

29.28 FALSE INFORMATION IN CONNECTION WITH VOTING OR ELECTIONS

§ 104.011(1) and (2), Fla. Stat.

To prove the crime of False Information in Connection with Voting or Elections, the State must prove the following element beyond a reasonable doubt:

Give if § 104.011(1), Fla. Stat. is charged. Give 1a or 1b or both as applicable.

- a. (Defendant) **willfully [swore] [affirmed] falsely to any [oath] [affirmation] in connection with [or arising out of] voting or elections.**
- b. (Defendant) **willfully procured another person to [swear] [affirm] falsely to any [oath] [affirmation] in connection with [or arising out of] voting or elections.**

*Give if § 104.011(2), Fla. Stat. is charged**

1. (Defendant) **willfully submitted any false voter registration information.**

“Willfully” means knowingly, intentionally, and purposely.

Some of these terms have their own definition in § 97.021, Fla. Stat. which should be given if requested.

“Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

Lesser Included Offense

FALSE INFORMATION IN CONNECTION WITH VOTING OR ELECTIONS — 104.011

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

§ 104.011(1), Fla. Stat., does not expressly limit the crime to information relating to a material issue, such as a voter’s qualifications to vote. Such a limitation may be necessary in a special jury instruction. *Leavine v. State*, 133 So. 870 (Fla. 1931).

*§ 104.011(2), Fla. Stat., does not provide any description of the person or entity to whom the false voter registration must be provided for the act to be a crime.

According to § 104.011, Fla. Stat., the crime does not apply to a person affirming that he or she has not been convicted of a felony or that, if convicted, he or

she has had voting rights restored, if such violation is alleged to have occurred on or after January 8, 2019, but before July 1, 2019.

Although the statute does not so state, this offense should only apply to false information provided in connection with voting and elections in elections supervised by Florida's supervisors of election.

This instruction was adopted on February 21, 2025.