

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 105 — Canvassing of Vote-by-Mail Ballots

by Oversight, Transparency and Administration Subcommittee; and Rep. Cruz and others (SB 954 by Senators Passidomo, Braynon, Gibson, and Powell)

CS/HB 105 creates a statutory affidavit “cure” process to remedy and count a vote-by-mail ballot where the ballot signature submitted by the voter does not match the signature on file in the registration book or precinct register. This new process is similar to the process for curing a vote-by-mail ballot with no signature, adopted by the Legislature in 2013.

The cure process begins when a Supervisor of Elections receives a vote-by-mail ballot that contains either no signature or a signature that does not match the voter’s signature in the registration book or precinct register. The supervisor must immediately notify the voter and provide an opportunity to cure the defect by submitting a *signed* cure affidavit and a copy of a proper ID no later than 5:00 p.m. on the day before the election.

The *type* of identification that the voter must provide in order for the ballot to count depends on whether the voter’s signature on the cure affidavit matches the registration signature on file. If not, the voter must provide the same type of current and valid picture identification required at the polls (“TIER 1”); if the signature matches, additional lesser forms of identification with the voter’s name and current residence address will suffice — such as a current utility bill, bank statement, or government check (“TIER 2”).

The bill more effectively implements an *ad hoc* procedure that a federal district court judge mandated for the 2016 general election to count mismatched-signature ballots. *Florida Democratic Party v. Detzner*, 2016 U.S. Dist. LEXIS 143620 [Case No. 4:16cv607-MW/CAS (N.D. Fla., Oct. 16, 2016)].

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 35-0; House 120-0