

Amendment No.9

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Williams, A. offered the following:

**Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

6 Section 3. Subsection (13) of section 97.012, Florida  
 7 Statutes, is amended to read:

8 97.012 Secretary of State as chief election officer.—The  
 9 Secretary of State is the chief election officer of the state,  
 10 and it is his or her responsibility to:

11 (13) Designate an office within the department to be  
 12 responsible for providing information regarding voter  
 13 registration procedures and vote-by-mail ~~absentee~~ ballot  
 14 procedures to absent uniformed services voters and overseas  
 15 voters.

16 Section 4. Subsections (1) and (13) of section 97.021,  
 17 Florida Statutes, are amended to read:

18 97.021 Definitions.—For the purposes of this code, except  
 19 where the context clearly indicates otherwise, the term:

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

22 (13) "Election costs" shall include, but not be limited  
23 to, expenditures for all paper supplies such as envelopes,  
24 instructions to voters, affidavits, reports, ballot cards,  
25 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,  
26 notices to voters; advertisements for registration book  
27 closings, testing of voting equipment, sample ballots, and  
28 polling places; forms used to qualify candidates; polling site  
29 rental and equipment delivery and pickup; data processing time  
30 and supplies; election records retention; and labor costs,  
31 including those costs uniquely associated with vote-by-mail  
32 ~~absentee~~ ballot preparation, poll workers, and election night  
33 canvass.

34 Section 5. Section 97.026, Florida Statutes, is amended to  
35 read:

36 97.026 Forms to be available in alternative formats and  
37 via the Internet.—It is the intent of the Legislature that all  
38 forms required to be used in chapters 97-106 shall be made  
39 available upon request, in alternative formats. Such forms shall  
40 include vote-by-mail ~~absentee~~ ballots as alternative formats for  
41 such ballots become available and the Division of Elections is  
42 able to certify systems that provide them. Whenever possible,  
43 such forms, with the exception of vote-by-mail ~~absentee~~ ballots,  
44 shall be made available by the Department of State via the  
45 Internet. Sections that contain such forms include, but are not  
46 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,  
47 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,

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48 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,  
49 101.657, 105.031, 106.023, and 106.087.

50 Section 6. Paragraph (c) of subsection (4) of section  
51 98.065, Florida Statutes, is amended to read:

52 98.065 Registration list maintenance programs.-

53 (4)

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

70 Section 7. Subsection (4) of section 98.077, Florida  
71 Statutes, is amended to read:

72 98.077 Update of voter signature.-

73 (4) All signature updates for use in verifying vote-by-  
74 mail ~~absentee~~ and provisional ballots must be received by the  
75 appropriate supervisor of elections no later than the start of

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76 the canvassing of vote-by-mail ~~absentee~~ ballots by the  
77 canvassing board. The signature on file at the start of the  
78 canvass of the vote-by-mail ~~absentee~~ ballots is the signature  
79 that shall be used in verifying the signature on the vote-by-  
80 mail ~~absentee~~ and provisional ballot certificates.

81 Section 8. Paragraphs (b) and (d) of subsection (1) and  
82 paragraph (a) of subsection (2) of section 98.0981, Florida  
83 Statutes, are amended to read:

84 98.0981 Reports; voting history; statewide voter  
85 registration system information; precinct-level election  
86 results; book closing statistics.—

87 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
88 INFORMATION.—

89 (b) After receipt of the information in paragraph (a), the  
90 department shall prepare a report in electronic format which  
91 contains the following information, separately compiled for the  
92 primary and general election for all voters qualified to vote in  
93 either election:

94 1. The unique identifier assigned to each qualified voter  
95 within the statewide voter registration system;

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

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

101 4. Each qualified voter's current state representative  
102 district, state senatorial district, and congressional district,  
103 assigned by the supervisor of elections;

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

105 6. Voting history as transmitted under paragraph (a) to  
106 include whether the qualified voter voted at a precinct  
107 location, voted during the early voting period, voted by vote-  
108 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail  
109 ~~absentee~~ ballot that was not counted, attempted to vote by  
110 provisional ballot that was not counted, or did not vote.

111 (d) File specifications are as follows:

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

117 a. Voted a regular ballot at a precinct location.

118 b. Voted at a precinct location using a provisional ballot  
119 that was subsequently counted.

120 c. Voted a regular ballot during the early voting period.

121 d. Voted during the early voting period using a  
122 provisional ballot that was subsequently counted.

123 e. Voted by vote-by-mail ~~absentee~~ ballot.

124 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but  
125 the ballot was not counted.

126 g. Attempted to vote by provisional ballot, but the ballot  
127 was not counted in that election.

128 2. Each file shall be created or converted into a tab-  
129 delimited format.

130 3. File names shall adhere to the following convention:

131 a. Three-character county identifier as established by the

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132 department followed by an underscore.

133 b. Followed by four-character file type identifier of  
134 'VH03' followed by an underscore.

135 c. Followed by FVRS election ID followed by an underscore.

136 d. Followed by Date Created followed by an underscore.

137 e. Date format is YYYYMMDD.

138 f. Followed by Time Created - HHMMSS.

139 g. Followed by ".txt".

140 4. Each record shall contain the following columns: Record  
141 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
142 Date, Vote History Code, Precinct, Congressional District, House  
143 District, Senate District, County Commission District, and  
144 School Board District.

145 (2) PRECINCT-LEVEL ELECTION RESULTS.—

146 (a) Within 30 days after certification by the Elections  
147 Canvassing Commission of a presidential preference primary  
148 election, special election, primary election, or general  
149 election, the supervisors of elections shall collect and submit  
150 to the department precinct-level election results for the  
151 election in a uniform electronic format specified by paragraph  
152 (c). The precinct-level election results shall be compiled  
153 separately for the primary or special primary election that  
154 preceded the general or special general election, respectively.  
155 The results shall specifically include for each precinct the  
156 total of all ballots cast for each candidate or nominee to fill  
157 a national, state, county, or district office or proposed  
158 constitutional amendment, with subtotals for each candidate and  
159 ballot type, unless fewer than 10 voters voted a ballot type.

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160 "All ballots cast" means ballots cast by voters who cast a  
161 ballot whether at a precinct location, by vote-by-mail ~~absentee~~  
162 ballot including overseas vote-by-mail ~~absentee~~ ballots, during  
163 the early voting period, or by provisional ballot.

164 Section 9. Subsection (3) of section 101.051, Florida  
165 Statutes, is amended to read:

166 101.051 Electors seeking assistance in casting ballots;  
167 oath to be executed; forms to be furnished.-

168 (3) Any elector applying to cast a vote-by-mail ~~an~~  
169 ~~absentee~~ ballot in the office of the supervisor, in any  
170 election, who requires assistance to vote by reason of  
171 blindness, disability, or inability to read or write may request  
172 the assistance of some person of his or her own choice, other  
173 than the elector's employer, an agent of the employer, or an  
174 officer or agent of his or her union, in casting his or her  
175 vote-by-mail ~~absentee~~ ballot.

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

178 101.5612 Testing of tabulating equipment.-

179 (3) For electronic or electromechanical voting systems  
180 configured to tabulate vote-by-mail ~~absentee~~ ballots at a  
181 central or regional site, the public testing shall be conducted  
182 by processing a preaudited group of ballots so produced as to  
183 record a predetermined number of valid votes for each candidate  
184 and on each measure and to include one or more ballots for each  
185 office which have activated voting positions in excess of the  
186 number allowed by law in order to test the ability of the  
187 automatic tabulating equipment to reject such votes. If any

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188 error is detected, the cause therefor shall be corrected and an  
189 errorless count shall be made before the automatic tabulating  
190 equipment is approved. The test shall be repeated and errorless  
191 results achieved immediately before the start of the official  
192 count of the ballots and again after the completion of the  
193 official count. The programs and ballots used for testing shall  
194 be sealed and retained under the custody of the county  
195 canvassing board.

196 Section 11. Subsections (5) and (7) of section 101.5614,  
197 Florida Statutes, are amended to read:

198 101.5614 Canvass of returns.—

199 (5)(a) If any vote-by-mail ~~absentee~~ ballot is physically  
200 damaged so that it cannot properly be counted by the automatic  
201 tabulating equipment, a true duplicate copy shall be made of the  
202 damaged ballot in the presence of witnesses and substituted for  
203 the damaged ballot. Likewise, a duplicate ballot shall be made  
204 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted  
205 race or a marked vote-by-mail ~~absentee~~ ballot in which every  
206 race is undervoted which shall include all valid votes as  
207 determined by the canvassing board based on rules adopted by the  
208 division pursuant to s. 102.166(4). All duplicate ballots shall  
209 be clearly labeled "duplicate," bear a serial number which shall  
210 be recorded on the defective ballot, and be counted in lieu of  
211 the defective ballot. After a ballot has been duplicated, the  
212 defective ballot shall be placed in an envelope provided for  
213 that purpose, and the duplicate ballot shall be tallied with the  
214 other ballots for that precinct.

215 (b) A true duplicate copy shall be made of each federal



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216 write-in absentee ballot in the presence of witnesses and  
217 substituted for the federal write-in absentee ballot. The  
218 duplicate ballot must include all valid votes as determined by  
219 the canvassing board based on rules adopted by the division  
220 pursuant to s. 102.166(4). All duplicate ballots shall be  
221 clearly labeled "duplicate," bear a serial number that shall be  
222 recorded on the federal write-in absentee ballot, and be counted  
223 in lieu of the federal write-in absentee ballot. After a ballot  
224 has been duplicated, the federal write-in absentee ballot shall  
225 be placed in an envelope provided for that purpose, and the  
226 duplicate ballot shall be tallied with other ballots for that  
227 precinct.

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

232 Section 12. Section 101.572, Florida Statutes, is amended  
233 to read:

234 101.572 Public inspection of ballots.—The official ballots  
235 and ballot cards received from election boards and removed from  
236 vote-by-mail ~~absentee~~ ballot mailing envelopes shall be open for  
237 public inspection or examination while in the custody of the  
238 supervisor of elections or the county canvassing board at any  
239 reasonable time, under reasonable conditions; however, no  
240 persons other than the supervisor of elections or his or her  
241 employees or the county canvassing board shall handle any  
242 official ballot or ballot card. If the ballots are being  
243 examined prior to the end of the contest period in s. 102.168,

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244 the supervisor of elections shall make a reasonable effort to  
245 notify all candidates whose names appear on such ballots or  
246 ballot cards by telephone or otherwise of the time and place of  
247 the inspection or examination. All such candidates, or their  
248 representatives, shall be allowed to be present during the  
249 inspection or examination.

250 Section 13. Section 101.6105, Florida Statutes, is amended  
251 to read:

252 101.6105 Vote-by-mail ~~Absentee~~ voting.—The provisions of  
253 the election code relating to vote-by-mail ~~absentee~~ voting and  
254 vote-by-mail ~~absentee~~ ballots shall apply to elections under ss.  
255 101.6101-101.6107 only insofar as they do not conflict with the  
256 provisions of ss. 101.6101-101.6107.

257 Section 14. Section 101.62, Florida Statutes, is amended  
258 to read:

259 101.62 Request for vote-by-mail ~~absentee~~ ballots.—

260 (1) (a) The supervisor shall accept a request for a vote-  
261 by-mail ~~an absentee~~ ballot from an elector in person or in  
262 writing. One request shall be deemed sufficient to receive a  
263 vote-by-mail ~~an absentee~~ ballot for all elections through the  
264 end of the calendar year of the second ensuing regularly  
265 scheduled general election, unless the elector or the elector's  
266 designee indicates at the time the request is made the elections  
267 for which the elector desires to receive a vote-by-mail ~~an~~  
268 ~~absentee~~ ballot. Such request may be considered canceled when  
269 any first-class mail sent by the supervisor to the elector is  
270 returned as undeliverable.

271 (b) The supervisor may accept a written or telephonic

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272 request for a vote-by-mail ~~an absentee~~ ballot from the elector,  
273 or, if directly instructed by the elector, a member of the  
274 elector's immediate family, or the elector's legal guardian. For  
275 purposes of this section, the term "immediate family" has the  
276 same meaning as specified in paragraph (4) (c). The person making  
277 the request must disclose:

- 278 1. The name of the elector for whom the ballot is  
279 requested.
- 280 2. The elector's address.
- 281 3. The elector's date of birth.
- 282 4. The requester's name.
- 283 5. The requester's address.
- 284 6. The requester's driver's license number, if available.
- 285 7. The requester's relationship to the elector.
- 286 8. The requester's signature (written requests only).

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

292 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be  
293 mailed to a voter must be received no later than 5 p.m. on the  
294 sixth day before the election by the supervisor of elections.  
295 The supervisor of elections shall mail vote-by-mail ~~absentee~~  
296 ballots to voters requesting ballots by such deadline no later  
297 than 4 days before the election.

298 (3) For each request for a vote-by-mail ~~an absentee~~ ballot  
299 received, the supervisor shall record the date the request was

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300 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to  
301 the voter or the voter's designee or the date the vote-by-mail  
302 ~~absentee~~ ballot was delivered to the post office or other  
303 carrier, the date the ballot was received by the supervisor, and  
304 such other information he or she may deem necessary. This  
305 information shall be provided in electronic format as provided  
306 by rule adopted by the division. The information shall be  
307 updated and made available no later than 8 a.m. of each day,  
308 including weekends, beginning 60 days before the primary until  
309 15 days after the general election and shall be  
310 contemporaneously provided to the division. This information  
311 shall be confidential and exempt from the provisions of s.  
312 119.07(1) and shall be made available to or reproduced only for  
313 the voter requesting the ballot, a canvassing board, an election  
314 official, a political party or official thereof, a candidate who  
315 has filed qualification papers and is opposed in an upcoming  
316 election, and registered political committees or registered  
317 committees of continuous existence, for political purposes only.

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

324 (b) The supervisor of elections shall mail a vote-by-mail  
325 ~~an absentee~~ ballot to each absent qualified voter, other than  
326 those listed in paragraph (a), who has requested such a ballot,  
327 between the 35th and 28th days before the presidential

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328 preference primary election, primary election, and general  
329 election. Except as otherwise provided in subsection (2) and  
330 after the period described in this paragraph, the supervisor  
331 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days  
332 after receiving a request for such a ballot.

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

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

339 2. By forwardable mail, e-mail, or facsimile machine  
340 transmission to absent uniformed services voters and overseas  
341 voters. The absent uniformed services voter or overseas voter  
342 may designate in the vote-by-mail ~~absentee~~ ballot request the  
343 preferred method of transmission. If the voter does not  
344 designate the method of transmission, the vote-by-mail ~~absentee~~  
345 ballot shall be mailed.

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

349 4. By delivery to a designee on election day or up to 5  
350 days prior to the day of an election. Any elector may designate  
351 in writing a person to pick up the ballot for the elector;  
352 however, the person designated may not pick up more than two  
353 vote-by-mail ~~absentee~~ ballots per election, other than the  
354 designee's own ballot, except that additional ballots may be  
355 picked up for members of the designee's immediate family. For

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356 purposes of this section, "immediate family" means the  
357 designee's spouse or the parent, child, grandparent, or sibling  
358 of the designee or of the designee's spouse. The designee shall  
359 provide to the supervisor the written authorization by the  
360 elector and a picture identification of the designee and must  
361 complete an affidavit. The designee shall state in the affidavit  
362 that the designee is authorized by the elector to pick up that  
363 ballot and shall indicate if the elector is a member of the  
364 designee's immediate family and, if so, the relationship. The  
365 department shall prescribe the form of the affidavit. If the  
366 supervisor is satisfied that the designee is authorized to pick  
367 up the ballot and that the signature of the elector on the  
368 written authorization matches the signature of the elector on  
369 file, the supervisor shall give the ballot to that designee for  
370 delivery to the elector.

371 (5) If the department is unable to certify candidates for  
372 an election in time to comply with paragraph (4) (a), the  
373 Department of State is authorized to prescribe rules for a  
374 ballot to be sent to absent uniformed services voters and  
375 overseas voters.

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

379 Section 15. Subsections (1) and (4) of section 101.64,  
380 Florida Statutes, are amended to read:

381 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;  
382 envelopes; form.—

383 (1) The supervisor shall enclose with each vote-by-mail

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384 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which  
385 the absent elector shall enclose his or her marked ballot; and a  
386 mailing envelope, into which the absent elector shall then place  
387 the secrecy envelope, which shall be addressed to the supervisor  
388 and also bear on the back side a certificate in substantially  
389 the following form:

390 Note: Please Read Instructions Carefully Before  
391 Marking Ballot and Completing Voter's Certificate.

392 VOTER'S CERTIFICATE

393 I, ....., do solemnly swear or affirm that I am a qualified  
394 and registered voter of .... County, Florida, and that I have  
395 not and will not vote more than one ballot in this election. I  
396 understand that if I commit or attempt to commit any fraud in  
397 connection with voting, vote a fraudulent ballot, or vote more  
398 than once in an election, I can be convicted of a felony of the  
399 third degree and fined up to \$5,000 and/or imprisoned for up to  
400 5 years. I also understand that failure to sign this certificate  
401 will invalidate my ballot.

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

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

406 Section 16. Section 101.65, Florida Statutes, is amended  
407 to read:

408 101.65 Instructions to absent electors.—The supervisor  
409 shall enclose with each vote-by-mail ~~absentee~~ ballot separate  
410 printed instructions in substantially the following form:

411 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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412 1. VERY IMPORTANT. In order to ensure that your vote-by-  
413 mail absentee ballot will be counted, it should be completed and  
414 returned as soon as possible so that it can reach the supervisor  
415 of elections of the county in which your precinct is located no  
416 later than 7 p.m. on the day of the election.

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

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

424 4. Place your marked ballot in the enclosed secrecy  
425 envelope.

426 5. Insert the secrecy envelope into the enclosed mailing  
427 envelope which is addressed to the supervisor.

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

430 7. VERY IMPORTANT. In order for your vote-by-mail absentee  
431 ballot to be counted, you must sign your name on the line above  
432 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be  
433 considered illegal and not be counted if the signature on the  
434 voter's certificate does not match the signature on record. The  
435 signature on file at the start of the canvass of the vote-by-  
436 mail absentee ballots is the signature that will be used to  
437 verify your signature on the voter's certificate. If you need to  
438 update your signature for this election, send your signature  
439 update on a voter registration application to your supervisor of



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440 elections so that it is received no later than the start of the  
441 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
442 earlier than the 15th day before election day.

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

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

448 10. FELONY NOTICE. It is a felony under Florida law to  
449 accept any gift, payment, or gratuity in exchange for your vote  
450 for a candidate. It is also a felony under Florida law to vote  
451 in an election using a false identity or false address, or under  
452 any other circumstances making your ballot false or fraudulent.

453 Section 17. Subsection (2) of section 101.655, Florida  
454 Statutes, is amended to read:

455 101.655 Supervised voting by absent electors in certain  
456 facilities.—

457 (2) The supervisor of elections may, in the absence of a  
458 request from the administrator of a facility, provide for  
459 supervised voting in the facility for those persons who have  
460 requested vote-by-mail ~~absentee~~ ballots. The supervisor of  
461 elections shall notify the administrator of the facility that  
462 supervised voting will occur.

463 Section 18. Section 101.661, Florida Statutes, is amended  
464 to read:

465 101.661 Vote-by-mail ~~Voting absentee~~ ballots.—All electors  
466 must personally mark or designate their choices on the vote-by-  
467 mail ~~absentee~~ ballot, except:

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468 (1) Electors who require assistance to vote because of  
469 blindness, disability, or inability to read or write, who may  
470 have some person of the elector's choice, other than the  
471 elector's employer, an agent of the employer, or an officer or  
472 agent of the elector's union, mark the elector's choices or  
473 assist the elector in marking his or her choices on the ballot.

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

475 Section 19. Section 101.662, Florida Statutes, is amended  
476 to read:

477 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It  
478 is the intent of the Legislature that voting by vote-by-mail  
479 ~~absentee~~ ballot be by methods that are fully accessible to all  
480 voters, including voters having a disability. The Department of  
481 State shall work with the supervisors of elections and the  
482 disability community to develop and implement procedures and  
483 technologies, as possible, which will include procedures for  
484 providing vote-by-mail ~~absentee~~ ballots, upon request, in  
485 alternative formats that will allow all voters to cast a secret,  
486 independent, and verifiable vote-by-mail ~~absentee~~ ballot without  
487 the assistance of another person.

488 Section 20. Section 101.67, Florida Statutes, is amended  
489 to read:

490 101.67 Safekeeping of mailed ballots; deadline for  
491 receiving vote-by-mail ~~absentee~~ ballots.—

492 (1) The supervisor of elections shall safely keep in his  
493 or her office any envelopes received containing marked ballots  
494 of absent electors, and he or she shall, before the canvassing  
495 of the election returns, deliver the envelopes to the county

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496 canvassing board along with his or her file or list kept  
497 regarding said ballots.

498 (2) All marked absent electors' ballots to be counted must  
499 be received by the supervisor by 7 p.m. the day of the election.  
500 All ballots received thereafter shall be marked with the time  
501 and date of receipt and filed in the supervisor's office.

502 Section 21. Section 101.68, Florida Statutes, is amended  
503 to read:

504 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.-

505 (1) The supervisor of the county where the absent elector  
506 resides shall receive the voted ballot, at which time the  
507 supervisor shall compare the signature of the elector on the  
508 voter's certificate with the signature of the elector in the  
509 registration books to determine whether the elector is duly  
510 registered in the county and may record on the elector's  
511 registration certificate that the elector has voted. However,  
512 effective July 1, 2005, an elector who dies after casting a  
513 vote-by-mail ~~an absentee~~ ballot but on or before election day  
514 shall remain listed in the registration books until the results  
515 have been certified for the election in which the ballot was  
516 cast. The supervisor shall safely keep the ballot unopened in  
517 his or her office until the county canvassing board canvasses  
518 the vote. After a vote-by-mail ~~an absentee~~ ballot is received by  
519 the supervisor, the ballot is deemed to have been cast, and  
520 changes or additions may not be made to the voter's certificate.

521 (2) (a) The county canvassing board may begin the  
522 canvassing of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the  
523 15th day before the election, but not later than noon on the day

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524 following the election. In addition, for any county using  
525 electronic tabulating equipment, the processing of vote-by-mail  
526 ~~absentee~~ ballots through such tabulating equipment may begin at  
527 7 a.m. on the 15th day before the election. However,  
528 notwithstanding any such authorization to begin canvassing or  
529 otherwise processing vote-by-mail ~~absentee~~ ballots early, no  
530 result shall be released until after the closing of the polls in  
531 that county on election day. Any supervisor of elections, deputy  
532 supervisor of elections, canvassing board member, election board  
533 member, or election employee who releases the results of a  
534 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior  
535 to the closing of the polls in that county on election day  
536 commits a felony of the third degree, punishable as provided in  
537 s. 775.082, s. 775.083, or s. 775.084.

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

543 (c)1. The canvassing board shall, if the supervisor has  
544 not already done so, compare the signature of the elector on the  
545 voter's certificate with the signature of the elector in the  
546 registration books to see that the elector is duly registered in  
547 the county and to determine the legality of that vote-by-mail  
548 ~~absentee~~ ballot. The ballot of an elector who casts a vote-by-  
549 mail ~~an absentee~~ ballot shall be counted even if the elector  
550 dies on or before election day, as long as, prior to the death  
551 of the voter, the ballot was postmarked by the United States

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552 Postal Service, date-stamped with a verifiable tracking number  
553 by common carrier, or already in the possession of the  
554 supervisor of elections. A vote-by-mail ~~An absentee~~ ballot shall  
555 be considered illegal if it does not include the signature of  
556 the elector, as shown by the registration records. However, a  
557 vote-by-mail ~~an absentee~~ ballot shall not be considered illegal  
558 if the signature of the elector does not cross the seal of the  
559 mailing envelope. If the canvassing board determines that any  
560 ballot is illegal, a member of the board shall, without opening  
561 the envelope, mark across the face of the envelope: "rejected as  
562 illegal." The envelope and the ballot contained therein shall be  
563 preserved in the manner that official ballots voted are  
564 preserved.

565 2. If any elector or candidate present believes that a  
566 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect  
567 apparent on the voter's certificate, he or she may, at any time  
568 before the ballot is removed from the envelope, file with the  
569 canvassing board a protest against the canvass of that ballot,  
570 specifying the precinct, the ballot, and the reason he or she  
571 believes the ballot to be illegal. A challenge based upon a  
572 defect in the voter's certificate may not be accepted after the  
573 ballot has been removed from the mailing envelope.

574 (d) The canvassing board shall record the ballot upon the  
575 proper record, unless the ballot has been previously recorded by  
576 the supervisor. The mailing envelopes shall be opened and the  
577 secrecy envelopes shall be mixed so as to make it impossible to  
578 determine which secrecy envelope came out of which signed  
579 mailing envelope; however, in any county in which an electronic

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580 or electromechanical voting system is used, the ballots may be  
581 sorted by ballot styles and the mailing envelopes may be opened  
582 and the secrecy envelopes mixed separately for each ballot  
583 style. The votes on vote-by-mail ~~absentee~~ ballots shall be  
584 included in the total vote of the county.

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

589 (4) The supervisor of elections shall, on behalf of the  
590 county canvassing board, notify each elector whose ballot was  
591 rejected as illegal because of a difference between the  
592 elector's signature on the ballot and that on the elector's  
593 voter registration record. The supervisor shall mail a voter  
594 registration application to the elector to be completed  
595 indicating the elector's current signature. This section does  
596 not prohibit the supervisor from providing additional methods  
597 for updating an elector's signature.

598 Section 22. Section 101.69, Florida Statutes, is amended  
599 to read:

600 101.69 Voting in person; return of vote-by-mail ~~absentee~~  
601 ballot.—The provisions of this code shall not be construed to  
602 prohibit any elector from voting in person at the elector's  
603 precinct on the day of an election or at an early voting site,  
604 notwithstanding that the elector has requested a vote-by-mail ~~an~~  
605 ~~absentee~~ ballot for that election. An elector who has returned a  
606 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,  
607 is deemed to have cast his or her ballot and is not entitled to

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608 | vote another ballot or to have a provisional ballot counted by  
609 | the county canvassing board. An elector who has received a vote-  
610 | by-mail ~~an absentee~~ ballot and has not returned the voted ballot  
611 | to the supervisor, but desires to vote in person, shall return  
612 | the ballot, whether voted or not, to the election board in the  
613 | elector's precinct or to an early voting site. The returned  
614 | ballot shall be marked "canceled" by the board and placed with  
615 | other canceled ballots. However, if the elector does not return  
616 | the ballot and the election official:

617 |       (1) Confirms that the supervisor has received the  
618 | elector's vote-by-mail ~~absentee~~ ballot, the elector shall not be  
619 | allowed to vote in person. If the elector maintains that he or  
620 | she has not returned the vote-by-mail ~~absentee~~ ballot or remains  
621 | eligible to vote, the elector shall be provided a provisional  
622 | ballot as provided in s. 101.048.

623 |       (2) Confirms that the supervisor has not received the  
624 | elector's vote-by-mail ~~absentee~~ ballot, the elector shall be  
625 | allowed to vote in person as provided in this code. The  
626 | elector's vote-by-mail ~~absentee~~ ballot, if subsequently  
627 | received, shall not be counted and shall remain in the mailing  
628 | envelope, and the envelope shall be marked "Rejected as  
629 | Illegal."

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

633 |       Section 23. Subsections (1) and (2) of section 101.6921,  
634 | Florida Statutes, are amended to read:

635 |       101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot

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636 to certain first-time voters.-

637 (1) The provisions of this section apply to voters who are  
638 subject to the provisions of s. 97.0535 and who have not  
639 provided the identification or certification required by s.  
640 97.0535 by the time the vote-by-mail absentee ballot is mailed.

641 (2) The supervisor shall enclose with each vote-by-mail  
642 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which  
643 the absent elector will enclose his or her marked ballot; an  
644 envelope containing the Voter's Certificate, into which the  
645 absent elector shall place the secrecy envelope; and a mailing  
646 envelope, which shall be addressed to the supervisor and into  
647 which the absent elector will place the envelope containing the  
648 Voter's Certificate and a copy of the required identification.

649 Section 24. Section 101.6923, Florida Statutes, is amended  
650 to read:

651 101.6923 Special vote-by-mail absentee ballot instructions  
652 for certain first-time voters.-

653 (1) The provisions of this section apply to voters who are  
654 subject to the provisions of s. 97.0535 and who have not  
655 provided the identification or information required by s.  
656 97.0535 by the time the vote-by-mail absentee ballot is mailed.

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

660 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
661 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
662 TO COUNT.

663 1. In order to ensure that your vote-by-mail absentee



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664 ballot will be counted, it should be completed and returned as  
665 soon as possible so that it can reach the supervisor of  
666 elections of the county in which your precinct is located no  
667 later than 7 p.m. on the date of the election.

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

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

675 4. Place your marked ballot in the enclosed secrecy  
676 envelope and seal the envelope.

677 5. Insert the secrecy envelope into the enclosed envelope  
678 bearing the Voter's Certificate. Seal the envelope and  
679 completely fill out the Voter's Certificate on the back of the  
680 envelope.

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

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

686 c. A vote-by-mail ~~An absentee~~ ballot will be considered  
687 illegal and will not be counted if the signature on the Voter's  
688 Certificate does not match the signature on record. The  
689 signature on file at the start of the canvass of the vote-by-  
690 mail ~~absentee~~ ballots is the signature that will be used to  
691 verify your signature on the Voter's Certificate. If you need to

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692 update your signature for this election, send your signature  
693 update on a voter registration application to your supervisor of  
694 elections so that it is received no later than the start of  
695 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
696 earlier than the 15th day before election day.

697 6. Unless you meet one of the exemptions in Item 7., you  
698 must make a copy of one of the following forms of  
699 identification:

700 a. Identification which must include your name and  
701 photograph: United States passport; debit or credit card;  
702 military identification; student identification; retirement  
703 center identification; neighborhood association identification;  
704 or public assistance identification; or

705 b. Identification which shows your name and current  
706 residence address: current utility bill, bank statement,  
707 government check, paycheck, or government document (excluding  
708 voter identification card).

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

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

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

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

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

719 e. You are the spouse or dependent of a member referred to

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720 in paragraph c. or paragraph d. who, by reason of the active  
721 duty or service of the member, will be absent from the county on  
722 election day.

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

724 8. Place the envelope bearing the Voter's Certificate into  
725 the mailing envelope addressed to the supervisor. Insert a copy  
726 of your identification in the mailing envelope. DO NOT PUT YOUR  
727 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
728 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
729 BALLOT WILL NOT COUNT.

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

732 10. FELONY NOTICE. It is a felony under Florida law to  
733 accept any gift, payment, or gratuity in exchange for your vote  
734 for a candidate. It is also a felony under Florida law to vote  
735 in an election using a false identity or false address, or under  
736 any other circumstances making your ballot false or fraudulent.

737 Section 25. Section 101.6925, Florida Statutes, is amended  
738 to read:

739 101.6925 Canvassing special vote-by-mail ~~absentee~~  
740 ballots.—

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

747 (2) If the identification is enclosed or the voter has

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748 indicated that he or she is exempt from the identification  
749 requirements, the supervisor shall make the note on the  
750 registration records of the voter and proceed to canvass the  
751 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

752 (3) If the identification is not enclosed in the mailing  
753 envelope and the voter has not indicated that he or she is  
754 exempt from the identification requirements, the supervisor  
755 shall check the voter registration records to determine if the  
756 voter's identification was previously received or the voter had  
757 previously notified the supervisor that he or she was exempt.  
758 The envelope with the Voter's Certificate shall not be opened  
759 unless the identification has been received or the voter has  
760 indicated that he or she is exempt. The ballot shall be treated  
761 as a provisional ballot until 7 p.m. on election day and shall  
762 not be canvassed unless the supervisor has received the required  
763 identification or written indication of exemption by 7 p.m. on  
764 election day.

765 Section 26. Section 101.694, Florida Statutes, is amended  
766 to read:

767 101.694 Mailing of ballots upon receipt of federal  
768 postcard application.-

769 (1) Upon receipt of a federal postcard application for a  
770 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
771 registration is in order or whose application is sufficient to  
772 register or update the registration of that person, the  
773 supervisor shall send the ballot in accordance with s.  
774 101.62(4).

775 (2) Upon receipt of a federal postcard application for a

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776 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
777 registration is not in order and whose application is  
778 insufficient to register or update the registration of that  
779 person, the supervisor shall follow the procedure set forth in  
780 s. 97.073.

781 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters  
782 entitled to vote by mail ~~absentee~~ under the Uniformed and  
783 Overseas Citizens Absentee Voting Act shall meet the  
784 specifications as determined by the Federal Voting Assistance  
785 Program of the United States Department of Defense and the  
786 United States Postal Service.

787 (4) Cognizance shall be taken of the fact that vote-by-  
788 mail ~~absentee~~ ballots and other materials such as instructions  
789 and envelopes are to be carried via air mail, and, to the  
790 maximum extent possible, such ballots and materials shall be  
791 reduced in size and weight of paper. The same ballot shall be  
792 used, however, as is used by other vote-by-mail ~~absentee~~ voters.

793 Section 27. Subsection (1) of section 101.6951, Florida  
794 Statutes, is amended to read:

795 101.6951 State write-in ballot.-

796 (1) An overseas voter may request, not earlier than 180  
797 days before a general election, a state write-in vote-by-mail  
798 ~~absentee~~ ballot from the supervisor of elections in the county  
799 of registration. In order to receive a state write-in ballot,  
800 the voter shall state that due to military or other  
801 contingencies that preclude normal mail delivery, the voter  
802 cannot vote by mail ~~an absentee~~ ballot during the normal vote-  
803 by-mail ~~absentee~~ voting period. State write-in vote-by-mail

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804 ~~absentee~~ ballots shall be made available to voters 90 to 180  
805 days prior to a general election. The Department of State shall  
806 prescribe by rule the form of the state write-in ballot.

807 Section 28. Section 101.6952, Florida Statutes, is amended  
808 to read:

809 101.6952 Absentee ballots for absent uniformed services  
810 and overseas voters.—

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

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

817 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~  
818 ballot request was received and include in that e-mail the  
819 estimated date the vote-by-mail ~~absentee~~ ballot will be sent to  
820 the voter; and

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

823 (2) (a) An absent uniformed services voter or an overseas  
824 voter who makes timely application for but does not receive an  
825 official vote-by-mail ~~absentee~~ ballot may use the federal write-  
826 in absentee ballot to vote in any federal election and any state  
827 or local election involving two or more candidates.

828 (b)1. In an election for federal office, an elector may  
829 designate a candidate by writing the name of a candidate on the  
830 ballot. Except for a primary or special primary election, the  
831 elector may alternatively designate a candidate by writing the

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832 name of a political party on the ballot. A written designation  
833 of the political party shall be counted as a vote for the  
834 candidate of that party if there is such a party candidate in  
835 the race.

836 2. In an election for a state or local office, an elector  
837 may vote in the section of the federal write-in absentee ballot  
838 designated for nonfederal races by writing on the ballot the  
839 title of each office and by writing on the ballot the name of  
840 the candidate for whom the elector is voting. Except for a  
841 primary, special primary, or nonpartisan election, the elector  
842 may alternatively designate a candidate by writing the name of a  
843 political party on the ballot. A written designation of the  
844 political party shall be counted as a vote for the candidate of  
845 that party if there is such a party candidate in the race.

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

850 (d) For purposes of this subsection and except where the  
851 context clearly indicates otherwise, such as where a candidate  
852 in the election is affiliated with a political party whose name  
853 includes the word "Independent," "Independence," or similar  
854 term, a voter designation of "No Party Affiliation" or  
855 "Independent," or any minor variation, misspelling, or  
856 abbreviation thereof, shall be considered a designation for the  
857 candidate, other than a write-in candidate, who qualified to run  
858 in the race with no party affiliation. If more than one  
859 candidate qualifies to run as a candidate with no party

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860 affiliation, the designation shall not count for any candidate  
861 unless there is a valid, additional designation of the  
862 candidate's name.

863 (e) Any abbreviation, misspelling, or other minor  
864 variation in the form of the name of an office, the name of a  
865 candidate, or the name of a political party must be disregarded  
866 in determining the validity of the ballot.

867 (3) (a) An absent uniformed services voter or an overseas  
868 voter who submits a federal write-in absentee ballot and later  
869 receives an official vote-by-mail ~~absentee~~ ballot may submit the  
870 official vote-by-mail ~~absentee~~ ballot. An elector who submits a  
871 federal write-in absentee ballot and later receives and submits  
872 an official vote-by-mail ~~absentee~~ ballot should make every  
873 reasonable effort to inform the appropriate supervisor of  
874 elections that the elector has submitted more than one ballot.

875 (b) A federal write-in absentee ballot may not be  
876 canvassed until 7 p.m. on the day of the election. Each federal  
877 write-in absentee ballot received by 7 p.m. on the day of the  
878 election shall be canvassed pursuant to ss. 101.5614(5) and  
879 101.68, unless the elector's official vote-by-mail ~~absentee~~  
880 ballot is received by 7 p.m. on election day. If the elector's  
881 official vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on  
882 election day, the federal write-in absentee ballot is invalid  
883 and the official vote-by-mail ~~absentee~~ ballot shall be  
884 canvassed. The time shall be regulated by the customary time in  
885 standard use in the county seat of the locality.

886 (4) For vote-by-mail ~~absentee~~ ballots received from absent  
887 uniformed services voters or overseas voters, there is a



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888 presumption that the envelope was mailed on the date stated on  
889 the outside of the return envelope, regardless of the absence of  
890 a postmark on the mailed envelope or the existence of a postmark  
891 date that is later than the date of the election.

892 Section 29. Section 101.697, Florida Statutes, is amended  
893 to read:

894 101.697 Electronic transmission of election materials.—The  
895 Department of State shall determine whether secure electronic  
896 means can be established for receiving ballots from overseas  
897 voters. If such security can be established, the department  
898 shall adopt rules to authorize a supervisor of elections to  
899 accept from an overseas voter a request for a vote-by-mail ~~an~~  
900 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by  
901 secure facsimile machine transmission or other secure electronic  
902 means. The rules must provide that in order to accept a voted  
903 ballot, the verification of the voter must be established, the  
904 security of the transmission must be established, and each  
905 ballot received must be recorded.

906 Section 30. Subsection (4) of section 102.166, Florida  
907 Statutes, is amended to read:

908 102.166 Manual recounts of overvotes and undervotes.—

909 (4) (a) A vote for a candidate or ballot measure shall be  
910 counted if there is a clear indication on the ballot that the  
911 voter has made a definite choice.

912 (b) The Department of State shall adopt specific rules for  
913 the federal write-in absentee ballot and for each certified  
914 voting system prescribing what constitutes a "clear indication  
915 on the ballot that the voter has made a definite choice." The

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916 rules shall be consistent, to the extent practicable, and may  
917 not:

918 1. Exclusively provide that the voter must properly mark  
919 or designate his or her choice on the ballot; or

920 2. Contain a catch-all provision that fails to identify  
921 specific standards, such as "any other mark or indication  
922 clearly indicating that the voter has made a definite choice."

923 (c) The rule for the federal write-in absentee ballot must  
924 address, at a minimum, the following issues:

925 1. The appropriate lines or spaces for designating a  
926 candidate choice and, for state and local races, the office to  
927 be voted, including the proximity of each to the other and the  
928 effect of intervening blank lines.

929 2. The sufficiency of designating a candidate's first or  
930 last name when no other candidate in the race has the same or a  
931 similar name.

932 3. The sufficiency of designating a candidate's first or  
933 last name when an opposing candidate has the same or a similar  
934 name, notwithstanding generational suffixes and titles such as  
935 "Jr.," "Sr.," or "III." The rule should contemplate the  
936 sufficiency of additional first names and first initials, middle  
937 names and middle initials, generational suffixes and titles,  
938 nicknames, and, in general elections, the name or abbreviation  
939 of a political party.

940 4. Candidate designations containing both a qualified  
941 candidate's name and a political party, including where the  
942 party designated is the candidate's party, is not the  
943 candidate's party, has an opposing candidate in the race, or

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944 does not have an opposing candidate in the race.

945 5. Situations where the abbreviation or name of a  
946 candidate is the same as the abbreviation or name of a political  
947 party to which the candidate does not belong, including where  
948 the party designated has another candidate in the race or does  
949 not have a candidate in the race.

950 6. The use of marks, symbols, or language, such as arrows,  
951 quotation marks, or the word "same" or "ditto," to indicate that  
952 the same political party designation applies to all listed  
953 offices.

954 7. Situations where an elector designates the name of a  
955 qualified candidate for an incorrect office.

956 8. Situations where an elector designates an otherwise  
957 correct office name that includes an incorrect district number.

958 Section 31. Subsection (8) of section 102.168, Florida  
959 Statutes, is amended to read:

960 102.168 Contest of election.—

961 (8) In any contest that requires a review of the  
962 canvassing board's decision on the legality of a vote-by-mail ~~an~~  
963 ~~absentee~~ ballot pursuant to s. 101.68 based upon a comparison of  
964 the signature on the voter's certificate and the signature of  
965 the elector in the registration records, the circuit court may  
966 not review or consider any evidence other than the signature on  
967 the voter's certificate and the signature of the elector in the  
968 registration records. The court's review of such issue shall be  
969 to determine only if the canvassing board abused its discretion  
970 in making its decision.

971 Section 32. Subsection (1) of section 104.047, Florida

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972 Statutes, is amended to read:

973 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;  
974 violations.-

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

979 Section 33. Subsection (2) of section 104.0515, Florida  
980 Statutes, is amended to read:

981 104.0515 Voting rights; deprivation of, or interference  
982 with, prohibited; penalty.-

983 (2) No person acting under color of law shall:

984 (a) In determining whether any individual is qualified  
985 under law to vote in any election, apply any standard, practice,  
986 or procedure different from the standards, practices, or  
987 procedures applied under law to other individuals within the  
988 same political subdivision who have been found to be qualified  
989 to vote; or

990 (b) Deny the right of any individual to vote in any  
991 election because of an error or omission on any record or paper  
992 relating to any application, registration, or other act  
993 requisite to voting, if such error or omission is not material  
994 in determining whether such individual is qualified under law to  
995 vote in such election. This paragraph shall apply to vote-by-  
996 mail ~~absentee~~ ballots only if there is a pattern or history of  
997 discrimination on the basis of race, color, or previous  
998 condition of servitude in regard to vote-by-mail ~~absentee~~  
999 ballots.

## Amendment No.9

1000 Section 34. Section 104.0616, Florida Statutes, is amended  
1001 to read:

1002 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;  
1003 violations.—Any person who provides or offers to provide, and  
1004 any person who accepts, a pecuniary or other benefit in exchange  
1005 for distributing, ordering, requesting, collecting, delivering,  
1006 or otherwise physically possessing vote-by-mail ~~absentee~~  
1007 ballots, with intent to alter, change, modify, or erase any vote  
1008 on the vote-by-mail ~~absentee~~ ballot, except as provided in ss.  
1009 101.6105-101.695, commits a felony of the third degree,  
1010 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1011 Section 35. Section 104.17, Florida Statutes, is amended  
1012 to read:

1013 104.17 Voting in person after casting vote-by-mail  
1014 ~~absentee~~ ballot.—Any person who willfully votes or attempts to  
1015 vote both in person and by vote-by-mail ~~absentee~~ ballot at any  
1016 election is guilty of a felony of the third degree, punishable  
1017 as provided in s. 775.082, s. 775.083, or s. 775.084.

1018 Section 36. Subsection (2) of section 117.05, Florida  
1019 Statutes, is amended to read:

1020 117.05 Use of notary commission; unlawful use; notary fee;  
1021 seal; duties; employer liability; name change; advertising;  
1022 photocopies; penalties.—

1023 (2) (a) The fee of a notary public may not exceed \$10 for  
1024 any one notarial act, except as provided in s. 117.045.

1025 (b) A notary public may not charge a fee for witnessing a  
1026 vote-by-mail ~~an absentee~~ ballot in an election, and must witness  
1027 such a ballot upon the request of an elector, provided the

Amendment No.9

1028 notarial act is in accordance with the provisions of this  
1029 chapter.

1030 Section 37. Subsection (7) of section 394.459, Florida  
1031 Statutes, is amended to read:

1032 394.459 Rights of patients.-

1033 (7) VOTING IN PUBLIC ELECTIONS.-A patient who is eligible  
1034 to vote according to the laws of the state has the right to vote  
1035 in the primary and general elections. The department shall  
1036 establish rules to enable patients to obtain voter registration  
1037 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-  
1038 by-mail ~~absentee~~ ballots.

1039 Section 38. Section 741.406, Florida Statutes, is amended  
1040 to read:

1041 741.406 Voting by program participant; use of designated  
1042 address by supervisor of elections.-A program participant who is  
1043 otherwise qualified to vote may request a vote-by-mail ~~an~~  
1044 ~~absentee~~ ballot pursuant to s. 101.62. The program participant  
1045 shall automatically receive vote-by-mail ~~absentee~~ ballots for  
1046 all elections in the jurisdictions in which that individual  
1047 resides in the same manner as vote-by-mail ~~absentee~~ voters. The  
1048 supervisor of elections shall transmit the vote-by-mail ~~absentee~~  
1049 ballot to the program participant at the address designated by  
1050 the participant in his or her application as a vote-by-mail ~~an~~  
1051 ~~absentee~~ voter. The name, address, and telephone number of a  
1052 program participant may not be included in any list of  
1053 registered voters available to the public.

1054 Section 39. Subsection (7) of section 916.107, Florida  
1055 Statutes, is amended to read:

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916.107 Rights of forensic clients.-

(7) VOTING IN PUBLIC ELECTIONS.-A forensic client who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department and agency shall establish rules to enable clients to obtain voter registration forms, applications for vote-by-mail absentee ballots, and vote-by-mail absentee ballots.

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**T I T L E   A M E N D M E N T**

Remove line 11 and insert:

voting; amending ss. 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 101.051, 101.5612, 101.5614, 101.572, 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, 102.166, 102.168, 104.047, 104.0515, 104.0616, 104.17, 117.05, 394.459, 741.406, 916.107, F.S.; changing the term "absentee ballot" to "vote-by-mail ballot"; conforming terminology; providing an effective date.