

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 7064

INTRODUCER: For consideration by the Ethics and Elections Committee

SUBJECT: Elections

DATE: March 19, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fox	Roberts		Pre-meeting

I. Summary:

SPB 7064 is an elections administration bill that makes a number of substantive changes to the Florida Election Code, including:

- **Voter Signature Updates:** Allows voters to update their signatures until 5 p.m. on the day before the election, for the purpose of canvassing absentee and provisional ballots;
- **Voter IDs:** Expands the list of permissible voter IDs to include U.S. passport *cards*, federal veterans health ID cards, and Florida concealed weapons/firearms licenses;
- **Mail-Ballot-Only Elections:** Authorizes *candidate* mail-ballot-only elections in certain municipalities;
- **Absentee Ballot Information:** Extends the daily deadline for supervisors to upload absentee ballot information to the Division of Elections during an election cycle, from 8 a.m. to noon;
- **Special District/Community Development District Elections:** Moves certain special district and community development district elections from the general to the primary election ballot; and,
- **Voting Precincts:** Beginning in 2021, requires voting precincts to conform to U.S. Census block boundaries, except in certain cases involving changed county, incorporated municipality, or other political subdivision boundaries.

The bill also makes technical and conforming changes to the election code, including modifying the requirements for sample ballot publication and correcting an erroneous deadline on Absentee Ballot Affidavits used to “cure” missing voter signatures.

Except as otherwise indicated, the bill takes effect on July 1, 2015.

II. Present Situation:

Most of the issues in the bill are part of the 2015 legislative package of the Florida State Association of Supervisors of Elections (“FSASE”). Because the election administration issues presented are wide-ranging and discrete, this analysis will incorporate the Present Situation into the section-by-section analysis below (see, **Part III, Effect of Proposed Changes**).

III. Effect of Proposed Changes:

SPB 7064 makes the following changes, most of which are included in the 2015 FSASE legislative package:

Section 1. Voter Registration IDs/Absentee Registrants. Amends s. 97.0535, F.S., authorizing the use of the following types of voter IDs for a very narrow class of mail-in, voter registration applicants (who are required to produce additional identification in addition to a voter registration application):¹

- U.S. Passport cards² (as opposed to U.S. Passport books);
- U.S. Dep't of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

Florida law currently allows the following forms of ID for these special absentee applicants: U.S. Passport; debit or credit card; military ID; student ID; retirement center ID; neighborhood association ID; public assistance ID.

Section 2. Voter Signature Updates. Amends s. 98.077, F.S., allowing voters to update their signatures up until *5 p.m. on the day before an election*, for purposes of verifying absentee and provisional ballots. Currently, a voter may change their signature up until the canvassing board begins canvassing absentee ballots, which can start as early as 15 days before an election.³

Section 3. Voting Precincts/Polling Place Boundaries. Amends s. 101.001, F.S., providing that beginning after the 2020 U.S. Decennial Census, supervisors may only use U.S. Census block boundaries to create or alter voting precincts. In cases where the Census block boundaries split or conflict with the boundary of a county, incorporated municipality, or other political subdivision, such boundaries may be used (provided they meet the Census criteria for block boundaries).⁴ Currently, supervisors have additional options for establishing precinct boundaries.⁵

¹ This expansion applies to applicants who: 1) Register to vote by mail; 2) Have never previously voted in Florida; and, 3) Have NOT been issued a current and valid Florida driver license, Florida ID card, or social security number. Section 97.0535, F.S. Some exemptions to the additional ID requirements apply. *Id.*

² The U.S. State Department began producing the U.S. Passport Card on July 14, 2008; as of September 2013, more than 7,000,000 Passport Cards were issued to U.S. citizens. U.S. Dep't of State, Bureau of Consular Affairs web site, [U.S. Passport Card, History](http://travel.state.gov/content/passports/english/passports/information/card.html), available at <http://travel.state.gov/content/passports/english/passports/information/card.html> (last accessed 3.9.2015) The card is intended as a less expensive, wallet-size alternative to a passport book for those who travel frequently by land or sea (not air) to Canada, Mexico, the Caribbean or the Bahamas. From a security standpoint, applicants must produce the same documents and are subject to the same standards of identity as those applying for a passport book. U.S. Dep't of State, Bureau of Consular Affairs web site, [Passports, Frequently Asked Questions, U.S. Passport Card](http://travel.state.gov/content/passports/english/passports/FAQs.html), available at <http://travel.state.gov/content/passports/english/passports/FAQs.html> (last accessed 3.9.2015).

³ Sections 98.077(4), 101.68(2)(a), F.S. This change correlates with the current deadline for “curing” an absentee ballot that is *missing* a voter’s signature, a new process authorized in statute at the request of the FSASE in 2013. Section 101.68(4), F.S.; Ch. 2013-57, s. 15, LAWS OF FLA. Prior to that time, once a ballot was received by a supervisor it was deemed “cast” — meaning in “final” form — for purposes of making changes or additions. *Id.* As such, the change in this section represents a wholesale expansion of the concept of “curing” defective ballots post-submission/post-receipt by a supervisor.

⁴ This exemption is meant to account for post-Census political boundary changes, such as when a municipality annexes a parcel of land; the Decennial Census represents only a “snapshot” in time, with 10 years between “photos.”

⁵ Current law provides that U.S. Census block boundaries must be used to draw precincts, unless there’s a census block boundary split or those boundaries conflict with the following:

- Governmental unit boundaries reported in the most recent U.S. Census Boundary and Annexation Survey;

Section 4. Voter ID at the Polls. Amends s. 101.043, F.S., adding the following types of acceptable voter IDs at the polls to the nine (9) currently authorized⁶ — the same new IDs as the bill authorizes for certain first-time, voter registration applicants:

- U.S. Passport *cards* (as opposed to U.S. Passport books);
- U.S. Dep’t of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

Section 5. Sample Ballot Publication. Amends s. 101.20, F.S., allowing supervisors to either publish a sample ballot in a local newspaper before an election **or** send a registered voter a sample ballot by U.S. mail/e-mail.

Prior to the passage of the 2013 Paper Reduction Act,⁷ supervisors of elections had the option to *either* publish a sample ballot in a newspaper of general circulation in the county or mail one by U.S. Mail 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.

Section 6. All-Mail-Ballot Elections; *municipal candidates*. Amends s. 101.6102, F.S., allowing cities to conduct *candidate* elections exclusively by mail, if approved by the governing body of the municipality and the supervisor of elections. Currently, only local *referenda* elections may be conducted with all-mail balloting.⁸

Section 7. Absentee Ballot Information; *daily data updates*. Amends s. 101.62, F.S., delaying until noon the supervisor’s daily reporting of absentee ballot progress information.⁹

Beginning 60 days before the primary until 15 days after the general election, the county supervisors currently must provide the absentee ballot progress information at *8 a.m. every day*,

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- Visible features that are readily distinguishable on the ground (i.e., streets, railroads, tracks, streams, lakes), and that are indicated on certain maps;
 - Boundaries of public parks, public school grounds, or churches; or,
 - Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the U.S. Census Bureau for block boundaries.

Section 101.001(3)(e), F.S.

⁶ The following forms of voter IDs are currently acceptable at the polls:

1. Florida driver license;
2. Florida ID card;
3. U.S. passport;
4. Debit or credit card;
5. Military identification;
6. Student identification;
7. Retirement center ID;
8. Neighborhood association ID; or,
9. Public assistance ID.

Section 101.043(1)(a), F.S.

⁷ 2013-192, LAWS OF FLA.

⁸ Section 101.6102, F.S.

⁹ Information reported includes each request for an absentee ballot, the date the request was made, the date the absentee ballot was delivered to the voter, a designee, or the post office, the date the ballot was received back by the supervisor, and the absence of the voter’s signature on the absentee ballot certificate (if applicable). Section 101.62(3), F.S.

including weekends, in electronic format. They must contemporaneously provide this information to the Division of Elections. The information is made available to the voter requesting the absentee ballot, election officials, political parties, qualified candidates with opposition in an upcoming election, and registered political committees for political purposes only.¹⁰

The identified purpose of delaying the daily data update is to coincide with the noontime early voting data upload that supervisors must provide to the division for 8 to 14 days preceding the primary and general elections.¹¹ That adds up to just about one month of early voting uploads, assuming a county chooses the maximum 14 days of early voting for each election; the absentee ballot data upload occurs for about 5 months — give or take.

Section 8. Conforming. Amends s. 101.65, modifying the absentee ballot voter instructions to incorporate the new deadline created by the bill for updating signatures on file with the supervisor of elections (5 p.m. on the day before the election, instead of when absentee ballot canvassing begins [up to 15 days before an election]).

Section 9. Early Voting Sites; special elections. Amends s. 101.657, F.S., granting supervisors discretion to designate early voting sites in special elections “as necessary” instead of 30 days before an election; time frames are often tighter than in a primary or general election. This change should impact only designation of the *timing*, not the types, of early voting sites.

Sections 10 and 11. Conforming/Technical. Amends ss. 101.68 and 101.6923, modifying instructions for absentee ballot affidavits and the voter’s certificate for first-time absentee voters to incorporate various changes made in other sections of bill; also, corrects an erroneous deadline on the Absentee Ballot Affidavit with respect to “curing” an absentee ballot without a signature.

Sections 12 and 13. Special District/Community Development District Elections. Amends ss. 189.04 and 190.006, F.S., moving community development district board elections and certain special district elections — those conducted in accordance with the Florida Election Code — to the primary election from the general election. The bill does not provide for a runoff election. This will save some real estate on the general election ballot, and in some cases may even keep the ballot from spilling over to an extra page.¹²

Section 14. Effective Date. The bill takes effect on July 1, 2015, except as otherwise provided.

¹⁰ It is unclear whether, and, if so, to what extent, this 4-hour delay might adversely impact the ability of candidates, parties, and political committees to coordinate their absentee ballot get-out-the-vote (“GOTV”) drives.

¹¹ Florida State Assn. of Supervisors of Elections, [2015 FSASE Legislative Priorities](http://myfloridaelections.com/ew_pages/2015_fsase_legislative_priorities_12815.pdf) at p. 2 (undated), available at http://myfloridaelections.com/ew_pages/2015_fsase_legislative_priorities_12815.pdf (last accessed 3.10.2015); see also s. 101.657, F.S. (discussing the timing of early voting and the daily data upload requirement).

¹² This change will likely result in a drop in overall electoral participation, as primary turnout can be dramatically less than general election turnout — depending on the year. See Florida Division of Elections, [Voter Turnout Statistics](http://election.dos.state.fl.us/voting/voter-turnout.shtml) (on average, from 1954-2012, almost twice as many voters showed up for general elections vs. individual primaries), available at <http://election.dos.state.fl.us/voting/voter-turnout.shtml> (last accessed 3.10.2015). Anecdotally, it seems that many of these district governing board races are uncontested — so the participation rate may not be as big an issue as it might first appear. Nevertheless, there may be other unforeseen, district-specific impacts.

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:

Sample Ballot Publication***Revenue; recurring***

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

C. Government Sector Impact:

Sample Ballot Publication***Expenditures; recurring***

Supervisors of elections will save money each election by either foregoing newspaper publication or the mailing/e-mailing of sample ballots to voters. The amount saved will depend on the number of registered voters in the county and the cost of the particular method of distribution/publication.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.0535, 98.077, 101.001, 101.043, 101.20, 101.6102, 101.62, 101.65, 101.657, 101.68, 101.6923, 189.04, and 190.006.

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.
