

**STORAGE NAME:** h0763.er

**DATE:** March 24, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ELECTION REFORM  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 763

**RELATING TO:** Elections

**SPONSOR(S):** Representative Lawson

**STATUTE(S) AFFECTED:** Amending ss. 97.021, 97.053, 97.055, 97.071, 98.065, 98.081, 98.231, 101.045 and 101.663, F.S.; and creating s. 101.657, F.S.

**COMPANION BILL(S):** SB 896(i)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) ELECTION REFORM (GRC)
- (2)
- (3)
- (4)
- (5)

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**I. SUMMARY:**

HB 763 amends the "Florida Voter Registration Act" to eliminate the book-closing period for voter registration, and to provide for registration and changes in registration at the polls on election day. This bill also requires that the office of supervisor of elections and each branch office to be open on the Saturday immediately preceding a statewide election or other election held in conjunction therewith, for the purpose of allowing early, in-person absentee voting for that election.

This bill does not appear to have a significant fiscal impact at the state level. The bill may have a fiscal impact on the local governmental level, although those impacts are currently indeterminable.

HB 763 has an effective date of January 1, 1998.

## II. SUBSTANTIVE ANALYSIS:

### A. PRESENT SITUATION:

Under the Florida Voter Registration Act, a statewide voter registration form has been authorized for use throughout the state. The form may be used for an initial registration, change of address, change of party affiliation, or change of name. [s. 97.052, F.S. (1995)]. Voter registration applications and changes in registration must be accepted in the office of any supervisor of elections, the Division of Elections, a driver license office, voter registration agency, or an armed forces recruitment office when the application is hand delivered by the applicant or a third party. [s. 97.053(1), F.S. (1995)]. The date of registration for an application which has been mailed is the postmark date. [s. 97.053(4), F.S. (1995)]. If the postmark date is missing or unclear, the registration date is the date the application is received by a supervisor of elections or the Division of Elections, unless the registration is received within 5 days after the closing of the books for an election, in which case the registration date is the book-closing date. [s. 97.053(4), F.S. (1995)]. Although the voter registration applications are dated by the applicant when signed, this date has no bearing on the registration date.

Currently, the registration books must be closed on the 29th day before each election and must remain closed until after that election. [s. 97.055(1), F.S. (1995)]. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. [s. 97.055(1), F.S. (1995)]. When registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. [s. 97.055(1), F.S. (1995)]. Party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary. [s. 97.055(1), F.S. (1995)].

Under current law, supervisors of elections are not required to open their offices on Saturdays or Sundays. The office of a supervisor must be open Monday through Friday, excluding holidays, for at least eight hours per day, beginning no later than 9 a.m. [s. 98.015(4), F.S. (1995)].

In any county in which voting machines are not used, the supervisor of elections is responsible for determining the number of ballots to be printed. [s. 101.21(1), F.S. (1995)]. The costs for printing and delivery of ballots are paid by the municipality in a municipal election, and in all other elections by the county. [s. 101.21(1), F.S. (1995)].

### B. EFFECT OF PROPOSED CHANGES:

HB 763 amends the "Florida Voter Registration Act" to eliminate the book-closing period for voter registration. Under this bill, any person who is eligible to vote under current law (See, s. 97.041, F.S.) may register to vote or update a voter registration at the polls on election day. Party changes received between the date of the first primary and the date of the second primary would not be effective until after the second primary.

This bill requires an individual who fills out a voter registration application at a polling place on the day of an election to notify the supervisor, deputy supervisor, or other authorized registration official, prior to completing the application, if a previous attempt has been made to register or update a registration but has not been received by the

supervisor in time to include the person's name on the registration books or precinct register for that election. Any such prior registration or update of such registration received by a supervisor after an election shall be considered obviated or superseded by the registration or update of a registration that was conducted at the poll.

The "Change of Legal Residence of Registered Voter" and "Change of Name of Registered Voter" affirmations described in s. 101.045(2)(a)(b), F.S. (1995), are abolished under this bill. Under s. 101.045(2)(d), F.S. (1995), electors may change their name or address of legal residence by completing a voter registration application.

Under HB 763, electors who have changed legal residence from one county in Florida to another, will not be able to vote absentee in the county of the elector's former residence. The elector must register in the county of his or her new residence prior to being allowed to vote in any election.

With the implementation of election day voter registration, supervisors of elections would have a difficult time determining how many ballots to have printed for each election, thereby increasing printing costs in preparing ballots which may not be used. Counties may encounter problems with the adequacy of existing voting equipment since there is no way to determine how many additional individuals would come out to register and vote on election day. Under this bill, additional pollworkers may have to be hired to accommodate election day voter registration which would be an additional cost to the counties. In addition, pollworkers will have the added responsibility of determining whether a person registering and voting on election day is really eligible to vote for certain district offices.

HB 763 also requires the office of the supervisor of elections, and each branch office, to be open from 9 a.m. until 5 p.m. on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of permitting voters to cast their vote as in-person absentee voters. Although it will cost additional money to staff these offices on Saturdays, the supervisors should be able to utilize their existing staff.

#### C. APPLICATION OF PRINCIPLES:

##### 1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The Division of Elections may adopt rules as necessary to carry out the provisions of HB 763.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Supervisors of Elections and their staffs will have added responsibilities and work carrying out the provisions of this bill.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

- (5) Are families penalized for not participating in a program?

Not applicable.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

Not applicable.

- (2) service providers?

Not applicable.

- (3) government employees/agencies?

Not applicable.

**D. SECTION-BY-SECTION ANALYSIS:**

This section need be completed only in the discretion of the Committee.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

There will probably be costs associated with the implementation of the provisions of this bill, although they are indeterminable at this time.

3. Long Run Effects Other Than Normal Growth:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

**D. FISCAL COMMENTS:**

None.

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill is exempt from the mandates provision of the Florida Constitution because it is an elections law.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

None.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

None.

V. COMMENTS:

In 1991, the Staff of the Florida House of Representatives, Committee on Ethics and Elections, prepared a report on election day registration. According to this report, the closer the registration deadline is to election day, the higher the voter turnout. As of the date of the report, those states which allowed for election day registration had a turnout of voting age population approximately 12 percentage points higher than the national average. It should be noted however, that critics of election day registration pointed out that the states which had election day registration experienced about the same rate of decline in voter participation as the rest of the nation.

One of the major concerns regarding election day registration is voter fraud. Although there have been few documented cases of voter fraud related to election day registration, those opposing the concept believe that the potential for fraud is greater than when election day registration is not permitted.

The costs associated with election day registration is also a concern to election officials. In 1991, the Florida Association of Supervisors of Elections estimated that election day registration in Florida would add in excess of \$1 million to the cost for each election (estimates were based upon the theory that 5% of the unregistered voters would register on election day). According to the committee's report, this cost only represented supplies and the hiring of additional personnel to register voters.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

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