All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet

19-07

2019
Financial Impact Estimating Conference

All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet
Serial Number 19-07

Table of Contents

Authorization ................................................................................................................................................................... Tab 1
  • Letter of Request for FIEC

Current Law ...................................................................................................................................................................... Tab 2
  • Florida Constitution – Article VI: Suffrage and Elections
  • Florida Statutes
  • Florida Administrative Code - 1S-2.032 Uniform Design for Election Ballots
  • Department of State - Ch. 2019-115: Special Elections

Other States ..................................................................................................................................................................... Tab 3
  • National Conference of State Legislatures (NCSL) Correspondence
  • California
    o Proposition 14 - Elections: Open Primaries
    o Email Correspondence
  • Washington
    o Voters’ Pamphlet

Reports ............................................................................................................................................................................. Tab 4
  • None received to date

Materials from the Sponsor ............................................................................................................................................. Tab 5
  • EDR FedX Letter to Sponsor Requesting Identification of Persons Approved to Speak on Behalf of the Sponsor
  • Sponsor Response to Letter of Request
Tab 1

Authorization
June 26, 2019

Financial Impact Estimating Conference
c/o Amy Baker, Coordinator
Office of Economic and Demographic Research
111 West Madison Street, Ste. 574
Tallahassee, Florida 32399-6588

Dear Ms. Baker:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Financial Impact Estimating Conference when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has now been met for the initiative petition titled All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet, Serial Number 19-07. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,

Laurel M. Lee
Secretary of State

LL/am/ljr

pc: Glen Burhans Jr., Chairperson, All Voters Vote, Inc.
Enclosures
CONSTITUTIONAL AMENDMENT PETITION FORM

Note:
• All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
• Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
• If all requested information on this form is not completed, the form will not be valid.

Your name: ________________________
Please Print Name as it appears on your Voter Information Card

Your address: __________________________________________________________________________________________________
City ___________________________ Zip ____________________ County ________________

☐ Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).
Voter Registration Number ______________________ OR Date of Birth ______________________

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet

BALLOT SUMMARY: Allows all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation. All candidates for an office, including party nominated candidates, appear on the same primary ballot. Two highest vote getters advance to general election. If only two candidates qualify for the same office, no primary will be held and winner is determined in general election. Candidate’s party affiliation may appear on ballot as provided by law. Effective January 1, 2024.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Amends Article VI Section 5 by adding subsection (c)

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT: [Additions are underlined]

ARTICLE VI, SECTION 5. Primary, general, and special elections.—
* * * * *
(c) All elections for the Florida legislature, governor and cabinet shall be held as follows:

(1) A single primary election shall be held for each office. All electors registered to vote for the office being filled shall be allowed to vote in the primary election for said office regardless of the voter’s, or any candidate’s, political party affiliation or lack of same.

(2) All candidates qualifying for election to the office shall be placed on the same ballot for the primary election regardless of any candidate’s political party affiliation or lack of same.

(3) The two candidates receiving the highest number of votes cast in the primary election shall advance to the general election. For elections in which only two candidates qualify for the same office, no primary will be held and the winner will be determined in the general election.

(4) Nothing in this subsection shall prohibit a political party from nominating a candidate to run for office under this subsection. Nothing in this subsection shall prohibit a party from endorsing or otherwise supporting a candidate as provided by law. A candidate’s affiliation with a political party may appear on the ballot as provided by law.

(5) This amendment is self-executing and shall be effective January 1, 2024.

_________________________________ X___________________________________________________
DATE OF SIGNATURE SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by All Voters Vote, Inc.,
1427 Piedmont Drive East, Suite 2, Tallahassee, FL 32308

(CONTINUED ON NEXT PAGE)
RETURN TO:
All Voters Vote, Inc.
PO Box 652
Tallahassee, FL 32302

If paid petition circulator is used:
Circulator's Name_____________________________________________________
Circulator's Address____________________________________________________

For Official Use Only:
Serial Number: 19-07
Date Approved: 3/14/2019
Attachment for Initiative Petition

All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet
Serial Number 19-07

1. Name and address of the sponsor of the initiative petition:
   Glenn Burhans Jr.
   All Voters Vote, Inc.
   1427 Piedmont Drive East
   Tallahassee, FL 32308

2. Name and address of the sponsor’s attorney, if the sponsor is represented:
   Unknown

3. A statement as to whether the sponsor has obtained the requisite number of
   signatures on the initiative petition to have the proposed amendment put on the
   ballot: As of June 26, 2019, the sponsor has not obtained the requisite number of
   signatures to have the proposed amendment placed on the ballot. A total of
   766,200 valid signatures are required for placement on the 2020 general election
   ballot.

4. If the sponsor has not obtained the requisite number of signatures on the
   initiative petition to have the proposed amendment put on the ballot, the
   current status of the signature-collection process: As of June 26, 2019, Supervisors
   of Elections have certified a total of 132,604 valid petition signatures to the
   Division of Elections for this initiative petition. This number represents more than
   10% of the total number of valid signatures needed from electors statewide and in
   at least one-fourth of the congressional districts in order to have the initiative
   placed on the 2020 general election ballot.

5. The date of the election during which the sponsor is planning to submit the
   proposed amendment to the voters: Unknown. The earliest date of election that
   this proposed amendment can be placed on the ballot is November 3, 2020,
   provided the sponsor successfully obtains the requisite number of valid signatures
   by February 1, 2020.

6. The last possible date that the ballot for the target election can be printed in
   order to be ready for the election: Unknown

7. A statement identifying the date by which the Financial Impact Statement will
   be filed, if the Financial Impact Statement is not filed concurrently with the
   request: The Secretary of State forwarded a letter to the Financial Impact

8. The names and complete mailing addresses of all of the parties who are to be
   served: This information is unknown at this time.
## FLORIDA DEPARTMENT OF STATE
### DIVISION OF ELECTIONS

## SUMMARY OF PETITION SIGNATURES

**Political Committee:** All Voters Vote, Inc.

**Amendment Title:** All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet

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<tr>
<th>Congressional District</th>
<th>Voting Electors in 2016 Presidential Election</th>
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<th>For Ballot 8% Required By Article XI, Section 3 Florida Constitution</th>
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**TOTAL:** 9,577,333 76,632 766,200 132,604

Date: 6/28/2019 10:31:12 AM
Tab 2

Current Law
SECTION 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate’s name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 2. Electors.—Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 3. Oath.—Each eligible citizen upon registering shall subscribe the following: “I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida.”

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

(c) No person may appear on the ballot for re-election to any of the following offices:

(1) Florida representative,

(2) Florida senator,

(3) Florida Lieutenant governor,

(4) any office of the Florida cabinet,

(5) U.S. Representative from Florida, or

(6) U.S. Senator from Florida
if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

History.—Am. by Initiative Petition filed with the Secretary of State July 23, 1992; adopted 1992; Am. by Initiative Petition filed with the Secretary of State October 31, 2014; adopted 2018.

SECTION 5. Primary, general, and special elections.—

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.


SECTION 6. Municipal and district elections.—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.

History.—Proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.
100.011 Opening and closing of polls, all elections; expenses.—

(1) The polls shall be open at the voting places at 7:00 a.m., on the day of the election, and shall be kept open until 7:00 p.m., of the same day, and the time shall be regulated by the customary time in standard use in the county seat of the locality. The inspectors shall make public proclamation of the opening and closing of the polls. During the election and canvass of the votes, the ballot box shall not be concealed. Any elector who is in line at the time of the official closing of the polls shall be allowed to cast a vote in the election.

(2) The time of opening and closing of the polls shall be observed in all elections held in this state, including municipal and school elections.

(3) The expenses of holding all elections for county and state offices necessarily incurred shall be paid out of the treasury of the county or state, as the case may be, in the same manner and by the same officers as in general elections.

(4)(a) The provisions of any special law to the contrary notwithstanding, the expenses of holding a special district or community development district election, or the district’s proportionate share of regular election costs, as the case may be, shall be paid out of the district’s treasury and in the same manner as in general elections. This subsection applies to any district, whether created by or pursuant to special or general law, which is a special district as defined in s. 200.001(8)(c) or a community development district as defined in s. 190.003(6).

(b) The provisions of any special law to the contrary notwithstanding, the supervisor of elections may impose an interest penalty on any amount due and owing to him or her from a special district or community development district if payment is not made within 30 days from receipt of the bill or within 10 working days of the required time authorized by interlocal agreement. The rate of such interest shall be the rate established pursuant to s. 55.03.

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.04 and 189.041.

History.—s. 23, ch. 3879, 1889; RS 177; s. 27, ch. 4328, 1895; GS 209; s. 8, ch. 6469, 1913; RGS 253, 306; CGL 309, 362; ss. 1, 2, ch. 20409, 1941; ss. 1, 2, ch. 22739, 1945; s. 4, ch. 25384, 1949; s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 6, ch. 87-363; s. 53, ch. 89-169; s. 543, ch. 95-147; s. 4, ch. 96-327; s. 18, ch. 2005-277; s. 56, ch. 2014-22.

Note.—Former ss. 99.07, 102.08.

100.061 Primary election.—In each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday 10 weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election shall be declared nominated for such office. If two or more candidates receive an equal and
highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.

History.—s. 5, ch. 6469, 1913; RGS 303; CGL 359; s. 2, ch. 13761, 1929; s. 1, ch. 17897, 1937; s. 7, ch. 26329, 1949; s. 4, ch. 26870, 1951; s. 1, ch. 57-166; s. 1, ch. 59-4; s. 1, ch. 69-1745; s. 4, ch. 83-251; s. 11, ch. 2005-286; s. 22, ch. 2007-30; s. 20, ch. 2011-40; s. 3, ch. 2013-57.

Note.—Former s. 102.05.

100.101 Special elections and special primary elections.—A special election or special primary election shall be held in the following cases:

1. If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.

2. If a vacancy occurs in the office of state senator or member of the state house of representatives.

3. If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.

4. If a vacancy occurs in the office of member from Florida of the House of Representatives of Congress.

History.—s. 4, ch. 3879, 1889; RS 158; s. 5, ch. 4328, 1895; GS 175; RGS 219; CGL 254; s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 3, ch. 83-15; s. 19, ch. 2005-277; s. 21, ch. 2011-40.

Note.—Former s. 98.08.

100.102 Cost of special elections and special primary elections to be incurred by the state.—Whenever any special election or special primary election is held as required in s. 100.101, each county incurring expenses resulting from such special election or special primary election shall be reimbursed by the state. Reimbursement shall be based upon actual expenses as filed by the supervisor of elections with the county governing body. The Department of State shall verify the expenses of each special election and each special primary election and authorize payment for reimbursement to each county affected.

History.—s. 2, ch. 74-120; s. 12, ch. 77-175

101.001 Precincts and polling places; boundaries.—

1. The board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create precincts for voting in the county. Each precinct shall be numbered and, as nearly as practicable, composed of contiguous and compact areas. The supervisor shall designate a polling place at a suitable location within each precinct. The precinct shall not be changed thereafter except with the consent of the supervisor and a majority of the members of the board of county commissioners. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. 101.002, but, in any
event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts shall be given in the same manner as provided in s. 101.71(2).

(3)(a) Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor shall provide to the department data on all precincts in the county associated with the most recent decennial census blocks within each precinct.

(c) The department shall maintain a searchable database that contains the precincts and the corresponding most recent decennial census blocks within the precincts for each county, including a historical file that allows the census blocks to be traced through the prior decade.

(d) The supervisor of elections shall notify the Secretary of State in writing within 10 days after any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.

(e) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by census block boundaries from the most recent United States Census. If the census block boundaries split or conflict with another political boundary listed below, the boundary listed below may be used:

1. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

2. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

3. Boundaries of public parks, public school grounds, or churches; or

4. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(4)(a) Within 10 days after there is any change in the division, number, or boundaries of the precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered precincts, setting forth the boundary lines and shall identify
the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor’s office.

(b) Any changes in the county precinct data shall be provided to the department within 10 days after a change.

(c) Precinct data shall include all precincts for which precinct-level election results and voting history results are reported.

History.—s. 10, ch. 3879, 1889; RS 164; s. 11, ch. 4328, 1895; GS 184; RGS 228; CGL 281; s. 2, ch. 24203, 1947; s. 6, ch. 25383, 1949; s. 2, ch. 26329, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 27593, 1955; s. 3, ch. 57-166; s. 1, ch. 59-281; s. 1, ch. 67-169; s. 1, ch. 72-25; s. 3, ch. 73-155; s. 1, ch. 76-60; s. 1, ch. 76-121; s. 1, ch. 76-233; s. 4, ch. 77-175; s. 1, ch. 80-189; s. 11, ch. 80-292; s. 4, ch. 81-304; s. 26, ch. 84-302; s. 24, ch. 94-224; s. 24, ch. 94-224; s. 24, ch. 94-224; s. 1390, ch. 95-147; s. 54, ch. 97-13; s. 29, ch. 2005-278; s. 24, ch. 2011-40.

Note.—Former s. 98.23; s. 98.031.

101.021 Elector to vote the primary ballot of the political party in which he or she is registered.—In a primary election a qualified elector is entitled to vote the official primary election ballot of the political party designated in the elector’s registration, and no other. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered.

History.—s. 41, ch. 6469, 1913; RGS 345; CGL 402; s. 5, ch. 26870, 1951; s. 21, ch. 28156, 1953; s. 13, ch. 77-175; s. 552, ch. 95-147.

Note.—Former s. 102.40.

101.151 Specifications for ballots.—

(1)(a) Marksense ballots shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall meet the specifications of the voting system that will be used to tabulate the ballots.

(b) Early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible electors pursuant to s. 101.657. Ballot-on-demand technology may be used to produce marksense vote-by-mail and election-day ballots.

(2)(a) The ballot must include the following office titles above the names of the candidates for the respective offices in the following order:

1. The office titles of President and Vice President above the names of the candidates for President and Vice President of the United States nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state, followed by the names of other candidates for President and Vice President of the United States who have been properly nominated.

2. The office titles of United States Senator and Representative in Congress.
3. The office titles of Governor and Lieutenant Governor; Attorney General; Chief Financial Officer; Commissioner of Agriculture; State Attorney, with the applicable judicial circuit; and Public Defender, with the applicable judicial circuit.

4. The office titles of State Senator and State Representative, with the applicable district for the office printed beneath.

5. The office titles of Clerk of the Circuit Court or, when the Clerk of the Circuit Court also serves as the County Comptroller, Clerk of the Circuit Court and Comptroller, when authorized by law; Clerk of the County Court, when authorized by law; Sheriff; Property Appraiser; Tax Collector; District Superintendent of Schools; and Supervisor of Elections.

6. The office titles of Board of County Commissioners, with the applicable district printed beneath each office, and such other county and district offices as are involved in the election, in the order fixed by the Department of State, followed, in the year of their election, by “Party Offices,” and thereunder the offices of state and county party executive committee members.

(b) In a general election, in addition to the names printed on the ballot, a blank space shall be provided under each office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(c) When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

(d) If in any election all the offices as set forth in paragraph (a) are not involved, those offices not to be filled shall be omitted and the remaining offices shall be arranged on the ballot in the order named.

(3)(a) The names of the candidates of the party that received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first for each office on the general election ballot, together with an appropriate abbreviation of the party name; the names of the candidates of the party that received the second highest vote for Governor shall be placed second for each office, together with an appropriate abbreviation of the party name.

(b) Minor political party candidates shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were qualified, followed by the names of candidates with no party affiliation, in the order as they were qualified.

(4)(a) The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent's name.
(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8) In counties subject to multi-language ballot requirements, the supervisor may petition the United States Department of Justice for authorization for the supervisor to print and deliver single-language ballots for each minority language required.

(9) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. Clear and unambiguous ballot instructions and directions;
2. Individual race layout; and
3. Overall ballot layout.

(b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.

History.—s. 35, ch. 4328, 1895; GS 219; s. 1, ch. 5612, 1907; RGS 264; CGL 320; s. 5, ch. 17898, 1937; ss. 2, 3, ch. 25187, 1949; s. 5, ch. 26870, 1951; s. 3, ch. 29937, 1955; s. 1, ch. 57-235; s. 2, ch. 59-334; s. 8, ch. 65-380; s. 1, ch. 65-52; s. 2, ch. 65-60; s. 8, ch. 65-380; s. 4, ch. 67-386; ss. 10, 35, ch. 69-106; s. 8, ch. 69-281; s. 1, ch. 69-380; s. 37, ch. 73-333; s. 1, ch. 77-102; s. 13, ch. 77-175; s. 33, ch. 79-400; s. 6, ch. 81-105; s. 11, ch. 81-304; s. 9, ch. 82-143; s. 20, ch. 89-338; s. 556, ch. 95-147; s. 14, ch. 99-318; s. 11, ch. 99-326; s. 14, ch. 99-355; s. 7, ch. 2001-40; s. 7, ch. 2002-17; s. 29, ch. 2005-277; s. 5, ch. 2007-30; s. 28, ch. 2011-40; s. 5, ch. 2013-57; s. 6, ch. 2013-109; s. 10, ch. 2016-37.

Note.—Former ss. 99.18, 99.171.

101.21 Official ballots; number; printing; payment.—Where applicable, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

History.—ss. 29, 37, ch. 4328, 1895; s. 11, ch. 4537, 1897; GS 211, 222; RGS 255, 267; CGL 311, 323; s. 7, ch. 17898, 1937; s. 2, ch. 24088, 1947; s. 7, ch. 25384, 1949; s. 5, ch. 26870, 1951; s. 10, ch. 65-380; s. 1, ch. 69-281; s. 20, ch. 71-355; s. 16, ch. 77-175; s. 34, ch. 79-400; s. 1, ch. 80-292; s. 48, ch. 81-259; s. 8, ch. 2001-40.

Note.—Former ss. 99.09, 99.21.
101.71 Polling place.—

(1) There shall be in each precinct in each county one polling place which shall be accessible to the public on election day and is managed by a board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except inspectors shall be allowed to speak to the elector while casting his or her vote; and no inspector shall speak to or interfere with the elector concerning his or her voting, except to perform the duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his or her vote.

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable, are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of s. 101.715, the supervisor shall, not less than 30 days prior to the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the supervisor of elections shall provide adequate supplies, equipment, and personnel are available to accommodate the voters for the precincts that are collocated. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in the county and on the supervisor of elections’ website. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

(3) In cases of emergency and when time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.

(4) Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. Such sign shall be large enough to be clearly visible to occupants of passing vehicular traffic on roadways contiguous to the polling place, with letters no smaller than 3 inches high, and shall be displayed at all times while the polls are open on any election day.
(5) Public, tax-supported buildings shall be made available for use as polling places upon the request of the supervisor of elections.

History.—s. 22, ch. 3879, 1889; RS 176; s. 26, ch. 4328, 1895; s. 1, ch. 4699, 1899; GS 208; RGS 252; CGL 308; s. 5, ch. 26870, 1951; s. 1, ch. 57-385; s. 3, ch. 67-530; s. 4, ch. 69-281; s. 23, ch. 77-175; s. 4, ch. 78-188; s. 2, ch. 80-189; s. 12, ch. 80-292; s. 1, ch. 85-38; s. 593, ch. 95-147; s. 25, ch. 2001-40; s. 15, ch. 2002-281; s. 10, ch. 2010-167.

Note.—Former s. 99.06.

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Florida Administrative Code
1S-2.032 Uniform Design for Election Ballots.

(1) Purpose. This rule prescribes a uniform ballot design for primary and general elections for each type of certified voting system. Prior to January 1, 2017, a supervisor of elections may comply with all standards to be set forth in this rule effective January 1, 2017, in lieu of complying with the existing standards in this rule, as amended on February 18, 2016, which will be effective until January 1, 2017.

(2) Definitions. For purposes of this rule:
(a) “Audio ballot” means an electronic voting device which audibly reads a ballot and permits the voter to select choices.
(b) “Coded text” means the text of a proposed constitutional amendment or revision that has underlined and stricken text to represent additions and deletions, respectively, within the amendment or revision.
(c) “Contest title” means the office title for a race on the ballot in which candidates are seeking an elected office, e.g., “Attorney General” or “County Commissioner, District 2.” It also includes the title for a public measure on the ballot, e.g., “Constitutional Amendment,” “County Referendum,” or “City Referendum.”
(d) “Font size” means the size of the printed characters on the ballot. Font size is measured in millimeters (mm) and points. A point equals 0.353mm.
(e) “General election” refers to a general election as defined in section 97.021, F.S.
(f) “Hybrid voting system” means an electronic or electromechanical device by which a voter with disabilities interacts with an electronic visual display to produce a paper output that contains the contest titles and the voter’s selections, and may also contain, but not be limited to, a barcode or other machine-readable optical label containing the voter’s selections. A hybrid voting system may be designed to read the vote targets or selections or the machine-readable optical label on the paper output.
(g) “Manual marking device” means a roller-ball pen, felt pen, or pencil which leaves an identifiable ink or pencil mark, as applicable, when used on a paper ballot.
(h) “Paper ballot” means an election ballot made of paper to be tabulated by optical scan and for use by a voter to select choices on a vote target by using a manual marking device.
(i) “Primary election” refers to a primary election as defined in section 97.021, F.S.
(j) “Presidential Preference Primary” refers to a presidential preference primary election in section 103.101, F.S.
(k) “Visual display ballot” means an electronic display for a voter to select choices as shown on the display, which may be on a touchscreen device or a personal computer display.
(l) “Vote target” means an area on the ballot where the voter indicates his or her vote. The vote target may be an oval, square, rectangle, or broken arrow.
(m) “Universal Primary Contest” refers to a contest in a primary election in which all candidates for an office have the same party affiliation and the winner of that contest will have no opposition in the general election. In a universal primary contest, all qualified electors may vote in the primary for that office, regardless of party affiliation.

(3) Ballot language.
(a) The official language for a ballot is English.
(b) Ballots shall be translated into other languages that are required by law or court order. This does not prohibit a supervisor of elections from including one or more other languages as he or she determines is necessary to accommodate the respective electorate.
(c) When more than one language appears on the ballot, the English version of the ballot shall appear first on the ballot, followed by the required other language or languages.
(d) Subject to paragraph (c), ballots that include more than one language may have:
1. All languages appear entirely on one ballot.
2. English and one translated language (one of many applicable to the election) combined on a separate ballot, with English and another or other translated language(s) combined on separate ballot(s).
3. Each language appears on separate ballots only after compliance with section 101.151(8), F.S.

(4) Ballot font, alignment, and columns.
(a) Font. The minimum and maximum font sizes for the different ballots are:
1. Paper ballots: The minimum font size is 10-point type (3.5mm), except the minimum font size for the ballot title is bold, 12-point type (4.2mm). The maximum font size for a paper ballot is 12-point type (4.2mm), except the maximum font size for the ballot title is bold, 14-point type (5 mm).
2. Visual display ballot: The minimum font size is 14-point type (5 mm) and the maximum font size is 24-point type (8.5 mm).

3. All fonts on a ballot shall be within the same sans-serif font family (a narrow version of the same font is considered within the same font family). Sans-serif font means a typeface that does not have small projecting features (serifs) at the end of characters. Recommended fonts are: Arial, Helvetica, Tahoma or Univers. All fonts shall be black. Colored text, however, may be used on the ballot to differentiate between precincts or ballot type (e.g., early voting, vote-by-mail ballot, or election day ballot); in the ballot footer to direct the voter to vote both sides of the ballot page as specified in paragraph (10)(g), below; and on a visual display ballot as specified in paragraph (11)(a), below.

4. Each category on a ballot shall have consistent font sizes; for example, if one candidate’s name is in 10-point type, the names of all candidates on that ballot shall be in 10 point type.

5. Unless specified by this rule, the font shall not be in bold type.

6. A ballot shall not contain an ampersand, “&”, in any of its titles or text.

7. The contest titles and ballot title for issues shall be in bold and in upper and lower case font. The ballot summary or, when applicable for a proposed constitutional amendment or revision, the financial impact statement, shall be in upper and lower case font followed by the choices of Yes and No.

8. The appropriate three-letter party affiliation or no party affiliation (NPA) for candidates shall be in all capital letters.

(b) Alignment. Unless otherwise indicated herein, all type on a ballot shall be aligned to the left of the page or column, as applicable. The ballot title and the ballot instructions may be centered or aligned to the left on the page or column.

(c) Columns.
1. A paper ballot page shall contain no more than four columns.
2. A visual display ballot shall contain no more than two columns.
3. All candidates for the same race shall appear on the same page and in the same column on a paper ballot or entirely on one screen page of the default setting for a visual display ballot, except as otherwise specified within this rule. A voter may magnify the default setting of a visual display ballot so that all candidates in the same race may not appear on one screen page.
4. No issue or public measure choices of Yes and No shall be split between columns or pages.
5. No judicial merit selection and retention question on the ballot shall appear in more than one column, span more than one column, or extend onto another side or page of the ballot. However, each separate retention question relating to the same or different category of judicial retention may be split.

(5) Ballot Title. The ballot title shall be printed single-spaced, flush left or centered across the top of the first page of a paper ballot and on the first ballot screen of a visual display ballot. The date of the election within the ballot title shall list the full name of the month, the numeric day, and full numeric year (for example, November 8, 2016). The ballot title, in bold upper and lower case letters, shall be printed on the ballot for each election in no less than two and not more than four lines for each language in which the ballot is printed, for example:

<table>
<thead>
<tr>
<th>Official Presidential Preference Primary Election Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>(date of election)</td>
</tr>
<tr>
<td>(name) __ Party</td>
</tr>
<tr>
<td>[Insert county name], Florida</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Official Primary Election Ballot, (date of election)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Insert name of Party or insert Nonpartisan, as applicable), [Insert county name], Florida</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Official General Election Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>(date of election)</td>
</tr>
<tr>
<td>[Insert county name], Florida</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Official Special Election Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>(date of election)</td>
</tr>
<tr>
<td>[Insert county name], Florida</td>
</tr>
</tbody>
</table>
Official Special Primary Election Ballot
(date of election)
(Insert name of Party or insert Nonpartisan, as applicable)
[Insert county name], Florida

(6) Contest title. After the instructions, the title of each contest on the ballot shall appear either against no background or a lightly shaded background in bold, upper and lower case font. The contest title involving a public office shall appear as prescribed for office titles in section 101.151, F.S., e.g., State Senator. Additionally, the contest title for a constitutional amendment shall read: No. ___ Constitutional Amendment, Article ____, Section ____.

(7) Listing of election contests. Under each ballot title, the ballot shall list the contests in the order specified in sections 101.151 and 105.041, F.S., and as further specified herein as follows:

(a) Partisan offices.
   1. Federal office.
   2. State office.
   3. County office.
   4. Municipal office.
   5. District and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The special districts within each listing shall be listed alphabetically.
   6. Party offices. The order of placement shall be state, district, and precinct committeemen and committeewomen.
   (b) Nonpartisan offices.
       1. Justice of the Supreme Court (judicial merit selection and retention).
       2. Judge of a District Court of Appeal (judicial merit selection and retention).
       3. Circuit Judge (election or merit selection and retention).
       4. County Judge (election or merit selection and retention).
       5. Nonpartisan county office. If a county elects county officers listed in section 101.151, F.S., on a nonpartisan basis, the order of those offices shall be the same as the order in section 101.151, F.S. for partisan offices and shall appear before the contest for school board member.
       6. School Board Member.
       7. Nonpartisan municipal office.
       8. Nonpartisan district and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The district and special districts within each listing shall be listed alphabetically, with district offices listed before special district offices.
   (c) Candidate names. Names of candidates shall be in upper and lower case font. The space between candidate names in the same contest may be single-spaced or double-spaced.
   (d) Issue or public measure.
       1. Statewide constitutional amendment or other statewide public measure.
       2. County public measure including local option for merit selection and retention or election for circuit or county judge.
       3. Municipal public measure.
       4. Special district public measure. Special district public measures shall be listed in the same order as special district offices.

(8) Contest instructions. Immediately below the contest title for public office, the ballot shall instruct the voter about his or her choices as follows:

(a) In contests for office in which the voter may make only one choice, including offices with paired or joint candidates, the instruction shall read: (Vote for 1) or it may be spelled out as (Vote for One).

(b) In contests for office in which the voter may make more than one choice, the instruction shall read: (Vote for up to [enter number to be elected]). The number may be written numerically or spelled out.

(c) When a primary election includes one or more Universal Primary Contests, the phrase, Universal Primary Contest, shall appear in bold beneath the office title of the Universal Primary Contest and before the contest instruction.

(9) Contest choices.
   (a) Candidate names other than write-in candidates.
1. The list of names of nominees or candidates shall follow the instructions for contest choices as set forth in subsection (7).

2. Each nominee or candidate’s name shall be displayed in the following order notwithstanding any other order or designation as indicated on the candidate oath per section 99.021, F.S.

   a. First name or a shortened form as provided by the candidate or nominee (e.g., Rob, instead of Robert, or J. instead of James). A period shall immediately follow any designation of a first initial.

   b. Middle initial or middle name, and if applicable, a bona fide nickname by which the candidate or nominee is commonly or customarily known. If the oath includes both the first and last names and the nickname of a candidate, the nickname shall be enclosed in quotation marks (e.g., Garrett R. “Gator” Cane) on the ballot. If the candidate does not indicate on the oath that the nickname should be included with the candidate’s first name (e.g., Ted Davis printed on the oath for a candidate named Thomas Eugene Davis; or Dottie Smith printed on the oath for a candidate named Doris Smith), the nickname shall not be in quotation marks on the ballot (e.g., Ted Davis, not “Ted” Davis; or Dottie Smith, not “Dottie” Smith). A period shall immediately follow any designation of any middle initial(s).

   c. Surname (last name).

   d. Suffix such as Sr or Jr or II or sequential numbers. No comma shall be included in the name before any suffix and no period shall be included after a suffix; for example, the name on the ballot shall appear as John O. Doe Jr without further punctuation.

3. The name of each nominee or candidate shall be in upper and lower case letters.

4. Each name of a nominee or candidate shall be associated with a corresponding vote target.

   a. For oval, square, and rectangle vote targets, the name shall appear after the vote target.

   b. For a broken arrow vote target, the name shall be in front of the party designation, if applicable, and before the broken arrow.

   c. The name of the second candidate or nominee in a paired or joined candidacy shall appear indented under the name of the principal candidate. Only the principal candidate’s name shall have the party designation and vote target associated with it.

   (b) Write-in candidates.

   1. In a contest in which one or more write-in candidates have qualified, the phrase “Write-in” or “Write-in Candidate” shall appear directly after the end of the list of candidate names printed or displayed on the ballot for that contest. A blank line shall be placed after or immediately over Write-in or Write-in Candidate, and a corresponding vote target shall be associated with the blank line. In a contest with joint candidacies, no second write-in line is required.

   2. In a contest in which multiple candidates may be selected and more than one write-in candidate has qualified, the phrase “Write-in” or “Write-in Candidate” shall be added and a blank line for each number of selections, or for each number of qualified write-in candidates, whichever is less, shall appear on the ballot. The write-in option shall be added directly below the list of candidate names printed on the ballot for that contest and a corresponding vote target shall be associated with each blank line with the word Write-in (or the words Write-in Candidate) immediately preceding the blank line or over it. For example, when a contest is “Vote for up to 2,” and three write-in candidates have qualified, the contest would reflect the phrase “Write-in” or “Write-in Candidate(s)” and have two blank lines placed after or immediately over the word Write-in or words Write-in Candidate(s) with a corresponding vote target associated with each blank line to ensure that voters could write in the names of two of the three qualified write-in candidates if they so choose.

   (c) Party Affiliation.

   1. In a general election, the appropriate three-letter abbreviation of a political party name or no party affiliation (NPA) in capital letters shall be included for each candidate or pair of candidates in a partisan contest. The party abbreviation shall appear on the same line to the right of the candidate’s name or the first candidate’s name of a paired or joint candidacy.

   2. The party abbreviation placed on the ballot shall be the same abbreviation the Division of Elections assigns to the registered political party or as appears on the Division’s official certification of candidates for the election. The party abbreviation shall not be enclosed in parentheses.

   3. The party abbreviation shall not be included on primary election ballots, unless there is a Universal Primary Contest on one or more ballot styles in the county. In a Universal Primary Contest, the names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of the party name.

   (d) Incumbent designation. When the law permits the ballot to designate the incumbent on the ballot, the word incumbent shall appear in lower case letters to the right of the incumbent’s name.

   (e) Multiple contests under one contest title. When there are multiple contests under one contest title (e.g., judicial retention or party office (committeemen and committeewomen) contests), the contests shall be separated by a solid line across the column in
which the contest appears.

(10) Paper ballots.
(a) Paper stock. Paper ballots shall be on applicable paper stock so they may be properly read by the optical scan voting equipment. The paper ballot’s size shall be a minimum of 8 1/2" x 11" to a maximum of 11" x 22", not including optional ballot stubs that may be included on the ballot.
(b) Paper color. The ballot color shall be white. Color markings may be on the white-colored ballot.
(c) Ballot layout.
1. Ballot stub. An optional ballot stub of a minimum length of one inch to a maximum length of three inches may be located at the top or bottom of the paper ballot with the bottom being the preferred location. The stub should have a control number that may be used for later reconciliation of ballots.
2. Barcode. A paper ballot may contain an optional barcode to identify:
   a. The ballot, which barcode may be on the ballot, the ballot stub, or both. This barcode shall only identify the party, precinct, ballot style, page number, or type of ballot. The barcode may not be used in any manner to identify the voter.
   b. The voter’s voted choices on the ballot, which barcode may be located in any area of the ballot, except within the area containing the contests. This barcode shall only contain the voter’s selections and may not be used in any manner to identify the voter.
(d) Ballot Instructions.
1. Ballot instructions shall appear flush left or centered in normal or bold font with a minimum size of 10-point type (3.5mm) immediately below the ballot title either across the page or in the first column. The following instructions or substantially similar instructions shall appear:
   a. If the vote target is an oval, square, or rectangle:
      • Instructions: To vote, fill in the (oval) (square) (rectangle) completely (insert picture of either filled oval, filled square or filled rectangle) next to your choice. Use (insert type(s) of appropriate marking device).
      • If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.

Where a write-in candidate has qualified, add an additional instruction to read:
   • To vote for a write-in candidate, fill in the (oval) (square) (rectangle) and print the name clearly on the blank line provided for the write-in candidate.
   b. If the vote target is a broken arrow:
      • Instructions: To vote, connect the head and tail of the arrow pointing to your choice (insert picture of a completed arrow) next to your choice. Use (insert type(s) of appropriate marking device).
      • If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.

Where a write-in candidate has qualified, add an additional instruction to read:
   • To vote for a write-in candidate, complete the arrow and print the name clearly on the blank line provided for the write-in candidate.
2. The space for marking the vote target shall comply with the voting system’s specifications. In contests for retention, constitutional amendments or other public measures, the choices Yes and No shall follow the ballot question in upper and lower case letters on separate lines.

(e) Vote target. The vote target may be an oval, square, rectangle, or broken arrow icon. The oval, square, and rectangle shall be in black outline. The broken arrow’s head and tail shall be black and the broken area of the arrow shall have a narrow gray or black line between the arrow’s head and tail. The alignment of the vote target shall be at an available location that allows it to be flush or indented from the left margin for an oval, square, or rectangle and from the right margin for a broken arrow.

(f) Ballot front page. The front page of the paper ballot shall conform to the following requirements:
1. The ballot title shall appear as set forth in subsection (5).
2. The election contest(s) shall appear as set forth in subsections (6), (7), (8), and (9).

(g) Ballot footer. A ballot footer shall appear on the bottom of the front page and the bottom of the reverse page if one or more contests appear on the reverse page of the ballot. The text shall be in bold, upper and lower case text, with a minimum font of 10-point (3.5mm) type, and read: Vote Both Sides of Page.

(h) Reverse side of ballot front page. The reverse side of the first page of the paper ballot, if a reverse side is required, shall conform to the requirements for the front page of the ballot, except the ballot title and ballot instructions need not be included.
(i) Multiple ballot sheets. A second ballot sheet of paper and any additional ballot sheets of a paper ballot, if applicable, shall conform to the requirements of the reverse side of the first page of a paper ballot. When multiple ballot sheets exist, page numbers for each ballot page may be inserted for clarification. If page numbers are used, both the current page number and the total page count shall be provided and be located in the same place on each page; for example, Page 1 of 4, Page 3/4, 3 of 5, or similar notations.

(j) Contest designation. Each contest title on the paper ballot shall be in a box outlined in black type or, in the absence of an outline box, each contest title shall have a straight black line above the top of the contest title.

(11) Visual display ballots.

(a) Display.

1. The initial or welcome screen shall contain the ballot title set forth in subsection (5), and may have an icon for the county’s seal. The start of the visual introduction or welcome screen can be manual or automatic and may continue on more than one screen.
2. The visual display may have accompanying audio which reads the text on the visual display ballot.
3. The visual display ballot may have color background and color text.
4. The visual display may have contrast and magnification capabilities.

(b) Choice selection. The voter must be able to make selections using a keyboard, number keypad, tactile device, assistive device, mouse, or finger touch.

(c) Ballot instructions. The visual display ballot instructions may appear at any point before the contest choices or may be posted separately and prominently in each voting booth. The instructions on a visual display ballot shall inform the voter how to:

1. Select a language other than English for the ballot and have the remainder of the visual display ballot displayed in the selected language. This instruction is only required if two or more language choices are offered or required in the county for its voting system.
2. Start voting the ballot.
3. Mark a choice and how that choice will be reflected or appear on the screen, to include how to vote for a write-in candidate.
4. Vote for a qualified write-in candidate whose name is not printed on the ballot. This instruction is to be added in which one or more write-in candidates have qualified for an office.
5. Change or undo a choice if the voter changes his or her mind on a particular candidate or issue.
6. Proceed to the next ballot page.
7. Go back a screen.
8. Review his or her choices before casting the ballot.
9. Cast the ballot in order for his or her vote to be recorded.

(d) Contest title. Before the listing of the election contests on a visual display ballot, the contest title shall appear as specified in subsection (6).

(e) Contest order. The visual display ballot shall list the contests in the order specified in subsection (7).

(f) Contest choices.

1. Below the contest title, the ballot shall direct the voter about the choices in each contest as specified in subsection (8).
2. Each screen of a visual display ballot may have one or more contests on the screen.
3. Each screen of the visual display ballot shall display all candidates in a contest, but if not all candidates can be displayed at the minimum font size on one screen, the visual display shall indicate that additional candidates are on a following display or on a scroll display.
4. The vote target shall be flush or indented on either the left or right side.
5. The selection of choice may be made at the vote target or anywhere on the line containing the vote target.
6. For any public measures, the text may be displayed on as many screens as necessary to accommodate the text. Any coding of the text shall be displayed in the same manner as on paper ballots.

(g) Undervoted contest. The visual display ballot shall indicate to the voter when the voter did not select the total number of allowable vote(s) in a contest.

(h) Final instructions before casting the ballot.

1. The visual display shall indicate to the voter if the voter is about to cast a blank ballot and that no vote on the ballot will be counted.
2. The visual display shall allow the voter to review the ballot and make any desired changes.
3. The visual display shall provide a clear instruction how to cast the ballot and confirm whether the voter desires to cast the ballot.

4. The visual display shall visually display that the ballot was cast and voting is complete.

(12) Hybrid voting system.

(a) Electronic display requirements. The electronic display for a hybrid voting system shall comply with the requirements for a visual display ballot contained in this rule.

(b) Paper output requirements. The font of the paper output must be no less than 10-point type and the paper output itself may be of any size and format so long as it includes all contests and selections and the output can be properly tabulated. The paper output must contain:

1. Human readable text without abbreviations or shortened text for the ballot title, except dates may be in all numeric text, for example, 08/26/2014;
2. Human readable text identical in content as displayed on the visual display ballot for each contest title for which the voter made a selection;
3. Human readable text identical in content as displayed on the visual display ballot for the voter’s selections in each contest; and,
4. If the paper output is designed for the tabulator to read the barcode or optical label, a corresponding barcode or other machine-readable optical label for each of the voter’s selections.

(13) Audio ballot.

(a) Audio format.

1. The audio system shall allow the voter to change the volume at any point in the balloting process.
2. An audio voting device may have both a visual display ballot and an audio ballot separately or in combination.
3. Audio can be synthesized voice or recorded human speech, which speech may be a male or female voice.
4. The audio ballot shall have the capability for a voter to use either a headphone or tactile interface device to listen to the audio.
5. The audio ballot must produce auditory feedback tones for providing important and necessary information to the voter.
6. All instructions, information, text, and candidate names shall be given without voice inflection so as to favor or disfavor any potential selection.

7. The order of election contests on the audio ballot shall be the same as the requirements in subsection (7).

(b) Audio introduction. The start of the audio introduction can be manual, automatic, or continual repetition. The default language for the audio ballot is English. The introduction shall repeat itself in all applicable languages until the voter confirms to continue with the ballot in English or makes a change to a different language. The introduction must have instructions regarding how the voter may select an additional language. If the voter chooses another language, the remainder of the audio shall be in the selected language.

(c) At the beginning, the audio ballot shall instruct the voter as to:

1. The ballot title, party identification for a primary election, and the number of contests on the ballot.
2. How to have an instruction repeated.
3. How each contest is indicated on the ballot, and if applicable, the number associated with the contest to facilitate the voter’s ability to locate the contest on the ballot.
4. How to return to a previous contest on the ballot.
5. How to proceed from one contest to another or from one candidate to another.
6. How to make and change a selection in a contest.
7. How to repeat the selections made.
8. How to confirm a choice that has been made.
9. How to enter a write-in candidate’s name and vote for the write-candidate.

(d) During the voting session, the audio ballot shall inform the voter of:

1. The contest title and optional contest number of the contest, the number of available votes which can be cast in the contest, the number of candidates for the office, the candidates’ names and their corresponding party designation, if included on the ballot, and whether a candidate is an incumbent if authorized by section 101.151, F.S.
2. Any constitutional amendment as specified in the following order:
   a. No. _____ Constitutional Amendment, Article ____, Section ____.
b. The ballot title for the proposed amendment.
c. The ballot summary for the proposed amendment, or when applicable, the full text of the proposed constitutional amendment or revision, followed by the financial impact statement, if provided.
d. The choices of Yes and No.
3. Any other public measure in the following order: the ballot title, ballot summary, and the choices of Yes and No.
4. When the voter has not made a selection in a contest or has selected less than the allowable number of choices for the contest.
5. How the voter can change or undo a selection for a candidate or choice.
6. How the voter can continue to the next contest on the ballot.
7. That the voter has reached the end of the ballot.
8. Review his or her choices before casting the ballot and to make any desired changes.
9. How to cast the ballot.
10. A confirmation that the ballot was cast and that voting has been completed.

(14) Deviation from the rule.
A supervisor of elections may reasonably deviate from the requirements of this rule to the extent necessary for any of the following reasons:
   (a) There are more candidates for a contest than will fit in one column or screen.
   (b) The candidate’s name is longer than will allow the party abbreviation to fit to the right of the candidate’s name.
   (c) A candidate’s name is too long to fit on one line in the minimum font size.
   (d) The party abbreviation cannot be printed in the minimum font size without going onto a second line.
   (e) Printing the (Vote for 1) or (Vote for up to [enter number to be elected]) designations in the minimum font size will require an additional ballot card.
   (f) The voting system will not permit the suppression of party abbreviations on ballots when a universal primary contest exists.
   (g) Any other extraordinary circumstances which cannot reasonably be accommodated except by deviation from the requirements of the rule.

(15) Graphic depiction of ballots.
   (a) The forms in this paragraph represent illustrations of uniform presidential preference primary, primary, and general election ballots which may be adapted to each type of voting system certified in Florida based upon the requirements of each voting system and this rule (e.g., font size, flush left or centering of the ballot title, and placement of ballot instructions in the first column or centered across the page). Common examples of adaptations may include, but not be limited to, the insertion of timing marks and barcodes on the ballot, precinct designations, vote targets being of a different type, or vote targets being at a different location on the ballot; otherwise, the ballot used in an election shall be substantially in accordance with one of the following applicable forms:
   1. DS-DE 200 (eff. 01/2016), Presidential Preference Primary ballot (https://www.flrules.org/Gateway/reference.asp?No=Ref-06434);
   2. DS-DE 201 (eff. 01/2016), Democratic Primary ballot, not containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06435);
   3. DS-DE 202 (eff. 01/2016), Republican Primary ballot, not containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06436);
   4. DS-DE 203 (eff. 01/2016), Nonpartisan Primary ballot, not containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06437);
   5. DS-DE 204 (eff. 01/2016), Democratic Primary ballot, containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06438);
   6. DS-DE 205 (eff. 01/2016), Republican Primary ballot, containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06439);
   7. DS-DE 206 (eff. 01/2016), Nonpartisan Primary ballot, containing a universal primary contest (https://www.flrules.org/Gateway/reference.asp?No=Ref-06440);
   8. DS-DE 207 (eff. 01/2016), General Election ballot (https://www.flrules.org/Gateway/reference.asp?No=Ref-06441); and,
   (b) The forms in paragraph (a), are hereby incorporated by reference and may be obtained from the Division of Elections, R.A.
Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or may be printed directly from the Division of Elections’ website.


Retrieved on 7/29/19 by EDR staff from: https://www.flrules.org/
Ch. 2019-115  LAWS OF FLORIDA  Ch. 2019-115

SECTION 6 - GENERAL GOVERNMENT

PROGRAM: ELECTIONS

ELECTIONS

APPROVED SALARY RATE  2,227,709

3149 SALARIES AND BENEFITS POSITIONS  56,00
FROM GENERAL REVENUE FUND   3,294,302
FROM FEDERAL GRANTS TRUST FUND   88,514
FROM FEDERAL GRANTS TRUST FUND   319,284

3151 EXPENSES
FROM GENERAL REVENUE FUND   717,068
FROM FEDERAL GRANTS TRUST FUND   604,437

3152 AID TO LOCAL GOVERNMENTS SPECIAL ELECTIONS
FROM GENERAL REVENUE FUND   2,400,000

3153 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND   10,086
FROM FEDERAL GRANTS TRUST FUND   3,125

3154 SPECIAL CATEGORIES VOTING SYSTEMS ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND   525,000

3155 SPECIAL CATEGORIES STATEWIDE VOTERS REGISTRATION SYSTEM - HELP
AMERICA VOTE ACT (HAVA)
FROM GENERAL REVENUE FUND   2,787,751

3156 SPECIAL CATEGORIES CONTRACTED SERVICES
FROM GENERAL REVENUE FUND   283,502
FROM FEDERAL GRANTS TRUST FUND   300,058

3157 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND   62,901

3158 SPECIAL CATEGORIES ELECTION FRAUD PREVENTION
FROM GENERAL REVENUE FUND   445,379

3159 SPECIAL CATEGORIES LEASE OR LEASE-PURCHASE OF EQUIPMENT
FROM GENERAL REVENUE FUND   29,669

3160 SPECIAL CATEGORIES GRANTS AND AIDS - ELECTION SECURITY GRANTS
FROM FEDERAL GRANTS TRUST FUND   2,800,000

Funds provided in Specific Appropriation 3160, shall be distributed to
county Supervisors of Elections for the continuation of cybersecurity
initiatives and improvements made by Supervisors of Elections at the
local level and in preparation for the 2020 Presidential Election.

County Supervisors of Elections will receive funds only after providing
the Department of State a detailed description of the programs that will
be implemented. Funds distributed to county Supervisors of Elections
require a certification from the county that matching funds will be
provided in an amount equal to fifteen percent of the amount to be
received from the state.

3161 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SHUVICS
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND   7,776
FROM FEDERAL GRANTS TRUST FUND   5,597

CODING: Language strikes have been vetoed by the Governor
Tab 3

Other States
Hello Pam and Jesse,

Thank you for your patience as we worked to gather this information. I’m going to jump right into what we were able to collect.

**Constitutional Language Change**

- For some quick background on North Dakota, [here is a blog](#) I wrote last year regarding ballot measures on the 2018 ballot, including North Dakota’s.

- Here is the language of the amendment, as well as the analysis/fiscal impact from the secretary of state’s office. A legislative staff contact in North Dakota you could reach out to is Claire Ness (claireness@nd.org).

- At least 22 states (see attached document on constitutional language) use the phrase “Every citizen”, while it seems only North Dakota uses the phrase “Only a citizen.” North Dakota made that change in 2018 and we are not aware of any other recent changes in state constitutions regarding this language.

- When an individual registers there are often procedures and checks election officials run to verify the information provided by the registrant, which could include citizenship. If you’d like more information on this process, I’m happy to provide more. The statutory language below from Tennessee is a good example of this process.

  **Tenn. Stat. § 2-2-141**

  (a) The coordinator of elections shall compare the statewide voter registration database with the department of safety database to ensure non-United States citizens are not registered to vote in this state. The coordinator of elections is authorized to compare the statewide voter registration database with relevant federal and state agencies and county records for the same purpose. If evidence exists that a particular registered voter is not a citizen of the United States, the coordinator of elections shall notify the county election commission where the person registered to vote that the registered voter may not be a citizen of the United States.

  (b) After receiving such notice, the county election commission shall send a notice to the registered voter inquiring whether the individual is eligible to be registered to vote. Any registered voter who receives the notice shall, within thirty (30) days of the receipt of such notice, provide proof of citizenship to the county election commission. For purposes of this subsection (b), proof of citizenship includes:

  1. The voter’s birth certificate or a legible photocopy of the birth certificate;
  2. A United States passport, or a legible photocopy of the pertinent pages of the passport, identifying the voter and showing the passport number;
  3. The voter’s United States naturalization documentation, a legible photocopy of the naturalization documentation, or the number of the voter’s certificate of naturalization; except that any person who provides the number of the certificate of naturalization in lieu of the
naturalization documentation shall not be deemed to have provided proof of citizenship until the coordinator of elections verifies the number with the United States citizenship and immigration services in the department of homeland security or its successor; or


- There are two other notable stories of states legislating requirements to provide evidence of citizenship when registering to vote. Those states are Arizona and Kansas. Both states faced legal battles concerning the new laws.

  - **Arizona:** Enacted Ariz. Rev. Stat. Ann. § 16-166(F) in 2004 which required prospective voters to produce “satisfactory evidence of US citizenship” in order to register to vote. The law effectively required registrars and those registration offices to incorporate verification of citizenship into their ordinary registration approval procedures. In *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1 (2013), the Supreme Court struck down the additional requirements as violating the National Voter Registration Act (NVRA) because the additional citizenship documents required by Arizona conflicted with the mandated federal registration form’s lesser requirement to register of swearing to citizenship under penalty of perjury. The Court did make 2 important notes: (1) the holding did not preclude states from denying registration based on information that was in the state’s possession that established the applicant’s ineligibility, and (2) Arizona could still apply to the U.S. Election Assistance Commission (EAC) to add requirements to their federal form in order to meet state level requirements, an action that Louisiana successfully sought previously. If the EAC denied their application, the state can still sue under the APA to challenge the denial.

  - **Kansas:** Enacted Kan. Stat. Ann. § 25-2309(l), which required prospective voters to produce “documentary proof of citizenship” in order to successfully register to vote. Similar to the Inter Tribal Council Case out of Arizona, the court struck down the requirement in *Fish v. Kobach*, F. Supp. 3d 1048 (D. Kan. 2018) on the grounds the additional requirements for registration conflicted with the NVRA’s mandated federal registration form. The court also held the law violated the 14th Amendment Equal Protection Clause because the state’s admittedly legitimate interests in preventing non-citizens from voting did not justify the quantifiable burdens it placed on Kansas citizens who hadn’t been registered to vote when the law went into effect.

**Top Two Primaries**

Below is some information we were able to gather regarding California’s and Washington’s changes to a top two primary system.

**California**—established in 2010 by legislatively-referred *Measure 14*

- Only applies to primaries for statewide offices, and did not change party primaries for president or political party officers
- June 8, 2010 primary election: 53.73% YES; 46.27% NO
- **Expected Fiscal Impact**
  - Could increase state and county costs in preparing, printing, and mailing ballots
    - Ballots will be longer
  - Could reduce election costs
    - Eliminating the need to prepare different ballots for each party
    - For general elections, there would be a reduced number of candidates and ballots will be shorter
  - Costs and savings expected to be minor and offset one another
  - Indirect fiscal effects that might result from different individuals being elected to different offices and making different decisions are unknown and impossible to estimate
- **Court Upholds Prop 14 Bans on Write-In Votes, Unqualified Parties**
Opponents found the requirement that a candidate state party preference for a qualified party—excluding independent and minor, unqualified party candidates—unconstitutional. *Libertarian Party of California v. March Fong Eu* ruled that “maintaining the integrity of California ballots outweighed an individual candidate’s right to identify as independent or a member of a non-qualified party.”

Opponents argued that the “prohibition against counting write-in votes on the run-off ballot contradicts” the election code provision allowing write-in votes. *Edelstein v. Fado* decided that voters’ rights to write-in voting is protected if they are “permitted to write in candidates in at least one of two rounds of voting in a single election,” which means writing-in in the primary was sufficient, and did not need to be extended to the run-off.

- **Field v. Bowen**
  - Upholds *Libertarian Party of California v. March Fong Eu*
  - Upholds the provision in Measure 14 that prevents write-in votes in the general election from being counted

**Washington**—enacted in 2004 by citizen-initiated statute Initiative 872
- Applies to statewide primaries
- Nov. 2, 2004 General Election: 59.85% YES, 40.14% NO
- Was passed in 2004, but did not begin implementing it until 2008 after this process had been upheld by the Supreme Court
- **Fiscal Impact**
  - Annual cost for the primary election could be as much as $6 million less for the state and the county due to ballot size, the number of ballots, and associated processing procedures
  - One-time costs for public education and voter notification of the changes in the system may cost the state $1.3 million

I hope we covered everything we promised we would. Please let us know if we missed anything or if you have any further questions or want us to dig into anything further.

Best,

Dylan Lynch
Policy Specialist—Elections and Redistricting
National Conference of State Legislatures
7700 E. First Place, Denver, CO 80230
303-856-1532 (o)
720-544-1085 (c)
www.ncsl.org
*Strong States, Strong Nation*

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Submitted February 18, 2010

Proposition 14

Elections: Open Primaries.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact

- **Fiscal Impact**: No significant net change in state and local government costs to administer elections.

Yes/No Statement

A **YES** vote on this measure means: All voters would receive the same primary election ballot for most state and federal offices. Only the two candidates with the most votes—regardless of political party identification—would advance to the general election ballot.

A **NO** vote on this measure means: Voters would continue to receive primary election ballots based on their political party. The candidate with the most votes from each political party would continue to advance to the general election ballot.

Background

**Primary and General Elections.** California generally holds two statewide elections in even-numbered years to elect candidates to state and federal offices—a primary election (in June) and a general election (in November). These elections (such as those for Governor and Members of Congress) are partisan, which means that most candidates are associated with a political party. For these partisan offices, the results of a primary election determine each party’s nominee for the office. The candidate receiving the most votes in a party primary election is that party’s nominee for the general election. In the general election, voters choose among all of the parties’ nominees, as well as any independent candidates. (Independent candidates—those not associated with a party—do not participate in primary elections.) The winner of the general election then serves a term in that office.

**Ballot Materials Under Current Primary System.** For every primary election, each county prepares a ballot and related materials for each political party. Those voters affiliated with political parties receive their party’s ballot. These party ballots include partisan offices, nonpartisan offices, and propositions. Voters with no party affiliation receive ballots related only to nonpartisan offices and propositions. Parties, however, may allow voters with no party affiliation to receive their party’s ballot.

**Partisan Statewide Elections in California.** Partisan elections for state office include those for the Governor, Lieutenant Governor, Controller, Secretary of State, Treasurer, Insurance Commissioner, Attorney General, the 120 members of the Legislature, and four members of the State Board of Equalization. (The Superintendent of
Public Instruction is a nonpartisan state office. Partisan elections also are held for federal offices including President, Vice President, and Members of Congress.

Proposal

This measure, which amends the State Constitution, changes the election process for most state and federal offices. Its provisions and related legislation would take effect for elections after January 1, 2011.

Creates a Top-Two Primary Election. This measure creates a single ballot for primary elections for those congressional and state elective offices shown in Figure 1. Candidates would indicate for the ballot either their political party (the party chosen on their voter registration) or no party preference. All candidates would be listed—including independent candidates, who now would appear on the primary ballot. Each voter would cast his or her vote using this single primary ballot. A voter registered with the Republican Party, for example, would be able to vote in the primary election for a candidate registered as a Democrat, a candidate registered as a Republican, or any other candidate. The two candidates with the highest number of votes in the primary election—regardless of their party preference—would advance to compete in the general election. In fact, the two candidates in the general election could have the same party preference.

<table>
<thead>
<tr>
<th>Offices Affected by Proposition 14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide Officials</td>
</tr>
<tr>
<td>Governor</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
</tr>
<tr>
<td>Secretary of State</td>
</tr>
<tr>
<td>Treasurer</td>
</tr>
<tr>
<td>Controller</td>
</tr>
<tr>
<td>Insurance Commissioner</td>
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<tr>
<td>Attorney General</td>
</tr>
<tr>
<td>Other State Officials</td>
</tr>
<tr>
<td>State Senators</td>
</tr>
<tr>
<td>State Assembly Members</td>
</tr>
<tr>
<td>State Board of Equalization Members</td>
</tr>
<tr>
<td>Congressional Officials</td>
</tr>
<tr>
<td>United States Senators</td>
</tr>
<tr>
<td>Members of the U.S. House of Representatives</td>
</tr>
</tbody>
</table>

Figure 2 illustrates how a ballot for an office might appear if voters approve this measure and shows how this is different from the current system.
**Does Not Affect Presidential Elections and Political Party Leadership Positions.** Under this measure, there would still be partisan primary elections for presidential candidates and political party offices (including party central committees, party officials, and presidential delegates).

**Fiscal Effect**

**Minor Costs and Savings.** This measure would change how elections officials prepare, print, and mail ballot materials. In some cases, these changes could increase these state and county costs. For instance, under this measure, all candidates—regardless of their party preference—would be listed on each primary election ballot. This would make these ballots longer. In other cases, the measure would reduce election costs. For example, by eliminating in some instances the need to prepare different primary ballots for each political party, counties sometimes would realize savings. For general election ballots, the measure would reduce the number of candidates (by only having the two candidates who received the most votes from the primary election on the ballot). This would make these ballots shorter. The direct costs and savings resulting from this measure would be relatively minor and would tend to offset each other. Accordingly, we estimate that the measure’s fiscal effects would not be significant for state and local governments.
**Indirect Fiscal Effects Impossible to Estimate.** In some cases, this measure would result in different individuals being elected to offices than under current law. Different officeholders would make different decisions about state and local government spending and revenues. These indirect fiscal effects of the measure are unknown and impossible to estimate.
Thank you to everyone involved. We have no follow up questions for now. We will contact you if that changes.

From: Schroeder, Nick (LAO) <Nick.Schroeder@LAO.CA.GOV>
Sent: Tuesday, July 30, 2019 1:32 PM
To: Holland, Joe <Holland@co.santa-barbara.ca.us>; Kelley, Neal <Neal.Kelley@rov.ocgov.com>; 'DLogan@rrcc.lacounty.gov' <DLogan@rrcc.lacounty.gov>
Cc: Schenker, Pamela <SCHENKER.PAMELA@leg.state.fl.us>; ATKINSON.JESSE <Atkinson.Jesse@leg.state.fl.us>; Chu, Carolyn <Carolyn.Chu@LAO.CA.GOV>; 'Cathy Darling Allen' <cdarling@co.shasta.ca.us>
Subject: RE: **EXTERNAL** FW: Effects of Top Two Primary on Counties

Thank you for your responses. I’m sure our friends in Florida may have follow-up questions.

From: Holland, Joe [mailto:Holland@co.santa-barbara.ca.us]
Sent: Tuesday, July 30, 2019 10:28 AM
To: Kelley, Neal; Schroeder, Nick (LAO); 'DLogan@rrcc.lacounty.gov'
Cc: Schenker, Pamela (SCHENKER.PAMELA@leg.state.fl.us); ATKINSON.JESSE@leg.state.fl.us; Chu, Carolyn; 'Cathy Darling Allen'
Subject: RE: **EXTERNAL** FW: Effects of Top Two Primary on Counties

Hi Nick

I did not see your email as I was at the CACEO Conference last week.

It is difficult to estimate costs for the top two primary. Mostly due to the fact that elections change significantly from year to year.

It is very difficult to quantify any cost savings in non-Presidential Primary years. Party ballots are still needed for Presidential primaries and for Party Central Committee contests. In California we convinced the party central committees to move their contests to the Presidential Primary years when we are already printing party ballots.

One of the biggest potential costs, due to the top two, is having so many candidates for multiple contests could lead to having to create a second ballot card. For example the 2018 contest for Governor had 27 candidates. In Santa Barbara County we did not need to go to a second ballot – but it was close. A second ballot would have been very costly.

I have copied Cathy Darling Allen on this email – in case she has any cost figures – my guess is that she does not have the costs broken out in a manner that would highlight any savings. Cathy is heading up a committee collecting election costs.

Thanks

Joe
From: Kelley, Neal [mailto:Neal.Kelley@rov.ocgov.com]
Sent: Monday, July 29, 2019 4:05 PM
To: Schroeder, Nick (LAO) <Nick.Schroeder@LAO.CA.GOV>; 'DLogan@rrcc.lacounty.gov' <DLogan@rrcc.lacounty.gov>; Holland, Joe <Holland@co.santa-barbara.ca.us>
Cc: Schenker, Pamela (SCHENKER.PAMELA@leg.state.fl.us) <SCHENKER.PAMELA@leg.state.fl.us>; Atkinson.Jesse@leg.state.fl.us; Chu, Carolyn <Carolyn.Chu@LAO.CA.GOV>
Subject: Re: **EXTERNAL** FW: Effects of Top Two Primary on Counties

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Nick,

Thanks for the follow up – I did receive the original email. Since I am not involved in the cost project with our Association I will defer to Joe (as our current CACEO president). Obviously the data we have compiled at the Association level would be the best source for providing a single response (plus it would provide some statewide perspective).

Thank you,
Neal

From: "Schroeder, Nick (LAO)" <Nick.Schroeder@LAO.CA.GOV>
Date: Monday, July 29, 2019 at 1:31 PM
To: Dean Logan <DLogan@rrcc.lacounty.gov>, Neal Kelley <Neal.Kelley@rov.ocgov.com>, Joe Holland <holland@co.santa-barbara.ca.us>
Cc: "Schenker, Pamela (SCHENKER.PAMELA@leg.state.fl.us)" <SCHENKER.PAMELA@leg.state.fl.us>, "Atkinson.Jesse@leg.state.fl.us" <Atkinson.Jesse@leg.state.fl.us>, "Chu, Carolyn" <Carolyn.Chu@LAO.CA.GOV>
Subject: **EXTERNAL** FW: Effects of Top Two Primary on Counties

Hi Dean, Joe, and Neal,

We did not receive any responses from you with regards to the below email I sent last week. Would you please confirm that you received the email and—if possible—respond to the questions posed in that email?

Thank you,
Nick

PS: I erroneously sent the below email to a bad email address for Joe, but followed up with a direct email to the email address I used for the above message.
Hi Dean, Joe, and Neal:

Hope you are doing well. The equivalent of our office in Florida (copied to this email) is conducting a fiscal analysis of a proposed constitutional measure in that state that would implement a top-two primary for Florida state offices (Legislature, Governor, and cabinet), similar to California’s Proposition 14 (2010). Their role is very similar to our office’s role in California’s initiative process. The CACEO has always been very helpful to our office when we estimate fiscal effects of measures that may appear on the ballot. Further, it’s always helpful to hear the experience of your individual counties.

We were hoping that you might be able to provide our friends in Florida information about the effects of Proposition 14 on the counties since the law was implemented. They are operating under a tight timeframe and have open meetings on the issue next week. If possible, they would appreciate if you could respond to the below questions by the end of this week.

In our analysis of Proposition 14 (2010) for the Voter Information Guide, we concluded the fiscal effect to have:

“This measure would change how elections officials prepare, print, and mail ballot materials. In some cases, these changes could increase these state and county costs. For instance, under this measure, all candidates—regardless of their party preference—would be listed on each primary election ballot. This would make these ballots longer. In other cases, the measure would reduce election costs. For example, by eliminating in some instances the need to prepare different primary ballots for each political party, counties sometimes would realize savings. For general election ballots, the measure would reduce the number of candidates (by only having the two candidates who received the most votes from the primary election on the ballot). This would make these ballots shorter. The direct costs and savings resulting from this measure would be relatively minor and would tend to offset each other. Accordingly, we estimate that the measure’s fiscal effects would not be significant for state and local governments.”

I think the above statement is relatively accurate.

Questions for your consideration. If possible, please answer the below questions from the perspective of your respective county’s experience of switching to the top-two primary system and share any insights you might have from CACEO with regards to the experiences of other counties in the state.

- In what ways did actual experience differ from our office’s estimated fiscal effect of the measure?
- On net, relative to the closed primary system, what effect did the top-two primary have on county election administration costs? (If specific dollar net costs/savings are not known, please provide a direction and magnitude of the effect—for example, “increased county costs by hundreds of thousands of dollars” or even less specific “significantly reduced county costs.”)
- What were the primary costs associated with adopting the top-two primary system (printing, mailing, other)? There might have been print savings in the non-presidential primary years. If a second ballot card was needed – costs would go up.
- What were the primary savings associated with adopting the top-two primary system (printing, mailing, other)? There might have been print savings in the non-presidential primary years. If a second ballot card was needed – costs would go up.
- Did the fiscal effect of implementing the top-two primary system vary in the short vs. long-term? For example, was there a higher cost in the beginning to set up the new system? I don’t think so.
- In the years since California adopted the top-two primary system, a lot of other election-related changes have been implemented (for example, voting equipment upgrades, vote centers). However, do you have a sense of whether the top-two primary has had an effect on turnout? Very difficult to tell.
- Did counties’ experiences differ depending on whether voters in a county predominantly vote-by-mail vs. vote in person? I don’t think so.

Thank you very much for your assistance on this matter.

Best,
Nick

Nick Schroeder
Principal Fiscal and Policy Analyst
California Legislative Analyst's Office | www.lao.ca.gov/
(916) 319-8314 | Nick.Schroeder@lao.ca.gov
VOTERS' PAMPHLET
State General Election • November 2, 2004

Let Freedom Ring...

VOTE!

Published by the Office of the Secretary of State

Edition 16
INITIATIVE MEASURE 872
PROPOSED TO THE PEOPLE

Official Ballot Title:
Initiative Measure No. 872 concerns elections for partisan offices.
This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party.
Should this measure be enacted into law? Yes [ ] No [ ]

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 872 begins on page 27.

Fiscal Impact Statement

Summary of Fiscal Impact
Initiative 872 would authorize a primary election allowing the two candidates with the most votes to advance to the general election, regardless of political party, starting with the primary election in September 2005. Annual costs for this primary election system could be as much as $6.0 million lower for the state and counties compared to current law. The lower cost of the primary election system is due to ballot size, the number of ballots, and associated processing procedures. One time costs for public education and voter notification of changes in the primary election system may cost the state $1.3 million.

Assumptions for Analysis of I-872
- As the State Elections Officer, the Secretary of State is projected to spend up to $1.3 million on one-time costs associated with implementing the new primary system. The most notable one-time cost is a voter outreach campaign to educate voters about changed requirements. The Secretary of State's Office is expected to spend up to $1 million to conduct a media campaign and up to $305,000 to publish an eight-page primary voter's pamphlet prior to the primary election in September that explains the primary system changes to voters. Other one-time costs associated with implementing a new primary are as follows: developing new election processes/procedures; designing a new ballot; and training election and poll-site staff on new processes. The Secretary of State's Office estimates that they would spend up to $25,000 on these activities.
- County auditors, who administer elections at the county level, are expected to save up to $6 million annually for on-going costs associated with implementation of the new primary election system. The state, which reimburses the counties for odd-year primary election costs, would share this cost savings. The current system requires either multiple ballots or a larger consolidated ballot that enables voters to either vote by party for all offices or vote only for non-partisan offices. The new primary election system reduces ballot publishing and processing costs.
The law as it presently exists:

The process for electing candidates to federal, state and local offices involves both a primary and a general election. The primary, which is conducted in September, plays a major role in determining which candidates appear on the ballot for the following general election. The general election takes place in November, and is the voters' opportunity to select which of the candidates who appear on the general election ballot (or a write-in) should be elected to office.

The current system, described below, applies to "partisan" offices, which are offices to which candidates are elected using a party affiliation. They include United States Senator, members of Congress, most statewide elected offices (Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Public Lands, and Insurance Commissioner), the state legislature, and most county offices. "Nonpartisan" offices are elected without reference to political party, and include judges (at all levels), the Superintendent of Public Instruction, offices of cities and special districts, and county offices where provided by local charter. Elections for nonpartisan offices are conducted differently from the system described below, and are not affected by the proposed initiative. Elections for President and Vice President of the United States are also not affected by the proposed initiative.

The way in which primaries are currently conducted is the product of longstanding Washington law, a recent lawsuit, and new 2004 legislation. Before it was declared unconstitutional by the courts in 2003, Washington used a system that was commonly known as the "blanket primary." Under that system, all candidates for a particular partisan office appeared together on the primary ballot, and a voter could vote for a candidate of one party for one office and a candidate of another party for a different office. The top vote getter of each major political party (currently meaning the Republicans, Democrats, and Libertarians) then advanced to the general election. Minor party and independent candidates could also advance to the general election if they received at least 1% of the votes for that office. The general election ballot, therefore, included the top candidate of each major party and some minor party or independent candidates as well.

In late 2003, a federal court ruled that the blanket primary was unconstitutional. All appeals in that case have been exhausted and the result is final. This means that a court order prohibits Washington from continuing to use the blanket primary system used in the past.

In response to this court decision, a new law was enacted in 2004 establishing a different way of conducting primaries for partisan offices. This new system applied for the first time at the September 2004 primary. Under the new system, separate primary contests are conducted for each major political party. In order to vote for partisan offices, a voter selects a primary ballot of a particular political party. Voters do not register by party and no record is made of the voters' choices. In the primary, the voter is limited to choosing among the candidates of the party whose ballot he or she selects, and may not vote for candidates affiliated with any other party. Nonpartisan offices and ballot measures appear separately, and a voter may cast votes for those offices and measures regardless of whether the voter cast votes for partisan offices.

The system adopted for use beginning in 2004 does not change the way voters participate in the general election conducted in November of each year. The general election ballot includes the candidate of each major political party who received the most votes at the primary, as well as any minor party or independent candidates who qualify through a convention and petition process. Voters are not limited to a single party at the general election. At the general election voters may choose among candidates of each major political party, as well as any minor party or independent candidates who qualify.

The effect of the proposed measure, if it becomes law:

This measure would change the system used for conducting primaries and general elections for partisan offices. The initiative would replace the system of separate primaries for each party, as adopted and used for the first time in 2004, with a system in which all candidates for each partisan office would appear together on the primary ballot. Candidates would be permitted to express a party preference or declare themselves independents, and their preference or status would appear on the ballot. The primary ballot would include all candidates filing for the office, including both major party and minor party candidates and independents. Voters would be permitted to vote for any candidate for any office, and would not be limited to a single party.

The general election ballot would be limited to the two candidates who receive the most votes for each office at the primary, whether they are of the same or different political preference. The measure would replace existing provisions that candidates of each major political party, as well as any minor party or independent candidates who qualify, appear on the general election ballot. This measure would change the way that candidates qualify to appear on the general election ballot, but would not otherwise change the way general elections are conducted. This measure would not change the way that primaries or general elections are conducted for nonpartisan offices.
STATEMENT FOR INITIATIVE MEASURE 872

VOTE FOR THE PERSON — NOT THE PARTY

Last year the state party bosses won their lawsuit against the blanket primary, and in 2004 they convinced the Governor to veto legislation allowing voters to continue to vote for any candidate in the primary. Most of us believe this freedom to select any candidate in the primary is a basic right. Don’t be forced to choose from only one party’s slate of candidates in the primary. Vote Yes on I-872.

MORE COMPETITIVE PRIMARIES AND GENERAL ELECTIONS

Under I-872, the two candidates with the most votes in the primary win and go on to the general election ballot. No political party is guaranteed a spot on the general election ballot. Parties will have to recruit candidates with broad public support and run campaigns that appeal to all the voters. That’s fair — and that’s right.

PROTECT PRIVACY AND INCREASE PARTICIPATION

Under I-872, you will never have to declare party or register by party in order to vote in the primary. In the primaries in 2000, the turnout in Washington was more than twice as high as in states with party primaries — because voters in this state could support any candidate on the primary ballot. Vote Yes on I-872.

RETURN CONTROL OF THE PRIMARY TO THE VOTERS

The September primary this year gave the state party bosses more control over who appears on our general election ballot at the expense of the average voter. I-872 will restore the kind of choice in the primary that voters enjoyed for seventy years with the blanket primary. Protect Washington’s tradition as a state that elects people over party labels. Vote Yes on I-872.

For more information, call 1.800.854.1635 or visit www.i872.org.

Rebuttal of Statement Against

I-872 gives voters more choices in the primary and better choices in the general. All the voters will decide who is on the November ballot. Whether it’s one Republican and one Democrat, one major and one minor party, or even an Independent — they will be the candidates the voters want the most. The primary and general election should be decided by voters, not by exclusive party organizations that might be dominated by special interests!

STATEMENT AGAINST INITIATIVE MEASURE 872

I-872 REDUCES YOUR ELECTION CHOICES

THE LEAGUE OF WOMEN VOTERS AND OTHER CONCERNED CITIZENS URGE YOU TO MAKE SURE WASHINGTON VOTERS HAVE CHOICES IN NOVEMBER

Vote No on I-872! Don’t be fooled, I-872 creates a Louisiana-style primary that would sharply reduce your choices in general elections. Over a third of the statewide and congressional candidates who appeared on the general election ballot in 2000 would have been eliminated in the primary if I-872 had been the law.

Third Parties and Independents Eliminated: If I-872 is passed, third parties, minor parties and even independents will be eliminated from the general election ballot, leaving (in most cases) one Republican and one Democrat. In November 2000, 180,000 voters who voted for third party candidates in the general election would never have had that choice if I-872 had been the law. Insulating the top two political parties from competition is a bad idea.

Single-Party Elections Will Result: Under I-872 many voters will not be able to vote for a candidate that represents their philosophy because the two top vote-getters in a race may be of the same party resulting in only one party being represented on the November ballot. In one-third of the races for Governor in the last twenty-five years, I-872 would have resulted in two general election gubernatorial candidates from the same party. In fact, the voters’ ultimate choice for Governor in 1990, John Spellman, would never have appeared on the November ballot.

We urge you to preserve Washington’s independent, multi-party election system by voting No on I-872.

For more information, call 206.652.8904 or visit www.No872.org.

Rebuttal of Statement For

The League of Women Voters and many others believe I-872 is bad for Washington. I-872 does not “restore the kind of choice” voters had in the past. It reduces everybody’s choice in the general election.

It decreases general election ballot diversity by eliminating third party candidates and independents. Some November ballots may have choices from only one party for an office.

Support good government and general election choices. Vote No on I-872.

Voters’ Pamphlet Argument Prepared by:

JUDY GOLBERG, Chair, President of Washington League of Women Voters; GARY LOCKE, Governor of the State of Washington, Democrat; KEN EIDENBERG, former Washington Attorney General, past State Republican Chair; JOCELYN LANGLOIS, acting Chair, Libertarian Party of Washington State; JUDY GRAPE HAUQ, Membership Chair, Greens Party of Washington; JOHN THOMAS, past President Seattle LWV, past President Washington LWV.
Tab 4

Reports
(None Provided)
Tab 5

Materials from the Sponsor
Glenn Burhans Jr., Chairperson
All Voters Vote, Inc.
1427 Piedmont Drive East
Tallahassee, FL 32308

Dear Mr. Burhans,

I am writing to inform you that the petition initiative entitled "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet (19-07)" has triggered the required Financial Impact Estimating Conference (FIEC) review, and the principals have now been appointed. I have attached the notice containing information regarding the upcoming meetings.

I left a message at your office, but—given the rapidly approaching deadlines—decided to write to you since I have yet to hear back. As you may know, the Legislature passed CS/CS/HB 5 regarding Ballot Measures on May 3, 2019, and it was subsequently signed by the Governor. This will be the third FIEC called after the passage of the new law. Among other things, it changes the FIEC process. One of the new provisions indicates that:

Immediately upon receipt of a proposed revision or amendment from the Secretary of State, the Coordinator of the Office of Economic and Demographic Research shall contact the person identified as the sponsor to request an official list of all persons authorized to speak on behalf of the named sponsor and, if there is one, the sponsoring organization at meetings held by the Financial Impact Estimating Conference.

In part, this letter is a formal request for you to make your designation in writing.

I also need to make you aware of an opportunity to participate in the process. To provide context, below you will find general information regarding the FIEC’s work:

In 2004, a constitutional amendment passed that requires initiative petitions be filed with the Secretary of State by February 1st of each general election year in order to be eligible for ballot consideration. This has been interpreted to mean that all signatures have been certified by the local supervisors of election and that the other requirements for geographic distribution have been met. For 2020, the required number of valid signatures is 766,200.

Section 15.21, Florida Statutes, further requires the Secretary of State to “immediately submit an initiative petition to the Attorney General and to the Financial Impact Estimating Conference” once the certified forms “equal...10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art XI of the State Constitution.” For 2020, this means that there are at least 76,632 valid and qualifying signatures. Upon receipt, the Financial Impact Estimating Conference (FIEC) has 75 days to complete an analysis and financial
impact statement to be placed on the ballot (s. 100.371, Florida Statutes). In practice, the 75-day window has begun when the Legislative Office of Economic and Demographic Research (EDR) received the official transmittal letter.

Each FIEC is responsible for the development of two products: (1) a ballot impact statement of no more than 150 words to be included after the ballot summary; and, (2) a detailed financial information statement, including a summary of not more than 500 words. In the past, each of the documents was limited to an analysis of the estimated increase or decrease in revenues or costs to state or local governments. This was modified by the new law to include an additional analysis of the estimated economic impact on the state and local economy and an additional analysis of the overall impact to the state budget. Governing the entire process, the Supreme Court has required that the statements must reflect only the “probable financial impact” of the amendment.

Typically, we set aside time at the first meeting (referred to as the Public Workshop) to hear directly from the sponsors of the proposed amendment. In this regard, you are welcome to bring one or more people to provide a presentation of material or handouts that you think would be relevant to the FIEC. We would be happy to provide any equipment related to the presentation. Just let us know if you plan to participate and what your needs are. You are also welcome to submit written materials to us at any time.

You can contact me by phone at (850)487-8272 or by email at baker.amy@leg.state.fl.us.

Sincerely,

Amy J. Baker, Coordinator

Attachment
NOTICE OF WORKSHOPS AND CONFERENCE
FINANCIAL IMPACT ESTIMATING CONFERENCE

The Financial Impact Estimating Conference (FIEC) will be holding workshops and a conference on the petition initiative entitled "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet". Unless otherwise indicated on the schedule below, all meetings will be held in Room 117, Knott Building, 415 W. St. Augustine Street, Tallahassee, Florida. Once begun, they will continue until completion of the agenda.

The FIEC is required by s. 100.371, Florida Statutes, to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. In this regard, the FIEC is now in the process of preparing a financial impact statement to be placed on the ballot that shows the estimated increase or decrease in any revenues or costs to state and local governments resulting from the proposed initiative. Because the Legislature passed CS/CS/HB 5 during the 2019 Session and it has now been signed into law (see CHAPTER 2019-64), the FIEC will also be considering the estimated economic impact on the economy and the overall impact to the state budget.

The purpose of the Public Workshop is to provide an opportunity for sponsors, interested parties, proponents and opponents of the initiative to make formal presentations to the FIEC regarding the probable financial and economic impact of the initiative. In addition to the workshop, information may be submitted at any time to the FIEC by contacting the Legislative Office of Economic and Demographic Research (contact information below).

**All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet**

- Public Workshop – Thursday, August 1st at 1:30 p.m.
- Principals’ Workshop – Thursday, August 15th at 1:30 p.m.
- Formal Conference – Friday, August 23rd at 1:30 p.m.
For additional information regarding the meetings, please contact the Florida Legislature’s Office of Economic and Demographic Research at (850) 487-1402.

Address for submitting information to the FIEC:

The Florida Legislature
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, FL 32399-6588
Email: edrcoordinator@leg.state.fl.us
FAX: (850) 922-6436

For additional information regarding the Financial Impact Estimating Conference process and the Initiative Petition process, please visit the Florida Legislature’s Office of Economic and Demographic Research’s website at: [http://edr.state.fl.us/Content/constitutional-amendments/index.cfm](http://edr.state.fl.us/Content/constitutional-amendments/index.cfm) and the Florida Department of State, Division of Elections’ website at: [https://dos.elections.myflorida.com/initiatives/](https://dos.elections.myflorida.com/initiatives/)
July 31, 2019

Via E-mail
baker.amy@leg.state.fl.us
edcoordinator@leg.state.fl.us

Amy Baker, Coordinator
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, FL 32399-6588

Re: Petition Initiative All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet (19-07)

Dear Ms. Baker:

As Chair of All Voters Vote, Inc., the sponsor for the above petition initiative ("All Voters Vote Initiative"), I write to thank you for your letter dated June 17, 2019. The persons authorized to speak or otherwise present to the FIEC on behalf of the All Voters Vote Initiative are me and Steve Vancore. I will advise you in writing if other persons are authorized in the future.

Unfortunately, due to scheduling conflicts, I will not be able to attend the public workshop scheduled for August 1, 2019. Accordingly, please accept this letter as our submission for the workshop.

The purpose of the All Voters Vote Initiative is to enable all qualified registered voters to vote in primary elections for state Legislature, Governor and Cabinet. If adopted, the amendment would require different types of primary ballots to be prepared by County Supervisors of Elections, however, the number of such ballots is not expected to be materially different than the number of those in use now. As a result, we believe that the proposed amendment: (i) will have no economic impact on the state or local economy; (ii) will not result in any increase or decrease in revenues to state or local governments; and (iii) will not result in any increase or decrease in costs to state or local governments and, if there is any increase in costs it would be negligible.
July 31, 2019
Amy Baker
Page 2

We are happy to address any questions the FIEC may have, and reserve the right to respond to any information submitted to the FIEC concerning the All Voters Vote Initiative.

Thank you for your attention to this matter.

Sincerely,

All Voters Vote, Inc.

Glenn Burhans, Jr.
Chair

cc: Steve Vancore [svancore@vancorejones.com]