

By the Committee on Ethics and Elections

582-02713-19

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1                   A bill to be entitled  
2           An act relating to ballot processes; amending 98.077,  
3           F.S.; modifying requirements for updating voter  
4           registration signatures, to conform; amending s.  
5           99.063, F.S.; revising dates relating to the selection  
6           and qualification of a lieutenant governor running  
7           mate, to conform; amending s. 100.061, F.S.; revising  
8           the date of the primary election; amending s. 101.048,  
9           F.S.; modifying the Provisional Ballot Voter's  
10          Certificate and Affirmation; establishing a process to  
11          cure a provisional ballot with a signature deficiency;  
12          establishing related requirements and deadlines;  
13          revising requirements for the canvassing and counting  
14          of provisional ballots; creating exemptions; requiring  
15          the supervisor to process a signature update following  
16          submission of a valid provisional ballot cure  
17          affidavit; modifying post-election elector  
18          notification processes, to conform; amending 101.151,  
19          F.S.; revising requirements for department rules  
20          governing ballot design; amending s. 101.62, F.S.;  
21          revising deadlines for requests for, and the mailing  
22          of, vote-by-mail ballots; removing a limitation as to  
23          when the supervisor may begin mailing domestic vote-  
24          by-mail ballots before an election; amending s.  
25          101.64, F.S.; modifying the vote-by-mail ballot  
26          Voter's Certificate; amending s. 101.65, F.S.;  
27          modifying vote-by-mail ballot instructions, to  
28          conform; amending 101.68, F.S.; clarifying that  
29          supervisors must immediately compare voters'

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30 signatures on vote-by-mail ballots upon receipt;  
31 revising requirements related to the canvassing and  
32 counting of vote-by-mail ballots; providing for  
33 earlier canvassing of vote-by-mail ballots;  
34 prescribing additional notification requirements for  
35 certain vote-by-mail ballots with defective  
36 signatures; creating exemptions; revising the deadline  
37 by which vote-by-mail ballot cure affidavits must be  
38 submitted; requiring the supervisor to process a  
39 signature update following submission of a valid vote-  
40 by-mail ballot cure affidavit; modifying post-election  
41 elector notification processes, to conform; amending  
42 101.6923, F.S.; modifying special vote-by-mail ballot  
43 instructions for certain first-time voters, to  
44 conform; amending 102.111, F.S.; revising the date on  
45 which the Elections Canvassing Commission certifies  
46 the primary election; adding an additional meeting of  
47 the Elections Canvassing Commission for certification  
48 of ballot votes in any general election races with  
49 pending recounts; amending s. 102.112, F.S.; modifying  
50 deadlines for submitting certain county ballot returns  
51 to the Department of State, to conform; amending s.  
52 102.141, F.S.; modifying immediate reporting times for  
53 certain types of ballots and deadlines for unofficial  
54 results in primary elections and certain general  
55 election contests; amending s. 102.166, F.S.;

56 modifying certification requirements for voting  
57 systems to require the functionality to simultaneously  
58 sort and count ballot overvotes and undervotes;

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59 providing an effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Subsection (4) of section 98.077, Florida  
64 Statutes, is amended to read:

65 98.077 Update of voter signature.—

66 (4) Except as authorized in ss. 101.048 and 101.68:

67 (a) All signature updates for use in verifying vote-by-mail  
68 and provisional ballots must be received by the appropriate  
69 supervisor of elections no later than the start of the  
70 canvassing of vote-by-mail ballots by the canvassing board.

71 (b) The signature on file at the start of the canvass of  
72 the vote-by-mail ballots is the signature that shall be used in  
73 verifying the signature on the vote-by-mail and provisional  
74 ballot certificates.

75 Section 2. Subsections (1) and (2) of section 99.063,  
76 Florida Statutes, are amended to read

77 99.063 Candidates for Governor and Lieutenant Governor.—

78 (1) No later than 5 p.m. of the 14th ~~9th~~ day following the  
79 primary election, each candidate for Governor shall designate a  
80 Lieutenant Governor as a running mate. Such designation must be  
81 made in writing to the Department of State.

82 (2) No later than 5 p.m. of the 14th ~~9th~~ day following the  
83 primary election, each designated candidate for Lieutenant  
84 Governor shall file with the Department of State:

85 (a) The candidate's oath required by s. 99.021, which must  
86 contain the name of the candidate as it is to appear on the  
87 ballot; the office sought; and the signature of the candidate,

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88 which must be verified under oath or affirmation pursuant to s.  
89 92.525(1) (a).

90 (b) If the office sought is partisan, the written statement  
91 of political party affiliation required by s. 99.021(1) (b).

92 (c) The full and public disclosure of financial interests  
93 pursuant to s. 8, Art. II of the State Constitution. A public  
94 officer who has filed the full and public disclosure with the  
95 Commission on Ethics prior to qualifying for office may file a  
96 copy of that disclosure at the time of qualifying.

97 Section 3. Section 100.061, Florida Statutes, is amended to  
98 read:

99 100.061 Primary election.—In each year in which a general  
100 election is held, a primary election for nomination of  
101 candidates of political parties shall be held on the Tuesday 11  
102 ~~10~~ weeks prior to the general election. The candidate receiving  
103 the highest number of votes cast in each contest in the primary  
104 election shall be declared nominated for such office. If two or  
105 more candidates receive an equal and highest number of votes for  
106 the same office, such candidates shall draw lots to determine  
107 which candidate is nominated.

108 Section 4. Section 101.048, Florida Statutes, is amended to  
109 read:

110 101.048 Provisional ballots.—

111 (1) At all elections, a voter claiming to be properly  
112 registered in the state and eligible to vote at the precinct in  
113 the election but whose eligibility cannot be determined, a  
114 person whom an election official asserts is not eligible, and  
115 other persons specified in the code shall be entitled to vote a  
116 provisional ballot. Once voted, the provisional ballot shall be

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117 placed in a secrecy envelope and thereafter sealed in a  
118 provisional ballot envelope. The provisional ballot shall be  
119 deposited in a ballot box. All provisional ballots shall remain  
120 sealed in their envelopes for return to the supervisor of  
121 elections. The department shall prescribe the form of the  
122 provisional ballot envelope. A person casting a provisional  
123 ballot shall have the right to present written evidence  
124 supporting his or her eligibility to vote to the supervisor of  
125 elections by not later than 5 p.m. on the second day following  
126 the election.

127 (2) (a) The county canvassing board shall examine each  
128 Provisional Ballot Voter's Certificate and Affirmation to  
129 determine if the person voting that ballot was entitled to vote  
130 at the precinct where the person cast a vote in the election and  
131 that the person had not already cast a ballot in the election.  
132 In determining whether a person casting a provisional ballot is  
133 entitled to vote, the county canvassing board shall review the  
134 information provided in the Voter's Certificate and Affirmation,  
135 written evidence provided by the person pursuant to subsection  
136 (1), information provided in any cure affidavit and accompanying  
137 supporting documentation pursuant to subsection (6), any other  
138 evidence presented by the supervisor of elections, and, in the  
139 case of a challenge, any evidence presented by the challenger. A  
140 ballot of a person casting a provisional ballot shall be  
141 canvassed pursuant to paragraph (b) ~~counted~~ unless the  
142 canvassing board determines by a preponderance of the evidence  
143 that the person was not entitled to vote.

144 (b) ~~1.~~ If it is determined that the person was registered  
145 and entitled to vote at the precinct where the person cast a

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146 vote in the election, the canvassing board must ~~shall~~ compare  
147 the signature on the Provisional Ballot Voter's Certificate and  
148 Affirmation or the provisional ballot cure affidavit with the  
149 signature on the voter's registration or precinct register ~~and,~~  
150 ~~if it matches, shall count the ballot.~~ A provisional ballot may  
151 be counted only if:

152 1. The signature on the voter's certificate or the cure  
153 affidavit matches the elector's signature in the registration  
154 books or the precinct register; however, in the case of a cure  
155 affidavit, the supporting identification listed in subsection  
156 (6) must also confirm the identity of the elector; or

157 2. The cure affidavit contains a signature that does not  
158 match the elector's signature in the registration books or the  
159 precinct register, but the elector has submitted a current and  
160 valid Tier 1 form of identification confirming his or her  
161 identity pursuant to subsection (6).

162  
163 For purposes of this paragraph, any canvassing board finding  
164 that signatures do not match must be by majority vote and beyond  
165 a reasonable doubt.

166 ~~2. If it is determined that the person voting the~~  
167 ~~provisional ballot was not registered or entitled to vote at the~~  
168 ~~precinct where the person cast a vote in the election, the~~

169 (c) Any provisional ballot shall not be counted must and  
170 the ballot shall remain in the envelope containing the  
171 Provisional Ballot Voter's Certificate and Affirmation and the  
172 envelope shall be marked "Rejected as Illegal."

173 (d) If a provisional ballot is validated following the  
174 submission of a cure affidavit, the supervisor must make a copy

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175 of the affidavit, affix it to a voter registration application,  
 176 and immediately process it as a valid request for a signature  
 177 update pursuant to s. 98.077.

178 (3) The Provisional Ballot Voter's Certificate and  
 179 Affirmation shall be in substantially the following form:

180  
 181 STATE OF FLORIDA  
 182 COUNTY OF ....

184 I do solemnly swear (or affirm) that my name is ....; that  
 185 my date of birth is ....; that I am registered and qualified to  
 186 vote in .... County, Florida; that I am registered in the ....  
 187 Party; that I am a qualified voter of the county; and that I  
 188 have not voted in this election. I understand that if I commit  
 189 any fraud in connection with voting, vote a fraudulent ballot,  
 190 or vote more than once in an election, I can be convicted of a  
 191 felony of the third degree and fined up to \$5,000 and/or  
 192 imprisoned for up to 5 years.

193 Further, by providing my information below, I authorize the  
 194 use of e-mail, text message, and phone call for the limited  
 195 purpose of signature and ballot validation.

196 ...(Printed Name of Voter)...  
 197 ...(Signature of Voter)...  
 198 ...(Current Residence Address)...  
 199 ...(Current Mailing Address)...  
 200 ...(City, State, Zip Code)...  
 201 ...(Driver License Number or Last Four Digits of Social Security  
 202 Number)...  
 203 ...(E-Mail Address)...

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204 ...(Home Telephone Number)...  
 205 ...(Mobile Telephone Number)...  
 206

207 Sworn to and subscribed before me this .... day of .....,  
 208 ...(year)....

209  
 210 ...(Election Official)...

211  
 212 Precinct # .... Ballot Style/Party Issued: ....  
 213

214 (4) Notwithstanding the requirements of subsections (1),  
 215 (2), and (3), the supervisor of elections may, and for persons  
 216 with disabilities shall, provide the appropriate provisional  
 217 ballot to the voter by electronic means that meet the  
 218 requirements of s. 101.56062, as provided for by the certified  
 219 voting system. Each person casting a provisional ballot by  
 220 electronic means shall, prior to casting his or her ballot,  
 221 complete the Provisional Ballot Voter's Certificate and  
 222 Affirmation as provided in subsection (3).

223 (5) Each person casting a provisional ballot shall be given  
 224 written instructions regarding the person's right to provide the  
 225 supervisor of elections with written evidence of his or her  
 226 eligibility to vote and regarding the free access system  
 227 established pursuant to subsection (7) ~~(6)~~. The instructions  
 228 must ~~shall~~ contain the supervisors' contact information along  
 229 with information on how to access the system and the information  
 230 the voter will need to provide to obtain information on his or  
 231 her particular ballot. The instructions ~~shall~~ also must include  
 232 the following statement: "If this is a primary election, you



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233 should contact the supervisor of elections' office immediately  
234 to confirm that you are registered and can vote in the general  
235 election."

236 (6) (a) As soon as practicable, the supervisor shall, on  
237 behalf of the county canvassing board, attempt to notify an  
238 elector who has submitted a provisional ballot that does not  
239 include the elector's signature or contains a signature that  
240 does not match the elector's signature in the registration books  
241 or precinct register by:

- 242 1. Providing the notice to the elector by e-mail;  
243 2. Notifying the elector of the signature deficiency by  
244 text message and directing the elector to the cure affidavit and  
245 instructions on the supervisor's website; and  
246 3. Notifying the elector of the signature deficiency by  
247 telephone and directing the elector to the cure affidavit and  
248 instructions on the supervisor's website.

249  
250 If the voter's certificate or the elector's records do not  
251 contain any telephone or electronic contact information, the  
252 supervisor must immediately send the notice to the elector by  
253 first-class mail. If the elector has provided such information,  
254 the supervisor may continue to attempt to contact the elector by  
255 telephone or electronic means for up to 48 hours before mailing  
256 the physical notice. The supervisor need not provide any notice  
257 required by this paragraph if the canvassing board has already  
258 determined that the elector is not entitled to vote pursuant to  
259 paragraph (2) (a), or if the supervisor has already confirmed the  
260 elector's receipt of notice.

261 (b) Until 5 p.m. on the 11th day after an election, the

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262 supervisor of elections shall allow an elector who has submitted  
 263 a provisional ballot with a signature deficiency to complete and  
 264 submit a cure affidavit.

265 (c) The elector must complete a cure affidavit in  
 266 substantially the following form:

267  
 268 PROVISIONAL BALLOT CURE AFFIDAVIT

269 I, ....., am a qualified voter in this election and a  
 270 registered voter of .... County, Florida. I do solemnly swear or  
 271 affirm that I voted a provisional ballot and that I have not and  
 272 will not vote more than one ballot in this election. I  
 273 understand that if I commit or attempt any fraud in connection  
 274 with voting, vote a fraudulent ballot, or vote more than once in  
 275 an election, I may be convicted of a felony of the third degree,  
 276 fined up to \$5,000, and imprisoned for up to 5 years. I  
 277 understand that my failure to sign this affidavit may invalidate  
 278 my ballot.

279  
 280 ...(Voter's Signature)...

281  
 282 ...(Address)...

283  
 284 (d) Instructions must accompany the cure affidavit in  
 285 substantially the following form:

286  
 287 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
 288 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
 289 BALLOT NOT TO COUNT.

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291       1. In order to cure the missing signature or the signature  
292 discrepancy on your Provisional Ballot Voter's Certificate and  
293 Affirmation, your affidavit should be completed and returned as  
294 soon as possible so that it can reach the supervisor of  
295 elections of the county in which your precinct is located no  
296 later than 5 p.m. on the 11th day after the election.

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

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

301       a. Tier 1 identification.—Current and valid identification  
302 that includes your name and photograph: Florida driver license;  
303 Florida identification card issued by the Department of Highway  
304 Safety and Motor Vehicles; United States passport; debit or  
305 credit card; military identification; student identification;  
306 retirement center identification; neighborhood association  
307 identification; public assistance identification; veteran health  
308 identification card issued by the United States Department of  
309 Veterans Affairs; Florida license to carry a concealed weapon or  
310 firearm; or employee identification card issued by any branch,  
311 department, agency, or entity of the Federal Government, the  
312 state, a county, or a municipality; or

313       b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1  
314 FORM OF IDENTIFICATION, identification that shows your name and  
315 current residence address: current utility bill; bank statement;  
316 government check; paycheck; or government document (excluding  
317 voter information card).

318       4. Place the envelope bearing the affidavit into a mailing  
319 envelope addressed to the supervisor. Insert a copy of your

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320 identification in the mailing envelope. Mail (if time permits),  
321 deliver, or have delivered the completed affidavit along with  
322 the copy of your identification to your county supervisor of  
323 elections. Be sure there is sufficient postage if mailed and  
324 that the supervisor's address is correct. Remember, your  
325 information MUST reach your county supervisor of elections no  
326 later than 5 p.m. on the 11th day following the election or your  
327 ballot will not count.

328 5. Alternatively, you may fax or e-mail your completed  
329 affidavit and a copy of your identification to the supervisor of  
330 elections. If e-mailing, please provide these documents as  
331 attachments. E-mail should be used only as a last resort, as it  
332 is not a secure communication method and could result in third  
333 parties having access to your personal information.

334 6. Submitting a provisional ballot affidavit does not  
335 establish your eligibility to vote in this election or guarantee  
336 that your ballot will be counted. The county canvassing board  
337 determines your eligibility to vote through information provided  
338 on the Provisional Ballot Voter's Certificate and Affirmation,  
339 written evidence provided by you, including information in your  
340 cure affidavit along with any supporting identification, and any  
341 other evidence presented by the supervisor of elections or a  
342 challenger. You may still be required to present additional  
343 written evidence to support your eligibility to vote.

344 (e) The department and each supervisor of elections shall  
345 include the affidavit and instructions on their respective  
346 websites. The supervisor of elections shall include his or her  
347 office mailing address, e-mail address, and fax number on the  
348 page containing the affidavit instructions, and the department's

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349 instruction page must include the office mailing addresses, e-  
350 mail addresses, and fax numbers of all supervisors of elections  
351 or provide a conspicuous link to such addresses.

352 (f) The supervisor of elections shall attach each affidavit  
353 received to the appropriate provisional ballot envelope  
354 containing the Provisional Ballot Voter's Certificate and  
355 Affirmation.

356 (7) (a) ~~(6)~~ Each supervisor of elections shall establish a  
357 free access system that allows each person who casts a  
358 provisional ballot to determine whether his or her provisional  
359 ballot was counted in the final canvass of votes and, if not,  
360 the reasons why. Information regarding provisional ballots shall  
361 be available no later than 30 days following the election. The  
362 system established must restrict information regarding an  
363 individual ballot to the person who cast the ballot.

364 (b) In addition, unless processed as a signature update  
365 pursuant to subsection (2), the supervisor shall mail a voter  
366 registration application to the elector to be completed  
367 indicating the elector's current signature if the signature on  
368 the voter's certificate or cure affidavit did not match the  
369 elector's signature in the registration books or precinct  
370 register.

371 Section 5. Subsection (9) of section 101.151, Florida  
372 Statutes, is amended to read:

373 101.151 Specifications for ballots.—

374 (9) (a) The Department of State shall adopt rules  
375 prescribing a uniform primary and general election ballot for  
376 each certified voting system. The rules must ~~shall~~ incorporate  
377 the requirements set forth in this section and must ~~shall~~

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378 prescribe additional matters and forms that include, without  
379 limitation:

380 1. The ballot title followed by clear and unambiguous  
381 ballot instructions and directions limited to a single location  
382 on the ballot, either:

383 a. Centered across the top; or

384 b. In the leftmost column, with no individual races in that  
385 column unless it is the only column on the ballot;

386 2. Individual race layout; and

387 3. Overall ballot layout.

388 (b) The ~~department~~ rules must ~~shall~~ graphically depict a  
389 sample uniform primary and general election ballot form for each  
390 certified voting system.

391 Section 6. Subsection (2) and paragraph (b) of subsection  
392 (4) of section 101.62, Florida Statutes, are amended to read:

393 101.62 Request for vote-by-mail ballots.—

394 (2) A request for a vote-by-mail ballot to be mailed to a  
395 voter must be received no later than 5 p.m. on the 10th ~~sixth~~  
396 day before the election by the supervisor of elections. The  
397 supervisor of elections shall mail vote-by-mail ballots to  
398 voters requesting ballots by such deadline no later than 8 ~~4~~  
399 days before the election.

400 (4)

401 (b) The supervisor of elections shall mail a vote-by-mail  
402 ballot to each absent qualified voter, other than those listed  
403 in paragraph (a), who has requested such a ballot, no later than  
404 the 28th day ~~between the 35th and 28th days~~ before the  
405 presidential preference primary election, primary election, and  
406 general election. Except as otherwise provided in subsection (2)

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407 and after the period described in this paragraph, the supervisor  
408 shall mail vote-by-mail ballots within 2 business days after  
409 receiving a request for such a ballot.

410 Section 7. Subsection (1) of section 101.64, Florida  
411 Statutes, is amended to read:

412 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

413 (1) The supervisor shall enclose with each vote-by-mail  
414 ballot two envelopes: a secrecy envelope, into which the absent  
415 elector shall enclose his or her marked ballot; and a mailing  
416 envelope, into which the absent elector shall then place the  
417 secrecy envelope, which shall be addressed to the supervisor and  
418 also bear on the back side a certificate in substantially the  
419 following form:

420

421 Note: Please Read Instructions Carefully Before  
422 Marking Ballot and Completing Voter's Certificate.

423

424 VOTER'S CERTIFICATE

425 I, ....., do solemnly swear or affirm that I am a qualified  
426 and registered voter of .... County, Florida, and that I have  
427 not and will not vote more than one ballot in this election. I  
428 understand that if I commit or attempt to commit any fraud in  
429 connection with voting, vote a fraudulent ballot, or vote more  
430 than once in an election, I can be convicted of a felony of the  
431 third degree and fined up to \$5,000 and/or imprisoned for up to  
432 5 years. I also understand that failure to sign this certificate  
433 may ~~will~~ invalidate my ballot.

434 Further, by providing my information below, I authorize the  
435 use of e-mail, text messages, and telephone calls for the

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436 limited purpose of correcting a missing or nonmatching  
 437 signature.

439 ... (Date) ... ... (Voter's Signature) ...  
 440 ... (E-Mail Address) ... ... (Home Telephone Number) ...  
 441 ... (Mobile Telephone Number) ...

442 Section 8. Section 101.65, Florida Statutes, is amended to  
 443 read:

444 101.65 Instructions to absent electors.—The supervisor  
 445 shall enclose with each vote-by-mail ballot separate printed  
 446 instructions in substantially the following form:

447  
 448 READ THESE INSTRUCTIONS CAREFULLY  
 449 BEFORE MARKING BALLOT.

450 1. VERY IMPORTANT. In order to ensure that your vote-by-  
 451 mail ballot will be counted, it should be completed and returned  
 452 as soon as possible so that it can reach the supervisor of  
 453 elections of the county in which your precinct is located no  
 454 later than 7 p.m. on the day of the election. However, if you  
 455 are an overseas voter casting a ballot in a presidential  
 456 preference primary or general election, your vote-by-mail ballot  
 457 must be postmarked or dated no later than the date of the  
 458 election and received by the supervisor of elections of the  
 459 county in which you are registered to vote no later than 10 days  
 460 after the date of the election. Note that the later you return  
 461 your ballot, the less time you will have to cure any signature  
 462 deficiencies, which is authorized until 5 p.m. on the 11th day  
 463 after the election.

464 2. Mark your ballot in secret as instructed on the ballot.



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465 You must mark your own ballot unless you are unable to do so  
466 because of blindness, disability, or inability to read or write.

467 3. Mark only the number of candidates or issue choices for  
468 a race as indicated on the ballot. If you are allowed to "Vote  
469 for One" candidate and you vote for more than one candidate,  
470 your vote in that race will not be counted.

471 4. Place your marked ballot in the enclosed secrecy  
472 envelope.

473 5. Insert the secrecy envelope into the enclosed mailing  
474 envelope which is addressed to the supervisor.

475 6. Seal the mailing envelope and completely fill out the  
476 Voter's Certificate on the back of the mailing envelope.

477 7. VERY IMPORTANT. In order for your vote-by-mail ballot to  
478 be counted, you must sign your name on the line above (Voter's  
479 Signature). A vote-by-mail ballot will be considered illegal and  
480 not be counted if the signature on the voter's certificate does  
481 not match the signature on record. The signature on file at the  
482 start of the canvass of the vote-by-mail ballots is the  
483 signature that will be used to verify your signature on the  
484 voter's certificate. If you need to update your signature for  
485 this election, send your signature update on a voter  
486 registration application to your supervisor of elections so that  
487 it is received no later than the start of the canvassing of  
488 vote-by-mail ballots, which occurs no earlier than the 22nd ~~15th~~  
489 day before election day.

490 8. VERY IMPORTANT. If you are an overseas voter, you must  
491 include the date you signed the Voter's Certificate on the line  
492 above (Date) or your ballot may not be counted.

493 9. Mail, deliver, or have delivered the completed mailing

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494 envelope. Be sure there is sufficient postage if mailed.

495 10. FELONY NOTICE. It is a felony under Florida law to  
496 accept any gift, payment, or gratuity in exchange for your vote  
497 for a candidate. It is also a felony under Florida law to vote  
498 in an election using a false identity or false address, or under  
499 any other circumstances making your ballot false or fraudulent.

500 Section 9. Subsection (1), paragraphs (a) and (c) of  
501 subsection (2), and subsection (4) of section 101.68, Florida  
502 Statutes, are amended to read:

503 101.68 Canvassing of vote-by-mail ballot.—

504 (1) The supervisor of the county where the absent elector  
505 resides shall receive the voted ballot, at which time the  
506 supervisor immediately shall compare the signature of the  
507 elector on the voter's certificate with the signature of the  
508 elector in the registration books or the precinct register to  
509 determine whether the elector is duly registered in the county  
510 and may record on the elector's registration certificate that  
511 the elector has voted. An elector who dies after casting a vote-  
512 by-mail ballot but on or before election day shall remain listed  
513 in the registration books until the results have been certified  
514 for the election in which the ballot was cast. The supervisor  
515 shall safely keep the ballot unopened in his or her office until  
516 the county canvassing board canvasses the vote. Except as  
517 provided in subsection (4), after a vote-by-mail ballot is  
518 received by the supervisor, the ballot is deemed to have been  
519 cast, and changes or additions may not be made to the voter's  
520 certificate.

521 (2) (a) The county canvassing board may begin the canvassing  
522 of vote-by-mail ballots at 7 a.m. on the 22nd ~~15th~~ day before

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523 the election, but not later than noon on the day following the  
524 election. In addition, for any county using electronic  
525 tabulating equipment, the processing of vote-by-mail ballots  
526 through such tabulating equipment may begin at 7 a.m. on the  
527 22nd ~~15th~~ day before the election. However, notwithstanding any  
528 such authorization to begin canvassing or otherwise processing  
529 vote-by-mail ballots early, no result shall be released until  
530 after the closing of the polls in that county on election day.  
531 Any supervisor of elections, deputy supervisor of elections,  
532 canvassing board member, election board member, or election  
533 employee who releases the results of a canvassing or processing  
534 of vote-by-mail ballots prior to the closing of the polls in  
535 that county on election day commits a felony of the third  
536 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
537 775.084.

538 (c)1. The canvassing board must, if the supervisor has not  
539 already done so, compare the signature of the elector on the  
540 voter's certificate or on the vote-by-mail ballot cure affidavit  
541 as provided in subsection (4) with the signature of the elector  
542 in the registration books or the precinct register to see that  
543 the elector is duly registered in the county and to determine  
544 the legality of that vote-by-mail ballot. A vote-by-mail ballot  
545 may only be counted if:

546 a. The signature on the voter's certificate or the cure  
547 affidavit matches the elector's signature in the registration  
548 books or precinct register; however, in the case of a cure  
549 affidavit, the supporting identification listed in subsection  
550 (4) must also confirm the identity of the elector; or

551 b. The cure affidavit contains a signature that does not

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552 match the elector's signature in the registration books or  
553 precinct register, but the elector has submitted a current and  
554 valid Tier 1 identification pursuant to subsection (4) which  
555 confirms the identity of the elector.

556

557 For purposes of this paragraph, any canvassing board finding  
558 that signatures do not match must be by majority vote and beyond  
559 a reasonable doubt.

560 2. The ballot of an elector who casts a vote-by-mail ballot  
561 shall be counted even if the elector dies on or before election  
562 day, as long as, before the death of the voter, the ballot was  
563 postmarked by the United States Postal Service, date-stamped  
564 with a verifiable tracking number by a common carrier, or  
565 already in the possession of the supervisor of elections.

566 3. A vote-by-mail ballot is not considered illegal if the  
567 signature of the elector does not cross the seal of the mailing  
568 envelope.

569 4. If any elector or candidate present believes that a  
570 vote-by-mail ballot is illegal due to a defect apparent on the  
571 voter's certificate or the cure affidavit, he or she may, at any  
572 time before the ballot is removed from the envelope, file with  
573 the canvassing board a protest against the canvass of that  
574 ballot, specifying the precinct, the ballot, and the reason he  
575 or she believes the ballot to be illegal. A challenge based upon  
576 a defect in the voter's certificate or cure affidavit may not be  
577 accepted after the ballot has been removed from the mailing  
578 envelope.

579 5. If the canvassing board determines that a ballot is  
580 illegal, a member of the board must, without opening the

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581 envelope, mark across the face of the envelope: "rejected as  
582 illegal." The cure affidavit, if applicable, the envelope, and  
583 the ballot therein shall be preserved in the manner that  
584 official ballots are preserved.

585 (4) (a) Except as provided in paragraph (b), the supervisor  
586 must ~~shall~~, on behalf of the county canvassing board,  
587 immediately notify an elector who has returned a vote-by-mail  
588 ballot that does not include the elector's signature or contains  
589 a signature that does not match the elector's signature in the  
590 registration books or precinct register.

591 (b) For timely domestic vote-by-mail ballots received  
592 beginning on the 4th day before an election, and for timely  
593 overseas vote-by-mail ballots received beginning on the 10th day  
594 before an election, the supervisor must attempt to:

- 595 1. Provide the notice to the elector by e-mail;  
596 2. Notify the elector of the signature deficiency by text  
597 message and direct the elector to the cure affidavit and  
598 instructions on the supervisor's website; and  
599 3. Notify the elector of the signature deficiency by  
600 telephone and direct the elector to the cure affidavit and  
601 instructions on the supervisor's website.

602  
603 If the voter's certificate or the elector's records do not  
604 contain any telephone or electronic contact information, the  
605 supervisor must immediately send the notice to an in-county  
606 elector by first-class mail or to any other elector by expedited  
607 delivery. If the elector has provided such information, the  
608 supervisor may continue to attempt to contact the elector by  
609 telephone or electronic means for up to 48 hours before sending

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610 physical notice, time permitting. The supervisor need not  
 611 provide any notice required by this subsection which is not  
 612 expected to reach the elector until after 5 p.m. on the 11th day  
 613 after the election, or when the supervisor has already confirmed  
 614 the elector's receipt of notice.

615 (c) The supervisor shall allow ~~such~~ an elector to complete  
 616 and submit an affidavit in order to cure the vote-by-mail ballot  
 617 until 5 p.m. on the 11th day after ~~before~~ the election.

618 (d) ~~(b)~~ The elector must complete a cure affidavit in  
 619 substantially the following form:

620

VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

621 I, ....., am a qualified voter in this election and  
 622 registered voter of .... County, Florida. I do solemnly swear or  
 623 affirm that I requested and returned the vote-by-mail ballot and  
 624 that I have not and will not vote more than one ballot in this  
 625 election. I understand that if I commit or attempt any fraud in  
 626 connection with voting, vote a fraudulent ballot, or vote more  
 627 than once in an election, I may be convicted of a felony of the  
 628 third degree and fined up to \$5,000 and imprisoned for up to 5  
 629 years. I understand that my failure to sign this affidavit may  
 630 invalidate my ballot ~~means that my vote-by-mail ballot will be~~  
 631 ~~invalidated.~~

632

633 ... (Voter's Signature) ...

634

635 ... (Address) ...

636 (e) ~~(e)~~ Instructions must accompany the cure affidavit in  
 637 substantially the following form:

638

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639

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

643

644 1. In order to ensure that your vote-by-mail ballot will be  
645 counted, your affidavit should be completed and returned as soon  
646 as possible so that it can reach the supervisor of elections of  
647 the county in which your precinct is located no later than 5  
648 p.m. on the 11th day after ~~before~~ the election.

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

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

653 a. Tier 1 identification.—Current and valid identification  
654 that includes your name and photograph: Florida driver license;  
655 Florida identification card issued by the Department of Highway  
656 Safety and Motor Vehicles; United States passport; debit or  
657 credit card; military identification; student identification;  
658 retirement center identification; neighborhood association  
659 identification; public assistance identification; veteran health  
660 identification card issued by the United States Department of  
661 Veterans Affairs; a Florida license to carry a concealed weapon  
662 or firearm; or an employee identification card issued by any  
663 branch, department, agency, or entity of the Federal Government,  
664 the state, a county, or a municipality; or

665 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1  
666 FORM OF IDENTIFICATION, identification that shows your name and  
667 current residence address: current utility bill, bank statement,

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668 government check, paycheck, or government document (excluding  
669 voter information ~~identification~~ card).

670 4. Place the envelope bearing the affidavit into a mailing  
671 envelope addressed to the supervisor. Insert a copy of your  
672 identification in the mailing envelope. Mail (if time permits),  
673 deliver, or have delivered the completed affidavit along with  
674 the copy of your identification to your county supervisor of  
675 elections. Be sure there is sufficient postage if mailed and  
676 that the supervisor's address is correct. Remember, your  
677 information MUST reach your county supervisor of elections no  
678 later than 5 p.m. on the 11th day following the election, or  
679 your ballot will not count.

680 5. Alternatively, you may fax or e-mail your completed  
681 affidavit and a copy of your identification to the supervisor of  
682 elections. If e-mailing, please provide these documents as  
683 attachments. E-mail should be used only as a last resort, as it  
684 is not a secure communication method and could result in third  
685 parties having access to your personal information.

686 (f) ~~(d)~~ The department and each supervisor shall include the  
687 affidavit and instructions on their respective websites. The  
688 supervisor must include his or her office's mailing address, e-  
689 mail address, and fax number on the page containing the  
690 affidavit instructions, and ~~the~~ department's instruction page  
691 must include the office mailing addresses, e-mail addresses, and  
692 fax numbers of all supervisors of elections or provide a  
693 conspicuous link to such addresses.

694 (g) ~~(e)~~ The supervisor shall attach each affidavit received  
695 to the appropriate vote-by-mail ballot mailing envelope.

696 (h) ~~(f)~~ If a vote-by-mail ballot is validated following the



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697 submission of a cure affidavit, the supervisor must make a copy  
698 of the affidavit, affix it to a voter registration application,  
699 and immediately process it as a valid request for a signature  
700 update pursuant to s. 98.077.

701 (i) After all election results on the ballot have been  
702 certified, the supervisor shall, on behalf of the county  
703 canvassing board, notify each elector whose ballot has been  
704 rejected as illegal and provide the specific reason the ballot  
705 was rejected. In addition, unless processed as a signature  
706 update pursuant to paragraph (h), the supervisor shall mail a  
707 voter registration application to the elector to be completed  
708 indicating the elector's current signature if the signature on  
709 the voter's certificate or cure affidavit did not match the  
710 elector's signature in the registration books or precinct  
711 register. ~~This section does not prohibit the supervisor from~~  
712 ~~providing additional methods for updating an elector's~~  
713 ~~signature.~~

714 Section 10. Section 101.6923, Florida Statutes, is amended  
715 to read:

716 101.6923 Special vote-by-mail ballot instructions for  
717 certain first-time voters.—

718 (1) The provisions of this section apply to voters who are  
719 subject to the provisions of s. 97.0535 and who have not  
720 provided the identification or information required by s.  
721 97.0535 by the time the vote-by-mail ballot is mailed.

722 (2) A voter covered by this section shall be provided with  
723 printed instructions with his or her vote-by-mail ballot in  
724 substantially the following form:

725

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726 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
727 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE  
728 YOUR BALLOT NOT TO COUNT.

729  
730 1. In order to ensure that your vote-by-mail ballot will be  
731 counted, it should be completed and returned as soon as possible  
732 so that it can reach the supervisor of elections of the county  
733 in which your precinct is located no later than 7 p.m. on the  
734 date of the election. However, if you are an overseas voter  
735 casting a ballot in a presidential preference primary or general  
736 election, your vote-by-mail ballot must be postmarked or dated  
737 no later than the date of the election and received by the  
738 supervisor of elections of the county in which you are  
739 registered to vote no later than 10 days after the date of the  
740 election.

741 2. Mark your ballot in secret as instructed on the ballot.  
742 You must mark your own ballot unless you are unable to do so  
743 because of blindness, disability, or inability to read or write.

744 3. Mark only the number of candidates or issue choices for  
745 a race as indicated on the ballot. If you are allowed to "Vote  
746 for One" candidate and you vote for more than one, your vote in  
747 that race will not be counted.

748 4. Place your marked ballot in the enclosed secrecy  
749 envelope and seal the envelope.

750 5. Insert the secrecy envelope into the enclosed envelope  
751 bearing the Voter's Certificate. Seal the envelope and  
752 completely fill out the Voter's Certificate on the back of the  
753 envelope.

754 a. You must sign your name on the line above (Voter's

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755 Signature).

756 b. If you are an overseas voter, you must include the date  
757 you signed the Voter's Certificate on the line above (Date) or  
758 your ballot may not be counted.

759 c. A vote-by-mail ballot will be considered illegal and  
760 will not be counted if the signature on the Voter's Certificate  
761 does not match the signature on record. The signature on file at  
762 the start of the canvass of the vote-by-mail ballots is the  
763 signature that will be used to verify your signature on the  
764 Voter's Certificate. If you need to update your signature for  
765 this election, send your signature update on a voter  
766 registration application to your supervisor of elections so that  
767 it is received no later than the start of canvassing of vote-by-  
768 mail ballots, which occurs no earlier than the 22nd ~~15th~~ day  
769 before election day.

770 6. Unless you meet one of the exemptions in Item 7., you  
771 must make a copy of one of the following forms of  
772 identification:

773 a. Identification which must include your name and  
774 photograph: United States passport; debit or credit card;  
775 military identification; student identification; retirement  
776 center identification; neighborhood association identification;  
777 public assistance identification; veteran health identification  
778 card issued by the United States Department of Veterans Affairs;  
779 a Florida license to carry a concealed weapon or firearm; or an  
780 employee identification card issued by any branch, department,  
781 agency, or entity of the Federal Government, the state, a  
782 county, or a municipality; or

783 b. Identification which shows your name and current

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784 residence address: current utility bill, bank statement,  
785 government check, paycheck, or government document (excluding  
786 voter information ~~identification~~ card).

787 7. The identification requirements of Item 6. do not apply  
788 if you meet one of the following requirements:

789 a. You are 65 years of age or older.

790 b. You have a temporary or permanent physical disability.

791 c. You are a member of a uniformed service on active duty  
792 who, by reason of such active duty, will be absent from the  
793 county on election day.

794 d. You are a member of the Merchant Marine who, by reason  
795 of service in the Merchant Marine, will be absent from the  
796 county on election day.

797 e. You are the spouse or dependent of a member referred to  
798 in paragraph c. or paragraph d. who, by reason of the active  
799 duty or service of the member, will be absent from the county on  
800 election day.

801 f. You are currently residing outside the United States.

802 8. Place the envelope bearing the Voter's Certificate into  
803 the mailing envelope addressed to the supervisor. Insert a copy  
804 of your identification in the mailing envelope. DO NOT PUT YOUR  
805 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
806 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
807 BALLOT WILL NOT COUNT.

808 9. Mail, deliver, or have delivered the completed mailing  
809 envelope. Be sure there is sufficient postage if mailed.

810 10. FELONY NOTICE. It is a felony under Florida law to  
811 accept any gift, payment, or gratuity in exchange for your vote  
812 for a candidate. It is also a felony under Florida law to vote

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813 in an election using a false identity or false address, or under  
814 any other circumstances making your ballot false or fraudulent.

815 Section 11. Subsection (2) of section 102.111, Florida  
816 Statutes, is amended to read:

817 102.111 Elections Canvassing Commission.—

818 (2) (a) The Elections Canvassing Commission shall meet at 9  
819 a.m. on the ~~9th day after a primary election~~ and at 9 a.m. on  
820 ~~the~~ 14th day after a primary election or a general election to  
821 certify the returns of the election for each federal, state, and  
822 multicounty office, except for those contests with a pending  
823 general election recount.

824 (b) The commission shall meet at 9 a.m. on the 21st day  
825 after a general election to certify the returns in the remaining  
826 recount contests.

827

828 If a member of a county canvassing board that was constituted  
829 pursuant to s. 102.141 determines, within 5 days after the  
830 certification by the Elections Canvassing Commission, that a  
831 typographical error occurred in the official returns of the  
832 county, the correction of which could result in a change in the  
833 outcome of an election, the county canvassing board must certify  
834 corrected returns to the Department of State within 24 hours,  
835 and the Elections Canvassing Commission must correct and  
836 recertify the election returns as soon as practicable.

837 Section 12. Subsection (2) of section 102.112, Florida  
838 Statutes, is amended to read:

839 102.112 Deadline for submission of county returns to the  
840 Department of State.—

841 (2) (a) Returns must be filed by 5 p.m. ~~on the 7th day~~

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842 ~~following a primary election and by noon~~ on the 12th day  
843 following the primary election and the general election for all  
844 contests, except those contests with a pending general election  
845 recount.

846 (b) For contests with a pending general election recount,  
847 returns must be filed by noon on the 19th day following the  
848 general election.

849 (c) However, The Department of State may correct  
850 typographical errors, including the transposition of numbers, in  
851 any returns submitted to the Department of State pursuant to s.  
852 102.111(2).

853 Section 13. Paragraph (b) of subsection (4), subsection  
854 (5), and paragraph (c) of subsection (7) of section 102.141,  
855 Florida Statutes, are amended to read:

856 102.141 County canvassing board; duties.—

857 (4)

858 (b) The canvassing board shall report all early voting and  
859 all tabulated vote-by-mail results to the Department of State  
860 within 30 minutes after the polls close. Thereafter, the  
861 canvassing board shall report, with the exception of provisional  
862 ballot results, updated precinct election results to the  
863 department at least every hour ~~45 minutes~~ until 2 a.m. the next  
864 day. Thereafter, the canvassing board must report results on an  
865 hourly basis from 9 a.m. until 8 p.m. each day until all results  
866 are completely reported. The supervisor of elections shall  
867 notify the department immediately of any circumstances that do  
868 not permit periodic updates as required. Results shall be  
869 submitted in a format prescribed by the department.

870 (5) The canvassing board shall submit on forms or in

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871 formats provided by the division unofficial returns to the  
872 Department of State for each federal, statewide, state, or  
873 multicounty office or ballot measure no later than noon on the  
874 ~~third day after any primary election and no later than noon on~~  
875 ~~the~~ fourth day after any primary, general or other election.  
876 Such returns shall include the canvass of all ballots as  
877 required by subsection (2).

878 (7) If the unofficial returns reflect that a candidate for  
879 any office was defeated or eliminated by one-half of a percent  
880 or less of the votes cast for such office, that a candidate for  
881 retention to a judicial office was retained or not retained by  
882 one-half of a percent or less of the votes cast on the question  
883 of retention, or that a measure appearing on the ballot was  
884 approved or rejected by one-half of a percent or less of the  
885 votes cast on such measure, a recount shall be ordered of the  
886 votes cast with respect to such office or measure. The Secretary  
887 of State is responsible for ordering recounts in federal, state,  
888 and multicounty races. The county canvassing board or the local  
889 board responsible for certifying the election is responsible for  
890 ordering recounts in all other races. A recount need not be  
891 ordered with respect to the returns for any office, however, if  
892 the candidate or candidates defeated or eliminated from  
893 contention for such office by one-half of a percent or less of  
894 the votes cast for such office request in writing that a recount  
895 not be made.

896 (c) The canvassing board shall submit on forms or in  
897 formats provided by the division a second set of unofficial  
898 returns to the Department of State for each federal, statewide,  
899 state, or multicounty office or ballot measure. The returns for

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900 all primary election contests and general election contests not  
901 subject to a recount shall be filed no later than 3 p.m. on the  
902 9th ~~5th~~ day after the any primary or general election, and no  
903 later than 5 p.m. ~~3 p.m.~~ on the 12th ~~9th~~ day after the any  
904 general election for any contest in which a recount was ordered  
905 by the Secretary of State. If the canvassing board is unable to  
906 complete the recount prescribed in this subsection by the  
907 deadline, the second set of unofficial returns submitted by the  
908 canvassing board shall be identical to the initial unofficial  
909 returns and the submission shall also include a detailed  
910 explanation of why it was unable to timely complete the recount.  
911 However, the canvassing board shall complete the recount  
912 prescribed in this subsection, along with any manual recount  
913 prescribed in s. 102.166, and certify election returns in  
914 accordance with the requirements of this chapter.

915 Section 14. Subsection (2) of section 102.166, Florida  
916 Statutes, is amended to read:

917 102.166 Manual recounts of overvotes and undervotes.—

918 (2) ~~(a)~~ Any hardware or software used to identify and sort  
919 overvotes and undervotes for a given race or ballot measure must  
920 be certified by the Department of State as part of the voting  
921 system pursuant to s. 101.015. Any such hardware or software  
922 must be capable of simultaneously identifying and sorting  
923 overvotes and undervotes in multiple races while simultaneously  
924 counting votes.

925 ~~(b)~~ Overvotes and undervotes must ~~shall~~ be identified and  
926 sorted while recounting ballots pursuant to s. 102.141, ~~if the~~  
927 ~~hardware or software for this purpose has been certified or the~~  
928 ~~department's rules so provide.~~



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929

Section 15. This act shall take effect January 1, 2020.