

By Senator Gibson

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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

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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 fined up to \$5,000, and imprisoned for up to 5 years. I

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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

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

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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 addresses.

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

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