

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.