



**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

SUE M. COBB
Secretary of State

May 10, 2006
By Facsimile and U.S. Mail

Dr. Arthur Anderson
Supervisor of Elections
Palm Beach County
540 South Military Trail
West Palm Beach, FL 33415

Dear Dr. Anderson:

This is in response to your recent letter to me requesting guidance regarding the following questions.

1. *“Do Florida Statutes prohibit a voter, voting on Election Day at their assigned polling precinct, from electing to vote by absentee ballot or provisional ballot at the polling precinct, instead of using the electronic touch screen voting machines?”*

The answer to your question is yes.

The Florida Election Code does not provide for the issuance of absentee ballots at the polling precinct. It also does not permit the acceptance of a voted absentee ballot at a polling precinct for the purpose of having it counted. Voted absentee ballots must be returned to the Supervisor of Elections’ office by 7 p.m. on election day.

The processes for obtaining absentee ballots from the Supervisor of Elections and returning them to the Supervisor are outlined in sections 101.62–101.65 and 101.67, Florida Statutes. Absentee ballots can only be returned at the precinct for the purpose of permitting the voter to vote a regular ballot in person on the precinct voting equipment. Those returned absentee ballots must be marked “cancelled” by the election board. See section 101.69, Florida Statutes.

With regard to provisional ballots, they may only be issued for the specific reasons enumerated by law. Provisional ballots are only to be issued when a voter’s eligibility to vote is in question (such as when the voter is not listed on the precinct register and the voter claims that they are registered to vote in that precinct, the voter asserts that they have not returned an absentee ballot to the Supervisor and the Supervisor asserts that they have, the voter has been challenged, etc.) or when the poll hours have been extended by order of the courts or the Governor. See sections 101.048 and 101.049, Florida Statutes. Provisional ballots are not permitted to be issued simply because an eligible voter does not want to vote using the precinct voting equipment.

2. *“Can a Supervisor of Elections hire an in-house graphologist/signature expert, or someone with similar expertise, to examine and compare the signature on the absentee ballot return envelope with the signature on file in the Supervisor of Elections office, to reduce the incidence of absentee ballots referred to the canvassing board for review?”*

The answer to your question is yes.

Office of the Secretary

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Nothing contained in the Florida Election Code, Chapters 97–106, Florida Statutes, would prohibit you from hiring an in-house graphologist/signature expert to assist you in performing your statutory duties with regard to voter signature comparison.

I hope that that this information is helpful. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

Sharon D. Larson
Deputy General Counsel

SDL/lg