



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

*DE Reference Guidelines 0001 (Updated 07/2020 – 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.
- See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**'

### HOW CAN A REQUEST FOR A BLANK VOTE-BY-MAIL BALLOT BE MADE?

- Voter or legal guardian or immediate family – in person, by phone, fax, email, writing, or online
- No signature required for written request if:
  - Ballot to be mailed to address already on file
  - Ballot to be mailed to absent stateside or overseas uniformed service voter or overseas voter do not need signed written request to send to address other than one on record
- Request must include information required by subsection [101.62\(1\)\(b\)](#), F.S.
- If the requester is someone other than elector, the requester must provide name, address, driver license if available, relationship to elector and if in writing, requester's signature.

Note: A person in an assisted living facility or nursing home may request the supervisor of elections' office provide supervised vote-by-mail ballot voting under Section [101.655](#), F.S. This process is either initiated by a facility administrator's request or upon one or more voters in the facility requesting vote-by-mail ballots.

- See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**'

### WHO CAN DELIVER BLANK VOTE-BY-MAIL BALLOT REQUEST FORMS TO VOTERS?

- Anyone including a candidate can deliver (in person or by mail with campaign materials) blank request forms to voters.
- No limit exists.
- No standardized statewide uniform request form currently exists or is required as long as all required information is submitted (some counties have created their own form).
- See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**'

### WHO CAN PICK-UP AND RETURN COMPLETED VOTE-BY-MAIL BALLOT REQUEST FORMS FROM VOTERS?

- Any person including a candidate can collect and return completed request forms to the supervisor of elections.
- See Section [104.0616](#), F.S., relating to misdemeanor for taking certain action for pecuniary or other benefit.

## 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 on election day before 7 p.m. local time on Election Day.
- Special restrictions apply on Election Day (see 'Restriction on Election Day Delivery of a Vote-by-Mail Ballot')(DS-DE 136 ENG/SPN on [Forms](#) webpage).

- *Designee*

- Limited to picking up the following blank ballots (besides his or her own ballot):
  - Ballots for any member of his or her immediate family: spouse, parent, child, grandparent or sibling or spouse's parent, grandparent or sibling.
  - Ballots for two other voters (that do not fall in the categories above).
- Pick-up period: A designee can pick up a ballot for another voter up to 9 days before Election Day and 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).
- Special restrictions apply on Election Day (see 'Restriction on Election Day Delivery of a Vote-by-Mail Ballot')(DS-DE 136 ENG/SPN on [Forms](#) webpage).

- See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**'

## WHEN ARE BLANK VOTE-BY-MAIL BALLOTS MAILED/SENT OUT?

- No later than 45 days before each presidential preference primary election, primary election, and general elections for *overseas voter or absent uniformed services voter* with requests already on file (blank ballots may also be faxed, emailed or if system available in county, delivered online to this category of voters). If the voter asks for a vote-by-mail ballot to be sent other than by mail, then the ballot can be faxed or e-mailed or accessed online up to and including the day of the election any time before 7 p.m. local time.
- Between 40 and 33 days before the presidential preference primary election, primary election, and general election for all other domestic voters with requests already on file
- All other submitted requests are to be mailed out within 2 business days after receiving the request but no later than 8 days before the election.
- See Section [104.0616](#), F.S., under header '**Violations Relating to Vote-by-Mail Ballots and Requests**'

## RESTRICTION ON ELECTION DAY DELIVERY OF A VOTE-BY-MAIL BALLOT

- If the voter requests pick-up or delivery on Election Day, the voter must execute the Election Day Vote-by-Mail Ballot Delivery Affidavit ([Form](#) DS-DE 136 ENG/SPN; [R1S-2.052](#), Fla. Admin. Code) stating the emergency as to why the voter is unable to go to his or her assigned polling location. (Section [101.62](#)(4)(c)5., F.S.).

- If the designee is picking up or asking for delivery on behalf of voter, the designee must also complete a separate affidavit as required by section 101.62(4)(c)4., Fla. Stat. (See DS-DE 37 ENG/SPN on [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.

#### **RETURN VOTED/COMPLETED VOTE-BY-MAIL BALLOTS**

- A voter can return his or her own voted ballot in person or by mail to the Supervisors of Elections' office.
- Only overseas voters can return a voted ballot by fax to the Supervisor of Elections' office.
- Voted ballots may not be returned by email.
- Any person can collect and return other voters' voted vote-by-mail ballots to the Supervisor of Elections.
  - No limit exists.
  - See Section [104.0616](#), F.S., under header '[Violations Relating to Vote-by-Mail Ballots and Requests](#)'
- A voter may return a vote-by-mail ballot to the polling place or early voting site if he or she wants to vote instead at the polling place or early voting site. *The returned vote-by-mail ballot is marked as cancelled.* (Section [101.69](#), F.S.) See also below 'Secured Ballot Drop-off Boxes for Voted Ballots'.

#### **SECURED BALLOT DROP-OFF BOXES TO RETURN A VOTED BALLOT**

- At any secure drop box:
  - At the main office and 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](#), F.S.)

#### **DEADLINE TO RETURN A VOTED BALLOT**

- Received by the Supervisor of Elections no later than 7 p.m. on Election Day in the voter's county of residence.
- *10-day extension 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).

#### **ACCESS TO VOTE-BY-MAIL BALLOT REQUEST INFORMATION**

- Any information that a Supervisor of Elections collects or obtains as a necessary part of processing a request for vote-by-mail ballot (including from the time of request to the time of returning a voted vote-by-mail ballot) is confidential and exempt from public disclosure except for certain persons and entities.(Section [101.62](#)(3), F.S.)
- Only the following persons and entities under the law are entitled to access this information:
  - 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, and
  - registered political committees for political purposes only.

- Voter (only entitled to access his or her own vote-by-mail ballot request information).
- In contrast to information available year round and current from the Supervisor of Elections, information obtained from the State is contingent on when the reporting upload period starts. Supervisors only upload reports 60 days before the primary election through 15 days after the general election, 60 days before the Presidential Preference Primary Election through 15 days thereafter and 60 days before a special primary election through 15 days after the special 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 authorized only for a year at a time and must be renewed each year.

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

- It is a misdemeanor under Section [104.0616](#), F.S., to provide or offer to provide, or to accept, a pecuniary or other benefit "in exchange for" distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing more than two vote-by-mail ballots per election (other than his or her own or that of his or her immediate family) with an exception for supervised voting situation in an assisted living facility or nursing home under Section [101.655](#), 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.).