

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1276

SPONSOR: Senator Gutman

SUBJECT: Voter registration; homestead exemption

DATE: March 8, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1276 repeals the homestead exemption provisions adopted last year in Chapter 98-129, Laws of Fla., a law targeted at preventing abuses in Florida's voter registration and absentee voting procedures. The homestead provisions being repealed, in essence, seek to define residency for voting purposes to mean the site of a person's homestead pursuant to Art. VII, section 6 of the Florida Constitution.

Specifically, the bill revises the Uniform Statewide Voter Registration Application to eliminate both the solicitation of information relating to the address of property granted a homestead exemption, if any, and the notice to the applicant relating to the consequences of registering to vote in a precinct other than that in which the homestead property granted such an exemption is located. This bill also eliminates the requirement that a supervisor of elections forward the names and homestead addresses of such persons to the local property appraiser, and the corresponding requirement that the property appraiser examine such information to determine whether to initiate procedures to terminate the homestead exemption and assess back taxes.

Noteworthy is the fact that the provisions repealed in the bill have never gone into effect --- the effective date on the change requiring homestead information to be included on the uniform statewide voter registration form (the "trigger provision") is July 1, 1999; and, the U.S. Department of Justice has not "precleared" the trigger provision as required by the federal Voting Rights Act of 1965.

This bill substantially amends ss. 97.052 and 196.141, Florida Statutes, and repeals s. 98.015(11), Florida Statutes.

II. Present Situation:

Chapter 98-129, Laws of Fla., was enacted pursuant to a determination by the Senate Select Subcommittee on Election Integrity that "recent changes to the voter registration process

mandated by Congress in the National Voter Registration Act and the recent changes to Florida's absentee voting laws have increased the potential for voter fraud." Report from Senator Jack Latvala, Subcommittee Chair, to Senator Charlie Crist, Chairman, Committee on Executive Business, Ethics and Elections (February 5, 1998). The subcommittee recommended "significant changes to the voter registration system and current absentee voting process." *Id.*

One of the changes adopted in Chapter 98-129, Laws of Fla., was to require that persons registering to vote list on the voter registration form the address of the property for which the applicant has been granted a homestead exemption, if any. Persons registering in a precinct other than the one in which they maintained homestead property risked losing that homestead exemption and being assessed back taxes, if the tax assessor determined that they were not entitled to the exemption. The law was targeted at documented abuses whereby persons registered to vote in precincts other than where they legally resided, in order to cast absentee ballots in contests they were not entitled to vote in.

Specifically, the law modified the Uniform Statewide Voter Registration Application to require both the solicitation of information relating to the address of property granted a homestead exemption, if any, and a notice to the registrant explaining the consequences of registering to vote in a precinct other than that in which the homestead property granted such an exemption was located. The law also required each supervisor of elections to forward the names and homestead addresses of such persons to the local property appraiser, and mandated that the property appraiser examine such information to determine whether to initiate procedures to terminate the homestead exemption and assess back taxes.

Of note is the fact that the "trigger provision" soliciting homestead information from the registrant on the Uniform Statewide Voter Registration Application has yet to be "precleared" by the federal government. The federal Voting Rights Act of 1965 requires the U.S. Department of Justice ("USDOJ") to review state laws which impact voting rights to determine whether they will have any discriminatory effect on minority voters. In counties subject to preclearance under section 5 of the Act (Collier, Hardee, Hendry, Hillsborough, and Monroe), state laws cannot go into effect until the USDOJ approves them. The State originally sought preclearance of the trigger provision (effective July 1, 1999) as well as the other two homestead provisions, but subsequently withdrew that request for two of the three provisions in order to expedite review of the remaining sections of Chapter 98-129. The State is currently in the process of gathering supporting documentation and will likely be re-submitting the provisions to the Justice Department for preclearance in the near future.

III. Effect of Proposed Changes:

Senate Bill 1276 repeals the provisions of Chapter 98-129, Laws of Fla., tying the homestead exemption to voter registration.

Specifically, the bill revises the Uniform Statewide Voter Registration Application to eliminate both the solicitation of information relating to the address of any property granted a homestead exemption and the corresponding notice. It eliminates the requirement that the local supervisor of elections forward to the property appraiser the name and address of any applicant registering to vote at an address other than that at which he or she claims a homestead exemption. It also

deletes the corresponding requirement that the property appraiser examine such forwarded information to determine whether to initiate termination proceedings and assess back taxes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.