

**CS/CS/SB 866 — Elections**

by Judiciary Committee; Ethics and Elections Committee; and Senator Constantine

This bill is an omnibus elections package that addresses numerous issues, which are summarized as follows:

***Investigatory Authority of Secretary of State***

The bill *clarifies* that the Secretary of State has authority to conduct preliminary investigations into fraud or irregularities involving candidate petition activities.

***Pre-Registration***

The bill changes the triggering event for individuals otherwise qualified to pre-register to vote by allowing individuals to pre-register on or after the individual's 16<sup>th</sup> birthday, rather than the 17<sup>th</sup> birthday or upon obtaining a valid Florida driver's license.

***Voter Registration Applications***

The bill amends the acceptance process for voter registration applications by providing when a completed voter registration application is received by the book-closing deadline, but the driver's license number, Florida ID card number, or the last four digits of the applicant's social security number cannot be verified, the applicant shall be notified that the number cannot be verified rather than receiving notification that his or her application is incomplete. Moreover, rather than the applicant providing verification of the authenticity of the number provided on the application, the applicant can provide verification of either his or her driver's license number, Florida ID card number, or the last four digits of his or her social security number regardless of which number was initially provided on the application. These changes are effective upon becoming law.

***Identification***

The bill removes employee badge or identification and buyer's club identification from the list of acceptable forms of identification for voter registration applicants who wish to vote in-person or by absentee and who registered by mail, have never previously voted in Florida, and have not been issued a current and valid Florida driver's license, Florida identification card, or social security number.

### ***Change of Party Affiliation***

The bill allows an elector to change his or her party affiliation after the book closing deadline for an upcoming election if the upcoming election is not a nominating election. If the upcoming election is a nominating election, the elector may submit the change; however, the change will not take effect until the next, subsequent election.

### ***Registration List Maintenance***

The bill requires the Department of State to develop registration list maintenance forms that must include an address confirmation request, an address change notice, and an address confirmation final notice. The bill requires the inclusion of specific information on the address request form and address confirmation final notice. It also requires that the notices be sent by forwardable mail.

The bill requires the local Supervisor of Elections, who receives information that a registered voter has changed his or her legal residence within the state, to change the registration records to reflect the new address. The supervisor must then send the registered voter an address change notice. The notice is sent by forwardable mail to the new address. The new language also provides that if the supervisor receives information that a registered voter has moved his or her legal residence outside the state, the supervisor must send an address confirmation final notice by forwardable mail to the registered voter at his or her new address. Voters who are sent an address confirmation final notice who do not return the prepaid, preaddressed return form within 30 days or for whom the notice is returned as undeliverable are designated as inactive.

### ***Voting History Information/Precinct-Level Results***

Effective July 1, 2008, the bill amends s. 98.0981, F.S., to shorten the time frame within which supervisors must report voting history information to the department – to 45 days from 75 days after a general election. The report must be in a uniform electronic format specified by the department, with updated voting history information for each qualified voter who voted. The department then must transmit its report within 60 days after the general election to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

The bill repeals the existing statute governing precinct-level reporting (s. 101.573, F.S.) and prescribes revised requirements in s. 98.0981(2), F.S. Within 45 days (compared to 35 in current law) of an election, the supervisors shall submit to the department precinct-level election results in a uniform electronic format. The bill eliminates a requirement in existing law for such results to be submitted following a municipal election or runoff. The bill requires the data to include the aggregate total of all ballots cast.

Further, the department must compile statistical information regarding each precinct after the book-closing deadline. The bill specifies that the public may access the reports relating to voting history, precinct-level results, and precinct-level book-closing statistics.

### ***Qualification for Office***

The bill makes the provisions of s. 99.012, F.S., applicable to persons seeking federal office by removing an exception to this section for such persons. It also specifically prohibits persons seeking a federal office from qualifying for two offices at the same time when the offices have overlapping terms.

The bill removes language in the federal candidate oath that refers to a candidate's requirement to resign from an office pursuant to s. 99.012, F.S.

The bill removes the specific qualifying fee and assessment provisions for candidates seeking a position on a community development district's board of supervisors.

### ***Candidate Petitions***

The bill provides that candidate petitions may only be used for the qualifying period immediately following a candidate's campaign depository and treasurer appointment filings.

### ***Early Voting and Bond Referenda***

The bill provides that a county, district, or municipality does not have to offer early voting for a bond referendum if the election is not held in conjunction with a state or county election.

### ***Charter County and Municipal Recall***

The bill clarifies the charter county and municipal recall provisions of the election code. It provides that each signed and dated petition form must be filed simultaneously and no later than 30 days after the first signature is obtained. The supervisor of elections must verify signatures in accordance with s. 99.097, F.S. The bill clarifies that the supervisor must determine in writing if the requisite number of signatures is obtained for the purposes of the recall petition and the recall petition and defense. The bill clarifies that the clerk must make the petition and all subsequent forms and papers available in alternative formats when requested. The bill removes the prohibition that prohibited any campaigning for or against the officer facing recall before the date of the election is announced to the public.

### ***Initiative Petitions***

Effective July 1, 2008, the bill prohibits an initiative petition form circulated for signature from being attached to or coupled with another initiative petition form.

The bill removes the requirement that the supervisors record initiative petition information in the statewide voter registration system. Rather, it allows for the Department of State to prescribe the manner in which this information must be recorded. Since supervisors must no longer record this information in the statewide voter registration system, the bill removes the requirement that the Secretary of State base his or her determination of the number of verified and valid signatures and the distribution of such signatures upon information contained in the statewide voter registration system. This change becomes effective July 1, 2008.

Furthermore, the bill provides that an elector may complete and submit a standard petition-revocation form directly to the supervisor. This change also becomes effective July 1, 2008.

### ***Ballots***

The bill removes the obsolete phrase "printed and distributed" from s. 101.041, F.S.

The bill removes obsolete references to ballot stubs in s. 101.5608, F.S. This change becomes effective July 1, 2008.

### ***Voter Challenges***

The bill gives registered electors and poll workers the right to challenge a voter in a specific county if the poll watcher or registered elector lodging the challenge is of that same county. The bill clarifies that a challenge can be lodged at either the polling place on the day of election or in advance with the supervisor. If the challenge is lodged in advance, the bill provides that the supervisor must provide a copy of the challenge to the election board in the challenged voter's precinct.

### ***Poll Workers***

The bill removes language in s. 101.23(2), F.S., allowing an election inspector to keep a voter from spending more than five minutes casting a ballot. The bill also removes the following election inspector duties contained in s. 101.23(2), F.S.:

- Preventing a voter from voting a second time when the inspector has a reasonable belief that the voter has already cast a ballot; and
- Preventing any person from voting if he or she is not qualified or has become disqualified to vote.

The bill revises the procedures of an election official when an elector votes. It removes the requirement that the election official determine if the voter's name is on the election register and that there are no sustained challenges regarding that elector before allowing that elector to vote.

It also removes the requirement that the election official announce the name of the elector before allowing the elector to enter the voting booth. This change becomes effective on July 1, 2008.

The bill requires that each poll worker must complete disability training prior to working each election cycle. The bill removes the one-hour requirement for poll worker disability training. It also removes the requirement that each supervisor certify to the Department of State whether each poll worker has completed disability training. This change becomes effective on July 1, 2008.

### ***Municipal Elections***

Effective July 1, 2008, the bill gives municipalities the ability to change, by ordinance, election dates to correspond to any statewide or countywide election. The bill also removes date specific language regarding the ability of municipalities to move any scheduled March 2008 election to concur with the presidential preference primary election.

### ***Exit Polling***

Effective July 1, 2008, the bill provides that the terms "solicit" and "solicitation" are synonymous and that these terms shall not be construed to prohibit exit polling.

### ***Canvassing Returns***

Effective July 1, 2008, the bill requires that the canvassing board "compare" rather than "reconcile" the number of persons who voted with the number of ballots counted.

### ***Presidential Preference Primary***

The bill removes the ability of a presidential candidate to request that the selection committee reconsider placing his or her name on the ballot when it does not appear on the list submitted by the Secretary of State.

### ***Campaign Treasurers***

Effective upon becoming law, the bill removes a requirement for candidates who qualify for office with the Department of State and who are not voted upon statewide to file a copy of the name and address of the campaign treasurer with the local supervisor of elections office.

### ***Candidate Electronic Filing***

The bill allows local governments to develop electronic filing requirements for local officers and candidates that do not conflict with the current electronic filing process for candidates who file reports with the Division of Elections. The bill also provides that the expenditure of public funds for electronic filing requirements is a valid public purpose.

***Contribution Limits for Commissioner of Agriculture***

Effective upon becoming law, the bill repeals s. 106.082, F.S., relating to campaign contribution limitations for candidates for the office of Commissioner of Agriculture, thus subjecting Commissioner of Agriculture candidates to the \$500 limit applicable to all other candidates.

***Telephone Solicitation***

Effective upon becoming law, the bill provides for a shorter sponsorship disclaimer for electioneering communication telephone calls and exempts these calls from obtaining written approval of the candidate the call supports. Furthermore, any electioneering communication phone call paid for with public money must state the name of the government entity paying for the phone call.

***Florida Elections Commission***

The bill provides that the Commission is the head of the agency, rather than the executive director.

***Candidates for Circuit Judge***

Effective upon becoming law, candidates for circuit judge shall be listed on the ballot in alphabetical order rather than determining ballot position for these offices by lot.

***Effective Date***

If approved by the Governor, these provisions take effect on January 1, 2009, except as otherwise provided.

*Vote: Senate 36-2; House 113-0*

