

STORAGE NAME: h2023a.er

DATE: March 20, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 2023

RELATING TO: Elections (absentee ballots)

SPONSOR(S): Representative Livingston

COMPANION BILL(S): SB 354(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (GRC) YEAS 9 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 2023 provides that an absentee ballot must be mailed to the elector at the address shown on the registration books, or to an address outside of the county as designated by the elector, unless otherwise specified by law. An exception is provided in those instances where the supervisor of elections is satisfied that the mailing of the absentee ballot to an address other than as shown on the registration books will not compromise the integrity of the election. This bill also prohibits the mailing of more than two absentee ballots to the same address, unless the address is that shown on the registration books or the address is for a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility.

This bill does not appear to have a significant fiscal impact on state or local governments.

Provides for an effective date.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Under current law, absentee ballots may be requested from an elector, or a designee of an elector, in person, by mail, or by telephone. Absentee ballots may be sent to an elector at any address the elector specifies. In addition, there is no prohibition against the mailing of multiple absentee ballots to the same address. Requests for absentee ballots may be accepted from an elector, or from any person designated by such elector, and may be made in person, by mail, or by telephone. One request is sufficient to receive an absentee ballot for all election held within a calendar year, unless the elector or the elector's designee indicates otherwise. A request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable. [s. 101.62(1), F.S. (1997)].

Subsection (4)(b) of s. 101.62, F.S., requires the supervisor of elections to deliver or mail an absentee ballot to each elector by whom a request has been made. An elector may designate, in writing, a person to pick up their absentee ballot however, the designated person may not pick up more than two absentee ballots per election, excluding the designee's own ballot. An exception is made for "immediate family" members. "Immediate family" is defined in this section as meaning the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse.

While this bill does not effect section 101.045, F.S., this section is briefly discussed for clarification purposes. A request for an absentee ballot which indicates that the elector has had a change of address of legal residence from that shown in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by law. Upon receipt of a request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor must provide the elector with the proper ballot for the precinct in which the elector has his or her legal residence. [s. 101.045(2)(e), F.S. (1997)].

B. EFFECT OF PROPOSED CHANGES:

Unless otherwise provided in section 101.62, F.S., this bill requires an absentee ballot to be directly mailed to an elector at his or her address as shown on the registration books, or to an address designated by the elector which is located outside of the county. HB 2023 prohibits the mailing of an absentee ballot to an elector at an address within his or her county other than the address listed for the elector on the registration books. However, under this bill, the supervisor of elections is afforded discretion to waive this provision if the supervisor is satisfied that the mailing of the absentee ballot would not compromise the integrity of the election.

Additionally, HB 2023 limits the number of absentee ballots that may be mailed to the same address to no more than two, unless the address is that shown on the registration books for the elector or the address is for a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility. Under the terms of this bill, it does not appear that the supervisor of elections would have discretion to waive this limitation.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Local supervisors of elections will be responsible for monitoring the number of absentee ballots that are sent to any address that is not the address of the elector as shown on the registration books or a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

To the extent that requesting and receiving absentee ballots is considered an "activity", HB 2023 does put limitations on where an absentee ballot will be sent and the number of absentee ballots that can be received at a particular address.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. STATUTE(S) AFFECTED:

Amending s. 101.62, F.S.

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Minimal. Can be handled with current staff.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

This bill will require increased monitoring of absentee ballot requests, although the fiscal impact is indeterminable at this time.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the requirements of Article VII, s. 18, Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

Not applicable.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment 1 A technical amendment that removes the words "1996 Supplement," to reference the bill to the correct version of Florida Statutes.

Amendment 2 A technical amendment to correct the effective date of this carried-over bill.

Amendment 3 This amendment inserts the word "and" to make the discretion of the supervisor of elections contingent upon the ballot going to a hospital, assisted-living facility, nursing home, short-term medical and rehabilitation facility, or correctional facility.

Amendment 4 This amendment removes from the bill the prohibition on sending more than two absentee ballots to a single address other than the voter's voter

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registration address. It also provides that an absentee ballot may be sent to an address other than the voter's voter registration address in the county of registration if it is sent to a temporary address resulting from hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, medical treatment, incarceration in a local government correctional facility, or other reason beyond the control of the elector.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

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