



801988

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/28/2011	.	
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The Committee on Rules Subcommittee on Ethics and Elections  
(Diaz de la Portilla) recommended the following:

**Senate Amendment (with title amendment)**

After line 179  
insert:

Section 1. Paragraph (d) is added to subsection (2) of  
section 99.095, Florida Statutes, to read:

99.095 Petition process in lieu of a qualifying fee and  
party assessment.-

(2)

(d) In a year of apportionment, any candidate for county or  
district office seeking ballot position by the petition process  
may obtain the required number of signatures from any registered



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13 voter in the respective county, regardless of district  
14 boundaries. The candidate shall obtain at least the number of  
15 signatures equal to 1 percent of the total number of registered  
16 voters, as shown by a compilation by the department for the  
17 immediately preceding general election, divided by the total  
18 number of districts of the office involved.

19       Between lines 214 and 215

20 insert:

21       Section 3. Subsection (6) is added to section 101.591,  
22 Florida Statutes, to read:

23       101.591 Voting system audit.-

24       (6) If a manual recount is undertaken pursuant to s.  
25 102.166, the canvassing board is not required to perform the  
26 audit provided for in this section.

27       Section 4. Paragraph (a) of subsection (1) and paragraph  
28 (b) of subsection (4) of section 101.62, Florida Statutes, are  
29 amended to read:

30       101.62 Request for absentee ballots.-

31       (1) (a) The supervisor shall accept a request for an  
32 absentee ballot from an elector in person or in writing. One  
33 request shall be deemed sufficient to receive an absentee ballot  
34 for all elections through the end of the calendar year of the  
35 next regularly scheduled general election, unless the elector or  
36 the elector's designee indicates at the time the request is made  
37 the elections for which the elector desires to receive an  
38 absentee ballot. Such request may be considered canceled when  
39 any first-class mail sent by the supervisor to the elector is  
40 returned as undeliverable.

41       (4)



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42 (b) The supervisor shall provide an absentee ballot to each  
43 elector by whom a request for that ballot has been made by one  
44 of the following means:

45 1. By nonforwardable, return-if-undeliverable mail to the  
46 elector's current mailing address on file with the supervisor  
47 ~~or, unless the elector specifies in the request that:~~

48 ~~a. The elector is absent from the county and does not plan~~  
49 ~~to return before the day of the election;~~

50 ~~b. The elector is temporarily unable to occupy the~~  
51 ~~residence because of hurricane, tornado, flood, fire, or other~~  
52 ~~emergency or natural disaster; or~~

53 ~~c. The elector is in a hospital, assisted living facility,~~  
54 ~~nursing home, short term medical or rehabilitation facility, or~~  
55 ~~correctional facility,~~

56  
57 ~~in which case the supervisor shall mail the ballot by~~  
58 ~~nonforwardable, return-if-undeliverable mail to any other~~  
59 address the elector specifies in the request.

60 2. By forwardable mail, e-mail, or facsimile machine  
61 transmission to absent uniformed services voters and overseas  
62 voters. The absent uniformed services voter or overseas voter  
63 may designate in the absentee ballot request the preferred  
64 method of transmission. If the voter does not designate the  
65 method of transmission, the absentee ballot shall be mailed.

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

69 4. By delivery to a designee on election day or up to 5  
70 days prior to the day of an election. Any elector may designate



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71 in writing a person to pick up the ballot for the elector;  
72 however, the person designated may not pick up more than two  
73 absentee ballots per election, other than the designee's own  
74 ballot, except that additional ballots may be picked up for  
75 members of the designee's immediate family. For purposes of this  
76 section, "immediate family" means the designee's spouse or the  
77 parent, child, grandparent, or sibling of the designee or of the  
78 designee's spouse. The designee shall provide to the supervisor  
79 the written authorization by the elector and a picture  
80 identification of the designee and must complete an affidavit.  
81 The designee shall state in the affidavit that the designee is  
82 authorized by the elector to pick up that ballot and shall  
83 indicate if the elector is a member of the designee's immediate  
84 family and, if so, the relationship. The department shall  
85 prescribe the form of the affidavit. If the supervisor is  
86 satisfied that the designee is authorized to pick up the ballot  
87 and that the signature of the elector on the written  
88 authorization matches the signature of the elector on file, the  
89 supervisor shall give the ballot to that designee for delivery  
90 to the elector.

91 Section 5. Paragraph (a) of subsection (2) of section  
92 101.68, Florida Statutes, is amended to read:

93 101.68 Canvassing of absentee ballot.—

94 (2) (a) The county canvassing board may begin the canvassing  
95 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the  
96 election, but not later than noon on the day following the  
97 election. In addition, for any county using electronic  
98 tabulating equipment, the processing of absentee ballots through  
99 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~



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100 day before the election. However, notwithstanding any such  
101 authorization to begin canvassing or otherwise processing  
102 absentee ballots early, no result shall be released until after  
103 the closing of the polls in that county on election day. Any  
104 supervisor of elections, deputy supervisor of elections,  
105 canvassing board member, election board member, or election  
106 employee who releases the results of a canvassing or processing  
107 of absentee ballots prior to the closing of the polls in that  
108 county on election day commits a felony of the third degree,  
109 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
110

111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete line 2

114 and insert:

115 An act relating to elections; amending s. 99.095,  
116 F.S.; allowing a candidate to obtain the required  
117 number of signatures from any registered voter  
118 regardless of district boundaries in a year of  
119 apportionment; amending s. 101.161,

120 Between lines 15 and 16

121 insert:

122 amending s. 101.591, F.S.; removing the audit  
123 requirement by the canvassing board if a manual  
124 recount is undertaken; amending s. 101.62, F.S.;  
125 extending the time for requesting an absentee ballot  
126 to the end of the calendar year of the next regularly  
127 scheduled general election; removing requirements that  
128 an elector provide certain information when requesting



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129 an absentee ballot from the county supervisor of  
130 elections; amending s. 101.68, F.S.; extending the  
131 time for canvassing and processing absentee ballots to  
132 15 days before the election;