

Legislation 2021

Private Funds

Creates section 97.0291, F.S.

Prohibits any state agency, state or local official responsible for conducting elections from accepting any donation (money, grant, property or **personal services**) from an individual or nongovernmental entity to fund election-related expenses or voter education, voter outreach or registration

No prohibition on acceptance of space for polling location or early voting site

Last year the SOE was able to purchase vote-by-mail equipment whereby we no longer needed to outsource vote-by-mail ballot mailings. The vote-by-mail equipment purchased was necessary, as our vendor was unable to handle certain types of mailings due to the volume of requests received. It became an issue for them to get the mailings out timely. We also purchased signature verification equipment and updated electronic poll books with the same private grant. With the passage of this new law, Supervisors of Elections are **prohibited** from accepting this type of donation.

Annually SOE participates at outreach and community events to provide voter registration and educational information on upcoming elections (*approximately 50-75 events annually*). Volunteers staff the booths at no charge. With the new change in SB 90, we must now pay our volunteers.

Budget Impact

This change would require an additional - \$5000

Ballot Harvesting

Revises s. 104.616, F.S.

Prohibit any person from distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing **more than two** vote-by-mail ballots **per election** in addition to his or her own ballot or a ballot belonging to an immediate family member

Previously was only prohibited for monetary or other benefit

Exception for supervised voting at assisted living facilities and nursing home facilities

Expands "immediate family" to include **grandchild**

Violation of this section remains a 1st degree misdemeanor

Budget Impact

None

Vote-by-Mail Requests

Revises s. 101.62, F.S.

States a vote-by-mail request is good for all elections through end of calendar year of next regularly scheduled general election.

The law previously was through the second ensuing general election

Grandfathers in existing vote-by-mail ballot requests submitted ***before May 6, 2021*** (effective date of chapter 2020-11, Laws of Florida) to be good for elections held through end of calendar year of the next scheduled general election (2022 calendar year)

New law - All in-person or telephonic requests ***must*** include voter's FL DL or FL ID, or last 4-digits of SSN# **(no exceptions) *whichever may be verified in the Supervisors' records***

All signed written requests by the voter ***must*** include voter's FL DL or FL ID, or last 4-digits of SSN# **(no exceptions)**

A request for a ballot to be mailed to an address ***other than*** the voter's address on file ***must*** be in writing and signed by the voter ***including*** the voter's FL DL or FL ID, or last 4-digits of SSN#

Of the 195,000 registered voters in Alachua County, there are approximately ***22,000*** voters whose voter registration records do not list a Social Security number, Florida Driver License or a Florida ID number. These voter records are from voters who registered for the first time prior to this information being required to register to vote.

Budget Impact

Notice - Send Letter or Post Card to each voter with an expiring VBM request due to the change of law

*Printing of Mailer - **\$15,000***

*Postage - **\$15,000***

Notice – Send letter to each voter whose voter record does not contain a Social Security number or Florida Driver's License or Florida ID number.

*Mailer - **\$3,000***

*Postage - **\$5,000***

Revises s. 101.62, F.S.

Supervisors cannot mail a vote-by-mail ballot without a validly submitted request on file (Exception for voters having a disability (s. 101.662), UOCAVA voters (s. 101.697), local referenda (ss. 101.6102 and 101.6103).)

Supervisors must record additional information in the vote-by-mail request records: the identity of the voter's designee making the request, if any; the Florida driver license number, Florida identification card number, or last four digits of the social security number of the elector provided with a written request as well as the address to which the ballot was mailed or the identity of the voter's designee to whom the ballot was delivered and whether the voter's certificate contains a signature that does not match the elector's signature in the registration books or precinct register

Budget Impact

None

Vote-by-Mail Envelope

Revises s. 101.64, F.S.

Requires each return mailing envelope to bear:

- Absent voter's name
- Any encoded mark used by Supervisor of Elections' office

Provides that a mailing or secrecy envelope ***may not bear any indication of political affiliation*** of the voter.

Budget Impact

None

Canvassing Vote-by-Mail

Revises s. 101.68, F.S.

Codifies provision in Executive Order 20-149 that ***allows*** canvassing to begin immediately after L&A testing (This means canvassing could start as early as 40 days before election day depending on when early voting is done which drives L&A testing dates)

States that Supervisor of Elections should not use his or her knowledge of the voter's party affiliation when verifying signatures

The change in law will now allow us to start canvassing mail ballots earlier. This law change is beneficial due to the increase of vote-by-mail ballots as seen the in 2020 election cycle. Adding an additional 3 days to the schedule will increase the cost for canvassing board support staff.

Budget Impact

The increase in staffing cost would be an additional \$2,500

Name and Party Change

Revises ss. 97.053(6), 97.1031, F.S.

Old law:

- Could be submitted on voter application, in person, by phone, by email or other signed writing
- No requirement for FL DL/ID or SSN

New law:

- Can now ***only*** be submitted on voter registration application (paper or online)
- Must include FL DL or FL ID, or last 4-digits of SSN# that has been or must be verified ***before*** update made

Budget Impact

None

Address Change

Revises ss. 97.053(6), 97.1031, F.S.

Old law:

- Could be submitted on voter registration application, in-person, by phone, by email or by other signed writing
- No requirement for FL DL or FL ID, or SSN

New law:

- Can still be made on voter registration application (paper/online), by phone or email ***but now requires*** FL DL or FL ID, or last 4-digits of SSN# and either already verified or verified before update made. Voter would still have to provide date of birth as previously
- Can be submitted by other signed writing ***without*** FL DL or FL ID, or last 4-digits of SSN# required ***(including at the polls)***

Budget Impact

This is addressed in the section titled, "Vote-By-Mail Request".

Drop Boxes – Designation

Revises s. 101.69, F.S.

Adds "permanent" qualifier to branch office of the Supervisor of Elections for purposes of where a drop box may be placed

Clarifies that ***except*** for secure drop boxes at an office of the Supervisor of Elections, a secure drop box ***may only*** be used during county's early voting hours of operation

Requires Supervisor of Elections to designate each drop box site at least ***30 days before election*** after which the Division of Elections must approve any move or changes

Budget Impact

Notice - Mailer notifying voters of early voting and drop box locations and hours of drop box availability

*Mailer - **\$6,500***

*Postage - **\$10,000***

Drop Boxes – Ballot Accounting

Revises s. 101.69, F.S.

Drop Boxes **must** be monitored continuously in-person by staff (**removes sworn law enforcement officer that was allowed previously**) when accessible for deposit of ballots

Must be emptied at end of early voting hours and return ballots to Supervisor of Elections' Office

For drop box at Supervisor of Elections' office, retrieve all ballots before drop box is no longer monitored by employee

Budget Impact

*Cost for drop box staffing for two weeks prior to Election Day - **\$16,500***

(this includes three days after early voting ends at the Main Office only.)

Special Note: *In Alachua County, return postage for mail ballots are pre-paid by the County.*

Third-party Voter Registration Organizations

Revises s. 97.0575, F.S

New law:

- Deadline to turn in collected voter registration applications - no later than 14 days or book closing (no holiday or weekend exceptions)
- Requires collected applications to be delivered to applicant's residential county Supervisor of Elections
- Requires 3PVRO to inform applicant:
 - That they **might not** deliver in time (in 14 days or by book closing)
 - That the applicant can deliver their own application in person or by mail
 - How to register online
 - How to find out if application was delivered

Budget Impact

None

Candidate Oath – 365

Revises ss. 99.021, 99.061, and 99.063, F.S.

Party Candidate

- No political party change within 365 days before the beginning of the applicable qualifying period preceding the general election to run for party nomination

No party affiliated candidate

- No political party affiliation for 365 days before the beginning of the applicable qualifying period preceding the general election to run

Applies to candidates for Governor and Lt. Governor

Budget Impact

None

Filling Vacancy in Nomination

Revises s. 100.111(3), F.S.

Old law:

State chair required to notify local executive committee chair when vacancy in nomination occurs for U.S. representative, state senator, state representative, state attorney, or public defender to call local executive committee

New law:

State chair calls meeting of state executive committee members residing in affected county or counties for such a vacancy.

Budget Impact

None

Campaign Finance Limits (errata corrected 07/06/2021)

Revises s. 106.08, F.S. (chapter 2021-16, Laws of Florida)

Makes political committees sponsoring or in opposition to constitutional amendments proposed by initiative subject to a \$3,000 contribution limit from a person or political committee (once ballot position reached, limit no longer applies)

Preempts local governments from imposing contribution limits different from state law limits and contribution and expenditures limits for electioneering and independent expenditures.

Revises methods for disposing of surplus campaign funds to:

- Prohibits a candidate from donating such funds to a charitable organization by which he or she is employed; and
- Lifts restrictions on which candidates may donate to which government funds to allow all state and local candidates to deposit surplus funds in the general revenue fund of a political subdivision, the state General Revenue Fund, or the Election Campaign Financing Trust Fund

Special Note: This potentially affects the contribution limits for constitutional officers and county commissioners set in the county charter.

Budget Impact

None

No-Solicitation Zone

Expands no-solicitation zone to **include** 150-foot of the drop box.

Redefines terms “. . . . “solicit” or “solicitation” shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; selling or attempting to sell any item; and engaging in any activity with the intent to influence or effect of influencing a voter.

The terms “solicit” or “solicitation” may not be construed to prohibit an employee of, or a volunteer with, the supervisor from providing nonpartisan assistance to voters within the no-solicitation zone such as, but not limited to, giving items to voters, or to prohibit exit polling.

Budget Impact

Printing of new “No Solicitation Zone” signs for early voting sites - \$1,000

Canvass -Duplication Observation

Duplication of damaged ballot must be in an **“open and accessible room.”**

Overvoted or undervoted race to be duplicated **ONLY** “if there is a clear indication on the ballot that the voter has made a definite choice in the race or ballot measure.”

Observers must be able to see ballot markings and duplication

Observer reasonably objects to a duplicated ballot, such ballot to be presented to canvassing board:

- Ballot serial document to be documented in minutes and determination made as to validity of duplication
- If determined to be invalid, duplicate ballot must be rejected and a proper duplicate made and counted in lieu of original.

Budget Impact

None

Notices and Signature Observation

Canvassing board members’ names must be published on the Supervisor of Elections' website upon completion of L&A testing.

Public notices must include names of specific members and alternates before each canvassing board meeting.

Each political party and each candidate can have one watcher during each canvassing board meeting **to view directly or on a display screen** ballots being examined for signature matching and other processes.

Budget Impact

Due to the limited space in the canvassing board room during the canvassing of mail ballots, an ELMO Visual Presenter Document Camera will need to be purchased to meet this requirement in the new law. Ballots viewed for signature matching will be displayed and easier to see on the projector utilizing a document camera.

*The cost to purchase this type of equipment would be approximately **\$500***

Ballot Inspection

Voter certificates and envelopes are open to public inspection or examination

Upon request prior to canvassing mail ballots, a candidate, political party official, or a political committee official, or an authorized designee thereof, must be granted **reasonable** access to review/inspect ballot materials before canvassing or tabulations. (e.g., voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals)

Public notice about how to request to see signature comparisons on vote-by-mail voter certificates: the Supervisor of Elections must publish public notice of the access to be provided (may be documents or images thereof, and the method of requesting such access)

Observers may not copy signatures

Comments: In 2015, the Supervisor of Elections Office moved to the first and third floor of the Josiah T. Walls building. We were able to combine in one building our administration offices and operations for the first time.

We now require additional space for equipment operations, space to adequately serve our voters, and space for more public access while preserving the integrity of the process. *(See also change in law regarding record retention)*

After the 2022 election cycle, space for the Supervisor of Elections Office will need to be addressed once again.

Budget Impact

Unknown

Retention – Election Records

Revises s. 101.545, F.S.

Keep all ballots, forms, and other election materials for at least 22 months (regardless of election)

May still dispose of all unused ballots, forms, and other election materials, subject to written request and approval from Division of Elections (no change in law)

Old law:

Retention schedule for state and local election materials was set at a 1-year anniversary after certification of election

New law:

Retention schedule changed to match federal retention schedule of 22 months after certification of election.

The new law will create a ***significant reduction*** in available storage within our records vault. This space was already reaching full capacity before the new law. To address this, there are records that we have identified that can be digitized to reduce the physical footprint within our records vault. The equipment needed to convert records into a digital format, which is already in use within our office. There is a need for additional staffing dedicated to this project before the 2022 election cycle begins. After the 2022 election cycle, space for the Supervisor of Elections Office will once again need to be addressed.

Budget Impact

An additional staff person dedicated to this project for 8 weeks – \$5,000

Exemption – Repeal

Revises s. 97.0585, F.S.

Strikes exemption for information about voter's felony conviction

Budget Impact

None