

# 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.)

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Prepared By: Ethics and Elections Committee

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BILL: CS/SB 496

SPONSOR: Ethics and Elections Committee and Senator Hill

SUBJECT: Voter Intimidation

DATE: April 20, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Babington</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Committee Substitute for Senate Bill 496 creates penalties for using force, violence, intimidation, or coercion to influence a person's exercise of his or her voting rights, or to influence a person to refrain from acting as an election official or poll watcher.

The committee substitute also prohibits using false information in a challenge to a voter's eligibility, or in inducing or attempting to induce a voter from voting, or registering to vote, or acting as an election official or poll watcher.

In addition, the committee substitute prohibits the knowing destruction, mutilation, or defacing of a registration form or ballot, or the obstruction or delay in the delivery of a voter registration form or ballot.

The committee substitute provides for third degree felony charges against anyone accused of committing any of these acts.

Committee Substitute for Senate Bill 496 takes effect on July 1, 2005.

The committee substitute amends section 104.0615, Florida Statutes.

## II. Present Situation:

Currently, Florida law provides that no person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as

that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any election. A violation of this is a third degree felony.<sup>1</sup>

Similarly, using bribery, menace, threat, or other corruption, to directly or indirectly influence, deceive, or deter, or attempt to influence, deceive, or deter any person in the free exercise of that person's right to register to vote is a felony of the third degree upon the first conviction, and any subsequent conviction is a felony of the second degree.<sup>2</sup>

Florida law also currently provides that it is unlawful for any person to willfully destroy or deface a voter registration card of a duly registered voter. This is charged as a third degree felony.<sup>3</sup>

### III. Effect of Proposed Changes:

#### **Section 1. Voter intimidation or suppression prohibited; criminal penalties. [amending s. 104.0615, F.S.]**

- a. Prohibits a person from, directly or indirectly, using or threatening to use force, violence, intimidation, or any tactic of coercion or intimidation to induce or compel an individual to:

- i. Vote or refrain from voting;
- ii. Vote or refrain from voting for any particular individual or ballot measure;
- iii. Refrain from registering to vote; or
- iv. Refrain from acting as a legally authorized election official or poll watcher.

Such conduct would be punishable by a third degree felony.

- b. Prohibits a person from knowingly using false information to:

- i. Challenge an individual's right to vote;
- ii. Induce or attempt to induce an individual to refrain from voting or registering to vote; or
- iii. Induce or attempt to induce an individual to refrain from acting as a legally authorized election official or poll watcher.

Such conduct would be punishable by a third degree felony.

- c. Prohibits a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot, or obstructing or delaying the delivery of a voter registration form or election ballot. Such conduct would be punishable by a third degree felony.

#### **Section 2. Effective date.**

This act shall take effect July 1, 2005.

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<sup>1</sup> Section 104.0515, Florida Statutes.

<sup>2</sup> Section 104.012, Florida Statutes.

<sup>3</sup> Section 104.013, Florida Statutes.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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

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