

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 1300

SPONSOR: Committee on Ethics and Elections and Senator Sebesta

SUBJECT: Voter Registration; Supervisors of Elections

DATE: February 21, 2002 REVISED: _____

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

I. Summary:

Committee Substitute for Senate Bill 1300 amends several provisions in the Florida Election Code relating to voter registration.

Specifically, the bill:

- ❑ Permits a reproduction of the uniform statewide voter registration application by any private individual or group, provided such reproduction is the same format as the uniform statewide application.
- ❑ Revises the statewide voter registration application to elicit the state or country of birth from applicants.
- ❑ Requires the Department of Highway Safety and Motor Vehicles (“DHSMV”) to forward unsigned voter registration applications to the appropriate supervisor of elections within 5 days after receipt;
- ❑ Requires a voter registration agency to forward incompletd voter registration applications to the appropriate supervisor of elections within 5 days after receipt..
- ❑ Deletes the requirement that the voter registration identification card contain the actual signature of the supervisor of elections and require the card only contain the name of the applicable supervisor of elections.
- ❑ Permits an elector moving to another address within the county in which he or she is currently residing to notify the supervisor of elections of such change of address by a signed, written notice, or by telephonic or electronic means. Telephonic or electronic means may be utilized so long as the elector provides his or her birthdate to the elections official.
- ❑ Clarifies the procedure for removing ineligible voters from the statewide voter registration database.

This bill substantially amends the following sections of the Florida Statutes: 97.052, 97.057, 97.058, 97.071, 97.1031, and 98.0977.

II. Present Situation:

Uniform Statewide Voter Registration Application: Currently, the Department of State (“Department”), must prescribe a uniform statewide voter registration application for use in this state. The Department is also responsible for printing and distributing the application to certain individuals and entities listed in section 97.052(1)(b), F.S. A supervisor of elections may produce an application with the supervisor’s direct mailing address, if the application has been first approved by the Department. Private individuals or groups *cannot* reproduce the application pursuant to section 97.052(1)(c), F.S.

Voter Registration: As part of the National Voter Registration Act of 1993 (also known as the “NVRA” or “Motor Voter Act”, 42 U.S.C. 1973gg-5(a),(b)), a person may register to vote at a DHSMV office at the same time he or she obtains a driver’s license (a person may also register at a number of other agencies). Some applicants, however, decline to register or simply do not complete the voter registration application at the DHSMV office. The law is currently silent as to DHSMV’s duties relative to maintenance of unsigned applications and simply requires they maintain declinations to register to vote for two years.

Registration Identification Card: Currently a registration identification card must be furnished to all registered voters and such card must contain, *inter alia*, the signature of the supervisor of elections.

Notice of Change of Residence: Currently, when a voter moves from the address listed on that person’s voter registration record to another address within the same county, the elector must provide a signed, written notification of such move to the supervisor and obtain a registration identification card reflecting the new address of legal residence.

Statewide Voter Registration Database: In 2001, the Department was appropriated \$2 million to develop a statewide voter registration database containing voter registration information from all of the counties. The purpose of the database is to verify the eligibility of voters and to help maintain an up-to-date voter registration list that does not contain convicted felons, deceased persons, duplicate registrations, and those persons adjudicated mentally incompetent with respect to voting. Section 98.0977, F.S., currently requires supervisors of elections to compare a voter’s registration information with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources. Supervisors are to notify voters through certified mail that they are potentially ineligible to register to vote. The notice requests information from the voter to help the supervisors finally determine if an elector is ineligible, but provides no hearing or appeal mechanism for the elector to challenge that determination.

III. Effect of Proposed Changes:

Uniform Statewide Voter Registration Application: The bill amends section 97.052, F.S., allowing a voter registration application to be reproduced by private individuals or groups, so long as the application is in the same format as that prescribed by the Department. The bill further amends section 97.052, F.S., by revising the statewide voter registration application to elicit the *state or country of birth* from applicants.

Voter Registration: The bill amends section 97.057, F.S., to require DHSMV to forward copies of “unsigned” voter registration applications to the appropriate supervisor of election within five days of receipt. (Formerly, the law was silent as to DHSMV’s duties relative to maintenance of unsigned applications and simply required that the agency retain declinations to register to vote for two years.) No requirements are imposed on a supervisor of elections after an application is received, but supervisors would like to be able to follow through with these applications, if possible. The bill also amends section 97.058, F.S., to require other voter registration agencies to forward incompleting voter registration applications to the appropriate supervisors of elections within 5 days after receipt.

Voter Registration Identification Card: The bill deletes the requirement in section 97.071, F.S. that the voter registration identification card contain the actual signature of a supervisor, and will now require that the card simply include the name of the applicable supervisor of elections.

Voter’s Change of Address: The bill amends section 97.1031, F.S., regarding an elector’s change of address. The amendment will allow an elector to provide a signed, written notice, or notify an elections official by telephone or electronically (via e-mail) of such an address change. If an elector opts to use telephonic or electronic notice, the elector must provide his or her date of birth.

Administration of Statewide Voter Registration Database: The bill clarifies the requirements in section 98.0977, F.S., relative to how the voter registration database is administered and ineligible voters are removed. Specifically, it requires a supervisor of elections to:

- Remove any person listed as deceased;
- Treat information in the database indicating that a person has subsequently registered in another county as a request to remove that person from the voter rolls in the county of previous registration (these registrations are commonly known as duplicate registrations); and,
- Remove convicted felons and persons who have been adjudicated mentally incompetent through a uniform notice and hearing procedure.
 - A supervisor is required to notify those persons by certified mail that they are potentially ineligible to vote because of information contained in the database. The notice must contain an opportunity for persons to provide information concerning eligibility or request a hearing before the supervisor to show cause why they should not be removed from the voter rolls. If the supervisor has evidence that the person did not receive the notice, the supervisor must publish a notice in a newspaper of general circulation. If an elector fails to respond to the

notice within 30 days or fails to attend a hearing, the supervisor must remove the elector from the voter rolls.

The hearing procedure referred to above is designed to track similar requirements contained in section 98.075, F.S., with regard to a supervisor's voter registration list maintenance duties. Section 98.075, F.S., provides for an appeal to the circuit court, if an elector is dissatisfied with the supervisor's decision at the hearing.

The bill would take effect upon becoming law.

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:

The Department of Highway Safety and Motor Vehicles (DHSMV) believes that Committee Substitute for Senate Bill 1300 will result in a non-recurring fiscal impact for fiscal year 2002-2003 of \$13,500. Committee Substitute for Senate Bill 1300 requires DHSMV to deliver unsigned voter registration applications in addition to completed voter registration applications within five days after receipt of such applications to the appropriate supervisor of elections. According to DHSMV, this will require 100 hours of contracted programming modifications to the Driver License software system at a cost of \$13,500.

There is a minor fiscal impact involved with the printing of revised voter registration applications, however, the actual amount is indeterminate and dependent upon the

number of applications required by individual counties and the number of distribution locations for these applications in each individual county.

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.
