

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Judiciary Committee

BILL: CS/SB 718

INTRODUCER: Ethics and Elections Committee and Senator Posey

SUBJECT: Elections

DATE: April 24, 2006

REVISED: 04/26/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kruse</u>	<u>Rubinas</u>	<u>EE</u>	Fav/CS
2.	<u>Cibula</u>	<u>Maclure</u>	<u>JU</u>	Fav/1 amendment
3.	<u> </u>	<u> </u>	<u>TA</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>WM</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill requires supervisors of elections to remove the names of deceased electors from the statewide voter registration system after receiving and verifying the information that provides the basis for the removal. The bill also:

- Repeals the discretionary ability to keep a voter from using more than five minutes when casting his or her ballot;
- Repeals the requirement that the clerk or inspector check the voter's name on the registration books or voter history form which is duplicated in effect in s. 101.043(1), F.S.;
- Transfers from s. 101.23, F.S., to s. 101.131, F.S., the requirement that an inspector keep a poll list for poll watchers to inspect; and
- Transfers from s. 101.23, F.S., to s. 101.043, F.S., the requirement that inspectors prevent any person from casting a ballot twice when the inspector believes the person has already cast a ballot.

The bill substantially amends the following sections of the Florida Statutes: 98.093, 101.043, and 101.131. The bill repeals section 101.23, Florida Statutes.

II. Present Situation:

Deceased Voters

Section 98.045(2)(a), F.S., authorizes the removal of a voter from the statewide voter registration system if the voter dies. However, the supervisor must wait to receive notice of the death of a voter from the Department of State through the statewide voter registration system before removing the deceased voter.¹ The Department of State receives this information from the Department of Health, which provides a list of information each month to the Department of State regarding deceased persons 17 years of age or older.² The current procedure does not allow a supervisor to remove deceased voters from the voter registration system when he or she is presented with information from sources other than the Department of Health or the Department of State, such as a copy of the deceased voter's death certificate. Prior to January 1, 2006, a supervisor could remove the name of a deceased voter from the registration books if he or she received information from other sources and verified the information received.³

Poll Lists

Section 101.23(1), F.S., requires the clerk or an inspector to check the name of every person admitted to vote against the registration books or voter history form that is provided by the supervisor. One inspector is required to keep a poll list that shows the names of electors who have voted, or shows a list of registered electors that reflects which electors have already voted. These lists must be available for inspection by poll watchers during regular voting hours. However, the inspectors are allowed to regulate access to these lists in order to make sure that any inspection does not interfere with polling place operations. Section 101.23(2), F.S., gives inspectors the authority to keep a person from voting a second time and refuse any person the ability to vote if that person is not a qualified elector or has become disqualified in that precinct. Furthermore, this subsection provides inspectors the authority to prevent anyone from taking more than five minutes when casting a ballot.

III. Effect of Proposed Changes:

Section 1. Amends s. 98.093, F.S.; makes a technical change; allows a supervisor to remove the name of a deceased elector after receiving and verifying information from sources other than the Department of State and the Department of Health.

Section 2. Repeals s. 101.23, F.S. By repealing this section, the bill:

- Removes the discretionary ability to keep a voter from using more than five minutes when casting his or her ballot;

¹ § 98.075(3), F.S., (2005)

² § 98.093(2)(a), F.S., (2005)

³ See s. 24, ch. 2005-278, L.O.F.; § 98.093(5), F.S. (2004).

- Removes the requirement that the clerk or inspector check the voter's name on the registration books or voter history form; s. 101.043(1), F.S., already accomplishes this goal by requiring the inspector or clerk to check the voter's identity before voting;
- Removes the requirement that an inspector keep a poll list for poll watchers to inspect; *this requirement is transferred* to s. 101.131, F.S., which provides that the inspector keep a precinct register or electronic poll book for a poll watcher's inspection;
- Removes the requirement that inspectors refuse to allow any person to vote who is not a qualified elector or who has become disqualified to vote in the precinct; s. 101.048, F.S., already allows a person, whose eligibility cannot be determined or who has been identified by an elected official as ineligible to vote, to vote a provisional ballot; and
- Removes the requirement that inspectors prevent any person from casting a ballot twice when the inspector believes the person has already cast a ballot; *this authority is transferred* to s. 101.043, F.S.

Section 3. Amends s. 101.043, F.S.; transfers a requirement contained in s. 101.23, F.S., providing that the clerk or inspector must prevent a person from casting a ballot a second time when they have reason to believe that the person has already voted.

Section 4. Amends s. 101.131, F.S.; provides that poll watchers may inspect the precinct register or electronic poll book during regular voting hours, but allows the inspector to regulate access to the register or poll book in order to keep any inspection from interfering with polling place operations.

Section 5. Provides an effective date of July 1, 2006.

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.

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

VIII. Summary of Amendments:

Barcode 033902 by Judiciary:

Permits an audio ballot to satisfy the functionalities required under existing s. 101.56062(1)(n), F.S., through a voting device or through a voting system.

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