

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 228

INTRODUCER: Appropriations Committee; Ethics and Elections Committee; and Senators Clemens and Richter

SUBJECT: Online Voter Application

DATE: April 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Favorable</u>
3.	<u>Sneed</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 228 directs the Division of Elections in the Department of State to develop an operational, online voter registration system by October 1, 2017.

The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter's registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities. The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration applications no later than January 1, 2016.

The bill provides an appropriation of \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund to the Department of State for the development and implementation of the online voter registration system by October 1, 2017.

The bill will also have an insignificant impact to the Department of Highway Safety and Motor Vehicles (DHSMV) related to programming costs required by the bill. These expenditures can be absorbed within the department's existing resources.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

As of December 2014, the National Conference on State Legislatures (“NCSL”) found that:

- 20 states offered online voter registration;
- 4 states had passed legislation to create online registration systems, but had not yet implemented them; and,
- 3 states offered some form of limited online voter registration.¹

Florida was not included among these states, despite the fact that it has an electronic system for submitting voter registration applications from DHSMV offices.² Floridians not registering electronically at a DHSMV office must fill out a paper voter registration application and return it to their local county supervisor of elections, or to any of the following entities: any supervisor of elections’ office in the state, a voter registration agency including an armed forces recruitment office, a public library, or the Division of Elections.³ The division’s website, and most if not all supervisor’s websites, contain an electronic version of the official Florida Voter Registration Application which can be printed out, sworn and affirmed by the applicant’s signature, and mailed.⁴

III. Effect of Proposed Changes:

Beginning October 1, 2017, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter’s registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities.

¹ National Conference of State Legislatures website, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 3.11.2015).

² DHSMV’s staff analysis on SB 784 (2014) provides:

Currently, driver license examiners ask driver license or identification card applicants if the applicant would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer’s address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the close of business, the day’s voter registration applications, changes, and declinations are submitted electronically to the Department of State.

DHSMV’s 2014 Agency Legislative Bill Analysis, *SB 784*, at p.1 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=2773&yr=2014> (last visited 3.11.2015).

³ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 3.11.2015).

⁴ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 3.11.2015).

Upon submission of a completed online voter registration application, the website must generate an immediate electronic confirmation that the supervisor has received it and will provide instruction with respect to checking the status of the application.

Specifically, the new online voting system will:

- Compare an applicant's driver's license number or Florida ID number with DHSMV records, to confirm the name and birth date of the applicant.
- *If the applicant's name and birth date are consistent*, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has it on file with DHSMV), in which case the application process can proceed electronically.
- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no driver's license or Florida ID card, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.*⁵

The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding implementation of online voter registration applications no later than January 1, 2016.

The bill appropriates \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund to the Department of State for the development and implementation of the online voter registration system.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵ Section 97.073, F.S., requires a Supervisor of Elections to request any required information missing from the voter registration application

B. Private Sector Impact:

None.

C. Government Sector Impact:**Expenditures; nonrecurring (DHSMV)**

In its agency bill analysis on SB 784 (2014), which was nearly identical to CS/CS/SB 228, the Department of Highway Safety and Motor Vehicles estimated that it will take about 270 nonrecurring programming hours at a cost of \$20,400 to provide verification for the name, date of birth, Florida Driver's license number, or Florida identification card number after voter registration applications are submitted online. The DHSMV has not yet provided an agency bill analysis on CS/SB 228 (2015).

Expenditures; recurring/nonrecurring (Division of Elections in the Department of State)

According to the Division of Elections, the cost of developing and operating an online voter registration system is indeterminate, yet likely significant. Based on information from other states, the division projects that development costs could range from \$250,000 to \$1.8 million. The division may also need to enlist the services of experts to ensure that the new system meets nationally accepted accessibility standards for individuals with disabilities.

The bill provides an appropriation of \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund to the Department of State for the development and implementation of the online voter registration system. The trust fund contains unobligated Help America Vote Act (HAVA) federal grant funds awarded annually to states for elections operating costs, including costs to update and maintain voting systems and equipment. The Division of Elections states that the proposed system could negatively disrupt and delay two independent ongoing major multi-year system modernization efforts for the Department of State and DHSMV. The Department of State has initiated plans to update its Florida Voter Registration System (FVRS). DHSMV has completed year 1 of a 5-year plan to rewrite its Driver and Vehicle Identification Database system (DAVID).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 97.0525 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on April 16, 2015:

The committee substitute provides an appropriation for Fiscal Year 2015-2016 of \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund to the Department of State to implement the bill.

CS by Ethics and Elections on March 17, 2015:

The committee substitute differs from the original bill in that:

- Online voter registration applications would begin on October 1, 2017;
- Applicants must have a Florida driver license or a Florida identification card;
- Provides that if the applicant does not have a Florida driver license or Florida identification card, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.; and
- The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding implementation of online voter registration applications no later than January 1, 2016.

- B. **Amendments:**

None.