

## Rules Subcommittee on Ethics and Elections

### **CS/HB 227 — Federal Write-In Absentee Ballot (FWAB)**

by Government Operations Subcommittee; and Rep. Brandes and others (CS/SB 378 by Rules Subcommittee on Ethics and Elections and Senators Gaetz and Benacquisto)

Committee Substitute for House Bill 227 allows absent uniformed services or overseas electors to use the federal write-in absentee ballot (FWAB) in any federal, state, or local election involving two or more candidates. The bill maintains that the FWAB may only be used by eligible electors as a last resort, that is, when the elector has timely requested but has not received an official state absentee ballot. The bill adopts specific procedures to duplicate an FWAB when canvassed, similar to when an absentee ballot is duplicated when received physically damaged. It allows the voter to designate candidate choices for offices by name or, except for a primary or nonpartisan race, by political party preference. It requires the Department of State to adopt rules to determine voter intent on an FWAB. Finally, the bill requires that all races on each FWAB received by a county supervisor of elections by 7 p.m. on election day be canvassed, unless an elector's official absentee ballot is received by that time — in which case the official absentee ballot is counted in lieu of the FWAB.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 38-0; House 116-0*

## Rules Subcommittee on Ethics and Elections

### **SB 330 — Violations of the Florida Election Code**

by Senators Gaetz, Altman, and Oelrich

Senate Bill 330 subjects candidates to a civil fine of up to \$5,000 for falsely representing in an election that they have served, or are serving, in the nation's military. It provides for the expedited hearing of complaints by the Florida Elections Commission or an Administrative Law Judge (ALJ) at the Division of Administrative Hearings (DOAH), as appropriate, and further authorizes the Commission to adopt rules to provide for such expedited hearing.

The bill authorizes any person to file a complaint with the Florida Elections Commission, and any fine assessed is deposited in the State's General Revenue Fund.

The bill grants specific penalty power to the ALJ at DOAH to account for the recent First District Court of Appeals decision in *Davis v. Florida Elections Commission*.<sup>1</sup>

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 37-0; House 111-4*

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<sup>1</sup> 44 So.3d 1211 (Fla. 1<sup>st</sup> DCA 2010) (ALJ has no statutory authority to institute penalties for election violations originating with the Florida Elections Commission) .

## Rules Subcommittee on Ethics and Elections

### CS/CS/HB 1355 — Elections

by State Affairs Committee; Government Operations Subcommittee; and Rep. Baxley and others (CS/CS/SB 2086 by Rules Committee and the Rules Subcommittee on Ethics and Elections)

CS/CS/HB 1355 is an omnibus elections bill consisting primarily of the Secretary of State's election administration and campaign finance packages, along with numerous other significant changes to the Florida Election Code that include:

- **Joint Resolutions**: providing for alternative ballot summaries and/or the full text of a constitutional amendment proposed by joint resolution to be placed on the ballot; providing lead-time until the end of 2013 for voting systems to be modified to accommodate the full text of an amendment; creating a presumption that placing the full text on the ballot provides electors adequate notice of what they're voting on; containing procedures for curing defective ballot summaries; making the provisions of this section retroactive to joint resolutions passed during the 2011 legislative session.
- **Early Voting**: providing for a more compressed, 8-day early voting period that's closer to election day — from the 10<sup>th</sup> to the 3<sup>rd</sup> day before the election — while maintaining the current 96 *total* hours of early voting should supervisors deem it necessary in their counties; requiring early voting at each site to be open for a minimum of 6 hours and a maximum of 12 hours per day.
- **Third-Party Voter Registration Organizations**: requiring such groups to submit voter registration applications within 48 hours of receipt instead of 10 days, identify registration agents collecting applications, and act as a fiduciary to voters whose applications have been collected; requiring registration forms to contain certain identifying information; mandating that the Florida Division of Elections maintain a database of forms issued to third-party voter registration groups; applying the provisions of this section retroactively to existing third-party voter registration groups.
- **Address Changes at the Polls**: allowing voters to change their addresses on election day and still vote a *regular ballot*, provided the elector is: 1) voting in the same county in which they originally registered to vote; or, 2) an active military member or in the same family with an active military member. Other electors making inter-county address changes at the polls would be required to vote a provisional ballot.
- **Citizen Initiative Petitions**: reducing the shelf-life of initiative petition signatures proposing constitutional amendments from 4 years to 2 years.
- **Reporting Election Results**: requiring county canvassing boards to report all early voting and tabulated absentee ballots to the Department of State within 30 minutes after the polls close, and to subsequently report all results (other than provisional ballots) every 45 minutes until complete.
- **Presidential Preference Primary (PPP) Date**: eliminating the current date for the Presidential Preference Primary (last Tuesday in January) and creating a 10-member PPP Date Selection Committee, which will establish the PPP date every four years to fall between the beginning of January and the beginning of March; the date must be selected by October 1 of the year preceding the presidential election.

- **State Primary Date**: moving the State's primary election from 10 weeks to 12 weeks before the general election (i.e., August 14, 2012).
- **Party Switching**: prohibiting would-be candidates from seeking a party's nomination to an office if the person was a member of any other political party for a year preceding qualifying.
- **Binding Directives**: empowering the Secretary of State to provide *written* direction to supervisors of elections on matters relating to their official duties under the Florida Election Code or department rule.
- **Absentee Ballots**: standardizing the time frames during which absentee ballots are mailed to military, overseas, and other voters; allowing county canvassing boards to begin canvassing absentee ballots at 7 a.m. on the 15<sup>th</sup> day before an election instead of the 6<sup>th</sup> day.
- **Election Law Violations**: correcting an oversight in current law by providing that an administrative law judge in the Division of Administrative Hearings has the same authority as the Florida Elections Commission to impose civil penalties for election law violations.
- **Voter Information Cards**: adding the polling place address to voter information cards, and requiring supervisors of elections to comply with this requirement with respect to all voter information cards issued after August 1, 2012.
- **Poll Watchers**: bringing greater transparency and flexibility to poll watcher procedures by providing for "at-large" poll watchers.
- **Random Audits**: specifying that if a manual recount was conducted, a post-election, random audit of the voting system is not required.
- **Campaign Finance Automatic Fines**: increasing the penalty for committees of continuous existence that late-file their *final* campaign finance report due before a primary or general election for the first three days the report is late, from \$50 per day to \$500 per day (to conform to current law regarding political committee and candidate filings).
- **County Candidates/Reapportionment**: allowing county candidates who are seeking to qualify by petition in an apportionment year to obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries.

If approved by the Governor and except as otherwise provided, these provisions take effect upon becoming law.

*Vote: Senate 25-13; House 77-38*

## Rules Subcommittee on Ethics and Elections

### **HB 7159 — OGSR; Commission on Ethics Audits and Investigations**

by Government Operations Subcommittee and Rep. Patronis (SB 2056 by Rules Subcommittee on Ethics and Elections)

House Bill 7159 is the result of an Open Government Sunset Review of an existing exemption for records and meetings relating to an audit or investigation of lobbyists, principals of lobbyists, and lobbying firms who lobby the executive branch or the Constitution Revision Commission. The exemption applies only until either the Commission determines whether probable cause exists to believe a violation of the executive branch lobbying and reporting provisions occurred or until the subject of the audit or investigation waives confidentiality in writing. The bill permanently reenacts the existing exemption but clarifies that only portions of meetings conducted pursuant to such an audit or investigation are confidential. The clarification prevents the Commission from hearing otherwise public matters in a confidential or executive session.

If approved by the Governor, these provisions take effect October 1, 2011.

*Vote: Senate 38-0; House 113-0*