

2016 Election Laws and Rules - A Test of Your Knowledge



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**IT'S ROLE REVERSAL AND
PAY BACK TIME --**

**I ASK THE QUESTIONS AND YOU
PROVIDE THE ANSWERS!**

QUESTION:

**ON WHAT DATE DOES
“ABSENTEE BALLOT” BECOME
“VOTE-BY-MAIL BALLOT?”**



ANSWER: *July 1, 2016*

Senate Bill 112 (Ch. 2016–37, Laws of Florida) –

**“ABSENTEE BALLOT” CHANGED TO
“VOTE-BY-MAIL BALLOT”**

QUESTION:

TRUE or FALSE:

The Election Code on July 1, 2016, will delete the term “absent elector.”



ANSWER:

False - The Election Code will still refer to an “absent elector.”

- Is defined as any registered and qualified voter who casts a vote-by-mail ballot. (§ 97.021(1), F.S.)

QUESTION:



TRUE or FALSE:

The federal write-in absentee ballot (FWAB) will be changed to “Federal Write-In Vote-by-Mail Ballot” in the Election Code.

ANSWER:

FALSE -

The federal write-in absentee ballot (FWAB) will still be referred to as an absentee ballot, not a vote-by-mail ballot.

QUESTION:



**WHAT 2 WORDS WERE ADDED TO
THE TERMINOLOGY “LEGAL
RESIDENCE” IN THE LAW AS IT
RELATES TO A VOTER?**

ANSWER:

- ▶ Legal residence has become “address of legal residence.”
- ▶ “Address of legal residence” defined in § 97.021(3), F.S.
 - ▶ Is the legal residential address of the voter and *includes all information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier.*
 - ▶ House Bill 541 (Ch. 2016-23, Laws of Florida)
Effective: July 1, 2016

QUESTION:

True or False:

When an applicant fails to include a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application, it means that the application should be processed as being incomplete.



ANSWER:

False:

The failure to include a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter's eligibility to register or cast a ballot, and such omission may not serve as a basis for challenge.

QUESTION:

What responsibility must the SOE take regarding an application that fails to provide the more detailed address of legal residence (e.g., apartment # is missing)?

ANSWER:

- ▶ The Supervisor of Elections will continue to maintain a list of valid residential street addresses, but the law **adds a new requirement:** Each Supervisor of Elections, to the maximum extent practicable, shall maintain a list of valid residential street addresses including information necessary to differentiate one residence from another. *If a voter registration application does not include information necessary to differentiate one residence from another, **the supervisor shall make all reasonable efforts to obtain such information.*** (§ 98.015(12), F.S.)

QUESTION:

TRUE or FALSE:



The 2016 Legislature created in law a task force to study issues involving the development and implementation of an *online* voting system for all voters in lieu of using vote-by-mail ballots.

ANSWER: FALSE.

- ▶ **MILITARY AND OVERSEAS VOTING ASSISTANCE TASK FORCE - Senate Bill 184 (Ch. 2016-242, Laws of Florida) Effective: July 1, 2016**
- ▶ Purpose: Study issues involving the development and implementation of an *online* voting system that allows *absent uniformed services voters who are overseas* to electronically submit voted ballots.

QUESTION:

List 5 of the members (by position, not by name) of the **MILITARY AND OVERSEAS VOTING ASSISTANCE TASK FORCE**



ANSWER:



- ▶ Task force to have 11 members:
 - ▶ 3 Supervisors of Elections appointed by FSASE
 - ▶ Secretary of State (or designee)
 - ▶ Adjutant General (or designee)
 - ▶ Agency for State Technology executive director (or designee)
 - ▶ State Senator
 - ▶ State Representative
 - ▶ 3 individuals appointed by Secretary of State w/expertise in computers, Internet or other associated technologies
- ▶ The Secretary of State (or designee) is to serve as chair.

QUESTION:

How long will the Military and Overseas Voting Assistance Task Force be in existence?

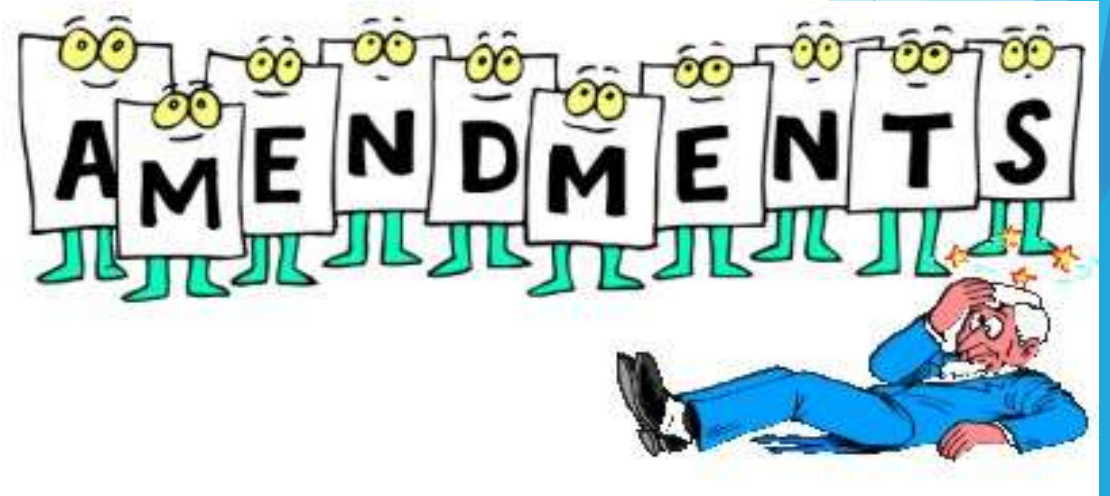


ANSWER:

- ▶ The Secretary of State must submit a report to the Governor and Legislature by July 1, 2017, with the task force's recommendation:
 - ▶ whether the state should pursue development and implantation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit voted ballots; and,
 - ▶ if so, the recommended steps for developing and implementing the system.
- ▶ Task force expires upon submission of report.

QUESTION:

What designating number has been given to the proposed constitutional amendment that will be on the Primary Election Ballot?



ANSWER:

No. 4 -

“Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment.”

SPECIAL ELECTION PLACING CONSTITUTIONAL AMENDMENT ON BALLOT AT 2016 PRIMARY ELECTION - House Bill 195 (Ch. 2016-118, Laws of Florida)

QUESTION:

TRUE OR FALSE:

The Supervisor of Elections beginning October 1, 2016, will receive additional compensation based upon the number of registered voters in the county.



ANSWER:

False –

The salary of SOEs is based upon the population of the county, not the number of registered voters.

SUPERVISOR OF ELECTIONS SALARY

CS/CS/Senate Bill 514 (Ch. 2016-157, Laws of Florida)

Effective: October 1, 2016

- ▶ Makes the base salaries and group rates used to calculate a supervisor of elections' salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and tax collectors.

QUESTION:

TRUE OR FALSE:



The SOE special qualification salary increases from \$2000 to \$3000 per year.

ANSWER:

False –

The new law did not change the \$2000 per year special qualification salary.

QUESTION:



As of April 1, 2016: Name the 3 new additional current and valid forms of photo ID that a voter may validly present at the polls?

ANSWER:

- 1) Veteran health ID card issued by the U.S. Dep't of Veterans Affairs
- 2) A license to carry a concealed weapon or firearm issued pursuant to s. 790.06, F.S.
- 3) Employee ID card issued by any branch, department, agency, or entity or the Federal Government, the state, a county, or municipality.

Senate Bill 666 (Ch. 2016-167,
Laws of Florida)

Effective: April 1, 2016

VOTER IDENTIFICATION – MORE INFO:

- ▶ The three additional types of permissible current and valid picture identification (ID) may be used for:
 - ▶ Certain first-time voter registration applicants (§ 97.0535(3)(a), F.S.); and
 - ▶ Voter ID at the polls (§ 101.043(1)(a), F.S.).
- ▶ The law also requires the three new types of allowable ID to be included in ballot instructions provided to:
 - ▶ An absent elector who has failed to sign the vote-by-mail ballot and is submitting an affidavit to cure the error (§ 101.68(4)(d), F.S.).
 - ▶ Certain first-time voters (§ 101.6923(2)(d), F.S.).

RULES: Status

**KEEP
CALM
and
FOLLOW
THE RULES**

RULES ADDRESSING ABSENTEE BALLOTS

- ▶ **Technical change to be made in following rules changing “absentee ballot” to “vote-by-mail” ballot as of July 1, 2016:**

Rules 1S-2.015, 1S-2.028, 1S-2.030, 1S-2.032, 1S-2.033, 1S-2.039, 1S-2.041, 1S-2.043, 1S-2.052, 1S-2.053, 1S- 5.026, and 1S-9.005.

Absentee
Ballot
Request

RULE 1S-2.025: VOTER FRAUD COMPLAINTS

- ▶ Rule being amended to increase efficiency of the elections fraud complaint referral process by streamlining how a legally cognizable complaint may be referred to a state attorney or statewide prosecutor. Minor changes to Election Fraud Complaint Form.
- ▶ Rule Hearing held May 17th. Next step is filing rule for adoption.



RULE 1S-2.034: POLLING PLACE PROCEDURES MANUAL

- ▶ Manual (Form DS-DE 11) being revised to include the 3 additional permissible ID and to add procedures based upon lessons learned from past elections.
- ▶ Rule Development Workshop held on May 5th. Presently undergoing review/incorporation of comments made at workshop.
- ▶ Next step is Notice of Proposed Rule.



RULE 1S-2.040: STATEWIDE UNIFORM VOTER REGISTRATION APPLICATION

- ▶ Application being revised to include the 3 additional permissible ID the top portion of the application and to make other cosmetic changes.
- ▶ Rule Development Workshop held on May 5th.
- ▶ 2 phase approach:
 - ▶ 1. Simple changes to application form to conform to law.
 - ▶ 2. After FVRS modernization and Online Voter Registration (OVR) Application System, major rewrite/reformat of the application form.
- ▶ Next step is Notice of Proposed Rule to accomplish the simple change.



RULE 1S-2.054: POLL WATCHER DESIGNATION FORM



- ▶ Application being revised to adopt by rule Form DS-DE 125.
- ▶ Rule Development Workshop held on May 5th.
- ▶ Plan is to propose both an electronic and pdf version of the form. Both versions will be in Excel format. Pdf version will allow handwritten entries.
- ▶ Next step is Notice of Proposed Rule.

OTHER RULE DEVELOPMENT NOTICES FORTHCOMING:

- ▶ **Rule 1S-2.0001: Designation of DOE as Filing Office for DOS; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy**
- ▶ **Rule 1S-2.0115: Certification Requirements for Supervisors of Elections for Special Qualification Salary**
- ▶ **Rule 1S-2.047: State Campaign Matching Funds Program**

Any Questions?

If not, **THIS IS THE END** of
Gary Holland presenting to
FSASE Conferences!

