

By Senator Altman

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 97.0585, F.S.; providing an exemption from public
4 records requirements for specified information
5 regarding a voter or voter registration applicant and
6 information concerning preregistered voter
7 registration applicants; authorizing disclosure of
8 confidential and exempt information under certain
9 circumstances; providing for future legislative review
10 and repeal; providing a statement of public necessity;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 97.0585, Florida Statutes, is amended to
16 read:

17 97.0585 Public records exemption; information regarding
18 voters and voter registration; confidentiality.—

19 (1) The following information held by an agency as defined
20 in s. 119.011, and obtained for the purpose of voter
21 registration, is confidential and exempt from s. 119.07(1) and
22 s. 24(a), Art. I of the State Constitution and may be used only
23 for purposes of voter registration, unless disclosure is
24 authorized under subsection (2):

25 (a) All declinations to register to vote made pursuant to
26 ss. 97.057 and 97.058.

27 (b) Information relating to the place where a person
28 registered to vote or where a person updated a voter
29 registration.

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30 (c) The social security number, driver license number, and
31 Florida identification number of a voter registration applicant
32 or voter.

33 (d) The legal residential address, date of birth, telephone
34 number, and e-mail address of a voter registration applicant or
35 voter.

36 (e) All information concerning preregistered voter
37 registration applicants who are 16 or 17 years of age.

38 (2) A person's information made confidential and exempt
39 under paragraph (1) (d) shall be made available to or reproduced
40 only for that voter registration applicant or voter, a
41 canvassing board, an election official, a political party or
42 official thereof, a candidate who has filed qualification papers
43 and is opposed in an upcoming election, and registered political
44 committees for political purposes only.

45 (3)~~(2)~~ The signature of a voter registration applicant or a
46 voter is exempt from the copying requirements of s. 119.07(1)
47 and s. 24(a), Art. I of the State Constitution.

48 (4)~~(3)~~ This section applies to information held by an
49 agency before, on, or after the effective date of this
50 exemption.

51 (5) Paragraph (1) (d), paragraph (1) (e), and subsection (2)
52 are subject to the Open Government Sunset Review Act in
53 accordance with s. 119.15 and shall stand repealed on October 2,
54 2021, unless reviewed and saved from repeal through reenactment
55 by the Legislature.

56 Section 2. (1) The Legislature finds it a public necessity
57 that the following information held by an agency, and obtained
58 for the purpose of voter registration, be confidential and

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59 exempt from public records requirements and used only for
60 purposes of voter registration:

61 (a) The legal residential address, date of birth, telephone
62 number, and e-mail address of a voter registration applicant or
63 voter.

64 (b) All information concerning preregistered voter
65 registration applicants who are 16 or 17 years of age.

66 (2) Information such as a voter registration applicant's or
67 a voter's legal residential address, date of birth, telephone
68 number, and e-mail address are personal and sensitive and could
69 be misused by a dishonest person if placed in the public domain
70 with the applicant's or the voter's name. By matching a name and
71 legal residential address, date of birth, telephone number, or
72 e-mail address, a dishonest person could commit identity theft,
73 which could result in financial harm to a voter registration
74 applicant or a voter. The potential for harm that results from
75 unfettered access to a voter registration applicant's or a
76 voter's legal residential address, date of birth, telephone
77 number, and e-mail address, accompanied by the person's name,
78 exceeds any public benefit that may be derived from disclosure
79 of such information. In addition, such information may be used
80 for consumer scams, unwanted solicitations, or other invasive
81 contacts.

82 (3) The Legislature also finds that e-mail addresses are
83 personal information that could be misused and could result in
84 voter fraud if released. A voter may request an absentee ballot
85 using an e-mail address. Unrestricted access to such e-mail
86 addresses may enable others to determine which voters are
87 intending to vote by absentee ballot and result in the

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88 confiscation and misuse of a mailed absentee ballot by a person
89 other than the requesting voter. In addition, collection of the
90 e-mail address of a voter registration applicant or a voter
91 would give supervisors of elections the opportunity to employ
92 the cost-saving measure of electronically transmitting sample
93 ballots. If a voter registration applicant or a voter knows that
94 his or her e-mail address is subject to public disclosure, he or
95 she may be less willing to provide the e-mail address to the
96 supervisor of elections. Accordingly, the effective and
97 efficient administration of a government program would be
98 significantly impaired.

99 (4) The Legislature also finds that information concerning
100 preregistered 16-year-old and 17-year-old voter registration
101 applicants could be misused if released. Minors are more
102 vulnerable members of society, and the widespread release of
103 information acquired through preregistration activities may be
104 used to solicit, harass, stalk, or intimidate such individuals.
105 Without such protection, a minor may be less likely to take
106 advantage of pre-registering to vote, thus hindering the
107 effective and efficient administration of a program that
108 otherwise encourages greater participation in the democratic
109 process.

110 Section 3. This act shall take effect July 1, 2016.