

Notice of Change/Withdrawal

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1S-2.037 Provisional Ballots

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 219, November 10, 2021 issue of the Florida Administrative Register.

1S-2.037 Provisional Ballots.

(1) Notice of Rights. A written notice, entitled “Notice of Rights for Provisional Ballot Voters” must be provided to each person who casts a provisional ballot during early voting or on election day. Notices and forms shall be made available in English and Spanish. The notice must include the following:

(a) Contact information for the Supervisor of Elections including phone number, facsimile number, e-mail address, mailing address, website address, and office address.

(b) The following statements:

1. If this is a primary election, you should contact ~~the~~ your supervisor of elections’ office immediately to confirm that you are registered and can vote in the general election.

2. You have the right to provide written evidence supporting your eligibility to vote to the Supervisor of Elections no later than 5:00 p.m. of the second day following the election.

3. If you voted a provisional ballot because your Florida ~~driver’s~~ driver license card number, Florida state identification card number or the last four digits of your social security card number could not or has not yet been verified, bring your card in person or provide a copy via mail, fax or e-mail to the Supervisor no later than 5:00 p.m. (local time) of the second day following the election.

4. If you voted this ballot solely because you did not have the proper photo and signature identification, you do not have to provide any further proof of your eligibility, provided you are otherwise registered and entitled to vote in the precinct where you cast your ballot, and the signature on your ballot certificate and affirmation or the provisional ballot cure affidavit matches the signature on your voter registration record.

5. If you forgot to sign your ballot certificate or your signature does not match the one we have on record, you have the right to cure that omission or mismatch. Your Supervisor of Elections will try to reach by email, text or phone to notify you of the problem with your signature and how to fix the problem. The form for the signature cure affidavit is available online on your county Supervisor of Elections’ website and the Division of Elections’ website at: <https://dos.myflorida.com/elections/> under Forms. The deadline to submit your cure is 5:00 p.m. (local time) ~~of~~ on the second day following the election.

6. You have the right to find out no later than 30 days following the election if your ballot was counted, and if not, the reason why. [Insert instructions on how voter can access that information including a phone number for the Supervisor of Elections’ office]. The canvassing board is required to canvass and count a provisional ballot in accordance with Section 101.048, F.S.

(2) Free access system. In accordance with section 101.048(7), and the Help America Vote Act, 52 U.S.C. section 21082, the Supervisor of Elections must establish and maintain reasonable procedures to protect the security, confidentiality and integrity of personal information collected, stored and otherwise used to access information as to whether the provisional ballot was counted and to ensure that access to the individual provisional ballot is restricted to the individual who cast the ballot.

(3) Form. The provisional ballot certificate and affirmation shall be substantially in accordance with Form DS DE 209 (eff. ___/___)([insert rule form reference link]), entitled “Template for Provisional Ballot Voter’s Certificate and Affirmation.” This form is hereby incorporated by reference and available by searching the rule online at the Florida ~~Administrative~~ Administrative Code’s website at: <https://www.flrules.org>. The form is available as follows:

(a) Online at the Division of Elections’ website at: <https://dos.myflorida.com/elections/> under Forms, or

(b) By request to the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or by contacting the Division at (850)245-6200.