

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: CS/SB 726

INTRODUCER: Ethics and Elections Committee and Senators Powers and Campbell

SUBJECT: Vote-by-mail Ballots

DATE: April 4, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	Fav/CS
2.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 726 is a single-subject, election administration bill that specifically authorizes electors to drop off vote-by-mail ballots at early voting sites in their county of residence during the site's hours of operation, if approved in advance by the county Supervisor of Elections. Arguably, the law does not currently allow for this return method; instead, a vote-by-mail voter may only return a ballot to his or her county *Supervisor of Election's office*, unless the voter wants to wait in line at an early voting site or Election Day polling place and vote in person.

The bill takes effect on July 1, 2017.

**II. Present Situation:**

An elector must return his or her vote-by-mail ballot to the supervisor's office.<sup>1</sup> An elector possessing a vote-by-mail ballot who seeks to vote at an early voting site or polling place must have an elections worker spoil the ballot and may cast a regular or provisional ballot.<sup>2</sup> Poll workers may utilize alternate procedures if the voter does not have the vote-by-mail ballot in his

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<sup>1</sup> Secretary of State, *Directive 2013-01— Return of Absentee Ballots* (Nov. 25, 2013) [hereinafter, SOS, *Directive 2013-01*]. The Secretary of State's Directive was controversial; Deb Clark, Pinellas County Supervisor of Elections, openly defied the Directive by maintaining remote ballot drop-off sites throughout her county for an upcoming federal special election. Steve Bosquet, Tampa Bay Times, *Detzner's Directive on Absentee Ballots Sets Off Spirited Debate*, available at <http://www.tampabay.com/blogs/the-buzz-florida-politics/detzners-directive-on-absentee-ballots-sets-off-heated-debate/2154326> (last accessed Mar. 7, 2017). It is unclear how many Supervisors of Elections are currently complying with the Secretary's mandate.

<sup>2</sup> *Id.*; ss. 101.68 and 101.69, F.S.

or her possession.<sup>3</sup> All of these procedures, however, require a voter to wait in line at the early voting site or polling place to cast a ballot.

### III. Effect of Proposed Changes:

CS/SB 726 provides that an elector may vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the elector's county of residence during the site's hours of operation, *provided* the elector's Supervisor of Elections has "opted-in" to the drop-off program by providing written notice to the Division of Elections at least 30 days before each election.<sup>4</sup> Further, it directs the Division to adopt uniform rules for the receipt of ballots.

The bill takes effect on July 1, 2017.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

None.

### VI. Technical Deficiencies:

None.

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<sup>3</sup> Section 101.69, F.S.

<sup>4</sup> For ease of administration, the Supervisors can combine this notice with the required notice to the Division at least 30 days before each election identifying the address and hours of operation of each early voting site; thus, no additional, separate notice is required. Section 101.657(1)(b), F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 101.69 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Elections on April 4, 2017:**

The committee substitute differs from the original bill in that it: gives each county Supervisor of Elections the right to “opt-in” to the drop-off program; clarifies that vote-by-mail ballots may only be dropped off at early voting sites in the voter’s county of residence during the site’s hours of operation; and, moves the language to the proper section of the Election Code.

- B. **Amendments:**

None.