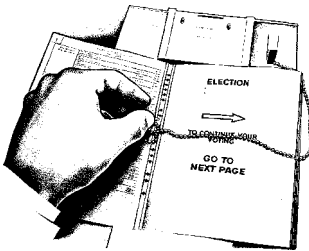


# floridians look back at election 2000 and look forward to major reforms

by susan a. macmanus



**Election 2000:  
Where do  
Floridians go  
from here?**

**N**o more jokes about chads—hanging, dangling, or otherwise, please! No more caricatures of ballots with butterfly wings! No more accusations of poorly trained and insensitive poll workers or intimidating election officials. And let’s have no more teasing from Aunt Winnie in Kalamazoo about our state’s oversupply of inept voters.

Florida has taken a giant step toward redeeming itself in the eyes of the world with passage of the Florida Election Reform Act of 2001. The sweeping reform package has already been described as the envy of the nation. For Floridians, it was “must pass” legislation.

## **Public Opinion Survey Played Major Role in Airing Voice of the People**

A survey jointly sponsored by the Collins Center For Public Policy and The James Madison Institute played a major role in getting the will of the people before the legislature. Four prominent political scientists from state universities were tapped to design and analyze the survey.<sup>1</sup> Schroth and Associ-

*Some of this article is drawn from the report written by the team of political scientists who designed the April survey, but the interpretations reported here are those of the author.*

ates in Washington, D.C., conducted the telephone survey of 600 adult Floridians April 3-8, 2001. The margin of error is  $\pm 4$  percent.<sup>2</sup>

Floridians were somewhat split in their assessments of what caused all the presidential election-related problems. But they were in agreement (81 percent) that Florida's election system needed revamping to make it fairer and more accurate—and the sooner the better (no excuses, no delays—just do it!). Three-fourths said it was “very important” for the state legislature to tackle reform of our voting methods before Election 2002.

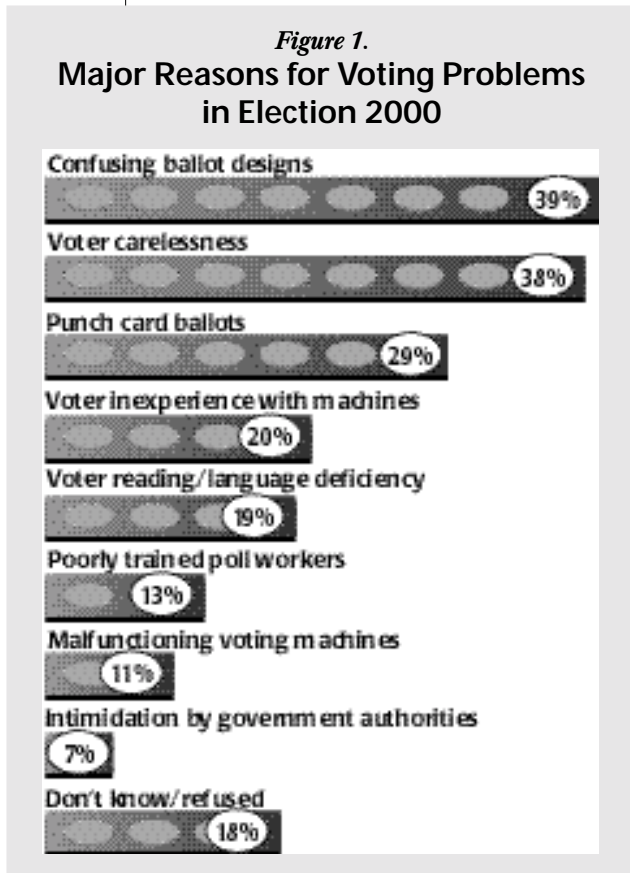
### Looking Back on Election 2000

Was Florida unique with its problems or did similar problems exist in other states but they just weren't uncovered? Similar problems existed elsewhere, said 79 percent of those surveyed.

But what were the major reasons for the problems some Floridians experienced when they voted last fall? As shown in Figure 1, confusing ballot designs (39 percent), voter carelessness (38 percent), and punch card ballots (29 percent) were the most often cited reasons for “the amount of problems that many Floridians experienced when they voted last November in Florida.”

There was far less consensus on the causes of problems than on the urgency of reform. And opinions varied considerably across groups of voters.

Generally, African Americans, non-Cuban Hispanics, and Democrats cited government-related reasons (ballot design, voting



machine inaccuracies and malfunctions, poll workers, and government officials) whereas white, Cuban-Americans, and Republican residents more often pointed to individual voter-based reasons (carelessness, lack of experience using voting equipment, reading and language deficiencies).

### Citizen Priorities for Election Reform<sup>3</sup>

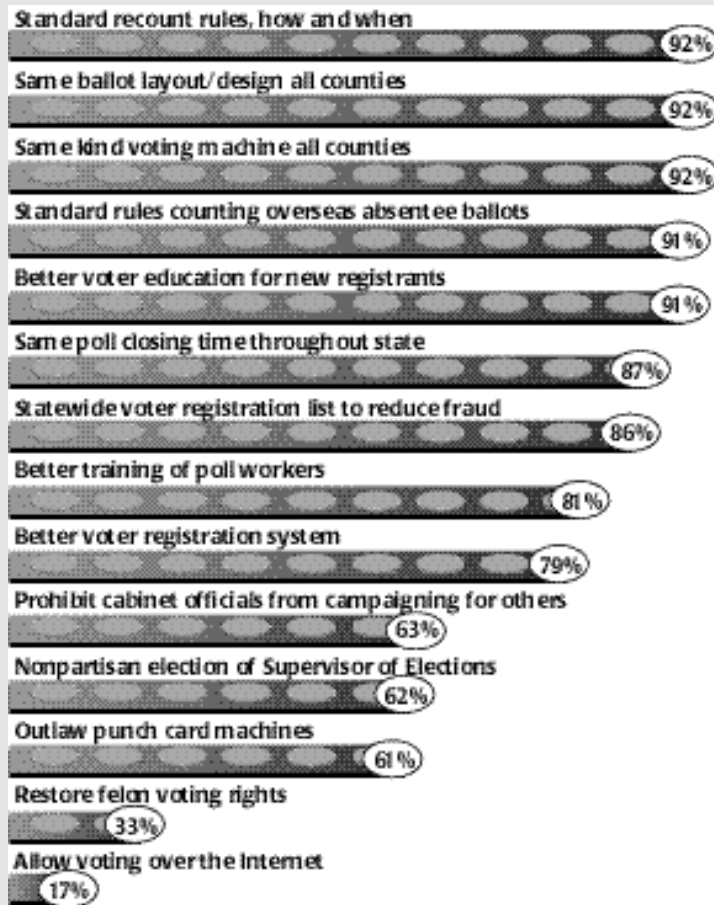
Floridians first and foremost want *standardization* and *uniformity*—of voting machines, ballot layout and design, recounting rules (for close elections and for absentee ballots), and poll closing times.<sup>4</sup> (See Figure 2.) There is also significant support for the creation of a statewide voter registration list to help reduce fraudulent voting by ineligible persons, better voter education of poll workers, and an improved voter registration system. Well over half of those surveyed favor prohibiting Florida cabinet officials from being actively involved in campaigns other than their own, nonpartisan election of county supervisors of election, and outlawing punch card voting machines.

But only one-third support restoring the voting rights of felons<sup>5</sup> and fewer than one in five favor voting via the Internet.<sup>6</sup>

### The Florida Legislature Closely Follows Citizen Priorities

Florida's elected officials had their

*Figure 2.*  
**Support for Election Reforms**  
(Percent Strongly and Somewhat Favor)



ears tuned to public opinion regarding the urgency of election reform. Gov. Jeb Bush (R) acknowledged that “The citizens of Florida spoke loud and clear on this issue, and we have responded with this historic election reform legislation.”<sup>7</sup>

The legislation restructures the roles and responsibilities of the voters, county supervisors of elections, poll workers, the Florida Department of State and its Division of Elections, other state agencies,


and canvassing board members at the local and state levels, among others.

Some of the major requirements of the new law are to:<sup>8</sup>


- Require the use of voting technology that is precinct-based and allows the voter to correct mistakes made while voting.
- Prohibit punch card and other antiquated voting systems in Florida.
- Provide Florida counties with \$24 million over the next two years to modernize their voting equipment.
- Provide for the development of a standardized and unambiguous ballot design to be used in Florida's primary and general elections.
- Provide \$6 million in funding for the development of voter education programs and the recruitment and training of poll workers.
- Provide \$2 million for the development and implementation of a state-wide centralized voter registration database by June 2002.
- Allow a voter whose name does not appear on the voter registration roll to vote a provisional ballot that will be counted if the voter is subsequently found to be property registered to vote.
- Clarify and provide standards for the procedures to be followed when recounting votes.
- Facilitate absentee ballot voting by Florida's military and over-

seas voters.

- Clarify that vote totals are to be certified no later than seven days following a primary election and 11 days following a general election.
- Eliminate the second (or runoff) primary for the 2002 election cycle; gives the legislature the option of deciding whether to permanently enact the second primary elimination.
- Remove justification requirements for absentee ballot voting to increase the convenience of the voting process.
- Require the posting of a Voter's Bill of Rights and Responsibilities in each polling place in Florida.



***Election 2000  
has convinced  
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thirds of all  
Floridians that  
their vote "really  
does count."***



These reforms tracked closely with those recommended by the Governor's Select Task Force and with opinions expressed in the Collins Center/James Madison Institute public opinion poll of April 2001.<sup>9</sup> (See the table for more information on the implementation of key proposals.)

### **Not Now, but Maybe Later**

Among the recommendations that were not adopted were two that a majority of the population favored: nonpartisan election of county supervisors of election and prohibiting members of county and statewide canvassing boards from being active

in partisan political activity while serving as members of these boards. The legislature also failed to require the automatic restoration of felons' voting rights, but this reform was not as high a priority among the population at-large as the other two. It is highly likely that several of these reforms will be revisited during next year's legislative session.

### Looking Ahead: Voters Acknowledge Individual Responsibility

Now that Floridians have been put "through the wringer" and been exposed to extensive media coverage of balloting problems, how much responsibility do they place on themselves to "make sure their ballot is properly cast"?

A majority of all demographic groups believes correctly casting a ballot is the complete responsibility of the individual voter. Republicans (70 percent), Cubans (80 percent), and those not registered to vote (72 percent) believe this most fervently. Those least prone to are African Americans (50 percent), Democrats (51 percent), and Independents (51 percent).

### Does My Vote Count More Now or Less, and Will I Vote in Election 2002?

One of the most intriguing questions for political scientists across the U.S. is whether the closely contested and contentious presidential election 2000 will increase voter participation

in the next election cycle.<sup>10</sup> Naturally, Florida is the best place to ask this question first.

We asked the survey respondents, "Has the outcome of last November's presidential election increased your belief that your vote really does count or has it raised doubts in your mind about the importance of your vote?"


Election 2000 has convinced nearly two-thirds of all Floridians that their vote "really does count."<sup>11</sup> Cuban-Americans (83 percent), Republicans (81 percent), central Florida residents (71 percent), white (70 percent), and college educated (70 percent) residents are the most likely to feel

more strongly that their vote matters.


But 30 percent have had their faith in voting shaken by last fall's presidential election. Those most likely to express this view are non-Cuban Hispanics (65 percent), African Americans (59 percent), Democrats (43 percent), and those who have lived in the state fewer than five years (43 percent).<sup>12</sup>

What is the best news of all? More than 90 percent of those surveyed in April say they will vote in Election 2002.


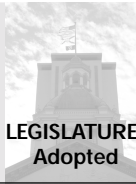
Judgment day will come rather quickly. All eyes will be on Florida next year as the nation and Floridians themselves judge the effectiveness of this major election system overhaul. ∞



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**Table. Elected Officials Adopt Reforms Preferred by Many Citizens**

 <b>MAJOR ELECTION REFORM PROPOSALS</b>	<b>GOVERNOR'S TASK FORCE Recommendation</b>	<b>CITIZEN RANKINGS</b> from survey; 1=highest (% is strongly favor + somewhat favor)	 <b>LEGISLATURE Adopted</b>
<b>Standard recount rules how and when</b> <i>Dept. of State must adopt detailed rules prescribing recount procedures for each certified voting system;<sup>1</sup> an automatic machine recount is required if the margin of victory in any race is one-half of 1 percent or less; a manual recount of the overvotes and undervotes is required if the margin of victory is one-fourth of 1 percent or less.</i>	Yes	1 (92%)	Yes
<b>Same ballot layout/design—all counties</b> <i>Dept. of State responsible for rules prescribing ballot format<sup>2</sup> for each certified voting system; postelection reports of voter errors due to problems with ballot design or instructions are due from county supervisors of elections to the Dept. of State no later than Dec. 15 of each general election year.</i>	Yes	1 (92%)	Yes
<b>Same kind of voting machine—all counties</b> *...requires all counties to use a system certified by the Division of Elections <i>Electronic or electromechanical precinct-count tabulation voting system (optical scan-precinct based; touch screens);<sup>3</sup> Div. of Elections to play continuous role in certifying new voter technologies; calls for public preelection testing of equipment by county supervisors of elections; postelection reports of voter errors are due to the Dept. of State no later than Dec. 15 of each general election year.</i>	Yes	1 (92%)	No, but...*
<b>Standard rules for counting overseas absentee ballots</b> <i>Defines overseas voter;<sup>4</sup> instructs supervisor of elections to e-mail list of candidates to overseas voter when possible at least 30 days prior to an election; presumes date ballot mailed back from voter is the date stated and witnessed on the outside of the return envelope (not the postmark).</i>	Yes	2 (91%)	Yes

<sup>1</sup>At a minimum, the rules must address: a) security of ballots during the recount process; b) time and place of recounts; c) public observance of recounts; d) objections to ballot determinations; e) record of recount proceedings; and f) procedures relating to candidate and petitioner representatives.

<sup>2</sup>The rules must include: a) clear and unambiguous ballot instructions and directions; b) individual race layout; and c) overall ballot layout. The department must also graphically depict a sample uniform primary and general election ballot form for each certified voting system.

<sup>3</sup>Local governments have discretion as to the type of electronic or electromechanical precinct-count tabulation voting system to be purchased, provided that the system has been certified by the Division of Election. As of May, 2001, only the optical scan precinct based voting machine had been certified. But certification is pending for some touch-screen (DRE) systems is expected before the 2002 election cycle. The automatic tabulating equipment must provide the voter an opportunity to correct the ballot when the number of votes for an office or measure exceeds the number which the voter is entitled to cast (overvote) or where the tabulating equipment reads the ballot as a ballot with no votes cast (undervote).

<sup>4</sup>Overseas voter means: a) members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the U.S. and the District of Columbia; (uniformed services means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration); b) members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the U.S. and the District of Columbia; and c) other citizens of the U.S. who are permanent residents of the state and are temporarily residing outside the territorial limits of the U.S. and the District of Columbia.

MAJOR ELECTION REFORM PROPOSALS	GOVERNOR'S TASK FORCE Recommendation	CITIZEN RANKINGS from survey; 1=highest (% is strongly favor + somewhat favor)	LEGISLATURE Adopted
<b>Better voter education for new registrants</b>	Yes	2 (91%)	Yes
<i>Not just for new registrants; \$6 million; by March 1, 2002, Dept. of State must adopt rules prescribing minimum standards for nonpartisan voter education;<sup>5</sup> each county supervisor of elections must implement the minimum voter education standards and by Dec. 15 of each general election year, shall send a report of the voter education programs that have been implemented to the Dept. of State; the Dept. of State must prepare a public report on the effectiveness of voter education programs and reexamine rules.</i>			
<b>Same poll closing time throughout the state</b>	Yes, but...*	3 (87%)	No
<i>*...throughout the nation; send resolution to Congress Div. of Elections and the Florida State Assoc. of Supervisors of Elections must study the benefits and drawbacks of having uniform poll opening and closing times throughout the state; a written report must be presented to the legislative leaders no later than January 1, 2002.<sup>6</sup></i>			
<b>Statewide voter registration list to reduce fraud</b>	Yes	4 (86%)	Yes
<i>Dept. of State can contract with Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide online voter registration database and associated web site to be fully operational statewide by June 1, 2002;<sup>7</sup> Div. of Elections must provide quarterly progress reports to legislative leadership beginning July 1, 2001.</i>			
<b>Better training of poll workers</b>	Yes	5 (81%)	Yes
<i>Better training and recruitment must be done by county supervisors of elections;<sup>8</sup> Dept. of State must create a uniform polling place procedures manual to be placed in each precinct on election day;<sup>9</sup> supervisors of elections must work with business/local community to recruit skilled inspectors and clerks.</i>			

<sup>5</sup>The standards must address, but are not limited to... these subjects: a) voter registration; b) balloting procedures, absentee and polling place; c) voter rights and responsibilities; d) distribution of sample ballots; and e) public service announcements.


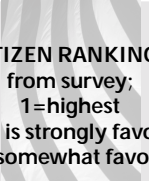
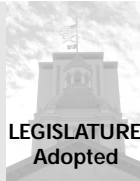
<sup>6</sup>This report must at a minimum include a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Saving Time.

<sup>7</sup>The database will be updated daily and will be used to determine if a registered voter is ineligible to vote and whether the voter's registration is duplicated. If the county supervisor of elections determines a voter is ineligible, the voter must be notified by certified U.S. mail. The voter has an opportunity to respond. If the supervisor then finds the voter is indeed ineligible, the voter must again be notified of the reason by certified U.S. mail.

<sup>8</sup>Supervisors are responsible for conducting training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. The minimum training requirements for clerks are: a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year. Inspectors must have a minimum of three hours of training during a general election year, at least one hour of which must occur after June 1 of that year.

<sup>9</sup>At a minimum, the manual must include: a) regulations governing solicitation by individuals and groups at the polling place; b) procedures to be followed with respect to voters whose names are not on the precinct register; c) proper operation of the voting system; d) ballot handling procedures; e) procedures governing spoiled ballots; f) procedures to be followed after the polls close; g) rights of voters at the polls; h) procedures for handling emergency situations; i) procedures for dealing with irate voters; j) handling and processing of provisional ballots; and k) security procedures.



 <b>MAJOR ELECTION REFORM PROPOSALS</b>	<b>GOVERNOR'S TASK FORCE Recommendation</b>	 <b>CITIZEN RANKINGS from survey; 1=highest (% is strongly favor + somewhat favor)</b>	 <b>LEGISLATURE Adopted</b>
<b>Better voter registration system</b> <i>Notes: Revised procedures to be followed when a voter registration application is incomplete; required up-to-date statewide voter registration list.</i>		<b>6 (79%)</b>	<b>Yes</b>
<b>Prohibit cabinet officials from campaigning for others</b>	<b>Yes</b>	<b>7 (63%)</b>	<b>No</b>
<b>Nonpartisan election of Supervisors of Election</b>	<b>Yes</b>	<b>8 (62%)</b>	<b>No</b>
<b>Outlaw/decertify punch card machines</b> <i>Effective September 2, 2002</i>	<b>Yes</b>	<b>9 (61%)</b>	<b>Yes</b>
<b>Restore felon voting rights</b> <i>Governor and attorney general are studying the issue.</i>	<b>Further study needed</b>	<b>10 (33%)</b>	<b>No<sup>10</sup></b>
<b>Allow voting over the Internet</b> <i>*...only under unusual circumstances)</i> <i>Dept. of State must adopt rules to authorize supervisors of elections to accept a voted absentee ballot by facsimile machine or other electronic means from overseas voters.<sup>11</sup></i>	<b>Further study needed</b>	<b>11 (17%)</b>	<b>Yes (but...*</b>
<b>Voters Bill of Rights and Responsibilities</b> <i>Must be posted at each polling place.<sup>12</sup></i>	<b>Yes</b>		<b>Yes</b>
<b>State funding (match or loan) to upgrade equipment</b> <i>*...favored both state and counties paying †(matching grant) \$24 million.<sup>13</sup></i>	<b>Yes</b>	<b>52%...*</b>	<b>Yes<sup>†</sup></b>

<sup>10</sup>Such legislation was introduced in the 2001 session, but it was withdrawn to allow the governor and attorney general to further study how to resolve the issue.

<sup>11</sup>The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

<sup>12</sup>The Voter's Bill of Rights and Responsibilities informs each registered voter of his/her right to: a) vote and have his or her vote accurately counted; b) cast a vote if he or she is in line when the polls are closing; c) ask for and receive assistance in voting; d) receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast; e) an explanation if his or her registration is in question; f) if his or her registration is in question, cast a provisional ballot; g) prove his or her identity by signing an affidavit if election officials doubt the voter's identity; h) be given written instructions to use when voting, and, upon request, oral instructions in voting from elections officers; i) vote free from coercion or intimidation by elections officers or any other person; and j) vote on a voting system that is in working condition and that will allow votes to be accurately cast. The individual voter's responsibilities are to: (1) study and know candidates and issues; (2) keep his or her voter address current; (3) know his or her precinct and its hours of operation; (4) bring proper identification to the polling station; (5) know how to operate voting equipment properly; (6) treat precinct workers with courtesy; (7) respect the privacy of other voters; (8) report problems or violations of election law; (9) ask questions when confused; and (10) check his or her completed ballot for accuracy.

<sup>13</sup>Counties having a population of 75,000 or fewer based on the 2000 Census will receive a total of \$7,750 per precinct based on the number of precincts certified by the Dept. of State for the 2000 General Election; all other counties will receive a total of \$3,750 per precinct based on the same criteria. Payments will be made in two equal installments, on July 1, 2001 and July 1, 2002.



MAJOR ELECTION REFORM PROPOSALS	GOVERNOR'S TASK FORCE Recommendation	CITIZEN RANKINGS from survey; 1=highest (% is strongly favor + somewhat favor)	LEGISLATURE Adopted
County election supervisors appeal of budgets to state cabinet	Yes		No
Design a statewide online voter registration database	Yes		Yes
Change dates for primary elections; but don't eliminate runoff or second primary	Yes		
<i>Eliminated runoff primary until January 1, 2004. The candidate receiving the highest number of votes cast for an office in the September primary will be declared nominated for that office.</i>			
Repeal current restrictions on voting absentee	Yes		Yes
<i>Removes language requiring justification for voting absentee; recognizes absentee balloting as a form of voter convenience; extends the certification deadline to seven days after the primary election and 11 days after the general election. All returns that are filed late must be rejected.</i>			
Allow for provisional ballots; to be counted if voter is found to be properly registered	Yes		Yes
<i>Defines a provisional ballot; lays out steps to follow when voting and counting provisional ballots.<sup>14</sup></i>			

Sources: The Governor's Select Task Force on Election Procedures, Standards, and Technology, Revitalizing Democracy in Florida (March 1, 2001); Collins Center/James Madison Institute Survey of Florida Voters, April 3-8, 2001; Florida Election Reform Act of 2001 (S1118).

<sup>14</sup>A provisional ballot is a ballot issued to a voter by the election board at the polling place on election day for one of two reasons: a) the voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or b) there is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot. Once voted, the provisional ballot must be placed in a secrecy envelope and sealed in a provisional ballot envelope and deposited in a ballot box. The county canvassing board will examine each provisional ballot to determine if the person voting that ballot was entitled to vote at the precinct in the election and that the person had not already cast a ballot in the election (via absentee).

*Susan A. MacManus is Distinguished University Professor of Public Administration and Political Science at the University of South Florida and chair of the Florida Elections Commission.*

### Endnotes

<sup>1</sup>Dr. Susan A. MacManus, Distinguished University Professor, from the University of South Florida, headed the team. Other team members were: Dr. Dario Moreno, Florida International University, Dr. Richard Scher, Robin and Jean Gibson Professor, University of Florida, and Dr. Henry Thomas, University of North Florida. The team

held a press conference at the Florida Press Center on April 23, 2001 and released their report titled "Floridians Want Reform of the Election System...Now!" The full report is available from the James Madison Institute.

<sup>2</sup>The respondents were selected via a random sample of Florida's adult population (18 and over) taken from listed telephone numbers. Over samples (n=125) of both the African American and Hispanic populations were taken to afford a more representative view of these two sizable minority communities. These figures were then weighted to reflect overall composition in the adult population. The margin of error for each of these groups is ±9 percent. The average survey lasted 14 minutes.

<sup>3</sup>Survey respondents were presented with a list of

suggested reforms, emanating from reforms recommended by The Governor's Select Task Force on Election Procedures, Standards, and Technology, and from hearings held by other groups like the U.S. Civil Rights Commission. They were then asked whether they strongly favor, somewhat favor, somewhat oppose, or strongly oppose each reform.

<sup>4</sup>County election supervisors as well as many in the general public have called for eliminating inconsistencies in Florida's key state laws. See David Wasson, "Retiring Punch Cards One Focus of Task Force," *The Tampa Tribune*, January 9, 2001; Debbie Salamone Wickham and Harry Wessel, "What's a Vote? It Varies by County," *Orlando Sentinel*, January 28, 2001.

<sup>5</sup>By far the strongest support for restoring the voting rights of felons comes from the African American community (75 percent). Blacks feel that have been unfairly impacted by our state's rather difficult process for having one's voting rights restored. Other breakdowns show less than a majority support for this reform. However, higher than average percentages of Democrats (48 percent), 18-34 year olds (47 percent), non-Cuban Hispanics (46 percent), those who did not vote in the presidential election last fall (45 percent), and persons who are undecided about whether they will vote in

the 2002 elections in Florida (57 percent) favor restoring felon voting rights. Republicans are the least likely to favor this reform (17 percent).

<sup>6</sup>Opposition to this reform is heavy across all demographic categories. But support is slightly higher among younger cohorts (29 percent of 18-34 year olds) and among those with some college education (24 percent). The differences of opinion on this reform are generationally and educationally driven, rather than by partisanship.

<sup>7</sup>Jeb.bush@myflorida.com; May 4, 2001.

<sup>8</sup>List taken from Jeb.Bush@myflorida.com.

<sup>9</sup>The law also changed public financing of campaigns in Florida but that is not the major focus of this article.

<sup>10</sup>This question was already surfacing in early December, 2000. See Matthew I. Pinzur, "Faith in Democracy Faltered in Election," *The Florida Times-Union*, December 27, 2000.

<sup>11</sup>There is some early evidence to complement this finding, namely noticeable increases in the number of registered voters in some counties. See David Damron, "More Voters Spring Into Action," *Orlando Sentinel*, February 19, 2001.

<sup>12</sup>It is likely that some of the frustration came from the Electoral College dictating the presidential winner rather than the popular vote.

## teacher unions *(Continued from page 9)*

Union leaders in Florida often claim to speak for 120,000 teachers but they have resisted requests for a breakdown of membership or to explain why the report in the *Handbook* is wrong.

Our study reveals many instances that support the claim that the teacher unions stand in the way of progress in school reform. Union influence on education policy and on the quality of teaching and learning in our schools will diminish as the truth about union goals and methods

becomes more widely known by the people of Florida. ❧

*J. Stanley Marshall is founding chairman of The James Madison Institute and publisher of this magazine.*

### Endnote

<sup>1</sup>PEN, the Professional Educators Network of Florida, is an association of educators—teachers mostly—that represents an alternative to the union. Among other benefits, PEN provides the liability insurance protection many teachers feel they must have and which is the reason many join the union.