

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

SB 82 — Sponsorship Identification Disclaimers

by Senators Baxley and Hutson

The bill creates a comprehensive sponsorship disclaimer policy for most text message political advertisements, independent expenditures, and electioneering communications. Text messages must carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer.

The bill specifically exempts texts sent by individuals not being paid and without the assistance of mass distribution, or that require the recipient to sign-up or opt-in to receive it.

The bill requires those individuals and groups subject to texting disclaimer requirements to register and maintain an in-state registered agent for legal process.

The bill condenses and reorganizes all text message and telephone disclaimer requirements into one easily identifiable statutory section.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 111-3

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/CS/SB 90 — Election Administration

by Rules Committee; Governmental Oversight and Accountability Committee; Ethics and Elections Committee; and Senator Baxley

CS/CS/CS/SB 90 revises the Election Code as follows to improve election security, transparency, and administration.

The bill creates:

- Requirements for civil actions challenging the validity of a provision of the Election Code in which a state or county agency or officer is a party in state or federal court.
- A prohibition against a governmental entity's use of private funds for election-related expenses.
- Additional requirements for the periodic risk assessments of the online voter registration system.
- A process by which the Department of Highway Safety and Motor Vehicles must assist the Department of State (DOS) in regularly identifying changes in voter addresses and providing that information to supervisors for their use in updating voter rolls.

Related to vote-by-mail ballots, the bill:

- Revises and creates new requirements for their duplication.
- Modifies the effective period for a ballot request to all elections held through the end of the calendar year of the next regularly scheduled general election and grandfathers in through the end of 2022 any request in place when the bill takes effect.
- Requires an additional elector identifier when a request for a ballot is made.
- Adds new categories to the types of information supervisors must record about each ballot request.
- Prohibits mailing or otherwise providing a ballot without a request.
- Creates new requirements for information that must be displayed on the outside of a return mailing envelope and prohibits display of an elector's political affiliation on a ballot envelope.
- Prohibits a supervisor from using knowledge of a voter's political affiliation during the signature comparison process.
- Extends the period during which tabulation of ballots can occur.
- Revises and creates new requirements for use of drop boxes, including, but not limited to:
 - o Limiting use of drop boxes other than at a supervisor's office to early voting hours, and requiring in-person monitoring of all drop boxes while accessible for deposit of ballots.
 - o Requiring each supervisor to publish the location of drop boxes at least 30 days in advance of each election.
- Limits a person's lawful possession of ballots to his or her own, those of an immediate family member, and two others; expands the definition of "immediate family member" to

include a grandchild; and clarifies that supervised voting at assisted living facilities and nursing homes is not subject to the limit.

Related to no-solicitation zones, the bill:

- Conforms the distances for statutory no-solicitation zones.
- Adds drop box sites to the locations protected by the zones.
- Expands the definition of “solicitation” and specifies that the definition does not prohibit supervisors’ staff from providing nonpartisan assistance or items to voters within the zone.

Related to county canvassing boards, the bill:

- Requires names of canvassing board members to be published on the supervisor’s website upon completion of the logic and accuracy test.
- Creates new access requirements at meetings for a political party or candidate to observe signature matching and other processes.
- Adds names of canvassing board members and alternates to the types of information that must be noticed in advance of meetings.

Related to election data reporting, the bill:

- Clarifies an existing exception for ballot types or precinct subtotals with fewer than 30 voters voting.
- Creates new requirements for reporting live voter turnout data and vote-by-mail ballot information.
- Combines the required overvote/undervote report and audit report and extends the deadlines for their submission.

To comply with court orders, the bill:

- Returns the language for the declaration of felon voting eligibility to its pre-2019 form and repeals a corresponding public-records exemption that will no longer be necessary.
- Revises provisions governing third-party voter registration organizations.

The bill also:

- Requires submission of an additional elector identifier for requested changes to voter registration.
- Repeals provisions requiring an elective office vacated due to the resign-to-run requirement be filled by election and permitting the unexpired term of an elective charter county officer or elective municipal officer required to resign under the resign-to-run law to be filled in a manner provided by the county or municipal charter.
- Prohibits a person from seeking to qualify for office as a candidate with no party affiliation if he or she has been a registered member of any political party within the 365 days preceding the beginning of the qualifying period, and requires a person seeking nomination as a candidate of a political party to have been a member of the party for the 365 days preceding the beginning of the qualifying period.
- Clarifies a state executive committee’s role in filling certain vacancies in office.

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- Revises requirements for poll watchers.
- Conforms to federal law the time frame for retention of election materials.
- Extends the deadline by which the DOS must approve or disapprove a voting system submitted for certification.
- Expands the ballot materials that must be made available for public inspection and creates new access provisions for a candidate, political party official, political committee.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 23-17; House 77-40

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 1639 — Pub. Rec./Network Schematics, Hardware and Software Configurations, or Encryption/Supervisors of Elections

by Government Operations Subcommittee and Rep. Grant (CS/SB 1704 by Government Oversight and Accountability and Senator Broxson)

The bill creates a public records exemption for portions of records held by a supervisor of elections that contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents.

The bill provides that the confidential and exempt records must be made available to the Auditor General and may be made available to another governmental entity for information technology security purposes or in the furtherance of the entity's official duties.

The bill provides for retroactive application of the public records exemption. It also provides that the exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
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CS/CS/SB 1890 — Campaign Financing

by Rules Committee; Ethics and Elections Committee; and Senator Rodrigues

CS/CS/SB 1890 adds political committees sponsoring or in opposition to constitutional amendments proposed by initiative to the list of entities subject to a \$3,000 contribution limit from a person or political committee. The contribution limit will no longer apply to such a political committee once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill preempts local governments from enacting or adopting:

- Contribution limits that differ from existing limits specified in statute;
- Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or
- Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.

The bill also revises the authorized methods for disposing of surplus campaign funds to:

- Prohibit a candidate from donating such funds to a charitable organization by which he or she is employed; and
- Eliminate restrictions on which candidates may donate to which government funds to allow all candidates for state and local office to deposit surplus funds in the general revenue fund of a political subdivision, the state General Revenue Fund, or the Election Campaign Financing Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-17; House 75-40