

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: CS/SB 208

INTRODUCER: Enviromental Preservation Committee and Senator Baker

SUBJECT: Voter Registration/FWCC

DATE: April 7, 2006

REVISED: 04/24/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baum</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Kruse</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/2 amendments</u>
3.	<u></u>	<u></u>	<u>TA</u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

Please see last section for Summary of Amendments

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

I. Summary:

Committee Substitute for Senate Bill 208 requires supervisors of elections to supply the Fish and Wildlife Conservation Commission (“FWCC”) and its subagents with voter registration applications. The proposed language requires any location that sells hunting, fishing, or trapping licenses or permits to display and make available voter registration applications. A FWCC subagent would be required to inquire of anyone applying for one of the licenses or permits listed above if he or she would like a voter registration application. The subagent is allowed to provide the applicant with a voter registration application; however, the proposed language specifically forbids the subagent from assisting applicants with completion of the applications and prohibits the subagent from collecting any applications.

In lieu of providing the applicant with a voter registration application, the FWCC or subagent must inquire if the applicant would like the supervisor of elections to mail a voter registration application to him or her at a later date. If so, the FWCC must notify the supervisor or a voter registration agency of the applicant’s request within seven days. The supervisor must mail an application to the requesting applicant within five days of receiving notice of the request. However, instead of asking an applicant if he or she would like to receive an application in the mail, the FWCC can provide access to an Internet site containing voter registration information.

The proposed language specifically provides that the FWCC and its subagents are not third party registration organizations or voter registration agencies and are not authorized to solicit, accept, or collect voter registration applications or provide services related to the registration process, except as set forth in the bill.

In the event that a person applies for a hunting, fishing, or trapping license or permit online, the applicant shall be provided a link to the Department of State's online uniform voter registration application.

The CS takes effect upon becoming law, except for section 3 which takes effect October 1, 2006.

The CS substantially amends section 372.561 and creates section 97.05831 of the Florida Statutes.

II. Present Situation:

A. Fish and Wildlife Conservation Commission Subagents

Section 372.574(1), F.S., provides that the FWCC may appoint subagents for the sale of hunting, fishing and trapping licenses and permits and provides requirements for the subagents so appointed. Subagents are subject to the following provisions:

- Post an appropriate bond as determined by the FWCC, using an acceptable insurance company. In lieu of the bond, the FWCC may purchase blanket bonds covering all or selected subagents or may allow a subagent to post security as required by the FWCC.
- Sell licenses and permits as authorized by the FWCC at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The FWCC has the authority to prohibit subagents from selling certain licenses or permits.
- Charge and receive compensation of 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.
- Submit payment for and report the sale of licenses and permits to the FWCC.

The statute makes it unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent. Any person who willfully violates any of the provisions of this subsection commits a misdemeanor of the second degree and would face a penalty of up to 60 days in jail¹ and a \$500 fine.² Section 372.574(2), F.S., provides that the FWCC or any other law enforcement agency may carry out any investigation necessary to secure information required to carry out and enforce the section.

¹ See, section 775.082, F.S.

² See, section 775.083, F.S.

Recreational licenses and permits for residents and nonresidents are available at county tax collectors' offices. Also, they are available from subagents³, such as sporting goods stores or other retailers selling hunting or fishing equipment.

In addition to purchasing hunting, fishing, and trapping licenses and permits through an FWCC subagent, licenses and permits may also be purchased directly over the Internet through the FWCC website, or by dialing a toll free number to the FWCC from anywhere within the United States or Canada.

B. Florida Voter Registration Act

In 1995, the Florida Voter Registration Act⁴ significantly amended Florida Law regarding the registration of voters by making it easier for eligible citizens to register to vote. Under the provisions of the law, registrations are allowed by mail, and applications are made available at many locations throughout the state. In addition to registration by mail, driver's license offices and voter registration agencies are required to provide voter registration services to applicants. Other designated agencies include:

- Public assistance offices
- Offices that serve persons with disabilities
- Centers for independent living
- Public libraries

C. Third Party Registration Organizations

A "third party registration organization" is defined as any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

- A political party;
- A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child or parent; or
- A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.⁵

A third party registration organization must:

- Name a registered agent to be filed with the Division of Elections.
- List officers and people responsible for day to day operations.

³ See, section 372.561(4), F.S.

⁴ See, Chapter 94-224, Laws of Florida, and sections 97.032-97.105, F.S.

⁵ See, section 97.027(36), F.S.

- File a report with the Division of Elections each quarter which reveals the date and location of any organized voter registration drives conducted in the prior calendar quarter.

If a voter registration application procured by a third party registration organization is not delivered to the supervisor within ten days, penalties include the imposition of fines on all officers of the company and persons collecting registrations ranging from \$500-\$5000, plus applicable criminal penalties.⁶

D. Voter Registration Agencies

A “voter registration agency” is defined as any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.⁷

Section 97.058, F.S., requires voter registration agencies to provide an opportunity to register to vote or update a voter registration record when an individual either applies for services or assistance from that agency, applies for renewal of services or assistance from that agency, or applies for a change of address required for services or assistance from that agency. Voter registration agencies, excluding public libraries, must develop specific forms which must be approved by the Department of State and contain specific questions regarding voter registration. Voter registration agencies may provide assistance in registering to vote. Voter registration agencies must forward all completed and incomplete voter registration applications to the appropriate supervisor within 5 days after receipt. Voter registration agencies must keep declinations for a period of two years.

III. Effect of Proposed Changes:

Section 1. Creates section 97.05831, F.S.; requires supervisors of elections to supply voter registration applications to the FWCC and its subagents as needed.

Section 2. Amends section 372.561, F.S.; requires any location that sells hunting, fishing, or trapping licenses, or permits to display voter registration applications. A FWCC subagent is required to inquire of anyone applying for a license or permit if he or she would like a voter registration application. The subagent is allowed to provide the applicant with a voter registration application; however, the proposed language specifically forbids the subagent from assisting applicants with the applications and prohibits the subagent from collecting any applications. The proposed language specifically provides that the FWCC and its subagents are not third party registration organizations or voter registration agencies and are not authorized to solicit, accept, or collect voter registration applications or provide services related to the registration process.

Section 3. Amends 372.561, F.S., *effective October 1, 2006*; provides that the FWCC or subagent must inquire if the applicant would like the supervisor of elections to mail a voter registration

⁶ Section 97.0575, F.S.

⁷ Section 97.021, F.S.

application to him or her at a later date. If so, the FWCC must notify the supervisor or a voter registration agency of the applicant's request within seven days. The supervisor must mail an application to the requesting applicant within five days of receiving notice of the request. However, instead of asking an applicant if he or she would like to receive an application in the mail, the FWCC may provide access to an Internet site containing voter registration information. In the event that a person applies for a hunting, fishing, or trapping license or permit online, the applicant must be provided a link to the Department of State's online uniform voter registration application.

Section 4. Provides that the CS will take effect upon becoming law, except for section 3 which takes effect October 1, 2006.

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:

The amount of the fiscal impact on FWCC subagents has not been determined.

C. Government Sector Impact:

It is unlikely that the Department of State or supervisors of elections would incur extra expense to implement the provisions of this bill as they are currently responsible for reaching out to citizens to educate them on voting and elections and to enhance voter registration activities.

VI. Technical Deficiencies:

In section 3 of the CS, the proposed language requires the FWCC to notify the appropriate supervisor *or voter registration agency* of the applicant's request within seven days. The supervisor, within five days of receiving notice of the request, must mail the voter registration

application to the applicant. However, the proposed language does not require the voter registration agency to mail a voter registration application to the applicant.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

Barcode 063594 by Ethics and Elections: allows district school boards and supervisors of elections to cooperate in order to provide a voluntary voter education program for public and non-public schools for high school seniors. The voter education may be in the form of a presentation and must, if provided, be conducted during school hours. The voter education program must include information on: how to register and pre-register to vote, the operation of voting machines, how, when and where to vote, and the importance of voting. The program must also give opportunity and sufficient time and information for students to complete voter registration applications to hand in to the supervisor of elections. A student may not be prohibited from attending the program due to an irregular class schedule, and magnet school students must be given the same opportunity for voter education. (WITH TITLE AMENDMENT)

Barcode 522836 by Ethics and Elections: provides that locations selling hunting, fishing, or trapping licenses or permits *may* display voter registration applications and subagents *may* ask each person who applies for a license or permit if he or she would like a voter registration application. The amendment also provides that persons who apply for permits or licenses *may* be asked if he or she would like the supervisor to provide a voter registration application to the applicant at a later date, and each person who applies for a license or permit via the Internet *may* be provided a link to the Department of State's online uniform statewide voter registration application. (WITH TITLE AMENDMENT)