



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 22, 2023

Wendy Sartory Link
Palm Beach County Supervisor of Elections
c/o Stacey J. Manning, Esq.
240 South Military Trail
West Palm Beach, Florida 33415

FILED
ST. PETERSBURG BRANCH
2024 AUG 20 PM 2:34
KEN BURKE
CLERK OF CIRCUIT COURT

Re: DE 23-01 Vote-by-Mail Ballots – Public
Records – Political Purposes § 101.62(2),
Florida Statutes

Dear Supervisor Link:

This letter responds to your request for an advisory opinion concerning whether the statute prohibits you from providing certain vote-by-mail information prior to “8 a.m. of each day...beginning 60 days before the primary until 15 days after the general election” to the entities entitled to this information. See §101.62(2), Fla. Stat. (2023). Additionally, you ask whether it is the Division’s position that the term, found at the conclusion of section 101.62(2), “for political purposes only,” refers only to registered political committees. Because you are a supervisor of elections, are acting related to this statute, and have taken or propose to take action related to whether you must provide the vote-by-mail request information outside of the window specified in the statute, the Division of Elections is authorized to issue an opinion to you pursuant to section 106.23(2), Florida Statutes (2023).

FACTS

Your request for an advisory opinion asks whether under section 101.62(2), Florida Statutes, you are allowed to, or forbidden from, providing the confidential and exempt voter information submitted with the vote-by-mail request, to the entities entitled to this information as specified in the statute, prior to 60 days before the primary and/or later than 15 days after the general election. You also ask whether it is the Division’s position that the term “for political

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
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FLORIDA
DIVISION OF
ELECTIONS

purposes only,” which is at the end of section 101.62(2), refers only to registered political committees. See § 101.62(2), Fla. Stat.

ANALYSIS

Florida law requires that supervisors of elections record the following information when receiving a vote-by-mail request:

For each request for a vote-by-mail ballot received, the supervisor shall record the following information: the date the request was made; the identity of the voter’s designee making the request, if any; the Florida driver license number, Florida identification card number, or last four digits of the social security number of the voter provided with a written request; the date the vote-by-mail ballot was delivered to the voter or the voter’s designee or the date the vote-by-mail ballot was delivered to the post office or other carrier; the address to which the ballot was mailed or the identity of the voter’s designee to whom the ballot was delivered; the date the ballot was received by the supervisor; the absence of the voter’s signature on the voter’s certificate, if applicable; whether the voter’s certificate contains a signature that does not match the voter’s signature in the registration books or precinct register; and such other information he or she may deem necessary.

§ 101.62(2), Fla. Stat.

This same statute then explains that vote-by-mail information shall remain confidential and exempt except that “this information” is provided as follows:

1. This information must be provided in electronic format as provided by division rule. The information must be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division.
2. This information is confidential and exempt from section 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

Id.

In response to your first question, the statute states that “this information” is confidential and exempt and shall be “made available to or reproduced only for” the specific entities¹. The

1. For the purposes of this Advisory Opinion, “specific entities” means “the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof,

statute explains that “[t]he information must be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division.” The Division interprets this to mean that “this information” is confidential and exempt except during the window “beginning 60 days before the primary until 15 days after the general election.” During that window, the information “must be updated and made available,” to the six entities. “[M]ade available” is a constraint on when the supervisors may release this confidential and exempt information. Thus, under the statute, “this information” remains confidential and exempt except for 60 days before the primary until 15 days after the general election.” Moreover, only the six entities may request this information during that window.

Likewise, per this statute and Florida Administrative Code Rule 1S-2.043, you are required to provide this information to the Division during the same timeframe. See §101.62(2) (“This information must be provided in electronic format as provided by division rule.”). Rule 1S-2.043 states that any one of the six entities, “may access online daily county files of vote-by-mail ballot request information as directly received from the Supervisor and posted on the Division’s website.” However, consistent with the time constraint in section 101.62(2), the Division removes “this information” from access the day after the last file is transmitted on the 15th day after the election.²

Regarding your second question, the Division has previously stated that “for political purposes only,” as used at the end of section 101.62(2), refers only to the registered political committees. See DE 18-02 n.1 (“The phrase “for political purposes only” modifies only “registered political committees.”³ See § 101.62([2]), Fla. Stat.).

SUMMARY

The confidential and exempt information that you record can only be “[made] available” beginning 60 days before the primary until 15 days after the general election. As to the second question, at the conclusion of Florida Statute section 101.62(2), “for political purposes only” refers only to the registered political committees.

Respectfully,



Maria I. Matthews, Esq.
Director, Division of Elections

a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

2. This timeline applies to the presidential preference primary election, primary election, general election, and special elections.

3. “Political committee” is defined in section 106.011(16), Florida Statutes (2023).



24-3717CJ

PUBLIC RECORDS REQUEST- VOTE BY MAIL BALLOT REQUESTS

Christopher Gleason <gleasonforpinellas@gmail.com>

Wed, Jul 17, 2024 at 12:05 PM

cc: Matt <masmith@votepinellas.gov>, Dustin Chase <dchase@votepinellas.gov>, OECS@dos.myflorida.com, publicrecordsrequest@votepinellas.gov, Maria.Matthews@dos.myflorida.com, "Byrd, Cord" <cord.byrd@dos.myflorida.com>, cathi@rulesfordeplorablesbook.com, Christopher Gleason <CPGleason72@gmail.com>, Billy Christensen HillsSOE Candidate billyksu@yahoo.com, cliff.tinapeters@gmail.com

Dear Custodian of Records,

I am writing to submit an open records request under the Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes seeking access to public records, Florida State Election Records, and Federal Election Records related to the following:

- Copies of any and all Logs, List(s) and/or documents of the Pinellas County Voters who have requested a Vote by Mail Ballot be mailed to them for the August 20th Primary Election

I am requesting these public records in the electronic file format .PDF.

I understand that some of this information may already be publicly available, but I am seeking the official and comprehensive records directly from the county's election authorities to ensure accuracy and completeness.

Please consider this letter as a formal request for disclosure under the Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes.

Please provide these records in a format that is consistent with the requirements of the Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes. If possible, We request that the records be provided electronically, via email or a secure file-sharing platform.

If portions of the requested records are exempt from disclosure under the Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes, please provide us with a written explanation of the specific legal basis for any redactions or withholdings.

We request that this public records request be processed promptly and in accordance with the statutory timelines for response and production of records under the Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes.

I hereby certify that I will not:

(A) Use any list of name(s) or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed

(B) Sell, give, or otherwise make available to any person any list of name(s) or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

As per Article I, section 24 of the Florida Constitution, and Chapter 119, Florida Statutes, we expect a prompt response to this request. If, for any reason, you cannot comply with this request within the specified timeframe, please provide a written explanation for the delay and indicate when we can expect the records to be made available.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner and that extraneous costs are not incurred.

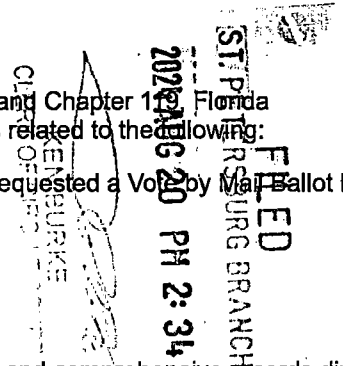
By working together at the outset, The Justice Society and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or via a shared online drive.

Warmest Regards,

Christopher Gleason

Candidate for Supervisor of Elections Pinellas County, Florida





PUBLIC RECORDS REQUEST- VOTE BY MAIL BALLOT REQUESTS

Chase, Dustin <dchase@votepinellas.gov>

Thu, Jul 25, 2024 at 4:01 PM

From: "GleasonforPinellas@gmail.com" <gleasonforpinellas@gmail.com>, Charles Kelly <kellylitigation@gmail.com>
To: publicrecordsrequest <publicrecordsrequest@votepinellas.gov>

Dear Mr. Gleason,

As a candidate with opposition, you are entitled to the list of mail ballot requests after filing your oath of acquisition.

Additionally, please be advised that fulfilling your request as stated would require an estimated 18,000 hours to compile the logs and documents for each voter who requested a mail ballot. Given this substantial time requirement, there will be significant costs associated with the retrieval, review, and redaction of these records.

Under Florida law, we are permitted to charge a special service fee for the extensive use of information technology resources and/or clerical or supervisory assistance required to process your request. The estimated cost for fulfilling your request will be provided upon determining the exact scope and volume of records responsive to your request. Please note that these costs are based on actual labor and resources incurred by the Supervisor of Elections Office.

We are prepared to work with you to narrow the scope of your request to make it more manageable and cost-effective. For instance, if there are specific types of logs or subsets of information you are most interested in, please let us know so we can focus our efforts accordingly.

Furthermore, please be informed that any exempt or confidential information will be redacted in accordance with the applicable Florida Statutes.

To proceed, we invite you to either narrow the scope of your request to reduce the estimated time and resources required, or we can provide a full cost estimate for processing the entire request as currently stated. Please let us know your preference and any specific subsets of the requested information you are requesting. If a response is not received within 30 days of this correspondence, we will consider the request closed.

Sincerely,

Dustin Chase, Deputy Supervisor of Elections

Representing Julie Marcus, Pinellas County Supervisor of Elections

13001 Starkey Rd., Largo, FL 33773

Phone: (727) 464-4988

Fax: (727) 464-6239

dchase@votepinellas.gov

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Like us on Facebook

24-3717C I

AFFIDAVIT
STATE OF FLORIDA
COUNTY OF PINELLAS

KEN BURSE
CLERK OF CIRCUIT COURT



2024 AUG 20 PM 2:34

FILED
ST. PETERSBURG BRANCH

I, JAMES M. BROWN JR., am over the age of 18 and do swear the following:

1. I am a resident of Pinellas County, Florida. My current address is:

100 BLUFF VIEW DR. APT 211A BELLEAIR BLUFFS FL 33770

2. On OR ABOUT JULY 16²⁰²⁴, I received a vote-by-mail ballot for the primary election on August 20th, 2024 at my residence. (Date Received the Vote By Mail Ballot)

3. I did not request a vote-by-mail ballot for the 2024 Primary Election on June 23, 2024, which is the date Pinellas County Supervisor of Elections is showing that I requested my vote by mail ballot.

4. I have not authorized anyone to request a vote-by-mail ballot on my behalf.

5. I have confirmed with the Supervisor of Elections that my name was included in the list of voters who were sent vote-by-mail ballots for the 2024 Primary Election.

6. I did not sign or file a DS-DE 160 Form requesting a Vote-By-Mail Ballot. Ex. A.

7. Upon information and belief and to the best of my knowledge, this vote-by-mail ballot was sent to me unlawfully, and without my request or authorization.

8. I am concerned about the integrity of my voter registration information and request that this matter be investigated to prevent any potential voter fraud or errors, and I file this affidavit in good-faith with no other intention.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August¹⁹, 19, 2024.

JAMES M. BROWN JR
Signature

JAMES M. BROWN JR
Full Name

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me by means of
 physical presence or online notarization, this 19th
day of August, 2024, by James M. Brown Jr.



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

Christine Peters
(Signature of Notary Public Florida)

Christine Peters
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR
Produced Identification

Type of Identification Produced

AFFIDAVIT
STATE OF FLORIDA
COUNTY OF PINELLAS

I, CATHI CHAMBERLAIN, am over the age of 18 and do swear the following:

1. I am a resident of Pinellas County, Florida. My current address is:

10520 SAN FERNANDO BLVD NE; ST. PETERSBURG, FL 33702

2. On 7-18-2024, I received a vote-by-mail ballot for the primary election on August 20th, 2024 at my residence. (Date Received the Vote By Mail Ballot)

3. I did not request a vote-by-mail ballot for the 2024 Primary Election on June 23, 2024, which is the date Pinellas County Supervisor of Elections is showing that I requested my vote by mail ballot.

4. I have not authorized anyone to request a vote-by-mail ballot on my behalf.

5. I have confirmed with the Supervisor of Elections that my name was included in the list of voters who were sent vote-by-mail ballots for the 2024 Primary Election.

6. I did not sign or file a DS-DE 160 Form requesting a Vote-By-Mail Ballot.
Ex. A.

7. Upon information and belief and to the best of my knowledge, this vote-by-mail ballot was sent to me unlawfully, and without my request or authorization.

8. I am concerned about the integrity of my voter registration information and request that this matter be investigated to prevent any potential voter fraud or errors, and I file this affidavit in good-faith with no other intention.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on AUGUST, 17, 2024.

Cathi Chamberlain
Signature

CATHI CHAMBERLAIN
Full Name

STATE OF FLORIDA
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me by means of
 physical presence or online notarization, this 17th
day of August, 2024, by Cathi Chamberlain.



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

Christine Peters
(Signature of Notary Public Florida)

Christine Peters
(Print, Type, or Stamp Commissioned
Name of Notary Public)

Personally Known OR
Produced Identification

Type of Identification Produced

AFFIDAVIT
STATE OF FLORIDA
COUNTY OF PINELLAS

I, Ann Whisher, am over the age of 18 and do swear the following:

1. I am a resident of Pinellas County, Florida. My current address is:

99 Dolphin Dr N. Oldsmar, FL 34677

2. On OR ABOUT 7/16/24, I received a vote-by-mail ballot for the primary election on August 20th, 2024 at my residence. (Date Received the Vote By Mail Ballot)

3. I did not request a vote-by-mail ballot for the 2024 Primary Election on June 23, 2024, which is the date Pinellas County Supervisor of Elections is showing that I requested my vote by mail ballot.

4. I have not authorized anyone to request a vote-by-mail ballot on my behalf.

5. I have confirmed with the Supervisor of Elections that my name was included in the list of voters who were sent vote-by-mail ballots for the 2024 Primary Election.

6. I did not sign or file a DS-DE 160 Form requesting a Vote-By-Mail Ballot. Ex. A.

7. Upon information and belief and to the best of my knowledge, this vote-by-mail ballot was sent to me unlawfully, and without my request or authorization.

8. I am concerned about the integrity of my voter registration information and request that this matter be investigated to prevent any potential voter fraud or errors, and I file this affidavit in good-faith with no other intention.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 16, _____, 2024.

Ann Whisher
Signature

Ann Whisher
Full Name

STATE OF FLORIDA
COUNTY OF Brevard

Sworn to (or affirmed) and subscribed before me by means of
 physical presence or online notarization, this 16
day of August, 2024, by Ann Whisher.



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

Christine Peters
(Signature of Notary Public Florida)

Christine Peters
(Print, Type, or Stamp Commissioned
Name of Notary Public)

Personally Known OR
Produced Identification

Type of Identification Produced

AFFIDAVIT
STATE OF FLORIDA
COUNTY OF PINELLAS

I, Robin Devine, am over the age of 18 and do swear the following:

1. I am a resident of Pinellas County, Florida. My current address is:

12760 Indian Rocks Rd Out 571 Largo FL 33774

2. On approx 8/10/24, I received a vote-by-mail ballot for the primary election on August 20th, 2024 at my residence. (Date Received the Vote By Mail Ballot)

3. I did not request a vote-by-mail ballot for the 2024 Primary Election on June 23, 2024, which is the date Pinellas County Supervisor of Elections is showing that I requested my vote by mail ballot.

4. I have not authorized anyone to request a vote-by-mail ballot on my behalf.

5. I have confirmed with the Supervisor of Elections that my name was included in the list of voters who were sent vote-by-mail ballots for the 2024 Primary Election.

6. I did not sign or file a DS-DE 160 Form requesting a Vote-By-Mail Ballot. Ex. A.

7. Upon information and belief and to the best of my knowledge, this vote-by-mail ballot was sent to me unlawfully, and without my request or authorization.

8. I am concerned about the integrity of my voter registration information and request that this matter be investigated to prevent any potential voter fraud or errors, and I file this affidavit in good-faith with no other intention.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 14, _____, 2024.

Robin L. Devine
Signature
Robin L. Devine
Full Name

STATE OF FLORIDA
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me by means of
 physical presence or online notarization, this 14th
day of August, 2024, by Robin L. Devine.

Christine Peters
(Signature of Notary Public Florida)

Christine Peters
(Print, Type, or Stamp Commissioned
Name of Notary Public)

Personally Known OR
Produced Identification

D223-339-38-200-0
Type of Identification Produced

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PINELLAS

I, [Your Full Name] Robert A. Ferri, being duly sworn, depose and say:

1. Personal Information:

- I am a resident of Pinellas County, Florida.
- My current address is [Your Full Address] 7602 Ridge Rd. Seminole FL 33772
- My date of birth is [Your Date of Birth] 08/12/1956.

2. Statement of Facts:

- On [Date You Received the Ballot] 06/23/24, I received a vote-by-mail ballot at my residence.
- I did not request a vote-by-mail ballot for the 2024 Primary Election on 06/23/2024.
- I have not authorized anyone to request a vote-by-mail ballot on my behalf on 06/23/2024.
- I have confirmed with that my name was included in the list of voters who were sent vote-by-mail ballots for the 2024 Primary Election.
- I did not sign a DS-DE 160 Form requesting a Vote-By-Mail Ballot a copy of attached.

3. Conclusion:

- To the best of my knowledge, this vote-by-mail ballot was sent to me without my request or authorization.
- I am concerned about the integrity of my voter registration information and request that this matter be investigated to prevent any potential voter fraud or errors.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on [Date] 8/14/24 at Clearwater, FL. [City, State].

[Your Full Name] Robert A. Ferri
[Your Signature] Robt A Ferri

****NOTARY ACKNOWLEDGMENT****

STATE OF FLORIDA

COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 14th day of August, 2024, by [Your Full Name].

Christine Peters

(Signature of Notary Public)



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

Christine Peters

(Name of Notary, typed, printed, or stamped)

Personally Known OR Produced Identification

Type of Identification Produced: DL F600-761-56 292-0

Statewide Vote-By-Mail Ballot Request Form

(s. 101.62, F.S.)

To request a vote-by-mail ballot for yourself, complete only the top section.

To request a vote-by-mail ballot for someone who directly instructed you to do so, complete both sections.

Voter's Name: _____ Voter's Date of Birth: ____ / ____ / ____

Voter's Florida driver license (FL DL) or Florida identification (FL ID) card number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

If no FL
DL or FL
ID, then
provide

last 4 digits of Social Security Number:

--	--	--	--

Voter's Home Address: _____

City: _____ State: _____ Zip code: _____

Voter's mailing address for ballot: _____ City: _____

(only if different than home address) State: _____ Zip code: _____ Country, if outside US: _____

Please update my residential address and/or my mailing address in my voter record with the information listed above.

Phone number (optional): _____ Email address (optional): _____

This request is good for all elections through the end of the calendar year of the next general election. If you only want a ballot for specific elections, list them here: _____

Voter's Signature: _____ Date: ____ / ____ / ____
(not required if voter is an absent, uniformed services voter or overseas voter, or if request is made by a designee)

You must also complete the section below if you are requesting a Vote-by-Mail Ballot for someone else.

Designee's Name: _____

Designee's Home Address: _____

City: _____ State: _____ Zip code: _____

Designee's driver license or identification card number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

If no
DL or
ID, then
provide

last 4 digits of Social Security Number:

--	--	--	--

Phone number (optional): _____ Email address (optional): _____

Designee's relationship to the voter:

Spouse

Grandparent

Parent of voter's spouse

Child of voter's spouse

Sibling of voter's spouse

Voter's legal guardian

Parent

Grandchild

Grandparent of voter's spouse

Grandchild of voter's spouse

Designee for a voter with a disability

Child

Sibling

Designee's Signature: _____ Date: ____ / ____ / ____

The voter directly instructed me to make this request for them.

24-3717CF

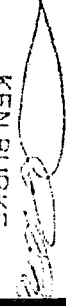
U.S. ELECTION ASSISTANCE COMMISSION



2016 Election Administration & Voting Survey

Statutory Overview

KEN BURKE
CLERK OF COURT



2024 AUG 20 PM 2:35

FILED
ST. PETERSBURG BRANCH

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Maria Matthews
Title	Director, Division of Elections
Office/Agency Name	Florida Department of State
Address 1	R.A. Gray Building
Address 2	500 S. Bronough Street
City	Tallahassee
State	Florida
Zip Code	32399-0250
E-mail Address	Maria.Matthews@dos.myflorida.com
Telephone (area Code and number)	(850) 245-6520
Fax Number (area code and number)	(850) 245-6291

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.
- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the “Notes” page at the end of the document. Additionally, if a law was repealed in full, please answer “repealed in full” in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

No Change since 2014

Changed since 2014

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

No Change since 2014

Changed since 2014

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

No Change since 2014

Changed since 2014

2014 Response:

Over-vote – When an elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question. (Sections 97.021(24); 101.5606(3), Florida Statutes)

2016 Response:

Citation updated to 97.021(25)

b) Under-vote

No Change since 2014

Changed since 2014

2014 Response:

Under-vote – When an elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question. (Section 97.021(38), Florida Statutes)

2016 Response:

Citation updated to 97.021(39).

c) Blank ballot

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

Blank ballot – A ballot where the tabulating equipment reads the ballot as a ballot with no votes cast. (Section 101.5606(3), Florida Statutes)

d) Void/Spoiled ballot

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

Void/Spoiled ballot – A ballot on which the voter has made an error and may be given up to two more replacement ballots unless the person chooses to cast a spoiled ballot. (Section 101.5608(2)(b), Florida Statutes)

e) Provisional/Challenged ballot

No Change since 2014

Changed since 2014

2014 Response:

Provisional/Challenged ballot – Provisional ballot is a conditional ballot voted by a person whose eligibility is in question. The ballot is placed in a provisional ballot envelope. The provisional ballot is to be counted unless the canvassing board determines by a preponderance of the evidence available that the person was not entitled to vote. (Sections 97.021(29) and 101.048, Florida Statutes)

Clarifications:

“Provisional ballot” means a conditional ballot, the validity of which is determined by the canvassing board. (Section 97.021(30), Fla. Stat.). Once voted, the provisional ballot is placed in a secrecy envelope, which is placed in a provisional ballot envelope, and then placed in a ballot box. (Section 101.048, Fla. Stat.)

While no definition of "challenged ballot," exists, section 101.111, Fla. Stat., governs voter challenges. The challenged voter is then allowed to cast a provisional ballot in accordance with section 101.048, Fla. Stat.

2016 Response:

f) Absentee

No Change since 2014

Changed since 2014

2014 Response:

Absentee –Not defined in statute. An absentee ballot is a ballot voted by an absentee voter. (Section 97.021(1), Florida Statutes). The ballot is placed in an absentee voting envelope and delivered to the county Supervisor of Elections. The Supervisor is required to keep the ballot unopened and for safekeeping until presented to the canvassing board. The Supervisor may verify in advance that the voter is registered and that the signature matches. All ballots are later presented to the county canvassing board for determination in accordance with Section 101.68, Florida Statutes. An absentee ballot is deemed cast upon receipt by the Supervisor of Elections. However, effective January 2014, the Legislature gave absentee ballot voters the opportunity to “cure” ballots returned with unsigned envelopes/certificates. See response to D2c.

Clarification: “Absent elector” means any registered and qualified voter who casts a vote-by-mail ballot. (Section 97.021(1)).

2016 Response:

Term "absentee ballot" changed to "vote-by-mail ballot."

g) Early voting

No Change since 2014

Changed since 2014

2014 Response:

Early voting – An early voting ballot is a ballot cast prior to election day at a location designated by the supervisor of elections and deposited in a tabulation system. (See Section 97.021(37), Florida Statutes).
In early voting, the ballot is put through a precinct tabulator at the early voting site by the voter. See discussion below for 2013 changes to early voting period in A2.

2016 Response:

Section 97.021(37) citation changed to 97.021(9).

h) Active Voter

No Change since 2014

Changed since 2014

2014 Response:

Active Voter – Not defined in statute except that an active voter is the converse of an inactive voter as designated pursuant to the outcome of certain address list maintenance activities under Section 98.065, Florida Statutes.

2016 Response:

i) Inactive Voter

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

Inactive Voter – A registered voter who has been flagged in the statewide registration system as inactive because he or she did not respond to an address confirmation final notice within 30 days of receipt or because the address confirmation final notice was returned as undeliverable. The final notice is triggered by an undeliverable address change notice or address confirmation request or other undeliverable 1st class mail. (Section 98.065, Florida Statutes)

j) Other terms (please specify) _____

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

No Change since 2014

Changed since 2014

2014 Response:

See Appendix A

2016 Response:

The list of identifications that persons voting at the polls and first-time special applicants must show has been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.).

In 2015, section 97.0525, Fla. Stat. was created to implement online voter registration in Florida. Beginning in October 1, 2017, an applicant will have the option to submit an online voter registration application, including a first-time registration application and updates to existing registration, through a secure Internet website.

When implemented, the online voter registration system will compare the Florida driver license number or Florida identification number with information maintained by the Department of Highway Safety and Motor Vehicles ("DHSMV") to confirm the name and date of birth are consistent with DHSMV records. If the records are consistent, the system will transmit, using the statewide voter registration system, the applicant's registration application, along with the digital signature of the applicant on file with DHSMV to the supervisor of elections. If not verifiable, or if the applicant indicates no Florida driver license or Florida identification card has been issued, the system shall populate the applicant's information into a printable application and direct the applicant to print, sign, and date the application and deliver the application to the supervisor.

Supervisors must process the online applications pursuant to section 97.053, Fla. Stat. A legal distinction may not be made between online voter registration and voter registration in person, by mail, or by other methods provided by general law.

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

No Change since 2014

Changed since 2014

2014 Response:

As first reported to the EAC in May 2005 in response to recommended guidelines for statewide voter registration systems, Florida registration system is considered a hybrid, incorporating features of a bottom-up system and a top-down system.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

No Change since 2014

Changed since 2014

2014 Response:

Information from the counties is transmitted real-time to the statewide system.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

No Change since 2014

Changed since 2014

2014 Response:

If the supervisor of elections has information from a source other than the voter that the voter has moved to a location out of the state, the supervisor sends an address confirmation final notice to the voter. If the voter does not return the notice within 30 days or the notice is returned as undeliverable, the voter is flagged as inactive in the registration system. An inactive voter may be restored to active status upon affirmatively undertaking one of three activities: updating his or her voter registration information, requesting an absentee ballot, or voting. A voter who has not done any of these activities by the second general election after being flagged as inactive is removed from the statewide voter registration system per NVRA and state law. (Section 98.065(4)(c), Florida Statutes) The procedures are the same for UOCAVA voters.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

No Change since 2014

Changed since 2014

2014 Response:

See Appendix A

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

No Change since 2014

Changed since 2014

2014 Response:

Currently voter registration information that includes a Florida driver's license number, Florida identification card number or social security number is forwarded to our state's driver's license agency or further to the Social Security Administration for verification of the personal identifying number. The outcome of that verification process is forwarded back to the Florida Voter Registration System. There is no real-time access to each other's database at this time.
Registered voter records are forwarded daily and cross-matched to the Florida Department of Law Enforcement to assist in the identification of potentially ineligible registered voters who are convicted felons. Other than this scenario, data cannot be shared automatically with any other state or federal database.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

No Change since 2014

Changed since 2014

2014 Response:

The state does not use NCOA. County Supervisor of Elections are responsible for conducting address list maintenance activities. Some counties in Florida use NCOA as part of their programs. However, the state has no experience with it.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

No Change since 2014

Changed since 2014

2014 Response:

A person convicted of a felony must have his or her civil rights restored in order to be eligible to vote. The individual simply attests to that on the voter registration application. No other written proof must be provided at that time of registration.
A person who is charged with a felony offense is still able to vote if in jail awaiting trial (assuming the person has no other felony conviction).
It is reported anecdotally that some Supervisors of Elections under authority in Section 98.045, Florida Statutes will reject an application received from a convicted felon who is reapplying after having been just removed from the rolls for a felony conviction if the person does not present evidence of clemency or rights restored.
The clemency must be granted under the terms for granting

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

No Change since 2014

Changed since 2014

2014 Response:

Downloadable registration forms are posted on the Division of Elections' web site. Most supervisors of elections' web sites allow the applicant to complete information online and then to print the form to sign and mail to a voter registration official.

2016 Response:

In 2015, section 97.0525, Fla. Stat. was created to implement online voter registration in Florida. Beginning in October 1, 2017, an applicant will have the option to submit an online voter registration application, including a first-time registration application and updates to existing registration, through a secure Internet website.

When implemented, the online voter registration system will compare the Florida driver license number or Florida identification number with information maintained by the Department of Highway Safety and Motor Vehicles ("DHSMV") to confirm the name and date of birth are consistent with DHSMV records. If the records are consistent, the system will transmit, using the statewide voter registration system, the applicant's registration application, along with the digital signature of the applicant on file with DHSMV to the supervisor of elections. If not verifiable, or if the applicant indicates no Florida driver license or Florida identification card has been issued, the system shall populate the applicant's information into a printable application and direct the applicant to print, sign, and date the application and deliver the

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

No Change since 2014

Changed since 2014

2014 Response:

Ballots cast at the precinct on Election Day are tabulated on precinct scanners at the polling place.
Absentee ballots are tabulated at the central counting location.
Early voting ballots are tabulated on precinct scanners at the early voting site.
Provisional ballots are tabulated at the central counting location.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

No Change since 2014

Changed since 2014

2014 Response:

All votes must be allocated back to the respective precinct by the 30th day after the certification of the presidential preference primary election, special election, primary election, or general election. Chapter 2011-40, Laws of Florida, reduced the precinct level election results reporting period from 45 days to 30 days. (Section 98.0981, Florida Statutes; R1S-2.043, Florida Administrative Code)

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

No Change since 2014

Changed since 2014

2014 Response:

Chapter 2011-40, Laws of Florida, required the results to be reported with an aggregated total of all ballots cast for each candidate or nominee with subtotals for each candidate and ballot type UNLESS fewer than 10 voters voted a ballot type, in which the breakdown of ballot type is not required. (Section 98.0981(2), Florida Statutes; R1S-2.043, Florida Administrative Code)

2016 Response:

d. How are UOCAVA ballots counted and reported?

No Change since 2014

Changed since 2014

2014 Response:

UOCAVA ballots are tabulated at the central counting location and reported the same as other absentees.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

No Change since 2014

Changed since 2014

2014 Response:

In 2001, Florida eliminated no-excuse absentee voting. The law no longer limits the circumstances under which a person may request that the absentee ballot be sent to an address other than the mailing address on record. Previously, in order to obtain an absentee ballot, the voter had to attest that he or she would be: 1) absent from county on day of election, 2) temporarily unable to live in the home due to fire, tornado, hurricane or other emergency or natural disaster, or 3) in a

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

No Change since 2014

Changed since 2014

2014 Response:

Early voting is defined as "casting a ballot prior to Election Day at a location designated by the Supervisor of Elections and depositing the voted ballot in the tabulation system. (Section 97.021(8), Florida Statutes) Ballots are put through a precinct tabulator at the early voting site by the voter. Those votes are eventually allocated back to the precincts of the voters. (Section 101.657, Florida Statutes) Refer to response A2 for 2013 legislative changes to early voting hours, days, and locations.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

No Change since 2014

Changed since 2014

2014 Response:

No, with the exception of mail ballot elections under ss. 101.6101-101.6107, Florida Statutes, which can only be held for certain referendum issues.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

No Change since 2014

Changed since 2014

2014 Response:

See Appendix A

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

A voter must have voted in the proper precinct in order for the provisional ballot to count (Section 101.045, Florida Statutes). In determining whether to count a provisional ballot, the canvassing board determines if the person voted at the correct precinct and that he or she had not already cast a ballot in the election (Section 101.048, Florida Statutes) Any written evidence provided by the voter (which is due no later than 5 p.m. following the second day after the election) and any evidence presented by the supervisor of elections or any evidence presented by a challenger is considered and the ballot will count unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote. If the person is determined to be entitled to vote, the canvassing board compares the signature on the Provisional Ballot Voter's Certificate with the signature on the voter's registration record and, if it matches, will count the ballot. (Section 101.048, Florida Statutes) In those cases in which the person has voted a provisional ballot solely because he or she failed to provide proper identification at the polls, the person need not provide further evidence of his or her eligibility. The canvassing board will compare the signature on the certificate with the signature on the voter's registration record. If the signatures match, the provisional ballot will count.

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

No Change since 2014

Changed since 2014

2014 Response:

2016 Response:

Immediately following certification of an election, the county canvassing board must conduct a post-certification audit of the voting system. As of January 2014, the board can select from two options instead of just the manual audit:

1. A manual audit of the voting system used in randomly selected precincts. The audit consists of a public manual tally of the votes in one randomly selected race in 2 percent of the precincts containing that race.
2. An automated, independent audit. The audit consists of a public tally of the votes cast across every race that appears on the ballot in at least 20 percent of randomly-chosen precincts. Any such system used must be approved beforehand by the Department of State. See Section 101.591(Florida Statutes; Section 10 of Chapter 2013-57, Laws of Florida. The audit must be completed within 7 days after certification of the election by the county canvassing board. (Section 101.591, Florida Statutes and Rule 1S-5.026, Florida Administrative Code.)

C8. Please describe any state requirements for poll worker training.

No Change since 2014

Changed since 2014

2014 Response:

Each clerk of election shall complete a minimum of 3 hours training prior to each election. Each inspector must complete 2 hours of training prior to each election. No person may serve as a poll worker unless the person has completed the required training, unless there is a vacancy and no person with training is available to fill the vacancy.
A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.
All poll workers must be able to read and write the English and be registered voters of the county in which they are serving as poll workers. In addition, each poll worker must complete a program on issues of etiquette and sensitivity with respect to voters having a disability. (Section 102.014, Florida Statutes)

2016 Response:

Empty response box for 2016.

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

No Change since 2014

Changed since 2014

2014 Response:

By December 15 of each general election year, the supervisor of elections must report to the Department of State the total number of overvotes and undervotes in the Presidential or Governor's race that appears first on the ballot, or if neither appears, the first race appearing on the ballot. The report from the supervisor must include the likely reasons for the overvotes and undervotes and other information that may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. The Department uses the information submitted to prepare a public report on the performance of each type of voting system. The report is also provided to the Governor, the Florida Senate President and the Speaker of the Florida House of Representatives (Section 101.595, Florida Statutes)

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

No Change since 2014

Changed since 2014

2014 Response:

No photo identification is required at the time of registering to vote. However, persons who are first-time voters registering by mail who have never been issued a driver's license or social security number are subject to specific identification requirements set out in Section 97.0535, Florida Statutes. These voters are referred to as MARG voters which stands for MAil-in ReGistration voters. They must provide a copy of an identification with their application or at some time before they vote. The law sets out what are acceptable forms of identification. If they wait until they go to the polls, they will end up satisfying the requirement when they present a photo ID as is required by law for all voters. If they wait until they vote an absentee ballot, they will have to provide a copy of their identification with the absentee ballot or it will not count. The only exception is if they swear or affirm on the absentee ballot that they are a UOCAVA voter, 65 or older, or temporarily or permanently disabled.

2016 Response:

b. casting an in-person ballot;

No Change since 2014

Changed since 2014

2014 Response:

A voter presenting to vote must show one of the following picture identifications:
Florida driver's license
Florida identification card issued by the Department of Highway Safety and Motor Vehicles
United States passport
Debit or credit card
Military identification
Student identification
Retirement center identification
Neighborhood association identification
Public assistance identification
If the photo identification provided does not contain a signature, an additional identification that provides the voter's signature is required. (Section 101.043, Florida Statutes)

2016 Response:

The list of identifications that persons voting at the polls and first-time special applicants must show has been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.).

c. casting a mail-in or absentee vote;

No Change since 2014

Changed since 2014

2014 Response:

No identification other than the signature of the voter on the voter certificate is required in casting a mail-in or absentee vote – the signature of the voter on the absentee ballot envelope is compared to the signature on the voter registration. (Section 101.68, Florida Statutes). If the signature matches, the ballot is counted, subject to any challenge made during canvass as to a defect apparent on the voter's certificate. See response to paragraph a. regarding the identification requirements for a MARG voter who waits to present identification at the time he or she votes an absentee ballot.
Effective January 2014, if a voter forgets to sign his or her absentee ballot or mail ballot certificate, the voter has an opportunity to "cure" the omission. The voter must submit an absentee ballot affidavit and a copy of an identification as set out in law (i.e., one of the following forms of identification:
a. Identification that includes your name and photograph:
United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; or public assistance identification; or
b. Identification that shows your name and address

2016 Response:

The list of acceptable forms of identification have been expanded to include a veteran health identification card issued by the United States Department of Veterans Affairs, a license to carry a concealed weapon or firearm issued pursuant to s. 790.06, and an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality (sections 97.0535 and 101.043, Fla. Stat.). Identification would be required when a voter submits an absentee ballot affidavit with a copy of an authorized form of identification.

d. casting a ballot under UOCAVA;

No Change since 2014

Changed since 2014

2014 Response:

The same requirements contained in response to D2c. apply for a UOCAVA voter in casting a mail-in or absentee ballot as for any other absentee ballot voter.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

No Change since 2014

Changed since 2014

2014 Response:

None

2016 Response: