

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 709 Voting  
**SPONSOR(S):** Drake  
**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 964

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	10 Y, 0 N	Toliver	Harrington
2) Public Integrity & Ethics Committee	13 Y, 2 N, As CS	Poreda	Rubottom

### SUMMARY ANALYSIS

Currently, the Florida Election Code requires all voting to be by marksense ballot utilizing a marking device for the purpose of designating ballot selections. A “marksense ballot” is a printed sheet of papers, used in conjunction with an electronic vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote. However, persons with disabilities may vote on a device called a “voter interface device” that prints out a paper ballot that is tabulated in similar manner by the same machine as other marksense ballots. These devices must meet specified voting system accessibility requirements for individuals with disabilities pursuant to the federal Help America Vote Act of 2002 and the Florida Election Code.

Current law requires supervisors to conduct voter registration list maintenance at least every odd-numbered year to protect the integrity of the electoral process. To help ensure the accuracy of the system, certain state and local agencies, such as the Department of Highway Safety and Motor Vehicles (DHSMV), are required to submit data to the Department to verify the eligibility of registered voters.

The bill expands the use of voter interface devices to *all* individuals instead of persons with disabilities only. It revises the definition of “marksense ballot” and “marking device” to include voter interface devices.

The bill requires each supervisor to enter into an agreement with the clerk of the circuit court in their jurisdiction to receive, monthly, change-of-address information and a list of potential jurors who identified themselves as aliens. Specifically, the bill requires the list to contain the individual’s name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number.

The bill also requires DHSMV to furnish to the Department a list of persons who identified themselves as aliens. Specifically, the bill requires the list to contain the individual’s name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number. The Department must compare the list received from DHSMV with the information in the system. If the Department determines that a registered voter in the system is an alien, it must provide the name of that voter to the supervisor of the county in which that voter is registered.

The bill will result in an indeterminate, but insignificant fiscal impact on state and local governments.

The bill has an effective date of July 1, 2018.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Marksense ballots

The Florida Election Code<sup>1</sup> requires certain specifications for voting systems<sup>2</sup> and ballots.<sup>3</sup> The term “ballot” is divided into two sub-categories:

- “Marksense ballots” means that printed sheet of papers, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.<sup>4</sup>
- “Electronic or electromechanical devices” means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device<sup>5</sup> for tabulation by automatic tabulating equipment or data processing equipment.<sup>6</sup>

The Electronic Voting Systems Act (EVS Act)<sup>7</sup> was established “to authorize the use of electronic and electromechanical voting systems in which votes are registered electronically or are tabulated on automatic tabulating equipment or data processing equipment.”<sup>8</sup> The EVS Act requires all voting to be by marksense ballot utilizing a marking device for the purpose of designating ballot selections.<sup>9</sup> However, persons with disabilities may vote on a voter interface device that meets the voting system accessibility requirements for individuals with disabilities pursuant to the federal Help America Vote Act of 2002 and s. 101.56062, F.S.<sup>10</sup> The term “voter interface device” means any device that communicates voting instructions and ballot information to an elector and allows them to select and vote for candidates and issues.<sup>11</sup>

The Department of State must publicly examine all makes of electronic or electromechanical voting systems submitted to it and determine whether the systems comply with s. 101.5606, F.S., which establishes requirements for approval of systems.<sup>12</sup> Any person owning or interested in an electronic or electromechanical voting system may submit it to the department for examination.<sup>13</sup> Each certified voting system must include the capability to install accessible voter interface devices in the system

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<sup>1</sup> Chapters 97-106, F.S., are known as The Florida Election Code.

<sup>2</sup> The term “voting system” is defined to mean a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, supplies, printouts, and other software necessary for the system’s operation. Section 97.021(44), F.S.

<sup>3</sup> Section 101.015(1), F.S., sets the standards for voting systems. The Department of State is required to adopt rules establishing the minimum standards for hardware and software for electronic and electromechanical voting systems. Section 101.015(1), F.S.; *see also* Fla. Admin. Rule 1S-5.001. Sections 101.151 and 101.161, F.S., set the specifications for ballots. The Department of State is required to adopt rules prescribing a uniform primary and general election ballot for each certified voting system in accordance with The Florida Election Code. Section 101.151(9), F.S.; *see also* Fla. Admin. Rule 1S-2.032.

<sup>4</sup> Section 97.021(4)(a), F.S.

<sup>5</sup> The term “marking device” is defined to mean any approved device for marking a ballot with ink or other substance that will enable the ballot to be tabulated by means of automatic tabulating equipment. Section 101.5603(5), F.S.

<sup>6</sup> Section 97.021(4)(b), F.S.

<sup>7</sup> Sections 101.5601-101.5614, F.S., are cited as the “Electronic Voting Systems Act.”

<sup>8</sup> Section 101.5602, F.S.

<sup>9</sup> Section 101.56075(1), F.S.

<sup>10</sup> Section 101.56075(2), F.S.

<sup>11</sup> Section 97.021(40), F.S.

<sup>12</sup> Section 101.5605(1), F.S.

<sup>13</sup> Section 101.5605(2)(a), F.S.

configuration that will allow the system to meet certain minimum standards to aid persons with disabilities in the voting process.<sup>14</sup>

By 2020, all persons with disabilities must vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities under the Help America Vote Act of 2002 and s. 101.56062, F.S.<sup>15</sup>

### What are “Voter Interface devices”?

Many Floridians may know “Voter Interface Devices” as the more commonly used “touch screens.” The difference between the original “touch screen” systems in use in about 15 counties in the mid-2000s and the current crop of certified disability voting systems, such as the ES&S AutoMARK<sup>16</sup> and ExpressVote<sup>17</sup>, is that the newer systems “mark” a paper ballot that is then tabulated by the same machines that tabulate hand marked optical scan ballots.<sup>18</sup> Unlike the touchscreens from the mid-2000s, a voter-verifiable paper trail can be used for recount purposes. These systems prevent an elector from “overvoting” (selecting more than one candidate per race) and warn or prompt the voter if he or she “undervotes” (completely skips a race). There is a summary review screen at the end of the selection process to allow a voter to go back and make or change a selection. After the ballot is printed, voters are able to review the ballot for accuracy before depositing it in an optical scanner for counting.

Currently, 42 of Florida’s 67 counties use either ES&S AutoMark or ExpressVote systems for disabled voters.<sup>19</sup> The remaining 25 counties use a variety of other similar touchscreen devices. However, all of these systems do not tabulate votes independently. Instead, all votes are tabulated by the same machines that tabulate hand marked optical scan ballots.

On the following page is an example of the differences between a hand marked optical scan ballot and a ballot produced by a voter interface device as well as how they are scanned by the tabulator. In this case an ExpressVote Systems ballot:

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<sup>14</sup> See s. 101.56062, F.S.

<sup>15</sup> Section 101.56075(3), F.S.

<sup>16</sup> This system marks the same type of optical scan ballot design familiar to voters, effectively serving as an electronic “pen.” ES&S AutoMARK Description, <https://www.essvote.com/products/6/13/ballot-marking-devices/automark%C2%AE/>

<sup>17</sup> The ExpressVote produces a ballot card with multiple bar codes at the top corresponding to the voter’s choices. Underneath the bar codes, the card contains the offices or amendments on the ballot, along with the voter’s choice in each contest. <https://www.essvote.com/products/12/12/universal-voting-system/expressvote/>

<sup>18</sup> In the early-to-mid 2000s, some Florida counties experimented with touch screen voting systems without a paper trail for the general voting populace; those systems were ultimately replaced by optical scan (i.e., blacken-the-oval) voting systems for all but disabled voters, beginning with the 2008 primary election. Ch. 2007-30, § 6, Laws of Fla. (codified at § 101.56075, F.S.).

<sup>19</sup> See Fla. Div. of Elections, *Accessible Voting Equipment by County* (updated Feb. 2, 2018), available at:

<http://dos.myflorida.com/media/695364/accessible-voting-systems-in-use-by-county.pdf>

## Candidate Selection Barcodes

Each Candidate Selection Barcode Maps to Corresponding Oval Position on Paper Ballot

The master barcode tells the unit how many selections there are to count and therefore, if a barcode is damaged and cannot be read, it will notify the voter and will never skip the selection.

Both of the ballots have many similar characteristics and both use a machine readable barcode to help tabulate the ballot. However there are some differences. The ExpressVote ballot does not list the other candidates that the elector did not vote for in each contest on the printed paper ballot as the hand marked ballot does. All that is displayed are the candidates the voter actually selected on the “touchscreen” portion of the system where all other information and candidates are listed.

Another difference is the actual vote that is tabulated on an ExpressVote paper print out is in the barcode which corresponds to the names of the candidates for which the elector voted. The hand marked ballot is tabulated by the ovals the elector marked directly. The ExpressVote barcode however can potentially increase the accuracy of the ballot as it eliminates the possibility for the elector to incompletely or incorrectly mark an oval with an “x”, “-”, or other method causing the vote tabulator to not record the vote properly.

### Department of State

The Department of State (Department)<sup>20</sup> is headed by the Secretary of State (Secretary) who serves as Florida’s chief election officer. The Secretary is charged with a variety of responsibilities in his or her capacity as Florida’s chief election officer, including obtaining and maintaining uniformity in the interpretation and implementation of the election laws; providing uniform standards for the proper and equitable implementation of the registration laws; providing technical assistance to the supervisors of elections (supervisors) on voter education, election personnel training services, and voting systems; and creating and administering a statewide voter registration system as required by the Help America Vote Act of 2002.<sup>21</sup>

<sup>20</sup> Section 20.10(1), F.S.

<sup>21</sup> Section 97.012, F.S.

### Voter Registration System

The Secretary implements, operates, and maintains the statewide voter registration system (system).<sup>22</sup> The system is the official list of registered voters in the state and is required to contain the name and registration information of every legally registered voter in Florida.<sup>23</sup> Voter registration officials, such as supervisors, are provided secure access to the system and may update the voter registration information contained in the system.<sup>24</sup> The Department is prohibited from contracting with any other entity for the operation of the system.<sup>25</sup>

### Voter Eligibility

Each supervisor is charged with ensuring that each application for voter registration is processed in accordance with the law.<sup>26</sup> The Florida Election Code sets forth the reasons that a supervisor may deem a voter registration applicant ineligible.<sup>27</sup> An applicant may be ineligible based on any of the following:

- Failure to complete the voter registration application;
- The applicant is deceased;
- The applicant has been convicted of a felony;
- The applicant has been adjudicated mentally incapacitated;
- The applicant is not 18 years old;
- The applicant is not a United States Citizen;
- The applicant is a fictitious citizen;
- The applicant has provided an address that is not his or her legal residence; or
- The applicant has provided a driver license number, Florida identification number, or the last four digits of a social security number that is not verifiable by the Department.<sup>28</sup>

### Voter Registration List Maintenance

Once registered, a voter may only be removed from the system in certain limited circumstances: the voter is deceased, has been convicted of a felony or judged mentally incapacitated, pursuant to a prescribed registration list maintenance activity, or he or she has requested in writing to be removed.<sup>29</sup>

#### *Supervisor Voter Registration List Maintenance Activities*

Each supervisor, to protect the integrity of the electoral process, is required to conduct voter registration list maintenance at least every odd-numbered year.<sup>30</sup> The program must be completed at least 90 days before any federal election, and all actions must be entered, tracked, and maintained in the system.<sup>31</sup> The program must be uniform, nondiscriminatory,<sup>32</sup> and in compliance with federal election law.<sup>33</sup> Each supervisor must incorporate one of the following methods in his or her list maintenance program:

- Use of change of address information given by the United States Postal Service through its licensees to identify registered voters whose addresses might have changed;
- Use of change of address information that is known from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; or
- Use of change of address information that is known from returned nonforwardable return-if-undeliverable address confirmation requests mailed to every registered voter who has not voted

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<sup>22</sup> Section 98.035(1), F.S.

<sup>23</sup> Section 98.035(2), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 98.035(3), F.S.

<sup>26</sup> Section 98.045(1), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 98.045(1)(a)-(i), F.S.

<sup>29</sup> Section 98.045(2)(a), F.S.

<sup>30</sup> Section 98.065(3), F.S.

<sup>31</sup> Section 98.065(3), F.S.

<sup>32</sup> The term "nondiscriminatory" applies to, and includes persons with disabilities. Section 98.065(1), F.S.

<sup>33</sup> Section 98.065(1), F.S.

in the last two years and who did not make any written request to update his or her registration record during that two-year period.<sup>34</sup>

If a supervisor receives change of address information from one of the methods listed above, jury notices returned to the courts and signed by the voter, the Department of Highway Safety and Motor Vehicles (DHSMV), or from other sources which reveal that a registered voter's legal address might have changed, the supervisor must change the registration records to reflect the new address.<sup>35</sup> The supervisor must then send the registered voter an address change notice.<sup>36</sup> If the supervisor receives information that a registered voter has moved his or her legal residence outside the state, the supervisor must send an address confirmation final notice to the registered voter at his or her new address.<sup>37</sup> Voters who are sent an address confirmation final notice who do not return the prepaid, preaddressed return form within 30 days or for whom the notice is returned as undeliverable are designated as inactive.<sup>38</sup> If the voter does not update his or her information by the second general election<sup>39</sup> after being designated as inactive, the voter's name shall be removed from the system.<sup>40</sup>

*Department Voter Registration List Maintenance Activities*

The Department is required to perform voter registration list maintenance activities to ensure the accuracy of the system and records the system holds.<sup>41</sup> Specifically, the Department is required to identify duplicate registrations,<sup>42</sup> deceased persons,<sup>43</sup> persons adjudicated to be mentally incapacitated,<sup>44</sup> persons convicted of a felony,<sup>45</sup> and other ineligible voters contained in the system.<sup>46</sup>

Duty of Agencies to Furnish Information to the Department

Certain agencies are required to submit information to the Department in order to help identify ineligible voters.<sup>47</sup> The following chart lists the agencies required to submit information, the information required, and the frequency of the submissions.

Agency	Frequency	Information Submitted
Department of Health	Monthly	List containing the name, address, date of birth, social security number, race, and sex of each deceased person 17 years of age or older
Clerk of the Circuit Court	Monthly	<ul style="list-style-type: none"> <li>• List of persons adjudicated mentally incapacitated with respect to voting during the preceding calendar month;</li> <li>• List of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month;</li> <li>• List of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address</li> </ul>
Department of Law	In a time and manner	The identity of those persons who have been convicted

<sup>34</sup> Section 98.065(2), F.S.

<sup>35</sup> Section 98.065(4)(a), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> Section 98.065(4)(b), F.S.

<sup>38</sup> Section 98.065(4)(c), F.S.

<sup>39</sup> The Florida Constitution requires that a "general election" shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year. FLA. CONST., art. VI, s. 5; *see also* s. 97.021(16), F.S.

<sup>40</sup> Section 98.065(4)(c), F.S.

<sup>41</sup> Section 98.075(1), F.S.

<sup>42</sup> Section 98.075(2), F.S.

<sup>43</sup> Section 98.075(3), F.S.

<sup>44</sup> Section 98.075(4), F.S.

<sup>45</sup> Section 98.075(5), F.S.

<sup>46</sup> Section 98.075(6), F.S.

<sup>47</sup> Section 98.093, F.S.

Enforcement	that enables the Department to meet its obligations under state and federal law	of a felony who appear in the voter registration records supplied by the system
Florida Commission on Offender Review	Bimonthly	The identity of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month
Department of Corrections	In a time and a manner that enables the Department to identify registered voters who are convicted felons and to meet its obligations under state and federal law	The identity of those persons who have been convicted of a felony and committed to its custody or placed on community supervision
Department of Highway Safety and Motor Vehicles	Monthly	List of those persons whose names have been removed from the driver license database because they have been licensed in another state

#### Voter Registration Ineligibility Determinations

Currently, the Department identifies ineligible voters contained in the system,<sup>48</sup> the supervisor<sup>49</sup> with jurisdiction of that particular voter is then notified of this finding and, after notifying the voter and giving him or her a chance to respond,<sup>50</sup> makes a final determination regarding the voter's eligibility.<sup>51</sup> A person determined to be ineligible by a supervisor may appeal the determination in circuit court.<sup>52</sup>

#### Department of Highway Safety and Motor Vehicles

DHSMV requires proof of identity whenever a person applies for a driver license or an identification card.<sup>53</sup> State law provides a list of documents a person may submit to satisfy the proof of identity requirement.<sup>54</sup> For instance, if a person is a U.S. citizen, he or she may provide a certified copy of a U.S. birth certificate, a valid unexpired passport, a Consular Report of Birth Abroad, or naturalization certificate issued by the U.S. Department of Homeland Security.<sup>55</sup> If the applicant is not a U.S. citizen, he or she may provide a valid unexpired alien registration receipt card (green card), an unexpired employment authorization card issued by the U.S. Department of Homeland Security, or other proof of nonimmigrant classification provided by the U.S. Department of Homeland Security, to satisfy the requirement that he or she provide proof of identity.<sup>56</sup>

The federal Driver Privacy Protection Act<sup>57</sup> prohibits state motor vehicle departments, including the Florida Department of Highway Safety and Motor Vehicles, from knowingly disclosing or otherwise making available certain personal information<sup>58</sup> in connection with a motor vehicle record, with limited exceptions.<sup>59</sup> The following permissible uses are among the 14 exceptions:

<sup>48</sup> Section 98.075, F.S.

<sup>49</sup> Supervisors are also able to remove the name of a voter based on evidence without the Department having notified them in some circumstances. Section 98.075, F.S.

<sup>50</sup> No notification is given to those determined to be deceased. Section 98.075(3), F.S.

<sup>51</sup> Section 98.075(7), F.S.

<sup>52</sup> Section 98.0755, F.S.

<sup>53</sup> Sections 322.051 and 322.08, F.S.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> 18 U.S.C. §2721

<sup>58</sup> 18 U.S.C. §2721 distinguishes between 'personal information' and 'highly restricted personal information.' Pursuant to the statute, 'personal information' is "information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information,

- For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
- For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:
  - to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
  - if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

Florida law incorporates the federal Driver Privacy Protection Act and only authorizes the release of certain personal information as authorized by the Driver Privacy Protection Act.<sup>60</sup>

#### Clerks of the Circuit Court

A juror in Florida is required to be at least 18 years of age, a citizen of the United States, and a legal resident of the state and of their respective county.<sup>61</sup> Each juror must either possess a driver license or identification card issued by DHSMV or have signed an affidavit attesting that he or she meets the qualifications to be a juror.<sup>62</sup> Each clerk of circuit court is required to generate a set of juror candidate lists from which potential jurors will be selected.<sup>63</sup> The list is derived from two sources: persons who have submitted an affidavit swearing that they meet the qualifications to be a juror, and those persons who have a driver license or identification card issued by DHSMV.<sup>64</sup> To obtain the latter, DHSMV is required to submit, on a quarterly basis, to the clerk of the circuit of each county a list of names of persons in that county, who are at least 18 years of age, citizens of the United States, and legal residents of Florida.<sup>65</sup>

#### **Effect of the Bill**

The bill expands the use of voter interface devices to *all* individuals instead of persons with disabilities only.

The bill revises the definition of “marksense ballot” to include sheets of paper used indirectly to designate the elector’s ballot selections through the use of a voter interface device. With respect to any voting system that uses a voter interface device, the bill provides that ss. 101.151, 101.161, 101.2512, 101.2515 101.252, 101.254, F.S., which relate to ballot layout, only apply to the display of candidates and issues on such device.

The bill amends the EVS Act to include voter interface devices within the definition of “marking device,” so that all electronic or electromechanical voting systems specified within the EVS Act will include voter interface devices.

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but does not include information on vehicular accidents, driving violations, and driver’s status. Pursuant to the statute, ‘highly restricted personal information’ is “an individual’s photograph or image, social security number, medical or disability information.”

<sup>59</sup> *Id.*

<sup>60</sup> Section 119.0712(2), F.S.

<sup>61</sup> Section 40.01, F.S.

<sup>62</sup> *Id.*

<sup>63</sup> Section 40.011(1), F.S.

<sup>64</sup> Section 40.011, F.S.

<sup>65</sup> Section 40.011(2), F.S.



The bill requires each supervisor to enter into an agreement with the clerk of the circuit court in their jurisdiction to receive, monthly, change-of-address information and a list of potential jurors who identified themselves as aliens. Specifically, the bill requires the list to contain the individual's name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number.

The bill also requires DHSMV to furnish to the Department a list of persons who identified themselves as aliens. Specifically, the bill requires the list to contain the individual's name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number. The Department must compare the list received from DHSMV with the information in the system. If the Department determines that a registered voter in the system is an alien, it must provide the name of that voter to the supervisor of the county in which that voter is registered.

#### B. SECTION DIRECTORY:

Section 1 amends s. 97.021, F.S., relating to definitions applicable to the Florida Election Code.

Section 2 amends s. 98.065, F.S., relating to registration list maintenance programs.

Section 3 amends s. 98.093, F.S., relating to the duty of officials to furnish information to the Department.

Section 4 amends s. 101.151, F.S., relating to specifications for ballots.

Section 5 amends s. 101.5603, F.S., relating to definitions applicable to the Electronic Voting System Act.

Section 6 amends s. 101.56075, F.S., relating to voting methods.

Section 7 provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

None.

##### 2. Expenditures:

According to DHSMV, the bill may result in an indeterminate, but insignificant fiscal impact due to the modification of the monthly report currently provided to DOS<sup>66</sup>. This cost can be absorbed within existing resources. DOS has not provided an estimated fiscal impact as requested therefore it is assumed that any workload costs can be absorbed within existing resources.

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

##### 1. Revenues:

None.

##### 2. Expenditures:

The bill may have an indeterminate, but likely insignificant workload impact on local governments. Clerks of Court will now have to provide information to supervisors on a monthly basis.

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<sup>66</sup> Email from DHSMV dated February 1, 2018, on file with the Transportation and Tourism Appropriations Subcommittee.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Companies offering voter interface devices may see an increase in requests for such devices due to the authorized expansion of their use.

D. FISCAL COMMENTS:

None.

**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 a law relating to elections.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On Monday, February 26, 2018, the Public Integrity & Ethics Committee adopted one amendment to HB 709 and subsequently reported the bill favorably as amended. The amendment contains the substance of CS/HB 1319. The Amendment requires:

- Each supervisor to enter into an agreement with the clerk of the circuit court in their jurisdiction to receive, monthly, change-of-address information and a list of potential jurors who identified themselves as aliens. Specifically, the amendment requires the list to contain the individual's name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number. And,
- DHSMV to furnish to the Department a list of persons who identified themselves as aliens. Specifically, the bill requires the list to contain the individual's name, address, date of birth, sex, and, whichever is available, the Florida driver license number or the Florida identification card number. The Department must compare the list received from DHSMV with the information in the system. If the Department determines that a registered voter in the system is an alien, it must provide the name of that voter to the supervisor of the county in which that voter is registered.

The bill analysis is drafted to CS/HB 709