

STORAGE NAME: h1013.go

DATE: February 28, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: HB 1013 (PCB ER 00-01)

RELATING TO: Voter Registration

SPONSOR(S): Committee on Election Reform, Representative Flanagan and others

TIED BILL(S):

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

- (1) ELECTION REFORM YEAS 7 NAYS 1
 - (2) GOVERNMENTAL OPERATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill repeals s.97.056, F.S., removing the requirement that a voter who has registered to vote by mail and who has not previously voted in their county of registration must vote in person.

This bill amends s. 97.071, F.S., removing the requirement that the Supervisor of Elections mail the voter registration card to the voter's legal residence address listed on the voter registration application.

This bill provides an effective date of July 1, 2000.

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

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1998, Ch. 98-129, Laws of Florida, was enacted in response to abuses uncovered during the 1997 City of Miami mayor's race. Specific to this bill, Ch. 98-129, Laws of Florida:

- Created s. 97.056, F.S. (1999), requiring an elector who has registered by mail to vote and who has not previously voted in the county of registration, to vote in person. This provision was intended to provide an opportunity for a "face-to-face" meeting between the elections official and the new registrant prior to voting by absentee ballot. However, this requirement effectively applies only to those persons who utilize mail as the vehicle for registration and excludes those who use other means of registering such as through a drivers license office, post office, or other acceptable government office as required by the National Voter Registration Act, or delivered by a third person to the office of the Supervisor of Elections.
- Created s. 97.071(2), F.S. (1999), requiring the Supervisor of Elections to send the voter registration card by non-forwardable, return-if-undeliverable mail to the legal residence address listed on the voter registration application. An exception exists for military and overseas voters. If the card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the Supervisor of Elections must mail a notice to the voter at the mailing address, notifying the voter to appear at the office of the Supervisor of Elections to receive their voter identification card. This provision was enacted as a means of verifying the residence address of the registering voter. Specifically, the procedure was intended to discourage a person from fraudulently registering to vote at an address different from his or her residence address, in order to qualify as an elector in a certain precinct. However, the Supervisors of Elections has expressed concern that this procedure imposes a hardship on voters living in rural counties whose legal residence address does not have a mail receptacle and/or otherwise use a post office box for receiving mail. Therefore, the only way for these residents to obtain a voter registration card is to personally travel to the office of the Supervisor of Elections, which may be some distance away.

C. EFFECT OF PROPOSED CHANGES:

Section 1: This bill repeals s. 97.056, F.S., removing the requirement that a voter who has registered to vote by mail must vote in person if voting in their first election under their new registration.

Section 2: This bill amends s. 97.071, F.S., eliminating the requirement that Supervisors of Elections mail the voter identification card to the legal residence address on the voter's registration application; thereby addressing the concerns of the Supervisors of Elections in rural areas and rural voters where home delivery mail service is unavailable.

Section 3: This bill amends s. 97.1031, F.S., revising cross references to conform.

Section 4: This bill provides an effective date of July 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to the section-by-section analysis under C. Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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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 Art. VII, section 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

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

None.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. OTHER COMMENTS:

The Voting Rights Act of 1965 requires that any changes in the manner or procedure for voter registration, absentee voting, powers of elections officials, or voting crimes and penalties insofar as these affect voters in five counties -- Collier, Hardee, Hendry, Hillsborough, and Monroe -- are subject to preclearance by the United States Department of Justice (USDOJ). Of the thirty-eight substantive sections in Ch. 98-129, Laws of Florida, reviewed by the USDOJ, four were not pre-cleared and were unenforceable in the covered counties. The remaining sections, including the two which are the subject of this bill, were pre-cleared. Nonetheless, the provisions of this bill are at the request of the Florida State Association of Supervisors of Elections (FSASE).

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VII. SIGNATURES:

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