

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 718

INTRODUCER: Ethics and Elections Committee and Senator Posey

SUBJECT: Elections

DATE: April 18, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kruse	Rubinas	EE	Fav/CS
2.			JU	
3.			TA	
4.			WM	
5.			RC	
6.				

I. Summary:

Committee Substitute for Senate Bill 718 requires supervisors of elections to remove the names of deceased electors from the statewide voter registration system after receiving and verifying the information that provides the basis for the removal. The proposed language also repeals section 101.23, F.S., which does the following:

- Removes the discretionary ability to keep a voter from using more than five minutes when casting his or her ballot;
- Removes the requirement that the clerk or inspector check the voter's name on the registration books or voter history form; section 101.043(1), F.S., already accomplishes this goal by requiring the inspector or clerk to check the voter's identity before voting;
- Removes the requirement that an inspector keep a poll list for poll watchers to inspect; *this requirement is transferred* to section 101.131, F.S., which provides that the inspector keep a precinct register or electronic poll book for a poll watcher's inspection;
- Removes the requirement that inspectors refuse to allow any person to vote who is not a qualified elector or who has become disqualified to vote in the precinct; section 101.048, F.S., already allows a person, whose eligibility cannot be determined or who has been identified by an elected official as ineligible to vote, to vote a provisional ballot; and
- Removes the requirement that inspectors prevent any person from casting a ballot twice when the inspector believes the person has already cast a ballot; *this authority is transferred* to section 101.043, F.S.

The CS has an effective date of July 1, 2006.

The CS substantially amends s. 98.093, s. 101.043, and s. 101.131, and repeals s. 101.23 of the Florida Statutes.

II. Present Situation:

Deceased Voters

While the statutes authorize that a voter may be removed from the statewide voter registration system if the voter dies¹, the supervisor must wait to receive this information from the Department of State through the statewide voter registration system before removing the deceased voter.² The Department of State receives this information from the Department of Health, which provides a list of information each month to the Department of State regarding deceased persons seventeen years of age or older.³ The current procedure does not allow a supervisor to remove deceased voters from the voter registration system when he or she is presented with information from sources other than the Department of Health or the Department of State, such as a copy of the deceased voter's death certificate. Prior to January 1, 2006, a supervisor could remove the name of a deceased voter from the registration books if he or she received information from other sources and verified the information received.⁴

Poll Lists

Section 101.23(1), F.S., requires the clerk or an inspector to check the name of every person admitted to vote against the registration books or voter history form that is provided by the supervisor. One inspector is required to keep a poll list that shows the names of electors who have voted, or shows a list of registered electors that reflects which electors have already voted. These lists must be available for inspection by poll watchers during regular voting hours. However, the inspectors are allowed to regulate access to these lists in order to make sure that any inspection does not interfere with polling place operation. Subsection (2) gives inspectors the authority to keep a person from voting a second time and refuse any person the ability to vote if that person is not a qualified elector or has become disqualified in that precinct. Furthermore, this subsection provides inspectors the authority to prevent anyone from utilizing more than five minutes when casting a ballot.

III. Effect of Proposed Changes:

Section 1. Amends section 98.093, F.S.; makes a technical change; allows a supervisor to remove the name of a deceased elector after receiving and verifying information from sources other than the Department of State and the Department of Health.

Section 2. Repeals section 101.23, F.S., which does the following:

- Removes the discretionary ability to keep a voter from using more than five minutes when casting his or her ballot;

¹ § 98.045(2)(a), F.S., (2005)

² § 98.075(3), F.S., (2005)

³ § 98.093(2)(a), F.S., (2005)

⁴ See s. 24, chapter 2005-278, Laws of Florida; § 98.093(5), F.S. (2004).

- Removes the requirement that the clerk or inspector check the voter's name on the registration books or voter history form; section 101.043(1), F.S., already accomplishes this goal by requiring the inspector or clerk to check the voter's identity before voting;
- Removes the requirement that an inspector keep a poll list for poll watchers to inspect; *this requirement is transferred* to section 101.131, F.S., which provides that the inspector keep a precinct register or electronic poll book for a poll watcher's inspection;
- Removes the requirement that inspectors refuse to allow any person to vote who is not a qualified elector or who has become disqualified to vote in the precinct; section 101.048, F.S., already allows a person, whose eligibility cannot be determined or who has been identified by an elected official as ineligible to vote, to vote a provisional ballot; and
- Removes the requirement that inspectors prevent any person from casting a ballot twice when the inspector believes the person has already cast a ballot; *this authority is transferred* to section 101.043, F.S.

Section 3. Amends section 101.043, F.S.; transfers a requirement contained in section 101.23, F.S., providing that the clerk or inspector must prevent a person from casting a ballot a second time when they have reason to believe that the person has already voted.

Section 4. Amends section 101.131, F.S.; provides that poll watchers may inspect the precinct register or electronic poll book during regular voting hours, but allows the inspector to regulate access to the register or poll book in order to keep any inspection from interfering with polling place operations.

Section 5. Provides an effective date of July 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

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:

None.

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