

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 absent uniformed
25 services voter's or overseas voter's request for an
26 absentee ballot includes an e-mail address; requiring the
27 supervisor to record the e-mail address in the absentee
28 ballot record and, via e-mail, confirm that the request

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

36 | Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

56 | (23)-(22) "Overseas voter" means:

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

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

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

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

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

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

84 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date

85 of book closing but before the date of an election as defined in
 86 s. 97.021(11)~~(10)~~ to fill a national, state, county, or district
 87 office, or to vote on a proposed constitutional amendment, the
 88 department shall compile the following precinct-level
 89 statistical data for each county:

90 (a) Precinct numbers.

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

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

96 101.62 Request for absentee ballots.—

97 (1)

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

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

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

113 ~~ballot. To each absent qualified elector overseas who has~~
114 ~~requested an absentee ballot, the supervisor of elections shall~~
115 ~~mail an absentee ballot not less than 35 days before the primary~~
116 ~~election and not less than 45 days before the general election.~~

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

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

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

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

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

131

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

135 2. By forwardable mail, e-mail, or facsimile machine
136 transmission to absent uniformed services voters and overseas
137 voters ~~who are entitled to vote by absentee ballot under the~~
138 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~ The absent
139 uniformed services voter or overseas voter may designate in the
140 absentee ballot request the preferred method of transmission. If

141 the voter does not designate the method of transmission, the
142 absentee ballot shall be mailed.

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

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

168 (5) In the event that the department ~~Elections Canvassing~~
 169 ~~Commission~~ is unable to certify candidates for ~~the results of~~ an
 170 election ~~for a state office~~ in time to comply with paragraph
 171 (4) (a) subsection (4), the Department of State is authorized to
 172 prescribe rules for a ballot to be sent to absent uniformed
 173 services voters and ~~electors~~ overseas voters.

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

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

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

187 Section 5. Effective July 1, 2010, section 101.6952,
 188 Florida Statutes, is amended to read:

189 101.6952 Absentee ballots for absent uniformed services
 190 and overseas voters.—

191 (1) If an absent uniformed services voter's or an overseas
 192 voter's request for an absentee ballot includes an e-mail
 193 address, the supervisor of elections shall:

194 (a) Record the voter's e-mail address in the absentee
 195 ballot record;

196 (b) Confirm by e-mail that the absentee ballot request was
 197 received and include in that e-mail the estimated date the
 198 absentee ballot will be sent to the voter; and

199 (c) Notify the voter by e-mail when the voted absentee
 200 ballot is received by the supervisor of elections ~~inform the~~
 201 ~~voter of the names of candidates who will be on the ballots via~~
 202 ~~electronic transmission. The supervisor of elections shall e-~~
 203 ~~mail to the voter the list of candidates for the primary and~~
 204 ~~general election not later than 30 days before each election.~~

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

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

213 379.352 Recreational licenses, permits, and authorization
 214 numbers to take wild animal life, freshwater aquatic life, and
 215 marine life; issuance; costs; reporting.—

216 (11) When acting in its official capacity pursuant to this
 217 section, neither the commission nor a subagent is deemed a
 218 third-party registration organization, as defined in s.
 219 97.021 (37) ~~(36)~~, or a voter registration agency, as defined in s.
 220 97.021 (41) ~~(40)~~, and is not authorized to solicit, accept, or
 221 collect voter registration applications or provide voter
 222 registration services.

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223 | Section 7. Except as otherwise expressly provided in this
224 | act, this act shall take effect upon becoming a law.