

Florida

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Florida that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to online voter registration—already exist in some form in Florida. Other requirements, such as those relating to automatic voter registration, restoration of civil rights for people with felony convictions, and early voting, would more fundamentally change Florida's procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Florida:

Expanding & Protecting Voter Registration Opportunities

- Requires Florida to automatically register voters based on information available to specified state and federal agencies, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ Florida does not currently automatically register voters.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.² Floridians currently must register to vote 29 days before Election Day.³
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁴

Mandating Secure, Accessible Early Voting & Absentee Voting

- Establishes more options to obtain vote-by-mail ballots for disabled, overseas, and military voters.⁵
- Establishes a ballot tracking system, so voters can follow their ballot's status through the voting and counting process.⁶
- Protects the distribution of applications for absentee ballots and voter registration.⁷
- Gives voters the option of voting early for a full 15 days before an election, including opportunities before and after business hours, on weekends, and on the day before

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ Fla. Stat. § 97.055(1)(a).

⁴ H.R. 1, Title I, Subtitle C.

⁵ H.R. 1, Title I, Subtitle J.

⁶ H.R. 1, Title I, Subtitle I.

⁷ *Id.*



- Election Day.⁸ Florida currently does not permit early voting the day before Election Day and only requires early voting to begin 10 days before Election Day, although many counties begin early voting 15 days before Election Day.⁹ Florida polls need not be open more than 8 hours per day for early voting.¹⁰
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after the election.¹¹ Except for overseas voters, current Florida law requires ballots be received by the local supervisor of elections by 7 p.m. on Election Day.¹²
- Requires the U.S. Postal Service to implement a same-day ballot processing effort and prohibits it from making operational changes that would slow the delivery of voting materials in the 120 day period before an election.¹³
- Requires that drop boxes be available 24 hours a day, for 15 days before Election Day and that the number of drop boxes be based on county population.¹⁴
- Requires drop box site to indicate how to check to make sure their votes were counted.¹⁵
- Florida currently requires drop boxes at every early-voting site and office of a supervisor of elections and permits drop boxes at additional locations.¹⁶ The law would still markedly increase the number of drop boxes in Florida's urban centers, leading to approximately 100 more drop-boxes in Miami-Dade County, for example. Since the 2020 election, there have been calls to reduce or eliminate drop boxes in Florida.¹⁷

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁸
- Requires Florida to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁹ Florida has experienced widely varying wait times, including reports of hours-long waits during 2020 early voting.²⁰
- Requires that voters who are already registered be able to provide a sworn written statement on a state form to confirm their identity and eligibility to vote in the election.²¹

⁸ H.R. 1, Title I, Subtitle H.

⁹ Fla. Stat. § 101.657(1)(d).

¹⁰ *Id.*

¹¹ *Id.*

¹² Fla. Stat. § 101.67(2).

¹³ *Id.*

¹⁴ H.R. 1, Title I, Subtitle N, Part 1.

¹⁵ *Id.*

¹⁶ Fla. Stat. § 101.69(2).

¹⁷ C.S. for C.S. for S.B. 90, §§ 3, 5 (Mar. 11, 2021); Renzo Downey, "Ron DeSantis, Blaise Ingoglia announce proposal for sweeping changes to Florida election laws," *Florida Politics*, February 20, 2021, available at <https://floridapolitics.com/archives/405105-ron-desantis-blaise-ingoglia-announce-sweeping-election-reform-proposal>.

¹⁸ H.R. 1, Title I, Subtitle N, Part 1.

¹⁹ *Id.*

²⁰ See, e.g., Aaron Leibowitz and David Smiley, "Florida Voters Get Up Before Dawn—and Wait—to Vote Early," *Miami Herald*, October 20, 2020, available at <https://www.miamiherald.com/news/politics-government/article246505920.html>.

²¹ H.R. 1, Title I, Subtitle N, Part 1.



- Florida law requires registered voters to vote a provisional ballot if they cannot present an acceptable form of identification.²²

Restoring Civil Rights

- Requires Florida to restore civil rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.²³ Currently, Floridians with felony convictions can vote only after they have completed their probation and/or parole and paid any restitution, fines, court costs, or fees imposed.²⁴ H.R. 1/S. 1 could re-enfranchise more than 750,000 Floridians.²⁵

Strengthening Election Security & Trust in Elections

- Prohibits challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be under oath, based on personal knowledge, and filed more than 10 days before Election Day.²⁶ Currently, while Florida requires such challenges to be under oath, it does not expressly require personal knowledge and permits challenges on Election Day.²⁷
- Allows voters to check for errors and requires a paper ballot count for recounts.²⁸
- Prevents Florida from rolling back voter protections already in state law, including:
 - Pre-registration of 16 and 17 year olds to vote immediately upon turning 18.²⁹
 - Online voter registration.³⁰
 - No voter ID required to request an absentee ballot.³¹
 - Notice of polling-place relocation at least seven days before Election Day.³²
- Permits the security of drop boxes through remote or electronic surveillance.³³

²² Fla. Stat. § 101.043(2).

²³ H.R. 1, Title I, Subtitle E.

²⁴ Advisory Op. to Gov. Re: Implementation of Amendment 4, 288 So. 3d 1070, 1072, 1084 (Fla. 2020).

²⁵ Gary Fineout, "Final tally, group says 67,000 felons registered in Florida after Amendment 4," *Politico*, October 19, 2020, available at <https://www.politico.com/states/florida/story/2020/10/19/final-tally-group-says-67-000-felons-registered-in-florida-after-amendment-4-1327176>.

²⁶ *Id.*

²⁷ Fla. Stat. § 101.111.

²⁸ H.R. 1, Title I, Subtitle F.

²⁹ H.R. 1, Title I, Subtitle A, Part 10; Fla. Stat. § 97.041(1)(b)

³⁰ H.R. 1, Title I, Subtitle A, Part 1; Fla. Stat. § 97.0525.

³¹ H.R. 1, Title I, Subtitle I; Fla. Stat. § 101.62.

³² H.R. 1, Title I, Subtitle N, Part 1; Fla. Stat. § 101.71(2).

³³ Amendment 9 to H.R.1, Part B.



Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Florida, subject to state constitutional prohibitions on partisan gerrymandering.³⁴ There is no public input requirement. There has been concern, however, that the newly conservative state supreme court would not enforce those limitations as vigorously as in the last redistricting cycle. H.R.1/S.1. would do the following:
 - Requires Florida to set up an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.³⁵
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.³⁶
 - Requires consideration of “communities of interest” when drawing congressional districts.³⁷
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).³⁸
 - Counts incarcerated Floridians as residents of their home community for purposes of representation, ending Florida’s prison gerrymanders.³⁹

³⁴ Fla. Const. art. III, § 20.

³⁵ H.R. 1, Title III, Subtitle E.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*