



577456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2010	.	
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The Committee on Ethics and Elections (Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2) through (43) of section 97.021, Florida Statutes, are renumbered as subsections (3) through (44), respectively, a new subsection (2) is added to that section, and present subsection (22) of that section is amended, to read:

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

(2) "Absent uniformed services voter" means:



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13           (a) A member of a uniformed service on active duty who, by  
14 reason of such active duty, is absent from the place of  
15 residence where the member is otherwise qualified to vote;

16           (b) A member of the Merchant Marine who, by reason of  
17 service in the Merchant Marine, is absent from the place of  
18 residence where the member is otherwise qualified to vote; or

19           (c) A spouse or dependent of a member referred to in  
20 paragraph (a) or paragraph (b) who, by reason of the active duty  
21 or service of the member, is absent from the place of residence  
22 where the spouse or dependent is otherwise qualified to vote.

23           (23)-(22) "Overseas voter" means:

24           (a) An absent uniformed services voter who, by reason of  
25 active duty or service, is absent from the United States on the  
26 date of the election involved ~~Members of the uniformed services~~  
27 ~~while in the active service who are permanent residents of the~~  
28 ~~state and are temporarily residing outside the territorial~~  
29 ~~limits of the United States and the District of Columbia;~~

30           (b) A person who resides outside the United States and is  
31 qualified to vote in the last place in which the person was  
32 domiciled before leaving the United States ~~Members of the~~  
33 ~~Merchant Marine of the United States who are permanent residents~~  
34 ~~of the state and are temporarily residing outside the~~  
35 ~~territorial limits of the United States and the District of~~  
36 ~~Columbia; or and~~

37           (c) A person who resides outside the United States and, but  
38 for such residence, would be qualified to vote in the last place  
39 in which the person was domiciled before leaving the United  
40 States ~~Other citizens of the United States who are permanent~~  
41 ~~residents of the state and are temporarily residing outside the~~



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42 ~~territorial limits of the United States and the District of~~  
43 ~~Columbia,~~

44  
45 ~~who are qualified and registered to vote as provided by law.~~

46 Section 2. Subsection (3) of section 98.0981, Florida  
47 Statutes, is amended to read:

48 98.0981 Reports; voting history; statewide voter  
49 registration system information; precinct-level election  
50 results; book closing statistics.—

51 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date  
52 of book closing but before the date of an election as defined in  
53 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,  
54 or district office, or to vote on a proposed constitutional  
55 amendment, the department shall compile the following precinct-  
56 level statistical data for each county:

57 (a) Precinct numbers.

58 (b) Total number of active registered voters by party for  
59 each precinct.

60 Section 3. Paragraph (c) is added to subsection (1) of  
61 section 101.62, Florida Statutes, and subsections (4) and (5) of  
62 that section are amended, to read:

63 101.62 Request for absentee ballots.—

64 (1)

65 (c) Upon receiving a request for an absentee ballot from an  
66 absent uniformed services voter or overseas voter, the  
67 supervisor of elections shall notify the voter of the free  
68 access system that has been designated by the department for  
69 determining the status of his or her absentee ballot.

70 (4) (a) No later than 45 days before each election, the



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71 supervisor of elections shall send an absentee ballot as  
72 provided in subparagraph (b)2. to each absent uniformed services  
73 voter and to each overseas voter who has requested an absentee  
74 ballot. ~~To each absent qualified elector overseas who has~~  
75 ~~requested an absentee ballot, the supervisor of elections shall~~  
76 ~~mail an absentee ballot not less than 35 days before the primary~~  
77 ~~election and not less than 45 days before the general election.~~

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

81 1. By nonforwardable, return-if-undeliverable mail to the  
82 elector's current mailing address on file with the supervisor,  
83 unless the elector specifies in the request that:

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

86 b. The elector is temporarily unable to occupy the  
87 residence because of hurricane, tornado, flood, fire, or other  
88 emergency or natural disaster; or

89 c. The elector is in a hospital, assisted living facility,  
90 nursing home, short-term medical or rehabilitation facility, or  
91 correctional facility,

92  
93 in which case the supervisor shall mail the ballot by  
94 nonforwardable, return-if-undeliverable mail to any other  
95 address the elector specifies in the request.

96 2. By forwardable mail, e-mail, or facsimile machine  
97 transmission to absent uniformed services voters and overseas  
98 voters ~~who are entitled to vote by absentee ballot under the~~  
99 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~ The absent



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100 uniformed services voter or overseas voter may designate in the  
101 absentee ballot request the preferred method of transmission. If  
102 the voter does not designate the method of transmission, the  
103 absentee ballot shall be mailed.

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

107 4. By delivery to a designee on election day or up to 5  
108 days prior to the day of an election. Any elector may designate  
109 in writing a person to pick up the ballot for the elector;  
110 however, the person designated may not pick up more than two  
111 absentee ballots per election, other than the designee's own  
112 ballot, except that additional ballots may be picked up for  
113 members of the designee's immediate family. For purposes of this  
114 section, "immediate family" means the designee's spouse or the  
115 parent, child, grandparent, or sibling of the designee or of the  
116 designee's spouse. The designee shall provide to the supervisor  
117 the written authorization by the elector and a picture  
118 identification of the designee and must complete an affidavit.  
119 The designee shall state in the affidavit that the designee is  
120 authorized by the elector to pick up that ballot and shall  
121 indicate if the elector is a member of the designee's immediate  
122 family and, if so, the relationship. The department shall  
123 prescribe the form of the affidavit. If the supervisor is  
124 satisfied that the designee is authorized to pick up the ballot  
125 and that the signature of the elector on the written  
126 authorization matches the signature of the elector on file, the  
127 supervisor shall give the ballot to that designee for delivery  
128 to the elector.



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129           (5) In the event that the department Elections Canvassing  
130 ~~Commission~~ is unable to certify candidates for the results of an  
131 election ~~for a state office~~ in time to comply with paragraph  
132 (4) (a) subsection (4), the Department of State is authorized to  
133 prescribe rules for a ballot to be sent to absent uniformed  
134 services voters and electors overseas voters.

135           Section 4. Subsection (1) of section 101.694, Florida  
136 Statutes, is amended to read:

137           101.694 Mailing of ballots upon receipt of federal postcard  
138 application.-

139           (1) Upon receipt of a federal postcard application for an  
140 absentee ballot executed by a person whose registration is in  
141 order or whose application is sufficient to register or update  
142 the registration of that person, the supervisor shall send the  
143 ballot in accordance with s. 101.62(4) mail to the applicant a  
144 ~~ballot, if the ballots are available for mailing. The federal~~  
145 ~~postcard application request for an absentee ballot shall be~~  
146 ~~effective for all elections through the next two regularly~~  
147 ~~scheduled general elections.~~

148           Section 5. Effective July 1, 2010, section 101.6952,  
149 Florida Statutes, is amended to read:

150           101.6952 Absentee ballots for absent uniformed services and  
151 overseas voters.-

152           (1) If an absent uniformed services voter's or an overseas  
153 voter's request for an absentee ballot includes an e-mail  
154 address, the supervisor of elections shall:

155           (a) Record the voter's e-mail address in the absentee  
156 ballot record;

157           (b) Confirm by e-mail that the absentee ballot request was



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158 received and include in that e-mail the estimated date the  
159 absentee ballot will be sent to the voter; and

160 (c) Notify the voter by e-mail when the voted absentee  
161 ballot is received by the supervisor of elections ~~inform the~~  
162 ~~voter of the names of candidates who will be on the ballots via~~  
163 ~~electronic transmission. The supervisor of elections shall e-~~  
164 ~~mail to the voter the list of candidates for the primary and~~  
165 ~~general election not later than 30 days before each election.~~

166 (2) For absentee ballots received from absent uniformed  
167 services voters or overseas voters, there is a presumption that  
168 the envelope was mailed on the date stated on the outside of the  
169 return envelope, regardless of the absence of a postmark on the  
170 mailed envelope or the existence of a postmark date that is  
171 later than the date of the election.

172 Section 6. Subsection (11) of section 379.352, Florida  
173 Statutes, is amended to read:

174 379.352 Recreational licenses, permits, and authorization  
175 numbers to take wild animal life, freshwater aquatic life, and  
176 marine life; issuance; costs; reporting.-

177 (11) When acting in its official capacity pursuant to this  
178 section, neither the commission nor a subagent is deemed a  
179 third-party registration organization, as defined in s.  
180 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as  
181 defined in s. 97.021(41) ~~s. 97.021(40)~~, and is not authorized to  
182 solicit, accept, or collect voter registration applications or  
183 provide voter registration services.

184 Section 7. Except as otherwise expressly provided in this  
185 act, this act shall take effect upon becoming a law.

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

188 And the title is amended as follows:

189 Delete everything before the enacting clause  
190 and insert:

191 A bill to be entitled  
192 An act relating to elections; amending s. 97.021,  
193 F.S.; defining the term "absent uniformed services  
194 voter"; revising the definition of the term "overseas  
195 voter"; amending s. 98.0981, F.S., relating to  
196 statewide voter information; conforming a cross-  
197 reference; amending s. 101.62, F.S.; requiring the  
198 supervisor of elections to notify the absent uniformed  
199 services voter and overseas voter of the free access  
200 system for determining absentee ballot status;  
201 providing a timeframe for an absentee ballot to be  
202 sent to each absent uniformed services voter and  
203 overseas voter; providing acceptable formats for  
204 requesting an absentee ballot; modifying circumstances  
205 under which the Department of State is authorized to  
206 prescribe rules for a ballot to be sent to absent  
207 uniformed services voters and overseas voters;  
208 amending s. 101.694, F.S.; conforming timeframes for  
209 sending an absentee ballot upon receipt of a federal  
210 postcard application to those prescribed in s. 101.62,  
211 F.S.; deleting the requirement for a federal postcard  
212 application request to be effective through two  
213 regularly scheduled general elections pursuant to  
214 changes in federal law; amending s. 101.6952, F.S.;  
215 revising responsibilities of the supervisor of



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216 elections when an absent uniformed services voter's or  
217 overseas voter's request for an absentee ballot  
218 includes an e-mail address; requiring the supervisor  
219 to record the e-mail address in the absentee ballot  
220 record and, via e-mail, confirm that the request was  
221 received, inform the voter of the estimated date the  
222 absentee ballot will be sent, and notify the voter  
223 when the voted absentee ballot is received; amending  
224 s. 379.352, F.S., relating to recreational licenses  
225 and permits; conforming cross-references; providing  
226 effective dates.