

# 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: Environmental Preservation Committee

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BILL: CS/SB 208

INTRODUCER: Committee on Environmental Preservation and Senator Baker

SUBJECT: Voter Registration/FWC

DATE: February 9, 2006

REVISED: 4/3/06

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|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Baum    | Kiger          | EP        | Fav/CS |
| 2. |         |                | EE        |        |
| 3. |         |                | TA        |        |
| 4. |         |                |           |        |
| 5. |         |                |           |        |
| 6. |         |                |           |        |

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## I. Summary:

The committee substitute would require:

- The Supervisors of Elections to supply voter registration applications to the FWCC and their subagents.
- Each FWCC subagent to ask each individual if they would like a voter registration application and to make voter registration applications available to each individual purchasing a license or permit.
  - The subagents are prohibited from assisting people with the voter registration application or collecting completed applications.

The committee substitute provides that neither the FWCC nor their subagents shall be deemed a third-party organization or voter registration agency.

The committee substitute provides for a series of procedures to govern the transmission of voter registration applications between the FWCC, its subagents and supervisors of elections.

This committee substitute creates section 97.05831, F.S. and amends section 372.561, F.S.

## II. Present Situation:

### Florida Voter Registration Act

In 1995, the Florida Voter Registration Act (ss. 97.032-97.105, F.S.) was passed which 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:

- Offices that provide public assistance (food stamps, Medicaid, and WIC programs)
- Offices that serve persons with disabilities
- Centers for independent living
- Public libraries.

### Obtaining a License or Permit

Pursuant to s. 372.574(1), F.S., the FWCC is allowed to appoint subagents for the sale of hunting, fishing and trapping licenses and permits and provide requirements for the subagents so appointed. Provisions include:

- Requiring each subagent to 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.
- Allowing a subagent to 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.
- Making 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.
- Providing that any person who willfully violates any of the provisions of this subsection commits a misdemeanor of the second degree.
  - The violation is punishable as provided by ss. 775.082 and s. 775.083, F.S.
- Allowing a subagent to charge and receive compensation of 50 cents for each license or permit sold.
  - The charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.
- Requiring a subagent to submit payment for and report the sale of licenses and permits to the FWCC.

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.

Section 372.574(3), F.S., provides that all social security numbers that are provided pursuant to ss. 372.561 and 372.57, F.S., and are contained in records of any subagent appointed under the section are confidential.

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

In addition to purchasing a 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.

### **Third Party Voter Registration Organization**

Section 97.027(36), F.S. defines a “third party voter registration organization” as follows:

(36) “Third-party registration organization” means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

- (a) A political party;
- (b) A person who seeks only to register to vote or collect voter registration applications from that person’s spouse, child or parent; or
- (c) 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.

If a subagent is considered a “third party voter registration organization,” then it will be subject to the rules and penalties described in s. 97.0575, F.S., including:

- Naming a registered agent to be filed with the Division of Elections.
- Listing officers and people responsible for day to day operations.
- Filing each quarter where they have conducted voter registration.
- The imposition of fines on all officers of the company and persons collecting registrations ranging from \$500-\$5000, plus applicable criminal penalties, if a registration is not delivered to the supervisor within ten days.

### **III. Effect of Proposed Changes:**

The committee substitute amends section 372.561, F.S., relating to recreational licenses, by renumbering subsection (8) as subsection (10) and adding subsections (8) and (9) which:

- Requires places that sell hunting, fishing or trapping licenses or permits to make available voter registration applications and that the subagents are prohibited from assisting people with the voter registration application or collecting completed applications.

- Clarifies that the FWCC and its subagents are not voter registration agencies or third-party registration organizations and are thus prohibited from soliciting, accepting, or collecting voter registration applications or providing voter registration services.

As provided by the committee substitute, there are three provisions which allow a person to obtain a voter registration form.

- 1) Each FWCC subagent must display and make voter registration applications available to the public and ask each person who applies for a hunting, fishing, or trapping license or permit if one is wanted.
- 2) Each person who applies for hunting, fishing, or trapping license or permit shall be given the opportunity to be provided with a voter registration application at a later date.
- 3) The FWCC must provide a link to a voter registration application form on its agency website.

To satisfy the above provisions, the committee substitute:

- Creates section 97.05831, F.S., relating to voter registration applications made available to the FWCC. As required in s. 372.561, each supervisor of elections shall supply voter registration applications to the FWCC and its subagents, as needed.
- Requires that if a person requests a voter registration application to be sent at a later date in the course of applying for a hunting and fishing license with an FWCC subagent, the request will be satisfied by:
  - Requiring county supervisors of elections to obtain from the Commission a list of persons who have requested voter registration applications every week.
  - Requiring the county supervisors of elections to send out voter registration forms by mail within five business days after receipt of the request.
- Provides that effective October 1, 2006, the committee substitute amends subsection 372.561(9), F.S., as created by the act, and creates subsections 372.561(10), (11), and (12), F.S., which will provide that:
  - If a person indicates when buying a license that he or she would like a voter registration application, the FWCC will make this information available, within seven days, to the supervisor of elections who will then send a voter registration application to the person, within five business days after receipt of the request.
  - The FWCC may meet its responsibility to provide voter registration applications by making registration information available on an internet website.
  - The FWCC will include a link to the Department of State's online uniform statewide voter registration application on its website, which will be available to all persons who apply for hunting, fishing or trapping license or permits.

The committee substitute would take 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:

There is an undetermined amount of fiscal impact on FWCC subagents that must provide voter registration form.

## C. Government Sector Impact:

There would be little, if any, extra expense to the Department of State or supervisors of elections, as they are currently responsible for reaching out to citizens in order to educate them on voting and elections, and to enhance voter registration activities.

**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 introducer or the Florida Senate.

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