

By the Committee on Ethics and Elections; and Senator Gibson

582-03405-17

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

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

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

97.053 Acceptance of voter registration applications.—

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number. If the applicant provides the necessary evidence, the supervisor shall place the applicant's name on the registration rolls as an active voter. If the applicant has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the number is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits

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59 of the social security number no later than 5 p.m. of the third  
60 ~~second~~ day following the election.

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

64 101.048 Provisional ballots.—

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

81 (2)

82 (b)1. If it is determined that the person was registered  
83 and entitled to vote at the precinct where the person cast a  
84 vote in the election, the canvassing board shall compare the  
85 signature on the Provisional Ballot Voter's Certificate and  
86 Affirmation or the provisional ballot affidavit, if applicable,  
87 as provided under paragraph (7) (a), with the signature on the

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88 voter's registration and, if it matches, shall count the ballot.

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

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

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

115 (a) Until 5 p.m. on the third day following the election,  
116 the supervisor of elections shall allow a person who has voted a

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

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

131  
132 PROVISIONAL BALLOT AFFIDAVIT

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

143  
144 ... (Voter's Signature) ...  
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146 ... (Address) ...

147  
148 (c) Instructions must accompany the provisional ballot  
149 affidavit in substantially the following form:

150  
151 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
152 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
153 BALLOT NOT TO COUNT.

154  
155 1. In order to cure the missing signature or the signature  
156 discrepancy on your Provisional Ballot Voter's Certificate and  
157 Affirmation, your affidavit should be completed and returned as  
158 soon as possible so that it can reach the supervisor of  
159 elections of the county in which your precinct is located no  
160 later than 5 p.m. on the third day following the election.

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

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

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

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175 b. Identification that shows your name and current  
176 residence address: current utility bill; bank statement;  
177 government check; paycheck; or government document (excluding  
178 voter identification card).

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

186 5. Alternatively, you may fax or e-mail your completed  
187 affidavit and a copy of your identification to the supervisor of  
188 elections. If e-mailing, please provide these documents as  
189 attachments.

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

200 (d) The department and each supervisor of elections shall  
201 include the affidavit and instructions on their respective  
202 websites. The supervisor of elections shall include his or her  
203 office mailing address, e-mail address, and facsimile number on

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204 the page containing the affidavit instructions; the department's  
205 instruction page must include the office mailing addresses, e-  
206 mail addresses, and facsimile numbers of all supervisors of  
207 elections or provide a conspicuous link to such addresses.

208 (e) The supervisor of elections shall attach each affidavit  
209 received to the appropriate provisional ballot envelope  
210 containing the Provisional Ballot Voter's Certificate and  
211 Affirmation.

212 Section 3. This act shall take effect July 1, 2017.