

**Scenarios Applying Ch. 2011-40, § 25, Laws of Florida,  
amending s. 101.043, Florida Statutes**

1. Voter presents to vote. Poll worker asks the voter for a current and valid photo identification with signature. The photo identification presented does not match the voter appearing before the poll worker. What does the poll worker do?

Answer: If there is question about whether the photo identification is that of the voter and the voter has no other current photographic identification, the poll worker should provide a provisional ballot to the voter.

2. Voter presents to vote. The voter provides a current and valid photo identification with signature. The poll worker notices that the address on the identification is the same as that contained in the precinct register or in the electronic database. May the poll worker ask the voter to recite his address or to confirm that his or address has not changed?

Answer: No. At that point, a voter may not be asked to recite his or her address when the addresses match or provide any additional information about his address.

3. Voter presents to vote. The voter provides a current and valid photo identification with signature. The poll worker notices that the address on the identification is not the same as that contained in the precinct register or in the electronic database. May the poll worker ask the voter to recite his address or to confirm his or her address or challenge the voter's address?

Answer: No. The prohibition against asking a voter to recite his or her address only applies when the addresses match. In this case, the addresses do not match; however, the poll worker may not use the address listed on the identification presented to confirm or otherwise challenge the voter's legal residence. However, in this case, the voter has the discretion to respond to the poll worker's question. The poll worker may not use the identification presented by the voter as a basis to confirm an elector's legal residence or otherwise challenge a voter's legal residence. However, a poll worker may read the voter's address from the precinct register or the electronic database and ask the voter whether the address has changed. The voter need not answer, but if the voter responds that his addressed has changed, the poll worker should ask the voter to complete a change of address affirmation or a voter registration application to reflect the address change if it is an in-county address change. If the voter indicates that he or she has moved in from another county, ask the voter if he or she is active military or a family member thereof. Such voter may vote a regular ballot. In all other cases of county-to-county address changes, the voter will have to vote a provisional ballot. Regardless of the address change, the poll worker should be sure that the voter is in the proper precinct corresponding to the registered voter's new address.

If the voter fails to respond or refuses to provide any information in response to the poll worker's question about the voter's address, the poll worker must accept the address on the precinct register or in the electronic database as being correct. The bottom-line is that the address listed in the precinct register or in the electronic database is deemed to be the voter's legal resident address until the voter volunteers otherwise.

4. Voter presents to vote. The voter provides a current and valid photo identification with signature. The poll worker notices that the address is listed as "Protected Address" on the precinct register or in the electronic database. May the poll worker ask the voter to recite his address or ask the voter if the voter's address has changed?

Answer: Assuming the address is listed on the precinct register or database, if the voter's address on the identification is the same as that on the precinct register or electronic database, follow the procedures in #2. If the voter's address on the register or database is different, the poll worker should simply tell the voter that if his or her address has changed to complete an address change notice if the voter states that he or she has moved within the same county or is an active military or family member thereof moving from another county. Otherwise, the poll worker would provide the voter with a provisional ballot. If the address is not listed on the register or database or the voter says nothing in response to let the poll worker know if the address has changed, the poll worker should proceed as if the address on record is correct and allow the voter to vote a regular ballot.

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**BOTTOM-LINE:** The poll worker when faced with addresses of a voter that do not match need not ask the voter anything under the law, but the poll worker does not violate the law by reciting the address on record (unless it's a protected address because that would be violating another law-i.e., disclosing to the public that can overhear) and asking the voter whether the address has changed. The voter has the discretion not to answer or volunteer any further information.