



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

DE Reference Guidelines 0001 (Updated 01/2020 – 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.

VOTE-BY-MAIL BALLOT REQUESTS

- Any registered voter can request a vote-by-mail ballot. A 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*) can request the ballot for the voter if directly instructed by the voter.
 - Made in person, by phone, or in writing. *Overseas voters and absent stateside military voters may make request by e-mail, by fax, or online, as explained below in "Pick-Up/Delivery of Blank Vote-By-Mail Ballots."*
 - To include information required by subsection [101.62\(1\)\(a\)-\(b\)](#), F.S.
- 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.

DELIVERY OF BLANK VOTE-BY-MAIL BALLOT REQUEST FORMS

- Anyone including a candidate can deliver (in person or by mail with campaign materials) blank forms to voters.
- No limit exists.
- No standardized uniform request form currently exists or is required as long as all required information is submitted.

PICK-UP AND RETURN OF COMPLETED VOTE-BY-MAIL BALLOT REQUEST FORMS

- Any person including a candidate can collect and return completed request forms to the supervisor of elections.
- Section [104.0616](#), F.S., makes it a criminal offense for a person 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.

PICK-UP/DELIVERY OF BLANK VOTE-BY-MAIL BALLOTS

- **In person**
 - Pickup/delivery by voter may occur at any time after the SOE has printed and made vote-by-mail ballots available until the day before an election and under certain circumstances, on Election Day, until 7 p.m. local time on Election Day. Note: The closer to the end of the Election Day one picks it up, the less likely that the ballot can be voted or returned in time to be received by the deadline.
 - An ID is required. (See list in Section [101.043](#), F.S.)
 - Special restrictions apply on Election Day (see 'Restriction on Election Day Delivery of a Vote-by-Mail Ballot).
- **Mail**
 - Voter must request no later than 5 p.m. on the 10th day before the election for a ballot to be mailed.
 - Supervisor's office must mail out within 2 business days or no later than 8 days before the election, whichever occurs first.

- **Schedule mailing windows**

- For an overseas voter or absent uniformed services voter who has made a timely request, the Supervisor shall send a vote-by-mail ballot by mail, fax, or email, as applicable (see “Fax” below), no later than 45 days before each presidential preference primary election, primary election, and general election.
- For all other (domestic) voters who have made a timely request, Supervisors have a 7-day window (between the 40th and 33rd days before the presidential preference primary election, primary election, and general election. Otherwise, the Supervisor shall mail the ballot within 2 business days after receiving the request unless the request was made on the 10th day before the election which requires the mail-out no later than 8 days before the election.

- **Fax**

- Only overseas voters (uniformed services personnel and U.S. civilians who are overseas) and absent stateside uniformed services personnel (those who are away from the county of residence due to duty) can receive a *blank vote-by-mail ballot* via fax or email, or online (if an online ballot delivery is approved for use in their county of residence).
- 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.

- **Designee**

- A designee can also pick up a *blank vote-by-mail ballot* for another voter.
- The designee is limited to picking up the following blank ballots (besides his or her own ballot):
 - ▶ Ballots for two other voters (that do not fall in the categories below).
 - ▶ Ballot for any member of his or her immediate family: spouse, parent, child, grandparent or sibling or spouse’s parent, grandparent or sibling.
- Pick-up period: A designee can pick up a ballot for another voter only within the 9-day period before Election Day and on Election Day. The designee must have the voter’s written authorization to pick-up, sign an affidavit, and present a photo id. See Affidavit to Pick-Up Vote-by-mail Ballot for a Voter ([Form DS-DE 37 ENG/SPN](#)). See also heading below, entitled ‘*Restriction on Election Day Vote-by-Mail Ballot Delivery.*’

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

- The supervisor of elections may not deliver a vote-by-mail ballot on Election Day to a voter or the voter’s immediate family member unless there is an emergency, to the extent that the voter will be unable to go to his or her assigned polling place. (Section [101.62\(4\)\(c\)5.](#), F.S.). Exception: A supervised voting situation on Election Day in an assisted living facility or nursing home as permitted under Section [101.655](#), F.S.
- 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.

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 (U.S. civilians and uniformed services personnel and their spouses and/or children who are also overseas due to the duty) 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. However, note criminal offense for pecuniary or other beneficial exchange in Section [104.0616](#), F.S., in heading entitled '*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.)

SECURED BALLOT DROP-OFF BOXES TO RETURN A VOTED BALLOT

- A voter may drop off a voted ballot at any secure drop box at the main office and branch offices of the supervisors of elections and at each early voting site. A supervisor can designate additional secure drop boxes at sites that would have otherwise served as early voting sites but those sites need to be staff during hours of operation. (Section [101.69](#), F.S.)

DEADLINE TO RETURN A VOTED BALLOT

- *Domestic vote-by-mail voter including absent stateside uniformed services personnel:* The ballot must be received by the Supervisor of Elections no later than 7 p.m. on Election Day in the voter's county of residence.
- *Overseas voters (U.S. civilians and uniformed services personnel and their spouses and/or children who are overseas due to the military duty):* For presidential preference primary, general, special primary and special elections, the (mailed) ballot must be received by the supervisor of elections no later than 10 days after Election Day (the certificate/envelope has to be postmarked or dated no later than the day of election). For all other elections, including primary elections, the ballot must be received by the Supervisor of Elections no later than 7 p.m. on Election Day.

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 or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only. The voter is 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 requestor 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.

Violations Relating to Vote-by-Mail Ballots and Requests

Besides Section [104.0616](#), F.S. (mentioned above), 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.).