

**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.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: PCS/SB 784 (747152)

INTRODUCER: Ethics and Elections Committee

SUBJECT: Online Voter Registration

DATE: March 25, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	<b>Pre-meeting</b>
2.			TR	
3.			AP	

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**I. Summary:**

PCS/SB 784 directs the Division of Elections to develop an operational online voter registration system for registering first time voters and updating existing voter registrations by July 1, 2015.

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."

The PCS mandates that new registrants 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 these exempt persons, the PCS modifies the requirements for absentee ballot requests and creates special absentee ballot voting and canvassing procedures.

The PCS takes effect upon becoming a law (although none of its provisions will be implemented until at least July 1, 2015, when the online voter registration system is up and running).

**II. Present Situation:**

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.<sup>1</sup>

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") offices<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

### III. Effect of Proposed Changes:

Beginning July 1, 2015, the PCS 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).

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<sup>1</sup> 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).

<sup>2</sup> 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).

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

<sup>4</sup> 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).

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.
- *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 certain first-time voters who register by mail.

**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:

*Expenditures; nonrecurring (DHSMV)*

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.

*Expenditures; recurring/nonrecurring (DOS)*

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 101.62 of the Florida Statutes.

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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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