

By Senator Gibson

6-00361A-17

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.053,
3 F.S.; revising a reference to the deadline for a
4 person who cast a provisional ballot to present
5 evidence verifying authenticity of certain information
6 in a voter registration application, to conform;
7 amending s. 101.048, F.S.; extending the timeframe for
8 which a person who cast a provisional ballot may
9 present written evidence supporting his or her
10 eligibility to vote; revising requirements for
11 instructions provided to a person who casts a
12 provisional ballot, to conform; requiring the
13 supervisor to provide certain notification to a person
14 whose provisional ballot was rejected; requiring the
15 supervisor to allow a person who voted a provisional
16 ballot to present identification and submit an
17 affidavit to cure an unsigned Provisional Ballot
18 Voter's Certificate and Affirmation or a provisional
19 ballot rejected due to a signature discrepancy;
20 prescribing the form and content of the affidavit;
21 providing instructions to accompany each affidavit;
22 requiring the affidavit, instructions, and the
23 supervisor's contact information to be posted on
24 specified websites; requiring the supervisor to attach
25 a received affidavit to the corresponding provisional
26 ballot envelope; amending s. 101.68, F.S.; requiring
27 the supervisor to allow submission of an affidavit to
28 cure signature discrepancies on a vote-by-mail ballot;
29 extending the timeframe for which an elector may
30 submit a vote-by-mail ballot affidavit to cure a
31 rejected ballot; providing an effective date.
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6-00361A-17

2017598__

33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Subsection (6) of section 97.053, Florida
36 Statutes, is amended to read:

37 97.053 Acceptance of voter registration applications.—

38 (6) A voter registration application may be accepted as
39 valid only after the department has verified the authenticity or
40 nonexistence of the driver license number, the Florida
41 identification card number, or the last four digits of the
42 social security number provided by the applicant. If a completed
43 voter registration application has been received by the book-
44 closing deadline but the driver license number, the Florida
45 identification card number, or the last four digits of the
46 social security number provided by the applicant cannot be
47 verified, the applicant shall be notified that the number cannot
48 be verified and that the applicant must provide evidence to the
49 supervisor sufficient to verify the authenticity of the
50 applicant's driver license number, Florida identification card
51 number, or last four digits of the social security number. If
52 the applicant provides the necessary evidence, the supervisor
53 shall place the applicant's name on the registration rolls as an
54 active voter. If the applicant has not provided the necessary
55 evidence or the number has not otherwise been verified prior to
56 the applicant presenting himself or herself to vote, the
57 applicant shall be provided a provisional ballot. The
58 provisional ballot shall be counted only if the number is
59 verified by the end of the canvassing period or if the applicant
60 presents evidence to the supervisor of elections sufficient to
61 verify the authenticity of the applicant's driver license

6-00361A-17

2017598__

62 number, Florida identification card number, or last four digits
63 of the social security number no later than 5 p.m. of the third
64 ~~second~~ day following the election.

65 Section 2. Subsection (1), paragraph (b) of subsection (2),
66 and subsection (5) of section 101.048, Florida Statutes, are
67 amended, and subsection (7) is added to that section, to read:

68 101.048 Provisional ballots.—

69 (1) At all elections, a voter claiming to be properly
70 registered in the state and eligible to vote at the precinct in
71 the election but whose eligibility cannot be determined, a
72 person whom an election official asserts is not eligible, and
73 other persons specified in the code shall be entitled to vote a
74 provisional ballot. Once voted, the provisional ballot shall be
75 placed in a secrecy envelope and thereafter sealed in a
76 provisional ballot envelope. The provisional ballot shall be
77 deposited in a ballot box. All provisional ballots shall remain
78 sealed in their envelopes for return to the supervisor of
79 elections. The department shall prescribe the form of the
80 provisional ballot envelope. A person casting a provisional
81 ballot shall have the right to present written evidence
82 supporting his or her eligibility to vote to the supervisor of
83 elections by not later than 5 p.m. on the third ~~second~~ day
84 following the election.

85 (2)

86 (b)1. If it is determined that the person was registered
87 and entitled to vote at the precinct where the person cast a
88 vote in the election, the canvassing board shall compare the
89 signature on the Provisional Ballot Voter's Certificate and
90 Affirmation or the provisional ballot affidavit, if applicable,

6-00361A-17

2017598__

91 as provided under paragraph (7) (a), with the signature on the
92 voter's registration and, if it matches, shall count the ballot.

93 2. If it is determined that the person voting the
94 provisional ballot was not registered or entitled to vote at the
95 precinct where the person cast a vote in the election, the
96 provisional ballot shall not be counted and the ballot shall
97 remain in the envelope containing the Provisional Ballot Voter's
98 Certificate and Affirmation and the envelope shall be marked
99 "Rejected as Illegal."

100 (5) Each person casting a provisional ballot shall be given
101 written instructions regarding the person's right to provide the
102 supervisor of elections with written evidence of his or her
103 eligibility to vote, ~~and regarding~~ the free access system
104 established pursuant to subsection (6), and the opportunity to
105 cure a rejected provisional ballot pursuant to subsection (7).
106 The instructions shall contain information on how to access the
107 system and the information the voter will need to provide to
108 obtain information on his or her particular ballot. The
109 instructions shall also include the following statement: "If
110 this is a primary election, you should contact the supervisor of
111 elections' office immediately to confirm that you are registered
112 and can vote in the general election."

113 (7) The supervisor of elections shall, on behalf of the
114 county canvassing board, notify each person whose provisional
115 ballot was rejected as illegal and provide the specific reason
116 the ballot was rejected. To the extent possible, the supervisor
117 shall provide such notification before the deadline to submit a
118 provisional ballot affidavit pursuant to paragraph (a).

119 (a) Until 5 p.m. on the third day following the election,

6-00361A-17

2017598__

120 the supervisor of elections shall allow a person who has voted a
121 provisional ballot that does not include the person's signature
122 on the Provisional Ballot Voter's Certificate and Affirmation,
123 or that was rejected due to a difference between the person's
124 signature on the Voter's Certificate and Affirmation with the
125 signature on the voter's registration, to complete and submit an
126 affidavit in order to cure the provisional ballot. The
127 supervisor of elections may allow a person to submit an
128 affidavit to cure a provisional ballot only if the person's
129 identity can otherwise be ascertained through information
130 provided in the Provisional Ballot Voter's Certificate and
131 Affirmation.

132 (b) The person must provide identification to the
133 supervisor of elections and must complete a provisional ballot
134 affidavit in substantially the following form:

135
136 PROVISIONAL BALLOT AFFIDAVIT

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

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148 ...(Voter's Signature)...

6-00361A-17

2017598__

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... (Address) ...

(c) Instructions must accompany the provisional ballot affidavit in substantially the following form:

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

1. In order to cure the missing signature or the signature discrepancy on your Provisional Ballot Voter's Certificate and Affirmation, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the third day following the election.

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

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

a. Identification that includes your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; Florida license to carry a concealed weapon or firearm; or employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a

6-00361A-17

2017598__

178 county, or a municipality; or

179 b. Identification that shows your name and current
180 residence address: current utility bill; bank statement;
181 government check; paycheck; or government document (excluding
182 voter identification card).

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

190 5. Alternatively, you may fax or e-mail your completed
191 affidavit and a copy of your identification to the supervisor of
192 elections. If e-mailing, please provide these documents as
193 attachments.

194 6. Submitting a provisional ballot affidavit does not
195 establish your eligibility to vote in this election or guarantee
196 that your ballot will be counted. The county canvassing board
197 determines your eligibility to vote through information provided
198 on the Provisional Ballot Voter's Certificate and Affirmation,
199 written evidence provided by you, and any other evidence
200 presented by the supervisor of elections or a challenger. You
201 may still be required to present additional written evidence to
202 support your eligibility to vote no later than 5 p.m. on the
203 third day following the election.

204 (d) The department and each supervisor of elections shall
205 include the affidavit and instructions on their respective
206 websites. The supervisor of elections shall include his or her

6-00361A-17

2017598__

207 office mailing address, e-mail address, and facsimile number on
208 the page containing the affidavit instructions; the department's
209 instruction page must include the office mailing addresses, e-
210 mail addresses, and facsimile numbers of all supervisors of
211 elections or provide a conspicuous link to such addresses.

212 (e) The supervisor of elections shall attach each affidavit
213 received to the appropriate provisional ballot envelope
214 containing the Provisional Ballot Voter's Certificate and
215 Affirmation.

216 Section 3. Paragraphs (b) and (d) of subsection (4) of
217 section 101.68, Florida Statutes, are amended to read:

218 101.68 Canvassing of vote-by-mail ballot.—

219 (4)

220 (b) Until 5 p.m. on the third day after ~~before~~ an election,
221 the supervisor shall allow an elector who has returned a vote-
222 by-mail ballot that does not include the elector's signature, or
223 that was rejected due to a difference between the elector's
224 signature on the voter's certificate or vote-by-mail ballot
225 affidavit and the elector's signature in the registration books
226 or precinct register, to complete and submit an affidavit in
227 order to cure the ~~unsigned~~ vote-by-mail ballot.

228 (d) Instructions must accompany the vote-by-mail ballot
229 affidavit in substantially the following form:

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231 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
232 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
233 BALLOT NOT TO COUNT.

234

235 1. In order to ensure that your vote-by-mail ballot will be

6-00361A-17

2017598__

236 counted, your affidavit should be completed and returned as soon
237 as possible so that it can reach the supervisor of elections of
238 the county in which your precinct is located no later than 5
239 p.m. on the third ~~2nd~~ day after ~~before~~ the election.

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

242 3. You must make a copy of one of the following forms of
243 identification:

244 a. Identification that includes your name and photograph:
245 United States passport; debit or credit card; military
246 identification; student identification; retirement center
247 identification; neighborhood association identification; public
248 assistance identification; veteran health identification card
249 issued by the United States Department of Veterans Affairs; a
250 Florida license to carry a concealed weapon or firearm; or an
251 employee identification card issued by any branch, department,
252 agency, or entity of the Federal Government, the state, a
253 county, or a municipality; or

254 b. Identification that shows your name and current
255 residence address: current utility bill, bank statement,
256 government check, paycheck, or government document (excluding
257 voter identification card).

258 4. Place the envelope bearing the affidavit into a mailing
259 envelope addressed to the supervisor. Insert a copy of your
260 identification in the mailing envelope. Mail, deliver, or have
261 delivered the completed affidavit along with the copy of your
262 identification to your county supervisor of elections. Be sure
263 there is sufficient postage if mailed and that the supervisor's
264 address is correct.

6-00361A-17

2017598__

265 5. Alternatively, you may fax or e-mail your completed
266 affidavit and a copy of your identification to the supervisor of
267 elections. If e-mailing, please provide these documents as
268 attachments.

269 Section 4. This act shall take effect July 1, 2017.