

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 Rules

BILL: CS/CS/CS/SB 600

INTRODUCER: Rules Committee; Community Affairs Committee; Ethics and Elections Committee and Senator Latvala

SUBJECT: Elections

DATE: April 9, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	Anderson	Yeatman	CA	Fav/CS
3.	Carlton	Phelps	RC	Fav/CS
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/CS/SB 600 is an omnibus election administration bill containing the following major provisions:

- Allows late voter registration for military personnel who have returned from a combat zone or forward-deployed area to register to vote until the Friday before the election.
- Requires each Supervisor of Elections to submit an election preparation report to the Secretary of State three months prior to a general election.
- Changes the primary date from 12 weeks before the general election to 10 weeks before the general election.
- Provides that the first ballot summary for joint resolutions amending or revising the State Constitution may not exceed 75 words.
- Removes the provisions permitting use of the full text of a Constitutional amendment or revision as a ballot statement.
- Establishes a process by which the Department of State ("Department") can approve or disapprove electronic or electromechanical voting equipment which:
 - Requires designation of a registered agent(s);

- Defines defect, standards, and vendor as they pertain to voting system defects.
- Requires a vendor to file a written disclosure with the Department, and provides what constitutes a cure of a defect;
- Requires a vendor to file a new disclosure with the Department if a vendor becomes aware of a defect within a specified period;
- Authorizes the Department to suspend use and/or sales and leases of defective systems;
- Authorizes the Department to undertake certain investigations and submit a written report thereon;
- Permits imposition of certain penalties under specified circumstances; and
- Provides that all proceedings are exempt from the Administrative Procedures Act in ch. 120, F.S.
- Permits an automated, independent audit and specifies how such audit will be conducted.
- Revises the absentee ballot process as follows:
 - Specifies that a request for an absentee ballot that is not being sent to a residential address must be made in writing and signed by the elector;
 - Prohibits delivery of absentee ballots on election day, unless an emergency exists and the requestor provides an affidavit;
 - Reinstates the witness requirement pertaining to the Voter's Certificate;
 - Provides that a candidate cannot be a witness;
 - Amends the conditions under which an overseas absentee ballot will be counted;
 - Requires a legible signature and legible address on the Voter's Certificate; and,
 - Provides an opportunity for voters to sign an absentee ballot submitted without a signature under certain circumstances.¹
- Provides additional early voting sites, hours, and days.
- Prohibits solicitation of voters within 100 feet of an office of a Supervisor of Elections where absentee ballots are requested and printed on demand for the convenience of electors who appear in person to request them.
- Revises the 100 foot no-solicitation zone provisions to specify that access by certain individuals to solicit voters outside of that zone may not be restricted.
- Permits designation of canvassing board alternates.
- Requires Supervisors of Elections to upload into their election management system the results of all early voting and absentee ballots canvassed and tabulated by the end of the early voting period by 7 p.m. on the day before the election.
- Prohibits paid ballot collectors from possessing more than 2 ballots that belong to someone other than "immediate family" and defines that term.
- Provides that an elector who requires assistance must use a person who is known to the elector before election day.
- Prohibits any individual from assisting more than 10 electors who are specially registered as requiring assistance during any election.

This bill creates ss. 100.032 and 101.56065, F.S., repeals s. 101.56075(4), F.S., and substantially amends the following sections of the Florida Statutes: ss. 97.0555, 97.061, 100.061, 101.051, 101.161, 101.5605, 101.591, 101.62, 101.64, 101.65, 101.657, 101.67, 101.68, 101.6921, 101.6923, 101.6952, 102.031, 102.141, and 104.0616.

¹ Conforming changes are also made to the provisions governing special absentee ballots and absent military and overseas voters.

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.²

Effects of Proposed Change (Section 1)

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.

Election Preparation Report*Current Situation*

Current law does not address this topic.

Effects of Proposed Change (Section 3)

The bill creates new s. 100.032, F.S., which requires each Supervisor of Elections to submit, at least three months before a general election, a report outlining preparations for the upcoming general election. The report must address: anticipated staffing levels during the early voting period, on election day, and after election day; and the anticipated amount of automatic tabulating equipment at each early voting site and polling place.

Primary Election Date*Current Situation*

Currently, the primary date is on the Tuesday occurring 12 weeks before the general election.³

Effect of Proposed Change (Section 4)

The bill would move the primary date back to the Tuesday occurring 10 weeks before the general election.

² Section 97.0555, F.S.

³ Section 100.061, F.S.

Referenda

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.⁴ 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.⁵ The law presumes that a ballot statement consisting of the full text of an amendment or revision 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, sufficiently advises electors of the issue upon which they are to vote.⁶

Effect of Proposed Changes (Section 6)

The bill provides that the ballot statement shall consist of a ballot title of up to 15 words and a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language. The bill authorizes submission of multiple ballot statements and provides that the ballot statement that is the first in order of priority must be limited to a maximum of 75 words. The ballot summary for any additional ballot statements is not subject to the 75 word maximum.

The bill also 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, 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.⁷

Finally, the bill clarifies that a ballot summary revised by the Attorney General to correct deficiencies identified by a court is not subject to the 75 word limitation.

Approval of Electronic and Electromechanical Voting Systems and Vendor Fines

Current Situation

The Department of State is required to adopt rules establishing the minimum standards for certification, and provisional certification, of hardware and software for electronic and

⁴ Section 101.161(3)(a), F.S.

⁵ *Id.*

⁶ Section 101.161(3)(b)3., F.S.

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

electromechanical voting systems and review the rules every odd-numbered year.⁸ The Bureau of Voting Systems Certification is responsible for standards and certification for those systems.⁹

The Electronic Voting Systems Act¹⁰ provides for adoption of an electronic or electromechanical voting system by county commissions.¹¹ The Act lays out the process for approval of, and requirements for, electronic and electromechanical voting systems.¹² The Electronic Voting Systems Act also provides the authority to seek funds from the federal government for improving equipment and access to voting.¹³ Finally, the Act addresses conduct of an election using electronic or electromechanical voting systems.¹⁴

Effect of Proposed Changes (Sections 7 and 8)

The bill requires, prior to approval of an electronic or electromechanical voting system, that the person who submits the system for approval designate a registered agent in this state. It also requires designation of a registered agent within this state prior to entering a contract for lease or sale of such voting systems. The identity and contact information is required to be updated if it changes. For purposes of the notice requirements herein, the bill specifies that the Department's proof of delivery or attempted delivery to the last mailing address of the registered agent on file with the Department at the time of delivery or attempted delivery is valid for all notice purposes.¹⁵

The bill also addresses reporting and investigation of defects. For purposes of the bill, the term defect means:

- Any failure, fault, or flaw in an electronic or electromechanical voting system approved pursuant to s. 101.5605, F.S., which results in nonconformance with the standards in a manner that affects the timeliness or accuracy of the casting or counting of ballots; or
- Any failure or inability of the voting system manufacturer or vendor to make available or provide approved replacements of hardware or software to the counties that have purchased the approved voting system, the unavailability of which results in the system's nonconformance with the standards in a manner that affects the timeliness or accuracy of the casting or counting of ballots.

For purposes of the bill, the term 'standards' refers to the requirements in ss. 101.5606 and 101.56062, F.S., under which a voting system was approved for use in the state. The term 'vendor' is defined as a person who submits or previously submitted a voting system that was approved by the Department of State in accordance with s. 101.5605, F.S., or a person who enters into a contract for the sale or lease of a voting system to any county, or that previously entered into such a contract that has not expired.

⁸ Section 101.015, F.S.

⁹ Section 101.017, F.S.

¹⁰ Sections 101.5601-101.5614, F.S.

¹¹ Section 101.5604, F.S.

¹² Sections 101.5604-101.56062, F.S.

¹³ Sections 101.56063-101.56064, F.S.

¹⁴ Sections 101.56075-101.5614, F.S.

¹⁵ Proof of attempted delivery may not be sufficient to demonstrate notice for purposes of Due Process Clause in the 14th Amendment to the U.S. Constitution.

The bill requires that no later than December 31, 2013, and, thereafter, on January 1 of every odd-numbered year, each vendor shall file a written disclosure with the Department identifying any known defect in the voting system or the fact that there is no known defect, the effect of any defect on the operation and use of the approved voting system, and any known corrective measures to cure a defect, including, but not limited to, advisories and bulletins issued to system users. Implementation of corrective measures approved by the Department which enable a system to conform to the standards and ensure the timeliness and accuracy of the casting and counting of ballots constitutes a cure of a defect.

The bill specifies that if a vendor becomes aware of the existence of a defect, he or she must file a new disclosure with the Department within 30 days after the date the vendor determined or reasonably should have determined that the defect existed. If a vendor discloses to the Department that a defect exists, the Department may suspend all sales or leases of the voting system in the state and may suspend the use of the system in any election in the state. The Department shall provide written notice of any such suspension to each affected vendor and supervisor of elections. If the Department determines that the defect no longer exists, the Department shall lift the suspension and provide written notice to each affected vendor and supervisor of elections. If a vendor fails to file a required disclosure for a voting system previously approved by the Department, that system may not be sold, leased, or used for elections in the state until it has been submitted for examination and approval and adopted for use pursuant to s. 101.5605, F.S. The Department shall provide written notice to all supervisors of elections that the system is no longer approved.

If the Department has reasonable cause to believe a voting system approved pursuant to s. 101.5605, F.S., contains a defect either before, during, or after an election which has not been disclosed, the Department may investigate whether the voting system has a defect. If the Department determines by a preponderance of the evidence that a defect exists in the voting system, or that a vendor failed to timely disclose a defect, the Department shall provide written notice to the affected vendor and supervisors of elections. If the defect has been cured, the vendor shall provide an explanation of how the defect was cured. If after receiving a response from the vendor, the Department determines that a defect does not exist or has been cured within the timeframe established by the Department, the Department shall take no further action. The Department shall prepare a written report of any investigation conducted pursuant to this section.

If the Department determines that: a vendor failed to timely disclose a defect; or that a defect exists and a vendor has not filed a written response or has failed to cure within the timeframe established by the Department, or if the defect cannot be cured, the Department shall impose a civil penalty of \$25,000 for the defect plus an amount equal to the actual costs incurred by the Department in conducting the investigation.

If the Department finds that a defect existed the Department may suspend all sales and leases of the voting system and may suspend its use in any county in the state. The Department shall provide written notice of the suspension to each affected vendor and supervisor of elections. If the Department determines that a defect no longer exists in a voting system that has been suspended from use, the Department shall lift the suspension and authorize the sale, lease, and use of the voting system in any election in the state.

Finally, the bill specifies that this authority is supplemental to any other legal authority and that all proceedings are exempt from the Administrative Procedures Act in Ch. 120, F.S.

Voting System Audits

Current Situation

Currently, the law requires that canvassing boards (or local boards responsible for certifying an election) are required to manually audit voting systems that are used in randomly selected precincts.¹⁶ The audit must consist of a public manual tally of votes cast in a randomly selected race. The tally must include election day, absentee, early voting, provisional, and overseas ballots in at least 1 percent, but no more than 2 percent, of the randomly-selected precincts.¹⁷ If one percent of precincts is less than one entire precinct, the audit must be conducted using an entire precinct. The results of the audit must be made public no later than 11:59 p.m. on the seventh day after certification of the election¹⁸ and reported to the Department within 15 days of completing the audit.¹⁹

Effects of Proposed Changes (Section 10)

The bill authorizes the use of an automated, independent audit of voting systems. This audit option must consist of a public automated tally of the votes cast across every race appearing on the ballot. The tally sheet must consist of election day, absentee, early voting, provisional, and overseas ballots in at least 20 percent of the precincts chosen at random by the county canvassing board or the local board responsible for certifying the election. The bill requires rules to be adopted for the approval of such equipment. The rules must provide that the system be:

- Completely independent of the primary voting system;
- Fast enough to produce final results within the current statutory time limit; and,
- Capable of demonstrating that the ballots of record have been accurately adjudicated by the audit system.

Requests for Absentee Ballots

Current Situation

An elector, a member of his or her immediate family, or the elector's legal guardian may make a request for an elector to receive an absentee ballot.²⁰ The request may be made in person, including via telephone, or in writing and is valid through the end of the calendar year of the second ensuing general election, unless the request specifies the elections for which he or she would like to receive absentee ballots.²¹ The Supervisor of Elections is required to record the

¹⁶ Section 101.591, F.S.

¹⁷ Section 101.591(2), F.S.

¹⁸ Section 101.591(4), F.S.

¹⁹ Section 101.591(5), F.S.

²⁰ Section 101.62(1)(b), F.S.

²¹ Section 101.62(1)(a), F.S.

dates of the request, delivery to the voter or delivery to the post office or other carrier, the date the ballot was received by the Supervisor, and any other information the Supervisor deems necessary.²²

Effects of Proposed Changes (Section 11)

The bill requires that a request for an absentee ballot which is to be sent to a place other than the address on file in the Florida Voter Registration System must be made in writing and signed by the elector.

The bill prohibits a Supervisor of Elections from providing or delivering an absentee ballot to an elector or his or her immediate family member on the day of an election unless there is an emergency which prevents the elector from going to his or her polling place. If the ballot is provided, the elector or his designee must execute an affidavit attesting to the facts constituting an emergency. The Department must adopt the form for the affidavit by rule.

The bill also requires the Supervisor to record the absence of a signature if the absentee ballot was returned without a signature on the Voter's Certificate.

Absentee Ballots

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.²³ 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."²⁴ 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.²⁵ There is also a separate set of instructions provided for voters required to vote by "special absentee ballot."²⁶ Absentee ballots are required to be received by the Supervisor by 7 p.m. on the day of the election. However, an absentee ballot from an overseas voter must be postmarked or signed and dated no later than general election day and received within 10 days after the general election. Only the federal race votes cast by such a ballot are included in the final certified vote results data. If an absentee ballot is returned unsigned, the ballot is rejected as illegal.²⁷

Section 104.0616, F.S., does not contain a restriction on the number of ballots that any person may possess. However, it is currently a third degree felony for a person to provide, offer to provide, or accept a pecuniary benefit in exchange for distributing, ordering, requesting,

²² Section 101.62(3), F.S.

²³ Sections 101.64, F.S., and 101.65, F.S.

²⁴ Sections 101.6921, F.S., and 97.0535, F.S.

²⁵ Section 101.6921, F.S.

²⁶ Section 101.6923, F.S.

²⁷ Section 101.68(2)(c)1., F.S.

collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot.

Effects of Proposed Changes (Sections 12, 13, 15 - 18, 22)

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. Under the bill, the witness cannot be a candidate for office in Florida.

The following information is required to be added to the instructions provided by statute for completing the absentee or special absentee ballot:

- If you are an overseas voter casting a ballot in a presidential preference primary or general election, your absentee must be postmarked or signed and dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election; and,
- In order for your absentee ballot to be counted, it must include the signature and legible address of an attesting witness 18 years of age or older affixed to the Voter's Certificate. If the signature is illegible, the Voter's Certificate must also include a readable printed name of the attesting witness. A candidate may not serve as an attesting witness.

The bill clarifies that an absentee ballot from an overseas voter will be counted in *any races* in a general election or presidential preference primary if it is postmarked or signed and dated no later than election day and arrives at the Supervisor's office no later than 10 days after the election.²⁸

The bill also specifies that the Supervisor can use the signature on the precinct register to verify the signature on a Voter's Certificate. Additionally, the bill allows a voter who has submitted an absentee ballot without a signature to complete an affidavit, which must be witnessed, in order to cure that defect. The form of the affidavit will be prescribed by the statute. Upon completion of the affidavit and verification of the affidavit by the Supervisor, the supervisor must attach the affidavit to the absentee ballot. The ballot will then be canvassed.

Finally, with regard to absentee ballots, the bill makes it a third degree felony for any person to possess more than two absentee ballots that do not belong to the person or his or her immediate family member. For purposes of the bill, "immediate family member" means a person's spouse, or the parent, child, grandparent, or sibling of the person or the person's spouse.

Early Voting

Current Situation

²⁸ Section 101.6952, F.S.; A conforming change was also made to s. 101.67, F.S. (**Section 15**)

The Supervisors of Elections shall allow early voting in the following locations:

- The Supervisor's main office;
- The Supervisor's or branch office, if it is a permanent facility that has been in use for at least one year prior to the election;
- Any city hall; or
- Permanent public library.²⁹

The early voting period for an election containing state and federal races runs between the 10th and 3rd days before the election with hours being set at no less than 6 hours and no more than 12 hours per day at each site during the early voting period.³⁰

Effects of Proposed Changes (Section 14)

The bill requires each county to have at least the same number of early voting sites in future general elections as the county used in the 2012 general election. In addition to the sites currently authorized, the bill allows early voting to occur at the following sites:

- Fairgrounds;
- Civic center;
- Courthouse;
- County commission building;
- Stadium;
- Convention center;
- Government-owned senior center;
- Government-owned community center; or,
- A supervisor may designate one early voting site per election in an area of the county that does not have any of the eligible early voting locations. Such additional early voting site must be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot.

Additionally, the bill expands the early voting period by requiring that early voting sites be open for a minimum of 8 hours per day up to a maximum of 12 hours per day. It also permits the Supervisor of Elections to make early voting available for the 15th through 11th days and the 2nd day before the election. The new maximum number of days allowable for early voting will be 14 days.

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

²⁹ Section 101.657(1)(a), F.S.

³⁰ Section 101.657(1)(d), F.S.

place or early voting site, the Supervisor of Elections or clerk must designate and mark the boundaries of the no-solicitation zone.³¹ Each Supervisor shall inform the clerk of the area in which soliciting is unlawful based upon the characteristics of that site. The Supervisor or clerk may take any reasonable actions to ensure order at the polls, including removal from the polls and/or the no-solicitation zone.³²

Effect of Proposed Changes (Section 20)

The bill clarifies that solicitation of voters may not occur within 100 feet of the entrance of the office of a Supervisor of Elections where absentee ballots are requested and printed on demand for the convenience of the voters who appear to request them in person. 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.

County Canvassing Boards - Membership and Canvassing

Current Situation

The county canvassing board must be composed of the Supervisor of Elections, a county court judge (chair), and the chairman of the board of county commissioners.³³ If no county court judge is able to serve, or all are disqualified, the chief judge of the judicial circuit court appoints a qualified elector who is not a candidate with opposition in the election being canvassed and who has not been an active participant in a campaign or candidacy of any candidate with opposition in the election being canvassed.³⁴ If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.³⁵ If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.³⁶ If a substitute member cannot be appointed as provided elsewhere in this subsection, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.³⁷

³¹ Section 102.031(4)(a), F.S.

³² Section 102.031(4)(c), F.S.

³³ Section 102.141(1), F.S.

³⁴ Section 102.141(1)(a), F.S.

³⁵ Section 102.141(1)(b), F.S.

³⁶ Section 102.141(1)(c), F.S.

³⁷ Section 102.141(1)(d), F.S.

Currently, the law requires county canvassing boards to report all early voting and tabulated absentee ballots to the Department of State within 30 minutes after the polls close. The county canvassing boards must update results thereafter every 45 minutes until complete. These reports do not include provisional ballots. The law does not address when the canvassing board must begin to upload into the county's internal database.

Effect of Proposed Changes (Section 21)

The bill provides for alternate members of the county canvassing board. Selection of the alternate members is as follows:

County court judge seat - The chief judge of the judicial circuit shall appoint a county court judge as an alternate. If that county court judge is unable to serve as an alternate, and all other county court judges are unable to serve, or are disqualified, then the chief judge of the circuit shall appoint a qualified elector who is not a candidate or active in any campaign being canvassed as the alternate.

Chair of the board of county commissioners seat - The chairman of the board of county commissioners shall appoint a member of the board of county commissioners as an alternate member of the county canvassing board or, if each member of the board of county commissioners is unable to serve or is disqualified, shall appoint a qualified elector who is not a candidate or active in any campaign being canvassed as the alternate.

If a member of the county canvassing board is unable to participate in a meeting, the chair of the canvassing board, or his or her designee, must designate which alternate member will serve. The bill clarifies that any decision made by the board must be made of 2 of the 3 sitting board members, regardless of whether he or she is an alternate member. Alternate members may be present, observe, and communicate with the three members constituting the county canvassing board, but may not vote in the board's decisions or determinations.

The bill also requires the Supervisors of Elections to upload early voting and absentee ballots that have been canvassed and tabulated by the end of the early voting period by 7 p.m. on the day before the election.

Electors Requiring Assistance in Casting Ballots

Current Situation

Section 97.061(1), F.S., allows a person to specially register as a voter who needs assistance and shall be entitled to receive the assistance at the polls. The voter's registration record must be noted with the fact that the person needs assistance with voting. The precinct register generated by the Supervisor of Elections must contain a notation that the voter is eligible for assistance in voting and permits a similar notation on the voter information card.³⁸ The specially registered voter is entitled to receive the assistance of two election officials or some other person of the voter's choosing. However, he or she may not use his employer, an agent of his or her employer,

³⁸ Section 97.061(2), F.S.

or an officer or agent of his or her union. By specially registering pursuant to s. 97.061, the voter is not required to execute the "Declaration to Secure Assistance" prescribed in s. 101.051, F.S. A specially registered person is required to notify the Supervisor of Elections of any change in his or her condition that makes it unnecessary for him or her to receive assistance in voting.³⁹

Currently, the law prohibits more than one person to be in the voting both with any elector.⁴⁰ However, if an elector who requires assistance by reason of blindness, disability, or inability to read or write may request the assistance of two or more election officials or some other person of the elector's choice.⁴¹ An employer, an agent of an employer, or an officer or agent of a union may not assist the elector in casting his or her vote.⁴² The same rules apply for absentee ballots.⁴³ If an elector requires assistance, and has not specially registered pursuant to s. 97.061, F.S., he or she is required to complete the "Declaration to Secure Assistance" provided in s. 101.051(4), F.S.

Effects of Proposed Changes (Section 2 and 5)

The bill requires a voter who needs assistance in casting a ballot to use a person that he or she knew before election day, regardless of whether he or she is specially registered as provided in s. 97.061, F.S. Additionally, the bill prohibits a person from assisting more than ten electors who are specially registered pursuant to s. 97.061, F.S., during any election.

Section 23 provides an effective date of October 1, 2013.

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.

³⁹ Section 97.061(3), F.S.

⁴⁰ Section 101.051(2), F.S.

⁴¹ Section 101.051(1), F.S.

⁴² *Id.*

⁴³ Section 101.051(3), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Currently, the bill only prohibits any individual from providing assistance to 10 or more electors who are specially registered pursuant to s. 97.061, F.S. However, electors who are not specially registered pursuant to s. 97.061, F.S., are also allowed to obtain necessary assistance at the polls by completing the Declaration to Secure Assistance in s. 101.051, F.S. The prohibition against assisting 10 or more electors would not apply to those who complete the Declaration to Secure Assistance. For consistency, the prohibition against providing assistance to more than 10 electors during any election should also be placed in s. 101.051, F.S.

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/CS/CS by Rules on April 9, 2013:

The committee substitute differs from the original bill in that it:

- prohibits a person from assisting an elector to cast his or her ballot that the elector did not know before election day;
- prohibits a person from assisting more than 10 electors who are specially registered pursuant to s. 97.061, F.S., per election; and
- prohibits solicitation of votes within 100 feet of the entrance of the office of a Supervisor of Elections where absentee ballots are requested and printed on demand for the convenience of electors who appear to request them.

CS/CS by Community Affairs on April 2, 2013:

The committee substitute differs from the original bill in that it:

- provides definitions for standards, and vendor;
- requires a vendor to file a written disclosure with the Department;
- provides what constitutes a cure of a defect;
- requires a vendor to file a new disclosure with the Department if a vendor becomes aware of a defect within a specified period;
- clarifies that a county is required to operate the same number of early voting sites in future general elections as it operated in the 2012 general election; and
- authorizes the supervisor to designate one additional early voting site per election.

CS by Ethics and Elections on March 18, 2013:

The committee substitute differs from the original bill in that it:

- requires supervisors of elections to submit a election preparation report to the Secretary of State at least 3 months before a general election;
- specifies the content of the report; decreases the time period between a primary election and a general election;
- specifies that the 75 word limitation on ballot statement length does not apply to a ballot summary revised by the Attorney General;
- requires a person to provide the name, mailing address, and telephone number of a registered agent of a voting systems vendor to the Department of State under certain circumstances; provides that proof of delivery or attempt to deliver constitutes valid notice; requires any person who submitted a voting system to the Department for approval or sold or leased any approved voting system to file a defect disclosure with the Department;
- authorizes the Department to suspend all sales or leases or use in an election of a defective voting system;
- provides procedures for the suspension of voting systems; authorizes the Department to withdraw approval of voting systems under certain circumstances; authorizes the Department to investigate whether a voting system is defective;
- establishes investigatory procedures and requirements;
- provides a penalty for certain vendor failures;
- authorizes use of automated, independent audits of voting systems; provides audit requirements for automated, independent audits;
- revises the requirements for a valid absentee ballot request;
- prohibits the supervisor from providing an absentee ballot on the day of an election under certain circumstances;
- requires a person who requests an absentee ballot to complete an affidavit if the requestor returns an unsigned ballot;
- revises the requirements for a voter's certificate;
- revises the instructions to absent electors;
- revises the permissible sites for early voting;
- requires each county to operate at least the same number of early voting sites as used for the 2012 general election;
- revises the number of days and hours for early voting; authorizes the supervisor to use the elector's signature in a precinct register to compare with the elector's signature on the voter's certificate;
- provides that an absentee ballot must clearly identify the name of the witness in order to be considered legal;
- requires the supervisor to provide the elector with the specific reason his or her ballot was rejected;
- requires the supervisor to allow electors to complete an affidavit to cure an unsigned absentee ballot prior to canvassing;
- provides the form and contents of the affidavit; requires the supervisor to attach a completed affidavit to the elector's absentee ballot;
- provides that absentee ballots received from overseas voters in certain elections may be received up to 10 days after the date of the election;

- revises restrictions relating to the solicitation of voters;
- provides for the selection of alternate canvassing board members; requires a supervisor to upload certain canvassed election results into a county's election management system prior to the election;
- prohibits public disclosure of uploaded results before the close of the polls on election day;
- prohibits possession of more than two absentee ballots under certain circumstances.

B. Amendments:

None.