

**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 Judiciary Committee

**BILL:** CS/SB 242

**INTRODUCER:** Rules Committee and Senator Joyner

**SUBJECT:** Voter Information Cards

**DATE:** April 11, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Seay	Roberts	EE	<b>Fav/1 Amendment</b>
2.	Seay	Phelps	RC	<b>Fav/CS</b>
3.	Boland	Maclure	JU	<b>Pre-meeting</b>
4.			BC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The committee substitute requires the voter information card prescribed in statute and furnished by the supervisor of elections to include the address of the polling place. It provides that if an elector's polling place address changes, the supervisor must send the elector a new voter information card. The committee substitute also specifies that the supervisor must provide a voter information card meeting the requirements of this act for any elector who, on or after August 1, 2012, registers to vote, requests a replacement card, or changes his or her name, address, or party affiliation.

This bill substantially amends section 97.071, Florida Statutes.

**II. Present Situation:**

Currently, every supervisor of elections must furnish a voter information card to every registered voter in the supervisor's county. The card must contain the following information:

- Voter's registration number;
- Date of registration;

- Full name;
- Party affiliation;
- Date of birth;
- Address of legal residence;
- Precinct number;
- Supervisor's name and contact information; and
- Any other information deemed necessary by the supervisor.<sup>1</sup>

Replacement cards are provided free of charge upon verification of the voter's registration, if the voter provides a signed written request for a replacement card.<sup>2</sup> The uniform statewide voter registration application may also be used to request a replacement card.<sup>3</sup> New cards are automatically issued when a voter's name, address, or party affiliation changes.<sup>4</sup>

A survey in 2010<sup>5</sup> indicated that 61 counties include the polling place address on the voter information card. The following six counties did not include the polling place address on the voter information card: Glades, Jefferson, Madison, Orange,<sup>6</sup> Taylor, and Volusia.

If a designated polling place becomes unavailable, inadequate, or noncompliant with the law, the supervisor of elections can change the polling place. The supervisor must publish notice of the change in the paper not more than 30 days or less than seven days before the election, and the supervisor must send notice of the change to each registered elector or each household in which there is a registered elector at least two weeks before the election. If the supervisor lacks sufficient time to comply with these procedures, the supervisor must post a notice at the old polling place with information about the new polling place location.<sup>7</sup>

Additionally, in 2010 Florida created a new online voter look-up system. This voter look-up system allows the voter to electronically access his or her precinct and polling place as recorded by the supervisor of elections.<sup>8</sup>

### III. Effect of Proposed Changes:

The committee substitute requires the voter information card to include an elector's polling place address. It provides that when an elector's polling place address changes, the supervisor must send a new card to the elector. The committee substitute also specifies that the supervisor must provide a voter information card meeting the requirements of this act for any elector who, on or

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<sup>1</sup> Section 97.071(1), F.S.

<sup>2</sup> Section 97.071(2), F.S.

<sup>3</sup> Section 97.052(1), F.S.

<sup>4</sup> Section 97.071(3), F.S.; *see also* s. 97.1031, F.S.

<sup>5</sup> Unofficial Survey, *Voter Card with Polling Place Address*, conducted by Florida State Association of Supervisors of Elections (February 2010).

<sup>6</sup> While Orange County does not print the polling place address on the voter information cards, the polling place address is provided on the sample ballots that are mailed out prior to each election. The Orange County Supervisor of Elections office has explained that the office provides the polling place address on the sample ballot instead of the voter information card as the polling place varies for municipal elections and general elections. *See id.*

<sup>7</sup> Section 101.71, F.S.

<sup>8</sup> Florida Division of Elections, *Check Your Voter Status*, <http://registration.elections.myflorida.com/>, (last visited April 5, 2011).

after August 1, 2012, registers to vote, requests a replacement card, or changes his or her name, address, or party affiliation.

This bill provides an effective date of July 1, 2011.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. Other Constitutional Issues:

The Voting Rights Act of 1965 was enacted to enforce compliance with the 15th Amendment to the United States Constitution, which prohibits denial of a citizen's right to vote. Under the act, a state or political subdivision may be required to obtain preclearance from the U.S. Department of Justice before implementing a voting change. The determination of whether a state or subdivision is subject to this requirement is based on historical practices and data which indicate that the practices affected the ability of people to vote. Specifically, a state or subdivision may be subject to preclearance if:

- In 1964 it had in place in a "test or device" that restricted the opportunity to vote; and
- In the 1964 presidential election, less than 50 percent of voting age residents were registered or actually voted.

If a state or subdivision falls into this category, it must obtain preclearance by the U.S. Department of Justice before any change affecting voting in that state or subdivision may take effect.<sup>9</sup>

The definition of "test or device" was expanded in 1975 to include the practice of providing voting or election information only in English in states or political subdivisions where members of a single-language minority constitute more than five percent of the citizens of voting age.<sup>10</sup> Under the 1975 expanded definition, five counties in Florida are covered: Collier, Hardee, Hendry, Hillsborough, and Monroe.<sup>11</sup> The proposed voting changes would affect those five counties; as such, if the U.S. Attorney General objects to

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<sup>9</sup> See 42 U.S.C. s. 1973b (b).

<sup>10</sup> Jonel Newman, *Voting Rights in Florida 1982-2006*, Report of RenewtheVRA.org, 7 (March 2006), available at [http://www.aclufil.org/issues/voting\\_rights/FloridaVRA2.pdf](http://www.aclufil.org/issues/voting_rights/FloridaVRA2.pdf) (last visited April 5, 2011).

<sup>11</sup> *Id.*

the voting change, he or she could institute a proceeding through which a court could suspend the voting practice.<sup>12</sup> However, it is not likely that the U.S. Attorney General would object to these changes as they do not appear to have the intent or effect of discriminating against any minority group. Also, it should be noted that statistics show a sharp decline in the U.S. Justice Department objection rate (down to .2 percent from 1995-2004) in recent years, despite a sharp increase in voting-change pre-clearance submissions.<sup>13</sup>

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Six counties will be required to issue new voter information cards reflecting the polling place address. Additionally, all other Florida counties will be required to issue new voter information cards upon any change in polling place address. While it varies from county to county, the average county cost to print and mail one card is roughly 52 cents.<sup>14</sup> However, any additional costs will likely be minimal since all counties will be issuing new voter information cards in 2012 as a result of reapportionment. The Florida Department of State stated that the fiscal impact of the bill is indeterminate.<sup>15</sup>

**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.)

**CS by Rules on March 29, 2011:**

The committee substitute incorporates a traveling amendment that changes the date that

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<sup>12</sup> 42 U.S.C. s. 1973a (b). See also Fla. Dep't of State, analysis of SB 242, Jan. 21, 2011 (on file with the Senate Committee on Judiciary).

<sup>13</sup> U.S. Commission on Civil Rights, *Voting Rights Enforcement and Reauthorization*, 22 (May 2006), <http://www.usccr.gov/pubs/051006VRAStatReport.pdf> (last visited April 5, 2011).

<sup>14</sup> The cost estimate is based on 2009 data provided by the Florida State Association of Supervisors of Elections.

<sup>15</sup> Florida Dep't of State, analysis of SB 242, Jan. 21, 2011 (on file with the Senate Committee on Judiciary).

supervisors must provide voter information cards with polling place addresses from September 1, 2011, to August 1, 2012.

**B. Amendments:**

None.

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

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