U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

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 2016 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
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)	Citation updated to 97.021(25)

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
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)	Citation updated to 97.021(39).

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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. The provisional ballot is to be counted unless the canvassing board determines by a preponderance of the evidence available that the person was not entitled to vote. (Sections 97.021(29) and 101.048, Florida Statutes)

Clarifications:
"Provisional ballot" means a conditional ballot, the validity of which is determined by the canvassing board. (Section 97.021(30), Fla. Stat.). Once voted, the provisional ballot is placed in a secrecy envelope, which is place in a provisional ballot envelope, and then placed in a ballot box. (Section 101.048, Fla. Stat.)

While no definition of "challenged ballot," exists, section 101.111, Fla. Stat., governs voter challenges. The challenged voter is then allowed to cast a provisional ballot in accordance with section 101.048, Fla. Stat.

2016 Response:

f) Absentee

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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 delivered to the county Supervisor of Elections. The Supervisor is required to keep the ballot unopened and for safekeeping until presented to the canvassing board. The Supervisor may verify in advance that the voter is registered and that the signature matches. All ballots are later presented to the county canvassing board for determination in accordance with Section 101.68, Florida Statutes. An absentee ballot is deemed cast upon receipt by the Supervisor of Elections. However, effective January 2014, the Legislature gave absentee ballot voters the opportunity to "cure" ballots returned with unsigned envelopes/certificates. See response to D2c.

Clarification: "Absent elector" means any registered and qualified voter who casts a vote-by-mail ballot. (Section 97.021(1).

2016 Response:

Term "absentee ballot" changed to "vote-by-mail ballot."

g) Early voting

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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).
In early voting, the ballot is put through a precinct tabulator at the early voting site by the voter. See discussion below for 2013 changes to early voting period in A2.

2016 Response:

Section 97.021(37) citation changed to 97.021(9).

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

j) Other terms (please specify) _____

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

The list of identifications that persons voting at the polls and first-time special applicants must show has been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.).

In 2015, section 97.0525, Fla. Stat. was created to implement online voter registration in Florida. Beginning in October 1, 2017, an applicant will have the option to submit an online voter registration application, including a first-time registration application and updates to existing registration, through a secure Internet website.

When implemented, the online voter registration system will compare the Florida driver license number or Florida identification number with information maintained by the Department of Highway Safety and Motor Vehicles ("DHSMV") to confirm the name and date of birth are consistent with DHSMV records. If the records are consistent, the system will transmit, using the statewide voter registration system, the applicant's registration application, along with the digital signature of the applicant on file with DHSMV to the supervisor of elections. If not verifiable, or if the applicant indicates no Florida driver license or Florida identification card has been issued, the system shall populate the applicant's information into a printable application and direct the applicant to print, sign, and date the application and deliver the application to the supervisor.

Supervisors must process the online applications pursuant to section 97.053, Fla. Stat. A legal distinction may not be made between online voter registration and voter registration in person, by mail, or by other methods provided by general law.

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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. There is no real-time access to each other's database at this time.
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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 trail (assuming the person has no other felony conviction).
It is reported anecdotally that some Supervisors of Elections under authority in Section 98.045, Florida Statutes will reject an application received from a convicted felon who is reapplying after having been just removed from the rolls for a felony conviction if the person does not present evidence of clemency or rights restored.
The clemency must be granted under the terms for granting

2016 Response:

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.).

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

In 2015, section 97.0525, Fla. Stat. was created to implement online voter registration in Florida. Beginning in October 1, 2017, an applicant will have the option to submit an online voter registration application, including a first-time registration application and updates to existing registration, through a secure Internet website.

When implemented, the online voter registration system will compare the Florida driver license number or Florida identification number with information maintained by the Department of Highway Safety and Motor Vehicles ("DHSMV") to confirm the name and date of birth are consistent with DHSMV records. If the records are consistent, the system will transmit, using the statewide voter registration system, the applicant's registration application, along with the digital signature of the applicant on file with DHSMV to the supervisor of elections. If not verifiable, or if the applicant indicates no Florida driver license or Florida identification card has been issued, the system shall populate the applicant's information into a printable application and direct the applicant to print, sign, and date the application and deliver the

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All votes must be allocated back to the respective precinct by the 30th day after the certification of the presidential preference primary election, special election, primary election, or general election. Chapter 2011-40, Laws of Florida, reduced the precinct level election results reporting period from 45 days to 30 days. (Section 98.0981, Florida Statutes; R1S-2.043, Florida Administrative Code)

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

In 2001, Florida eliminated 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 obtain an absentee ballot, 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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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) 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)
Refer to response A2 for 2013 legislative changes to early voting hours, days, and locations.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Immediately following certification of an election, the county canvassing board must conduct a post-certification audit of the voting system. As of January 2014, the board can select from two options instead of just the manual audit:
1. 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.
2. An automated, independent audit. The audit consists of a public tally of the votes cast across every race that appears on the ballot in at least 20 percent of randomly-chosen precincts. Any such system used must be approved beforehand by the Department of State. See Section 101.591(Florida Statutes; Section 10 of Chapter 2013-57, Laws of Florida.
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.)

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 MAil-in ReGistration 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

2016 Response:

b. casting an in-person ballot;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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)

2016 Response:

The list of identifications that persons voting at the polls and first-time special applicants must show has been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.).

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

No identification other than the signature of the voter on the 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). If the signature matches, the ballot is counted, subject to any challenge made during canvass as to a defect apparent on the voter's certificate. 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.
Effective January 2014, if a voter forgets to sign his or her absentee ballot or mail ballot certificate, the voter has an opportunity to "cure" the omission. The voter must submit an absentee ballot affidavit and a copy of an identification as set out in law (i.e., one of the following forms of identification:
a. Identification that includes your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; or public assistance identification; or
b. Identification that shows your name and current residence

2016 Response:

The list of acceptable forms of identification have been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.). Identification would be required when a voter submits an absentee ballot affidavit with a copy of an authorized form of identification.

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The same requirements contained in response to D2c. apply for a UOCAVA voter in casting a mail-in or absentee ballot as for any other absentee ballot voter.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 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)

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None

2016 Response:

* 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 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Florida 2014 Responses

A2. The following changes occurred as a result of Chapter 2013-57, Laws of Florida (CS/HB 7013), most of which took effect in January 2014:

Absentee Ballots:

 Requires requests for ballots to be a signed, written request when the requester is requesting that the ballot be sent to an address other than the voter's address in the statewide voter registration system but provides an exemption for absent uniformed services voters and overseas voters.

 Prohibits delivery of absentee ballots from a Supervisor to a voter on election day except in emergencies, and requires an affidavit affirming the facts of the emergency.

 Requires that otherwise acceptable ballots of absent uniformed services and overseas voters in a presidential preference primary or general election must be counted if postmarked or dated no later than election day and received by the Supervisor no later than 10 days after the election. This codifies and expands upon a 1980s federal consent decree to require counting of all votes cast in all races in a Presidential Preference Primary or general election;

 Allows Supervisors to use a voter's signature on the precinct register, in addition to the registration books, to verify a voter's signature for purposes of counting the absentee ballot.

 Provides a mechanism to "cure" returned unsigned absentee ballots by filing an affidavit under certain circumstances until 5 p.m. on the day before an election and requires the absentee ballot tracking system to include that information.

 Makes it a first degree misdemeanor for a person who, for pecuniary or other benefit, distributes, orders, requests, collects, delivers or otherwise possesses more than two absentee ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member

Early Voting

 Requires a minimum 8-day early voting period and the option for a maximum 14-day period by extending the period to include one or more of the following days before election: 15th, 14th, 13th, 12th, 11th, 10th, 9th, and 2nd day (Sunday before the election).

 Requires a minimum of 8 hours a day but no more than 12 hours per day for a maximum of 168 hours

 Expands currently authorized early sites to include fairgrounds, civic centers, courthouses, county commission buildings, stadiums, convention centers, government-owned senior centers and government-owned community centers.

 Allows a Supervisor to designate one additional site per county in an area where no authorized sites exist.

 Requires a Supervisor to operate at least the same total number of early voting sites for a general election that the county operated in the 2012 general election.

Registering to Vote

 Expands the class of overseas persons who can register after the regular registration deadline to include any individual or accompanying family member who returns from military deployment or activation to register to vote. Such person has until 5 p.m. on Friday before election to register.

Ballot Content:

 Allows Supervisors in counties that are subject to the federal multi-language ballot requirement to petition the U.S. Department of Justice for authority to print and deliver single language ballots for each minority language required to be provided.

 Applies a 75-word limit to the first of multiple summaries in a joint resolution/constitutional amendment, while any remaining summaries, including a rewritten summary by the Attorney General, will not be subject to a 75-word limit;

 Applies a 75-word limit to joint resolutions containing only one summary; removes language allowing the full text of an amendment or revision in a ballot statement; removes language

requiring voting systems to allow placement of an amendment or revision‘s full text on the ballot by 2013.

Polling Place

 Allows an elector who has moved to a different county precinct to be able to make an address change at the polls and still vote a regular ballot in lieu of a provisional ballot provided that the new assigned precinct uses an electronic database as the precinct register at the polling place.

 Expands the 100-foot no solicitation zone to include that area in the Supervisor of Elections office where absentee ballots are requested and printed on demand

 Prohibits the separate designation of a no-solicitation outside the 100-foot zone.

Election Dates

 Shortens the time period between the primary election and general from 12 weeks to 10 weeks

 Provides that the presidential preference primary election must be held in each year the number of which is multiple of 4 on the first Tuesday that the rules of the major political parties allow state delegations to be allocated without penalty.

Election Preparation Report

 Requires Supervisor to prepare an election resource allocation report that details staffing and equipment preparation for the general election. Such report must be posted on the Supervisors' official website.

County Canvassing Boards

 Provides for the appointment of alternate members as back-up to the three-member county canvassing boards;

 Requires the board to key up pre-election day the results of early voting and absentee ballots canvassed and tabulated by the end of early voting by uploading the results to the county’s election management system by 7 p.m. on the day before election so that once results can be publicly released on election day, these results can be reported expeditiously.

Voting System Audit

 Provides Supervisors the option of using an automated, independent audit instead of conducting a manual audit and establishes requirements for automated audits and specifies that the automated, independent audit would consist of a public tally of the votes cast across every race that appears on the ballot in at least 20 percent of randomly-chosen precincts.;

 Requires the Department of State to adopt rules for approval of an independent audit system.

Voting System for Persons with Disabilities

 Postpones the date from 2016 to 2020 by when voting equipment must be made available for persons with disabilities that will meet the requirements in the federal Help America Vote Act and Section 101.56062, F.S.

Voting System Vendors

 Imposes new requirements on anyone who submits an electronic or electromechanical voting system for approval, or any person entering a contract for the sale or lease of such equipment, to provide the Department of State the name, address, and telephone number of a registered agent

 Requires vendors to file disclosures with the Department identifying defects in the vendor's voting system, and the remedial action proposed or taken and provides that, if a defect is found which was not disclosed by the vendor, the system may not be used or sold until the system has been inspected by the Department; exempts all proceedings from the Administrative Procedures Act in Ch. 120, F.S.

 Creates a mechanism for the Department of State to investigate defective voting systems, suspend sales and use of systems, and impose civil penalties of $25,000 per defect, plus actual costs, against vendors under certain circumstances.

Committees of Continuous Existence:

 Provides that the gifts law and honoraria law apply to Committees of Continuous Existence ("CCEs") and reporting individuals or procurement employees through September 30, 2013, when CCEs are de-certified under the campaign finance bill.

B3. 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. This happens immediately upon the voter's request.

 Supervisor of Elections receives information from an out-of-state election official that a voter has registered in another state. This is considered a request by the voter as well and the voter's name is removed immediately without further notice.

 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. If a voter is identified as deceased based on an information source other than through the Department of State, the Department of Health or the provision of a death certificate, notice must be sent to the voter's address nonetheless.

 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.) This process was suspended earlier this year and will not resume until at least after the 2014 General Election.

 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.

 In all categories of potentially ineligible voters except as noted above, 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 has 30 days from the date of actual or constructive notice to reply. If denying ineligibility, the voter can request a hearing. The voter's name can only be removed upon a determination of ineligibility. The voter is notified of removal. Only the county Supervisor of Elections can remove a voter determined to be ineligible.(Section 98.075, Florida Statutes) The same procedures apply to potentially ineligible UOCAVA voters.

C5. 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. (Section101.048, 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 provide a photo ID or does not produce an acceptable form of photo ID with signature or a photo ID and a signature ID. (Section101.043(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 signature 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)

14. A registered voter who votes at the wrong precinct. (Section 101.045(1), Florida Statutes

15. A registered voter, other than active military, who tries to make an out-of-county address change at his or her new polling place but the polling place does use an electronic database or

pollbook.. (Section 101.045(2)(b), Florida Statutes)