



**Recommendations for Increased Accessibility &  
Efficiency in Florida Elections**

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**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