

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2098

SPONSOR: Committee on Ethics and Elections, Senator Jones and others

SUBJECT: Elections; Voter's Bill of Rights and Responsibilities

DATE: April 6, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bradshaw	Bradshaw	EE	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Committee Substitute for Senate Bill 2098 provides that the instructions for voters currently posted at the polls include a list of rights and responsibilities afforded to voters. The form of the Voter's Bill of Rights and Voter Responsibilities is provided in the bill. The bill provides that nothing in the instructions to voters posted at the polls shall give rise to a legal cause of action.

This bill substantially amends s. 101.031, Florida Statutes.

**II. Present Situation:**

Section 101.031, F.S., requires the Department of State to print instructions to voters and to provide them to counties upon request. Supervisors of elections are required to post two of these instruction cards at each precinct. The instructions are required to contain information about how to vote and other information as the Department deems necessary. The notices currently in use provide basic instructions to voters as follows:

- Polls open at 7 a.m. and close at 7 p.m.
- Sample ballots will be posted in the polling room for your information.
- When you enter the polling room, and before being admitted to the voting equipment, you are required to identify yourself to the clerk and inspectors.
- Elections officers will inform you as to the manner of voting on the voting equipment if requested. After election officers have given instructions, and before you register your vote, the officers assisting you shall retire and you shall then cast your vote in secret.
- You are required to occupy the booth alone, unless assistance is required by a person of the voter's choice.
- You are entitled to five minutes for voting.

- After casting your vote you are required to leave the polling room at once and shall not be permitted to re-enter.
- The election board possesses full authority to maintain order.

The Department of State prints these basic instructions, with some variations as required, for primary and general elections.

In addition, s. 98.255, Florida Statutes, authorizes the supervisor of elections to provide voter education programs and materials as he or she deems appropriate.

### **III. Effect of Proposed Changes:**

Committee Substitute for Senate Bill 2098 provides that the instructions for voters currently posted at the polls include a list of rights and responsibilities afforded to voters. The form of the Voter's Bill of Rights and Voter Responsibilities is provided in the bill. The bill provides that nothing in the instructions to voters posted at the polls shall give rise to a legal cause of action.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

The Department of State currently prints instructions to voters. The cost for printing the instructions for the 2000 elections was approximately \$5,000. The requirement to include the voter's rights and responsibilities should not substantially increase the current cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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