

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 Committee on Ethics and Elections

BILL: SB 600

INTRODUCER: Senator Latvala

SUBJECT: Elections

DATE: March 14, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton/Fox	Roberts	EE	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 600 does four primary things. It:

- Allows for military personnel who have returned from a combat zone or forward-deployed area to register to vote until the Friday before the election.
- Removes the provisions permitting use of the full text of a constitutional amendment or revision proposed by joint resolution as a ballot statement.
- Reinstates in large part the absentee ballot witnessing requirement repealed in 2004.
- Modifies the requirements for marking the no-solicitation zone around the polls.

This bill repeals s. 10156075(4), F.S., and substantially amends the following sections of the Florida Statutes: 97.0555, 101.161, 101.64, 101.65, 101.68, 101.6921, 101.6923, 102.031.

II. Present Situation:

The present situation is discussed below in **Effect of Proposed Changes** in this bill analysis.

III. Effect of Proposed Changes:

Late Voter Registration

Current Situation

Currently, only individuals who have been discharged or separated from the uniformed services or the Merchant Marine, or from employment outside of the United States may register to vote during the period of time between book-closing and 5 p.m. on the Friday before an election.¹

Effects of Proposed Change

The bill permits any member of the military who has returned from a combat zone or forward-deployed area to register between the book-closing deadline and 5 p.m. on the Friday before an election.

Constitutional Amendments Proposed by Joint Resolution

Current Situation

Currently, a joint resolution proposing a constitutional amendment or revision must contain one or more ballot statements which are required to be set forth in order of priority.² The ballot statement must contain a title, not to exceed 15 words, and either a ballot summary that describes the chief purpose of the amendment in clear and unambiguous language or the full text of the amendment or revision.³ The law presumes that a ballot statement consisting of the full text is a clear and unambiguous statement of the substance and effect of the amendment or revision; that it provides fair notice to the electors of the content of the amendment or revision; and, that it sufficiently advises electors of the issue upon which they are to vote.⁴

Election administrators have sought repeal of this provision, as there is no efficient way to marry the full-text requirement to an audio ballot which is available to disabled voters via the touch screen voting systems.

Effect of Proposed Changes

The bill removes the option to submit the full text of an amendment or revision in place of a ballot summary and removes the presumption that the full text is a clear and unambiguous statement of the substance and effect of the amendment or revision; that it provides fair notice to the electors of the content of the amendment or revision; and, that it sufficiently advises electors of the issue upon which they are to vote. A conforming change is made by repealing a provision requiring all equipment to be able to place the full text of an amendment or revision, with insertions and deletions, shown on the ballot.⁵

¹ §97.0555, F.S.

² §101.161(3)(a), F.S.

³ *Id.*

⁴ §101.161(3)(b)3., F.S.

⁵ §101.56075(4), F.S., is repealed in Section 7 of the bill.

Absentee Ballot Witnessing

Current Situation

Absentee ballots are required to be sent to an elector with instructions, a secrecy envelope for his or her ballot, and a mailing envelope addressed by the Supervisor. The Voter's Certificate must be printed on the back of the envelope. The form of the instructions and the Voter's Certificate are prescribed by statute.⁶ If a voter that registered by mail has not previously voted in this state, and has not been issued a current Florida identification card or drivers license, he or she receives a "special absentee ballot."⁷ The "special absentee ballot" is sent with a secrecy envelope for his or her marked ballot, an envelope with the Voter's Certificate required by statute for special absentee ballots, and a mailing envelope.⁸ There is also a separate set of instructions provided for voters required to vote by "special absentee ballot."⁹ Unless absentee ballots are received from an overseas voter, they are required to be received by the Supervisor by 7 p.m. on the day of the election. If an absentee ballot is returned unsigned, the ballot is rejected as illegal.¹⁰

Prior to 2004, absentee ballots had to be witnessed by a person 18 years of age or older and include the witnesses' address in order to be valid.

Effects of Proposed Changes

The bill reinstates much of the pre-2004 absentee ballot witnessing requirement, and further requires that the witnesses' name and address be legible in order for the absentee ballot to count. Specifically, the bill requires that a voter who is voting by an absentee ballot or special absentee ballot must have his or her signature on the Voter's Certificate witnessed by a person over the age of 18 who is not a candidate. The bill makes corresponding changes to the form of the Voter's Certificate form prescribed by the statutes. The witness must sign the Voter's Certificate to swear or affirm that he or she witnessed the signature and include his or her address, along with a printed name if the signature is illegible.

Solicitation at the Polls

Current Situation

People, political committees, committees of continuous existence, or other groups or organizations are prohibited from soliciting voters inside the polling place or within 100 feet of the entrance to a polling place, polling room, or early voting site. Prior to opening the polling place or early voting site, the supervisor of elections or clerk must designate and mark the boundaries of the no-solicitation zone.¹¹ Each supervisor must inform the clerk of the area in which soliciting is unlawful based upon the characteristics of that site. The supervisor or clerk

⁶ §101.64, F.S., and §101.65, F.S.

⁷ §101.6921, F.S., and §97.0535, F.S.

⁸ §101.6921

⁹ §101.6923

¹⁰ §101.68(2)(c)1., F.S.

¹¹ §102.031(4)(a), F.S.

may take any reasonable actions to ensure order at the polls, including removal of violators from the polls or the no-solicitation zone.¹²

Effect of Proposed Changes

The bill prohibits a Supervisor from designating a no-solicitation zone or otherwise restricting access, outside of the 100 foot no-solicitation zone, to any person, political committee, committee of continuous existence, candidate, or other group or organization for the purpose of soliciting voters.

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.

¹² §102.031(4)(c), F.S.

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.
