

By the Committee on Rules; and Senator Powell

595-03540-18

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1 A bill to be entitled

2 An act relating to vote-by-mail ballots; amending s.
3 101.69, F.S.; authorizing a supervisor of elections to
4 accept an elector's voted vote-by-mail ballot at an
5 early voting site in the county where the elector is
6 registered to vote during the site's hours of
7 operation; requiring the Division of Elections to
8 adopt rules; providing an effective date.

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

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12 Section 1. Section 101.69, Florida Statutes, is amended to
13 read:

14 101.69 Voting in person; return of vote-by-mail ballot.—

15 (1) The provisions of this code shall not be construed to
16 prohibit any elector from voting in person at the elector's
17 precinct on the day of an election or at an early voting site,
18 notwithstanding that the elector has requested a vote-by-mail
19 ballot for that election. An elector who has returned a voted
20 vote-by-mail ballot to the supervisor, however, is deemed to
21 have cast his or her ballot and is not entitled to vote another
22 ballot or to have a provisional ballot counted by the county
23 canvassing board. An elector who has received a vote-by-mail
24 ballot and has not returned the voted ballot to the supervisor,
25 but desires to vote in person, shall return the ballot, whether
26 voted or not, to the election board in the elector's precinct or
27 to an early voting site. The returned ballot shall be marked
28 "canceled" by the board and placed with other canceled ballots.
29 However, if the elector does not return the ballot and the

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30 election official:

31 (a)~~(1)~~ Confirms that the supervisor has received the
32 elector's vote-by-mail ballot, the elector shall not be allowed
33 to vote in person. If the elector maintains that he or she has
34 not returned the vote-by-mail ballot or remains eligible to
35 vote, the elector shall be provided a provisional ballot as
36 provided in s. 101.048.

37 (b)~~(2)~~ Confirms that the supervisor has not received the
38 elector's vote-by-mail ballot, the elector shall be allowed to
39 vote in person as provided in this code. The elector's vote-by-
40 mail ballot, if subsequently received, shall not be counted and
41 shall remain in the mailing envelope, and the envelope shall be
42 marked "Rejected as Illegal."

43 (c)~~(3)~~ Cannot determine whether the supervisor has received
44 the elector's vote-by-mail ballot, the elector may vote a
45 provisional ballot as provided in s. 101.048.

46 (2) (a) If an elector who has received a vote-by-mail ballot
47 and has not returned the voted vote-by-mail ballot to the
48 supervisor chooses not to vote in person as provided in
49 subsection (1), the supervisor may accept the elector's voted
50 vote-by-mail ballot at an early voting site in the county where
51 the elector is registered to vote during the site's hours of
52 operation.

53 (b) The division shall adopt uniform rules for the receipt
54 of the ballots.

55 Section 2. This act shall take effect July 1, 2018.