

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

**BILL #:** HB 1153

**FINAL HOUSE FLOOR ACTION:**

**SPONSOR(S):** Jenne

115 Y's

0 N's

**COMPANION  
BILLS:** N/A

**GOVERNOR'S ACTION:** Approved

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**SUMMARY ANALYSIS**

House Bill 1153 passed the House on March 2, 2012, and subsequently passed the Senate on March 9, 2012. The bill amends ch. 75-350, L.O.F., which governs municipal elections in Broward County, to change the November elections filing period previously amended in ch. 2005-318, L.O.F. The new filing period will conform to those established in s. 99.061(2), F.S. Based on Florida Statutes, the new filing period for November municipal elections in Broward County will be anytime after noon on the 71<sup>st</sup> day prior to the primary election date to no later than noon of the 67<sup>th</sup> day prior to the primary election date.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

The bill also makes scrivener changes to ch. 75-350, L.O.F.

The bill does not appear to have a fiscal impact on state government. The Economic Impact Statement indicates the bill will reduce local government expenses for labor and overtime.

The bill was approved by the Governor on April 6, 2012, ch. 2012-253, Laws of Florida. The bill is effective upon becoming a law.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

##### Filing Deadlines for Municipal Elections in Broward County

Chapter 75-350, L.O.F., governs municipal elections in Broward County. Chapter 75-350, L.O.F., (chapter) was last amended in 2005 by ch. 2005-318, L.O.F, to change provisions relating to elections dates and qualification periods.

Currently, the chapter provides the following municipal elections provisions:

- For municipal elections held in March, the filing period is between noon on the first working day in January and noon on the seventh day after the first work day in January.
- For municipal elections held in November, the filing period is between noon on the first work day in September and noon on the seventh day following the first work day in September.

Broward municipal elections held in November are held the first Tuesday after the first Monday in November of any even-numbered calendar year, aligning the date for municipal elections with state and federal elections.

##### Filing Deadlines for County Elections in General Law

Section 99.061(2), F.S., requires the filing period for county elections to be any time after noon of the 71<sup>st</sup> day prior to the primary election, but not later than noon of the 67<sup>th</sup> day prior to the date of the primary election.

##### Absentee Ballots

Section 101.62(4)(a), F.S., requires county supervisors of elections to send absentee ballots to each absent uniformed services voter and overseas voter who have requested an absentee ballot no later than 45 days before each election. In addition, the 2009 federal Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots to service members, their families and other overseas citizens no later than 45 days before a federal election, except where the state has been granted an undue hardship waiver approved by the Department of Defense for that election.<sup>1,2</sup>

For November elections, these requirements mean the absentee ballots must be sent between September 18<sup>th</sup> and September 24<sup>th</sup>, depending on the election date.

Under the current provisions of the chapter governing municipal elections in Broward County, the September filing period for municipal elections results in the Broward Supervisor of Elections having approximately 10 days to code, test, and prepare absentee ballots. This compressed time span leads to additional expenditures for labor and overtime to meet the state and federal requirements.

#### **Effect of Changes**

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<sup>1</sup> P.L. 111-084. The MOVE Act amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). UOCAVA is 42 U.S.C. 1973ff et seq. and the MOVE act adds Part H to Title V.

<sup>2</sup> United States Department of Justice, *Fact Sheet: Move Act*. Available at: <http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html> Site last visited January 13, 2012.

The bill changes the November elections filing period to conform to those established in s. 99.061(2), F.S. The new filing period for November municipal elections in Broward County will be anytime after noon on the 71<sup>st</sup> day prior to the primary election date to no later than noon of the 67<sup>th</sup> day prior to the primary election date. This change will result in an increased time span between the filing period and the 45 day requirement for mailing absentee ballots.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

The bill also makes scrivener changes to ss. 4 through 7 of ch. 75-350, L.O.F.

The bill is effective upon becoming law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED?    Yes ☒    No ☐

IF YES, WHEN? November 23, 2011

WHERE? *The Sun-Sentinel*, a daily newspaper of general circulation published in Broward, Palm Beach and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED?    Yes ☐    No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED?    Yes ☒    No ☐

D. ECONOMIC IMPACT STATEMENT FILED?    Yes ☒    No ☐

The Economic Impact Statement indicates the bill will reduce local government expenses for labor and overtime.