

**The Presidential Commission on Election Administration
Public Hearing, Friday, June 28, 2013 University of Miami
Bill Cowles, Supervisor of Elections, Orange County, Florida**

Good morning and welcome to the State of Florida. I am Bill Cowles, the Orange County Supervisor of Elections. Orlando is home to the number one tourist destination in the world – Walt Disney World. I appreciate this opportunity to speak to all of you.

In the State of Florida, there are 67 counties. In all but one county, Miami-Dade, there is an elected Supervisor of Elections. We are elected at the same time as the President. As Supervisors, we are administrators of election laws. We are NOT policy makers. The funding for our offices come from our Board of County Commissioners and through various grants made available to counties by the federal government or by the State. Like everyone across the country, our counties have felt the effects of the economic “meltdown”. This has had an impact on our budgets and on the election process.

I have worked in the Orange County Elections Office for the past 24 years, first as the Chief Deputy until my election as Supervisor in 1996. Following the 2000 Elections, I believe that the Election Reforms recommended by Governor Jeb Bush’s Task Force and the changes enacted by the Florida Legislature in 2001 were positive steps for both this State and for the nation. These reforms were held up as a model for other states and had an impact on the creation of the Help America Vote Act in 2002. Some of the election reforms included in the 2001 Legislation included:

- Elimination of lever machines and punch cards. We are an Optical Scan County.
- Standards for ballot layout
- Uniform rules for determining voter intent
- Procedures for conducting a recount
- Introduction of Provisional Ballots
- Formalized Early Voting as a way to reduce the pressure on polling places on Election Day.

The passage of the Help America Vote Act provided us with these additional reforms:

- Creation of a statewide database. (Is it time for a nationwide database?)
- Voting systems standards and testing. Florida does its own testing of voting equipment.
- Funding for voting equipment upgrades and voting systems for a person with a disability
- Grants to assist with poll worker recruitment, voter education, making polling places ADA compliant
- Creation of the Election Assistant Commission

In 2000, the majority of all votes cast were by voters at their assigned polling place. Absentee ballots required an excuse be checked off and was the only alternative to voting on Election Day. Since then, in Florida, the election process has changed to where we are conducting three unique elections for each election.

- **Early Voting** has become very popular with voters. We are a service industry community due to our tourism and most voters do not work a traditional 40-hour week. It's convenient! A voter can go to any Early Voting site in the County to vote. The unfortunate part of Early Voting is that state law has placed various limitations on Supervisors with respect to conducting early voting. We have limitations not only on the number of days but also the number of hours the Early Voting site can be open. Additionally, until this year, we could only use Elections Offices, Libraries, and City Halls. In order to be successful, voting sites must have enough space for the voting process and parking.
- **Absentee Voting** continues to expand. Florida is a NO-Excuse state. We dropped our second primary in order to be able to mail absentee ballots earlier to military voters prior to the MOVE ACT passage. All Absentee Ballots must be in the elections office by 7 PM on election night. A postmark does not count. Only the military under a Federal Consent Decree have 10 additional days after Election Day to have ballot counted. The Absentee Ballot totals are expected to be in our election night totals.
- **Polling Place Voting** is still the traditional method of voting with the polls open from 7 AM to 7 PM on Election Day. The voter must vote in their assigned polling places on Election Day. We do not have a restriction on the number of voters assigned per precinct. This is the voting method that has declined since 2000.

The Election Reforms, following the 2000 Elections coupled with the implementation of Early Voting and the growth of absentee voting, served Florida well during the 2004 and 2008 Presidential Elections. However, the results of the 2010 Re-districting and Re-precincting and the 2011 changes to Election law provide insight into the challenges faced in the 2012 Presidential Election.

Statewide, we were seeing an increased use of Early Voting and Absentee Voting with fewer voters actually going to their assigned polling place on Election Day. In Orange County, we were averaging 40% of the votes being cast before we opened the polls on election morning. Some counties are averaging over 50%. Based on these trends, we and other supervisors decided to reduce the number of polling places as part of Re-precincting and reallocated our dollars and voting equipment to Early Voting and Absentees.

In 2011, a sweeping Election Bill was passed that altered some of the factors that contributed to our prior Presidential Elections successes. The key changes that

affected Orange County and contributed to us having long lines at Early Voting and at polling places on election night were:

- The **reduction in the number of days for Early Voting** from 14 to 8. The first day of early voting was on a Saturday, immediately causing lines. Previously, we started on Monday and built towards the first weekend. We were not allowed to do early voting on the Sunday immediately before the election. To assist our voters, we opened our main office for only in-office absentee voting. Without larger facilities, it is impossible to put more voting equipment in these sites for voters. We used mostly libraries with very small meeting rooms and limited parking.

Because of the fewer days of Early Voting and the long lines, voters opted to go to their polling place on Election Day. A reverse in the trends we had been experiencing and used when Re-precincting. This contributed to the long lines on Election Day.

- During the 2011 and 2012 Legislative Sessions, **12 Constitutional Amendments** were placed on the ballot. The legislators' amendments are allowed to exceed the 75 word limit. Most of the amendments exceeded the limit with one being over 600 words. Orange County also had 5 County Charter questions. Under Federal law, we are required to print ballots in English and Spanish. Each voter received 3 – 17 inch bilingual paper ballots printed on both sides. (Hold up ballots)

With 3 ballots per voter, it meant more time spent in the booth marking their ballots and three times longer feeding their ballots into the tabulator. This was also true for us when processing absentee ballots. Some days, we were running multiple shifts in order to ensure we were finished by election night.

The voters complained about the number of amendments as well as the difficulty of understanding the legal-terms being used. The poll workers heard this most from our Hispanic voters who wanted the poll workers to stop and help them understand what was being asked of them.

- The statewide voter registration database records those who have early voted and voted by absentee. The new law required that any voter who moves between counties and hasn't changed their address by the time they arrive at their polling place, must be given a **Move-In Provisional Ballot**. Our number of Provisional Ballots doubled in 2012 due to this law change since we have the second largest university in the nation, the University of Central Florida, and we are part of a tri-county area that is highly mobile.

This increase in Provisional Ballots increased poll worker duties, the post-election verification process, and tabulation time. Finally, we were the first county in the state to have laptop computers in each polling place and could

have verified the voter's previous address on-line on Election Day in the poll if the law allowed.

I'm grateful that the Florida Legislature, in 2013, has reversed many of the changes made in 2011. To me, the biggest change was they recognized that **"One size does not fit all Counties."**

I was asked to comment on Florida's "preparation for natural disasters". Let me make just a few key observations here:

- On August 24, 1992, Hurricane Andrew hit South Florida and affected the Florida Primary Election on Tuesday, September 1, 1992. The State had to go to the courts for election relief. At the General Election that year, we changed our State Constitution to allow the Governor the power to suspend elections, if necessary.
- State laws need to be reviewed to allow for "flexibility" during these periods. Advances in technology are available to use in such situations if our laws permit. The use of "Ballot on Demand" should allow for quick production of ballots. There are vendors now assisting counties with the electronic transmission of ballots to voters. I am the consortium leader for one of the two FVAP EASE Grants in Florida. Our group is using "Everyone Counts" to send ballots electronically to overseas voters and to voters with a disability. In Florida, we need our law to allow for the electronic return of these ballots. New technology is out there that can convert electronically voted ballots to paper ballots for tabulation.
- Local jurisdictions need to establish close working relationships with their county emergency management groups. In Florida, we are asked to submit a Contingency of Operations Plan (COOP Plan) to the state. During election time, I carry the emergency contact information for all of our utilities companies with me. We have an agreement with the company that delivers voting equipment and with the Orange County Convention Center that whenever a hurricane is approaching, we can load 18-wheelers with our voting equipment and drive them into a building at the Convention Center for safe keeping.

I would hope that moving forward the Federal Government will focus on the following issues.

- Maintaining the Election Assistance Commission with an emphasis in gathering and sharing "Best Practices in Election Administration", encouraging innovations in voting technology (not referring to just voting systems), and be a source of funding to states and local jurisdictions
- Limit the need for election legislation to issues of national importance
- Remember that "One size does not fit all States". (Example – How do you legislate "wait times"?)

- Perceived problems or issues should be fully vetted prior to acting with legislation.
- The local election administrators know their jurisdictions the best and should have the flexibility, fiscal resources and the best in technology to perform their duties.

Bill Cowles
Orange County Supervisor of Elections
119 W. Kaley Street, Orlando, FL 32806
Telephone (407) 254-6500