

**Florida Division of Elections' Guidelines on
Requests, Pick-Up, Delivery and Return of Absentee Ballots
(Section 101.62, F.S.) Updated 05-2012**

Absentee ballot requests.

- Any registered voter (or his/her immediate family or legal guardian on behalf of the voter) can request an absentee ballot. He/she can request in person, by phone, or by e-mail, by fax, or online. The information required for a valid request is set out in subsection (1)(a)-(b) of section 101.62, F.S. Immediate family means spouse, parent, children, grandparent or sibling or spouse's parent, grandparent or sibling, or legal guardian of voter.
- A person in an assisted living facility or nursing home may also request supervised absentee ballot voting under section 101.655, Florida Statutes. This process has to be either initiated by a request from the administrator of the facility or by the Supervisor of Elections if a number of voters in the facility have requested absentee ballots.

Delivery of blank absentee ballot request forms.

- Anyone including a candidate can deliver (hand-deliver, mail, etc. along with campaign materials) any number of *blank absentee ballot request forms* to electors. No standardized uniform form currently exists although some Supervisors of Elections have created their own hard-copy and online forms.

Pick-up and delivery of completed absentee ballot request forms.

- Any person including a candidate can collect and deliver to the supervisor of elections any number of *completed absentee ballot request forms* on behalf of others. (This is by way of silence in the law.)

Pick-up of blank absentee ballots.

- A person can pick up his or her own *blank absentee ballot* in person at any time before 7 p.m. on Election Day. An identification card (from the list in s. 101.043, Fla. Stat.) must be presented. This means the person can personally pick up his or her absentee ballot from the moment the SOE has printed and made available absentee ballots until 7 p.m. on Election Day. Granted the closer to the end of the Election Day one picks it up, the less likely that it cannot be voted or returned in time.
 - A person can also request that a *blank absentee ballot* be *mailed* to him or her. The request must be made no later than 5 p.m. on the 6th day before the election. This is to allow time for the supervisor to *mail* it and for the elector to return it.
 - Only overseas voters (uniformed services personnel and U.S. civilians who are overseas) and uniformed services personnel who are away from the county of residence due to duty can ask that the *blank absentee ballot* be faxed or e-mailed to them or can access their *blank absentee ballot* online if the online ballot delivery program is approved for use in their county of residence. If the overseas voter or absent stateside uniformed services voter asks for an absentee ballot to be sent other than by mail, then the ballot can be faxed or e-mailed or access online up to and including the day of the election any time before 7 p.m. Obviously the closer one gets to 7 p.m., the less likely the person will have time to return the ballot.
- A designee can also pick up a *blank absentee ballot* for another elector. He or she is limited to picking up:
 - His or her own ballot
 - Ballots for any member of his or her immediate family (i.e., spouse, parent, child, grandparent or sibling or spouse's parent, grandparent or sibling), and
 - Ballots for two other electors

The designee can pick up the blank absentee ballot for someone else on Election Day or any time within the 5 days before an Election. The designee has to have written authorization from the elector, sign an affidavit, and present a photo id. See form DS-DE 37 (Affidavit to Pick-up Absentee Ballot).

Return voted/completed absentee ballots.

- A voter can return his or her voted absentee ballot in person or by mail to the Supervisors of Elections' office. Only overseas voters (uniformed services personnel and their spouses and/or children, and U.S. civilians) who are overseas, due to duty can return a voted ballot by fax.
- A person other than the voter can also collect and return other voters' voted absentee ballots. No limit exists. *Historical background: Before January 2002, a person designated by an elector could pick up to 2 voted absentee ballots (in addition to his own and that of his/her immediate family (defined as spouse, parent, child, grandparent, sibling or sibling of the designee's spouse). The Florida Election Reform Act of 2001 repealed that law (section 101.647, Fla. Stat.) in ch. 2001-40, Laws of Florida, through a floor amendment to SB 1118); see also repealed form DE 02-12 (<http://election.dos.state.fl.us/opinions/new/2002/de0212.pdf>). Although the legislative reason was not contained in the staff analysis for SB 1118 is silent on the issue, a review of other bill analyses (SB 448 and HB 1757) (2001) shed light of the possible reason for repeal. The following are some excerpted part: "Florida law restricts the return of absentee ballots to personal delivery by the elector or mail delivery, except that electors unable to return the ballot in person or by mail may designate someone in writing to return their ballots. Designees are limited to returning two ballots per election, other than the designee's own ballot and ballots for members of the designee's immediate family. Each designee must present the supervisor with a picture ID and a written authorization from the elector. See s. 101.647, F.S. In the 1998 and 2000 election cycles, the requirement that a designee produce a written note from the elector in order to personally return a ballot to the supervisor of elections did not have any practical voter fraud deterrent effect. While supervisors could not accept ballots presented to them by designees without a written authorization from the voter, nothing prevented the designee from simply mailing the ballot for the voter."*

Access to Absentee Ballot Request Information

Any information that a Supervisor of Elections collects or obtains as part of processing a request for absentee ballot (including from the time of request to the time of returning a voted absentee ballot) is confidential and exempt from public disclosure. The exception is that certain persons and entities under the law are entitled to access that information (canvassing board, political party or official thereof, candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees or registered committees of continuous existence. These persons or entities can obtain such information from the local Supervisor of Elections or from the Department of State. If they get the information from the Supervisor of Elections, it will be current year round. If they obtain it from the Department of State, the state only gets uploads of that information beginning 60 days before the primary election through 15 days after the general election or 60 days before the Presidential Preference Primary Election through 15 days thereafter. The state requires DS-DE 70 (Application to Access Absentee Ballot Request Information). Upon acceptance, a user id and password are issued which are only good through the end of the calendar year.

Violations Relating to Absentee Ballots

There are a number of criminal offenses relating to absentee ballots in chapter 104, F.S., including s. 104.047 (requesting an absentee when not authorized or marking someone else's absentee ballot or s. 104.0616, (getting some benefit in return distributing, ordering, requesting, collecting, delivering or possessing absentee ballots with intent to alter, change, or eras a vote on the absentee ballot, and s. 104.17 (voting in person after casting an absentee ballot).