HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #:   HB 867   Broward County
SPONSOR(S): Jenne
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Tait	Hoagland
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Chapter 75-350, L.O.F., governs municipal elections in Broward County. Chapter 75-350, L.O.F., was last amended in 2005 by ch. 2005-318, L.O.F, to change provisions relating to elections dates and qualification periods.

This bill changes the November elections filing period previously amended in ch. 2005-318. The new filing period will conform to those established in s. 99.061(2), F.S. Based on Florida statutes, the new filing period for November municipal elections in Broward County will be anytime after noon on the 71st day prior to the primary election date to no later than noon of the 67th day prior to the primary election date.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

The bill also makes a few minor scrivener changes to ch. 75-350, L.O.F.

The bill does not appear to have a fiscal impact on state government. The Economic Impact Statement indicates the bill will reduce local government expenses.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Chapter 75-350, L.O.F., governs municipal elections in Broward County. Chapter 75-350, L.O.F., (chapter) was last amended in 2005 by ch. 2005-318, L.O.F, to change provisions relating to elections dates and qualification periods.

Currently, as last amended, the chapter provides the following municipal elections provisions:

- For municipal elections held in March, the filing period is between noon on the 1st working day in January and noon on the 7th day after the 1st work day in January.

- For municipal elections held in November, the filing period is between noon on the 1st work day in September and noon on the 7th day following the 1st work day September.

Broward municipal elections held in November are held the 1st Tuesday after the 1st Monday in November of any even-numbered calendar year, aligning the date for municipal elections with state and federal elections.

Absentee Ballots

Section 101.62(4)a, F.S., requires county Supervisors of Elections to send absentee ballots to each absent uniformed services voters and overseas voter who have requested an absentee ballot no later than 45 days before each election.

In addition, the 2009 federal Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots to service members, their families and other overseas citizens no later than 45 days before a federal election, except where the state has been granted an undue hardship waiver approved by the Department of Defense for that election.[1]

For November elections, these requirements mean the absentee ballots must be sent between September 18th and September 24th, depending on the election date.

Under the current provisions of the chapter, the September filing period for municipal elections results in the Broward Supervisor of Elections having approximately 10 days to code, test, and prepare absentee ballots. This compressed time span leads to additional expenditures for labor and overtime to meet the state and federal requirements.

Effect of Proposed Changes

This bill changes the November elections filing period to conform to those established in s. 99.061(2), F.S. According to current law, the new filing period for November municipal elections in Broward County will be anytime after noon on the 71st day prior to the primary election date to no later than noon of the 67th day prior to the primary election date.

This change will result in an increased time span between the filing period and the 45 day requirement for mailing absentee ballots.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

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[1] United States Department of Justice, *Fact Sheet: Move Act*. Available at: http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html Site last visited March 18, 2011.

The bill also makes a few minor scrivener changes to Sections 4 – 7 of ch. 75-350, L.O.F.

B. SECTION DIRECTORY:

Section 1: Amends ch. 75-350, L.O.F., last amended by ch. 2005-318, L.O.F., revising the dates on which municipal candidates must file qualification papers and pay fees with respect to November elections and making technical changes.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED?   Yes [X]   No []

IF YES, WHEN? January 20, 2011.

WHERE? *The Sun-Sentinel*, a daily newspaper of general circulation published in Broward, Palm Beach and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED?   Yes []   No [X]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED?   Yes, attached [X]   No []

D. ECONOMIC IMPACT STATEMENT FILED?   Yes, attached [X]   No []

The Economic Impact Statement indicates the bill will reduce local government expenses, as it increases the amount of time between the filing period and when the Supervisor of Elections has to distribute absentee ballots, in accordance in with state and federal laws. As a result of the increased time span, the need for additional labor and overtime expenses will be reduced or eliminated.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The phrase, "as may be amended from time to time," in lines 30-31 is unneeded, and could be removed from the bill in a technical amendment.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES