HOUSE OF REPRESENTATIVES

PROCEDURAL AND REDISTRICTING COUNCIL
ANALYSIS

BILL #: HB 749

RELATING TO: Absentee Ballots

SPONSOR(S): Representative Dockery

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:
     (1)   RULES, ETHICS, & ELECTIONS (PRC) YEAS 14 NAYS 0
     (2)   PROCEDURAL AND REDISTRICTING COUNCIL YEAS 15 NAYS 0
     (3)
     (4)
     (5)

I.   <u>SUMMARY</u>:

HB 749 removes references to social security numbers required on absentee ballots and absentee ballot request forms. Specifically, the bill removes:

- The requirement that a person requesting an absentee ballot disclose his or her social security number on the request form.
- The requirement that the absentee ballot requester include the last four digits of the voter's social security number on the absentee ballot request form.
- All references to the last four digits of the voter's social security number required on the absentee ballot mailing envelope, corresponding instructions, and canvassing board instructions to conform.

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

The bill has an effective date of January 1, 2002.

II.   SUBSTANTIVE ANALYSIS:

A.   DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.   <u>Less Government</u>   Yes []   No []   N/A [X]

2.   <u>Lower Taxes</u>   Yes []   No []   N/A [X]

3.   <u>Individual Freedom</u>   Yes [X]   No []   N/A []

4.   <u>Personal Responsibility</u> Yes []   No []   N/A [X]

5.   <u>Family Empowerment</u>   Yes []   No []   N/A [X]

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 voter fraud and abuses uncovered during the 1997 City of Miami mayoral race. Several of the provisions enacted included the requirement that anyone requesting or voting an absentee ballot provide all or part of an individual's social security number.

Under s. 101.62, F.S., a voter may request an absentee ballot either in person or by written or telephonic request. The request could be directly from the voter or, if directed by the voter, a member of the voter's immediate family, or legal guardian.

The person making the request is required to disclose:

- The name of the elector for whom the ballot is requested;
- The elector's address;
- The **last four digits of the elector's social security number**;
- The registration number on the elector's registration identification card;
- The requester's name;
- The requester's address;
- The **requester's social security number** and, if available, driver's license number;
- The requester's relationship to the elector; and
- The requester's signature (written requests only).

[Emphasis added].

Upon being voted, an absentee ballot is required to be placed within a secrecy envelope, which in turn, is placed within a mailing envelope. The mailing envelope requires the voter to sign a "Voter's Certificate," and provide the last four digits of his or her social security number. The "Voter's Certificate" is printed on the back of the mailing envelope and is open to public view.

Section 101.65, F.S., requires the Supervisor of Elections to provide a separately printed absentee ballot instruction form to the voter. Generally, the instructions inform the voter on how to vote, complete, and return, the absentee ballot.

Section 101.68, F.S., provides the statutory scheme for the canvassing of absentee ballots including the criteria for considering an absentee ballot illegal. A ballot is considered illegal if it does not include the voter's signature, last four digits of the voter's social security number, and a notary or witness signature.

C. EFFECT OF PROPOSED CHANGES:

HB 749 simply removes the requirement that the voter provide the last four digits of his or her social security number on the absentee ballot or an absentee ballot request. Additionally, a person requesting an absentee ballot on behalf of a voter will no longer be required to provide his or her social security number.

The absentee ballot instructions and canvassing board requirements are amended to conform.

D. SECTION-BY-SECTION ANALYSIS:

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

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:

County Supervisors of Elections may incur printing costs associated with the changes in the bill.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. <u>CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION</u>:

   A. APPLICABILITY OF THE MANDATES PROVISION:

   Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

   B. REDUCTION OF REVENUE RAISING AUTHORITY:

   Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

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

   Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

V. <u>COMMENTS</u>:

   A. CONSTITUTIONAL ISSUES:

   None.

   B. RULE-MAKING AUTHORITY:

   None.

   C. OTHER COMMENTS:

   None.

VI. <u>AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES</u>:

None.

VII. <u>SIGNATURES</u>:

COMMITTEE ON COMMITTEE ON RULES, ETHICS, & ELECTIONS:

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AS REVISED BY THE PROCEDURAL AND REDISTRICTING COUNCIL:

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