

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 133 CS                      Student Voter Education  
**SPONSOR(S):** Anderson and others  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 110

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics & Elections Committee	10 Y, 0 N, w/CS	Mitchell	Mitchell
2) Education Appropriations Committee	14 Y, 0 N	Eggers	Hamon
3) State Administration Council		Mitchell	Bussey
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

HB 133 CS permits district school boards and county supervisors of elections to cooperate in conducting voter education for high school students in grade 12. The education is voluntary for public and private high school students. The supervisors of elections may conduct the program for public schools and, if requested, for private schools.

Division of Elections Rule 1S-2.033, F.A.C., currently requires each supervisor of elections to conduct a voter registration/education program at least once per year in each public high school and college campus in the county.

The bill does not appear to have a fiscal impact.

If enacted, HB 133 CS is effective July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** – HB 133 CS permits supervisors of elections to provide voter education to public high school students once during each term of the school year. In addition, supervisors of elections may provide voter education to a private school, if requested. This raises the possibility of additional government involvement in student education, but makes such involvement optional at the local level.

**Promote personal responsibility** – The bill seeks to encourage high school seniors to register to vote and become active in state and local elections.

#### B. EFFECT OF PROPOSED CHANGES:

In 1994, Florida implemented the National Voter Registration Act of 1993, also known as the “*Motor Voter*” law because it allows people to register to vote at the same time they apply for a driver’s license. The Motor Voter law was targeted at increasing voter turnout by increasing voter registration, premised upon the belief that simplifying and expanding opportunities for voter registration would translate into greater turnout at the polls.

Indeed, since the passage of the implementing legislation<sup>1</sup> in 1994, registration numbers have experienced a robust increase. As of January 2006, there were 11,391,734 registered voters in Florida.<sup>2</sup> To date, the *Motor Voter* law has succeeded in increasing the number of registered voters, but has not affected voter turnout.

A person must be 18 years of age to register to vote in Florida, but pre-registration is allowed at age 17.<sup>3</sup> A person who is otherwise qualified may pre-register on or after that person’s 17th birthday and may vote in any election occurring on or after his or her 18th birthday.<sup>4</sup>

The Secretary of State is responsible for providing technical assistance to the supervisors of elections on voter education and for providing voter education assistance to the public. As part of its election reform package, the 2001 Legislature made revisions to the provisions in the Florida Election Code (ch. 2001-40, Laws of Fla., effective January 1, 2002) pertaining to voter education. Current law requires the adoption of administrative rules by the Secretary that prescribe minimum standards for nonpartisan voter education. The standards must include the following subjects:

- Voter registration;
- Balloting procedures, absentee and polling place;
- Voter rights and responsibilities;
- Distribution of sample ballots; and
- Public service announcements.

Supervisors of elections are charged with implementing the minimum voter education standards and conducting additional nonpartisan education efforts to ensure that voters have a working

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<sup>1</sup> Florida Voter Registration Act; ch. 94-224, Laws of Fla.

<sup>2</sup> *Voter Registration Report*, January 2006, Florida Department of State.

<sup>3</sup> s. 97.041, F.S.

<sup>4</sup> s. 97.041(1)(b), F.S.

knowledge of the voting process. Division of Elections Rule 1S-2.033, F.A.C., provides general standards for nonpartisan voter education. Subsections (3) and (4) of the rule require each supervisor of elections to conduct a voter registration/education program at least once a year in each public high school and college campus in the county.

HB 133 CS would permit supervisors of elections to provide voter education in public *and* nonpublic high school students in grade 12, and require that the following subjects be addressed in the program, if provided:

- How to register and pre-register to vote;
- The operation of voting machines;
- How, when and where to vote; and
- The importance of voting.

Supervisors of elections would be permitted to conduct the presentation for eligible public high school students, and if requested to do so, for nonpublic high school students. Any presentations would further be conducted during school hours and once per term of the school year.

Finally, the bill requires that any program provide students with sufficient opportunity, information and time to complete a voter registration application for submission to the supervisor of elections. Again, this is because a person who is otherwise qualified may pre-register on or after that person's 17th birthday and may vote in any election occurring on or after his or her 18th birthday.<sup>5</sup>

The provisions of HB 133 CS are effective July 1, 2006.

#### C. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law authorizing district school boards and county supervisors of elections to cooperate to provide a program of voter education for high school seniors in public and private schools.

Section 2: Provides an effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

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<sup>5</sup> s. 97.041(1)(b), F.S.

2. Expenditures:

None. Supervisors of elections are currently required to provide voter registration/education to high school students once per year, pursuant to Division of Elections' rule.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

There do not appear to be any other constitutional issues.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Ethics & Elections Committee adopted a strike-all amendment on March 29, 2006, which has been incorporated into HB 133 CS. The bill, as amended, now *permits*, rather than requires, supervisors of elections to conduct voter education programs in high schools, and imposes no additional requirements on supervisors or district school boards.