

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 Fiscal Policy

BILL: CS/SB 7050

INTRODUCER: Fiscal Policy Committee

SUBJECT: Elections

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>		EE Submitted as Committee Bill
2.	<u>Biehl</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7050 makes the following changes to election laws:

- Enhances an existing requirement for signature matching training and requires the Department of State to promulgate related rules.
- Revises registration requirements, procedures, deadlines, prohibitions, and fines for third-party voter registration organizations.
- Requires additional information to be included on voter information cards.
- Revises processes to be used by supervisors of elections and the Department of State in voter registration list maintenance activities and enhances information other governmental entities must provide for that purpose.
- Reenacts a public records exemption for certain voter registration information received from another state or the District of Columbia.
- Clarifies and modernizes requirements for providing voter signature update information and for the process of signature verification.
- Updates and enhances requirements for post-election reports.
- Creates a new candidate disclosure requirement for certain outstanding fines and fees.
- Prescribes requirements for use of a candidate nickname on a ballot.
- Specifies how candidates with the same surname running for the same office in a general election may be distinguished on the ballot.
- Clarifies costs that supervisors of elections may charge for verification of signatures on petitions.

- Modernizes notice requirements by authorizing notice to be made on specified websites instead of in a local newspaper.
- Modernizes requirements for precinct boundary data maintained by supervisors.
- Clarifies situations in which a provisional ballot must be voted.
- Implements some of the recommendations from the Department of State’s vote-by-mail report.
- Clarifies the number of alternate members to be appointed to county canvassing boards.
- Modifies timeframes for meetings of the Elections Canvassing Commission, submission of returns by county canvassing boards, and certification of presidential electors.
- Requires submission of specified information for presidential electors, revises qualifications for presidential electors, and addresses “faithless electors.”
- Allows state committeemen and state committeewomen to prequalify.
- Clarifies the existing felony for casting more than one ballot.
- Revises required frequency for campaign finance reports and preempts local governments from enacting reporting schedules that differ from those provided in statute.
- Adds text messages to the types of services and costs that do not constitute contributions that count toward specified limits.
- Creates new framework regulating use of voter guides.
- Adjust fines that may be imposed and the collection of fines for violations of specified election laws.

The bill takes effect July 1, 2023.

II. Present Situation:

Please see “Effect of Proposed Changes.”

III. Effect of Proposed Changes:

Voter Signature Matching Training (Section 1)

Present Situation

Applicants registering to vote in Florida must provide their signature as part of their voter registration application, which then becomes part of the voter registration record.¹ Thereafter, voters can update their signatures by using a voter registration application and submitting it to a voter registration official.²

Current law requires the Secretary of State to provide formal signature matching training to supervisors of elections (supervisors) and county canvassing board members.³ Canvassing boards may count vote-by-mail and provisional ballots only if the signature on the voter’s certificate or in the cure affidavit matches the elector’s signature in the registration books or precinct register.⁴

¹ Section 97.052(2)(q), F.S.

² Section 98.077(1), F.S.

³ Section 97.012(17), F.S.

⁴ See ss. 101.048(2)(b) and 101.68, F.S.

Effect of Proposed Changes

The bill specifies that the signature matching training provided by the Secretary of State is mandatory and that any person whose duties require verification of signatures must undergo the training.

The bill also requires the Department of State (department) to adopt rules governing signature matching procedures and training.

Disclaimer on Voter Registration Application (Section 2)

Present Situation

Current law prescribes information that must be included on the uniform statewide voter registration application, including, but not limited to, a statement informing the applicant that if the application is being collected by a third-party voter registration organization, the organization might not deliver the application in less than 14 days or before the next ensuing election.⁵

Effect of Proposed Changes

The bill revises 14 days to 10 to conform to substantive changes made to third-party voter registration organizations in Section 4 of the bill.

Third-Party Voter Registration Organizations (Section 4)

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 (division), supervisor, Department of Highway Safety and Motor Vehicles, or a voter registration agency^{6,7}

Before engaging in any voter registration activities, an organization must register and provide to the division specified information related to the organization's officers, the organization's registered agent, and each registration agent registering persons to vote on behalf of the organization.⁸ The registration of an organization does not automatically expire at any point; the organization must affirmatively request cancellation.

An organization that collects voter registration applications must deliver each application to the division or the supervisor of elections in the county in which the applicant resides within 14 days

⁵ Section 97.052(3)(g), F.S.

⁶ 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.).

⁷ Section 97.021(40), F.S.

⁸ Section 97.0575(1), F.S.

after the application was completed by the applicant, but not after registration closes for the next ensuing election.⁹ If an organization fails to meet the deadline, it is liable for the following fines:

- \$50 for each application delivered to the division or supervisor more than 14 days after it was submitted to the organization, and \$250 for each such application if the organization or person acting on its behalf acted willfully.
- \$100 for each application delivered to the division or supervisor after the book-closing deadline, and \$500 for each such application if the organization or person acting on its behalf acted willfully.
- \$500 for each application not delivered at all, and \$1,000 for each such application if the organization or person acting on its behalf acted willfully.¹⁰

The aggregate fine which may be assessed against an organization, including affiliate organizations, for violations committed in a calendar year is \$50,000.

If a person collecting applications on behalf of an organization alters an application without the applicant's knowledge and consent and is criminally convicted, the organization is liable for a fine in the amount of \$1,000 for each application altered.¹¹

Effect of Proposed Changes

The bill provides that beginning January 1, 2025, organizations must register for each specific general election cycle for which the organization will engage in voter registration activities. The registration of an organization will automatically expire at the end of each general election cycle for which it registers.

The remainder of the changes in this bill section will take effect 90 days after the department provides notice of the requirements to registered organizations.¹²

The bill requires an organization to affirm that each person collecting or handling voter registrations on its behalf:

- Has not been convicted of a felony violation of the Election Code or of a specified felony related to identity theft; and
- Is a citizen of the United States.

The bill provides that an organization is liable for a fine of \$50,000 for each person convicted of a disqualifying felony or noncitizen who collects or handles voter registration applications on the organization's behalf.

The bill creates a new requirement that organizations provide a receipt to each applicant upon accepting the application. The bill requires the division to adopt by rule by October 1, 2023, a

⁹ Section 97.0575(3)(a), F.S.

¹⁰ *Id.*

¹¹ Section 97.0575(4), F.S.

¹² Section 97.0575(8), F.S., currently provides, "The requirements of this section are retroactive for any third-party voter registration organization registered with the department on the effective date of this act, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section." This bill replaces "the effective date of this act" with "July 1, 2023."

uniform format for the receipt that must include, but need not be limited to, the name of the applicant, the date received, the name of the organization, the name of the registration agent, the applicant's political party affiliation, and the county in which the applicant resides.

The bill reduces the number of days an organization has to deliver an application to 10¹³ from 14.

The bill increases fines for late-delivered applications as follows:

- For each application delivered more than 10 days after it was submitted – to \$50 *per each day late*, up to a maximum of \$2,500, and to \$2,500 if the organization or person acting on its behalf acted willfully.
- For each application delivered after the book-closing deadline – to \$100 *per each day late*, up to a maximum of \$5,000, and to \$5,000 if the organization or person acting on its behalf acted willfully.
- For each application not delivered at all – to \$5,000 if the organization or person acting on its behalf acted willfully.

The bill increases the aggregate fine which may be assessed an organization, including affiliate organizations, for violations committed in a calendar year to \$250,000.

The bill provides that it is a third-degree felony for a person collecting applications on behalf of an organization to copy the application or retain personal information from the application for any reason other than to provide such application or information to the organization.

The bill creates a new prohibition against an organization mailing or otherwise providing an application upon which any information about an applicant has been filled in before it is provided to the applicant. The bill provides that an organization that violates this prohibition is liable for a \$50 fine for each such application.

Voter Information Cards (Sections 5 and 6)

Present Situation

Current law requires each supervisor to provide a voter information card with specified information to all registered voters in the supervisor's county.¹⁴ A supervisor must issue a new card in the case of a change of name, address of legal residence, polling place address, or party affiliation.¹⁵

Effect of Proposed Changes

The bill adds to the information that must be included on voter information cards:

- A link to the supervisor's website to provide the most current polling place locations; and
- A specified statement that the card is proof of registration but is not legal verification of eligibility to vote.

¹³ A federal district court order in 2012 specified that 10 is the minimum number of days the Legislature may allow third-party voter registration organizations to deliver voter registration applications (*League of Women Voters of Florida v. Browning*, 863 F.Supp.2d 1155, United States District Court, N.D. Florida).

¹⁴ Section 97.071(1), F.S.

¹⁵ Section 97.071(3), F.S.

The bill also clarifies that a supervisor does not have to issue a new card if a temporary change is made to a polling location due to a state of emergency.

The bill specifies that its changes to requirements for voter information cards only apply to cards issued on or after July 1, 2023.

Voter Address List Maintenance (Sections 7 and 8)

Present Situation

Current law requires each supervisor to conduct an address registration list maintenance program (program) to ensure accurate and current voter registration records.¹⁶ Each program must be conducted, at a minimum, once each year and must be completed no later than 90 days prior to the date of any federal election,¹⁷ as required by the National Voter Registration Act. Specifically, a supervisor must incorporate one or more of the following procedures in an annual list maintenance program:

- Use change-of-address information supplied by the United States Postal Service (U.S.P.S.) through its licensees to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years (unless using the second option below), the supervisor must identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all voters who have not voted in the preceding two election cycles and who have not requested a registration update during that time.
- Identify change-of-address information from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county.

Address confirmation requests sent pursuant to the first list maintenance option must be addressed to the voter's address of legal residence. If a request is returned as undeliverable, any other notification must be sent to the voter's mailing address on file. In addition, a voter must respond to an address confirmation request within 30 days.

If a supervisor fails to conduct required list maintenance activities, the department must conduct the activities.

Current law also requires the department to promulgate forms for the following forms used in address list maintenance processes:

- Address confirmation requests.
- Address change notices.
- Address confirmation final notices.¹⁸

¹⁶ Section 98.065(1), F.S.

¹⁷ Section 98.065(4), F.S.

¹⁸ Section 98.0655, F.S.

Effect of Proposed Changes

The bill:

- Deletes the requirement that address confirmation requests be first sent to the voter's address of legal residence.
- Requires each annual list maintenance program to begin by April 1.
- Deletes the requirement that voters respond to an address confirmation request within 30 days.
- Requires each supervisor to conduct at least an annual review of voter registration records to identify any in which a voter may be registered at an address that may not be a legal residential address for the voter, and initiate list maintenance for such records.
- Provides that if a supervisor does not conduct required address list maintenance activities, the department must coordinate with the supervisor instead of taking over the activities.

Registration Records Maintenance Activities; Ineligibility Determinations (Sections 9 and 48)

Present Situation

In addition to address list maintenance procedures conducted by the supervisors, current law requires the department to engage in list maintenance activities to ensure the maintenance of accurate and current voter registration records.¹⁹ The specified list maintenance activities address duplicate registrations, deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, persons who do not meet the age requirement for voting, persons who are not U.S. citizens, and persons who have listed a residence that is not their legal residence. Current law also prescribes procedures for removing such persons from the voter rolls.

Supervisors must certify to the department the list of maintenance and ineligibility activities conducted every six months. If the department determines a supervisor has not satisfied statutory requirements, the department must satisfy the requirements for that county.²⁰

Current law authorizes the department to obtain driver license data from the Department of Highway Safety and Motor Vehicles pursuant to an interagency agreement to facilitate determinations of ineligibility of voter registration applicants and registered voters.²¹

Current law also provides a public records exemption for confidential voter registration information from another state or the District of Columbia that is received by the department pursuant to its participation in a multi-state program to exchange information for the purpose of verifying voter registration information.²² The exemption is scheduled to repeal on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless reenacted by the Legislature.

¹⁹ Section 98.075(1), F.S.

²⁰ Section 98.075(8)(a), F.S.

²¹ Section 322.142(4)(e), F.S.

²² Section 98.075(2)(c), F.S.

Effect of Proposed Changes

The bill:

- Authorizes the department to identify deceased voters using information from just one of the following entities, instead of from all three as is required by current law – the Department of Health, U.S. Social Security Administration, or Department of Highway Safety and Motor Vehicles.
- Creates a deadline of 7 days for a supervisor to remove the name of a deceased voter from the voter registration system, and adds Department of Highway Safety and Motor Vehicles information to the types of information upon which removal can be based.
- Requires supervisors to coordinate with clerks of court to identify voters convicted of a felony during the preceding week.
- Creates a deadline of 14 days for a supervisor to publish public notice after receiving a returned mailed notice, and adds publication of notice on the county's or the supervisor's website as an alternative to publication in a newspaper.
- Specifies additional information to be included in required notices.
- Creates deadlines for supervisors to make determinations of eligibility and to remove voters from the voter registration system.
- Removes the requirement for the department to take over list maintenance requirements if a supervisor does not complete them and instead requires the department to coordinate with the supervisor to ensure completion of the activities.
- Deletes the repeal date of the public records exemption for certain voter registration information received from other states or the District of Columbia, thereby reenacting the exemption.

The bill also adds supervisors to the entities authorized to get driver license data for purposes of verifying applicant and voter eligibility.

Update of Voter Signature (Section 10)

Present Situation

Current law prescribes the following requirements for information that must be provided to voters on how to update a signature:

- The department and supervisors must include signature update information in specified correspondence sent to voters.
- At least once during each general election year, a supervisor must publish in a local newspaper specified signature update information.²³

Current law also specifies the following provisions regarding use of voter signature for verification:

- All signature updates for use in verifying vote-by-mail (VBM) and provisional ballots must be received by the supervisor before the VBM ballot is received or the provisional ballot is cast.
- The signature on file at the time the VBM ballot is received or the provisional ballot is cast is the signature that must be used for verification.

²³ Section 98.077(2)-(3), F.S.

Effect of Proposed Changes

The bill revises requirement for provision of signature update information by:

- Removing the department from the requirement to include specified information in certain correspondence sent to voters.
- Specifying that the notice a supervisor must publish each general election year must occur before the presidential preference primary or the primary election, whichever occurs first.
- Authorizing a supervisor to publish signature update information on the county's website or the supervisor's website instead of in a local newspaper.

The bill revises requirements for use of voter signature for verification by:

- Specifying that they apply to voter signatures on petitions in addition to those on VBM or provisional ballot voter certificates.
- Authorizing older signatures from previous registration updates to be used for voter signatures requiring secondary or tertiary review.

Duty of Governmental Entities to Provide Information to Department and Supervisors (Section 11)

Present Situation

Current law requires specified governmental entities to provide information to the department on persons who may not be included in the voter rolls due to death, adjudication of mental incapacity, felony conviction, or lack of U.S. citizenship.²⁴ Specifically, the law requires, in part:

- The Department of Health to furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.
- Each clerk of court to furnish monthly to the department specified information on persons adjudicated mentally incapacitated with respect to voting, persons whose mental capacity with respect to voting has been restored, persons who have returned signed jury notices indicating a change of address, and terms of sentence and personal information of persons convicted of a felony.
- The Department of Law Enforcement to identify persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.
- The Florida Commission on Offender Review to furnish at least bimonthly to the department specified data on persons granted clemency or any updates to prior records.
- The Department of Corrections to identify persons convicted of a felony and committed to its custody or placed on community supervision and provide the information to the department in a time and manner that enables the department to meet its obligations under state and federal law.
- The Department of Highway Safety to furnish monthly to the department a list of persons who have been licensed in another state and a list of and specified information related to

²⁴ Section 98.093, F.S.

persons who presented evidence of non-U.S. citizenship upon being issued a new or renewed Florida driver license or identification card.

Effect of Proposed Changes

The bill makes the following changes to information reporting requirements for specified governmental entities:

- Standardizes frequency of reporting to weekly for the Department of Health, clerks of court, Department of Law Enforcement, Florida Commission on Offender Review, Department of Corrections, and Department of Highway Safety and Motor Vehicles.
- Where current law requires provision of a person's social security number, clarifies that only the last four digits of the number are required.
- Requires clerks to report information to the supervisors in addition to the department.
- Specifies the required information clerks must report for each person adjudicated mentally incapacitated.
- Requires the Department of Highway Safety and Motor Vehicles to provide additional information for persons who have been licensed in another state and creates a new requirement that the Department of Highway Safety and Motor Vehicles provide specified information about persons it has received indication are deceased.

Election Reports (Section 12)

Present Situation

Current law requires the department and supervisors to submit specified post-election reports, which include, but are not limited to:

- Voting history and statewide voter registration information – Within 30 days after certification of election results, supervisors must submit to the department updated voting history information for each qualified voter who voted. The department must then compile and submit required information to the Legislature no later than 45 days after certification of the election results.
- Precinct-level election results – Within 30 days after certification of election results, supervisors must submit to the department precinct-level election results. The department must make the reported information available on a searchable database.
- Precinct-level book closing statistics – For specified elections, after the date of book closing but before the date of the election, the department must compile specified precinct-level statistical data for each county.²⁵

Effect of Proposed Changes

The bill revises reporting requirements for voting history and statewide voter registration information by:

- Creating a new report for reconciliation of total ballots cast in each precinct to the total number of voters with voter history and the precinct-level election results.

²⁵ Section 98.0981, F.S.

- Requiring voter history to include the unique identifier assigned to each qualified voter in the statewide voter registration system, each qualified voter's unique precinct identifier at the time of voting, and specifics of voting history.
- Creating a new report for the geographical information system map of precinct boundaries.
- Requiring each supervisor to submit the above-specified reports to the department no later than 20 days after certification of election results.

The bill revises information the department must report to the Legislature by:

- Requiring inclusion of both voting history and the precinct boundaries the bill requires the supervisors to report.
- Specifying additional elected office districts that must be included for each voter.
- Extending the deadline by which the report must be submitted to 60 from 45 days after certification of election results.

The bill revises reporting requirements for precinct-level election results by:

- Reducing to 10 from 30 the number of days after certification of election results within which supervisors must report required information to the department.
- Requiring a supervisor to research and address any questions or issues identified by the department pertaining to the results. If the originally changed information is changed or correct, the supervisor must provide an amended report no later than 10 business days after the request from the department.
- Creating a deadline of 60 days after certification of election results for the department to make the information publicly available in a website specifically rather than in a "database."

The bill revises the precinct-level book closing statistics report by:

- Revising the deadline to no later than 10 days after book closing.
- Defining "unique precinct identifier number."

Candidate Oaths/Disclosures (Sections 13 and 41)

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.²⁶

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.²⁷

²⁶ Sections 99.021(1)(a) and 105.031(4), F.S.

²⁷ Section 99.021(1)(b) and (c), F.S.

Effect of Proposed Changes

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.

Candidate Names on Ballot (Sections 14 and 21)***Present Situation***

Current law requires each candidate to print in the written oath or affirmation his or her name as he or she wishes it to appear on the ballot.²⁸ It does not prescribe a framework for use of a candidate nickname.

Current law provides that when two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent’s name.

Effect of Proposed Changes

The bill creates requirements for use of a candidate nickname on a ballot.

The bill also specifies that “incumbent” shall appear next to the incumbent’s name in *any* election in which two or more candidates running for the same office have the same or a similar surname.

Cost for Verification of Signatures on Petitions (Section 15)***Present Situation***

Current law requires voter signatures on petitions to be verified by supervisors and specifies the cost per signature that the supervisor shall be paid.²⁹

Effect of Proposed Changes

The bill clarifies that supervisors are entitled to 10 cents or the actual cost, whichever is less, for each signature checked for a local issue, and that for statewide issues each supervisor may charge the actual cost.

²⁸ Sections 99.021(1)(a) and 105.031(4)(b), F.S.

²⁹ Sections 99.067 and 100.371, F.S.

Publication of Notice (Sections 16, 17, 18, 22, 30, 31, and 34)

Present Situation

The Election Code requires notice of specified events to be made in a local newspaper of general circulation, including notice of:

- A general election.³⁰
- A special election to fill any vacancy in office.³¹
- Any special election or referendum.³²
- The time and place of testing automatic tabulating equipment.³³
- Polling place locations.³⁴
- An election rescheduled due to emergency.³⁵
- County canvassing board members and meetings.³⁶

Effect of Proposed Changes

The bill modernizes and conforms the Election Code's notice requirements by authorizing publication to be made on the county's website, the municipality's website, or the supervisor's website, as applicable, in lieu of publication in a local newspaper.

Precinct Boundary Data (Section 19)

Present Situation

Current law requires supervisors to maintain specified data related to precincts and districts. In part, supervisors must maintain a map showing major features and district boundaries in the county and must report to the department data on all precincts in the county associated with the most recent decennial census blocks within each precinct.³⁷

Within 10 days after any change in the division, number, or boundaries of precincts, or the location of polling places, a supervisor must write an accurate description of any new or altered precincts and identify the location of each new or altered polling place.³⁸

Data maintained by supervisors is used in each redistricting cycle.

Effect of Proposed Changes

The bill:

- Requires supervisors to maintain precinct and district maps in geographical information system format.

³⁰ Section 100.021, F.S.

³¹ Section 100.141(3), F.S.

³² Section 100.342, F.S.

³³ Section 101.5612(2), F.S.

³⁴ Section 101.71(2), F.S.

³⁵ Section 101.733(2), F.S.

³⁶ Section 102.141(2)(b), F.S.

³⁷ Section 101.001(3), F.S.

³⁸ Section 101.001(4)(a), F.S.

- Deletes requirements relating to use of census blocks.
- Removes specified “visible features” and boundaries from the types of boundaries that may be used as a precinct boundary.

Provisional Ballots (Section 20)

Present Situation

Current law entitles the following persons to vote a provisional ballot:

- A voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined.
- A person whom an election official asserts is not eligible.
- Other persons as specified in the Election Code.³⁹

Effect of Proposed Change

The bill specifies that the category of “a person whom an election official asserts is not eligible” includes a person to whom notice of eligibility review has been sent but for whom a final determination of eligibility has not been made.

Requests for and Delivery of Vote-by-Mail Ballots (Section 24)

Present Situation

Florida law allows an elector to request a VBM ballot to be used in lieu of voting at the polls during early voting or on Election Day. An elector does not need to provide a reason for a VBM ballot request.

An elector can request a VBM ballot in person, in writing, or by telephone.⁴⁰ In addition, if directly instructed by the elector, a request for a VBM ballot can be made by a member of the elector’s immediate family⁴¹ or the elector’s legal guardian. The person making the request must disclose:

- The name of the elector for whom the ballot is requested.
- The elector’s address.
- The elector’s date of birth.
- The elector’s Florida driver license number, Florida identification card number, or last four digits of the elector’s social security number, whichever may be verified in the supervisor’s records.
- The requester’s name.
- The requester’s address.
- The requester’s driver license number, identification number, or last four digits of the requester’s social security number, if available.
- The requester’s relationship to the elector.
- The requester’s signature, if the request is made in writing.⁴²

³⁹ Section 101.048, F.S.

⁴⁰ Sections 101.62(1)(a)-(b), F.S.

⁴¹ “Immediate family” is defined to mean a spouse, parent, child, grandparent, or sibling (s. 101.62(4)(c)4., F.S.).

⁴² Section 101.62(1)(b), F.S.

If an elector requests a VBM ballot to be sent to an address not on file in the Florida Voter Registration System, the request must be made in writing and signed by the elector, unless the elector is an absent uniformed service voter or overseas voter.⁴³

A request for a VBM ballot may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

A request for a VBM ballot to be mailed to a voter must be received by the supervisor no later than 5 p.m. on the 10th day before the election. The supervisor shall mail VBM ballots to voters requesting ballots by such deadline no later than 8 days before the election.

Generally, VBM ballots must be mailed via nonforwardable, return-if-undeliverable mail. Overseas and military voters are allowed to get VBM ballots via forwardable mail.⁴⁴

Effect of Proposed Changes

The bill:

- Clarifies that the only persons from whom a supervisor may accept a VBM ballot request are the voter or his or her immediate family member or legal guardian, and that VBM requests may be made through a supervisor's website.
- Requires the division to, by October 1, 2023, prescribe a statewide uniform application form to request a VBM ballot.
- Clarifies that supervisors must verify the personal identifying number in a VBM ballot request against their records and/or the Department of Highway Safety and Motor Vehicles, and must add the number to the voter's registration record if not already included.
- Requires, instead of authorizes, a VBM ballot request to be canceled when any first-class mail is returned as undeliverable, and requires the voter to provide or confirm his or her current residential address if he or she requests a VBM ballot in the future.
- Moves back by two days each the deadlines for mailing of a VBM ballot (to no later than 10 days before the election and for submitting a VBM ballot request (to 5 p.m. on the 12th day before the election).
- Requires VBM ballot mailing envelopes to be clearly marked "Do Not Forward."

Picking Up a VBM Ballot in Person (Section 24)

Present Situation

Current law authorizes in-person provision of a VBM ballot:

- To the requesting voter, upon presentation of identification, up to 7 p.m. on Election Day.
- To the designee of the requesting voter, if specified requirements are met, on Election Day or up to 9 days before the day of the election.

However, a VBM ballot may be provided in person on Election Day only if there is an emergency to the extent that the voter will be unable to go to his or her assigned polling place,

⁴³ Section 101.62(1)(b), F.S.

⁴⁴ Section 101.62(4)(c), F.S.

in which case the voter or his or her designee must execute an affidavit affirming to the facts which allow for provision of the VBM ballot.⁴⁵

Effect of Proposed Changes

The bill adds mandatory early voting days to the time period during which a voter must affirm that he or she has an emergency such that he or she is unable to go to an early voting location or to his or her assigned polling place on election day.

VBM Ballots of Persons Undergoing Eligibility Review (Section 25)

Present Situation

Current law requires each supervisor to safely keep in his or her office any envelopes received containing marked ballots of absent electors.⁴⁶

Effect of Proposed Changes

The bill requires each supervisor to segregate any VBM ballots received from persons undergoing eligibility review and to treat them as provisional ballots for individual review by the county canvassing board.

The bill also requires each supervisor to attempt to contact each voter in the same manner as if he or she had voted a provisional ballot.

Canvassing of VBM Ballots (Section 26)

Present Situation

Generally, the county canvassing board decides how to handle outlier situations in which, for example, VBM ballots are returned in the wrong envelope or multiple ballots are returned in one envelope.

Effect of Proposed Changes

The bill specifies that if two or more VBM ballots are returned in one mailing envelope for the same election, none shall be counted.

Special Requirements for Certain First-Time Voters (Sections 27 and 28)

Present Situation

Current law requires first-time Florida voters who registered by mail and have never been issued a current and valid Florida driver license, Florida identification card, or social security number to include a copy of a specified form of identification with a returned vote-by-mail ballot, unless a federally mandated exception applies.⁴⁷

⁴⁵ Section 101.62(4)(c)3.-5., F.S.

⁴⁶ Section 101.67(1), F.S.

⁴⁷ Sections 97.0535, F.S.

Current law also specifies vote-by-mail ballot instructions for these certain first-time voters.⁴⁸

If such a special VBM ballot has a signature deficiency, it may be cured until 7 p.m. on Election Day.⁴⁹

Effect of Proposed Changes

The bill extends the cure period for a signature deficiency until 5 p.m. on the 2nd day after the election to conform the timeframe to that for other VBM ballots.

The bill also conforms vote-by-mail ballot instructions accordingly.

Meeting Time of Elections Canvassing Commission (Section 32)

Present Situation

Current law specifies that the Elections Canvassing Commission shall meet at 9 a.m. on the 9th day after a primary election and at 9 a.m. on the 14th day after a general election to certify the results of the election for each federal, state, and multicounty office.⁵⁰

Effect of Proposed Changes

The bill moves up the meeting time for both meetings of the commission to 8 a.m.

County Canvassing Boards (Sections 33 and 34)

Present Situation

Current law provides that a county canvassing board is composed of the supervisor, a county court judge, and the chair of the board of county commissioners. Alternate canvassing board members may be appointed pursuant to statutory specifications.⁵¹ The exact number of allowable alternates is not specified.

Current law also specifies deadlines for submission of county returns by county canvassing boards.⁵² Further, at the same time that the official results of an election are certified to the department, the county canvassing board must file a report with the division on the conduct of the election that includes specified information.⁵³

Effect of Proposed Changes

The bill:

- Clarifies that at least two alternate canvassing board members shall be appointed and that any alternate may serve in any seat.
- Extends the deadline for submission of county returns to the department by half a day.

⁴⁸ Section 101.6923, F.S.

⁴⁹ Section 101.6925, F.S.

⁵⁰ Section 102.111(2), F.S.

⁵¹ Section 102.141(1), F.S.

⁵² Section 102.112(2), F.S.

⁵³ Section 102.141(10), F.S.

- Provides that supervisors, instead of county canvassing boards, shall certify official results to the department; specifies a deadline; and revises a reporting requirement for ballot printing errors.

Presidential Electors and Write-In Candidates for President (Sections 35 and 36)

Present Situation

Current law specifies timeframes for certification of presidential electors and requires each presidential elector to be a qualified elector of the party he or she represents.⁵⁴

Current law also provides requirements for write-in candidates for President and Vice President.⁵⁵

Effect of Proposed Changes

The bill:

- Moves up certification deadlines.
- Requires presidential electors to be registered Florida voters and requires political parties to provide voter registration numbers and contact information for their electors.
- Requires write-in candidates for President and Vice President to provide the Florida voter registration number and contact information for each presidential elector and requires each presidential elector to be a qualified registered voter of the state.

The bill also addresses “faithless electors” by specifying that a presidential elector’s refusal or failure to vote for the candidates for President and Vice President of the party the presidential elector was nominated to represent constitutes a resignation of the position, that his or her vote may not be recorded, and that his or her position as a presidential elector must be filled as provided by law.

Prequalifying of State Committeemen and Committeewomen (Section 37)

Present Situation

Current law provides that electors seeking to qualify for the office of state committeeman or state committeewoman must qualify with the department or supervisor between the 71st and 67nd days preceding the primary election.⁵⁶

Candidates are subject to the same timeframe, but may submit their qualifying papers 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.⁵⁷

⁵⁴ Section 103.021, F.S.

⁵⁵ Section 103.022, F.S.

⁵⁶ Section 103.091(4), F.S.

⁵⁷ Section 99.061(8), F.S.

Effect of Proposed Changes

The bill allows state committeemen and state committeewomen to submit qualifying papers during the 14 days prior to the qualifying period.

Voting a Fraudulent Ballot (Section 38)***Present Situation***

Current law makes it a third-degree felony for a person to knowingly vote or attempt to vote a fraudulent ballot.⁵⁸

Effect of Proposed Changes

The bill specifies that a person who is undergoing eligibility review and who votes a provisional ballot or VBM ballot before a final determination of eligibility is made is not subject to the criminal penalty.

Casting More Than One Ballot (Section 39)***Present Situation***

Current law provides that it is a third-degree felony to willfully vote more than one ballot at any election.⁵⁹

Effect of Proposed Changes

The bill defines “votes more than one ballot at any election” and authorizes prosecution of the violation to proceed in any county in which one of the ballots was willfully cast.

Reporting of Fraudulent Registrations and Illegal Voting (Section 40)***Present Situation***

Current law provides that supervisors are authorized to investigate fraudulent registrations and illegal voting and report findings to the local state attorney and the Florida Elections Commission.⁶⁰

Effect of Proposed Changes

The bill substitutes the Office of Election Crimes and Security for the Florida Elections Commission.

⁵⁸ Section 104.16, F.S.

⁵⁹ Section 104.18, F.S.

⁶⁰ Section 104.42(1), F.S.

Campaign Finance Reports (Sections 42 and 44)

Present Situation

Current law requires submission of the following reports by statewide candidates and political committees that file campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election, with the last report due on the 5th day before the general election.⁶¹

Current law requires submission of the following reports by electioneering communications organizations that filed campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election through the 5th day before the general election, and the 3rd day of the general election with the last report due on the day before the general election.⁶²

All daily reports required above must contain contributions received, but not expenditures made.

Current law requires submission of the following reports by all non-statewide candidates, regardless of the candidate's filing officer, and political committees or electioneering communications organizations that file reports with a supervisor or a municipal clerk:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Biweekly contribution and expenditure reports during the 60th-32nd days before the primary, and the 74th-32nd days before the general election.
- Weekly contribution and expenditure reports beginning on the 32nd day before the primary and general elections, with the last weekly report due on the 4th day before the primary and general elections.⁶³

Effect of Proposed Changes

The bill:

- Reduces required reporting frequency from monthly to quarterly until qualifying, at which time the current reporting requirements resume.
- Preempts local governments from enacting a reporting schedule that differs from that provided in statute.

⁶¹ Section 106.07(1)(a), F.S.

⁶² Section 106.0703(1)(a)-(b), F.S.

⁶³ Sections 106.07(1)(b) and 106.0703(1)(c), F.S.

Campaign Contributions/Text Messages (Section 45)

Present Situation

Current law provides that a candidate may not accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed \$50,000.⁶⁴ A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000.⁶⁵

Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the above contribution limits.

Effect of Proposed Changes

The bill adds text messages to the list of services and costs that do not constitute contributions that count toward the specified contribution limits.

Voter Guides (Section 46)

Present Situation

Current law defines and provides requirements, including disclaimers, for political advertisements⁶⁶ and electioneering communications⁶⁷.⁶⁸ It does not address voter guides.

Effect of Proposed Changes

The bill creates new requirements for voter guides, defined to mean direct mail that is either an electioneering communication or a political advertisement sent for the purpose of advocating for or endorsing particular issues or candidates by recommending specific electoral choices to the voter or by indicating issue or candidate selections on an unofficial ballot.

⁶⁴ Section 106.08(2)(a), F.S.

⁶⁵ Section 106.08(2)(b), F.S.

⁶⁶ "Political advertisement" means a paid expression in a prescribed communications medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, the term does not include: (a) A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or in opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization; or (b) Editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium. Section 106.011(15), F.S.

⁶⁷ "Electioneering communication" means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which: 1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; 2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and 3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Section 106.011(8)(a), F.S. The statutory definition also excludes specified types of communications from the definition.

⁶⁸ Chapter 106, F.S.

The bill specifies a required disclaimer for voter guides and prohibits a person from representing that a voter guide is an official publication of a political party unless such person is given specified written permission.

Fines for Election Law Violations (Section 47)

Present Situation

Current law provides for fines to be automatically assessed against political committees for late-filing of required reports.⁶⁹ Current law also provides for almost 100 additional, separate violations in ch. 106, F.S., as well as numerous violations in ch. 104, F.S.

The Florida Elections Commission or an administrative law judge may impose a fine or up to \$1,000 per count for a violation of ch. 104 or 106, F.S.

Current law does not authorize increased fines for repeat offenders.

Effect of Proposed Changes

The bill provides that a fine imposed against a political committee for a violation of ch. 106, F.S., jointly and severally attaches to the chair of the political committee, the treasurer of the political committee, and any other person with control over the political committee. However, collection from these individuals may occur only if the political committee does not pay the fine within 30 days.

The bill also increases to \$2,500 the allowable fine per count that may be imposed by the Florida Elections Commission or an administrative law judge for violations of ch. 104 or 106, F.S. The bill provides for a 3x fine multiplier, not to exceed \$7,500, after a person commits three counts of the same category of offense.

Conforming Cross-References (Sections 3, 23, 29, and 43)

The bill conforms statutory cross-references to substantive changes made by the bill.

Effective Date (Section 49)

The bill takes effect July 1, 2023.

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.

⁶⁹ Section 106.07(8)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Increasing the amount of fines that may be assessed against a third-party voter registration organization will financially impact those organizations that fail to comply with statutory requirements.

Increasing fines for certain election law violations will financially impact persons who fail to comply with statutory requirements.

C. Government Sector Impact:

The following provisions of the bill may have a fiscal or workload impact on supervisors:

- The addition of new content on voter information cards.
- Revisions to list maintenance processes and requirements.
- Modernization of requirements for precinct boundary data collection and maintenance.
- The requirement that “Do Not Forward” be printed on VBM mailing envelopes.

Authorizing certain notices to be published on specified websites instead of in newspapers may reduce costs to supervisors.

The increased frequency and required information for reporting of information to the department or supervisors for use in list maintenance activities may increase workload and costs of reporting governmental entities.

Prohibiting the counting of two or more VBM ballots for the same election that are returned in one mailing envelope may reduce the workload of county canvassing boards by an insignificant amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.012, 97.022, 97.0535, 97.057, 97.0575, 97.071, 98.065, 98.0655, 98.075, 98.077, 98.093, 98.0981, 99.021, 99.097, 100.342, 101.001, 101.048, 101.151, 101.6103, 101.62, 101.657, 101.68, 101.6921, 101.6923, 101.6925, 101.694, 102.111, 102.112, 102.141, 103.021, 103.022, 103.091, 104.18, 104.42, 104.47, 106.07, 106.0702, 106.0703, 106.08, 106.1436, and 106.265.

This bill creates the following section of the Florida Statutes: 99.0215.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on April 20, 2023:

- Deletes from the original bill provisions clarifying the authority of the Office of Election Crimes and Security and the duties of the statewide prosecutor; requiring all new voters who have never been issued a specified identification or social security number to vote in person the first time; revising discretionary early voting days; and creating a criminal penalty for threats and harassment of election workers.
- Revises the original bill’s third-party voter registration organization provisions to clarify effective dates; eliminate an exception to the reregistration requirement for political parties; revise the maximum aggregate annual fine; and add a prohibition against voter registration application collecting or handling by a person convicted of certain felonies or by a noncitizen.
- Revises the original bill’s list maintenance requirements to instead remove a current-law requirement that address confirmation requests be first sent to the voter’s address of legal residence; require each annual list maintenance program to begin by April 1; and delete a current-law requirement that voters respond to an address confirmation request within 30 days.
- Clarifies the definition of “voting more than one ballot;” the number of alternate canvassing board members; provisions governing voting by persons undergoing eligibility review; that a voter may request a VBM ballot through a supervisor’s website; that the new disclosure requirement for certain unpaid fines applies to judicial candidates; and that collection of certain fines imposed on political

committees may occur against officers of the committee only if the committee fails to pay.

- Modernizes and conforms required notice provisions throughout the Election Code by authorizing publication on specified websites in lieu of in a local newspaper.
- Authorizes supervisors to obtain driver license data for the purpose of verifying applicant or voter eligibility.
- Addresses “faithless” presidential electors.

B. Amendments:

None.