

By Senator Posey

24-1238A-05

1                               A bill to be entitled

2           An act relating to public records; amending s.

3           97.0585, F.S.; revising an exemption from the

4           public-records law which is provided for

5           information concerning persons who decline to

6           register to vote, information relating to the

7           place where a person registered to vote or

8           updated a registration, and a voter's signature

9           and social security number; deleting an

10          exemption from disclosure provided for the

11          voter's telephone number; exempting from public

12          disclosure information relating to absentee

13          ballot requests; providing certain exceptions;

14          providing for future legislative review and

15          repeal under the Open Government Sunset Review

16          Act; providing a finding of public necessity;

17          providing a contingent effective date.

18

19 Be It Enacted by the Legislature of the State of Florida:

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21               Section 1. Section 97.0585, Florida Statutes, is

22 amended to read:

23               97.0585 Public-records exemption; certain voter

24 ~~Declinations to register; place of registration and~~

25 ~~registration information; confidentiality.--The following~~

26 information concerning voters and voter registration is

27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

28 of the State Constitution and may be used only for purposes of

29 voter registration:

30               (1) All declinations to register to vote made pursuant

31 to ss. 97.057 and 97.058 ~~are confidential and exempt from the~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
2 ~~Constitution and may be used only for voter registration~~  
3 ~~purposes.~~

4 (2) Information relating to the place where a person  
5 registered to vote or where a person updated a voter  
6 registration, ~~is confidential and exempt from the provisions~~  
7 ~~of s. 119.07(1) and s. 24(a), Art. I of the State~~  
8 ~~Constitution; and~~

9 (3) A voter registration applicant's or a voter's  
10 signature and, ~~social security number, and telephone number~~  
11 ~~may not be copied and are exempt for that purpose from the~~  
12 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
13 ~~Constitution.~~

14 (4) Information relating to absentee ballot requests  
15 which is collected pursuant to s. 101.62 and which includes  
16 the date a request for an absentee ballot was made, the date  
17 the absentee ballot was delivered or mailed, the date the  
18 ballot was received by the supervisor of elections, and any  
19 other information the supervisor deems necessary regarding the  
20 request. However, this information may be reproduced for or  
21 made available to, for political purposes only, a canvassing  
22 board, an election official, a political party or official  
23 thereof, a candidate who has filed qualification papers and is  
24 opposed in an upcoming election, registered political  
25 committees, and committees of continuous existence.

26 Section 2. Section 97.0585, Florida Statutes, as  
27 amended by this act, is subject to the Open Government Sunset  
28 Review Act of 1995 in accordance with section 119.15, Florida  
29 Statutes, and shall stand repealed on October 2, 2010, unless  
30 reviewed and saved from repeal through reenactment by the  
31 Legislature.

1           Section 3. The Legislature finds that the exemptions  
2 from the public-records law which are provided in this act are  
3 necessary because the National Voter Registration Act requires  
4 confidentiality of information concerning the decision not to  
5 register to vote or concerning the place where a person  
6 registers to vote. Therefore, since this state has a unified  
7 voter registration system for federal and state elections,  
8 this information must be kept confidential in order to comply  
9 fully with the National Voter Registration Act. The exemptions  
10 are also provided in order to protect personal information  
11 concerning individuals who apply for or receive public  
12 assistance. In addition, keeping this information confidential  
13 and exempt from the public-records law will encourage voter  
14 registration and remove disincentives to registering to vote.  
15 The Legislature also finds that it is a public necessity to  
16 protect from public availability personal identifying  
17 information such as social security numbers and signatures  
18 that may be used to perpetuate the theft of identity which has  
19 become a significant problem in our technology-based society.  
20 The implementation of a statewide voter registration system in  
21 2006 will result in the collection and maintenance of one of  
22 the most comprehensive databases of persons in this state. The  
23 ease of access and distribution of information in public  
24 records due to technology-based mediums such as the Internet  
25 may result in voter fraud, facilitate the crime of identity  
26 theft, and subject individuals to an invasion of privacy.  
27 Additionally, public access to such information may result in  
28 severe economic harm to an individual whose identity has been  
29 stolen or whose home is the site of breaking and entering in  
30 his or her absence due to information received concerning an  
31 absentee ballot request.

1           Section 4. This act shall take effect on the same date  
2 that Senate Bill \_\_\_\_ or similar legislation takes effect, if  
3 such legislation is enacted in the same legislative session or  
4 an extension thereof and becomes law.

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7           SENATE SUMMARY

8           Revises an exemption from the public-records law which is  
9           provided for information concerning persons who decline  
10          to register to vote, information relating to the place  
11          where a person registered to vote or updated a  
12          registration, and a voter's signature and social security  
13          number. Deletes a provision that exempts a voter's  
14          telephone number from public disclosure. Exempts  
15          information concerning absentee ballot requests from  
16          public disclosure. Provides for future legislative review  
17          and repeal of the exemptions under the Open Government  
18          Sunset Review Act.