

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.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 524

INTRODUCER: Senator Hutson

SUBJECT: Elections

DATE: January 11, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 524 makes the following changes to the Election Code:

- Eliminates the cap on the amount of total fines that may be assessed against a third-party voter registration organization within a calendar year;
- Effective January 1, 2023, requires each candidate for office to disclose specified information related to outstanding fines, fees, or penalties assessed for violations of ethics or campaign financing laws;
- Prohibits the use of ranked-choice voting in any election in the state and preempts any conflicting local ordinances; and
- Increases to two from one the number of allowable additional early voting sites in certain underserved areas of a county.

Except as otherwise provided in the bill, the bill takes effect July 1, 2022.

II. Present Situation:

Please see “Effect of Proposed Changes.”

III. Effect of Proposed Changes:

Fines Imposed on Third-Party Voter Registration Organizations (Section 1)

Present Situation

A third-party voter registration organization is any person, entity, or organization soliciting or collecting voter registration applications, but does not include:

- A person who seeks only to register to vote or collect a voter registration application from that person’s spouse, child, or parent; or

- A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency^{1,2}

An organization that collects voter registration applications must deliver each application to the Division of Elections or the supervisor of elections in the county in which the applicant resides within 14 days after the application was completed by the applicant, but not after registration closes for the next ensuing election.³ If an organization fails to meet the deadline, it is liable for specified fines. The aggregate fine which may be assessed against an organization, including affiliate organizations, for violations committed in a calendar year is \$1,000.⁴

Effect of Proposed Changes

The bill deletes the calendar-year fine cap of \$1,000.

Candidate Oaths/Disclosures (Sections 2 and 5)

Present Situation

Each candidate for office must take and subscribe to in writing a specified oath or affirmation regarding his or her eligibility to run for the office.⁵

In addition, each candidate for an office other than judicial or school board office must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party or no-party affiliation.⁶ Because judicial and school board offices are nonpartisan, candidates for such offices are not required to provide information about party affiliation.

Effect of Proposed Changes

Effective January 1, 2023, the bill additionally requires each candidate to, at the time of subscribing to the oath or affirmation, state in writing:

- Whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of state or local ethics laws or of state campaign financing laws, and, if so;
- The amount owed and each entity that levied such fine, fee, or penalty.

The new requirement applies to candidates for all offices.

¹ A voter registration agency is any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library (s. 97.021(44), F.S.).

² Section 97.021(40), F.S.

³ Section 97.0575(3)(a), F.S.

⁴ *Id.*

⁵ Sections 99.021(1)(a) and 105.031(4), F.S.

⁶ Section 99.021(1)(b) and (c), F.S.

Use of Ranked-Choice Voting (Section 3)

Present Situation

In a ranked-choice voting system (RCV), voters rank all the candidates for a given office by their preference. Ballots are tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority.⁷

Alaska and Maine are the only states in the country to have established the use of RCV for all congressional and state elections. A number of cities across the United States also use the method for municipal elections.⁸

Florida statutes do not specifically address the use of RCV. They require state elections to be decided by winner-takes-all primary and general elections⁹ but provide no such specification for local elections. Sarasota County voters approved RCV in a 2007 referendum, but the method has not been implemented due to concerns about voting systems and legality.¹⁰ The City of Clearwater considered holding an RCV referendum but decided against it because the city would not be able to implement the system unless the state recognized it as a legal method.¹¹

Statutorily required audits¹² and currently authorized voting systems¹³ may not accommodate the use of ranked-choice voting in the state.

Effect of Proposed Changes

The bill:

- Prohibits the use of a ranked-choice voting method from being used in determining the election or the nomination of any candidate to any local, state, or federal office in this state.
- Provides that any existing or future ordinance enacted by a local governmental entity which is in conflict with the prohibition against ranked-choice voting is void.

⁷ “Ranked-Choice Voting,” National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/ranked-choice-voting636934215.aspx> (last viewed January 19, 2022).

⁸ *Id.*

⁹ See ss. 100.061 and 100.181, F.S. In this method, also known as plurality voting, voters select one candidate per race on a ballot and the candidate that receives the most votes wins.

¹⁰ “Sarasota City Commission may pause plan for advancing ranked-choice voting,” Sarasota Herald-Tribune, <https://www.heraldtribune.com/story/news/politics/elections/local/2021/09/22/sarasota-file-suit-determine-if-can-pursue-ranked-choice-voting/5796054001/> (last viewed January 24, 2022).

¹¹ “Clearwater drops ranked choice voting referendum,” Tampa Bay Times, <https://www.tampabay.com/news/clearwater/2021/10/08/clearwater-drops-ranked-choice-voting-referendum/> (last viewed January 24, 2022).

¹² Current law requires two post-election reports: 1) immediately after certification of each election, the county canvassing board or the local board responsible for certifying the election must conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts; and 2) at the end of each general election year, the supervisor of elections in each county must report the total number of overvotes and undervotes for specified races (ss. 101.591 and 101.595, F.S.).

¹³ The Department of State must examine and certify a voting system before it can be used in an election (s. 101.5605, F.S.). A voting system may only be approved by the department if it meets specified criteria (s. 101.5606, F.S.).

Location of Early Voting Sites (Section 4)

Present Situation

Each supervisor of elections must allow early voting at each of his or her main and branch offices. In addition, a supervisor may designate the following as an early voting site:

- Any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center, if certain conditions are met¹⁴.
- One additional early voting site per election in an area of the county that does not have any of the eligible early voting locations.¹⁵

Effect of Proposed Changes

The bill increases to two from one the number of allowable additional early voting sites.

Effective Date of the Bill (Section 6)

Except as otherwise provided in the bill, the bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. Bills that affect state or local elections are exempt from the requirements of Art. VII, section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁴ If so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as it is practicable, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters (s. 101.657(1)(a), F.S.).

¹⁵ Section 101.657(1)(a), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Eliminating the cap on the total amount of fines that may be assessed against a third-party voter registration organization in one calendar year will financially impact those organizations that do not comply with timely submission requirements for voter registration applications.

Requiring candidates for office to disclose certain information regarding financial penalties assessed due to violations of ethics or campaign financing laws will have a de minimis impact on workload associated with running for office.

C. Government Sector Impact:

Supervisors of elections who choose to implement the additional early voting site will incur additional staffing and operational obligations; however, the authorization for the additional site is permissive and not mandatory.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.0575, 99.021, 101.019, 101.657, and 105.031.

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.