

DE 02-12 - August 27, 2002

**Requesting and Delivering Absentee Ballots
§ 101.62, 101.64, Florida Statutes**

To: Mr. Al Cardenas, Chairman, Republican Party of Florida, Post Office Box 311, Tallahassee, Florida 32302

Prepared by: Division of Elections

Dear Mr. Cardenas:

This is in response to your request for an advisory opinion regarding absentee ballot requests. You are the Chairman of the Republican Party of Florida. Therefore, pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to render this opinion to you. You are asking for clarification as to what information is required in order for an elector, the elector's immediate family or legal guardian to properly request an absentee ballot. In addition, you are requesting information regarding the return of absentee ballot requests and completed absentee ballots. You have asked the following questions:

1. What information must an elector, or a member of the elector's immediate family or legal guardian, provide to a supervisor of elections in order to properly request an absentee ballot?
2. Are there any limitations on the delivery by a third party to the supervisor of elections of absentee ballot requests which have been duly completed and executed by the elector or a member of the elector's immediate family or legal guardian?
3. Are there any limitations on the delivery by a third party of completed absentee ballots to the supervisor of elections?

The Florida Election Reform Act, Chapter 2001-40, Laws of Florida, made many changes to the law regarding absentee ballots. Pursuant to section 101.62(1)(b), Florida Statutes, the following information must be provided by an *elector* to a supervisor of elections in order to properly request an absentee ballot: the name of the elector, the elector's date of birth, the elector's address and the elector's signature, if it is a written request. The following information must be provided by a *member of an elector's immediate family or legal guardian* to a supervisor of elections in order to properly request an absentee ballot: name of the elector for whom the ballot is requested, the elector's address, the elector's date of birth, the requester's name, the requester's address, the requester's driver's license number, if available, the requester's relationship to the elector and the requester's signature if it is a written request. Section 101.62(1)(b), Florida Statutes.

The second question you proposed is answered in the negative. The absentee ballot provisions do not prevent a third party from delivering a completed absentee ballot request to the supervisor of elections either by mail or in person.

Your third question is also answered in the negative. The Florida Election Reform Act repealed section 101.647, Florida Statutes. This section of law previously limited the return of absentee ballots by someone other than the elector to no more than two absentee ballots per election. However, effective January 1, 2002, this section of law was repealed. Therefore, there is no limit on the number of completed absentee ballots a third party may deliver to a supervisor of elections.

SUMMARY

Electors must provide their name, address, date of birth and signature (if it is a written request) to their supervisor of elections in order to properly request an absentee ballot. An elector's immediate family or legal guardian must provide the elector's name, address, and date of birth, as well as the requester's name, address, driver's license number (if available), relationship to the elector and the requester's signature (if it is a written request). Third parties may provide absentee ballot request forms to electors in order that the elector can complete the form and return it to the supervisor of elections by mail, in person or by delivery to a third party for transmittal to the supervisor. In addition, there are no limitations on the delivery by a third party of completed absentee ballots to supervisors of elections.

Sincerely,

Edward C. Kast
Director, Division of Elections

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