



## Vote-by-Mail Ballots - Request, Pick-Up, Delivery, Return, Receipt

**DE Reference Guidelines 0001 (Updated 06/2026) – supersedes all prior versions)**

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

### Who can request a blank vote-by-mail ballot?

- Any registered voter
- Any registered voter's legal guardian or immediate family (*i.e., spouse, parent, child, grandparent of the voter, or sibling of the voter, or the parent, grandparent or sibling of the voter's spouse*) if directly instructed by the voter.

### How can a request for a vote-by-mail ballot be made?

A request can be made in person, by phone, or in writing (email, fax, or online through the supervisor's website).

- A request, regardless of the method, requires a Florida driver license or Florida identification card number or last four digits of the voter's social security number. There is no exception to this requirement. The number provided must be verified by the supervisor's records which includes the voter record and DHSMV record.
- A written request must be signed. If the request is submitted online through the supervisor's website, a signature may be indicated by checking a box affirming the voter's request or accompanied by a digital or electronic signature or attaching a scanned image of an original signature with an email.
- A signed written request is required if the ballot is to be mailed to an address other than the one on record. (An exception exists for absent uniformed services member voters and overseas voters.)
- Any request must include information required by Subsection [101.62\(1\)\(b\)](#), F.S.
- If the requester is someone other than voter, the requester must provide name, address, driver license if available, relationship to the voter and if in writing, requester's signature.

### Who is an overseas voter?

An overseas voter is defined in federal law<sup>1</sup> to be:

(5)(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or (

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa; *[Note: Example: A person in Puerto Rico, Guam, Virgin Islands and American Samoa would not be an overseas voter for purposes of returning a voted ballot and therefore, cannot fax back a ballot.]*

<sup>1</sup> <https://www.fvap.gov/uploads/FVAP/Policies/uocavalaw.pdf> (52 US ch. 203; s. 20310)

(7) "uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and (8) "United States", where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

## What form must be used if the request is in writing?

A written request must be made using:

- The Statewide Vote-by-Mail Request Form, [Form DS-DE 160](#); or
- If the person is a UOCAVA voter, the applicant can use the [Federal Postcard Application](#) form but the voter still needs to provide the information required by Florida law. If a person checks the FPCA box that he or she is a US citizen whose intent to return is uncertain (not temporary) or who has never lived in the United States, the FPCA cannot be used register unless the applicant satisfies the residential/physical presence requirement or is otherwise the spouse or dependent of the uniformed services member. They would not otherwise be eligible to vote either. Outreach may be needed to clarify what the intent is.

## When would a Federal Ballot Only be issued?

- For an overseas voter who is not an absent uniformed services voter (or spouse or dependent) and there is no evidence of an intent to resume residence in the county or the voter indicates uncertainty about their return to the county *See Kinney v. Putnam County Canvassing Board by and through Harris*, 253 So. 3d 1254, 1256-57 (Fla. 5th DCA 2018) An absent uniformed services voter is by definition absent "by reason of active duty or service" so it may be implied that absence is due solely to military service. That does not equally apply to an overseas civilian.
- When a UOCAVA voter has indicated that they wish to only receive federal ballots; or
- The specific scenario provided for by section 101.663, FS (*An elector registered in this state who moves his or her permanent residence to another state after the registration books in that state have closed is permitted to vote by mail in the county of his or her former residence for the offices of President and Vice President of the United States.*)

**Note:** Except as expressly authorized for voters with a disability under Section [101.662](#), Fla. Stat. an overseas voters under Section [101.697](#), Fla. Stat. or for mail ballot elections pursuant to Section 101.6102 et seq., Fla. Stat., a vote-by-mail ballot may not sent unless requested by the voter. An administrator for an assisted living facility or nursing home facility, or a resident in the facility may request the supervisor of elections' office provide supervised vote-by-mail ballot voting under Section [101.655](#), F.S.

## Who can deliver [blank request forms](#) for vote-by-mail ballots?

- Anyone can deliver (in person or by mail with campaign materials) any number of blank request forms to voters.

## Who can pick-up and return [completed request forms](#) for vote-by-mail ballot?

- Any person, including a candidate. can collect and return completed request forms to the supervisor of elections. No limit exists to the number of completed forms that a person can collect. Due to the confidential and exempt information now required on vote-by-mail request forms, collectors have a fiduciary duty to return the forms to the Supervisor of Elections' office as soon as possible to minimize opportunities for fraud.

## When are blank vote-by-mail ballots mailed/sent out?

- No vote-by-mail ballot can be delivered without a request having been first submitted to the Supervisor of Elections.
- The deadline to deliver vote-by-mail ballots to absent stateside uniformed services personnel and overseas voters, is no later than 45 days before each presidential preference primary election, primary election, and general elections. If the voter asks for a vote-by-mail ballot to be sent other than by mail, then the ballot can be e-mailed, faxed, or accessed online up to and including the day of the election any time before 7 p.m. local time with the understanding that the closer in time to the deadline, the increased likelihood of untimely return.
- For requests on file for domestic voters, the scheduled send date is between 40 and 33 days before the presidential preference primary election, primary election, and general election.

All other submitted requests are to be mailed out within two business days after receiving the request but no later than 10 days before the election. The last day to request that a ballot be mailed is 12 days before the election. Any request received within the 10-day period before an election requires an emergency affidavit.

## Who can pick-up/have delivered blank vote-by-mail ballots for or on behalf of voter?

- **In person (voter or designee only)**
  - *Voter*
    - An ID is required. (See list in Section [101.043](#), F.S.)
    - Pick-up period: At any time after vote-by-mail ballots become available before and up to 7 p.m. local time on Election Day.
    - See section below on Special Requirements for Vote-by-Mail Ballot delivery within the 10 days before an election.
  - *Designee*
    - A designee is limited to the number of blank ballots that he or she may order or request for another voter:
      - ✓ His or her own ballot
      - ✓ Ballots for any member of his or her immediate family (i.e., spouse, parent, child, grandparent or sibling, or the spouse's parent, grandparent or sibling).
      - ✓ Ballots for two other voters (that do not fall in the categories above).
    - A designee can pick up a ballot for another voter at any time after vote-by-mail ballots become available before and up to 7 p.m. local time on Election Day.
      - ✓ Required documents - Written authorization from voter required, signed affidavit and photo ID. See Affidavit to Pick-Up Vote-by-Mail Ballot for a Voter (DS-DE 37 ENG/SPN on [Forms](#) webpage).
      - ✓ See section below on Special Requirements for Vote-by-Mail Ballot delivery within the 10 days before an election.

The voter or designee on the voter's behalf must complete Form for Personal Delivery of Vote-by-Mail Ballot, Form DS-DE 162 – available on [Forms](#) webpage.

## Is there a special emergency affidavit that must be executed within 10 days of an election?

Yes. Any request for a vote-by-mail ballot received within the 10-day period before an election requires an emergency affidavit.

- The voter or designee on the voter's behalf must complete Form for Personal Delivery of Vote-by-Mail Ballot, Form DS-DE 162.
- Form DS-DE 162 is available on [Forms](#) webpage. The form is incorporated by reference into [R1S-2.052](#), Fla. Admin. Code (Section [101.62](#)(4)(c)5., F.S.).
- The voter or designee on the voter's behalf must state the emergency reason(s) as to why the voter is unable to go to the early voting location in his or her county or to his or her assigned polling location on Election Day.
- If the designee is picking up or asking for delivery on behalf of voter, the designee must also complete a separate affidavit on Form for Personal Delivery of Vote-by-Mail Ballot, Form DS-DE 162 [Forms](#) webpage)

Exception: A supervised voting situation on Election Day in an assisted living facility or nursing home as permitted under Section [101.655](#), F.S.

## How to return a voted ballot

- A voter can return his or her own voted ballot in person or by mail to the Supervisors of Elections' office.
- A voter may also drop off a voted vote-by-mail ballot (in lieu of return by mail) at the county Supervisor of Elections' office main or permanent branch office or to a secure ballot intake station. A secure ballot intake station can be found at:
  - At the main office and permanent branch offices of the supervisors of elections
  - Each designated early voting site
  - At any other designated site that could have served as an early voting site, provided the site is staffed during hours of operation. (Section [101.69\(2\)](#), F.S.)
- Only overseas voters have the option to return a voted ballot by fax to the Supervisor of Elections' office.
- Voted ballots may not be returned by email or other electronic means.
- A limit exists to the number of voted vote-by-mail ballots that may be returned by a person other than the voter. (See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**')
- A voter choosing to vote in person who requested a vote-by-mail ballot may return his or her vote-by-mail ballot (voted or not) to the early voting site or polling place. *The returned vote-by-mail ballot is then marked "cancelled" and the person is able to proceed to vote. If vote-by-mail ballot is not returned, then the person shall be offered the opportunity to vote a provisional ballot.* (Section [101.69\(1\)](#), F.S.)

## Deadline to return a voted ballot

- A voted ballot must be received by the Supervisor of Elections no later than 7 p.m. (local time) on Election Day in the voter's county of residence.

- A 10-day extension exists solely for overseas voters in presidential preference primary, general, special primary and special elections (the certificate/envelope has to be postmarked or dated no later than the day of election). For vote-by-mail ballots received from absent uniformed services voters or overseas voters, a statutory presumption exists that the envelope was mailed on the date stated on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election. (Section [101.6952\(4\)](#), F.S.)
- A returned ballot for a voter who has died is to be counted even if the voter died after mailing the ballot but before election day, as long as, prior to the death of the voter, the ballot was:
  - (a) Postmarked by the United States Postal Service;
  - (b) Date-stamped with a verifiable tracking number by common carrier; or
  - (c) Already in the possession of the supervisor of elections.

(Section [101.68](#), F.S.)

If a voter who requested a vote-by-mail ballot is removed from the rolls for death, the Supervisor should cross-check for returned ballots to determine whether the ballot should be counted or not, depending on when the person died.

## Who has access to vote-by-mail ballot request information?

- Only the following persons and entities under the law are entitled to access vote-by-mail request and status information obtained as part of processing such request (including from the time of the request to the return and counting of the ballot as reported:
  - canvassing board
  - an election official,
  - a political party of official thereof,
  - a candidate who has filed qualification papers and is opposed in an upcoming election,
  - registered political committees for political purposes only, and
  - a voter (only entitled to access his or her own vote-by-mail ballot request information).
- Supervisors of Elections report during statewide elections starting 15 days before an election and ending 15 days after the election or election cycle (if consisting of a primary and a general election). See Rule [1S-2.043](#), F.A.C., for report file specifications.
- The State requires the requester to complete the online [Form DS-DE 146](#) (Application to Obtain Vote-by-mail Ballot Request Information). The user's online access is terminated on the 16<sup>th</sup> day after the election ends or sooner as may be applicable. The user's Request must be resubmitted each year.
- The vote-by-mail files are only to be made available during the reporting period and the only information to the above-named entities and persons is what is contained in those reported files.

## When would a Federal Ballot Only be issued?

- For an overseas voter who is not an absent uniformed services voter (or spouse or dependent) and there is no evidence of an intent to resume residence in the county or the voter indicates uncertainty about their return to the county *See Kinney v. Putnam County Canvassing Board by and through Harris*, 253 So. 3d 1254, 1256-57 (Fla. 5th DCA 2018) An absent uniformed services voter is by definition absent "by reason of active duty or

service” so it may be implied that absence is due solely to military service. That does not equally apply to an overseas civilian.

- When a UOCAVA voter has indicated that they wish to only receive federal ballots; or
- The specific scenario provided for by section 101.663, FS (for the offices of President and Vice President only based upon a move out of state where the registration date to vote for the offices of President and Vice President in the new state is missed).

## Violations Relating to Vote-by-Mail Ballots and Requests

- It is a 3<sup>rd</sup> degree felony for a person to distribute, order, request, collect, deliver, or otherwise physically possess more than two vote-by-mail ballots per election other than his or her own ballot or a ballot belonging to an immediate family member. See exceptions as provided in Section [101.6105](#) et seq., Section [101.655](#) (supervised voting), F.S. Other criminal offenses include requesting an vote-by-mail ballot when not authorized or marking someone else’s vote-by-mail ballot (Section [104.047](#), F.S.), and voting in person after casting an vote-by-mail ballot (Section [104.17](#), F.S.).