

STORAGE NAME: h3683s1.er

DATE: March 27, 1998

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

BILL #: CS/HB 3683

RELATING TO: Elections

SPONSOR(S): Committee on Election Reform and Representative Diaz de la Portilla

COMPANION BILL(S): CS/HB 3743(c), CS/SB 1402(c), CS/HB 3941(c), SB 2192(c)

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

- (1) ELECTION REFORM (GRC) YEAS 8 NAYS 0
 - (2) CRIME & PUNISHMENT (JC)
 - (3) GOVERNMENTAL OPERATIONS (GRC)
 - (4) FINANCE & TAXATION (FRC)
 - (5)
-

I. SUMMARY:

CS/HB 3683 is designated as the "Truth in Voting Act of 1998."

The committee substitute provides that supervisors of elections provide information on homestead exemption addresses to property appraisers. The committee substitute modifies the uniform statewide voter registration application to elicit this information. This committee substitute requires property appraisers to review this information and to revoke a homestead exemption and assess back taxes if appropriate under current law.

The committee substitute provides that the division of elections shall cross reference the central voter file with other databases to determine voters that should be removed from the voter rolls due to death, felony conviction, or adjudication of mental incompetence. Additionally, the division is required to provide this information to each supervisor of election annually.

The committee substitute requires photo identification of an elector at the polls, requires absentee ballot witnesses to provide a type and number from certain specified forms of identification, provides that it is a felony of the third degree to present a fraudulent photo identification in order to vote. Additionally, the committee substitute prohibits a person from witnessing more than three absentee ballots in any given election and provides that anyone who does, commits a felony in the third degree. The committee substitute requires the absentee voters certificate to recite the penalty for election fraud. The committee substitute raises the penalty for a person selling his or her vote from a misdemeanor of the first degree to a felony of the third degree.

The committee substitute raises several offenses related to election fraud from misdemeanors in the first degree to felonies in the third degree.

The committee substitute provides that political parties may certify ballot witnesses.

This committee substitute has a significant fiscal impact and provides a \$4 million specific appropriation.

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Provides an effective date.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 97.052, F.S., provides the form for the Uniform Statewide Voter registration application. The Uniform Statewide Voter Registration Application shall elicit from the applicant: full name, date of birth, address of legal residence, mailing address if different from address of legal residence, county of legal residence, race or ethnicity, social security number (optional), telephone number (optional), signature of applicant, whether the applicant is a citizen of the United States, whether the applicant has been convicted of a felony and not had his or her civil rights restored, whether the applicant has been adjudicated mentally incompetent with respect to voting and has not had his or her right to vote restored.

Section 98.015, F.S., provides the duties of each supervisor of elections.

Section 98.471, F.S., currently provides that an election clerk or inspector shall require an elector to present one of the forms of identification approved by the Department of State pursuant to section 98.461, F.S., in order to vote. Section 98.461, F.S., provides that the Department of State shall approve a list of forms of identification which shall include, but not be limited to, the voter registration identification card and the Florida driver's license.

Subsection (2) of section 101.045, F.S., provides the procedures to be followed when an elector seeks to register his or her change of address at the poll on election day.

Subsection (3) of section 101.111, F.S., provides that an election clerk or inspector shall allow an elector to vote after a challenge to that elector if the elector completes the "Oath of Challenged Voter" affidavit and the information contained therein corresponds to the information contained in the voter registration books.

Section 101.22, F.S., provides the voting procedure for paper ballots. In this procedure, the voter is required to sign the precinct register, the election clerk or supervisor then will compare the signature made on the election register with the signature contained on the voter's identification to determine if the voter is who he or she purports to be, then the elector will be allowed to vote.

Subsections (1) and (2) of section 101.47, F.S., provide the requirements that must be met before an elector may enter the voting machine booth. Currently, the voter is required to sign the precinct register, the election clerk or supervisor then will compare the signature made on the election register with the signature contained on the voter's identification to determine if the voter is who he or she purports to be, then the elector will be allowed to vote.

Section 101.49, F.S., provides that when any election clerk or election supervisor doubts that the signature of the person attempting to vote is the signature of the elector entitled to vote, the clerk or supervisor shall provide the person attempting to vote an affidavit that requires them to attest to their identity. If the person completes, signs, and files the affidavit with the clerk, he or she shall be entitled to vote.

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Subsection (1) of section 101.5608, F.S., provides that an elector attempting to vote by an electronic or electromechanical system shall be entitled to vote if he or she signs the election register and the signature in the election register, in the opinion of the election clerk or supervisor, match.

Section 101.5611, F.S., provides that each supervisor of elections shall provide at each polling place a model that demonstrates the procedure to be used in voting and the arrangement of the ballot. Poll workers are required to offer instruction in voting to those requesting it on the instructional model.

Subsection (1) of section 101.64, F.S., provides that the voter's certificate on absentee ballots shall contain a space for the voter's name, the voter's signature, the witness's signature, and the witness's address.

Section 101.65, F.S., provides the instructions that the supervisors of elections are required to provide with each absentee ballot. Among these are instructions that it is "VERY IMPORTANT" that the voter sign the voter's certificate and have it witnessed.

Paragraph (c) of subsection (2) of section 101.68, F.S., provides that the county canvassing board shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine that the elector is registered in the county and that the ballot is legal.

Paragraph (a) of subsections (5) and (6) of section 163.511, F.S., provide the form of the voter's certificate and instructions that are included with ballots for special neighborhood improvement districts.

Subsection (2) of section 102.012, F.S., provides that each member of an election board must be able to read and write the English language, and must be a registered qualified elector of the county in which the member is appointed.

Paragraph (b) of subsection (1) of section 97.041, F.S., provides that a person may preregister to vote after his or her seventeenth birthday.

Section 104.012, F.S., provides that it is a misdemeanor in the first degree to: give anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter; by bribery, menace, threat, or other corruption, directly or indirectly, influence, deceive, or deter or attempt to influence, deceive, or deter any person in the free exercise of that person's right to register to vote; soliciting or paying another person to solicit voter registrations for compensation that is based upon the number of registrations obtained; or altering a person's voter registration application without that person's permission.

Section 104.013, F.S., provides that it is a misdemeanor in the first degree to knowingly have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration card, bartering, selling, trading or giving away a voter registration identification card unless said person is authorized under law to issue such card, to willfully destroy or deface the registration card of a duly registered voter.

Section 104.045, F.S., provides that it is a misdemeanor of the first degree to sell your vote.

Section 104.051, F.S., provides that it is a misdemeanor of the first degree: for any official to willfully refuse or willfully neglect to perform his or her duties under the Election Code; for an official who performs his or her duty fraudulently or corruptly; or for any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot.

Section 104.24, F.S., provides that it is a misdemeanor in the first degree to in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name other than the name by which the elector is registered or fraudulently use the name of another in voting.

Section 196.141, F.S., provides that each property appraiser has the duty of examining each claim for a homestead exemption filed with or referred to him or her and shall allow the same if it is found to be in accordance with the law.

B. EFFECT OF PROPOSED CHANGES:

This committee substitute requires supervisors of elections to notify property appraisers of persons who list a home address for voting purposes that is different from the address at which that person claims a homestead exemption, if any. This committee substitute modifies the uniform statewide voter registration application to require that a registrant list the address at which he or she claims a homestead exemption, if any. This committee substitute requires property appraisers to review information provided under this provision and to terminate the homestead exemption and to assess back taxes if the person is not entitled to the homestead exemption under current law. Additionally, supervisors of elections will be required to provide that persons who verify signatures receive adequate training in handwriting comparison.

The committee substitute created a section to provide that the Division of Elections shall provide each supervisor of elections a list of all electors who have died, or have been convicted of a felony and have not had civil rights restored, or have been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored, by a certain date. Additionally, the Division is required to update the list annually and provide such update to the supervisors by a certain date. The section provides that the Division shall have the authority to contract with a private entity to conduct the required list maintenance and requires supervisors to remove voters identified on these lists from the voter rolls.

This committee substitute provides that an elector shall be required to present photo identification at the polls in order to be allowed to vote.

The committee substitute provides that when an election clerk or inspector doubts that the person voting is the person indicated in the photo identification the person attempting to vote will be required to sign an affidavit attesting that they are in fact the person that they purport to be and that they are entitled to vote in that election.

The committee substitute provides that any person who upon entering a polling place to vote, knowingly and willfully, presents to the clerk or inspector a fraudulent photo identification commits a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, F.S.

The committee substitute provides the voter's certificate provided with absentee ballots have a space where the witness shall provide a type of authorized identification and the number on that authorized identification. Additionally the voter's certificate is modified to require that the ballot witness print his or her full name and to include a statement that the witness will sign that reads: "I understand that a person who willfully swears or affirms information that is false in connection with or arising out of voting or elections commits a felony of the third degree, which is punishable by a fine of up to \$5,000 and/or imprisonment for up to 5 years."

The committee substitute added language to require the posting of notice at polling places explaining the penalties for certain crimes. The committee substitute revised the form of the voter's certificate provided with absentee ballots to include a warning of certain penalties, and a space for witnesses to provide their full printed name. Changes were also made to the instructions to absentee voters, to conform. In addition, changes were made to the canvassing of absentee ballots, to conform. A provision was added to require the supervisor of elections to notify each elector whose ballot was rejected as illegal based on discrepancies in signatures, and to require supervisors of elections to request updated signatures.

The committee substitute provides that the instructions to absentee voters be modified to provide that the absentee ballot witness shall be required to provide on the voter's certificate the type and number of one of the following types of identification:

- A voter registration identification card issued by a supervisor of elections in this state;
- An identification card or driver's license issued by the Department of Highway Safety and Motor Vehicles;
- A passport issued by the Department of State of the United States; or
- Any other form of identification approved by the Department of State as provided by section 98.461, F.S.

The committee substitute provides that a person who is preregistered to vote as provided in section 97.041(1)(b), F.S., may serve as a member of an election board.

The Committee substitute provides that the following offenses are to be raised from misdemeanors in the first degree to a felony in the third degree.

- consideration for registration; interference with registration (subsequent violations would be second degree felonies); soliciting registrations for compensation; and/or alteration of registration application;
- unauthorized use, possession, or destruction of a voter registration card;
- false declaration to secure assistance in preparing a ballot;
- vote selling;
- violations; neglect of duty; corrupt practices on the part of any supervisor, deputy supervisor, or election employee;
- deprivation of, or interference with, an individuals voting rights;

- corruptly influencing voting (subsequent violations would be second degree felonies);
- threats of employers to control the votes of their employees;
- knowingly signing a petition more than once; signing another person's name or fictitious name; and
- assuming a name for voting purposes.

The committee substitute provides that the state executive committee of a political party may submit a list to the Division of Elections of persons certified by it to witness absentee ballots. The list must contain the full name, address, Florida voter registration number, and driver's license number of each witness certified. This certification is valid for one year and the state executive committee shall maintain records for two years. Any person certified as an absentee ballot witness under this section who attempts to unduly influence or interfere with any elector while in the process of voting a ballot commits a felony of the third degree.

An appropriation is provided of \$4 million from general revenue to meet the obligations under this act.

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?

No.

(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?

N/A

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

N/A

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

N/A

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?

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

- 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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends sections 98.015, 97.052, 98.471, 101.045, 101.111, 101.22, 101.47, 101.49, 101.5608, 101.5611, 101.64, 101.65, 101.68, 102.012, 104.012, 104.013, 104.045, 104.051, 104.24, 163.511, and 196.141, Florida Statutes. Creates ss. 98.0975, 101.667, 104.036, 104.047, and 104.45, Florida Statutes.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Provides a short title that designates the act the "Truth in Voting Act of 1998".

Section 2: Amends section 98.015, F.S., relating to duties of supervisors of elections. Adds a new subsection to provide that supervisors of elections must forward the name and homestead address of any person who registers to vote at an address other than the address at which the person claims a homestead exemption to the local property appraiser for the county in which the homestead is claimed. Adds a new subsection to require that each supervisor of elections provide adequate training in handwriting comparison for members of county canvassing boards and employees who verify signatures of voters.

Section 3: Amends section 97.052, F.S., revising the uniform statewide voter registration application. Requires an applicant to include the address of any property for which the applicant has been granted a homestead exemption and the last four digits of his or her social security number. Provides that the uniform statewide voter registration application contain a statement informing the applicant that any person who has been granted a homestead exemption in this state and who registers to vote in a precinct other than the one in which the homestead property is located, shall have that information forwarded to the appropriate property appraiser, which may result in the homestead exemption being terminated and back taxes assessed, provides an exception.

Section 4: Effective upon this act becoming a law; creates section 98.0975, F.S., to provide that the Division of Elections shall by August 1, 1998, provide each supervisor of elections a list of all electors who have died, or have been convicted of a felony and have not had civil rights restored, or have been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored. Additionally, the Division is required to update the list annually and provide such update to the

supervisors by June 1 of each year. The section provides that the Division shall have the authority to contract with a private entity to conduct the required list maintenance and requires supervisors to remove voters identified on these lists from the voter rolls.

Section 5: Amends section 98.471, F.S., to provide that an elector shall be required to present photo identification at the polls in order to be allowed to vote.

Section 6: Amends subsection (2) of section 101.045, F.S., to provide that an elector shall be required to present photo identification at the polls in order to be allowed to vote.

Section 7: Amends subsection (3) of section 101.111, F.S., to require the elections clerk and inspectors to, in the case of a challenge to an elector, compare the voters photo identification with the voters actual appearance to determine if the voter is who he or she purports to be.

Section 8: Amends section 101.22, F.S., to provides that an elector voting by paper ballot will be allowed to vote after submitting photo identification.

Section 9: Amends subsections (1) and (2) of section 101.47, F.S., to provide that an elector voting in a voting machine will be allowed enter the booth after submitting photo identification.

Section 10: Amends subsection (1) of section 101.49, F.S., to provide that when an election clerk or inspector doubts that the person voting is not the person as indicated in the photo identification the person attempting to vote will be required to sign an affidavit attesting that they are in fact the person that they purport to be and that they are entitled to vote in that election.

Section 11: Amends subsection (1) of section 101.5608, F.S., to provide that an elector voting by electromechanical voting system will be allowed to vote after submitting photo identification.

Section 12: Amends section 101.5611, F.S., relating to instructions to voters on election day. Adds a new subsection to require the supervisors of elections to post a notice at each polling place that sets forth the penalty for committing or attempting to commit any fraud in connection with voting; voting a fraudulent ballot; or voting more than once in an election.

Section 13: Amends subsection (1) of section 101.64, F.S., to provide the voter's certificate provided with absentee ballots have a space where the witness shall provide a type of authorized identification and the number on that authorized identification. Requires the voter's certificate to include notice of the penalty for fraud in connection with voting and the penalty for false swearing. Requires the voter to provide the last four digits of the voter's social security number and the witness to provide their printed full name.

Section 14: Amends section 101.65, F.S., to provide that the instructions to absentee voters be modified to provide that the absentee ballot witness shall be required to

provide on the voter's certificate the type and number of one of the following types of identification:

- A voter registration identification card issued by a supervisor of election in this state;
- An identification card or driver's license issued by the Department of Highway Safety and Motor Vehicles;
- A passport issued by the Department of State of the United States; or
- Any other form of identification approved by the Department of State as provided in section 98.461, F.S.

In addition, witnesses are instructed to provide their full printed name.

Section 15: Amends paragraph (c) of subsection (2) of section 101.68, F.S., to provide that an absentee ballot is not considered legal unless the witness includes his or her full printed name and the type and number of identification as listed above. In addition, the supervisors of elections are required to notify each elector whose ballot was rejected as illegal because of a signature discrepancy. The supervisor of elections is required to request an updated signature.

Section 16: Amends paragraph (a) of subsection (5) of section 163.511, F.S., to provide that ballots for the office of board of directors for special neighborhood improvement districts have their voter 's certificates modified to conform with the changes made under this act.

Section 17: Amends section 102.012, F.S., to allow a person who has preregistered to vote pursuant to section 97.041(1)(b), F.S., to be a member of an election board.

Section 18: Amends section 104.012, F.S., to increase the penalty for giving anything of value in consideration for registration; interference with registration; soliciting registrations for compensation; and alteration of registration applications from a first degree misdemeanor to a third degree felony. Includes a reference to the habitual offender statute.

Section 19: Amends section 104.013, F.S., to increase the penalty for the unauthorized use, possession, or destruction of a voter registration identification card from a first degree misdemeanor to a third degree felony. Includes a reference to the habitual offender statute.

Section 20: Creates section 104.036, F.S., to provide that any person upon entering a polling place to vote, knowingly and willfully presents to the clerk or inspector a fraudulent photo identification commits a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, F.S.

Section 21: Amends section 104.045, F.S., to provide that any person who sells or offers to sell his or her vote commits a felony of the third degree punishable as provided in sections 775.082, 775.083, or 775.084, F.S.

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Section 22: Creates section 104.047, F.S., to provide that any person who requests an absentee ballot on behalf of an elector without the elector's permission, or who marks or designates a choice on the ballot of another person, except as provided in sections 101.051 or 101.655, F.S., commits a felony of the third degree punishable as provided in sections 775.082, 775.083, or 775.084, F.S.

Section 23: Amends section 104.051, F.S., to increase the penalty for attempts to influence or interfere with an elector voting a ballot by any election official or employee from a first degree misdemeanor to a third degree felony punishable as provided in sections 775.082, 775.083, or 775.084, F.S. Also changes the standard of proof for conviction of same.

Section 24: Amends section 104.24, F.S., to increase the penalty for assuming a name in connection with the election process from a first degree misdemeanor to a third degree felony punishable as provided in sections 775.082, 775.083, or 775.084, F.S.

Section 25: Creates section 104.45, F.S., to prohibit any candidate or public officer who is found guilty of committing a violation of Chapter 104, F.S., the violation of which occurred while the person was either a candidate or public officer, from holding office for a period of 5 years from the date of disqualification or upon restoration of civil rights, whichever occurs first.

Section 26: Creates section 101.667, F.S., to provide that the state executive committee of any political party may submit a list of persons certified to witness absentee ballots to the Division of Elections. Provides that the list must contain the witness's full name, address, Florida voter registration number and driver's license number. Provides that in order to be certified, the witness must submit this information to the respective party along with an affidavit that he or she has read and understands Chapter 104, F.S. Certification will last for one year and the party must maintain the records for two years.

Section 27: Amends section 196.141, F.S., to require local property appraisers to examine the referrals of persons registering to vote at an address that is different from the address of their homestead exemption. Property appraisers are directed to terminate a person's homestead exemption and assess back taxes, if appropriate under current law.

Section 28: Provides an appropriation of \$4 million from General Revenue to the Division of Elections for the purpose of meeting its obligations under this act.

Section 29: Provides a severability clause.

Section 30: Provides that this act shall take effect on January 1 of the year after the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisor of Elections.

2. Recurring Effects:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisor of Elections.

3. Long Run Effects Other Than Normal Growth:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisors of Elections.

4. Total Revenues and Expenditures:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisors of Elections.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisors of Elections.

2. Recurring Effects:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisors of Elections.

3. Long Run Effects Other Than Normal Growth:

Unknown at this time. Updated fiscal impact statements have been requested from the Division of Elections, the Florida Election Commission, and the Supervisors of Elections.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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 specifically exempt from the provisions of s. 18, Art. VII, Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

COMMITTEE SUBSTITUTE CHANGES:

The committee substitute provided a short title that designates the act the "Truth in Voting Act of 1998".

The committee substitute added language to provide that each supervisor of elections must forward the name and homestead address of any person who registers to vote at

an address other than that at which the person claims a homestead exemption to the property appraiser for the county in which the homestead is claimed. In order to implement this requirement, the committee substitute requires that the uniform statewide voter registration application be designed to elicit the address of any property for which a homestead exemption has been granted. In addition, supervisors of elections are required to provide for certain training in handwriting comparison.

The committee substitute created a section to provide that the Division of Elections shall provide each supervisor of elections a list of all electors who have died, or have been convicted of a felony and have not had civil rights restored, or have been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored, by a certain date. Additionally, the Division is required to update the list annually and provide such update to the supervisors by a certain date. The section provides that the Division shall have the authority to contract with a private entity to conduct the required list maintenance and requires supervisors to remove voters identified on these lists from the voter rolls.

The committee substitute added language to require the posting of notice at polling places explaining the penalties for certain crimes. The committee substitute revised the form of the voter's certificate provided with absentee ballots to include a warning of certain penalties, and a space for witnesses to provide their full printed name. Changes were also made to the instructions to absentee voters, to conform. In addition, changes were made to the canvassing of absentee ballots, to conform. A provision was added to require the supervisor of elections to notify each elector whose ballot was rejected as illegal based on discrepancies in signatures, and to require supervisors of elections to request updated signatures.

The committee substitute provided for changes to the form of the voter's certificate relating to referenda on special neighborhood improvement districts, to conform. The committee substitute added a provision authorizing any person who is preregistered, and otherwise qualified to vote, to be appointed and serve as a member of an election board.

The committee substitute added the following current offenses under the Florida Election Code to be raised to the level of a third degree felony:

- consideration for registration; interference with registration (subsequent violations would be second degree felonies); soliciting registrations for compensation; and/or alteration of registration application;
- unauthorized use, possession, or destruction of a voter registration card;
- violations; neglect of duty; corrupt practices on the part of any supervisor, deputy supervisor, or election employee (also changed the standard of proof for conviction of an election official or employee influencing or interfering with an elector voting a ballot);
- assuming a name for voting purposes.

The committee substitute also added the following as new offenses under the Florida Election Code:

- requesting an absentee ballot on behalf of an elector without the elector's permission; marking or designating a choice on the ballot of another person, except as provided in sections 101.051 or 101.655, F.S., (felonies of the third degree); and
- in addition to any criminal penalty or other civil penalty, any person found guilty of committing a violation of Chapter 104, F.S., which occurred while the person was either a candidate or a public officer, is disqualified from holding office for a period of 5 years from the date of disqualification or upon restoration of civil rights, whichever occurs first.

The committee substitute added a provision allowing for the certification of certain absentee ballot witnesses by state executive committees of political parties and provides a penalty for undue influence or interference with an elector in the process of voting by such a witness.

The committee substitute added a provision to require local property appraisers to examine the referrals from the supervisors of elections of persons registering to vote at an address that is different from the address of their homestead exemption. Property appraisers are directed to terminate a person's homestead exemption and assess back taxes, if appropriate under current law.

The committee substitute removed the provision under the original bill which made it a third degree felony to witness more than 3 absentee ballots in any given election. In addition, the committee substitute significantly reduced the types of identification that may be provided by a witness on a voter's certificate.

The committee substitute added an appropriation of \$4 million from General Revenue to provide funds to implement this act.

The committee substitute added a severability clause to the act.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:
Prepared by:

Legislative Research Director:

Clay Roberts

Clay Roberts