

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: SPB 7068

INTRODUCER: For consideration by the Ethics and Elections Committee

SUBJECT: Elections

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts		Submitted as a Committee Bill

I. Summary:

SPB 7068 makes the following substantive election administration changes:

- Directs the Division of Elections to develop an operational voter registration system by July 1, 2015; requires new registrants to vote in person for the first time, except for senior citizens, disabled persons, active duty military personnel and their spouses/dependents, and overseas residents; with respect to such exempt persons, modifies the requirements for absentee ballot requests and creates special absentee ballot voting and canvassing procedures;
- Clarifies that absentee ballots may be dropped-off at an early voting site, in addition to supervisors of elections' offices and their U.S.P.S. post office boxes;
- Regarding the Florida Elections Commission ("FEC" or "the commission")—
 - Authorizes wage garnishment for unpaid fines, up to a maximum of \$2,000;
 - Streamlines initial service and ongoing delivery of documents to respondents;
 - Clarifies that the FEC may enforce violations for certain political activities by judicial candidates.
- Delays the (\$50/day to \$500/day) increase in automatic fines for late candidate and most committee campaign finance filings, from the 4th to 8th day after the report was due.
- Allows county supervisors to *either* publish sample ballots in newspapers or deliver them to registered electors, reversing a duplicative requirement passed last year requiring *both*; and,
- Authorizes canvassing boards and supervisors to begin canvassing absentee ballots in all-mail ballot, local referenda elections 15 days before the election, just like absentee ballots in general or primary elections.

SPB 7068 also makes some purely technical changes to clarify two provisions of the 2013 election reform and campaign finance acts.

The bill takes effect upon becoming a law.

II. Present Situation:

1) Online Voter Registration

As of August 2013, the National Conference on State Legislatures (“NCSL”) found that:

- 13 states offered online voter registration;
- 6 states had passed legislation to create online registration systems, but had not yet implemented them; and,
- 5 states offered some form of limited online voter registration.¹

Florida was not included among these states, despite the fact that its’ electronic system for submitting voter registration applications from Department of Highway Safety & Motor Vehicles (“DHSMV”) offices² is similar to the system utilized in Delaware — a state that NCSL identified as offering “limited online voter registration.” Floridians not registering electronically at a DHSMV office must fill out a paper voter registration application and return it to their local county supervisor of elections, or to any of the following entities: any supervisor of elections’ office in the state, a voter registration agency including an armed forces recruitment office, a public library, or the Division of Elections.³ The division’s website, and most if not all supervisor’s websites, contain an electronic version of the official Florida Voter Registration Application which can be printed out, sworn and affirmed by the applicant’s signature, and mailed.⁴

2) Absentee Ballot Drop-Offs

Florida law neither specifically provides for, nor expressly prohibits, dropping-off absentee ballots at early voting sites or other drop-off sites set-up by a supervisor of elections.

On November 25, 2013, the Secretary of State issued a binding directive advising county supervisors of elections NOT to “solicit return of absentee ballots at any place other than a supervisor's office, except for the purpose of having the absentee ballots cancelled if the voter

¹ National Conference of State Legislatures website, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 2.7.2014).

² DHSMV’s staff analysis on SB 784 (2014) provides:

Currently, driver license examiners ask driver license or identification card applicants if the applicant would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer’s address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the close of business, the day’s voter registration applications, changes, and declinations are submitted electronically to the Department of State.

DHSMV’s 2014 Agency Legislative Bill Analysis, *SB 784*, at p.1 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=2773&yr=2014> (last visited 2.18.2014).

³ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 2.7.2014).

⁴ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 2.21.2014).

wants to vote in person.”⁵ The directive cited several provisions of the election code which, read together, were deemed to support the legal conclusion that absentee ballots may only be returned to a supervisor’s office, or to the voter’s precinct or an early voting site to be cancelled. The directive also cited practical security concerns for collecting ballots anywhere other than a supervisor’s office.

Some supervisors were already in compliance with the Secretary’s directive;⁶ others raised serious objections and concerns.⁷ One supervisor, who had an upcoming congressional special primary election in January 2014, notified the Secretary on December 2, 2013, that she believed that her drop-box sites that had been in use since 2008 — staffed by sworn deputy supervisors of elections — fully complied with Florida law.⁸ The letter to the Secretary went on to explicitly detail the security procedures undertaken at the drop-off locations, and concluded by stating that the supervisor planned to “continue using them, including in the impending primary election.”⁹ The next day, the Secretary spoke with the supervisor in question and subsequently issued a letter stating if the county’s voting security procedures were promptly updated to include the additional security measures, legal action would not be necessary — effectively authorizing the drop-off locations for the special primary election and ending the impasse.¹⁰

The “consensus” that has emerged from the Florida State Association of Supervisors of Elections (“FSASE”) since December is that “with appropriate security measures in place, electors should have the opportunity and convenience to return their ballots to the supervisor at office locations, early voting locations, and other locations designated by the supervisor which are specified in the supervisors’ security procedures.”¹¹

3) Florida Elections Commission

a. Wage Garnishment

The Florida Elections Commission (or, in cases referred to the Division of Administrative Hearings, the hearing officer) may generally assess an administrative fine of up to \$1000 per count for violations of Chapter 104 or the campaign finance laws.¹² According to commission staff, the average fine over the past 5 years is about \$1,900. Fines collected are deposited in the General Revenue Fund of the State.

⁵ Secretary of State, Binding Directive 2013-01 (Nov. 25, 2013).

⁶ CBS/Miami, *Florida’s New Absentee Ballot Directive Gets Pushback* (December 3, 2013), available at, <http://miami.cbslocal.com/2013/12/03/floridas-new-absentee-ballot-directive-gets-pushback/> (last visited 2.18.2014)

⁷ Brandon Larrabee and Dara Kam, Palm Beach Post, *Pinellas Supervisor Bucks Secretary of State Detzner’s Directive on Absentee Ballots*, (December 2, 2013), available at, <http://www.palmbeachpost.com/news/news/state-regional-govt-politics/pinellas-supervisor-bucks-secretary-of-state-detzner/nb9Gj/> (last visited 2.17.2014).

⁸ Letter from the Honorable Deb Clark, Pinellas Co. Supervisor of Elections, to the Honorable Ken Detzner, Secretary of State (December 2, 2013). These sites that were intended to be used for the special primary included two libraries and three tax collector branch offices, in addition to the supervisor’s three offices. Richard Danielson, Tampa Bay Times, *Governor Rick Scott’s Administration Eases Showdown over Pinellas Election* (December 3, 2013), available at, <http://www.tampabay.com/news/politics/elections/bill-nelson-attacks-absentee-ballot-drop-off-edict-as-voter-suppression/2155369> (last visited 2.18.2014).

⁹ Letter from the Honorable Deb Clark to the Honorable Ken Detzner (December 2, 2013).

¹⁰ Letter from the Honorable Ken Detzner to the Honorable Deb Clark (December 3, 2013).

¹¹ Letter from Ron Labasky, General Counsel for the FSASE to the Honorable Ken Detzner (February 5, 2014).

¹² Section 106.265(1), F.S.

The FEC is authorized to collect unpaid fines by instituting a civil enforcement action. Collection efforts are often unsuccessful, and can be expensive and time-consuming, —so much so that sometimes it is not practical to pursue collecting smaller fines. There are no statutory provisions authorizing garnishment of wages.

b. Service/Delivery of Documents

The FEC uses a number of delivery methods to meet its legal obligation to deliver documents to respondents, including regular U.S. mail, certified mail, certified mail/return receipt requested, or, with certain documents if all else fails, personal service through a process server. Delivery is expensive.¹³ Further, cases are often delayed because a respondent has moved and fails to update an address with his or her filing officer (for purposes of initial service) and/or the commission (for purposes of ongoing service).

i. Initial Service

Within 5 days of receipt, the commission must “transmit” a copy of a complaint to an alleged violator.¹⁴ The alleged violator has 14 days from receipt of the complaint to file an initial response,¹⁵ during which time the executive director cannot make any finding regarding the legal sufficiency of the complaint.¹⁶ Because of this 14-day statutory deadline, the commission has interpreted “transmission” to require service *via certified mail/with delivery confirmation or, if delivery is not confirmed, by process server*. If the executive director finds that the complaint is legally sufficient, a letter is served on the respondent *via certified mail/return receipt requested or, if the commission does not receive a return receipt, by process server*.

ii. Ongoing Service

After the finding of legal sufficiency and as a case progresses, the commission provides statutorily-required documents to the respondent as follows:

- Report of Investigation: Regular mail.
- Staff recommendation: Regular mail.
- Notices of Hearing: Regular mail.
- Notice of Probable Cause Finding: Certified mail/return receipt requested.
- Final Order Imposing a Fine: Certified mail/return receipt requested or process server.

c. Judicial Candidates

Section 105.071, F.S., prescribes limitations on political activities of judicial candidates. That section also charges the FEC with enforcement. However, the FEC’s general jurisdiction statute in s. 106.25, F.S., only deals with procedures and proceedings to enforce *Chapter 104*

¹³ Certified mail without a return receipt currently costs \$3.10 in addition to postage; certified mail with a return receipt costs \$5.65 plus postage. A process server to physically deliver documents can cost many times that amount, depending on the circumstances.

¹⁴ Section 106.25(2), F.S.

¹⁵ The commission estimates that only about 20% of alleged violators bother to file an initial response within the 14-day window.

¹⁶ Section 106.25(2), F.S.

(election violations) and Chapter 106 (campaign finance) violations; it is silent on this Chapter 105 provision, including failing to extend temporary public records and meetings exemptions.¹⁷ Because of this statutory ambiguity, the FEC recently chose to dismiss a case involving a judicial candidate who was alleged to have improperly represented himself as a member of a political party.¹⁸

4) Campaign Finance; Automatic Fines for Late Reporting

The 2013 Campaign Finance Reform Act¹⁹ significantly increased both the *frequency*²⁰ and *total number* of campaign finance reports that candidates and many committees must file — *doubling*, and, in some cases, *more than tripling* the number of required reports.²¹ For legislative and local candidates, the overall number of reports due in an election year increased from 10 to 20, with election-year reports due from political committees (“PCs”) seeing a more than threefold jump up to 33.

Despite these increases, the 2013 Act did not change the penalties for late-filed reports. Candidates, PCs, and Electioneering Communications Organizations are still subject to a **\$50/day** penalty for the **first three days** late for most reports, increasing to **\$500/day thereafter** (up to a maximum of 25% of the total receipts or expenditures for the reporting period, whichever is greater).²² Fines collected are deposited to either the State’s General Revenue Fund (state, legislative, and multicounty candidates/committees) or the general revenue fund of the political subdivision the candidate or committee registers with (local candidates/committees).²³

5) Sample Ballot Newspaper Publication

Prior to the passage of the 2013 Paper Reduction Act,²⁴ county supervisors of elections had the option to either publish a sample ballot in a newspaper of general circulation in the county or snail mailing it to registered voters. The Act authorized sending sample ballots by e-mail, but also set-up the *double requirement* of publishing and sending a sample ballot.

¹⁷ A companion public records bill has been filed to address this shortcoming.

¹⁸ *Gottlieb v. FEC*, FEC No. 10-044 (November 18, 2010)(Final Order dismissing case where lack of jurisdictional issue was raised by the Commission's chair *sua sponte*); see also, E-mail from Amy Toman, FEC Executive Director to Jonathan Fox, Chief Attorney for the Senate Ethics and Elections Committee (2.18.2014)(describing facts underlying the FEC’s Final Order).

¹⁹ 2013-37, LAWS OF FLA.

²⁰ Quarterly reporting outside the election cycle (from qualifying to through the general election) was changed to monthly reporting, and the frequency of many reports due during the election cycle went from bi-weekly to weekly and, in some cases, even daily reporting.

²¹ Florida Division of Elections, Report, *Statutorily Required Campaign Finance Reports Filed with the Division of Elections From 1 January through End of Calendar Year* (submitted to Senate Ethics and Elections Committee at 01.13.2014 meeting)

²² Sections 106.07(8)(b), 106.0703(7)(b), F.S. The late-filing penalty for the last report due *immediately* before an election is a flat \$500/day (up to a maximum of 25% of the total receipts or expenditures for the reporting period, whichever is greater). *Id.*

²³ Sections 106.07(8)(a), 106.0703(7)(a), F.S.

²⁴ 2013-192, LAWS OF FLA.

6) Mail Ballot Election Act; Start of Canvassing Period

Local referenda elections may be conducted entirely by absentee ballots.²⁵ Florida law has a “Mail Ballot Election Act” that contains procedures specifically governing some aspects of these special type of all-absentee-ballot issue elections, including a provision allowing supervisors of elections to *begin* canvassing the absentee ballots and running them through the optical scan tabulators on the 6th day before election day.²⁶

Back in 2011, the Legislature extended the time frame to start canvassing *general* absentee ballots from **6 days to 15 days before the election**,²⁷ to give supervisors and canvassing boards more time to deal with growing mountains of paper as more and more voters choose to vote absentee; a corresponding change, however, was never made to the mail ballot election provisions. This was an oversight that likely arose because local referendum elections are typically fairly limited in terms of the overall number of voters — notwithstanding that counties can opt for an all-mail-ballot election. Orange County will be conducting such a county-wide mail ballot referendum election this coming May that will likely involve hundreds of thousands of absentee ballots.

III. Effect of Proposed Changes:

SPB 7068 makes a number of substantive changes to Florida election law.

1) Online Voter Registration

Beginning July 1, 2015, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter’s registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities, with accessibility experts included in the development phase; further, the system’s accessibility must be verified by an “independent body with expertise on the matter.”

Upon submission of a completed online voter registration application, the website must generate an electronic confirmation that the supervisor has received it and will provide instruction with respect to checking the status of the application. Before a first-time registration application will be accepted for submission, however, the applicant must acknowledge that he or she has read a required notice with respect to first-time voting requirements (see *infra* this section).

Specifically, the new online voting system will:

- Compare an applicant’s driver’s license number or Florida ID number with DHSMV records, to confirm the name and birth date of the applicant.

²⁵ Section 101.6102, F.S.

²⁶ Section 101.6103(6), F.S., it is a felony for anyone to release the results before 7 p.m. on Election Day. *Id.*

²⁷ Ch. 2011-40, s. 40, LAWS OF FLA. (codified at s. 101.68(2)(a), F.S.)

- *If the applicant's name and birth date are consistent*, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has on file with DHSMV), in which case the application process can proceed electronically; however, if there is no digital signature on file with DHSMV, the supervisor must notify the applicant that a signature is needed to complete the application and provide a form and postage pre-paid return postcard to the applicant to provide the signature.
- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no driver's license or Florida ID card*, issue a unique identifier number and electronically submit the application to the appropriate supervisor of follow-up.

An applicant who is not updating an existing registration must vote in-person at the first election after registering, except the applicant may vote absentee if he or she:

- Is 65 years of age or older;
- Has a temporary or permanent physical disability;
- Is a member of the uniformed services on active duty who, by reason of such active duty, will be absent from the county on election day;
- Is a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day;
- Is the spouse or dependent of a member of the uniformed services or Merchant Marine who, by reason of the active duty or service of the member, will be absent from the county on election day; or
- Is currently residing outside of the United States and is eligible to vote in Florida.

An absentee ballot request from a new elector who registered online is not valid unless it includes the elector's assertion that he or she meets one or more of these exemptions — unless the voter registration records indicate that the elector is at least 65 years of age or the ballot is to be sent to an overseas address (in which case the supervisor will mail an absentee ballot notwithstanding this omission). Upon receipt of a valid request, the supervisor must mail an absentee ballot to the elector along with a revised set of specific absentee ballot instructions that:

- Details the legal prohibition against voting an absentee ballot unless one of the aforementioned exemptions apply;
- Notifies the voter of the felony criminal penalty associated with voting the ballot illegally; and,
- Directs the voter to indicate (check box format) which exemption(s) applies on a newly-minted Voter's Certificate located on the outside of the return envelope.

If the elector mails back the ballot but fails to designate which exemption applies on the Voter's Certificate, the supervisor must check the voter registration records to see if the absentee ballot request was in writing or if the elector previously notified the supervisor in writing that he or she was exempt. If not, the ballot will not be opened to be canvassed and will be treated as a provisional ballot until 7 p.m. on election day, and the ballot will not be canvassed unless the supervisor has received a written indication of the exemption by that time. This is similar to the canvassing procedure for absentee ballots received from first-time voters who register by mail.

2) Absentee Ballot Drop-Offs

The bill clarifies that absentee ballots may be dropped-off at the main or branch office of a supervisor of elections, their post office box (if located in a U.S. Postal Service facility), or in the polling room at an early voting site; there is currently a public discussion between the Secretary of State and some supervisors of elections as to whether early voting site drop-offs are permissible.

3) Florida Elections Commission

a. Wage Garnishment

The bill authorizes the FEC to collect unpaid fines through wage garnishment, along the same lines as what the Legislature authorized last year to allow the Florida Ethics Commission to collect unpaid, automatic-financial-disclosure-filing fines (maximum fine of \$1,500).²⁸ While there are some minor differences in procedure, the main distinction from the Ethics Commission's authority is that this bill authorizes the FEC to garnish wages for *any* violation of Chapter 104, s. 105.071, or Chapter 106 — not just late filing fines. This broader grant of authority to the FEC is restrained, however, by a \$2,000 cap on the total amount that may be garnished, thereby putting it on somewhat equal footing with the Ethics Commission's \$1,500 fine limit.²⁹

b. Service/Delivery of Documents

i. Initial Service

The bill modifies the timing and type of service that must initially be provided to a respondent when a complaint is filed, effectively requiring formal "service" of the complaint (and finding of legal sufficiency) on the respondent only *after* the FEC's executive director determines that the complaint is legally sufficient to move forward. Otherwise, the FEC need only provide a copy of the complaint and a finding of legal *ins*ufficiency by mail at the last address on file with the respondent's officer (or such other mailing address known to the Commission).

This new procedure should allow the FEC to process and dismiss legally insufficient complaints even when the respondent has relocated since the end of a campaign and the FEC is unsure of his or her whereabouts. In some cases, however, this will necessarily mean that the executive director may make an *initial* finding of legal sufficiency *before* receiving a response to the allegations in the complaint, although the director *must* reconsider its finding if the respondent submits a timely response (within 14 days of service).

ii. Ongoing Service

Upon commencement of investigation, the bill requires respondents to provide the FEC with their current mailing address and, if available, a valid e-mail address (respondents

²⁸ CS/SB 2 (2013) (Ch. 2013-36, LAWS OF FLA.)

²⁹ Since each FEC violation carries a maximum fine of \$1,000 and the average fine over the past 5 years is about \$1,900, \$2,000 seemed more appropriate than the Ethics Commission's \$1,500 cap.

may consent to electronic delivery of docs). Failure to maintain a current address or e-mail address (for those receiving electronic docs) is a violation, and complaints may be amended to incorporate this violation. Service of documents throughout the pendency of a case is generally deemed complete upon delivery of electronic documents, or upon mailing or receiving proof of delivery at the mailing address on file with the FEC (instead of by certified mail).

4) Campaign Finance; Automatic Fines for Late Reporting

The bill increases automatic fines from \$50/day to \$500/day for candidates, PCs, and ECOs that file **late** campaign finance reports, *starting on the 8th day after the report was due*; current law increases the \$50/day fine to \$500/day starting on **4th** day after the report was due. (This change does not affect the *final report* due immediately preceding the primary and general elections, for which penalties are a fixed \$500/day for each day late).

5) Sample Ballot Newspaper Publication

The bill allows supervisors to **either** publish a sample ballot in a local newspaper or send registered voters a sample ballot by e-mail/snail mail; prior to 2013, supervisors had the option to *either* publish or snail mail a sample ballot.

6) Mail Ballot Election Act; Start of Canvassing Period

Extends the beginning of the canvassing period for absentee ballots in ***all-mail-ballot, local referendum elections*** from 6 days to **15 days before the election** — to correspond to the change the Legislature made to the start of the *general* absentee ballot canvassing period in 2011.

7) Other Technical Drafting Changes

The bill also makes the following three ***technical changes*** to the Florida Election Code, the first two which specifically arose from passage of the 2013 election administration³⁰ and campaign finance laws:³¹

- **Unsigned Absentee Ballot “Cure”** — Modifies the voter instructions accompanying absentee ballot signature cure affidavits to include the correct submission deadline (5 p.m. on MON before an election), correcting a drafting glitch that resulted in an erroneous instruction deadline of 5 p.m. on SUN before an election.
- **Campaign Finance Reporting Dates** — Details the specific campaign finance reporting dates for certain candidates and committees from the time of qualifying through the primary and general elections (60th, 46th, 32nd, 25th, 18th, 11th, and 4th days before the elections), redressing a potential drafting ambiguity in the more descriptive language adopted last year (“on the 60th day preceding the [primary and general] elections, and bi-weekly on each Friday thereafter...”).

³⁰ Ch. 2013.57, LAWS OF FLA.

³¹ Ch. 2013-37, LAWS OF FLA.

- **Judicial Candidates** — Clarifies the FEC’s general jurisdiction statute (s. 106.25, F.S.) to ensure that it may enforce against judicial candidates that engage in certain political activities in violation of s. 105.071, F.S.³²

8) Effective Date

The bill takes effect on upon becoming a law.

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:

4) Campaign Finance; Automatic Fines for Late Reporting

Expenditures; recurring

Candidates, PCs, and ECOs that file late campaign finance reports will realize a savings of \$450/day for the 4th, 5th, 6th, and 7th days after the report was originally due — a total savings of up to \$1,800 per candidate, PC, or ECO as compared to current law.

³² A companion public records bill will keep such FEC records and meetings private *until the FEC makes a probable cause determination*, as is the case with investigations and proceedings currently involving Chapter 104 or 106 violations.

5) **Sample Ballot Newspaper Publication**

Revenue; recurring

Local newspapers may well lose revenue in the form of publication fees for sample ballots, as supervisors of elections are increasingly opting to mail (or e-mail, as of this election cycle) sample ballots to voters' residences. The overall amount of revenue lost will depend on the how many supervisors choose to snail mail/e-mail sample ballots *in lieu of* publication.

7) **Other Technical Drafting Changes/judicial candidates and the FEC**

Clarifying that the FEC may, under certain circumstances, pursue violations involving prohibited political activities by judicial candidates (s. 105.071, F.S.), may result in a **small number of additional enforcement cases. Any penalties in those cases, however,** will subject violators to a penalty of up to \$1,000/violation, and may result in substantial fines. The extent of such fines is unknown and will depend on the facts of individual cases.

C. Government Sector Impact:

1) **Online Voter Registration**

Expenditures; nonrecurring

The Department of Highway Safety and Motor Vehicles estimates that it will take about 270 nonrecurring programming hours at a cost of \$20,400 to provide verification for the name, date of birth, Fla. Driver's license number, or Florida identification card number after voter registration applications are submitted online.

The Florida Division of Elections, however, has yet to complete an agency bill analysis or provide a fiscal estimate on SB 784, which constitutes the core of the online voter registration recommendations contained in the bill. As such, the nonrecurring costs to develop the system and the recurring costs to maintain and operate it are indeterminate at this time.

2) **Absentee Ballot Drop-Offs**

None.

3) **Florida Elections Commission/service and delivery of documents**

Expenditures; recurring

The commission will save money by disposing of legally-insufficient complaints without having to resort to certified mail or a process server, in addition to the savings in time and resources involved with not having to track down the whereabouts of initial respondents. Further, the ongoing delivery of documents during the pendency of a case predominantly by regular mail or e-mail, in lieu of more expensive options, will result in additional

savings. The amount of savings is indeterminate at this time, as it will depend on the number of cases which varies.

4) Campaign Finance; Automatic Fines for Late Reporting

Revenue; recurring

General revenue funds of both the State and local political subdivisions are likely to see a *de minimus* reduction resulting from the 4-day delay in raising late-filing fines from \$50/day to \$500/day.

5) Sample Ballot Newspaper Publication

Expenditures; recurring

Supervisors of elections will save an indeterminate amount of money each election cycle, by either foregoing newspaper publication or the mailing/e-mailing of sample ballots to voters. The amount is expected to be minimal.

6) Mail Ballot Election Act; Start of Canvassing Period

None.

7) Other Technical Drafting Changes/judicial candidates and the FEC

Granting the FEC express authority in its general jurisdiction statute to enforce violations of s. 105.071, F.S., involving prohibited political activities by judicial candidates, may result in a very small number of additional cases that could either result in recurring expenditures (if minimal or no net fines assessed) or additional revenue to the State or local subdivisions (if more significant net fines are assessed). Any such amounts are indeterminate and will vary depending on the number of cases and the facts involved, but are nonetheless expected to be fairly minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 101.20, 101.62, 101.6103, 101.68, 101.69, 105.071, 160.07, 106.0703, 106.25, and 106.265.

This bill creates the following sections of the Florida Statutes: 97.0525, 101.6931, 101.6932, and 101.6933.

IX. Additional Information:

- A. **Committee Substitute – Statement of 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.
