

Tab 8	CS/SB 198 by EP, Stewart (CO-INTRODUCERS) Rodriguez ; (Similar to CS/H 00861) Environmental Regulation Commission					
Tab 9	SB 598 by Gibson ; (Similar to H 00733) Elections					
231560	A	S	RCS	EE, Gibson	Delete L.216 - 268.	04/04 03:38 PM
Tab 10	SB 726 by Powell (CO-INTRODUCERS) Campbell ; (Identical to H 00521) Vote-by-mail Ballots					
468388	D	S	RCS	EE, Powell	Delete everything after	04/05 12:47 PM
310190	AA	S	RCS	EE, Bean	Delete L.39 - 43:	04/05 12:47 PM
Tab 11	SB 1070 by Hutson ; (Compare to CS/H 00707) Secretary of State					
613644	D	S	RCS	EE, Hutson	Delete everything after	04/04 03:38 PM
532904	AA	S	RCS	EE, Bean	Delete L.15 - 33:	04/04 03:38 PM
Tab 12	SB 1072 by Hutson ; (Similar to CS/H 00709) Public Records/Voter Registration Information					
707998	D	S	RCS	EE, Hutson	Delete everything after	04/04 03:38 PM
Tab 13	SB 1160 by Bradley ; (Similar to CS/H 01325) Elections					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Passidomo, Chair
Senator Grimsley, Vice Chair

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Passidomo, Chair; Senator Grimsley, Vice Chair; Senators Bean, Braynon, Lee, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Florida Building Code Administrators and Inspectors Board			
1	Barthlow, Frederick A. (Middleburg)	10/31/2020	Recommend Confirm Yeas 5 Nays 0
	Lopresto, Anthony H. ()	10/31/2019	Recommend Confirm Yeas 5 Nays 0
	White, Herman (Pensacola)	10/31/2020	Recommend Confirm Yeas 5 Nays 0
Hillsborough County Civil Service Board			
2	Hosler, Chandra D. (Tampa)	07/02/2017	Recommend Confirm Yeas 5 Nays 0
Board of Trustees of Daytona State College			
3	Escudero, Stanley T. (Daytona Beach Shores)	05/31/2019	Recommend Confirm Yeas 5 Nays 0
Board of Cosmetology			
4	Poppell, Frances C. (Tallahassee)	10/31/2019	Recommend Confirm Yeas 5 Nays 0
Education Practices Commission			
5	Johnson, Jeffrey L., Sr. (Port St. Lucie)	09/30/2020	Recommend Confirm Yeas 5 Nays 0
	Wilson, Celita (Jacksonville)	02/17/2020	Recommend Confirm Yeas 5 Nays 0
Board of Occupational Therapy Practice			
6	Arthur, Paul Brandon (High Springs)	10/31/2020	Recommend Confirm Yeas 5 Nays 0
Central Florida Regional Planning Council, Region 7			
7	Howerton, Donna (Sebring)	10/01/2018	Recommend Confirm Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, April 4, 2017, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 198 Environmental Preservation and Conservation / Stewart (Similar CS/H 861)	Environmental Regulation Commission; Requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification, etc. EP 03/22/2017 Fav/CS EE 04/04/2017 Favorable RC	Favorable Yeas 5 Nays 0
9	SB 598 Gibson (Similar H 733, Compare CS/H 105, S 544, S 954)	Elections; Revising a reference to the deadline for a person who cast a provisional ballot to present evidence verifying authenticity of certain information in a voter registration application, to conform; requiring the supervisor to allow a person who voted a provisional ballot to present identification and submit an affidavit to cure an unsigned Provisional Ballot Voter's Certificate and Affirmation or a provisional ballot rejected due to a signature discrepancy; requiring the supervisor to allow submission of an affidavit to cure signature discrepancies on a vote-by-mail ballot, etc. EE 04/04/2017 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0
10	SB 726 Powell (Identical H 521)	Vote-by-mail Ballots; Authorizing an absent elector to personally deliver his or her completed vote-by-mail ballot to an early voting site during specified hours, etc. EE 04/04/2017 Fav/CS RC	Fav/CS Yeas 5 Nays 0
11	SB 1070 Hutson (Compare CS/H 707, CS/H 709, Linked S 1072)	Secretary of State; Requiring the secretary to enter into certain agreements with other states to maintain the statewide voter registration system, etc. EE 04/04/2017 Fav/CS AP RC	Fav/CS Yeas 5 Nays 0
12	SB 1072 Hutson (Similar CS/H 709, Compare CS/H 707, Linked S 1070)	Public Records/Voter Registration Information; Specifying that certain voter registration information and data from another state obtained by the Secretary of State, which is confidential under the laws of such state, is confidential and exempt from public records requirements; providing a statement of public necessity, etc. EE 04/04/2017 Fav/CS GO RC	Fav/CS Yeas 5 Nays 0

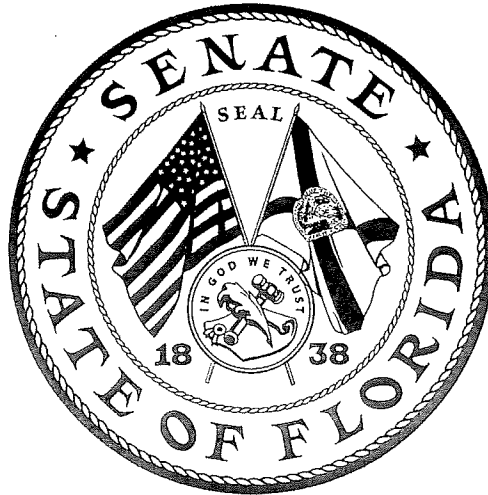
COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, April 4, 2017, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	SB 1160 Bradley (Similar CS/H 1325, Compare CS/H 105, S 954)	Elections; Requiring a candidate to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer if not qualifying by petition; prohibiting an elected official from being designated as a poll watcher; modifying and clarifying provisions governing the canvassing of vote-by-mail ballots, etc. EE 04/04/2017 Favorable JU RC	Favorable Yeas 5 Nays 0

Other Related Meeting Documents



Committee:

ETHICS AND ELECTIONS

Senator Passidomo, Chair
Senator Grimsley, Vice Chair

Meeting Packet

Tuesday, April 4, 2017

9:30—11:30 a.m.

Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
 Senator Passidomo, Chair
 Senator Grimsley, Vice Chair

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	Lopresto, Anthony H. ()	10/31/2019	
	White, Herman (Pensacola)	10/31/2020	
Hillsborough County Civil Service Board			
2	Hosler, Chandra D. (Tampa)	07/02/2017	
Board of Trustees of Daytona State College			
3	Escudero, Stanley T. (Daytona Beach Shores)	05/31/2019	
Board of Cosmetology			
4	Poppell, Frances C. (Tallahassee)	10/31/2019	
Education Practices Commission			
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Central Florida Regional Planning Council, Region 7			
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COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, April 4, 2017, 9:30—11:30 a.m.

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10	SB 726 Powell (Identical H 521)	Vote-by-mail Ballots; Authorizing an absent elector to personally deliver his or her completed vote-by-mail ballot to an early voting site during specified hours, etc. EE RC	
11	SB 1070 Hutson (Compare CS/H 707, CS/H 709, Linked S 1072)	Secretary of State; Requiring the secretary to enter into certain agreements with other states to maintain the statewide voter registration system, etc. EE AP RC	
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COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

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The Florida Senate
COMMITTEE MEETING PACKET TAB

1

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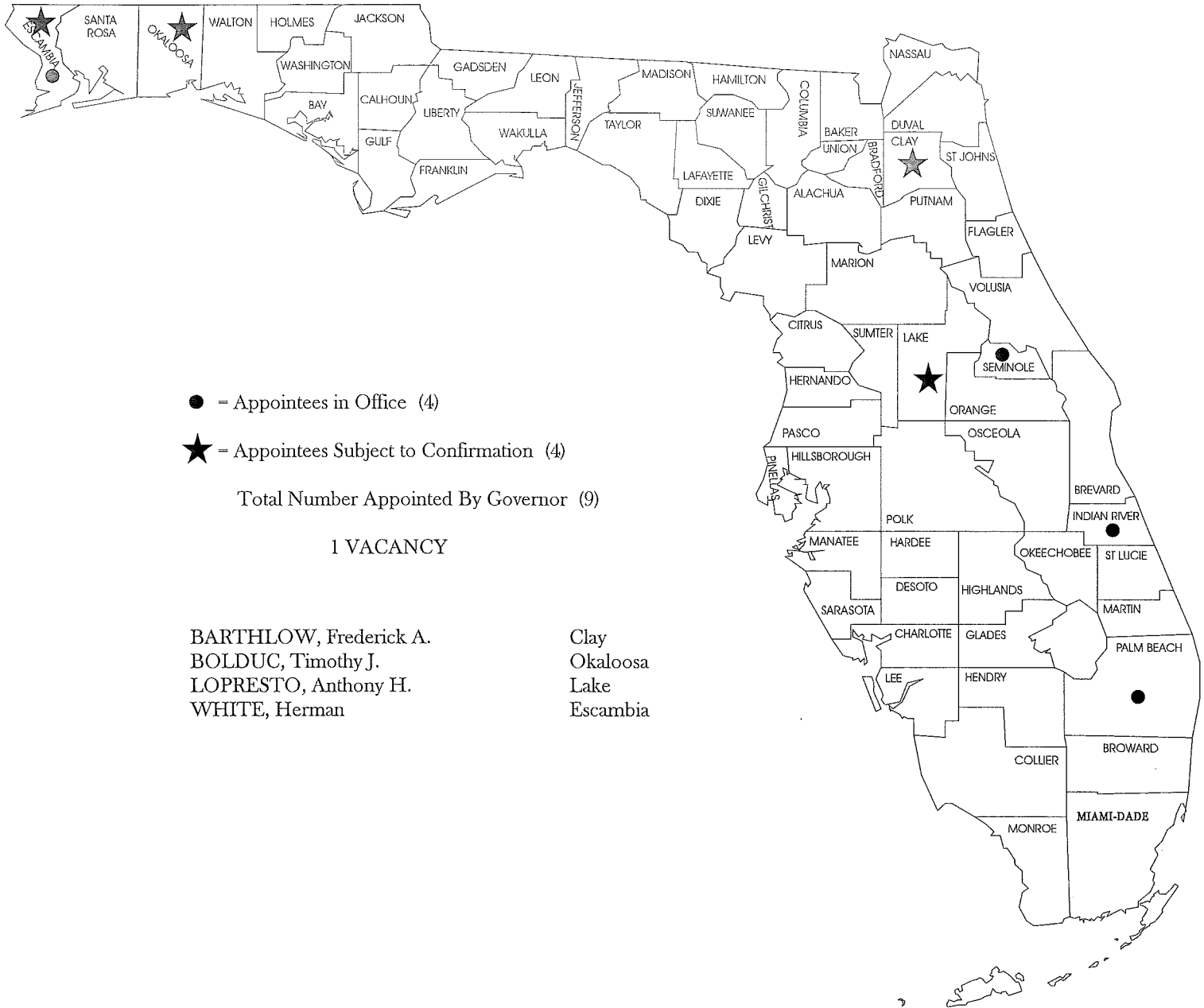
Ethics and Elections

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Florida Building Code Administrators and Inspectors Board



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Barthlow, Frederick A.

Appointed: 02/20/2017

Term: 02/20/2017 – 10/31/2020

Prior Term: 03/28/2014 - 10/31/2016

City/County: Middleburg/Clay

Office: Florida Building Code Administrators and Inspectors Board, Member

Authority: 468.605, F.S. & 20.165(4)(a)4, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/25/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/21/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	See Below
20. Currently a Registered Lobbyist		X	

Occupation: Senior Plans Examiner - Universal Engineering Science

Attendance: Attended 19 of 19 meetings (100%) from March 28, 2014 through March 14, 2017.

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The nine-member board consists of:

- One member who is an architect licensed pursuant to chapter 481, one engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489 and who is not employed by a municipal, county, or state government agency;
- Two members serving as building code administrators;
- Two members serving as building code inspectors;
- One member serving as a plans examiner;
- One member who is a representative of a city or a charter county; and
- Two consumer members who are not, and have never been, members of a profession regulated under this part, chapters 471, 481, or 489, and neither of whom is an employee of a municipal, county, or state governmental agency.

One consumer member must be a person with a disability or a representative of an organization which represents persons with disabilities.

Additional Requirements: Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Plans Examiner
Number 19 - Mr. Barthlow was a senior plans examiner for the City of Jacksonville, 6/1996-7/2016.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lopresto, Anthony H.

Appointed: 02/20/2017

Term: 02/20/2017 – 10/31/2019

Prior Term:

City/County: Groveland/Lake

Office: Florida Building Code Administrators and Inspectors Board, Member

Authority: 468.605, F.S. & 20.165(4)(a)4, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/8/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Inspector/Building Services Supervisor, Lake County

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The nine-member board consists of:

- One member who is an architect licensed pursuant to chapter 481, one engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489 and who is not employed by a municipal, county, or state government agency;
- Two members serving as building code administrators;
- Two members serving as building code inspectors;
- One member serving as a plans examiner;
- One member who is a representative of a city or a charter county; and
- Two consumer members who are not, and have never been, members of a profession regulated under this part, chapters 471, 481, or 489, and neither of whom is an employee of a municipal, county, or state governmental agency.

One consumer member must be a person with a disability or a representative of an organization, which represents persons with disabilities.

Additional Requirements: Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Building Code Inspector

Number 15 - Mr. Lopresto disclosed he is part owner of Imagination Station Child Development Center that contracts with the State to perform childcare services.

Number 19 - Mr. Lopresto is currently an inspector/building services supervisor for the Lake County Board of County Commissioners, 2002-Present. Mr. Lopresto was a regional manager with the Bureau of Investigative Services for the Department of Business and Professional Regulation, 1989-1999. Mr. Lopresto served as a police officer for the City of Tampa, 1985-1987.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: White, Herman

Appointed: 02/20/2017

Term: 02/20/2017 – 10/31/2020

Prior Term:

City/County: Pensacola/Escambia

Office: Florida Building Code Administrators and Inspectors Board, Member

Authority: 468.605, F.S. & 20.165(4)(a)4, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/24/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/21/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Barber

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The nine-member board consists of:

- One member who is an architect licensed pursuant to chapter 481, one engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489 and who is not employed by a municipal, county, or state government agency;
- Two members serving as building code administrators;
- Two members serving as building code inspectors;
- One member serving as a plans examiner;
- One member who is a representative of a city or a charter county; and
- Two consumer members who are not, and have never been, members of a profession regulated under this part, chapters 471, 481, or 489, and neither of whom is an employee of a municipal, county, or state governmental agency.

One consumer member must be a person with a disability or a representative of an organization which represents persons with disabilities.

Additional Requirements: Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Consumer Member

Number 18 - Mr. White previously served on the Barber's Board from 2001-2014.

Number 19 - Mr. White was a teacher with the Escambia County School Board from 1975-2005. He also was a barber examiner for the Department of Business and Professional Regulation, 1993-2/2002.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

2

A200H

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hosler, Chandra D.

Appointed: 09/26/2016

Term: 09/23/2016 – 07/02/2017

Prior Term:

City/County: Tampa/Hillsborough

Office: Hillsborough County Civil Service Board, Member

Authority: 00-445, s. 7(1), L.O.F.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed		X	Not Required
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/21/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: In-House Counsel for Mid-Atlantic Finance Co., Inc.

Compensation: Reimbursed for per diem and mileage pursuant to s. 112.061, F.S.

Requirements: The seven-member board consists of qualified electors of Hillsborough County. All said appointments shall be made by the Governor, subject to confirmation by the Senate. No member may be appointed who is either an elected official or an employee of any appointing authority.

Additional Requirements: Terms shall be for four years. The absence of a member of more than 50% of scheduled meetings during any calendar year shall constitute his resignation. Not required to file financial disclosure form.

Notes: Number 19 - Ms. Hosler was an assistant attorney general in the Florida Attorney General's Office from 2002-2008. Ms. Hosler was a law clerk for the Department of Transportation in 2002.

COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Escudero, Stanley T.

Appointed: 12/08/2016

Term: 12/08/2016 – 05/31/2019

Prior Term: 02/27/2014 - 05/31/2015

City/County: Daytona Beach Shores/Volusia

Office: Board of Trustees of Daytona State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/11/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 3/21/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Retired

Attendance: Attended 32 of 32 meetings (100%) from February 27, 2014 through March 14, 2017.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 8 - Volusia County Resident
Number 10 - Report 2017-116

The Florida Senate
COMMITTEE MEETING PACKET TAB

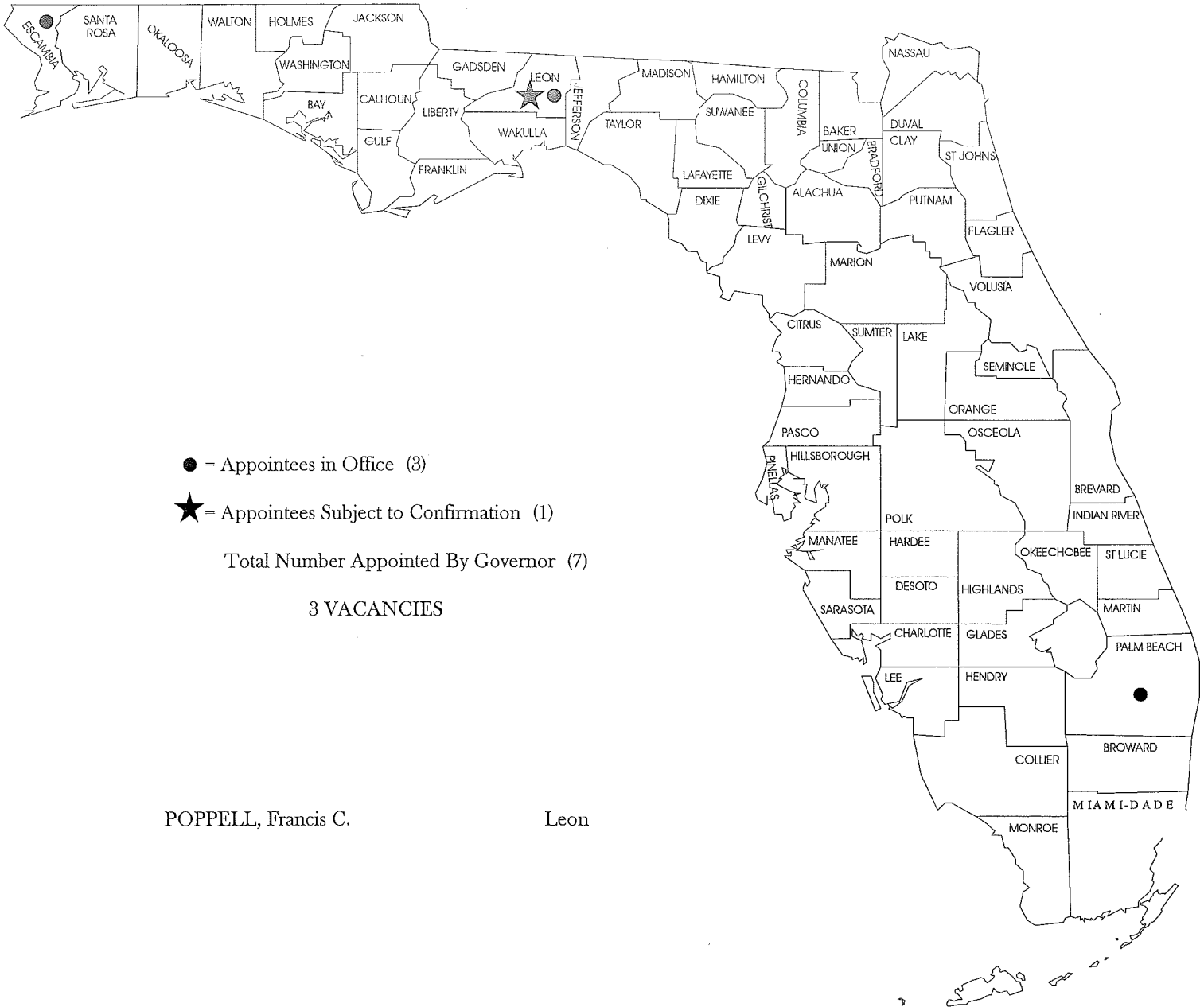
Ethics and Elections

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Cosmetology



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Poppell, Frances C.

Appointed: 04/21/2016

Term: 04/22/2016 – 10/31/2019

Prior Term: 01/15/2016 - 10/31/2019

City/County: Tallahassee/Leon

Office: Board of Cosmetology, Member

Authority: 477.015, F.S. & 20.165(4)(a)6, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/20/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/9/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Retired

Attendance: Attended 6 of 7 meetings (86%) from January 15, 2016 through March 6, 2017.

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s.112.061, F.S.

Requirements: The seven-member board, appointed by the Governor, consists of:

- Five members who are licensed cosmetologists who have been engaged in the practice of cosmetology in this state for not fewer than five years; and
- Two members who are lay persons.

Each board member shall be a resident of Florida and shall have been a resident of Florida for at least five continuous years.

Additional Requirements: Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms. Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Lay Person
Number 18 - Mrs. Poppell served on the Board of Professional Surveyors and Mappers from 2002 to 2010.
Number 19 - Mrs. Poppell has been employed as follows: Department of Business and Professional Regulation, Review Specialist, 1989-1998; Florida House of Representatives, Research Assistant, 1985-1989 and 3/1981-6/1981; and Department of State, Executive Secretary, 1971-1981.

COMMITTEE MEETING PACKET TAB

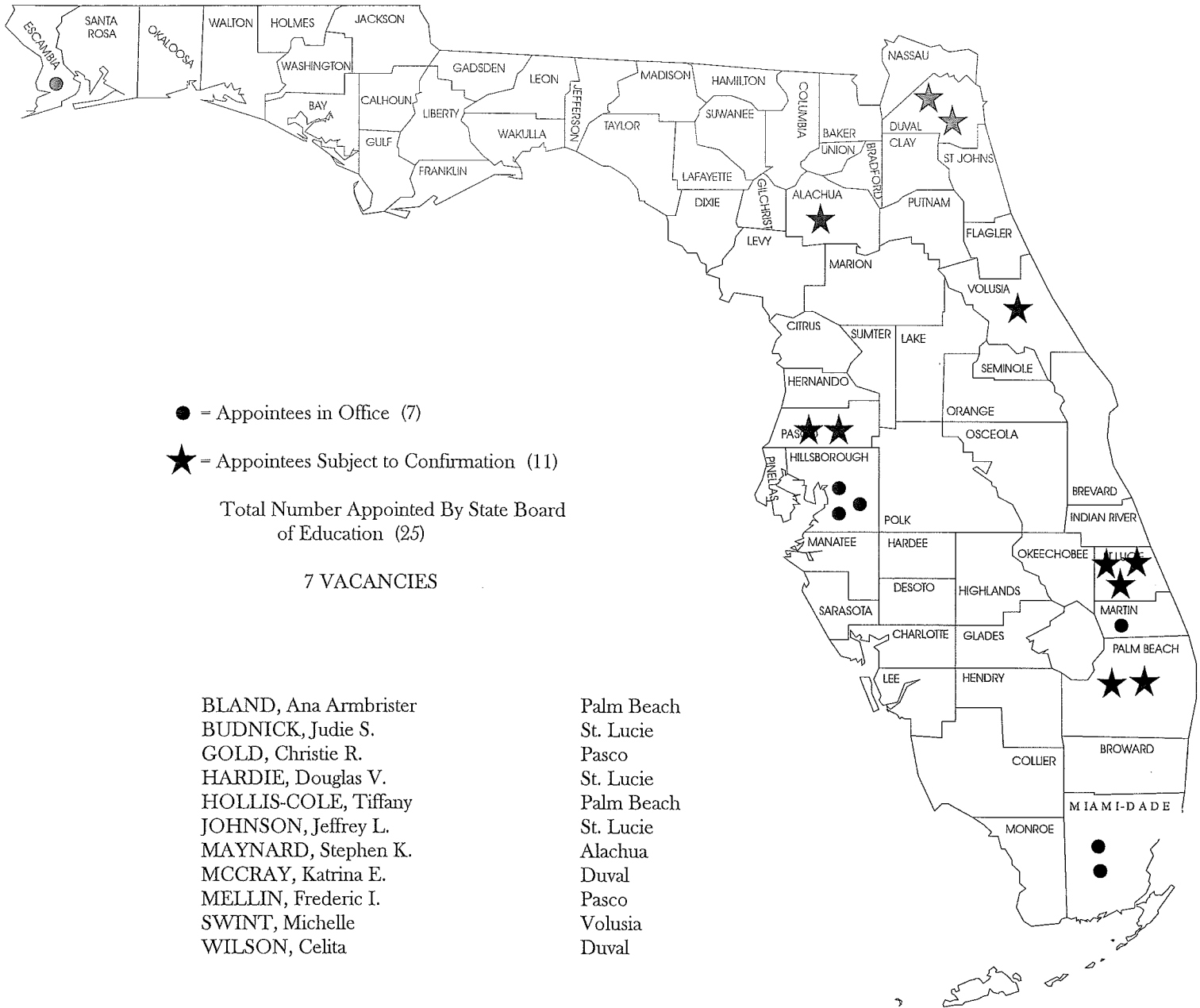
Ethics and Elections

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Education Practices Commission



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Johnson, Jeffrey L., Sr.

Appointed: 09/23/2016

Term: 10/01/2016 – 09/30/2020

Prior Term:

City/County: Port St. Lucie/St. Lucie

Office: Education Practices Commission, Member

Authority: 1012.79(1), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 3/9/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Teacher for the Saint Lucie County School Board

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
- Four lay citizens who are parents of public school students and who are unrelated to public school employees;
- Two former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents
- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years. Required to file Form 1 with the Commission on Ethics.

Notes: Number 6 - Mr. Johnson served in the U.S. Navy, 1976-2003.
Number 8 - Teacher
Number 19 - Mr. Johnson has been working as a teacher for the Saint Lucie County School Board, since 2004.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Wilson, Celita
 Term: 02/18/2016 – 02/17/2020
 City/County: Jacksonville/Duval
 Office: Education Practices Commission, Member
 Authority: 1012.79(1), F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 02/18/2016
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 3/22/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/19/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Self-employed (marketing)

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
- Four lay citizens who are parents of public school students and who are unrelated to public school employees;
- Two former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents
- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years. Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Parent

The Florida Senate
COMMITTEE MEETING PACKET TAB

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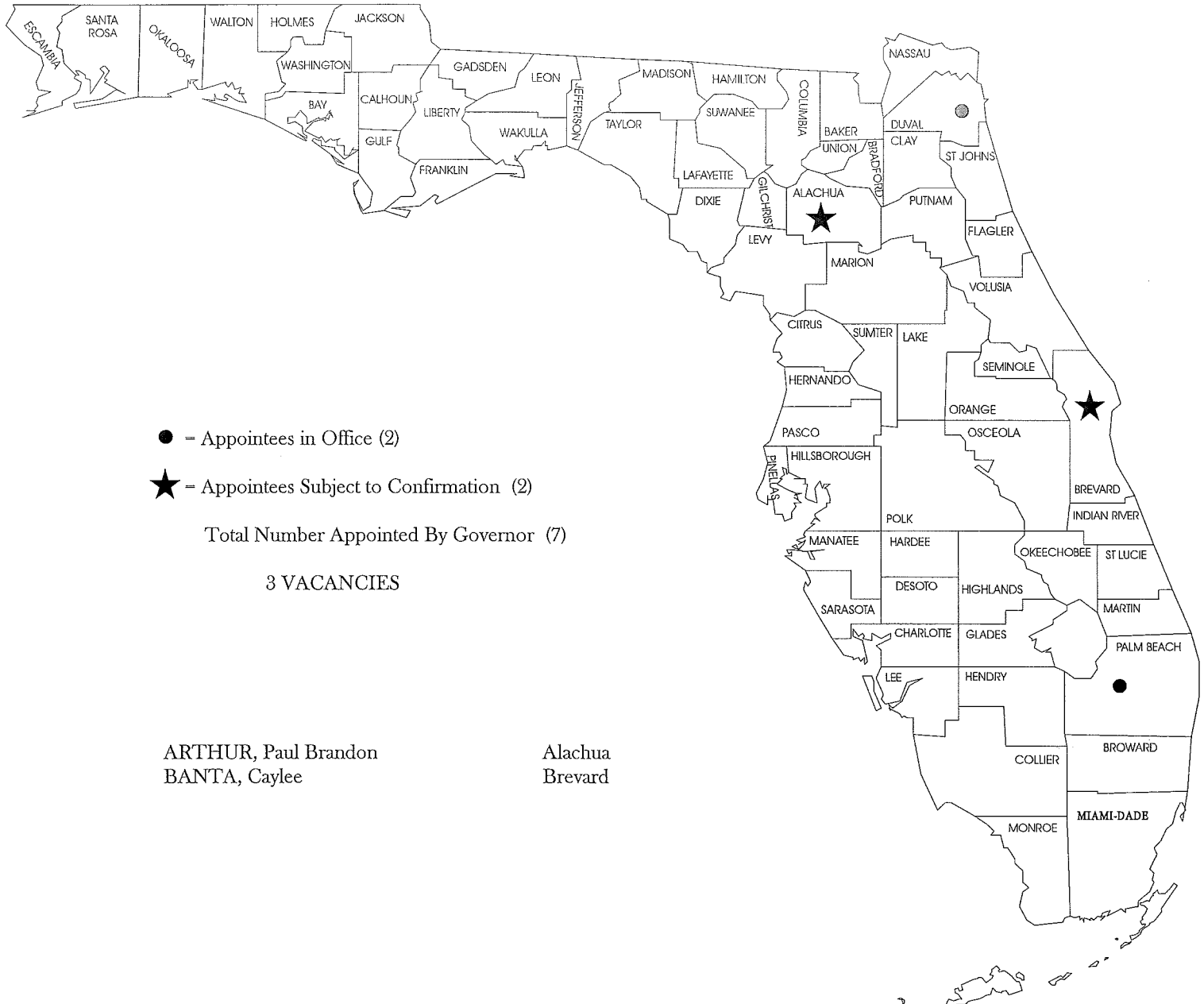
Ethics and Elections

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Occupational Therapy Practice



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Arthur, Paul Brandon
 Term: 11/07/2016 – 10/31/2020
 City/County: High Springs/Alachua
 Office: Board of Occupational Therapy Practice, Member
 Authority: 468.205, F.S. & 20.43(3)(g)15, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 11/01/2016
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 11/10/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/19/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Therapist at Genesis Rehabilitation Services; Assistant Professor at the University of Florida

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The board of seven members who are residents of the state consist of the following:
- Four members who are licensed occupational therapists in good standing in this state who have been engaged in the practice of occupational therapy for at least four years immediately preceding their appointments;
 - One member who is a licensed occupational therapy assistant in good standing in this state who has been engaged in the practice of occupational therapy for at least four years immediately preceding the appointment; and
 - Two members who are consumers who are not connected with the practice of occupational therapy.

Additional Terms are for four years.

Requirements: Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 6 - Dr. Arthur served in the U.S. Army, 2001-2012.
Number 8 - Licensed Occupational Therapist w/4 years experience
Number 19 - Dr. Arthur is an Assistant Professor at the University of Florida, 8/2016-Present.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

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A2155H

MEETING DATE: Tuesday, April 4, 2017

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Howerton, Donna
 Term: 04/22/2016 – 10/01/2018
 City/County: Sebring/Highlands
 Office: Central Florida Regional Planning Council, Region 7, Member
 Authority: 186.504, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 04/21/2016
 Prior Term: 05/12/2015 - 10/01/2015

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 6/15/16
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/12/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: V.P. of South Ridge Abstract (Title Insurance)

Attendance: Attended 8 of 12 meetings (67%) from May 12, 2015 through March 8, 2017.

Attendance Notes: Mrs. Howerton is the school board member serving on the CFRPC and due to conflicting schedules she was unable to attend several meetings. She always alerts the staff in advance whenever she is unable to attend and she has excused absences.

Compensation: The Florida Statutes make no provision for compensation.

Requirements: No less than two-thirds of the representatives serving as voting members on the governing bodies of regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, to include one elected school board member, subject to confirmation by the Senate, and shall reside in the region from each of the following counties:

- DeSoto;
- Hardee;
- Highlands;
- Okeechobee; and
- Polk.

The elected school board member, appointed by the Governor, will be nominated by the Florida School Board Association.

No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee.

Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds is composed of locally elected officials.

Additional Requirements: The Florida Statutes make no provision for terms.

Each county shall be a member of the Regional Planning Council created within the comprehensive planning district encompassing the county.

Required to file Form 1 with SOE's office.

Notes: Number 8 - Highlands County Resident
Number 17 - Mrs. Howerton serves on the Highlands County School Board, 1996-Present.

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 Ethics and Elections

BILL: CS/SB 198

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Stewart and others

SUBJECT: Environmental Regulation Commission

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Rogers	EP	Fav/CS
2.	Carlton	Ulrich	EE	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 198 requires the Governor to appoint a new member of the Environmental Regulation Commission (ERC) within 90 days after the occurrence of a vacancy. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill also requires a supermajority of 5 votes to approve or modify a proposed rule submitted to the ERC which pertains to air quality standards or water quality and quantity standards.

The bill is effective July 1, 2017.

II. Present Situation:

Environmental Regulation Commission

The Environmental Regulation Commission (ERC) exists within the Department of Environmental Protection (DEP). Seven members appointed by the Governor and approved by the Senate serve on the ERC. When making appointments, the Governor must provide reasonable representation from all sections of the state. Membership of the ERC must be representative of agriculture; the development industry; local government; the environmental community; lay citizens; and members of the scientific and technical community who have

substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.¹ The Governor must appoint a chair of the ERC. The members of the ERC may then elect a vice-chair. The ERC members serve for 4 years.²

The secretary of DEP must submit any proposed rule containing a standard to the ERC for approval, modification, or disapproval.³ A “standard” is any DEP rule relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term “standard” does not include rules of the DEP that relate exclusively to the internal management of the DEP, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.⁴ The ERC possess the powers to set standards for the following topics:

- Environmental control, including air quality standards; water quality and water quantity standards; waste regulation and cleanup, including hazardous waste regulation; power plant and transmission line siting; water supply; water treatment plants; and natural gas transmission lines;
- Consumptive use of water permitting;
- Certain aspects of water well construction;
- Criteria for wetlands that receive and treat domestic wastewater;
- Water quality for wetlands;
- Regulation of the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems;
- Delineating the extent of wetlands;
- Phosphorus criteria in the Everglades Protection Area and water quality standards applicable to the Everglades Agricultural Area canals; and
- Water quality standards for the Everglades Protection Area.⁵

The ERC does not possess the power to set standards related to total maximum daily load calculations and allocations.⁶ Further, the ERC may not establish DEP policies, priorities, plans, or directives. The ERC may adopt procedural rules governing the conduct of its meetings and hearings.⁷

¹ Section 20.255(6), F.S.

² *Id.*

³ Section 403.805(1), F.S.

⁴ Section 403.803(13), F.S.

⁵ Section 403.804(1), F.S.

⁶ Section 403.805(1), F.S.

⁷ Section 403.804(1), F.S.

The following individuals currently serve on the ERC:⁸

Name	Term	From	Represents
Frank Gummey	12/16/16 to 07/01/17	Daytona Beach Shores	Local Governments
Joe Joyce	10/02/15 to 07/01/19	Gainesville	Agriculture
Adam R. Gelber	10/02/15 to 07/01/19	Miami	Science & Technical
Cari Roth	03/31/10 to 07/01/17	Tallahassee	Development
Sarah S. Walton	03/07/14 to 07/01/17	Pensacola	Lay Citizens
Craig D. Varn	05/10/16 to 03/01/19	Tallahassee	Lay Citizens
Jim McCarthy	12/16/16 to 07/01/19	Jacksonville	Environmental Community

Office Vacancies Filled by the Governor

Unless otherwise provided by the Florida Constitution, the Governor must fill by appointment any vacancy in a state, district, or county office for the remainder of the term of an appointed officer.⁹ For any office that requires Senate confirmation, the appointee may hold an interim term until the Senate takes up their confirmation.¹⁰ When the Senate rejects an officer, they may hold over for no more than 30 days until the Governor appoints their successor, and the successor is qualified.¹¹

If the Senate votes to take no action on a confirmation or otherwise fails to consider an appointee, the seat becomes vacant and the appointee may hold over for no more than 45 days. The Governor may reappoint this appointee.¹² If the Senate votes to take no action or for any other reason fails to consider the reappointment of the same person to the same office during the regular session immediately following the effective date of the reappointment, the reappointment of such person to such office shall be deemed to have been rejected. The office shall become vacant upon the adjournment sine die of the regular session immediately following the effective date of the reappointment and the appointee shall not hold over in that office or be eligible for reappointment in that office for 1 year thereafter.¹³

The Governor may fill a vacancy on the ERC for the unexpired term at any time.¹⁴

⁸ Department of Environmental Protection, *Environmental Regulation Commission*, <http://www.dep.state.fl.us/legal/ERC/members.htm> (last visited March 18, 2017).

⁹ Section 114.04, F.S.

¹⁰ *Id.*

¹¹ Section 114.05(1)(d), F.S.

¹² Section 114.05(1)(e), F.S.

¹³ Section 114.05(1)(f), F.S.

¹⁴ Section 20.255(6), F.S.

Human Health Criteria Rule Changes

During the summer of 2016, the ERC took up a rule proposal to change certain human health based water quality criteria, including the establishment of a new classification of waters. The DEP used a new methodology to update these standards. Some standards became more protective, while others became less protective.¹⁵

At the time the ERC considered the proposed rule changes, two vacancies existed on the ERC. The vacant seats were those seats on the ERC designated for the representation of local governments and the environmental community. These constituencies were not specifically represented on the ERC when it voted 3-2 to approve the new human health based water quality criteria. Some groups were concerned that the ERC took up the new standards before the Governor filled the two vacancies.¹⁶ The revised rules became effective on November 17, 2016.¹⁷

III. Effect of Proposed Changes:

CS/SB 198 amends the statutory section that establishes the Department of Environmental Protection (DEP) and the Environmental Regulation Commission (ERC),¹⁸ to require the Governor to appoint a new member, subject to confirmation by the Senate, within 90 days after the occurrence of a vacancy. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill also requires a proposed rule containing standards submitted to the ERC for approval, modification, or disapproval to receive a simple majority vote for approval or modification, unless the rule pertains to one of the following, in which case a supermajority of 5 votes is required for approval or modification:

- Air quality standards; or
- Water quality and quantity standards.

The bill provides that proposed rules that fail to receive the votes required for approval or modification are deemed disapproved.

The bill takes effect July 1, 2017.

¹⁵ DEP, *Surface Water Quality Standards*, <http://www.dep.state.fl.us/water/wqssp/> (last visited March 18, 2017); Jeff Burlew, *ERC signs off on controversial water standards*, Tallahassee Democrat (July 26, 2016), <http://www.tallahassee.com/story/news/2016/07/26/erc-signs-off-controversial-water-standards/87585308/> (last visited March 18, 2017).

¹⁶ *Id.*

¹⁷ Fla. Admin. Code R. 62-302.400 and Fla. Admin. Code R. 62-302.530.

¹⁸ Section 20.255, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

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:

The bill does not provide rulemaking authority or require executive branch rulemaking and is unlikely to result in significant rulemaking by DEP.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 20.255 and 403.805 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 Environmental Preservation and Conservation on March 22, 2017::

Delete everything amendment that:

- Removes language prohibiting an appointee, if the appointment occurs when the Legislature is in session, from becoming a member of the ERC until Senate confirmation.
- Removes language providing that the appointee, if the appointment occurs when the Legislature is not in session, serves in a provisional capacity and if not confirmed in the next regular session of the Legislature is immediately terminated, the Governor at that point is required to make a new appointment.
- Provides that rules containing standards for air quality, water quality, or water quantity require a supermajority of 5 votes to be adopted or modified, but removes from the bill the same requirement for a number of other standards in rule.

The strike-all retains the remaining provisions of the underlying bill, including the requirement that the Governor make a membership appointment within 90 days after the occurrence of a vacancy on the ERC.

- B. **Amendments:**

None.

By the Committee on Environmental Preservation and Conservation;
and Senators Stewart and Rodriguez

592-02751-17

2017198c1

A bill to be entitled

An act relating to the Environmental Regulation Commission; amending s. 20.255, F.S.; requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; amending s. 403.805, F.S.; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification; providing an effective date.

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

Section 1. Subsection (6) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(6) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission.

(a) The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. In making appointments, the Governor shall provide reasonable representation from all sections of the state. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.

592-02751-17

2017198c1

(b) The Governor shall, within 90 days after the occurrence of a vacancy on the commission, appoint a new member, subject to confirmation by the Senate.

(c) The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. All appointments shall be for 4-year terms.

(d) The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department. The commission may employ independent counsel and contract for the services of outside technical consultants.

Section 2. Subsection (4) is added to section 403.805, Florida Statutes, to read:

403.805 Secretary; powers and duties; review of specified rules.—

(4) Any proposed rule containing standards to be submitted to the commission for approval, modification, or disapproval pursuant to subsection (1) requires a simple majority for approval or modification, unless the rule pertains to any of the following, in which case approval or modification must be by a super majority of five votes:

(a) Air quality standards.

(b) Water quality and quantity standards.

Proposed rules that fail to receive the votes required for approval or modification pursuant to this subsection are deemed

592-02751-17

2017198c1

59 disapproved.

60 Section 3. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: March 24, 2017

I respectfully request that **Senate Bill # 198**, relating to the Environmental Regulation Commission, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "Linda Stewart". The signature is written in a cursive, flowing style.

Senator Linda Stewart
Florida Senate, District 13

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17
Meeting Date

SB198
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin (Butsen)

Job Title _____

Address 1628 Woodgate Way
Street
Tallahassee FL 32308
City State Zip

Phone 850-524-9846

Email pbutzin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Ethics and Elections

BILL: CS/SB 598

INTRODUCER: Ethics and Elections Committee and Senator Gibson

SUBJECT: Elections

DATE: April 4, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 598 allows a provisional ballot voter whose signature does not match the voter's registration signature or who fails to sign his or her name on the Voter's Certificate to "cure" the deficiency by submitting an affidavit *with a matching signature*, along with additional voter identification, by 5 p.m. on the *third* day following the election.

This bill has no fiscal impact on state government, but may result in minimal expenses for local Supervisors of Elections.

The bill is effective July 1, 2017.

II. Present Situation:

The ballot of a voter who fails to sign the Provisional Ballot Voter's Certificate and Affirmation, or that contains a signature that does not match the voter's registration signature, will not be counted; there is no process in law to fix the defective ballot.

When a poll worker cannot affirmatively confirm the eligibility of a person who presents himself or herself to vote at an early voting location or at a polling precinct on Election Day, the person is entitled to vote a "provisional," or conditional, ballot.¹

¹ Section 101.048(1), F.S.

In such case, the precinct clerk who is in charge of polling place operations generally works with the voter to complete the Provisional Ballot Voter's Certificate and Affirmation, making sure that all necessary information is filled out correctly including:

- **The voter's signature;**
- His or her printed name;
- Party registration;
- Residential address;
- Mailing address; and
- Driver's license number or the last four (4) digits of the voter's social security number.²

The Provisional Ballot Voter's Certificate and Affirmation must be sworn or affirmed before an election official, who must sign the attestation.³

The official gives the provisional voter written instructions about his or her right to provide the Supervisor of Elections with written evidence of eligibility by 5:00 p.m. on the second day after the election.⁴ The official also gives the provisional voter a numbered stub and directions on how to access a free system to find out if the provisional ballot was counted in the final tally or not, and if not, the reason why it was not counted.⁵ The Division of Elections Polling Place Procedures Manual, which election officials use at every precinct, details additional procedures.⁶

III. Effect of Proposed Changes:

CS/SB 598 establishes a statutory procedure to “cure” provisional ballots with defective voter signatures.

Specifically, the bill allows a provisional voter whose identity can otherwise be determined from information on the Provisional Ballot Voter's Certificate and Affirmation who fails to sign the Certificate, or whose signature doesn't match the voter's signature of record, to cure the omission by 5 p.m. on the third day after an election. Moving this deadline back one day means that some provisional ballots may not be included in the canvassing boards' *first set of unofficial results* for primary elections (due by noon of the third day after the election) — which the Secretary of State and canvassing boards rely upon in determining whether to order a recount in close races.

² *Id.* at (3).

³ *Id.*

⁴ *Id.* at (1). The 2nd day cut off allows for provisional ballots to be counted and included in the local canvassing boards' *first set of unofficial returns* to the Department of State, which provides the basis for the Secretary of State or county canvassing board to initiate the recount process in close elections (noon of the 3rd day after a primary election deadline; noon of the 4th day after a general election). Section 102.141(3),(5), F.S. The statutory time frames for the State Elections Canvassing Commission and the county canvassing boards to certify the election results — 5:00 p.m. on the 7th day after the primary election and the 12th day following the general election — can get extremely tight, especially when you have a statewide or multi-county race involving both machine recounts and manual recounts. Section 102.112, F.S.; *see also*, ss. 102.141(6),(7), F.S. (machine recount), and 102.166, F.S. (manual recount).

⁵ Section 101.048(5),(6), F.S..

⁶ *See* Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, pp.14-16 (June 2014) available at <http://dos.myflorida.com/media/695052/dsde11.pdf> (last accessed March 29, 2017).

A voter who is otherwise eligible and who voted in the correct precinct can cure by submitting a Provisional Ballot Affidavit with a signature that matches the voter's registration signature along with the same identifying information currently required for curing vote-by-mail ballots with missing or mismatched signatures.⁷

CS/SB 598 requires the supervisor to promptly notify a provisional voter whose ballot is rejected as illegal and provide the reason for the rejection. It prescribes the form of the Provisional Ballot Affidavit, and lays out procedures and requirements for completing and submitting it, including the manner of processing the submission. The bill also requires the Department of State and the Supervisor of Elections to include the Provisional Ballot Affidavit and instructions on their respective websites. The mailing address, email address, and fax number must be included on the webpage containing the affidavit instructions.

The voter's eligibility would still have to be determined in order for the ballot to count. The cure proposed in the bill would only ensure that the ballot would not be voided for lack of the requisite legal signature. The post-submission cure concept in the bill appears to mirror the vote-by-mail ballot cure process for missing signatures adopted in 2013.⁸

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷ Identification includes the following current and valid photo IDs: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or, an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality. Section 101.68(4), F.S. While the statutes do not expressly designate them, the current practice and informal legal interpretation is to allow a Florida driver's license and State-issued ID as permissible forms of photo identification. Additional forms of acceptable statutory identification include documentation with the voter's name and current residence address, such as current utility bill, bank statement, government check, paycheck, or government document, but excluding voter identification card. *Id.*; see also, *Fla. Dem. Party v. Detzner*, Case No. 4:16cv607-MW/CAS (N.D. Fla., Oct. 16, 2016) (ordering the State to allow voters to cure *mismatched* vote-by-mail signatures in the same manner as *missing* signatures).

⁸ The distinction, however, is that vote-by-mail electors have no election official guiding them through the process of completing the ballot certificate and affirmation, and no requirement for an election worker to counter-sign.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State has not completed an analysis of this bill. But its analysis of a similar bill last year indicated that there would be no fiscal impact on state government, but may result in minimal expenses for local Supervisors of Elections for providing copies of the cure affidavit and instructions to provisional voters who fail to sign the Voter's Certificate.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 101.048 of the Florida Statutes, and amends section 97.053, to conform.

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: 1) deletes the provisions of the bill relating to *vote-by-mail ballots*, transforming the bill into a pure *provisional ballot* bill; and, 2) narrows the title from “elections” to “canvassing of provisional ballots.”

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁹ Department of State, *2016 Legislative Bill Analysis for SB 532* (November 6, 2015) (on file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).



231560

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 216 - 268.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 31

and insert:

An act relating to the canvassing of provisional
ballots; amending s. 97.053, F.S.; revising a



231560

reference to the deadline for a person who cast a provisional ballot to present evidence verifying authenticity of certain information in a voter registration application, to conform; amending s. 101.048, F.S.; extending the timeframe for which a person who cast a provisional ballot may present written evidence supporting his or her eligibility to vote; revising requirements for instructions provided to a person who casts a provisional ballot, to conform; requiring the supervisor to provide certain notification to a person whose provisional ballot was rejected; requiring the supervisor to allow a person who voted a provisional ballot to present identification and submit an affidavit to cure an unsigned Provisional Ballot Voter's Certificate and Affirmation or a provisional ballot rejected due to a signature discrepancy; prescribing the form and content of the affidavit; providing instructions to accompany each affidavit; requiring the affidavit, instructions, and the supervisor's contact information to be posted on specified websites; requiring the supervisor to attach a received affidavit to the corresponding provisional ballot envelope; providing an effective date.

By Senator Gibson

6-00361A-17

2017598__

1 A bill to be entitled
 2 An act relating to elections; amending s. 97.053,
 3 F.S.; revising a reference to the deadline for a
 4 person who cast a provisional ballot to present
 5 evidence verifying authenticity of certain information
 6 in a voter registration application, to conform;
 7 amending s. 101.048, F.S.; extending the timeframe for
 8 which a person who cast a provisional ballot may
 9 present written evidence supporting his or her
 10 eligibility to vote; revising requirements for
 11 instructions provided to a person who casts a
 12 provisional ballot, to conform; requiring the
 13 supervisor to provide certain notification to a person
 14 whose provisional ballot was rejected; requiring the
 15 supervisor to allow a person who voted a provisional
 16 ballot to present identification and submit an
 17 affidavit to cure an unsigned Provisional Ballot
 18 Voter's Certificate and Affirmation or a provisional
 19 ballot rejected due to a signature discrepancy;
 20 prescribing the form and content of the affidavit;
 21 providing instructions to accompany each affidavit;
 22 requiring the affidavit, instructions, and the
 23 supervisor's contact information to be posted on
 24 specified websites; requiring the supervisor to attach
 25 a received affidavit to the corresponding provisional
 26 ballot envelope; amending s. 101.68, F.S.; requiring
 27 the supervisor to allow submission of an affidavit to
 28 cure signature discrepancies on a vote-by-mail ballot;
 29 extending the timeframe for which an elector may
 30 submit a vote-by-mail ballot affidavit to cure a
 31 rejected ballot; providing an effective date.
 32

Page 1 of 10

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2017598__

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Subsection (6) of section 97.053, Florida
 36 Statutes, is amended to read:

37 97.053 Acceptance of voter registration applications.—

38 (6) A voter registration application may be accepted as
 39 valid only after the department has verified the authenticity or
 40 nonexistence of the driver license number, the Florida
 41 identification card number, or the last four digits of the
 42 social security number provided by the applicant. If a completed
 43 voter registration application has been received by the book-
 44 closing deadline but the driver license number, the Florida
 45 identification card number, or the last four digits of the
 46 social security number provided by the applicant cannot be
 47 verified, the applicant shall be notified that the number cannot
 48 be verified and that the applicant must provide evidence to the
 49 supervisor sufficient to verify the authenticity of the
 50 applicant's driver license number, Florida identification card
 51 number, or last four digits of the social security number. If
 52 the applicant provides the necessary evidence, the supervisor
 53 shall place the applicant's name on the registration rolls as an
 54 active voter. If the applicant has not provided the necessary
 55 evidence or the number has not otherwise been verified prior to
 56 the applicant presenting himself or herself to vote, the
 57 applicant shall be provided a provisional ballot. The
 58 provisional ballot shall be counted only if the number is
 59 verified by the end of the canvassing period or if the applicant
 60 presents evidence to the supervisor of elections sufficient to
 61 verify the authenticity of the applicant's driver license

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number, Florida identification card number, or last four digits of the social security number no later than 5 p.m. of the third ~~second~~ day following the election.

Section 2. Subsection (1), paragraph (b) of subsection (2), and subsection (5) of section 101.048, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot shall have the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later than 5 p.m. on the third ~~second~~ day following the election.

(2)

(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall compare the signature on the Provisional Ballot Voter's Certificate and Affirmation or the provisional ballot affidavit, if applicable,

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as provided under paragraph (7) (a), with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(5) Each person casting a provisional ballot shall be given written instructions regarding the person's right to provide the supervisor of elections with written evidence of his or her eligibility to vote, and regarding the free access system established pursuant to subsection (6), and the opportunity to cure a rejected provisional ballot pursuant to subsection (7). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(7) The supervisor of elections shall, on behalf of the county canvassing board, notify each person whose provisional ballot was rejected as illegal and provide the specific reason the ballot was rejected. To the extent possible, the supervisor shall provide such notification before the deadline to submit a provisional ballot affidavit pursuant to paragraph (a).

(a) Until 5 p.m. on the third day following the election,

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the supervisor of elections shall allow a person who has voted a provisional ballot that does not include the person's signature on the Provisional Ballot Voter's Certificate and Affirmation, or that was rejected due to a difference between the person's signature on the Voter's Certificate and Affirmation with the signature on the voter's registration, to complete and submit an affidavit in order to cure the provisional ballot. The supervisor of elections may allow a person to submit an affidavit to cure a provisional ballot only if the person's identity can otherwise be ascertained through information provided in the Provisional Ballot Voter's Certificate and Affirmation.

(b) The person must provide identification to the supervisor of elections and must complete a provisional ballot affidavit in substantially the following form:

PROVISIONAL BALLOT AFFIDAVIT

I,, am a qualified voter in this election and registered voter of County, Florida. I do solemnly swear or affirm that I voted a provisional ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I may be convicted of a felony of the third degree, fined up to \$5,000, and imprisoned for up to 5 years. I understand that my failure to sign this affidavit means that my provisional ballot will be invalidated.

...(Voter's Signature)...

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...(Address)...

(c) Instructions must accompany the provisional ballot affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to cure the missing signature or the signature discrepancy on your Provisional Ballot Voter's Certificate and Affirmation, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the third day following the election.

2. You must sign your name on the line above (Voter's Signature).

3. You must make a copy of one of the following forms of identification:

a. Identification that includes your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; Florida license to carry a concealed weapon or firearm; or employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a

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178 county, or a municipality; or

179 b. Identification that shows your name and current
 180 residence address; current utility bill; bank statement;
 181 government check; paycheck; or government document (excluding
 182 voter identification card).

183 4. Place the envelope bearing the affidavit into a mailing
 184 envelope addressed to the supervisor of elections. Insert a copy
 185 of your identification in the mailing envelope. Mail, deliver,
 186 or have delivered the completed affidavit along with the copy of
 187 your identification to your county supervisor of elections. Be
 188 sure there is sufficient postage if mailed and that the
 189 supervisor's address is correct.

190 5. Alternatively, you may fax or e-mail your completed
 191 affidavit and a copy of your identification to the supervisor of
 192 elections. If e-mailing, please provide these documents as
 193 attachments.

194 6. Submitting a provisional ballot affidavit does not
 195 establish your eligibility to vote in this election or guarantee
 196 that your ballot will be counted. The county canvassing board
 197 determines your eligibility to vote through information provided
 198 on the Provisional Ballot Voter's Certificate and Affirmation,
 199 written evidence provided by you, and any other evidence
 200 presented by the supervisor of elections or a challenger. You
 201 may still be required to present additional written evidence to
 202 support your eligibility to vote no later than 5 p.m. on the
 203 third day following the election.

204 (d) The department and each supervisor of elections shall
 205 include the affidavit and instructions on their respective
 206 websites. The supervisor of elections shall include his or her

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207 office mailing address, e-mail address, and facsimile number on
 208 the page containing the affidavit instructions; the department's
 209 instruction page must include the office mailing addresses, e-
 210 mail addresses, and facsimile numbers of all supervisors of
 211 elections or provide a conspicuous link to such addresses.

212 (e) The supervisor of elections shall attach each affidavit
 213 received to the appropriate provisional ballot envelope
 214 containing the Provisional Ballot Voter's Certificate and
 215 Affirmation.

216 Section 3. Paragraphs (b) and (d) of subsection (4) of
 217 section 101.68, Florida Statutes, are amended to read:

218 101.68 Canvassing of vote-by-mail ballot.—

219 (4)

220 (b) Until 5 p.m. on the third day after ~~before~~ an election,
 221 the supervisor shall allow an elector who has returned a vote-
 222 by-mail ballot that does not include the elector's signature, or
 223 that was rejected due to a difference between the elector's
 224 signature on the voter's certificate or vote-by-mail ballot
 225 affidavit and the elector's signature in the registration books
 226 or precinct register, to complete and submit an affidavit in
 227 order to cure the ~~unsigned~~ vote-by-mail ballot.

228 (d) Instructions must accompany the vote-by-mail ballot
 229 affidavit in substantially the following form:

230
 231 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 232 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 233 BALLOT NOT TO COUNT.

234
 235 1. In order to ensure that your vote-by-mail ballot will be

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counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the third ~~2nd~~ day after ~~before~~ the election.

2. You must sign your name on the line above (Voter's Signature).

3. You must make a copy of one of the following forms of identification:

a. Identification that includes your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality; or

b. Identification that shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail, deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct.

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5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

Section 4. This act shall take effect July 1, 2017.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR AUDREY GIBSON
6th District

COMMITTEES:
Military and Veterans Affairs, Space, and
Domestic Security, *Chair*
Appropriations
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development
Commerce and Tourism
Judiciary
Regulated Industries
Joint Legislative Auditing Committee

February 9, 2017

Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections
420 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Chair Passidomo

I respectfully request that SB 598, relating to elections, be placed on the next committee agenda.

SB 598, requires the supervisor of elections to allow a person who voted a provisional ballot, submit an affidavit to cure an unsigned Provisional Ballot Voter's Certificate and Affirmation by a time certain exactly like that of an unsigned vote by mail ballot. In response to a federal court order, the bill expands the vote-by-mail ballot affidavit to allow a rejected ballot be cured due to a signature discrepancy.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Audrey Gibson".

Audrey Gibson
State Senator
District 6

REPLY TO:

- ☐ 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
- ☐ 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/17/17

Meeting Date

SB 598

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin (But seen)

Job Title _____

Address 1628 Woodgate Way
Street
TLH FL 32308
City State Zip

Phone 850-524-9946

Email pbutzin@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17

Meeting Date

598

Bill Number (if applicable)

Topic PROVISIONAL BALLOTS

Amendment Barcode (if applicable)

Name PAUL LUX

Job Title

Address Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing OKALOOSA COUNTY SUPERVISOR OF ELECTIONS

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Ethics and Elections

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	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹ 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.² Poll workers may utilize alternate procedures if the voter does not have the vote-by-mail ballot in his

¹ 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.

² *Id.*; ss. 101.68 and 101.69, F.S.

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 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.⁴ 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.

³ Section 101.69, F.S.

⁴ 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.



468388

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2017	.	
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The Committee on Ethics and Elections (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 101.69, Florida Statutes, is amended to
read:

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code shall not be construed to
prohibit any elector from voting in person at the elector's
precinct on the day of an election or at an early voting site,



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notwithstanding that the elector has requested a vote-by-mail ballot for that election. An elector who has returned a voted vote-by-mail ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. An elector who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct or to an early voting site. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector does not return the ballot and the election official:

(a)~~(1)~~ Confirms that the supervisor has received the elector's vote-by-mail ballot, the elector shall not be allowed to vote in person. If the elector maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the elector shall be provided a provisional ballot as provided in s. 101.048.

(b)~~(2)~~ Confirms that the supervisor has not received the elector's vote-by-mail ballot, the elector shall be allowed to vote in person as provided in this code. The elector's vote-by-mail ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."

(c)~~(3)~~ Cannot determine whether the supervisor has received the elector's vote-by-mail ballot, the elector may vote a provisional ballot as provided in s. 101.048.

(2) (a) If the elector chooses not to vote in person as



468388

provided in subsection (1), the 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 early voting site's hours of operation.

(b) The Division of Elections of the Department of State shall adopt uniform rules for the receipt of the ballots.

Section 2. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to vote-by-mail ballots; amending s. 101.69, F.S.; authorizing an elector to 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; requiring the Division of Elections to adopt rules; providing an effective date.



310190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2017	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Bean) recommended the following:

Senate Amendment to Amendment (468388) (with title amendment)

Delete lines 39 - 43
and insert:

(2) (a) If the supervisor in the elector's county of residence provides written notice to the division no later than the 30th day before an election, the elector may also vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the county during the early voting



310190

11 site's hours of operation.

12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete line 54

16 and insert:

17 101.69, F.S.; providing supervisors of elections the

18 option to allow an elector to vote by

By Senator Powell

30-01272-17

2017726__

A bill to be entitled

An act relating to vote-by-mail ballots; amending s.
101.64, F.S.; authorizing an absent elector to
personally deliver his or her completed vote-by-mail
ballot to an early voting site during specified hours;
requiring the Division of Elections to adopt rules;
providing an effective date.

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

Section 1. Subsection (5) is added to section 101.64,
Florida Statutes, to read:

101.64 Delivery of vote-by-mail ballots; envelopes; form;
early voting sites.—

(5) An absent elector may vote by personally delivering his
or her completed vote-by-mail ballot to an early voting site
during the early voting period hours established under s.
101.657. The Division of Elections of the Department of State
shall adopt uniform rules for the receipt of the ballots.

Section 2. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: March 1, 2017

I respectfully request that **Senate Bill #726**, relating to Vote-by-mail Ballots be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 30

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17
Meeting Date

SB 726
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin (But seen)

Job Title _____

Address 1628 Woodgate Way
Street
TLH FL 32308
City State Zip

Phone 850-524-9946

Email pbutzin@gmail.com
withdraws

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17
Meeting Date

726
Bill Number (if applicable)

Topic VOTE BY MAIL

Amendment Barcode (if applicable)

Name PAUL LUX

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing OKALOOSA SUPERVISOR OF ELECTIONS

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Ethics and Elections

BILL: CS/SB 1070

INTRODUCER: Ethics and Elections Committee and Senator Hutson

SUBJECT: Secretary of State

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	Fav/CS
2.			AP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1070 authorizes the Secretary of State to enter into information sharing agreements with other states for the purpose of maintaining the statewide voter registration system. The bill directs the Secretary to use that data to identify registered voters or applications for voter registration that would be potentially ineligible to vote.

The bill also provides that those involved with such a data sharing agreement must keep all personal information confidential, if that information or data was confidential in its state of origin.

CS/SB 1070, along with its public records counterpart CS/SB 1072, will provide the statutory authorization for Florida to join the Electronic Registration Information Center (ERIC), a private, non-profit, interstate consortium designed to help states improve the accuracy of their voter rolls through data match identification of problematic registrations and to increase access to voter registration for all eligible citizens. The bill would require that the Secretary of State or his or her designee be on the board of directors of ERIC or any other similar entity it joins.

The bill has a minor fiscal impact.

CS/SB 1070 will take effect on July 1, 2017.

II. Present Situation:

No complete national system currently exists to identify duplicate voter registrations across state lines. While there is no criminal or civil penalty for being registered in two states simultaneously, it is important to identify voters registered in multiple jurisdictions to ensure the accuracy of the voter rolls. Currently, the process in Florida relies upon either the voter voluntarily notifying Florida election officials that they have moved and registered to vote in a new state or, another state's voting officials notifying Florida election officials that the elector has registered there. In the event that Florida election officials receive notice from another state's election officials that one of its electors has registered in another state, the law requires that notification to be treated as a request from the voter to have his or her name removed from the Florida Voter Registration System.¹

If Florida election officials do not receive notice that the elector has moved, a voter who has moved out of state will eventually be put into an inactive status pursuant to the county supervisors of elections biennial voter list maintenance efforts and culled from the state's rolls by the *second subsequent general election*, as provided by federal law.² That means that a voter who has moved can remain on Florida's voter rolls for up to 4 years. It **does not mean**, however, that such a voter is casting ballots in two states in the same election; which would be a felony under Florida law.³

Florida Voter List Maintenance Information⁴

The Secretary of State, as the chief election officer of the State, is responsible for the operation and maintenance of the statewide voter registration system implemented as part of the Help America Vote Act of 2002.⁵ The 67 county Supervisors of Elections are primarily responsible for the registration of voters under section 98.045, F.S., and records maintenance activities including removal of voters pursuant to sections 98.065 and 98.075, F.S., Supervisors of Elections are the only election officials with authority to register and remove voters from the registration rolls.

These ongoing records maintenance activities are conducted to protect the integrity of the electoral process through current and accurate records and to ensure only eligible voters are registered in the statewide voter registration system. By law, any maintenance program or activity must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

As part of maintenance activities, the Florida Department of State's Division of Elections and county supervisor of elections offices may receive and use information from a variety of credible and reliable sources, including other Florida state and local agencies, federal government, and other states' elections officials, that may be useful in ensuring the accuracy of the registration system. Currently, information as to whether a voter has registered elsewhere is contingent upon

¹ Section 98.045(2)(b), F.S.

² Section 98.065(4)(b),(c), F.S.

³ Section 104.18, F.S.

⁴ This section is derived almost in its entirety from the Present Situation section of the Department of State bill analysis for SB 1070 (2017), provided by the pursuant to the Legislature's Agency Bill Analysis Request (ABAR) system.

⁵ See also § 98.035, F.S.

the voter voluntarily indicating on a voter registration application that he or she was previously registered elsewhere. A voter may provide that information at the time he or she first registers or in subsequent registration record updates. There is no requirement that a registered voter must notify a state that he or she has moved out of the state and may have registered elsewhere.

If a registered voter indicates a prior state of registration, Florida will notify the other State within two weeks of registration to take appropriate action, and other States reciprocate with similar information.⁶ If the Division of Elections is notified that a Florida registered voter may have registered elsewhere the information is processed and forwarded to the county Supervisor of Elections to take appropriate action to remove the voter. Sometimes the out-of-state cancellation information is forwarded directly to the county Supervisor of Elections. As noted above, a notice from another state election official that a voter has registered there is to be processed as if it were a direct request by the voter to be removed from rolls.⁷

Voter registration information once submitted to a governmental agency is public record pursuant to chapter 119, F.S., but a few exceptions exist. The social security number, the driver license number or state identification card number, where the voter submitted his or her registration information, and whether the voter declined to register or update voter registration information are exempt from public disclosure.⁸ Additionally, while a voter's signature can be viewed or inspected, it cannot be copied.⁹ Further, the law allows voters who fall into a number of high-risk professional classes to request that certain information such as their address and phone numbers and dates of birth be exempt for themselves and their spouses and children.¹⁰ Finally, the "voter stalking exemption" that the Legislature adopted in 2010 exempts the names, addresses, and telephone numbers of actual or threatened victims who participate in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence.¹¹

Electronic Registration Information Center (ERIC)

The Florida State Association of Supervisors of Elections has made joining ERIC one of its two *priority* legislative issues for the 2017 session.¹² This bill, along with its linked public records bill CS/SB 1072, provides the Secretary of State the necessary legal authorization to do so.

ERIC represents the best available, though admittedly only a partial, solution to identifying interstate duplicate voter registrations.

"The Electronic Registration Information Center (ERIC) is a ***non-profit organization*** (corporation) with the sole mission of assisting states to improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens. ERIC is governed and managed by states who choose to join, and was formed in 2012 with assistance from The Pew

⁶ Section 97.073(2), F.S.

⁷ Section 98.045(2), F.S.

⁸ Section 97.0585, F.S.

⁹ *Id.*

¹⁰ Section 119.071(4)(d)1., F.S.

¹¹ Section 741.4651, F.S.

¹² FSASE, 2017 Legislative Issues, available at, http://www.myfloridaelections.com/portals/fsase/Documents/Public%20Policy/2017_FSASE_Legislative_Priorities.pdf (last accessed (Mar. 20, 2017))

Charitable Trusts.”¹³ It is essentially a multistate, data-sharing partnership that uses modern technology to provide election officials with information to keep voter lists complete and current, and to increase voter registration by notifying qualified, unregistered voters.¹⁴

As of July 2016, ERIC has 20 state members plus the District of Columbia: Alabama, Alaska, Colorado, Connecticut, Delaware, Louisiana, Illinois, Maryland, Minnesota, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, and Wisconsin.¹⁵

ERIC is controlled by a Board of Directors with each State having a vote; however, only the first 20 states to join appoint a member of the Board of Directors.¹⁶ Florida would be the 21st state to join ERIC.

By joining ERIC, each member state submits, at a minimum, its voter registration and motor vehicle licensee data (which it updates every 60 days), including voter names, addresses, dates of birth, and last four digits of social security numbers.¹⁷ However, ERIC does not require information such as race, religion, political party affiliation, or other information that can be used for purposes of discrimination. Sensitive, private data is anonymized (or “one-way hashing”) and then transmitted to ERIC for use in the data matching process.¹⁸ ERIC assures that all data received is collected, matched, and stored in an environment with state-of-the-art security.¹⁹ The ERIC website offers a technical and security brief, for those seeking more information about privacy and technical concerns:

http://www.ericstates.org/images/documents/ERIC_Tech_and_Security_Brief_v2.1.pdf.

Using advanced algorithms, ERIC compares databases from its members and determines inaccuracies in states’ voting lists — who has moved *interstate* and *intrastate*, who has died, and who is eligible to vote, but is not yet registered.²⁰

¹³ <http://www.ericstates.org/>

¹⁴ The Pew Charitable Trusts, *ERIC Mailings Encourage Voter Registration in Washington State* (March 9, 2016), available at <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/03/09/eric-mailings-encourage-voter-registration-in-washington-state> (last accessed Jan. 25 2017). Recent data show that after the State of Washington sent mailings through the Electronic Registration Information Center (ERIC) to eligible but unregistered voters, new registrations came in at a rate of 12.4 percent (27,000/200,000). *Id.*

¹⁵ *Id.*; The most-recent census data indicates that the top 5 states with residents emigrating to Florida are New York, Georgia, Texas, New Jersey, and North Carolina. <http://www.governing.com/gov-data/census/2010-census-state-migration-statistics.html> (run query for “Moving to Florida”).

¹⁶ <http://www.ericstates.org/faq>; see also, ERIC Bylaws, Article III (last updated October 28, 2015), available at http://www.ericstates.org/images/documents/ERIC_Bylaws_10-28-2015.pdf (last visited Mar. 20, 2017). Florida could obtain a Director’s seat either through a supermajority vote of three-fourths of the membership or by filling a vacancy should one arise. Florida would be first in line to fill a vacancy as the 21st state to join the consortium. *Id.*

¹⁷ <http://www.ericstates.org/>; see also, ERIC Bylaws, Membership Agreement (Exhibit A), § 2b. (last updated October 28, 2015), available at http://www.ericstates.org/images/documents/ERIC_Bylaws_10-28-2015.pdf (last visited Mar. 20, 2017).

¹⁸ <http://www.ericstates.org/faq>; see also, ERIC, *ERIC, Technology and Security Overview*, available at http://www.ericstates.org/images/documents/ERIC_Tech_and_Security_Brief_v2.1.pdf (last accessed Mar. 20, 2017).

¹⁹ *Id.*

²⁰ Common Cause, *ERIC Fact Sheet*, Massachusetts Legislature HB 582 (Rep. Moran, 2015-2016, 189th General Court), available at <http://www.commoncause.org/states/massachusetts/issues/voting-and-elections/electronic-registration-information-center/ccma-eric-factsheet-final.pdf> (last accessed Mar. 20, 2017).

ERIC then makes a report available to the states so that: 1) supervisors of elections can confirm the eligibility of a voter and accuracy of the voter roll and, if necessary, either remove the voter or correct the inaccuracy on the roll, as appropriate (ERIC does not purge voters from individual states' registration rolls); and, 2) the State can send voter registration forms to age-eligible voters before the voter registration closing date for the next federal election.²¹

III. Effect of Proposed Changes:

CS/SB 1070 authorizes the Secretary, as he or she deems necessary, to enter into agreements or to join nongovernmental entities whose membership is composed entirely of state elections officials, to share information or data with other states in order to maintain the statewide voter registration system. The bill requires that the Secretary of State, or his or her designee, must serve as a full, voting member on the board of directors of any nongovernmental entity that Florida joins. However, such agreements or entities cannot be operated or controlled by the federal government. Additionally, Florida must be allowed to withdraw from such agreements or entities at any time. The bill directs the Secretary to use that data to identify registered voters or applications for voter registration that would be potentially ineligible to vote based on current law.

The bill also provides that all states and nongovernmental entities that receive personal information maintain the confidentiality of information or data given as part of the agreement, if that information or data was confidential in its state of origin.

The bill also requires an annual report to the Governor, President of the Senate, and Speaker of the House describing the agreement and providing information on the number of registered voters removed from the Florida Voter Registration system, as well as the reason for the removal.

By enacting CS/SB 1070, and its linked bill CS/SB 1072, the Secretary of State will be authorized to join ERIC,²² in order to: 1) better identify problem voter records in the statewide registration database that the supervisors of elections can either remove, if they are determined to be invalid, or correct; and 2) identify potential voters who the State can contact to register to vote. If Florida joins ERIC, the Secretary of State, or his or her designee, must serve on ERIC's Board of Directors. As mentioned above, this same requirement concerning service on the board of directors applies to any nongovernmental entity composed solely of elections officials that Florida may agree to join in sharing information for voter registration list maintenance activities.

²¹ <http://www.ericstates.org/faq>; see also, ERIC Bylaws, Membership Agreement (Exhibit A), § 5a.,b. (last updated October 28, 2015), available at http://www.ericstates.org/images/documents/ERIC_Bylaws_10-28-2015.pdf (last visited Mar. 20, 2017). It is important to note that when online voter registration "goes live" in October 2017, the Supervisors of Elections will not necessarily need to print and mail a Florida Voter Registration Application. The Supervisor could instead simply include the website address for the online voter registration system to potential voters.

²² While most of the discussion concerning this legislation revolves around whether Florida will join ERIC, technically the bill will allow Florida to enter into other similar agreements with other states as well.

Information provided to committee staff from ERIC on an initial set of Florida reports *projects* the following numbers:²³

- Intrastate voters: **717,000** voters who have moved within Florida but haven't updated their voter records;
- Interstate voters: **233,000** interstate voters with out-of date records because the voter moved to another state;
- Deceased voters: **24,000** voters still on the rolls;
- Duplicates: **17,000** duplicate registrations in the statewide database; and,
- Potential Voter Registrants: **4.5 million** eligible voters in the motor vehicles database to be contacted to register to vote.

ERIC caveats their numbers by stating that they are based on the “averages” of what other member states have experienced, but also indicates that their projections “have so far proven to be reliable predictors” of the number of records that show up on initial reports.

The bill is effective 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:

Local Government/Expenditures

²³ FSASE, 2017 Legislative Issues, (Page entitled ERIC at Work), available at, http://www.myfloridaelections.com/portals/fsase/Documents/Public%20Policy/2017_FSASE_Legislative_Priorities.pdf (last accessed (Mar. 20, 2017))

County supervisors of elections may incur expenses related to list maintenance activity triggered by the receipt of information from ERIC, especially if such information triggers a significant amount of activity that needs to be processed including outreach to voters to confirm addresses or eligibility. However, they may also incur downstream cost savings due to more efficient processes and reliable sources of data helping to maintain the voter rolls over the long term. The extent of the potential costs and savings is currently indeterminate.

State Government

Expenditures/non-recurring

ERIC charges a *one-time membership fee* of \$25,000 to join,²⁴ which will likely be the responsibility of the Department of State.

Expenditures/recurring

In addition, each ERIC member pays *annual dues* which are determined by a formula set by the Board of Directors, with larger states paying a bit more than smaller states. While the precise amount of dues is indeterminate and will vary from year-to-year, this amount is likely to be no more than about \$50,000-\$75,000/year, based on ERIC's projected budget of \$785,000 for FY 2016-17 (for the current 20 members).²⁵ It is also believed that, in the event that Florida joins ERIC, there will be several other states following suit which could affect the cost for dues. The Department may also alternatively incur expenses related to working with the data sets provided through participation with ERIC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 97.012 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:

²⁴ ERIC Bylaws, Article II, § 4 (last updated October 28, 2015), available at http://www.ericstates.org/images/documents/ERIC_Bylaws_10-28-2015.pdf (last visited Mar. 20, 2017)

²⁵ <http://www.ericstates.org/faq>

- Moves the authorization to join interstate agreements and nongovernmental entities whose membership is composed solely of elections officials for purposes of voter list maintenance activities from s. 97.012, F.S. (relating to the duties of the Secretary of State) to s. 98.075, F.S. (relating to voter registration list maintenance activities and ineligibility determinations);
- Authorizes the Department of State to participate in such agreements or entities so long as they are not operated or controlled by the federal government or any entity on behalf of the federal government;
- If the Department enters an interstate agreement or agrees to join a nongovernmental entity, the agreement must allow the Department to withdraw from the agreement or entities at any time;
- Requires an annual report to the Governor, President of the Senate, and Speaker of the House describing the agreement and providing information on the number of registered voters removed from the Florida Voter Registration system, as well as the reason for the removal;
- Requires each member, and the entity, to agree to maintain personal information such as social security numbers confidential according to the laws of the state that supplies that information; and,
- Requires the Secretary or his or her designee to be a full voting member of the board of directors of any non-governmental entity it joins for the purposes of exchange information to improve voter list maintenance activities.

B. Amendments:

None.



613644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 98.075, Florida
Statutes, is amended to read:

98.075 Registration records maintenance activities;
ineligibility determinations.—

(2) DUPLICATE REGISTRATION.—

(a) The department shall identify those voters who are



613644

registered more than once within the state or those applicants whose registration applications within the state would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(b)1. The department may enter into interstate agreements to share and exchange information in order to verify voter registration information. The department shall provide such information to the supervisors to conduct registration list maintenance activities.

2. The department may only participate in an interstate agreement that is controlled and operated by the participating states. The interstate agreement may not be operated or controlled by the Federal Government or any other entity acting on behalf of the Federal Government. The department must be able to withdraw from any interstate agreement entered into at any time.

3. If the department enters into an interstate agreement, the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. The report must describe the agreement and provide information on the total number of voters removed from the voter registration system as a result of the agreement and the reasons for their removal.

Section 2. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:



613644

40 A bill to be entitled
41 An act relating to voter registration list
42 maintenance; amending s. 98.075, F.S.; authorizing the
43 Department of State to enter into certain interstate
44 agreements to verify voter registration information;
45 requiring the department to share certain information
46 with the supervisors of elections; establishing
47 requirements for participation in such agreements;
48 establishing reporting requirements; providing an
49 effective date.



532904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Bean) recommended the following:

Senate Amendment to Amendment (613644) (with title amendment)

Delete lines 15 - 33
and insert:

(b)1. The department may enter into interstate agreements or become a member of a nongovernmental entity whose membership is composed solely of state government election officials if the sole purpose of the agreement or membership is to share and exchange information in order to verify voter registration



532904

11 information. If the department intends to become a member of
12 such a nongovernmental entity, the agreement to join the entity
13 must require that the Secretary of State, or his or her
14 designee, serve as a full member with voting rights on the
15 nongovernmental entity's board of directors. The department
16 shall provide information it receives as a result of the
17 agreements or memberships to the supervisors to conduct
18 registration list maintenance activities.

19 2. If the department enters into an interstate agreement or
20 becomes a member of a nongovernmental entity pursuant to
21 subparagraph 1., each state that is a participant in the
22 agreement or a member of the nongovernmental entity must agree
23 to maintain the confidentiality of personal information as
24 required by the laws of the state supplying the information to
25 the entity or participating states. The bylaws of a
26 nongovernmental entity must also contain a provision requiring
27 member states and the entity to maintain the confidentiality of
28 personal information as required by the laws of the state
29 supplying the information to the entity.

30 3. The department may only participate in an interstate
31 agreement or become a member of a nongovernmental entity as
32 provided in subparagraph 1. if the agreement or entity is
33 controlled and operated by the participating states. The
34 interstate agreement or entity may not be operated or controlled
35 by the Federal Government or any other entity acting on behalf
36 of the Federal Government. The department must be able to
37 withdraw at any time from any interstate agreement or membership
38 entered into.

39 4. If the department enters into an interstate agreement or



532904

becomes a member of a nongovernmental entity as provided in
subparagraph 1., the department must submit a report to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives by December 1 of each year. The report
must describe the agreement or membership and provide
information on the total number of voters removed from the voter
registration system as a result of the agreement or membership
and the reasons for their removal.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 44 - 47

and insert:

agreements or become a member of a nongovernmental
entity to verify voter registration information;
requiring the department to share certain information
with supervisors of elections; establishing
requirements for participation in such agreements or
memberships;

By Senator Hutson

7-01180-17

20171070__

A bill to be entitled

An act relating to the Secretary of State; amending s. 97.012, F.S.; requiring the secretary to enter into certain agreements with other states to maintain the statewide voter registration system; providing responsibilities of the secretary; providing an effective date.

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

Section 1. Subsection (17) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(17) Enter into agreements to share information or data with other states, as the secretary considers necessary, in order to maintain the statewide voter registration system. Except as otherwise provided in this subsection, the secretary shall maintain the confidentiality of any information or data, provided that it is confidential in its state of origin. However, the secretary may provide such confidential information or data to persons or organizations responsible for the maintenance of the statewide voter registration system. The secretary shall use such information and data to identify registered voters or applicants for voter registration who may be potentially ineligible to vote based on information provided in accordance with s. 98.075.

Section 2. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: March 9, 2017

I respectfully request that **Senate Bill #1070**, relating to Secretary of State, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, reading "Travis J. Hutson".

Senator Travis Hutson
Florida Senate, District 7

Last updated on March 28, 2014; May 21, 2015; October 28, 2015; December 16, 2016

**ELECTRONIC REGISTRATION INFORMATION CENTER,
INC.**

BYLAWS

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ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

BYLAWS

ARTICLE I

Offices

Section 1. Location. The principal office of Electronic Registration Information Center, Inc. (the "Corporation") shall be located within or without the State of Delaware, at such place as the Board of Directors shall from time to time designate. The Corporation may also maintain additional offices at such other places as the Board of Directors may from time to time designate. The Corporation shall have and maintain within the State of Delaware a registered office at such place as may be designated by the Board of Directors.

ARTICLE II

Members

Section 1. Members. The members of the Corporation shall consist solely of state, local or territorial governmental units or the District of Columbia. Each member shall be represented by the chief election official or a chief election official's designee to act on the member's behalf for all purposes related to the Corporation, including service on the Board of Directors or as an Officer (the "Member Representative"). A chief election official may designate a new or replacement Member Representative at any time for any reason, at their discretion, upon written or electronic notice to the Board. If multiple local governmental units from a single state seek to be admitted, they shall appoint one representative from amongst them to serve as the Member's Representative, until such time as their entire state joins, whereupon the state will replace the local governmental units as the member, and the state's chief election official or their designee of that state shall be appointed as the Member's Representative.

Section 2. Admission of Members. Any jurisdiction seeking membership shall apply to the Executive Director of ERIC. The Executive Director shall provide written notice to the Membership of ERIC's intent to admit a new jurisdiction, and Members shall have five (5) business days to submit objections to the Executive Director in writing. If there are no objections, the new jurisdiction shall be automatically admitted to Membership effective upon execution of the membership agreement and payment of the Membership Fee as required by Article II, Section 4 of these Bylaws. If one or more Members object to the admission of the new jurisdiction, then the jurisdiction shall be admitted to Membership upon a majority vote of the entire membership, effective upon execution of the membership agreement and payment of the Membership Fee.

Section 3. Membership Agreement. Each member shall sign a membership agreement that sets forth the terms and conditions of membership in the Corporation, which is

attached as Exhibit A to these Bylaws. The membership agreement may be amended, modified, or substituted by a four-fifths vote of the entire membership.

Section 4. Membership Fee. Upon admission and execution of the membership agreement, each member shall pay a one-time membership fee of \$25,000 to the Corporation. When local governmental units are admitted, and in the event that other local governmental units from the same state or the state as a whole are admitted subsequently, no further membership fee shall be required for that state. With respect to individual members, the schedule for payment of the membership fee may be modified by a majority vote of the Board.

Section 5. Dues. Each member shall pay annual membership dues. Each year, the membership shall approve the annual dues (the "Dues Schedule"), which shall form the basis of the Corporation's budget to be set annually by the Board. The Dues Schedule may be amended, modified, or substituted by a majority vote of the membership, however, the schedule for payment of dues by individual members may be modified by a majority vote of the Board. The Executive Director shall set the schedule for payment of membership dues in accordance with section 1 of the Membership Agreement. Any member of the Corporation who is delinquent in the payment of dues shall be notified of the delinquency and suspended from certain privileges of membership as provided for in the membership agreement. If dues are ninety (90) days delinquent, the delinquent member shall forfeit all rights and privileges of membership and be automatically removed from membership. No dues will be refunded after payment, absent an overpayment or other payment error.

Section 6. Term of Membership; Good Standing. Members shall remain members provided they remain in good standing with the Corporation. Each member shall remain in good standing by complying with all of the terms and conditions of the membership agreement and paying annual dues on a timely basis, as described in Section 5 of this Article. A member that is out of compliance with the requirements for good standing may be subject to removal, including automatic removal, as set forth in Section 8 of this Article.

Section 7. Resignation. A member may resign by mailing or delivering written notice to the Secretary of the Corporation. A member must provide a minimum of 91 days notice before their resignation is effective, provided however, that any notice of resignation that would otherwise become effective during the 91 days preceding a federal general election will not be effective until the first business day following the federal general election. Any paid dues will not be refunded, and a member shall be responsible and liable for any dues assessed prior to notice being received. However, if a member who has resigned reapplies for membership in the same fiscal year, dues previously paid will be credited to their membership dues for that fiscal year. If the sole reason for member's resignation is a material breach by ERIC of the membership agreement, member may not issue a notice of resignation in accordance with this section unless a) it has provided written notice to ERIC of the alleged breach; and b) within thirty (30) days (or such other time specified in the membership agreement) of receiving such notice from member, ERIC is unable to cure the breach or determines the breach cannot be cured.

Section 8. Removal.

(a) Automatic Removal: A member shall be automatically removed from membership for failure to comply with the “automatic removal” provisions as set forth in the membership agreement. Such automatic removal shall be effective upon notice by the Chair and/or Executive Director to the non-compliant member.

(b) Other Grounds for Removal: Any member may be removed at any time, with or without cause, by a three-fourths vote of the entire membership. The membership may vote to remove a member solely for a breach of the provisions of the membership agreement (with the exception of those provisions that trigger automatic removal) only if the breach cannot be cured or, if curable, is not cured by the member within thirty (30) days (or such other time as may be specified in the membership agreement) of receiving notice of the breach from the Corporation.

(c) Dues Upon Removal: Any paid dues will not be refunded following removal.

(d) Readmission to Membership: After termination of membership pursuant to this Section, the member may reapply for membership at any time, without penalty, subject to remedying the cause for termination. Any dues assessed to the member upon reapplication shall be credited the amount of dues paid previously for the same fiscal year.

Section 9. Meetings of the Members. An annual meeting of the members shall be held each year at such time and place as shall be fixed by the members for the appointment of directors, as necessary, and the transaction of other business as may properly come before the members.

Regular or special meetings of the members may be held at such times as may be fixed by the members. All meetings of the members shall be open to the public, except as provided by law.

Meetings of the members may be held at such places within or without the State of Delaware as may be fixed by the members for annual and regular meetings and in the notice of meeting for special meetings. The Board may authorize that meetings of the members may be held by means of remote communication in accordance with Section 211(a)(2) of the General Corporation Law of the State of Delaware, and other applicable laws. Minutes of any meeting of the members shall be published within sixty (60) days of the meeting.

Section 10. Notice. Annual and special meetings of the members shall be held upon at least ten (10) days’ notice by first-class mail, personal delivery, or by telephone, facsimile, electronic transmission or other similar means of communication to the members, and publication by appropriate means. The notice shall be given by or at the direction of the Chair or the Secretary, who shall call a meeting on the request of two or more directors, or a majority of the entire membership. In the case of a meeting at which amendments to the Certificate of Incorporation, bylaws or membership agreement will be submitted to the members, the notice of such meeting shall set forth the proposed amendment or a summary of the changes to be effected thereby.

Section 11. Waivers of Notice. Whenever any notice is required to be given to a member, a waiver thereof in writing, signed by the person or persons entitled to such notice, or by electronic transmission, whether before or after the time stated therein, shall be equivalent to the giving of such notice. Such waiver need not specify the purpose or purposes of the meeting.

Section 12. Quorum, Vote, Proxy. A majority of the members of the Corporation, as represented by their respective member representatives, shall constitute a quorum at a meeting of members, and the affirmative vote of a majority of such members present at the meeting and entitled to vote on the subject matter shall be the act of the members, except as otherwise provided herein. As permitted by Delaware law, a member entitled to vote on matters reserved to the membership may do so by identifying a proxy for the member representative, who shall be a part of the member representative's staff or department.

Section 13. Written Consent of Members. Any action required or permitted to be taken at a meeting of the members may be taken without a meeting if the members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting of the members consent in writing or by electronic transmission to the adoption of a resolution authorizing such action. Each resolution so adopted and the writings or electronic transmissions evidencing such consent by the members shall be filed with the minutes of the proceedings of the members.

ARTICLE III

Board of Directors

Section 1. Power of Board and Qualification of Directors. The business and affairs of the Corporation shall be managed by or under the direction of its Board of Directors.

Section 2. Number of Directors. The initial Board of Directors shall number no less than three (3) and serve until the appointment of the first eight Member Representatives to the Board. After the appointment of the initial Member Representatives to the Board, in accordance with Article III, Section 3, the number of directors constituting the entire Board shall be fixed by the Board from time to time but shall be no more than twenty (20). The number of directors may be increased from time to time by a vote of three-fourths of the entire membership.

Section 3. Appointment and Term of Directors. The Member Representatives of the first eight Members to join the Corporation shall serve on the Board of Directors through the Corporation's fiscal year ending 2014. The Member Representatives of the next seven members to join the Corporation shall serve on the Board of Directors through the Corporation's fiscal year ending in 2013. After the expiration of the Directors' terms in 2013 and 2014, all Directors shall serve for a term of two years and until their successors are selected and qualified, or until their earlier removal or death. Member Representatives of Members in good standing shall be eligible to serve as Directors in the order in which they became Members, which shall be deemed for the purposes of this Section to be the date they execute the Membership Agreement. Likewise, once the maximum number of Directors is reached, Members shall rotate off the board in the order in which they became Members, with the most senior members rotating off first at the conclusion of the two-year term then being served. This rotation shall continue until all

members have served on the Board, and then the process will renew starting with the most senior members. Terms shall be deemed to start at the annual meeting date in the calendar year in which the Member begins board service (or, in the case of the first eight Members, the annual meeting date in 2014) and to end at the annual meeting date two years later. Pursuant to Article II, Section 1, a Member serving on the Board may replace its designated Member's Representative serving on the Board at any time and for any reason at its discretion, for the duration of that Member's term on the Board. At any point prior to or during their period of eligibility, a Member may decline to have their Member Representative serve on the Board. Declining to have a Member Representative serve on the Board shall have no effect on the Member's other rights under these Bylaws and such Member shall remain eligible to have their Member Representative serve on the Board when it next becomes eligible to do so under this Article III, Section 3.

Section 4. Non-Voting Seats on Board of Directors

(a) Representative from Pew. The Pew Charitable Trusts shall designate a representative to serve as a non-voting member of the Board of Directors.

(b) Other Non-Voting Seats. The Board may establish up to two other non-voting members of the Board of Directors for individuals who are experts in voting and elections but not governmental employees.

Section 5. Newly-Created Directorships and Vacancies. Newly-created directorships resulting from an increase in the number of Directors shall be filled as indicated in Section 3, above, with the next-most-senior Member who is not currently serving on the Board having its Member Representative fill the vacancy. A Member Representative selected to fill a Director's vacancy for a term of more than one year shall hold office for the unexpired term of his or her predecessor. A Member Representative selected to fill a Director's vacancy for a term equal to or less than one year shall hold office for the unexpired term of his or her predecessor, plus two years.

Section 6. Resignation. Any director may resign from office at any time by delivering a resignation in writing to the Corporation. Such resignation shall take effect at the time specified therein, and unless otherwise specified, acceptance of such resignation shall not be necessary to make it effective.

Section 7. Removal of Directors. Any director may be removed from office at any time, with or without cause, by a vote of three-fourths of the entire Board.

Section 8. Meetings of the Board. An annual meeting of the Board of Directors shall be held each year at such time and place as shall be fixed by the Board of Directors, for the election of officers and for the transaction of such other business as may properly come before the meeting.

Regular meetings of the Board shall be held at such times as may be fixed by the Board. Special meetings of the Board may be held at any time whenever called by the Chair of the Board or any two directors. Any Member Representative may attend any meeting of the Board.

Meetings of the Board of Directors may be held at such places within or without the State

of Delaware as may be fixed by the Board for annual and regular meetings and in the notice of meeting for special meetings. Minutes of any meeting of the Board shall be published following the meeting.

Section 9. Notice. Annual and special meetings of the Board shall be held upon at least five (5) days' written notice by first-class mail or twenty-four (24) hours' notice given personally or by telephone, facsimile, electronic transmission or other similar means of communication to all members.

Any such notice shall be addressed or delivered to each member at such member's address as it is upon the records of the Corporation or as may have been given to the Corporation by the member for purposes of notice.

Section 10. Quorum and Voting. Unless a greater proportion is required by law, the Certificate of Incorporation or these Bylaws, a majority of the entire Board of Directors shall constitute a quorum for the transaction of business or of any specified item of business and, except as otherwise provided by law, the Certificate of Incorporation or these Bylaws, the vote of a majority of the directors present at a meeting at the time of the vote, if a quorum is present at such time, shall be the act of the Board. Directors are not permitted to give a proxy to someone to act on his or her behalf with respect to actions of the Board.

Section 11. Written Consent of Directors; Meetings by Conference Telephone. Any action required or permitted to be taken by the Board of Directors or any committee thereof may be taken without a meeting if all members of the Board or such committee consent in writing or by electronic transmission to the adoption of a resolution authorizing such action. Each resolution so adopted and the writings or electronic transmissions evidencing such consent by members of the Board or such committee shall be filed with the minutes of the proceedings of the Board or such committee.

Any one or more members of the Board of Directors or of any committee thereof may participate in a meeting of such Board or committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

Section 12. Compensation of Directors. Directors shall receive neither compensation nor reimbursement of expenses for their services as such.

ARTICLE IV

Committees

Section 1. Committees of the Board. The Board of Directors, by resolution adopted by a majority of the entire Board, may designate from among its members an Executive Committee and other standing committees, each consisting of two or more directors, and each of which, to the extent provided in the resolution and to the fullest extent of the law, shall have and may exercise all the powers and authority of the Board. No committee may a) take any action expressly reserved under these Bylaws and Membership Agreement to the Members for

approval; b) amend the certificate of incorporation, these bylaws or the Membership Agreement; c) elect or remove officers; d) remove directors; e) elect or remove non-voting members of the Board; f) elect members of committees; g) hire or discharge an executive director; h) adopt an agreement of merger or consolidation; i) recommend to the membership the sale, lease or exchange of all or substantially all of the Corporation's property and assets; or j) recommend to the membership a dissolution of the Corporation or a revocation of a dissolution of the Corporation. The Board of Directors shall have the power at any time to designate a member of such committee as its chair, fill vacancies, change the membership or discharge a committee.

Section 2. Committee Rules. Unless the Board of Directors otherwise provides, each committee designated by the Board may make, alter and repeal rules for the conduct of its business. In the absence of a contrary provision established by the Board of Directors or in rules adopted by such committee, a majority of the entire authorized number of members of each committee shall constitute a quorum for the transaction of business, the vote of a majority of the members present at a meeting at the time of such vote if a quorum is then present shall be the act of such committee, and each committee shall otherwise conduct its business in the same manner as the Board of Directors conducts its business under Article III of these Bylaws.

Section 3. Service of Committees. Each committee of the Board of Directors shall serve at the pleasure of the Board. The designation of any such committee and the delegation thereto of authority shall not alone relieve any director of his or her duty under law to the Corporation.

Section 4. Records. Minutes shall be kept of each meeting of each committee. Copies of the minutes of each such meeting shall be filed with the corporate records and supplied to each member of the Board of Directors.

Section 5. Advisory Board. The Board of Directors shall create a Privacy and Technology Advisory Board, and may create such other advisory boards and appoint to them such persons as it deems appropriate. Persons serving in such advisory capacity shall not exercise any of the powers granted to the Board of Directors in these Bylaws.

Section 6. Executive Committee.

(a) Ex Officio Membership: The Executive Committee shall consist of the Chair, Vice Chair, Immediate Past Chair, Treasurer, and Secretary of the Board (the *ex officio* members). The Executive Director shall serve as an *ex officio* non-voting member of the Executive Committee.

(b) Elected Membership: In addition to the *ex officio* members, the Executive Committee shall include two voting members of the Board of Directors elected by the Board of Directors. Such committee members shall serve in this capacity for terms of one year, not to exceed two consecutive one-year terms.

(c) Chair of Executive Committee: The Chair of the Board shall be the Chair of the Executive Committee.

(d) Role and Powers of Executive Committee: Except as set forth in Article IV, Section 1 above, or as otherwise proscribed by the Board, the Executive Committee shall have the authority to exercise all powers of the Board of Directors between meetings of the Board. In addition, the Executive Committee's responsibilities shall include preparing and proposing to the Board a slate of candidates for officer positions and elected members of the Executive Committee, including in the event of a vacancy, and the Executive Director. The Executive Committee shall hold regular meetings at such times as it shall determine and special meetings as requested by the Chair, the Executive Director, or any two of its members. Actions of the Executive Committee shall be reported to the Board.

ARTICLE V

Officers, Agents and Employees

Section 1. General Provisions. The officers of the Corporation shall be a Chair, a Vice Chair, the Immediate Past Chair, a Secretary, a Treasurer and may include such other officers as may be deemed necessary.

Section 2. Term of Office, Vacancies and Removal. The officers shall be elected by the Board of Directors from among its membership at the annual meeting of the Board. The Board may appoint other officers, who shall have such authority and perform such duties as may be prescribed by the Board. Each officer shall hold office for a term of one year, until the next annual meeting of the Board after his or her appointment and until his or her successor has been appointed and qualified. Any two or more offices may be held by the same person, except the offices of Chair and Secretary. If an office becomes vacant for any reason, the Board may fill such vacancy. Any officer so appointed or elected shall serve only until such time as the unexpired term of his or her successor shall have expired unless re-elected by the Board. Any officer may be removed by a vote of the majority of the Board with or without cause. Such removal without cause shall be without prejudice to such person's contract rights, if any, but the appointment of any person as an officer of the Corporation shall not of itself create contract rights.

Section 3. Powers and Duties of Officers.

(a) Chair. The Chair shall preside at all meetings of the Board of Directors. The Chair shall perform all duties customary to that office and shall supervise and control all of the affairs of the Corporation in accordance with the policies and directives approved by the Board of Directors.

(b) Vice Chair: The Vice Chair shall serve as advisor to the Chair and shall substitute for the Chair in his or her absence or inability to serve.

(c) Immediate Past Chair: The Immediate Past Chair shall serve as advisor to the Chair, the Executive Director and the Board.

(d) Secretary. The Secretary shall be responsible for the keeping of an accurate record of the proceedings of all meetings of the Board of Directors, shall give or cause to be given all notices in accordance with these Bylaws or as required by law, and, in general,

shall perform all duties customary to the office of Secretary. The Secretary shall have custody of the corporate seal of the Corporation, if any; and shall have authority to affix the same to any instrument requiring it; and, when so affixed, it may be attested by his or her signature. The Board may give general authority to any officer to affix the seal of the Corporation, if any, and to attest the affixing by his or her signature.

(e) **Treasurer.** The Treasurer shall have the custody of, and be responsible for, all funds and securities of the Corporation; shall keep or cause to be kept complete and accurate accounts of receipts and disbursements of the Corporation; and shall deposit all monies and other valuable property of the Corporation in the name and to the credit of the Corporation in such banks or depositories as the Board of Directors may designate. Whenever required by the Board, and at the annual membership meeting, the Treasurer shall render a statement of accounts. The Treasurer shall at all reasonable times exhibit the books and accounts to any officer or director of the Corporation, and shall perform all duties incident to the office of Treasurer, subject to the supervision of the Board, and such other duties as shall from time to time be assigned by the Board. The Treasurer shall, if required by the Board, give such bond or security for the faithful performance of his or her duties as the Board may require.

Section 4. Executive Director. The Board of Directors shall hire an Executive Director who shall serve as the chief executive officer of the Corporation. The Executive Director shall have day-to-day responsibility for the management of the staff and programs of the Corporation, including carrying out the Corporation's goals and Board approved policies. The Executive Director shall serve as an ex-officio, non-voting member of the Board; report on the progress of the Corporation's activities, publish by appropriate means all data received from the Members pursuant to the Membership Agreement, provide notice to members regarding any changes in their standing with regard to the Corporation, answer questions of Board members and carry out the duties described in the job description. The Board may designate other duties as necessary. The Executive Director shall report to the Chair of the Corporation.

Section 5. Agents and Employees. The Board of Directors may hire or appoint agents and employees who shall have such authority and perform such duties as may be prescribed by the Board. The Board may remove any agent or employee at any time with or without cause. The foregoing powers may be delegated to the Executive Director. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

Section 6. Compensation of Officers, Agents and Employees. Salaries or other compensation of officers, agents and employees may be fixed from time to time by the Board of Directors, or this power may be delegated to the Executive Director; provided, however that such salaries and compensation shall not be excessive in amount and shall be for services which are reasonable and necessary for performance of the Corporation's purposes.

ARTICLE VI

Miscellaneous

Section 1. Fiscal Year. The fiscal year of the Corporation shall be determined by resolution of the Board of Directors.

Section 2. Corporate Seal. The seal of the Corporation shall be circular in form and contain the name of the Corporation, the words "Corporate Seal" and "Delaware" and the year the Corporation was formed in the center. The Corporation may use the seal by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

Section 3. Checks, Notes, Contracts. The Board of Directors shall determine who shall be authorized from time to time on the Corporation's behalf to sign checks, notes, drafts, acceptances, bills of exchange and other orders or obligations for the payment of money; to enter into contracts; or to execute and deliver other documents and instruments.

Section 4. Books and Records. The Corporation shall keep at its principal office (1) correct and complete books and records of accounts, (2) minutes of the proceedings of its Board and any committee of the Corporation, and (3) a current list or record containing the names and addresses of all members, directors and officers of the Corporation. Any of the books, records and minutes of the Corporation may be in written form or in any other form capable of being converted into written form within a reasonable time.

Section 5. Amendments to Certificate, Bylaws and Membership Agreement. The Certificate of Incorporation may be amended in whole or in part by the members. These Bylaws may be amended or repealed, in whole or in part, by a two-thirds vote of the entire membership. The Membership Agreement may be amended, in whole or in part, by a four-fifths vote of the entire membership.

Section 6. Privacy. The protection of individual's privacy being of significant importance to the Corporation, the Corporation shall take all reasonable and prudent actions to prevent and/or contest the disclosure of any personal or individual data held within the Corporation's control to anyone other than the members.

Section 7. Indemnification and Insurance. The Corporation may, to the fullest extent permitted by law, indemnify any present or former director, officer, employee or agent or any person who may have served at its request as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, whether for profit or not for profit, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement, actually and reasonably incurred by him or her in connection with any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative, or investigative, to which he or she may be or is made a party by reason of being or having been such director, officer, employee or agent if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. However, there shall be no indemnification in respect of any claim, issue or matter as to which he or she shall have been adjudged to be liable to the Corporation unless and only to the extent that the Court of Chancery or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of

all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the Court of Chancery or such other court shall deem proper.

The Corporation shall have the power to purchase and maintain insurance to indemnify the Corporation and its directors and officers to the full extent such indemnification is permitted by law.

The Corporation may pay expenses (including attorneys' fees) incurred by an officer or director in defending any civil, criminal, administrative or investigative action, suit or proceeding in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of such officer or director to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified by the Corporation under this Article. Such expenses (including attorneys' fees) incurred by other employees and agents may be paid upon such terms and conditions, if any, as the Board of Directors deems appropriate.

In no case, however, shall the Corporation indemnify, reimburse, or insure any person for any taxes imposed on such individual under chapter 42 of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended ("the Code"). Further, if at any time the Corporation is deemed to be a private foundation within the meaning of § 509 of the Code then, during such time, no payment shall be made under this Article if such payment would constitute an act of self-dealing or a taxable expenditure, as defined in § 4941(d) or § 4945(d), respectively, of the Code.

If any part of this Article shall be found in any action, suit, or proceeding to be invalid or ineffective, the validity and the effectiveness of the remaining parts shall not be affected.

OFFICER'S CERTIFICATE

I, _____, _____ of the Electronic Registration Information Center, formed and existing under the laws of the State of Delaware, do hereby certify that the foregoing is a true and complete copy of the Bylaws of this not-for-profit corporation as submitted and read to, and adopted by, the Board of Directors on _____, 20__.

IN WITNESS THEREOF, I have hereunder ascribed my name and affixed the Seal of the Corporation on this ____ day of _____, 20__.

Name: _____

Title: _____

[Corporate Seal]

EXHIBIT A

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

MEMBERSHIP AGREEMENT

This membership agreement (this “Agreement”) is made and entered into as of the ____ day of _____ 20____ (the “Effective Date”), by and between Electronic Registration Information Center, Inc., a Delaware nonstock corporation (“ERIC”) and _____ (the “Member”).

WHEREAS, ERIC was formed for charitable and educational purposes to engage in meaningful, evidence-based reform of the election system in the United States; and

WHEREAS, ERIC seeks to lessen the burdens of government by facilitating the collaboration of states and local government units to conduct research, develop technology, and perform other charitable and educational activities designed to reduce the costs and increase the accuracies and efficiencies associated with their use of voter registration systems; and

WHEREAS, ERIC seeks the direct involvement of states and local government units in furthering its charitable and educational purposes by such states and local government units becoming members of ERIC and furnishing voter registration and other data to help ERIC understand the needs of states and local government units with respect to their use of voter registration systems, and assist state and local government units in making their voter registration lists and processes more accurate, more complete, and fully compliant with federal, state and local laws; and

WHEREAS, in consideration for the Member’s performance as described below, ERIC will provide the service to the Members of sharing and processing data that relates to the maintenance of their voter registration lists and provide regular (at least on a monthly basis) reports to the Member.

NOW THEREFORE, in consideration of the foregoing, the terms and conditions hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Annual Dues. The Member shall pay annual dues to ERIC as determined by the ERIC membership, pursuant to Article II, Section 5 of ERIC’s Bylaws. The Executive Directors shall invoice Members for dues and set a reasonable payment deadline. If the Member fails to pay dues by the payment deadline, ERIC shall not deliver, nor shall the Member receive, any services or data from ERIC until such payment is received. Any Member that fails to pay dues within ninety (90) days of a payment deadline shall be *automatically removed* as a Member in accordance with ERIC’s Bylaws (the “Bylaws”).
2. Voter Files and Motor Vehicle Records. The Member shall transmit to ERIC the following data related to its voter files and motor vehicle records (collectively, the “Member Data”).

EXHIBIT A

- a. A reasonable time after admission, the Corporation and the Member will agree upon a 'Certification Date' that obligates the Member to the following two sections herein. The Member shall be notified in writing by the Corporation of the Certification Date.
 - b. Within sixty (60) days of the Certification Date, and at least every sixty (60) days thereafter, the Member shall transmit: (1) all inactive and active voter files (excluding those records that are confidential or protected from disclosure by law), including those fields identified in Exhibit B, and (2) all licensing or identification records contained in the motor vehicles database (excluding those fields unrelated to voter eligibility, such as fields related to an individual's driving record), including those fields identified in Exhibit B. Under no circumstances shall the Member transmit an individual's record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States. Should Member believe it has an alternative source of data that is equivalent to or better than the motor vehicle database ("Alternative Data Source"), Member may apply in writing to the Executive Director of ERIC to substitute the Alternative Data Source for motor vehicle data. Such written application shall explain the basis for Member's assertion that the Alternative Data Source is equivalent or better and why using it will effectively serve the goals of ERIC. If, in the Executive Director's assessment, the request is reasonable, the Executive Director shall submit the Member's request to the ERIC Board of Directors ("ERIC Board" or "Board") for approval. If membership in ERIC is contingent upon a jurisdiction's ability to use an Alternative Data Source, the jurisdiction may seek approval of a data substitution request in advance of joining ERIC.
 - c. If the Member fails to transmit the required Member Data as described above, ERIC shall not deliver, nor shall the Member receive, any Data or services from ERIC until ERIC receives the required Member Data from the Member. Should Member fail to transmit Member Data in any sixty (60) day period as provided in sub-section b, Member shall, upon written notice from ERIC, have a thirty (30) day grace period in which to provide such Member Data. Should this grace period expire without a transmission to ERIC of Member Data from the Member, the Member shall be *automatically removed* from membership in accordance with the Bylaws. Member may submit a written appeal to the Executive Director of ERIC for a reasonable extension of the grace period deadline if Member is unable to meet that deadline because of a technical issue or a problem accessing or receiving the Member Data. Whether or not to grant the extension or to proceed to automatic removal shall be in the sole discretion of ERIC's Executive Director.
3. State Agency Records. The Member shall use its best efforts to transmit, on a regular basis, data relating to individuals that exists in the records of other agencies within its jurisdiction that perform any voter registration functions, including, but not limited to, those required to perform voter registration pursuant to the National Voter Registration Act, 43 U.S.C. 1973gg-5 ("Additional Member Data"). Notwithstanding this section, a

EXHIBIT A

state's failure to transmit Additional Member Data under this section shall not affect the Member's compliance with this Section or its standing as a member of ERIC.

4. Privacy; Use of Data.

- a. **Use and Protection of Data:** The Member and ERIC shall use their best efforts to prevent the unauthorized use or transmission of any private or protected Member Data; Additional Member Data; and data included in reports provided by ERIC ("ERIC Data") (Member Data, Additional Member Data and ERIC Data shall be collectively referred to as "Data") in its possession. The Member represents and warrants that all uses and transmissions of Data originating from the Member to ERIC and/or ERIC's agents, contractors or subcontractors comply fully with applicable state, federal and local laws, rules and regulations. The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.
- b. **Unauthorized Use or Disclosure of Data--Member:** Should there be an unauthorized or impermissible use, disclosure or transmission of Data, regardless of whether it is accidental or intentional (for example, member intentionally sells, distributes, publishes or uses any ERIC Data for any purpose other than election administration, including any commercial purpose) or the responsibility of a third party (collectively, "Unauthorized Disclosure"), Member shall, within ninety (90) days of ERIC receiving notice of the Unauthorized Disclosure a) explain in writing to ERIC that such Unauthorized Disclosure has been cured and how it was cured or, if the breach is not curable, provides a written explanation to ERIC of what steps it has taken to mitigate the risks to ERIC and its Members resulting from such breach; and b) provide a written explanation of what processes it has implemented to prevent such Unauthorized Disclosure in the future. Upon written application, the Executive Director of ERIC, in consultation with the Board Chair, may extend the deadline for Member to comply with this section. At its first meeting following the Member's compliance with sub-sections a and b above, the membership will consider the information submitted by the Member and vote on Member's continued membership. Should Member fail to provide any information in response to sub-sections a and/or b above, Member shall be *automatically removed*. To the extent permitted under each Member's state law, the Member agrees to indemnify, defend and hold harmless ERIC against any claims related to the Unauthorized Disclosure.
- c. **Notice to ERIC:** Each Member shall report to the Executive Director of ERIC as soon as is practicable if a Member is required by law to sell, distribute, publish, disclose or use any ERIC Data for any purpose other than election administration. Each Member shall report to the Executive Director of ERIC immediately upon learning of any Unauthorized Disclosure.

EXHIBIT A

- d. **Unauthorized Disclosure of Data-ERIC:** Should there be an unauthorized disclosure of motor vehicle data by ERIC, whether accidental or intentional or the responsibility of a third party (“ERIC Unauthorized Disclosure”), ERIC shall immediately give notice to Members. Understanding that ERIC’s primary source of funds are fees and dues paid by Members, and subject to consultation and approval by the Board, ERIC agrees to indemnify, defend and hold harmless state motor vehicle agencies against any claims related to an ERIC Unauthorized Disclosure of Data.

This provision 4 shall not be construed to limit any Member’s sovereign immunity, rights, claims or defenses which arise as a matter of law or pursuant to any other provision of this Agreement.

5. State Voter Registration Systems. To foster ERIC’s goal of improving the accuracy of state voter registration data, Members are strongly encouraged to establish a regular schedule for requesting ERIC Data with a minimum of one request every calendar year. When a Member Representative requests ERIC Data, upon receipt of such ERIC Data, the Member shall take the following actions in connection with the improvement of its state voter registration systems. (If Member rescinds in writing its request for ERIC Data within seven (7) business days of making its original request, the following requirements will not apply.) If a Member fails to make at least one request for ERIC Data for 425 days, ERIC will automatically provide ERIC Data within seven (7) business days of the 425th day, thereby triggering the following requirements.

- a. When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how to register to vote. Each Member shall have until October 1 or fifteen (15) days before the close of registration, whichever is earlier, of the next Federal General Election year to initiate contact with at least 95% of the eligible or potentially eligible citizens on whom data was provided and address validation was performed, as described above. Members shall not be required to initiate contact with eligible or possibly eligible voters more than once at the same address, nor shall Members be required to contact any individual who has affirmatively confirmed their desire not to be contacted for purposes of voter registration or is otherwise ineligible to vote in the Member’s jurisdiction. Should a Member need a brief extension in order to comply with the requirements of this section 5(a), Member may submit a written request to ERIC’s Executive Director setting forth the reasons for the extension request and providing a specific date when the required mailing will be sent. Members shall make every effort to submit extension requests at least two weeks before the deadline. Whether or not to grant an extension request or to proceed to automatic removal is in the sole discretion of ERIC’s Executive Director, and the timeliness of the request shall be a factor in the Executive Director’s determination. Members are entitled to request only one extension per Federal General Election cycle. No later than December 1 (or, if December 1 falls on a weekend, the next business day) following the Federal General Election, the Member Representative shall provide

EXHIBIT A

a written certification to the Executive Director of ERIC that Member has or has not complied with the provisions of this section. Members that have not complied with this section, or do not provide the written certification, shall be *automatically removed* from membership. If a Member adopts legislation or policies that have the potential to accomplish the objectives of this section by alternative means, Member may apply to ERIC for an exemption from the requirements of this section of the Membership Agreement by sending a written request to the Executive Director of ERIC and the Chair of the Board. Such written application shall explain the basis for Member's assertion that the alternative means will effectively achieve the objectives of this section. If the Executive Director of ERIC and the Chair of the Board believe the request is reasonable, it shall be presented to the Board for a vote and, if granted, a determination on the timing of implementation of the exemption.

- b. When the Member receives credible ERIC Data (meaning the state has validated the data) indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided.

Within ten (10) business days of the ninetieth day, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section and, if out of compliance, the extent of such non-compliance. If Member is out of compliance, Member shall have a 30-day grace period, which begins on the 91st day, within which to complete the required contacts. Within ten (10) business days following the expiration of the grace period, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section. If Member is still out of compliance, or fails to provide the certification, Member shall be *automatically removed*.

- c. The Member shall use its best efforts to provide for a mechanism by which any eligible voter whose registration appears to have been erroneously processed or unprocessed shall be offered the opportunity to cast a ballot that will be counted, unless the voter is otherwise ineligible.
- d. The Member shall use its best efforts to provide for a mechanism by which an eligible voter may register to vote over the internet without need to complete and/or deliver a paper voter registration form.
- e. The Member shall use its best efforts to provide for a mechanism by which voter registration transactions performed at state agencies is more fully automated and reduces or eliminates paper transactions.

EXHIBIT A

6. Single Point of Transfer. The Member shall designate and maintain a single point of transfer of data and a single data source/point of data per data feed.
7. Performance Data. Within 30 days of the date of execution of this agreement, and every one hundred eighty (180) days thereafter, the Member shall report to ERIC data relating to performance under this Agreement, as described in Exhibit C.
8. State Specific Requirements. From time to time, legislation or implementing regulations enabling states to become members of ERIC will contain state-specific membership requirements not applicable to all Members. Such state-specific requirements are set forth in Exhibit D.
9. Publicity. The Member shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of ERIC, or use any logo, trademark, service mark, or business or trading name of ERIC or any other Member of ERIC without the prior written approval of ERIC or the affected Member, as applicable. Furthermore ERIC shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of any Member, or use any logo, trademark, service mark, or business or trading name of any Member of ERIC without the prior written approval of the affected Member.
10. Waiver. No waiver by any party for any breach by the other of any of the provisions of this Agreement shall be deemed a waiver of any preceding or succeeding breach of the same or any other provisions hereof. No such waiver shall be effective unless in writing and then only to the extent expressly set forth in writing.
11. Severability. The provisions of this Agreement are separate and severable, and the invalidity of any of them shall not affect or impair the validity or enforcement of the remaining provisions.
12. Assignment. ERIC may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without the prior written consent of the Members. The Member may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without the prior written consent of ERIC. Any sale, assignment, or transfer in violation of this Section is void and without effect.
13. No Partner or Agency. This Agreement does not constitute or create a partnership or joint venture with any Member or among the Members; appoint any Member as an agent for ERIC or any other Member, or appoint ERIC as an agent for any Member; or create any fiduciary obligations among the Members, except as may be expressly set forth in this Agreement.
14. Amendments. Amendments or modifications of this Agreement shall be effective immediately upon approval of such changes by the entire membership in accordance with Article VI, Section 5 of the Bylaws.

EXHIBIT A

15. Communications; Notices. All communications and notices that are required to be given by ERIC or a Member pursuant to this Agreement must be in writing and sent to the recipient either by electronic mail, personal delivery, overnight commercial courier service, or facsimile. Members may request a preferred method of delivery and the Corporation will make all reasonable efforts to oblige such requests. Communications and notices must be sent using the Notice Details set forth on the signature page of this Agreement, unless these details are changed by delivery of a written notice to ERIC, if the change related to a Member, or the Member, if the change relates to ERIC. The Executive Director of ERIC shall maintain or cause to be maintained a roster of Members that contains a compilation of Notice Details for each Member, and which shall be distributed periodically to the Members.
16. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which when fully executed shall be an original, and all of said counterparts taken together shall be deemed to constitute one and the same agreement.
17. Complete Agreement. This Agreement is the parties' final and binding expression of their agreement and the complete and exclusive statement of its terms. This Agreement cancels, supersedes and revokes all prior negotiations, representations and agreements between the parties, whether oral or written, relating to the subject matter of this Agreement.
18. Headings and Subsections. Section headings are provided for reference and do not constitute part of this Agreement.
19. Definitions. As used herein, the term "state" includes the fifty (50) states, the District of Columbia, and the territories of the United States.

EXHIBIT A

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

By: _____
Name: _____
Title: _____
Date: _____

Notice Details:

Name:
Title:
Address:
Phone:
Fax:

With a copy to:

Name:
Title:
Address:
Phone:
Fax:

[MEMBER]

By: _____
Name: _____
Title: _____
Date: _____

Notice Details:

Name:
Title:
Address:
Phone:
Fax:

With a copy to:

Name:
Title:
Address:
Phone:
Fax:

EXHIBIT B

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

Voter Registration and motor vehicles data fields to be submitted to ERIC by each participating jurisdiction, if collected by the Member State

1. All name fields
2. All address fields
3. Driver's license or state ID number
4. Last four digits of Social Security number
5. Date of birth
6. Activity dates as defined by the Board of Directors
7. Current record status
8. Affirmative documentation of citizenship
9. The title/type of affirmative documentation of citizenship presented
10. Phone number
11. E-mail address or other electronic contact method

EXHIBIT C

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

Performance data to be submitted to ERIC by each participating jurisdiction

Each jurisdiction will have two types of performance data submission:

- A. Prior to receiving the first ERIC reports, the jurisdiction will submit a set of baseline data for a representative period of time to use for comparisons.
- B. After receiving the first ERIC reports, the jurisdiction will begin submitting data for the activity within the specified time period.

Performance Data Points

1. Number of voter registration applications new to the Member's jurisdiction submitted by the voter on a paper form
2. Number of new voter registration applications new to the Member's jurisdiction submitted by the voter electronically
3. Number of updates to a voter's existing voter registration submitted by the voter on a paper form
4. Number of updates to a voter's existing voter registration submitted by the voter electronically
5. Number of records reported from ERIC on In-state Movers report who updated through the jurisdiction's online voter registration system (if available)
6. Election statistics, totals for any federal elections within the period of:
 - a. Number of new voters to the Member's jurisdiction who registered and voted on the same day, where applicable
 - b. Number of updates to a voter's existing registration submitted on the same day on which they voted, where applicable
 - c. Total number of provisional ballots cast
 - d. Total number of provisional ballots counted
 - e. Total number of provisional ballots uncounted, by reason (if available)

Note: for context, ERIC will use voter turnout data from the United States Elections Project (www.electproject.org).
7. Number of individuals for whom contact was initiated and invited to register as a result of reports received from ERIC within the period
8. Number of individuals for whom contact was initiated and invited to correct their registration as a result of reports received from ERIC within the period

Exhibit D

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

State-Specific Requirements

Illinois:

In addition to the voter files and motor vehicle records Members must provide to ERIC under section 2 of the Membership Agreement, Illinois, in accordance with state law, is required to transmit to ERIC identification records contained in the Department of Human Services, the Department of Healthcare and Family Services, the Department of Aging, and the Department of Employment Security databases (excluding those fields unrelated to voter eligibility, such as income or health information).

Electronic Registration Information Center (ERIC)



Q. Which states are members of ERIC?

A. As of July 2016 Alabama, Alaska, Colorado, Connecticut, Delaware, Louisiana, Illinois, Maryland, Minnesota, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, and Wisconsin. The District of Columbia is also a member. (20 states plus DC)

Q. Who controls ERIC?

A. The states. Each state has a vote and the first 20 states to join are members of the Board of Directors. The chief elections official from each member state designates a representative to the ERIC Board.

Q. What data does ERIC collect from member states?

A. Each member submits at a minimum its voter registration and motor vehicle licensee data. The data includes names, addresses, date-of-birth, last four digits of the social security number. Private data such as date of birth and the last four digits of the Social Security number are anonymized and then transmitted to ERIC. An explanation of how the anonymization process works, how it is used in the ERIC data matching process, and how privacy is protected is in the Technology and Security Overview.

Q. What reports do states receive from ERIC?

A. Each member state receives reports that show voters who have moved within their state, voters who have moved out of state, voters who have died, duplicate registrations in the same state and individuals who are potentially eligible to vote but are not yet registered.

Q. Who pays for ERIC operations?

A. The member states. Each state pays annual dues, which are determined by a formula approved by the ERIC Board of Directors. The formula includes voting age population as a factor. Large states pay a bit more than small states. The annual budget as of 2015 is approximately \$600,000.

Q. Does ERIC help members save money?

A. Yes. Efficient and effective data matching and cleaner voter rolls will result in such efficiencies as less returned mail, fewer provisional ballots on election day, shorter lines at polling places, etc. In addition, ERIC uses resources such as the Social Security death index and data from the US Post Office that states now buy on their own. ERIC states share these purchases when they pay their annual dues.

ERIC at Work

ERIC improves voter registration by providing information for member states to contact potentially eligible but unregistered voters with instructions on how to register. ERIC members contact potential voters at least every two years, ahead of any federal general election.

ERIC also provides value by identifying out-of-date records found by comparing voter registration data between states, to motor vehicle licensing agency data, and to the Social Security Administration master death index list.

ERIC began providing list maintenance data to members in July of 2013.

Since ERIC's creation, the organization has helped states identify over 3 million out-of-date registrations, including:

12,000,000 unregistered voters identified

623,358 voters who moved across state lines, but did not update their registration

2,790,051 voters who moved within their state, but did not update their registration

54,700 duplicate registrations

150,062 deceased voters

ERIC is able to make projections for states interested in joining by applying the number of registered voters (active and inactive) and the number of driver's license holders in that state to the experience so far of states that are already in ERIC. Our projections have proven so far to be reliable predictors of the number of records that will show up on a state's initial set of ERIC reports.

Our projections for Florida predict that the initial reports will identify about 717,000 voters who have moved within the state of Florida but haven't updated their voter record. Further, ERIC predicts about 233,000 voter records in Florida are out of date because the voters have moved to another state. The first set of reports would also identify about 24,000 deceased individuals who are still on the voter rolls and approximately 17,000 duplicate registrations in the statewide database.

In addition, Florida's first report of potentially eligible but unregistered individuals would identify about 4.5 million people who are in your state's DMV database but not yet registered to vote.

Please keep in mind that these projections are based on the "averages" of what states who are now members of ERIC have experienced. It could be that some of these numbers could be higher or lower for Florida based on how good a job Florida is doing now in dealing with individuals who have moved or died. But as I said earlier, our projections have proven to be reliable in other states.

THE FLORIDA SENATE
APPEARANCE RECORD

4 Apr 17
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1070
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paul Lux

Job Title Sup. of Elections, Okaloosa City

Address 302 Wilson St., Suite 102

Phone 850-689-5600

Crestview FL 32536
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Assoc. of Supervisors of Elections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17
Meeting Date

SB 1070
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin (But seen)

Job Title _____

Address 1628 Woodgate Way

Phone 850-524-8846

Street

TLH

FL

32308

City

State

Zip

Email pbutzin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17

Meeting Date

SB1070

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Mark Earley

Job Title Leon County Supervisor of Elections

Address 315 S Calhoun St Ste 110

Phone 606-8683

Street

Tallahassee

FL

32301

City

State

Zip

Email earley@leoncountyfla.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEON COUNTY VOTERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Ethics and Elections

BILL: CS/SB 1072

INTRODUCER: Ethics and Elections Committee and Senator Hutson

SUBJECT: Public Records/Voter Registration Information

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1072, is a public records exemption bill that is tied to CS/SB 1070. Committee Substitute for Senate Bill 1070 authorizes the Secretary of State (“Secretary”) to enter into agreements to share information or data with other states to maintain the integrity of the statewide Florida Voter Registration System (“FVRS”), as he or she deems necessary. CS/SB 1070 directs the Secretary to use that data to identify registered voters or voter registration applicants that would be potentially ineligible to vote, and authorizes the Secretary to share such information with the supervisors of elections and other persons or organizations responsible for maintaining the statewide database.

This bill creates a public record exemption for the interstate information and data received by the Secretary. Such information and data is confidential and exempt from public record requirements, if it is confidential in its state of origin.

The bill provides a statement of public necessity as required by the Florida Constitution. The bill’s effective date is contingent upon, and concurrent with, passage of CS/SB 1070; which, if passed, will take effect on July 1, 2017.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., the “Public Records Act,” constitutes the main body of public records laws.⁴ The Public Records Act states that it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person and that providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). See also, *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹³ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation of a substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁴ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁵ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁶

Public Record Exemption for Voter Registration Information

Voter registration information (whether received from an applicant, another state or local governmental agency, or out-of-state agencies including election officials) once submitted to a governmental agency in Florida is public record pursuant to Chapter 119, Fla. Stat., unless an applicable exemption exists.

Current law provides a public records exemption for certain information held by an agency¹⁷ for purposes of voter registration.¹⁸ Specifically, the following information is confidential and exempt from public records requirements:

- All declinations to register to vote made pursuant to ss. 97.057 and 97.058, F.S.
- Information relating to the place where a person registered to vote or where a person updated a voter registration.

important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The legislature currently follows the OGSR process, though it is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁴ Section 119.15(3), F.S.

¹⁵ FLA. CONST., art. I, s. 24(c).

¹⁶ Section 119.15(7), F.S.

¹⁷ Section 119.011(2), F.S., defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹⁸ Section 97.0585, F.S.

- The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

Further, the signature of a voter registration applicant or a voter is exempt from *copying* requirements.¹⁹

Also, the law allows voters who fall into a number of high-risk professional classes to request that certain information such as their address and phone numbers and dates of birth be exempt for themselves and their spouses and children.²⁰

Finally, the “voter stalking exemption” that the Legislature adopted in 2010 exempts the names, addresses, and telephone numbers of actual or threatened victims who participate in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence.²¹

CS/SB 1070 (2017)

CS/SB 1070 authorizes the Secretary of State, as he or she deems necessary, to enter into agreements or join nongovernmental entities whose composition is solely made up of state elections officials to share information or data *with other states* to maintain the statewide voter registration system. It directs the Secretary to use that data to identify registered voters or voter registration applicants that would be potentially ineligible to vote based on current law.

CS/SB 1070 also provides that all states or entities, including Florida, that are a part of such a data sharing group shall maintain the confidentiality of information or data given as part of the agreement if that information or data was confidential in its state of origin.

III. Effect of Proposed Changes:

CS/SB 1072, which is contingent on the passage of CS/SB 1070, creates a public record exemption for interstate information and data received by the Department of State pursuant to an interstate agreement, or received from a nongovernmental entity whose membership is solely composed of state elections officials. Specifically, it provides that information or data from another state which is confidential or exempt pursuant to the laws of that state is also confidential and exempt from public record requirements under Florida law.

The bill contains an Open Government Sunset Review Act clause specifying that this public records exemption will be repealed unless saved by reenactment of the Legislature before October 2, 2022.

The bill's effective date is contingent upon, and concurrent with, passage of CS/SB 1070; which, if passed, will take effect on July 1, 2017.

¹⁹ Section 97.0585(2), F.S.

²⁰ Section 119.071(4)(d)1., F.S.

²¹ Section 741.4651, F.S.

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.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 98.075 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 is different from the original bill in that it:

- Rewords (though it does not change the substantive effect of the bill) and moves the public records exemption from an unnumbered section of the Florida Statutes to s. 98.075, F.S.; and,

- Provides that, pursuant to the Open Government Sunset Review Act, the bill will stand repealed on October 2, 2022, unless reviewed and saved from repeal by reenactment of the Legislature.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



707998

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (2) of section
98.075, Florida Statutes, as created by CS/SB 1070, 2017 Regular
Session, is amended to read:

98.075 Registration records maintenance activities;
ineligibility determinations.—

(2) DUPLICATE REGISTRATION.—



707998

11 (b)1. The department may enter into interstate agreements
12 to share and exchange information in order to verify voter
13 registration information. The department shall provide such
14 information to the supervisors to conduct registration list
15 maintenance activities.

16 2. The department may only participate in an interstate
17 agreement that is controlled and operated by the participating
18 states. The interstate agreement may not be operated or
19 controlled by the Federal Government or any other entity acting
20 on behalf of the Federal Government. The department must be able
21 to withdraw from any interstate agreement entered into at any
22 time.

23 3. If the department enters into an interstate agreement,
24 the department must submit a report to the Governor, the
25 President of the Senate, and the Speaker of the House of
26 Representatives by December 1 of each year. The report must
27 describe the agreement and provide information on the total
28 number of voters removed from the voter registration system as a
29 result of the agreement and the reasons for their removal.

30 4. Information received by the department, pursuant to an
31 interstate agreement, from another state which is confidential
32 or exempt pursuant to the laws of that state, is exempt from s.
33 119.07(1) and s. 24(a), Art. I of the State Constitution. This
34 subparagraph is subject to the Open Government Sunset Review Act
35 in accordance with s. 119.15 and shall stand repealed on October
36 2, 2022, unless reviewed and saved from repeal through
37 reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that information received by the Department of State,



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pursuant to an interstate agreement entered into under s.
98.075(2)(b), Florida Statutes, from another state which is
confidential or exempt pursuant to the laws of that state be
made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
Article I of the State Constitution. Participating in interstate
agreements to share and exchange information with other states
in order to verify voter registration information is critical to
ensuring the accuracy of the statewide voter registration
system. Maintaining an accurate statewide voter registration
system is critical to fair elections in this state. Without the
public records exemption, the department will be unable to
receive information from other states that might otherwise be
confidential or exempt pursuant to the laws of those states,
which would impair the ability of the department and supervisors
of elections to maintain accurate voter rolls. As a result, the
effective and efficient administration of the statewide voter
registration system would be hindered.

Section 3. This act shall take effect on the same date that
CS/SB 1070 or similar legislation takes effect, if such
legislation is adopted in the same legislative session or an
extension thereof and becomes a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; amending s. 98.075,
F.S.; creating a public records exemption for certain



707998

69 information received by the Department of State from
70 another state which is confidential or exempt pursuant
71 to the laws of that state; providing for future
72 legislative review and repeal of the exemption;
73 providing a statement of public necessity; providing a
74 contingent effective date.

By Senator Hutson

7-01745-17

20171072__

A bill to be entitled

An act relating to public records; specifying that certain voter registration information and data from another state obtained by the Secretary of State, which is confidential under the laws of such state, is confidential and exempt from public records requirements; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Information and data received by the Secretary of State relating to the statewide voter registration system pursuant to s. 97.012(17), Florida Statutes, and that is confidential in its state of origin, is confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

Section 2. The Legislature finds that it is a public necessity that voter registration information received from other states in conjunction with an information sharing agreement associated with the maintenance of the statewide voter registration system be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, to the extent that the information received is confidential in the state from which it is received. Participating in agreements to share information and data with other states is critical to ensuring the statewide voter registration system does not contain ineligible voters. Maintaining a statewide voter registration system with only

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-01745-17

20171072__

legally qualified voters is critical to fair elections in this state.

Section 3. This act shall take effect on the same date that SB __ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: March 9, 2017

I respectfully request that **Senate Bill #1072**, relating to Secretary of State Public Records, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, reading "Travis J. Hutson".

Senator Travis Hutson
Florida Senate, District 7

THE FLORIDA SENATE
APPEARANCE RECORD

4 Apr 17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

1072
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paul Lux

Job Title Supervisor of Elections, Okaloosa City

Address 302 Wilson St, Ste 102 Phone 850-689-5600

Street

Crestview

City

FL

State

32536

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Assoc. of Supervisors of Elections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/17/17

Meeting Date

SB 1072

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin

Job Title _____

Address 1628 Woodgate Way

Street

Phone 850-527-9846

Tallahassee

City

FL

State

32308

Zip

Email pbutzin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/17

Meeting Date

SB 1072

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Mark Earley

Job Title Leon County Supervisor of Election

Address 315 S Calhoun St Ste 110

Phone 606-8683

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing VOTERS OF LEON COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Ethics and Elections

BILL: SB 1160

INTRODUCER: Senator Bradley

SUBJECT: Elections

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	Favorable
2.			JU	
3.			RC	
4.				

I. Summary:

Senate Bill 1160 addresses several elections issues that include:

- Authorizing the *general* use of touch screen voting systems with a voter-verifiable paper trail for canvass and recount purposes, currently used only for disabled voters;
- Requiring candidates to use a cashier's check or money order to pay the qualifying fees to run for office;
- Allowing a court to extend poll hours only upon a specific showing or finding of extraordinary circumstances;
- Prohibiting an elected official from being a poll watcher;
- Allowing county Supervisors of Elections to *either* publish sample ballots in newspapers or mail them to registered electors, reversing a duplicative requirement passed in 2013;
- Creating a statutory affidavit "cure" process to remedy and count a vote-by-mail ballot where the signature submitted by the voter doesn't match the signature on file in the registration book/precinct register (identical to SB 954 [2017] by Sen. Passidomo).

The bill takes effect July 1, 2017.

II. Present Situation:

Touchscreen Voting Systems (*with voter-verifiable paper trail*)

A "voting system" is a method of casting and processing votes that consists of electromechanical components and, in many cases, utilizes marksense ballots.¹ The voting system may also include things like procedures, operating manuals, supplies, printouts, and other software necessary for the system's operation.

¹ Section 97.021(45), F.S.

To be used in a Florida election, the voting system must be approved by the State Division of Elections. The Division tests the reliability of both the hardware and software components to make sure that they meet the standards set out in law and rule. Florida's certification process is among the most comprehensive in the nation.

Section 101.56062, F.S., enumerates the statutory standards for accessible voting systems, including items like requirements for tactile or audio input devices and font size for the visually impaired. *Only persons with disabilities may vote on one of these accessible voting systems.*²

The disability voting systems generally include a “voter interface device,” which many Floridians may remember being called “touch screens.”³ The difference between the original “touch screen” systems in use in about 15 counties in the mid-2000's and the current crop of certified disability voting systems, such as the ES&S AutoMARK⁴ and VoteExpress,⁵ is that the new systems “mark” a scannable paper ballot — a voter-verifiable paper trail that can be used for recount purposes. These systems prevent an elector from “overvoting” (typically, selecting more than one candidate per race), and warn or prompt the voter if they skip a race (to reduce “undervoting”). There is a summary review screen at the end of the selection process to allow a voter to go back and make or change a selection.⁶ After the ballot is printed, voters are able to review the ballot for accuracy prior to depositing in an optical scanner for counting.

Candidate Qualifying Fees

In 2011, the Legislature modified a long-standing procedure that allowed a partisan candidate to “cure” a bad campaign check submitted at the time of qualifying to cover the fees.⁷ The original provision had given a candidate 48 hours from receiving notice that his or her financial institution had returned the check to sort out the situation, *notwithstanding the end of qualifying*. The 2011 modification required the candidate to correct the situation *no later than* the end of the 4-day (96 hour) qualifying period.

In 2016, the Florida Supreme Court struck down the change and re-wrote section 99.061(7)(a)1., F.S., reinstating the pre-2011 statutory language.

² Section 101.56075 (1),(2), F.S. In some instances, it is possible that only a *single* voter in a polling place will use the disability voting equipment, which can raise concerns with respect to the secrecy of the ballot.

³ In the early-to-mid 2000's, some Florida counties experimented with touch screen voting systems *without a paper trail* for the general voting populace; those systems were ultimately replaced by optical scan voting systems for all but disabled voters, beginning with the 2008 primary election. Ch. 2007-30, § 6, LAWS OF FLA. (codified at § 101.56075, F.S.).

⁴ This system marks the same type of optical scan ballot design (i.e., blacken-the-oval design) familiar to voters, effectively serving as an electronic “pen.” Verified Voting, ES&S AutoMARK Description and Instructional Video, available at <https://www.verifiedvoting.org/resources/voting-equipment/ess/automark/> (last accessed Mar. 8, 2017)[hereinafter, *AutoMARK Web Page*].

⁵ The VoteExpress produces a ballot card with multiple bar codes at the top corresponding to the voter's choices. Underneath the bar codes, the card contains the offices or amendments on the ballot, along with the voter's choice in each contest. See Verified Voting, ES&S ExpressVote Description and Instructional Video, available at <https://www.verifiedvoting.org/resources/voting-equipment/ess/expressvote/> (last accessed Mar. 8, 2017)[hereinafter, *ExpressVote Web Page*].

⁶ The voter can return to a contest *for any reason*, not just because they left a race blank (undervoted), and change a selection.

⁷ Chapter 2011-40, § 14, LAWS OF FLA. (codified at § 99.061(7)(a)1., F.S.). The Legislature left the original procedure untouched for *non-partisan* candidates, such as judges and school board members. Section 105.031(5)(a)1., F.S.,

In *Wright v. City of Miami Gardens*,⁸ a candidate for mayor of the City of Miami Gardens was disqualified from the race because the candidate's bank inadvertently erred in not honoring his campaign check, although there were sufficient funds in the campaign account. The bank did not return the check until *two weeks after* the end of the qualifying period; the City didn't notify candidate until four days later — far too late for the candidate to cure under the statute. The Court found that the statutory time frame for curing deficiencies was “essentially impossible” in most circumstances.⁹ Further, the Court held that the:

*...[S]tatute at issue here is arbitrary and without a rational basis. [It] effectively forecloses the candidacy of all otherwise qualified candidates who have done all they were required to do but have had their checks returned, not due to insufficient funds or some other matter within their control, but due to sheer bad luck resulting from a bank error totally beyond their control. This bright line, by turning on luck rather than conduct, is irrational and violates Wright's constitutional right to run for public office.*¹⁰

Extending Polling Hours

The polls in Florida are open from 7:00 a.m. to 7:00 p.m. on election day, in accordance with the local time zone in the county seat.¹¹ Voters in line at closing time are allowed to cast ballots.

Lawsuits seeking to extend the polling hours on election day due to some problem or perceived irregularity have become an increasingly common tactic nationwide as well as in Florida.¹² For example, in the 2014 Florida gubernatorial race, the Charlie Crist campaign filed an emergency motion to extend the polling hours in Broward County for 2 hours due to what it called “voter confusion and malfunctions.”¹³ Although the motion was denied, judges have been known to grant these type of requests.¹⁴

Poll Watchers

Political parties, candidates, and political committees organized to support or oppose a ballot issue may designate qualified and registered county electors to serve as poll watchers.¹⁵ They are entitled to have one poll watcher in each polling room or early voting site at any given time

⁸ 200 So.3d 765 (Fla. 2016).

⁹ *Id.* at 776-777.

¹⁰ *Id.* at 776.

¹¹ Section 100.011, F.S.

¹² University of Kentucky College of Law, Olivia Snider and Matthew Dearmond, *Closing Time? The Extension of Polling Station Hours* (November 4, 2014), Election Law Society web site, available at <http://www.uky.edu/electionlaw/analysis/closing-time-extension-polling-station-hours> (last accessed Feb. 24, 2017) [hereinafter, Snider, *Closing Time?*]

¹³ U.S. News & World Report, *Crist Motion to Keep Polls Open in Broward County Gets Denied* (November 4, 2014), available at <https://www.usnews.com/news/articles/2014/11/04/crist-files-motion-to-keep-polls-open-in-broward-county> (last accessed Feb. 24, 2017)

¹⁴ See e.g., Snider, *Closing Time?* (judges in Georgia and Connecticut extended the hours at several polling places in 2014).

¹⁵ Section 101.131, F.S.

during the election. Candidates, sheriffs, deputy sheriffs, police and other law enforcement officers may NOT be poll watchers.

Poll watchers are there to observe the conduct of elections and elections officials. They cannot come any closer to an official's table or a voting booth than is reasonably necessary to do their job. They are not allowed to obstruct the orderly conduct of the election. Poll watchers can only pose questions regarding polling procedures directly to the clerk in charge of the precinct or polling place, and are prohibited from interacting with voters.

Sample Ballot Publication

Prior to the passage of the 2013 Paper Reduction Act,¹⁶ county Supervisors of Elections had the option to either publish a sample ballot in a newspaper of general circulation in the county or mailing one to registered voters. The Act authorized sending sample ballots by e-mail, but also set-up the *double requirement* of publishing *and* sending a sample ballot.

Canvassing of Vote-by-Mail Ballots

In 2013, at the urging of the state supervisors of elections, the Legislature changed the law to allow a voter who returned a vote-by-mail ballot *without a signature* on the Voter's Certificate (on the back of the mailing envelope) to correct or "cure" the defect by submitting a sworn affidavit along with corroborating identification.¹⁷

For the 2014 election cycle, county canvassing boards cured *missing* vote-by-mail ballot signatures by confirming the validity of the voter identification submitted and comparing the voter's signature on the cure affidavit with the registration signature on file in the registration books or precinct register. If the voter ID was valid and the signatures matched, the canvassing board counted the ballot; otherwise, the board rejected the ballot and notified the voter of the reason, *post-election*.¹⁸ The notification included a card for the voter to update his or her signature for the next election. It is important to note that a matching voter signature was an essential component of the cure process for determining the validity of the ballot.¹⁹

In 2016, shortly before the general election, U.S. District Judge Mark Walker ruled that the state's failure to provide a process for curing vote-by-mail ballots with *mismatched* signatures was unconstitutional in light of the State's statutory procedure for correcting *missing* signatures.²⁰ The federal court issued a temporary injunction directing the state to offer the same

¹⁶ 2013-192, LAWS OF FLA.

¹⁷ Ch. 2013-57, § 15, Laws of Fla. (codified at § 101.68, F.S.) Previously, the practice had been that a ballot was deemed "cast" when a voter took the final step that enabled the ballot to be counted.

¹⁸ There was and is no statutory requirement that the supervisors notify voters who submit missing ballot signatures. The idea was that third parties (political parties and other groups) who follow vote-by-mail ballot returns on a daily basis would handle that responsibility.

¹⁹ "The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate **or on the absentee ballot affidavit as provided in subsection (4)** [the cure affidavit] with the signature of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that absentee ballot." (emphasis added) Section 101.68(1)(c)1., F.S. (2014).

²⁰ *Fla. Democratic Party v. Detzner*, 2016 U.S. Dist. LEXIS 143620, Case No. 4:16cv607-MW/CAS (N.D. Fla., Oct. 16, 2016). The court opined, "It is illogical, irrational, and patently bizarre for the State of Florida to withhold the opportunity to

process for curing both types of signature deficiencies, notwithstanding that Florida law *requires a matching signature on the cure affidavit* in order for a ballot to count.²¹

As a result, the only mismatched-signature ballots that canvassing boards should have remedied under the judge's order were those where the voter returned an affidavit with a *matching* signature, perhaps because the voter:

- Hurriedly wrote his or her signature on the original Voter's Certificate or signed on an uneven surface, but was more precise in signing the cure affidavit; or
- Recalled using a different signature in the past, and signed the cure affidavit with that prior signature.²²

The judge's order did not provide relief to voters who submitted the *same* mismatched signature on both the Voter's Certificate *and* cure affidavit, perhaps resulting from:

- The voter forgetting that he or she had registered using a different signature; or
- The voter's signature deteriorating or changing *over time* as the result of the natural aging process or a specific health-related event (i.e., stroke, blindness, paralysis, and dementia).

The federal court stayed the case with a permanent injunction until Friday, May 5, 2017, the last day of the regular session and scheduled a status conference for the week of May 15, 2017.²³

III. Effect of Proposed Changes:

SB 1160 makes a number of substantive changes to the Florida Election Code.

Touchscreen Voting Systems (*with voter-verifiable paper trail*)

SB 1160 modifies a few voting system terms and provisions in the election code to authorize the use of an electronic "voter interface device" to mark paper ballots for optical scanning. The bill further provides that the ballot layout need only apply to the voter interface device and not to the printed ballot. These changes will effectively allow *any* elector to use the touchscreen voting equipment with a scannable paper trail that is currently authorized solely for disabled voters, such as the ES&S AutoMARK and ExpressVote systems.

Candidate Qualifying Fees

SB 1160 requires most partisan and non-partisan candidates²⁴ to pay for qualifying fees to run for office with a cashier's check or money order, removing the need for any cure procedure for

cure from mismatched-signature voters while providing that same opportunity to no-signature voters. And in doing so, the State of Florida has categorically disenfranchised thousands of voters arguably for no reason other than they have poor handwriting or their handwriting has changed over time." *Id.* at 22.

²¹ The State chose not to defend the statute on substantive grounds, leaving the judge only the one-sided Petitioner's brief/argument and Florida statutory law as sources of information from which to construct the opinion.

²² A person may use different signatures at various stages of life, especially at a younger age when the person is seeking to establish his or her own identity.

²³ *Fla. Dem. Party, et al. v. Detzner*, No. 4:16cv607-MW/CAS (N.D. Fla, Dec. 12, 2016) (order staying case).

²⁴ Excluding special district candidates.

personal campaign checks returned for insufficient funds.²⁵ This will provide absolute certainty as to who is running at the close of the qualifying period, and allow Supervisors of Elections in most cases to immediately begin preparing and distributing vote-by-mail ballots.

Extending Polling Hours

The bill allows a court to extend polling hours beyond 7:00 p.m. *only* upon a specific showing or finding of fact that extraordinary circumstances justify the extension. The degree to which a court would consider itself constitutionally bound or practically limited by this requirement is unclear.

Poll Watchers

The bill prohibits an *elected official* from being designated as a poll watcher, joining the ranks of candidates, sheriffs, deputy sheriffs, police, and other law enforcement officers.

Sample Ballot Publication

The bill allows a county Supervisors of Elections to *either* publish a sample ballot in a local newspaper or mail them to registered voters; the Supervisors of Elections had this option prior to 2013.

Canvassing of Vote-by-Mail Ballots

SB 1160 creates a process for a voter to cure a vote-by-mail ballot with a *non-matching* signature. The voter must submit a signed “cure” affidavit along with a copy of a valid picture ID. This is similar to the process the Legislature authorized in 2013 for fixing vote-by-mail ballots that contained *no signature*, a process which is maintained and expanded upon in the current bill.

The cure process for both types of defective ballots begins when a Supervisor of Elections receives a vote-by-mail ballot that contains *no signature* or that contains a signature that *does not match* the voter’s signature in the registration book or precinct register. The supervisor must immediately notify the voter²⁶ and provide an opportunity to cure the defect by submission of a signed cure affidavit and a copy of a proper ID no later than 5:00 p.m. on the day before the election — the current deadline for correcting a ballot with no signature.²⁷

²⁵ Cashier’s checks and money orders are effectively *purchased* with funds drawn from the campaign account. As such, the cashier’s check or money order operate like a cash substitute, though there is a paper trail for campaign finance reporting purposes.

²⁶ Current law does not specifically task the supervisor with this responsibility, as the 2013 authorizing legislation envisioned notification by campaigns, parties, and interested third-party groups that track vote-by-mail ballots on a daily basis. This position is no longer viable given the judge’s temporary injunction in *Fla. Dem. Party* case directing the supervisors to provide such notice, notwithstanding that the directive may have sprung from a misunderstanding of current Florida law. See *Fla. Dem. Party v. Detzner*, No. 4:16cv607-MW/CAS at p. 28-29 (N.D. Fla., Oct. 16, 2016) (citing a notice provision historically applied only *post-election*).

²⁷ The affidavit and instructions are available on the Division of Elections and all supervisors’ websites, along with all relevant contact information and mailing addresses. Section 101.68(4)(e), F.S. (re-designated as subparagraph (d) in the bill).

The decision tree in **Section VII, Related Issues** graphically details the process for canvassing vote-by-mail ballots with missing or mismatched signatures. Key points from the diagram are discussed below.

Mismatched-Signature Ballots

A voter may cure a mismatched signature on a vote-by-mail ballot by submitting:

- A *signed affidavit* attesting to his or her eligibility to vote and attesting to the fact that he or she requested and returned a vote-by-mail ballot; and
- The same type of current and valid picture identification required at the polls, which is now categorized as Tier 1 identification, such as a Florida driver's license or passport,²⁸ if the signature on the cure affidavit does not match the voter's signature on file; or
- Either Tier 1 identification, such as picture identification that is accepted at the polls or one of the lesser forms of identification currently authorized in law for curing *missing* signatures with the voter's name and current residence address, which is —categorized in the bill as Tier 2²⁹ identification, such as a current utility bill, if the signature on the cure affidavit does not match the voter's signature on file.

Missing-Signature Ballots³⁰

A voter may cure a missing signature on a vote-by-mail ballot by submitting:

- A *signed affidavit* attesting to his or her eligibility to vote and attesting to the fact that he or she requested and returned a vote-by-mail ballot; and
- The same type of current and valid picture identification required at the polls, now categorized as Tier 1 identification,³¹ if the signature on the cure affidavit does not match the voter's signature on file; or
- Either Tier 1 identification, like a photo identification acceptable at the polls, or one of the lesser forms of identification currently authorized in law with the voter's name and current residence address, which is categorized in the bill as Tier 2,³² such as a current utility bill, if the signature on the cure affidavit does match the voter's signature on file.

Additional minor changes made by the bill include:

²⁸ Tier 1 identification includes the following current and valid photo IDs: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or, an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality. The bill also *specifically* designates a Florida driver's license and state-issued ID as permissible forms of photo identification, a clarification of the original 2013 legislation that incorporates the current practice and informal legal interpretation.

²⁹ Tier 2 identification includes a current utility bill, bank statement, government check, paycheck, or government document, but excluding a voter identification card.

³⁰ With the exception of providing an *additional* opportunity for a voter to cure a defective ballot upon submission of a cure affidavit with a *mismatched* voter signature, which would not count under current law, the process for cure remains the same.

³¹ See *supra* note 28.

³² See *supra* note 29.

- Modifying the cure affidavit instructions to request a preference for Tier 1 identification, if available. (If the signature on the cure affidavit does not match the signature on file, the voter must have submitted a current and valid Tier 1 photo ID for the ballot to count.)
- Amending the *post-election* notification process to require that a supervisor of elections send a voter registration card to any voter whose ballot *counted* notwithstanding a non-matching signature — for purposes of updating the signature for the next election.
- Making technical, conforming, and structural changes to the statute.

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:

Sample Ballot Publication ***Revenue; recurring***

Local newspapers may lose revenue in the form of publication fees for sample ballots, as Supervisors of Elections are increasingly preferring to mail sample ballots to voters' residences. The overall amount of revenue lost is inestimable as it will depend on how many Supervisors of Elections choose to mail sample ballots *in lieu of* publication.

C. Government Sector Impact:

Sample Ballot Publication ***Expenditures; recurring***

County Supervisors of Elections will save an indeterminate amount of money each election cycle, by either foregoing newspaper publication *or* the mailing of sample ballots to voters. The bulk of the savings will be realized by the county Supervisors of Elections who pay for the elections, except for *special election* savings which will be realized by the State (who must reimburse the counties to run these elections).

Canvassing of Vote-by-Mail Ballots

Supervisors of Elections may incur some additional costs to notify voters who submit vote-by-mail ballots with missing or mismatched signatures and do not have an e-mail address on file. Such costs are expected to be minimal.

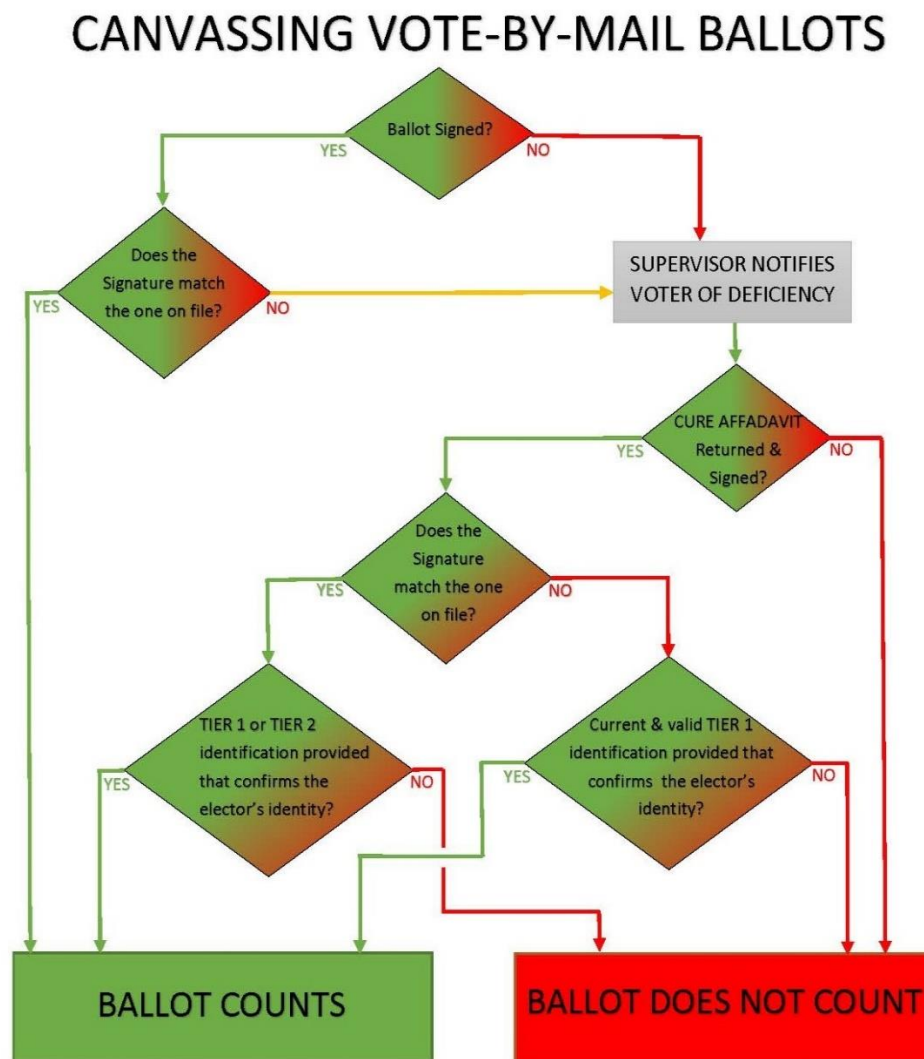
VI. Technical Deficiencies:

None.

VII. Related Issues:

Canvassing of Vote-by-Mail Ballots

The following decision tree outlines the canvassing board process for determining the validity of vote-by-mail ballots with missing and/or mismatched signatures:



VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.021, 99.061, 100.011, 101.131, 101.151, 101.20, 101.5603, 101.56075, 101.68, 105.031.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bradley

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1 A bill to be entitled
 2 An act relating to elections; amending s. 97.021,
 3 F.S.; revising the definition of the term "marksense
 4 ballot"; amending s. 99.061, F.S.; requiring a
 5 candidate to provide a money order or cashier's check
 6 drawn upon his or her campaign account to the filing
 7 officer if not qualifying by petition; deleting
 8 provisions regarding returned checks, to conform;
 9 amending s. 100.011, F.S.; specifying conditions under
 10 which a court may extend the time of the official
 11 closing of the polls; amending s. 101.131, F.S.;
 12 prohibiting an elected official from being designated
 13 as a poll watcher; amending s. 101.151, F.S.;
 14 specifying applicability of ballot layout requirements
 15 with respect to voting systems using a voter interface
 16 device to designate an elector's ballot selections;
 17 amending s. 101.20, F.S.; providing an exception to
 18 the requirement that the supervisor of elections
 19 publish a sample ballot in a newspaper of general
 20 circulation if a sample ballot is mailed to a
 21 registered voter's household by a specified time;
 22 amending s. 101.5603, F.S.; revising the definition of
 23 the term "marking device"; amending s. 101.56075,
 24 F.S.; revising a reference regarding the use of a
 25 marking device; amending s. 101.68, F.S.; deleting an
 26 obsolete date; modifying and clarifying provisions
 27 governing the canvassing of vote-by-mail ballots;
 28 authorizing use of the vote-by-mail ballot cure
 29 affidavit if an elector's signature does not match the

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30 signature in the registration books or precinct
 31 register; requiring the supervisor of elections to
 32 immediately notify an elector upon receipt of a vote-
 33 by-mail ballot with a missing or mismatched signature;
 34 revising terminology; revising the cure affidavit
 35 instructions with respect to acceptable forms of
 36 identification; specifying that a Florida driver
 37 license or Florida identification card are acceptable
 38 forms of identification for purposes of curing a vote-
 39 by-mail ballot; expanding the scope of post-election
 40 signature update requests to include electors who
 41 cured a vote-by-mail ballot with a mismatched
 42 signature; amending s. 105.031, F.S.; requiring
 43 certain nonpartisan candidates to provide a money
 44 order or cashier's check drawn upon his or her
 45 campaign account to the filing officer if not
 46 qualifying by petition; deleting provisions regarding
 47 returned checks, to conform; providing an effective
 48 date.

50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Subsection (5) of section 97.021, Florida
 53 Statutes, is amended to read:

54 97.021 Definitions.—For the purposes of this code, except
 55 where the context clearly indicates otherwise, the term:

56 (5) "Ballot" or "official ballot" when used in reference

57 to:

58 (a) "Marksense ballot ~~ballots~~" means a ~~that~~ printed sheet

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of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, ~~or~~ a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, or the selections made by the elector of candidates or other questions or propositions at an election, on which ~~sheet of paper~~ an elector casts his or her vote either directly on the sheet of paper or indirectly through the use of a voter interface device used to designate the elector's ballot selections on the sheet of paper.

(b) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

Section 2. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(7) (a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A ~~money order or cashier's check properly executed check~~ drawn upon funds in the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon funds in the

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candidate's campaign account. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1) (a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1) (b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 3. Present subsections (3) and (4) of section 100.011, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section, to read:

100.011 Opening and closing of polls, all elections; expenses.—

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(3) A court may not extend the time of the official closing of the polls unless there is a specific showing or finding of fact that extraordinary circumstances exist to justify the extension.

Section 4. Subsection (3) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(3) An elected official, ~~No~~ candidate, ~~or~~ sheriff, deputy sheriff, police officer, or other law enforcement officer may not be designated as a poll watcher.

Section 5. Subsection (10) is added to section 101.151, Florida Statutes, to read:

101.151 Specifications for ballots.—

(10) With respect to any voting system that uses a voter interface device to designate the elector's ballot selections on a sheet of paper, the requirements of this section, s. 101.161, and ss. 101.2512-101.254 which prescribe specifications for ballot layout apply only to how the candidates and issues are displayed on the voter interface device.

Section 6. Subsection (2) of section 101.20, Florida Statutes, is amended to read:

101.20 Publication of ballot form; sample ballots.—

(2) Upon completion of the list of qualified candidates, a sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county, ~~before the day of election.~~ However, the supervisor is not required to publish the sample ballot in a newspaper of general circulation in the county if the supervisor mails a sample ballot to each household where there is a registered elector at least 7 days

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before the election. The A supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. If an e-mail address has not been provided, or if the elector has not opted for electronic delivery, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector at least 7 days before an election.

Section 7. Subsection (5) of section 101.5603, Florida Statutes, is amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(5) "Marking device" means any approved device for marking a ballot with ink or other substance, including the use of a voter interface device, which will enable the ballot to be tabulated by means of automatic tabulating equipment.

Section 8. Subsection (1) of section 101.56075, Florida Statutes, is amended to read:

101.56075 Voting methods.—

(1) Except as provided in subsection (2), all voting shall be by marksense ballot using ~~utilizing~~ a marking device for the purpose of designating ballot selections.

Section 9. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the

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registration books or the precinct register to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. ~~However, effective July 1, 2005,~~ An elector who dies after casting a vote-by-mail ballot but on or before election day shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. Except as provided in subsection (4), after a vote-by-mail ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter's certificate.

(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots at 7 a.m. on the 15th day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of vote-by-mail ballots through such tabulating equipment may begin at 7 a.m. on the 15th day before the election. However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s.

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775.084.

(b) To ensure that all vote-by-mail ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board must ~~shall~~, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature that does not match the elector's signature in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

2. The ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before ~~prior to~~ the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier,

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or already in the possession of the supervisor of elections. A ~~vote-by-mail ballot is considered illegal if the voter's certificate or vote-by-mail ballot affidavit does not include the signature of the elector, as shown by the registration records or the precinct register. However,~~

3. A vote-by-mail ballot is not considered illegal if the signature of the elector does not cross the seal of the mailing envelope. ~~If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The vote-by-mail ballot affidavit, if applicable, the envelope, and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.~~

4.2. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure ~~vote-by-mail ballot~~ affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure ~~vote-by-mail ballot~~ affidavit may not be accepted after the ballot has been removed from the mailing envelope.

5. If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The cure affidavit, if applicable, the envelope, and the ballot therein shall be preserved in the manner that official ballots are preserved.

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(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on vote-by-mail ballots shall be included in the total vote of the county.

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the vote-by-mail ballots until a final proclamation is made as to the total vote received by each candidate.

(4) (a) ~~The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal and provide the specific reason the ballot was rejected. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature if the elector's ballot was rejected due to a difference between the elector's signature on the voter's certificate or vote-by-mail ballot affidavit and the elector's signature in the registration books or precinct register. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.~~

~~(b) Until 5 p.m. on the day before an election, The supervisor shall, on behalf of the county canvassing board,~~

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291 immediately notify ~~allow~~ an elector who has returned a vote-by-
 292 mail ballot that does not include the elector's signature or
 293 contains a signature that does not match the elector's signature
 294 in the registration books or precinct register. The supervisor
 295 shall allow such an elector to complete and submit an affidavit
 296 in order to cure the ~~unsigned~~ vote-by-mail ballot until 5 p.m.
 297 on the day before the election.

298 ~~(b)(c)~~ The elector ~~shall provide identification to the~~
 299 ~~supervisor and~~ must complete a cure ~~vote-by-mail ballot~~
 300 affidavit in substantially the following form:
 301

302 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

303 I,, am a qualified voter in this election and
 304 registered voter of County, Florida. I do solemnly swear or
 305 affirm that I requested and returned the vote-by-mail ballot and
 306 that I have not and will not vote more than one ballot in this
 307 election. I understand that if I commit or attempt any fraud in
 308 connection with voting, vote a fraudulent ballot, or vote more
 309 than once in an election, I may be convicted of a felony of the
 310 third degree and fined up to \$5,000 and imprisoned for up to 5
 311 years. I understand that my failure to sign this affidavit means
 312 that my vote-by-mail ballot will be invalidated.

313 ... (Voter's Signature) ...

314 ... (Address) ...

315
 316
 317 ~~(c)(d)~~ Instructions must accompany the cure ~~vote-by-mail~~
 318 ~~ballot~~ affidavit in substantially the following form:
 319

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320 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 321 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 322 BALLOT NOT TO COUNT.
 323

324 1. In order to ensure that your vote-by-mail ballot will be
 325 counted, your affidavit should be completed and returned as soon
 326 as possible so that it can reach the supervisor of elections of
 327 the county in which your precinct is located no later than 5
 328 p.m. on the ~~2nd~~ day before the election.

329 2. You must sign your name on the line above (Voter's
 330 Signature).

331 3. You must make a copy of one of the following forms of
 332 identification:

333 a. Tier 1 identification.—Current and valid identification
 334 that includes your name and photograph: Florida driver license;
 335 Florida identification card issued by the Department of Highway
 336 Safety and Motor Vehicles; United States passport; debit or
 337 credit card; military identification; student identification;
 338 retirement center identification; neighborhood association
 339 identification; public assistance identification; veteran health
 340 identification card issued by the United States Department of
 341 Veterans Affairs; a Florida license to carry a concealed weapon
 342 or firearm; or an employee identification card issued by any
 343 branch, department, agency, or entity of the Federal Government,
 344 the state, a county, or a municipality; or

345 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
 346 FORM OF IDENTIFICATION, identification that shows your name and
 347 current residence address: current utility bill, bank statement,
 348 government check, paycheck, or government document (excluding

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voter identification card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail, deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct.

5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

(d) ~~(e)~~ The department and each supervisor shall include the affidavit and instructions on their respective websites. The supervisor must include his or her office's mailing address, e-mail address, and fax number on the page containing the affidavit instructions; the department's instruction page must include the office mailing addresses, e-mail addresses, and fax numbers of all supervisors of elections or provide a conspicuous link to such addresses.

(e) ~~(f)~~ The supervisor shall attach each affidavit received to the appropriate vote-by-mail ballot mailing envelope.

(f) After all election results on the ballot have been certified, the supervisor shall, on behalf of the county canvassing board, notify each elector whose ballot has been rejected as illegal and provide the specific reason the ballot was rejected. In addition, the supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature if the signature on

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the voter's certificate or cure affidavit did not match the elector's signature in the registration books or precinct register. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 10. Paragraph (a) of subsection (5) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a money order or cashier's check ~~properly executed check~~ drawn upon funds in the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the

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ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, ...(name of candidate)..., a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

...(Signature of candidate)...

...(Date)...

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to

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qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 11. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: March 6, 2017

I respectfully request that **Senate Bill # 1160**, relating to Ethics and Elections, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley", is written over a horizontal line.

Senator Rob Bradley
Florida Senate, District 5

THE FLORIDA SENATE
APPEARANCE RECORD

4 Apr 17

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1160 ✓

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paul Lux

Job Title Supervisor of Elections, Okaloosa Cty.

Address 302 Wilson St, Ste 102 Phone 850-689-5600

Street

Crestview

FL

32536

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Assoc. of Supervisors of Elections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/17/17
Meeting Date

SB 1160
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Peter Butzin

Job Title _____

Address 1628 Woodgate Way
Street
Tallahassee FL 32308
City State Zip

Phone 850-524-9946

Email pbutzin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case No.:

Caption: Senate Committee on Ethics and Elections

Type:

Judge:

Started: 4/4/2017 9:34:07 AM

Ends: 4/4/2017 10:22:49 AM

Length: 00:48:43

9:34:08 AM Meeting called to order
9:34:17 AM Roll Call
9:34:23 AM Quorum present
9:34:42 AM Tabs 1-7 Executive Appointments
9:35:06 AM Motion by Sen. Grimsley to recommend approval of all appointees on Tabs 1-7
9:35:19 AM Roll Call on Tabs 1-7
9:35:32 AM Tabs 1-7 Favorable to Recommend Confirm
9:35:48 AM Tab 13 SB 1160 by Sen Bradley
9:35:59 AM Sen Bradley explains
9:36:42 AM Sen Rodriguez question
9:37:53 AM Sen Bradley response
9:39:26 AM Paul Lux, Supervisor of Elections (SOE), Okaloosa Co., for information
9:39:55 AM Peter Butzin, League of Women Voters, waives in support
9:40:07 AM Chair calls for questions
9:40:15 AM Chair calls for debate
9:40:28 AM Sen Bradley waives close
9:40:41 AM Roll Call on SB 1160
9:40:50 AM SB 1160 reported favorably
9:41:11 AM Tab 8 CS/SB 198 by EP Comm, Senators Stewart and Rodriguez
9:41:32 AM Sen Stewart explains
9:42:08 AM Peter Butzin, League of Women Voters, waives in support
9:42:25 AM Sen Stewart waives closing of the bill
9:42:32 AM Roll Call
9:42:37 AM CS/SB 198 reported favorably
9:42:53 AM Tab 10 SB 726 by Sen Powell
9:43:04 AM Sen Powell on SB 726
9:43:26 AM Chair
9:43:42 AM Strike All Amendment 468388
9:43:52 AM Sen Powell explains
9:44:21 AM Take up AM 310190 to the Amendment by Sen Bean
9:44:32 AM Sen Bean explains
9:45:57 AM Sen Braynon question
9:46:12 AM Sen Bean explains
9:46:51 AM Chair calls for debate
9:47:07 AM Sen Braynon debate
9:47:24 AM Sen Rodriguez debate
9:47:51 AM Sen Braynon debate
9:49:13 AM Sen Grimsley question
9:50:22 AM Paul Lux , Supervisor of Elections Okaloosa Co. (SOE), speaks for information
9:51:30 AM Sen Grimsley question
9:52:21 AM Mr. Lux responds
9:52:30 AM Sen Grimsley question
9:53:07 AM Mr. Lux responds
9:53:12 AM Sen Grimsley question
9:54:01 AM Mr. Lux responds
9:54:26 AM Sen Grimsley
9:54:47 AM Mr. Lux responds
9:54:51 AM Sen Bean comment
9:55:03 AM Mr. Lux responds
9:55:29 AM Sen Bean comment
9:55:35 AM Mr. Lux responds
9:55:40 AM Sen Bean yeilds to Sen Powell

9:57:58 AM Sen Bean speaks
9:59:03 AM Roll Call on AM 310190 to AM 468388
9:59:18 AM AM 310190 adopted
9:59:48 AM Questions on the Amend
10:00:08 AM Peter Butzin, League of Women of Voters withdraws support pending review
10:00:35 AM AM 468388 as amended adopted
10:00:46 AM Return to bill as amended
10:00:54 AM Sen Grimsley comments
10:02:39 AM Sen Powell comments
10:02:46 AM Sen Braynon comments
10:04:23 AM Chair Passidomo
10:05:08 AM Sen Powell closes on the bill as amended
10:05:56 AM Roll Call on SB 726
10:06:14 AM CS/SB 726 reported favorably
10:06:33 AM Tab 11 SB 1070
10:06:40 AM Sen Hutson explains
10:07:10 AM Amend BC 613644
10:07:21 AM Sen Hutson explains the delete-all amendment
10:07:52 AM AM 532904 to AM 613644 by Sen Bean
10:08:14 AM Sen Bean explains the amend
10:09:47 AM Sen Hutson comments
10:10:48 AM Sen Bean waives close on amendment
10:10:59 AM Amend 532904 to the Amend adopted
10:11:06 AM Back on AM 613644 as amended
10:11:15 AM Sen Hutson waives close
10:11:36 AM AM 613644 adopted as amended
10:11:39 AM Return to bill as amended
10:11:55 AM Paul Lux , SOE Okaloosa Co., waives in support
10:12:05 AM Peter Butzin, League of Women Voters, waives in support
10:12:30 AM Mark Early, Leon Co. SOE, waives in support
10:12:42 AM SB 1070 roll call
10:12:48 AM CS/SB 1070 reported favorably
10:13:09 AM Tab 12 SB 1072 by Sen Hutson
10:13:14 AM Sen Hutson explains strike all AM 707998
10:14:03 AM AM 707998 is adopted
10:14:26 AM Paul Lux , SOE Okaloosa Co., waives in support
10:14:33 AM Peter Butzin, League of Women Voters, waives in support
10:14:37 AM Mark Early, Leon County SOE, waives in support
10:14:48 AM Sen Hutson waives close
10:14:54 AM Roll call SB 1072
10:15:05 AM CS/SB 1072 reported favorably
10:15:19 AM Tab 9 SB 598 by Sen Gibson
10:15:29 AM Sen Gibson explains bill and then AM 231560
10:16:13 AM Questions
10:16:25 AM Sen Gibson waives close
10:16:48 AM AM 231560 adopted
10:16:53 AM Sen Grimsley question on bill as amended
10:17:33 AM Sen Gibson explains
10:17:58 AM Peter Lux, SOE Okaloosa Co explains provisional ballots
10:19:39 AM Peter Butzin, League of Women Voters, waives in support
10:20:39 AM Debate
10:20:50 AM Sen Gibson closes on the bill
10:21:31 AM Roll Call on SB 598
10:21:44 AM CS/SB 598 reported favorably
10:22:11 AM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on Higher
Education
Appropriations Subcommittee on Pre-K - 12
Education
Education
Ethics and Elections
Rules

SENATOR TOM LEE

20th District

April 4, 2017

The Honorable Kathleen Passidomo, Chair
The Florida Senate
404 South Monroe Street
318 Senate Office Building Tallahassee, FL 32399

Dear Senator Passidomo:

I respectfully request to be excused from today's meeting of the Ethics and Elections Committee.

Sincerely,

A handwritten signature in black ink that reads "Tom Lee". The signature is fluid and cursive, with the first name "Tom" and last name "Lee" clearly distinguishable.

Tom Lee
Florida State Senator
20th District

REPLY TO:

- ☐ 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
- ☐ 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Vice Chair*
Appropriations Subcommittee on General
Government
Ethics and Elections
Military and Veterans Affairs, Space, and
Domestic Security

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR VICTOR M. TORRES, JR.
15th District

MEMORANDUM

To: Chair, Senator Kathleen Passidomo

From: Senator Torres

Subject: Excusal for April 4, 2017

Date: March 28, 2017

Honorable Chair,

Please excuse my absence from the Ethics and Elections Committee meeting scheduled for April 4, 2017.

Thank you in advance,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr.", is written over a horizontal line.

Victor M. Torres, Jr.
Senator D15

REPLY TO:

- ☐ 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
- ☐ 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore