

STORAGE NAME: h0139.ree.doc

DATE: March 23, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
RULES, ETHICS, & ELECTIONS
ANALYSIS**

BILL #: HB 139

RELATING TO: Election Reform Study Commission

SPONSOR(S): Representative Richardson

TIED BILL(S):

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

- (1) RULES, ETHICS, & ELECTIONS (PRC)
- (2) FISCAL POLICY & RESOURCES (FRC)
- (3) PROCEDURAL & REDISTRICTING COUNCIL
- (4)
- (5)

I. SUMMARY:

HB 139 finds that the protracted 2000 Presidential Election in Florida revealed a number of concerns regarding the election procedures in this State.

The bill creates a study commission within the Department of State for the purpose of reviewing state election procedures and making recommendations for the improvement of such procedures. It requires a report be submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by December 30, 2001.

There is a fiscal impact of approximately \$45,000 associated with reimbursements for travel and per diem expenses.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

To the extent there is created a task force, the principle of "Less Government" is not advanced. However, to the extent that such a task force may make recommendations that ultimately create a more efficient election process, this principle may be advanced.

B. PRESENT SITUATION:

Florida's extremely close presidential vote exposed some areas of concerns and inconsistencies in the current process. The election was decided by 537 votes out of a total presidential vote count of 5,961,266, resulting in a 0.009% margin of victory. As a result, various groups and government officials have proposed task forces, commissions, and legislative measures to correct the issues identified.

One such task force was the Governor's Select Task Force on Election Standards and Technology, which was created on December 14, 2000 by Executive Order 00-349. This task force was charged with studying issues similar if not identical to those which the Election Reform Study Commission, created by this bill, is also charged. The Governor's task force concluded their report in March of 2001 and made recommendations to the Governor.

C. EFFECT OF PROPOSED CHANGES:

House Bill 139 creates a 13-member Election Reform Study Commission chaired by the Secretary of State, or a designee thereof. The study commission is composed of elected officials and experts in election law to be appointed on or before July 15, 2001. Specifically, membership on the study commission is as follows:

- Secretary of State, or a designee thereof;
- Director of the Division of Elections;
- Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;
- Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;
- One member of the Florida Bar, in good standing, with expertise in state election law appointed by the Governor;
- Two registered electors of the two major political parties, appointed by the Secretary of State. These individuals must be recommended by organizations representing groups most adversely affected by voting irregularities during the 2000 general election;
- Four Supervisors of Elections, appointed by the President of the Florida State Association of Supervisors of Elections, who are representative of urban and rural

counties and the two major political parties, at least one of whom must be an African American.

Staffing support for the commission will be provided by the Senate Committee on Ethics and Elections and the House Committee on Rules, Ethics, & Elections.

The study commission will review state election procedures, take public testimony, and recommend changes in law to correct the problems identified.

The Election Reform Study Commission is charged with studying issues relating to methods, systems, and procedures for voting to include:

- The establishment of a uniform voting system;
- Funding of such a system;
- The restriction of partisan political activities of identified elections officials;
- A review of deadlines for election returns, protests and contests of elections;
- A review of manual recount provisions including the adoption of uniform standards;
- A review of the voter registration process.

The commission will report its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 30, 2001. Upon submission of the report, the commission will be terminated.

D. 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 GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Members of the commission serve without compensation except for per diem and reimbursement of travel expenses provided by the Division of Elections of the Department of State.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There is an estimated fiscal impact of \$45,000 associated with reimbursements for travel and per diem expenses for the thirteen-member commission.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

None.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

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

None.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Subsection (2)(f) of the bill requires the Secretary of State to appoint two members who are registered electors of the two major political parties and chosen from the **recommendations of organizations representing groups most adversely affected by voting irregularities during the 2000 general election.**

This language appears to create some ambiguity as to what groups the bill is attempting to identify. The Secretary of State is given no direction as to how to make this determination.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON RULES, ETHICS, & ELECTIONS:

Prepared by:

Staff Director:

R. Michael Paredes

R. Philip Twogood, PhD.

STORAGE NAME: h0139.ree.doc

DATE: March 23, 2001

PAGE: 5