

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7101 PCB GAP 10-23 Voter Interface Device Requirements

**SPONSOR(S):** Governmental Affairs Policy Committee and Schenck

**TIED BILLS:** **IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Governmental Affairs Policy Committee	12 Y, 0 N	McDonald	Williamson
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

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**SUMMARY ANALYSIS**

Current Florida law allows persons with disabilities to vote on a voter interface device that meets the voting system accessibility requirements for individuals with disabilities under section 301 of the federal Help America Vote Act (HAVA) of 2002 and that meets the standards for accessible voting contained in s. 101.56062, F.S. The law also requires that, in 2012, persons with disabilities vote on a voter interface device that not only meets these requirements but also uses a paper ballot. At this time there is only one optical scan (paper) system certified in the state as meeting the requirement for the 2012 deadline.

Sixty-three counties use touch screens, the majority of which are with audio ballots, to comply with HAVA requirements. Only four counties, Duval, Hillsborough, Pinellas, and Sarasota, have a system for disabled voters that meets the 2012 requirements.

The bill extends the 2012 paper ballot requirement for the voter interface device to 2016.

The bill takes effect July 1, 2010.

According to the Florida State Association of Supervisors of Elections, the cost of replacing touch screens in order to implement the change for the 2012 election is more than \$45 million that will have to borne by the counties.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The Help America Vote Act of 2002 requires that a state's voting system be accessible for individuals with disabilities, including accessibility for the blind and visually impaired, in a way that provides the same opportunity for access and participation as is provided for other voters. In order to accomplish this, each polling place must be equipped with at least one direct recording electronic voting system (DRE) or other system equipped for individuals with disabilities.<sup>1</sup>

In 2007, the Florida Legislature changed the voting systems requirements for all voters, except disabled voters, to cast a marksense ballot on an optical scan system. Each county was still required to have one voter interface device in each polling place that met the accessibility requirement for individuals with disabilities, which could be a DRE. By 2012, however, the changes in the law required that disabled voters be provided a means to cast an independent, marksense ballot; i.e., a paper-based ballot system.<sup>2</sup>

Sixty-three counties meet the HAVA requirements for disabled voters through the use of touch screens with audio ballots. Only four counties, Duval, Hillsborough, Pinellas, and Sarasota, meet the 2012 requirement through their purchase of AutoMark which, at this time, is the only state certified optical scan (paper) system that meets the requirements of the law for 2012.<sup>3</sup>

##### **Effect of Proposed Changes**

The bill extends the 2012 paper ballot requirement for disabled voters to 2016.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 101.56075, F.S., to delay from 2012 to 2016 the implementation of the requirement that persons with disabilities must vote on a voter interface device that uses a paper ballot.

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<sup>1</sup> Sec. 301 of P.L. 107-252.

<sup>2</sup> Ch. 2007-30, L.O.F., required many changes to the elections laws, including these. Section 101.56075, F.S., was created in section 6 of the chapter law.

<sup>3</sup> Information provided by the Florida State Association of Supervisors of Elections in the "2010 FSASE Voting Equipment Survey Cost of Replacing Touch Screens" and other documentation presented to the Governmental Affairs Policy Committee at its February 17, 2010 meeting.

**Section 2.** Provides an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

According to a survey of all Supervisors of Elections by the Florida State Association of Supervisors of Elections on February 11, 2010, the approximate current fiscal impact is estimated to be \$45,014,556 for counties to purchase the equipment needed to be compliant with the 2012 statutory requirement. The per county cost estimates range from a low of \$50,000 to almost \$7 million.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill is exempt from the mandate requirements because it is amending the elections laws.

2. Other:

None.

### **B. RULE-MAKING AUTHORITY:**

None.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

In information provided to the Governmental Affairs Policy Committee at its meeting on February 17, 2010, was a list of boards of county commissioners that have voted in support of delaying the implementation date to 2016. Sixty-five of the 67 boards of county commissioners voted in support of the delay in implementation. This number includes Pinellas and Sarasota Counties which are currently in compliance with the 2012 requirement.

#### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.