

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 97.0585, F.S.; providing an exemption from public
 4 records requirements for specified information
 5 regarding a voter or voter registration applicant and
 6 information concerning preregistered voter
 7 registration applicants; authorizing disclosure of
 8 confidential and exempt information under certain
 9 circumstances; providing for future legislative review
 10 and repeal; providing a statement of public necessity;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Section 97.0585, Florida Statutes, is amended
 16 to read:

17 97.0585 Public records exemption; information regarding
 18 voters and voter registration; confidentiality.—

19 (1) The following information held by an agency as defined
 20 in s. 119.011, and obtained for the purpose of voter
 21 registration, is confidential and exempt from s. 119.07(1) and
 22 s. 24(a), Art. I of the State Constitution and may be used only
 23 for purposes of voter registration, unless disclosure is
 24 authorized under subsection (2):

25 (a) All declinations to register to vote made pursuant to

26 | ss. 97.057 and 97.058.

27 | (b) Information relating to the place where a person
28 | registered to vote or where a person updated a voter
29 | registration.

30 | (c) The social security number, driver license number, and
31 | Florida identification number of a voter registration applicant
32 | or voter.

33 | (d) The legal residential address, date of birth,
34 | telephone number, and e-mail address of a voter registration
35 | applicant or voter.

36 | (e) All information concerning preregistered voter
37 | registration applicants who are 16 or 17 years of age.

38 | (2) A person's information made confidential and exempt
39 | under paragraph (1)(d) shall only be made available to or
40 | reproduced for:

41 | (a) The individual whose information was made confidential
42 | and exempt.

43 | (b) A canvassing board or an election official in his or
44 | her official capacity.

45 | (c) A political party or official thereof, a candidate who
46 | has filed qualification papers, an elected official, or a
47 | registered political committee, for political purposes only.

48 | (3)~~(2)~~ The signature of a voter registration applicant or
49 | a voter is exempt from the copying requirements of s. 119.07(1)
50 | and s. 24(a), Art. I of the State Constitution.

51 (4)~~(3)~~ This section applies to information held by an
52 agency before, on, or after the effective date of this
53 exemption.

54 (5) Paragraph (1)(d), paragraph (1)(e), and subsection (2)
55 are subject to the Open Government Sunset Review Act in
56 accordance with s. 119.15 and shall stand repealed on October 2,
57 2023, unless reviewed and saved from repeal through reenactment
58 by the Legislature.

59 Section 2. (1) The Legislature finds it a public
60 necessity that the following information held by an agency, and
61 obtained for the purpose of voter registration, be confidential
62 and exempt from public records requirements and used only for
63 purposes of voter registration:

64 (a) The legal residential address, date of birth,
65 telephone number, and e-mail address of a voter registration
66 applicant or voter.

67 (b) All information concerning preregistered voter
68 registration applicants who are 16 or 17 years of age.

69 (2) Information such as a voter registration applicant's
70 or a voter's legal residential address, date of birth, telephone
71 number, and e-mail address are personal and sensitive and could
72 be misused by a dishonest person if placed in the public domain
73 with the applicant's or the voter's name. By matching a name and
74 legal residential address, date of birth, telephone number, or
75 e-mail address, a dishonest person could commit identity theft,

76 | which could result in financial harm to a voter registration
77 | applicant or a voter. The potential for harm that results from
78 | unfettered access to a voter registration applicant's or a
79 | voter's legal residential address, date of birth, telephone
80 | number, and e-mail address, accompanied by the person's name,
81 | exceeds any public benefit that may be derived from disclosure
82 | of such information. In addition, such information may be used
83 | for consumer scams, unwanted solicitations, or other forms of
84 | invasive contacts.

85 | (3) The Legislature also finds that e-mail addresses are
86 | personal information that could be misused and could result in
87 | voter fraud if released. A voter may request a vote-by-mail
88 | ballot using an e-mail address. Unrestricted access to such e-
89 | mail addresses may enable others to determine which voters are
90 | intending to vote by vote-by-mail ballot and result in the
91 | confiscation and misuse of a mailed vote-by-mail ballot by a
92 | person other than the requesting voter. In addition, collection
93 | of the e-mail address of a voter registration applicant or a
94 | voter would give supervisors of elections the opportunity to
95 | employ the cost-saving measure of electronically transmitting
96 | sample ballots. If a voter registration applicant or a voter
97 | knows that his or her e-mail address is subject to public
98 | disclosure, he or she may be less willing to provide the e-mail
99 | address to the supervisor of elections. Accordingly, the
100 | effective and efficient administration of a government program

101 would be significantly impaired.

102 (4) The Legislature also finds that information concerning
103 preregistered registration applicants who are 16 or 17 years of
104 age could be misused if released. Minors are more vulnerable
105 members of society, and the widespread release of information
106 acquired through preregistration activities may be used to
107 solicit, harass, stalk, or intimidate such individuals. Without
108 such protection, a minor may be less likely to take advantage of
109 preregistering to vote, thus hindering the effective and
110 efficient administration of a program that otherwise encourages
111 greater participation in the democratic process.

112 Section 3. This act shall take effect July 1, 2018.