



Florida

Updated May 6, 2021

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 early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁸ Florida currently does not permit early voting the day

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.*

⁸ H.R. 1, Title I, Subtitle H.



before Election Day and only requires early voting to begin ten 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 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.¹³ Current Florida law requires drop boxes to be available at each office of the local supervisor of elections and early voting site and permits drop boxes at other locations. Drop boxes not located at supervisors' offices cannot be available outside early voting hours.¹⁴
- Requires drop box site to indicate how voters can check to make sure their votes were counted.¹⁵

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁶
- Requires Florida to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁷ Florida has experienced widely varying wait times, including reports of hours-long waits during 2020 early voting.¹⁸
- 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.¹⁹ Florida law requires registered voters to vote a provisional ballot if they cannot present an acceptable form of identification.²⁰

Creating an Alternative to “Voter ID” Laws

- Permits registered voters to vote in person without presenting an ID card if they provide a sworn written statement on a state form, confirming their identity and eligibility to vote in the election.²¹ Florida law requires registered voters to vote a provisional ballot if they

⁹ Fla. Stat. § 101.657(1)(d).

¹⁰ *Id.*

¹¹ *Id.*

¹² Fla. Stat. § 101.67(2).

¹³ H.R. 1, Title I, Subtitle N, Part 1.

¹⁴ Fla. Stat. § 101.69.

¹⁵ *Id.*

¹⁶ H.R. 1, Title I, Subtitle N, Part 1.

¹⁷ *Id.*

¹⁸ 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>.

¹⁹ H.R. 1, Title I, Subtitle N, Part 1.

²⁰ Fla. Stat. §§ 101.043(2), 101.62(1)(b).

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



cannot present an acceptable form of identification which is counted only if the registrar subsequently confirms the voter's identity.²²

- Prohibits states from requiring voters to submit any form of identification in order to receive an absentee ballot, other than a signature or similar affirmation.²³ Florida law requires voters to provide the last four digits of a Social Security number, Florida driver's license, or Florida ID card to obtain a vote-by-mail ballot.²⁴

Restoring Civil Rights

- Requires Florida to restore voting rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.²⁵ 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.²⁶ H.R. 1/S. 1 could re-enfranchise more than 750,000 Floridians.²⁷

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁸
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.²⁹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁰
- 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.³¹ Currently, while Florida requires such challenges to be under oath, it does not expressly require personal knowledge and permits challenges on Election Day.³²
- Allows voters to check for errors and requires a paper ballot count for recounts.³³
- 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 18.³⁴

²² Fla. Stat. § 101.043(2).

²³ H.R. 1, Title I, Subtitle I.

²⁴ Fla. Stat. § 101.62(1)(b).

²⁵ H.R. 1, Title I, Subtitle E.

²⁶ Advisory Op. to Gov. Re: Implementation of Amendment 4, 288 So. 3d 1070, 1072, 1084 (Fla. 2020).

²⁷ 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>.

²⁸ Amendment 5 to H.R.1, Part B.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ Amendment 27 to H.R.1, Part B.

³¹ *Id.*

³² Fla. Stat. § 101.111.

³³ H.R. 1, Title I, Subtitle F.

³⁴ H.R. 1, Title I, Subtitle A, Part 10; Fla. Stat. § 97.041(1)(b)



- Online voter registration.³⁵
- Notice of polling-place relocation at least seven days before Election Day.³⁶
- Permits the security of drop boxes through remote or electronic surveillance.³⁷ Current Florida law requires in-person monitoring of drop boxes by a supervisor of elections employee, with \$25,000 fines against a supervisors for any violation of this requirement.³⁸

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Florida, subject to state constitutional prohibitions on partisan gerrymandering.³⁹ 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.⁴⁰
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.⁴¹
 - Requires consideration of “communities of interest” when drawing congressional districts.⁴²
 - 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).⁴³

Counts incarcerated Floridians as residents of their home community for purposes of representation, ending Florida’s prison gerrymanders.⁴⁴

³⁵ H.R. 1, Title I, Subtitle A, Part 1; Fla. Stat. § 97.0525.

³⁶ H.R. 1, Title I, Subtitle N, Part 1; Fla. Stat. § 101.71(2).

³⁷ Amendment 9 to H.R.1, Part B.

³⁸ Fla. Stat. § 101.69.

³⁹ Fla. Const. art. III, § 20.

⁴⁰ H.R. 1, Title III, Subtitle E.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*