

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.