

Bill No. SB 2178

Barcode 171048

CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 97.0585, Florida Statutes, is amended to read:

97.0585 Public-records exemption; information regarding voters and voter ~~Declinations to register; place of registration and registration information; confidentiality.--~~

(1) The following information concerning voters and voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:

(a)(1) All declinations to register to vote made pursuant to ss. 97.057 and 97.058 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for voter registration purposes.

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1 ~~(b)(2)~~ Information relating to the place where a
2 person registered to vote or where a person updated a voter
3 registration.

4 (c) The social security number and the telephone
5 number of a voter registration applicant or a voter.

6 (2) The signature of a voter registration applicant or
7 a voter is confidential and exempt from the provisions of s.
8 119.07(1) and s. 24(a), Art. I of the State Constitution; and
9 a voter's signature, social security number, and telephone
10 number may not be copied and is are exempt for that purpose
11 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
12 the State Constitution.

13 Section 2. Section 97.0585, Florida Statutes, as
14 amended by this act, is subject to the Open Government Sunset
15 Review Act of 1995 in accordance with section 119.15, Florida
16 Statutes, and shall stand repealed on October 2, 2010, unless
17 reviewed and saved from repeal through reenactment by the
18 Legislature.

19 Section 3. (1) The Legislature recognizes that the
20 Help America Vote Act of 2002 requires the implementation of a
21 new single, uniform, centralized, interactive, and
22 computerized statewide voter registration system by January 1,
23 2006. The Florida Voter Registration System (FVRS) will
24 replace the existing state's voter registration system. The
25 FVRS will interface with and integrate voter registration
26 information and records from the offices of the 67 county
27 supervisors of elections. The FVRS will contain the name and
28 other registration information of every legally registered
29 voter in the state. The FVRS will be the official list of
30 registered voters in the state and will be used as the
31 registration system for federal and state elections. Any such

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1 system must keep information concerning a person's decision
2 not to register or information concerning the place where a
3 person registers to vote confidential in accordance with the
4 National Voter Registration Act. Therefore, the Legislature
5 finds it necessary to continue the existing public-records
6 exemption to keep such information confidential and exempt in
7 order to conform with the requirements of the National Voter
8 Registration Act. Additionally, because persons may register
9 to vote or update voter registration information at designated
10 voter registration agencies that may include any office that
11 provides public assistance, this exemption is also necessary
12 to protect from disclosure personal information concerning
13 those persons who apply for or receive public assistance at
14 these offices.

15 (2) The Legislature also finds it necessary to
16 continue and expand the existing exemption from public-records
17 access to social security numbers and telephone numbers of
18 voters and voter registration applicants. The Legislature
19 finds that access to such information can lead to fraud,
20 personal identity theft, and invasion of privacy. The Florida
21 Voter Statewide Voter Registration System, once implemented
22 and maintained, will constitute one of the most comprehensive
23 and up-to-date databases of persons in this state. The
24 Legislature finds it not only necessary to continue to exempt
25 from copying social security numbers and telephone numbers of
26 those persons in the Florida Voter Registration System but
27 also to exempt those numbers from inspection. Even the
28 memorization of a single person's social security number or
29 telephone number could result in economic and personal harm to
30 that individual whose numbers may be used to perpetuate fraud
31 or may be coupled with other readily available public

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1 information to commit personal identity theft or to gain
2 access to records, such as financial, educational, or medical
3 records. The Legislature also finds it necessary to continue
4 to keep the social security numbers and telephone numbers in
5 the Florida Voter Registration System confidential and exempt
6 in order to encourage voter registration and remove
7 disincentives to registering to vote.

8 (3) The Legislature also finds it necessary to
9 continue and to expand the existing exemption that precludes
10 the copying of a voter's signature. Currently, a voter's
11 signature is exempt from copying but only if contained on a
12 voter registration application or precinct register. Two
13 advisory opinions from the Attorney General issued in 2001
14 stated that a voter's signature on an absentee ballot
15 certificate is not part of the voter registration record and
16 therefore not exempt from copying. Because express exemption
17 from copying did not exist for absentee ballot certificates,
18 any person or entity may request and obtain copies of all
19 signatures of voters who voted absentee in any particular
20 election. Consequently, any person or entity may also request
21 and obtain copies of all signatures of voters who signed
22 provisional ballot envelopes, early voting certificates, or
23 any other voting-related documents other than a voter
24 registration application or a precinct register. The
25 Legislature intends that a voter's signature be protected in
26 order to prevent fraud, identity theft, or invasion of privacy
27 in all instances. Nonetheless, the Legislature finds that any
28 exemption for such signatures must be balanced against the
29 continuing administrative need to allow for public inspection
30 of the signatures of voters or voter registration applicants
31 for purposes of voter verification, matching, or authenticity

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1 as may occur in a voter's challenge or canvassing of an
 2 absentee ballot. Therefore, the Legislature finds that it is a
 3 public necessity to continue the existing exemption solely
 4 from copying of voters' signatures and to expand that
 5 exemption to apply to voters' signatures as may also appear on
 6 absentee ballot certificate envelopes, provisional ballot
 7 envelopes, early-voting certificates, or any other
 8 voting-related document that must be executed for purposes of
 9 voting or voter registration.

10 Section 4. This act shall take effect on the same date
 11 that Senate Bill 2176 or similar legislation takes effect, if
 12 such legislation is enacted in the same legislative session or
 13 an extension thereof and becomes law.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, lines 8-13, delete those lines

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20 and insert:

21 updated a registration, and a voter's
 22 signature, social security number, and
 23 telephone number;

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