

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: SB 1150

SPONSOR: Senator Peaden

SUBJECT: Absentee ballots

DATE: March 8, 2001

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|-----------|
| 1. | Fox | Bradshaw | EE | Favorable |
| 2. | _____ | _____ | GO | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill deletes a requirement that persons requesting an absentee ballot provide either all or part of their social security number to the supervisor of elections. The bill also deletes a requirement that electors provide the last four digits of their social security number on the absentee ballot Voter's Certificate.

This bill substantially amends the following sections of the Florida Statutes: 101.62, 101.64, 101.65, and 101.68.

II. Present Situation:

Electors requesting an absentee ballot must provide the last four digits of their social security number. Section 101.62(1)(b), F.S. Eligible third parties (immediate family members and legal guardians) requesting an absentee ballot for an elector must provide their full social security number.

In addition, Florida law provides that electors must include the last four digits of their social security number on the absentee ballot Voter's Certificate, or their ballot will not be counted. Section 101.64(1), 101.65, 101.68(2)(c)1., F.S. The U.S. Department of Justice, however, refused to "preclear" changes to the Voter's Certificate, pursuant to the Voting Rights Act of 1965. Therefore, the requirement that voters include the last four digits of their social security numbers on the Voter's Certificate, and conforming changes to the Florida Election Code, have never taken effect.

All of these provisions were adopted as part of the 1998 Voter Fraud Act, in response to problems highlighted in the Miami mayoral race of 1997.

III. Effect of Proposed Changes:

This bill deletes a requirement that electors or third parties requesting an absentee ballot provide either all or part of their social security number to the supervisor of elections. The bill also deletes a requirement that electors provide the last four digits of their social security number on the absentee ballot Voter's Certificate in order to have their ballot count.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

There is a case pending in federal district court challenging the constitutionality and legality of Florida's current laws requiring the disclosure of social security numbers in requesting and filling out an absentee ballot. *Spencer v. Harris*, No. 4:00cv292-WS (N.D. Fla.)

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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