

By Representative Smith

1 A bill to be entitled
2 An act relating to elections; amending s.
3 101.048, F.S.; removing the requirement that a
4 provisional ballot must be cast in the precinct
5 of the voter's legal residence; clarifying that
6 a provisional ballot must be cast in the county
7 in which the voter claims to be registered;
8 restricting the counting of votes on
9 provisional ballots to only those races for
10 which the voter was entitled to vote; amending
11 s. 102.141, F.S.; specifying what constitutes
12 active participation in a campaign or candidacy
13 in an election being canvassed for purposes of
14 disqualification of a canvassing board member;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (1) and (2) of section 101.048,
20 Florida Statutes, are amended to read:

21 101.048 Provisional ballots.--

22 (1) At all elections, a voter claiming to be properly
23 registered in the county and eligible to vote ~~at the precinct~~
24 in the election, but whose eligibility cannot be determined,
25 shall be entitled to vote a provisional ballot in the county
26 in which the voter claims to be registered. Once voted, the
27 provisional ballot shall be placed in a secrecy envelope and
28 thereafter sealed in a provisional ballot envelope. The
29 provisional ballot shall be deposited in a ballot box. All
30 provisional ballots shall remain sealed in their envelopes for
31 return to the supervisor of elections.

1 (2)(a) The county canvassing board shall examine each
2 provisional ballot to determine if the person voting that
3 ballot was entitled to vote ~~at the precinct~~ in the election
4 and that the person had not already cast a ballot in the
5 election.

6 (b)1. If it is determined that the person was
7 registered and entitled to vote ~~at the precinct~~ in the
8 election, the canvassing board shall compare the signature on
9 the provisional ballot envelope with the signature on the
10 voter's registration and, if it matches, shall count the
11 ballot. The provisional ballot of a voter who is otherwise
12 entitled to vote shall not be rejected because the voter did
13 not cast his or her ballot in the precinct of his or her legal
14 residence. However, if the voter voted a ballot to which he or
15 she was not entitled, the canvassing board shall duplicate the
16 ballot for the races that the voter was entitled to vote in
17 the precinct of his or her legal residence and count the races
18 for which the voter was entitled to vote.

19 2. If it is determined that the person voting the
20 provisional ballot was not registered or entitled to vote ~~at~~
21 ~~the precinct~~ in the election, the provisional ballot shall not
22 be counted and the ballot shall remain in the envelope
23 containing the Provisional Ballot Voter's Certificate and the
24 envelope marked "Rejected as Illegal."

25 Section 2. Subsection (1) of section 102.141, Florida
26 Statutes, is amended to read:

27 102.141 County canvassing board; duties.--

28 (1)(a) The county canvassing board shall be composed
29 of the supervisor of elections; a county court judge, who
30 shall act as chair; and the chair of the board of county
31 commissioners. In the event any member of the county

1 canvassing board is unable to serve, is a candidate who has
2 opposition in the election being canvassed, or is an active
3 participant in the campaign or candidacy of any candidate who
4 has opposition in the election being canvassed, such member
5 shall be replaced as follows:

6 1.(a) If no county court judge is able to serve or if
7 all are disqualified, the chief judge of the judicial circuit
8 in which the county is located shall appoint as a substitute
9 member a qualified elector of the county who is not a
10 candidate with opposition in the election being canvassed and
11 who is not an active participant in the campaign or candidacy
12 of any candidate with opposition in the election being
13 canvassed. In such event, the members of the county
14 canvassing board shall meet and elect a chair.

15 2.(b) If the supervisor of elections is unable to
16 serve or is disqualified, the chair of the board of county
17 commissioners shall appoint as a substitute member a member of
18 the board of county commissioners who is not a candidate with
19 opposition in the election being canvassed and who is not an
20 active participant in the campaign or candidacy of any
21 candidate with opposition in the election being canvassed.
22 The supervisor, however, shall act in an advisory capacity to
23 the canvassing board.

24 3.(c) If the chair of the board of county
25 commissioners is unable to serve or is disqualified, the board
26 of county commissioners shall appoint as a substitute member
27 one of its members who is not a candidate with opposition in
28 the election being canvassed and who is not an active
29 participant in the campaign or candidacy of any candidate with
30 opposition in the election being canvassed.

31

1 ~~4.(d)~~ If a substitute member cannot be appointed as
2 provided elsewhere in this paragraph ~~subsection~~, the chief
3 judge of the judicial circuit in which the county is located
4 shall appoint as a substitute member a qualified elector of
5 the county who is not a candidate with opposition in the
6 election being canvassed and who is not an active participant
7 in the campaign or candidacy of any candidate with opposition
8 in the election being canvassed.

9 (b) For purposes of this subsection, a person shall be
10 considered an active participant in the campaign or candidacy
11 of a candidate who has opposition in the election being
12 canvassed if the person publicly supports or endorses such
13 candidate, campaigns for or on behalf of such candidate, or
14 makes a contribution to the campaign of such candidate.

15 Section 3. This act shall take effect July 1, 2002.

16
17 *****

18 HOUSE SUMMARY

19 Removes the requirement that a provisional ballot must be
20 cast in the precinct of the voter's legal residence,
21 clarifies that a provisional ballot must be cast in the
22 county in which the voter claims to be registered, and
23 restricts the counting of votes on provisional ballots to
24 only those races for which the voter was entitled to
25 vote. Specifies what constitutes active participation in
26 a campaign or candidacy in an election being canvassed
27 for purposes of disqualification of a canvassing board
28 member. See bill for details.
29
30
31