

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

Committee/Subcommittee hearing bill: Public Integrity & Ethics
Committee

Representative Ingoglia offered the following:

Amendment (with title amendment)

Remove lines 738-1113 and insert:

1. Providing notice of the signature deficiency to the elector by e-mail and directing the elector to the cure affidavit and instructions on the supervisor's website;

2. Notifying the elector of the signature deficiency by text message and directing the elector to the cure affidavit and instructions on the supervisor's website; or

3. Notifying the elector of the signature deficiency by telephone and directing the elector to the cure affidavit and instructions on the supervisor's website.

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17 In addition to the notification required in subparagraph 1.,
18 subparagraph 2., or subparagraph 3., the supervisor must notify
19 the elector of the signature deficiency by first-class mail and
20 direct the elector to the cure affidavit and instructions on the
21 supervisor's website. Beginning the day before the election, the
22 supervisor is not required to provide notice of the signature
23 deficiency by first-class mail, but shall continue to provide
24 notice as required in subparagraph 1., subparagraph 2., or
25 subparagraph 3.

26 (b) The supervisor shall allow such an elector to complete
27 and submit an affidavit in order to cure the vote-by-mail ballot
28 until 5 p.m. on the 2nd day after ~~before~~ the election.

29 (c) ~~(b)~~ The elector must complete a cure affidavit in
30 substantially the following form:

VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

31 I,, am a qualified voter in this election and
32 registered voter of County, Florida. I do solemnly swear or
33 affirm that I requested and returned the vote-by-mail ballot and
34 that I have not and will not vote more than one ballot in this
35 election. I understand that if I commit or attempt any fraud in
36 connection with voting, vote a fraudulent ballot, or vote more
37 than once in an election, I may be convicted of a felony of the
38 third degree and fined up to \$5,000 and imprisoned for up to 5
39 years. I understand that my failure to sign this affidavit means
40 that my vote-by-mail ballot will be invalidated.
41

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42 ... (Voter's Signature)...

43 ... (Address)...

44 (d)~~(e)~~ Instructions must accompany the cure affidavit in
45 substantially the following form:

46 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
47 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
48 BALLOT NOT TO COUNT.

49 1. In order to ensure that your vote-by-mail ballot will
50 be counted, your affidavit should be completed and returned as
51 soon as possible so that it can reach the supervisor of
52 elections of the county in which your precinct is located no
53 later than 5 p.m. on the 2nd day after ~~before~~ the election.

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

56 3. You must make a copy of one of the following forms of
57 identification:

58 a. Tier 1 identification.—Current and valid identification
59 that includes your name and photograph: Florida driver license;
60 Florida identification card issued by the Department of Highway
61 Safety and Motor Vehicles; United States passport; debit or
62 credit card; military identification; student identification;
63 retirement center identification; neighborhood association
64 identification; public assistance identification; veteran health
65 identification card issued by the United States Department of
66 Veterans Affairs; a Florida license to carry a concealed weapon

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67 or firearm; or an employee identification card issued by any
68 branch, department, agency, or entity of the Federal Government,
69 the state, a county, or a municipality; or

70 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
71 FORM OF IDENTIFICATION, identification that shows your name and
72 current residence address: current utility bill, bank statement,
73 government check, paycheck, or government document (excluding
74 voter information ~~identification~~ card).

75 4. Place the envelope bearing the affidavit into a mailing
76 envelope addressed to the supervisor. Insert a copy of your
77 identification in the mailing envelope. Mail (if time permits),
78 deliver, or have delivered the completed affidavit along with
79 the copy of your identification to your county supervisor of
80 elections. Be sure there is sufficient postage if mailed and
81 that the supervisor's address is correct. Remember, your
82 information MUST reach your county supervisor of elections no
83 later than 5 p.m. on the 2nd day after the election, or your
84 ballot will not count.

85 5. Alternatively, you may fax or e-mail your completed
86 affidavit and a copy of your identification to the supervisor of
87 elections. If e-mailing, please provide these documents as
88 attachments.

89 (e) ~~(d)~~ The department and each supervisor shall include
90 the affidavit and instructions on their respective websites. The
91 supervisor must include his or her office's mailing address, e-

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92 mail address, and fax number on the page containing the
93 affidavit instructions, ~~and~~ the department's instruction page
94 must include the office mailing addresses, e-mail addresses, and
95 fax numbers of all supervisors of elections or provide a
96 conspicuous link to such addresses.

97 ~~(f)(e)~~ The supervisor shall attach each affidavit received
98 to the appropriate vote-by-mail ballot mailing envelope.

99 ~~(g)(f)~~ If a vote-by-mail ballot is validated following the
100 submission of a cure affidavit, the supervisor shall make a copy
101 of the affidavit, affix it to a voter registration application,
102 and immediately process it as a valid request for a signature
103 update pursuant to s. 98.077.

104 (h) After all election results on the ballot have been
105 certified, the supervisor shall, on behalf of the county
106 canvassing board, notify each elector whose ballot has been
107 rejected as illegal and provide the specific reason the ballot
108 was rejected. In addition, unless processed as a signature
109 update pursuant to paragraph (h), the supervisor shall mail a
110 voter registration application to the elector to be completed
111 indicating the elector's current signature if the signature on
112 the voter's certificate or cure affidavit did not match the
113 elector's signature in the registration books or precinct
114 register. ~~This section does not prohibit the supervisor from~~
115 ~~providing additional methods for updating an elector's~~
116 ~~signature.~~

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117 Section 17. Section 101.69, Florida Statutes, is amended
118 to read:

119 101.69 Voting in person; return of vote-by-mail ballot.-

120 (1) The provisions of this code shall not be construed to
121 prohibit any elector from voting in person at the elector's
122 precinct on the day of an election or at an early voting site,
123 notwithstanding that the elector has requested a vote-by-mail
124 ballot for that election. An elector who has returned a voted
125 vote-by-mail ballot to the supervisor, however, is deemed to
126 have cast his or her ballot and is not entitled to vote another
127 ballot or to have a provisional ballot counted by the county
128 canvassing board. An elector who has received a vote-by-mail
129 ballot and has not returned the voted ballot to the supervisor,
130 but desires to vote in person, shall return the ballot, whether
131 voted or not, to the election board in the elector's precinct or
132 to an early voting site. The returned ballot shall be marked
133 "canceled" by the board and placed with other canceled ballots.
134 However, if the elector does not return the ballot and the
135 election official:

136 (a)~~(1)~~ Confirms that the supervisor has received the
137 elector's vote-by-mail ballot, the elector shall not be allowed
138 to vote in person. If the elector maintains that he or she has
139 not returned the vote-by-mail ballot or remains eligible to
140 vote, the elector shall be provided a provisional ballot as
141 provided in s. 101.048.

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142 ~~(b)(2)~~ Confirms that the supervisor has not received the
143 elector's vote-by-mail ballot, the elector shall be allowed to
144 vote in person as provided in this code. The elector's vote-by-
145 mail ballot, if subsequently received, shall not be counted and
146 shall remain in the mailing envelope, and the envelope shall be
147 marked "Rejected as Illegal."

148 ~~(c)(3)~~ Cannot determine whether the supervisor has
149 received the elector's vote-by-mail ballot, the elector may vote
150 a provisional ballot as provided in s. 101.048.

151 (2) The supervisor shall allow an elector who has received
152 a vote-by-mail ballot to physically return a voted vote-by-mail
153 ballot to the supervisor by placing the envelope containing his
154 or her marked ballot in a secure drop box. Secure drop boxes
155 shall only be placed at the main office of the supervisor, at
156 each branch office of the supervisor, and at each early voting
157 site.

158 Section 18. Subsection (2) of section 101.6923, Florida
159 Statutes, is amended to read:

160 101.6923 Special vote-by-mail ballot instructions for
161 certain first-time voters.—

162 (2) A voter covered by this section shall be provided with
163 printed instructions with his or her vote-by-mail ballot in
164 substantially the following form:

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165 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
166 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
167 TO COUNT.

168 1. In order to ensure that your vote-by-mail ballot will
169 be counted, it should be completed and returned as soon as
170 possible so that it can reach the supervisor of elections of the
171 county in which your precinct is located no later than 7 p.m. on
172 the date of the election. However, if you are an overseas voter
173 casting a ballot in a presidential preference primary or general
174 election, your vote-by-mail ballot must be postmarked or dated
175 no later than the date of the election and received by the
176 supervisor of elections of the county in which you are
177 registered to vote no later than 10 days after the date of the
178 election.

179 2. Mark your ballot in secret as instructed on the ballot.
180 You must mark your own ballot unless you are unable to do so
181 because of blindness, disability, or inability to read or write.

182 3. Mark only the number of candidates or issue choices for
183 a race as indicated on the ballot. If you are allowed to "Vote
184 for One" candidate and you vote for more than one, your vote in
185 that race will not be counted.

186 4. Place your marked ballot in the enclosed secrecy
187 envelope and seal the envelope.

188 5. Insert the secrecy envelope into the enclosed envelope
189 bearing the Voter's Certificate. Seal the envelope and

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190 completely fill out the Voter's Certificate on the back of the
191 envelope.

192 a. You must sign your name on the line above (Voter's
193 Signature).

194 b. If you are an overseas voter, you must include the date
195 you signed the Voter's Certificate on the line above (Date) or
196 your ballot may not be counted.

197 c. A vote-by-mail ballot will be considered illegal and
198 will not be counted if the signature on the Voter's Certificate
199 does not match the signature on record. The signature on file at
200 the start of the canvass of the vote-by-mail ballots is the
201 signature that will be used to verify your signature on the
202 Voter's Certificate. If you need to update your signature for
203 this election, send your signature update on a voter
204 registration application to your supervisor of elections so that
205 it is received before your vote-by-mail ballot is received ~~no~~
206 ~~later than the start of canvassing of vote-by-mail ballots,~~
207 ~~which occurs no earlier than the 15th day before election day.~~

208 6. Unless you meet one of the exemptions in Item 7., you
209 must make a copy of one of the following forms of
210 identification:

211 a. Identification which must include your name and
212 photograph: United States passport; debit or credit card;
213 military identification; student identification; retirement
214 center identification; neighborhood association identification;

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215 public assistance identification; veteran health identification
216 card issued by the United States Department of Veterans Affairs;
217 a Florida license to carry a concealed weapon or firearm; or an
218 employee identification card issued by any branch, department,
219 agency, or entity of the Federal Government, the state, a
220 county, or a municipality; or

221 b. Identification which shows your name and current
222 residence address: current utility bill, bank statement,
223 government check, paycheck, or government document (excluding
224 voter information ~~identification~~ card).

225 7. The identification requirements of Item 6. do not apply
226 if you meet one of the following requirements:

227 a. You are 65 years of age or older.

228 b. You have a temporary or permanent physical disability.

229 c. You are a member of a uniformed service on active duty
230 who, by reason of such active duty, will be absent from the
231 county on election day.

232 d. You are a member of the Merchant Marine who, by reason
233 of service in the Merchant Marine, will be absent from the
234 county on election day.

235 e. You are the spouse or dependent of a member referred to
236 in paragraph c. or paragraph d. who, by reason of the active
237 duty or service of the member, will be absent from the county on
238 election day.

239 f. You are currently residing outside the United States.

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240 8. Place the envelope bearing the Voter's Certificate into
241 the mailing envelope addressed to the supervisor. Insert a copy
242 of your identification in the mailing envelope. DO NOT PUT YOUR
243 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
244 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
245 BALLOT WILL NOT COUNT.

246 9. Mail, deliver, or have delivered the completed mailing
247 envelope. Be sure there is sufficient postage if mailed.

248 10. FELONY NOTICE. It is a felony under Florida law to
249 accept any gift, payment, or gratuity in exchange for your vote
250 for a candidate. It is also a felony under Florida law to vote
251 in an election using a false identity or false address, or under
252 any other circumstances making your ballot false or fraudulent.

253 Section 19. Paragraph (a) of subsection (4) and subsection
254 (5) of section 102.031, Florida Statutes, are amended to read:

255 102.031 Maintenance of good order at polls; authorities;
256 persons allowed in polling rooms and early voting areas;
257 unlawful solicitation of voters.-

258 (4) (a) No person, political committee, or other group or
259 organization may solicit voters inside the polling place or
260 within 150 ~~100~~ feet of the entrance to any polling place, a
261 polling room where the polling place is also a polling room, an
262 early voting site, or an office of the supervisor ~~of elections~~
263 where vote-by-mail ballots are requested and printed on demand
264 for the convenience of electors who appear in person to request

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265 them. Before the opening of the polling place or early voting
266 site, the clerk or supervisor shall designate the no-
267 solicitation zone and mark the boundaries.

268 (5) No photography is permitted in the polling room or
269 early voting area, except an elector may photograph his or her
270 own ballot.

271 Section 20. Subsections (9) and (10) of section 102.141,
272 Florida Statutes, are renumbered as subsections (10) and (11),
273 respectively, subsection (2) is amended, and a new subsection
274 (9) is added to that section, to read:

275 102.141 County canvassing board; duties.—

276 (2) (a) The county canvassing board shall meet in a
277 building accessible to the public in the county where the
278 election occurred at a time and place to be designated by the
279 supervisor ~~of elections~~ to publicly canvass the absent electors'
280 ballots as provided for in s. 101.68 and provisional ballots as
281 provided by ss. 101.048, 101.049, and 101.6925. Provisional
282 ballots cast pursuant to s. 101.049 shall be canvassed in a
283 manner that votes for candidates and issues on those ballots can
284 be segregated from other votes. ~~Public notice of the time and~~
285 ~~place at which the county canvassing board shall meet to canvass~~
286 ~~the absent electors' ballots and provisional ballots shall be~~
287 ~~given at least 48 hours prior thereto by publication on the~~
288 ~~supervisor of elections' website and once in one or more~~
289 ~~newspapers of general circulation in the county or, if there is~~

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290 ~~no newspaper of general circulation in the county, by posting~~
291 ~~such notice in at least four conspicuous places in the county.~~
292 As soon as the absent electors' ballots and the provisional
293 ballots are canvassed, the board shall proceed to publicly
294 canvass the vote given each candidate, nominee, constitutional
295 amendment, or other measure submitted to the electorate of the
296 county, as shown by the returns then on file in the office of
297 the supervisor ~~of elections.~~

298 (b) Public notice of the time and place at which the
299 county canvassing board shall meet to canvass the absent
300 electors' ballots and provisional ballots must be given at least
301 48 hours prior thereto by publication on the supervisor's
302 website and published in one or more newspapers of general
303 circulation in the county or, if there is no newspaper of
304 general circulation in the county, by posting such notice in at
305 least four conspicuous places in the county. The time given in
306 the notice as to the convening of the meeting of the county
307 canvassing board must be specific and may not be a time period
308 during which the board may meet.

309 (c) If the county canvassing board suspends or recesses a
310 meeting publicly noticed pursuant to paragraph (b) for a period
311 lasting in excess of 60 minutes, the board must post on the
312 supervisor's website the anticipated time that the board expects
313 to reconvene. If the county canvassing board does not reconvene
314 at the specified time, the board must provide at least 2 hours'

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315 | notice, which must posted on the supervisor's website, before
316 | reconvening.

317

318 | -----

319 | **T I T L E A M E N D M E N T**

320 | Remove lines 65-67 and insert:

321 | on her own ballot; amending s. 102.141, F.S.; providing notice