

STORAGE NAME: h0919b.ca

DATE: April 9, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 919

RELATING TO: Elections

SPONSOR(S): Representative Prieguez

COMPANION BILL(S): SB 1834 (i)

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

- (1) ELECTION REFORM (PRC) YEAS 9 NAYS 3
 - (2) COMMUNITY AFFAIRS (PRC) YEAS 5 NAYS 4
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (FRC)
 - (4)
 - (5)
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I. SUMMARY:

The bill requires Supervisors of Elections to request that each voter who is 55 years of age or older update his or her voter registration signature. A request for an updated signature will be sent to all registered voters 55 or older every 4 years beginning as soon after January 1, 2000, as practicable. If a voter has indicated that he or she is Hispanic on his or her voter registration application, the request must be provided in both English and Spanish. Failure of a voter to act upon the request does not affect the voter's registration nor does it subject the voter to any civil or criminal penalties.

This bill will take effect on January 1, 2000.

Several Committee amendments have changed several of the substantive provisions of this bill. See Section VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES SECTION for details.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Qualification and registration of electors can be found in the Florida Voter Registration Act encompassed in Chapter 97, Florida Statutes. The Act provides for the qualification and procedure for voter registration and record keeping of voter information.

A qualified person may register to vote by filing, either in person or by mail, a voter registration application. The application requests the registrant's name, address, date of birth, and other information necessary to establish a permanent registration record for that voter. Additionally, the registrant must subscribe to an oath, swear or affirm that the information contained in the application is true, and sign the application before it is considered complete. The application may be used for initial registration, to update a voter registration record, or to request a replacement voter registration identification card.

As the custodian of the registration books, a Supervisor of Elections maintains a master list of all registered voters. The registration books are used to verify signatures for various election purposes. These include verifying signatures for absentee ballots, petitions submitted for referendum issues, or candidates qualifying by the alternative method.

A person may vote by absentee ballot if he or she meets the following eligibility requirements:

- The voter is unable to vote at the polls without another's assistance;
- The voter is an inspector, poll worker, deputy voting machine custodian, deputy sheriff, supervisor of elections, or deputy supervisor assigned to a different precinct than that in which he or she is registered to vote;
- The voter's religion prevents him or her from attending the polls;
- The voter has changed his or her residency to another county in the state after the election books closed;
- The voter may not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election; or,
- The voter has changed his or her residency to another state and is ineligible to vote in the general election in that state.

[§§ 97.021 & 101.64, F.S.]

Additionally, a voter may pick up and vote his or her absentee ballot in person at the office of the Supervisor of Elections if unable to attend the polls on election day.

An elector voting by absentee ballot is required to place his or her marked ballot inside a secrecy envelope and place the secrecy envelope inside a mailing envelope. The mailing envelope contains a "Voter's Certificate" imprinted on the outside back cover which must be signed by the voter and witnessed by either a witness who is registered to vote in Florida, a Notary Public, or any other officer entitled by law to administer oaths.

When the absentee ballot is received by a Supervisor of Elections, he or she may begin verifying the signature of the voter on the "Voter's Certificate" against the signature on record in the registration books, but may not open the ballot until the canvassing board meets. If during the canvassing of the absentee ballot it is determined that the signature on the "Voter's Certificate" does not match that in the registration books, the ballot will be rejected as illegal and not counted. [§ 101.68, F.S.]

If a ballot is rejected due to a discrepancy in the signatures, the Supervisor of Elections is required to notify the elector by mailing a voter registration application to the elector and to obtain a current signature. [§ 101.68(4), F.S.]

B. EFFECT OF PROPOSED CHANGES:

HB 919 requires Supervisors of Elections to submit a request that the voter update his or her signature to all registered voters who are 55 years of age or older. Unlike the current process whereby Supervisors request updated signatures from only those voters whose signatures have been rejected by the canvassing board, HB 919 mandates an automatic update of the signatures of all voters 55 years of age and older.

A request for an updated signature will be sent to all voters of record 55 or older every 4 years beginning as soon after January 1, 2000 as practicable. If a voter has indicated that he or she is Hispanic on his or her voter registration application, the request must be provided in both English and Spanish. The request is required to be sent as nonforwardable, return-if-undeliverable mail and must include a return envelope for the voter's use.

Upon receiving such request, a voter may update his or her signature in person, if the voter so chooses. Failure of a voter to act upon the request will not affect the voter's registration nor does it subject the voter to any civil or criminal penalties.

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?

No.

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

Yes. Supervisors are required to submit notices to all voters 55 years of age and older and file such notices in their offices. Individuals are asked to update their signature via a mailed application, but may also do so in person.

(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?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.
- 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?

Not applicable.

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. STATUTE(S) AFFECTED:

Creates s. 101.675, F.S.

E. SECTION-BY-SECTION ANALYSIS:

See "EFFECT OF PROPOSED CHANGES."

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:

County Supervisors of Elections will incur additional printing and mailing costs, which will vary by county. Those costs are indeterminate.

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:

There will be a direct economic benefit to those businesses performing printing services for the Supervisors of Elections.

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:

Election laws are exempt from the mandates provision of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 22, 1999, the Committee on Election Reform adopted a strike everything after the enacting clause amendment. The amendment was sponsored by Representative Diaz de la Portilla and is traveling with the bill. The amendment increases from 55 to 65 years, the age at which signatures will be updated; provides an exclusion for any signatures that have been updated in the preceding 5 years; and provides that Supervisors of Elections have until May 1, 2000, to accomplish this task.

At its meeting on April 8, 1999, the Committee on Community Affairs adopted an amendment to the traveling amendment. The amendment removes the requirement that the renewals be provided in English and Spanish.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

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