

# 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 1120

SPONSOR: Committee on Ethics and Elections and Senator Posey

SUBJECT: Elections; voting systems

DATE: April 6, 2001                      REVISED: 04/10/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bradshaw</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Favorable/CS</u>
2.	<u>Hayes</u>	<u>Martin</u>	<u>AGG</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill implements the voting systems 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).

The committee substitute provides the following:

- Punchcard voting systems will no longer be allowed beginning with the First Primary Election in 2002;
- Decisions for which type of voting system used in the county will remain with the county commission and supervisor of elections;
- The Division of Elections is required to adopt rules providing for a uniform ballot design for each voting system used in the state;
- The supervisors of elections and the Division of Elections are required to report on the performance of the voting systems following each general election to identify problems that can be corrected for future elections; and
- The Division of Elections is required to review the voting systems certification standards to ensure that new technologies are appropriately certified for use in a timely manner.

This bill substantially amends the following sections of the Florida Statutes: ss. 97.021, 101.151, 101.5603, 101.5606 and 103.101. This bill repeals the following sections of the Florida Statutes: ss. 101.141, 101.181, 101.191 and 101.5609. The bill creates s. 101.595, Florida Statutes and an unnumbered section of the Florida Statutes.

## **II. Present Situation:**

During the 2000 election cycle, there were four types of voting systems in use in the State.

- Forty-one counties used optical scan equipment (26 used a precinct count tabulator and 15 used a central tabulator);
- Twenty-four counties used a punchcard system;
- One county used mechanical lever machines; and
- One county used paper ballots.

Florida has adopted a stringent set of standards for voting systems. Each voting system must meet these standards in a testing process prior to their use in the State of Florida.

Currently, the county commission of each county is responsible for the purchase of voting equipment for that county. The commission, upon consultation with the supervisor of elections, has the authority to adopt, purchase or otherwise procure voting equipment for the county, as long as the equipment has been approved by the Department of State for use in the state.

The 2000 General Election highlighted a number of problems with voting systems and ballot designs. For example, recounts in counties using punchcard systems indicated a number of problems with “hanging chad.” Likewise, many ballot designs placed Presidential candidates’ names on two columns or pages, apparently confusing many voters and causing them to overvote their ballots.

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

Committee Substitute for Senate Bill 1120 prohibits the use of punchcard voting systems in the state, beginning with the 2002 First Primary Election. The bill maintains the authority for each county to determine which voting system will be used in the county, as long as the system has been certified by the Division of Elections.

The committee substitute requires the Division of Elections to review the voting systems certification standards currently in use in the state to ensure that new technologies are appropriately certified in a timely manner.

To address the problems with ballot design highlighted in the 2000 General Election, the bill requires the Department of State to adopt rules prescribing a uniform primary and general election ballot design for each certified voting system. The rules will provide for uniform ballot instructions and directions, individual race layout and overall ballot layout. In addition, a sample ballot depicting the requirements for the ballot must be included. Current provisions of chapter 101 dealing with ballots are revised or repealed to eliminate confusing language.

Finally, the committee substitute requires each supervisor of elections to review ballots with overvotes and undervotes following each general election and report the number of each to the Department of State, along with the likely reasons for the errors. The Department of State is required to prepare a report using the information from the counties that will show the overall error rate for each system, an identification of problems with the ballot design or instructions

which may have contributed to voter confusion, and recommendations for correcting any problems identified.

**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:

Each of the twenty-four counties currently utilizing a punchcard voting system will be required to replace that system prior to the 2002 First Primary election. Costs for replacing the system will depend on the size of the county, the type of the new system, and whether the system is leased or purchased.

For FY 2001-2002, Senate Bill 2000, provides \$20 million General Revenue Funds in Specific Appropriation 2898B for Voting Systems Assistance.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Appropriations Subcommittee on General Government:

Requires voting systems in Florida to be precinct tabulating systems, thereby eliminating the use of punchcard systems, paper ballots, mechanical lever machines and central count optical scan systems. Provides that funds appropriated in the 2001-02 General Appropriations Act shall be provided to the Division of Elections, Department of State, for distribution to the counties.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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