

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Ethics and Elections Committee

BILL: CS/SB 240

INTRODUCER: Ethics and Elections Committee and Senator Bennett

SUBJECT: Elections; Ballot Design

DATE: March 11, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas	EE	Fav/CS
2.			RC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

Committee Substitute for Senate Bill 240 requires that the voter have an opportunity to select the option “I choose not to vote” for each candidate race on the ballot, and clarifies that such selections have no bearing on which candidate is certified the winner and whether to order a recount in close races.

The bill takes effect on July 1, 2009.

This bill substantially amends section 101.151 of the Florida Statutes.

II. Present Situation:

There is currently no affirmative option on the ballot that allows a voter to effectively designate “no selection” in a candidate race. Voters not wishing to express a choice in a race may simply abstain from designating any selection.

III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 240 provides that, for each office on the ballot sought by a candidate, the ballot must include a selection that states, “I choose not to vote.” It also clarifies that a *candidate only* can be certified as the winner of an election, and that the “I choose not to vote” selection is not counted for purposes of ordering recounts in tight races.

The bill will increase the length of the ballot. In some cases, it could even result in the need for an extra ballot page.

Other Potential Implications:

Many ballots currently cast contain one or more races that voters skip (designate no selection) because they are unfamiliar with the candidates --- or for any one of a myriad number of other reasons. Some voter education efforts would likely be necessary to get voters to embrace the notion that they should *affirmatively* state a non-preference in the races that they want to “skip”: it’s just easier for voters to abstain by the more familiar method of not expressing any choice by leaving the race blank.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Some counties may incur additional ballot printing costs to the extent that the requirements in this bill result in an additional page or pages being added to the ballot. The precise costs are indeterminate, and will vary from county-to-county with each

election depending on the number of contests at issue and the particular ballot design for that election.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The “none of the above” idea, of which this bill is essentially a variant, was discussed back in 2001 after the Florida presidential recount as a way for local canvassing boards and courts to unequivocally determine the voter’s intent on every ballot cast. It soon proved to be a political nonstarter, as many folks were concerned that a candidate elected after finishing second to “none of the above” wouldn’t have much of a mandate from his or her constituents.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on March 11, 2009:

The committee substitute differs from the original bill in that it: adds clarifying language, to ensure that “I choose not to vote” selections have no bearing on which candidate is certified the winner and whether to order a recount in close races.

- B. **Amendments:**

None.