



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

### DE Reference Guidelines 0001 (Updated 11/2016)

*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 (or his/her immediate family or legal guardian on behalf of the voter) can request a vote-by-mail ballot.
  - Immediate family means spouse, parent, children, grandparent of voter or voter' sibling or spouse's parent, grandparent or sibling.
- Request can be in person, by phone, by e-mail, by fax, or online.
- Required information for a valid request is set out in subsection [101.62\(1\)\(a\)-\(b\)](#), F.S.
- A person in an assisted living facility or nursing home may also request supervised vote-by-mail ballot voting under Section [101.655](#), F.S. This process is either initiated through a request by the facility's administrator or by the Supervisor of Elections if a number of voters in the facility have requested vote-by-mail ballots.

#### DELIVERY OF BLANK VOTE-BY-MAIL BALLOT REQUEST FORMS

- Anyone including a candidate can deliver (hand-deliver, mail, *etc.*, along with campaign materials) any number of *blank vote-by-mail ballot request forms* to voters.  
No standardized uniform 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 forms to the supervisor of elections.
- No limit on collection or return. (Please note Violations Relating to Vote-by-Mail Ballots and Requests on next page.)

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

- **In person.** Subject to the restriction on Election Day delivery of a vote-by-mail ballot discussed in the next section, a voter can pick up his or her own *blank vote-by-mail ballot* in person at any time before 7 p.m. on Election Day.
  - An ID is required. (See list in Section [101.043](#), F.S.)
  - Pickup/delivery may occur at any time after the SOE has printed and made vote-by-mail ballots available until the day before an election or on Election Day subject to certain restrictions (see 'Election Day Delivery of Vote-by-Mail Ballots) until 7 p.m. 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 deadline.
- **Mail.** A *blank vote-by-mail ballot* can be *mailed* to the voter.
  - Request must be made no later than 5 p.m. on the 6th day before the election.
  - Mail-out from Supervisor no later than 4 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.
- **Designee.** A designee can also pick up a *blank vote-by-mail ballot* for another voter.
  - Limited to picking up 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 5 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](#)). 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](#)) 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.)
- The deadlines to return an vote-by-mail ballot are as follows:
  - *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 with exception 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 from: canvassing board, political party of official thereof, candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees. 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. The State requires the requestor to complete [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.
  - See Rule [1S-2.043](#), F.A.C., for further details on report specifications.

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

Chapter 104, F.S., contains offenses such as providing or offering 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. See Section [104.0616](#), F.S. Other 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.).