

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 521 Vote-by-Mail Ballots
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 726

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	15 Y, 0 N	Toliver	Harrington
2) Government Accountability Committee			

SUMMARY ANALYSIS

Florida law allows an elector to cast his or her ballot by mail. Those ballots, termed "vote-by-mail ballots," are subject to specific requirements and procedures set in statute. Once the elector has completed his or her vote-by-mail ballot, the elector may choose to mail, deliver, or have delivered the completed ballot to the Supervisor of Elections (Supervisor).

Early voting allows voters to vote in advance of an upcoming election in specified locations. The Supervisor must allow a voter to vote early in his or her main office or in any established branch offices. In addition to those mandatory early voting sites, a Supervisor, at his or her discretion, may also designate any of the following locations as early voting sites:

- City hall;
- Permanent public library facility;
- Fairground;
- Civic center;
- Courthouse;
- County commission building;
- Stadium;
- Convention center; and
- Government-owned senior center.

The bill allows an elector to personally deliver his or her vote-by-mail ballot to an early voting site during its hours of operation. The Division of Elections within the Department of State is required to adopt rules for the receipt of these vote-by-mail ballots.

There may be an indeterminate negative fiscal impact to the State and local governments. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Vote-by-mail Ballots

Florida law allows an elector to cast his or her ballot by mail.¹ Those ballots, termed "vote-by-mail ballots," are subject to specific requirements and procedures set in statute.² In brief, an elector may request a vote-by-mail ballot from his or her Supervisor of Elections (Supervisor).³ Thereafter, the Supervisor must mail the elector a letter containing a ballot, instructions for completing the ballot,⁴ and a secrecy envelope for returning the ballot.⁵ Once the elector has completed the ballot and inserted and sealed the ballot within the secrecy envelope, the elector may choose to "[m]ail, deliver, or have delivered the completed mailing envelope" to the Supervisor.⁶

Early Voting

Early voting allows voters to vote in advance of an upcoming election in specified locations.⁷ The Supervisor must allow a voter to vote early in his or her main office or in any established branch offices.⁸ In addition to those mandatory early voting sites, a Supervisor, at his or her discretion, may also designate any of the following locations as early voting sites:

- City hall;
- Permanent public library facility;
- Fairground;
- Civic center;
- Courthouse;
- County commission building;
- Stadium;
- Convention center; and
- Government-owned senior center.⁹

In addition, a Supervisor may designate one early voting site per election in an area of the county that does not have any of the sites listed.¹⁰ Each county is required to operate at least as many early voting sites as it did in the 2012 general election.¹¹

Each county must begin early voting by the tenth day before an election that contains state or federal races and cannot end early voting prior to the third day before that election.¹² However, at the Supervisor's discretion, early voting may be offered up to fifteen days before an election and continue

¹ Section 101.62, F.S.

² See ss. 101.6105, 101.6106, 101.6107, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, and 101.698, F.S.

³ Section 101.62, F.S.

⁴ Section 101.65, F.S.

⁵ Section 101.64(1), F.S. Prior to vote-by-mail ballot being sent to the voter, the envelope must be addressed to the Supervisor.

⁶ Section 101.65, F.S.

⁷ Section 101.657(1)(a), F.S.

⁸ *Id.* Branch offices of the Supervisor must be a permanent facility and shall have been designated and used as such for at least one year prior to the election.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 101.657(1)(d), F.S.

until the second day before that election.¹³ Each early voting site must be open at least eight hours per day and may continue operating for up to a maximum of twelve hours per day.¹⁴

Effect of the Bill

The bill allows an elector to personally deliver his or her vote-by-mail ballot to an early voting site during its hours of operation. The Division of Elections within the Department of State is required to adopt rules for the receipt of these vote-by-mail ballots.

B. SECTION DIRECTORY:

Section 1 amends s. 101.64, F.S., relating to the delivery of vote-by-mail ballots.

Section 2 provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may have an indeterminate negative fiscal impact on the State because it requires the Division of Elections of the Department of State to adopt rules governing the receipt of the ballots at early voting sites. In addition, the bill may have an indeterminate negative fiscal impact on local governments because early voting sites will be required to accept vote-by-mail ballots. As such, the counties will need to adopt procedures for the receipt and safe keeping of the vote-by-mail ballots.

¹³ *Id.*

¹⁴ *Id.*

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Art. VII, s. 18 of the Florida Constitution because it is an election law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Division of Elections of the Department of State to adopt uniform rules for the receipt of vote-by-mail ballots at early voting sites.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.