

1                   A bill to be entitled  
2           An act relating to elections; amending s. 97.053,  
3           F.S.; revising a reference to the deadline for a  
4           person who cast a provisional ballot to present  
5           evidence verifying authenticity of certain information  
6           in a voter registration application, to conform;  
7           amending s. 101.048, F.S.; extending the timeframe for  
8           which a person who cast a provisional ballot may  
9           present written evidence supporting his or her  
10          eligibility to vote; revising requirements for  
11          instructions provided to a person who casts a  
12          provisional ballot, to conform; requiring the  
13          supervisor to provide certain notification to a person  
14          whose provisional ballot was rejected; requiring the  
15          supervisor to allow a person who voted a provisional  
16          ballot to present identification and submit an  
17          affidavit to cure an unsigned Provisional Ballot  
18          Voter's Certificate and Affirmation or a provisional  
19          ballot rejected due to a signature discrepancy;  
20          prescribing the form and content of the affidavit;  
21          providing instructions to accompany each affidavit;  
22          requiring the affidavit, instructions, and the  
23          supervisor's contact information to be posted on  
24          specified websites; requiring the supervisor to attach  
25          a received affidavit to the corresponding provisional

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26 ballot envelope; amending s. 101.68, F.S.; requiring  
27 the supervisor to allow submission of an affidavit to  
28 cure signature discrepancies on a vote-by-mail ballot;  
29 extending the timeframe for which an elector may  
30 submit a vote-by-mail ballot affidavit to cure a  
31 rejected ballot; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Subsection (6) of section 97.053, Florida  
36 Statutes, is amended to read:

37 97.053 Acceptance of voter registration applications.—

38 (6) A voter registration application may be accepted as  
39 valid only after the department has verified the authenticity or  
40 nonexistence of the driver license number, the Florida  
41 identification card number, or the last four digits of the  
42 social security number provided by the applicant. If a completed  
43 voter registration application has been received by the book-  
44 closing deadline but the driver license number, the Florida  
45 identification card number, or the last four digits of the  
46 social security number provided by the applicant cannot be  
47 verified, the applicant shall be notified that the number cannot  
48 be verified and that the applicant must provide evidence to the  
49 supervisor sufficient to verify the authenticity of the  
50 applicant's driver license number, Florida identification card

51 number, or last four digits of the social security number. If  
52 the applicant provides the necessary evidence, the supervisor  
53 shall place the applicant's name on the registration rolls as an  
54 active voter. If the applicant has not provided the necessary  
55 evidence or the number has not otherwise been verified prior to  
56 the applicant presenting himself or herself to vote, the  
57 applicant shall be provided a provisional ballot. The  
58 provisional ballot shall be counted only if the number is  
59 verified by the end of the canvassing period or if the applicant  
60 presents evidence to the supervisor of elections sufficient to  
61 verify the authenticity of the applicant's driver license  
62 number, Florida identification card number, or last four digits  
63 of the social security number no later than 5 p.m. of the third  
64 ~~second~~ day following the election.

65 Section 2. Subsection (1), paragraph (b) of subsection  
66 (2), and subsection (5) of section 101.048, Florida Statutes,  
67 are amended, and subsection (7) is added to that section, to  
68 read:

69 101.048 Provisional ballots.—

70 (1) At all elections, a voter claiming to be properly  
71 registered in the state and eligible to vote at the precinct in  
72 the election but whose eligibility cannot be determined, a  
73 person whom an election official asserts is not eligible, and  
74 other persons specified in the code shall be entitled to vote a  
75 provisional ballot. Once voted, the provisional ballot shall be

76 | placed in a secrecy envelope and thereafter sealed in a  
77 | provisional ballot envelope. The provisional ballot shall be  
78 | deposited in a ballot box. All provisional ballots shall remain  
79 | sealed in their envelopes for return to the supervisor of  
80 | elections. The department shall prescribe the form of the  
81 | provisional ballot envelope. A person casting a provisional  
82 | ballot shall have the right to present written evidence  
83 | supporting his or her eligibility to vote to the supervisor of  
84 | elections by not later than 5 p.m. on the third ~~second~~ day  
85 | following the election.

86 | (2)

87 | (b)1. If it is determined that the person was registered  
88 | and entitled to vote at the precinct where the person cast a  
89 | vote in the election, the canvassing board shall compare the  
90 | signature on the Provisional Ballot Voter's Certificate and  
91 | Affirmation or the provisional ballot affidavit, if applicable,  
92 | as provided under paragraph (7) (a), with the signature on the  
93 | voter's registration and, if it matches, shall count the ballot.

94 | 2. If it is determined that the person voting the  
95 | provisional ballot was not registered or entitled to vote at the  
96 | precinct where the person cast a vote in the election, the  
97 | provisional ballot shall not be counted and the ballot shall  
98 | remain in the envelope containing the Provisional Ballot Voter's  
99 | Certificate and Affirmation and the envelope shall be marked  
100 | "Rejected as Illegal."

101 (5) Each person casting a provisional ballot shall be  
102 given written instructions regarding the person's right to  
103 provide the supervisor of elections with written evidence of his  
104 or her eligibility to vote, ~~and regarding~~ the free access system  
105 established pursuant to subsection (6), and the opportunity to  
106 cure a rejected provisional ballot pursuant to subsection (7).

107 The instructions shall contain information on how to access the  
108 system and the information the voter will need to provide to  
109 obtain information on his or her particular ballot. The  
110 instructions shall also include the following statement: "If  
111 this is a primary election, you should contact the supervisor of  
112 elections' office immediately to confirm that you are registered  
113 and can vote in the general election."

114 (7) The supervisor of elections shall, on behalf of the  
115 county canvassing board, notify each person whose provisional  
116 ballot was rejected as illegal and provide the specific reason  
117 the ballot was rejected. To the extent possible, the supervisor  
118 shall provide such notification before the deadline to submit a  
119 provisional ballot affidavit pursuant to paragraph (a).

120 (a) Until 5 p.m. on the third day following the election,  
121 the supervisor of elections shall allow a person who has voted a  
122 provisional ballot that does not include the person's signature  
123 on the Provisional Ballot Voter's Certificate and Affirmation,  
124 or that was rejected due to a difference between the person's  
125 signature on the Voter's Certificate and Affirmation with the

126 signature on the voter's registration, to complete and submit an  
 127 affidavit in order to cure the provisional ballot. The  
 128 supervisor of elections may allow a person to submit an  
 129 affidavit to cure a provisional ballot only if the person's  
 130 identity can otherwise be ascertained through information  
 131 provided in the Provisional Ballot Voter's Certificate and  
 132 Affirmation.

133 (b) The person must provide identification to the  
 134 supervisor of elections and must complete a provisional ballot  
 135 affidavit in substantially the following form:

137 PROVISIONAL BALLOT AFFIDAVIT

138 I, . . . ., am a qualified voter in this election and  
 139 registered voter of . . . . County, Florida. I do solemnly swear or  
 140 affirm that I voted a provisional ballot and that I have not and  
 141 will not vote more than one ballot in this election. I  
 142 understand that if I commit or attempt any fraud in connection  
 143 with voting, vote a fraudulent ballot, or vote more than once in  
 144 an election, I may be convicted of a felony of the third degree,  
 145 fined up to \$5,000, and imprisoned for up to 5 years. I  
 146 understand that my failure to sign this affidavit means that my  
 147 provisional ballot will be invalidated.

148  
 149 ... (Voter's Signature) ...  
 150

151 ... (Address) ...

152

153 (c) Instructions must accompany the provisional ballot  
 154 affidavit in substantially the following form:

155

156 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
 157 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
 158 BALLOT NOT TO COUNT.

159

160 1. In order to cure the missing signature or the signature  
 161 discrepancy on your Provisional Ballot Voter's Certificate and  
 162 Affirmation, your affidavit should be completed and returned as  
 163 soon as possible so that it can reach the supervisor of  
 164 elections of the county in which your precinct is located no  
 165 later than 5 p.m. on the third day following the election.

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

168 3. You must make a copy of one of the following forms of  
 169 identification:

170 a. Identification that includes your name and photograph:  
 171 United States passport; debit or credit card; military  
 172 identification; student identification; retirement center  
 173 identification; neighborhood association identification; public  
 174 assistance identification; veteran health identification card  
 175 issued by the United States Department of Veterans Affairs;

176 Florida license to carry a concealed weapon or firearm; or  
177 employee identification card issued by any branch, department,  
178 agency, or entity of the Federal Government, the state, a  
179 county, or a municipality; or

180 b. Identification that shows your name and current  
181 residence address: current utility bill; bank statement;  
182 government check; paycheck; or government document (excluding  
183 voter identification card).

184 4. Place the envelope bearing the affidavit into a mailing  
185 envelope addressed to the supervisor of elections. Insert a copy  
186 of your identification in the mailing envelope. Mail, deliver,  
187 or have delivered the completed affidavit along with the copy of  
188 your identification to your county supervisor of elections. Be  
189 sure there is sufficient postage if mailed and that the  
190 supervisor's address is correct.

191 5. Alternatively, you may fax or e-mail your completed  
192 affidavit and a copy of your identification to the supervisor of  
193 elections. If e-mailing, please provide these documents as  
194 attachments.

195 6. Submitting a provisional ballot affidavit does not  
196 establish your eligibility to vote in this election or guarantee  
197 that your ballot will be counted. The county canvassing board  
198 determines your eligibility to vote through information provided  
199 on the Provisional Ballot Voter's Certificate and Affirmation,  
200 written evidence provided by you, and any other evidence



201 presented by the supervisor of elections or a challenger. You  
202 may still be required to present additional written evidence to  
203 support your eligibility to vote no later than 5 p.m. on the  
204 third day following the election.

205 (d) The department and each supervisor of elections shall  
206 include the affidavit and instructions on their respective  
207 websites. The supervisor of elections shall include his or her  
208 office's mailing address, e-mail address, and facsimile number  
209 on the page containing the affidavit instructions; the  
210 department's instruction page must include the office mailing  
211 addresses, e-mail addresses, and facsimile numbers of all  
212 supervisors of elections or provide a conspicuous link to such  
213 addresses.

214 (e) The supervisor of elections shall attach each  
215 affidavit received to the appropriate provisional ballot  
216 envelope containing the Provisional Ballot Voter's Certificate  
217 and Affirmation.

218 Section 3. Paragraphs (b) and (d) of subsection (4) of  
219 section 101.68, Florida Statutes, is amended to read:

220 101.68 Canvassing of vote-by-mail ballot.—

221 (4)

222 (b) Until 5 p.m. on the third day after ~~before~~ an  
223 election, the supervisor shall allow an elector who has returned  
224 a vote-by-mail ballot that does not include the elector's  
225 signature, or that was rejected due to a difference between the

226 | elector's signature on the voter's certificate or vote-by-mail  
 227 | ballot affidavit and the elector's signature in the registration  
 228 | books or precinct register, to complete and submit an affidavit  
 229 | in order to cure the ~~unsigned~~ vote-by-mail ballot.

230 | (d) Instructions must accompany the vote-by-mail ballot  
 231 | affidavit in substantially the following form:

232 |  
 233 | READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
 234 | AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
 235 | BALLOT NOT TO COUNT.

236 |  
 237 | 1. In order to ensure that your vote-by-mail ballot will  
 238 | be counted, your affidavit should be completed and returned as  
 239 | soon as possible so that it can reach the supervisor of  
 240 | elections of the county in which your precinct is located no  
 241 | later than 5 p.m. on the third ~~2nd~~ day after ~~before~~ the  
 242 | election.

243 | 2. You must sign your name on the line above (Voter's  
 244 | Signature).

245 | 3. You must make a copy of one of the following forms of  
 246 | identification:

247 | a. Identification that includes your name and photograph:  
 248 | United States passport; debit or credit card; military  
 249 | identification; student identification; retirement center  
 250 | identification; neighborhood association identification; public

251 assistance identification; veteran health identification card  
252 issued by the United States Department of Veterans Affairs; a  
253 Florida license to carry a concealed weapon or firearm; or an  
254 employee identification card issued by any branch, department,  
255 agency, or entity of the Federal Government, the state, a  
256 county, or a municipality; or

257       b. Identification that shows your name and current  
258 residence address: current utility bill, bank statement,  
259 government check, paycheck, or government document (excluding  
260 voter identification card).

261       4. Place the envelope bearing the affidavit into a mailing  
262 envelope addressed to the supervisor. Insert a copy of your  
263 identification in the mailing envelope. Mail, deliver, or have  
264 delivered the completed affidavit along with the copy of your  
265 identification to your county supervisor of elections. Be sure  
266 there is sufficient postage if mailed and that the supervisor's  
267 address is correct.

268       5. Alternatively, you may fax or e-mail your completed  
269 affidavit and a copy of your identification to the supervisor of  
270 elections. If e-mailing, please provide these documents as  
271 attachments.

272       Section 4. This act shall take effect July 1, 2017.