



Florida Fair Elections Coalition

Kill Florida Senate Bill #956 -- “The Worst Elections Bill in 100 Years”

In addition to numerous provisions that disenfranchise voters, Senate Bill # 956 takes power away from the county Supervisors of Elections and gives almost unlimited power to the Department of State, reversing 100 years of decentralized election administration in Florida without any analysis or understanding of the severe ramifications of doing so. Leon County Supervisor of Elections Ion Sancho calls this “the most profound and negative change to Florida election law in over 100 years.”

Florida has a tradition of introducing horrific elections bills at the end of the legislative session—an attempt to sneak through partisan, anti-voting-rights before opposition can be effectively rallied. Florida Senate Bill # 956, a 72-page elections bill introduced on April 14—just one week before the last committee meetings are held—follows this same pattern. This bill, however, exceeds its predecessors in its blatant attempts to disenfranchise voters.

Leon County Supervisor of Elections Ion Sancho describes Florida Senate Bill #956 as “a shameless, partisan bill that erects unnecessary barricades for the sole purpose of making it harder for voters to vote.”

In addition to the attack on voters’ rights, Sancho is very concerned about the sweeping powers that the bill grants to the state, a change he describes as “the most profound and negative change to Florida election law in over 100 years.” Supervisor Sancho is rightfully concerned.

Senate Bill 956 gives almost unlimited power to the Florida Department of State, which has a long history of disenfranchising citizens. The bill reverses *over a century of decentralized election administration in Florida* by granting preemptive powers to the state over most matters covered by Florida’s Election Laws.

Florida supervisors of elections should take note: They will no longer be able to make independent decisions regarding the operation of their elections office, particularly if they want to do *more* than the minimum required by state law. For example, if they want to have better security procedures, better audits, better surveillance, greater transparency—all these can be prevented by the state if this bill passes. If you think this is unlikely, remember that the state is currently battling against better audit procedures passed by Sarasota County voters in 2006, a fight that is currently before the Florida Supreme Court. Peter Antonocci, the attorney representing the Florida Department of State, declared to the court that the state is fighting against the Sarasota audit because “it will happen, as night follows day, that there will be inconsistent results, and those inconsistent results will be known and manifest before certification.” The state’s concern was not about accurate election results or correcting the problems that created inconsistencies, but was concerned only that those

inconsistencies “will be known” to the people if Sarasota’s more comprehensive audit is implemented.

There are so many bad provisions in this bill that it is difficult to explain them all without writing a book, so we are only addressing the most egregious in this paper:

- Currently, voters who have moved within Florida can change their address at their new polling place when they vote. Senate Bill 956 requires a voter to change his/her address *29 days before election day* or be forced to *vote by Provisional Ballot*. Provisional Ballots are far more likely to be discarded.
Effect: Makes it harder for citizens to vote and less likely that their votes will be counted.
- Thousands of senior citizens live in the South Florida district of Senator Alex Diaz de la Portilla, the unfortunate senator who introduced Senate Bill 956, which eliminates the right of Diaz de la Portilla’s constituents and tens of thousands of elderly Florida residents to use their retirement center or neighborhood association IDs for identification at the polls. *Ironically, absentee voters do not have to show any ID in Florida*, so many seniors will now be forced to vote by absentee ballot. Absentee voters have a much higher chance of having their votes rejected according to a 2008 study of overvotes and undervotes conducted by the Florida Department of State.
Effect: Makes it harder for seniors to vote. Makes it more likely their votes will not be counted.
- Currently, first-time voters can validate their voter registration by showing ID at their polling place. Senate Bill 956 would require them to validate their voter registration with the Supervisor of Elections *before* election day, something that many first-time voters will not know they have to do.
Effect: Introduces another, entirely unnecessary hurdle for first-time voters.
- There is currently a 100-foot “no solicitation zone” around polling places. Senate Bill 956 extends the no-solicitation zone to 100 feet beyond the end of a line of voters; prevents the “offering of legal advice regarding voting or ballots;” and further prevents solicitation by means of audio or visual equipment, effectively banning campaign signs from all polling places.
Effect: Prevents disenfranchised voters from obtaining legal advice; prevents any campaigning at any early voting site or polling place; hinders under-funded candidates from distributing campaign literature to voters.
- Like a bad penny, attempts to make it more difficult to register voters just keep coming back—each time worse than before. Senate Bill 956 would make it a misdemeanor of the first degree if a registration form is not turned in within 48 hours of being signed. It would assess a \$250 fine to the sponsoring organization for each violation. It would require the sponsoring organization to account for all registration forms it was given—a virtual impossibility if that organization is depending on volunteer help. Accusations have been flung about wildly regarding voter-registration organizations but the fact is that prosecutions under the current law are rare—so what would be the point of passing more stringent provisions? Legislators need to ask for specific cases of registration violations—they’ll be surprised to find that this is a non-issue.

Effect: A blatantly partisan effort to prevent thousands of legitimate new voter registrations by imposing draconian penalties and impossible requirements on voter-registration organizations.

- A direct attack on the right of citizens to conduct signature-petition drives (conducted for the purpose of placing proposed changes to the state's Constitution or other initiatives on the ballot) is also a recurring partisan effort in the Florida Legislature. Senate Bill 956 reduces the number of years that a signature is valid from four years to two years. It imposes impossible requirements on petition circulating organizations and individual paid petition circulators, such as mandating special training and requiring that each circulator's photograph, address, and other information be on file with the Supervisor of Elections, with penalties assessed if this information is not kept current and continuously updated. .

Effect: Strips citizens of their Constitutional right to petition their government.

- Centralizing control over election administration was considered by the Governor's Task Force in 2001 and rejected as granting too much power to the Department of State to manipulate the elections process. With all the heavy-handed, anti-voter, anti-democracy, anti-voting-rights, anti-constitutional language in this bill, the right of preemption granted to the state is just as worrisome. Such a catastrophic change to Florida law should certainly not be implemented; it should not even be considered without a full analysis detailing its many specific effects on election administration in this state.

Effect: Reverses over a century of decentralized election administration without adequate analysis or consideration of the many negative consequences of doing so.

Senate Bill 956 is a blatant attempt to disenfranchise voters.. As such, it should be rejected by Florida legislators as a start towards mending Florida's shameful and unfortunate reputation as the state that erects the most barriers to voting.

We appeal to Florida legislators: Kill Senate Bill 956. Any legislator who supports this bill be forewarned: We and other voting-rights organizations in this state will be informing your constituents of your attempts to disenfranchise them. Send this boondoggle bill to oblivion, where it belongs.