

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Public Integrity & Ethics
 2 Committee

3 Representative Ingoglia offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 195-564 and insert:

7 2. Transport of ballots, including a description of the
 8 method and equipment used and a detailed list of the names of
 9 all individuals involved in such transport.

10 3. Ballot security, including a requirement that all
 11 ballots be kept in a locked room in the supervisor's office, a
 12 facility controlled by the supervisor or county canvassing
 13 board, or a public place in which the county canvassing board is
 14 canvassing votes until needed for canvassing and returned
 15 thereafter.

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16 (b)1. Each supervisor ~~of elections~~ shall establish written
17 procedures to assure accuracy and security in his or her county,
18 including procedures related to early voting pursuant to s.
19 101.657. Such procedures shall be reviewed in each odd-numbered
20 year by the department ~~of State~~.

21 2.(c) Each supervisor ~~of elections~~ shall submit any
22 revisions to the security procedures to the department ~~of State~~
23 at least 45 days before early voting commences pursuant to s.
24 101.657 in an election in which they are to take effect.

25 Section 8. Subsection (6) of section 101.048, Florida
26 Statutes, is renumbered as subsection (7), subsections (2), (3),
27 and (5) and present subsection (6) are amended, and a new
28 subsection (6) is added to that section, to read:

29 101.048 Provisional ballots.—

30 (2) (a) The county canvassing board shall examine each
31 Provisional Ballot Voter's Certificate and Affirmation to
32 determine if the person voting that ballot was entitled to vote
33 at the precinct where the person cast a vote in the election and
34 that the person had not already cast a ballot in the election.
35 In determining whether a person casting a provisional ballot is
36 entitled to vote, the county canvassing board shall review the
37 information provided in the Voter's Certificate and Affirmation,
38 written evidence provided by the person pursuant to subsection
39 (1), information provided in any cure affidavit and accompanying
40 supporting documentation pursuant to subsection (6), any other

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41 evidence presented by the supervisor ~~of elections~~, and, in the
42 case of a challenge, any evidence presented by the challenger. A
43 ballot of a person casting a provisional ballot shall be
44 canvassed pursuant to paragraph (b) counted unless the
45 canvassing board determines by a preponderance of the evidence
46 that the person was not entitled to vote.

47 (b)1. If it is determined that the person was registered
48 and entitled to vote at the precinct where the person cast a
49 vote in the election, the canvassing board shall compare the
50 signature on the Provisional Ballot Voter's Certificate and
51 Affirmation or the provisional ballot cure affidavit with the
52 signature on the voter's registration or precinct register and,
53 ~~if it matches, shall count the ballot.~~ A provisional ballot
54 shall be counted if:

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

60 b. The cure affidavit contains a signature that does not
61 match the elector's signature in the registration books or the
62 precinct register, but the elector has submitted a current and
63 valid Tier 1 form of identification confirming his or her
64 identity pursuant to subsection (6).

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66 For purposes of this paragraph, any canvassing board finding
67 that an elector's signatures do not match must be by majority
68 vote and beyond a reasonable doubt.

69 2. If it is determined that the person voting the
70 provisional ballot was not registered or entitled to vote at the
71 precinct where the person cast a vote in the election, the
72 provisional ballot shall not be counted and the ballot shall
73 remain in the envelope containing the Provisional Ballot Voter's
74 Certificate and Affirmation and the envelope shall be marked
75 "Rejected as Illegal."

76 (c) If a provisional ballot is validated following the
77 submission of a cure affidavit, the supervisor shall make a copy
78 of the affidavit, affix it to a voter registration application,
79 and immediately process it as a valid request for a signature
80 update pursuant to s. 98.077.

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

83 STATE OF FLORIDA

84 COUNTY OF

85 I do solemnly swear (or affirm) that my name is; that
86 my date of birth is; that I am registered and qualified to
87 vote in County, Florida; that I am registered in the
88 Party; that I am a qualified voter of the county; and that I
89 have not voted in this election. I understand that if I commit
90 any fraud in connection with voting, vote a fraudulent ballot,

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91 or vote more than once in an election, I can be convicted of a
92 felony of the third degree and fined up to \$5,000 and/or
93 imprisoned for up to 5 years. Further, by providing my
94 information below, I authorize the use of e-mail, text message,
95 and phone call for the limited purpose of signature and ballot
96 validation.

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

98 ... (Signature of Voter)...

99 ... (Current Residence Address)...

100 ... (Current Mailing Address)...

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

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

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

105 ... (Home Telephone Number)...

106 ... (Mobile Telephone Number)...

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

109 ... (Election Official)...

110 Precinct # Ballot Style/Party Issued:

111 (5) Each person casting a provisional ballot shall be
112 given written instructions regarding the person's right to
113 provide the supervisor ~~of elections~~ with written evidence of his
114 or her eligibility to vote and regarding the free access system
115 established pursuant to subsection (7)~~(6)~~. The instructions must

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116 ~~shall~~ contain the supervisor's contact information along with
117 information on how to access the system and the information the
118 voter will need to provide to obtain information on his or her
119 particular ballot. The instructions shall also include the
120 following statement: "If this is a primary election, you should
121 contact the supervisor of elections' office immediately to
122 confirm that you are registered and can vote in the general
123 election."

124 (6) (a) As soon as practicable, the supervisor shall, on
125 behalf of the county canvassing board, attempt to notify an
126 elector who has submitted a provisional ballot that does not
127 include the elector's signature or contains a signature that
128 does not match the elector's signature in the registration books
129 or precinct register by:

130 1. Providing notice of the signature deficiency to the
131 elector by e-mail and directing the elector to the cure
132 affidavit and instructions on the supervisor's website;

133 2. Notifying the elector of the signature deficiency by
134 text message and directing the elector to the cure affidavit and
135 instructions on the supervisor's website; or

136 3. Notifying the elector of the signature deficiency by
137 telephone and directing the elector to the cure affidavit and
138 instructions on the supervisor's website.

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140 In addition to the notification required in subparagraph 1.,
141 subparagraph 2., or subparagraph 3., the supervisor must notify
142 the elector of the signature deficiency by first-class mail and
143 direct the elector to the cure affidavit and instructions on the
144 supervisor's website. Beginning the day before the election, the
145 supervisor is not required to provide notice of the signature
146 deficiency by first-class mail, but shall continue to provide
147 notice as required in subparagraph 1., subparagraph 2., or
148 subparagraph 3.

149 (b) Until 5 p.m. on the 2nd day after an election, the
150 supervisor shall allow an elector who has submitted a
151 provisional ballot with a signature deficiency to complete and
152 submit a cure affidavit.

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

155
156 PROVISIONAL BALLOT CURE AFFIDAVIT

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

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165 understand that my failure to sign this affidavit will
166 invalidate my ballot.

167
168 ...(Voter's Signature)...

169
170 ...(Address)...

171
172 (d) Instructions must accompany the cure affidavit in
173 substantially the following form:

174
175 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
176 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
177 BALLOT NOT TO COUNT.

178
179 1. In order to cure the missing signature or the signature
180 discrepancy on your Provisional Ballot Voter's Certificate and
181 Affirmation, your affidavit should be completed and returned as
182 soon as possible so that it can reach the supervisor of
183 elections of the county in which your precinct is located no
184 later than 5 p.m. on the 2nd day after the election.

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

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

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189 a. Tier 1 identification.—Current and valid identification
190 that includes your name and photograph: Florida driver license;
191 Florida identification card issued by the Department of Highway
192 Safety and Motor Vehicles; United States passport; debit or
193 credit card; military identification; student identification;
194 retirement center identification; neighborhood association
195 identification; public assistance identification; veteran health
196 identification card issued by the United States Department of
197 Veterans Affairs; Florida license to carry a concealed weapon or
198 firearm; or employee identification card issued by any branch,
199 department, agency, or entity of the Federal Government, the
200 state, a county, or a municipality; or

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

206 4. Place the envelope bearing the affidavit into a mailing
207 envelope addressed to the supervisor. Insert a copy of your
208 identification in the mailing envelope. Mail (if time permits),
209 deliver, or have delivered the completed affidavit along with
210 the copy of your identification to your county supervisor of
211 elections. Be sure there is sufficient postage if mailed and
212 that the supervisor's address is correct. Remember, your
213 information MUST reach your county supervisor of elections no

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214 later than 5 p.m. on the 2nd day following the election or your
215 ballot will not count.

216 5. Alternatively, you may fax or e-mail your completed
217 affidavit and a copy of your identification to the supervisor of
218 elections. If e-mailing, please provide these documents as
219 attachments.

220 6. Submitting a provisional ballot affidavit does not
221 establish your eligibility to vote in this election or guarantee
222 that your ballot will be counted. The county canvassing board
223 determines your eligibility to vote through information provided
224 on the Provisional Ballot Voter's Certificate and Affirmation,
225 written evidence provided by you, including information in your
226 cure affidavit along with any supporting identification, and any
227 other evidence presented by the supervisor of elections or a
228 challenger. You may still be required to present additional
229 written evidence to support your eligibility to vote.

230 (e) The department and each supervisor shall include the
231 affidavit and instructions on their respective websites. The
232 supervisor shall include his or her office mailing address, e-
233 mail address, and fax number on the page containing the
234 affidavit instructions, and the department's instruction page
235 shall include the office mailing addresses, e-mail addresses,
236 and fax numbers of all supervisors or provide a conspicuous link
237 to such addresses.

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238 (f) The supervisor shall attach each affidavit received to
239 the appropriate provisional ballot envelope containing the
240 Provisional Ballot Voter's Certificate and Affirmation.

241 (7) (a) ~~(6)~~ Each supervisor of elections shall establish a
242 free access system that allows each person who casts a
243 provisional ballot to determine whether his or her provisional
244 ballot was counted in the final canvass of votes and, if not,
245 the reasons why. Information regarding provisional ballots shall
246 be available no later than 30 days following the election. The
247 system established must restrict information regarding an
248 individual ballot to the person who cast the ballot.

249 (b) Unless processed as a signature update pursuant to
250 subsection (2), the supervisor shall mail a voter registration
251 application to the elector to be completed indicating the
252 elector's current signature if the signature on the voter's
253 certificate or cure affidavit did not match the elector's
254 signature in the registration books or precinct register.

255 Section 9. Paragraph (b) of subsection (1) and subsection
256 (9) of section 101.151, Florida Statutes, are amended to read:

257 101.151 Specifications for ballots.—

258 (1)

259 (b) Polling places and early voting sites may employ a
260 ballot-on-demand production system to print individual marksense
261 ballots, including provisional ballots, for eligible electors

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262 ~~pursuant to s. 101.657.~~ Ballot-on-demand technology may be used
263 to produce marksense vote-by-mail and election-day ballots.

264 (9) (a) The Department of State shall adopt rules
265 prescribing a uniform primary and general election ballot for
266 each certified voting system. The rules shall incorporate the
267 requirements set forth in this section and shall prescribe
268 additional matters and forms that include, without limitation:

269 1. The ballot title followed by clear and unambiguous
270 ballot instructions and directions limited to a single location
271 on the ballot, either:

272 a. Centered across the top of the ballot; or

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

275 2. Individual race layout; ~~and~~

276 3. Overall ballot layout; ~~and.~~

277 4. Oval vote targets as the only permissible type of vote
278 target.

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

282 Section 10. Subsection (2) of section 101.20, Florida
283 Statutes, is amended to read:

284 101.20 Publication of ballot form; sample ballots.-

285 (2) (a) Upon completion of the list of qualified
286 candidates, a sample ballot shall be published by the supervisor

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287 ~~of elections~~ in a newspaper of general circulation in the
288 county, before the day of election.

289 (b) In lieu of the publication required under paragraph
290 (a), a supervisor may send a sample ballot to each registered
291 elector by e-mail at least 7 days before an election if an e-
292 mail address has been provided and the elector has opted to
293 receive a sample ballot by electronic delivery. If an e-mail
294 address has not been provided, or if the elector has not opted
295 for electronic delivery, a sample ballot may be mailed to each
296 registered elector or to each household in which there is a
297 registered elector at least 7 days before an election.

298 Section 11. Paragraph (a) of subsection (4) of section
299 101.5614, Florida Statutes, is amended to read:

300 101.5614 Canvass of returns.—

301 (4) (a) If any vote-by-mail ballot is physically damaged so
302 that it cannot properly be counted by the automatic tabulating
303 equipment, a true duplicate copy shall be made of the damaged
304 ballot in the presence of witnesses and substituted for the
305 damaged ballot. Likewise, a duplicate ballot shall be made of a
306 vote-by-mail ballot containing an overvoted race or a marked
307 vote-by-mail ballot in which every race is undervoted which
308 shall include all valid votes as determined by the canvassing
309 board based on rules adopted by the division pursuant to s.
310 102.166(4). Upon request, a physically present candidate,
311 political party official, political committee official, or an

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312 authorized designee thereof, must be allowed to observe the
313 duplication of ballots. All duplicate ballots shall be clearly
314 labeled "duplicate," bear a serial number which shall be
315 recorded on the defective ballot, and be counted in lieu of the
316 defective ballot. After a ballot has been duplicated, the
317 defective ballot shall be placed in an envelope provided for
318 that purpose, and the duplicate ballot shall be tallied with the
319 other ballots for that precinct.

320 Section 12. Subsection (2) and paragraphs (b) and (c) of
321 subsection (4) of section 101.62, Florida Statutes, are amended
322 to read:

323 101.62 Request for vote-by-mail ballots.-

324 (2) A request for a vote-by-mail ballot to be mailed to a
325 voter must be received no later than 5 p.m. on the 10th ~~sixth~~
326 day before the election by the supervisor ~~of elections~~. The
327 supervisor ~~of elections~~ shall mail vote-by-mail ballots to
328 voters requesting ballots by such deadline no later than 8 4
329 days before the election.

330 (4)

331 (b) The supervisor ~~of elections~~ shall mail a vote-by-mail
332 ballot to each absent qualified voter, other than those listed
333 in paragraph (a), who has requested such a ballot, between the
334 40th ~~35th~~ and 28th days before the presidential preference
335 primary election, primary election, and general election. Except
336 as otherwise provided in subsection (2) and after the period

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337 described in this paragraph, the supervisor shall mail vote-by-
338 mail ballots within 2 business days after receiving a request
339 for such a ballot.

340 (c) The supervisor shall provide a vote-by-mail ballot to
341 each elector by whom a request for that ballot has been made by
342 one of the following means:

343 1. By nonforwardable, return-if-undeliverable mail to the
344 elector's current mailing address on file with the supervisor or
345 any other address the elector specifies in the request.

346 2. By forwardable mail, e-mail, or facsimile machine
347 transmission to absent uniformed services voters and overseas
348 voters. The absent uniformed services voter or overseas voter
349 may designate in the vote-by-mail ballot request the preferred
350 method of transmission. If the voter does not designate the
351 method of transmission, the vote-by-mail ballot shall be mailed.

352 3. By personal delivery before 7 p.m. on election day to
353 the elector, upon presentation of the identification required in
354 s. 101.043.

355 4. By delivery to a designee on election day or up to 9 ~~5~~
356 days prior to the day of an election. Any elector may designate
357 in writing a person to pick up the ballot for the elector;
358 however, the person designated may not pick up more than two
359 vote-by-mail ballots per election, other than the designee's own
360 ballot, except that additional ballots may be picked up for
361 members of the designee's immediate family. For purposes of this

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362 section, "immediate family" means the designee's spouse or the
363 parent, child, grandparent, or sibling of the designee or of the
364 designee's spouse. The designee shall provide to the supervisor
365 the written authorization by the elector and a picture
366 identification of the designee and must complete an affidavit.
367 The designee shall state in the affidavit that the designee is
368 authorized by the elector to pick up that ballot and shall
369 indicate if the elector is a member of the designee's immediate
370 family and, if so, the relationship. The department shall
371 prescribe the form of the affidavit. If the supervisor is
372 satisfied that the designee is authorized to pick up the ballot
373 and that the signature of the elector on the written
374 authorization matches the signature of the elector on file, the
375 supervisor shall give the ballot to that designee for delivery
376 to the elector.

377 5. Except as provided in s. 101.655, the supervisor may
378 not deliver a vote-by-mail ballot to an elector or an elector's
379 immediate family member on the day of the election unless there
380 is an emergency, to the extent that the elector will be unable
381 to go to his or her assigned polling place. If a vote-by-mail
382 ballot is delivered, the elector or his or her designee shall
383 execute an affidavit affirming to the facts which allow for
384 delivery of the vote-by-mail ballot. The department shall adopt
385 a rule providing for the form of the affidavit.

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386 Section 13. Subsection (1) of section 101.64, Florida
387 Statutes, is amended, and subsection (5) is added to that
388 section, to read:

389 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

390 (1) The supervisor shall enclose with each vote-by-mail
391 ballot two envelopes: a secrecy envelope, into which the absent
392 elector shall enclose his or her marked ballot; and a mailing
393 envelope, into which the absent elector shall then place the
394 secrecy envelope, which shall be addressed to the supervisor and
395 also bear on the back side a certificate in substantially the
396 following form:

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

399 VOTER'S CERTIFICATE

400 I,, do solemnly swear or affirm that I am a qualified
401 and registered voter of County, Florida, and that I have
402 not and will not vote more than one ballot in this election. I
403 understand that if I commit or attempt to commit any fraud in
404 connection with voting, vote a fraudulent ballot, or vote more
405 than once in an election, I can be convicted of a felony of the
406 third degree and fined up to \$5,000 and/or imprisoned for up to
407 5 years. I also understand that failure to sign this certificate
408 will invalidate my ballot.

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

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

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411 ...(Mobile Telephone Number)...

412 (5) The secrecy envelope must include, in bold font,
413 substantially the following message:

414
415 IN ORDER FOR YOUR VOTE-BY-MAIL BALLOT TO COUNT, YOUR SUPERVISOR
416 OF ELECTIONS MUST RECEIVE YOUR BALLOT BY 7 P.M. ON ELECTION DAY.
417 IF YOU WAIT TO MAIL YOUR BALLOT YOUR VOTE MIGHT NOT COUNT. TO
418 PREVENT THIS FROM OCCURRING, PLEASE MAIL OR TURN IN YOUR BALLOT
419 AS SOON AS POSSIBLE.

420 Section 14. Section 101.65, Florida Statutes, is amended
421 to read:

422 101.65 Instructions to absent electors.—The supervisor
423 shall enclose with each vote-by-mail ballot separate printed
424 instructions in substantially the following form; however, where
425 the instructions appear in capitalized text, the text of the
426 printed instructions must be in bold font:

427
428 -----
429 **T I T L E A M E N D M E N T**

430 Remove line 41 and insert:
431 mailed by the supervisor; expanding the period during which a
432 designee may physically collect a vote-by-mail ballot; amending
433 s. 101.64, F.S.;