

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. The notice must include the following:

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

(b) The following statements:

1. “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.”

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. “Attention: If you voted this ballot because we could not verify your Florida driver’s license card number, Florida state identification card number or the last four digits of your social security card number, bring your card in person or provide a copy via mail, fax or e-mail to the Supervisor by the deadline. 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 evidence. Your ballot will be counted if your signature on the ballot Certificate matches the signature on your registration record and if you voted in the proper precinct.”

4. “You have the right to find out if your ballot was counted, and if not, the reason why. [Insert instructions on how voter can access that information].”

(2) Forms for Certificates and Affirmations. Except as provided in subsection (3), provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (eff. 01/06), entitled “Optical Scan, Provisional Ballot Voter’s Certificate and Affirmation”; Form DS DE 49 OS/TS (eff. 01/06), entitled “Touch Screen, Provisional Ballot Voter’s Certificate and Affirmation”; or Form DS DE 49 OT (eff. 01/06), entitled “Optical Scan/Touchscreen, Provisional Ballot Voter’s Certificate and Affirmation”. All forms under this rule are hereby incorporated by reference. Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(3) Exception for Sequoia Touch Screen Voting System. In order to ensure the secrecy of the ballot of each provisional ballot voter, the following forms and procedures must be used and followed in all counties using the Sequoia Touch Screen Voting System:

(a) Forms. Form DS DE 50 Sequoia, entitled “Sequoia Touch Screen, Provisional Ballot Voter’s Certificate and Affirmation,” (eff. 06/06) shall be used as the provisional ballot envelope form, and form DS DE 50 Sequoia-A, entitled “Provisional Ballot Identification Number Form,” (eff. 06/06) shall be used to write the provisional ballot voter’s identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

1. Once a determination is made that a voter needs to vote a provisional ballot, the voter is provided with the provisional ballot envelope form DS DE 50 Sequoia.

2. The voter fills out the Provisional Ballot Voter’s Certificate and Affirmation using DS DE 50 Sequoia and provides it to the election official to witness.

3. The election official witnesses the voter’s signature and fills out the information on the back side of the envelope indicating the reason the voter is voting a provisional ballot.

4. The election official activates the ballot and writes the provisional ballot number from the screen on a separate form using DS DE 50 Sequoia-A.

5. The voter verifies that the provisional ballot identification number on the form matches the ballot number from the screen.

6. The voter places the form with the ballot identification number in the Provisional Ballot envelope and seals the envelope.

7. The voter proceeds to the touch screen voting system and votes his or her provisional ballot.

8. At the close of the polls, all completed provisional ballot envelopes are returned to the supervisor of elections.

(c) Procedures during the canvassing process:

1. The canvassing board determines the eligibility of each provisional voter.

2. For each provisional voter that is determined to be eligible, the provisional ballot envelope shall be opened and the provisional ballot number shall be separated from the envelope containing the voter’s name to ensure that the voter’s name and provisional ballot number cannot be connected.

3. All ballots connected to the provisional ballot numbers for eligible voters shall be tabulated according to the procedures for tabulating ballots provided by the manufacturer.

4. For each provisional voter that is determined to be ineligible, the provisional ballot envelope shall not be opened and the Provisional Ballot Identification Number shall remain sealed in the envelope.

(d) All requirements of this rule otherwise apply to provisional ballots cast using the Sequoia Touch Screen Voting System.

Rulemaking Authority 20.10(3), 97.012(1), (2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History—New 2-2-04, Amended 1-29-06, 6-1-06, 11-18-07, 5-19-10.