

1 A bill to be entitled
2 An act relating to absent uniformed services and overseas
3 voters; amending s. 97.021, F.S.; defining the term
4 "absent uniformed services voter"; revising the definition
5 of the term "overseas voter"; amending s. 98.0981, F.S.,
6 relating to statewide voter information; conforming a
7 cross-reference; amending s. 101.62, F.S.; requiring the
8 supervisor of elections to notify the absent uniformed
9 services voter and overseas voter of the free access
10 system for determining absentee ballot status; providing a
11 timeframe for an absentee ballot to be sent to each absent
12 uniformed services voter and overseas voter; providing
13 acceptable formats for requesting an absentee ballot;
14 modifying circumstances under which the department is
15 authorized to prescribe rules for a ballot to be sent to
16 absent uniformed services voters and overseas voters;
17 amending s. 101.694, F.S.; conforming timeframes for
18 sending an absentee ballot upon receipt of federal
19 postcard application to those prescribed in s. 101.62,
20 F.S.; deleting the requirement for a federal postcard
21 application request to be effective through two regularly
22 scheduled general elections pursuant to changes in federal
23 law; amending s. 101.6952, F.S.; revising responsibilities
24 of the supervisor of elections when an overseas voter's
25 request for an absentee ballot includes an e-mail address;
26 requiring the supervisor to record the e-mail address in
27 the absentee ballot record and, via e-mail, confirm that
28 the request was received, inform the voter of the

29 | estimated date the absentee ballot will be sent, and
 30 | notify the voter when the voted absentee ballot is
 31 | received; amending s. 379.352, F.S., relating to
 32 | recreational licenses and permits; conforming cross-
 33 | references; providing an effective date.

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 35 | Be It Enacted by the Legislature of the State of Florida:
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37 | Section 1. Subsections (2) through (43) of section 97.021,
 38 | Florida Statutes, are renumbered as subsections (3) through
 39 | (44), respectively, a new subsection (2) is added to that
 40 | section, and present subsection (22) of that section is amended,
 41 | to read:

42 | 97.021 Definitions.—For the purposes of this code, except
 43 | where the context clearly indicates otherwise, the term:

44 | (2) "Absent uniformed services voter" means:

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

48 | (b) A member of the merchant marine who, by reason of
 49 | service in the merchant marine, is absent from the place of
 50 | residence where the member is otherwise qualified to vote; or

51 | (c) A spouse or dependent of a member referred to in
 52 | paragraph (a) or paragraph (b) who, by reason of the active duty
 53 | or service of the member, is absent from the place of residence
 54 | where the spouse or dependent is otherwise qualified to vote.

55 | (23) ~~(22)~~ "Overseas voter" means:

56 | (a) An absent uniformed services voter who, by reason of

57 active duty or service, is absent from the United States on the
 58 date of the election involved ~~Members of the uniformed services~~
 59 ~~while in the active service who are permanent residents of the~~
 60 ~~state and are temporarily residing outside the territorial~~
 61 ~~limits of the United States and the District of Columbia;~~

62 (b) A person who resides outside the United States and is
 63 qualified to vote in the last place in which the person was
 64 domiciled before leaving the United States ~~Members of the~~
 65 ~~Merchant Marine of the United States who are permanent residents~~
 66 ~~of the state and are temporarily residing outside the~~
 67 ~~territorial limits of the United States and the District of~~
 68 ~~Columbia; or and~~

69 (c) A person who resides outside the United States and,
 70 but for such residence, would be qualified to vote in the last
 71 place in which the person was domiciled before leaving the
 72 United States ~~Other citizens of the United States who are~~
 73 ~~permanent residents of the state and are temporarily residing~~
 74 ~~outside the territorial limits of the United States and the~~
 75 ~~District of Columbia,~~

76
 77 ~~who are qualified and registered to vote as provided by law.~~

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

80 98.0981 Reports; voting history; statewide voter
 81 registration system information; precinct-level election
 82 results; book closing statistics.-

83 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.-After the date
 84 of book closing but before the date of an election as defined in

85 s. 97.021(11)~~(10)~~ to fill a national, state, county, or district
 86 office, or to vote on a proposed constitutional amendment, the
 87 department shall compile the following precinct-level
 88 statistical data for each county:

89 (a) Precinct numbers.

90 (b) Total number of active registered voters by party for
 91 each precinct.

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

95 101.62 Request for absentee ballots.-

96 (1)

97 (c) Upon receiving a request for an absentee ballot from
 98 an absent uniformed services voter or overseas voter, the
 99 supervisor of elections shall notify the voter of the free
 100 access system that has been designated by the department for
 101 determining the status of his or her absentee ballot.

102 (2) A request for an absentee ballot to be mailed to a
 103 voter must be received no later than 5 p.m. on the sixth day
 104 before the election by the supervisor of elections. The
 105 supervisor of elections shall mail absentee ballots to voters
 106 requesting ballots by such deadline no later than 4 days before
 107 the election.

108 (4) (a) No later than 45 days before each election, the
 109 supervisor of elections shall send an absentee ballot as
 110 provided in subparagraph (b)2. to each absent uniformed services
 111 voter and to each overseas voter who has requested an absentee
 112 ballot. ~~To each absent qualified elector overseas who has~~

113 ~~requested an absentee ballot, the supervisor of elections shall~~
 114 ~~mail an absentee ballot not less than 35 days before the primary~~
 115 ~~election and not less than 45 days before the general election.~~

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

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

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

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

127 c. The elector is in a hospital, assisted living facility,
 128 nursing home, short-term medical or rehabilitation facility, or
 129 correctional facility,

130

131 in which case the supervisor shall mail the ballot by
 132 nonforwardable, return-if-undeliverable mail to any other
 133 address the elector specifies in the request.

134 2. By forwardable mail, e-mail, or facsimile machine
 135 transmission to absent uniformed services voters and overseas
 136 voters ~~who are entitled to vote by absentee ballot under the~~
 137 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~ The absent
 138 uniformed services voter or overseas voter may designate in the
 139 absentee ballot request the preferred method of transmission. If
 140 the voter does not designate the method of transmission, the

141 absentee ballot shall be mailed.

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

145 4. By delivery to a designee on election day or up to 5
 146 days prior to the day of an election. Any elector may designate
 147 in writing a person to pick up the ballot for the elector;
 148 however, the person designated may not pick up more than two
 149 absentee ballots per election, other than the designee's own
 150 ballot, except that additional ballots may be picked up for
 151 members of the designee's immediate family. For purposes of this
 152 section, "immediate family" means the designee's spouse or the
 153 parent, child, grandparent, or sibling of the designee or of the
 154 designee's spouse. The designee shall provide to the supervisor
 155 the written authorization by the elector and a picture
 156 identification of the designee and must complete an affidavit.
 157 The designee shall state in the affidavit that the designee is
 158 authorized by the elector to pick up that ballot and shall
 159 indicate if the elector is a member of the designee's immediate
 160 family and, if so, the relationship. The department shall
 161 prescribe the form of the affidavit. If the supervisor is
 162 satisfied that the designee is authorized to pick up the ballot
 163 and that the signature of the elector on the written
 164 authorization matches the signature of the elector on file, the
 165 supervisor shall give the ballot to that designee for delivery
 166 to the elector.

167 (5) In the event that the department ~~Elections Canvassing~~
 168 ~~Commission~~ is unable to certify candidates for the results of an

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169 | election ~~for a state office~~ in time to comply with paragraph
 170 | (4) (a) subsection (4), the Department of State is authorized to
 171 | prescribe rules for a ballot to be sent to absent uniformed
 172 | services voters and electors overseas voters.

173 | Section 4. Subsection (1) of section 101.694, Florida
 174 | Statutes, is amended to read:

175 | 101.694 Mailing of ballots upon receipt of federal
 176 | postcard application.—

177 | (1) Upon receipt of a federal postcard application for an
 178 | absentee ballot executed by a person whose registration is in
 179 | order or whose application is sufficient to register or update
 180 | the registration of that person, the supervisor shall send the
 181 | ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
 182 | ~~ballot, if the ballots are available for mailing. The federal~~
 183 | ~~postcard application request for an absentee ballot shall be~~
 184 | ~~effective for all elections through the next two regularly~~
 185 | ~~scheduled general elections.~~

186 | Section 5. Section 101.6952, Florida Statutes, is amended
 187 | to read:

188 | 101.6952 Absentee ballots for overseas voters.—

189 | (1) If an overseas voter's request for an absentee ballot
 190 | includes an e-mail address, the supervisor of elections shall:

191 | (a) Record the voter's e-mail address in the absentee
 192 | ballot record;

193 | (b) Confirm by e-mail that the absentee ballot request was
 194 | received and include in that e-mail the estimated date the
 195 | absentee ballot will be sent to the voter;

196 | (c) Inform the voter of the names of candidates who will

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197 be on the ballots via electronic transmission. The supervisor of
198 elections shall e-mail to the voter the list of candidates for
199 the primary and general election not later than 30 days before
200 each election; and

201 (d) Notify the voter by e-mail when the voted absentee
202 ballot is received by the supervisor of elections.

203 (2) For absentee ballots received from overseas voters,
204 there is a presumption that the envelope was mailed on the date
205 stated on the outside of the return envelope, regardless of the
206 absence of a postmark on the mailed envelope or the existence of
207 a postmark date that is later than the date of the election.

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

210 379.352 Recreational licenses, permits, and authorization
211 numbers to take wild animal life, freshwater aquatic life, and
212 marine life; issuance; costs; reporting.-

213 (11) When acting in its official capacity pursuant to this
214 section, neither the commission nor a subagent is deemed a
215 third-party registration organization, as defined in s.
216 97.021 ~~(37)~~ ~~(36)~~, or a voter registration agency, as defined in s.
217 97.021 ~~(41)~~ ~~(40)~~, and is not authorized to solicit, accept, or
218 collect voter registration applications or provide voter
219 registration services.

220 Section 7. This act shall take effect July 1, 2010.