

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1591 Absentee Ballots

SPONSOR(S): Wishner

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics and Elections (Sub.)	8 Y, 2 N	Mitchell	Randle
2) Procedures	28 Y, 2 N	Mitchell	Randle
3)			
4)			
5)			

SUMMARY ANALYSIS

The 2002 Governor's Select Task Force on Election Procedures, Standards and Technology (Task Force) met in December 2002, and made recommendations to the Governor in a published report, dated December 30, 2002. During its meetings, the Task Force focused on two areas relating to Florida's elections:

- compliance with the federal Help America Vote Act of 2002, and
- improvements to Florida's on-going election reforms.

As one of the specific improvements to Florida's election system, the Task Force recommended that the witness requirement for absentee ballots be eliminated.

HB 1591 eliminates the requirement that an absentee ballot contain the signature and address of a witness, effective July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1591.pr.doc
DATE: March 31, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The Task Force identified several problems occurring during recent elections for which they made the following recommendations:

Beginning in 2000, the State of Florida relaxed its standards for voting by absentee ballot. Voters now must only make a written request for a ballot to their county supervisor of elections and return the completed ballot so that it arrives by 7:00 pm on the day of an election. Voters are no longer required to provide a reason for not being able to get to the polls in order to vote an absentee ballot.

An absentee ballot is enclosed in a special envelope with a certificate signed by the voter, and witnessed by one witness 18 years of age or older, that says the voter will vote only once in the current election and will not commit fraud in doing so.

As a practical matter, supervisors are not able to identify or verify the signature of a witness to an absentee ballot. In fact, in many cases, the supervisor does not know if the witness exists. The Task Force concluded that the requirement for a witness therefore "seems superfluous." Section 101.68, F.S., requires the canvassing board, if the supervisor of elections has not already done so, to compare the signature of the elector on the voter's certificate with the signature in the registration books to determine if the elector is duly registered in the county. The canvassing board also checks to see that the absentee ballot contains the signature and address of an attesting witness. If the witness's signature is not present, the ballot is considered illegal and is not counted. There is anecdotal evidence from the supervisors of elections that many otherwise valid absentee ballots are rejected by canvassing boards because of the lack of a witness signature.

HB 1591 *eliminates the witness requirement* for absentee ballots.

HB 1591 is effective July 1, 2004.

C. SECTION DIRECTORY:

None.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES