

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 505 Voter Identification

**SPONSOR(S):** Burgess, Jr. and Cortes, B. and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 666

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N	Toliver	Williamson
2) Veteran & Military Affairs Subcommittee	10 Y, 0 N	Renner	Thompson
3) State Affairs Committee	17 Y, 0 N	Toliver	Camechis

### SUMMARY ANALYSIS

The Florida Election Code requires a voter to provide certain forms of identification for various electoral activities. The acceptable forms of identification vary according to the activity, but examples include a United States passport, Florida driver license or identification card, military identification, or student identification.

The bill adds veteran health identification cards issued by the United States Department of Veterans Affairs and licenses to carry a concealed weapon or firearm to the current lists of valid forms of identification for purposes of identification at the polls, completing absentee ballot affidavits, and identification for first time voters registering by mail.

The bill may have a fiscal impact on the Department of State if it is required to revise its existing rules and publications. In addition, the bill may have a fiscal impact on the supervisors of elections due to their having to alter absentee ballot instructions for certain first-time voters and absentee ballot affidavits.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Voter Identification

The Florida Election Code<sup>1</sup> requires certain forms of identification for various electoral activities. The acceptable forms of identification vary according to the activity.

A person registering to vote in Florida for the first time may hand deliver or mail his or her voter registration application.<sup>2</sup> A person registering by mail who has never previously voted in Florida and who the Department of State verifies has not been issued a current and valid Florida driver license, Florida identification card, or social security number must provide a copy of a specified form of identification or indicate that he or she is exempt from providing such identification<sup>3</sup> prior to voting.<sup>4</sup> The following are valid and acceptable forms of identification provided the identification has not expired and includes the name and photograph of the applicant:

- United States passport.
- Debit or credit card.
- Military identification.
- Student identification.
- Retirement center identification.
- Neighborhood association identification.
- Public assistance identification.<sup>5</sup>

In addition, a utility bill, bank statement, government check, paycheck, and other government documents (excluding voter identification cards) are considered valid and acceptable forms of identification provided they are current and contain the name and current residence address of the applicant.<sup>6</sup>

If an applicant meeting the aforementioned requirements opts to vote by absentee ballot and has not yet provided the required identification by the time his or her ballot is mailed, the applicant must still provide a copy of one of the acceptable forms of identification discussed above or indicate he or she is exempt.<sup>7</sup>

Current law requires the precinct register to be used at the polls for the purpose of identifying the elector before allowing him or her to vote. The clerk or inspector must require each elector upon entering the polling place to present one of the following current and valid picture identifications for the purpose of identifying each elector before allowing him or her to vote:

- Florida driver license.
- Florida identification card issued by the Department of Highway Safety and Motor Vehicles.

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<sup>1</sup> Chapters 97-106, F.S.

<sup>2</sup> Section 97.053(1), F.S.

<sup>3</sup> Section 97.0535(4), F.S., provides that the following persons are exempt from the identification requirements:

- Persons 65 years of age or older.
- Persons with a temporary or permanent physical disability.
- Members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day, and their spouses or dependents.
- Members of the Merchant Marine who, by reason of service in the Merchant Marine, are absent from the county on election day, and their spouses or dependents.
- Persons currently residing outside the United States who are eligible to vote in Florida.

<sup>4</sup> Section 97.0535(1), F.S.

<sup>5</sup> Section 97.0535(3)(a), F.S.

<sup>6</sup> Section 97.0535(3)(b), F.S.

<sup>7</sup> Section 101.6923, F.S.

- U.S. passport.
- Debit or credit card.
- Military identification.
- Student identification.
- Retirement center identification.
- Neighborhood association identification.
- Public assistance identification.<sup>8</sup>

An elector voting by absentee ballot must sign a voter's certificate.<sup>9</sup> The supervisor of elections compares the signature of the elector on the voter's certificate with the signature in the voter registration books or the precinct register to determine if the elector is registered to vote in the county.<sup>10</sup> If the signatures do not match, the elector has until 5:00 p.m. on the day before the election to complete an absentee ballot affidavit to correct the discrepancy.<sup>11</sup> The instructions for the absentee ballot affidavit require the elector to make a copy of a form of identification that includes the person's name and photograph or a form of identification that shows the person's name and current residence address. The following are acceptable forms of such identification that must accompany the absentee ballot affidavit when provided to the supervisor of elections:

- U.S. passport;
- Debit or credit card;
- Military identification;
- Student identification;
- Retirement center identification ;
- Neighborhood association identification;
- Public assistance identification; or
- Current utility bill, bank statement, government check, paycheck, or other government document (excluding voter identification cards).<sup>12</sup>

#### Veteran Health Identification Card

The veteran health identification card is issued by the U.S. Department of Veterans Affairs (USDVA) to veterans who are enrolled in the USDVA health care system for identification and check-in at USDVA appointments.<sup>13</sup> In order to receive an identification card, the veteran must apply for enrollment in the USDVA health care system and provide a primary and secondary form of identification.<sup>14</sup> Once the veteran's enrollment is verified, the veteran must have his or her picture taken at the local USDVA medical center for inclusion on the identification card.<sup>15</sup>

#### License to Carry a Concealed Weapon or Firearm

The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to qualified persons.<sup>16</sup> Each license must bear a color photograph of the licensee.<sup>17</sup> Recipients of a Florida concealed weapon or firearm license in part must be 21 years of age or older; demonstrate competency with a firearm; and, unless currently serving overseas in the United States Armed Forces, currently reside in the United States as a U.S. citizen or a lawful permanent resident alien.<sup>18</sup>

### **Effect of the Bill**

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<sup>8</sup> Section 101.043(1)(a), F.S.

<sup>9</sup> Section 101.64(1), F.S.

<sup>10</sup> Section 101.68(1), F.S.

<sup>11</sup> Section 101.68(4)(b), F.S.

<sup>12</sup> Section 101.68(4)(c), F.S.

<sup>13</sup> U.S. Department of Veterans Affairs, Health Benefits, available at <http://www.va.gov/healthbenefits/vhic/index.asp> (last visited Jan. 11, 2016).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 790.06(1), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 790.06(2), F.S.

The bill adds veteran health identification cards issued by the United States Department of Veterans Affairs and licenses to carry a concealed weapon or firearm to the current lists of valid forms of identification for purposes of identification at the polls, completing absentee ballot affidavits, and identification for first time voters registering by mail.

**B. SECTION DIRECTORY:**

Section 1 amends s. 97.0535, F.S., to expand the list of acceptable forms of identification for first time voters registering by mail.

Section 2 amends s. 101.043, F.S., to expand the list of acceptable forms of identification for identification at the polls.

Section 3 amends s. 101.68, F.S., to expand the list of acceptable forms of identification for completing an absentee ballot affidavit.

Section 4 amends s. 101.6923, F.S., to expand the list of acceptable forms of identification for certain first-time voters.

Section 5 provides an effective date of upon becoming a law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

There may be a fiscal impact to the Department of State if it is required to revise its existing rules and publications.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

There may be a fiscal impact to supervisors of elections associated with the alteration of the special instructions required by s. 101.6923, F.S., and absentee ballot affidavits required by s. 101.68(4), F.S.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Article VII, section 18, of the Florida Constitution explicitly exempts election laws from the municipality/county “mandates” provision within that section.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill may require the Division of Elections within the Department of State to alter its rules to conform to the changes in law; however, no additional rulemaking authority is necessary.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.