



CS/CS/CS SB90 Second Engrossed

<https://www.flsenate.gov/Session/Bill/2021/90/BillText/er/PDF>

Voters must request mail ballots every election cycle

- **Line 895** – Reducing the time frame in which a vote-by-mail application is valid makes voting by mail more cumbersome. The bill grandfathers in applications submitted before the effective date through the end of the 2022 calendar year (**line 1025**) but it is still likely to lead to voter confusion while providing no funds for voter education. We should make voting more accessible by allowing voters to apply for a mail ballot once and then opt-out when they no longer wish to receive one rather than making vote-by-mail more burdensome. This change serves no purpose other than to make it less convenient to vote-by-mail. SOEs have processes in place to regularly update application lists so that they are up to date and signatures on mail ballot envelopes will be scrutinized when the ballots are eventually returned to ensure that the correct voter is voting.

Voters face new identification hurdles when requesting a vote-by-mail ballot

- **Line 906** – Whether requesting a mail ballot telephonically, in writing, or in person, voters are now required to provide a Florida driver's license, a Florida Identification card number or the last four digits of their social security number. Some voters do not have either of these forms of identification and some may rightfully be leery of giving out their social security number given Florida's high rate of identify theft. It's also not clear what the SOE is to do or how it will impact the voter if the SOE does not have one of these three forms of identification on file to verify the voter as the bill requires.

Assisting other voters by submitting their sealed ballots is now very limited

- **Line 1360** – SB90 imposes strict limits on the number of ballots a voter can turn in. Under the bill a voter may turn in their own ballot as well as ballots for immediate family members and two other voters. There have been no problems with people turning in large numbers of vote-by-mail ballots. The limitation could lead to problems for some seniors in ALF's or other facilities that choose not to participate in supervised voting. Pastors, Rabbi's, and those working at hospitals, would all be limited in their ability to help voters turn their ballots in. It should not matter who turns in a ballot.

Returning vote-by-mail ballots in drop boxes is now harder

- **Line 1179** – The bill dramatically reduces the amount of time Supervisors can provide drop boxes by limiting their availability to early voting hours. Some SOEs during the last election cycle made their drop boxes available immediately after they mailed out ballots which was several weeks before early voting began.

Drop Boxes cont.

- **Line 1179** – SOEs may only have drop boxes at their office if monitored in person by an employee of the SOEs office. It is a question as to whether SOEs will be able to continue offering 24 hours locations which were very popular in some counties due to this requirement. Many voters work irregular hours and juggle multiple jobs with family obligations. They are unlikely to have the option to return their ballots after hours due to this law. The cost of staffing drop boxes could lead to fewer locations for boxes as well.
- **Lines 1179** – No funding is provided for the staffing required.
- **Line 1188** –The bill eliminates the flexibility SOEs have to move or change drop box locations within 30 days prior to the election. This flexibility could be important in cases of emergencies or to urge SOE to serve communities they may have overlooked in their initial planning.
- **Line 1203** – The bill imposes \$25,000 fines on SOEs who leave a drop box accessible when not allowed under this section. This could discourage some SOEs from offering drop boxes.
- **Line 734** – The bill creates a 150ft no-solicitation zone around drop boxes which is unnecessary and will likely stifle election protection efforts as volunteers already struggle to provide voter assistance outside the current 150ft no-solicitation zone. This could be compounded on top of the existing no-solicitation zone depending on where the drop box is situated. SOEs often place drop boxes further away from the front entrance or other areas where a voter line may form.

SB 90 sets the stage for increased challenges to vote-by-mail ballots

This bill sets the stage for more aggressive efforts by partisan actors to protest ballots before and during the canvassing board process.

- **Line 795** – Allows observers to observe the duplication of ballots and to object
- **Line 821** – Includes vote-by-mail certificates on envelopes as additional items that can serve as a basis to protest a ballot and requires that they be made available for inspection
- **Line 835** – Allows candidates/parties to inspect mail ballots, certificates, envelopes, and ballot cure affidavits with corresponding comparison signatures, as well duplicates and their original ballots, pre-canvass
- **Line 1139** – Allows the voter certificate and cure affidavit to be used as the basis to protest or challenge a vote
- **Line 1324** – Parties and candidates are allowed to each have a person overseeing the canvassing board. When the St. Lucie County SOE allowed a party to do this last cycle that party immediately followed up with a flurry of voter challenges. This is very likely to create logistical problems for SOEs.

SB 90 prohibits giving voters items such as water, food, or medicine in line

- **Line 1227-1232** – No one is allowed to give a voter something in line within one of the 150ft no-solicitation zones if it is perceived to have political influence. The Supervisors and their staff may give items such as water to those in line. This is not addressing any problem that was experienced or any real problems such as long lines existing in the first place.

Another no-solicitation zone poses more obstacles for nonpartisan election protection

- **Line 1237** - This additional no-solicitation zone language allows property owners who are leasing to Supervisors for poll places and early voting sites to remove anyone for any reason wherever they are located even if they are well outside one of the 150ft no-solicitation zone unless it is a candidate or designee of one. This will impact nonpartisan election protection and voter assistance efforts.

SB 90 will lead to legislative interference in civil suits challenging bad election laws

- **Section starting at line 162** – SB 90 Requires the government officials who are party to civil suits in which election laws are being challenged to provide notice at three stages to the House Speaker, Senate President, and Attorney General (AG). When exactly these notices are required lacks clarity and the language is vague as to whether parties would be able to move forward with settlement agreements if they fail to meet the notice requirements. This presents separation of powers issues and could lead to legislators and or the AG interfering with future settlement agreements.

The bill will increase costs for third-party voter registration groups

- **Line 416, 430, 438**, – SB 90 requires third party voter registration groups to notify voters that they might not return the ballot on time which will discourage voters from registering. It also requires 3pvro's to return ballots in the counties where voters are registered. This presents hurdles to organizations that have centralized quality control processes and will likely raise costs which will ultimately lead to less voters being registered.

SB 90 Prohibits election officials from seeking or receiving private funds

- **Line 206** - The ability of local election officials to accept or seek private dollars should have been maintained especially for cases of natural disasters, public health emergencies, budget downturns and other unexpected hardships. SOEs in many counties, as well as the Secretary of State, used private funds last election cycle for PPE, additional drop boxes, mailings, equipment, poll workers, voter education, and many other expenses that enabled them to conduct a safe election. This section also prohibits the SOE from accepting any personal services from individuals which some interpret to mean they can no longer use volunteers for anything.

“Resign-to-Run” Power Grab

- **Line 562-582** – The bill strikes language that would require that vacant seats for local charter county or municipalities where an official has resigned before the end of their term to have a special election. This allows the Governor to appoint people to these positions which in turn robs local voters of an opportunity to vote for who will best represent their interests. The inclusion of this provision is suspiciously timed when several local South Florida officials have announced they will resign to run for CD 20. The effective date of the bill was changed from July 1st, 2021 to effective immediately upon being signed into law in the same version where this provision was first added.

SB 90 Removes a public records exemption for those who have had their rights restored

- ***Line 473*** – SB 90 removes a public record exemption for information about voters' prior felony convictions and whether they have had their rights restored. This could easily lead to these voters being targeted and challenged.