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582-03179-14

Proposed Committee Substitute by the Committee on Ethics and
Elections

1 A bill to be entitled
2 An act relating to online voter registration; creating
3 s. 97.0525, F.S.; requiring the Department of State to
4 develop an online voter registration system;
5 specifying application requirements for the system;
6 requiring the Department of Highway Safety and Motor
7 Vehicles to verify information submitted online;
8 requiring the supervisor of elections to notify
9 applicants under certain circumstances; requiring
10 system compliance with federal accessibility
11 provisions; prohibiting online registrants from
12 initially voting by absentee ballot; amending s.
13 101.62, F.S.; providing that an absentee ballot
14 request from a first-time online registrant is not
15 valid unless certain conditions are met; creating s.
16 101.6931, F.S.; establishing requirements for the
17 absentee ballot provided to certain first-time online
18 registrant voters; specifying content of the voter's
19 certificate for an absentee ballot provided to first-
20 time online registrant voters; creating s. 101.6932,
21 F.S.; specifying instructions required to be included
22 with an absentee ballot sent to first-time online
23 registrant absent electors; creating s. 101.6933,
24 F.S.; establishing procedures for the canvassing of
25 absentee ballots received from first-time online
26 registrant voters; providing an effective date.

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

29

30 Section 1. Section 97.0525, Florida Statutes, is created to
31 read:

32 97.0525 Online voter registration.-

33 (1) Beginning July 1, 2015, an applicant may submit an
34 online voter registration application using the procedures set
35 forth in this section.

36 (2)(a) The division shall establish a secure Internet
37 website to permit an applicant to:

38 1. Submit a voter registration application, including
39 first-time voter registration applications and updates to
40 existing voter registration records.

41 2. Submit information necessary to establish an applicant's
42 eligibility to vote, pursuant to s. 97.041, which must include
43 the information required for the uniform statewide voter
44 registration application pursuant to s. 97.052(2).

45 3. Swear to the oath required pursuant to s. 97.051.

46 (b) The website must conspicuously provide notice of the
47 in-person voting requirements and absentee ballot exemptions in
48 subsection (8). Each applicant who is not currently registered
49 to vote must affirmatively acknowledge, by checkbox or
50 otherwise, that he or she has read and understands this
51 information before or contemporaneous with submitting the voter
52 registration application.

53 (3) The division shall establish appropriate technological
54 security measures, including use of a unique identifier for each
55 applicant, to prevent unauthorized persons from altering a
56 voter's registration information.



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57 (4) (a) The online voter registration system shall compare
58 the Florida driver license number or Florida identification
59 number submitted pursuant to s. 97.052(2) (n), unless the
60 applicant indicates pursuant to s. 97.052(2) (o) that he or she
61 has not been issued a Florida driver license or Florida
62 identification card, with information maintained by the
63 Department of Highway Safety and Motor Vehicles, to confirm that
64 the name and date of birth on the application are consistent
65 with the records of the Department of Highway Safety and Motor
66 Vehicles.

67 (b) If the applicant's name and date of birth are
68 consistent with the records of the Department of Highway Safety
69 and Motor Vehicles, the online voter registration system shall
70 transmit, using the statewide voter registration system
71 maintained pursuant to s. 98.035, the applicant's submission,
72 along with the digital signature of the applicant on file with
73 the Department of Highway Safety and Motor Vehicles, to the
74 supervisor of elections of the county in which the applicant
75 resides. The applicant's digital signature shall satisfy the
76 signature requirement of s. 97.052(2) (q).

77 (c) If the applicant's name and date of birth cannot be
78 verified by the records of the Department of Highway Safety and
79 Motor Vehicles, or the applicant indicated that he or she has
80 not been issued a Florida driver license or Florida
81 identification card, but the applicant is otherwise eligible to
82 vote, the online voter registration system shall issue a unique
83 identification number and submit the application to the
84 supervisor of elections for the county in which the voter
85 resides, for disposition pursuant to s. 97.073.



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86 (d) If the applicant does not have a digital signature on
87 file with the Department of Highway Safety and Motor Vehicles,
88 the online voter registration system shall transmit the
89 application as provided in paragraph (b), and the appropriate
90 supervisor of elections shall send the applicant a notice
91 pursuant to s. 97.073, informing the applicant that a signature
92 is needed to complete the application. A notice provided under
93 this paragraph shall consist of a form adopted by the division,
94 delivered by postcard with postage prepaid. The form shall
95 provide a space for the applicant to provide a signature and
96 shall provide clear instructions to the applicant to return the
97 card promptly to the supervisor of elections. The form shall
98 contain a clear statement that, in order to complete the
99 application, the signature must be supplied to the supervisor of
100 elections by the registration deadline, and the deadline shall
101 be included.

102 (5) Upon submission of a completed online voter
103 registration application, the website shall generate an
104 immediate electronic confirmation that the supervisor has
105 received the application and shall provide instructions
106 regarding the ability of a registrant to check the status of the
107 application thereafter.

108 (6) Except as otherwise provided in this section, the
109 supervisor of elections shall process the application pursuant
110 to s. 97.053.

111 (7) The website shall comply with requirements of s. 508 of
112 the Rehabilitation Act of 1973 and Title II of the Americans
113 with Disabilities Act to ensure equal access to voters with
114 disabilities. The division shall include accessibility experts



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115 in the development of the online voter registration system and
116 website, and the system's accessibility shall be verified by an
117 independent body with expertise on the matter.

118 (8) An elector who is not currently registered to vote and
119 who registers pursuant to this section must cast his or her
120 initial ballot immediately following registration at either an
121 early voting site pursuant to s. 101.657, at a polling place on
122 election day, or in connection with supervised voting pursuant
123 to s. 101.655; however, the elector may vote by absentee ballot
124 if the elector meets one of the following exemptions:

125 (a) Is 65 years of age or older;

126 (b) Has a temporary or permanent physical disability;

127 (c) Is a member of the uniformed services on active duty
128 who, by reason of such active duty, will be absent from the
129 county on election day;

130 (d) Is a member of the Merchant Marine who, by reason of
131 service in the Merchant Marine, will be absent from the county
132 on election day;

133 (e) Is the spouse or dependent of a member referred to in
134 paragraph (c) or paragraph (d) who, by reason of the active duty
135 or service of the member, will be absent from the county on
136 election day; or

137 (f) Is currently residing outside of the United States and
138 is eligible to vote in Florida.

139 Section 2. Subsection (1) of section 101.62, Florida
140 Statutes, is amended to read:

141 101.62 Request for absentee ballots.—

142 (1) (a) The supervisor shall accept a request for an
143 absentee ballot from an elector in person or in writing. One



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144 request shall be deemed sufficient to receive an absentee ballot
145 for all elections through the end of the calendar year of the
146 second ensuing regularly scheduled general election, unless the
147 elector or the elector's designee indicates at the time the
148 request is made the elections for which the elector desires to
149 receive an absentee ballot. Such request may be considered
150 canceled when any first-class mail sent by the supervisor to the
151 elector is returned as undeliverable.

152 (b)1. The supervisor may accept a written or telephonic
153 request for an absentee ballot to be mailed to an elector's
154 address on file in the Florida Voter Registration System from
155 the elector, or, if directly instructed by the elector, a member
156 of the elector's immediate family, or the elector's legal
157 guardian; if the ballot is requested to be mailed to an address
158 other than the elector's address on file in the Florida Voter
159 Registration System, the request must be made in writing and
160 signed by the elector. However, an absent uniformed service
161 voter or an overseas voter seeking an absentee ballot is not
162 required to submit a signed, written request for an absentee
163 ballot that is being mailed to an address other than the
164 elector's address on file in the Florida Voter Registration
165 System. For purposes of this section, the term "immediate
166 family" has the same meaning as specified in paragraph (4)(c).
167 The person making the request must disclose:

168 ~~a.1.~~ The name of the elector for whom the ballot is
169 requested.

170 ~~b.2.~~ The elector's address.

171 ~~c.3.~~ The elector's date of birth.

172 ~~d.4.~~ The requester's name.



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- 173 ~~e.5.~~ The requester's address.
174 ~~f.6.~~ The requester's driver's license number, if available.
175 ~~g.7.~~ The requester's relationship to the elector.
176 ~~h.8.~~ The requester's signature (written requests only).
177 2. If the elector was not registered to vote at the time of

178 submitting a voter registration application online pursuant to
179 s. 97.0525 and has not voted since registering, the absentee
180 ballot request is not valid unless it includes an assertion by
181 the elector that he or she meets one or more of the exemptions
182 for casting an absentee ballot pursuant to s. 97.0525(8);
183 notwithstanding, the supervisor must mail the elector an
184 absentee ballot if the ballot is to be sent to an overseas
185 address or the voter registration records indicate that the
186 elector making such request is 65 years of age or older.

187 (c) Upon receiving a request for an absentee ballot from an
188 absent voter, the supervisor of elections shall notify the voter
189 of the free access system that has been designated by the
190 department for determining the status of his or her absentee
191 ballot.

192 Section 3. Section 101.6931, Florida Statutes, is created
193 to read:

194 101.6931 Delivery of special absentee ballot to certain
195 first-time online registrant voters.-

196 (1) This section applies to voters who are subject to s.
197 97.0525(8).

198 (2) The supervisor shall enclose with each absentee ballot
199 two envelopes: a secrecy envelope, into which the absent elector
200 shall enclose his or her marked ballot; and a mailing envelope,
201 into which the absent elector shall then place the secrecy



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202 envelope, which shall be addressed to the supervisor and also
203 bear on the back side a certificate in substantially the
204 following form:

205
206 Note: Please Read Instructions Carefully Before Marking Ballot
207 and Completing Voter's Certificate.

208
209 VOTER'S CERTIFICATE

210
211 I,, do solemnly swear or affirm that I am a qualified
212 and registered voter of County, Florida, and that I have
213 not and will not vote more than one ballot in this election. I
214 understand that if I commit or attempt to commit any fraud in
215 connection with voting, vote a fraudulent ballot, or vote more
216 than once in an election, I can be convicted of a felony of the
217 third degree and fined up to \$5,000 and/or imprisoned for up to
218 5 years. I also understand that failure to sign this certificate
219 will invalidate my ballot.

220 I further certify that I am exempt from the prohibition
221 against voting by absentee ballot in my first election after
222 registering to vote online because of one or more of the
223 following (check all that apply):

224 I am 65 years of age or older.

225 I have a permanent or temporary physical disability.

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

229 I am a member of the Merchant Marine who, by reason of
230 service in the Merchant Marine, will be absent from the county



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231 on election day.

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

236 I am currently residing outside the United States.

237
238 ... (Date) Voter's Signature ...

239
240 (3) The certificate shall be arranged on the back of the
241 mailing envelope so that the line for the signature of the
242 absent elector is across the seal of the envelope; however, no
243 statement may appear on the envelope which indicates that a
244 signature of the voter must cross the seal of the envelope. The
245 absent elector shall execute the certificate on the envelope.

246 (4) The supervisor shall mark, code, indicate on, or
247 otherwise track the precinct of the absent elector for each
248 absentee ballot.

249 Section 4. Section 101.6932, Florida Statutes, is created
250 to read:

251 101.6932 Instructions to certain first-time online
252 registrant absent electors.-

253 (1) This section applies to voters who are subject to s.
254 97.0525 (8) .

255 (2) The supervisor shall enclose with each absentee ballot
256 separate printed instructions in substantially the following
257 form:

258
259 READ THESE INSTRUCTIONS CAREFULLY



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BEFORE MARKING BALLOT.

1. PROHIBITION FOR CERTAIN FIRST-TIME VOTERS WHO REGISTERED ONLINE. If you registered to vote online and if this is the first ballot you will be voting since registering, it is a felony to sign the Voter's Certificate and return this absentee ballot to the supervisor of elections, unless one or more of the following exemptions apply:

(a) You are 65 years of age or older;

(b) You have a temporary or permanent physical disability;

(c) You are a member of the uniformed services on active duty who, by reason of such active duty, will be absent from the county on election day;

(d) You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day;

(e) You are 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; or

(f) You are currently residing outside the United States and are eligible to vote in Florida.

If you qualify for one of these exemptions, you MAY CAST this absentee ballot, but you MUST indicate on the Voter's Certificate which exemption applies. Otherwise, your ballot may not count.

2. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of



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289 elections of the county in which your precinct is located no
290 later than 7 p.m. on the day of the election. However, if you
291 are an overseas voter casting a ballot in a presidential
292 preference primary or general election, your absentee ballot
293 must be postmarked or dated no later than the date of the
294 election and received by the supervisor of elections of the
295 county in which you are registered to vote no later than 10 days
296 after the date of the election.

297 3. Mark your ballot in secret as instructed on the ballot.
298 You must mark your own ballot unless you are unable to do so
299 because of blindness, disability, or inability to read or write.

300 4. Mark only the number of candidate or issue choices for a
301 race as indicated on the ballot. If you are allowed to "Vote for
302 One" candidate and you vote for more than one candidate, your
303 vote in that race will not be counted.

304 5. Place your marked ballot in the enclosed secrecy
305 envelope.

306 6. Insert the secrecy envelope into the enclosed mailing
307 envelope which is addressed to the supervisor.

308 7. Seal the mailing envelope and completely fill out the
309 voter's certificate on the back of the mailing envelope.

310 8. VERY IMPORTANT. In order for your absentee ballot to be
311 counted, you must sign your name on the line above (Voter's
312 Signature). An absentee ballot will be considered illegal and
313 not be counted if the signature on the voter's certificate does
314 not match the signature on record. The signature on file at the
315 start of the canvass of the absentee ballots is the signature
316 that will be used to verify your signature on the voter's
317 certificate. If you need to update your signature for this



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318 election, send your signature update on a voter registration
319 application to your supervisor of elections so that it is
320 received no later than the start of the canvassing of absentee
321 ballots, which occurs no earlier than the 15th day before
322 election day.

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

326 10. Mail, deliver, or have delivered the completed mailing
327 envelope. Be sure there is sufficient postage if mailed.

328 11. FELONY NOTICE. It is a felony under Florida law to
329 accept any gift, payment, or gratuity in exchange for your vote
330 for a candidate. It is also a felony under Florida law to vote
331 in an election using a false identity or false address, or under
332 any other circumstances making your ballot false or fraudulent.

333 Section 5. Section 101.6933, Florida Statutes, is created
334 to read:

335 101.6933 Canvassing first-time online registrant absentee
336 ballots.-

337 (1) The supervisor of the county where the absent elector
338 resides shall receive the voted absentee ballot. The mailing
339 envelope shall be examined to determine if the voter has
340 indicated on the Voter's Certificate that he or she is exempt
341 from the prohibition of first-time online registrants voting an
342 absentee ballot under s. 97.0525(8).

343 (2) If the voter has indicated on the Voter's Certificate
344 that he or she is exempt from the prohibition in s. 97.0525(8),
345 the supervisor shall make the note on the registration records
346 of the voter and the canvassing board shall proceed to canvass



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347 the absentee ballot as provided in s. 101.68.

348 (3) If the voter has not indicated on the Voter's
349 Certificate that he or she is exempt, the supervisor shall check
350 the voter registration records to determine if the absentee
351 ballot request received was in writing or if the voter had
352 previously notified the supervisor in writing that he or she is
353 exempt. The envelope may not be opened unless the voter has
354 previously indicated to the supervisor in writing that he or she
355 is exempt. The ballot shall be treated as a provisional ballot
356 until 7 p.m. on election day and may not be canvassed unless the
357 supervisor has received a written indication of the exemption by
358 7 p.m. on election day.

359 Section 6. This act shall take effect upon becoming a law.