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Proposed Committee Substitute by the Committee on Ethics and Elections

1 A bill to be entitled

2 An act relating to elections; amending s. 97.0555,
3 F.S.; revising qualifications for late voter
4 registration; creating s. 100.032, F.S.; requiring
5 supervisors of elections to submit a report to the
6 Secretary of State at least 3 months before a general
7 election; specifying the content of the report;
8 amending s. 100.061, F.S.; decreasing the time period
9 between a primary election and a general election;
10 amending s. 101.161, F.S.; providing a limitation on
11 the number of words for certain ballot summaries in
12 joint resolutions proposed by the Legislature;
13 deleting a provision providing that a ballot statement
14 consisting of the full text of a constitutional
15 amendment or revision is presumed to be a clear and
16 unambiguous statement; amending s. 101.5605, F.S.;
17 requiring a person to provide the name, mailing
18 address, and telephone number of a registered agent of
19 a voting systems vendor to the Department of State
20 under certain circumstances; providing that proof of
21 delivery or attempt to deliver constitutes valid
22 notice; creating s. 101.56065, F.S.; providing a
23 definition for the term "defect"; requiring any person
24 who submitted a voting system to the department for
25 approval or sold or leased any approved voting system
26 to file a disclosure with the department; providing
27 requirements for the disclosure; authorizing the



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28 department to suspend all sales or leases or use in an
29 election of a defective voting system; providing
30 procedures for the suspension of voting systems;
31 authorizing the department to withdraw approval of
32 voting systems under certain circumstances;
33 authorizing the department to initiate an
34 investigation of a defective voting system;
35 establishing procedures and requirements of
36 investigations; providing a penalty; repealing s.
37 101.56075(4), F.S., relating to the requirement that
38 all voting systems used by voters in a state election
39 allow placement of the full text of a constitutional
40 amendment or revision containing stricken or
41 underlined text by a specified date; amending s.
42 101.591, F.S.; authorizing use of automated,
43 independent audits of voting systems; providing audit
44 requirements; requiring the Division of Elections to
45 adopt rules; amending s. 101.62, F.S.; revising the
46 requirements for a valid absentee ballot request;
47 prohibiting the supervisor from providing an absentee
48 ballot on the day of an election under certain
49 circumstances; requiring a person who requests an
50 absentee ballot to complete an affidavit under certain
51 circumstances; amending s. 101.64, F.S.; revising the
52 requirements for a voter's certificate; amending s.
53 101.65, F.S.; revising the instructions to absent
54 electors; amending s. 101.657, F.S.; revising the list
55 of permissible sites available for early voting;
56 requiring each county to operate at least the same



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57 number of early voting sites as used for the 2012
58 general election; revising the number of days and
59 hours for early voting; amending s. 101.67, F.S.;
60 conforming a provision to changes made by the act;
61 amending s. 101.68, F.S., and reenacting subsection
62 (2), relating to the canvassing of absentee ballots;
63 authorizing the supervisor to use the elector's
64 signature in a precinct register to compare with the
65 elector's signature on the voter's certificate;
66 providing that an absentee ballot must clearly
67 identify the name of the witness in order to be
68 considered legal; requiring the supervisor to provide
69 the elector with the specific reason his or her ballot
70 was rejected; requiring the supervisor to allow
71 electors to complete an affidavit to cure an unsigned
72 absentee ballot prior to canvassing; providing the
73 form and contents of the affidavit; providing
74 instructions to accompany each absentee ballot
75 affidavit; requiring the affidavit, instructions, and
76 the supervisor's office mailing address to be posted
77 on certain websites; requiring the supervisor to
78 attach a received affidavit to the appropriate
79 absentee ballot mailing envelope; amending s.
80 101.6921, F.S.; revising the voter's certificate
81 accompanying a special absentee ballot; amending s.
82 101.6923, F.S.; revising special absentee ballot
83 instructions; amending s. 101.6952, F.S.; providing
84 that absentee ballots received from overseas voters in
85 certain elections may be received up to 10 days after



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86 the date of the election; amending s. 102.031, F.S.;
87 revising restrictions relating to the solicitation of
88 voters; amending s. 102.141, F.S.; revising methods of
89 selecting canvassing board members; requiring a
90 supervisor to upload certain canvassed election
91 results into a county's election management system
92 prior to the election; prohibiting public disclosure
93 of uploaded results before the close of the polls on
94 election day; amending s. 104.0616, F.S.; providing a
95 definition for the term "immediate family";
96 prohibiting possession of more than two absentee
97 ballots under certain circumstances; providing an
98 effective date.
99

100 Be It Enacted by the Legislature of the State of Florida:

101
102 Section 1. Section 97.0555, Florida Statutes, is amended to
103 read:

104 97.0555 Late registration.—An individual or accompanying
105 family member who has been discharged or separated from the
106 uniformed services or the United States Merchant Marine, has
107 returned from a combat zone or forward-deployed area, or has
108 separated from employment outside the territorial limits of the
109 United States, after the book-closing date for an election
110 pursuant to s. 97.055 and who is otherwise qualified may
111 register to vote in such election until 5 p.m. on the Friday
112 before that election in the office of the supervisor of
113 elections. Such persons must produce sufficient documentation
114 showing evidence of qualifying for late registration pursuant to



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115 this section.

116 Section 2. Section 100.032, Florida Statutes, is created to
117 read:

118 100.032 Election preparation report; general election.—Each
119 supervisor of elections must submit a report to the Secretary of
120 State at least 3 months before a general election which outlines
121 preparations for the upcoming general election. The report must
122 include, at a minimum, the following elements: the anticipated
123 staffing levels during the early voting period, on election day,
124 and after election day; and the anticipated amount of automatic
125 tabulating equipment at each early voting site and polling
126 place.

127 Section 3. Section 100.061, Florida Statutes, is amended to
128 read:

129 100.061 Primary election.—In each year in which a general
130 election is held, a primary election for nomination of
131 candidates of political parties shall be held on the Tuesday 10
132 12 weeks prior to the general election. The candidate receiving
133 the highest number of votes cast in each contest in the primary
134 election shall be declared nominated for such office. If two or
135 more candidates receive an equal and highest number of votes for
136 the same office, such candidates shall draw lots to determine
137 which candidate is nominated.

138 Section 4. Subsection (3) of section 101.161, Florida
139 Statutes, is amended to read:

140 101.161 Referenda; ballots.—

141 (3) (a) Each joint resolution that proposes a constitutional
142 amendment or revision shall include one or more ballot
143 statements set forth in order of priority. Each ballot statement



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144 shall consist of a ballot title, by which the measure is
145 commonly referred to or spoken of, not exceeding 15 words in
146 length, and either a ballot summary that describes the chief
147 purpose of the amendment or revision in clear and unambiguous
148 language, or the full text of the amendment or revision. If a
149 joint resolution that proposes a constitutional amendment or
150 revision contains only one ballot statement, the ballot summary
151 may not exceed 75 words in length. If a joint resolution that
152 proposes a constitutional amendment or revision contains more
153 than one ballot statement, the first ballot summary, in order of
154 priority, may not exceed 75 words in length.

155 (b) The Department of State shall furnish a designating
156 number pursuant to subsection (2) and the appropriate ballot
157 statement to the supervisor of elections of each county. The
158 ballot statement shall be printed on the ballot after the list
159 of candidates, followed by the word "yes" and also by the word
160 "no," and shall be styled in such a manner that a "yes" vote
161 will indicate approval of the amendment or revision and a "no"
162 vote will indicate rejection.

163 (c) (b) 1. Any action for a judicial determination that one
164 or more ballot statements embodied in a joint resolution are
165 defective must be commenced by filing a complaint or petition
166 with the appropriate court within 30 days after the joint
167 resolution is filed with the Secretary of State. The complaint
168 or petition shall assert all grounds for challenge to each
169 ballot statement. Any ground not asserted within 30 days after
170 the joint resolution is filed with the Secretary of State is
171 waived.

172 2. The court, including any appellate court, shall accord



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173 an action described in subparagraph 1. priority over other
174 pending cases and render a decision as expeditiously as
175 possible. If the court finds that all ballot statements embodied
176 in a joint resolution are defective and further appeals are
177 declined, abandoned, or exhausted, unless otherwise provided in
178 the joint resolution, the Attorney General shall, within 10
179 days, prepare and submit to the Department of State a revised
180 ballot title or ballot summary that corrects the deficiencies
181 identified by the court, and the Department of State shall
182 furnish a designating number and the revised ballot title or
183 ballot summary to the supervisor of elections of each county for
184 placement on the ballot. The revised ballot summary may exceed
185 75 words in length. The court shall retain jurisdiction over
186 challenges to a revised ballot title or ballot summary prepared
187 by the Attorney General, and any challenge to a revised ballot
188 title or ballot summary must be filed within 10 days after a
189 revised ballot title or ballot summary is submitted to the
190 Department of State.

191 ~~3. A ballot statement that consists of the full text of an~~
192 ~~amendment or revision shall be presumed to be a clear and~~
193 ~~unambiguous statement of the substance and effect of the~~
194 ~~amendment or revision, providing fair notice to the electors of~~
195 ~~the content of the amendment or revision and sufficiently~~
196 ~~advising electors of the issue upon which they are to vote.~~

197 Section 5. Subsection (3) of section 101.5605, Florida
198 Statutes, is amended to read:

199 101.5605 Examination and approval of equipment.—

200 (3) (a) Before the Department of State approves the
201 electronic or electromechanical voting system, the person who



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202 submitted it for examination shall provide the department with
203 the name, mailing address, and telephone number of a registered
204 agent, which agent must have and continuously maintain an office
205 in this state. Any change in the name, address, or telephone
206 number of the registered agent shall promptly be made known to
207 the department.

208 (b) Before entering into a contract for the sale or lease
209 of a voting system approved under this section to any county,
210 the person entering into such contract shall provide the
211 department with the name, mailing address, and telephone number
212 of a registered agent, which agent must have and continuously
213 maintain an office in this state. Any change in the name,
214 address, or telephone number of the registered agent shall
215 promptly be made known to the department.

216 (c) The department's proof of delivery or attempted
217 delivery to the last mailing address of the registered agent on
218 file with the department at the time of delivery or attempted
219 delivery is valid for all notice purposes.

220 (d) Within 30 days after completing the examination and
221 upon approval of any electronic or electromechanical voting
222 system, the Department of State shall make and maintain a report
223 on the system, together with a written or printed description
224 and drawings and photographs clearly identifying the system and
225 the operation thereof. As soon as practicable after such filing,
226 the department shall send a notice of certification and, upon
227 request, a copy of the report to the governing bodies of the
228 respective counties of the state. Any voting system that does
229 not receive the approval of the department may shall not be
230 adopted for or used at any election.



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231 (e) After a voting system has been approved by the
232 Department of State, any change or improvement in the system is
233 required to be approved by the department prior to the adoption
234 of such change or improvement by any county. If any such change
235 or improvement does not comply with the requirements of this
236 act, the department shall suspend all sales of the equipment or
237 system in the state until the equipment or system complies with
238 the requirements of this act.

239 Section 6. Section 101.56065, Florida Statutes, is created
240 to read:

241 101.56065 Voting system defects; disclosure;
242 investigations; penalties.—

243 (1) For purposes of this section, the term "defect" means:
244 (a) Any failure, fault, or flaw in an electronic or
245 electromechanical voting system approved pursuant to s. 101.5605
246 which results in nonconformance with the standards under which
247 the voting system was approved in a manner that affects the
248 accuracy of the casting or counting of ballots; or

249 (b) Any failure or inability of the voting system
250 manufacturer or vendor to make available hardware or software to
251 the counties that have purchased the approved voting system, the
252 unavailability of which results in the system's nonconformance
253 with the standards under which the voting system was approved in
254 a manner that affects the accuracy of the casting or counting of
255 ballots.

256 (2) (a) Any person who submits a voting system for approval
257 by the Department of State in accordance with s. 101.5605 which
258 was approved by the department prior to the effective date of
259 this section, and any person who has sold or leased to a county



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any voting system approved by the department prior to the effective date of this section, shall file with the department a disclosure of any defect in the voting system. If there are no defects in the voting system, the person shall state in the disclosure that no defects exist in the voting system.

(b) The disclosure required under this subsection must identify the defect, if any, the effect of the defect on the operation and use of the approved voting system, and any known corrective measures that users of the voting system may take to cure the defect, including, but not limited to, advisories and bulletins issued to users of the system. Implementation of corrective measures approved by the department which enable a system to conform to the standards under which the system was approved and ensure the accuracy of the casting and counting of ballots constitutes a cure of a defect.

(c) Each person required to file a disclosure or statement under paragraph (a) shall file it no later than January 1, 2014, and, thereafter, shall file it no later than January 1 of every odd-numbered year. The disclosure or statement required to be filed by January 1, 2014, must include information regarding the filer's registered agent as provided in s. 101.5605(3).

(d) If at any time a person who has submitted a voting system for approval by the department in accordance with s. 101.5605 or any person who has sold or leased to a county any voting system approved by the department becomes aware of the existence of a defect in a system that person has submitted for approval or sold or leased to a county, that person shall file with the department a disclosure of the defect within 30 days after a determination by that person that the defect exists.



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289 (e) If a person discloses to the department that a defect
290 exists in a voting system, the department may suspend all sales
291 or leases of the voting system in the state and may suspend the
292 use of the system in any elections in the state. The department
293 shall provide written notice of any such suspension to the
294 supervisor of elections in each county in which use of the
295 voting system is suspended. If the department at any time
296 determines that the defect no longer exists, the department may
297 lift the suspension. The department shall provide written notice
298 that the suspension has been lifted to the supervisor of
299 elections in each county in which use of the voting system was
300 suspended.

301 (f) If no person files a required disclosure for a voting
302 system previously approved by the department, that system may
303 not be approved for sale or lease in the state or for use in
304 elections in the state. The department shall provide written
305 notice to all supervisors of elections that the system is no
306 longer approved. After approval of a system has been withdrawn
307 pursuant to this paragraph, no such system may be sold or leased
308 or used in any election in the state until it has been submitted
309 for examination and approval and adopted for use pursuant to s.
310 101.5605.

311 (3) (a) When the department has reasonable cause to believe
312 a voting system approved pursuant to s. 101.5605 contains a
313 defect either before, during, or after an election which has not
314 been disclosed pursuant to subsection (2), the department may
315 investigate whether the voting system has a defect.

316 (b) The department may initiate an investigation pursuant
317 to paragraph (a) on its own initiative or upon the written



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318 request of the supervisor of elections of a county that
319 purchased or leased a voting system which contains the alleged
320 defect.

321 (c) Upon initiating an investigation, the department shall
322 provide written notice to any person who submitted the voting
323 system for approval by the department in accordance with s.
324 101.5605, any person who has entered into a contract with any
325 county for the sale or lease of the voting system to any county,
326 and all of the supervisors of elections.

327 (d) In order to carry out the responsibilities prescribed
328 by this section, the department is empowered to subpoena and
329 bring before its duly authorized representatives any person in
330 the state or doing business in the state, or any person who has
331 filed or is required to have filed any application, document,
332 papers, or other information with an office or agency of this
333 state or a political subdivision thereof, to require the
334 production of papers, books, or other records relevant to any
335 investigation. Duly authorized representatives of the department
336 are empowered to administer all oaths and affirmations in the
337 manner prescribed by law to witnesses who appear before them
338 concerning any relevant matter of the investigation. Should any
339 witness fail to respond to the lawful subpoena of the department
340 or fail to answer all lawful inquiries or to turn over evidence
341 that has been subpoenaed, the department may file a complaint
342 before any circuit court of the state, upon the filing of which
343 the court shall take jurisdiction of the witness and the subject
344 matter of said complaint and shall direct the witness to respond
345 to all lawful questions and to produce all documentary evidence
346 in the witness's possession which is lawfully demanded. The



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347 failure of any witness to comply with such order of the court
348 constitutes a direct and criminal contempt of court, and the
349 court shall punish said witness accordingly.

350 (e) The department shall prepare a written report of any
351 investigation conducted pursuant to this section.

352 (4) (a) If the department determines by a preponderance of
353 evidence that a defect exists in the voting system, the
354 department shall provide written notice to any person who
355 submitted the voting system for approval by the department in
356 accordance with s. 101.5605 and any person who entered into a
357 contract for the sale or lease of the voting system to any
358 county in which the system contains the defect.

359 (b) A person entitled to receive notice pursuant to
360 paragraph (a) shall, within 10 days, file a written response to
361 the department which:

362 1. Denies that the alleged defect exists or existed as
363 alleged by the department and sets forth the reasons for such
364 denial; or

365 2. Admits that the defect exists or existed as alleged by
366 the department.

367 (c) If the defect has been cured, the person shall provide
368 an explanation of how the defect was cured.

369 (d) If the defect has not been cured, the person shall
370 inform the department whether the defect can be cured and may
371 provide to the department a plan for curing the defect. If the
372 defect can be cured, the department shall establish a timeframe
373 within which the defect must be cured, and may consult the
374 person filing the response before establishing this timeframe.

375 (5) If after receiving a response from a person entitled to



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376 notice, the department determines that a defect does not exist
377 or has been cured within the timeframe established by the
378 department, the department shall take no further action.

379 (6) If the department determines that a defect exists and a
380 person entitled to notice has not filed a written response or
381 has failed to cure a defect within the timeframe established by
382 the department, or if the defect cannot be cured, the department
383 shall impose a civil penalty of \$25,000 for the defect plus an
384 amount equal to the actual costs incurred by the department in
385 conducting the investigation against:

386 (a) Any person who submitted the voting system for approval
387 by the department in accordance with s. 101.5605.

388 (b) Any person who entered into a contract with any county
389 for the sale or lease of the voting system to any county in
390 which the defect existed.

391 (7) If the department finds that a defect existed:

392 (a) The department may suspend all sales and leases of the
393 voting system that is the subject of the investigation and may
394 suspend its use in any county in the state. The department shall
395 provide written notice of the suspension to the supervisor of
396 elections in each county in which use of the voting system is
397 suspended.

398 (b) If the department determines that a defect no longer
399 exists in a voting system that has been suspended from use
400 pursuant to paragraph (a), the department may lift the
401 suspension and authorize the sale, lease, and use of the voting
402 system in any election in the state. The department shall
403 provide written notice that the suspension has been lifted and
404 the voting system is authorized for sale and lease and use in



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405 elections to the supervisor of elections in each county in which
406 use of the voting system was suspended.

407 (c) If the defect cannot be cured, the department may
408 disapprove the voting system for use in elections in the state.
409 The department shall provide written notice to all supervisors
410 of elections that the system is no longer approved. After
411 approval of a system has been withdrawn pursuant to this
412 paragraph, the system may not be sold, leased, or used in
413 elections in the state until it has been submitted for
414 examination and approval and adopted for use pursuant to s.
415 101.5605.

416 (d) Any person against whom a civil penalty was imposed
417 under this section may not enter into a contract for sale or
418 lease of a voting system in the state until the civil penalties
419 have been paid and the department provides written confirmation
420 to the supervisors of elections of the payment.

421 (8) The authority of the department under this section is
422 in addition to, and not exclusive of, any other authority
423 provided by law.

424 (9) All proceedings under this section are exempt from
425 chapter 120.

426 Section 7. Subsection (4) of section 101.56075, Florida
427 Statutes, is repealed.

428 Section 8. Subsections (1) and (2) of section 101.591,
429 Florida Statutes, are amended, and subsection (4) of that
430 section is republished, to read:

431 101.591 Voting system audit.—

432 (1) Immediately following the certification of each
433 election, the county canvassing board or the local board



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434 responsible for certifying the election shall conduct a manual
435 audit or an automated, independent audit of the voting systems
436 used in randomly selected precincts.

437 (2) (a) A manual The audit shall consist of a public manual
438 tally of the votes cast in one randomly selected race that
439 appears on the ballot. The tally sheet shall include election-
440 day, absentee, early voting, provisional, and overseas ballots,
441 in at least 1 percent but no more than 2 percent of the
442 precincts chosen at random by the county canvassing board or the
443 local board responsible for certifying the election. If 1
444 percent of the precincts is less than one entire precinct, the
445 audit shall be conducted using at least one precinct chosen at
446 random by the county canvassing board or the local board
447 responsible for certifying the election. Such precincts shall be
448 selected at a publicly noticed canvassing board meeting.

449 (b) An automated audit shall consist of a public automated
450 tally of the votes cast across every race that appears on the
451 ballot. The tally sheet shall include election day, absentee,
452 early voting, provisional, and overseas ballots in at least 20
453 percent of the precincts chosen at random by the county
454 canvassing board or the local board responsible for certifying
455 the election. Such precincts shall be selected at a publicly
456 noticed canvassing board meeting.

457 (c) The division shall adopt rules for approval of an
458 independent audit system which provide that the system, at a
459 minimum, must be:

- 460 1. Completely independent of the primary voting system.
461 2. Fast enough to produce final audit results within the
462 timeframe prescribed in subsection (4).



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463 3. Capable of demonstrating that the ballots of record have
464 been accurately adjudicated by the audit system.

465 (4) The audit must be completed and the results made public
466 no later than 11:59 p.m. on the 7th day following certification
467 of the election by the county canvassing board or the local
468 board responsible for certifying the election.

469 Section 9. Subsections (1) and (3) and paragraph (c) of
470 subsection (4) of section 101.62, Florida Statutes, are amended
471 to read:

472 101.62 Request for absentee ballots.—

473 (1) (a) The supervisor shall accept a request for an
474 absentee ballot from an elector in person or in writing. One
475 request shall be deemed sufficient to receive an absentee ballot
476 for all elections through the end of the calendar year of the
477 second ensuing regularly scheduled general election, unless the
478 elector or the elector's designee indicates at the time the
479 request is made the elections for which the elector desires to
480 receive an absentee ballot. Such request may be considered
481 canceled when any first-class mail sent by the supervisor to the
482 elector is returned as undeliverable.

483 (b) The supervisor may accept a written or telephonic
484 request for an absentee ballot to be mailed to an elector's
485 address on file in the Florida Voter Registration System from
486 the elector, or, if directly instructed by the elector, a member
487 of the elector's immediate family, or the elector's legal
488 guardian; if the ballot is requested to be mailed to an address
489 other than the elector's address on file in the Florida Voter
490 Registration System, the request must be made in writing and
491 signed by the elector. For purposes of this section, the term



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492 "immediate family" has the same meaning as specified in
493 paragraph (4)(c). The person making the request must disclose:

494 1. The name of the elector for whom the ballot is
495 requested.

496 2. The elector's address.

497 3. The elector's date of birth.

498 4. The requester's name.

499 5. The requester's address.

500 6. The requester's driver's license number, if available.

501 7. The requester's relationship to the elector.

502 8. The requester's signature (written requests only).

503 (c) Upon receiving a request for an absentee ballot from an
504 absent voter, the supervisor of elections shall notify the voter
505 of the free access system that has been designated by the
506 department for determining the status of his or her absentee
507 ballot.

508 (3) For each request for an absentee ballot received, the
509 supervisor shall record the date the request was made, the date
510 the absentee ballot was delivered to the voter or the voter's
511 designee or the date the absentee ballot was delivered to the
512 post office or other carrier, the date the ballot was received
513 by the supervisor, the absence of the voter's signature on the
514 voter's certificate, if applicable, and such other information
515 he or she may deem necessary. This information shall be provided
516 in electronic format as provided by rule adopted by the
517 division. The information shall be updated and made available no
518 later than 8 a.m. of each day, including weekends, beginning 60
519 days before the primary until 15 days after the general election
520 and shall be contemporaneously provided to the division. This



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521 information shall be confidential and exempt from ~~the provisions~~
522 of s. 119.07(1) and shall be made available to or reproduced
523 only for the voter requesting the ballot, a canvassing board, an
524 election official, a political party or official thereof, a
525 candidate who has filed qualification papers and is opposed in
526 an upcoming election, and registered political committees or
527 registered committees of continuous existence, for political
528 purposes only.

529 (4)

530 (c) The supervisor shall provide an absentee ballot to each
531 elector by whom a request for that ballot has been made by one
532 of the following means:

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

536 2. By forwardable mail, e-mail, or facsimile machine
537 transmission to absent uniformed services voters and overseas
538 voters. The absent uniformed services voter or overseas voter
539 may designate in the absentee ballot request the preferred
540 method of transmission. If the voter does not designate the
541 method of transmission, the absentee ballot shall be mailed.

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

545 4. By delivery to a designee on election day or up to 5
546 days prior to the day of an election. Any elector may designate
547 in writing a person to pick up the ballot for the elector;
548 however, the person designated may not pick up more than two
549 absentee ballots per election, other than the designee's own



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550 ballot, except that additional ballots may be picked up for
551 members of the designee's immediate family. For purposes of this
552 section, "immediate family" means the designee's spouse or the
553 parent, child, grandparent, or sibling of the designee or of the
554 designee's spouse. The designee shall provide to the supervisor
555 the written authorization by the elector and a picture
556 identification of the designee and must complete an affidavit.
557 The designee shall state in the affidavit that the designee is
558 authorized by the elector to pick up that ballot and shall
559 indicate if the elector is a member of the designee's immediate
560 family and, if so, the relationship. The department shall
561 prescribe the form of the affidavit. If the supervisor is
562 satisfied that the designee is authorized to pick up the ballot
563 and that the signature of the elector on the written
564 authorization matches the signature of the elector on file, the
565 supervisor shall give the ballot to that designee for delivery
566 to the elector.

567 5. Except as provided in s. 101.655, the supervisor may not
568 deliver an absentee ballot to an elector or an elector's
569 immediate family member on the day of the election unless there
570 is an emergency, to the extent that the elector will be unable
571 to go to his or her assigned polling place. If an absentee
572 ballot is delivered, the elector or his or her designee shall
573 execute an affidavit affirming to the facts which allow for
574 delivery of the absentee ballot. The department shall adopt a
575 rule providing for the form of the affidavit.

576 Section 10. Subsections (1) through (3) of section 101.64,
577 Florida Statutes, are amended to read:

578 101.64 Delivery of absentee ballots; envelopes; form.—



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579 (1) The supervisor shall enclose with each absentee ballot
580 two envelopes: a secrecy envelope, into which the absent elector
581 shall enclose his or her marked ballot; and a mailing envelope,
582 into which the absent elector shall then place the secrecy
583 envelope, which shall be addressed to the supervisor and also
584 bear on the back side a certificate in substantially the
585 following form:

586

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

589

590 VOTER'S CERTIFICATE

591 I,, do solemnly swear or affirm that I am a qualified
592 and registered voter of County, Florida, and that I have
593 not and will not vote more than one ballot in this election. I
594 understand that if I commit or attempt to commit any fraud in
595 connection with voting, vote a fraudulent ballot, or vote more
596 than once in an election, I can be convicted of a felony of the
597 third degree and fined up to \$5,000 and/or imprisoned for up to
598 5 years. I also understand that failure to sign this certificate
599 will invalidate my ballot.

600

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

602

603 Note: Your Signature Must Be Witnessed by One Witness 18 Years
604 of Age or Older as Provided in the Instruction Sheet.

605

606 I swear or affirm that the voter signed this Voter's Certificate
607 in my presence.



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608

609 ... (Signature of Witness) ...

610

611 ... (Printed Name of Witness) ...

612

613 ... (Date) ...

614

... (Address) ...

615

616 (2) The certificate shall be arranged on the back of the
617 mailing envelope so that the line for the signature of the
618 absent elector is across the seal of the envelope; however, no
619 statement shall appear on the envelope which indicates that a
620 signature of the voter must cross the seal of the envelope. The
621 absent elector and the attesting witness shall execute the
622 certificate on the envelope. A candidate may not serve as an
623 attesting witness.

624 (3) In lieu of the voter's certificate provided in this
625 section, the supervisor of elections shall provide each person
626 voting absentee under the Uniformed and Overseas Citizens
627 Absentee Voting Act with the standard oath prescribed by the
628 presidential designee with an appended section in substantially
629 the following form:-

630
631 Witness signature and date:

632
633 ... (Signature of Witness) ...

634
635 ... (Printed Name of Witness) ...

636



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637 ... (Address) ...

638 ... (Date) ...

639 Section 11. Section 101.65, Florida Statutes, is amended to
640 read:

641 101.65 Instructions to absent electors.—The supervisor
642 shall enclose with each absentee ballot separate printed
643 instructions in substantially the following form:

644
645 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

646 1. VERY IMPORTANT. In order to ensure that your absentee
647 ballot will be counted, it should be completed and returned as
648 soon as possible so that it can reach the supervisor of
649 elections of the county in which your precinct is located no
650 later than 7 p.m. on the day of the election. However, if you
651 are an overseas voter casting a ballot in a presidential
652 preference primary or general election, your absentee ballot
653 must be postmarked or signed and dated no later than the date of
654 the election and received by the supervisor of elections of the
655 county in which you are registered to vote no later than 10 days
656 after the date of the election.

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

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

664 4. Place your marked ballot in the enclosed secrecy
665 envelope.



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666 5. Insert the secrecy envelope into the enclosed mailing
667 envelope which is addressed to the supervisor.

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

670 7. VERY IMPORTANT. In order for your absentee ballot to be
671 counted, you must sign your name on the line above (Voter's
672 Signature). An absentee ballot will be considered illegal and
673 not be counted if the signature on the voter's certificate does
674 not match the signature on record. The signature on file at the
675 start of the canvass of the absentee ballots is the signature
676 that will be used to verify your signature on the voter's
677 certificate. If you need to update your signature for this
678 election, send your signature update on a voter registration
679 application to your supervisor of elections so that it is
680 received no later than the start of the canvassing of absentee
681 ballots, which occurs no earlier than the 15th day before
682 election day.

683 8. VERY IMPORTANT. In order for your absentee ballot to be
684 counted, it must include the signature and legible address of an
685 attesting witness 18 years of age or older affixed to the
686 Voter's Certificate. If the signature is illegible, the Voter's
687 Certificate must also include a readable printed name of the
688 attesting witness. A candidate may not serve as an attesting
689 witness.

690 9.8. VERY IMPORTANT. If you are an overseas voter, you must
691 include the date you signed the Voter's Certificate on the line
692 above (Date) or your ballot may not be counted.

693 10.9. Mail, deliver, or have delivered the completed
694 mailing envelope. Be sure there is sufficient postage if mailed.



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695 11.10. FELONY NOTICE. It is a felony under Florida law to
696 accept any gift, payment, or gratuity in exchange for your vote
697 for a candidate. It is also a felony under Florida law to vote
698 in an election using a false identity or false address, or under
699 any other circumstances making your ballot false or fraudulent.

700 Section 12. Paragraphs (a) and (d) of subsection (1) of
701 section 101.657, Florida Statutes, are amended to read:

702 101.657 Early voting.—

703 (1) (a) As a convenience to the voter, the supervisor of
704 elections shall allow an elector to vote early in the main or
705 branch office of the supervisor. The supervisor shall mark,
706 code, indicate on, or otherwise track the voter's precinct for
707 each early voted ballot. In order for a branch office to be used
708 for early voting, it shall be a permanent facility of the
709 supervisor and shall have been designated and used as such for
710 at least 1 year prior to the election. The supervisor may also
711 designate any city hall, or permanent public library facility,
712 fairground, civic center, courthouse, county commission
713 building, stadium, convention center, government-owned senior
714 center, or government-owned community center as early voting
715 sites; however, if so designated, the sites must be
716 geographically located so as to provide all voters in the county
717 an equal opportunity to cast a ballot, insofar as is
718 practicable. Each county shall, at a minimum, operate the same
719 total number of early voting sites that the county used for the
720 2012 general election. If a supervisor is unable to provide an
721 early voting site in an area of the county due to the
722 nonexistence of any of the designated locations, the supervisor
723 may designate one early voting site that is geographically



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724 located to provide all voters an equal opportunity to vote early
725 in that area. The results or tabulation of votes cast during
726 early voting may not be made before the close of the polls on
727 election day. Results shall be reported by precinct.

728 (d) Early voting shall begin on the 10th day before an
729 election that contains state or federal races and end on the 3rd
730 day before the election, and shall be provided for no less than
731 8 ½ hours and no more than 12 hours per day at each site during
732 the applicable period. In addition, early voting may be offered
733 at the discretion of the supervisor of elections on the 15th,
734 14th, 13th, 12th, 11th, or 2nd day before an election that
735 contains state or federal races for at least 8 hours per day,
736 but not more than 12 hours per day. The supervisor of elections
737 may provide early voting for elections that are not held in
738 conjunction with a state or federal election. However, the
739 supervisor has the discretion to determine the hours of
740 operation of early voting sites in those elections.

741 Section 13. Subsection (2) of section 101.67, Florida
742 Statutes, is amended to read:

743 101.67 Safekeeping of mailed ballots; deadline for
744 receiving absentee ballots.—

745 (2) Except as provided in s. 101.6952(5), all marked absent
746 electors' ballots to be counted must be received by the
747 supervisor by 7 p.m. the day of the election. All ballots
748 received thereafter shall be marked with the time and date of
749 receipt and filed in the supervisor's office.

750 Section 14. Subsections (1) and (4) of section 101.68,
751 Florida Statutes, are amended, and subsection (2) of that
752 section is reenacted and amended, to read:



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753 101.68 Canvassing of absentee ballot.—

754 (1) The supervisor of the county where the absent elector
755 resides shall receive the voted ballot, at which time the
756 supervisor shall compare the signature of the elector on the
757 voter's certificate with the signature of the elector in the
758 registration books or the precinct register to determine whether
759 the elector is duly registered in the county and may record on
760 the elector's registration certificate that the elector has
761 voted. However, effective July 1, 2005, an elector who dies
762 after casting an absentee ballot but on or before election day
763 shall remain listed in the registration books until the results
764 have been certified for the election in which the ballot was
765 cast. The supervisor shall safely keep the ballot unopened in
766 his or her office until the county canvassing board canvasses
767 the vote. Except as provided in subsection (4), after an
768 absentee ballot is received by the supervisor, the ballot is
769 deemed to have been cast, and changes or additions may not be
770 made to the voter's certificate.

771 (2) (a) The county canvassing board may begin the canvassing
772 of absentee ballots at 7 a.m. on the 15th day before the
773 election, but not later than noon on the day following the
774 election. In addition, for any county using electronic
775 tabulating equipment, the processing of absentee ballots through
776 such tabulating equipment may begin at 7 a.m. on the 15th day
777 before the election. However, notwithstanding any such
778 authorization to begin canvassing or otherwise processing
779 absentee ballots early, no result shall be released until after
780 the closing of the polls in that county on election day. Any
781 supervisor of elections, deputy supervisor of elections,



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782 canvassing board member, election board member, or election
783 employee who releases the results of a canvassing or processing
784 of absentee ballots prior to the closing of the polls in that
785 county on election day commits a felony of the third degree,
786 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

787 (b) To ensure that all absentee ballots to be counted by
788 the canvassing board are accounted for, the canvassing board
789 shall compare the number of ballots in its possession with the
790 number of requests for ballots received to be counted according
791 to the supervisor's file or list.

792 (c)1. The canvassing board shall, if the supervisor has not
793 already done so, compare the signature of the elector on the
794 voter's certificate or on the absentee ballot affidavit as
provided in subsection (4) with the signature of the elector in
795 the registration books or the precinct register to see that the
796 elector is duly registered in the county and to determine the
797 legality of that absentee ballot. The ballot of an elector who
798 casts an absentee ballot shall be counted even if the elector
799 dies on or before election day, as long as, prior to the death
800 of the voter, the ballot was postmarked by the United States
801 Postal Service, date-stamped with a verifiable tracking number
802 by common carrier, or already in the possession of the
803 supervisor of elections. An absentee ballot shall be considered
804 illegal if the voter's certificate or absentee ballot affidavit
805 it does not include the signature of the elector, as shown by
806 the registration records or the precinct register, along with
807 the signature and legible address of an attesting witness;
808 however, if the signature of the attesting witness is illegible,
809 the printed name of the attesting witness must clearly identify



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the name of the witness or the ballot shall be considered illegal. However, an absentee ballot is shall not be considered illegal if the signature of the elector does not cross the seal of the mailing envelope. If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The absentee ballot affidavit, if applicable, the envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

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

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot



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840 style. The votes on absentee ballots shall be included in the
841 total vote of the county.

842 (4) (a) The supervisor of elections shall, on behalf of the
843 county canvassing board, notify each elector whose ballot was
844 rejected as illegal and provide the specific reason the ballot
845 was rejected because of a difference between the elector's
846 signature on the ballot and that on the elector's voter
847 registration record. The supervisor shall mail a voter
848 registration application to the elector to be completed
849 indicating the elector's current signature if the elector's
850 ballot was rejected due to a difference between the elector's
851 signature on the voter's certificate or absentee ballot
852 affidavit and the elector's signature in the registration books
853 or precinct register. This section does not prohibit the
854 supervisor from providing additional methods for updating an
855 elector's signature.

856 (b) If the canvassing board has not begun the canvassing of
857 absentee ballots pursuant to subsection (2), the supervisor
858 shall allow an elector who has returned an absentee ballot that
859 does not include the elector's signature to complete an
860 affidavit in order to cure the unsigned absentee ballot.

861 (c) The elector shall provide identification to the
862 supervisor and must complete an absentee ballot affidavit in
863 substantially the following form:

865 ABSENTEE BALLOT AFFIDAVIT

866 I,, am a qualified voter in this election and
867 registered voter of County, Florida. I do solemnly swear or
868 affirm that I requested and returned the absentee ballot and



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869 that I have not and will not vote more than one ballot in this
870 election. I understand that if I commit or attempt any fraud in
871 connection with voting, vote a fraudulent ballot, or vote more
872 than once in an election, I may be convicted of a felony of the
873 third degree and fined up to \$5,000 and imprisoned for up to 5
874 years. I understand that my failure to sign this affidavit means
875 that my absentee ballot will be invalidated.

876

877 ... (Voter's Signature) ...

878

879 ... (Address) ...

880

881 Note: Your Signature Must Be Witnessed by One Witness 18 Years
882 of Age or Older.

883

884 I swear or affirm that the voter signed this Absentee
885 Ballot Affidavit in my presence.

886

887 ... (Signature of Witness) ...

888

889 ... (Printed Name of Witness) ...

890

891 ... (Date) ...

892 ... (Address) ...

893

894 (d) Instructions must accompany the absentee ballot
895 affidavit in substantially the following form:

896

897 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE



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898 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
899 BALLOT NOT TO COUNT.

900
901 1. In order to ensure that your absentee ballot will be
902 counted, your affidavit should be completed and returned as soon
903 as possible so that it can reach the supervisor of elections of
904 the county in which your precinct is located no later than the
905 start of the canvassing of absentee ballots, which occurs no
906 earlier than the 15th day before an election.

907 2. You must sign your name on the line above (Voter's
908 Signature).

909 3. You must have your signature witnessed by a person 18
910 years of age or older. Have the witness sign on the line above
911 (Signature of Witness) and include his or her legible address.
912 If the signature is illegible, the affidavit must also include a
913 readable, printed name of the attesting witness. A candidate may
914 not serve as an attesting witness.

915 4. You must make a copy of one of the following forms of
916 identification:

917 a. Identification which must include your name and
918 photograph: United States passport; debit or credit card;
919 military identification; student identification; retirement
920 center identification; neighborhood association identification;
921 or public assistance identification; or

922 b. Identification which shows your name and current
923 residence address: current utility bill, bank statement,
924 government check, paycheck, or government document (excluding
925 voter identification card).

926 5. Place the envelope bearing the affidavit into a mailing



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envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope.

6. Mail, deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct.

(e) The department and each supervisor shall include the affidavit and instructions on their respective websites. The supervisor must include his or her office's mailing address on the page containing the affidavit instructions; the department's instruction page must include the office mailing addresses of all supervisors of elections or provide a conspicuous link to such addresses.

(f) The supervisor shall attach each affidavit received to the appropriate absentee ballot mailing envelope.

Section 15. Subsections (3) and (4) of section 101.6921, Florida Statutes, are amended to read:

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

(3) The Voter's Certificate shall be in substantially the following form:

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

VOTER'S CERTIFICATE

I,, do solemnly swear or affirm that I am a qualified and registered voter of County, Florida, and that I have



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not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot. I understand that unless I meet one of the exemptions below, I must provide a copy of a current and valid identification as provided in the instruction sheet to the supervisor of elections in order for my ballot to count.

I further certify that I am exempt from the requirements to furnish a copy of a current and valid identification with my ballot because of one or more of the following (check all that apply):

I am 65 years of age or older.

I have a permanent or temporary physical disability.

I am a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

I am a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

I am the spouse or dependent of a member of the uniformed service or Merchant Marine who, by reason of the active duty or service of the member, will be absent from the county on election day.

I am currently residing outside the United States.

984 ... (Date) ...

... Voter's Signature...



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985
986 Note: Your Signature Must Be Witnessed as Provided in the
987 Instruction Sheet By One Witness 18 Years of Age or Older.
988
989 I swear or affirm that the voter signed this Voter's Certificate
990 in my presence.

991
992 ... (Signature of Witness) ...
993
994 ... (Printed Name of Witness) ...
995
996 ... (Date) ...

... (Address) ...

999 (4) The certificate shall be arranged on the back of the
1000 envelope so that the line for the signature of the absent
1001 elector is across the seal of the envelope.

1002 Section 16. Subsection (2) of section 101.6923, Florida
1003 Statutes, is amended to read:

1004 101.6923 Special absentee ballot instructions for certain
1005 first-time voters.—

1006 (2) A voter covered by this section shall be provided with
1007 printed instructions with his or her absentee ballot in
1008 substantially the following form:

1010 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
1011 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
1012 YOUR BALLOT NOT TO COUNT.



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1014 1. In order to ensure that your absentee ballot will be
1015 counted, it should be completed and returned as soon as possible
1016 so that it can reach the supervisor of elections of the county
1017 in which your precinct is located no later than 7 p.m. on the
1018 date of the election. However, if you are an overseas voter
1019 casting a ballot in a presidential preference primary or general
1020 election, your absentee ballot must be postmarked or signed and
1021 dated no later than the date of the election and received by the
1022 supervisor of elections of the county in which you are
1023 registered to vote no later than 10 days after the date of the
1024 election.

1025 2. Mark your ballot in secret as instructed on the ballot.
1026 You must mark your own ballot unless you are unable to do so
1027 because of blindness, disability, or inability to read or write.

1028 3. Mark only the number of candidates or issue choices for
1029 a race as indicated on the ballot. If you are allowed to "Vote
1030 for One" candidate and you vote for more than one, your vote in
1031 that race will not be counted.

1032 4. Place your marked ballot in the enclosed secrecy
1033 envelope and seal the envelope.

1034 5. Insert the secrecy envelope into the enclosed envelope
1035 bearing the Voter's Certificate. Seal the envelope and
1036 completely fill out the Voter's Certificate on the back of the
1037 envelope.

1038 a. You must sign your name on the line above (Voter's
1039 Signature).

1040 b. You must have your signature witnessed by a person 18
1041 years of age or older. Have the witness sign on the line above
1042 (Signature of Witness) and include his or her legible address.



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If the signature is illegible, the Voter's Certificate must also include a readable printed name of the attesting witness. A candidate may not serve as an attesting witness.

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

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

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

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

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



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1072 7. The identification requirements of Item 6. do not apply
1073 if you meet one of the following requirements:

1074 a. You are 65 years of age or older.

1075 b. You have a temporary or permanent physical disability.

1076 c. You are a member of a uniformed service on active duty
1077 who, by reason of such active duty, will be absent from the
1078 county on election day.

1079 d. You are a member of the Merchant Marine who, by reason
1080 of service in the Merchant Marine, will be absent from the
1081 county on election day.

1082 e. You are the spouse or dependent of a member referred to
1083 in paragraph c. or paragraph d. who, by reason of the active
1084 duty or service of the member, will be absent from the county on
1085 election day.

1086 f. You are currently residing outside the United States.

1087 8. Place the envelope bearing the Voter's Certificate into
1088 the mailing envelope addressed to the supervisor. Insert a copy
1089 of your identification in the mailing envelope. DO NOT PUT YOUR
1090 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1091 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1092 BALLOT WILL NOT COUNT.

1093 9. Mail, deliver, or have delivered the completed mailing
1094 envelope. Be sure there is sufficient postage if mailed.

1095 10. FELONY NOTICE. It is a felony under Florida law to
1096 accept any gift, payment, or gratuity in exchange for your vote
1097 for a candidate. It is also a felony under Florida law to vote
1098 in an election using a false identity or false address, or under
1099 any other circumstances making your ballot false or fraudulent.

1100 Section 17. Subsection (5) is added to section 101.6952,



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1101 Florida Statutes, to read:

1102 101.6952 Absentee ballots for absent uniformed services and
1103 overseas voters.—

1104 (5) An absentee ballot from an overseas voter in any
1105 presidential preference primary or general election which is
1106 postmarked or signed and dated no later than the date of the
1107 election and is received by the supervisor of elections of the
1108 county in which the overseas voter is registered no later than
1109 10 days after the date of the election shall be counted as long
1110 as the absentee ballot is otherwise proper.

1111 Section 18. Paragraphs (b) and (d) of subsection (4) of
1112 section 102.031, Florida Statutes, are amended to read:

1113 102.031 Maintenance of good order at polls; authorities;
1114 persons allowed in polling rooms and early voting areas;
1115 unlawful solicitation of voters.—

1116 (4)

1117 (b) For the purpose of this subsection, the terms "solicit"
1118 or "solicitation" shall include, but not be limited to, seeking
1119 or attempting to seek any vote, fact, opinion, or contribution;
1120 distributing or attempting to distribute any political or
1121 campaign material, leaflet, or handout; conducting a poll except
1122 as specified in this paragraph; seeking or attempting to seek a
1123 signature on any petition; and selling or attempting to sell any
1124 item. The terms "solicit" or "solicitation" may ~~shall~~ not be
1125 construed to prohibit exit polling.

1126 (d) Except as provided in paragraph (a), the supervisor may
1127 not designate a no-solicitation zone or otherwise restrict
1128 access to any person, political committee, committee of
1129 continuous existence, candidate, or other group or organization



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1130 for the purposes of soliciting voters. This paragraph applies to
1131 any public or private property used as a polling place or early
1132 voting site.

1133 Section 19. Subsections (1) and (4) of section 102.141,
1134 Florida Statutes, are amended to read:

1135 102.141 County canvassing board; duties.—

1136 (1) The county canvassing board shall be composed of the
1137 supervisor of elections; a county court judge, who shall act as
1138 chair; and the chair of the board of county commissioners.

1139 Alternate canvassing board members must be appointed pursuant to
1140 paragraph (e). In the event any member of the county canvassing
1141 board is unable to serve, is a candidate who has opposition in
1142 the election being canvassed, or is an active participant in the
1143 campaign or candidacy of any candidate who has opposition in the
1144 election being canvassed, such member shall be replaced as
1145 follows:

1146 (a) If no county court judge is able to serve or if all are
1147 disqualified, the chief judge of the judicial circuit in which
1148 the county is located shall appoint as a substitute member a
1149 qualified elector of the county who is not a candidate with
1150 opposition in the election being canvassed and who is not an
1151 active participant in the campaign or candidacy of any candidate
1152 with opposition in the election being canvassed. In such event,
1153 the members of the county canvassing board shall meet and elect
1154 a chair.

1155 (b) If the supervisor of elections is unable to serve or is
1156 disqualified, the chair of the board of county commissioners
1157 shall appoint as a substitute member a member of the board of
1158 county commissioners who is not a candidate with opposition in



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1159 the election being canvassed and who is not an active
1160 participant in the campaign or candidacy of any candidate with
1161 opposition in the election being canvassed. The supervisor,
1162 however, shall act in an advisory capacity to the canvassing
1163 board.

1164 (c) If the chair of the board of county commissioners is
1165 unable to serve or is disqualified, the board of county
1166 commissioners shall appoint as a substitute member one of its
1167 members who is not a candidate with opposition in the election
1168 being canvassed and who is not an active participant in the
1169 campaign or candidacy of any candidate with opposition in the
1170 election being canvassed.

1171 (d) If a substitute member or alternate member cannot be
1172 appointed as provided elsewhere in this subsection, or in the
1173 event of a vacancy in such office, the chief judge of the
1174 judicial circuit in which the county is located shall appoint as
1175 a substitute member or alternate member a qualified elector of
1176 the county who is not a candidate with opposition in the
1177 election being canvassed and who is not an active participant in
1178 the campaign or candidacy of any candidate with opposition in
1179 the election being canvassed.

1180 (e) 1. The chief judge of the judicial circuit in which the
1181 county is located shall appoint a county court judge as an
1182 alternate member of the county canvassing board or, if each
1183 county court judge is unable to serve or is disqualified, shall
1184 appoint an alternate member who is qualified to serve as a
1185 substitute member under paragraph (a).

1186 2. The chair of the board of county commissioners shall
1187 appoint a member of the board of county commissioners as an



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1188 alternate member of the county canvassing board or, if each
1189 member of the board of county commissioners is unable to serve
1190 or is disqualified, shall appoint an alternate member who is
1191 qualified to serve as a substitute member under paragraph (d).

1192 3. If a member of the county canvassing board is unable to
1193 participate in a meeting of the board, the chair of the county
1194 canvassing board or his or her designee shall designate which
1195 alternate member will serve as a member of the board in the
1196 place of the member who is unable to participate at that
1197 meeting.

1198 4. If not serving as one of the three members of the county
1199 canvassing board, an alternate member may be present, observe,
1200 and communicate with the three members constituting the county
1201 canvassing board, but may not vote in the board's decisions or
1202 determinations.

1203 (4)(a) The supervisor of elections shall upload into the
1204 county's election management system by 7 p.m. on the day before
1205 the election the results of all early voting and absentee
1206 ballots that have been canvassed and tabulated by the end of the
1207 early voting period. Pursuant to ss. 101.5614(9), 101.657, and
1208 101.68(2), the tabulation of votes cast or the results of such
1209 uploads may not be made public before the close of the polls on
1210 election day.

1211 (b) The canvassing board shall report all early voting and
1212 all tabulated absentee results to the Department of State within
1213 30 minutes after the polls close. Thereafter, the canvassing
1214 board shall report, with the exception of provisional ballot
1215 results, updated precinct election results to the department at
1216 least every 45 minutes until all results are completely



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1217 reported. The supervisor of elections shall notify the
1218 department immediately of any circumstances that do not permit
1219 periodic updates as required. Results shall be submitted in a
1220 format prescribed by the department.

1221 Section 20. Section 104.0616, Florida Statutes, is amended
1222 to read:

1223 104.0616 Absentee ballots and voting; violations.—

1224 (1) For purposes of this section, the term "immediate
1225 family" means a person's spouse or the parent, child,
1226 grandparent, or sibling of the person or the person's spouse.

1227 (2) Any person who provides or offers to provide, and any
1228 person who accepts, a pecuniary or other benefit in exchange for
1229 distributing, ordering, requesting, collecting, delivering, or
1230 otherwise physically possessing more than two absentee ballots
1231 per election in addition to his or her own ballot or a ballot
1232 belonging to an immediate family member, with intent to alter,
1233 change, modify, or erase any vote on the absentee ballot, except
1234 as provided in ss. 101.6105-101.695, commits a felony of the
1235 third degree, punishable as provided in s. 775.082, s. 775.083,
1236 or s. 775.084.

1237 Section 21. This act shall take effect October 1, 2013.