



FEDERAL WRITE-IN AND STATE WRITE-IN ABSENTEE BALLOTS

DE Reference Guide 0002 (Updated 02/2015)

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FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB) (“back-up/emergency” ballot) (UOCAVA, 42 U.S.C 1973ff; s. 101.6952, F.S.; Rule 1S-2.030, and Rule 1S-2.051)

- **Used ONLY by UOCAVA voters:**
 - Absentee military members and their family members (*i.e.*, uniformed services members on active duty away from place of residence – includes ‘absent stateside’ and overseas)
 - Overseas voters (*i.e.*, all other U.S. citizens residing outside the U.S.).
- **Delivery method:** (R1S-2.030, F.A.C.; s. 101.697, F.S.)
 - Mail, fax, e-mail, online, or personal delivery (family member or voter may pick up ballot)
- **Return method:** (s. 101.697, F.S.)
 - If overseas voter, by fax, mail, or by personal delivery (by or on behalf of voter)(R1S-2.030, FAC)
 - If absentee *stateside* military (& spouse or dependent child thereof) by mail and personal delivery only (R1S-2.030, FAC)
- **Count FWAB ONLY:**
 - Previous absentee ballot request on record. (Voter must swear or affirm on FWAB that he or she has not yet received state’s regular absentee ballot. Closer to election day, a voter could request a regular absentee ballot and submit a FWAB at the same time)
 - For votes cast for federal office races and state and local races with 2 or more candidates received before 7 p.m. on Election Day. See **Special Note** below regarding 10 day extension for overseas voters.
 - If the FWAB is returned postmarked by Election Day (The statutory presumption is that the return date on a returned overseas absentee ballot is the date stated on the outside of the return envelope regardless of an absent postmark or a postmark later than Election Day.) (s. 101.6952, F.S.)

STATE WRITE-IN ABSENTEE BALLOT (sections 101.6951 and 101.6952, F.S.; Rule 1S-2.028, FAC)

- Available to any overseas voter (but not to absent stateside military)
- Must be requested between 90 and 180 days before a *general* election.
- Must be based on military or other contingency that precludes normal mail delivery of regular absentee ballot - if voter’s circumstances change, voter should be sent regular absentee ballot.
- Includes all offices (federal, state, or local) for which voter otherwise entitled to vote.
- Send to voter by mail, fax or e-mail (R1S-2.030, F.A.C.)
- Count if regular absentee ballot not received by 7 p.m. deadline on Election Day (by mail or fax only)(R1S-2.030, F.A.C.) See **Special Note** below about 10-day extension for overseas voters.

SPECIAL NOTE: The 10-day extension only applies to absentee ballots (regular, FWAB or State write-in) from overseas voters (s. 101.6952(5), F.S.):

- If received after 7 p.m. on Election but no later than 10 days after Election Day, count all races on ballot, provided the ballot is postmarked or dated by the date of the election, and the voter is otherwise eligible.
- This extension only applies in Presidential Preference Primary Elections, general elections, special primary elections and special elections.

Returned regular absentee ballot always trumps a write-in absentee ballot if received by 7 p.m., Election Day. If FWAB returned first, FWAB cannot be canvassed before 7 p.m., to wait to see if regular absentee ballot will arrive by 7 p.m. deadline. However, if a FWAB from an *overseas* voter is received by 7 p.m. on Election Day, the FWAB should be set aside and should not be canvassed until 10 days after Election Day. If the voter's official Florida

absentee ballot is received within the 10-day period and is otherwise proper, that ballot should be canvassed, and the FWAB should not be counted. If the voter's official Florida absentee ballot is not properly received within the 10-day period, the FWAB should then be canvassed. (See [DE 14-05](#))