

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 391

Early Voting

SPONSOR(S): Richter

TIED BILLS:

IDEN./SIM. BILLS: SB 2560

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Ethics & Elections</u>	<u>9 Y, 0 N</u>	<u>Brown</u>	<u>Mitchell</u>
2) <u>Economic Expansion & Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill allows supervisors of elections (supervisors) to establish additional early voting sites upon request and approval from the Department of State, Division of Elections (the Division). The Division is responsible for reviewing requests, and receiving public comment on those requests. The bill establishes criteria for requests, including a detailed rationale and geographic map of current and proposed early voting locations.

The bill may have a minimal fiscal impact regarding the Division's oversight of the new request process.

The bill is effective July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Current early voting provisions have evolved from a 1998 law allowing absentee ballots to be cast in person at a supervisor's office.¹ Under this law, the elector was required to be physically unable to attend a polling place on Election Day.² In 2000, the Legislature added a requirement that the elector attest to this inability.³ In 2001, the process was expanded to include all voters, not just those physically unable to vote on Election Day.⁴

In 2004, the Legislature dramatically restructured the concept of casting absentee ballots in person by changing the name of the process to simply "early voting," streamlining the process, and providing requirements for:

- Allowable early voting locations,
- Minimum required hours of operation,
- A two-week early voting period, and
- Changes to the early voting certificate.⁵

Some additional minor requirements were added in 2005.⁶

Current law allows a supervisor of elections to establish early voting sites.⁷ These sites may be located in:

- the main office of a supervisor or a branch office, if that branch is a "permanent facility" and has been in use for more than a year prior to the election;⁸ and
- a city hall or a public library, so long as such sites are "geographically located so as to provide all voters... an equal opportunity to cast a ballot..."⁹

The early voting sites must be identified no less than 30 days before the election, and they must be open on the same days and for the same amount of time.¹⁰ Supervisors have requested that they have greater flexibility when designating early voting sites.¹¹

¹ Chapter 98-129, Laws of Florida, s. 17., codified at s. 101.657, F.S.

² Pursuant to s. 101.64, F.S. (1999), absentee ballots required affirmation that the elector was unable to attend the polls on Election Day. In keeping with the changes described in this analysis, such affirmation had been removed from the current absentee ballot procedure. *See generally*, s. 101.62 – 101.64, F.S.

³ Chapter 2000-249, Laws of Florida, s. 2.

⁴ Chapter 2001-40, Laws of Florida, s. 55.

⁵ Chapter 2004-252, Laws of Florida, s. 13.

⁶ Chapter 2005-277, Laws of Florida, s. 45, and Chapter 2005-278, Laws of Florida, s. 39.

⁷ Section 101.657(1)(a), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 101.657(1)(b)-(c), F.S.

¹¹ The Florida State Association of Supervisors of Elections in its 2007 legislative proposal states:

Florida law currently allows early voting at the supervisor of elections' office, libraries and city halls. In many cases, the limited size and limited parking available at these locations cause long lines and frustrated voters.

Proposed Changes

The bill grants supervisors the flexibility to add additional early voting sites, if “permitted early voting sites are not sufficient to provide adequate voter opportunity for convenient use.” In order to add such sites, a supervisor must file a request with the Division, no later than 180 days before the first statewide election for which the sites would be used for early voting. Like the currently allowable sites, the requested sites must be “geographically located so as to provide all voters... an equal opportunity to cast a ballot.”

The supervisor’s request to the Division must contain the following:

- The rationale for the request along with supporting documentation,
- A description of the requested sites, and
- A map of the affected county, identifying the additional requested locations.

The Division is granted 30 days to receive public comment on the proposed additional sites, and must respond to the supervisor no later than 60 days after the supervisor has submitted the request. Once a location has been approved for an election, the supervisor can continue to use the site for future elections under the same conditions that the supervisor may use other allowed sites.

The bill also allows supervisors additional flexibility in assigning hours of operations for early voting sites, by eliminating the 7 A.M. and 7 P.M. limitations and replacing that language with “times selected by the supervisor of elections.”

The bill makes technical changes to align the new language with current municipal election laws. Municipal elections are not substantively affected by the bill.

C. SECTION DIRECTORY:

Section 1. Amends s. 101.657, F.S., providing a request procedure allowing supervisors to expand early voting sites; providing for public comment and a timeframe for determining such sites; and revising the time early voting sites may remain open.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal fiscal impact on the Division as it will be required to review requests for additional early voting sites.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Counties may experience additional costs for setting up and staffing additional early voting sites, if approved by the Division.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Election laws are exempt from the mandates requirements of Art. VII, s. 18(a), Florida Constitution.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

This bill amends s. 101.657, F.S., to provide a means for a supervisor of elections to request from the Division approval to establish a better location for early voting. Currently, early voting locations are restricted by statute to various locations that may be unable to accommodate early voting because of parking restriction, space or hours of operations. This bill provides a means to address these inadequate locations and establish more convenient locations to increase voting. Any request for exception would be required to be approved by the Division.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.