

1S-2.013 Absentee Ballots to Overseas Electors.

(1) The failure of the State of Florida Elections Canvassing Commission or a County Canvassing Board to certify the results of election for State, county or district offices shall not delay the timely preparation and mailing of absentee ballots to overseas electors regarding a Federal election.

(2) Overseas elector is defined as: Any citizen located outside the United States on election day who is eligible to vote in elections conducted by the State of Florida pursuant to the Federal Overseas Citizens Voting Rights Act of 1975, 42 U. S. C. 1973dd-1; or any citizen located outside the United States on election day who is otherwise qualified to vote under Florida law and who is a member of a protected group under the Federal Voting Assistance Act, 42 U. S. C. 1973cc (b) (i.e., members of armed forces while on active service and members of the Merchant Marines of the United States and spouses and dependents as those terms are used in the Federal Voting Assistance Act); and who has submitted a timely and proper request for an absentee ballot and is otherwise qualified to vote under Florida law.

(3) A "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the Office of President, Vice President, Member of the United States Senate or Member of the United States House of Representatives, or delegates to a national political party convention.

(4) At least 35 days prior to the first primary the supervisors of elections shall mail an absentee ballot to overseas electors. The ballot shall be marked "Official First Primary Ballot". It shall list the names of all candidates for federal, state and local offices that will be voted upon in the first primary. If, however, the supervisors are unable, because of the lack of time after the close of qualifying for state and local offices, to determine the names of all state and local candidates in time for the ballots to be mailed at least 35 days prior to the first primary, the supervisors shall list only the names of candidates for federal office on the ballot. A supplemental ballot with the remaining offices shall be mailed by the supervisor as soon as possible thereafter.

(5) The Division of Elections shall direct each supervisor of elections to prepare an absentee ballot for overseas electors that lists the names of the candidates for federal office where three or more candidates have qualified. The ballot shall be marked "Official Second Primary Ballot". The supervisors shall be directed to mail such absentee ballot to overseas electors at least 35 days prior to the second primary.

(6) When the supervisors of elections are directed to prepare an absentee ballot for overseas electors without one or more offices, the overseas elector shall be informed that the certified election results for the office or offices were not completed in time to be included on the absentee ballot and that state and federal law requires that an absentee ballot be prepared and mailed in a timely manner to protect the right of the overseas electors to vote in Federal elections. A supplemental ballot with the remaining office or offices should be sent by the supervisor as soon as possible thereafter.

(7) With respect to the presidential preference primary and the general election, any absentee ballot cast for a federal office by an overseas elector which is postmarked or signed and dated no later than the date of the Federal election shall be counted if received no later than 10 days from the date of the Federal election as long as such absentee ballot is otherwise proper. Overseas electors shall be informed by the supervisors of elections of the provisions of this rule, i.e., the ten day extension provision for the presidential preference primary and the general election, and the provision for voting for the second primary.

(8) For overseas electors who have requested an absentee ballot for the presidential preference primary, the supervisors of elections shall mail the absentee ballot to the overseas elector at least 35 days prior to the deadline for the receipt of such ballots.

Specific Authority 97.012(1) FS. Law Implemented 101.62, 101.141, 97.012 FS. History—New 3-8-84, Amended 10-9-84, Formerly 1C-7.13, 1C-7.013.