

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.)

Prepared By: Ethics and Elections Committee

BILL: SB 2176

SPONSOR: Senator Posey

SUBJECT: Electors & Elections

DATE: March 25, 2005

REVISED: 03/30/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	<u></u>	<u></u>	<u>GO</u>	<u></u>
3.	<u></u>	<u></u>	<u>TA</u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

In October, 2002, the U.S. Congress passed and the President signed the Help America Vote Act of 2002 (“HAVA”).¹ It authorized over \$3 billion dollars over 3 years in federal aid 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 contained a host of new, highly-technical substantive requirements.

HAVA is, at least in part, a response to circumstances surrounding the 2000 U.S. presidential recount and the subsequent problems experienced in two of Florida’s largest counties during the September 2002 primary election. Having had occasion to grapple with these issues firsthand, the Florida Legislature had already enacted a number of reforms that went a long way toward meeting the new federal requirements.

One of the substantive requirements of HAVA provided for the creation of a Statewide Voter Registration System by January 1, 2006, which would serve as the official registration record for all federal elections. The system database was required to be cross-referenced against driver’s license and social security administration data to confirm the identities of persons registering to vote.

¹ H.R. 3295 (2002) [Enrolled].

Senate Bill 2176 creates the Florida Voter Registration System. The bill also makes the following substantive changes:

Section 1. Section 97.012

Authorizes the Secretary of State to issue binding directives to the county supervisors of elections and county canvassing boards when the Secretary of State determines a lack of uniformity exists in the application, operation, or interpretation of the election laws.

Authorizes the Secretary to delegate voter registration duties and records maintenance activities to voter registration officials.

Section 2. Section 97.021

Defines “lists of registered electors” to mean names and information of registered voters maintained in the statewide voter registration system or generated or derived from the statewide voter registration system.

Defines “voter registration official” as any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.051

Amends the oath required of voter registration applicants to include the applicant swear that all information provided in the application is true.

Section 4. Section 97.052

Codifies the current practice of allowing a voter registration application to be used to update a voter’s signature or otherwise update their registration record.

Clarifies that the applicant must include his or her last, first, and middle name, including any suffix.

Deletes the item on the voter registration application which requests the address of property for which a homestead exemption has been granted. Also deletes the requirement that a statement be included on the form regarding registering to vote at a location other than in the county in which property which has been granted a homestead exemption is located.

Adds to the information requested on a voter registration application an indication of whether or not an applicant has not been issued a Florida driver’s license, Florida identification card, or a social security number; and adds an e-mail address as one of the requested, but not mandatory, items on the application.

Clarifies the questions relating to citizenship, felon status, and mental incapacity on the registration form.

Modifies the statement on the application regarding the requirement for first time voters who register by mail.

Section 5. Section 97.053

Requires all voter registration applications to be entered into the statewide voter registration system within 15 days of receipt by the voter registration official.

Clarifies that a voter registration application must be complete prior to book closing for the applicant to be registered for the upcoming election.

Clarifies that the postmark date in determining the date of registration is the date of the postmark directed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor of elections in the state.

Clarifies that a mark must be placed in the various check boxes affirming the applicant's eligibility in order for an application to be complete. Also clarifies that the application must contain an original signature (no copies) or a digital signature from the Department of Highway Safety and Motor Vehicles.

Requires that a voter registration may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, Florida identification card number, or last four digits of the social security number as provided by the applicant. If the department is not able to verify the information prior to an election, the applicant will be provided a provisional ballot, which will be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor verifying the authenticity of the information provided on the application no later than 5 p.m. of the third day following the election.

Section 6. Section 97.0535

Clarifies that voters who register by mail and have not been issued a driver's license, Florida identification card, or social security number must provide identification prior to voting for the first time in the state.

Section 7. Section 97.055

Clarifies that only updates to a voter's name, address, and signature may be made for an upcoming election while the registration books are closed for that election.

Section 8. Section 97.057

Modifies the requirements for the Department of Highway Safety and Motor Vehicles for processing voter registrations.

Requires the information captured for voter registration to be presented to the applicant and for the applicant to provide an electronic signature verifying the accuracy of the information.

Requires declinations of voter registration to be forwarded to the statewide voter registration system.

Requires voter registration applications to be electronically transmitted to the statewide voter registration system within 24 hours after receipt by the Department of Highway Safety and

Motor Vehicles. Paper applications received by the Department of Highway Safety and Motor Vehicles must be transmitted to the Secretary of State within 5 days of receipt.

Requires the Department of Highway Safety and Motor Vehicles to retain all voter registration information for audit purposes; requires the Department of Highway Safety and Motor Vehicles to compare the address provided by the applicant against a database of valid street addresses provided by the Department of State; requires the Department of Highway Safety and Motor Vehicles to enter into an agreement with the Department of State to verify information on the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles; requires the Department of Highway Safety and Motor Vehicles to enter into an agreement with the Commissioner of the Social Security Administration to verify the last four digits of social security numbers provided by applicants.

Section 9. Section 97.058

Technical changes.

Section 10. Section 97.061

Technical and conforming changes.

Section 11. Section 97.071

Renames the voter identification card as the voter information card. Requires the Department of State to prescribe the form of the card. Modifies the information found on the card.

Section 12. Section 97.073

Technical and conforming changes.

Section 13. Section 97.1031

Requires updates to a voter's name, address, or party affiliation to be made by using a voter registration application.

Section 14. Section 97.105

Technical and conforming changes.

Section 15. Section 98.015

Requires supervisors of elections to update voter registration information and enter new voter registrations into the statewide voter registration system. Provides that the supervisor will be the custodian of documents received by the supervisor. Requires supervisors to ensure that any voter registration system used by the supervisor complies with the statewide voter registration system. Requires supervisors to maintain lists of valid residential street addresses for purposes of verifying the legal address of voters in the county. Requires the supervisor to forward the list of residential street addresses to the statewide voter registration system.

Section 16. Section 98.035

Provides that the Secretary of State is responsible for implementing, operating, and maintaining the statewide voter registration system as required by HAVA. Provides that the statewide voter registration system is the official list of registered voters in the state. Prohibits the Department

of State from contracting with any private entity for the operation of the system. Authorizes the Department to adopt rules governing access, use, and operation of the system.

Section 17. Section 98.045

Requires the Department of State to determine initial eligibility of applicants. Clarifies when a voter's name may be removed from the statewide voter registration system.

Section 18. Section 98.065

Revises list maintenance activities of supervisors relating to change of addresses. Requires address confirmation notices to be sent but deletes the requirement for the mailing of a final address confirmation notice. Specifies the contents of address confirmation notices. Provides that the supervisors of elections will notify the Department twice yearly of the list maintenance activities conducted under this section. If the department determines that the list maintenance activities are not being conducted pursuant to law, the department will conduct the list maintenance activities for that county.

Section 19. Section 98.075

Revises procedures for removing names of ineligible voters. Requires the Department of State to initially identify voters who are potentially ineligible to vote and to review all documentation relating to such potential ineligibility. If the Department determines that the information is credible and reliable, the department will notify the appropriate supervisor of elections and forward all documentation to the supervisor. The supervisor is required to provide notice to the voter by certified mail and, if the notice is not received, must publish notice in a newspaper of general circulation in the county. If the voter denies the accuracy of the information, he will be provided the opportunity to appear at a hearing prior to a final determination of eligibility by the supervisor. Provides that the supervisors of elections will notify the Department twice yearly of the list maintenance activities conducted under this section. If the department determines that the list maintenance activities are not being conducted pursuant to law, the department will conduct the list maintenance activities for that county.

Section 20. Section 98.0755

Creates an appeal process for voters who have been determined ineligible and removed from the statewide voter registration system.

Section 21. Section 98.077

Requires signature updates to be made using a voter registration application.

Section 22. Section 98.081

Requires the voter registration official receiving registration documents to retain them.

Section 23. Section 98.093

Requires various agencies to provide information to the Department for use in determining eligibility of applicants and voters (deceased persons, convicted felons, persons granted clemency, persons adjudicated mentally incapacitated, etc).

Section 24. Section 98.212

Technical changes.

Section 25. Section 98.461
Technical and conforming changes.

Section 26. Section 100.371
Effective January 1, 2007, removes the requirement for the supervisors of elections to provide a certification of the number of signatures verified for initiative petitions.

Section 27. Section 100.043
Provides permissible forms of photo identifications for elector voting and makes conforming changes.

Section 28. Section 101.045
Allows voters who move within the state to vote in their new precinct even if they have not submitted a change of address prior to the election.

Section 29. Section 101.048
Modifies requirements for voting a provisional ballot to allow a voter claiming to be registered in the state, rather than the county, to vote a provisional ballot. The ballot will be counted only if it is determined that the person was registered to vote in the state and was casting a ballot in the correct precinct.

Section 30. Section 101.5608
Allows a voter to sign an electronic device at the polling place, if one is provided for that purpose.

Section 31. Section 101.663
Removes the provision relating to changes of residence from county to county within the state after the books are closed.

Section 32. Section 101.6921
Conforming change.

Section 33. Section 101.6923
Technical and conforming changes.

Section 34. Section 102.012
Technical change.

Section 35. Section 104.051
Creates a penalty for a supervisor of elections or canvassing board members failure to follow directives issued by the Secretary of State under s. 97.012.

Section 36. Section 120.52
Excludes advisory opinions issued pursuant to s. 106.23(2) and binding directives issued pursuant to s. 97.012(1) from the definition of rule under s. 120.52.

Section 37. Sections Repealed.

Repeals sections 98.055, 98.075, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, and 98.481, Florida Statutes.

Section 38. Effective Date.

Provides an effective date of January 1, 2006, unless otherwise provided.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 97.012, 97.021, 97.051, 97.052, 97.053, 97.0535, 97.055, 97.057, 97.058, 97.061, 97.071, 97.073, 97.1031, 97.105, 98.015, 98.035, 98.045, 98.055, 98.065, 98.075, 98.0755, 98.077, 98.081, 98.093, 98.095, 98.097, 98.0979, 98.101, 98.181, 98.212, 98.231, 98.451, 98.481, 100.371, 101.043, 101.045, 101.048, 101.5608, 101.663, 101.6921, 101.6923, 102.012, 104.051, and 120.52.

II. Present Situation:

Currently, the department of state is required to prescribe a uniform statewide voter registration application, which must be accepted for any of the following purposes: initial registration, change of address, change of party affiliation, change of name, or replacement of voter registration identification card.² Voter registration applications or changes in registration must be accepted in the office of any supervisor of elections, the division of elections, a driver license office, a voter registration agency, or an armed forces recruitment office.³

The Department of Highway Safety and Motor Vehicles is required to provide the opportunity to register to vote or update a voter registration. The Department of Highway Safety must forward completed voter registration applications within 5 days after receipt to the supervisor of elections of the county in which the office where the registration was processed or received is located.⁴

Supervisors of elections are required to ensure that all voter registration and list maintenance procedures conducted by a supervisor are in compliance with any applicable provisions of the Voting Rights Act of 1965, and to ensure proper training in voter registration procedures.⁵ Each supervisor is required to maintain for at least 2 years, and make available for public inspection, all records concerning implementation of registration list maintenance programs and activities. Registration list maintenance programs must be conducted by a supervisor biennially to maintain accurate lists of current registered voters.⁶ Supervisors are required to maintain lists of registered voters residing within their counties of jurisdiction, and treat information from another supervisor concerning a voter's new registration in a different county as a request by the voter to have that voter's name removed from the registration books of the supervisor's county.⁷

The department of state is required to operate and maintain a statewide, on-line voter registration database and associated website until the statewide voter registration system is operational, pursuant to the Federal Help America Vote Act (HAVA) of 2002. Under HAVA, Florida must

² Section 97.052, Florida Statutes.

³ Section 97.053, Florida Statutes.

⁴ Section 97.057, Florida Statutes.

⁵ Section 98.015, Florida Statutes.

⁶ Section 98.065, Florida Statutes.

⁷ Section 98.045, Florida Statutes.

establish an official, uniform and nondiscriminatory statewide computerized voter registration list that is centralized and interactive. While the system must allow supervisors of elections to enter information and have access to the list, the Secretary of State has overall responsibility and authority for the uniform voter registration list.⁸

The database is required to contain voter registration information from each of the 67 supervisors of elections and must be accessible through an internet website. The database is required to be updated on a daily basis, in order to ensure that all registered voters are in fact eligible to vote. The department is not permitted to contract with any private entity for the operation of the statewide database. Supervisors of elections will be required to update the database as necessary to reflect the current registered voters within their jurisdictions as part of their list maintenance responsibilities, and are subject to criminal penalties for failure to do so.⁹

The Secretary of State is the chief elections officer of the state and it is his or her responsibility, inter alia, to obtain and maintain uniformity in the application, operation, and interpretation of the election laws. The division of elections may currently issue advisory opinions to supervisors of elections, candidates, local officers having elections related duties, political committees, committees of continuous existence, political parties, and other organizations engaged in political activity.¹⁰ These opinions, however, are only binding upon the party requesting the opinion and do not have general applicability to all parties.

During the 2004 election cycle, several circumstances arose which arguably created questions requiring the uniform application of the state election laws without a suitable remedy available to the Secretary of State to address these situations.

III. Effect of Proposed Changes:

The bill makes the following substantive changes:

Section 1. Section 97.012

Authorizes the Secretary of State to issue binding directives to the county supervisors of elections and county canvassing boards when the Secretary of State determines a lack of uniformity exists in the application, operation, or interpretation of the election laws.

Authorizes the Secretary to delegate voter registration duties and records maintenance activities to voter registration officials.

Section 2. Section 97.021

Defines “lists of registered electors” to mean names and information of registered voters maintained in the statewide voter registration system or generated or derived from the statewide voter registration system.

⁸ Department of State, Division of Elections, Florida Voter Registration System.

⁹ Section 98.0977, Florida Statutes.

¹⁰ Section 106.23, Florida Statutes.

Defines “voter registration official” as any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.051

Amends the oath required of voter registration applicants to include the applicant swear that all information provided in the application is true.

Section 4. Section 97.052

Codifies the current practice of allowing a voter registration application to be used to update a voter’s signature or otherwise update their registration record.

Clarifies that the applicant must include his or her last, first, and middle name, including any suffix.

Deletes the item on the voter registration application which requests the address of property for which a homestead exemption has been granted. Also deletes the requirement that a statement be included on the form regarding registering to vote at a location other than in the county in which property which has been granted a homestead exemption is located.

Adds to the information requested on a voter registration application an indication of whether or not an applicant has not been issued a Florida driver’s license, Florida identification card, or a social security number; and adds an e-mail address as one of the requested, but not mandatory, items on the application.

Clarifies the questions relating to citizenship, felon status, and mental incapacity on the registration form.

Modifies the statement on the application regarding the requirement for first time voters who register by mail.

Section 5. Section 97.053

Requires all voter registration applications to be entered into the statewide voter registration system within 15 days of receipt by the voter registration official.

Clarifies that a voter registration application must be complete prior to book closing for the applicant to be registered for the upcoming election.

Clarifies that the postmark date in determining the date of registration is the date of the postmark directed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor of elections in the state.

Clarifies that a mark must be placed in the various check boxes affirming the applicant’s eligibility in order for an application to be complete. Also clarifies that the application must contain an original signature (no copies) or a digital signature from the Department of Highway Safety and Motor Vehicles.

Requires that a voter registration may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, Florida identification card number, or last four digits of the social security number as provided by the applicant. If the department is not able to verify the information prior to an election, the applicant will be provided a provisional ballot, which will be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor verifying the authenticity of the information provided on the application no later than 5 p.m. of the third day following the election.

Section 6. Section 97.0535

Clarifies that voters who register by mail and have not been issued a driver's license, Florida identification card, or social security number must provide identification prior to voting for the first time in the state.

Section 7. Section 97.055

Clarifies that only updates to a voter's name, address, and signature may be made for an upcoming election while the registration books are closed for that election.

Section 8. Section 97.057

Modifies the requirements for the Department of Highway Safety and Motor Vehicles for processing voter registrations.

Requires the information captured for voter registration to be presented to the applicant and for the applicant to provide an electronic signature verifying the accuracy of the information.

Requires declinations of voter registration to be forwarded to the statewide voter registration system.

Requires voter registration applications to be electronically transmitted to the statewide voter registration system within 24 hours after receipt by the Department of Highway Safety and Motor Vehicles. Paper applications received by the Department of Highway Safety and Motor Vehicles must be transmitted to the Secretary of State within 5 days of receipt.

Requires the Department of Highway Safety and Motor Vehicles to retain all voter registration information for audit purposes; requires the Department of Highway Safety and Motor Vehicles to compare the address provided by the applicant against a database of valid street addresses provided by the Department of State; requires the Department of Highway Safety and Motor Vehicles to enter into an agreement with the Department of State to verify information on the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles; requires the Department of Highway Safety and Motor Vehicles to enter into an agreement with the Commissioner of the Social Security Administration to verify the last four digits of social security numbers provided by applicants.

Section 9. Section 97.058

Technical changes.

Section 10. Section 97.061

Technical and conforming changes.

Section 11. Section 97.071

Renames the voter identification card as the voter information card. Requires the Department of State to prescribe the form of the card. Modifies the information found on the card.

Section 12. Section 97.073

Technical and conforming changes.

Section 13. Section 97.1031

Requires updates to a voter's name, address, or party affiliation to be made by using a voter registration application.

Section 14. Section 97.105

Technical and conforming changes.

Section 15. Section 98.015

Requires supervisors of elections to update voter registration information and enter new voter registrations into the statewide voter registration system. Provides that the supervisor will be the custodian of documents received by the supervisor. Requires supervisors to ensure that any voter registration system used by the supervisor complies with the statewide voter registration system. Requires supervisors to maintain lists of valid residential street addresses for purposes of verifying the legal address of voters in the county. Requires the supervisor to forward the list of residential street addresses to the statewide voter registration system.

Section 16. Section 98.035

Provides that the Secretary of State is responsible for implementing, operating, and maintaining the statewide voter registration system as required by HAVA. Provides that the statewide voter registration system is the official list of registered voters in the state. Prohibits the Department of State from contracting with any private entity for the operation of the system. Authorizes the Department to adopt rules governing access, use, and operation of the system.

Section 17. Section 98.045

Requires the Department of State to determine initial eligibility of applicants. Clarifies when a voter's name may be removed from the statewide voter registration system.

Section 18. Section 98.065

Revises list maintenance activities of supervisors relating to change of addresses. Requires address confirmation notices to be sent but deletes the requirement for the mailing of a final address confirmation notice. Specifies the contents of address confirmation notices. Provides that the supervisors of elections will notify the Department twice yearly of the list maintenance activities conducted under this section. If the department determines that the list maintenance activities are not being conducted pursuant to law, the department will conduct the list maintenance activities for that county.

Section 19. Section 98.075

Revises procedures for removing names of ineligible voters. Requires the Department of State to initially identify voters who are potentially ineligible to vote and to review all documentation relating to such potential ineligibility. If the Department determines that the information is credible and reliable, the department will notify the appropriate supervisor of elections and forward all documentation to the supervisor. The supervisor is required to provide notice to the voter by certified mail and, if the notice is not received, must publish notice in a newspaper of general circulation in the county. If the voter denies the accuracy of the information, he will be provided the opportunity to appear at a hearing prior to a final determination of eligibility by the supervisor. Provides that the supervisors of elections will notify the Department twice yearly of the list maintenance activities conducted under this section. If the department determines that the list maintenance activities are not being conducted pursuant to law, the department will conduct the list maintenance activities for that county.

Section 20. Section 98.0755

Creates an appeal process for voters who have been determined ineligible and removed from the statewide voter registration system.

Section 21. Section 98.077

Requires signature updates to be made using a voter registration application.

Section 22. Section 98.081

Requires the voter registration official receiving registration documents to retain them.

Section 23. Section 98.093

Requires various agencies to provide information to the Department for use in determining eligibility of applicants and voters (deceased persons, convicted felons, persons granted clemency, persons adjudicated mentally incapacitated, etc).

Section 24. Section 98.212

Technical changes.

Section 25. Section 98.461

Technical and conforming changes.

Section 26. Section 100.371

Effective January 1, 2007, removes the requirement for the supervisors of elections to provide a certification of the number of signatures verified for initiative petitions.

Section 27. Section 100.043

Provides permissible forms of photo identifications for elector voting and makes conforming changes.

Section 28. Section 101.045

Allows voters who move within the state to vote in their new precinct even if they have not submitted a change of address prior to the election.

Section 29. Section 101.048

Modifies requirements for voting a provisional ballot to allow a voter claiming to be registered in the state, rather than the county, to vote a provisional ballot. The ballot will be counted only if it is determined that the person was registered to vote in the state and was casting a ballot in the correct precinct.

Section 30. Section 101.5608

Allows a voter to sign an electronic device at the polling place, if one is provided for that purpose.

Section 31. Section 101.663

Removes the provision relating to changes of residence from county to county within the state after the books are closed.

Section 32. Section 101.6921

Conforming change.

Section 33. Section 101.6923

Technical and conforming changes.

Section 34. Section 102.012

Technical change.

Section 35. Section 104.051

Creates a penalty for a supervisor of elections or canvassing board members failure to follow directives issued by the Secretary of State under s. 97.012.

Section 36. Section 120.52

Excludes advisory opinions issued pursuant to s. 106.23(2) and binding directives issued pursuant to s. 97.012(1) from the definition of rule under s. 120.52.

Section 37. Sections Repealed.

Repeals sections 98.055, 98.075, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, and 98.481, Florida Statutes.

Section 38. Effective Date.

Provides an effective date of January 1, 2006, unless otherwise provided.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

This bill is linked to Senate Bill 2178.

The bill expands a current public-records exemption that prevents a person from copying the voter's signature and social security number from the voter registration records. The bill makes a voter's signature on any document (i.e., voter registration form, absentee ballot request, absentee ballot mailing envelope, provisional ballot voter's certificate) and social security number confidential and exempt from public records *for all purposes, not just copying*.

Conversely, Senate Bill 2178 removes the public-records exemption in 97.0585 that guards against the *copying* of a voter's telephone number from voter registration records, for those voter's who choose to include that information on their voter registration form (including a telephone number is optional).

The bill also reenacts existing public records exemptions for: declinations to register to vote; information relating to the place where a person registered to vote or where a person updated a voter registration; and, information relating to absentee ballot requests, including the date a request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor of elections, and any other information the supervisor deems necessary regarding the request. This latter public-records exemption for absentee ballot request information is also re-located from section 101.62(3) to section 98.0585, Florida Statutes.

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 federal Help America Vote Act (HAVA) of 2002 provides funding to states to improve the administration of elections and to assist with election reforms mandated by HAVA that must be in place by January 1, 2006. Under the provisions of HAVA, Florida has received a total of \$158,531,048.

Pursuant to Title III, Section 303 in the Help America Vote Act, each state "shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level."

In order to meet these requirements, in FY 2003-04 the Legislature appropriated \$1 million and funding for nine positions to conduct a needs assessment for the system. In FY 2004-05, the Legislature appropriated an additional \$10,179,969 to begin development and implementation of a system that will meet the HAVA requirements.

Current estimated costs for design, development and implementation of the statewide voter registration system total \$22,872,791. In addition to development and implementation costs, the system will require continued annual funding for ongoing maintenance and support.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

Bar Code 844124 by Ethics and Elections:

The amendment provides that supervisors of elections will continue to enter voter registration applications into the voter registration system and that the Department of State will enter all applications it receives into the voter registration system; requires all voter registration applications to be forwarded to the appropriate supervisor of elections after entry into the statewide voter registration system; replaces the authority of the Secretary of State to issue binding directives with a mechanism for the Secretary of State to issue statements of interpretation when the Secretary of State determines that lack of uniformity exists in the application of the Florida Election Code or rules; provides that statements of interpretation may be issued to supervisors of elections, county canvassing boards, or other officials performing election duties or responsibilities; provides a procedure for reconsideration of such statements; provides for department response to a request for reconsideration of a statement by county election officials; provides for appeal or petition to the First District Court of Appeal by affected election officials for review of interpretive statements; provides that such statements shall only be set aside when found to be clearly erroneous or inconsistent with prior statements of interpretation issued by the department; provides for a remand of the statement to the Secretary of State if set aside by the court; establishes the proper parties for such proceedings; provides that wilful failure to comply with a binding statement issued pursuant to this process will subject individuals to the penalties contained in s. 104.051(2); provides that only the Secretary of State may file a complaint with the Florida Elections Commission alleging wilful failure to file a binding statement; provides an exception from penalty for county canvassing board members not voting on the prevailing side of a vote contrary to a binding statement; provides for maintenance of written records of issued statements of interpretation; corrects cross-references, makes technical and conforming changes, and corrects typographical and grammatical errors. (WITH TITLE AMENDMENT)

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