credit card;
148 military identification; student identification; retirement
149 center identification; neighborhood association identification;
150 or public assistance identification; or

151 b. Identification which shows your name and current
152 residence address: current utility bill, bank statement,
153 government check, paycheck, or government document (excluding
154 voter identification card).

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

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

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

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

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

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

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

170 8. Place the envelope bearing the Voter's Certificate into
171 the mailing envelope addressed to the supervisor. Insert a copy
172 of your identification in the mailing envelope. DO NOT PUT YOUR
173 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
174 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR

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175 BALLOT WILL NOT COUNT.

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

178 10. FELONY NOTICE. It is a felony under Florida law to
179 accept any gift, payment, or gratuity in exchange for your vote
180 for a candidate. It is also a felony under Florida law to vote
181 in an election using a false identity or false address, or under
182 any other circumstances making your ballot false or fraudulent.

183 Section 4. This act shall take effect July 1, 2015.