

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 810

INTRODUCER: Senator Powell

SUBJECT: Vote-by-mail Ballots

DATE: February 21, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Ulrich</u>	<u>EE</u>	<b>Favorable</b>
2.	<u>Fox</u>	<u>Phelps</u>	<u>RC</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 810 is a single-subject, election administration bill that specifically authorizes electors to drop-off vote-by-mail ballots at early voting sites in their counties of residence during the sites' hours of operation. Arguably, the law does not currently allow for this return method; instead, a vote-by-mail elector may only return a ballot to his or her county Supervisor of Election's office(s), unless the voter chooses to wait in line at an early voting site or Election Day polling place and vote in person.

The bill takes effect on July 1, 2018.

**II. Present Situation:**

An elector must return his or her vote-by-mail ballot to the supervisor's office.<sup>1</sup> An elector possessing a vote-by-mail ballot who seeks to vote at an early voting site or polling place must have an elections worker spoil the ballot and may cast a regular or provisional ballot.<sup>2</sup> Poll workers may utilize alternate procedures if the voter does not have the vote-by-mail ballot in his or her possession.<sup>3</sup> All of these procedures, however, require a voter to wait in line at the early voting site or polling place to cast a ballot.

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<sup>1</sup> Secretary of State, *Directive 2013-01— Return of Absentee Ballots* (Nov. 25, 2013), available at [http://dos.myflorida.com/media/693333/sos\\_directive\\_2013-01.pdf](http://dos.myflorida.com/media/693333/sos_directive_2013-01.pdf) (last accessed Jan. 31, 2018). The Secretary of State's Directive was controversial; Deb Clark, Pinellas County Supervisor of Elections, openly defied the Directive by maintaining remote ballot drop-off sites throughout her county for an upcoming federal special election. Steve Bousquet, Tampa Bay Times, *Detzner's Directive on Absentee Ballots Sets-Off Spirited Debate*, reprinted at <http://miamiherald.typepad.com/nakedpolitics/2013/11/detzners-directive-on-absentees-sets-off-spirited-debate.html> (Miami Herald Nov. 2013 Naked Politics blog) (last accessed Jan. 31, 2018). It is unclear how many Supervisors of Elections are currently complying with the Secretary's mandate.

<sup>2</sup> *Id.*; ss. 101.68 and 101.69, F.S.

<sup>3</sup> Section 101.69, F.S.

**III. Effect of Proposed Changes:**

SB 810 provides that an elector may vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the elector's county of residence during the site's hours of operation. Further, it directs the Division of Elections to adopt uniform rules for the receipt of ballots.

**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:**

None.

**C. Government Sector Impact:**

County Supervisors of Elections may need to purchase secure drop-boxes for polling sites. However, local government will fund these relatively minor costs; there is no expected impact on State revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 101.69 of the Florida Statutes.

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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