

By Senator Smith

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1                   A bill to be entitled  
2           An act relating to elections; amending ss. 101.6102,  
3           101.6103, 101.64, 101.65, 101.6921, and 101.6923,  
4           F.S.; requiring return mailing envelopes used in mail  
5           ballot elections and enclosed with absentee ballots  
6           and special absentee ballots for certain first-time  
7           voters to include prepaid return postage; requiring  
8           the state to reimburse the supervisor of elections for  
9           expenses incurred through prepayment of return  
10          postage; requiring the Department of State to verify  
11          such expenses and authorize reimbursement payments;  
12          conforming provisions to changes made by the act;  
13          providing an effective date.

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

16  
17           Section 1. Subsection (4) of section 101.6102, Florida  
18           Statutes, is amended to read:

19           101.6102 Mail ballot elections; limitations.—

20           (4) The costs of a mail ballot election shall be borne by  
21           the jurisdiction initiating the calling of the election, unless  
22           otherwise provided by law. However, the supervisor shall be  
23           reimbursed by the state for expenses incurred as a result of  
24           prepaying return postage on the return mailing envelope used in  
25           the mail ballot election. The department shall verify such  
26           expenses and authorize payment for reimbursement to the  
27           supervisor.

28           Section 2. Subsections (1) and (7) of section 101.6103,  
29           Florida Statutes, are amended to read:

30           101.6103 Mail ballot election procedure.—

31           (1) Except as otherwise provided in subsection (7), the  
32           supervisor of elections shall mail all official ballots with a

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33 secrecy envelope, a return mailing envelope with return postage  
34 prepaid, and instructions sufficient to describe the voting  
35 process to each elector entitled to vote in the election not  
36 sooner than the 20th day before the election and not later than  
37 the 10th day before the date of the election. All such ballots  
38 shall be mailed by first-class mail. Ballots shall be addressed  
39 to each elector at the address appearing in the registration  
40 records and placed in an envelope which is prominently marked  
41 "Do Not Forward."

42 (7) With respect to absent electors overseas entitled to  
43 vote in the election, the supervisor of elections shall mail an  
44 official ballot with a secrecy envelope, a return mailing  
45 envelope with return postage prepaid, and instructions  
46 sufficient to describe the voting process to each such elector  
47 on a date sufficient to allow such elector time to vote in the  
48 election and to have his or her marked ballot reach the  
49 supervisor by 7 p.m. on the day of the election.

50 Section 3. Subsection (1) of section 101.64, Florida  
51 Statutes, is amended, and subsection (5) is added to that  
52 section, to read:

53 101.64 Delivery of absentee ballots; envelopes; form.—

54 (1) The supervisor shall enclose with each absentee ballot  
55 two envelopes: a secrecy envelope, into which the absent elector  
56 shall enclose his or her marked ballot; and a mailing envelope  
57 with return postage prepaid, into which the absent elector shall  
58 then place the secrecy envelope, which shall be addressed to the  
59 supervisor and also bear on the back side a certificate in  
60 substantially the following form:  
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91 ballot will be counted, it should be completed and returned as  
92 soon as possible so that it can reach the supervisor of  
93 elections of the county in which your precinct is located no  
94 later than 7 p.m. on the day of the election. However, if you  
95 are an overseas voter casting a ballot in a presidential  
96 preference primary or general election, your absentee ballot  
97 must be postmarked or dated no later than the date of the  
98 election and received by the supervisor of elections of the  
99 county in which you are registered to vote no later than 10 days  
100 after the date of the election.

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

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

108 4. Place your marked ballot in the enclosed secrecy  
109 envelope.

110 5. Insert the secrecy envelope into the enclosed mailing  
111 envelope which is addressed to the supervisor.

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

114 7. VERY IMPORTANT. In order for your absentee ballot to be  
115 counted, you must sign your name on the line above (Voter's  
116 Signature). An absentee ballot will be considered illegal and  
117 not be counted if the signature on the voter's certificate does  
118 not match the signature on record. The signature on file at the  
119 start of the canvass of the absentee ballots is the signature

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120 that will be used to verify your signature on the voter's  
121 certificate. If you need to update your signature for this  
122 election, send your signature update on a voter registration  
123 application to your supervisor of elections so that it is  
124 received no later than the start of the canvassing of absentee  
125 ballots, which occurs no earlier than the 15th day before  
126 election day.

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

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

132 10. FELONY NOTICE. It is a felony under Florida law to  
133 accept any gift, payment, or gratuity in exchange for your vote  
134 for a candidate. It is also a felony under Florida law to vote  
135 in an election using a false identity or false address, or under  
136 any other circumstances making your ballot false or fraudulent.

137 Section 5. Subsection (2) of section 101.6921, Florida  
138 Statutes, is amended, and subsection (5) is added to that  
139 section, to read:

140 101.6921 Delivery of special absentee ballot to certain  
141 first-time voters.—

142 (2) The supervisor shall enclose with each absentee ballot  
143 three envelopes: a secrecy envelope, into which the absent  
144 elector will enclose his or her marked ballot; an envelope  
145 containing the Voter's Certificate, into which the absent  
146 elector shall place the secrecy envelope; and a mailing envelope  
147 with the return postage prepaid, which shall be addressed to the  
148 supervisor and into which the absent elector will place the

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149 envelope containing the Voter's Certificate and a copy of the  
150 required identification.

151 (5) The supervisor shall be reimbursed by the state for  
152 expenses incurred as a result of prepaying return postage on the  
153 return mailing envelope enclosed with each special absentee  
154 ballot. The department shall verify such expenses and authorize  
155 payment for reimbursement to the supervisor.

156 Section 6. Subsection (2) of section 101.6923, Florida  
157 Statutes, is amended to read:

158 101.6923 Special absentee ballot instructions for certain  
159 first-time voters.—

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

163

164 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
165 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
166 YOUR BALLOT NOT TO COUNT.

167

168 1. In order to ensure that your absentee ballot will be  
169 counted, it should be completed and returned as soon as possible  
170 so that it can reach the supervisor of elections of the county  
171 in which your precinct is located no later than 7 p.m. on the  
172 date of the election. However, if you are an overseas voter  
173 casting a ballot in a presidential preference primary or general  
174 election, your absentee ballot must be postmarked or dated no  
175 later than the date of the election and received by the  
176 supervisor of elections of the county in which you are  
177 registered to vote no later than 10 days after the date of the

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178 election.

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

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

186       4. Place your marked ballot in the enclosed secrecy  
187 envelope and seal the envelope.

188       5. Insert the secrecy envelope into the enclosed envelope  
189 bearing the Voter's Certificate. Seal the envelope and  
190 completely fill out the Voter's Certificate on the back of the  
191 envelope.

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

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

197       c. An absentee ballot will be considered illegal and will  
198 not be counted if the signature on the Voter's Certificate does  
199 not match the signature on record. The signature on file at the  
200 start of the canvass of the absentee ballots is the signature  
201 that will be used to verify your signature on the Voter's  
202 Certificate. If you need to update your signature for this  
203 election, send your signature update on a voter registration  
204 application to your supervisor of elections so that it is  
205 received no later than the start of canvassing of absentee  
206 ballots, which occurs no earlier than the 15th day before

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207 election day.

208 6. Unless you meet one of the exemptions in Item 7., you  
209 must make a copy of one of the following forms of  
210 identification:

211 a. Identification which must include your name and  
212 photograph: United States passport; debit or credit card;  
213 military identification; student identification; retirement  
214 center identification; neighborhood association identification;  
215 or public assistance identification; or

216 b. Identification which shows your name and current  
217 residence address: current utility bill, bank statement,  
218 government check, paycheck, or government document (excluding  
219 voter identification card).

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

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

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

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

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

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

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

235 8. Place the envelope bearing the Voter's Certificate into

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236 the mailing envelope addressed to the supervisor. Insert a copy  
237 of your identification in the mailing envelope. DO NOT PUT YOUR  
238 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
239 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
240 BALLOT WILL NOT COUNT.

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

243 10. FELONY NOTICE. It is a felony under Florida law to  
244 accept any gift, payment, or gratuity in exchange for your vote  
245 for a candidate. It is also a felony under Florida law to vote  
246 in an election using a false identity or false address, or under  
247 any other circumstances making your ballot false or fraudulent.

248 Section 7. This act shall take effect July 1, 2016.