

29.29 UNQUALIFIED VOTING

§ 104.15, Fla. Stat.

To prove the crime of Unqualified Voting, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **willfully voted in an election** [*(the specific election alleged)*].
2. (Defendant) **was not qualified to vote in the election because** (*describe the applicable reason for the disqualification*).
3. **At the time** (defendant) **voted in the election, [he] [she] knew that [he] [she] was not qualified to vote.**

“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.

The Court instructs you that under Florida law, a person is not qualified to vote if (*insert reason defendant is unqualified*).

Lesser Included Offense

UNQUALIFIED VOTING — 104.15

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Noncitizen Voting	104.155	29.30
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted on February 21, 2025 and was amended on September 5, 2025.