

FOR CONSIDERATION By the Committee on Ethics and Elections

582-02532A-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 providing for earlier canvassing of vote-by-mail
32 ballots; prescribing additional notification
33 requirements for certain vote-by-mail ballots with
34 defective signatures; creating exemptions; revising
35 the deadline by which vote-by-mail ballot cure
36 affidavits must be submitted; requiring the supervisor
37 to process a signature update following submission of
38 a valid vote-by-mail ballot cure affidavit; modifying
39 post-election elector notification processes, to
40 conform; amending 101.6923, F.S.; modifying special
41 vote-by-mail ballot instructions for certain first-
42 time voters, to conform; amending 102.111, F.S.;

43 revising the date on which the Elections Canvassing
44 Commission certifies the primary election; adding an
45 additional meeting of the Elections Canvassing
46 Commission for certification of ballot votes in any
47 general election races with pending recounts; amending
48 s. 102.112, F.S.; modifying deadlines for submitting
49 certain county ballot returns to the Department of
50 State, to conform; amending s. 102.141, F.S.;

51 modifying immediate reporting times for certain types
52 of ballots and deadlines for unofficial results in
53 primary elections and certain general election
54 contests; amending s. 102.166, F.S.; modifying
55 certification requirements for voting systems to
56 require the functionality to simultaneously sort and
57 count ballot overvotes and undervotes; providing an
58 effective date.

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

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

98.077 Update of voter signature.—

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

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

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

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

99.063 Candidates for Governor and Lieutenant Governor.—

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

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

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s.

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88 92.525(1)(a).

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

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

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

98 100.061 Primary election.—In each year in which a general
99 election is held, a primary election for nomination of
100 candidates of political parties shall be held on the Tuesday 11
101 ~~10~~ weeks prior to the general election. The candidate receiving
102 the highest number of votes cast in each contest in the primary
103 election shall be declared nominated for such office. If two or
104 more candidates receive an equal and highest number of votes for
105 the same office, such candidates shall draw lots to determine
106 which candidate is nominated.

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

109 101.048 Provisional ballots.—

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

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

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

143 (b) ~~1-~~ If it is determined that the person was registered
144 and entitled to vote at the precinct where the person cast a
145 vote in the election, the canvassing board must ~~shall~~ compare

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

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

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

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

164 (c) Any provisional ballot shall not be counted must and
165 ~~the ballot shall remain in the envelope containing the~~
166 Provisional Ballot Voter's Certificate and Affirmation and the
167 envelope shall be marked "Rejected as Illegal."

168 (d) If a provisional ballot is validated following the
169 submission of a cure affidavit, the supervisor must make a copy
170 of the affidavit, affix it to a voter registration application,
171 and immediately process it as a valid request for a signature
172 update pursuant to s. 98.077.

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

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STATE OF FLORIDA
COUNTY OF

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

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

...(Printed Name of Voter)...

...(Signature of Voter)...

...(Current Residence Address)...

...(Current Mailing Address)...

...(City, State, Zip Code)...

...(Driver License Number or Last Four Digits of Social Security Number)...

...(E-Mail Address)...

...(Home Telephone Number)...

...(Mobile Telephone Number)...

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

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...(Election Official)...

Precinct # Ballot Style/Party Issued:

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

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

(6) (a) As soon as practicable, the supervisor shall, on behalf of the county canvassing board, attempt to notify an

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233 elector who has submitted a provisional ballot that does not
234 include the elector's signature or contains a signature that
235 does not match the elector's signature in the registration books
236 or precinct register by:

237 1. Providing the notice to the elector by e-mail;

238 2. Notifying the elector of the signature deficiency by
239 text message and directing the elector to the cure affidavit and
240 instructions on the supervisor's website; and

241 3. Notifying the elector of the signature deficiency by
242 telephone and directing the elector to the cure affidavit and
243 instructions on the supervisor's website.

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245 If the voter's certificate or the elector's records do not
246 contain any telephone or electronic contact information, the
247 supervisor must immediately send the notice to the elector by
248 first-class mail. If the elector has provided such information,
249 the supervisor may continue to attempt to contact the elector by
250 telephone or electronic means for up to 24 hours before mailing
251 the physical notice. The supervisor need not provide any notice
252 required by this paragraph if the canvassing board has already
253 determined that the elector is not entitled to vote pursuant to
254 paragraph (2) (a), or if the supervisor has already confirmed the
255 elector's receipt of notice.

256 (b) Until 5 p.m. on the 11th day after an election, the
257 supervisor of elections shall allow an elector who has submitted
258 a provisional ballot with a signature deficiency to complete and
259 submit a cure affidavit.

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

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290PROVISIONAL BALLOT CURE AFFIDAVIT

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

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

... (Address) ...

(d) Instructions must accompany the cure 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

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291 later than 5 p.m. on the 11th day after the election.

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

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

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

308 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
309 FORM OF IDENTIFICATION, identification that shows your name and
310 current residence address: current utility bill; bank statement;
311 government check; paycheck; or government document (excluding
312 voter identification card).

313 4. Place the envelope bearing the affidavit into a mailing
314 envelope addressed to the supervisor. Insert a copy of your
315 identification in the mailing envelope. Mail (if time permits),
316 deliver, or have delivered the completed affidavit along with
317 the copy of your identification to your county supervisor of
318 elections. Be sure there is sufficient postage if mailed and
319 that the supervisor's address is correct. Remember, your

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320 information MUST reach your county supervisor of elections no
321 later than 5 p.m. on the 11th day following the election or your
322 ballot will not count.

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

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

339 (e) The department and each supervisor of elections shall
340 include the affidavit and instructions on their respective
341 websites. The supervisor of elections shall include his or her
342 office mailing address, e-mail address, and fax number on the
343 page containing the affidavit instructions, and the department's
344 instruction page must include the office mailing addresses, e-
345 mail addresses, and fax numbers of all supervisors of elections
346 or provide a conspicuous link to such addresses.

347 (f) The supervisor of elections shall attach each affidavit
348 received to the appropriate provisional ballot envelope

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349 containing the Provisional Ballot Voter's Certificate and
350 Affirmation.

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

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

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

368 101.151 Specifications for ballots.—

369 (9) (a) The Department of State shall adopt rules
370 prescribing a uniform primary and general election ballot for
371 each certified voting system. The rules must ~~shall~~ incorporate
372 the requirements set forth in this section and must ~~shall~~
373 prescribe additional matters and forms that include, without
374 limitation:

375 1. The ballot title followed by clear and unambiguous
376 ballot instructions and directions limited to a single location
377 on the ballot, either:

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- 378 a. Centered across the top; or
379 b. In the leftmost column, with no individual races in that
380 column unless it is the only column on the ballot;
381 2. Individual race layout; and
382 3. Overall ballot layout.

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

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

388 101.62 Request for vote-by-mail ballots.—

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

395 (4)

396 (b) The supervisor of elections shall mail a vote-by-mail
397 ballot to each absent qualified voter, other than those listed
398 in paragraph (a), who has requested such a ballot, no later than
399 the 28th day ~~between the 35th and 28th days~~ before the
400 presidential preference primary election, primary election, and
401 general election. Except as otherwise provided in subsection (2)
402 and after the period described in this paragraph, the supervisor
403 shall mail vote-by-mail ballots within 2 business days after
404 receiving a request for such a ballot.

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

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407 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

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

415

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

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419 VOTER'S CERTIFICATE

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

429 Further, by providing my information below, I authorize the
 430 use of e-mail, text messages, and telephone calls for the
 431 limited purpose of correcting a missing or nonmatching
 432 signature.

433

434 ... (Date) ... (Voter's Signature) ...

435 ... (E-Mail Address) ... (Home Telephone Number) ...

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436 ...(Mobile Telephone Number)...

437 Section 8. Section 101.65, Florida Statutes, is amended to
438 read:

439 101.65 Instructions to absent electors.—The supervisor
440 shall enclose with each vote-by-mail ballot separate printed
441 instructions in substantially the following form:

442
443 READ THESE INSTRUCTIONS CAREFULLY
444 BEFORE MARKING BALLOT.

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

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

462 3. Mark only the number of candidates or issue choices for
463 a race as indicated on the ballot. If you are allowed to "Vote
464 for One" candidate and you vote for more than one candidate,

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465 your vote in that race will not be counted.

466 4. Place your marked ballot in the enclosed secrecy
467 envelope.

468 5. Insert the secrecy envelope into the enclosed mailing
469 envelope which is addressed to the supervisor.

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

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

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

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

490 10. FELONY NOTICE. It is a felony under Florida law to
491 accept any gift, payment, or gratuity in exchange for your vote
492 for a candidate. It is also a felony under Florida law to vote
493 in an election using a false identity or false address, or under

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494 any other circumstances making your ballot false or fraudulent.

495 Section 9. Subsection (1), paragraph (a) of subsection (2),
496 and subsection (4) of section 101.68, Florida Statutes, are
497 amended to read:

498 101.68 Canvassing of vote-by-mail ballot.—

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

516 (2) (a) The county canvassing board may begin the canvassing
517 of vote-by-mail ballots at 7 a.m. on the 22nd ~~15th~~ day before
518 the election, but not later than noon on the day following the
519 election. In addition, for any county using electronic
520 tabulating equipment, the processing of vote-by-mail ballots
521 through such tabulating equipment may begin at 7 a.m. on the
522 22nd ~~15th~~ day before the election. However, notwithstanding any

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523 such authorization to begin canvassing or otherwise processing
524 vote-by-mail ballots early, no result shall be released until
525 after the closing of the polls in that county on election day.
526 Any supervisor of elections, deputy supervisor of elections,
527 canvassing board member, election board member, or election
528 employee who releases the results of a canvassing or processing
529 of vote-by-mail ballots prior to the closing of the polls in
530 that county on election day commits a felony of the third
531 degree, punishable as provided in s. 775.082, s. 775.083, or s.
532 775.084.

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

539 (b) For timely domestic vote-by-mail ballots received
540 beginning on the 4th day before an election, and for timely
541 overseas vote-by-mail ballots received beginning on the 10th day
542 before an election, the supervisor must attempt to:

- 543 1. Provide the notice to the elector by e-mail;
544 2. Notify the elector of the signature deficiency by text
545 message and direct the elector to the cure affidavit and
546 instructions on the supervisor's website; and
547 3. Notify the elector of the signature deficiency by
548 telephone and direct the elector to the cure affidavit and
549 instructions on the supervisor's website.

550
551 If the voter's certificate or the elector's records do not

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552 contain any telephone or electronic contact information, the
 553 supervisor must immediately send the notice to an in-county
 554 elector by first-class mail or to any other elector by expedited
 555 delivery. If the elector has provided such information, the
 556 supervisor may continue to attempt to contact the elector by
 557 telephone or electronic means for up to 48 hours before sending
 558 physical notice, time permitting. The supervisor need not
 559 provide any notice required by this subsection which is not
 560 expected to reach the elector until after 5 p.m. on the 11th day
 561 after the election, or when the supervisor has already confirmed
 562 the elector's receipt of notice.

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

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

568
 569 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

570 I,, am a qualified voter in this election and
 571 registered voter of County, Florida. I do solemnly swear or
 572 affirm that I requested and returned the vote-by-mail ballot and
 573 that I have not and will not vote more than one ballot in this
 574 election. I understand that if I commit or attempt any fraud in
 575 connection with voting, vote a fraudulent ballot, or vote more
 576 than once in an election, I may be convicted of a felony of the
 577 third degree and fined up to \$5,000 and imprisoned for up to 5
 578 years. I understand that my failure to sign this affidavit may
 579 invalidate my ballot ~~means that my vote-by-mail ballot will be~~
 580 ~~invalidated.~~

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581
582 ... (Voter's Signature) ...

583
584 ... (Address) ...

585 (e) ~~(e)~~ Instructions must accompany the cure affidavit in
586 substantially the following form:

587
588 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
589 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
590 BALLOT NOT TO COUNT.

591
592 1. In order to ensure that your vote-by-mail ballot will be
593 counted, your affidavit should be completed and returned as soon
594 as possible so that it can reach the supervisor of elections of
595 the county in which your precinct is located no later than 5
596 p.m. on the 11th day after ~~before~~ the election.

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

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

601 a. Tier 1 identification.—Current and valid identification
602 that includes your name and photograph: Florida driver license;
603 Florida identification card issued by the Department of Highway
604 Safety and Motor Vehicles; United States passport; debit or
605 credit card; military identification; student identification;
606 retirement center identification; neighborhood association
607 identification; public assistance identification; veteran health
608 identification card issued by the United States Department of
609 Veterans Affairs; a Florida license to carry a concealed weapon

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610 or firearm; or an employee identification card issued by any
611 branch, department, agency, or entity of the Federal Government,
612 the state, a county, or a municipality; or

613 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
614 FORM OF IDENTIFICATION, identification that shows your name and
615 current residence address: current utility bill, bank statement,
616 government check, paycheck, or government document (excluding
617 voter identification card).

618 4. Place the envelope bearing the affidavit into a mailing
619 envelope addressed to the supervisor. Insert a copy of your
620 identification in the mailing envelope. Mail (if time permits),
621 deliver, or have delivered the completed affidavit along with
622 the copy of your identification to your county supervisor of
623 elections. Be sure there is sufficient postage if mailed and
624 that the supervisor's address is correct. Remember, your
625 information MUST reach your county supervisor of elections no
626 later than 5 p.m. on the 11th day following the election, or
627 your ballot will not count.

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

634 (f)~~(d)~~ The department and each supervisor shall include the
635 affidavit and instructions on their respective websites. The
636 supervisor must include his or her office's mailing address, e-
637 mail address, and fax number on the page containing the
638 affidavit instructions, and~~r~~ the department's instruction page

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639 must include the office mailing addresses, e-mail addresses, and
640 fax numbers of all supervisors of elections or provide a
641 conspicuous link to such addresses.

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

644 (h)~~(f)~~ If a vote-by-mail ballot is validated following the
645 submission of a cure affidavit, the supervisor must make a copy
646 of the affidavit, affix it to a voter registration application,
647 and immediately process it as a valid request for a signature
648 update pursuant to s. 98.077.

649 (i) After all election results on the ballot have been
650 certified, the supervisor shall, on behalf of the county
651 canvassing board, notify each elector whose ballot has been
652 rejected as illegal and provide the specific reason the ballot
653 was rejected. In addition, unless processed as a signature
654 update pursuant to paragraph (h), the supervisor shall mail a
655 voter registration application to the elector to be completed
656 indicating the elector's current signature if the signature on
657 the voter's certificate or cure affidavit did not match the
658 elector's signature in the registration books or precinct
659 register. ~~This section does not prohibit the supervisor from~~
660 ~~providing additional methods for updating an elector's~~
661 ~~signature.~~

662 Section 10. Section 101.6923, Florida Statutes, is amended
663 to read:

664 101.6923 Special vote-by-mail ballot instructions for
665 certain first-time voters.—

666 (1) The provisions of this section apply to voters who are
667 subject to the provisions of s. 97.0535 and who have not

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668 provided the identification or information required by s.
669 97.0535 by the time the vote-by-mail ballot is mailed.

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

673
674 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
675 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
676 YOUR BALLOT NOT TO COUNT.

677
678 1. In order to ensure that your vote-by-mail ballot will be
679 counted, it should be completed and returned as soon as possible
680 so that it can reach the supervisor of elections of the county
681 in which your precinct is located no later than 7 p.m. on the
682 date of the election. However, if you are an overseas voter
683 casting a ballot in a presidential preference primary or general
684 election, your vote-by-mail ballot must be postmarked or dated
685 no later than the date of the election and received by the
686 supervisor of elections of the county in which you are
687 registered to vote no later than 10 days after the date of the
688 election.

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

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

696 4. Place your marked ballot in the enclosed secrecy

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697 envelope and seal the envelope.

698 5. Insert the secrecy envelope into the enclosed envelope
699 bearing the Voter's Certificate. Seal the envelope and
700 completely fill out the Voter's Certificate on the back of the
701 envelope.

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

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

707 c. A vote-by-mail ballot will be considered illegal and
708 will not be counted if the signature on the Voter's Certificate
709 does not match the signature on record. The signature on file at
710 the start of the canvass of the vote-by-mail ballots is the
711 signature that will be used to verify your signature on the
712 Voter's Certificate. If you need to update your signature for
713 this election, send your signature update on a voter
714 registration application to your supervisor of elections so that
715 it is received no later than the start of canvassing of vote-by-
716 mail ballots, which occurs no earlier than the 22nd ~~15th~~ day
717 before election day.

718 6. Unless you meet one of the exemptions in Item 7., you
719 must make a copy of one of the following forms of
720 identification:

721 a. Identification which must include your name and
722 photograph: United States passport; debit or credit card;
723 military identification; student identification; retirement
724 center identification; neighborhood association identification;
725 public assistance identification; veteran health identification

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726 card issued by the United States Department of Veterans Affairs;
727 a Florida license to carry a concealed weapon or firearm; or an
728 employee identification card issued by any branch, department,
729 agency, or entity of the Federal Government, the state, a
730 county, or a municipality; or

731 b. Identification which shows your name and current
732 residence address: current utility bill, bank statement,
733 government check, paycheck, or government document (excluding
734 voter identification card).

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

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

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

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

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

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

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

750 8. Place the envelope bearing the Voter's Certificate into
751 the mailing envelope addressed to the supervisor. Insert a copy
752 of your identification in the mailing envelope. DO NOT PUT YOUR
753 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
754 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR

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755 BALLOT WILL NOT COUNT.

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

758 10. FELONY NOTICE. It is a felony under Florida law to
759 accept any gift, payment, or gratuity in exchange for your vote
760 for a candidate. It is also a felony under Florida law to vote
761 in an election using a false identity or false address, or under
762 any other circumstances making your ballot false or fraudulent.

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

765 102.111 Elections Canvassing Commission.—

766 (2) (a) The Elections Canvassing Commission shall meet at 9
767 a.m. on the ~~9th day after a primary election and at 9 a.m. on~~
768 ~~the~~ 14th day after a primary election or a general election to
769 certify the returns of the election for each federal, state, and
770 multicounty office, except for those contests with a pending
771 general election recount.

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

775
776 If a member of a county canvassing board that was constituted
777 pursuant to s. 102.141 determines, within 5 days after the
778 certification by the Elections Canvassing Commission, that a
779 typographical error occurred in the official returns of the
780 county, the correction of which could result in a change in the
781 outcome of an election, the county canvassing board must certify
782 corrected returns to the Department of State within 24 hours,
783 and the Elections Canvassing Commission must correct and

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784 recertify the election returns as soon as practicable.

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

787 102.112 Deadline for submission of county returns to the
788 Department of State.—

789 (2) (a) Returns must be filed by 5 p.m. ~~on the 7th day~~
790 ~~following a primary election and by noon on the 12th day~~
791 following the primary election and the general election for all
792 contests, except those contests with a pending general election
793 recount.

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

797 (c) However, The Department of State may correct
798 typographical errors, including the transposition of numbers, in
799 any returns submitted to the Department of State pursuant to s.
800 102.111(2).

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

804 102.141 County canvassing board; duties.—

805 (4)

806 (b) The canvassing board shall report all early voting and
807 all tabulated vote-by-mail results to the Department of State
808 within 30 minutes after the polls close. Thereafter, the
809 canvassing board shall report, with the exception of provisional
810 ballot results, updated precinct election results to the
811 department at least every hour ~~45 minutes~~ until 2 a.m. the next
812 day. Thereafter, the canvassing board must report results on an

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813 hourly basis from 9 a.m. until 8 p.m. each day until all results
814 are completely reported. The supervisor of elections shall
815 notify the department immediately of any circumstances that do
816 not permit periodic updates as required. Results shall be
817 submitted in a format prescribed by the department.

818 (5) The canvassing board shall submit on forms or in
819 formats provided by the division unofficial returns to the
820 Department of State for each federal, statewide, state, or
821 multicounty office or ballot measure no later than noon on the
822 ~~third day after any primary election and no later than noon on~~
823 ~~the~~ fourth day after any primary, general or other election.
824 Such returns shall include the canvass of all ballots as
825 required by subsection (2).

826 (7) If the unofficial returns reflect that a candidate for
827 any office was defeated or eliminated by one-half of a percent
828 or less of the votes cast for such office, that a candidate for
829 retention to a judicial office was retained or not retained by
830 one-half of a percent or less of the votes cast on the question
831 of retention, or that a measure appearing on the ballot was
832 approved or rejected by one-half of a percent or less of the
833 votes cast on such measure, a recount shall be ordered of the
834 votes cast with respect to such office or measure. The Secretary
835 of State is responsible for ordering recounts in federal, state,
836 and multicounty races. The county canvassing board or the local
837 board responsible for certifying the election is responsible for
838 ordering recounts in all other races. A recount need not be
839 ordered with respect to the returns for any office, however, if
840 the candidate or candidates defeated or eliminated from
841 contention for such office by one-half of a percent or less of

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842 the votes cast for such office request in writing that a recount
843 not be made.

844 (c) The canvassing board shall submit on forms or in
845 formats provided by the division a second set of unofficial
846 returns to the Department of State for each federal, statewide,
847 state, or multicounty office or ballot measure. The returns for
848 all primary election contests and general election contests not
849 subject to a recount shall be filed no later than 3 p.m. on the
850 9th ~~5th~~ day after the any primary or general election, and no
851 later than 5 p.m. ~~3 p.m.~~ on the 12th ~~9th~~ day after the any
852 general election for any contest in which a recount was ordered
853 by the Secretary of State. If the canvassing board is unable to
854 complete the recount prescribed in this subsection by the
855 deadline, the second set of unofficial returns submitted by the
856 canvassing board shall be identical to the initial unofficial
857 returns and the submission shall also include a detailed
858 explanation of why it was unable to timely complete the recount.
859 However, the canvassing board shall complete the recount
860 prescribed in this subsection, along with any manual recount
861 prescribed in s. 102.166, and certify election returns in
862 accordance with the requirements of this chapter.

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

865 102.166 Manual recounts of overvotes and undervotes.—

866 (2) ~~(a)~~ Any hardware or software used to identify and sort
867 overvotes and undervotes for a given race or ballot measure must
868 be certified by the Department of State as part of the voting
869 system pursuant to s. 101.015. Any such hardware or software
870 must be capable of simultaneously identifying and sorting

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871 overvotes and undervotes in multiple races while simultaneously
872 counting votes.

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

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