

HB 369

2016

1 A bill to be entitled

2 An act relating to provisional ballots; amending s.
3 101.048, F.S.; requiring the supervisor of elections
4 to allow a person who voted a provisional ballot to
5 submit an affidavit to cure an unsigned Provisional
6 Ballot Voter's Certificate and Affirmation;
7 prescribing the form and content of the affidavit;
8 providing instructions to accompany each affidavit;
9 requiring the affidavit, instructions, and the
10 supervisor's contact information to be posted on
11 specified websites; requiring the supervisor to attach
12 a received affidavit to the corresponding provisional
13 ballot envelope; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (b) of subsection (2) of section
18 101.048, Florida Statutes, is amended, and subsection (7) is
19 added to that section, to read:

20 101.048 Provisional ballots.—

21 (2)

22 (b)1. If it is determined that the person was registered
23 and entitled to vote at the precinct where the person cast a
24 vote in the election, the canvassing board shall compare the
25 signature on the Provisional Ballot Voter's Certificate and
26 Affirmation, or the Provisional Ballot Affidavit, if applicable,

27 with the signature on the voter's registration and, if it
 28 matches, shall count the ballot.

29 2. If it is determined that the person voting the
 30 provisional ballot was not registered or entitled to vote at the
 31 precinct where the person cast a vote in the election, the
 32 provisional ballot shall not be counted and the ballot shall
 33 remain in the envelope containing the Provisional Ballot Voter's
 34 Certificate and Affirmation and the envelope shall be marked
 35 "Rejected as Illegal."

36 (7) Until 5 p.m. on the second day following the election,
 37 the supervisor of elections shall allow a person who has voted a
 38 provisional ballot that does not include the person's signature
 39 on the Provisional Ballot Voter's Certificate and Affirmation to
 40 complete and submit an affidavit in order to cure the unsigned
 41 provisional ballot. The supervisor of elections may allow a
 42 person to submit an affidavit to cure an unsigned provisional
 43 ballot only if the person's identity can otherwise be
 44 ascertained through information provided in the Provisional
 45 Ballot Voter's Certificate and Affirmation.

46 (a) The person must provide identification to the
 47 supervisor of elections and must complete a provisional ballot
 48 affidavit in substantially the following form:

50 PROVISIONAL BALLOT AFFIDAVIT

51 I,, am a qualified voter in this election and
 52 registered voter of County, Florida. I do solemnly swear or

53 affirm that I voted a provisional ballot and that I have not and
54 will not vote more than one ballot in this election. I
55 understand that if I commit or attempt any fraud in connection
56 with voting, vote a fraudulent ballot, or vote more than once in
57 an election, I may be convicted of a felony of the third degree
58 and fined up to \$5,000 and imprisoned for up to 5 years. I
59 understand that my failure to sign this affidavit means that my
60 provisional ballot will be invalidated.

61
62 ...(Voter's Signature)...

63
64 ...(Address)...

65
66 (b) Instructions must accompany the provisional ballot
67 affidavit in substantially the following form:

68
69 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
70 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
71 BALLOT NOT TO COUNT.

72
73 1. In order to cure the missing signature on your
74 Provisional Ballot Voter's Certificate and Affirmation, your
75 affidavit should be completed and returned as soon as possible
76 so that it can reach the supervisor of elections of the county
77 in which your precinct is located no later than 5 p.m. on the
78 second day following the election.

79 2. You must sign your name on the line above (Voter's
 80 Signature).

81 3. You must make a copy of one of the following forms of
 82 identification:

83 a. Identification that includes your name and photograph;
 84 United States passport; debit or credit card; military
 85 identification; student identification; retirement center
 86 identification; neighborhood association identification; or
 87 public assistance identification; or

88 b. Identification that shows your name and current
 89 residence address; current utility bill; bank statement;
 90 government check; paycheck; or government document (excluding
 91 voter identification card).

92 4. Place the envelope bearing the affidavit into a mailing
 93 envelope addressed to the supervisor. Insert a copy of your
 94 identification in the mailing envelope. Mail, deliver, or have
 95 delivered the completed affidavit along with the copy of your
 96 identification to your county supervisor of elections. Be sure
 97 there is sufficient postage if mailed and that the supervisor's
 98 address is correct.

99 5. Alternatively, you may fax or e-mail your completed
 100 affidavit and a copy of your identification to the supervisor of
 101 elections. If e-mailing, please provide these documents as
 102 attachments.

103 6. Submitting a provisional ballot affidavit does not
 104 establish your eligibility to vote in this election or guarantee

105 that your ballot will be counted. The county canvassing board
106 determines your eligibility to vote through information provided
107 on the Provisional Ballot Voter's Certificate and Affirmation,
108 written evidence provided by the voter, and any other evidence
109 presented by the supervisor of elections or a challenger. You
110 may still be required to present additional written evidence to
111 support your eligibility to vote no later than 5 p.m. on the
112 second day following the election.

113 (c) The department and each supervisor of elections shall
114 include the affidavit and instructions on their respective
115 websites. The supervisor of elections shall include his or her
116 office's mailing address, e-mail address, and facsimile number
117 on the page containing the affidavit instructions; the
118 department's instruction page must include the office mailing
119 addresses, e-mail addresses, and facsimile numbers of all
120 supervisors of elections or provide a conspicuous link to such
121 information.

122 (d) The supervisor of elections shall attach each
123 affidavit received to the appropriate provisional ballot
124 envelope containing the Provisional Ballot Voter's Certificate
125 and Affirmation.

126 Section 2. This act shall take effect July 1, 2016.