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LEGISLATIVE ACTION

Senate

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House

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The Committee on Ethics and Elections (Sobel) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 272 and 273

insert:

Section 5. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope



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11 with return postage prepaid, into which the absent elector shall  
12 then place the secrecy envelope, which shall be addressed to the  
13 supervisor and also bear on the back side a certificate in  
14 substantially the following form:

15

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

18

19 VOTER'S CERTIFICATE

20 I, ....., do solemnly swear or affirm that I am a qualified  
21 and registered voter of .... County, Florida, and that I have  
22 not and will not vote more than one ballot in this election. I  
23 understand that if I commit or attempt to commit any fraud in  
24 connection with voting, vote a fraudulent ballot, or vote more  
25 than once in an election, I can be convicted of a felony of the  
26 third degree and fined up to \$5,000 and/or imprisoned for up to  
27 5 years. I also understand that failure to sign this certificate  
28 will invalidate my ballot.

29

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

31

32 Section 6. Subsection (2) of section 101.6921, Florida  
33 Statutes, is amended to read:

34 101.6921 Delivery of special absentee ballot to certain  
35 first-time voters.-

36 (2) The supervisor shall enclose with each absentee ballot  
37 three envelopes: a secrecy envelope, into which the absent  
38 elector will enclose his or her marked ballot; an envelope  
39 containing the Voter's Certificate, into which the absent



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40 elector shall place the secrecy envelope; and a mailing envelope  
41 with the return postage prepaid, which shall be addressed to the  
42 supervisor and into which the absent elector will place the  
43 envelope containing the Voter's Certificate and a copy of the  
44 required identification.

45 Section 7. Section 101.65, Florida Statutes, is amended to  
46 read:

47 101.65 Instructions to absent electors.—The supervisor  
48 shall enclose with each absentee ballot separate printed  
49 instructions in substantially the following form:

50

51 READ THESE INSTRUCTIONS CAREFULLY  
52 BEFORE MARKING BALLOT.

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

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

67 3. Mark only the number of candidates or issue choices for  
68 a race as indicated on the ballot. If you are allowed to "Vote



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69 for One" candidate and you vote for more than one candidate,  
70 your vote in that race will not be counted.

71 4. Place your marked ballot in the enclosed secrecy  
72 envelope.

73 5. Insert the secrecy envelope into the enclosed mailing  
74 envelope which is addressed to the supervisor.

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

77 7. VERY IMPORTANT. In order for your absentee ballot to be  
78 counted, you must sign your name on the line above (Voter's  
79 Signature). An absentee ballot will be considered illegal and  
80 not be counted if the signature on the voter's certificate does  
81 not match the signature on record. The signature on file at the  
82 start of the canvass of the absentee ballots is the signature  
83 that will be used to verify your signature on the voter's  
84 certificate. If you need to update your signature for this  
85 election, send your signature update on a voter registration  
86 application to your supervisor of elections so that it is  
87 received no later than the start of the canvassing of absentee  
88 ballots, which occurs no earlier than the 15th day before  
89 election day.

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

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

95 10. FELONY NOTICE. It is a felony under Florida law to  
96 accept any gift, payment, or gratuity in exchange for your vote  
97 for a candidate. It is also a felony under Florida law to vote



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98 in an election using a false identity or false address, or under  
99 any other circumstances making your ballot false or fraudulent.

100 Section 8. Subsection (2) of section 101.6923, Florida  
101 Statutes, is amended to read:

102 101.6923 Special absentee ballot instructions for certain  
103 first-time voters.—

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

107

108 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
109 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
110 YOUR BALLOT NOT TO COUNT.

111

112 1. In order to ensure that your absentee ballot will be  
113 counted, it should be completed and returned as soon as possible  
114 so that it can reach the supervisor of elections of the county  
115 in which your precinct is located no later than 7 p.m. on the  
116 date of the election. However, if you are an overseas voter  
117 casting a ballot in a presidential preference primary or general  
118 election, your absentee ballot must be postmarked or dated no  
119 later than the date of the election and received by the  
120 supervisor of elections of the county in which you are  
121 registered to vote no later than 10 days after the date of the  
122 election.

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

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



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

130 4. Place your marked ballot in the enclosed secrecy  
131 envelope and seal the envelope.

132 5. Insert the secrecy envelope into the enclosed envelope  
133 bearing the Voter's Certificate. Seal the envelope and  
134 completely fill out the Voter's Certificate on the back of the  
135 envelope.

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

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

141 c. An absentee ballot will be considered illegal and will  
142 not be counted if the signature on the Voter's Certificate does  
143 not match the signature on record. The signature on file at the  
144 start of the canvass of the absentee ballots is the signature  
145 that will be used to verify your signature on the Voter's  
146 Certificate. If you need to update your signature for this  
147 election, send your signature update on a voter registration  
148 application to your supervisor of elections so that it is  
149 received no later than the start of canvassing of absentee  
150 ballots, which occurs no earlier than the 15th day before  
151 election day.

152 6. Unless you meet one of the exemptions in Item 7., you  
153 must make a copy of one of the following forms of  
154 identification:

155 a. Identification which must include your name and



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156 photograph: United States passport; debit or credit card;  
157 military identification; student identification; retirement  
158 center identification; neighborhood association identification;  
159 or public assistance identification; or

160       b. Identification which shows your name and current  
161 residence address: current utility bill, bank statement,  
162 government check, paycheck, or government document (excluding  
163 voter identification card).

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

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

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

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

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

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

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

179       8. Place the envelope bearing the Voter's Certificate into  
180 the mailing envelope addressed to the supervisor. Insert a copy  
181 of your identification in the mailing envelope. DO NOT PUT YOUR  
182 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
183 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
184 BALLOT WILL NOT COUNT.



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

187           10. FELONY NOTICE. It is a felony under Florida law to  
188 accept any gift, payment, or gratuity in exchange for your vote  
189 for a candidate. It is also a felony under Florida law to vote  
190 in an election using a false identity or false address, or under  
191 any other circumstances making your ballot false or fraudulent.

192  
193 ===== T I T L E   A M E N D M E N T =====

194 And the title is amended as follows:

195           Delete line 21

196 and insert:

197           met; amending ss. 101.64 and 101.6921; requiring the  
198 mailing envelope for certain absentee ballots to  
199 include prepaid return postage; amending ss. 101.65  
200 and 101.6923, F.S.; conforming provisions to changes  
201 made by the act; amending s. 101.68, F.S.; revising  
202 instructions