

STORAGE NAME: h0919.er

DATE: March 3, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
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)
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (FRC)
 - (4)
 - (5)
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I. SUMMARY:

This bill requires the local Supervisor of Elections to update the signatures of voters who are 55 years of age and older. The update is to be performed every 4 years beginning in January of 2000. Any voter who has indicated that he or she is Hispanic must be provided the Supervisor's notice in both English and Spanish. Voters who fail to submit an updated signature card will not have their registration to vote affected in any way.

This bill will be effective on January 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

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

If qualified, a person may register to vote by filing a voter registration application in person or by mail. The application must elicit certain information including 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 signs the application before it is considered complete. The application can be used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

As the custodian of the registration books, the 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; and of voters at the voting precinct prior to being allowed to vote.

Except for voting in person, voting by absentee ballot is the only method in which a person may cast a direct vote for a candidate to public office. A person may vote by absentee ballot if they meet 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.

However, voters who pick up and vote their absentee ballot in person at the office of the supervisor may continue to vote if unable to attend the polls on election day.

An elector voting by absentee is required to place their 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 Notary or by a witness who is a registered voter in Florida.

When the absentee ballot is received by the Supervisor of Elections, he or she may begin verifying the signature of the voter on the "Voter's Certificate" against that 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 can be rejected as illegal and not counted.

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

B. EFFECT OF PROPOSED CHANGES:

HB 919 will require the Supervisor of Elections to submit a notice to all registered voters who are 55 years of age or older requesting that his or her signature be updated. Unlike the current process whereby the Supervisor requests an updated application on only those signatures which have been determined by a canvassing board to differ, HB 919 will mandate an automatic process to accomplish an update to all voters 55 years of age and older.

This signature update notice is to be submitted 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 in their voter registration application, then the notice must be provided in both English and Spanish. The notice is required to be sent as a nonforwardable, return-if-undeliverable mail and must include a return envelope for the voter's use.

Upon receiving such notice, a voter may update his or her record in person if they so choose. Failure of a voter to act upon the notice 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 will be required to submit notices to all voters 55 years of age and older and file such notices in their offices. Individuals will be 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:

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:

Local 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 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

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V. COMMENTS:

Proponents of this measure argue that older citizens have a higher propensity to have a signature change due to various health concerns. In an effort to avoid disenfranchising voters, this bill will provide an automatic process to update signatures prior to their being a contested ballot.

Although opponents agree that the older citizens are more susceptible than other voters to have a signature change, they contend that this process will be too costly as compared to the signature updating process currently provided in law.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

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