

TIER 1 STATES

Florida Election Protection At-a-Glance

Florida Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Florida. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Broward
- Palm Beach
- Miami-Dade
- Duval
- Hillsborough
- Orange
- Leon

Based on the EIRS database, voting problems encountered in Florida included:

- Election official failures to deliver absentee ballots to voters who requested them and confusion about what to do for those who had not received them;
- Improper requests for identification;
- Problems with early voting, including long lines at the early voting locations, inadequate staffing, and machine failures;
- Voter registration related problems;
- Confusion about how to implement provisional ballot requirements;
- Concerns about the accuracy and functioning of voting machines;
- Some poll workers who were, at best untrained, and at worst, actively dissuading voters from casting votes; and
- Lack of required assistance for disabled voters.

Pre-Election Day Legal Activities

Leading up to Election Day, critical decisions were made by the courts, Secretary of State Glenda Hood and Supervisors of Elections throughout the state that had a significant effect on the vote. These decisions included:

- A federal judge rejected on procedural grounds a claim on behalf of thousands of Florida voters that their failure to check off boxes on their voter registration forms for U.S. citizenship, felony status or mental capacity was immaterial in light of their having signed their registration forms affirming their citizenship, mental capacity and felony status. This ruling is still on appeal.
- The State of Florida initially ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after pressure from civil rights groups and news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.
- A number of other pre-election lawsuits were filed with mixed results. For example, a federal judge granted a temporary restraining order against the Department of Homeland Security and the City of Miami Beach, which had refused to allow non-partisan groups to register new citizens outside a citizenship ceremony. Lawsuits challenging Florida's rule requiring that voters cast provisional ballots only in the correct precinct were unsuccessful. A lawsuit challenging the state's failure to set forth rules providing for recounts in counties using electronic voting machines was successful, although a challenge to the rules ultimately promulgated has not succeeded.

Early voting in Florida also presented new challenges for the voting system and those in charge of it. The following is a snapshot:

- Pressure from members of the EP coalition led to Duval and Volusia counties opening additional early voting sites. Duval initially had only one such site. Other counties with a comparable number of registered voters had nine early voting sites. Duval County has the highest percentage of African American voters -- 26 percent -- among Florida's large counties.

- Florida began early voting on October 18, in part to address the issues that plagued its Election Day in 2000. But some of the same problems resurfaced almost immediately, including long lines, trouble verifying voter registration data, lost computer connections, and complaints about placing too few early voting sites in African American neighborhoods.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Florida.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. There were voters (1) who had problems when they requested absentee ballots, (2) who did not receive absentee ballots in time to vote, or (3) who received ballots they did not request. A disproportionate number of these reports originated from Broward County. There were several cases of military voters not receiving their absentee ballots. Below are examples of the kinds of complaints EP volunteers received:

- Up to 15,000 voters did not receive their absentee ballots in the mail in Broward County. The county had to resend some ballots and other voters were not able to vote at all because they did not receive their ballots in time. [Broward]
- Voters reported that while the envelope on the absentee ballot said that it required 60 cents in postage, it really cost 83 cents. (This problem was later addressed by the county.) [Broward]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. There were voters who thought they had registered but had not received cards in the mail, and voters who were not included on the list of registered voters. Many of the registration problems were reports from voters who had moved and were unclear about their registration status and proper polling place or voters who registered through third-party organizations. There were also many reports of lost registration cards and registration cards with incorrect information on polling places. Below are some examples of the kinds of complaints EP volunteers received:

- A voter in Broward County had recently moved from Dade County. He tried to change his voter registration on several occasions, but never received a card. On Election Day, he went to Dade to vote, but they said he was on the list for Broward County, but with no precinct. The voter was unable to vote. [Broward]
- Several University of South Florida students who signed a petition on increasing penalties for child molestation had their voter

registration changed to Republican without their knowing it.
[Hillsborough]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. This category includes reports from voters who were prevented or discouraged from voting by election officials or third parties at the polls or by misleading information distributed in their community. We received several reports throughout Florida of police and sheriff presence at polling places that concerned voters. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- There were numerous reports of misleading information.
 - Voters received calls telling them to vote on November 3.
[Polk; Palm Beach]
 - A voter reported that someone told her she had voted in the wrong location and that she would be arrested and fined.
[Orange]
 - A group was going around telling voters that they had until November 18th to vote. [Duval]
- Several voters of color reported that they were harassed and intimidated while trying to vote. An African-American male was searched for weapons when entering the polling place and no other voters appeared to receive the same treatment. [Alachua]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, ranging from inquiries into the provisional ballot system to workers unevenly applying or not understanding the new provisional ballot requirements. In some instances, voters requested provisional ballots and poll workers refused to provide them or provided them and then told the voter that “they wouldn’t count anyway.” Below is an example of the kinds of complaints EP volunteers received:

- Voters were denied the right to vote, even provisionally, because the voter’s address on the driver’s license did not match the address on the voter’s registration information. [Miami-Dade; Orange]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Voters complained that machines were not working properly, were not recording their intended votes or had completely shut down on Election Day. Paper ballots were used in some instances when machines broke down, but this was not standard practice. There were particular problems with voting machines during early voting. Below are some examples of the kinds of complaints EP volunteers received:

- During early voting and on Election Day, voters expressed concerns that the machines were not properly recording their choices for President. [Palm Beach; Miami-Dade; Broward; Pinellas]
- We also received reports about optical scanners not working properly and voters having to drop their ballots into a box to be scanned later in some cases. [Brevard; Leon]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. During early voting and on Election Day many voters, particularly in Hillsborough and Miami-Dade Counties, reported that voter ID requirements were not being implemented appropriately. Poll workers were misapplying identification procedures, turning voters away who met the state’s identification mandates. EP volunteers helped clarify the voter ID and registration card requirements for voters.

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. These incidents highlight the range of issues around state and federal laws on disability access to voting, including polling place accessibility and personal assistance. Florida experienced not only uneven application of these laws, but some counties also seemed unprepared to deal with the long lines that occurred during early voting. With the long lines, EP volunteers received many reports related to the elderly and disabled leaving lines because they could not stand for long periods of time.

Criminal Status Related Problems: EP volunteers answered questions related to criminal status. There were voters with felony convictions who were unsure about their eligibility status, and those who had never been convicted of a felony who were identified as ineligible to vote. People were further confused because of efforts over the summer by the State of Florida to purge voter rolls of felons from a flawed felon list.

Student Status Related Problems: EP volunteers answered questions related to student status. Those helped were students with questions about registration and those having problems at the polling places. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- University of Southern Florida and University of Tampa college students were turned away at the polling place and denied provisional ballots. [Hillsborough]

Insufficient Number of Ballots: Voters reported insufficient provisional ballots in Hillsborough, Miami-Dade and Brevard County

Language Issues: EP volunteers received complaints about lack of assistance for voters with limited English skills.

Long Lines: EP volunteers received complaints about long lines. Long lines were evident in Florida from the start of early voting through Election Day. Of particular concern were reports of elderly and disabled voters waiting in long lines during hot weather and a lack of clarity on the part of poll workers about special accommodations that could be made for these voters. Many of the long lines appeared to be associated with inadequate or malfunctioning electronic voting machines and poll workers were not properly trained to address the problems.

Late Opening and Early Closing: EP volunteers received reports of polls opening late or closing early. We received reports during early voting and on Election Day. Fortunately, late poll openings did not appear to be widespread in Florida during the general election.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. There were voters who were trying to exercise their legal rights outside of polling places, or were concerned about paraphernalia and other materials near or within the polling places. This category also includes issues with polling places with multiple precincts with insufficient or no signage, and polling place canvassers.

Other Issues: Voters had other unique questions that did not directly fit into any of the above categories, including voters needing rides to the polls, voters not being allowed off work to vote, and employers encouraging voters to vote for one candidate over another.