
Senate Committee on Executive Business, Ethics and Elections

CS/SB 1402 — Election Integrity; Absentee Voting

by Executive Business, Ethics & Elections Committee and Senators Latvala, Silver, Lee, Clary, Bronson, Childers and Meadows

This bill is an election reform bill which strengthens Florida's current voter registration requirements and modifies the absentee ballot voting process. Some of the specific provisions of this bill include:

Voter Registration

- **Voter Registration Card; mailing** — Requires supervisors of elections to send a voter registration card to a voter's residence address by non-forwardable mail; provides exceptions.
- **Residency; homestead exemption** — Requires voter to list the address where he or she has been granted a homestead exemption, if any; requires the supervisor to forward to the property appraiser the name of each person who registers to vote at an address other than where homestead is claimed; requires the property appraiser to examine each such referral and if the person is not entitled to the exemption, to terminate the homestead exemption and assess back taxes.
- **Photo Identification** — Requires a photo identification for voting. If the elector does not have a photo identification, he or she must fill out an affidavit attesting to the elector's identity and eligibility to vote.
- **Central Voter File; database comparison** — Requires the Division of Elections to annually cross-reference the Central Voter File against other databases to identify ineligible voters.
- **Voter Registration Form; drivers license number or identification number from Florida Identification card** — *Requests* this information on the voter registration application.
- **Voter Registration Form; Social Security Number** — *Requires* the voter to submit the last four digits of his or her Social Security Number on the voter registration application.

Absentee Voting Procedures

- **Elector Qualifications** — Narrows the categories of persons eligible to vote absentee:
 1. Reverts to pre-1996 “for cause” restrictions in Florida law for absentees not voting in person.
 2. Allows persons to vote by absentee ballot *in person* if “unable to attend the polls on election day” (current law).

- **Third Party Ballot Requests; telephone requests** — Limits telephone and written requests for absentee ballots to the elector, the elector’s immediate family, or the elector’s legal guardian. Requires certain information regarding the voter and the requester.

- **Ballot envelope; voter’s certificate; instructions** — Includes a notice of the potential for felony penalties.

- **Identification of Absent Elector** — Requires the absent elector to include the last four digits of his or her Social Security Number on the Voter’s Certificate.

- **Ballots; delivery to voters** — Authorizes the following four delivery methods:
 1. Mail absentee ballots non-forwardable to mailing address on file with the supervisor, unless the elector is:
 - a) absent from county and not planning to return before election,
 - b) temporarily unable to occupy the residence due to natural disaster or emergency,
 - c) in a hospital, assisted living facility, nursing home, short-term medical or rehab. facility, or correctional facility,in which case, the supervisor must mail the ballot to any other address designated by the elector.
 2. Mail ballots forwardable mail to military and overseas voters.
 3. By personal delivery to the elector.
 4. By delivery to a third-party designee up to 4 days before the day of an election (Friday before the general election).

- **Ballot; marking** — Requires elector to personally vote the ballot, except electors requiring assistance due to blindness, disability, or inability to read or write.

- **Ballots; witnessing requirements** — Requires witnessing by either:
 1. One notary or other officer authorized to administer oaths; or
 2. One registered Florida voter,
 - limited to witnessing 5 ballots per election (excluding absentee ballot coordinators)
 - required to include signature, printed name, address, voter registration identification number, and county of registration on ballot envelope.

- **Absentee Ballot Coordinators** — Each state executive committee of a political party with a candidate running in a general or special election may designate a certain number of absentee ballot coordinators: 10 for a special election for the Florida Senate or Florida House of Representatives; 40 for any other general or special election not exclusively involving municipal or nonpartisan races. The Division of Elections must investigate each designee and may certify only those designees who have not been convicted of an election-related crime. Absentee ballot coordinators may witness an unlimited number of absentee ballots.

- **Ballots; return** — Restricts the return of absentee ballots to personal delivery by the elector or mail, except an elector unable to mail or personally deliver the ballot may designate someone in writing to return their ballot. Designees are limited to returning 2 ballots for electors other than themselves or immediate family members.

Crimes/Penalties

- **Penalties; enhanced penalties for existing crimes** — Increases the penalty for several existing election law crimes from a misdemeanor to a 3rd degree felony (and, in some cases, a 2nd degree felony for multiple offenders).

- **Penalties; new crimes** — Creates three new third-degree felonies for: vote brokering; requesting a ballot on behalf of another without permission; and marking the ballot of another. Creates two new first-degree misdemeanors for: witnessing more than five ballots in an election (other than a notary, other officer entitled to administer oaths, or a certified absentee ballot coordinator; and persons returning more than two voted absentee ballots per election to supervisors (other than for themselves or immediate family members).

- **Penalties; administrative fines** — In addition to criminal penalties for election law violations, the bill extends Chapter 104 jurisdiction to the Florida Elections Commission.

Miscellaneous Provisions

- **Voter Fraud Hotline; provide election fraud education** — Requires the Division of Elections to maintain a voter fraud hotline and to provide voter fraud education (i.e., public service announcements; voter fraud handbooks, etc.).
- **Supervisors; expanded authority** — Provides supervisors of elections with statutory authority to investigate election fraud.
- **Electors; mandatory personal appearance before election officials** — Requires a person who registers by mail and has not previously voted in the county to vote in person at the polls or the supervisor's office, except:
 - military & overseas voters
 - elderly and handicapped
 - out-of-county folks
- **Poll Workers** — Allows persons who are 17 years of age and who have preregistered to vote to work at the polls.
- **Charter County Commissioners; terms of office** — Allows the governing board of a charter county by ordinance, approved by referendum, to prescribe the date for the commencement of the terms of its members.

If approved by the Governor, these provisions take effect July 1, 1998, except as otherwise provided.

Vote: Senate 30-9; House 73-42