

Obsolete. Please consult current Florida law.

DE 02-13 - August 19, 2002

In-Person Casting of Absentee Ballots § 101.657, 101.64, 101.65, Florida Statutes

To: The Honorable John Stafford, Supervisor of Elections, Duval County, 105 East Monroe Street, Jacksonville, FL 32202-3228

Prepared by: Division of Elections

Dear Mr. Stafford:

This is in response to your request for an advisory opinion regarding the in-person casting of absentee ballots. You are the Supervisor of Elections for Duval County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You ask the following question:

Where precinct polling locations have changed, and a voter mistakenly returns to the former location, may elections officials provide the voter an absentee ballot for the correct precinct and accept return of that completed ballot on election day at the polling place?

The short answer to your question is no.

The Florida Legislature, in section 101.657, Florida Statutes, has specifically outlined the manner in which absentee ballots can be cast in person. That section provides that a qualified elector may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. The supervisor then either safely keeps the voted absentee ballot unopened in their office until the county canvassing board canvasses the vote or the supervisor may elect to allow the in-person absentee voter to immediately cast their ballot at the supervisor's office by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots.

The statutes do not provide for the receipt of or the casting of absentee ballots in person at a precinct polling location. Those activities must occur at the offices of the supervisor of elections.

Further, the Division of Elections has previously opined, in [DE 83-06](#), that the delivery of a voted absentee ballot to a polling place rather than to the supervisor of elections would render the ballot invalid.

SUMMARY

Pursuant to section 101.657, Florida Statutes, in-person absentee voting can only occur at the offices of the supervisor of elections.

Sincerely,

Edward C. Kast
Director, Division of Elections

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