

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Latvala, Chair
Senator Sobel, Vice Chair

MEETING DATE: Tuesday, February 5, 2013
TIME: 9:00 —11:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Latvala, Chair; Senator Sobel, Vice Chair; Senators Benacquisto, Braynon, Clemens, Diaz de la Portilla, Flores, Gardiner, Joyner, Lee, Legg, Soto, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Discussion of Major Issues Arising from the 2012 Elections The Honorable Ken Detzner, Secretary of State Florida Department of State		
2			
	SB 80 Joyner (Compare H 25, H 449, S 82, S 176, S 388)	Elections; Expanding the list of available sites at which early voting may be held to include specified facilities or any other location designated by a supervisor of elections as meeting the requirements of state law; deleting a requirement that an early voting site be designated and used as such for at least 1 year before an election; revising the hours of early voting to 12 hours per weekday and 12 hours in the aggregate each weekend at each site during the applicable periods; permitting an elector to change his or her residence at a polling place and vote a regular ballot at that polling place, etc. EE 02/05/2013 CA RC	
	SB 176 Diaz de la Portilla (Compare H 25, S 80, S 82, S 388)	Elections; Expanding the early voting period for elections that contain state or federal races; providing that supervisors of elections may provide early voting for no more than 14 hours per day for general election early voting; requiring supervisors of elections to submit a report to the Secretary of State at least 3 months before a general election, etc. EE 02/05/2013 CA RC	

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, February 5, 2013, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
SB 234 Clemens		Voter Registration; Authorizing the Department of Highway Safety and Motor Vehicles to automatically register to vote or update a voter registration record of an eligible individual; requiring a driver license examiner to notify an applicant that, by applying for, renewing, or updating a driver license or identification card, the applicant is consenting to automatically register to vote or update his or her voter registration record; requiring that an applicant who fails to designate party affiliation be registered without party affiliation, etc.	EE 02/05/2013 TR RC
SJR 254 Clemens		Amendments to the State Constitution; Proposing an amendment to the State Constitution to limit the number of amendments to the State Constitution that the Legislature may submit to the electorate at the same election to three, etc.	JU EE 02/05/2013 RC
SB 388 Soto (Identical H 25, Compare H 397, H 449, S 80, S 82, S 176)		Elections; Revising provisions regulating third-party voter registration organizations; deleting a requirement that the elector's change of residence must occur within the same county for the elector to be able to vote in the new precinct; deleting a provision that authorizes the placement of the full text of a proposed constitutional amendment or revision on a ballot; providing requirements for determining the number of early voting sites each county must operate; increasing the number of days and hours that early voting must be available, etc.	EE 02/05/2013 CA JU RC

3 Workshop on Election Reform

Other Related Meeting Documents



Recommendations for Increased Accessibility & Efficiency in Florida Elections

**Prepared by:
Secretary of State Ken Detzner
Florida Department of State
February 4, 2013**

Recommendations for Increased Accessibility & Efficiency in Florida Elections
Florida Department of State

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Recommendations for Increased Accessibility & Efficiency in Florida Elections
Florida Department of State

Executive Summary

Following the 2012 General Election, Governor Rick Scott tasked Florida Secretary of State Ken Detzner with making recommendations to increase the accessibility and efficiency in Florida Elections. In response to this task and in an effort to make the most beneficial, comprehensive and educated recommendations, Secretary Detzner and a team of Department of State employees from the department's Office of the Secretary, Office of the General Counsel and the Division of Elections' Bureau of Voter Registration Services and Bureau of Voting Systems Certification traveled throughout Florida to meet with county supervisors of elections and their staffs and receive their input on how to improve Florida's election system. Secretary Detzner also sought out and received valuable input from other elected officials and knowledgeable Floridians and organizations such as the Florida State Association of Supervisors of Elections and the League of Women Voters. The Secretary also considered input from Florida voters, poll workers, Miami-Dade's Election Task Force, the Miami-Dade Grand Jury report and Division of Elections' staff.

During Secretary Detzner's fact-finding efforts, supervisors of elections and others agreed the 2012 General Election was a fair election as a whole. However, it was similarly believed by all that the election process should be improved upon. The area for improvement most commonly mentioned was the length of lines at polling places, which were believed to have been caused by the record number of voters, a shortened early voting schedule, inadequate voting locations and a long ballot. Other areas for improvement frequently mentioned in the Secretary's meetings included the unprecedented number of "in-person absentee" ballots cast and the burden they put on supervisors of elections to distribute and canvass in a timely manner; the increased number of overall absentee ballots and the time in which they could be requested, mailed and canvassed; deficiencies in the local administration of elections; and the limited funding by county commissions to purchase the best available voting equipment.

After evaluating and giving strong consideration to the ideas presented to him by elections experts throughout Florida, and also based on his own experience and knowledge as Florida's chief election officer, Secretary Detzner makes the following recommendations for Governor Scott and the Florida Legislature to consider as a means to improve the accessibility and efficiency in Florida elections:

Early Voting

- Extend the early voting schedule from a minimum of 8 days to a maximum of 14 days, while also allowing supervisors of elections the flexibility to offer early voting on the Sunday immediately prior to Election Day.
- Expand the allowable locations of early voting sites at government owned, managed or occupied facilities to include the main or branch office of a supervisor of elections, a city hall, courthouse, county commission building, public library, civic center, convention center, fairgrounds or stadium.

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Ballot Length

- Set a word limit for proposed legislative amendments.
- Repeal statutes allowing the full text (stricken or underlined) of a constitutional amendment or revision to be placed on a ballot.
- Allow mail ballot elections for candidates in certain elections.

Furthermore, Secretary Detzner suggests county governments strongly consider making the necessary voting equipment upgrades to meet current voter needs. He also suggests supervisors of elections re-evaluate their 2012 General Election precincts, upload votes earlier in elections to test county systems, establish best practices and ensure contracts with their vendors have safeguards to ensure the warranty, maintenance and upgrading of voting equipment.

2012 General Election Overview and Findings

A. Overview

During the 2012 General Election, more Floridians voted than in any previous election in Florida history, with more than 8.5 million Floridians casting a ballot. Among these voters, more than half of them voted prior to Election Day. More than 2.4 million Floridians cast a ballot during the early voting period and nearly 2.4 million Floridians voted an absentee ballot – also a Florida election record.

Florida is one of only three southeastern states, and one of only 26 states nationwide, that offers both early voting and no-excuse absentee voting. However, despite the variety of voting methods in Florida, many voters found themselves waiting in line for hours to cast a ballot both during the early voting period and on Election Day. These lines can be attributed, in part, to county supervisors of elections underestimating the turnout of voters in certain precincts. But most, if not all, counties experienced longer wait times than in previous elections due to factors including the record number of voters, a shortened early voting schedule, inadequate voting locations, limited voting equipment and a long ballot.

B. Early Voting

Changes to the Florida Election Code in 2011 reduced the number of early voting days from 14 to 8, but maintained the same maximum number of hours (96) during the early voting period. These hours included up to 12 hours a day of early voting to allow voters more flexibility to cast a ballot before or after work. However, whether the new early voting hours encouraged more voters to vote early or because fewer early voting days funneled more voters into polling places at the same time, or a combination of both circumstances, several early voting sites in some counties could not manage the volume of voters without enduring excessive and unreasonable waiting times to vote.

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Due to varying populations, geography and voting habits in Florida counties, “one size does not fit all” for early voting days and hours. Lesser populated counties can be overburdened with extended early voting hours because they are not cost effective or necessary for voters to avoid long lines. Alternatively, some of the higher populated counties can benefit by having longer early voting hours and days.

The Sunday before Election Day, in particular, is an example of a “one size does not fit all” day. The vast majority of supervisors of elections prefers and needs to use this Sunday as a day to prepare for Election Day. However, some supervisors of elections strongly believe they are capable of conducting organized elections while also offering this regionally popular day of voting to their voters.

Current Florida law restricts early voting locations to the main or branch offices of supervisors of elections, city halls and permanent public libraries. In many circumstances, these sites lack adequate floor space to accommodate voting equipment and voters, have insufficient security and present other logistical issues such as limited parking space for election staff and voters who frequently have to compete with each other and/or the public who are using other parts of the facilities for non-election purposes. If given the flexibility to choose more and larger sites, supervisors could more effectively select early voting locations that meet the geographic needs of their voters and reduce the wait times at these locations.

C. Ballot Length

The Florida Legislature included 11 proposed constitutional amendments on the 2012 General Election ballot. The additional language for voters to read and consider greatly contributed to the longer than usual lines at polling places. For several counties, compounding the issue of 11 proposed constitutional amendments was the federal requirement to provide as many as two foreign translations, which extended the ballot up to 12 pages in some areas. As of 2011, 14 counties in Florida must provide the ballot in Spanish.

In addition to the time it took to read the amendments, multi-page ballots required more time to place ballots through tabulators and more time to tabulate each ballot. Printing different ballots for each language has been raised as a way to shorten the ballot length, but this option would be expensive for counties and complicated to administer.

Unlike other public measures and constitutional amendments proposed by initiative, proposed constitutional amendments by the Legislature are not bound by a 75-word ballot summary limitation. This lack of any word limitation permits the limitless length of a ballot.

Additionally, the legislature has the ability to place the full text of a proposed constitutional amendment on the ballot. Florida Statutes presently require that by December 31, 2013, all voting systems must permit the full coded text of constitutional amendments to be placed on a ballot. Therefore, the length of the ballot could possibly be longer if these statutes are implemented. Moreover, implementation issues exist involving the stricken and underlined text on voting systems for visibly impaired voters that will make the section difficult, if not impossible, to conform to federal requirements under the Americans with Disabilities Act and the Help America Vote Act.

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D. Absentee Ballots

The 2012 General Election featured a record number of absentee ballots cast, with nearly 2.4 million. Absentee ballots are an effective way to relieve pressure at polling places during the early voting period and on Election Day. However, as the demand for absentee ballots increases, steps must be taken to relieve the pressure they put on supervisors of elections to provide and canvass these ballots in a timely manner. Some supervisors of elections not only had problems with contractors handling the mailing of the absentee ballots on a timely basis, but also had delays with the U.S. Postal Service in the mailing and delivery of the ballots.

Additionally, some supervisors of elections did not anticipate and were not prepared for the large number of voters seeking to cast “in-person absentee” ballots at the supervisor’s office instead of voting a regular ballot at an early voting or Election Day location. The increase of “in-person absentee” voting can primarily be attributed to political activism and the media attention created by a lawsuit asking Broward, Miami-Dade and Palm Beach counties to offer “in-person absentee” voting, although the law already allowed the counties to do so. The simultaneous casting of “in-person absentee” ballots and early voting occurring at the supervisors of elections’ offices created confusion and long lines. In effect, voters were using “in-person absentee” ballots as a substitute for early voting or as an alternative to going to their precinct.

Absentee ballots require additional time to canvass compared to regular ballots because absentee ballots must be individually reviewed by a canvassing board to ensure every signature matches a voter’s signature on file. A supervisor of elections is typically one of the three members on a canvassing board and the additional time he or she must spend canvassing absentee ballots is less time the supervisor has to administer the election.

Supervisors of elections may begin canvassing ballots 15 days prior to Election Day. In some cases, counties will have already received tens of thousands of absentee ballots by this date. For supervisors to be best prepared for Election Day, absentee ballots should be nearly, if not entirely, counted by the Sunday before Election Day. However, this may not be logistically possible under current law for some counties. Furthermore, the significant increase of regular and “in-person absentee” ballots required many supervisors to continue canvassing absentee ballots days after Election Day.

Due to the close margin of votes between President Barack Obama and Governor Mitt Romney, the media was highly critical of Florida’s inability to have all of its absentee ballots counted on Election Day, even though this is not required by law. The first unofficial report of General Election results is not due until the fourth day after an election. As a result of the continued canvassing of absentee ballots, however, the media falsely reported Florida was the last state to finish counting ballots. The reality is that many states were counting ballots after Florida, but their margin of victory was enough for the media to “call” those elections.

E. Election Administration

Even when a state has the best election laws possible, it requires the proper administration of those election laws at the local level to have a successful election. For this reason, supervisors of elections have a responsibility to make the proper preparations for an election and their county

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commissions have the responsibility to provide the appropriate support to meet these needs. Overall, supervisors of elections were very successful in the administration of the 2012 General Election. However, some counties failed to prepare effectively and it reflected poorly on the entire state.

The use of outdated voting equipment created issues during the 2012 General Election. Upgraded equipment could have prevented issues in some counties such as memory card failures. Additionally, some Florida counties continue to operate without utilizing technological advances, such as electronic poll books, which can shorten the time it takes to do voter intake and minimize the possibility of dual voting fraud.

In addition to technological shortcomings in some counties, supervisors of elections who delayed the realignment of precincts until after the election required some voters in the same precinct to have different ballot styles, which created additional time consuming quality assurance steps, which further impacted the voting time for voters in large precincts and those with the heaviest turnout. Delays at the polling place were also caused by supervisors of elections who used fixed formulas to distribute vote scanners to precincts based on the number of registered voters rather than based on turnout.

Priority Recommendations

1. Extend the Early Voting Schedule

Amend § 101.657(1)(d), Fla. Stat., to require supervisors of elections to offer at least eight consecutive days of early voting with the flexibility to extend up to 14 consecutive days of early voting, ending on either the Saturday or Sunday immediately prior to Election Day.

Current Law:

Early voting begins on the 10th day before an election and ends on the 3rd day (Saturday) before the election.

2. Expand the Definition of an Early Voting Site

Amend § 101.657(1)(a), Fla. Stat., to expand the allowable locations of early voting sites at government owned, managed or occupied facilities to include the main or branch office of a supervisor of elections, a city hall, courthouse, county commission building, public library, civic center, convention center, fairgrounds or stadium, which will benefit voters by increasing the size of early voting locations and improve their indoor occupancy and outdoor parking availability.

Current Law:

Early voting locations are limited to the main or branch office of the supervisor. However, for a branch office to be used for early voting, it must be a permanent facility of the supervisor and been designated and used as such for at least one year prior to the election. The supervisor may

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also designate any city hall or permanent public library facility as early voting sites. However, if so designated, these sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is possible.

3. Limit Ballot Length

a. Set a word limit for proposed legislative amendments.

Amend § 101.161(1) and (3)(a), Fla. Stat., to set a word limit for proposed constitutional amendments or revisions made by the Florida Legislature, unless it is determined by an extraordinary vote of the Legislature that 75 words or less cannot effectively summarize an amendment's intention and allow voters the information they need to vote in favor or against it.

Current Law:

All constitutional amendments and other public measures on the ballot are limited to a 75-word ballot summary in § 101.161(1), Fla. Stat., except constitutional amendments or revisions proposed by joint resolution. In 2011, the statute created an expedited judicial review process for constitutional amendments proposed by joint resolution and permitted the legislature to provide one or more ballot summaries (to include the full text of the amendment) set forth in order of priority in the joint resolution so that if a court declared all the summaries defective the Attorney General must rewrite the summary to correct the deficiencies.

b. Allow mail ballot elections for candidates in certain elections.

Amend the Mail Ballot Election Act (§§ 101.6101 – 101.6107, Fla. Stat.) to allow mail ballot elections involving candidates in special district elections (e.g., community development districts, fire control districts, soil and water conservation districts).

Current Law:

No election in which any candidate is nominated, elected, retained or recalled may be a mail-ballot only election; nor may a mail ballot election be held on the same day as another election.

c. Repeal statutes allowing the full text (stricken or underlined) of a constitutional amendment on a ballot.

Repeal § 101.56075(4), Fla. Stat. and § 101.161(3)(b)3., Fla. Stat., which allow the full text (stricken or underlined) of a constitutional amendment or revision to be placed on a ballot.

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Current Law:

By December 31, 2013, all voting systems utilized by voters during a state election shall permit placement on the ballot of the full text of a constitutional amendment or revision containing stricken or underlined text. Furthermore, a ballot statement that consists of the full text of an amendment or revision shall be presumed to be a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote.

Considerations for Effective Election Administration

Absentee Ballot Voting

- 1. Establish an earlier timeframe for absentee ballot mailings and requests and an earlier timeframe to canvass absentee ballots.**

Amend § 101.62, Fla. Stat., and mitigate the possibility of mail delivery delays by revising the deadline to request an absentee ballot to be mailed to be at least 10 days before an election and the deadline for the supervisor of elections to mail the ballot to be at least eight days before an election. Also, revise the mailing period for absentee ballots to non-UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) voters who have requested an absentee ballot to between the 45th and 35th days before an election. Supervisors of elections should also be allowed to begin canvassing these absentee ballots earlier than the current statutes allow.

Current Law:

The deadline to request an absentee ballot to be mailed is six days before the election and the deadline for the supervisor of elections to mail the ballot is four days before the election. Meanwhile, non-UOCAVA absentee ballots must be mailed between the 35th and 28th day before Election Day. The deadline for UOCAVA ballots to be mailed is 45 days prior to Election Day. Canvassing of absentee ballots may begin 15 days prior to Election Day.

- 2. Improve “In-person Absentee” Voting**

“In-person absentee” voting, as currently implemented, has created a de facto early voting extension that can interfere with Election Day preparations and delay election results until after Election Day. Suggestions to make the voting process more efficient in the days leading up to Election Day include requiring in-person voters to cast a ballot at early voting sites during early voting or at a voting precinct on Election Day rather than at a supervisors of elections office, which requires additional staff time to facilitate and canvass. Considerations should also be given to whether “in-person absentee” voting is necessary on the day before Election Day if the voter is able to vote on Election Day.

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Current Law:

“In-person absentee” voting may occur before or on Election Day. Current law allows a voter to pick up his or her absentee ballot from the supervisor of elections office at any time up to 7:00 p.m. on Election Day. While at the supervisor of elections office, the voter may choose to mark it and turn the ballot in rather than mail it at a later time.

Elections Management

1. Add Alternates to County Canvassing Boards

Amend § 102.141, Fla. Stat. to allow a chief judge of the judicial circuit to appoint two alternate members to each county canvassing board. The chair of the county canvassing board or his or her designee will designate which three members comprise the official board at any of its meetings.

Current Law:

A county canvassing board consists of three members: a county judge who serves as chair, the chair of the board of county commissioners and the supervisor of elections. A majority vote governs the canvassing board’s decisions.

2. Allow Fines for Underperforming Voting Vendors

Provide authority to the Secretary of State to make vendors of certified voting systems in Florida more accountable by imposing fines and administrative actions against vendors whose systems do not perform at a high level.

Current Law:

The Secretary of State must certify a voting system before it may be used in Florida. However, the Secretary has no authority other than decertifying the equipment if it should later develop problems or the vendor fails to keep the system serviceable and performing at a high level.

3. Require Supervisors of Elections to Upload Results Earlier

Supervisors of Elections should be required to do an early, but not public, upload of early voting and absentee voting results through the end of the early voting period. Although currently permitted, not all supervisors of elections upload any early results before Election Day. An early upload can help flag or identify issues with technology or administration issues and provide an opportunity to more timely address any issues before Election Day.

Current Law:

Supervisors of elections can wait until Election Day to begin uploading voting results.

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Additional Considerations

1. **Signature Updates** – Allow signature updates to be made from paper precinct register/electronic poll books, early voting certificates and absentee ballot certificates (if counted). Current law only allows signature updates to be accepted from a completed application form. These signature updates would ensure more current signatures are on record.
2. **Absentee Voters with New Addresses** – Allow the absentee ballot of a voter who makes an address change after casting an absentee ballot to be counted in the county in which the absentee ballot was cast. Currently, a voter remains on the rolls for purposes of counting his or her absentee ballot if the voter dies on or before Election Day. The same consideration should be applied to voters who move after casting their ballot.
3. **Florida Election Emergency Act** – Revise the Florida Election Emergency Act, which has not been updated since it was enacted in 1992. During Hurricane Sandy, several Florida voters were either visiting or serving as first responders in the impact area and were unable to return home to vote. Additionally, the storm impacted major city hubs and could have delayed the delivery of absentee ballots if the mail had not been rerouted. Updates should be made to allow Floridians in such circumstances to vote.
4. **Voter Registration Processing** – Require paper voter registrations, including signatures to be scanned and entered within seven days of receipt in the office of any voter registration official. The current timeframe is 13 days. A shorter timeframe, however, would ensure more timely notice for voters who need to provide missing information in order to become a registered voter in time for an election.
5. **Voter Registration Records** – Allow the official voter registration record to be the application image or information that is in the statewide voter registration system. This change would minimize the paper transfer of voter registration applications from one official to another as long as the image is properly scanned and recorded in the voter registration system.
6. **Supervisor of Elections Continuing Education** – The Florida State Association of Supervisors of Elections, individual supervisors of elections and the Division of Elections should work closely to identify and promote best practices from around the state that are continually revised and communicated to election officials and their staff in routine trainings conducted online and in person. This effort should include new supervisors of elections to undergo a minimum number of hours of certified training and testing on the Election Code.
7. **Local Administration of Elections** – Supervisors of elections should strongly consider the following ideas presented during Secretary Detzner’s fact-finding efforts:
 - a. Purchase certified voting equipment that reflects advances in technology.

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- b. Review their precincts from the 2012 general election and determine whether the number used, their locations and any combining of precincts created longer than acceptable voting lines. If so, supervisors of elections should re-precinct their voting locations.
- c. Ensure contracts with voting equipment vendors have sufficient safeguards within them to guarantee the warranty, maintenance and upgrading of the equipment meets voter needs.

Closing Commentary

I can confidently say Florida conducted a fair election in 2012. But I am just as confident we can improve upon the election, because every election can be improved upon. Technology changes, needs change, voter behavior changes and experience encourages more innovation. In 2013, Florida can make the right adjustments again because it is what Florida voters expect, need and deserve. Voter confidence must be restored.

Furthermore, the local administration of an election is a key component to the success of an election. All of Florida's 67 county supervisors of elections (all but one of whom are elected) are responsible for making the right decisions for their county. Their constituents rely on them to ensure elections are accessible, efficient and fair. Similarly, supervisors of elections rely on county commissions to ensure they have the necessary support to conduct an election properly. One county or precinct that does not properly serve its voters does a disservice for the entire state and has the potential to cloud the positive steps taken by the rest of the state to conduct an accessible and efficient election. Supervisors of elections and county commissions must take it upon themselves to oversee elections through responsible leadership and efficient administration. Similarly, the Florida Legislature must ensure Florida has the best election laws possible in which supervisors of elections may operate.

- Secretary of State Ken Detzner

By Senator Joyner

19-00130-13

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1 A bill to be entitled
 2 An act relating to elections; amending s. 101.657,
 3 F.S.; expanding the list of available sites at which
 4 early voting may be held to include specified
 5 facilities or any other location designated by a
 6 supervisor of elections as meeting the requirements of
 7 state law; deleting a requirement that an early voting
 8 site be designated and used as such for at least 1
 9 year before an election; requiring that each county
 10 operate a certain total number of voting sites;
 11 revising the beginning and ending dates of early
 12 voting; revising the hours of early voting to 12 hours
 13 per weekday and 12 hours in the aggregate each weekend
 14 at each site during the applicable periods; deleting
 15 provisions that authorize the supervisor of elections
 16 to provide early voting for certain elections and to
 17 determine the hours of operation of early voting sites
 18 in those elections; amending s. 101.045, F.S.;

19 permitting an elector to change his or her residence
 20 at a polling place and vote a regular ballot at that
 21 polling place; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraphs (a) and (d) of subsection (1) of
 26 section 101.657, Florida Statutes, are amended to read:

27 101.657 Early voting.—

28 (1) (a) As a convenience to the voter, the supervisor of
 29 elections shall allow an elector to vote early in the main or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 branch office of the supervisor and may allow such early voting
 31 in any city hall, public library facility, courthouse, place of
 32 worship, civic center, convention center, community center,
 33 county government center, conference center, community college
 34 facility, university or college, fairgrounds, or any other
 35 location designated by the supervisor as meeting the
 36 requirements of this section. The supervisor shall mark, code,
 37 indicate on, or otherwise track the voter's precinct for each
 38 early voted ballot. ~~In order for a branch office to be used for~~
 39 ~~early voting, it shall be a permanent facility of the supervisor~~
 40 ~~and shall have been designated and used as such for at least 1~~
 41 ~~year prior to the election. The supervisor may also designate~~
 42 ~~any city hall or permanent public library facility as Early~~
 43 ~~voting sites; however, if so designated, the sites must be~~
 44 geographically located so as to provide all voters in the county
 45 an equal opportunity to cast a ballot, insofar as is
 46 practicable. Each county shall operate the same total number of
 47 early voting sites that it used for the 2008 general election,
 48 or one early voting site plus one additional early voting site
 49 for every complete set of 65,000 registered voters in the county
 50 as of July 1 of each general election year, whichever is
 51 greater. The results or tabulation of votes cast during early
 52 voting may not be made before the close of the polls on election
 53 day. Results shall be reported by precinct.

54 (d) Early voting shall begin on the 15th ~~10th~~ day before an
 55 election ~~that contains state or federal races~~ and end on the 2nd
 56 ~~3rd~~ day before the election. For purposes of a special election
 57 held pursuant to s. 100.101, early voting shall begin on the 8th
 58 day before the election and end on the 2nd day before the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 ~~election. Early voting, and shall be provided for 12 no less~~
60 ~~than 6 hours per weekday and 12 hours in the aggregate each~~
61 ~~weekend no more than 12 hours per day at each site during the~~
62 ~~applicable periods. Early voting sites shall open no sooner than~~
63 ~~7 a.m. and close no later than 7 p.m. on each applicable day.~~
64 ~~period. The supervisor of elections may provide early voting for~~
65 ~~elections that are not held in conjunction with a state or~~
66 ~~federal election. However, the supervisor has the discretion to~~
67 ~~determine the hours of operation of early voting sites in those~~
68 ~~elections.~~

69 Section 2. Subsection (2) of section 101.045, Florida
70 Statutes, is amended to read:

71 101.045 Electors must be registered in precinct; provisions
72 for change of residence or name.-

73 (2) (a) An elector who moves from the precinct in which the
74 elector is registered may be permitted to change his or her
75 place of residence and vote by regular ballot in the precinct to
76 which he or she has moved his or her legal residence, if the
77 ~~change of residence is within the same county and the elector~~
78 ~~completes an affirmation in substantially the following form:~~

79
80 Change of Legal Residence of Registered
81 Voter

82
83 Under penalties for false swearing, I, ...(Name of voter)...,
84 swear (or affirm) that the former address of my legal residence
85 was ...(Address of legal residence)... in the municipality of
86 ..., in ... County, Florida, and I was registered to vote in
87 the ... precinct of ... County, Florida; that I have not voted

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88 in the precinct of my former registration in this election; that
89 I now reside at ...(Address of legal residence)... in the
90 Municipality of ..., in ... County, Florida, and am therefore
91 eligible to vote in the ... precinct of ... County, Florida;
92 and I further swear (or affirm) that I am otherwise legally
93 registered and entitled to vote.

94
95 ...(Signature of voter whose address of legal residence has
96 changed)...

97
98 ~~(b) Except for an active uniformed services voter or a~~
99 ~~member of his or her family, an elector whose change of address~~
100 ~~is from outside the county may not change his or her legal~~
101 ~~residence at the polling place and vote a regular ballot;~~
102 ~~however, such elector is entitled to vote a provisional ballot.~~

103 (b)(e) An elector whose name changes because of marriage or
104 other legal process may be permitted to vote, provided such
105 elector completes an affirmation in substantially the following
106 form:

107
108 Change of Name of Registered
109 Voter

110
111 Under penalties for false swearing, I, ...(New name of
112 voter)..., swear (or affirm) that my name has been changed
113 because of marriage or other legal process. My former name and
114 address of legal residence appear on the registration records of
115 precinct ... as follows:

116 Name.....

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117 Address.....

118 Municipality.....

119 County.....

120 Florida, Zip.....

121 My present name and address of legal residence are as follows:

122 Name.....

123 Address.....

124 Municipality.....

125 County.....

126 Florida, Zip.....

127 and I further swear (or affirm) that I am otherwise legally

128 registered and entitled to vote.

129 ... (Signature of voter whose name has changed) ...

132 ~~(c)~~ (d) Instead of the affirmation contained in paragraph

133 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter

134 registration application that indicates the change of name or

135 change of address of legal residence.

136 ~~(d)~~ (e) Such affirmation or application, when completed and

137 presented at the precinct in which such elector is entitled to

138 vote, and upon verification of the elector's registration, shall

139 entitle such elector to vote as provided in this subsection. If

140 the elector's eligibility to vote cannot be determined, he or

141 she shall be entitled to vote a provisional ballot, subject to

142 the requirements and procedures in s. 101.048. Upon receipt of

143 an affirmation or application certifying a change in address of

144 legal residence or name, the supervisor shall as soon as

145 practicable make the necessary changes in the statewide voter

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146 registration system to indicate the change in address of legal

147 residence or name of such elector.

148 Section 3. This act shall take effect July 1, 2013.

By Senator Diaz de la Portilla

40-00361-13

2013176__

1 A bill to be entitled
 2 An act relating to elections; amending s. 101.657,
 3 F.S.; expanding the early voting period for elections
 4 that contain state or federal races; providing that
 5 supervisors of elections may provide early voting for
 6 no more than 14 hours per day for general election
 7 early voting; requiring supervisors of elections to
 8 submit a report to the Secretary of State at least 3
 9 months before a general election; specifying the
 10 content of the report; providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraph (d) of subsection (1) of section
 15 101.657, Florida Statutes, is amended to read:
 16 101.657 Early voting.—
 17 (1)
 18 (d) Early voting begins ~~shall begin~~ on the 10th day before
 19 an election that contains state or federal races and ends ~~end~~ on
 20 the 2nd ~~3rd~~ day before the election, and must ~~shall~~ be provided
 21 for no less than 6 hours and no more than 12 hours per day at
 22 each site during the applicable period. For a general election,
 23 the supervisor of elections may extend early voting to no more
 24 than 14 hours per day at each site during the applicable period.
 25 The supervisor of elections may provide early voting for
 26 elections that are not held in conjunction with a state or
 27 federal election. However, the supervisor has the discretion to
 28 determine the hours of operation of early voting sites in those
 29 elections.

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2013176__

30 Section 2. Each supervisor of elections must submit a
 31 report to the Secretary of State at least 3 months before a
 32 general election which outlines preparations for the upcoming
 33 general election. The report must include, at a minimum, the
 34 following elements: the anticipated staffing levels during the
 35 early voting period, on election day, and after election day,
 36 and the anticipated amount of automatic tabulating equipment at
 37 each early voting site and polling place.
 38 Section 3. This act shall take effect July 1, 2013.

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By Senator Clemens

27-00249-13

2013234__

1 A bill to be entitled
 2 An act relating to voter registration; amending s.
 3 97.057, F.S.; authorizing the Department of Highway
 4 Safety and Motor Vehicles to automatically register to
 5 vote or update a voter registration record of an
 6 eligible individual; requiring the department to
 7 notify the individual that certain information
 8 gathered for the completion of a driver license or
 9 identification card application, renewal, or change of
 10 address is automatically transferred to a voter
 11 registration application or used to update a voter
 12 registration record; requiring a driver license
 13 examiner to notify an applicant that, by applying for,
 14 renewing, or updating a driver license or
 15 identification card, the applicant is consenting to
 16 automatically register to vote or update his or her
 17 voter registration record; authorizing an applicant to
 18 revoke consent to automatically register to vote or
 19 update a voter registration record; requiring that an
 20 applicant who fails to designate party affiliation be
 21 registered without party affiliation; providing an
 22 effective date.

24 Be It Enacted by the Legislature of the State of Florida:

26 Section 1. Subsections (1) and (2) of section 97.057,
 27 Florida Statutes, are amended to read:

28 97.057 Voter registration by the Department of Highway
 29 Safety and Motor Vehicles.—

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2013234__

30 (1) The Department of Highway Safety and Motor Vehicles
 31 shall automatically ~~provide the opportunity to~~ register to vote
 32 or ~~to~~ update a voter registration record of ~~to~~ each individual
 33 who comes to an office of that department to:
 34 (a) Apply for or renew a driver ~~driver's~~ license;
 35 (b) Apply for or renew an identification card pursuant to
 36 chapter 322; or
 37 (c) Change an address on an existing driver ~~driver's~~
 38 license or identification card.
 39 (2) The Department of Highway Safety and Motor Vehicles
 40 shall:
 41 (a) Notify each individual, orally or in writing, that:
 42 1. Information gathered for the completion of a driver
 43 ~~driver's~~ license or identification card application, renewal, or
 44 change of address will ~~can~~ be automatically transferred to a
 45 voter registration application;
 46 2. If additional information and a signature are provided,
 47 the voter registration application will be completed and sent to
 48 the proper election authority;
 49 3. Information provided will ~~can~~ also be used to update a
 50 voter registration record;
 51 4. All declinations will remain confidential and may be
 52 used only for voter registration purposes; and
 53 5. The particular driver license office in which the person
 54 applies to register to vote or updates a voter registration
 55 record will remain confidential and may be used only for voter
 56 registration purposes.
 57 (b) Require a driver ~~driver's~~ license examiner to notify
 58 ~~inquire~~ orally or, if the applicant is hearing impaired, notify

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59 ~~inquire in writing that by applying for or renewing a driver~~
 60 ~~license, by applying for or renewing an identification card~~
 61 ~~pursuant to chapter 322, or by changing an address on an~~
 62 ~~existing driver license or identification card, the qualified~~
 63 ~~applicant is consenting to register to vote or to update his or~~
 64 ~~her voter registration record. However, the applicant may revoke~~
 65 ~~consent by notifying the driver license examiner, orally or in~~
 66 ~~writing, that he or she chooses not to automatically register to~~
 67 ~~vote or update his or her voter registration record. whether the~~
 68 ~~applicant wishes to register to vote or update a voter~~
 69 ~~registration record during the completion of a driver's license~~
 70 ~~or identification card application, renewal, or change of~~
 71 ~~address.~~

72 1. If the applicant does not revoke consent to
 73 automatically chooses to register to vote or to update his or
 74 her a voter registration record:

75 a. All applicable information received by the Department of
 76 Highway Safety and Motor Vehicles in the course of filling out
 77 the forms necessary under subsection (1) must be transferred to
 78 a voter registration application.

79 b. The additional necessary information must be obtained by
 80 the driver's license examiner and must not duplicate any
 81 information already obtained while completing the forms required
 82 under subsection (1).

83 c. A voter registration application with all of the
 84 applicant's voter registration information required to establish
 85 the applicant's eligibility pursuant to s. 97.041 must be
 86 presented to the applicant to review and verify the voter
 87 registration information received and provide an electronic

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88 signature affirming the accuracy of the information provided.

89 d. A qualified applicant who is automatically registered to
 90 vote under this section and who fails to designate party
 91 affiliation must be registered without party affiliation
 92 pursuant to s. 97.053(5)(b).

93 2. If the applicant revokes consent to automatically
 94 ~~declines to~~ register to vote ~~or,~~ update his or her the
 95 ~~applicant's~~ voter registration record, ~~or change the applicant's~~
 96 ~~address by either orally declining orally or in writing or by~~
 97 failing to sign the voter registration application, the
 98 Department of Highway Safety and Motor Vehicles must note such
 99 declination on its records and shall forward the declination to
 100 the statewide voter registration system.

101 Section 2. This act shall take effect July 1, 2013.

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By Senator Clemens

27-00250A-13

2013254__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article XI of the State Constitution to limit the number of amendments to the State Constitution that the Legislature may submit to the electorate at the same election to three; providing an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 1 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI
AMENDMENTS

SECTION 1. Proposal by legislature.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house. The legislature may submit to the electorate no more than three proposed amendments to the state constitution in any one election.

BE IT FURTHER RESOLVED that the following statement be

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2013254__

placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 1

LIMITING NUMBER OF AMENDMENTS TO STATE CONSTITUTION
SUBMITTED BY LEGISLATURE TO ELECTORATE.—Proposing an amendment to the State Constitution to limit the number of amendments the Legislature may submit to the electorate at any one election to three. This act shall take effect January 1, 2014.

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By Senator Soto

14-00230-13

2013388__

1 A bill to be entitled
 2 An act relating to elections; amending s. 97.0575,
 3 F.S.; revising provisions regulating third-party voter
 4 registration organizations; prescribing information
 5 that must be submitted to the Division of Elections
 6 before voter registration activities may be conducted;
 7 providing that the failure to submit the required
 8 information does not subject an organization to civil
 9 or criminal penalties; deleting a provision that
 10 requires the delivery of voter registration
 11 applications within a specified time period; providing
 12 fines; providing for reduction and waiver of fines;
 13 providing for the investigation of violations and the
 14 enforcement of fines; providing for appropriation and
 15 use of collected fines; authorizing the division to
 16 adopt rules; amending s. 99.021, F.S.; revising the
 17 oath that a candidate must sign when seeking to
 18 qualify for nomination as a candidate of any political
 19 party; reducing the amount of time that a candidate
 20 must state that he or she has not been a registered
 21 member or candidate for nomination for any other
 22 political party before qualifying for office; amending
 23 s. 101.045, F.S.; permitting an elector to vote a
 24 regular ballot at the polling place in the precinct to
 25 which he or she has moved by completing an affirmation
 26 containing certain information; deleting a requirement
 27 that the elector's change of residence must occur
 28 within the same county for the elector to be able to
 29 vote in the new precinct; amending s. 101.161, F.S.;

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30 revising provisions relating to ballot statements;
 31 deleting a provision that authorizes the placement of
 32 the full text of a proposed constitutional amendment
 33 or revision on a ballot; requiring a court to remove a
 34 proposed amendment from the ballot once all ballot
 35 statements are determined to be defective and all
 36 other appeals are declined, abandoned, or exhausted;
 37 deleting authority granted to the Attorney General to
 38 revise a ballot title or ballot summary; deleting a
 39 court's authority to retain jurisdiction over certain
 40 ballot challenges; deleting a legal presumption for a
 41 ballot statement; amending s. 101.657, F.S.; revising
 42 provisions relating to early voting; expanding the
 43 list of available early voting sites; providing
 44 requirements for determining the number of early
 45 voting sites each county must operate; increasing the
 46 number of days and hours that early voting must be
 47 available; amending s. 102.168, F.S.; increasing the
 48 evidence that a circuit court may consider when
 49 reviewing a canvassing board's decision concerning the
 50 legality of an absentee ballot that involves an
 51 elector's signature; providing an effective date.

53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Section 97.0575, Florida Statutes, is amended to
 56 read:
 57 97.0575 Third-party voter registrations.-
 58 (1) Before engaging in any voter registration activities, a

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59 third-party voter registration organization shall name a
 60 registered agent in the state and submit to the division, in a
 61 form adopted by the division, the name of the registered agent
 62 and the name of those individuals responsible for the day-to-day
 63 operation of the third-party voter registration organization,
 64 including, if applicable, the names of the entity's board of
 65 directors, president, vice president, managing partner, or such
 66 other individuals engaged in similar duties or functions. On or
 67 before the 15th day after the end of each calendar quarter, each
 68 third-party voter registration organization shall submit to the
 69 division a report providing the date and location of any
 70 organized voter registration drive conducted by the organization
 71 during the previous calendar quarter.

72 (2) A third-party voter registration organization that
 73 fails to submit the information required by subsection (1) is
 74 not subject to any civil or criminal penalties for such failure,
 75 and the failure to submit such information is not a basis for
 76 denying such third-party voter registration organization copies
 77 of voter registration application forms.

78 ~~Before engaging in any voter registration activities, a third-~~
 79 ~~party voter registration organization must register and provide~~
 80 ~~to the division, in an electronic format, the following~~
 81 ~~information:~~

82 ~~(a) The names of the officers of the organization and the~~
 83 ~~name and permanent address of the organization.~~

84 ~~(b) The name and address of the organization's registered~~
 85 ~~agent in the state.~~

86 ~~(c) The names, permanent addresses, and temporary~~
 87 ~~addresses, if any, of each registration agent registering~~

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88 ~~persons to vote in this state on behalf of the organization.~~

89 ~~(d) A sworn statement from each registration agent employed~~
 90 ~~by or volunteering for the organization stating that the agent~~
 91 ~~will obey all state laws and rules regarding the registration of~~
 92 ~~voters. Such statement must be on a form containing notice of~~
 93 ~~applicable penalties for false registration.~~

94 ~~(2) The division or the supervisor of elections shall make~~
 95 ~~voter registration forms available to third-party voter~~
 96 ~~registration organizations. All such forms must contain~~
 97 ~~information identifying the organization to which the forms are~~
 98 ~~provided. The division shall maintain a database of all third-~~
 99 ~~party voter registration organizations and the voter~~
 100 ~~registration forms assigned to the third-party voter~~
 101 ~~registration organization. Each supervisor of elections shall~~
 102 ~~provide to the division information on voter registration forms~~
 103 ~~assigned to and received from third-party voter registration~~
 104 ~~organizations. The information must be provided in a format and~~
 105 ~~at times as required by the division by rule. The division must~~
 106 ~~update information on third-party voter registrations daily and~~
 107 ~~make the information publicly available.~~

108 (3)(a) A third-party voter registration organization that
 109 collects voter registration applications serves as a fiduciary
 110 to the applicant, ensuring that any voter registration
 111 application entrusted to the third-party voter registration
 112 organization, irrespective of party affiliation, race,
 113 ethnicity, or gender, shall be promptly delivered to the
 114 division or the supervisor of elections ~~within 48 hours after~~
 115 ~~the applicant completes it or the next business day if the~~
 116 ~~appropriate office is closed for that 48-hour period. If a voter~~

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117 registration application collected by any third-party voter
118 registration organization is not promptly delivered to the
119 division or supervisor of elections, the third-party voter
120 registration organization is liable for the following fines:

121 (a)1- A fine in the amount of \$50 for each application
122 received by the division or the supervisor of elections more
123 than 10 days ~~48 hours~~ after the applicant delivered the
124 completed voter registration application to the third-party
125 voter registration organization or any person, entity, or agent
126 acting on its behalf ~~or the next business day, if the office is~~
127 ~~closed~~. A fine in the amount of \$250 for each application
128 received if the third-party voter registration organization or
129 person, entity, or agency acting on its behalf acted willfully.

130 (b)2- A fine in the amount of \$100 for each application
131 collected by a third-party voter registration organization or
132 any person, entity, or agent acting on its behalf, before book
133 closing for any given election for federal or state office and
134 received by the division or the supervisor of elections after
135 the book-closing deadline for such election. A fine in the
136 amount of \$500 for each application received if the third-party
137 registration organization or person, entity, or agency acting on
138 its behalf acted willfully.

139 (c)3- A fine in the amount of \$500 for each application
140 collected by a third-party voter registration organization or
141 any person, entity, or agent acting on its behalf, which is not
142 submitted to the division or supervisor of elections. A fine in
143 the amount of \$1,000 for any application not submitted if the
144 third-party voter registration organization or person, entity,
145 or agency acting on its behalf acted willfully.

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146
147 The aggregate fine pursuant to this ~~subsection paragraph~~ which
148 may be assessed against a third-party voter registration
149 organization, including affiliate organizations, for violations
150 committed in a calendar year is \$1,000.

151 ~~(b) A showing by~~ The finest provided in this subsection
152 shall be reduced by three-fourths in cases in which the third-
153 party voter registration organization has complied with
154 subsection (1) that the failure to deliver the voter
155 registration application within the required timeframe is based
156 upon force majeure or impossibility of performance shall be an
157 affirmative defense to a violation of this subsection. The
158 secretary shall ~~may~~ waive the fines described in this subsection
159 upon a showing that the failure to deliver the voter
160 registration application promptly is based upon force majeure or
161 impossibility of performance.

162 ~~(4) If the Secretary of State reasonably believes that a~~
163 ~~person has committed a violation of this section, the secretary~~
164 ~~may refer the matter to the Attorney General for enforcement.~~
165 ~~The Attorney General may institute a civil action for a~~
166 ~~violation of this section or to prevent a violation of this~~
167 ~~section. An action for relief may include a permanent or~~
168 ~~temporary injunction, a restraining order, or any other~~
169 ~~appropriate order.~~

170 (4) (a) (5) The division shall adopt by rule a form to elicit
171 specific information concerning the facts and circumstances from
172 a person who claims to have been registered to vote by a third-
173 party voter registration organization but who does not appear as
174 an active voter on the voter registration rolls. ~~The division~~

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175 ~~shall also adopt rules to ensure the integrity of the~~
 176 ~~registration process, including rules requiring third-party~~
 177 ~~voter registration organizations to account for all state and~~
 178 ~~federal registration forms used by their registration agents.~~
 179 ~~Such rules may require an organization to provide organization~~
 180 ~~and form specific identification information on each form as~~
 181 ~~determined by the department as needed to assist in the~~
 182 ~~accounting of state and federal registration forms.~~
 183 (b) The division may investigate any violation of this
 184 section. Civil fines shall be assessed by the division and
 185 enforced through any appropriate legal proceedings.
 186 (5)(6) The date on which an applicant signs a voter
 187 registration application is presumed to be the date on which the
 188 third-party voter registration organization received or
 189 collected the voter registration application.
 190 ~~(7) The requirements of this section are retroactive for~~
 191 ~~any third-party voter registration organization registered with~~
 192 ~~the department on the effective date of this act, and must be~~
 193 ~~complied with within 90 days after the department provides~~
 194 ~~notice to the third-party voter registration organization of the~~
 195 ~~requirements contained in this section. Failure of the third-~~
 196 ~~party voter registration organization to comply with the~~
 197 ~~requirements within 90 days after receipt of the notice shall~~
 198 ~~automatically result in the cancellation of the third-party~~
 199 ~~voter registration organization's registration.~~
 200 (6) The civil fines provided in this section are in
 201 addition to any applicable criminal penalties.
 202 (7) Fines collected pursuant to this section shall be
 203 annually appropriated by the Legislature to the department for

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204 enforcement of this section and for voter education.
 205 (8) The division may adopt rules to administer this
 206 section.
 207 Section 2. Paragraph (b) of subsection (1) of section
 208 99.021, Florida Statutes, is amended to read:
 209 99.021 Form of candidate oath.—
 210 (1)
 211 (b) In addition, any person seeking to qualify for
 212 nomination as a candidate of any political party shall, at the
 213 time of subscribing to the oath or affirmation, state in
 214 writing:
 215 1. The party of which the person is a member.
 216 2. That the person has not been a registered member of any
 217 other political party and has not been a candidate for
 218 nomination for any other political party for a period of 6
 219 months before ~~for 365 days before the beginning of qualifying~~
 220 ~~preceeding~~ the general election for which the person seeks to
 221 qualify.
 222 3. That the person has paid the assessment levied against
 223 him or her, if any, as a candidate for said office by the
 224 executive committee of the party of which he or she is a member.
 225 Section 3. Section 101.045, Florida Statutes, is amended to
 226 read:
 227 101.045 Electors must be registered in precinct; provisions
 228 for change of residence or name.—
 229 (1) A person is not permitted to vote in any election
 230 precinct or district other than the one in which the person has
 231 his or her legal residence and in which the person is
 232 registered. However, a person temporarily residing outside the

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233 county shall be registered in the precinct in which the main
234 office of the supervisor, as designated by the supervisor, is
235 located when the person has no permanent address in the county
236 and it is the person's intention to remain a resident of Florida
237 and of the county in which he or she is registered to vote. Such
238 persons who are registered in the precinct in which the main
239 office of the supervisor, as designated by the supervisor, is
240 located and who are residing outside the county with no
241 permanent address in the county shall not be registered electors
242 of a municipality and therefore shall not be permitted to vote
243 in any municipal election.

244 (2) (a) An elector who moves from the precinct in which the
245 elector is registered may be permitted to vote in the precinct
246 to which he or she has moved his or her legal residence, if the
247 change of residence is within the same county and the elector
248 completes an affirmation in substantially the following form:

249 Change of Legal Residence of Registered
250 Voter
251

252 Under penalties for false swearing, I, ...(Name of voter)...,
253 swear (or affirm) that the former address of my legal residence
254 was ...(Address of legal residence)... in the municipality of
255, in County, Florida, and I was registered to vote in
256 the precinct of County, Florida; that I have not voted
257 in the precinct of my former registration in this election; that
258 I now reside at ...(Address of legal residence)... in the
259 Municipality of, in County, Florida, and am therefore
260 eligible to vote in the precinct of County, Florida;
261

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262 and I further swear (or affirm) that I am otherwise legally
263 registered and entitled to vote.

264 ... (Signature of voter whose address of legal residence has
265 changed) ...

266 ~~(b) Except for an active uniformed services voter or a
267 member of his or her family, an elector whose change of address
268 is from outside the county may not change his or her legal
269 residence at the polling place and vote a regular ballot;
270 however, such elector is entitled to vote a provisional ballot.~~

271 (b)(c) An elector whose name changes because of marriage or
272 other legal process may be permitted to vote, provided such
273 elector completes an affirmation in substantially the following
274 form:

275 Change of Name of Registered
276 Voter
277

278 Under penalties for false swearing, I, ...(New name of
279 voter)..., swear (or affirm) that my name has been changed
280 because of marriage or other legal process. My former name and
281 address of legal residence appear on the registration records of
282 precinct as follows:
283 Name.....
284 Address.....
285 Municipality.....
286 County.....
287 Florida, Zip.....
288 My present name and address of legal residence are as follows:
289
290

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291 Name.....
 292 Address.....
 293 Municipality.....
 294 County.....
 295 Florida, Zip.....
 296 and I further swear (or affirm) that I am otherwise legally
 297 registered and entitled to vote.
 298
 299 ... (Signature of voter whose name has changed) ...
 300
 301 (c) ~~(d)~~ Instead of the affirmation contained in paragraph
 302 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter
 303 registration application that indicates the change of name or
 304 change of address of legal residence.
 305 (d) ~~(e)~~ Such affirmation or application, when completed and
 306 presented at the precinct in which such elector is entitled to
 307 vote, and upon verification of the elector's registration, shall
 308 entitle such elector to vote as provided in this subsection. If
 309 the elector's eligibility to vote cannot be determined, he or
 310 she shall be entitled to vote a provisional ballot, subject to
 311 the requirements and procedures in s. 101.048. Upon receipt of
 312 an affirmation or application certifying a change in address of
 313 legal residence or name, the supervisor shall as soon as
 314 practicable make the necessary changes in the statewide voter
 315 registration system to indicate the change in address of legal
 316 residence or name of such elector.
 317 Section 4. Subsection (3) of section 101.161, Florida
 318 Statutes, is amended to read:
 319 101.161 Referenda; ballots.-

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320 (3) (a) Each joint resolution that proposes a constitutional
 321 amendment or revision shall include one or more ballot
 322 statements set forth in order of priority. Each ballot statement
 323 shall consist of a ballot title, by which the measure is
 324 commonly referred to or spoken of, not exceeding 15 words in
 325 length, and ~~either~~ a ballot summary that describes the chief
 326 purpose of the amendment or revision in clear and unambiguous
 327 language, ~~or the full text of the amendment or revision.~~ The
 328 Department of State shall furnish a designating number pursuant
 329 to subsection (2) and the appropriate ballot statement to the
 330 supervisor of elections of each county. The ballot statement
 331 shall be printed on the ballot after the list of candidates,
 332 followed by the word "yes" and also by the word "no," and shall
 333 be styled in such a manner that a "yes" vote will indicate
 334 approval of the amendment or revision and a "no" vote will
 335 indicate rejection.
 336 (b)1. Any action for a judicial determination that one or
 337 more ballot statements embodied in a joint resolution are
 338 defective must be commenced by filing a complaint or petition
 339 with the appropriate court within 30 days after the joint
 340 resolution is filed with the Secretary of State. The complaint
 341 or petition shall assert all grounds for challenge to each
 342 ballot statement. Any ground not asserted within 30 days after
 343 the joint resolution is filed with the Secretary of State is
 344 waived.
 345 2. The court, including any appellate court, shall accord
 346 an action described in subparagraph 1. priority over other
 347 pending cases and render a decision as expeditiously as
 348 possible. If the court finds that all ballot statements embodied

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 349 in a joint resolution are defective and further appeals are
 350 declined, abandoned, or exhausted, the court shall remove the
 351 proposed amendment from the ballot unless otherwise provided in
 352 the joint resolution, the Attorney General shall, within 10
 353 days, prepare and submit to the Department of State a revised
 354 ballot title or ballot summary that corrects the deficiencies
 355 identified by the court, and the Department of State shall
 356 furnish a designating number and the revised ballot title or
 357 ballot summary to the supervisor of elections of each county for
 358 placement on the ballot. The court shall retain jurisdiction
 359 over challenges to a revised ballot title or ballot summary
 360 prepared by the Attorney General, and any challenge to a revised
 361 ballot title or ballot summary must be filed within 10 days
 362 after a revised ballot title or ballot summary is submitted to
 363 the Department of State.

364 3. ~~A ballot statement that consists of the full text of an~~
 365 ~~amendment or revision shall be presumed to be a clear and~~
 366 ~~unambiguous statement of the substance and effect of the~~
 367 ~~amendment or revision, providing fair notice to the electors of~~
 368 ~~the content of the amendment or revision and sufficiently~~
 369 ~~advising electors of the issue upon which they are to vote.~~

370 Section 5. Subsection (1) of section 101.657, Florida
 371 Statutes, is amended to read:

372 101.657 Early voting.—

373 (1) (a) As a convenience to the voter, the supervisor of
 374 elections shall allow an elector to vote early in the main or
 375 branch office of the supervisor and may allow such early voting
 376 in any city hall, permanent public library facility, courthouse,
 377 place of worship, civic center, community center, county

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 378 government center, Florida College System institution facility,
 379 state university facility, or college facility. The supervisor
 380 shall mark, code, indicate on, or otherwise track the voter's
 381 precinct for each early voted ballot. ~~In order for a branch~~
 382 ~~office to be used for early voting, it shall be a permanent~~
 383 ~~facility of the supervisor and shall have been designated and~~
 384 ~~used as such for at least 1 year prior to the election. The~~
 385 ~~supervisor may also designate any city hall or permanent public~~
 386 ~~library facility as Early voting sites; however, if so~~
 387 ~~designated, the sites must be geographically located so as to~~
 388 provide all voters in the county an equal opportunity to cast a
 389 ballot, insofar as is practicable. Each county shall operate one
 390 early voting site for each complete set of 70,000 registered
 391 voters in the county as of July 1 of each general election year.
 392 The results or tabulation of votes cast during early voting may
 393 not be made before the close of the polls on election day.
 394 Results shall be reported by precinct.

395 (b) The supervisor shall designate each early voting site
 396 by no later than the 30th day before ~~prior to~~ an election and
 397 shall designate an early voting area, as defined in s. 97.021,
 398 at each early voting site. ~~The supervisor shall provide to the~~
 399 ~~division no later than the 30th day before an election the~~
 400 ~~address of each early voting site and the hours that early~~
 401 ~~voting will occur at each site.~~

402 (c) All early voting sites in a county shall be open on the
 403 same days for the same amount of time and shall allow any person
 404 in line at the closing of an early voting site to vote.

405 (d) Early voting shall begin on the 15th ~~10th~~ day before an
 406 election ~~that contains state or federal races~~ and end on the 2nd

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 407 ~~3rd~~ day before an the election. For purposes of a special
 408 election held pursuant to s. 100.101, early voting shall begin
 409 on the 8th day before the election and end on the 2nd day before
 410 the election. Early voting ~~and~~ shall be provided for 8 no less
 411 than 6 hours and no more than 12 hours per weekday and at least
 412 14 hours per day each weekend day at each site during the
 413 applicable periods ~~period~~. Early voting sites shall open no
 414 earlier than 7 a.m. and close no later than 7 p.m. on each
 415 applicable weekday. The supervisor of elections may provide
 416 early voting for elections that are not held in conjunction with
 417 a state or federal election. However, the supervisor has the
 418 discretion to determine the hours of operation of early voting
 419 sites in these elections.

420 (e) Notwithstanding the requirements of s. 100.3605,
 421 municipalities may provide early voting in municipal elections
 422 that are not held in conjunction with county or state elections.
 423 If a municipality provides early voting, it may designate as
 424 many sites as necessary and shall conduct its activities in
 425 accordance with the provisions of paragraphs (a)-(c). The
 426 supervisor is not required to conduct early voting if it is
 427 provided pursuant to this subsection.

428 (f) Notwithstanding the requirements of s. 189.405, special
 429 districts may provide early voting in any district election not
 430 held in conjunction with county or state elections. If a special
 431 district provides early voting, it may designate as many sites
 432 as necessary and shall conduct its activities in accordance with
 433 the provisions of paragraphs (a)-(c). The supervisor is not
 434 required to conduct early voting if it is provided pursuant to
 435 this subsection.

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 436 Section 6. Subsection (8) of section 102.168, Florida
 437 Statutes, is amended to read:
 438 102.168 Contest of election.-
 439 (8) In any contest that requires a review of the canvassing
 440 board's decision on the legality of an absentee ballot pursuant
 441 to s. 101.68 based upon a comparison of the signature on the
 442 voter's certificate and the signature of the elector in the
 443 registration records, the circuit court may ~~not~~ review or
 444 consider any sworn testimony by the voter relevant to the
 445 evidence other than the signature on the voter's certificate and
 446 the signature of the elector in the registration records. The
 447 court's review of such issue shall be to determine only if the
 448 canvassing board abused its discretion in making its decision.
 449 Section 7. This act shall take effect January 1, 2014.

Election Workshop Topics

- I. VOTER REGISTRATION
Book-Closing Deadline Exemption; Returning Combat Vets
- II. BALLOT LENGTH ISSUES
 1. Legislative Ballot Summary (Joint Resolutions)
 - a. Word Length (75 words limit +/-).
 - b. Full Text of Amendment (*beginning 2014*).
 2. Local Elections on General and Primary Ballot
 3. Multi-language Ballots
- III. EARLY VOTING
 1. Total Number of Days
 2. Types of Sites and Location
 3. Timing of Site Designation
- IV. ABSENTEE BALLOTS
 1. Time Period for Voting by Mail
 2. In-Office Absentee Ballot Voting
 3. Ballot Witness Requirement
 4. Limit on Number of Ballots in Possession
 5. Pre-election Care of Absentee Ballots With Defects
- V. OTHER ISSUES
 1. Solicitation at the Polls - 100-ft. "No-Solicitation" Zone; Establishing Specific Solicitation Area
 2. Counting Late Military Absentees in State Races
 3. Write-ins – Closed Primaries
 4. Resign to run – Federal Races
 5. Updates of Voter Signatures
- VI. CAMPAIGN FINANCE
 1. CCE's
 2. Contribution Limits
 3. Reporting
 4. Contributions – From One Candidate to Another, Candidates to Political Committees and Parties



FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

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Melissa Elrod

FSASE Legislative Package (2013 Legislative Session)

The Florida State Association of Supervisors of Elections (FSASE) strongly urges the Florida Legislature to adopt the following during the 2013 Legislative Session:

- **Length of Ballot:**
 - Amend FS 101.161 (1) to include constitutional amendments or revisions proposed by joint resolution not to exceed the 15 word caption/75 word ballot summary.
 - Repeal FS 101.56075 (4) which mandates that

all voting systems utilized by voters during a state election shall permit placement on the ballot of the full text of a constitutional amendment or revision containing stricken or underlined text.
- **Early Voting:**
 - Amend FS 101.657 (1) (a) to allow the Supervisor the ability to select early voting sites consistent with the procedure used to select election day polling places.
 - Amend FS 101.657 (1) (d) to require eight (8) days for Primary and General Elections, with the option for Supervisors to provide additional days not to exceed fourteen (14) days.

FSASE Legislative Package “Ancillary” Items for 2013 Legislative Session

In addition to the Primary Legislative items previously published by the Florida State Association of Supervisors of Elections (FSASE) addressing the Length of Ballot and Early Voting, the below are recommended as additional items for consideration:

- Create Section 101.2521 Restriction on the withdrawal of certain candidates. (A candidate who has qualified as prescribed by law and whose withdrawal would otherwise result in all electors, regardless of party affiliation, being able to vote in the primary election for the office sought by the candidate may not withdraw as a candidate during the period beginning five days after the end of the qualifying period until the day after the primary election.)
- Amend FS 101.68(1) and 101.68(2)(c)1 to allow voters who did not sign their absentee “Voter’s Certificate” either to file an affidavit with the Supervisor of Elections that addressed the inadvertent “unsigned” Voter’s Certificate or allow the Supervisor of Elections to “spoil” and re-issue the absentee ballot. (Note: Potential deadline could be with the commencement of absentee ballot canvassing outlined in FS 101.68(2)(a).)
- Amend FS 101.6102 (Mail Ballot Elections) to authorize the governing body to include municipal, Community Development Districts and/or special elections that involve candidates included in mail ballot elections.
- Remove 90 day limit for State Write-In Ballots (SWAB’s) in FS 101.695(1). This is no longer necessary (dates back to when we had advanced ballots).
- Remove language in FS 101.5608(2)(b) and reference to “stubs” on spoiled ballots as it’s outdated and no longer utilized.
- Amend FS 102.031(4)(a) to include a “cone of protection” for voters in line beyond the current 100 foot limit for early voting

locations and election day polling places with regards to solicitation.

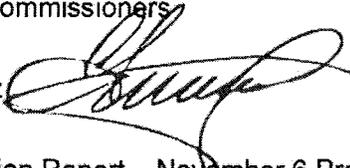
- Amend FS 101.20(2) to allow option for voter to receive a sample ballot electronically. (A county may send a sample ballot to each registered elector by electronic mail at least 7 days prior to any election, if an electronic mail address has been provided and the elector has not opted out of electronic delivery. If an electronic mail address has not been provided, or if the elector has opted out of electronic delivery, current delivery will occur.)
- Amend FS 97.071 to allow option to receive a voter information card information electronically. (A county may send information contained on the voter information card to each registered elector by electronic mail, if an electronic mail address has been provided and the elector has not opted out of electronic delivery. If an electronic mail address has not been provided, or if the elector has opted out of electronic delivery, current delivery will occur.)
- Amend FS 98.077 and FS 101.68(1) to allow SOEs to use the precinct register or Electronic Poll Book voting pass to update the voter signature. (Signatures given at the polling locations are verified by inspectors by comparison and with photo identification. Since a large number of voters never update their signature after their initial registration, this would allow supervisors a mechanism to keep signatures updated.)
- Amend FS 101.64 to allow counties (make optional) to utilize security-enhanced envelopes for absentee ballots as an alternative to the secrecy envelope. (The security enhanced envelope would remove the need for the secrecy envelope. Currently, the SOE supplies voters with a secrecy envelope to insert their absentee ballot in. This is to ensure voters' ballots remain secret. In an effort to improve the operational efficiencies and minimize labor costs associated with absentee ballots, the SOE is seeking to automate the opening of ballots. Also, if an automated process is used, there would be no personnel viewing the ballots as they were opened, further protecting the voter's secrecy!)
- Amend FS 102.141(4) to exclude reference to “un-tabulated absentee results” as it conflicts with FS 101.68(2)(a) and reference to when county canvassing board may begin canvassing of absentee ballots (. . . but not later than noon on the day following an election).

Memorandum



Date: December 19, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson and Members
Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Elections After Action Report – November 6 Presidential Election

For your review, attached is the After Action report for the November 6th Presidential Election prepared by the Supervisor of Elections. This report will be presented for review and consideration to the Elections Advisory Group on January 7, 2013 at 9am. The work of the Advisory Group will continue through January and a report with findings and recommendations will be finalized at that time for a presentation to the Board of County Commissioners.

If you have any questions, please call me directly or Penelope Townsley, Supervisor of Elections at 305-499-8509.

Attachment

c: R. A. Cuevas, Jr., County Attorney
Alina T. Hudak, Deputy Mayor
Penelope Townsley, Supervisor of Elections
Elections Advisory Group Members

Memorandum



Date: December 19, 2012

To: Honorable Carlos A. Gimenez
Mayor

From: Penelope Townsley
Supervisor of Elections

Subject: After Action Report – November 6, 2012 General Election

At the conclusion of the November 6, 2012 General Election, my staff and I began to assess the planning and operational aspects of conducting this election. As is true with every election, important lessons were learned and improvements will be made in the best interest of our voters.

This After Action Report addresses the challenges experienced within the three methods of voting – Early Voting, Absentee Voting, and Election Day. Analyses of the General Election activities were conducted to identify opportunities for process improvements and technology enhancements. The executive summary highlights our priority findings and recommendations both administrative and legislative in nature. Detailed information regarding these, as well as other recommendations are included in the body of this report.

Executive Summary

Miami-Dade County operates the largest and most complex election operation in the state of Florida, organizing logistics across a region that exceeds 2,400 square miles. The number of Miami-Dade voters who participated in this year's General Election exceeded all other counties in the state, as illustrated below:

LARGE COUNTY STATISTICAL COMPARISONS			
County	Total Registered Voters	Total Votes Cast	Overall Turnout Percentage
Miami-Dade	1,313,850	888,033	67.59%
Broward	1,145,988	762,345	66.85%
Palm Beach	872,114	602,956	69.13%
Hillsborough	758,068	545,134	72.92%
Orange	696,027	470,192	68.08%
Duval	564,777	414,111	73.98%

In order to accommodate this number of voters and adhere to all statutory requirements, planning and preparation began in April 2012. Planning activities were performed within the constraints of the \$11,304,245 General Election budget, which includes an approved budget adjustment of \$2,359,000 to fund the additional costs of absentee ballot printing and mailing, equipment rental and upgrade, and seasonal staff resulting from the increased size of the ballot and the effects of not re-precincting. Lessons learned from the 2008 General Election, coupled with the implementation of new election laws, served as the basis for preparing Elections Department poll workers, staff, administrators and County employees.

This election was the County's largest and one of the most complex. This is illustrated when comparing statistics to the 2008 General Election:

ELECTION STATISTICAL COMPARISONS		
Indicators	2008 General Election	2012 General Election
Registered Voters	1,253,428	1,313,850
Total Ballots Cast	872,260	888,033
Ballot Pages Scanned	1,751,278	4,440,165
Election Day Turnout	368,540	408,353
Early Voting Turnout	326,170	235,727
Absentee Ballots Mailed	207,667	310,311
Absentee Ballots Returned	177,550	243,953
Provisional Ballots Cast	3,696	2,818
Precincts / Polling Locations	814 / 574	829 / 541
Poll Workers Trained	8,292	8,900

Taking these statistics into consideration, there were many areas of review and recommendations for improvement discussed. While each operation is unique, there were a number of factors that contributed to the challenges encountered in the 2012 General Election. They are as follows:

Ballot Length: The length of the ballot is a significant factor that had impacts across many sections of our operation. The number of constitutional amendments was unprecedented, and the lengthy text on many of the constitutional amendments resulted in a 5-6 page ballot.

Legislative Recommendation:

- The County's critical priorities for the 2013 Legislative Session should include limiting the state constitutional amendments to the same 75 word restriction that other ballot language must adhere to. *(Note: This recommendation was endorsed by the Mayor's Elections Advisory Group on December 14, 2012).*

Estimation of Voting Time: An estimate of how long it would take to cast the 5-6 page ballot should have been further analyzed. The difficulty in estimating an average voting time was its dependence on the preparedness of individual voters. For instance, a voter who was reading the 5 page ballot for the first time would spend more time at the privacy booth than a voter who had pre-determined their ballot selections ahead of receiving their ballot. In light of this, we focused our education and outreach efforts on encouraging voters to be prepared. A methodology for estimating voting time may have yielded a better gauge for managing the wait times at Early Voting and Election Day voting locations.

Departmental Recommendation:

- Work with the Management Planning and Performance Analysis (MPPA) Division of the Department of Management and Budget and the Department of Audit and Management Services as consultancy resources to conduct process analyses whenever necessary to determine how long it takes to cast a ballot.

Number of Early Voting Sites: Miami-Dade County has operated 20 early voting sites since 2004 for all federal, state and countywide elections. Nonetheless, the experience of the 2012 General Election has taught us that each election requires an independent review of early voting sites. Without a doubt, more early voting sites would have helped to reduce the time voters waited in line. However, the need for additional early voting sites was not contemplated. Additionally, because the state requires that sites be designated 30 days prior to the start of Early Voting, and our inability to staff and equip additional sites, this was not an option.

Departmental Recommendations:

- Open additional early voting locations depending on the scale of the election within the guidelines set forth by the state. This will have a fiscal impact that is being reviewed and contingent upon the number of sites made available. The fiscal impact for the 2012 General Election Early Voting period is estimated at \$20,000 per site per day, based on the 5 page ballot.
- Staffing ratios and equipment should be commensurate with the scope of the election.

Legislative Recommendation:

- The County's critical priorities for the 2013 Legislative Session should include the expansion of allowable sites for use during early voting. Many of our current sites, which are limited to public libraries and city halls, are inadequate to accommodate the number of voters in Miami-Dade County. *(Note: This recommendation was endorsed by the Mayor's Elections Advisory Group on December 14, 2012).*

Reduction of Early Voting Days: The state's reduction of early voting days from 14 to 8 resulted in approximately 90,000 fewer early voters in 2012 compared to 2008, even though Miami-Dade County chose to offer the maximum number of hours allowable by law. Undoubtedly, the discouraging effect of long lines during Early Voting pushed more voters to Absentee Voting and Election Day. This unanticipated surge in historical voting habits, compounded by the lengthy ballot, greatly contributed to the long lines and wait times across the County.

Legislative Recommendation:

- The County's critical priorities for the 2013 Legislative Session should include extending the availability of early voting to 9 days to include the Sunday before Election Day. *(Note: This recommendation was amended from 14 days to 9 days to reflect the action taken by the Mayor's Elections Advisory Group on December 14, 2012).*

Absentee Ballot Processing: There were a number of challenges related to absentee voting. The Elections Department processed a record number of Absentee Ballots (ABs) for the 2012 General Election, surpassing the 2008 mailings and returns by 49% and 38% respectively. The law currently permits the canvassing of returned absentee ballots 15 days prior to Election Day. Over 74,000 ballots had been returned by the 15th day prior to the Election, putting the Department at a management and processing disadvantage with a large volume of ballots being returned on a daily basis. Our ability to canvass absentee ballots at least 20 days prior to the election would have contributed to more efficient management of the unanticipated volume, as 14,000 ballots had been returned by the 20th day prior to the Election.

After Action Report – November 6, 2012 General Election

Page 4

Over 55,000 absentee ballots were received the day prior to and on Election Day. This challenged staffing resources especially since only 60 of the 150 hired seasonal workers assigned as absentee ballot openers consistently worked as scheduled. The remaining 90 did not consistently show up to work as the workload required. In order to process all of the absentee ballots, operations ran 24 hour days, which required staff who did remain committed to work exhaustively.

In addition, the automated absentee ballot processing unit that sorts all incoming and outgoing ballots experienced a 12 hour mechanical breakdown at 2:30 a.m. the morning of Election Day. This was a contributing factor to election night results being reported on Thursday, November 8, at noon.

Departmental Recommendations:

- Review available technologies that can improve the internal processing of absentee ballots, such as automated signature verification software and advanced mail ballot processing equipment. Also, establish stronger contingency plans for mechanical breakdowns. This will have a fiscal impact, and a budget request will be submitted accordingly.
- Increase seasonal staffing levels to account for 24 hour operations along with increased capacity for space and phone licensing. This will have a fiscal impact, and the department will submit a budget request accordingly.
- Continue to communicate with Miami-Dade County representatives at the USPS to ensure swift and successful ballot delivery for future elections.

Legislative Recommendations:

- Extend the number of days the Supervisor of Elections is permitted to canvass absentee ballots from the current 15 days prior to Election Day to 20 days prior to Election Day. *(Note: This recommendation was endorsed by the Election Advisory Group on December 14, 2012).*
- Discontinue the term “absentee ballot” and replace it with the more accurate term “Vote by Mail.” *(Note: This recommendation was endorsed by the Mayor’s Elections Advisory Group on December 14, 2012).*

Polling Place Process Inefficiencies: Inefficiencies in the Election Day voter check-in process was a factor that significantly contributed to long lines and wait times experienced at some precincts, especially those affected by the decision to not re-precinct. Currently, the Election Day voter check-in process is performed using preprinted precinct registers. Poll workers review a number of pages to look up the voter after which, the voter is required to sign in. When there is a question regarding a voter’s eligibility, this manual process requires poll workers to look the voter up on a laptop containing a static database or call the Department’s central phone bank (Election Central) for verification. The call volume on Election Day exceeded 7,000 calls, causing delays and bottlenecks at precinct check-in, further exacerbating the wait time.

Departmental Recommendations:

- Research available technologies to automate the voter check-in process using electronic poll books for implementation prior to the next Presidential Election. This will have a fiscal impact, which is being reviewed, and a budget request will be submitted accordingly.

Additional Polling Place Inefficiencies: Other factors included the time required to deploy additional equipment, call volume from precincts causing delays for poll workers trying to reach our call center (Election Central) for assistance, and the ability of some Clerks to manage their polling place.

Departmental Recommendations:

- Explore the use of handheld field technology that may be integrated with the existing inventory and tracking system to enhance accountability in as-needed equipment deployment. This will have a fiscal impact, which is being reviewed, and a budget request will be submitted accordingly.
- Equipment allocation should ensure a minimum of two scanners at each precinct.
- Utilize geographically stationed deployment centers around the county to respond to equipment needs expeditiously.
- Engage senior-level County employees to support the management of polling locations during Presidential Elections. This recommendation may have a fiscal or operational impact that will be assessed.
- Hire additional staff to answer calls in Election Central in order to reduce hold times for poll workers in need of assistance. This will have a fiscal impact, which is being reviewed, and a budget request will be submitted accordingly.
- Reinforce the importance of communication from troubleshooters about resource needs at their assigned polling locations.
- Conduct separate training classes for poll deputies prior to a presidential election with emphasis on line management.
- Include operational needs assessment in Election Day Clerk trainings; empower Clerks to make recommendations regarding equipment and staffing needs.
- Research software technology to systematically track and evaluate poll worker attendance and performance. This will have a fiscal impact, which is being reviewed, and a budget request will be submitted accordingly.

Not Re-Precincting: The decision to postpone re-precincting after redistricting and prior to this election was made in the best interest of voters in order to minimize disruption and limit confusion regarding where they vote on Election Day. More than a quarter of our voters would have been relocated to a new polling location had we done so. In preserving that convenience for our voters, “split” precincts were created across the county whereby multiple ballot variations (styles) existed in a single polling location. Typically, all voters in a single precinct receive the same ballot style in a General Election. However, once redistricting was complete, different district lines were created within a single precinct causing voters from that precinct to have different elected representatives. This meant that voters with different ballot styles were assigned to the same polling location. To ensure voters in these precincts received the correct ballot style, additional quality assurance steps were put in place during check-in. This change in procedure impacted voters who are assigned to large precincts and those with the heaviest turnout.

Departmental Recommendations:

- Present our re-precincting plan to the Board of County Commissioners in 2013 for approval. This plan will more equitably distribute the voting population across precincts. This will eliminate split precincts and help reduce wait times on Election Day in future elections.
- Research available technologies to automate the voter check-in process using electronic poll books for implementation at polling locations countywide prior to the next Presidential Election. This will have a fiscal impact, which is being reviewed, and a budget request will be submitted accordingly.

Summary

In summary, I am pleased to have the opportunity to provide this information to the Elections Advisory Group established to conduct a comprehensive and methodical analysis of the November 6 General Election. My staff and I have strived to provide as much information and detail as possible, within the limitations of available data, for the members to understand the complications of administering an election and make recommendations for improvement to the Board of County Commissioners. The Department will continue to perform research in other large jurisdictions nationwide that share the same challenges we face in Miami-Dade County in an effort to identify other process improvements that may be of value here locally.

I want to thank my staff for their dedication to this department and to the principles of fair and accurate elections in Miami-Dade County. While there is little doubt that important lessons have been learned from this historic election, I hope that this report also demonstrates the competence and hard work of my team in the face of great complexities and logistical challenges. I also want to thank the County departments who provided immeasurable support in staffing and preparing for this election cycle. While virtually every department provides some level of staffing inside our polling locations, there are a multitude of departments who work tirelessly in the background to help administer an election of this scope, especially the Library Department, Internal Services Department, Information Technology Department, the Fire Department, Police Department, and the Community Information and Outreach Department. Their work truly demonstrates the collective meaning of teamwork and I am proud to be among such incredible professionals.

Attachments

c: Members, Elections Advisory Group
R. A. Cuevas, Jr., County Attorney
Office of the Mayor, Senior Staff
Elections Department, Senior Staff



LEAGUE OF WOMEN VOTERS® OF FLORIDA

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540 Beverly Court
Tallahassee, FL 32301
(850)224-2545
LWVExecutiveDirector@gmail.com

January 22, 2013

Senator Jack Latvala
408 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman:

The League of Women Voters of Florida, a nonpartisan organization dedicated to the protection of voting rights for all citizens, salutes your acknowledgement that Florida's election system needs reform and we appreciate the bipartisan tone that you have fostered within the Ethics and Elections Committee thus far.

Based on our research and analysis, along with our communications with thousands of voters throughout the state via our 2012 Voter Hotline, our voter registration efforts, our speakers' bureau and our other voter protection activities, LWVF has identified five priorities, which we urge you to incorporate in your committee's election reform proposal this year:

- Improve the early voting process
- Modernize Florida's voter registration system
- Reform the absentee ballot process
- Restrict the length of constitutional ballot amendment summaries
- Address mobility and safety concerns for voters who are disabled or elderly

These priorities can be addressed through the following recommendations for specific action:

Create a schedule for general elections as well as their related primaries that provides sufficient time for early voting, so that no Floridian is forced to stand in long lines in order to vote. Provide a minimum of nine days for early voting, with an option to extend to 14 days. The early voting period should include at least two weekends and at least two weekdays with extended access of :12 hours or more.

Allow supervisors of elections the ability to select early voting sites in each county consistent with the procedure used to select Election Day polling sites.

Restore the prior protocol that allowed voters to update their address at the polls on Election Day and still cast a regular ballot.

Develop an online voter registration system to supplement the current, paper-based system.

- Create a uniform and timely process for notifying voters if their absentee ballot has been accepted or rejected, and provide a window of opportunity to allow voters whose absentee ballots have been rejected a remedy for ensuring they are not unduly disenfranchised.

Address mobility and safety concerns for voters who are disabled or elderly and provide an expedited process to allow them to vote without having to wait in line.

Require legislatively proposed constitutional amendments be held to the same standards for clarity and concision as citizens' initiatives, including limiting ballot summaries to 75 words or less.

Early voting restrictions, an outdated voter registration system, and a lengthy ballot all coalesced to create excessive lines, delays in the counting of ballots and a significant number of disenfranchised voters. In order to help prevent such problems in the future, the League of Women Voters of Florida has identified the specific recommendations outlined above for election reform. It is imperative that the state move quickly to address Florida's electoral system and institute these reforms, which will help ensure that future elections run smoothly.

We look forward to working with you throughout the upcoming session, and please feel free to contact us if you have any questions.

Sincerely,



Deirdre Macnab
President

cc: Senate President Don Gaetz.

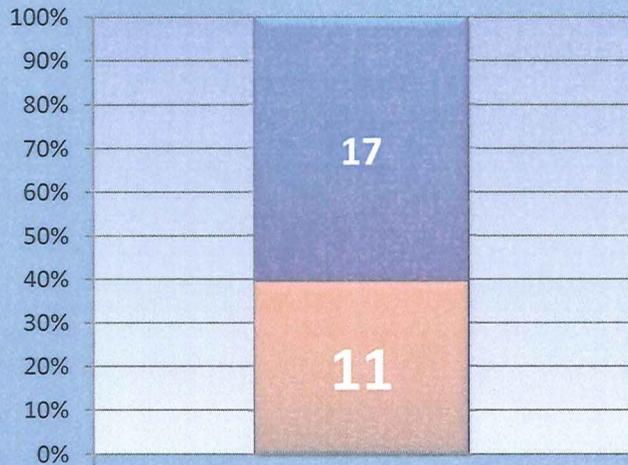
Ballot Summary, WORD COUNT (Legislative Proposals, 2002-2012)*

(* Before 2002, legislative ballot summaries were limited to 75 words.)

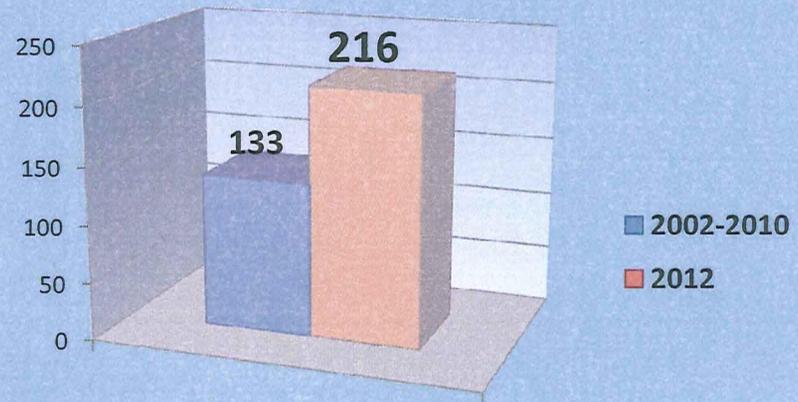
Total # of Legislative Ballot Summary Words



■ 2002-2010 ■ 2012



Total Number of Amendments



Average Words per Amendment

2012			Ballot Summary
Amend. No.	Subject	Ballot Title	WORD COUNT
1	Health Care	Health Care Services	295
2	Homestead	Veterans Disabled Due to Combat Injury; Homestead Property Tax Discount	68
3	Revenue Limit	State Government Revenue Limitation	177
4	Homestead; Taxes	Property Tax Limitations; Property Value Decline; Reduction for NonHomestead Assessment Increases; Delay of Scheduled Repeal	664
5	Judiciary	State Courts	585
6	Abortion	Prohibition on Public Funding of Abortions; Construction of Abortion Rights	135
8	Religion	Religious Freedom	72
9	Homestead	Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder	107
10	Taxes	Tangible Personal Property Tax Exemption	121
11	Homestead	Additional Homestead Exemption; Low-Income Seniors who Maintain Long-Term Residency on Property; Equal to Assessed Value	88
12	Appointments	Appointment of Student Body President to Board of Governors of the State University System	59
2012 Total Legislative Ballot Summary Words			2371
2012 Average Legislative Words/Amendment			216

2010			Ballot Summary
Amend. No.	Subject	Ballot Title	WORD COUNT
1	Public Campaign Financing	Repeal of Public Campaign Financing Requirement	28
2	Homestead	Homestead Ad Valorem Tax Credit for Deployed Military Personnel	127
8	Education; Class Size	Revision of the Class Size Requirements for Public Schools	190
2010 Total Legislative Ballot Summary Words			345
2010 Average Legislative Words/Amendment			115

2008			Ballot Summary
(Presidential Preference Primary)			
Amend. No.	Subject	Ballot Title	WORD COUNT
1	Homestead	Property Tax Exemptions; Limitations on Property Tax Assessments	498
2008 PPP Total Legislative Ballot Summary Words			498
2008 PPP Average Legislative Words/Amendment			498

2008			Ballot Summary
(General Election)			
Amend. No.	Subject	Ballot Title	WORD COUNT
1	Real Property; noncitizen aliens	Declaration of Rights	31
2008 Total Legislative Ballot Summary Words			31
2008 Average Legislative Words/Amendment			31

2002			Ballot Summary WORD COUNT
Amend. No.	Subject	Ballot Title	
1	Death Penalty	Amending Article I, Section 17 of the State Constitution	540
2	Initiatives	Economic Impact Statements for Proposed Constitutional Amendments or Revisions	34
3	Miami-Dade Home Rule	Authorizing Amendments to Miami-Dade County Home Rule Charter by Special Law Approved by Referendum	47
4	Public Record/ Meeting Xempts	Laws Providing Public Records or Meetings Exemptions; Two-Thirds Vote Required	32
7	Homestead	Exemption for Construction of Living Quarters for Parents or Grandparents	81
2002 Total Legislative Ballot Summary Words			734
----- 2002 Average Legislative Words/Amendment			147

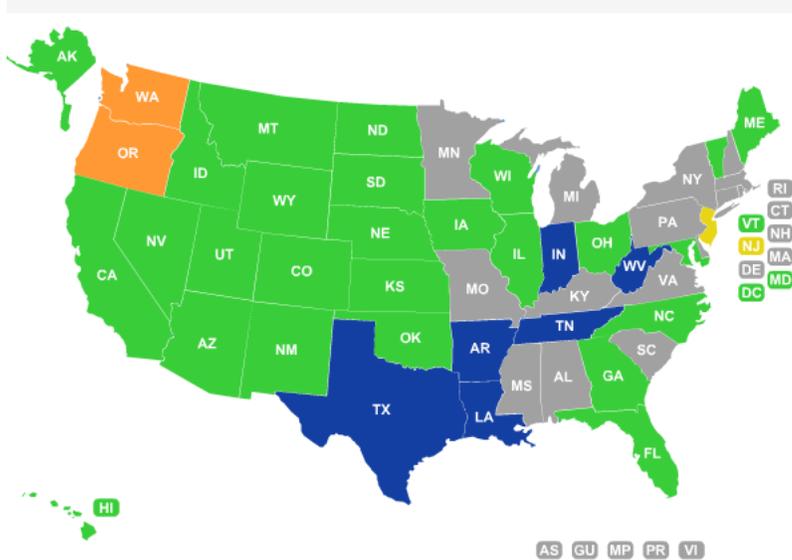
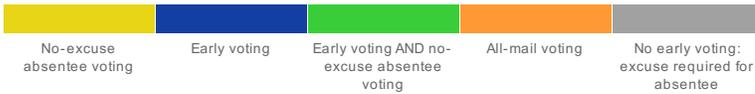
Data Source: Florida Division of Elections web site (Nov. 30, 2012):

<http://election.dos.state.fl.us/initiatives/initiativelist.asp>

Word Count Software: Microsoft Word 2007.

Absentee and Early Voting

Updated September 4, 2012



States offer three ways for voters to cast a ballot before Election Day:

- Early Voting:** In 32 states and the District of Columbia, any qualified voter may cast a ballot in person during a designated period prior to Election Day. No excuse or justification is required.
- Absentee Voting:** All states will mail an absentee ballot to certain voters. The voter may return the ballot by mail or in person. In 21 states, an excuse is required, while 27 states and the District of Columbia permit any qualified voter to vote absentee without offering an excuse. Some states offer a permanent absentee ballot list: once a voter asks to be added to the list, s/he will automatically receive an absentee ballot for all future elections.
- Mail Voting:** A ballot is automatically mailed to every eligible voter (no request or application is necessary), and the state does not use traditional poll sites that offer in-person voting on Election Day. Two states use mail voting.

Overview

The table below details the types of pre-election day voting that are available in each state. Information on the details of each category may be found below the table.

Contents

- ▶ [Overview](#)
- ▶ [Early Voting](#)
- ▶ [No-Excuse Absentee Voting](#)
- ▶ [Permanent Absentee Voting](#)
- ▶ [Mail Voting](#)
- ▶ [Find Information for Your State](#)
- ▶ [Military Voters](#)
- ▶ [For More Information](#)

Resources

Deadlines and Requirements

To learn the deadlines and requirements for voter registration and early and absentee voting in your state, visit the National Association of Secretaries of State's [Can I Vote?](#) page.

Military and Overseas Voters

To learn more about voting by military and overseas citizens, visit the [Overseas Vote Foundation](#).

State	In-Person		By Mail		
	Early Voting	No-Excuse Absentee	Absentee; Excuse Required	All-Mail Voting	Permanent Absentee Status
Alabama			X		
Alaska	X	X		(a)	
Arizona	X	X		(a)	X
Arkansas	X		X	(a)	
California	X	X		(a)	X
Colorado	X	X		(a)	X
Connecticut			X		
Delaware			X		
D.C.	X	X			X
Florida	X	X		(a)	
Georgia	X	X			
Hawaii	X	X		(a)	X
Idaho	X	X		(a)	
Illinois	X	X			
Indiana	X		X		
Iowa	X	X			
Kansas	X	X		(a)	
Kentucky			X		
Louisiana	X		X		
Maine	X	X			
Maryland	X	X			
Massachusetts			X		
Michigan			X		
Minnesota			X	(a)	
Mississippi			X		
Missouri			X	(a)	
Montana	X	X		(a)	X
Nebraska	X	X		(a)	
Nevada	X	X		(a)	
New Hampshire			X		
New Jersey		X		(a)	X
New Mexico	X	X		(a)	
New York			X		
North Carolina	X	X			
North Dakota	X	X		(a)	
Ohio	X	X			
Oklahoma	X	X			
Oregon				X	
Pennsylvania			X		
Rhode Island			X		
South Carolina			X		
South Dakota	X	X			
Tennessee	X		X		
Texas	X		X		
Utah	X	X			X
Vermont	X	X			
Virginia			X		
Washington				X	
West Virginia	X		X		
Wisconsin	X	X			
Wyoming	X	X			
TOTAL	32 states + DC	27 states + DC	21 states	2 states	7 states + DC

Source: National Conference of State Legislatures, July 2011

(a) Certain elections may be held entirely by mail. The circumstances under which all-mail elections are permitted vary from state to state.

Early Voting

Two-thirds of the states--32, plus the District of Columbia--offer some sort of early voting. Early voting allows voters to visit an election official's office or, in some states, other satellite voting locations, and cast a vote in person without offering an excuse for why the voter is unable to vote on election day. Satellite voting locations vary by state, and may include other county and state offices (besides the election official's office), grocery stores, shopping malls, schools, libraries, and other locations.

The time period for early voting varies from state to state:

- ▶ The date on which early voting begins may be as early as 45 days before the election, or as late as the Friday before the election. The average starting time for early voting across all 32 states is 22 days before the election.
- ▶ Early voting typically ends just a few days before Election Day: on the Thursday before the election in three states, the Friday before in nine states, the Saturday before in five states, and the Monday before Election Day in 11 states.
- ▶ Early voting periods range in length from four days to 45 days; the average across all 32 states is 19 days.
- ▶ At least 12 of the 32 early voting states require that early vote centers be open on at least one Saturday or Sunday during the early voting period. Others give county or local officials the authority to determine the hours for early voting.

No-Excuse Absentee Voting

Absentee voting is conducted by mail-in paper ballot prior to the day of the election. While all states offer some version of it, there is quite a lot of variation in state procedures for absentee voting. For instance, some states offer "no-excuse" absentee voting, allowing any registered voter to request an absentee without requiring that the voter state a reason for his/her desire to vote absentee. Other states permit voters to vote absentee only under a limited set of circumstances.

The following 27 states and D.C. offer "no-excuse" absentee voting:

No-Excuse Absentee Voting		
Alaska	Iowa	North Carolina
Arizona	Kansas	North Dakota
California	Maine	Ohio
Colorado	Maryland	Oklahoma
District of Columbia	Montana	South Dakota
Florida	Nebraska	Utah
Georgia	Nevada	Vermont
Hawaii	New Jersey	Wisconsin
Idaho	New Mexico	Wyoming
Illinois		

Source: National Conference of State Legislatures, July 2011

Permanent Absentee Voting

Some states permit voters to join a permanent absentee voting list. Once a voter opts in, s/he will receive an absentee ballot automatically for all future elections. The states that offer permanent absentee voting to any voter are:

- ▶ Arizona
- ▶ California
- ▶ Colorado
- ▶ District of Columbia
- ▶ Hawaii
- ▶ Montana
- ▶ New Jersey
- ▶ Utah

At least seven states offer permanent absentee status to a limited number of voters who meet certain criteria:

- ▶ Alaska - voters who reside in a remote area where distance, terrain, or other natural conditions deny the voter reasonable access to the polling place
- ▶ Delaware - military and overseas voters, and their spouses and dependents; voters who are ill or physically disabled; voters who are otherwise authorized by federal law to vote by absentee ballot
- ▶ Kansas - voters with a permanent disability or an illness diagnosed as permanent
- ▶ Massachusetts - permanently disabled voters
- ▶ Minnesota - voters with a permanent illness or disability
- ▶ Missouri - permanently disabled voters
- ▶ West Virginia - voters who are permanently and totally disabled and unable to vote at the polls

Mail Voting

Two states -- Oregon and Washington -- conduct all elections by mail. A ballot is automatically mailed to every registered voter in advance of Election Day, and traditional in-person voting precincts are not available. Learn more about Oregon's vote-by-mail program [here](#).

17 states allow certain elections to be held by mail:

- ▶ Alaska - Elections other than general, party primary or municipal
- ▶ Arizona - Special districts may conduct elections by mail
- ▶ Arkansas - Primary elections in which only one candidate has filed for the position by the filing deadline and there are no other ballot issues to be submitted for consideration
- ▶ California - When there are 250 or fewer voters registered to vote in a precinct; and local, special or consolidated elections that meet certain criteria
- ▶ Colorado - Elections that are not for recall and do not involve partisan candidates (except for primary elections), and are not held in conjunction with or on the same day as primaries or Congressional vacancy elections
- ▶ Florida - Referendum elections at the county, city, school district or special district level; and the governor may call for a mail ballot election after issuing an executive order declaring a state of emergency or impending emergency
- ▶ Hawaii - Any federal, state, or county election held other than on the date of a regularly scheduled primary or general election
- ▶ Idaho - A precinct which contains no more than 125 registered electors at the last general election may be designated by the board of county commissioners as a mail ballot precinct no later than April 1 in an even-numbered year
- ▶ Kansas - Nonpartisan elections at which no candidate is elected, retained or recalled and which are not held on the same date as another election
- ▶ Minnesota - Elections conducted by a municipality having fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county
- ▶ Missouri - Nonpartisan issue elections at which no candidate is elected, retained or recalled and in which all qualified voters of one political subdivision are the only voters eligible to vote
- ▶ Montana - Any election other than a regularly scheduled federal, state or county election; a special federal or state election, unless authorized by the legislature; or a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day
- ▶ Nebraska - Special ballot measure elections that meet certain criteria, held by a political subdivision
- ▶ Nevada - Whenever there were not more than 20 voters registered in a precinct for the last preceding general election
- ▶ New Jersey - A municipality with a population of 500 or fewer persons, according to the latest federal decennial census, may conduct all elections by mail
- ▶ New Mexico - Any bond election, any election on the imposition of a mill levy or a property tax rate for a specified purpose, or any special election at which no candidates are to be nominated for or elected to office
- ▶ North Dakota - A county may conduct any election by mail

Early and Absentee Voting in YOUR State

Are you looking for information on how to vote early or by absentee ballot in an upcoming election? While NCSL is not involved in holding elections and cannot provide information or advice on how, when or where to vote in your state, we are pleased to provide this link to a page which will direct you to the answers you need regarding your state's laws: [Can I Vote?](#)

Military Voters

All states permit members of the military who are stationed overseas, their dependents, and other U.S. citizens living abroad to vote by absentee ballot. For more information, please visit the [Overseas Vote Foundation](#).

For More Information

For more information on absentee voting, contact NCSL staff [Jennie Drage Bowser](#) or [Wendy Underhill](#) in NCSL's Denver office at 303-364-7700.

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