

FLORIDA DIVISION OF ELECTIONS' GUIDELINES ON FEDERAL WRITE-IN AND STATE WRITE-IN ABSENTEE BALLOTS

FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB) ("back-up/emergency" ballot);

(UOCAVA, 42 U.S.C 1973ff; s. 101.6952, F.S.; Rule 1S-2.030, and Rule 1S-2.049)

1. *Used ONLY by UOCAVA voters:*

- Absentee military members and their family members ((i.e., uniformed services members on active duty away from place of residence –includes 'absent stateside' and overseas)
- Overseas voters (i.e., all other U.S. citizens residing outside the U.S.).

2. *Delivery method:* (R1S-2.030, R1S-2.049, F.A.C.; s. 101.697, F.S.)

- Mail, fax, e-mail, online, personal delivery (family member or voter may pickup ballot)

3. *Return method:* (s. 101.697, F.S.)

- If overseas voter, by fax, mail or by personal delivery (by or on behalf of voter)(R1S-2.030, FAC)
- If absentee *stateside* military (& spouse or dependent child thereof) by mail and personal delivery only (R1S-2.049, FAC)

4. *Count FWAB ONLY:*

- Previous absentee ballot request on record. (Voter must swear or affirm on FWAB that he or she has not yet received state's regular absentee ballot. Closer to election day, a voter could request a regular absentee ballot and submit a FWAB at the same time)
- For votes cast for federal office races and state and local races with 2 or more candidates before received before 7 p.m. on Election Day. For PPP and General Election ONLY, if received after 7 p.m. up through 10 days after election day, count only federal races on ballot.
- If the FWAB is returned postmarked by Election Day (The statutory presumption is that the return date on a returned overseas absentee ballot is the date stated on the outside of the return envelope regardless of an absent postmark or a postmark later than Election Day. (Section 101.6952, Fla. Stat.)

STATE WRITE-IN ABSENTEE BALLOT (section 101.6951, F.S.; Rule 1S-2.028, FAC)

- Available to any overseas voter (but not to absent stateside military)
- Must be requested between 90 and 180 days before a *general* election.
- Must be based on military or other contingency that precludes normal mail delivery of regular absentee ballot--if voter's circumstances change, voter should be sent regular absentee ballot.
- Includes all offices (federal, state, or local) for which voter otherwise entitled to vote.
- Send to voter by mail, fax or e-mail (R1S-2.030, F.A.C.; s. 101.697, F.S.)
- Count if regular absentee ballot not received by 7 p.m. deadline on Election Day (by mail or fax only)(R1S-2.030, F.A.C., s. 101.697,F.S.) For PPP and General Election ONLY, if received after 7 p.m. up through 10 days after election day, count only federal races on ballot. If voter returns state write-in and regular absentee ballots, then first ballot received by the supervisor counts.

10-Day Extension: Any absentee ballot (regular, FWAB or State write-in) can still be counted for federal races only in PPP and General (federal) elections if is received after 7 p.m. on Election Day and up until 10 days of Election Day, provided it is postmarked by Election Day. (Rule 1S-2.013, F.A.C.) Returned regular absentee ballot always trumps write-in absentee ballot if received by 7 p.m, Election Day. If FWAB returned first, FWAB cannot be canvassed before 7 p.m., to wait to see if regular absentee ballot will arrive.