

Strategies for Increasing Voter Participation in Florida

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by
Committee on Ethics and Elections

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Background

For the past few years, the media has tirelessly reported on the problem of deteriorating voter turnout in America. Widely-quoted turnout figures¹ have led reform advocates to label the decline a “crisis of the electorate.”² In the 1996 general election, Florida ranked 32nd overall in voter turnout calculated as a percent of voting age population. However, it was 2nd only to Louisiana in turnout among southern states.

In the past decade, the Florida Department of State, Division of Elections, has commissioned two studies to address the issue of low voter participation in Florida --- one in 1989 to assess the reasons why voter turnout was so low, and another in 1996 to identify strategies for increasing voter turnout. The 1989 study, conducted at Florida Atlantic University, concluded that the major reason for low voter turnout in Florida was the widespread failure of the state’s residents to register to vote. Douglas S. Gatlin, *Voter Participation in Florida: A Study of Non-Registration and Non-Voting*, at p. 3-5 (Star Project No. 88-006) (March 29, 1989).

In 1996, the Secretary of State created a Blue Ribbon Panel on Elections composed of legislators, supervisors of elections, academics, political party representatives, and representatives of concerned citizen groups. The Panel commissioned a Florida Voter Study to identify strategies for increasing voter turnout. After reviewing several options, the Panel issued a final report recommending: the creation of a Florida Voter Guide; and, the systematic implementation of mail-ballot elections, combined with a strong public education campaign to explain the new system and allay concerns over fraud. Florida Department of State, Blue Ribbon Panel on Elections, *Final Recommendations*, at p. 2-3 (Undated) [hereinafter, *Blue Ribbon Report*].

For the 2000 election cycle, the Florida State Association of Supervisors of Elections has set up the Get-Out-The-Vote Foundation to coordinate and spearhead a statewide effort to increase voter turnout. The Foundation has hired an advertising agency to help develop the voter turnout campaign. The Foundation plans to run spots on television, radio, billboards and newspapers, aimed primarily at Florida’s Baby Boomers and Generation X-ers. The effort, contingent on fundraising efforts, is tentatively scheduled to kick off July 4, 2000.

¹ The most-widely cited turnout figures are those published by the Committee for the Study of the American Electorate, a nonpartisan group based in Washington, D.C.. Peter Bruce, *How the Experts Got Voter Turnout Wrong Last Year*, *The Public Perspective* 39 (Oct./Nov. 1997).

² Citizens for a True Democracy web site (www.geocities.com/CapitolHill/Congress/2417/reg-ed.html).

Methodology

Committee staff gathered all available information on voter turnout in Florida in the 1990's.

Staff obtained and reviewed copies of two reports on the subject of voter turnout in Florida --- a Florida Atlantic University study from 1989 and the Final Recommendations and Survey Results of the Secretary of State's Blue Ribbon Panel on Elections (1997). As far as we know, these are the only two studies directly addressing the issue of increasing voter turnout in Florida.

Committee staff met with the Division of Elections staff to obtain information and discuss options for increasing voter turnout. Committee staff also sent letters and e-mails requesting information and opinions from some of Florida's foremost political science scholars at Florida State University, the University of Florida, the University of South Florida, and the National Council of State Legislatures ("NCSL"). Surprisingly, only the NCSL responded by providing substantive information on voter turnout.

Committee staff also solicited Florida population and demographic data from the Legislature's Bureau of Economic and Demographic Research. Staff researched other population and turnout figures in published reports and at the world wide web sites of the U.S. Census Bureau, U.S. Department of Immigration and Naturalization Service, the Federal Elections Commission, the Florida Division of Elections, and the University of Connecticut's Roper Center for Public Opinion Research, as well as in Florida and U.S. Abstracts. Using this and other data, committee staff independently developed *revised voter turnout* numbers for Florida general elections in 1992, 1994, 1996, and 1998, which corrects an error inherent in published voter turnout figures.

Staff researched voter turnout data in Florida county-by-county since 1990 to determine the counties with the highest voter turnout (as a percentage of registered voters). Staff contacted the supervisor of elections in some of the "superstar" counties to identify any strategies which had been successful in increasing voter turnout. This avenue of research, however, proved to be a dead end; most of the supervisors attributed their counties' higher turnout to voter list maintenance or to demographic factors, such as age.

Finally, staff researched voter turnout strategies employed by other states, as well as other technological advances which have yet to be implemented but which show promise for increasing turnout (i.e., Internet voting).

Findings

Scope of the Problem

One of the more interesting conclusions which came out of the staff's research is that while some increase in voter turnout is certainly possible, the problem is not quite as dire as reports have suggested.

Published voter turnout figures are calculated primarily in two ways: 1) as a percentage of registered voters (see *infra*, section entitled Streamlining Election Procedures, Voter Registration/NVRA); and, 2) as a percentage of the voting age population, or "VAP." Committee staff has independently calculated a third set of voter turnout numbers for Florida for the 1990's, which more accurately measures the number of people who voted compared to the number who were eligible to register and vote.

Published Voter Turnout Based on VAP

According to the published figures for *nationwide* turnout, less than 1-in-2 voting age citizens (49.08%) cast a ballot in the presidential general election in 1996. Scholars point to a continuing decline in voter participation since the 1960's, with the national turnout figures for presidential general elections falling from a recent high of over 63 percent in 1960 to less than 50 percent in 1996.

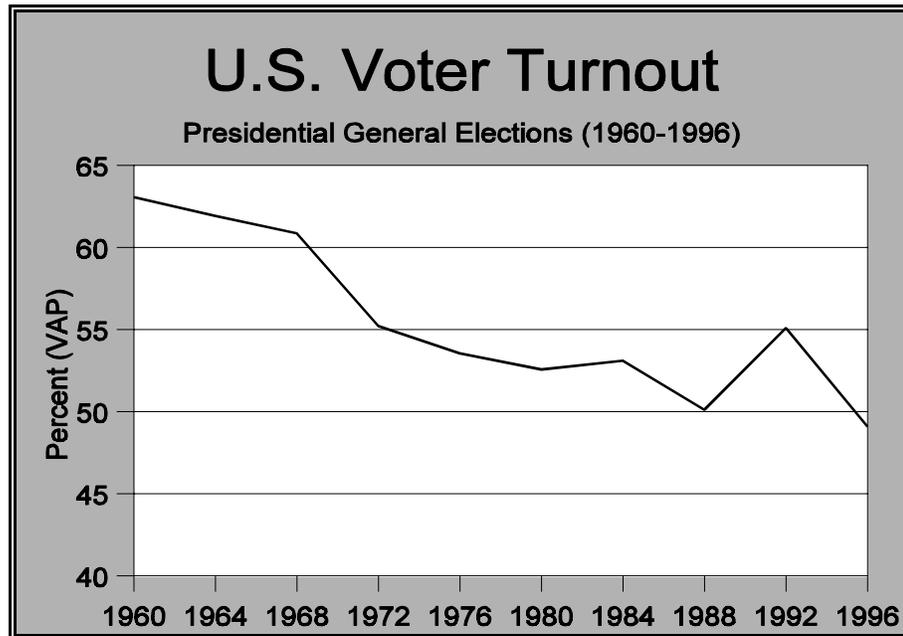


Figure 1

Source: Federal Elections Commission web site (www.fec.gov)

But Florida’s turnout figures have not paralleled this national phenomenon. While the national numbers have dropped 14 percentage points since 1960, Florida’s turnout in presidential general elections has remained fairly constant at about 48 or 49 percent --- relatively low, but nonetheless stable.³ See Table A and Figure 2, below.

Table A. **Comparison of Voter Turnout as % of VAP (1960-96)**
(Presidential General Elections)

YEAR	% Turnout U.S.	% Turnout FLA.	GAP
1960	63.06	48.62	14.44
1964	61.92	51.19	10.73
1968	60.84	53.05	7.79
1972	55.21	48.62	6.59
1976	53.55	49.17	4.38
1980	52.56	48.65	3.94
1984	53.11	48.32	4.79
1988	50.11	44.67	5.44
1992	55.09	50.99 ⁴	4.1
1996	49.08	48.24	0.84

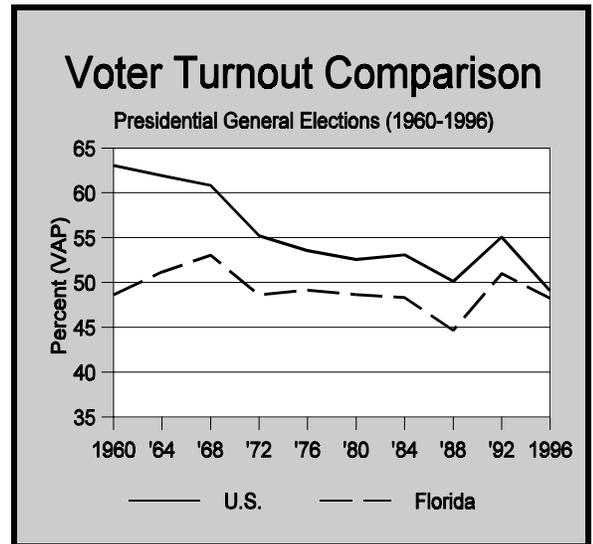


Figure 2

Source: Federal Elections Commission (www.fec.gov); Florida 1996 Official General Election Returns; Florida Legislature, Bureau of Economic & Demographic Research.

Citizen, Age-Eligible Turnout Figures

The problem with using VAP numbers is that they do not provide an accurate measure of voter turnout as a measure of *persons eligible* to register and vote.

³ Off-year and primary election contests historically have significantly lower voter turnout rates, in Florida and nationally.

⁴ Florida Official General Election Returns and VAP estimates indicate a turnout of 51.9 percent, about 1 point higher. See *infra* Table B, p. 6.

The formula for calculating voter turnout as a percent of VAP is:

$$\text{VOTER TURNOUT RATE} = \frac{\text{Number of Persons Who Voted}}{\text{Voting Age Population (VAP)}}$$

The difficulty arises from the fact that voting age population includes groups who are *not legally entitled to register or vote*, the largest being: 1) resident noncitizens (legal resident aliens and illegal aliens); and, 2) convicted felons who are either institutionalized, under community control, or have not had their right to vote restored. Federal Election Commission (www.fec.gov/pages/vapwords.htm). This inherent statistical error inflates the denominator in the voter turnout equation, thereby artificially driving down the true turnout rate. The error is greater in states like Florida, California, Texas, and New York, which have large numbers of noncitizen residents. Florida also has a comparatively large number of disenfranchised felons and ex-felons. Thus, while the error may be responsible for a reduction of only a few points in national voter turnout figures, it has a disproportionately large impact in Florida.

Proponents of VAP-based voter turnout figures defend their use on the grounds that continuing to promulgate this statistical error is necessary in order to do historical trend analysis --- to compare current voting figures with past turnout figures. *Id.*; Committee for the Study of the American Electorate (CSAE) at (tap.epn.org/case/cgans5.html). This is clearly true. Only in the past few years has the U.S. Census Bureau and the U.S. Immigration and Naturalization Service begun to reliably calculate the resident noncitizen population for non-decennial years.⁵ However, published VAP-based turnout figures should be viewed with skepticism for purposes of legislative policy formulation, because they do not represent an accurate measure of eligible voter turnout. See Federal Election Commission (www.fec.gov/pages/vapwords.htm) (“Extreme care” should be taken in using VAP numbers to measure voter turnout).

Committee staff recommends that the Legislature look to Florida’s *citizen, age-eligible turnout (non-felon)* as a more accurate measure of voter turnout. The

⁵ Until 1994, the decennial census had been the only periodic information source about the U.S. noncitizen population. In 1994, the U.S. Census Bureau began to calculate noncitizen populations annually as part of their Current Population Survey. This allows persons to more accurately factor out ineligible categories of voters from the VAP for non-decennial election years. See, e.g., P. Bruce, *How the Experts Got Voter Turnout Wrong Last Year*, THE PUBLIC PERSPECTIVE, 39 (October/November 1997) (calculating revised VAP numbers for the 1996 general election).

citizen, age-eligible turnout (“CAT”) --- non-felon, factors the major categories of ineligible persons out of the voter turnout equation:

$$\text{CAT (non-felon)} = \frac{\text{Number of Persons Who Voted}}{\text{Number of Persons Eligible to Register and Vote} - [\text{VAP (minus) noncitizen residents (minus) disenfranchised felons and ex-felons without voting rights restored}]^6}$$

Table B. **FLORIDA’S CITIZEN, AGE-ELIGIBLE TURNOUT (non-felon) (General Election, 1992-1998)**

YEAR	VAP ¹	Ineligible Noncitizen Residents (18+)	Ineligible Felons/ Ex-Felons	Eligible Voters	Number of Persons Who Voted ⁷	CAT (non-felon)
1998	11,745,494	1,330,764 ²	352,365 ⁵	10,062,365	4,070,253	40%
1996	11,285,539	1,267,000 ³	343,675 ⁶	9,674,864	5,444,245	56%
1994	10,858,425	1,241,000 ⁴	325,753 ⁵	9,291,672	4,305,340	46%
1992	10,482,962	1,187,720 ²	314,489 ⁵	8,980,753	5,438,612	61%

¹ Population estimates as of October 1 of each year. Florida Legislature, Bureau of Economic and Demographic Research (provided by Kathy McCharen, 9/27/99).

² Estimate based on average of 1996 and 1994 U.S. Census Bureau figures, indicating that 11½% of Florida’s VAP is made up of ineligible noncitizen residents (see table B, above).

³ U.S. Bureau of the Census web site (<http://148.129.129.31/population/socdemo/foreign/96/96tab-3.txt>), data from *Current Population Survey* (March 1996) Table 3.

⁴ U.S. Bureau of the Census web site (<http://148.129.129.31/population/socdemo/foreign/94/tab-3.txt>), data from *Current Population Survey* (March 1994) Table 3.

⁵ Estimate based on 1996 FDLE figure, indicating that 3% of Florida’s VAP is made up of ineligible felons and ex-felons without rights restored (see table B, above). No Florida agency, or combination of agencies, was able to calculate or provide accurate data to better estimate this figure.

⁶ In Florida, persons adjudicated mentally incompetent are also barred from registering and voting. Art. VI, § 4(a), Fla. Const. However, this category of ineligible citizens is likely not large enough to have a significant impact on the CAT numbers and is extremely difficult to calculate.

⁶ Florida Department of Law Enforcement, Office of Research and Planning, *Counting Florida's Felons & Ex-Felons*, at p. 1 (March 1999). The Sentencing Project and Human Rights Watch released a joint report in October 1998 asserting that the number of Florida's disenfranchised felons and ex-felons without rights restored was 647,100. The Sentencing Project and Human Rights Watch, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States* (October, 1998).

⁷ Department of State, State of Florida Official General Election Returns (1990-1998).

What the CAT numbers show for Florida in the 1990's is a much higher voter turnout than the published VAP turnout figures --- somewhere between 5 and 9 points higher:

Table C. Difference Between Florida's VAP Turnout and CAT Numbers (General Election, 1992-98)

YEAR	VAP Turnout ²	CAT (non-felon) ³	Percentage Difference
1998	35%	40%	5%
1996 ¹	48	56	8
1994	40	46	6
1992 ¹	52	61	9

¹ Presidential election years.

² Calculated from Table B, *supra* p. 6.

³ See Table B, *supra* p. 6.

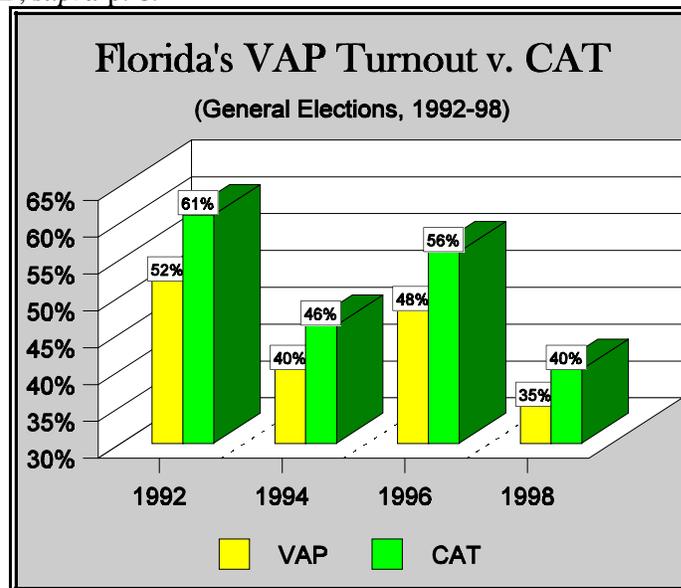


Figure 3

The CAT numbers also show the State well above the “magic” 50 percent bar in voter turnout for the last presidential general election in 1996. In fact, 56 percent of Florida’s eligible voters cast ballots in that election. In the preceding presidential general election in 1992, more than 6-in-10 Floridians eligible to register and vote, did so.

The danger in using CAT numbers is that they have a tendency to minimize the problem. These figures demonstrate that the problem of low voter turnout in Florida is not as bad as everyone perceives. Nonetheless, it is still a problem. Large numbers of age-eligible Floridians are choosing not to vote. The major purpose served by CAT numbers is to help put the problem in perspective --- to identify the low voter turnout problem not as a current crisis in need of an immediate solution but rather as an opportunity to do better.

Why Voters Don’t Vote

Although CAT numbers demonstrate a greater-than-reported voter turnout, what about the substantial numbers of eligible non-voters? Where are they?

The national decline of some 14 points since 1960 remains a mystery; there is no generally-agreed-upon consensus. Some of the reasons cited by scholars and the press for the *national decline* in voter turnout include the:

- *Decline in Political Efficacy* --- the extent to which the government is responsive to the wishes of ordinary people.
- *Decline in Social Connectedness* --- manifested in a younger, less married, less church-going electorate.
- *Dissatisfaction with Candidate Choices*
- *Changing/Diminishing Role of Political Parties* --- evolving from ideologic messengers to fundraising machines and campaign consultant providers.
- *Decline in Partisan Identification* --- disconnection of Americans from their political parties.
- *Decline in Political and Campaign Involvement/General Alienation*
- *Decline in Voter Mobilization Efforts* --- by major political parties, candidates, campaigns, interest groups, and social movements.
- *Political Cynicism and the Detrimental Effect of Scandals Involving Public Officials*
- *Distrust Toward Government*
- *Geographic/Time Constraints* --- hectic lifestyle; both parents working.

S. ROSENSTONE AND M. HANSEN, MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA 212 (1993); R. TEIXEIRA, THE DISAPPEARING

AMERICAN VOTER 30-57 (The Brookings Institution, 1992); C. Gans, *No Magic Bullet for Democratic Disaffection*, SOCIAL POLICY 31 (Fall 1995). The only true insight we have into the reasons why Floridians don't vote in greater numbers comes from the Blue Ribbon Panel on Elections' Florida Voter Study. Of the 500 non-voters surveyed, nearly one-in-two indicated that they don't vote in important elections because they either don't like the candidates or think that their vote doesn't matter. Blue Ribbon Report, Appendix III, at p. 20-21.

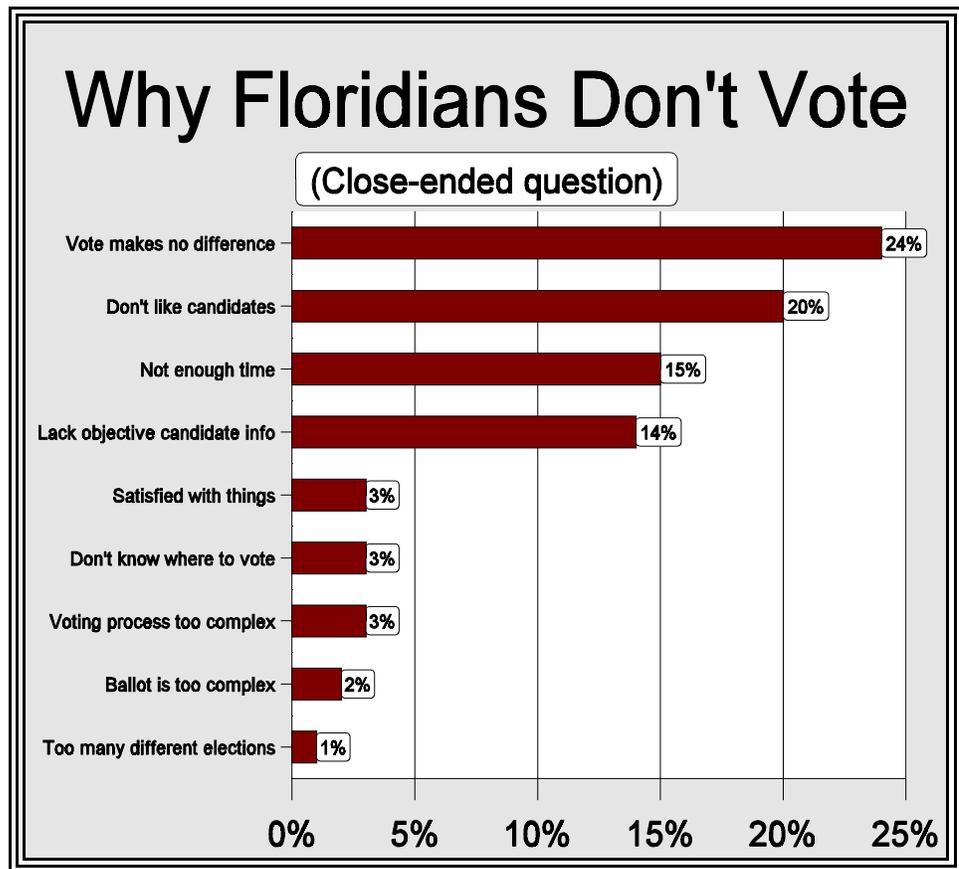


Figure 4

Florida Voter Study #7443, Selected Tables, Question 3, pp. 17-20 (Dec. 10, 1996).

Significantly, only about 9 percent of respondents focused on factors relating directly to problems with the current balloting process.

For the 1-in-5 Floridians who don't vote because they don't like the candidates and feel they have no real choices --- help may already be on the way. In the last general election, Florida voters approved an amendment to the State Constitution which allows minor party and independent candidates to get on the ballot simply by paying a filing fee. Prior to that time, these candidates could only gain access

to the ballot by collecting petition signatures from 3 percent of all registered voters in the district --- a somewhat daunting task. As Florida's minor parties and independent candidates begin to take advantage of this greater access over the next couple of election cycles, we can expect to see more candidates on Florida ballots and more choices for voters.

For the rest of Florida's non-voting citizens, it seems the best the Legislature can do is make voting as convenient and accessible as possible, and provide potential voters with more impartial information. These steps should redress the bulk of the remaining reasons cited for not voting (not enough objective information on candidates, not enough time, etc.), except for voter apathy. The apathy issue reflects a complex socio-political problem for which committee staff does not see a ready-made, election-based solution.

Streamlining Election Procedures

Voter Registration/NVRA

Voter registration in Florida is simple and convenient. Anyone wishing to register has ample opportunity to do so. Staff recommends no changes as a means of increasing voter turnout. In fact, the ease of registration mandated by the National Voter Registration Act may actually have had the opposite effect; it may be resulting in a *reduction* in voter turnout, when calculated as a percentage of registered voters.⁷

In January 1995, Florida implemented the National Voter Registration Act of 1993 ("NVRA"). Ch. 94-224, § 45, at 1559, Laws of Fla. Anyone who wants to vote can register while applying for services at the following locations:

- Driver License Offices
- Armed Forces Recruitment Offices
- Public Assistance Offices
- Offices that Serve Persons With Disabilities
- Public Libraries
- Centers for Independent Living

⁷ The Florida Division of Elections, as well as many other Secretary of State's election offices, calculate voter turnout as a percentage of *registered voters*. Turnout among registered voters, however, amounts to turnout among a motivated subset of the *eligible electorate*. R. REIXEIRA, *THE DISAPPEARING AMERICAN VOTER 10* (The Brookings Institution 1992). The best measure of voter participation is turnout among the entire *eligible electorate*, as evidenced by the CAT numbers discussed previously. *Id.*

Also, Floridians can register by mail or in person at the office of the supervisor of elections. Finally, the Florida Department of State offers a form of on-line voter registration at its web site --- Florida Elections Online (<http://election.dos.state.fl.us/online/>).

Since the voter registration books closed in October, 1994, and the NVRA-era began, voter registration in Florida has increased almost 27 percent⁸ --- from 6,559,598 (October, 1994) to 8,310,668 (June, 1999). For the 1996 general election, net registration increased by over 23 percent. By the

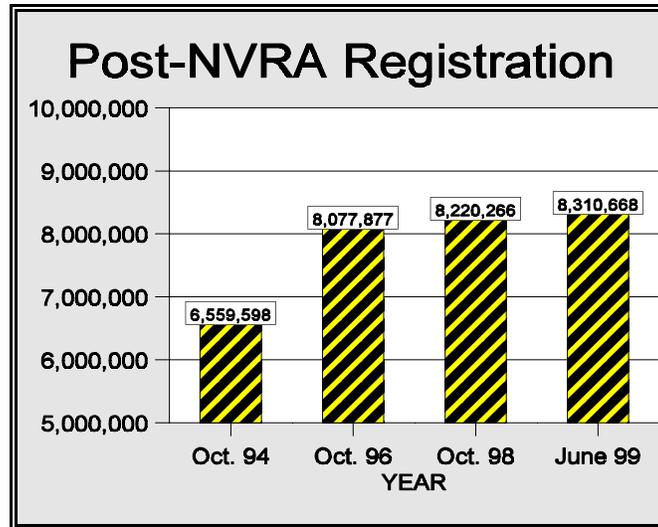


Figure 5
Source: Department of State, 1998, 1996, 1994 State of Florida Official General Election Returns; Division of Elections, Voter Registration Report (June 1999).

1998 election, the net increase since implementing the NVRA had inched up to over 25 percent. Figure 5 shows that the lion's share of the net increase occurred in the first 2 years after implementation and has pretty much leveled off since then.

What effect has the NVRA had on voter turnout in Florida? Without a scientific survey comparing the voting habits of post-NVRA with pre-NVRA registrants, it is impossible to be absolutely certain. However, the voter turnout data from the last two general elections *suggests* that the NVRA has failed to achieve one of its goals, namely, increasing voter turnout. In fact, if you look at voter turnout as a percentage of *registered voters*, the NVRA *appears* to be having the exact opposite effect --- it may be responsible for *depressing* the voter turnout percentages as calculated by the Division of Elections.

⁸ For the same period, Florida's VAP grew 9.6% or about one-third the NVRA rate (from 10,858,425 in October 1994 to 11,901,453 on July 1, 1999). Florida Legislature, Bureau of Economic and Demographic Research (provided by Kathy McCharen, 9/27/99).

The first post-NVRA general election was held in 1996. Only 67.4 percent of Florida’s *registered voters* cast a ballot. See Table D. This represents the lowest presidential general election turnout in Florida in the last 40 years, *calculated as a percent of registered voters*. In fact, the last time Florida voter turnout in a presidential general election fell below 70 percent of registered voters was 1956 --- the same year that Prince Rainier of Monaco married American motion picture star Grace Kelly, and Coca-Cola cost only 5¢ a bottle.

Table D. **FLORIDA VOTER TURNOUT AS % OF REGISTRATION (PRESIDENTIAL GENERAL ELECTIONS, 1956-1996)**

ELECTION YEAR	REGISTERED VOTERS	# VOTED	% TURNOUT
1956	1,606,750	1,124,220	69.97
1960	2,016,586	1,544,180	76.57
1964	2,501,546	1,854,481	74.13
1968	2,765,315	2,187,805	79.12
1972	3,487,458	2,583,283	74.07
1976	4,094,308	3,150,631	76.95
1980	4,809,721	3,686,927	76.66
1984	5,574,472	4,180,051	74.99
1988	6,047,347	4,412,839	72.39
1992	6,541,825	5,438,612	83.14
1996	8,077,877	5,444,245	67.4

Source: Florida Division of Elections (Ed Kast, NVRA Administrator)

Significantly, however, Florida’s 1996 general election *VAP turnout* of 48.2 percent is right in step with prior years, down about one percent from the 49.25 percent average for Florida presidential general elections from 1960-1992. See Table A, *supra* p. 4.

The mid-term general election of 1998 continued this phenomenon --- declining voter turnout as a percentage of registered voters with stable VAP turnout numbers. Voter turnout as a percentage of Florida *registered voters* fell to a 25-year low of 49.51 percent,⁹ 15 percentage points lower than the comparable 1994 turnout figures and off

⁹ The 1962, 1958, and 1954 mid-term general elections all saw voter turnout as a percent of registered voters fall below 50 percent, with turnout figures of 46%, 37%, and 47%, respectively. Fax from Paula Reams, Division of Elections, to Sarah Jane Bradshaw, Senate Ethics and Elections Committee (6/18/99).

more than 9 points from the average of 58.73 percent for mid-term general elections from 1974-1994.

Table E. **FLORIDA VOTER TURNOUT AS % OF REGISTRATION
(MID-TERM GENERAL ELECTIONS, 1974-1998)**

ELECTION YEAR	REGISTERED VOTERS	# VOTED	% TURNOUT
1974	3,621,256	1,828,392	50.49
1978	4,217,187	2,530,468	60.00
1982	4,865,636	2,688,566	55.26
1986	5,631,188	3,429,996	60.91
1990	6,031,161	3,622,569	60.06
1994	6,559,598	4,305,340	65.63
Average (1974-94) ----->			58.73
1998	8,220,266	4,070,262	49.51

Source: Florida Division of Elections (Ed Kast, NVRA Administrator)

At the same time, Florida's 1998 general election *VAP turnout* at 34.7 percent held true to the past two decades, down less than one percent from an average of 35.5 percent for mid-term general elections from 1974-1994.

Table F. **FLORIDA VOTER TURNOUT AS % OF VAP
(MID-TERM GENERAL ELECTIONS, 1974-1998)**

ELECTION YEAR	# VOTED*	VAP†	% TURNOUT
1974	1,828,392	6,022,766	30.4
1978	2,530,468	6,900,309	36.7
1982	2,688,566	8,091,506	33.2
1986	3,429,966	9,134,091	37.6
1990	3,622,569	10,162,504	35.6
1994	4,305,340	10,858,425	39.6
Average (1974-1994) ----->			35.5
1998	4,070,262	11,745,494	34.7

* Source: Florida Division of Elections (Ed Kast, NVRA Administrator)

† Population estimates as of October 1 of each year. Florida Legislature, Office of Economic and Demographic Research (provided by Kathy McCharen 9/27/99).

The limited data shows a downward trend in the percentage of registered voters casting ballots in the last two elections. At the same time, voter turnout as a percentage of voting age population has remained *consistent with historical standards*.

So what does this mean? It is possible that this anomaly is simply the result of some form of cyclical downturn in voting. Two elections, however, do not provide a tremendous wealth of data upon which to base firm conclusions.

Another explanation may lie in the old adage, “You can lead a horse to water, but you can’t make it drink”; the NVRA may be to blame.

In the late 1980's and early 1990's, voter registration was the ‘holy grail’ of voter turnout. Studies asserted that if the government could only get people to register, voter turnout would increase: “people vote if they are registered.” Douglas S. Gatlin, *Voter Participation in Florida: A Study of Non-Registration and Non-Voting* (Revised), at p. 3-5 (Star Project No. 88-006) (March 29, 1989) (Florida Atlantic University study commissioned by the Florida Division of Elections). This “build-it-and-they-will-come” theory led to the enactment of the NVRA, which has succeeded in greatly increasing voter registration.

However, voter turnout has not increased as expected. The limited Florida turnout data from the last two general elections suggests the following hypothesis:

By making voter registration virtually universal and incorporating it as part of the government services process, the NVRA has inflated Florida’s voter registration rolls with individuals who are registered but have no intention or interest in voting. This has artificially depressed voter turnout figures as a percentage of registered voters in the past two general elections.

If this hypothesis is true, voter turnout as a percentage of registered voters will likely continue to remain below historic levels in Florida until either a particular electoral race or issue mobilizes voters to the polls or a change is made to Florida’s balloting process to spur voting. But, as gloomy as this prediction seems, it is tempered by the fact that voter turnout in Florida as a percentage of the voting age population *has remained consistent with historical measures* during this new NVRA era.

In light of the foregoing, staff recommends no changes to the registration process as a means of increasing voter turnout.

Ballot Procedures

Internet¹⁰ Voting

Internet voting is intriguing. It doesn't exist yet, but it soon will. The idea that voters could cast electronic ballots ("eballots") has tremendous appeal --- both from a convenience and cost-savings standpoint. The Internet represents an entirely "new frontier" in election balloting, and offers the promise of greater voter turnout. E. Mendel, *Panel Casts Yes Vote for Future of On-line Elections*, San Diego Union-Tribune, at A-3 (6/28/99), reported at, VoteHere.net (www.votehere.net/content/press/sdunion/062899.html).

The meteoric rise of the Internet as a mainstream communications medium is nothing short of astonishing. The Internet has grown faster than any other communications medium in history --- almost 3 times as fast as television and twice as fast as cable TV.

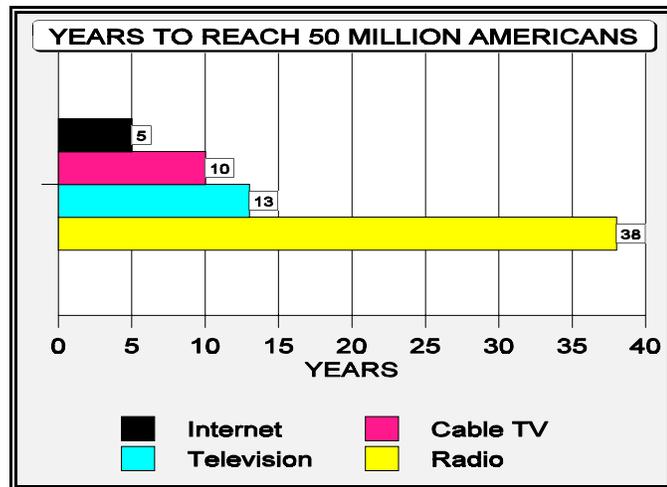


Figure 6

Source: Morgan Stanley; eStats

(www.emarketer.com/estats/nmsg_netgrwth.html)

The Internet in its current form

began around 1993, with the introduction of world wide web technologies. Prior to that time, the Internet was a constantly evolving medium used predominantly by academics and government personnel. Internet usage exploded between 1996 and 1998, with a conservative estimate of American adults (18+) on-line increasing from 12.5 million to around 50 million. eStats

(www.emarketer.com/estats/nmsg_usf.html); eStats

(www.emarketer.com/estats/nmsg_ust.html); see also ITM Solutions

(www.lsilink.com/usage_1-z.html#US) (detailing separate estimates of 1998 U.S.

¹⁰ The word "Internet" as used in this report refers to the Internet, World Wide Web, and any associated on-line communications medium.

Internet usage at between 44 million and 62 million). By the end of 2002, the most conservative estimates have about 85 million Americans on-line.¹¹ *Id.*

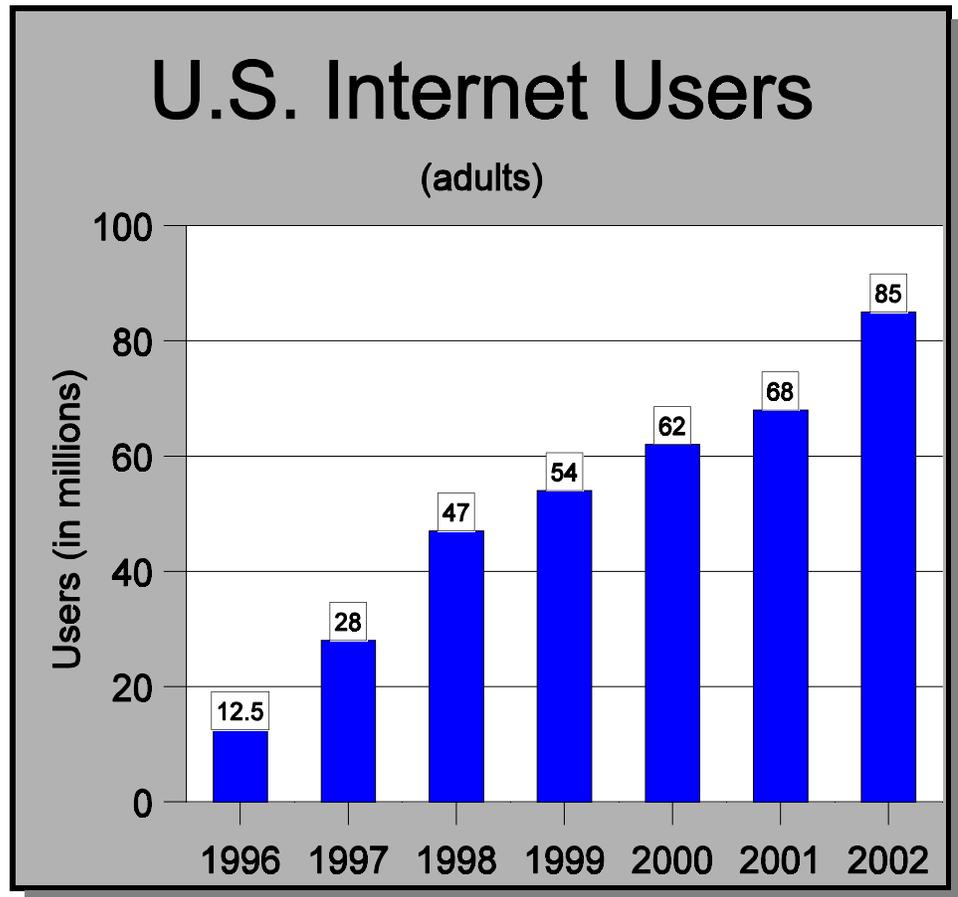


Figure 7

Source: eStats (www.emarketer.com/estats/nmsg_usf.html);
eStats (www.emarketer.com/estats/nmsg_ust.html).

¹¹ This projection by the Internet marketing firm eMarketer is premised on the belief that the annual growth rate for United States Internet users will begin to slow down to between 10 and 25 percent annually. eStats (www.emarketer.com/estats/nmsg_usf.html)(1998). eMarketer tends to be relatively conservative in its estimates of Internet growth and usage compared to its competitors. eStats (www.emarketer.com/estats/nmsg_ust.html)(1998).

Other Internet marketing research services quote much higher figures for 2002, with Internet usage estimates for the U.S ranging between 102 million and 175 million. eStats (www.emarketer.com/estats/nmsg_usf.html); Media Metrix (www.relevantknowledge.com/PressRoom/RKarchives/06_22_98.html)(June 22, 1998).

Another interesting set of numbers from the standpoint of Internet voting is the number of *households* on-line. At the end of 1998, roughly one-quarter of all U.S. households (24.4 million) were connected to the Internet. eStats (www.emarketer.com/estats/nmsg_hht.html). This number is projected to increase to 42.7 percent of all U.S. households --- 44 million in total --- by the end of 2002. eStats (www.emarketer.com/estats/nmsg_hhf.html).

Table G. **U.S. Households On-line**

Year	Households (millions)	% of Total U.S. Households
1996	6.5	6.6%
1997	14.5	14.5%
1998	24.4	24.2%
1999	28.0	27.6%
2000	32.0	31.4%
2001	35.3	34.4%
2002	44.0	42.7%

Source: eStats (www.emarketer.com/estats/nmsg_hhf.html)

More aggressive estimates for 2002 are just under 60 million, nearly two-thirds of all U.S. households. Internet Business Advantage (<http://channel/zdjournal.com/iba/9711a/iba97ba5.htm>) (published November 10, 1997) (Jupiter Communications projection).

Not only will households be accessing the Internet, but they will be doing substantial business on it. By 2003, it is expected that one-in-three U.S. households (32 million) will be banking on-line, further cementing the Internet in the mainstream of American society and commerce. International Data Corporation (www.idc.com/Press/default.htm) (June 1, 1999).

Demographics projections for the Internet also support its continued “mainstreaming” as a communications medium. Although Internet use is currently dominated by male thirty-somethings and upscale households, the demographic profile of the typical Internet user with respect to age, gender, and marital status has become increasingly similar to the U.S. population since 1996. eStats (www.emarketer.com/estats/demo_intro.html). It is expected that this

mirroring of the overall U.S. population profile will become even greater, with larger percentages of women and older folks moving on-line. *Id.* The continued proliferation of sub-\$1000 personal computers should also help bring home Internet access to the less affluent, making the Internet a true microcosm of American society. eStats (www.emarketer/estats/nmsg_usf.html).

Just a few short years ago, many considered voting on the Internet light years away. Election officials talked about it, but no one really took it seriously. Now, the rapid advance of technology is about to make the dream (or nightmare, depending on your perspective) a reality. For the 2000 general election, the Federal Voting Assistance Program (“FVAP”), in concert with the Department of Defense and local supervisors of elections in select states, will implement a pilot Internet voting project for approximately 350 overseas residents.¹² Counties in Florida (Orange, Okaloosa), Missouri, Utah, South Carolina, and Texas are scheduled to participate. Election Administration Reports, *Internet Voting a Major Topic at Washington State Election Administrators Conference*, at p. 3 (May 24, 1999). If everything goes according to plan, 100 eballots will be cast in Florida in the 2000 general election.

In addition to the FVAP program, bills to initiate studies of Internet voting were introduced in Minnesota (S.F. 979) and Washington State (SB 5662, HB 1594) in 1999. R. Raney, *Casting Ballots Through the Internet*, New York Times, at B10 (5/3/99), reported at New York Times on the Web (www.nytimes.com/library/tech/99/05/biztech/articles/03vote.html). Washington State is reportedly “very interested in on-line voting.” T. Walsh, *Public-Key Encryption Will Let Citizens Vote Via the Internet*, GOVERNMENT COMPUTER NEWS, p. 1 (July 1999) (quoting Dave Elliott, Asst. Director of Elections, State of Washington). Several counties in Washington State are working with a locally-based firm to test Internet voting technologies. Election Administration Reports, *Internet Voting a Major Topic at Washington State Election Administrators Conference*, at p. 3 (May 24, 1999).

In March of 1999, California’s Secretary of State convened a 24-member task force to study on-line voting and make recommendations to the state legislature later this year. T. Walsh, *Public-Key Encryption Will Let Citizens Vote Via the Internet*, GOVERNMENT COMPUTER NEWS, p. 1 (July 1999) Finally, the governments of Costa Rica and New Zealand are also seriously exploring the concept of Internet voting. P. Noble, *Using the Internet to Bring New People into Politics*, CAMPAIGNS AND ELECTIONS, 50 (August 1999). In fact, Costa Rica had planned to conduct its last national election using Internet polling places, but

¹² P. Noble, *Using the Internet to Bring New People into Politics*, CAMPAIGNS AND ELECTIONS, 50 (August 1999). The FVAP had originally planned to conduct the project in the 1998 general election, but funding concerns delayed the project until November, 2000. Conference with Ethel Baxter, Asst. Director, and Paul Craft, Computer Audit Analyst, Florida Div. of Elections (August 17, 1999).

canceled the project at the last minute. Conference with Ethel Baxter, Asst. Director, and Paul Craft, Computer Audit Analyst, Florida Div. of Elections (August 17, 1999).

What do potential voters think about casting eballots on the Internet? Polls show that those who access the Internet generally favor the idea by about a 2-to-1 margin. A 1999 ActivMedia FutureScapes study of over 5,000 Internet users showed that 66 percent supported the concept, with the number increasing to 71 percent among users with at least four years of Internet experience. CyberAtlas (http://cyberatlas.internet.com/markets/print/0,1323,5881_152681,00.html). A recent study commissioned by ABCNEWS.com found that 60 percent of 18-34 year olds, the group with the greatest presence on the Internet, supported the idea of secure Internet voting. G. Langer, *Virtual Voting*, ABCNEWS.com (<http://gonews.abcnews.com/sections/politics/DailyNews/poll990721.html>). Predictably, the ABC News poll identified the least support among older Americans (65+) --- the group with the smallest current presence on the Net. *Id.* Nonetheless, the poll showed that 42 percent of the *overall* public already support the concept of secure Internet voting, a promisingly high number given the infancy of the Internet and the current number and distribution of users.¹³ As the Internet grows more to mirror the American public profile in the coming years, and as older Americans begin to come on-line to research medical information, shop from home, entertain themselves, and communicate with geographically-dispersed family members,¹⁴ it is not unreasonable to believe that support for Internet voting may reach or exceed the two-thirds mark by 2004 or 2006.

In addition to possibly increasing voter turnout, Internet voting offers other important benefits. It has the potential to greatly reduce the cost of elections. And, it will insure that Florida's military and overseas voters receive timely and accurate ballots. On the other side of the coin, the biggest obstacles to Internet voting appear to be overcoming the potential for fraud and developing public confidence in the system.

Committee staff sees Internet voting and eballoting as the future of elections in Florida and the rest of the United States, irrespective of whether or not it substantially increases voter turnout. But this is not a future set in stone. The key to implementing a successful Internet voting system in Florida has two main components: the technological development of a secure system; and, the public's acceptance of the system and confidence in it. One botched Internet election

¹³ The 42 percent approval rating for Internet voting is only 6 points lower than the 48 percent of Floridians who favor all-mail balloting --- and mail has been around a whole lot longer than the Internet. *Blue Ribbon Report*, at 3 and Appendix III.

¹⁴ eStats (www.emarketer.com/estats/demo_intro.html); (www.emarketer.com/estats/demo_age.html).

could kill the whole idea, or so badly shake public confidence that it might take years to recover. That's why it's so important that system development and voter education go hand-in-hand. And, that's why it's equally important that the Florida Division of Elections, with its expertise in the area of electronic voting systems, spearhead the effort and retain the authority to decide which Internet voting system is ultimately authorized for use in Florida.

Toward that end, staff recommends that Florida boldly adopt a leadership role in the development of Internet voting. Staff specifically recommends that the Legislature authorize and fund a study commission under the direction of the Secretary of State to explore the cost and feasibility of developing and implementing an Internet voting system for use in the general election in 2006. The system should allow voters to cast secure eballots, and must offer an alternative form of balloting for those without Internet access. The study commission should also be required to develop a detailed strategy for proactively addressing voters' concerns about fraud and fostering confidence in the system.

Mail-In Voting¹⁵

Mail-in voting is perhaps best characterized as the ultimate extension of absentee balloting, except that instead of the voter requesting a ballot the supervisor automatically mails a ballot to all registered voters eligible to participate in the election. Voted ballots are then returned to the elections office, either by mail, in-person, or at designated drop sites. This eliminates the need for precinct polling places and poll workers.

In 1996, seventeen states permitted mail-ballot elections at the county level, including Florida. Andrew E. Busch, *Early Voting: Convenient, But...?*, STATE LEGISLATURES, 24, 25 (September 1996) [hereinafter, Busch, *Early Voting*]. Three other states --- Nevada, North Dakota, and Oregon --- have experimented with mail-ballot elections at the statewide level. *Id.* This past November, Oregon voters by more than a 2-to-1 margin approved an initiative eliminating traditional voting at the polls in all primary and general elections, replacing it with all-mail balloting.¹⁶ Measure 60, Oregon general election (Approved 11/3/98).

¹⁵ Except where otherwise noted or discussing events occurring after September, 1995, this section is derived principally from a Federal Election Commission publication entitled, *Innovations in Federal Elections Administration 11 - All-Mail-Ballot Elections* (September, 1995).

¹⁶ In November 1998, the nonpartisan Voting Integrity Project filed suit in federal district court in Portland alleging that Oregon's mail-ballot initiative violated federal laws which limit voting in presidential and congressional elections to a single day in November for those able to vote on that day. *Voting Integrity Project v. Keisling*, Civ. No. H-99-0247 (S.D. Texas); see also Voting Integrity Program Press Release, *Voting Integrity Project Files Federal Lawsuit*

Mail-ballot elections have generally proven successful in substantially increasing turnout in traditionally low turnout races. Busch, *Early Voting*, at 26. Whether this success will translate over to substantially increased turnout in partisan, statewide election contests is not certain --- but limited evidence suggests that this may be the case.

The first mail-ballot election authorized by state law is believed to have taken place in 1977 in a flood control district made up of 45,000 eligible voters in Monterey, California. Election officials reported more than twice the voter participation compared to previous elections and a cost savings of more than \$10,000.

Since 1977, local jurisdictions in 16 states, including Florida, have conducted mail-ballot elections. Typically, these elections involve only ballot issues or nonpartisan candidates. However, local jurisdictions in Alaska, Minnesota, Utah, and Washington have used mail-ballot elections in partisan races.

In December 1995 and January 1996, Oregon became the first state to conduct partisan statewide elections exclusively by mail-ballot --- the primary and special general election to fill the U.S. Senate seat vacated by Senator Bob Packwood. Voter turnout in the primary was 57 percent of registered voters, the highest for a non-presidential primary in Oregon's history. Busch, *Early Voting*, at 26. Turnout for the special general election was 66 percent, slightly lower than the 68 percent turnout in the regularly scheduled 1994 general election but significantly higher than in other special elections. *Id.* at 26-27. North Dakota and Nevada also held all-mail-ballot presidential preference primaries in 1996. *Id.* at 27; Oregon Secretary of State, *A Brief History of Vote-by-Mail* (www.sos.state.or.us/executive).

Florida's history with mail-ballot elections began in 1987 with the enactment of the Mail Ballot Election Act. Ch. 87-364, §1, at 2244-45, Laws of Fla. (codified at §§ 101.6101-101.6107, F.S. (1997)). The Act was designed to allow an alternative method for conducting local special elections, which typically have very low voter turnout. The Act authorizes vote-by-mail *only* for certain local referendum elections; elections involving candidates cannot be conducted by mail ballot. § 101.6102, F.S. (1997). The Secretary of State is required to pre-approve a written plan for the conduct of the election. *Id.*

The Act provides that the supervisor mail (first class mail, "Do Not Forward" service) a ballot, voting instructions, and a description of the voting process to each elector entitled to vote in the election, sometime between 10 and 20 days before the election date. § 101.6103, F.S. (1997). The mailing must also contain

to Block Early Voting in Texas Federal Elections (November 4, 1998) at Voting Integrity Program web site (www.voting-integrity.org/text/re1110498.htm). The lawsuit was dismissed on March 24, 1999. The case is currently pending on appeal.

a secrecy and return envelope, just as in the absentee voting process. *Id.* The elector fills out the mail ballot and returns it by the voting deadline just as if it were an absentee ballot --- except that the oath on the Voter's Certificate is different and the ballot *need not be witnessed. Id.*

Other states require voters to be notified six to eight weeks ahead of time that the election will be conducted by mail ballot. Some states also offer drop sites for ballots to make return more convenient.

The first mail-ballot election in Florida was conducted in Indian River County in the late 1980's to dissolve a special district, and involved less than 100 voters. The first large-scale mail-ballot election occurred in Collier County in March, 1989. The issue was one of municipal annexation and involved more than 18,500 voters. Since that time, other Florida counties have held mail-ballot elections.

Election officials generally agree that mail-ballot elections increase voter turnout. The amount of the increase will vary depending on the public's interest in the issue or candidates on the ballot. However, in general, the increase over comparable polling place elections can be marked --- sometimes as much as twice as high. For example, a 1993 mail-ballot special election involving an amendment to the City of Apopka, Florida's charter drew 26 percent of registered voters, a significant increase from the usual turnout of 10-12 percent.

Another benefit of mail-ballot elections is that they seem to reduce the *cost-per-vote* cast in each election. This is *not* to suggest that mail-ballot elections reduce the *overall cost* of the election; some jurisdictions report higher costs and some report lower. The biggest savings comes from not having to secure polling places, deliver and set-up machines, train poll workers, and staff polling places. Savings may also be found in lower office pay, since work can be spread out over a greater period of time and may require less overtime. The added cost offsetting these savings comes from postage, which is twice as much if the government pays for the return mailing.¹⁷ However, since mail-ballot elections increase voter turnout, the *cost-per-vote generally decreases* even if the overall cost remains the same or goes up.

Despite the promise of mail-ballot elections as a “quick fix” for low voter turnout, there are a number of drawbacks to experimenting with mail-ballot voting on a large scale: potential for fraud; voter resistance due to concerns of fraud; the effect on campaigns; depriving voters of last-minute information; and, the potential for technological advances to render the system antiquated before or shortly after implementation.

Table H. **Pros and Cons of Mail-Ballot Elections**

PROS	CONS
Increased Voter Turnout Reduced <i>Cost-per-Vote</i>	Fraud Voter Resistance Due to Concerns of Fraud Effect on Campaigns Deprives Voters of Late-Breaking Information Potential for Antiquation

The single biggest concern with mail-ballot elections is *fraud*. Under current Florida law, mail-ballot elections are essentially full-scale absentee ballot elections without the ballot witnessing requirement. Although jurisdictions using mail-ballot elections have generally found no more fraud than in traditional elections, Florida has recently experienced absentee ballot fraud. The courts threw out the results of Miami’s 1997 mayoral election, citing massive fraud in the absentee ballot process.¹⁸ *In re The Matter of the Protest of Election Returns*

¹⁷ Preliminary data suggests that pre-paid return postage may *not* be a significant factor in a voter’s decision to cast or not cast a ballot.

¹⁸ Many critics cite the Miami case as proof that mail-ballot elections and unlimited absentee balloting cannot help but invite fraud. See, e.g., L.

and Absentee Ballots in the November 4, 1997 Election for the City of Miami, Florida, 707 So.2d 1170 (Fla. 3rd DCA 1998). Shortly thereafter, the Legislature passed a measure to strengthen penalties for election offenses and make Florida's absentee ballot voting process more secure. Ch. 98-129, Laws. of Fla. No significant absentee ballot fraud was reported in the 1998 election cycle. However, it will take several more elections to determine conclusively whether these reforms truly hit the mark.

Another concern is that *voters may be reluctant to accept mail-ballot voting* on a large scale. The 1996 Florida Voter Study prepared for the Secretary of State's Blue Ribbon Panel on Elections showed that mail-ballot elections received the lowest amount of support from the electorate out of all the options under consideration for increasing voter turnout --- less than 1-in-2 (48%) favored the idea.¹⁹ *Blue Ribbon Report*, at 3 and Appendix III. Two-thirds of the Florida electorate believe that mail-ballot elections will increase the likelihood of fraud and vote buying. *Id.* at Appendix III. As a result, the Panel recommended implementing mail-ballot elections incrementally. *Id.* at 3. The Panel's idea was to start with municipal and off-year elections involving candidates, and build from there. *Id.* Also, the Department of State would develop an aggressive anti-fraud voter package and extensive voter education program to allay fears of fraud. *Id.*

An interesting by-product of mail-ballot voting is that it will change the *strategy of campaigns*. Florida state officials note that mail-ballot elections force campaigns to organize their planning and campaign strategy earlier. Mailings to voters need to be coordinated earlier, and spreading out the voting period over two to three weeks will likely reduce last-minute negative advertising blitzes. Some have asserted that this will require campaigns to raise more money to carry a candidate's message throughout the entire voting period. However, others suggest that merely the *timing*, not the quantity, of advertising will be affected. The jury is still out on this point, although it is beginning to look more and more like mail-ballot partisan elections do increase campaign costs. See KOIN News 6, *Vote-By-Mail Blamed for Campaign Costs* (www.koin.com/news/stories/news-980504-125658.html) (vote-by-mail concept blamed for 25% increase in campaign costs).

Voters who cast early mail ballots may be *deprived of last-minute information*. Sometimes, relevant information about a candidate or issue does not come out

Romano, *Growing Use of Mail Voting Puts its Stamp on Campaigns; Early Voters Are Targeted, Reducing Election Day Focus*, THE WASHINGTON POST, A01 (November 29, 1998).

¹⁹ Other options included in the survey receiving greater support than mail-ballot elections: election day registration; Saturday elections; Sunday elections; two-day elections; and, early voting. See *Blue Ribbon Report* at Appendix III (undated).

until the latter stages of a campaign. Indeed, it is not uncommon to see a big shift in support in the final week of a campaign. The use of mail-ballot elections may result in voters casting ballots “before all the facts are in.”

A final concern of committee staff, not raised in any reported literature, is the possibility that rapidly-developing *Internet and World Wide Web* technology will antiquate any mail-ballot system which takes more than a few years to put in place. As discussed above, the Internet may offer a viable computer election system in the near future. The wisdom of dedicating resources to develop a system of all-mail-ballot elections when such a system may be outdated before it is even up and running must be seriously considered.

Permanent Absentee Status

A variation on the mail-ballot election concept authorized in Oregon and Washington allows voters to *permanently request* an absentee ballot. See KOIN News 6, *Vote-By-Mail Blamed for Campaign Costs* (www.koin.com/news/stories/news-980504-125658.html). This system creates a permanent class of absentee voters entitled to an absentee ballot in every election. Prior to passage of Oregon’s 1998 ballot initiative abolishing conventional polling place elections, 40 percent of Oregon’s registered voters had applied for permanent absentee status. *Id.* One-third of Washington’s registered voters are signed up as permanent absentee voters. Letter from Ralph Munro, Washington Secretary of State to Senator Kenneth McClintock (March 24, 1999). Florida currently requires voters to request an absentee ballot for *each election cycle*. § 101.62(1)(a), F.S. (1997).

The permanent absentee system creates a “dual system,” a mini mail-ballot election within an election. Thus, most of the pros and cons which apply to mail-ballot elections will also apply to a permanent absentee system, but to a lesser degree. The big difference may be an increase in the overall cost of the election, and possibly an increase in the cost-per-vote. Supervisors will still have to run a conventional election with polling places, poll workers, training, etc. They will also have to run a mini mail-ballot election, with the attendant postage costs. The additional cost depends on how many voters decide to request permanent absentee status. As that number grows, so will the costs.

In addition, supervisors will have the additional administrative burden of trying to keep track of voters who move from place to place. It is quite possible that as voters move and fail to notify supervisors, the address lists will become outdated. Thus, ballots mailed to folks who have moved will be returned to the supervisors, who will have incurred the costs of postage. It appears that any effective permanent absentee system will require periodic, proactive address maintenance by the supervisor, which again may entail additional costs.

Despite the increased costs, permanent absentee status might be a viable alternative --- a pilot project, of sorts --- were the Florida Legislature to decide to phase in all-mail-ballot voting over the next few years. Also, should the Legislature decide to go forward with the development of an Internet voting system, permanent absentee balloting might be a cost-effective option for accommodating non-Internet voters.

Early Voting²⁰

Early voting provides voters with an opportunity to cast a ballot at a convenient location beginning 20-40 days before election day.

Texas pioneered the concept of early voting in 1963. It grew out of the notion of in-person absentee balloting --- a temporary branch absentee voting location was permitted in counties where the county seat was not the largest town in the county. Subsequently, Texas expanded its early voting program by: abolishing the requirement that voters state a reason for in-person absentee voting; and, mandating satellite branch locations to be open beginning on the 20th day prior to an election through four days before.²¹ At least five other states now permit local election officials to implement some form of early walk-in voting, although Texas is the only state that *mandates* a minimum number of temporary voting locations. Andrew E. Busch, *Early Voting: Convenient, But...?*, STATE LEGISLATURES, 24, 25 (September 1996). A dozen or so states allow unrestricted absentee balloting. *Id.*

²⁰ Except where otherwise noted, this section is derived principally from a Federal Election Commission publication entitled, *Innovations in Federal Elections Administration 9 - Early Voting* (April, 1994).

²¹ In January 1999, the nonpartisan Voting Integrity Project filed suit in federal court in Houston alleging that Texas' current early voting system violated federal laws which limit voting in presidential and congressional elections to a single day in November for those able to vote on that day. *Voting Integrity Project v. Bomer*, Civ. No. H-99-0247 (S.D. Texas); see also Voting Integrity Program Press Release, *Voting Integrity Project Files Federal Lawsuit to Block Early Voting in Texas Federal Elections* (January 25, 1999) at Voting Integrity Program web site (www.voting-integrity.org/text/rel012599.htm). The federal district court rejected the challenge in August, and the case is currently pending on appeal. Telephone conference with Deborah Phillips, President, Voting Integrity Project (Sept. 19, 1999).

The cornerstone of early voting is voter convenience. A voter simply goes to any branch location and shows his or her voter registration card. If the voter doesn't have one, other identification and/or signing an oath can be used. The voter's name is checked against a master list to determine which ballot he or she should receive. The voter signs an early voting form (similar to signing the registration book at the polls) and that information is entered into the computer to track when and where the person voted. Voted ballots are usually deposited into a double-lock ballot box, with no single official in possession of both keys. Ballot boxes are either returned to the main election office each night or secured on-site in a double-lock room, again with no one person possessing both keys.

The location of temporary voting sites is key to the success of early voting, as well as publishing and advertising schedules and polling locations ahead of time. Many satellite locations are located at grocery stores or shopping malls --- dubbed "retail voting." Other jurisdictions use traveling vans, similar to blood mobiles or libraries-on-wheels, giving rise to the phrase "mobile voting." Many of these satellite locations are also open extended hours, allowing voters to cast ballots in the evening hours when they're not at work.

Early voting may *marginally* increase voter turnout, although that contention is contested by critics who claim that people who vote early would have voted on election day anyway. As one writer succinctly put it:

Despite the popularity of early voting, the effects on overall turnout are mixed. It is not yet clear whether the added convenience encourages new voters or simply makes voting easier for people who would have cast a ballot anyway. Looking at the percentage of registered voters who have voted in each of these states (early voting states) over time seems to suggest that the effects on voter turnout are minimal.

Andrew E. Busch, *Early Voting: Convenient, But...?*, STATE LEGISLATURES, 24, 25 (September 1996). One thing is for sure --- voters love the convenience. Almost invariably, once early voting is introduced it cannot be rescinded. In some jurisdictions, reports of from 20% to 50% of those casting ballots in an election vote early.

There are a number of concerns with early voting. The process creates some extraordinary administrative burdens on the supervisors of elections. Election staff must be carefully and extensively trained, and perform exceptionally well. The entire elections operation must be carefully and methodically planned. Satellite sites must be carefully selected so as not to suggest partisanship, but still be convenient to voters. Computers must be linked to a central database to protect against double voting. Ballot security is an issue, and procedures must be devised to protect against unauthorized access to voted ballots.

As with mail-ballot voting, there is the issue of what effect this early voting will have on campaign strategy and campaign finance. Also like mail-ballot voting,

voters may be deprived of important last-minute information. Some critics have even voiced concerns that early voting will lead to “impulse voting,” uninformed voting encouraged by spur-of-the-moment reactions to candidates or campaign advertising.

Early voting will likely increase the overall costs of elections, although some reports suggest that there may be a reduced *cost-per-vote* if turnout increases. The costs of implementing early voting are hard to assess because of the number of variables involved. For example, how many satellite offices are to be established? Can they be staffed with existing personnel? If not, there are additional training and staffing costs. Will mobile voting be used? If so, there is the cost for vehicles, gas, and insurance. How much advertising will be used to promote satellite locations and hours? What type of media will be used --- newspaper, radio? What about the cost of computer hardware (in smaller counties without such capabilities) and software to link to a central voter database?

From the voter’s standpoint, early voting would be much like a conventional polling place election with multiple polling sites and times to choose from. It would make it much easier to cast a ballot. From the supervisor’s standpoint, it would be akin to a military exercise requiring extensive planning and strategy. Critics charge that with ballots all over the place early voting will increase the opportunity for fraud, lead to impulse voting, and result in more costly and confusing elections. The real benefit to the voter is convenience --- which may or may not translate into a sizeable increase in voter turnout.

Tele-voting

The concept of a voice-response telephone voting system has been around for several years. Most people are familiar with some type of telephone voice-response systems (“VRS”) --- where a recorded voice prompts the caller through a series of choices to obtain information about credit card balances, bank statements, etc. Staff, however, is not aware of any local or state tele-vote election having been conducted in the United States. Telephone voting has been successfully used in Canada to elect party officials and for a single-item, municipal referendum. Election Administration Reports, *North York, Ontario Telephone Referendum Called Successful*, p. 4-5 (June 16, 1997).

During the 1992 elections, Sandia National Laboratories, in concert with the State of New Mexico, conducted telephone voting experiments with high school students. In 1993, citizens in the City of Boulder, Colorado, defeated an initiative to allow tele-voting in local elections. In 1994, a representative of Sandia Laboratories was quoted as saying that developing a secure telephone voting system would be very expensive and very difficult. Election Administration Reports, Vol. 24, Number 10, at p. 1 (May 9, 1994). Through 1996, the State of New Mexico was working with private industry to develop a tele-vote system which it could then market to other states. However, it abandoned the idea because of concerns over security and because it was unclear

whether voters would have confidence in the system. Telephone conference with Denise Lamm, Director, New Mexico Division of Elections (Sept. 2, 1999).

Aside from the technical security concerns and costs, which appear substantial, one of the biggest drawbacks of tele-voting is the fact that the telephone is *not a visual medium*. People tend to process information visually. Thus, a paper ballot of some type is “essential for a telephone voter because responding to numerous choices without visualizing them might be difficult for some people.” Election Administration Reports, Vol. 24, Number 10, at p. 1 (May 9, 1994). This would require mailing sample ballots or making ballots available through newspapers or other sources. Voters would then be expected to have those sample ballots in-hand while placing the tele-vote call. This may not be a realistic expectation.

Another inherent problem with a tele-voting system is that voice response is *serial* --- the voter cannot see all the choices at once. Of course, this problem could again be solved with the simultaneous use of a paper ballot. However, it can be expected that numerous voters will not have the ballot in-hand when placing the tele-vote call. This means that voters may cast votes for candidates without hearing all the choices in a particular race, making ballot name placement a critical issue. Also, what if a voter only wants to vote for a circuit judge and not the other 10 races on the ballot preceding it on the voice response menu? If the voter has to wade through all the other races to get to the circuit court race, will he or she become discouraged and hang up? What if the voter fails to complete the call and hangs up in the middle? Do you count the votes cast to that point or throw out the whole ballot?

Another big problem arises with constitutional amendments. Initiatives and constitutional amendment descriptions can be lengthy. A voter without a sample ballot in-hand will have to listen to an oral ballot description and quickly process the information. It may well be beyond the capacity of many voters to understand and audibly process a confusing constitutional amendment ballot description.

The big advantage of vote-by-phone is that it offers tremendous convenience. However, the fact that it is a serial, non-visual medium presents some inherent drawbacks which will be extremely difficult to overcome.

Other Election Procedure Options

Election Day Registration

A number of top voter turnout states, such as Maine and Minnesota, permit citizens to register to vote at the polls on election day. However, as discussed previously, staff believes that the voter registration process in Florida is more than adequate to allow interested citizens to register with almost no inconvenience.

Irrespective of this opinion, the demographics of Florida would pose significant obstacles to the implementation of election day registration. Florida's population is significantly different from states like Maine and Minnesota. For one thing, Florida's population is far more mobile and transient than such states, which would make administering an election day registration system difficult and more susceptible to fraud. Another difference is that the states with election day registration tend to be more rural than Florida --- people in communities mostly know one another. This reduces the potential for fraud at the polls. Finally, Florida's population is much larger. The sheer numbers involved would enhance the difficulty in administration.

Weekend Voting

Another idea to enhance convenience and increase voter turnout is to provide for weekend voting. This option would only be available for *primary* elections, since federal law requires the general election to be held on a Tuesday.

There are several problems with weekend voting. First, voter confusion may be created by having some elections on the weekend and others on a Tuesday. Second, the cost of the election would likely increase dramatically, since polls and poll workers would have to be operated for two days. Third, the point has been made that people tend to travel for recreation on the weekends, which might actually lead to reduced turnout. Fourth, it has been reported that Florida's election officials believe 2-day voting will not increase turnout; it will just spread the same vote count over 2 days. Fifth, additional security measures would need to be developed to secure the ballots and polling places on Saturday night. Finally, many churches and synagogues are designated as polling places. Obviously, other polling places would need to be established on days of worship in order not to interfere with religious services.

Election Day Holiday

Yet another notion for increasing voter turnout which has received some press is to designate election day as a holiday. This would make it more convenient for voters who work to attend the polls, since federal law mandates that the general election be held on a Tuesday. On the down side, there would be a significant fiscal impact to closing all businesses statewide. Also, many believe that making Tuesday a holiday would simply encourage persons to take Monday off as well and make it a four-day weekend. The fear is that potential voters would use this mini-holiday to travel out-of-town, which could actually *reduce* voter turnout.

Miscellaneous Options

Florida Voter Guide/Voter Information

The Secretary of State's Blue Ribbon Panel recommended the creation of a Florida Voter Guide to provide information about candidates and ballot proposals:

The Secretary of State should act immediately to determine the exact costs of different types of voter guides and consider all options of distribution of such a guide. Upon determination of the most cost efficient method of production and distribution, the department should endeavor to produce the Florida Voter Guide to include: 1) information about proposed amendments to the Florida Constitution, 2) information relating to the retention of Supreme Court Justices and an explanation of the process of retention, 3) information on Statewide candidates and other candidates depending upon budget constraints, and 4) information relating to all judicial offices.

Blue Ribbon Report, at p. 2. A number of states produce such a voter guide. To the extent that it can provide Floridians with objective information about issues and judicial races, and offer a balanced presentation of candidates in partisan races, the idea appears sound. How can you argue against more unbiased information being made available to the public? The real question is one of cost. At the very least, however, it appears that placing such a guide on the Internet would be cost-feasible. Staff believes the Legislature should encourage the Division of Elections to pursue the creation and distribution of a Florida Voter Guide.

Conclusions and Recommendations

Staff recommends that the Legislature authorize and fund an Internet voting study commission under the direction of the Department of State. Internet or on-line voting holds the promise of reducing the cost of elections, increasing voter convenience, and increasing voter turnout. Many challenging issues such as security, fraud, and voter acceptance need to be addressed in detail, so now is not the time to embark on Internet voting. However, given the anticipated importance of the Internet in the coming years, it is time to begin investigating the issues.

Staff also recommends that the Legislature direct the Division of Elections to develop a Florida Voter Guide to provide voters with more information about candidates and ballot issues. The Guide should be distributed, at a minimum, via the Internet.

Appendices