

DE 90-14 - March 16, 1990

**Advance Absentee Ballots
Section 101.62(4), F.S.**

To: Honorable Donna Bryant, Supervisor of Elections, Osceola County, Post Office Box 759, Kissimmee, Florida 32742

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion. Under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons including supervisors of elections.

Section 101.62(4), Florida Statutes, was amended by the Florida Legislature effective January 1, 1990. This section deals with advance absentee ballots for overseas electors. Your specific question is as follows:

Does Section 101.62(4), Florida Statutes, which deals with advance overseas ballots mandate that these ballots contain federal races only, or must they contain all the races?

Section 101.62(4), Florida Statutes, was amended by the 1989 Legislature, effective January 1, 1990. This amendment provides that advance absentee ballots must be sent to qualified electors overseas who have requested an absentee ballot by the supervisor of elections at least 35 days before the first primary election and 45 days before the second primary and general elections.

The statute provides that the advance absentee ballot for the second primary is to be the same as the first primary absentee ballot, except that for any offices where there are only two candidates those offices and all political party executive committee offices shall be omitted.

The advance absentee ballot for the general election shall be as specified in Section 101.151, Florida Statutes, except that in case of candidates of political parties where nominations were not made in the first primary, the names of candidates placing first and second in the first primary election will be printed on the advance absentee ballot.

In reference to your question, advance absentee ballots sent pursuant to Section 101.62(4), Florida Statutes, will contain the names of all candidates running for office and not just the names of candidates running for federal office.

SUMMARY

Advance absentee ballots sent pursuant to Section 101.62(4), Florida Statutes, will contain the names

of all candidates running for office and not just the names of candidates running for federal office.