

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: SPB 7070

INTRODUCER: For consideration by the Ethics and Elections Committee

SUBJECT: OGSR; Voters; Voter Registration

DATE: February 12, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

Proposed Committee Bill 7070 reenacts public records exemptions protecting the confidentiality of certain private information relating to voters and voter registration, specifically:

- Declinations to register to vote;
- The location where a person registered or updated a voter registration;
- Social security numbers (“SSN”), drivers’ license numbers, and Florida identification (“ID”) numbers; and,
- Signatures (exemption limited to copying).

The bill reenacts section 97.0585 of the Florida Statutes, with technical changes, and saves that section from automatic repeal under Florida’s Open Government Sunset Review Act.

II. Present Situation:

The bill adopts the Ethics and Elections committee staff’s recommendations in Senate Interim Report 2010-215, entitled *Open Government Sunset Review of Section 97.0585, F.S., Voters and Voter Registration Confidentiality of Information* (October 2009). More extensive background information on Florida’s Public Records law, the Open Government Sunset Review Act, and the specific elections issues surrounding section 97.0585, F.S., is contained in the Report at:

http://www.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-215ee.pdf .

Prior to 2005, section 97.0585, F.S., made confidential and exempt from public records disclosure “declinations to register to vote” at a voter registration agency and the location where a person registered or updated a voter registration.¹ It also exempted, for purposes of *copying only*, a voter’s signature, SSN, and telephone number: those items were subject to public inspection.² Finally, it limited the use of declinations to “voter registration purposes,” as required by federal law.³

In 2005, the Legislature amended section 97.0585, F.S.⁴ It currently provides that the following information held by an agency be *confidential and exempt* from public records disclosure, and used only for voter registration purposes:

- All **declinations** to register to vote at a voter registration agency or driver’s license office.
- Information relating to where a person **registered** or **updated** a voter registration.
- A voter or voter registration applicant’s **SSN, drivers’ license number, and Florida ID number.**

Further, the section provides that a voter or voter registration applicant’s **signature** *may not be copied*, and is exempt from public records law for that limited purpose.⁵ The exemptions in section 97.0585, F.S., are subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, F.S., and will be repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

III. **Effect of Proposed Changes:**

Proposed Committee Bill 7070 reenacts public records exemptions protecting the confidentiality of certain private information relating to voters and voter registration. It makes *exempt and confidential* the following information:

- Declinations to register to vote.
- The location where a person registered or updated a voter registration.
- Social security numbers (“SSN”), drivers’ license numbers, and Florida ID numbers.

It also maintains the exemption against *copying* voter and voter registration signatures; signatures *inspection* is still allowed.

Other Potential Implications:

Were the legislature to fail to reenact section 97.0585, F.S., declinations to register to vote, the place where a person registered to vote, and, *arguendo*, the place where a person *updated* a voter

¹ § 97.0585, F.S. (2004).

² *Id.*

³ § 97.0585(1), F.S. (2004); *see infra* fn. 35 (discussing federal National Voter Registration Act (“NVRA”) confidentiality requirements). Federal law also limits to voter registration purposes the use of information on where a voter *registered* to vote, although the Florida statute did not reflect this requirement in 2005. *Id.*; *see* § 97.0585(1), F.S. (2004).

⁴ Ch. 2005-279, LAWS OF FLA., § 1, at 2738-39.

⁵ § 97.0585(2), F.S.

registration would still be protected from disclosure by federal law. Also, the voter or voter registrant's SSN would be afforded lesser protection under the general public records exemption in section 119.071(5)(a), F.S. Exemptions for driver's license numbers, Florida ID numbers, and signatures, however, would be extinguished.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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