

1 A bill to be entitled
 2 An act relating to elections; amending s. 101.6102, F.S.;
 3 revising limitations of mail ballot elections; authorizing
 4 a board of county commissioners to choose to have certain
 5 elections by mail, subject to specified prior notice;
 6 amending s. 101.6103, F.S.; requiring certain electors
 7 using mail ballots to pay postage; requiring the Secretary
 8 of State to establish rules relating to mail ballot
 9 deposit sites; prohibiting unofficial deposit sites or
 10 ballot-collection services; providing for penalties;
 11 amending s. 101.62, F.S.; providing for a permanent
 12 absentee voter status; providing requirements for
 13 supervisors of elections relating to permanent absentee
 14 voters; providing an effective date.

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

17
 18 Section 1. Section 101.6102, Florida Statutes, is amended
 19 to read:

20 101.6102 Mail ballot elections; limitations.--

21 (1)(a) An election may be conducted by mail ballot if:

22 1. The election is a referendum election at which all or a
 23 portion of the qualified electors of one of the following
 24 subdivisions of government are the only electors eligible to
 25 vote:

- 26 a. Counties;
- 27 b. Municipalities ~~Cities~~;
- 28 c. School districts covering no more than one county; or

29 d. Special districts;
 30 2. The governing body responsible for calling the election
 31 and the supervisor of elections responsible for the conduct of
 32 the election authorize the use of mail ballots for the election;
 33 and

34 3. The Secretary of State approves a written plan for the
 35 conduct of the election, which shall include a written timetable
 36 for the conduct of the election, submitted by the supervisor of
 37 elections.

38 (b) ~~In addition,~~ An annexation referendum which includes
 39 only qualified electors of one county may also be voted on by
 40 mail ballot election.

41 (2) The following elections may not be conducted by mail
 42 ballot:

43 (a) An election at which any candidate is nominated,
 44 elected, retained, or recalled; or

45 (b) An election held on the same date as another election,
 46 other than a mail ballot election, in which the qualified
 47 electors of that political subdivision are eligible to cast
 48 ballots.

49 (3) Notwithstanding subsections (1) and (2), a board of
 50 county commissioners may choose to conduct any election in that
 51 county, whether countywide, statewide, or federal, by mail
 52 ballot but must make that declaration no later than 120 days
 53 before the date of the scheduled election.

54 (4)~~(3)~~ The supervisor of elections shall be responsible
 55 for the conduct of any election held under ss. 101.6101-
 56 101.6107.

57 ~~(5)-(4)~~ The costs of a mail ballot election shall be borne
58 by the jurisdiction initiating the calling of the election,
59 unless otherwise provided by law.

60 ~~(6)-(5)~~ Nothing in this section shall be construed to
61 prohibit the use of a mail ballot election in a municipal
62 annexation referendum requiring separate vote of the registered
63 electors of the annexing municipality and of the area proposed
64 to be annexed. If a mail ballot election is authorized for a
65 municipal annexation referendum, the provisions of ss. 101.6101-
66 101.6107 shall control over any conflicting provisions of s.
67 171.0413.

68 Section 2. Subsections (9), (10), and (11) are added to
69 section 101.6103, Florida Statutes, to read:

70 101.6103 Mail ballot election procedure.--

71 (9) The supervisor of elections shall keep a record of all
72 ballots mailed and all ballots returned.

73 (10) The elector shall pay postage if he or she chooses to
74 return the ballot by mail.

75 (11) (a) The Secretary of State by rule shall establish
76 requirements and criteria for the designation of places of
77 deposit for the ballots cast in the election. The rules shall
78 also specify the dates and times the places of deposit must be
79 open and the security requirements for the places of deposit. At
80 a minimum, the places designated under this paragraph shall be
81 open on the date of the election for a period of at least 8
82 hours, but must be open until at least 7 p.m. At each place of
83 deposit designated under this paragraph, the county clerk shall

84 prominently display a sign stating that the location is an
85 official ballot drop site.

86 (b) Persons and organizations are prohibited from hosting
87 unofficial deposit sites or ballot-collection services and are
88 subject to the same penalties as voter fraud.

89 Section 3. Paragraph (a) of subsection (1) of section
90 101.62, Florida Statutes, is amended to read:

91 101.62 Request for absentee ballots.--

92 (1) (a) The supervisor may accept a request for an absentee
93 ballot from an elector in person or in writing.

94 1. Except as provided in s. 101.694, one request shall be
95 deemed sufficient to receive an absentee ballot for all
96 elections through the next two regularly scheduled general
97 elections, unless the elector or the elector's designee
98 indicates at the time the request is made the elections for
99 which the elector desires to receive an absentee ballot. Such
100 request may be considered canceled when any first-class mail
101 sent by the supervisor to the elector is returned as
102 undeliverable.

103 2. Except as provided in s. 101.694, upon receipt of a
104 request for a permanent absentee voter status by an elector, the
105 supervisor shall place the elector's name on a permanent
106 absentee voter list and mail an absentee ballot to the elector
107 for every election thereafter until the elector requests to be
108 removed from the permanent absentee voter list or the supervisor
109 removes the elector from the list because the elector has not
110 voted in two consecutive general elections or because any first-
111 class mail sent by the supervisor to the elector is returned as

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112 | undeliverable. An elector may request a permanent absentee voter
113 | status using the same procedures used to register for absentee
114 | ballots.

115 | Section 4. This act shall take effect July 1, 2008.