



762384

LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AD/2R	.	Floor: C
04/04/2017 01:54 PM	.	05/03/2017 11:24 AM
	.	

Senator Passidomo moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 101.68, Florida Statutes, is amended to
read:

101.68 Canvassing of vote-by-mail ballot.—

(1) The supervisor of the county where the absent elector
resides shall receive the voted ballot, at which time the
supervisor shall compare the signature of the elector on the
voter's certificate with the signature of the elector in the



762384

12 registration books or the precinct register to determine whether
13 the elector is duly registered in the county and may record on
14 the elector's registration certificate that the elector has
15 voted. ~~However, effective July 1, 2005,~~ An elector who dies
16 after casting a vote-by-mail ballot but on or before election
17 day shall remain listed in the registration books until the
18 results have been certified for the election in which the ballot
19 was cast. The supervisor shall safely keep the ballot unopened
20 in his or her office until the county canvassing board canvasses
21 the vote. Except as provided in subsection (4), after a vote-by-
22 mail ballot is received by the supervisor, the ballot is deemed
23 to have been cast, and changes or additions may not be made to
24 the voter's certificate.

25 (2) (a) The county canvassing board may begin the canvassing
26 of vote-by-mail ballots at 7 a.m. on the 15th day before the
27 election, but not later than noon on the day following the
28 election. In addition, for any county using electronic
29 tabulating equipment, the processing of vote-by-mail ballots
30 through such tabulating equipment may begin at 7 a.m. on the
31 15th day before the election. However, notwithstanding any such
32 authorization to begin canvassing or otherwise processing vote-
33 by-mail ballots early, no result shall be released until after
34 the closing of the polls in that county on election day. Any
35 supervisor of elections, deputy supervisor of elections,
36 canvassing board member, election board member, or election
37 employee who releases the results of a canvassing or processing
38 of vote-by-mail ballots prior to the closing of the polls in
39 that county on election day commits a felony of the third
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.



762384

41 775.084.

42 (b) To ensure that all vote-by-mail ballots to be counted
43 by the canvassing board are accounted for, the canvassing board
44 shall compare the number of ballots in its possession with the
45 number of requests for ballots received to be counted according
46 to the supervisor's file or list.

47 (c)1. The canvassing board must ~~shall~~, if the supervisor
48 has not already done so, compare the signature of the elector on
49 the voter's certificate or on the vote-by-mail ballot cure
50 affidavit as provided in subsection (4) with the signature of
51 the elector in the registration books or the precinct register
52 to see that the elector is duly registered in the county and to
53 determine the legality of that vote-by-mail ballot. A vote-by-
54 mail ballot may only be counted if:

55 a. The signature on the voter's certificate or the cure
56 affidavit matches the elector's signature in the registration
57 books or precinct register; however, in the case of a cure
58 affidavit, the supporting identification listed in subsection
59 (4) must also confirm the identity of the elector; or

60 b. The cure affidavit contains a signature that does not
61 match the elector's signature in the registration books or
62 precinct register, but the elector has submitted a current and
63 valid Tier 1 identification pursuant to subsection (4) which
64 confirms the identity of the elector.

65 2. The ballot of an elector who casts a vote-by-mail ballot
66 shall be counted even if the elector dies on or before election
67 day, as long as, before ~~prior to~~ the death of the voter, the
68 ballot was postmarked by the United States Postal Service, date-
69 stamped with a verifiable tracking number by a common carrier,



762384

70 or already in the possession of the supervisor of elections. ~~A~~
71 ~~vote-by-mail ballot is considered illegal if the voter's~~
72 ~~certificate or vote-by-mail ballot affidavit does not include~~
73 ~~the signature of the elector, as shown by the registration~~
74 ~~records or the precinct register. However,~~

75 3. A vote-by-mail ballot is not considered illegal if the
76 signature of the elector does not cross the seal of the mailing
77 envelope. ~~If the canvassing board determines that any ballot is~~
78 ~~illegal, a member of the board shall, without opening the~~
79 ~~envelope, mark across the face of the envelope: "rejected as~~
80 ~~illegal." The vote-by-mail ballot affidavit, if applicable, the~~
81 ~~envelope, and the ballot contained therein shall be preserved in~~
82 ~~the manner that official ballots voted are preserved.~~

83 4.2. If any elector or candidate present believes that a
84 vote-by-mail ballot is illegal due to a defect apparent on the
85 voter's certificate or the cure ~~vote-by-mail ballot~~ affidavit,
86 he or she may, at any time before the ballot is removed from the
87 envelope, file with the canvassing board a protest against the
88 canvass of that ballot, specifying the precinct, the ballot, and
89 the reason he or she believes the ballot to be illegal. A
90 challenge based upon a defect in the voter's certificate or cure
91 ~~vote-by-mail ballot~~ affidavit may not be accepted after the
92 ballot has been removed from the mailing envelope.

93 5. If the canvassing board determines that a ballot is
94 illegal, a member of the board must, without opening the
95 envelope, mark across the face of the envelope: "rejected as
96 illegal." The cure affidavit, if applicable, the envelope, and
97 the ballot therein shall be preserved in the manner that
98 official ballots are preserved.



762384

99 (d) The canvassing board shall record the ballot upon the
100 proper record, unless the ballot has been previously recorded by
101 the supervisor. The mailing envelopes shall be opened and the
102 secrecy envelopes shall be mixed so as to make it impossible to
103 determine which secrecy envelope came out of which signed
104 mailing envelope; however, in any county in which an electronic
105 or electromechanical voting system is used, the ballots may be
106 sorted by ballot styles and the mailing envelopes may be opened
107 and the secrecy envelopes mixed separately for each ballot
108 style. The votes on vote-by-mail ballots shall be included in
109 the total vote of the county.

110 (3) The supervisor or the chair of the county canvassing
111 board shall, after the board convenes, have custody of the vote-
112 by-mail ballots until a final proclamation is made as to the
113 total vote received by each candidate.

114 ~~(4) (a) The supervisor of elections shall, on behalf of the~~
115 ~~county canvassing board, notify each elector whose ballot was~~
116 ~~rejected as illegal and provide the specific reason the ballot~~
117 ~~was rejected. The supervisor shall mail a voter registration~~
118 ~~application to the elector to be completed indicating the~~
119 ~~elector's current signature if the elector's ballot was rejected~~
120 ~~due to a difference between the elector's signature on the~~
121 ~~voter's certificate or vote-by-mail ballot affidavit and the~~
122 ~~elector's signature in the registration books or precinct~~
123 ~~register. This section does not prohibit the supervisor from~~
124 ~~providing additional methods for updating an elector's~~
125 ~~signature.~~

126 ~~(b) Until 5 p.m. on the day before an election, The~~
127 ~~supervisor shall, on behalf of the county canvassing board,~~



762384

128 immediately notify ~~allow~~ an elector who has returned a vote-by-
129 mail ballot that does not include the elector's signature or
130 contains a signature that does not match the elector's signature
131 in the registration books or precinct register. The supervisor
132 shall allow such an elector to complete and submit an affidavit
133 in order to cure the ~~unsigned~~ vote-by-mail ballot until 5 p.m.
134 on the day before the election.

135 ~~(b)(e)~~ The elector ~~shall provide identification to the~~
136 ~~supervisor and~~ must complete a cure ~~vote-by-mail ballot~~
137 affidavit in substantially the following form:

138
139 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

140 I,, am a qualified voter in this election and
141 registered voter of County, Florida. I do solemnly swear or
142 affirm that I requested and returned the vote-by-mail ballot and
143 that I have not and will not vote more than one ballot in this
144 election. I understand that if I commit or attempt any fraud in
145 connection with voting, vote a fraudulent ballot, or vote more
146 than once in an election, I may be convicted of a felony of the
147 third degree and fined up to \$5,000 and imprisoned for up to 5
148 years. I understand that my failure to sign this affidavit means
149 that my vote-by-mail ballot will be invalidated.

150
151 ... (Voter's Signature) ...

152
153 ... (Address) ...

154 ~~(c)(d)~~ Instructions must accompany the cure ~~vote-by-mail~~
155 ~~ballot~~ affidavit in substantially the following form:

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762384

157 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
158 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
159 BALLOT NOT TO COUNT.

160

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

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

168 3. You must make a copy of one of the following forms of
169 identification:

170 a. Tier 1 identification.—Current and valid identification
171 that includes your name and photograph: Florida driver license;
172 Florida identification card issued by the Department of Highway
173 Safety and Motor Vehicles; United States passport; debit or
174 credit card; military identification; student identification;
175 retirement center identification; neighborhood association
176 identification; public assistance identification; veteran health
177 identification card issued by the United States Department of
178 Veterans Affairs; a Florida license to carry a concealed weapon
179 or firearm; or an employee identification card issued by any
180 branch, department, agency, or entity of the Federal Government,
181 the state, a county, or a municipality; or

182 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
183 FORM OF IDENTIFICATION, identification that shows your name and
184 current residence address: current utility bill, bank statement,
185 government check, paycheck, or government document (excluding



762384

186 voter identification card).

187 4. Place the envelope bearing the affidavit into a mailing
188 envelope addressed to the supervisor. Insert a copy of your
189 identification in the mailing envelope. Mail, deliver, or have
190 delivered the completed affidavit along with the copy of your
191 identification to your county supervisor of elections. Be sure
192 there is sufficient postage if mailed and that the supervisor's
193 address is correct.

194 5. Alternatively, you may fax or e-mail your completed
195 affidavit and a copy of your identification to the supervisor of
196 elections. If e-mailing, please provide these documents as
197 attachments.

198 ~~(d)~~ ~~(e)~~ The department and each supervisor shall include the
199 affidavit and instructions on their respective websites. The
200 supervisor must include his or her office's mailing address, e-
201 mail address, and fax number on the page containing the
202 affidavit instructions; the department's instruction page must
203 include the office mailing addresses, e-mail addresses, and fax
204 numbers of all supervisors of elections or provide a conspicuous
205 link to such addresses.

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

208 (f) After all election results on the ballot have been
209 certified, the supervisor shall, on behalf of the county
210 canvassing board, notify each elector whose ballot has been
211 rejected as illegal and provide the specific reason the ballot
212 was rejected. In addition, the supervisor shall mail a voter
213 registration application to the elector to be completed
214 indicating the elector's current signature if the signature on



762384

215 the voter's certificate or cure affidavit did not match the
216 elector's signature in the registration books or precinct
217 register. This section does not prohibit the supervisor from
218 providing additional methods for updating an elector's
219 signature.

220 Section 2. This act shall take effect upon becoming a law.

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete everything before the enacting clause
225 and insert:

226 A bill to be entitled
227 An act relating to the canvassing of vote-by-mail
228 ballots; amending s. 101.68, F.S.; deleting an
229 obsolete date; modifying and clarifying provisions
230 governing the canvassing of vote-by-mail ballots;
231 authorizing use of the vote-by-mail ballot cure
232 affidavit if an elector's signature does not match the
233 signature in the registration books or precinct
234 register; requiring the supervisor of elections to
235 immediately notify an elector upon receipt of a vote-
236 by-mail ballot with a missing or mismatched signature;
237 revising terminology; revising the cure affidavit
238 instructions with respect to acceptable forms of
239 identification; specifying that a Florida driver
240 license or Florida identification card are acceptable
241 forms of identification for purposes of curing a vote-
242 by-mail ballot; expanding the scope of post-election
243 signature update requests to include electors who



762384

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245

cured a vote-by-mail ballot with a mismatched
signature; providing an effective date.