

Review of the Voting Irregularities of the 2000 Presidential Election

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BACKGROUND

The 2000 General Election for President was one of the closest in the nation's history. Florida was in the forefront of this Presidential contest when early in the evening on election night the news media called the State of Florida for Vice-President Al Gore. Several hours later they rescinded that projection and subsequently called the State for Governor George W. Bush. Finally, in the early morning hours, it was determined that Florida was just too close to call for either candidate. Not only was the difference in the votes only 1,784 out of a total of almost 6 million cast, but Florida's critical 25 electoral votes would determine the outcome of the election.

What ensued kept everyone glued to their televisions for the next five weeks as Florida's canvassing boards and the courts tried to determine the winner. Although almost everyone agrees that the experience served as a great civics lesson on how the President is elected, those five weeks showed that Florida's election laws and procedures need to be revised in a number of areas. This project focuses on those issues that appear to be the most important for consideration during the 2001 Legislative Session so they will be in place for the 2002 elections; however, it is not intended to be an exhaustive list. There are a number of other areas which the Legislature may wish to review over the next few years.

This report analyzes the following issues:¹

- Confirmation of a person's eligibility to vote to insure that no registered voter is turned away from the polls;
- Review of the various voting systems now being used in the State and their ability to accurately reflect each vote cast;
- Guidelines that could be adopted to provide for the uniform recounting of ballots; and
- Clarification of the statutory time frames for the certification of voting results.

¹ This report is not intended as an exhaustive discussion of any of the issues or options presented herein. The time constraints in producing this report precluded such a thorough study.

Confirmation of a Person's Eligibility to Vote

Florida law requires a person to meet certain eligibility requirements in order to vote. Supervisors of elections keep lists of all registered voters in their respective counties to insure that persons eligible to vote are allowed to do so and that those ineligible are not permitted to vote. The 2000 General Election highlighted flaws in our system. There were numerous reports of eligible voters being turned away and not allowed to vote and ineligible persons being allowed to cast ballots.

Voter Registration

Florida law requires that in order to be eligible to vote, a person must be:

- At least 18 years of age;
- A citizen of the United States;
- A legal resident of the State of Florida;
- A legal resident of the county in which that person seeks to be registered; and
- Registered to vote pursuant to the Florida Election Code.²

A person who has been adjudicated mentally incompetent or a person who has been convicted of any felony by any court of record may not vote until restoration of civil rights or removal of the disability.³

In order to register to vote, a person must fill out a voter registration application and submit it to the supervisor of elections in the county of his or her residence. With the implementation of the National Voter Registration Act in 1995, registration forms are now widely available in a variety of locations. A person may register to vote at:

- the Department of Highway Safety and Motor Vehicles, while applying for or renewing a driver's license or identification card;
- any office that provides public assistance;⁴
- any office that serves persons with disabilities;
- any center for independent living;

² Section 97.041, F.S.

³ Art. VI, Section 4, Fla. Const.

⁴ Assistance provided through the food stamp program, the Medicaid program, the Special Supplemental Food Program for Women, Infants, and Children, and the WAGES Program. Section 97.021(22), F.S.

- any qualifying educational institution;⁵
- any public library;
- any armed forces recruitment office.

In addition to these required locations, each supervisor of elections may make applications available at other locations in the county. Additionally, private groups hold registration drives, a person may pick up a registration form and mail it to the supervisor of elections, and the Department of State provides an on-line registration application which may be filled out and electronically submitted to the Department of State. Upon receipt of an on-line registration application, the Department of State prints out the form and sends it to the prospective voter for the voter to sign and send to the supervisor of elections.

In order to be eligible to vote, a completed voter registration application must be received or postmarked at least 29 days prior to the election.⁶

During the 2000 General Election, many persons reportedly went to the polls believing they had registered to vote at the Department of Highway Safety and Motor Vehicles, at a registration drive, or on-line, only to discover that their registration form had not been received by the supervisor of elections or had been received after the book closing date.

Voter Registration List Maintenance

The supervisors of elections are required to maintain the registration books in their respective counties and to assure that the registration records are accurate. In order to maintain accurate and current registration records, the supervisors of elections conduct various list maintenance activities. At least once every two years, in odd-numbered years, each supervisor must conduct a registration list

⁵ Any public or private educational institution receiving state financial assistance which has as its primary mission providing education or training to students 18 years of age or older, which has 200 students, and whose student government organization has requested this designation for voter registration. Section 97.021(24), F.S.

⁶ An application that is *hand delivered* to a driver's license office, a voter registration agency, an armed forces recruitment office, the Division of Elections, or any supervisor of elections in the state must be received by that office at least 29 days prior to the election. Driver's license offices and voter registration agencies are required to forward the applications to the supervisor of elections within 5 days of receipt. If an application has been *mailed and bears a postmark*, the postmark must indicate a mailing date of at least 29 days prior to the election. If a form is *mailed and does not bear a postmark* or the postmark is unclear, the registration form must be received within 5 days after the book closing date of 29 days before the election. Registrations not received in time for the upcoming election are processed and the person is eligible for the next election. Section 97.053, F.S.

maintenance program which identifies voters who have had a change of address.⁷

In addition to identifying voters whose addresses have changed, the supervisors receive information on a monthly basis from state and federal agencies and officials regarding residents of their county who are no longer eligible to vote due to:

- death;
- felony conviction; and
- adjudication as mentally incompetent.

Upon receipt of information from the Department of Health, the clerk of the circuit court, or the United States Attorney indicating a voter is ineligible for one of the foregoing reasons, the supervisor removes the name of such person from the registration rolls. Further verification is not required.⁸

In addition, the Division of Elections maintains a central voter file of voter registration information from all of the counties in the State. As required by statute, the Division of Elections has contracted with a private entity⁹ to compare the information in the central voter file with information in other databases in order to identify voters who may not be eligible to vote.¹⁰ Upon receipt of this list from the Division, the supervisors of elections must attempt to verify the information provided. If they cannot determine that the information is incorrect, they must remove the name from the registration records.¹¹

If the name of a voter is erroneously removed from the registration books, the name of that voter is required to be restored at any time, upon proof of eligibility.¹²

In May 2000, the Division of Elections sent each supervisor of elections a list of persons who were potential matches to persons listed on the central voter file who were not eligible to vote. Shortly after receiving the list, the supervisors of elections were notified that approximately 8,000 persons on the list were identified as felons, when in fact they were misdemeanants. A corrected list was subsequently provided to the counties. Some of the supervisors of elections decided not to use the list at all, while others used the corrected list and attempted to verify the information and remove persons from their lists who were not

⁷ Section 98.065, F.S.

⁸ Section 98.093, F.S.

⁹ The Division has a contract with DataBase Technologies, now known as ChoicePoint.

¹⁰ Section 98.0975, F.S.

¹¹ Section 98.0975(4), F.S.

¹² Section 98.081(3), F.S.

eligible to vote.¹³ There were numerous reports of persons who were identified as felons and whose names were taken off the registration lists when they either had no prior conviction or their civil rights had been restored. Conversely, there were reports that hundreds of felons cast ballots illegally.¹⁴

At the Polls

The supervisor of elections provides each election board with a precinct register, which includes names of registered voters in the county who have been assigned to that precinct. An elector is required to vote in the precinct in which he or she resides.¹⁵

When a voter enters the polling place, he or she provides a picture identification to the poll worker, who locates the voter's name on the precinct register.¹⁶ The voter signs the precinct register and the poll worker compares the signature of the voter with the signature on the identification provided. If the poll worker is satisfied that the person presenting himself or herself to vote is the same person as listed on the precinct register, the voter is allowed to vote.

If the person's name does not appear on the precinct register, the poll worker must contact the supervisor of elections to verify the person's status as a registered voter. Upon such verification, the person is allowed to vote.

During the 2000 General Election, there were numerous reports of voters presenting themselves at the polls only to find that their names were not on the precinct register. There are several reasons why a person's name may not appear on the precinct register. These include:

¹³ Kimberly Miller, *Palm Beach, Volusia Ignored Felon List*, Palm Beach Post (December 1, 2000).

¹⁴ A review of records in 17 counties indicated that 764 felons cast votes in the 2000 General Election. David Kidwell and Geoff Dougherty, *State's Anti-Fraud Efforts Failed*, Miami Herald (December 10, 2000).

¹⁵ If an elector has moved within the county and has not notified the supervisor of elections of his or her address change, such voter may vote in the precinct to which he or she has moved upon completion of an affidavit indicating the address change. Section 101.045, F.S.

¹⁶ Section 98.471, F.S. If the voter fails to furnish the required picture identification or if the poll worker is in doubt as to the identity of the voter, the voter may sign an affidavit affirming his or her identity. Section 101.49, F.S.

- The person is not registered to vote in the county.¹⁷
- The person has moved from the address listed on the registration books to another location in the county and failed to notify the supervisor of elections of the address change.
- The person's name was removed from the registration books as being ineligible to vote due to death, conviction of a felony, adjudication as mentally incompetent, or because the person has registered to vote in another county.

The procedure to be followed by the poll worker when a person's name is not on the precinct register is for the poll worker to contact the supervisor of elections to verify the person's status as an eligible voter. Because of the voter turnout for the 2000 General Election (70.1 percent of registered voters), along with the typically high volume of calls from voters on election day, the phone lines to the supervisors of elections' offices were strained beyond capacity.¹⁸ Poll workers reported numerous attempts to reach the supervisors' offices only to find a continuous busy signal. Some voters were simply turned away, others were told to come back later, and still others were allowed to vote even though their eligibility was questionable.

Review of Voting Systems

Types of Voting Systems¹⁹

Paper ballots

Paper ballots were the first type of ballot used in Florida. A paper ballot system employs a printed sheet of paper containing names of candidates and statements of issues. The voter marks his or her choice on the ballot and drops the ballot into

¹⁷ A person may have filled out a registration application and believe that he or she is registered. However, the application may not have been received by the supervisor of elections, or the application may not have been timely received by the book closing date for that election. In addition, some voters move to another county in the state and do not realize that they must register in their new county of residence.

¹⁸ A few counties equipped some of their precincts with laptop computers with the capability of accessing the county's list of registered voters. Poll workers in these precincts were able to determine the eligibility of some of the persons whose names did not appear on the precinct register without telephoning the supervisor of elections.

¹⁹ General descriptions of the various types of voting systems were obtained from the Federal Election Commission's web site at <http://www.fec.gov/pages>. Recently there have been elections conducted on a limited basis using computer devices connected to the Internet. Since these systems are still experimental and none have been widely used, we will not discuss them here.

a sealed ballot box. After the polls close on election day, the poll workers open the ballot box and count the number of ballots and compare that number to the number of persons who voted, as reflected by the precinct register. The poll workers then proceed to count the votes for each candidate and issue on the ballot. Totals from each precinct are added together by the county canvassing board. Paper ballot systems do not use any type of automation in counting the ballots. Union County is the only county in the State of Florida which uses the paper ballot voting system.

Mechanical Lever Machines

Mechanical lever machines were first authorized for use in Florida in 1929.²⁰ During the next two decades, mechanical lever machines replaced paper ballots in many counties in the State. On mechanical lever voting machines, the name of each candidate or ballot issue is assigned a particular lever on the front of the machine. A set of strips identifying the candidate or issue and lever assignment is visible to the voter. When un-voted, the levers are in a horizontal position. When a voter enters the machine, he or she pulls a main lever that closes a curtain to give the voter privacy. The voter then pulls down the selected lever next to the candidate or ballot issue selected. When all selections have been made, the voter uses the main lever to open the privacy curtain and this action causes the vote to be recorded on counters in the machine. At the close of the polls, the poll workers open the machine and record the votes cast for each candidate and issue as indicated by the counters. Totals from all machines are then added together to determine the total vote for each candidate and issue. There is no paper ballot trail on lever machines. Mechanical lever machines are also designed not to allow overvotes. Mechanical lever machines are no longer being manufactured in the United States. One county in Florida, Martin County, still uses the mechanical lever machines.

Punchcards

The next innovation in voting systems came to Florida in the 1970's in the form of punchcard systems. Punchcard systems employ a card or cards and a device for punching a hole corresponding to the candidate or issue which is the voter's choice. After voting, the voter places the ballot into the ballot box. Ballots are transported to a central location for counting using a computer vote tabulating device. No county in Florida counts punchcard ballots at the precinct location.

There are two types of punchcard systems used in the State. The "Votomatic" card utilizes a separate booklet with the names of candidates and issues. The

²⁰ Section 28 of Chapter 13893, Laws of Fla. (1929) provided: "The purpose and object of this bill is to provide the proper method of experimenting with and trying out what is known as the mechanical balloting or voting machine..."

actual ballot card lists only a series of numbers to be punched corresponding to the candidates and issues. When punched, a hole in the card represents a vote for a candidate or for or against a ballot issue. The “DataVote” card lists both the name of the candidate or description of the issue on the card next to the location of the hole corresponding to the candidate or issue. Twenty-four counties in the State use punchcard ballots. Nine use the “DataVote” system and fifteen use the “Votomatic.”

Optical Scan

Beginning in the late 1980’s and into the 1990’s, many counties in Florida moved to optical scan voting systems. These systems use a ballot card with names of candidates and descriptions of issues preprinted next to an empty rectangle, circle, oval or incomplete arrow. A voter indicates his or her choice by filling in the empty rectangle, circle, or oval or by completing the arrow. After voting, the voter either places the ballot in a sealed ballot box for counting at a central location or feeds the ballot into a computer tabulating device at the precinct. There are currently 41 counties in Florida using optical scan voting systems. Fifteen of these counties count the ballots at a central location and twenty-six use a precinct tabulating device.

Direct Recording Electronic

Direct Recording Electronic (DRE) systems are an electronic version of the mechanical lever voting machines. There is no paper ballot. The voter indicates his or her choices by use of a touch-screen (similar to an ATM), push-buttons, or a similar device. Write-in voting is allowed by use of a keyboard or an alphabetical keyboard on the touch screen. This type of system does not allow overvotes. Votes are stored in a memory cartridge, diskette, or smart-card and at the close of the polls on election day, the cartridges from each device are totaled. Currently, no county in Florida uses a DRE, since none have been certified for use in the State.

Accuracy of Voting Systems

There was a wide variation in the rates of total ballots not counted for President in Florida’s 2000 General Election, depending on the type of system used in a county.²¹

²¹ See Appendix A for the error rate in each county, by voting system.

Voting System	Error Rate ²²
Precinct-count Optical Scan	.79%
Lever Voting Machine	.89%
Punchcard	3.83%
Central-count Optical Scan	5.69%
Paper Ballot	6.32%

There are several reasons why a ballot may not have a vote counted in a particular race. The voter may have voted for more than one candidate, causing an overvote. A voter may have made a conscious decision not to vote in a race or may have marked his or her ballot in a way that the machinery did not count, causing an undervote. Numbers are not available which distinguish between these two types of undervote situations.

As a group, in the 2000 Presidential General Election the 26 precinct-count optical scan counties had the lowest percentage of overvotes and undervotes at .79%. Counties in this group ranged from .12% to 3.91%. Seventeen counties had error rates of less than 1%. With a precinct-count optical scan system, the voter votes his or her ballot and deposits it directly into a ballot tabulator at the precinct. The system can be programmed to return the ballot to the voter if a race is overvoted or if the ballot is completely blank. This gives the voter a better opportunity to correct any mistakes and assure that his or her vote is counted.

Punchcard counties had an average error rate of 3.83%. The lowest error rate among punchcard counties was 1.69% and the highest 9.59%. Several of these counties used ballot designs which may have caused overvotes. For example, Duval County's ballot listed the Presidential candidates on two separate pages, causing many voters to vote for a candidate on each page. Palm Beach County used the infamous butterfly ballot which also caused a great deal of voter confusion. In addition, punchcards are often undervoted because hanging chads can be pushed back into the hole as the ballot goes into the tabulating equipment, thereby covering over the hole and mistakenly indicating no choice in a race.

Surprisingly, of the three widely-used systems in Florida, central-count optical scan counties had the highest average error rate at 5.69%. These 15 counties ranged from a low of 3.73% to a high of 12.38%. A review of the ballots from eight of these counties indicated that a majority of the counties used the same

²² It is important to note that these error rates represent the data from one Presidential election. The actual error rates may be different using a larger statistical sample from several elections.

ballot design, which may have been problematic.²³

Of the two remaining counties, Martin County, which used the mechanical lever machine, had an error rate of .89% and Union County, which used paper ballots, had an error rate of 6.32%.

It is clear that the precinct-count optical scan system had by far the fewest overvotes and undervotes in Florida's 2000 Presidential race. The apparent reason for the lower error rate is that the system is designed to alert the voter to any overvotes prior to the voter leaving the polling place and gives the voter the opportunity to correct his or her ballot.²⁴ For example, in Alachua County where voter turnout was 86,144 voters, there were approximately 2,400 spoiled ballots.²⁵ Although some Alachua voters realized they made an error before depositing their ballot in the precinct tabulator, in most cases it was the *precinct tabulator returning ballots with overvotes* that alerted voters to an error.²⁶

There are two primary sources of voting inaccuracies: mechanical error and human error. Mechanical error is a function of the voting system design and system maintenance; human error relates to the voting system design, the ballot design, and to certain intangible factors beyond all design control.

Voting System Design

The Division of Elections is statutorily-empowered to certify the use of electronic voting systems in Florida.²⁷ These systems include all punchcard, optical scan, and DRE computer systems. A county cannot use a system until it is certified by the Division.²⁸

²³ In this ballot design, the Presidential candidates spanned two columns and there were very light brackets going to a bubble in the middle of the Presidential and Vice Presidential candidates' names.

²⁴ The difference in allowing a voter to correct an overvoted ballot is best illustrated by one Orange County precinct. Apparently, rather than informing the voters of overvotes, the poll worker in this one precinct punched an override button which fed the overvoted ballot into the tabulating machine. While many of Orange County's 231 precincts had no overvotes, this one precinct recorded 79 of the county's 661 overvotes. Roger Roy and Michael Griffin, *Errors Cost Orange Votes*, Orlando Sentinel (February 4, 2001).

²⁵ If a voter spoils his or her ballot, the voter may return the ballot to the election official and receive another one. A voter may receive no more than three ballots. Spoiled ballots are kept in a separate envelope at the polls and are not counted. Section 101.5608, F.S.

²⁶ Telephone conversation with Beverly Hill, Supervisor of Elections, Alachua County (February 9, 2001).

²⁷ Sections 101.5603-101.5606, F.S. The technical statutory term for these systems is "electronic or electromechanical voting systems." *Id.*

²⁸ Section 101.5604, F.S. Currently, no DRE system is certified.

There are certain basic statutory requirements that a system must meet for certification and use in the State.²⁹ For example, a system must provide for secret balloting, be capable of correctly counting votes, provide for write-in voting, and provide an audit trail. In addition, the Division has adopted specific technical criteria in rules implementing these broad statutory requirements. Florida's criteria require that the system be accurate to no more than one counting error in one million ballots.³⁰

Ballot Design

The ability of a voting system to accurately reflect the voter's intent is also inextricably tied to *ballot design*. Ballot design is largely a matter within the discretion of local supervisors of elections. The Electronic Voting Systems Act³¹ prescribes only the most general requirements for punchcard and optical scan ballots, such as the order of the ballot information.³² There is no formal process for review and approval of the ballot design. The supervisor, however, is required either to publish a sample ballot in a local newspaper or mail one to registered voters prior to the election.³³

Palm Beach County's highly-publicized butterfly ballot allegedly confused some 3,000 voters into mistakenly casting their vote for Pat Buchanan instead of Al Gore.³⁴ See Appendix B. Although Palm Beach employed a punchcard system in the 2000 election, the voting system design was not the problem for these voters. The problem was that the Presidential candidates' names were separated in an alternating pattern over two separate columns/pages. The problem was confusing ballot design. Likewise, in a number of other counties, the Presidential candidates spanned two separate pages or columns, causing many voters to overvote by voting for one candidate on each of the pages or columns.

Uniformity

Legal Issues

The question of whether the State *must* or *should* adopt a uniform voting system

²⁹ Section 101.5606, F.S.

³⁰ *Florida Voting Systems Standards*, p. 33 (Form DS-DE101, eff. 7/98).

³¹ Sections 101.5601-101.5615, F.S.

³² Section 101.5609, F.S. The ballot requirements and sample ballot forms in other sections of Chapter 101 were designed for *paper ballot* voting systems, which are designed to count ballots manually. Union County is the only Florida County still utilizing a paper ballot system.

³³ Section 101.20(2), F.S.

³⁴ Thomas Tobin and Leonora LaPeter, *Voters Statewide Say They Had Poll Troubles*, St. Petersburg Times (November 9, 2000).

or uniform technology involves both legal and policy issues.

The legal question is straightforward: Does the U.S. Supreme Court decision in *Bush v. Gore*,³⁵ require Florida to implement a uniform voting system/technology in order to guarantee equal protection and fundamental fairness to all its voters? By its explicit terms, it does not. While the case may be subject to differing interpretations by legal scholars, *Bush v. Gore* appears to stand for the limited proposition that recounts must utilize uniform recount standards and procedures for each voting system to insure fair treatment of *all* voters. However, the case does create a logic trap which the Court will have to navigate if the issue of a uniform election system is raised in some future case.

Bush v. Gore was a 5-4 decision of the Court, with Chief Justice Rehnquist and Justices Scalia, Thomas, Kennedy, and O'Connor joining the majority opinion³⁶ of the Court. The case involved the review of a Florida Supreme Court opinion in connection with the 2000 election, that:

- Ordered the review and recount of 9,000 undervoted ballots in Miami-Dade County;
- Ordered the Secretary of State to include in the official results the following votes for Vice-President Gore: 215 late-reported votes from Palm Beach County, and 168 votes from Miami-Dade County resulting from a partial recount; and,
- Authorized the circuit court judge to order statewide recounts of undervotes in all Florida counties.

The issue in *Bush v. Gore* was whether the *recount standards* utilized by the county canvassing boards were essentially standardless, and whether the *recount mechanisms* implemented in response to the Florida Supreme Court decision violated equal protection and due process.³⁷ The case was a *recount standards and procedures case*, *not a voting systems case*. The majority opinion, the only opinion which represents binding law, expressly acknowledged that the Court did not address the uniform system or uniform technology issue:

³⁵ 121 S.Ct. 525 (2000).

³⁶ Curiously, the Court labeled their majority opinion "*per curium*," despite the fact that four justices dissented. The term *per curium* means an opinion of the *whole court*. Blacks Law Dictionary (7th edition). The concurrence by Chief Justice Rehnquist, joined by Justices Scalia and Thomas, clearly states that they join in the *per curium* opinion but write separately to articulate *additional* grounds for reversal. *Bush v. Gore*, 121 S.Ct. at 533. Thus, the *per curium* opinion is properly characterized as a *majority opinion* of the Court, not a *plurality* opinion (an opinion in which more justices join than in any concurring opinion, though not a *majority* of the court).

³⁷ *Bush*, 121 S.Ct. at 529-30.

Our consideration is limited to the present circumstances, for the problem of equal protection in election processes generally presents many complexities. The question before the Court is not whether local entities, in the exercise of their expertise, may develop different systems for implementing elections. Instead, we are presented with a situation where a state court with the power to assure uniformity has ordered a statewide recount with minimal procedural safeguards.³⁸

In fact, Justices Souter's dissent goes even further and acknowledges that the use of different voting systems should not present an equal protection problem:

*It is true that the Equal Protection Clause does not forbid the use of a variety of voting mechanisms within a jurisdiction, even though different mechanisms will have different levels of effectiveness in recording voters' intentions; local variety can be justified by concerns about cost, the potential value of innovation, and so on.*³⁹

(emphasis added).

Further, reading *Bush v. Gore* for the broad proposition that Florida must adopt a uniform statewide voting system/technology would create equal protection and fundamental fairness problems nationwide --- arguably, mandating a uniform national election voting system/technology in Presidential Elections. It is doubtful the Court intended to go that far, since it expressly limited its review to the emergency recount situation in Florida.

The dissent, however, warns the majority that a uniform system/technology is precisely what their reasoning would dictate should a case arise in the future, to insure under the equal protection and fundamental fairness doctrines that no elector's vote is debased or diluted. Justice Breyer cautioned:

... [I]n a system that allows counties to use different types of voting systems, voters already arrive at the polls with an unequal chance that their votes will be counted. I do not see how the fact that this results from counties' selection of different voting machines rather than a court order makes the outcome any more fair.⁴⁰

Justice Stevens was more direct in acknowledging and admonishing the majority's logic trap:

Admittedly, the use of differing substandards for determining voter intent in different counties employing similar voting systems may raise serious concerns. ... Of course, as a general matter, '[t]he interpretation of constitutional principles must not be too literal. We must remember that the machinery of government

³⁸ *Id.* at 532.

³⁹ *Id.* at 545 (Souter, J., dissenting, joined by Breyer, J.).

⁴⁰ *Id.*, at 552 (Breyer, J., dissenting, joined by Stevens, J., Ginsberg, J., and Souter, J.).

would not work if it were not allowed a little play in the joints.’ (citation omitted) *If it were otherwise, Florida’s decision to leave each county the determination of what balloting system to employ – despite enormous differences in accuracy (footnote omitted) – might run afoul of equal protection. So, too, might the similar decisions of the vast majority of state legislatures to delegate to local authorities certain decisions with respect to voting systems and ballot design.*⁴¹

(emphasis added). So while the case may not have directly addressed the uniformity question, it likely created some logical obstacles that the Court will have to circumvent in a future case involving the issue of a uniform voting system/technology. Precisely how the Court will negotiate those obstacles is not clear.

Policy Issues

Currently, the county commission of each county is responsible for the purchase of voting equipment for that county. The commission, upon consultation with the supervisor of elections, has the authority to adopt, purchase or otherwise procure voting equipment for the county, as long as the equipment has been approved by the Department of State.⁴² In the past, this local control has led counties to try new and innovative systems to determine what best suits the needs of their locality.⁴³

Costs of Changing Voting Systems

It is difficult to get accurate cost figures on different voting systems without developing uniform specifications for vendors. Based on the time constraints of this project and because each county has different needs, our estimates are based on the minimum hardware and software required to run the system, using current registered voters and precinct figures.⁴⁴ Each of the vendors offers different products and has specialized enhancements and options available.⁴⁵

⁴¹ *Id.* at 541 (Stevens, J., dissenting, joined by Ginsberg, J., and Breyer, J.).

⁴² Section 101.5604, F.S.

⁴³ For example, in 1991, Leon County tested precinct-count optical scan equipment in 10 precincts during two municipal elections. Based on the performance of the system and the acceptance by the voters, Leon County subsequently purchased the system for the entire county.

⁴⁴ Supervisors of elections will likely add precincts as a result of reapportionment prior to the 2002 elections. Increases in precincts will increase voting system costs.

⁴⁵ For example, some vendors of optical scan systems have high speed absentee ballot counters, while others do not offer that equipment. Each of the vendors also offers different head reading technology for their optical scan systems.

Central-Count Optical Scan

Forty-one counties in the State currently use either central-count or precinct-count optical scan voting systems. The estimate to purchase central-count systems for the remaining twenty-six counties is approximately \$9,629,500. An additional \$3,050,000 would be needed for the first year's ballot printing costs. Additionally, some counties would be required to purchase voting booths and/or ballot boxes.

Precinct-Count Optical Scan

Twenty-six counties in the State currently use precinct-count optical scan systems. The estimate to purchase precinct-count optical scan equipment in the remaining forty-one counties in the State is \$40,000,000. Each county would be required to have, at a minimum, one tabulating device per precinct,⁴⁶ a central unit to accumulate and report results, along with the necessary software to run the system. In addition to these costs, there are recurring ballot printing costs.⁴⁷

Direct Recording Electronic

Currently, there are no DRE systems certified for use in the State of Florida.⁴⁸ With a DRE system, one unit is required for every 350 voters in the county.⁴⁹ Therefore, to provide for a uniform DRE system, the minimum number of units required would be 25,008. Estimates for providing a DRE system statewide for all 67 counties range from \$76,000,000 to \$125,000,000. Again, these are minimum cost estimates for basic systems, not including back-up units, installation, and training. In addition, counties would be required to provide for a different tabulating system for absentee ballots.

Lease Option

The Governor's Task Force on Election Procedures, Standards and Technology has recommended that the counties not currently on precinct-count optical scan systems lease those systems for the 2002 election cycle, and in effect "buy time"

⁴⁶ Precinct tabulating devices range from about \$5,150 to \$5,500 each. In addition to the required one per precinct, each county would need back-up units. The number of back-up units would vary depending on the size of the county.

⁴⁷ The Division of Elections estimates that statewide ballot printing costs for the 2002 elections would be approximately \$5 million.

⁴⁸ The Division of Elections has received several applications for certification for DRE's since the 2000 General Election.

⁴⁹ Section 101.33, F.S., requires a county using *voting machines* to provide at least one machine for each 400 registered voters in the county, except in a county in which 25% of the voters are 60 years of age or older, the county must provide one machine for every 350 voters.

in the hope that more advanced technology will be certified by the Division of Elections and provide different options. In testimony before the Task Force it was estimated that the cost to lease this equipment in 41 counties would be \$20,000,000⁵⁰ (as compared to the cost to purchase these systems, estimated at \$40,000,000).

Recounts

There are several different recount provisions in Florida Statutes – automatic recounts, *limited* manual recounts (1% of the votes cast), and *full* manual recounts.

Automatic Recounts

An automatic recount is triggered when the returns for an office indicate that:

- a candidate was defeated or eliminated by one-half of one percent or less of the votes cast for the office;
- a judicial candidate was retained or not retained by one-half of one percent or less of the votes cast on the question of retention; or
- a ballot issue was approved or rejected by one-half of one percent or less of the votes cast on such issue.⁵¹

The canvassing board responsible for certifying the results of the election orders the automatic recount upon a determination that a recount is warranted by the vote.⁵² The canvassing board conducting the recount is required to examine the counters on the machines or the tabulation of the ballots cast in each precinct and determine whether or not the returns correctly reflect the votes cast.

During the 2000 Presidential election, an automatic recount was ordered based on the vote totals reported election night. County canvassing boards immediately began the automatic recount. Counties conducted their recounts in different manners. Some counties ran their ballots back through the tabulators while other counties instead checked the memory cards on the automatic tabulating equipment for clerical or mathematical errors. Some counties looked at the ballots to

⁵⁰ The Governor's Select Task Force on Election Procedures, Standards and Technology, Official Meeting Transcript, p. 94 (February 1, 2001).

⁵¹ Section 102.141(4), F.S.

⁵² If the candidate or candidates defeated or eliminated by one-half of one percent or less request in writing that a recount not be made, the canvassing board is not required to order the recount.

determine if votes not counted by the automatic tabulating equipment should be counted as a vote.⁵³

Manual Recounts

Any candidate, any political committee supporting or opposing an issue on the ballot, or any political party whose candidates' names appeared on the ballot, may file a written request for a manual recount. The request must contain a statement of the reason the recount is being requested and must be filed prior to the time the canvassing board certifies the results of the election or within 72 hours after the election, whichever occurs later. The county canvassing board has the sole and complete discretion as to whether or not to authorize the manual recount. There are no standards to guide the canvassing board's decision. If the recount is authorized, all candidates in the affected race are notified of the time and place of the recount. The recount is required to include at least 3 precincts⁵⁴ and at least 1% of the votes cast for such candidate or issue.

If the manual recount indicates an "error in the vote tabulation"⁵⁵ which could affect the outcome of the election, the county canvassing board has the following options:

⁵³ Debbie Salmone Wickham and Harry Wessel, *What's A Vote? It Varies By County*, Orlando Sentinel (January 28, 2001).

⁵⁴ The person requesting the recount chooses the precincts to be recounted and if additional precincts are recounted, the county canvassing board chooses the additional precincts. Section 102.166(4)(d), F.S.

⁵⁵ On November 13, 2000, the Division of Elections issued three opinions interpreting the term "error in the vote tabulation." The Division opined that "an 'error in the vote tabulation' means a counting error in which the vote tabulation system fails to count properly marked optical scan or properly punched punchcard ballots. Such an error could result from incorrect election parameters, or an error in the vote tabulation and reporting software of the voting system. Voter error is not an 'error in the vote tabulation.'" DE 00-12 (November 13, 2000). The following day, the Attorney General issued AGO 2000-65 in which he disagreed with the Division's opinion and instead indicated his opinion that "the term 'error in voter [sic] tabulation' encompasses a discrepancy between the number of votes determined by a voter tabulation system and the number of votes determined by a manual count of a sampling of precincts pursuant to section 102.166(4), F.S."

- Correct the error and recount the remaining precincts with the vote tabulation system;
- Request the Department of State to verify the tabulation software;⁵⁶ or
- Manually recount all of the ballots.

In conducting the manual recount of the ballots, the canvassing board appoints teams of at least two voters with different party affiliations, where possible. The counting team reviews the ballots to see if the voter's intent can be determined. If the counting team is unable to determine a voter's intent, the ballot is presented to the county canvassing board for its determination.⁵⁷

The 2000 Presidential election highlighted a number of problems with the current recount provisions. These problems included:

- Even though the election was a statewide election, manual recounts were only requested in a few selected counties.
- Large counties conducting manual recounts were not able to meet the certification deadline prescribed by statute.⁵⁸

The United States Supreme Court in *Bush v. Gore* held that other problems with the Florida recount scheme violated equal protection and fundamental fairness:

- While the standard of effectuating the "intent of the voter" was an adequate starting point, there were inadequate substandards in effect prior to the recount as to what constituted a vote. The absence of substandards resulted in the use of varying standards both county-to-county and within the same county, where the same voting system was used.
- Some counties certified partial recounts while full recounts were certified in others.
- The Florida Supreme Court ordered all counties to count undervotes, but not overvotes.
- The county canvassing boards had to pull together "ad hoc" counting teams with no prior experience or training in interpreting/handling ballots.
- Observers were prohibited from objecting during the recount.⁵⁹

⁵⁶ Within 24 hours after any logic and accuracy test, the supervisor of elections is required to send a copy of the tabulation program to the Department of State. Section 101.5607, Florida Statutes.

⁵⁷ Section 102.166(7), F.S.

⁵⁸ Section 102.111, F.S., requires returns to be submitted by the county canvassing boards by 5 p.m. on the 7th day following the general election.

⁵⁹ *Bush*, 121 S.Ct. at 530-32.

Certification of Voting Results

Florida law requires that each county canvassing board certify the results of all elections for a federal or state officer no later than 7 days after the first primary and the general election.⁶⁰ Returns for the second primary are due 3 days after the election.⁶¹ These deadlines are problematic because, in many cases, manual recounts cannot be completed prior to the deadline. In addition, in *federal* general elections, *overseas absentee ballots* must be counted up to 10 days after the election.

Manual Recounts

As a practical matter, it is virtually impossible for larger counties to meet the certification deadlines if circumstances warrant a manual recount of *all* ballots. Florida law allows a losing candidate whose name appeared on the ballot, or the candidate's political party, to ask the county canvassing board for a manual recount.⁶² This request may be made up until 3 days after the election (or by the time the canvassing board certifies the result, whichever occurs later⁶³). In the *first primary* and *general election*, this 3-day manual recount request period potentially limits the county canvassing board to 4 days to complete a manual recount of hundreds of thousands of ballots.

In the case of the *second primary*, the certification deadline and time for requesting a manual recount are identical --- 3 days. The certification deadline is so close to election day because the second primary scenario in certain years contains a built-in delay in determining which candidates' names will appear on the general election ballot. The State Constitution provides that a gubernatorial candidate may run without a lieutenant governor running mate until *after* the second primary.⁶⁴ Following certification of the second primary, the gubernatorial candidate has 3 more days under Florida law to designate a running mate, and for that designee to file the necessary qualification papers with the Department of

⁶⁰ Sections 102.111(1), 102.112(1), F.S.

⁶¹ Section 102.112(1), F.S.

⁶² Section 102.166(4), F.S.

⁶³ The conditionality allowing a party to request a manual recount *any time* prior to the canvassing board certifying the results was enacted in 1999 as part of an overhaul of the protest and contest provisions of the Election Code. Ch. 99-339, Section 1, p. 3545, Laws of Fla. It should be repealed and a firm 3-day period established for requesting a manual recount, to allow adequate time to meet the certification deadlines.

⁶⁴ Art. IV, Section 5, Fla. Const. The Constitutional amendment was adopted in 1998. It was intended to allow the Governor to select a running mate who ran for another office but was defeated prior to the general election.

State.⁶⁵ This certification and gubernatorial designation option delays the printing of overseas ballots by about a week. Printing of the general election ballots is delayed since the name of the lieutenant governor candidate may not be known until that time.

It is important for county canvassing boards to meet all certification deadlines. It is absolutely essential that they do so in the primaries, since ballots for subsequent elections must be printed almost immediately following the certification. The names of the candidates appearing on subsequent ballots are dependent on the certification.

The 2000 Presidential election demonstrated that the sheer volume of ballots to be counted during a recount in Florida's larger counties makes a 7-day certification deadline unrealistic. While Miami-Dade, Broward, and Palm Beach received special scrutiny during the most recent election, the difficulties experienced in these counties would undoubtedly have been encountered by many other counties had recounts been required there.

Overseas Absentee Ballots

In *general* elections for *federal* office, the State of Florida is required⁶⁶ to count all ballots received from overseas voters which are postmarked or signed and dated by the date of the election, provided they are received no later than *10 days after the election*. Thus, Florida's one-week general election certification deadline *precedes* the date on which all valid ballots must be received.

The certification deadline for the 2000 Presidential general election was November 14, 2000, seven days after the election. On November 15, 2000, the results forwarded by the county canvassing boards to the Department of State indicated that the Bush/Cheney ticket was ahead of the Gore/Lieberman ticket by

⁶⁵ Section 99.063, F.S.

⁶⁶ In the early 1980's, the United States Government sued the State of Florida claiming that the State's system of holding three elections in nine weeks failed to provide eligible overseas voters sufficient time to receive and vote the ballot. Florida Senate, Committee on Executive Business, Ethics and Elections, *Increasing Participation by Florida's Overseas Voters*, p. 1-2 (September 1997) (Report No. 97-P-33). As a result, the State entered into a Consent Order and court-approved Plan of Compliance with the U.S. Department of Justice, requiring Florida to modify the timing of its overseas ballot mailings in federal elections and mandating that such ballots be counted if postmarked or signed and dated by election day, *provided* they are received no later than 10 days following the election. *Id.*

a mere 300 votes (Bush/Cheney: 2,910,492; Gore/Lieberman: 2,910,192).⁶⁷ At that time, as it turns out, there were 2,490 valid absentee ballots from overseas voters on their way to the county supervisors of elections but yet to be received and counted. Since the number of outstanding overseas ballots was greater than the Bush/Cheney margin of victory, any certification and declaration of a winner by the State Elections Canvassing Commission on November 15 would have essentially been a meaningless ministerial exercise.

Effect of Late-Filed Returns

In addition to these timing problems, there is a patent conflict in Florida law concerning the *effect* of a county missing the certification deadline. Section 102.111, Florida Statutes, mandates that late-filed returns “shall” not be included in the official results. Section 102.112, Florida Statutes, states that such late-filed returns “may be ignored,” arguably vesting the Secretary of State with the discretionary authority to accept or reject late-filed returns. This ambiguity led to a tremendous amount of confusion, uncertainty, and litigation during the 2000 Presidential election.

Through 1988, section 102.111, Florida Statutes, on its face, *required* the Secretary to reject late-filed returns. In *State of Florida on the relation of Bill Chappell v. Martinez*,⁶⁸ the Florida Supreme Court was faced with the question of whether to disregard 11,000 votes from Flagler County in a U.S. congressional general election because the returns were phoned in to the Department of State instead of “on file” by the certification deadline. The Court held that the Flagler votes had to be counted since the statute was “substantially complied” with. The Court’s rationale was that the purpose of an election is to effectuate the will of the voter, and hypertechnical compliance with statutes should not defeat that purpose.

In 1989, the Florida Legislature, as part of a major election reform package, enacted Section 102.112, Florida Statutes. The new statute maintained the one-week certification deadline but provided that returns not timely filed “may be ignored.”⁶⁹ The statute also directed that civil fines of \$200 per day be assessed against the personal funds of each county canvassing board member for late-filed

⁶⁷ Letter from L. Clayton Roberts, Director, Division of Elections, Department of State, to the Honorable Tom Feeney, Speaker, Florida House of Representatives (November 22, 2000).

⁶⁸ 536 So.2d 1007 (1988).

⁶⁹ Ch. 89-338, Section 30, at 2162, Laws of Fla.

returns. *The Legislature, however, did not repeal the provision in Section 102.111, Florida Statutes, providing that late-filed returns “shall be ignored,” thereby creating, on its face, a patent statutory conflict.*⁷⁰

⁷⁰ It is unclear why the Legislature chose not to repeal the conflicting language in Section 102.111, F.S. In fact, Senate staff recommended repealing the conflicting language in conjunction with creating Section 102.112, F.S. Florida Senate, Committee on Ethics and Elections Staff, *Report on Late Filing of County Election Returns* (January 6, 1989).

METHODOLOGY

In preparing this report, staff reviewed applicable news reports highlighting problems with the election; researched applicable legal cases; researched applicable Florida laws and administrative rules; researched election laws in other states and countries; conducted telephone and in-person interviews with representatives of numerous voting system companies to determine the costs, benefits, and drawbacks of various voting systems; interviewed supervisors of elections to solicit their suggestions and input on various voting procedures and practices; reviewed transcripts of testimony before the Governor's Task Force on Election Procedures, Standards, and Technology; reviewed preliminary recommendations of the Task Force; interviewed staff of the Florida Department of State, Division of Elections, concerning voting systems and certification issues; gathered sample ballots from county supervisors of elections, for the purpose of reviewing various ballot designs; consulted with ophthalmologists and vision experts in connection with the feasibility of the reverse ballot; and, performed other research, as necessary.

FINDINGS

Confirmation of a Person's Eligibility to Vote

It is important to provide the opportunity for every eligible voter to cast a ballot and to make sure that ineligible persons are not allowed to vote, while at the same time insuring that elections run smoothly. No one knows for sure how many people were turned away from the polls and did not vote because their names were not on the precinct register for the 2000 General Election and the supervisor of elections could not be reached for verification. However, media reports have indicated that more than 2,000 people who were not registered or not eligible voted in 25 of Florida's 67 counties.⁷¹

In order to assure that all eligible voters who go to the polls are allowed to vote and to assure that no ineligible person is allowed to cast a vote, verification of the person's eligibility must be done prior to the ballot being counted. In addition to providing more phone lines for elections in which there is an anticipated high voter turnout, supervisors of elections should be encouraged to equip as many polling places as practicable with laptop computers so that poll workers can determine the eligibility of some individuals without the need to telephone the supervisor of elections' offices.

However, there will always be instances where the eligibility of a person cannot be readily determined. In these cases, Florida should provide a procedure for the person to cast a ballot, but for the votes not to be counted until the person's eligibility can be conclusively verified. To this end, it is recommended that Florida adopt a procedure for voting a provisional ballot. Provisional ballots are similar to absentee ballots in that the person votes the ballot, places it in a secrecy envelope, then places the secrecy envelope in another envelope containing a Provisional Ballot Voter's Certificate. The Voter's Certificate contains pertinent information about the person to assist the supervisor of elections in determining the person's eligibility. Once it is determined that the person is entitled to vote, the ballot is counted. If the person is not entitled to vote, the ballot is never removed from the envelope containing the Voter's Certificate.

Clearly, there are advantages to providing for provisional ballots: 1) to assure that everyone who is entitled to vote is given that opportunity, regardless of whether the person's name appears on the precinct register; and 2) to assure that a person is not allowed to have his or her vote counted if not eligible to vote. The major drawback to provisional ballots is that the winners may not be known until several

⁷¹ Manny Garcia and Tom Duboco, *Over 2,000 Floridians Cast Votes Illegally*, Miami Herald (January 22, 2001).

days following the election. Our society, which has become one which requires instant results, must realize that the accuracy of the election is more important than quick results.

Review of Voting Systems

Accuracy of Voting Systems

How can you have an error rate as high as 12.38% in Gadsden County in the 2000 Presidential election when the system in use there, a central-count optical scan system, is certified accurate to one ballot error per million ballots? The answer is that the errors are not machine errors, they are human errors --- in most cases voter errors. That is not to say that the mistakes were entirely the voter's *fault*. Voters had a lot of help from *error-prone voting system designs* and confusing *ballot designs*.

The challenge, therefore, is a formidable one. If every vote is to count, the voting system design and ballot design must minimize the opportunity for voters to make a mistake.

It should be noted, however, that although there were many votes not counted in the 2000 Presidential Election, there were far more that were counted.⁷² The overwhelming majority of Florida voters were not unduly confused by the ballot design or voting system. Voters must take responsibility to become informed about the candidates and issues on the ballot as well as about the operation of the voting system used in their county. Informed voters, who pay attention to the details of the voting process, should have no problems regardless of the voting system being used.

a. Punchcard Systems

As evidenced in the 2000 Presidential election, the punchcard design invites mistakes. The problem can be summed up in a single word --- "chad." A chad is that little piece of paper that is supposed to be completely punched out of the ballot and that nobody except election types even knew had a name before the last election. Chads "hang," by one ("hanging chad"), two ("swinging chad"), or three corners; they "dangle;" and, they're "dimpled." Punchcard systems are an impediment to voters trying to cast good ballots, and a problem for canvassing boards trying to figure out post-election what the voter intended.

⁷² There were 5,963,110 votes counted in the Presidential Election. There were 175,655 additional ballots with no votes counted.

Why don't voters punch the chads completely out of the ballot? There are a number of possible explanations. The instrument used to punch the chad (the "stylus") might be dull. The ballot paper might be heavier than expected or requested. The perforations forming the chad may not penetrate far enough through the ballot paper. There was even an argument during the last election that chad build-up in the well below where the chad is punched inhibited voters from performing the task properly. All, or a combination, of these factors might be responsible for hanging chads. The bottom line is, nobody really knows for sure.

What we do know is that ballots with problem chads are put in the ballot box because voters don't take the time to check their ballots and completely remove the chads, *as instructed*. People simply don't always follow directions, particularly if they feel they already know how to do something. Of course, this oversight may be corrected in the short-term as voters going to the polls recall the lessons of this past election and make sure to dislodge all hanging chads. However, this lesson is likely to be lost over time.

Public confidence in the electoral process is the cornerstone of any democracy. Punchcards have become the main symbol of the problems Florida experienced in the 2000 Presidential election. The public has lost faith in the ability of the punchcard system to accurately record votes. Counties should be required to replace their punchcard voting systems before the 2002 elections.

b. DRE Systems

DRE (touch-screen) technology offers some tremendous advantages over other systems. However, no DRE system is currently certified by the Division of Elections for use in Florida, and there is a very real possibility that none will be available for use in time for the 2002 elections.

DRE systems offer great opportunities to reduce voter confusion resulting from bad ballot design. DRE possesses the ability to present each race on a separate screen, in effect a separate page. This would allow voters to concentrate on one race at a time, without being distracted by other candidates and races on the same page --- as with optical scan systems.⁷³ One drawback of presenting each race on a separate page, however, is that it may discourage voters who only want to vote in a few races toward the middle or the end of the ballot. Voters would not be able to simply scan the ballot like with an optical scan system, mark the race of their choice, and deposit the ballot in the ballot box.

⁷³ Optical scan ballots could contain only one race per page, but this would result in lengthy ballots consisting of numerous pages. This would result in much higher printing costs per ballot, increase the likelihood of ballots missing pages, and may discourage voters from taking the time to go through all the races on the ballot.

DRE technology can also *eliminate* the problem of overvotes, voting for two or more candidates in the same race. The software can be designed not to allow overvotes either by: requiring the voter to “un-select” a previously designated candidate prior to selecting a different candidate in the race; or, automatically “un-selecting” the previous candidate selected when the voter makes a different choice. Either way insures that no more than one candidate will be recorded as the voter’s choice in each race.

DRE systems are more “disability-friendly” than other systems. Some DRE systems have the ability to have audio features and large fonts making it easier to use for visually impaired voters and voters with other disabilities. In addition, some DREs have the ability to include pictures of candidates, which assists voters with literacy problems.

DRE systems can handle an unlimited number of ballot styles and an unlimited number of languages. This would potentially allow voters to vote in any precinct within the county. A voter could have a “voter card” with essential information telling the system which ballot style the voter is eligible to vote. Regardless of the precinct the voter was physically in at the time, the appropriate ballot style would be displayed. The ability to handle different languages would also be beneficial to those counties required to print ballots in more than one language. Finally, there are no recurring ballot printing costs with DRE systems.

There are some disadvantages to DRE systems, including:

- Most DRE systems do not include a paper trail (although there would be an audit trail). Therefore, these systems require a high level of confidence in the software and security procedures.
- There are still a number of Floridians who are not familiar with computers. These tend to be the more elderly citizens and those in lower economic situations.
- DRE systems are significantly more expensive to purchase compared to other systems.
- DRE systems may not dramatically improve the accuracy of voting, at least not initially.⁷⁴

⁷⁴ A recent study by the Caltech/MIT Voting Project, a joint venture of the California Institute of Technology and the Massachusetts Institute of Technology, indicates that the overall error rate for DRE systems is about 3 percent, the same as for punchcard systems. Stephen Ansolabehere (MIT), et. al, *Residual Votes Attributable to Technology: An Assessment of the Reliability of Existing Voting Equipment*, p. 8, Table 2 (February 1, 2001) (Version 1). The report acknowledges, however, that electronic voting is in its infancy and that these error rates may well improve as voters become more familiar with using these DRE systems. *Id.* at 11.

- Finally, counties using DRE systems are required to have a separate tabulating system for absentee ballots.

On balance, DRE systems offer some tremendous advantages over existing systems and may be the wave of the future. But the challenges faced by Florida's election system exist now and to date no DRE system is certified for use in this State.

c. Optical Scan Systems

Optical scan systems are currently the most technically-advanced, certified systems in Florida. Precinct-count optical scan systems offer excellent accuracy and are far less costly than equipping the entire State with DRE systems. It is estimated that it would cost approximately \$40 million to install precinct-count optical scan technology in the 41 counties throughout Florida not currently using that system.⁷⁵

Optical scan ballots provide a paper ballot trail for recount purposes. Precinct-count systems can be programmed to return ballots with overvotes and undervotes, thereby alerting voters to potential problems.

Despite these advantages, the focus on difficulties with punchcard systems in the 2000 election overshadowed the fact that counties with optical scan systems had their fair share of problems, too.

1. Central-Count vs. Precinct-Count Systems

Central-count optical scan systems were problematic in the 2000 Presidential election.⁷⁶ The average central-count optical scan system error rate was 5.69%, far worse than the average punchcard error rate of 3.83%. This may be due, at least in part, to the fact that current optical scan ballot design affords voters more opportunities to make mistakes than on punchcard ballots.⁷⁷ Strikingly, the error rate for *precinct-count* optical scan systems⁷⁸ was a mere .79%, dramatically lower. This may be attributable to the fact that most of the supervisors in precinct-

⁷⁵ Twenty six (26) counties currently utilize such technology. These counties should be encouraged to upgrade their tabulator head readers to the best certified technology, if they have not already done so.

⁷⁶ Central-count involves collecting ballots at the polling places and subsequently running them through ballot tabulators at a central location.

⁷⁷ With optical scan ballots, voters can make a variety of errant marks indicating voter intent. Punchcard ballots, despite other shortcomings, limit voter intent to the tiny portion of the ballot card known as the punch or "chad" area. (For ideas on improving optical scan ballot design to reduce problems, see *infra* pages 30 to 34, discussing "reverse ballots" and making ballots more "voter friendly.")

⁷⁸ Precinct-count optical scan systems use tabulators at each precinct to count the ballots.

count counties programmed their precinct counters to kick back overvotes and undervoted ballots not recording a vote in any race,⁷⁹ thereby allowing voters to correct mistakes prior to casting their ballot.

Clearly, the error figures favor a *precinct-count* optical scan system over a central-count optical scan system, if affordable. Precinct-count alerts voters to a possible error and lets the voter fix it *at the time they are voting*, instead of relying on someone else to decipher the voter intent down the road in a recount scenario.

Counties choosing to go to a precinct-count system should program the system to kick back *overvotes*, at which point the poll worker can inform the voter that they have made two or more choices in a single race and offer the voter an opportunity to review and correct their ballot. If the voter indicates that he or she does not wish to review the ballot and wants to cast the ballot as it is, the poll worker can override the kick-back code and the tabulator will accept the ballot.

Typical optical scan overvotes on bubble systems include:

- The voter intentionally chooses to blacken two or more ovals in a single race. This occurs most often where a voter blackens an oval for the named candidate of their choice, then blackens the “Write-In” oval and writes in the name of the same candidate. The tabulators will register a mark in both ovals and invalidate the choice as an overvote;
- The voter blackens one oval, changes his or her mind, attempts to erase the original oval, then blackens a second oval. Often times, the tabulators will register a mark in both ovals and invalidate the choice as an overvote;
- The voter blackens one oval, changes his or her mind, marks an “X” or scribbles through the original oval, then blackens a second oval. Sometimes this voter action is complemented by words (such as “Wrong” or “No”) and/or symbols (arrows) to indicate what was intended. The tabulator doesn’t care. It will register a mark in both ovals and invalidate the choice as an overvote.

Kicking back overvotes at the precinct gives voters an opportunity to review their ballots and correct these mistakes. It is not efficient, however, to have the precinct tabulators kick back *undervotes*.⁸⁰ Voters often choose not to vote in

⁷⁹ The majority of voting errors in the 2000 Presidential election were overvotes (about 105,000 statewide), ballots either marked or punched for more than one candidate. William March, *Election Chief Says Time Ripe to Change Voting System*, *Law*, Tampa Tribune (February 1, 2001).

⁸⁰ It may be worthwhile to have precinct counters kick back ballots which record no votes in any race, suggesting a ballot-wide voting error by the elector.

every race on the ballot; this is a conscious choice. Kicking back every ballot that has an undervoted race would confuse voters into thinking there may be a more substantive error with their ballot. It would also likely create traffic flow problems at polling places with limited space, since voters would have to go back to the voting booths, check their ballots to decipher where the mistake was, and then return to deposit the ballots in the counters a second time.

Voters can also undervote by not paying attention and unintentionally skipping a race. Voting systems can be designed to reduce voter error down to a minimum. But at some point voters have to take personal responsibility. The government's duty in the voting booth is to provide as clear and simple a ballot as possible. The citizen's duty is to register to vote and make choices.

2. Improving Ballot Design

Poor ballot design likely created a great deal of voter confusion in the 2000 election and led to unnecessary optical scan errors. The Division of Elections should be required to adopt rules for uniform ballot design and instructions for *optical scan systems along with every other system* certified for use in the State. Rulemaking will allow all interested parties (supervisors of elections, county administrators, candidates, political parties, voters, etc.) a voice in developing highly technical, minimum standards for ballot design and instructions. Experimental ballots could be designed and tested on volunteers selected on the basis of age, gender, educational level, and other relevant demographic factors.⁸¹ Problems in filling out the ballots properly could be identified and the ballot re-designed to eliminate or reduce such problems. The result should be more "voter-friendly" ballots with less errors.

a) Reverse Ballot

Mandating that precinct-count tabulators kick back overvotes is a significant piece in solving the voter error puzzle with an optical scan system, but there are still some valuable smaller pieces needed to complete the picture. There is a category of undervoted ballots cast by voters making a deliberate, conscious effort to vote but failing to do so. The State should do everything in its power to insure that these errors are eliminated.

Optical scan ballots, *as currently designed*, allow voters to undervote by making a host of *errant marks indicating voter intent* which are not recorded by the tabulating equipment. Put another way, current optical scan ballot design offers voters so many opportunities to vote improperly that they are limited only by their own imaginations.

⁸¹ J. Patrick Kelly, *Toward a General Consensus Regarding Election Standards*, p. 3 (January 26, 2001) (author is El Paso, Colorado Clerk and Recorder).

Some common optical scan errors in the 2000 elections were:

- Circling the candidate's name;
- Circling the candidate's political party;
- Circling the bubble instead of filling it in;
- Drawing a line from the name of the candidate to the bubble;
- Bracketing the names of the Presidential and Vice Presidential candidates, where the oval was located to the left or right and *between* the two names;
- Drawing and/or coloring in a new bubble more proximate to the candidate's name. This occurred on hundreds of ballots where the oval was located either to the left or right and *between* the names of the Presidential and Vice Presidential candidates, and the instructions told the voter to blacken the oval "next to the candidate of your choice";
- Crossing out a previous choice, writing "Wrong," "No," or some other expression of intent and coloring in another oval;
- Making an "X" or Check Mark ("√") in the oval instead of filling it in;
- Using a marking device (such as a red pen) that the machines don't read.

See Appendix C (illustrating common optical scan errors).

The challenge, then, is to limit errant marks by confining voter intent on optical scan ballots to the bubble adjacent to a candidate's name. But how do you eliminate errant marks when you give the voter a pen or pencil to mark choices? The answer may be by using some form of REVERSE BALLOT design.

A REVERSE BALLOT, or "RB," takes current optical scan ballot design and turns it on its head--- everything white becomes black (or any dark color which will not show errant marks made with a pencil or pen) and black lettering becomes white (or any light color which will provide contrast to the dark background). See Appendix D. The areas on the ballot where the voter can register his or her intent are effectively limited to the white/light bubble adjacent to a candidate's name.

An RB is not a novel or radical concept. Canada has used a form of RB in its national elections since it was mandated by law in 1970.⁸² Canada apparently decided to adopt the RB design in order to reduce the number of spoiled ballots caused by errant marks on traditional white-background ballots.⁸³ Although Canadian national elections utilize hand-counted paper ballots, the concept of the RB can be adapted for optical scan technology to reduce the opportunities for voters to make mistakes.

Of course, a voter could still overvote by coloring in more than one bubble or deliberately undervote by not coloring in any oval. However, a precinct-count system would alert the voter to the possible overvote and afford him or her the opportunity to correct it.

Committee staff consulted with a team of highly-respected Florida ophthalmologists to determine whether the RB would pose any special difficulties for those with visual impairments or reading disorders, such as dyslexia.⁸⁴ The answer was a resounding “no.”⁸⁵ Ten ophthalmologists with cumulative experience of more than 100 years of clinical ophthalmologic practice, including one of Florida’s leading experts in the field of optics,⁸⁶ unanimously concluded that the RB design “will pose no special difficulties” for Florida’s voters. This conclusion was reinforced by an informal study of patients ranging from 60 to 90 years of age, representing those with the poorest visual acuity, who were able to easily read the candidate’s names on the RB.

Technical discussions with optical scan manufacturers indicate that the new ballot could be implemented using existing optical scan systems, but that perhaps some modification of the systems might be necessary. It would depend on the actual ballot design. For example, it would be better if the ballot had a small white border which matched the color of the bubble. This would allow the tabulator to get a baseline reading of the background color of the bubble, in order to look for contrasting voter marks in that area.

⁸² R.S.C. 1970 (1st Supp.), ch. 14. Canada still uses traditional white-background absentee ballots. Telephone interview with Daniel Mathieu, Legal Counsel, Elections Canada (February 16, 2001).

⁸³ Faxes from Daniel Mathieu, Legal Counsel, Elections Canada, to Jonathan Fox, Chief Attorney, Florida Senate, Ethics and Elections Committee (February 19, 2001).

⁸⁴ Eye Surgery Associates, Hollywood, Florida. Staff wishes to thank Alan D. Mendelsohn, M.D., of Eye Surgery Associates, for his time and energy in coordinating our efforts.

⁸⁵ Letter from Dr. Alan Mendelsohn, Eye Surgery Associates, to Jonathan Fox, Chief Attorney, Florida Senate, Committee on Ethics and Elections (February 27, 2001).

⁸⁶ Lee. R. Duffner, M.D., Eye Surgery Associates, Hollywood, Florida.

Possibly the biggest technical challenge to the implementation of an RB for optical scan systems may be printing. Despite the best efforts of staff we were unable to obtain accurate per-ballot printing costs and explore relevant printing issues. It is worth noting, however, that Canada manages to print millions of RBs for its national election, which is conducted 36 days from the time the election is announced. The ballot design is created and distributed to the election official overseeing each of Canada's 301 districts, where ballot printing is contracted out locally. Florida, which faces far fewer geographic challenges (in terms of size and in terms of printing and delivering ballots to remote regions), should be able to cost-effectively accomplish the same.

b) Making Ballots and Ballot Instructions “Voter-Friendly”

Finally, optical scan ballot design and instructions should be revised and standardized, to the greatest degree possible.

- ***Candidates names in the same race spread over multiple pages, or continued from the front to the back of a page:*** Eliminate.
- ***Candidates names spread over two or more columns:*** Eliminate.
- ***“Vote for Group”:*** The ballot instruction for the Presidential race directs the voter to “Vote for Group.” This instruction is meant to indicate that the voter is actually voting for the *presidential electors* pledged to the candidate of their choice, not the candidates themselves. However, this is very confusing to voters, suggesting that they may make more than one choice. The instruction should be changed to “Fill in ONLY ONE Oval.”
- ***Election day civics lesson:*** Some ballots included language in the Presidential race indicating that “A vote for the candidates will actually be a vote for their electors,” followed by the “Vote for Group” instruction. This election day tutorial in the method of selecting the President is unnecessary and just confuses voters. It should be eliminated, along with all references to “electors” or “presidential electors.”
- ***“Write-in candidate” duplication:*** Many voters blackened an oval for the candidate(s) of their choice then proceeded to blacken the oval for “write-in candidate” and write in the name(s) of the same candidate(s). The ballot should state “Write-in (if name is NOT listed above).”
- ***Race layout/Joint candidacies:*** There are several different optical scan ballot styles, some more confusing than others. See Appendix E. Races involving joint candidacies should be laid out in the form indicated previously in Appendix D: the race should be identified once at the top (and the text shaded if not using an

RB); the instructions for each race should indicate “Fill in ONLY ONE Oval”; the name of the candidate for higher office should be in a larger font and bolder text than the name of the running mate; the name of the running mate should be indented; each joint candidacy should be set off in its own box; the bubble should be to the left of and adjacent to the lead candidate; and the party abbreviation should be off to the right. All other races not involving joint candidacies should be laid out in substantially the same form, without the need for bold or enlarged text or designating each candidate in a separate box.

Standardizing these simple ballot design modifications should serve to minimize voter confusion.

Periodic Review of Voting Systems

Florida currently is required to certify voting systems prior to use in the State. The systems must meet certain requirements under a testing process. However, as we saw during the most recent elections, voters do not always follow the instructions for the system and frequently will not have their votes counted. Regardless of which type of voting system or systems are used in Florida, the supervisors of elections should be required to gather information regarding numbers of overvotes, undervotes, and spoiled or voided ballots, and do an analysis of the reasons for those votes. This information should also be transmitted to the Department of State so that an analysis can be done on a statewide basis indicating how each system operated under real conditions during the elections. This analysis should occur following each general election. The review and analysis should be used to identify reasons for voters not having votes counted, so that appropriate remedies can be implemented.

Uniformity

The question is whether the State should mandate a uniform statewide voting system/technology, or allow counties to continue to choose their own technology (“local option”) while specifying that certain systems, such as punchcards, are unacceptable.

Proponents of local option argue that “one size doesn’t fit all” when it comes to voting equipment. The needs of Miami-Dade County with registered voters totaling almost 900,000 are far different from the needs of Liberty County with less than 3,800 registered voters. Miami-Dade County provides hundreds of

different ballot styles in both English and Spanish.⁸⁷ Conversely, Liberty County had only one ballot style printed in English during the 2000 General Election. The unique demographics of Florida, particularly distinct between the northern and the southern part of Florida --- with regard to race, ethnicity, age, education, etc. --- means that no one system will meet the needs of all counties.

Local option proponents also argue that although the mandates provision of the Florida Constitution⁸⁸ exempts election laws, if the Legislature were to mandate a statewide uniform voting system the State should be willing to pay for that voting system *in its entirety*.

Finally, proponents of local option argue that a uniform system will stymie innovation at the local level. They also warn that the State could become locked into one technology or system that could become outdated when more advanced voting systems come on line, because the cost to change the system on a statewide basis would be so great.

Opponents of local option argue that Florida would benefit from a uniform statewide system. They argue it would be easier to target voter education efforts if there were only one system to teach voters. These opponents also believe that Florida's highly de-centralized election administration contributed greatly to the problems that occurred during the 2000 election, and reduced individual accountability of election officials.⁸⁹

On balance, the demographics of the State require some flexibility in the kinds of voting systems used. Therefore, supervisors of elections and county commissioners should continue to be allowed to determine the system used in their county, as long as the system has been certified by the Department of State. By the same token, more standardization of the ballot design and instructions should be developed for each system in use in the State to help alleviate the confusion among voters in different counties using the same system. Regardless of which systems are chosen by the counties, it will be critical for the supervisor of elections to provide more education for the voters on the use of the system.

⁸⁷ Miami-Dade County had 88 different ballot styles for the 2000 General Election. For the 2000 First Primary, Miami-Dade County had 523 different ballot styles. In addition, in 60 of its precincts, Miami-Dade County prints ballots not only in English and Spanish but also in English and Creole. Telephone conversation with David Leahy, Supervisor of Elections, Miami-Dade County (February 15, 2001).

⁸⁸ Article VII, Section 18, Fla. Const.

⁸⁹ Over the years, several supervisors of elections in punchcard counties had requested the county commissioners to fund a new voting system, citing problems with such things as "hanging chad." For various reasons, the county commissioners chose not to purchase new voting systems.

This should include written instructions through mailings to voters, as well as instructions at the polling place.⁹⁰

Recount Standards

The propriety and scope of recounts was one of the most hotly contested and litigated issues in the 2000 Presidential election.

Where to Conduct a Recount

For national and statewide elections, recounts should be conducted in every county to insure fair and equal treatment of all Florida voters. For multicounty races, all counties comprising the district of the candidacy in question should be required to recount.

When and What to Recount

Florida Statutes currently provide that each county canvassing board must conduct an *automatic recount* if the final election results indicate a winning margin of one-half of one percent or less.⁹¹ Up to 72 hours after the date of the election, interested parties may request that the county canvassing board conduct a manual recount.⁹² The county canvassing board has total discretion on whether or not to order a manual recount; there are no statutory guidelines or direction for the board. If the board does order a manual recount, it must include at least three precincts and at least one percent of the total votes cast for the office. The party requesting the recount gets to choose the precincts. If the manual recount indicates “an error in the vote tabulation” which may affect the outcome of the election, the county canvassing board may order a manual recount of all the ballots.

The first problem concerning *what* to recount involves the *automatic recount* provision, where margin of victory in a race is one-half of one percent or less. The statute requires only that each canvassing board responsible for conducting the recount “examine the counters on the machines or the tabulation of the ballots cast” to determine whether the returns accurately reflect the votes cast.⁹³ In recounting the 2000 Election, some supervisors ran all the ballots through the tabulators a second time. Other supervisors, relying on a strict reading of the statute, simply added up the totals from each counter and checked it against the

⁹⁰ These instructions should be provided in mailings already being sent to voters. This would include sample ballots, if they are mailed, as well as notices to voters regarding polling place changes, precinct changes or any other mailing.

⁹¹ Section 102.141(4), F.S.

⁹² Section 102.166(4), F.S.

⁹³ Section 102.141(4), F.S.

original vote count, without running the ballots through the tabulators a second time. This resulted in disparate treatment of votes.

Staff recommends amending the law to require supervisors using optical scan systems to run the ballots through the tabulators a second time for the automatic recount. The term “recount” means “to count again.”⁹⁴ Simply taking the count totals from each tabulator and adding them together is not recounting the *ballots*, it’s recounting the ballot *summaries*.

The next problem is that the canvassing boards have no direction or standards for determining when to order the initial one percent/three precinct limited manual recount. The Honorable Charles Burton, Chair of the Palm Beach County Canvassing Board for the 2000 election, testified before the Legislature that there were no state or local standards or procedures in place to guide this decision.⁹⁵ He urged the Legislature to adopt concrete, specific standards for when a local canvassing board must order a manual recount.⁹⁶

Another problem arises in connection with when to order a *full-blown* manual recount of all ballots after receiving the results of the limited recount. The county canvassing board generally must conduct a full-blown recount if there is a “error in vote tabulation” which “could affect the outcome of the election.”

First, the phrase “error in vote tabulation” was the subject of dueling legal opinions between the Secretary of State and the Attorney General in the 2000 Presidential election. The Secretary of State said that it meant that there must be an error in the vote tabulation *system*; some type of error in the machinery or software to justify a recount.⁹⁷ The Attorney General disagreed, saying that if enough votes changed to possibly alter the outcome, that was enough.⁹⁸ The Attorney General’s opinion thereby incorporated the concept of *voter error* into the meaning of “error in the vote tabulation.”

Second, the phrase “could affect the results of the election” is problematic because it is dependent on a statistical extrapolation from the results of the *limited* manual recount in select precincts --- precincts selected by the party requesting the manual recount. Presumably, precincts will be selected where there is the greatest chance to garner additional votes for the challenging candidate, frequently precincts where the vote count for the challenging candidate is highest. This can result in a skewed sample not representative of the other precincts in the county.

⁹⁴ The American Heritage Dictionary (1982) (Second College Edition)

⁹⁵ Testimony before Florida House of Representatives Committee on Rules, Ethics, and Elections (February 8, 2000).

⁹⁶ *Id.*

⁹⁷ DE 00-11, DE 00-12, DE 00-13 (November 13, 2000).

⁹⁸ AGO 2000-65 (November 14, 2000).

For example, assume a candidate loses a countywide election in Bradford County by 50 votes. There are 20 voting precincts in Bradford county. If a challenging candidate selects three favorable precincts and gains 9 votes total (averaging 3 per precinct), you can extrapolate that the candidate will receive 60 more votes --- which “could affect the results of the election.” But if the candidate requesting the recount ran stronger in the three precincts where the *limited* manual recount was conducted than in the remaining 17 precincts in the county, which is likely, then the 3 votes/precinct gain will probably not carry over to the remaining precincts. The standard is ineffectual.

Staff recommends that the State adopt specific, concrete guidelines directing local canvassing boards when a recount is required and the scope of the recount. An *automatic machine recount* should be required if the margin of victory in a given race is between one-quarter and one-half of one percent. However, supervisors using optical scan systems should be required to run the ballots through the tabulating equipment a second time as opposed to simply re-adding the counters on the tabulators.⁹⁹ In races decided by one-quarter of one percent or less, the local canvassing boards should be required by statute to manually recount only the *overvotes* and *undervotes*.¹⁰⁰

In addition, a manual recount of overvotes and undervotes should be required if:

- a candidate or political committee supporting or opposing an issue on the ballot in a contested race requests it;
- the margin of victory in the contested race is between one-quarter and one-half of one percent; *and*,
- the candidate or political committee posts a bond to cover the costs of the recount, which is forfeited if the requesting candidate or political committee does not prevail.¹⁰¹ For national, state, and multicounty elections, the State Elections Canvassing Commission should set the amount and require the bond utilizing the cost figures submitted from each affected county, without discretion to amend the cost estimates. The function should be purely ministerial. If the bond is posted and forfeited, the State Elections Canvassing Commission would proportionally

⁹⁹ Counties using DREs would have no paper to run through counters; the best that can be done is to verify the summary totals.

¹⁰⁰ Counties using DREs would have no overvotes or undervotes to manually count. Software will need to be developed and approved by the Secretary of State for each optical scan system to separate out overvotes and undervotes.

¹⁰¹ See Florida House of Representatives, Committee on Election Reform, *Election Contests and Recounts*, p. 16-17 (October 1997) (discussing other states' bonding requirements).

distribute the forfeited funds to the affected counties. For elections involving only one county, the county canvassing board should administer and set the bond amount.

How to Recount (Recount Standards & Procedures)

General Statutory Standards

General standards for what constitutes a vote should be prescribed in statute. The Legislature has a number of statutory options for general standards, including: reversing policy direction and making Florida a “no-voter-intent” state (improperly cast votes do not count); maintaining the current general statutory standard (intent of the voter); or, expanding upon and clarifying the current “voter intent” standard.

In a “no-voter-intent” state, only votes cast properly are counted. There is no need for a manual recount to discern, or as proponents of the policy would argue “divine,” voter intent. Of course, should the Legislature choose this option it would be wise to require a test of the equipment after the election to insure that it worked properly. Also, if the State were to adopt a “no-voter-intent” approach, it should make every effort to reduce voter error by: improving ballot design and instructions; increasing voter education efforts; and, providing better trained poll workers to address voter questions and problems.

It is worth noting, however, that such an approach might face challenge on State constitutional grounds. The Florida Constitution provides that all political power is inherent in the people, and that elections may be regulated by law.¹⁰² The Florida Supreme Court has interpreted these provisions together to mean:

The right to vote, though not inherent is a constitutional right in this state. The Legislature may impose reasonable rules and regulations for its governance, but it cannot under the guise of such regulation unduly subvert [sic] or restrain this right.¹⁰³

Also, in the landmark case of *Boardman v. Esteve*,¹⁰⁴ the Florida Supreme Court held:

¹⁰² Art. I, Section 1, Fla. Const.; Art. VI, Section 1, Fla. Const.

¹⁰³ *Palm Beach Co. Canvassing Bd., et al v. Harris*, Nos. SC00-2346, SC00-2348 & SC00-2349, at p. 32, fn. 52 (November 21, 2000) (citing *State ex re. Landis v. Dyer*, 148 So. 201, 203 (Fla. 1933)), vacated on other grounds, *Bush v. Palm Beach Co. Canvassing Bd.*, 531 US ____ (2000).

¹⁰⁴ 323 So.2d 259 (Fla. 1975).

The right to vote is the right to participate; it is the right to speak, but more importantly the right to be heard. ...By refusing to recognize an otherwise valid exercise of the right of a citizen to vote for the sake of sacred, unyielding adherence to statutory scripture, we would in effect nullify that right.¹⁰⁵

Therefore, it is unclear how the Court would respond to a statute which makes no attempt to effectuate the intent of the voter in a close election, and places the responsibility for having a vote count squarely on the voters' shoulders.

The second option of maintaining the current "voter intent" standard is self-explanatory. This approach would simply charge the Division with adopting rules to implement the standard, leaving the Division significant discretion.

Another option is for the Legislature to further clarify the current statutory "voter intent" standard. For example, the standard might be changed to "a clear indication of the voter's intent," the current statutory standard governing duplicating spoiled or damaged electronic ballots.¹⁰⁶

Administrative Substandards and Procedures

The *per curiam* opinion in *Bush v. Gore* held that the Florida Supreme Court failed to provide sufficient guidelines to insure uniform treatment of contested ballots, which could result in arbitrary and disparate treatment. The U.S. Supreme Court concluded that while effectuating the "intent of the voter" was an adequate starting point, concrete *substandards* were necessary to meet constitutional requirements.

Regardless of which general standard is adopted in statute, the Division of Elections should be charged with adopting rules containing specific, uniform recount *substandards* and *procedures* for each type of certified voting system. Rulemaking will allow all interested parties to have input into the substandards and procedures developed, and offer an opportunity to challenge those substandards and procedures in administrative and judicial forums.

Recount substandards for DRE systems would be fairly straightforward. DRE systems are essentially electronic lever machines. The recount standard for DRE systems would be to re-calculate the individual totals from each machine or tabulator, to insure there is no mathematical error. A uniform procedure might call for re-testing of all DRE equipment to insure it is working properly.

¹⁰⁵ *Id.* at 263.

¹⁰⁶ Section 101.5614(5), F.S.

Optical scan systems present more of a challenge. Assuming the Legislature maintains some form of “voter intent” standard in statute, substandards for consideration by the Division might include counting the following as an indication of an intent to cast a vote for a particular candidate where optical scan systems are used:

1. When the voter clearly indicates voting choice by placing a mark, such as an “X” or a check mark, or punches a hole in the optical scan ballot, rather than voting the ballot in the specified manner.
2. When the voter writes corrected instructions anywhere on the ballot card **clearly** indicating voting choice.
3. When the voter uses the write-in position on the ballot to indicate a choice for a candidate that is listed on the ballot.
4. When the voter uses the write-in space on the ballot to indicate a voting choice for a candidate listed on the ballot and also marks the ballot for that candidate.

Certification of Voting Results

Florida’s 7-day certification deadline for the *general election* is impracticable. The prospect of full manual recounts in large counties makes meeting the one-week certification deadline a practical impossibility. In federal general elections, numerous absentee ballots which must be counted under federal law are not received until after the current certification deadline. Finally, the notion of conducting a full-blown manual recount in a *second primary* with a 3-day certification deadline is a statutory fiction.

The certification deadlines should be established as follows:

- *First Primary*: 7 days after the election (maintains current law)
- *Second Primary*: 7 days after the election (currently 3 days)
- *General Election*: 11 days after the election (currently 7 days)

The certification deadline for the *general election* should be moved to *11 days after the election*. This will allow adequate time for the receipt of all valid overseas ballots. It will also allow sufficient time to complete the manual recounts of overvotes and undervotes.

The certification deadline for the *first primary* should remain one week. There are only 21 days between this certification time and the second primary, and it is important that second primary ballots be printed quickly and distributed to

domestic and overseas absentee voters. Reducing the scope of manual recounts to overvotes and undervotes combined with the fact that historically there are fewer ballots cast in a first primary contest than a general election will enable county canvassing boards to meet the certification deadline.

The 3-day certification deadline for the *second primary* needs to be extended. There is simply no way to conduct a manual recount in 3 days when you allow that much time to request a manual recount. The 3-day certification deadline should be amended to 7 days, and eligible gubernatorial candidates given until 9 days after the second primary to designate a running mate. While this change delays printing of the general election ballots by 3 days compared to the current statutory scheme, it still allows 26 days to print and distribute absentee ballots domestically and overseas in years in which gubernatorial candidates are on the ballot. This exceeds the current time frame for printing and distributing second primary absentee ballots, which because of the timing of certifications and election dates is necessarily limited to 21 days.¹⁰⁷

Given these changes, local county canvassing boards should have little or no reason to file late returns. To further encourage timely filing, existing penalties for county canvassing boards filing late returns should be increased from \$200 to \$1,000 per day.

Effect of Late-Filed Returns

The Florida courts have held that the fundamental purpose of the election laws is to “facilitate and safeguard the right of each voter to express his or her will in the context of our representative democracy. Technical statutory requirements must not be exalted over the substance of this right.”¹⁰⁸ Therefore, insofar as the certification deadline constitutes a “technical requirement,” it cannot defeat the will of the voter and late returns must be counted.

In a primary election contest, the certification deadline is a substantive, not a technical, requirement. The effective administration of subsequent elections turns on the timeliness of the certification and the determination of which candidates’ names will appear on subsequent ballots. Ballots for subsequent elections are

¹⁰⁷ Additionally, overseas voters receive an *advance ballot* for the general election which is counted if the regular ballot is not returned. Section 101.62(4), F.S. In general elections involving *federal candidates*, ballots do not need to be received by the supervisor of elections until 10 days after election day.

¹⁰⁸ *Palm Beach Co. Canvassing Bd., et al. v. Harris*, Nos. SC 00-2346, SC00-2348, SC00-2349, at p.32 (November 21, 2000) *vacated on other grounds, Bush v. Palm Beach Co. Canvassing Bd., et al.*, No. 00-836 (December 4, 2000); see also *Boardman v. Esteva*, 323 So.2d 259, 269 (Fla. 1975) (“... the primary consideration in an election contest is whether the will of the people has been effected.”)

designed, printed, *and distributed* almost immediately following the certification. The Secretary should have no discretion to accept late-filed results as they would interfere with the State's compelling interest and duty to administer elections, potentially disenfranchising thousands or millions of Floridians in subsequent elections.

In the case of general election contests, however, except for the U.S. Presidential election which involves special federal constitutional considerations, the certification deadline is initially a technical requirement. It becomes a substantive requirement only when the current officeholder's term expires and the successor is due to be sworn into office.

Thus, in the general election, the Secretary of State should be required to accept late-filed returns until the following dates:

- For U.S. Senate and U.S. House races, until 5 p.m. on January 2 of the year following the election.
- For statewide races, until 5 p.m. on first Monday in January following the election.
- For state legislative races, until 5 p.m. on the day before the State Legislature convenes for organization session.¹⁰⁹
- For multi-county races, until 5 p.m. on the day before the successful candidate is to take office.¹¹⁰

For U.S. Presidential races, the certification deadline should be mandatory and the Secretary should not have discretion to include late-filed returns in the official results. The certification process cannot drag on in the U.S. Presidential race, since such delay further shortens an already truncated contest period. Federal law requires all contests and controversies to be resolved by early December or Congress is not obligated to count the votes of Florida's Presidential electors, potentially disenfranchising the entire State.¹¹¹ However, the statute should make clear that the counties are not required to stop counting in the event they miss the deadline, as such a count may be important in an election contest.

¹⁰⁹ Although state legislators are elected as of the date of the election, they do not take the oath of office until the Legislature convenes in organizational session 14 days after the election. Art. III, Sections 3(a), 15(d), Fla. Const.

¹¹⁰ The statutes should provide that county canvassing boards unable to certify the results of all races by the statutory deadline must nonetheless certify the results in each race for which there is a completed count.

¹¹¹ 3 U.S.C. Section 5.

Other Issues Meriting Study

There are several issues not addressed in this report which warrant study. They include:

- Timing of Elections: Currently Florida holds three elections in a nine-week period. This causes a number of administrative problems and requires overseas absentee ballots for federal offices to be counted 10 days after a general election.
- Overseas & Military Voting: Explore options to make it easier for the military and overseas voters to cast ballots.
- Voter Education: A voting system is only as good as its users. Voter education on the proper use of any system must be made an integral part of its implementation.
- Poll Worker Training: Consider ways to improve poll worker efficiency. Explore recruiting government workers to work at the polls on election day in lieu of their regular work.
- Willful Disregard: The 2000 election and prior elections illustrate that some supervisors of elections treat the Florida Election Code as a series of guidelines rather than dictates; they often intentionally disregard its clear directives. The Legislature could consider creating criminal and/or civil penalties for supervisors of elections and supervisors' employees who willfully violate the procedures in the election code.
- Presidential Electors: Study the issue of authorizing the Legislature to appoint Presidential electors if all contests and controversies are not resolved by a date certain. Also, the adequacy and time frames of contest procedures in Presidential elections should be reviewed.
- Automatic Restoration of Ex-Felon Voting Rights: According to one study, more ex-felons in Florida are unable to vote than in any other State. Consideration could be given to modifying how the voting rights of ex-felons are restored.
- Voter's Bill of Rights: Consider developing a Voter's Bill of Rights and post at all polling places, informing voters that they have a right to another ballot if they make a mistake, etc.
- Central Voter File: Explore problems with the Central Voter File, with particular emphasis on the process of developing lists of ex-felons and others ineligible to vote.
- Composition of Canvassing Boards: Consider changes to the composition of the county canvassing boards to eliminate the appearance of partisanship and provide for some continuity in experience from board-to-board.
- Rewrite of the Election Code: Eliminate conflicts and inconsistencies.

- Transmittal of Voter Registration Forms: Review procedures for transmittal of voter registration forms to local supervisors of elections to insure applications are received in a timely manner.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of this report, staff recommends the following courses of action:

Confirmation of a Person's Eligibility to Vote

- The Legislature should provide by statute for a provisional ballot for Florida. The provisional ballot will assure that any person who arrives at the polls on election day and whose registration cannot be verified by the poll workers will be given the opportunity to vote, but the votes will not be counted unless the person's eligibility is conclusively verified.

Review of Voting Systems

- Supervisors of elections and county commissioners should continue to be allowed to determine the voting system to be used in their counties, so long as the system has been certified for use by the Department of State.
- Counties using punchcard voting systems should be required to replace those systems prior to the 2002 First Primary Election.
- The Division of Elections should be required to adopt rules for uniform ballot design and instructions *for each system* certified for use in the State, for the purpose of minimizing voter error.
- Supervisors of Elections and the Division of Elections should be required to report on the performance of the voting systems following each general election, including the overall error rate and the causes of those errors.

Recounts

- Recounts should be conducted in the entire jurisdiction of the race being recounted, instead of in select precincts.
- Counties using optical scan systems should be required to run the ballots through the tabulating system again for automatic recounts. (Automatic recounts should be done when the margin in victory in a given race is between one-quarter and one-half of one percent.)
- In races decided by one-quarter of one percent or less, the canvassing boards should be required to manually recount only the overvotes and undervotes.

- A manual recount of overvotes and undervotes should be required in a race where the margin of victory is between one-quarter and one-half of one percent where: 1) the candidate or committee requests the manual recount; *and* 2) the candidate or political committee posts a bond to cover the costs of the recount.
- The Division of Elections should be required to adopt rules containing specific, uniform recount substandards and procedures for each voting system in use in the State.

Certification of Voting Results

- Certification deadlines should be established as follows:
 - First Primary – 7 days after the election (maintains current law)
 - Second Primary – 7 days after the election (currently 3 days)
 - General Election – 11 days after the election (currently 7 days)
- The Secretary of State should be required to accept late-filed returns in general elections. The deadline for accepting late-filed returns would depend upon the office being certified.
- Existing penalties should be increased for members of county canvassing boards who file returns late.

Other Issues

- The Legislature should direct further study on a number of other elections issues over the next several years.

APPENDIXES

**ERROR RATE FOR
2000 PRESIDENTIAL ELECTION
(BY VOTING SYSTEM)**

**ERROR RATE FOR
2000 PRESIDENTIAL ELECTION
BY VOTING SYSTEM***

**PRECINCT COUNT
OPTICAL SCAN**

COUNTY	ERROR RATE
Alachua	0.45%
Baker	1.75%
Bay	1.08%
Brevard	0.23%
Calhoun	1.54%
Citrus	0.38%
Clay	0.35%
Columbia	3.60%
Escambia	3.54%
Flagler	0.29%
Hernando	0.40%
Holmes	1.92%
Leon	0.23%
Manatee	1.19%
Monroe	0.59%
Okaloosa	0.97%
Orange	0.84%
Polk	0.56%
Putnam	0.67%
Santa Rosa	0.56%
Seminole	0.12%
St. Johns	0.88%
St. Lucie	0.91%
Volusia	0.26%
Walton	1.15%
Washington	3.91%
Average	0.79%

**CENTRAL COUNT
OPTICAL SCAN**

COUNTY	ERROR RATE
Bradford	7.85%
Charlotte	4.56%
Franklin	8.38%
Gadsden	12.38%
Gulf	6.35%
Hamilton	8.89%
Hendry	9.06%
Jackson	6.68%
Lafayette	6.49%
Lake	3.73%
Levy	5.63%
Liberty	7.24%
Okeechobee	8.10%
Suwannee	5.52%
Taylor	8.13%
Average	5.69%

* SOURCE: Florida Department of State, Division of Elections' web site at <http://election.dos.state.fl.us/index.html> (calculated using official results of the November 7, 2000 General Election, including federal overseas absentee ballots).

PUNCH CARD

COUNTY	ERROR RATE
Broward	2.17%
Collier	3.27%
DeSoto	8.22%
Dixie	6.62%
Duval	9.07%
Gilchrist	5.15%
Glades	9.59%
Hardee	6.16%
Highlands	2.78%
Hillsborough	2.47%
Indian River	3.75%
Jefferson	9.20%
Lee	2.42%
Madison	7.21%
Marion	2.86%
Miami-Dade	4.36%
Nassau	6.30%
Osceola	2.88%
Palm Beach	6.35%
Pasco	2.65%
Pinellas	2.07%
Sarasota	1.69%
Sumter	3.35%
Wakulla	4.77%
Average	3.83%

LEVER MACHINE

COUNTY	ERROR RATE
Martin	0.89%

PAPER

COUNTY	ERROR RATE
Union	6.32%

**2000 GENERAL ELECTION BALLOT
PALM BEACH COUNTY, FLORIDA**

APPENDIX B

OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

<p>ELECTORS FOR PRESIDENT AND VICE PRESIDENT (A vote for the candidates will actually be a vote for their electors.) (Vote for Group)</p>	<p>(REPUBLICAN) GEORGE W. BUSH - PRESIDENT DICK CENEY - VICE PRESIDENT</p>	3
	<p>(DEMOCRATIC) AL GORE - PRESIDENT JOE LIEBERMAN - VICE PRESIDENT</p>	5
	<p>(LIBERTARIAN) HARRY BROWNE - PRESIDENT ART OLIVIER - VICE PRESIDENT</p>	7
	<p>(GREEN) RALPH WADER - PRESIDENT WINDONA LADUKE - VICE PRESIDENT</p>	9
	<p>(SOCIALIST WORKERS) JAMES HARRIS - PRESIDENT MARGARET THOWE - VICE PRESIDENT</p>	11
	<p>(NATURAL LAW) JOHN HAGELIN - PRESIDENT MAT GOLDHABER - VICE PRESIDENT</p>	13

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<p>(REFORM) PAT BUCHANAN - PRESIDENT EZOLA FOSTER - VICE PRESIDENT</p>	4
<p>(SOCIALIST) DAVID McREYNOLDS - PRESIDENT MARY CAL HOLLIS - VICE PRESIDENT</p>	6
<p>(CONSTITUTION) HOWARD PHILLIPS - PRESIDENT J. CURTIS FRAZIER - VICE PRESIDENT</p>	8
<p>(WORKERS WORLD) MONICA MOOREHEAD - PRESIDENT GLORIA La RIVA - VICE PRESIDENT</p>	10

WRITE-IN CANDIDATE
To vote for a write-in candidate, follow the directions on the long stub of your ballot card.



COMMON OPTICAL SCAN ERRORS (2000)

Common Optical Scan Errors (2000)

CIRCLING THE BUBBLE

	(REPUBLICAN)
<input checked="" type="radio"/>	GEORGE W. BUSH For President
<input type="radio"/>	DICK CHENEY For Vice President
	(DEMOCRATIC)
<input type="radio"/>	AL GORE For President
<input type="radio"/>	JOE LIEBERMAN For Vice President

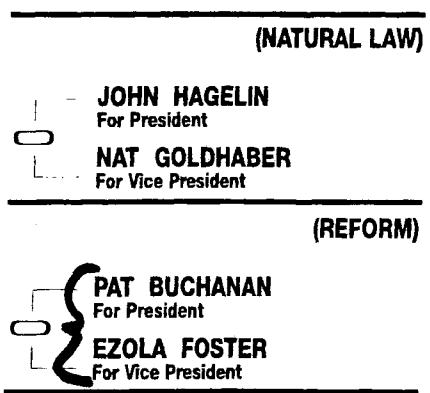
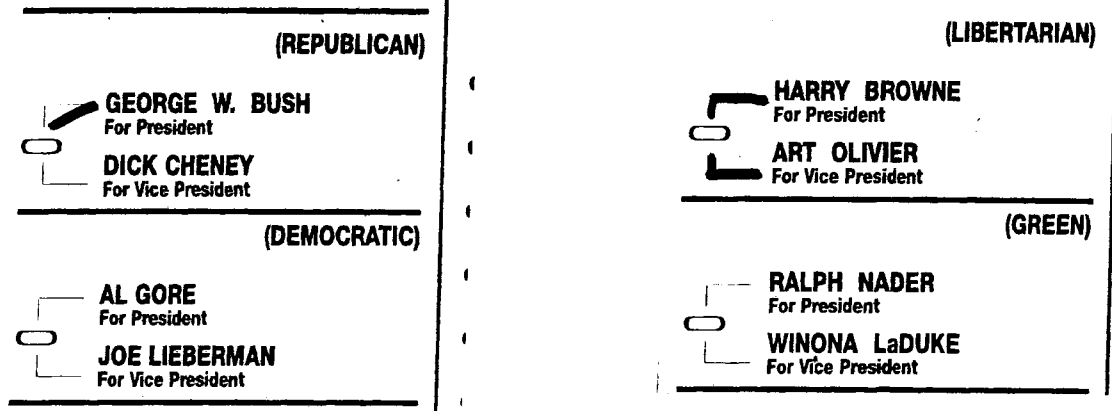
CIRCLING THE PARTY NAME

	(NATURAL LAW)
<input type="radio"/>	JOHN HAGELIN For President
<input type="radio"/>	NAT GOLDHABER For Vice President
	(REFORM)
<input type="radio"/>	PAT BUCHANAN For President
<input type="radio"/>	EZOLA FOSTER For Vice President

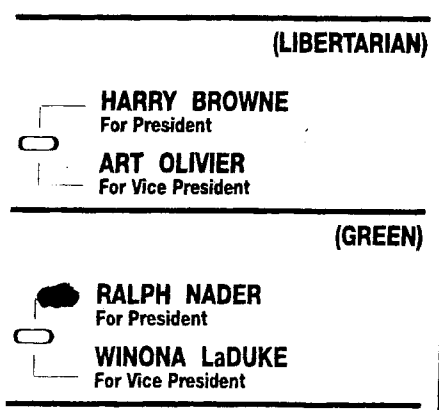
CIRCLING THE CANDIDATE'S NAME

	(LIBERTARIAN)
<input type="radio"/>	HARRY BROWNE For President
<input type="radio"/>	ART OLIVIER For Vice President
	(GREEN)
<input checked="" type="radio"/>	RALPH NADER For President
<input type="radio"/>	WINONA LaDUKE For Vice President



DRAWING A LINE/ BRACKETING





NEW BUBBLE





CROSSING OUT A CHOICE AND MAKING ANOTHER

(NATURAL LAW)	
	JOHN HAGELIN For President
	NAT GOLDHABER For Vice President
(REFORM)	
	PAT BUCHANAN For President
	EZOLA FOSTER For Vice President

VOTER INSTRUCTIONS/NOTES

(NATURAL LAW)	
	JOHN HAGELIN For President
	NAT GOLDHABER For Vice President
(REFORM)	
 <i>wrong</i>	PAT BUCHANAN For President
	EZOLA FOSTER For Vice President

(LIBERTARIAN)	
 <i>NO</i>	HARRY BROWNE For President
	ART OLIVIER For Vice President
(GREEN)	
	RALPH NADER For President
	WINONA LaDUKE For Vice President

MARKING OVAL WITH AN "X" OR "✓"

(NATURAL LAW)	
<input checked="" type="checkbox"/>	JOHN HAGELIN For President
<input type="checkbox"/>	NAT GOLDHABER For Vice President
(REFORM)	
<input type="checkbox"/>	PAT BUCHANAN For President
<input type="checkbox"/>	EZOLA FOSTER For Vice President

(REPUBLICAN)	
<input checked="" type="checkbox"/>	GEORGE W. BUSH For President
<input type="checkbox"/>	DICK CHENEY For Vice President
(DEMOCRATIC)	
<input type="checkbox"/>	AL GORE For President
<input type="checkbox"/>	JOE LIEBERMAN For Vice President

REVERSE BALLOT PROTOTYPE

OFFICIAL BALLOT - GENERAL ELECTION
 XXXXXX COUNTY, FLORIDA
 NOVEMBER XX, 20XX

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ **STOP! PLEASE READ THESE DIRECTIONS BEFORE VOTING** ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

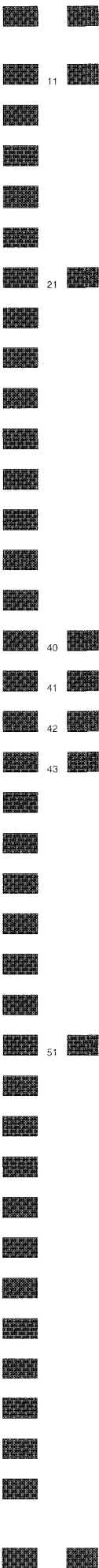
For each race, COMPLETELY fill in the oval next to your choice as shown →
 For a write-in vote, COMPLETELY fill in the oval next to the box and write the candidate's name inside the box.

-- PRESIDENT & VICE PRESIDENT --	----- STATE -----	----- COUNTY -----
<p align="center">(fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> George W. Bush REP Dick Cheney</p> <hr/> <p><input type="radio"/> Al Gore DEM Joe Lieberman</p> <hr/> <p><input type="radio"/> Harry Browne LIB Art Olivier</p> <hr/> <p><input type="radio"/> Ralph Nader GRE Winona LaDuke</p> <hr/> <p><input type="radio"/> James Harris SWP Margaret Trowe</p> <hr/> <p><input type="radio"/> John Hagelin LAW Nat Goldhaber</p> <hr/> <p><input type="radio"/> Pat Buchanan REF Ezola Foster</p> <hr/> <p><input type="radio"/> David McReynolds SPF Mary Cal Hollis</p> <hr/> <p><input type="radio"/> Howard Phillips CPF J. Curtis Frazier</p> <hr/> <p><input type="radio"/> Monica Moorehead WWF Gloria La Riva</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p>	<p align="center">TREASURER (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Tom Gallagher REP</p> <p><input type="radio"/> John Cosgrove DEM</p> <hr/> <p align="center">COMMISSIONER OF EDUCATION (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Charlie Crist REP</p> <p><input type="radio"/> George H. Sheldon DEM</p> <p><input type="radio"/> Vassilia Gazetas NPA</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p> <hr/> <p align="center">----- LEGISLATIVE -----</p> <p align="center">STATE SENATOR 3RD SENATORIAL DISTRICT (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Brecht Heuchan REP</p> <p><input type="radio"/> Alfred "Al" Lawson DEM</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p> <hr/> <p align="center">STATE REPRESENTATIVE 8TH HOUSE DISTRICT (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Bradley L. Maxwell REP</p> <p><input type="radio"/> Curtis Richardson DEM</p>	<p align="center">CLERK OF THE CIRCUIT COURT (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Milt Bauguess REP</p> <p><input type="radio"/> Bob Inzer DEM</p> <hr/> <p align="center">TAX COLLECTOR (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Paul W. Blackburn REP</p> <p><input type="radio"/> Doris Maloy DEM</p> <hr/> <p align="center">SUPERINTENDENT OF SCHOOLS (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Bill Montford DEM</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p> <hr/> <p align="center">COUNTY COMMISSIONER AT LARGE, GROUP 1 (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Rudy Maloy DEM</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p>
<p align="center">----- CONGRESSIONAL -----</p> <p align="center">UNITED STATES SENATOR (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Bill McCollum REP</p> <p><input type="radio"/> Bill Nelson DEM</p> <p><input type="radio"/> Joe Jimonetta LAW</p> <p><input type="radio"/> Joel Deckard REF</p> <p><input type="radio"/> Willie Logan NPA</p> <p><input type="radio"/> Andy Martin NPA</p> <p><input type="radio"/> Darrell L. McCormick NPA</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p> <hr/> <p align="center">REPRESENTATIVE IN CONGRESS 2ND CONGRESSIONAL DISTRICT (fill in <u>ONLY ONE</u> oval)</p> <p><input type="radio"/> Doug Dodd REP</p> <p><input type="radio"/> Allen Boyd DEM</p> <p>Write-in (if name is NOT listed above)</p> <p><input type="radio"/> </p>	<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>IMPORTANT Only fill in one oval per race. The write in box is to be used for candidates <u>NOT</u> on the ballot.</p> </div>	

**SAMPLES OF 2000 OFFICIAL GENERAL ELECTION
OPTICAL SCAN BALLOTS**

OFFICIAL GENERAL ELECTION BALLOT

<p>A OKEECHOBEE COUNTY, FL</p> <p>INSTRUCTIONS TO VOTERS</p> <p>To vote you must blacken the oval (<input type="radio"/>) completely next to the candidate of your choice, using only the pencil provided.</p> <p>To vote for a person not on the ballot, you must blacken the oval (<input type="radio"/>) and write the name on the line provided.</p> <p>DO NOT VOTE FOR MORE THAN THE NUMBER INDICATED FOR EACH OFFICE.</p> <hr/> <p align="center">ELECTORS For President and Vice President</p> <p>(A vote for the candidates will actually be a vote for their electors.) (Vote for Group)</p> <hr/> <p align="center">(REPUBLICAN)</p> <p><input type="radio"/> GEORGE W. BUSH For President</p> <p><input type="radio"/> DICK CHENEY For Vice President</p> <hr/> <p align="center">(DEMOCRATIC)</p> <p><input type="radio"/> AL GORE For President</p> <p><input type="radio"/> JOE LIEBERMAN For Vice President</p> <hr/> <p align="center">(LIBERTARIAN)</p> <p><input type="radio"/> HARRY BROWNE For President</p> <p><input type="radio"/> ART OLIVIER For Vice President</p> <hr/> <p align="center">(GREEN)</p> <p><input type="radio"/> RALPH NADER For President</p> <p><input type="radio"/> WINONA LaDUKE For Vice President</p> <hr/> <p align="center">(SOCIALIST WORKERS)</p> <p><input type="radio"/> JAMES HARRIS For President</p> <p><input type="radio"/> MARGARET TROWE For Vice President</p> <hr/> <p align="center">(NATURAL LAW)</p> <p><input type="radio"/> JOHN HAGELIN For President</p> <p><input type="radio"/> NAT GOLDBABER For Vice President</p> <hr/> <p align="center">(REFORM)</p> <p><input type="radio"/> PAT BUCHANAN For President</p> <p><input type="radio"/> EZOLA FOSTER For Vice President</p> <hr/> <p align="center">(SOCIALIST)</p> <p><input type="radio"/> DAVID McREYNOLDS For President</p> <p><input type="radio"/> MARY CAL HOLLIS For Vice President</p>	<p>B GENERAL ELECTION</p> <hr/> <p align="center">(CONSTITUTION)</p> <p><input type="radio"/> HOWARD PHILLIPS For President</p> <p><input type="radio"/> J. CURTIS FRAZIER For Vice President</p> <hr/> <p align="center">(WORKERS WORLD)</p> <p><input type="radio"/> MONICA MOOREHEAD For President</p> <p><input type="radio"/> GLORIA LA RIVA For Vice President</p> <hr/> <p align="center">WRITE-IN CANDIDATE</p> <p>For President _____</p> <p>For Vice President _____</p> <hr/> <p align="center">CONGRESSIONAL</p> <p align="center">UNITED STATES SENATOR (Vote for ONE)</p> <p><input type="radio"/> BILL McCOLLUM (REP)</p> <p><input type="radio"/> BILL NELSON (DEM)</p> <p><input type="radio"/> JOE SIMONETTA (LAW)</p> <p><input type="radio"/> JOEL DECKARD (REF)</p> <p><input type="radio"/> WILLIE LOGAN (NPA)</p> <p><input type="radio"/> ANDY MARTIN (NPA)</p> <p><input type="radio"/> DARRELL L. McCORMICK (NPA)</p> <p><input type="radio"/> WRITE-IN CANDIDATE _____</p> <hr/> <p align="center">REPRESENTATIVE IN CONGRESS SIXTEENTH CONGRESSIONAL DISTRICT (Vote for ONE)</p> <p><input type="radio"/> MARK FOLEY (REP)</p> <p><input type="radio"/> JEAN ELLIOTT BROWN (DEM)</p> <p><input type="radio"/> JOHN McGUIRE (REF)</p> <p><input type="radio"/> WRITE-IN CANDIDATE _____</p> <hr/> <p align="center">STATE</p> <hr/> <p align="center">TREASURER (Vote for ONE)</p> <p><input type="radio"/> TOM GALLAGHER (REP)</p> <p><input type="radio"/> JOHN COSGROVE (DEM)</p> <hr/> <p align="center">COMMISSIONER OF EDUCATION (Vote for ONE)</p> <p><input type="radio"/> CHARLIE CRIST (REP)</p> <p><input type="radio"/> GEORGE H. SHELDON (DEM)</p> <p><input type="radio"/> VASSILIA GAZETAS (NPA)</p>	<p>C NOVEMBER 7, 2000</p> <hr/> <p align="center">LEGISLATIVE</p> <hr/> <p align="center">STATE REPRESENTATIVE SEVENTY-NINTH HOUSE DISTRICT (Vote for ONE)</p> <p><input type="radio"/> FRANK ATTKISSON (REP)</p> <p><input type="radio"/> DONNA HART (DEM)</p> <hr/> <p align="center">COUNTY</p> <hr/> <p align="center">SHERIFF (Vote for ONE)</p> <p><input type="radio"/> GARY HARGRAVES (REP)</p> <p><input type="radio"/> O. L. RAULERSON (DEM)</p> <hr/> <p align="center">TAX COLLECTOR (Vote for ONE)</p> <p><input type="radio"/> BRENDA TRENT O'CONNOR (REP)</p> <p><input type="radio"/> CELESTE WOODHAM SMITH (DEM)</p> <hr/> <p align="center">COUNTY COMMISSIONER DISTRICT 1 (Vote for ONE)</p> <p><input type="radio"/> TOM MURPHY (REP)</p> <p><input type="radio"/> DAVID E. HAZELLIEF (DEM)</p> <hr/> <p align="center">COUNTY COMMISSIONER DISTRICT 3 (Vote for ONE)</p> <p><input type="radio"/> DONNIE YATES (REP)</p> <p><input type="radio"/> CLIF BETTS, JR. (DEM)</p> <hr/> <p align="center">COUNTY COMMISSIONER DISTRICT 5 (Vote for ONE)</p> <p><input type="radio"/> RAY WORLEY (REP)</p> <p><input type="radio"/> CLOIS J. HARVEY (DEM)</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> <p>VOTE BOTH SIDES OF BALLOT</p> </div>
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**OFFICIAL BALLOT
GENERAL ELECTION
LEON COUNTY, FLORIDA
NOVEMBER 7, 2000**

DIRECTIONS: For each race, DARKEN the oval next to your choice. Use only a #2 pencil or a blue or black pen.
example:

For a write-in vote, darken the oval next to the line and write the candidate's name on the line.

ELECTORS	STATE	COUNTY
PRESIDENT & VICE PRESIDENT (vote for group) <input type="radio"/> George W. Bush REP <small>Dick Cheney</small> <input type="radio"/> Al Gore DEM <small>Joe Lieberman</small> <input type="radio"/> Harry Browne LIB <small>Art Olivier</small> <input type="radio"/> Ralph Nader GRE <small>Winona LaDuke</small> <input type="radio"/> James Harris SWP <small>Margaret Trowe</small> <input type="radio"/> John Hagelin LAW <small>Nat Goldhaber</small> <input type="radio"/> Pat Buchanan REF <small>Ezola Foster</small> <input type="radio"/> David McReynolds SPF <small>Mary Cal Hollis</small> <input type="radio"/> Howard Phillips CPF <small>J. Curtis Frazier</small> <input type="radio"/> Monica Moorehead WWF <small>Gloria La Riva</small> <input type="radio"/> Write-in _____	TREASURER (vote for one) <input type="radio"/> Tom Gallagher REP <input type="radio"/> John Cosgrove DEM COMMISSIONER OF EDUCATION (vote for one) <input type="radio"/> Charlie Crist REP <input type="radio"/> George H. Sheldon DEM <input type="radio"/> Vassilia Gazetas NPA LEGISLATIVE STATE REPRESENTATIVE 9TH HOUSE DISTRICT (vote for one) <input type="radio"/> Manny Joanos REP <input type="radio"/> Loranne Ausley DEM	CLERK OF THE CIRCUIT COURT (vote for one) <input type="radio"/> Milt Bauguess REP <input type="radio"/> Bob Inzer DEM TAX COLLECTOR (vote for one) <input type="radio"/> Paul W. Blackburn REP <input type="radio"/> Doris Maloy DEM SUPERINTENDENT OF SCHOOLS (vote for one) <input type="radio"/> Bill Montford DEM <input type="radio"/> Write-in _____ COUNTY COMMISSIONER AT LARGE, GROUP 1 (vote for one) <input type="radio"/> Rudy Maloy DEM <input type="radio"/> Write-in _____ COUNTY COMMISSIONER DISTRICT 4 (vote for one) <input type="radio"/> Tony Grippa REP <input type="radio"/> Pat Rose DEM
CONGRESSIONAL UNITED STATES SENATOR (vote for one) <input type="radio"/> Bill McCollum REP <input type="radio"/> Bill Nelson DEM <input type="radio"/> Joe Simonetta LAW <input type="radio"/> Joel Deckard REF <input type="radio"/> Willie Logan NPA <input type="radio"/> Andy Martin NPA <input type="radio"/> Darrell L. McCormick NPA <input type="radio"/> Write-in _____		
REPRESENTATIVE IN CONGRESS 2ND CONGRESSIONAL DISTRICT (vote for one) <input type="radio"/> Doug Dodd REP <input type="radio"/> Allen Boyd DEM <input type="radio"/> Write-in _____		

VOTE BOTH SIDES OF BALLOT

FRONT CARD #10006 G11/07/00

G

Signature of Voter _____

**OFFICIAL BALLOT
GENERAL ELECTION
LEON COUNTY, FLORIDA
NOVEMBER 7, 2000**

No 5059

S.O.E. Initials _____

732-1

OFFICIAL BALLOT
GENERAL ELECTION
PUTNAM COUNTY, FLORIDA
NOVEMBER 7, 2000

VOID

TO VOTE, Completely fill in the oval to the left of your choice as shown → ● . TO VOTE for a Write-In Candidate, write the name of the candidate in the blank space provided for that purpose and fill in the oval as shown → ● .

ELECTORS FOR PRESIDENT AND VICE PRESIDENT	CONGRESSIONAL	LEGISLATIVE
<p>(A vote for the candidates will actually be a vote for their electors.) (Vote for Group)</p> <p>REPUBLICAN</p> <p><input type="radio"/> George W. Bush Dick Cheney</p> <p>DEMOCRATIC</p> <p><input type="radio"/> Al Gore Joe Lieberman</p> <p>LIBERTARIAN</p> <p><input type="radio"/> Harry Browne Art Olivier</p> <p>GREEN</p> <p><input type="radio"/> Ralph Nader Winona LaDuke</p> <p>SOCIALIST WORKERS</p> <p><input type="radio"/> James Harris Margaret Trowe</p> <p>NATURAL LAW</p> <p><input type="radio"/> John Hagelin Nat Goldhaber</p> <p>REFORM</p> <p><input type="radio"/> Pat Buchanan Ezola Foster</p> <p>SOCIALIST</p> <p><input type="radio"/> David McReynolds Mary Cal Hollis</p> <p>CONSTITUTION</p> <p><input type="radio"/> Howard Phillips J. Curtis Frazier</p> <p>WORKERS WORLD</p> <p><input type="radio"/> Monica Moorehead Gloria La Riva</p> <p>WRITE-IN CANDIDATE</p> <p><input type="radio"/> Write-in</p>	<p>UNITED STATES SENATOR (Vote for One)</p> <p><input type="radio"/> Bill McCollum REP</p> <p><input type="radio"/> Bill Nelson DEM</p> <p><input type="radio"/> Joe Simonetta LAW</p> <p><input type="radio"/> Joel Deckard REF</p> <p><input type="radio"/> Willie Logan NPA</p> <p><input type="radio"/> Andy Martin NPA</p> <p><input type="radio"/> Darrell L. McCormick NPA</p> <p><input type="radio"/> Write-in</p> <p>REPRESENTATIVE IN CONGRESS 3rd CONGRESSIONAL DISTRICT (Vote for One)</p> <p><input type="radio"/> Jennifer S. Carroll REP</p> <p><input type="radio"/> Corrine Brown DEM</p> <p><input type="radio"/> Write-in</p> <p>STATE</p> <p>TREASURER (Vote for One)</p> <p><input type="radio"/> Tom Gallagher REP</p> <p><input type="radio"/> John Cosgrove DEM</p> <p>COMMISSIONER OF EDUCATION (Vote for One)</p> <p><input type="radio"/> Charlie Crist REP</p> <p><input type="radio"/> George H. Sheldon DEM</p> <p><input type="radio"/> Vassilia Gazetas NPA</p>	<p>STATE REPRESENTATIVE 21st HOUSE DISTRICT (Vote for One)</p> <p><input type="radio"/> Joe H. Pickens REP</p> <p><input type="radio"/> Skeet Alford DEM</p> <p>COUNTY</p> <p>SUPERVISOR OF ELECTIONS (Vote for one)</p> <p><input type="radio"/> Ralph Leon Rowe REP</p> <p><input type="radio"/> Don Hersey, Sr. DEM</p> <p>COUNTY COMMISSIONER DISTRICT 3 (Vote for One)</p> <p><input type="radio"/> Terry Turner REP</p> <p><input type="radio"/> Hermon L. Somers DEM</p> <p>COUNTY COMMISSIONER DISTRICT 5 (Vote for One)</p> <p><input type="radio"/> Jim Bellamy REP</p> <p><input type="radio"/> Brad Purcell DEM</p>

VOID

RECEIVED
FEB 19 2001
COMMITTEE ON
ETHICS AND ELECTIONS

VOTE BOTH SIDES

OFFICIAL BALLOT GENERAL ELECTION SANTA ROSA COUNTY, FLORIDA NOVEMBER 7, 2000

TO VOTE, COMPLETE THE ARROW(S) ← ■ POINTING TO YOUR CHOICE(S), LIKE THIS: ← ■

INSTRUCTIONS

a. TO VOTE FOR a candidate whose name is printed on the ballot, complete the arrow pointing to the candidate for whom you desire to vote.

b. TO VOTE FOR a write-in candidate, you must write the qualified candidate's name in the space provided for write-ins and complete the arrow pointing to the write-in candidate.

c. Mark only with pen or No. 2 pencil.

d. If you tear, deface or wrongly mark this ballot, return it and get another.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT
(A vote for the candidates will actually be a vote for their electors)
(Vote for Group)

REPUBLICAN
GEORGE W. BUSH, For President
DICK CHENEY, For Vice President

DEMOCRATIC
AL GORE, For President
JOE LIEBERMAN, For Vice President

LIBERTARIAN
HARRY BROWNE, For President
ART OLIVIER, For Vice President

GREEN
RALPH NADER, For President
WINONA LaDUKE, For Vice President

SOCIALIST WORKERS
JAMES HARRIS, For President
MARGARET TROWE, For Vice President

NATURAL LAW
JOHN HAGELIN, For President
NAT GOLDHABER, For Vice President

REFORM
PAT BUCHANAN, For President
EZOLA FOSTER, For Vice President

SOCIALIST
DAVID McREYNOLDS, For President
MARY CAL HOLLIS, For Vice President

CONSTITUTION
HOWARD PHILLIPS, For President
J. CURTIS FRAZIER, For Vice President

WORKERS WORLD
MONICA MOOREHEAD, For President
GLORIA LaRIVA, For Vice President

WRITE-IN CANDIDATE

FOR PRESIDENT _____

FOR VICE PRESIDENT _____

CONGRESSIONAL

UNITED STATES SENATOR
(Vote for One)

BILL McCOLLUM REP ← ■

BILL NELSON DEM ← ■

JOE SIMONETTA LAW ← ■

JOEL DECKARD REF ← ■

WILLIE LOGAN NPA ← ■

ANDY MARTIN NPA ← ■

DARRELL L. McCORMICK NPA ← ■

WRITE-IN ← ■

U.S. REPRESENTATIVE
1ST CONGRESSIONAL DISTRICT
(Vote for One)

JOE SCARBOROUGH REP ← ■

WRITE-IN ← ■

STATE

TREASURER
(Vote for One)

TOM GALLAGHER REP ← ■

JOHN COSGROVE DEM ← ■

COMMISSIONER OF EDUCATION
(Vote for One)

CHARLIE CRIST REP ← ■

GEORGE H. SHELDON DEM ← ■

VASSILIA GAZETAS NPA ← ■

SAMPLE

COUNTY

SHERIFF
(Vote for One)

WENDELL HALL REP ← ■

"BIT" MELVIN DEM ← ■

HERB KENDALL NPA ← ■

TAX COLLECTOR
(Vote for One)

ROBERT G. McCLURE REP ← ■

WRITE-IN ← ■

COUNTY COMMISSIONER
DISTRICT THREE
(Vote For One)

DON SALTER REP ← ■

WRITE-IN ← ■

BLACKWATER SOIL AND WATER CONSERVATION DISTRICT SEAT 4
(Vote For One)

CARLA COOK ← ■

KEN JOHNSON ← ■

HOLLEY-NAVARRE FIRE PROTECTION DISTRICT SEAT 2
(Vote For One)

BRUCE BROOKS ← ■

CARMEN REYNOLDS ← ■

HOLLEY-NAVARRE FIRE PROTECTION DISTRICT SEAT 5
(Vote For One)

TOM PULLUM ← ■

ED WILLEMAN ← ■

CONTINUE
VOTING
ON BACK

VOTE BOTH SIDES

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COMMITTEE ON
ETHICS AND ELECTIONS

TEST

OFFICIAL BALLOT GENERAL ELECTION SEMINOLE COUNTY, FLORIDA NOVEMBER 7, 2000

TEST

Directions: Completely fill in the oval next to your choice as shown--> ●

ELECTORS FOR PRESIDENT AND VICE PRESIDENT	LEGISLATIVE	NONPARTISAN JUDICIAL JUSTICE OF THE SUPREME COURT
(A vote for the candidates will actually be a vote for their electors.) (Vote for Group)	STATE SENATOR 11TH SENATORIAL DISTRICT (Vote for One) ANNA COWIN REP <input type="radio"/> LESLIE SCALES DEM <input type="radio"/>	Shall Justice R. FRED LEWIS of the Supreme Court be retained in office? YES <input type="radio"/> NO <input type="radio"/>
GEORGE W. BUSH REP <input type="radio"/> DICK CHENEY <input type="radio"/> AL GORE DEM <input type="radio"/> JOE LIEBERMAN <input type="radio"/> HARRY BROWNE LIB <input type="radio"/> ART OLIVIER <input type="radio"/> RALPH NADER GRE <input type="radio"/> WINONA LA DUKE <input type="radio"/> JAMES HARRIS SWP <input type="radio"/> MARGARET TROWE <input type="radio"/> JOHN HAGELIN LAW <input type="radio"/> NAT GOLDHABER <input type="radio"/> PAT BUCHANAN REF <input type="radio"/> EZOLA FOSTER <input type="radio"/> DAVID MCREYNOLDS SPF <input type="radio"/> MARY CAL HOLLIS <input type="radio"/> HOWARD PHILLIPS CPF <input type="radio"/> J. CURTIS FRAZIER <input type="radio"/> MONICA MOOREHEAD WWP <input type="radio"/> GLORIA LA RIVA <input type="radio"/> Write-in <input type="radio"/>	STATE REPRESENTATIVE 25TH HOUSE DISTRICT (Vote for One) CAREY BAKER REP <input type="radio"/> RICK DWYER DEM <input type="radio"/>	Shall Justice BARBARA J. PARIENTE of the Supreme Court be retained in office? YES <input type="radio"/> NO <input type="radio"/>
CONGRESSIONAL	COUNTY	Shall Justice PEGGY A. QUINCE of the Supreme Court be retained in office? YES <input type="radio"/> NO <input type="radio"/>
UNITED STATES SENATOR (Vote for One)	CLERK OF THE CIRCUIT COURT (Vote for One) MARYANNE MORSE REP <input type="radio"/> STEVE SNIPPER LIB <input type="radio"/>	DISTRICT COURT OF APPEAL Shall Judge EMERSON R. THOMPSON, JR. of the 5TH District Court of Appeal be retained in office? YES <input type="radio"/> NO <input type="radio"/>
BILL MCCOLLUM REP <input type="radio"/> BILL NELSON DEM <input type="radio"/> JOE SIMONETTA LAW <input type="radio"/> JOEL DECKARD REF <input type="radio"/> WILLIE LOGAN NPA <input type="radio"/> ANDY MARTIN NPA <input type="radio"/> DARRELL L. MCCORMICK NPA <input type="radio"/> Write-in <input type="radio"/>	SHERIFF (Vote for One) DON ESLINGER REP <input type="radio"/> RICHARD BEARY NPA <input type="radio"/>	
REPRESENTATIVE IN CONGRESS 3RD CONGRESSIONAL DISTRICT (Vote for One) JENNIFER S. CARROLL REP <input type="radio"/> CORRINE BROWN DEM <input type="radio"/> Write-in <input type="radio"/>	COUNTY COMMISSIONER DISTRICT 1 (Vote for One) GRANT MALOY REP <input type="radio"/> ANDREW VAN GAALE DEM <input type="radio"/> JAMES COAKLEY LIB <input type="radio"/>	
STATE	COUNTY COMMISSIONER DISTRICT 3 (Vote for One) DICK VAN DER WEIDE REP <input type="radio"/> ZEA PROCTOR LIB <input type="radio"/> WIN ADAMS NPA <input type="radio"/>	
TREASURER (Vote for One) TOM GALLAGHER REP <input type="radio"/> JOHN COSGROVE DEM <input type="radio"/>	COUNTY COMMISSIONER DISTRICT 5 (Vote for One) DARYL MCLAIN REP <input type="radio"/> DEAN RAY DEM <input type="radio"/> FRANKLIN PEREZ LIB <input type="radio"/> DAVID ALBERT NPA <input type="radio"/>	
COMMISSIONER OF EDUCATION (Vote for One) CHARLIE CRIST REP <input type="radio"/> GEORGE H. SHELDON DEM <input type="radio"/> VASSILIA GAZETAS NPA <input type="radio"/>		

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COMMITTEE ON ETHICS AND ELECTIONS

VOTE BOTH SIDES

OFFICIAL BALLOT
GENERAL ELECTION
VOLUSIA COUNTY, FLORIDA
NOVEMBER 7, 2000

INSTRUCTIONS TO VOTER: Completely fill in the oval next to your choice as shown ----> . To cast a vote for a qualified write-in candidate whose name is not listed on the ballot, write the name of the qualified write-in candidate in the blank space provided for that purpose and completely fill in the oval.

FEDERAL	CONGRESSIONAL	NONPARTISAN - COUNTY
ELECTORS FOR PRESIDENT AND VICE PRESIDENT (Vote For One Group) George W. Bush Dick Cheney REP <input type="radio"/> Al Gore Joe Lieberman DEM <input type="radio"/> Harry Browne Art Olivier LIB <input type="radio"/> Ralph Nader Winona LaDuke GRE <input type="radio"/> James Harris Margaret Trowe SWP <input type="radio"/> John Hagelin Nat Goldhaber LAW <input type="radio"/> Pat Buchanan Ezola Foster REF <input type="radio"/> David McReynolds Mary Cal Hollis SPF <input type="radio"/> Howard Phillips J. Curtis Frazier CPF <input type="radio"/> Monica Moorehead Gloria La Riva WWP <input type="radio"/> Write-in <input type="radio"/>	REPRESENTATIVE IN CONGRESS 7TH CONGRESSIONAL DIST. (Vote For One) John L. Mica REP <input type="radio"/> Dan Vaughan DEM <input type="radio"/> Write-in <input type="radio"/> <hr/> STATE TREASURER AND INSURANCE COMMISSIONER (Vote For One) Tom Gallagher REP <input type="radio"/> John Cosgrove DEM <input type="radio"/> <hr/> COMMISSIONER OF EDUCATION (Vote For One) Charlie Crist REP <input type="radio"/> George H. Sheldon DEM <input type="radio"/> Vassilia Gazetas NPA <input type="radio"/> <hr/> LEGISLATIVE STATE REPRESENTATIVE 28TH HOUSE DISTRICT (Vote For One) Deborah A. Denys REP <input type="radio"/> Suzanne M. Kosmas DEM <input type="radio"/>	SHERIFF (Vote For One) Gus Beckstrom <input type="radio"/> Ben Johnson <input type="radio"/> <hr/> SUPERVISOR OF ELECTIONS (Vote For One) James "Andy" Baker <input type="radio"/> Deanie Lowe <input type="radio"/> <hr/> COUNTY JUDGE GROUP 7 (Vote For One) Steve deLaroche <input type="radio"/> Valerie P. Foote <input type="radio"/> <hr/> VOTE BOTH SIDES
CONGRESSIONAL UNITED STATES SENATOR (Vote For One) Bill McCollum REP <input type="radio"/> Bill Nelson DEM <input type="radio"/> Joe Simonetta LAW <input type="radio"/> Joel Deckard REF <input type="radio"/> Willie Logan NPA <input type="radio"/> Andy Martin NPA <input type="radio"/> Darrell L. McCormick NPA <input type="radio"/> Write-in <input type="radio"/>		

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COMMITTEE ON ETHICS AND ELECTIONS

GENERAL ELECTION
WALTON COUNTY, FLORIDA

NOVEMBER 7, 2000

INSTRUCTION TO VOTERS: Completely fill in the oval next to your choice as shown --> ● . To cast a vote for a qualified write-in candidate, write the name of the qualified write-in candidate in the blank space provided for that purpose and completely fill in the oval.

PRESIDENTIAL	CONGRESSIONAL	COUNTY
ELECTORS FOR PRESIDENT AND VICE PRESIDENT (A vote for the candidates will actually be a vote for their electors.) (Vote for One Group) REPUBLICAN <input type="radio"/> GEORGE W. BUSH DICK CHENEY DEMOCRATIC <input type="radio"/> AL GORE JOE LIEBERMAN LIBERTARIAN <input type="radio"/> HARRY BROWNE ART OLIVIER GREEN <input type="radio"/> RALPH NADER WINONA LaDUKE SOCIALIST WORKERS <input type="radio"/> JAMES HARRIS MARGARET TROWE NATURAL LAW <input type="radio"/> JOHN HAGELIN NAT GOLDHABER REFORM <input type="radio"/> PAT BUCHANAN EZOLA FOSTER SOCIALIST <input type="radio"/> DAVID McREYNOLDS MARY CAL HOLLIS CONSTITUTION <input type="radio"/> HOWARD PHILLIPS J. CURTIS FRAZIER WORKERS WORLD <input type="radio"/> MONICA MOOREHEAD GLORIA La RIVA <input type="radio"/> For President/Vice President	UNITED STATES SENATOR (Vote For One) <input type="radio"/> BILL McCOLLUM REP <input type="radio"/> BILL NELSON DEM <input type="radio"/> JOE SIMONETTA LAW <input type="radio"/> JOEL DECKARD REF <input type="radio"/> WILLIE LOGAN NPA <input type="radio"/> ANDY MARTIN NPA <input type="radio"/> DARRELL L. McCORMICK NPA <input type="radio"/> Write-in REPRESENTATIVE IN CONGRESS 1ST CONGRESSIONAL DIST. (Vote For One) <input type="radio"/> JOE SCARBOROUGH REP <input type="radio"/> Write-in STATE STATE TREASURER (Vote For One) <input type="radio"/> TOM GALLAGHER REP <input type="radio"/> JOHN COSGROVE DEM COMMISSIONER OF EDUCATION (Vote For One) <input type="radio"/> CHARLIE CRIST REP <input type="radio"/> GEORGE H. SHELDON DEM <input type="radio"/> VASSILIA GAZETAS NPA LEGISLATIVE STATE REPRESENTATIVE 7TH HOUSE DISTRICT (Vote For One) <input type="radio"/> BEV KILMER REP <input type="radio"/> JAMEY WESTBROOK DEM	CLERK OF CIRCUIT COURT (Vote For One) <input type="radio"/> MARTHA INGLE REP <input type="radio"/> DAN BODIFORD DEM SHERIFF (Vote For One) <input type="radio"/> RALPH L. JOHNSON REP <input type="radio"/> QUINN A. McMILLIAN DEM PROPERTY APPRAISER (Vote For One) <input type="radio"/> PATRICK PILCHER REP <input type="radio"/> GLORIA GAINEY DEM TAX COLLECTOR (Vote For One) <input type="radio"/> KEN LITTLE REP <input type="radio"/> SUE CARTER DEM SUPERINTENDENT OF SCHOOLS (Vote For One) <input type="radio"/> JOHN F. (JACK) BLUDWORTH, JR. REP <input type="radio"/> COY M. YATES DEM COUNTY COMMISSIONER DISTRICT 1 (Vote For One) <input type="radio"/> LANE REES REP <input type="radio"/> W.F. "RABBIT" MILES DEM COUNTY COMMISSIONER DISTRICT 3 (Vote For One) <input type="radio"/> LARRY JONES REP <input type="radio"/> RANDALL INFINGER DEM COUNTY COMMISSIONER DISTRICT 5 (Vote For One) <input type="radio"/> TIM PAULS REP <input type="radio"/> W.L. "BILLY" McLEAN DEM

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COMMITTEE ON ETHICS AND ELECTIONS

VOTE BOTH SIDES

