

# 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 2068

INTRODUCER: Ethics and Elections Committee, Senator Posey and others

SUBJECT: Early Voting

DATE: March 10, 2006      REVISED: 03/14/06 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kruse</u>	<u>Rubinas</u>	<u>EE</u>	<b>Fav/1 amendment</b>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see last section for Summary of Amendments**

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

**I. Summary:**

Senate Bill 2068 provides a supervisor of elections with the option to request the Division of Elections to authorize additional early voting sites and locations if a supervisor deems that the statutorily permitted sites are not adequate to provide voters with the opportunity to conveniently utilize early voting. The request must be made at least 180 days prior to the first statewide election for which the proposed locations will be used as early voting sites, except for the 2006 election in which the request must be made 90 days prior to the primary election. A supervisor's request must include his or her reasons for making a request and supporting documentation, a description of the locations and premises for the proposed sites, and a county map which identifies the locations of the proposed additional early voting sites. The bill also provides that the proposed locations must be geographically located so that all voters are given an equal opportunity to vote early, as practicable.

The bill takes effect upon becoming law.

This bill substantially amends section 101.657 of the Florida Statutes.

## II. Present Situation:

Currently, section 101.657, F. S., allows a Florida elector to vote early at the main office of the supervisor of elections or at a branch office if the supervisor's branch office has been a full service facility for at least one year prior to the election. A Florida elector may also vote early at a public library or city hall that has been designated as an early voting site by the supervisor. The Ethics and Elections Committee interim project entitled, *Review of Early Voting in 2004 Election Cycle* (October 2005), reported that voter complaints were made in the 2004 General Election regarding early voting sites. The complaints revealed that, in some cases, the sites currently permitted for early voting may have limited the ability of supervisors of elections to adequately provide sufficient locations for electors to conveniently utilize early voting. The report noted that many voters requested additional early voting sites for early voting. In addition, the early voting sites that were provided were not always geographically convenient for all voters who desired to cast their ballot early. As written, section 101.657, F.S., has the effect of limiting the ability of supervisors of elections to provide additional locations for voters to utilize early voting.

## III. Effect of Proposed Changes:

Senate Bill 2068 implements the recommendations of the committee interim project, *Review of Early Voting in 2004 Election Cycle* (October 2005). The bill gives supervisors of elections the option of requesting the Division of Elections approve additional early voting sites and locations when a supervisor concludes that the statutorily permitted sites are not adequate to provide voters with the opportunity to conveniently utilize early voting. A supervisor's request must include his or her reasons for making such a request together with supporting documentation, a comprehensive description of the locations and premises proposed as additional early voting sites, and a map of the county which identifies the locations of the additional early voting sites. Supervisors must propose locations for these additional sites that are geographically located to provide equal opportunity for all to utilize early voting as far as is practicable.

The bill provides that a supervisor's request for additional early voting sites must be made with the Division at least 180 days before the next statewide election for which the proposed locations will be used as early voting sites. The Division has 30 days after receipt of the request and proposal to receive public comment on the proposed locations. The Division has a total of 60 days after submission of the request and proposal to review and approve or disapprove the request in whole or in part. However, for the upcoming 2006 general election, the bill provides that supervisors must make a request and propose additional early voting sites 90 days before the primary election. The Division, in this case, shall have fifteen days after receiving a supervisor's request to accept public comment and has a total of 60 days after the request and proposal is submitted to either approve or disapprove the request and proposal in whole or in part.

The bill also provides that once a supervisor has received approval from the Division to use a proposed location as an early voting site, a supervisor may continue to use this location as an early voting site without further Division approval. However, a supervisor must still designate the approved additional location as an early voting site at least 30 days prior to an election and designate an early voting area at the site in accordance with section 97.021, F.S.

The bill takes effect upon becoming law.

**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:

If a supervisor of elections chooses to request additional early voting sites, which are approved by the Division under the provisions of the bill, the supervisor will likely have to expend funds to open these additional early voting sites.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



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## VIII. Summary of Amendments:

### **Barcode 344148 by Ethics and Elections:**

Provides supervisors of elections with the discretion to select the times when early voting sites will open and close during the early voting period. (WITH TITLE AMENDMENT)

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

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