

By Senator Evers

2-01423-14

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       97.0585, F.S.; providing an exemption from public  
4       records requirements for the e-mail addresses of voter  
5       registration applicants and voters; providing for  
6       future review and repeal of the exemption under the  
7       Open Government Sunset Review Act; providing a  
8       statement of public necessity; providing an effective  
9       date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Section 97.0585, Florida Statutes, is amended to  
14       read:

15       97.0585 Public records exemption; information regarding  
16       voters and voter registration; confidentiality.-

17       (1) The following information held by an agency as defined  
18       in s. 119.011 and obtained for the purpose of voter registration  
19       is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
20       I of the State Constitution and may be used only for purposes of  
21       voter registration:

22       (a) All declinations to register to vote made pursuant to  
23       ss. 97.057 and 97.058.

24       (b) Information relating to the place where a person  
25       registered to vote or where a person updated a voter  
26       registration.

27       (c) The social security number, driver ~~driver's~~ license  
28       number, and Florida identification number of a voter  
29       registration applicant or voter.

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30       (d) The e-mail address of a voter registration applicant or  
31 voter.

32       (2) The signature of a voter registration applicant or a  
33 voter is exempt from the copying requirements of s. 119.07(1)  
34 and s. 24(a), Art. I of the State Constitution.

35       (3) The names, addresses, and telephone numbers of persons  
36 who are victims of stalking or aggravated stalking are exempt  
37 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
38 in the same manner that the names, addresses, and telephone  
39 numbers of participants in the Address Confidentiality Program  
40 for Victims of Domestic Violence which are held by the Attorney  
41 General under s. 741.465 are exempt from disclosure, provided  
42 that the victim files a sworn statement of stalking with the  
43 Office of the Attorney General and otherwise complies with the  
44 procedures in ss. 741.401-741.409.

45       (4) This section applies to information held by an agency  
46 before, on, or after the effective date of this exemption.

47       (5) (a) Subsection (3) is subject to the Open Government  
48 Sunset Review Act in accordance with s. 119.15 and shall stand  
49 repealed on October 2, 2015, unless reviewed and saved from  
50 repeal through reenactment by the Legislature.

51       (b) Paragraph (d) of subsection (1) is subject to the Open  
52 Government Sunset Review Act in accordance with s. 119.15 and  
53 shall stand repealed on October 2, 2018, unless reviewed and  
54 saved from repeal through reenactment by the Legislature.

55       Section 2. The Legislature finds that it is a public  
56 necessity that the e-mail address of a voter registration  
57 applicant or voter that is held by an agency and obtained for  
58 the purpose of voter registration be made confidential and

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59 exempt from s. 119.07(1) and s. 24(a), Article I of the State  
60 Constitution. An e-mail address is personal information that  
61 could be misused and could result in voter fraud if released. A  
62 voter may request an absentee ballot using an e-mail address.  
63 Public access to that e-mail address could make others aware of  
64 those voters intending to vote using an absentee ballot and  
65 could result in confiscation and misuse of a mailed absentee  
66 ballot by a person other than the registered voter before the  
67 registered voter receives the requested absentee ballot. In  
68 addition, collection of the e-mail address of a voter  
69 registration applicant or a registered voter would allow the  
70 supervisors of elections to send sample ballots electronically,  
71 thereby saving counties money. If a voter registration applicant  
72 or a registered voter knows that his or her e-mail address is  
73 subject to public disclosure, he or she may be less willing to  
74 provide the address to the supervisor of elections. Accordingly,  
75 the effective and efficient administration of a government  
76 program would be significantly impaired.

77 Section 3. This act shall take effect upon becoming a law.