

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/SB 7066 — Election Administration

by Rules Committee and Ethics and Elections Committee

The bill makes substantive changes to the Florida Election Code and implements Amendment 4 to the Florida Constitution, which was approved by the voters of Florida on November 6, 2018, restoring the voting rights of certain convicted felons. Major provisions of the bill include:

Voting Rights Restoration (Amendment 4)

- Modifies the voting application to require a person to make an affirmative statement that he or she has been convicted of a felony and if so, has obtained his or her right to vote pursuant to executive clemency or Art. VI, s. 4, of the State Constitution.
- Defines which offenses constitute "murder" and "felony sexual offenses" under the new constitutional provision.
- Provides that voting rights are restored upon "completion of all terms of sentence", meaning completion of any portion of a sentence within the four corners of the sentencing document:
 - o Nonmonetary (imprisonment, probation/community control, monitored supervision [including parole], any other term); and,
 - o Monetary (victim's restitution, court-ordered fines/fees, any other term).
- Specifies that restitution, fines, and fees ordered by the court do not include any fines, fees, or costs accrued after the date of the sentence.
- Specifies that restitution, fines, and fees be completed in the following manner or in any combination thereof: actual payment; upon the payee's approval, the termination of such financial obligation by the court; or completion of all community service hours, if the court, unless otherwise prohibited by law, converts the financial obligation to community service.
- Authorizes the court to make certain modifications of the financial obligations to provide relief, provided such modifications do not infringe on a defendant's or victim's constitutional rights, but clarifies that this provision does not apply to the conversion of financial obligations to civil liens.
- Provides in s. 98.0751, F.S., that the Department of State (DOS) makes the initial determination on whether the information is credible and reliable regarding whether a person is eligible to vote under Art. VI, s. 4, of the State Constitution, and forwards such to the supervisor of elections.
- Provides in s. 98.0751, F.S., that the supervisor of elections (supervisor) verifies and makes the final determination whether a person who registers to vote is eligible under Art. VI, s. 4, of the State Constitution. The supervisor may request additional assistance from the DOS in making the final determination.
- Grants registrants immunity from prosecution for submitting false voter registration information regarding their eligibility following a felony conviction on registration

applications submitted from January 8, 2019 (effective date of Amendment 4) until before July 1, 2019 (effective date of the bill).

- Mandates that the state and county notify convicted felons of the outstanding terms of their sentence with respect to voting eligibility, upon release from custody/supervision.

Elections Process

- **Voting Systems/disability voting:** Mandates that voters with disabilities cast a ballot on voting systems that produce a voter verifiable paper output (VVPO) for canvassing and recount purposes; and, authorizing the general use of such VVPO touchscreen systems by all voters, not just those with disabilities.
- **Voting Systems/sorting and counting ballots:** Prohibits voting systems that cannot simultaneously count and sort ballot overvotes and undervotes in multiple races.
- **Primary Election Day:** Moves the primary election back from 10 to 11 weeks before the general election, to allow more time for overseas general election ballots.
- **Vote-by-Mail (VBM) Ballots/deadlines & cure:** Extends the cure deadline for defective VBM ballot signatures from 5:00 p.m. on the day *before* the election to 5:00 p.m. on the 2nd day *after* the election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- **Provisional Ballots/deadlines & cure:** Creates a provisional ballot signature cure process that mirrors the revised VBM signature cure process; provides for cure through 5:00 p.m. on the 2nd day *after* an election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- **VBM Ballots/request and mail-out deadlines:** Moves the last day for voters to request VBM ballots from six to 10 days before an election, and prohibits supervisors from mailing out such ballots less than eight days prior to the election (currently four days); allows voter designees to physically pick-up VBM ballots for electors beginning 9 days before an election instead of the current five days, to conform.
- **VBM Ballots/domestic mailing deadlines:** Allows supervisors to mail domestic VBM ballots between 40 and 33 days before an election (currently 35 to 28 days prior).
- **VBM Ballots/drop-off locations:** Allows a voter to drop off his or her VBM ballot at a secure drop box located at each active early voting location and the supervisor's main or branch office; allows supervisors to set-up drop-boxes at *unused* early voting locations authorized in s. 101.657, F.S., (i.e., courthouses, county commission buildings), provided that the site is staffed by a supervisors' office employee or law enforcement officer during the county's early voting hours of operation.
- **VBM Ballots/start of canvassing period:** Allows canvassing of VBM ballots to start one week earlier, at 22 days before an election rather than 15 days before the election.
- **VBM Ballots/duplication:** Permits physically present candidate and political party/political committee officials, and/or their designees, to observe duplication of VBM ballots.

- **Voter Signature Updates/deadline:** Moves the deadline for a voter to update his or her signature for purposes of validating a VBM ballot from the beginning of the VBM canvassing period to when the VBM ballot is received.
- **Voter Signature Updates/cure affidavits:** Creates a process to use valid provisional and VBM ballot cure affidavits to update voter signatures immediately; provides for post-election notice to electors whose ballots are invalidated due to a signature discrepancy.
- **Early Voting:** Requires most early voting sites (excluding supervisor of elections' main and branch offices) to "provide sufficient nonpermitted parking to accommodate the anticipated amount of voters."
- **Polls/no-solicitation zone:** Expands the no-solicitation zone around polling places/rooms and early voting sites from 100 feet to 150 feet; prohibits the owners or operators of property on which supervisors site polling places or early voting locations from restricting solicitation beyond the 150-foot zone.
- **Polls/photographs:** Allows a voter to photograph his or her ballot in a polling place.
- **Election Results/precinct-level reporting:** Prohibits precinct-level results by ballot type if 30 or fewer votes are cast rather than 10, to ensure voter anonymity.
- **Ballot Design/uniformity:** Provides ballot uniformity, requiring ballot instructions either be centered across the top of the ballot or in the leftmost column as long as there are no individual races below the column instructions, in most cases; requiring all vote targets to be ovals.
- **Ballot Design/Lieutenant Governor designation:** Removes "not yet designated" language on primary ballot for the joint Governor/Lieutenant Governor ticket if a running mate has not been selected.
- **Ballots/security:** Requires the DOS rule regarding minimum security standards to address in detail chain of custody of ballots, transport of ballots, and ballot security.
- **Ballots/ballot-on-demand technology:** Allows supervisors to use ballot-on-demand printing systems at polling places on Election Day, not just at early voting sites.
- **Ballots/sample ballot publication:** Allows a supervisor to forego publication of a sample ballot in a newspaper of general circulation if the supervisor e-mails or mails every registered voter a sample ballot at least seven days before an election.
- **County Canvassing Boards (CCBs):** Mandates a number of meeting notice content and publication requirements, along with measures to make CCB personnel more easily identifiable by requiring I.D. badges.
- **Election Code Violations/supervisors:** Prohibits a supervisor from receiving a special qualification salary for a period of 24 months after being found to have willfully violated the Florida Election Code.
- **Election Contests:** Authorizes courts reviewing the validity of voter signatures in election contests to consider the signature on VBM/provisional ballot voter certificates and cure affidavits, along with voter ID submitted therewith, to conform.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise expressly provided.

Vote: Senate 22-17; House 67-42