

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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 810

INTRODUCER: Rules Committee and Senator Powell

SUBJECT: Vote-by-mail Ballots

DATE: February 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Ulrich</u>	<u>EE</u>	Favorable
2.	<u>Fox</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 810 is a single-subject, election administration bill that allows a county supervisor of elections to accept the completed, vote-by-mail ballot of a county-registered elector at early voting sites during the sites' hours of operation. Arguably, the law does not currently allow for this return method; instead, a vote-by-mail elector may only return a ballot to his or her county Supervisor of Election's office(s), unless the voter chooses to wait in line at an early voting site or Election Day polling place and vote in person.

The bill also tasks the Florida Division of Elections to adopt uniform rules for the receipt of ballots.

The bill takes effect on July 1, 2018.

II. Present Situation:

An elector must return his or her vote-by-mail ballot to the supervisor's office in his or her county of registration.¹ An elector possessing a vote-by-mail ballot who seeks to vote at an early

¹ Secretary of State, *Directive 2013-01— Return of Absentee Ballots* (Nov. 25, 2013), available at http://dos.myflorida.com/media/693333/sos_directive_2013-01.pdf (last accessed Jan. 31, 2018). 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 Bousquet, Tampa Bay Times, *Detzner's Directive on Absentee Ballots Sets-Off Spirited Debate*, reprinted at <http://miamiherald.typepad.com/nakedpolitics/2013/11/detzners-directive-on-absentees-sets-off-spirited-debate.html> (Miami

voting site or Election-day polling place must have an elections worker spoil the ballot, after which the elector may cast a regular or provisional ballot.² Poll workers can utilize alternate procedures if the voter does not have the vote-by-mail ballot in his or her possession.³ 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 810 gives county supervisors of elections the option to provide for vote-by-mail ballot drop-off at early voting sites during the sites' hours of operation, for voters registered in the county. Further, it directs the Division of Elections to adopt uniform rules for the receipt of ballots.

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:

County supervisors of elections may need to purchase secure drop-boxes for polling sites or employ additional poll workers, depending on the preceudural drop-off rules enacted by the Division. However, local government will fund these relatively minor costs; there is no expected impact on State revenues or expenditures.

Herald Nov. 2013 Naked Politics blog) (last accessed Jan. 31, 2018). It is unclear how many Supervisors of Elections are currently complying with the Secretary's mandate.

² *Id.*; ss. 101.68 and 101.69, F.S.

³ Section 101.69, F.S.

VI. Technical Deficiencies:

None.

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 Rules on February 22, 2018:

The CS gives each county supervisors of elections the *option* to accept vote-by-mail ballots at early voting sites, and removes a requirement that the elector *personally deliver* his or her ballot.

- B. **Amendments:**

None.