



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

To: Supervisors of Elections

From: Maria Matthews, Esq., Director, Division of Elections
Gary Holland, Esq., Assistant Director, Division of Elections

Date: April 25, 2016

SUBJECT: 2016 Election-Related Laws

This memorandum highlights key election-related legislation that passed during the 2016 Florida Regular Legislative Session. This memo is not intended to cover all legislation that may affect your duties. The Division of Elections (Division) will provide presentations on all laws mentioned in this memorandum at the Florida State Association of Supervisors of Elections' (FSASE) Annual Summer Conference. Please contact us if you have any questions or comments.

ABSENTEE BALLOT TERMINOLOGY

Senate Bill 112 ([Ch. 2016-37](#), Laws of Florida)

(Signed into law on March 10, 2016; Effective, July 1, 2016)

- **Changes term "absentee ballot" to "vote-by-mail ballot" throughout the Florida Election Code (Code)**
 - Affects these sections of Florida Statutes: 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 98.255, 100.025, 101.051, 101.151, 101.5612, 101.5614, 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.663, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, 102.031, 102.141, 102.168, 104.047, 104.0515, 104.0616, 104.17, 117.05, 394.459, 741.406, and 916.107.
 - ✓ The Code still refers to an "absent elector" and defines it as any registered and qualified voter who casts a vote-by-mail ballot. (§ 97.021(1), F.S.).
 - ✓ Federal write-in absentee ballot remains unchanged in Code. (§ 101.6952, F.S.)

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) • DOS.MyFlorida.com/elections



ADDRESS OF LEGAL RESIDENCE

House Bill 541 ([Ch. 2016-23](#), Laws of Florida)

(Signed into law on March 8, 2016, 2016; Effective, July 1, 2016)

- **Defines “address of legal residence” in § 97.021(3), F.S., to mean the voter’s legal residential address to include all information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier.**
 - Failure to include a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact the voter’s eligibility to register, to vote, and may not serve as a basis for challenge. (§ 97.053(5)(a)2., F.S.)
 - Requires Department of State to continue to provide Florida Department of Highway Safety and Motor Vehicles (DHSMV) with electronic database of street addresses valid for use as the address of legal residence as compiled by the Supervisor of Elections. (§ 97.057(10), F.S.)
 - Requires each Supervisor of Elections to continue to maintain a list of valid residential street addresses. A new requirement is that the Supervisor is, to the maximum extent practicable, to include information necessary to differentiate one residence from another within the street index. If a voter registration application does not include information necessary to differentiate one residence from another, the supervisor shall make all reasonable efforts to obtain such information. (§ 98.015(12), F.S.)

MILITARY AND OVERSEAS VOTING ASSISTANCE TASK FORCE

Senate Bill 184 ([Ch. 2016-242](#), Laws of Florida)

(Signed into law on April 15, 2016; Effective, July 1, 2016)

- **Creates a Military and Overseas Voting Assistance Task Force within the Department of State to:**
 - Consist of 11 members – three of which are to be supervisors of elections appointed by Florida State Association of Supervisors of Elections (FSASE).
 - Be chaired by the Secretary of State (or designee).
 - Study issues involving the development and implementation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit voted ballots.
 - Submit a task force report to the Governor and Legislature by July 1, 2017, recommendation on whether the state should pursue development and implantation of an online voting system that would allow absent uniformed services voters who are overseas to electronically submit voted ballots; and, if so, the recommended steps for developing and implementing the system.

SPECIAL ELECTION PLACING CONSTITUTIONAL AMENDMENT ON BALLOT AT 2016 PRIMARY ELECTION

House Bill 195 ([Ch. 2016-118](#), Laws of Florida)

(Signed into law on March 25, 2016; Effective, March 25, 2016)

- **Creates special election to be held concurrently with the August 30, 2016, primary election for the proposed constitutional amendment ([CS/HJR 193](#)) to:**

- Be entitled, "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment."

Note: The Secretary of State has already assigned ballot designating number [4](#) to the amendment. (At this point, proposed amendments with designating numbers [1](#) and [2](#) (amendments proposed by initiative petitions) and designating numbers [3](#) and [5](#) (proposed by Legislature) are already scheduled to be on the general election ballot.)

SUPERVISOR OF ELECTIONS SALARY

CS/CS/Senate Bill 514 ([Ch. 2016-157](#), Laws of Florida)

(Signed into law on March 30, 2016; Effective, October 1, 2016)

- **Increases the base salary and group rates used to calculate additional compensation for supervisors of elections based on population increments in § 145.09(1), F.S.**
 - This change makes the base salaries and group rates the same as are used to calculate salaries of other county constitutional officers (clerks of circuit court, property appraisers, and tax collectors.)

VOTER IDENTIFICATION

Senate Bill 666 ([Ch. 2016-167](#), Laws of Florida)

(Signed into law on April 1, 2016; Effective, April 1, 2016)

- **Adds three new types of permissible current and valid picture identification (ID) for certain first-time voter registration applicants and for voter ID at the polls (§§ 97.0535(3)(a) and 101.043(1)(a), F.S.) as follow:**
 - Veteran health ID card issued by the U.S. Dep't of Veterans Affairs
 - A license to carry a concealed weapon or firearm issued pursuant to s. 790.06, F.S.
 - Employee ID card issued by any branch, department, agency, or entity or the Federal Government, the state, a county, or municipality.
- **Requires the three new types of allowable ID to be included in ballot instructions provided to:**
 - An absent elector who has failed to sign the vote-by-mail ballot and is submitting an affidavit to cure the error (§ 101.68(4)(d), F.S.).
 - Certain first-time voters (§ 101.6923(2)(d), F.S.).