

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7A Elections

**SPONSOR(S):** Harrington

**TIED BILLS:** IDEN./SIM. BILLS:

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) _____	_____	<u>Mitchell</u>	<u>Randle</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

---

### SUMMARY ANALYSIS

HB 7A is designed to implement the federal Help America Vote Act of 2002 (HAVA), which was enacted on October 29, 2002. HAVA establishes election standards that must be followed by every state, while also authorizing federal funds to help states meet those standards. HAVA's federal funding is designed to improve election administration, replace antiquated voting equipment to include providing access to disabled voters and improve other aspects of the election process.

Under HAVA, states will be required to meet certain uniform voting standards. Among those requirements, the bill mandates that:

- States must give voters an opportunity to check for and correct ballot errors in private.
- States must ensure that at least one voting machine per precinct is accessible to the disabled. Florida enacted similar requirements in 2002 under CS/SB 1350 (effective within one year after \$8.7 million is appropriated).
- States are responsible for establishing an interactive, computerized statewide voter registration list. This database must be maintained at the state level and contain the name and registration of every legally registered voter in the state. Florida already has such a system but it must be modified to comply with the new HAVA requirements.
- States are required to define a uniform standard for legal votes. Florida has already done this by agency rule.
- States must provide provisional ballots to ensure that no individual is denied the opportunity to vote while his or her eligibility is under review. Florida enacted provisional ballot regulations in 2001.

This bill is essentially the same as HB 1861, a bill approved by the Committee on Procedures (PCB-03-07) and unanimously passed by the House during the 2003 regular session.

Except as otherwise provided, the bill takes effect January 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0007A.pr.doc

**DATE:** May 14, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

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

The bill requires that state and local election officials make a number of improvements to the method by which elections are conducted.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation:

##### *The Help America Vote Act of 2002*

On October 29, 2002, the U.S. Congress passed and the President signed the federal Help America Vote Act of 2002 (“HAVA”).<sup>1</sup> It authorizes over \$3 billion dollars in federal aid over 3 years to the states to upgrade antiquated voting equipment, to assist the states in meeting the new election administration requirements in the bill, and for other election administration projects. It also contains several new, highly-technical substantive requirements. Florida expects to receive about \$83 million dollars this fiscal year from HAVA disbursements, the bulk of which must be used to bring the State into compliance with the new substantive federal requirements and for future election administration projects.

HAVA is, in part, a response to the circumstances surrounding the 2000 U.S. Presidential election and the subsequent problems experienced in two of Florida’s largest counties during the September 2002 primary election. The Florida Legislature has already enacted a number of reforms that go a long way toward meeting the new federal requirements - many of the key components of HAVA reflect the fixes adopted by the Florida Legislature in the Election Reform Act of 2001<sup>2</sup> and subsequent glitch legislation<sup>3</sup>. Despite the foresight of the State’s legislative leaders, there are still many provisions of Florida law that need retrofitting to meet HAVA’s new, somewhat technical substantive requirements.

Some of the more important substantive requirements of HAVA include:

- **Voting Systems for the Disabled:** By January 1, 2006, every polling place must have technology that allows an individual with a disability to cast a secret and independent ballot.
- **Statewide Voter Registration System:** By January 1, 2006 (pursuant to requested waiver of a 2004 deadline by the State of Florida), the State must make operational a statewide voter registration system that will serve as the official registration record for all federal elections; the system database must be cross-referenced against driver’s license and social security administration records to confirm the identities of persons registering to vote.

<sup>1</sup> H.R. 3295 (2002) [Enrolled].

<sup>2</sup> CS/SB 1118 (ch. 2001-40, Laws of Fla.).

<sup>3</sup> CS/SB 618 (ch. 2002-17, Laws of Fla.).

▪ **Expanded Use of Provisional Ballots**

- “Late-Voted” Provisional Ballots: Voters who cast ballots after the polls close *pursuant to court or other order extending hours* must vote by provisional ballot. Any such “late-voted” provisional ballots must be kept separate and apart from other provisional ballots.
- Certain First-Time Voters/Mail-In Registrants at the Polls: Persons who register by mail, are voting for the first-time and do not bring the requisite identification to the polls must be allowed to vote a provisional ballot.
- Certain First-Time Voters/Mail-In Registrants at the Polls: Persons who register by mail, are voting for the first-time by absentee ballot and do not include the requisite identification must have their absentee ballot treated as a provisional ballot.

- **New Identification Requirements for First-Time Voters Who Register by Mail (hereinafter, “Unknown Voters”)**: Unknown voters must provide a copy of a current valid photo identification or other prescribed document with the voter’s name & address at the time of registration or when voting, either in person or by absentee ballot; otherwise, they must vote by provisional ballot. Exceptions exist for absent military and overseas voters and their families, persons voting pursuant to the federal Elderly and Handicapped Act, and anyone otherwise entitled to vote an absentee ballot under federal law.

**Proposed Changes:**

This proposed committee bill is designed to make changes to Florida law that are required for implementation of HAVA. A section-by-section analysis of those changes is contained in the bill analysis for HB 1861.

C. SECTION DIRECTORY:

**I. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

HAVA authorizes about \$3.65 billion in federal funding to the States over a 3-year period. While it is doubtful that all this funding will be specifically appropriated by Congress, Florida’s share of the first year monies (already specifically appropriated by Congress) is over \$83 million. Most of this money is tied to election administration, and would not be available as General Revenue to fund non-election-related projects.

The two main costs associated with the bill are: the design, development, and operation of the statewide voter registration system; and, purchasing and locating one disability-friendly touch screen voting system in every polling place in the State. There are also other relatively minor costs associated with: reprinting voter registration forms, ballot instructions, and ballot envelopes; making forms available in disability-friendly alternative formats; and, additional election administration efforts by the Division of Elections and local supervisors.

The State should realize a sizeable net gain from the initial influx of federal funds, even if Congress does not specifically appropriate any additional monies in Years 2 and 3 as HAVA envisions.

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**