

U.S. ELECTION ASSISTANCE COMMISSION



2012 Election Administration & Voting Survey

Florida

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X **No Change Since 2010**

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X **Changed Since 2010**

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (a) below this line.]

Over-vote – When an elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question. (Sections 97.021(24); 101.5606(3), Florida Statutes)

[End definition (a) above this line.]

b. Under-vote

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (b) below this line.]

Under-vote – When an elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question. (Section 97.021(38), Florida Statutes)

[End definition (b) above this line.]

c. Blank ballot

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (c) below this line.]

Blank ballot – A ballot where the tabulating equipment reads the ballot as a ballot with no votes cast. (Section 101.5606(3), Florida Statutes)

[End definition (c) above this line.]

d. Void/Spoiled ballot

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (d) below this line.]

Void/Spoiled ballot – A ballot on which the voter has made an error and may be given up to two more replacement ballots unless the person chooses to cast a spoiled ballot. (Section 101.5608(2)(b), Florida Statutes)

[End definition (d) above this line.]

e. Provisional/Challenged ballot

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (e) below this line.]

Provisional/Challenged ballot – Provisional ballot is a conditional ballot voted by a person whose eligibility is in question. The ballot is placed in a provisional ballot envelope and the canvassing board determines by a preponderance of evidence whether or not to count the ballot based on evidence available. (Sections 97.021(29) and 101.048, Florida Statutes)

[End definition (e) above this line.]

f. Absentee

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (f) below this line.]

Absentee –Not defined in statute. An absentee ballot is a ballot voted by an absentee voter. (Section 97.021(1), Florida Statutes). The ballot is placed in an absentee voting envelope and presented to the county canvassing board for determination in accordance with Section 101.68, Florida Statutes.

[End definition (f) above this line.]

g. Early voting

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (g) below this line.]

Early voting – An early voting ballot is a ballot cast prior to election day at a location designated by the supervisor of elections and deposited in a tabulation system. (See Section 97.021(37), Florida Statutes).

2012 Response:

In early voting, the ballot is put through a precinct tabulator at the early voting site by the voter. See discussion below for 2011 changes to early voting period in A2.

(see Section 101.657, Florida Statutes)

[End definition (g) above this line.]

h. Active Voter

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (h) below this line.]

Active Voter – Not defined in statute except that an active voter is the converse of an inactive voter as designated pursuant to the outcome of certain address list maintenance activities under Section 98.065, Florida Statutes.

[End definition (h) above this line.]

i. Inactive Voter

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (i) below this line.]

Inactive Voter – A registered voter who has been flagged in the statewide registration system as inactive because he or she did not respond to an address confirmation final notice within 30 days of receipt or because the address confirmation final notice was returned as undeliverable. The final notice is

triggered by an undeliverable address change notice or address confirmation request or other undeliverable 1st class mail. (Section 98.065, Florida Statutes)

[End definition (i) above this line.]

j. Other terms (please specify) _____

_____ No Change Since 2010 _____ Changed Since 2010

2010 Response:

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

_____ No Change Since 2010 ___X___ Changed Since 2010

2012 Response:

The following changes occurred as a result of Chapter 2011-40, Laws of Florida.

Absentee Ballots:

- *Delivery period.* Standardizes the timeframes during which absentee ballots are to be sent to military, overseas, and other voters via method requested by voter (i.e., mail, e-mail, or fax). For military absent stateside and overseas, and overseas citizen voters, absentee ballots must be sent no later than 45 days before the election. For all other voters, absentee ballots must be sent within a 7-day window (between 35 and 28 days before the election). (Section 101.62(4), Florida Statutes)
- *Ballot instructions.* Requires absentee ballot instructions to include a notice to the voter that 1) an absentee ballot will not count if the signature on the certificate and the voter registration record do not match, and 2) the signature update must be received before canvassing of absentee ballots begins which now can start as early as 15 days before election day. The signature match requirement is not new and is the standard that canvassing boards follow to determine whether to count the ballot. (Sections 101.65 and 101.6923, Florida Statutes)
- *Canvassing.* Changes the timeframe in which county canvassing boards could begin canvassing absentee ballots from 6 days before to as early as 15 days before an election. (Section 101.68, Florida Statutes).

Changes to Voter Registration Record:

- *Address changes.* Allows registered voters who move from county-to-county other options for updating their address other than by voter registration application (*i.e.*, in person, by phone, by mail, by e-mail, by fax, or by written signed notice) provided the change is made directly to the supervisor of elections in the county of new residence. Otherwise, the voter still has to submit the address change by voter registration application. (Section 97.1031, Florida Statutes)
- *Address changes at the polls.* Allows only the following voters to change their addresses at the polls on Election Day and still vote a regular ballot: 1) those voting in the same county in which they originally registered to vote; or, 2) an active military member or in the same family with an active military member. Other electors making county-to-county address changes at the polls would be required to vote a provisional ballot.
- *Address confirmation at the polls.* Limits a poll worker's ability to make a voter confirm an address or to challenge the voter's eligibility to vote in that precinct based solely on the fact that an address on the ID is different than the one on record. Prohibits further address-related questions from being asked of a voter whose address on the ID is the same as the one on record. (Section 101.043, Florida Statutes)
- *Party or name changes.* Allows a registered voter to change party affiliation or make a name change by written means other than voter registration application provided the notice is signed and contains the person's date of birth or voter registration number.
- *Voter Information Cards:* Requires Supervisors of Elections to add the polling place address on all voter information cards issued or re-issued on or after August 1, 2012. Requires voter information card to be issued each time polling place address changes.

Early Voting Period:

In 2011, the Florida Legislature amended the early voting period. See s. 39, ch.2011-40, Laws of Florida. It now requires an 8-day early voting period instead of a 14-day early voting period beginning 10, instead of 15, days before an election, and ends 3, instead of 2, days before an election. It still maintains a maximum 96 total hours of early voting based on need. Early voting sites must be open for a minimum of 6 hours but no more than 12 hours per day. (Section 101.657, Florida Statutes)

Election dates:

- *Presidential Preference Primary (PPP).* Eliminated the current date for the PPP (last Tuesday in January) and created a 10-member PPP Date Selection Committee, which will establish the PPP date every four years to fall between the beginning of January and the beginning of March; the date must be selected by October 1 of the year preceding the presidential election. The Committee picked January 31, 2012. (Section 103.101, Florida Statutes)
- *Primary election.* Moved the State's primary election from 10 weeks to 12 weeks before the general election such that the 2012 Primary Election was held on August 14, 2012. (Section 100.061, Florida Statutes)

Third-Party Voter Registration Organizations

- Modified the law governing the solicitation and collection of voter registration applications by third-party voter registration organizations. The law was challenged, and only some of the changes were upheld. These organizations still have to register with the State if conducting such drives, turn in applications within 10 days or face penalties, and monitor the distribution and collection by marking their applications. However, they now have to identify and register only employed registration agents.

2010 Response:

[Begin response to above question (A2) below this line.]

Effective July 1, 2010, all voting in any election is to be by marksense ballot, with the exception of voting by persons with disabilities who have the option of voting by marksense ballot or on an accessible voting system device. By 2016, counties must also employ a voter interface device that uses marksense ballot for use by persons with disabilities. (Section 101.56075, Florida Statutes)

Effective January 1, 2009, persons as young as 16 years old may preregister to vote. (Section 97.041(1)(b), Florida Statutes)

Effective June 2010, a person whose personal identifying number on the voter registration application has not been verified may provide a copy of his or her Florida driver's license, Florida identification card, or social security card and, if otherwise eligible, will be made an active voter. The number presented need not be the same number as the one originally provided on the application. (Section 97.053(6), Florida Statutes)

Two of the previously approved photo identifications for voting have been eliminated – employee badge or identification and buyer's club identification are no longer acceptable photo identifications for voting at the polls. (Section 101.043, Florida Statutes)

Following each election, the county canvassing board is required to perform a manual audit of the voting system used in the county. (Section 101.591, Florida Statutes)

If a voter is challenged for not living in the precinct, the voter must first be given an opportunity to execute a change of address at the polls to avoid having to vote a provisional ballot. (Section 101.111, Florida Statutes)

Absentee ballots for all UOCAVA voters must be mailed at least 45 days before any election. For stateside military UOCAVA voters, absentee ballots can be transmitted to the voter by mail, e-mail, or facsimile transmission, at the voter's choice. (Section 101.62(4), Florida Statutes. Overseas UOCAVA voters have been able to get their ballots electronically since 2002.

If a UOCAVA voter has provided an e-mail address, the Supervisor must provide the voter with an e-mail that confirms that the absentee ballot request was received and provide the

estimated date that the ballot will be transmitted. When the voted absentee ballot is returned to the Supervisor, the Supervisor must notify the voter by e-mail that the voted ballot has been received. (Section 101.6952, Florida Statutes)

All Supervisor of Elections' websites now have a voter look-up feature, precinct finders, on-line absentee ballot request systems and absentee ballot tracking systems.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (B1) below this line.]

As first reported to the EAC in May 2005 in response to recommended guidelines for statewide voter registration systems, Florida registration system is considered a hybrid, incorporating features of a bottom-up system and a top-down system.

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above clarification question to B1 below this line.]

Information from the counties is transmitted real-time to the statewide system.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (B2) below this line.]

If the supervisor of elections has information from a source other than the voter that the voter has moved to a location out of the state, the supervisor sends an address confirmation final notice to the voter. If the voter does not return the notice within 30 days or the notice is returned as undeliverable, the voter is flagged as inactive in the registration system. An

inactive voter may be restored to active status upon affirmatively undertaking one of three activities: updating his or her voter registration information, requesting an absentee ballot, or voting. A voter who has not done any of these activities by the second general election after being flagged as inactive is removed from the statewide voter registration system per NVRA and state law. (Section 98.065(4)(c), Florida Statutes) The procedures are the same for UOCAVA voters.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

 No Change Since 2010 X Changed Since 2010

2010 Response and 2012 Response:

[Begin response to above question (B3) below this line.]

A voter's name is removed from the registration rolls for the following reasons:

- Voter requests that his or her name be removed from the rolls.
- Supervisor of Elections receives information from an out-of-state election official that a voter has registered in another state.
- Deceased. Removal may be based on receipt of deceased voter information identified by the Department of State based on a match between a voter and a deceased person on a USG provided by the Department of Health, or it may be based on information from other source that the registered voter has died. For the latter only, notice must be sent.
- Felony conviction without civil rights restored. There are various categories of felon matches identified: Florida felony and sexual offender/predator records obtained from the Florida Department of Law Enforcement, Florida and out-of-state felony records obtained from Florida Department of Corrections, federal felon records obtained from the U.S. Attorney's Office, and interstate felon records obtained from other States. Case files are created. Valid case files are forwarded to the Supervisors of Elections who in turn notify the voter with actual or constructive notice and provide him or her an opportunity to contest the evidence. The voter's name can only be removed upon a determination of ineligibility. The voter is notified of removal.
- Mental incapacity without right to vote restored (if removed initially). Valid case files are forwarded to the Supervisors of Elections who in turn notify the voter with actual or constructive notice and provide him or her an opportunity to contest the evidence. The voter's name can only be removed upon a determination of ineligibility. The voter is notified of removal.

- Non-U.S. citizenship. Registered voters are identified as potential non-U.S. citizens through information available from the Florida Department of Highway Safety and Motor Vehicles and verification of alien numbers through the U.S. Department of Homeland Security's Citizens and Immigrations Services Systematic Alien Verification to Entitlements (SAVE) Program Verification Information System (VIS). (The law has not changed, but the procedures to identify this class of potential ineligible voters are new.)
- Other categories of ineligibility. Credible and reliable information received from any source that a registered voter is a fictitious person, listed an address that is not a legal residence; or is not of legal age to register. The voter must first be given actual notice (or constructive notice if actual notice not possible) by certified mail and an opportunity to admit or deny the accuracy of the information underlying the potential ineligibility. The voter's name can only be removed upon a determination of ineligibility. The voter is notified of removal.

(Section 98.075, Florida Statutes)

The same procedures apply to potentially ineligible UOCAVA voters.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B4) below this line.]

Currently voter registration information that includes a Florida driver's license number, Florida identification card number or social security number is forwarded to our state's driver's license agency or further to the Social Security Administration for verification of the personal identifying number. The outcome of that verification process is forwarded back to the Florida Voter Registration System.

Registered voter records are forwarded daily and cross-matched to the Florida Department of Law Enforcement to assist in the identification of potentially ineligible registered voters who are convicted felons. Other than this scenario, data cannot be shared automatically with any other state or federal database.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B5) below this line.]

The state does not use NCOA. County Supervisor of Elections are responsible for conducting address list maintenance activities. Some counties in Florida use NCOA as part of their programs. However, the state has no experience with it.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B6) below this line.]

A person convicted of a felony must have his or her civil rights restored in order to be eligible to vote. The individual simply attests to that on the voter registration application. No other written proof must be provided at that time of registration.

A person who is charged with a felony offense is still able to vote if in jail awaiting trial (assuming the person has no other felony conviction).

It is reported anecdotally that some supervisors of elections under authority in section 98.045, Fla. Stat., will reject an application received from a convicted felon who is re-applying after having been just removed from the rolls for a felony conviction if the person does not present evidence of clemency or rights restored.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B7) below this line.]

Downloadable registration forms are posted on the Division of Elections' web site. Most supervisors of elections' web sites allow the applicant to complete information online and then to print the form to sign and mail to a voter registration official.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (a) below this line.]

- Ballots cast at the precinct on Election Day are tabulated on precinct scanners at the polling place.
- Absentee ballots are tabulated at the central counting location.
- Early voting ballots are tabulated on precinct scanners at the early voting site.
- Provisional ballots are tabulated at the central counting location.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ **No Change Since 2010** ☒ **Changed Since 2010**

2010 Response:

[Begin response to above question (b) below this line.]

All votes must be allocated back to the respective precinct by the 30th day after the general election. Chapter 2011-40, Laws of Florida, reduced the reporting period from 45 days to 30 days.

(Section 98.0981, Florida Statutes; R1S-2.043, Florida Administrative Code)

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☐ **No Change Since 2010** ☒ **Changed Since 2010**

2012 Response:

[Begin response to above question (c) below this line.]

Chapter 2011-40, Laws of Florida, required the results to be reported with an aggregated total of all ballots cast for each candidate or nominee with subtotals for each candidate and ballot type UNLESS fewer than 10 voters voted a ballot type, in which the breakdown of ballot type is not required.
(Section 98.0981(2), Florida Statutes; R1S-2.043, Florida Administrative Code)

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are tabulated at the central counting location and reported the same as other absentees.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

 No Change Since 2010 X Changed Since 2010

2012 Response:

[Begin response to above question (C2) below this line.]

Florida has no-excuse absentee voting. The law no longer limits the circumstances under which a person may request that the absentee ballot be sent to an address other than the mailing address on record. Previously, in order to do so, the voter had to attest that he or she would be: 1) absent from county on day of election, 2) temporarily unable to live in the home due to fire, tornado, hurricane or other emergency or natural disaster, or 3) in a hospital, assisted living facility, nursing home, short-term or long-term medical or rehab facility, or in a correctional facility. (Sections 97.021(1), 101.62, Florida Statutes)

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (C3) below this line.]

Early voting is defined as “casting a ballot prior to Election Day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system. (Section 97.021(8), Florida Statutes)

2012 Response:

The law recently reduced the early voting period from 14 days to 8 days while maintaining the maximum hours allowable for early voting upon the discretion of the Supervisor of Elections. Early voting now begins 10 days before an election and ends on the 3rd day before any election in which there is a state or federal office race. Early voting may be held for a maximum of 12 hours, but no less than 6 hours, a day. The hours for each day for each early voting site during that period are set at the Supervisor’s discretion. Supervisors of Elections designate early voting sites 30 days prior to an election. Early voting is held in the main or branch office of the Supervisor of Elections. Supervisors may also designate any city hall or public library geographically located so that all voters in the county will have an equal opportunity to cast a vote. Ballots are put through a precinct tabulator at the early voting site by the voter. Those votes are eventually allocated back to the precincts of the voters. (Section 101.657, Florida Statutes)

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (C4) below this line.]

No, with the exception of mail ballot elections under ss. 101.6101-101.6107, Florida Statutes, which can only be held for certain referendum issues.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

 No Change Since 2010

 X Changed Since 2010

2010 Response:

[Begin response to above question (C5) below this line.]

1. A person whose name is not on the precinct register and the poll worker is unable to verify whether or not the person is a registered voter of the state. (Section 101.048, Florida Statutes)
2. A person whose name is not on the precinct register and the poll worker verifies that the person is not registered in the state, but the person maintains that he or she is entitled to vote. (Section 101.048, Florida Statutes)
3. A voter whose name is on the precinct register with an indication that he or she has received an absentee ballot and the poll worker is unable to verify whether the absentee ballot has been returned to the supervisor of elections. (Section 101.69, Florida Statutes)
4. A voter whose name is on the precinct register with an indication that he or she has received an absentee ballot and the poll worker confirms that the supervisor of elections has received the voted absentee ballot, but the voter maintains that he or she has not returned the absentee ballot. (Section 101.69, Florida Statutes)
5. A voter whose name is on the precinct register with an indication that he or she voted early but the voter maintains he or she has not already voted in the election. (Section 101.048, Florida Statutes)
6. A person whose name is not on the precinct register but who has completed either a change of name or change of residence affirmation and the poll worker is unable to verify whether the person is a registered voter of the state. (Section 101.045(2)(c), Florida Statutes)
7. A voter who does not produce an acceptable form of photo ID with signature or a photo ID and a signature ID. (Section 101.043(2), Florida Statutes)
8. A person whose name is on the precinct register with an indication that his or her Florida driver's license number or state identification card number, or the last 4 digits of the social security number has not been verified through the Department of Highway Safety and Motor Vehicles. (Section 97.053(6), Florida Statutes)
9. A person whose signature on the precinct register differs from that on the identification presented and the person refuses to complete the affidavit. (Section 101.49, Florida Statutes)
10. A voter whose identity is in question based on the photo identification provided. (Section 101.043, Florida Statutes)

11. A voter who has been challenged. (Section 101.111, Florida Statutes)

12. A voter who votes on or after the normal poll closing time pursuant to a court or other order extending the polling hours. (Section 101.049, Florida Statutes)

13. Any person for whom the poll worker is unable to get through to the elections office to determine whether or not the person is eligible to vote. (Section 101.048, Florida Statutes) (See also Rule 1S-2.034, Florida Administrative Code)

2012 Response:

A registered voter, other than active military, who tries to make an out-of-county address change at the polls will have to vote a provisional ballot as he or she is not permitted to make the change at the polls in order to vote a regular ballot. (Section 101.045, Florida Statutes)

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (C6) below this line.]

A voter must have voted in the proper precinct in order for the provisional ballot to count (Section 101.045, Florida Statutes). In determining whether to count a provisional ballot, the canvassing board determines if the person voted at the correct precinct and that he or she had not already cast a ballot in the election (Section 101.048, Florida Statutes) Any written evidence provided by the voter (which is due no later than 5 p.m. following the second day after the election) and any evidence presented by the supervisor of elections or any evidence presented by a challenger is considered and the ballot will count unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote. If the person is determined to be entitled to vote, the canvassing board compares the signature on the Provisional Ballot Voter's Certificate with the signature on the voter's registration record and, if it matches, will count the ballot. (Section 101.048, Florida Statutes) In those cases in which the person has voted a provisional ballot solely because he or she failed to provide proper identification at the polls, the person need not provide further evidence of his or her eligibility. The canvassing board will compare the signature on the certificate with the signature on the voter's registration record. If the signatures match, the provisional ballot will count.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

 X **No Change Since 2010** **Changed Since 2010**

2010 Response:

[Begin response to above question (C7) below this line.]

Immediately following certification of an election, the county canvassing board must conduct a manual audit of the voting system used in randomly selected precincts. The audit consists of a public manual tally of the votes in one randomly selected race in 2 percent of the precincts containing that race. The audit must be completed within 7 days after certification of the election by the county canvassing board. (Section 101.591, Florida Statutes and Rule 1S-5.026, Florida Administrative Code.)

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

 X **No Change Since 2010** **Changed Since 2010**

2010 Response:

[Begin response to above question (C8) below this line.]

Each clerk of election shall complete a minimum of 3 hours training prior to each election. Each inspector must complete 2 hours of training prior to each election. No person may serve as a poll worker unless the person has completed the required training, unless there is a vacancy and no person with training is available to fill the vacancy.

A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

All poll workers must be able to read and write the English and be registered voters of the county in which they are serving as poll workers.

In addition, each poll worker must complete a program on issues of etiquette and sensitivity with respect to voters having a disability. (Section 102.014, Florida Statutes)

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (D1) below this line.]

By December 15 of each general election year, the supervisor of elections must report to the Department of State the total number of overvotes and undervotes in the Presidential or Governor's race that appears first on the ballot, or if neither appears, the first race appearing on the ballot. The report from the supervisor must include the likely reasons for the overvotes and undervotes and other information that may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. The Department uses the information submitted to prepare a public report on the performance of each type of voting system. The report is also provided to the Governor, the Florida Senate President and the Speaker of the Florida House of Representatives (Section 101.595, Florida Statutes)

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (a) below this line.]

No photo identification is required at the time of registering to vote. However, persons who are first-time voters registering by mail who have never been issued a driver's license or social security number are subject to specific identification requirements set out in Section 97.0535, Florida Statutes. These voters are referred to as **MARG** voters which stands for **MA**il-in **ReG**istration voters. They must provide a copy of an identification with their application or at some time before they vote. The law sets out what are acceptable forms of identification. If they wait until they go to the polls, they will end up satisfying the requirement when they present a photo ID as is required by law for all voters. If they wait until they vote an absentee ballot, they will have to provide a copy of their identification with the absentee ballot or it will not count. The only exception is if they swear or affirm on the absentee ballot that they are a UOCAVA voter, 65 or older, or temporarily or permanently disabled.

Otherwise, each applicant is simply required to provide a current and valid Florida driver's license number or Florida identification number or the last 4 digits of his or her social security number on the voter registration application, unless the applicant does not have any of these, in which case he or she must indicate "none" on the voter registration application. If the number provided on the application cannot be verified or it is determined that the applicant who indicated none might have a license or state ID number or social security number, the applicant is provided with a notice requesting that he or she provide a copy of his or her identification document in order to become a registered voter. The evidence provided does not have to be the same number as the one provided on the application. (Section 97.053(6), Florida Statutes)

[End response to above question (a) above this line.]

b. casting an in-person ballot;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (b) below this line.]

A voter presenting to vote must show one of the following picture identifications:

- Florida driver's license
- Florida identification card issued by the Department of Highway Safety and Motor Vehicles
- United States passport
- Debit or credit card
- Military identification
- Student identification
- Retirement center identification
- Neighborhood association identification
- Public assistance identification

If the photo identification provided does not contain a signature, an additional identification that provides the voter's signature is required. (Section 101.043, Florida Statutes)

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (c) below this line.]

No identification other than the signature of the voter on voter certificate is required in casting a mail-in or absentee vote – the signature of the voter on the absentee ballot envelope is compared to the signature on the voter registration. (Section 101.68, Florida Statutes). See response to paragraph a. regarding the identification requirements for a MARG voter who waits to present identification at the time he or she votes an absentee ballot.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

__X__ No Change Since 2010 _____ Changed Since 2010

2010 Response:

[Begin response to above question (d) below this line.]

The same requirements contained in response to D2 apply for a UOCAVA voter in casting a mail-in or absentee ballot as for any other absentee ballot voter.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

__X__ No Change Since 2010 _____ Changed Since 2010

2010 Response:

[Begin response to above question (e) below this line.]

None

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

__X__ No Change Since 2010 _____ Changed Since 2010

[Begin response to above question (D3) below this line.]

2012 Response;

Election observers are not permitted in Florida's polling places. However, the law permits poll watchers designated by political parties, candidates, and political committees formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot. Each poll watcher must be a registered voter of the county and must be designated in writing to the supervisor of elections at least 2 weeks prior to the election or early voting period. (Section 101.131, Florida Statutes)

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (E1) below this line.]

No the procedures have not been revised since enacted in 2003. (Section 97.028, Florida Statutes)

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.