

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1118

SPONSOR: Committee on Ethics and Elections and Senator Posey

SUBJECT: Elections; provisional ballots

DATE: March 24, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bradshaw	Bradshaw	EE	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	RC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill implements the provisional ballot recommendations from the committee’s interim project report on the 2000 election. Florida Senate, *Review of the Voting Irregularities of the 2000 Presidential Election* (Report Number 2001-201). Provisional ballots will be used by voters whose names do not appear on the precinct register on election day. After the election, the canvassing board will determine if the person voting the provisional ballot was eligible to vote. If the person was eligible, the ballot will be counted. If it is determined that the person was not registered or eligible to vote, the provisional ballot will not be counted. This will assure that eligible voters will be entitled to have their votes cast, while ineligible persons will not be allowed to vote.

This bill substantially amends ss. 97.021, 101.045, 101.5614, 101.69, and 102.141, Florida Statutes, and creates s. 101.048, Florida Statutes.

**II. Present Situation:**

Florida law requires a person to meet certain eligibility requirements in order to vote. Supervisors of elections keep lists of all registered voters in their respective counties to insure that persons eligible to vote are allowed to do so and that those ineligible are not permitted to vote.

On election day, each election board is provided a precinct register which includes names of registered voters in the county who have been assigned to that precinct. An elector is required to vote in the precinct in which he or she resides.

When a voter enters the polling place, he or she provides a picture identification to the poll worker, who locates the voter's name on the precinct register. If the poll worker is satisfied that the person presenting himself or herself to vote is the same person as listed on the precinct register, the voter is allowed to vote. If the person's name does not appear on the precinct register, the poll worker must contact the supervisor of elections to verify the person's status as a registered voter. Upon such verification, the person is allowed to vote.

During the 2000 General Election, there were reports of voters presenting themselves at the polls only to find that their names were not on the precinct register. Numerous poll workers reported that they were unable to reach the supervisor of elections' offices to verify whether the persons were registered to vote. Some voters were turned away, others were told to come back later, and still others were allowed to vote even though their eligibility was questionable.

### **III. Effect of Proposed Changes:**

Committee Substitute for Senate Bill 1118 provides for provisional ballots in Florida. A provisional ballot will be issued to a person who goes to the polls on election day and whose name does not appear on the precinct register and whose eligibility cannot be determined. Provisional ballots will also be used by a voter who has requested an absentee ballot but who appears at the polls to vote and who does not return the absentee ballot to the pollworkers.

The provisional ballot will be similar to an absentee ballot in that the person votes the ballot, places it in a secrecy envelope, then places the secrecy envelope in another envelope containing a Provisional Ballot Voter's Certificate. The Voter's Certificate contains pertinent information about the person to assist the supervisor of elections in determining the person's eligibility. All provisional ballots are returned unopened to the supervisor of elections. The county canvassing board will review the information on the Voter's Certificate and determine if the person was eligible to vote in the election. If it is determined that the person was registered and entitled to vote, the ballot is counted for those races in which the voter was entitled to vote. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the ballot is never removed from the envelope containing the Voter's Certificate.

Allowing persons whose names do not appear on the precinct register and whose eligibility cannot be determined to vote a provisional ballot will assure that voters who are entitled to vote are given the opportunity to do so and that ineligible persons will not be allowed to cast a vote.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Supervisors of elections will incur some additional printing costs for the Provisional Ballot Voter's Certificate envelope. In addition, any county using a voting system which does not use a paper ballot will be required to print a sufficient number of ballots for use at the polling place as provisional ballots.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.