FIEC

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

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Authorization

RECEIVED
6-26-19

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

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, no primary is 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)

(CONTINUED FROM PREVIOUS 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 Estimating Conference in the care of the coordinator on June 26, 2019.

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**

Congressional District	Voting Electors in 2016 Presidential Election	For Review 10% of 8% Required By Section 15.21 Florida Statutes	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	Signatures Certified
FIRST	386,504	3,093	30,921	0
SECOND	360,098	2,881	28,808	2,942
THIRD	356,715	2,854	28,538	9,352
FOURTH	428,190	3,426	34,256	4,426
FIFTH	316,115	2,529	25,290	9,104
SIXTH	385,918	3,088	30,874	4,060
SEVENTH	370,466	2,964	29,638	6,218
EIGHTH	409,569	3,277	32,766	2,053
NINTH	362,593	2,901	29,008	7,003
TENTH	320,548	2,565	25,644	4,300
ELEVENTH	417,253	3,339	33,381	5,636
TWELFTH	386,775	3,095	30,942	4,019
THIRTEENTH	367,818	2,943	29,426	15,026
FOURTEENTH	336,289	2,691	26,904	3,910
FIFTEENTH	340,331	2,723	27,227	4,379
SIXTEENTH	403,805	3,231	32,305	6,367
SEVENTEENTH	360,061	2,881	28,805	8,106
EIGHTEENTH	388,772	3,111	31,102	914
NINETEENTH	389,415	3,116	31,154	3,679
TWENTIETH	291,984	2,336	23,359	7,631
TWENTY-FIRST	355,842	2,847	28,468	2,892
TWENTY-SECOND	361,305	2,891	28,905	5,334
TWENTY-THIRD	342,784	2,743	27,423	5,317
TWENTY-FOURTH	269,446	2,156	21,556	4,442
TWENTY-FIFTH	269,983	2,160	21,599	1,428
TWENTY-SIXTH	294,742	2,358	23,580	2,232
TWENTY-SEVENTH	304,012	2,433	24,321	1,834
TOTAL:	**9,577,333**	**76,632**	**766,200**	**132,604**

Date: 6/26/2019 10:31:12 AM

Tab 2

Current Law

FLORIDA CONSITITUTION

ARTICLE VI

SUFFRAGE AND ELECTIONS

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.

History.—Am. S.J.R. 162, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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.

2018 Florida Statutes

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. 4, ch. 29934, 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. 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)(a) 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.

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:

Official Presidential Preference Primary Election Ballot (date of election) (name) __ Party [Insert county name], Florida
Official Primary Election Ballot, (date of election) (Insert name of Party or insert Nonpartisan, as applicable), [Insert county name], Florida
Official General Election Ballot (date of election) [Insert county name], Florida
Official Special Election Ballot (date of election) [Insert county name], Florida

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,

9. DS-DE 208 (eff. 01/2016), Hybrid Voting System Primary Election Paper Output Receipt (https://www.flrules.org/Gateway/reference.asp?No=Ref-06432).

(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.

Rulemaking Authority 20.10(3), 97.012(1), 101.151(9), 103.101(6), 105.041(2) FS. Law Implemented 103.021, 101.151(9), 101.161, 101.5608(3), (4), 105.041 FS. History–New 6-6-02, Amended 9-8-02, 07-13-04, 2-18-16 (1), (2)(f), (12), (14), (15)(a)9, 1-1-17.

Tab 3

Other States

ATKINSON.JESSE

From: Dylan Lynch <dylan.lynch@ncsl.org>
Sent: Tuesday, July 23, 2019 12:08 PM
To: ATKINSON.JESSE; Schenker, Pamela
Cc: dept-elect
Subject: NCSL: Florida Proposed Constitutional Amendment
Attachments: Elector Language in State Constitutions.docx

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
(4) Any document or method of proof of citizenship established by the federal Immigration Reform and Control Act of 1986, P.L. 99-603, compiled in 8 U.S.C. §§ 1101 et seq.

- 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

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.

Figure 1

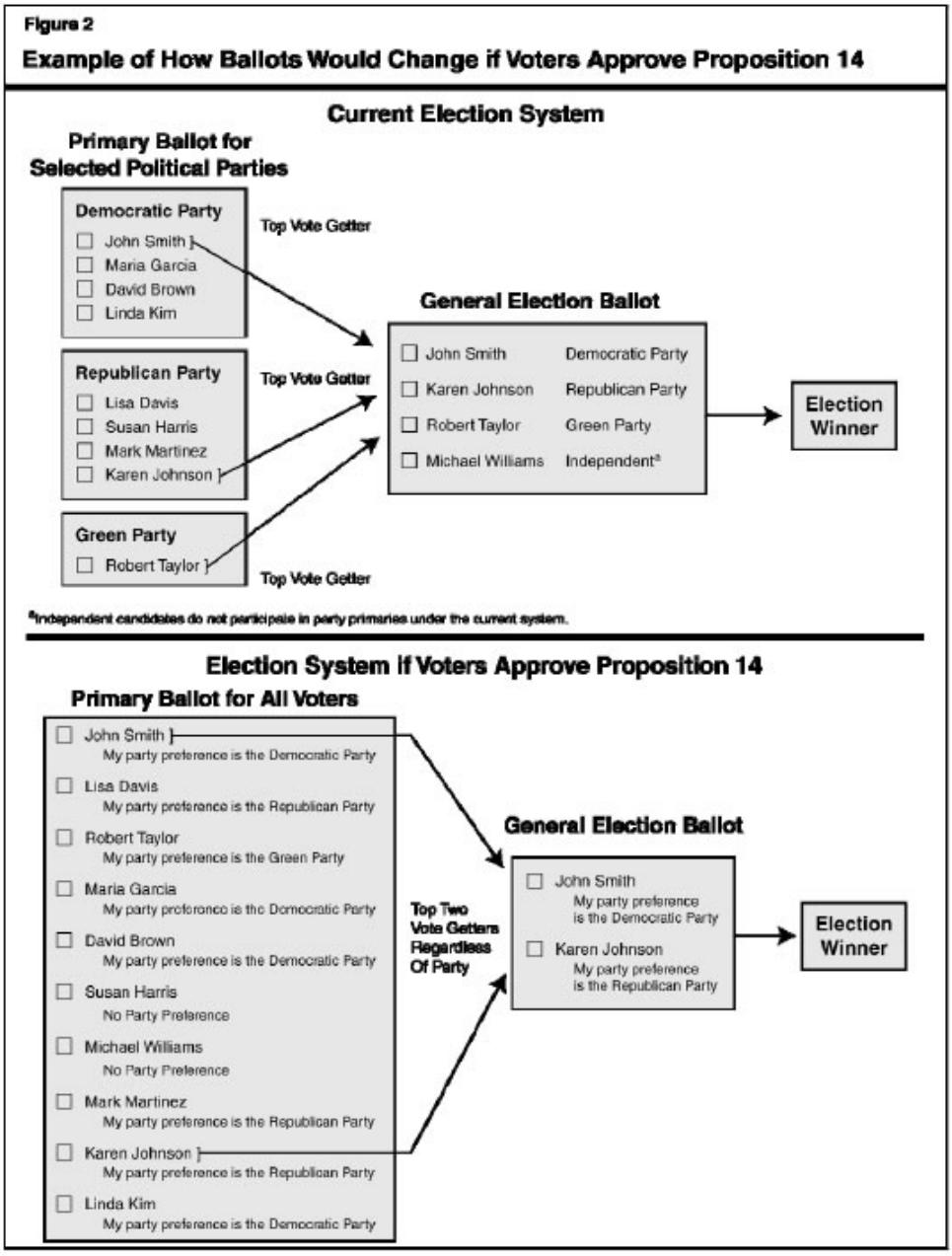
Offices Affected by Proposition 14

Statewide Officials
Governor
Lieutenant Governor
Secretary of State
Treasurer
Controller
Insurance Commissioner
Attorney General

Other State Officials
State Senators
State Assembly Members
State Board of Equalization Members

Congressional Officials
United States Senators
Members of the U.S. House of Representatives

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.

Return to Propositions
Return to Legislative Analyst's Office Home Page

ATKINSON.JESSE

From: ATKINSON.JESSE
Sent: Wednesday, July 31, 2019 11:19 AM
To: 'Schroeder, Nick (LAO)'; Holland, Joe; Kelley, Neal; 'DLogan@rrcc.lacounty.gov'
Cc: Schenker, Pamela; Chu, Carolyn; 'Cathy Darling Allen'
Subject: RE: **EXTERNAL** FW: Effects of Top Two Primary on Counties

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

Joseph E. Holland
Santa Barbara County
Clerk, Recorder and Assessor
Registrar of Voters

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

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.

From: Schroeder, Nick (LAO)
Sent: Tuesday, July 23, 2019 11:10 AM
To: 'DLogan@rrcc.lacounty.gov'; 'neal.kelley@rov.ocgov.com'; 'jholland@co.santa-barbara.ca.us'
Cc: 'SCHENKER.PAMELA@leg.state.fl.us'; 'Atkinson.Jesse@leg.state.fl.us'; Chu, Carolyn
Subject: Effects of Top Two Primary on Counties

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
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(916) 319-8314 | Nick.Schroeder@lao.ca.gov

VOTERS' PAMPHLET

State General Election • November 2, 2004

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 state 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.

INITIATIVE MEASURE 872

Explanatory Statement

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' choice. 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!

Voters' Pamphlet Argument Prepared by:

TERRY HUNT, President, Washington State Grange; BILL FINKBEINER, State Senator, Republican; BRIAN HATFIELD, State Representative, Democrat; SAM REED, Secretary of State, Republican; JOHN STANTON, Chairman and CEO, Western Wireless; DARLENE FAIRLEY, State Senator, Democrat.

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 1980, John Spellman, would never have appeared on the November ballot.

We urge you to preserve Washington's independent, multi-partisan 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 EIKENBERRY, former Washington Attorney General, past State Republican Chair; JOCELYN LANGLOIS, acting Chair, Libertarian Party of Washington State; JODY GRAGE HAUG, Membership Chair, Green Party of Washington; JOAN THOMAS, past President Seattle LWV, past President Washington LWV.

ATKINSON.JESSE

From: ATKINSON.JESSE
Sent: Monday, August 12, 2019 3:23 PM
To: 'Eric McGhee'
Cc: Schenker, Pamela
Subject: RE: Florida Proposed Constitutional Amendment - All Voters Vote in Primary Elections

This is very helpful. Thank you very much.

From: Eric McGhee <mcghee@ppic.org>
Sent: Monday, August 12, 2019 3:19 PM
To: ATKINSON.JESSE <Atkinson.Jesse@leg.state.fl.us>
Cc: Schenker, Pamela <SCHENKER.PAMELA@leg.state.fl.us>
Subject: RE: Florida Proposed Constitutional Amendment - All Voters Vote in Primary Elections

Hi, Jesse:

The only analysis I did of this question was in this report: https://www.ppic.org/publication/test-driving-californias-election-reforms/. See the section titled "money." I was most interested in whether individual candidates were more likely to raise money under the Top Two, so I divided the total money by the number of candidates. Average fundraising measured this way was not exceptionally higher in the first (2012) Top Two primary.

However, I think your question is more whether the *total* money raised/spent went up. Since the Top Two has also encouraged more candidates, and created more opportunities for competition in the fall, the total has undoubtedly increased. Unfortunately, I haven't done that specific analysis, nor have I extended this analysis of money past 2012. But I would be surprised if the total money hadn't gone up at least a little.

That said, increased competition due to the Top Two should not be overstated. The Top Two has encouraged more candidates and there have been more competitive races, but the great majority of races continue to be low-key affairs.

Hope this helps. Let me know if you have more questions.

Eric

From: ATKINSON.JESSE [mailto:Atkinson.Jesse@leg.state.fl.us]
Sent: Friday, August 02, 2019 7:24 AM
To: Eric McGhee <mcghee@ppic.org>
Cc: Schenker, Pamela <SCHENKER.PAMELA@leg.state.fl.us>
Subject: Florida Proposed Constitutional Amendment - All Voters Vote in Primary Elections

Florida has a proposed constitutional amendment titled: "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet" (19-07), https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64632&seqnum=5 that we would like to discuss with you at your earliest convenience.

Our office staffs the Financial Impact Estimating Conference (FIEC) that has been designated to review this amendment. 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 Florida Supreme Court has required that the statements must reflect only the "probable financial impact" of the amendment. Attached is the notice of the FIEC workshops and conference for this proposed amendment.

We are working with Nick Schroeder with that California LAO regarding any changes to the election procedure and the state/local budget resulting from the passage of California Proposition 14. For the economic analysis, we've been asked to look into potential changes to political advertising. Mr. Schroeder provided us with your contact information to discuss any changes California may have experienced in that respect. We are hoping that you will be available early next week to do a conference call with us.

Thank you and we look forward to talking with you soon.

Jesse Atkinson
The Florida Legislature
Office of Economic and Demographic Research
(850)717-0479

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	
3150	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE 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 VOTER 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 SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	7,776	
	FROM FEDERAL GRANTS TRUST FUND . . .		5,597

Tab 4

Reports

(None Provided)

Tab 5

Materials from the Sponsor

THE FLORIDA LEGISLATURE

OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH

BILL GALVANO
President of the Senate

JOSE R. OLIVA
Speaker of the House of Representatives

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

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 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 is 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 and the Florida Department of State, Division of Elections' website at: 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.

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. /CLA

Glenn Burhans, Jr.
Chair

cc: Steve Vancore [svancore@vancorejones.com]

PPIC PUBLIC POLICY INSTITUTE OF CALIFORNIA

Informing and improving public policy through independent, objective, nonpartisan research

25 YEARS

Test-driving California's Election Reforms

Summary

In the June 2012 primary, California tested two important electoral changes: new legislative and congressional districts drawn by an independent citizens commission and a "top two" primary system. The results suggest the reforms produced some changes—in particular, more open seats and more competition. However, there was also a great deal of continuity with recent elections: most candidates endorsed by a major party and all incumbents are advancing to the fall election and partisan outcomes were broadly in line with what might have been expected under the old primary system. Over time, the reforms may produce more radical change, but the first step on the road of reform has been a small one.

Introduction

California tested two electoral innovations in the recent June primary. First, the state used congressional and state legislative

districts drawn by an independent commission rather than the state legislature. Second, it employed an open “top two” primary that allowed voters to cast a ballot for any candidate for each office, regardless of party, with the two candidates receiving the most votes, again regardless of party, advancing to the fall election. This replaced a “semi-closed” system that required registered Democrats and Republicans to vote for candidates of their own party, and only sometimes gave independents the option to vote in partisan races. Only the presidential nomination continues to use this old system, while all other state and federal contests now employ the top two.[1]

Supporters of reform wanted to enliven California democracy by offering more choices and making officeholders more accountable to voters through competitive elections. Many also hoped these changes would help reduce political gridlock by increasing the number of representatives who either appeal to the center of the political spectrum or take a more problem-solving approach to governing.

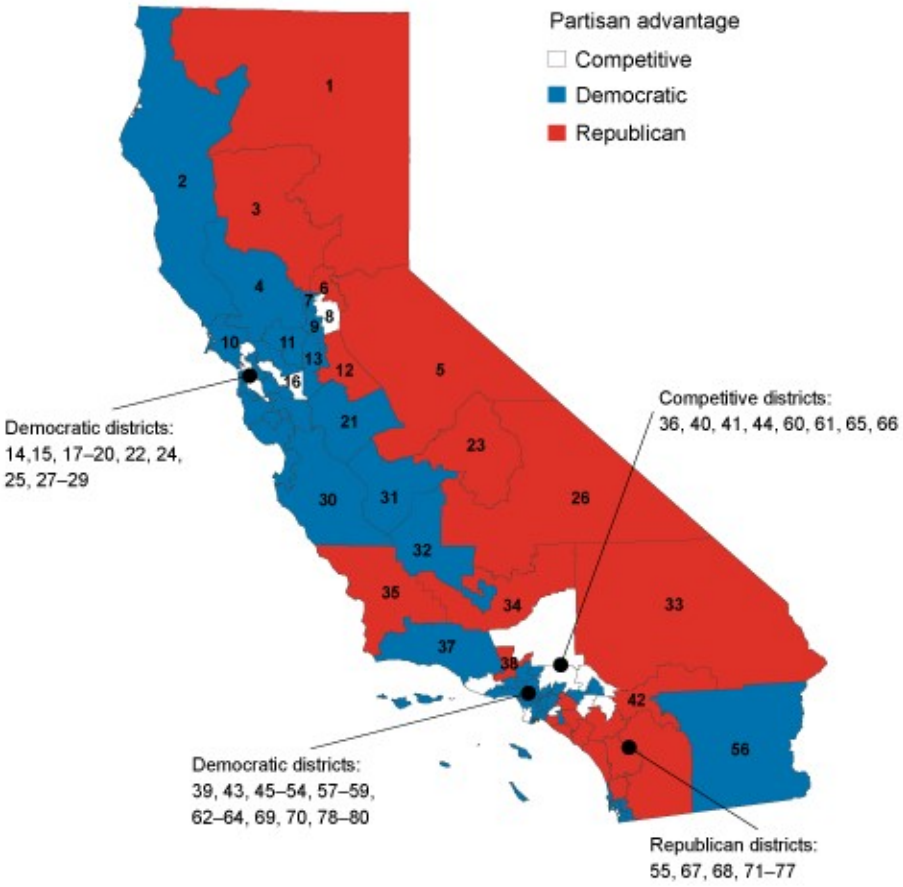
It is still too early to evaluate most of these hoped-for effects. Instead, this report offers some preliminary analysis to gauge how successful the reforms have been at changing the electoral process. How competitive were the primary elections, and how engaged were voters? How much money did candidates raise? Did the reforms change the election outcomes from what we might have expected under the previous primary system?[2]

Competition

So far, the reforms appear to have opened up the process to more candidates by upsetting the status quo. The redistricting helped move many incumbents out of their comfort zone.[3] In races for Congress and the state legislature, the average incumbent ran for a seat where 45 percent of the constituents lived in territory that was not part of the incumbent’s old district. In fact, 41 percent of incumbents were running to represent a district with more constitutents from new territory than old. Many either retired or ran for a different office instead, leading to high numbers of open seats: 35 (out of 80) in the state Assembly, 9 (out of 20 available this year) in the state Senate, and 9 (out of 53) in the congressional delegation.[4]

The redistricting also increased the number of seats likely to be competitive between the two major parties in the fall election, though the tendency for Republicans and Democrats to live in different parts of California prevented radical change on this score. A rough rule of thumb is that a seat is competitive if the relative share of party registrants never exceeds a 5-point advantage for Republicans or a 10-point advantage for Democrats.[5] By this definition, there are 10 competitive Assembly seats, 6 state Senate seats, and 10 House seats in this election cycle, compared to 9, 0, and 4 in 2010. Most of the competitive seats fall in one of three places: the Central Valley, the central coast between Los Angeles and the Bay Area, and the Inland Empire east of Los Angeles. As an example, the competitiveness of Assembly seats can be seen in Figure 1. To better reflect the party balance in the state, Figure 2 distorts this traditional map to reflect the registered voter population.[6]

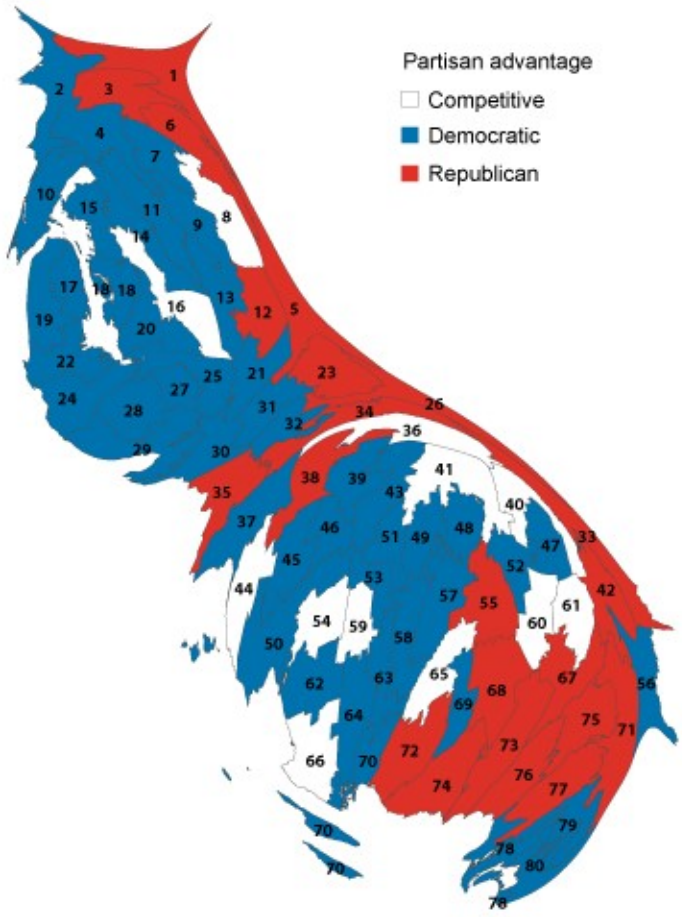
Figure 1. Assembly districts with competitive party registration are concentrated in pockets of the state



SOURCE: California Secretary of State, June 5, 2012, Presidential Primary Election Statement of Vote; Statewide Database (Assembly district geographic shape files).

NOTES: Partisan advantage is based on total voter registration as of 15 days prior to the 2012 primary election (May 21, 2012). We define competitive districts as those with no more than 5 percent Republican advantage over Democrats and no more than 10 percent Democratic advantage over Republicans.

Figure 2. Democratic strength in the state becomes clearer with population-based map



SOURCE: California Secretary of State, June 5, 2012, Presidential Primary Election Statement of Vote; Statewide Database (Assembly district geographic shape files).

NOTE: Districts are distorted in size according to their total number of registered voters as of 15 days prior to the 2012 primary election (May 21, 2012). This does not include eligible voters who are not registered to vote.

The top-two primary altered the strategic context for elections in certain important ways. Under the old system, only one candidate from each party could advance to the fall election. In uncompetitive seats, that meant the dominant party's strongest candidate could eliminate all serious challengers in the primary. But strong challengers from within the party can now survive to the fall election, where they get a second chance and can try to broaden their appeal. As a result, incumbents in uncompetitive seats were much more likely to face an intra-party challenge: 42

percent faced such a challenge this year, compared to an average of 19 percent from 2002 through 2010.[7]

Supporters of reform wanted to enliven California democracy by offering more choices and making officeholders more accountable to voters through competitive elections.

These extra challengers helped produce closer outcomes for incumbents. Winning incumbents led their top opponents, whether same-party or cross-party, by a much smaller gap than in previous years (an average of 28 points this election, down from an average of 39 over the last decade). Meanwhile, the margin for winning non-incumbents was about the same (16 points before vs. 14 points now). The odds of claiming an outright majority in the primary—making victory much more likely in the fall—were also lower: 59 percent of first-place candidates this year, compared to 75 percent in elections from 2002 to 2010.

Though outcomes were closer, they were not always close or unexpected. Every incumbent who ran is advancing to the fall, along with virtually every non-incumbent candidate endorsed by a major party (101 out of 113). Moreover, 88 of 102 incumbents led their closest opponent by more than 10 points, as did 98 of 113 endorsed candidates who are not incumbents. These numbers suggest that politicians who are part of the political establishment did well in this first trial under the new system.

One of the most intriguing innovations of the top-two primary is the prospect of fall contests between two candidates of the same party. There will be 28 such races: 18 for the state Assembly, 2 for the state Senate, and 8 for the U.S. House. All but one of these races is for a seat that likely would not have been competitive otherwise in the fall. The one exception is Congressional District 31, near San Bernardino, where Democratic registration outnumbers Republican registration by 5 points but two Republican candidates will face each other in the fall.[8]

The top-two primary also produced another significant change: minor party candidates will be almost completely absent from the fall ballot. Only three races will feature such candidates, and in each race the minor party candidate was a write-in against an incumbent who was otherwise uncontested.

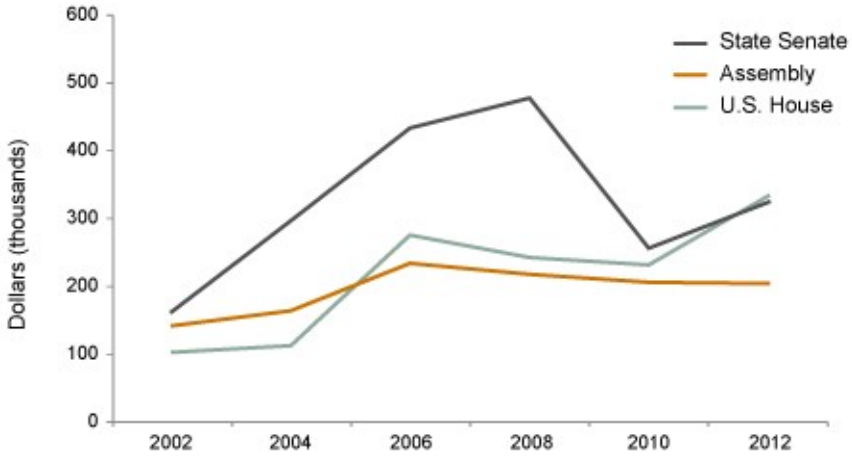
In addition, five races will feature an independent, or “no party preference” (NPP) candidate. None of these NPP candidates has been registered with a minor party in California in the last 10 years, and four of them were registered with a major party as late as 2011.

Money

Both supporters and opponents of reform have expected more money to flow into elections this cycle. The new top-two system not only offered candidates the chance to reach out to a wider range of voters in the primary (arguably costing more money), but also produced same-party contests in the fall general election for seats that would have had no serious fall contest under the old system. The redistricting might also force more fundraising by producing more open seats and more competitive races in the general election.

For every chamber (U.S. House, state Senate, and state Assembly), we counted all the money raised by candidates or spent by independent expenditure committees (either for or against a candidate) and divided by the total number of candidates.[9] By this measure, signs of increased campaign money have been limited so far to congressional races alone. The average for House candidates was $333,509 in the 2012 primary, compared to $234,287 in 2010 and $241,626 in 2008. Money flowed more freely for both incumbents (up 43% on average from 2010) and non-incumbents (up 118% on average).[10] By contrast, the average for Assembly candidates was $202,600, compared to $203,524 in 2010 and $215,441 in 2008. The average for State Senate candidates was somewhat more this year—$325,726 compared to $254,387 in 2010—but their numbers are down overall from several years ago.[11]

Figure 3. Only congressional races saw outsize money this primary election



SOURCES: National Institute on Money in State Politics, www.followthemoney.org/ (2002–2010 California Assembly and Senate direct donations); California Secretary of State, www.sos.ca.gov (2012 California Assembly and Senate direct donations; 2002–2012 California IEs); Center for Responsive Politics, www.opensecrets.org (2012 U.S. House direct donations and IEs); Federal Election Commission (2002–2010 U.S. House direct donations and IEs).

There are reasons to think that candidates will need to raise more money this fall than in recent general elections. The redistricting has increased the proportion of competitive races between Democrats and Republicans, and the new same-party races will likely force a tight contest in many places that never would have had one under the old system. Nonetheless, it is important not to exaggerate this possibility. The top vote getter has already received an outright majority of votes in 83 of 125 cross-party races. In 32 of the remaining 42 cross-party races, one of the top two vote getters has received more than twice as much money as the other.[12] While such a large financial advantage does not guarantee victory, it makes it more likely.

There are more signs of competition in the same-party contests, but still a number of easy races. The first-place candidate received an outright majority in 8 of the 28 same-party contests. Of the remaining 20 contests, 8 feature a first-place candidate who raised more than twice as much as the second-place candidate. That leaves 12 same-party races—2 for Congress and 10 for the

Assembly—where the contest in the fall shows more signs of a tough fight.

In fact, despite all the changes, money still flowed disproportionately to establishment candidates. The average contested incumbent accounted for 89 percent of the money going to candidates of the same party, well in line with previous years. Likewise, non-incumbent candidates who were endorsed by a major party did quite well relative to the competition they faced from within their own party: they accounted for 77 percent of same-party money, compared to just 20 percent for those who did not receive an endorsement.

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Crossover Voting

Did the reforms increase crossover voting in a way that changed the basic dynamics of elections? The top-two system allows all voters, not just independents, to cross party lines, and it allows them to do so race by race. If voters took advantage of this new freedom, the correspondence between party registration and party vote should be far less exact than it was under the old system, since voters may now switch their preferred party from one race to the next. The weaker the connection between registration and voting, the easier it is to conclude that the top two has changed voting behavior in the primary.[13]

If we assume the relationship between party registration and party voting from the previous system still held for the top two, we can account for 89 percent of the range of voting results across districts, missing the actual result by about 6 percentage points on average. This does not mean that crossover voting did not occur at all, or that it did not decide the outcome of certain races. However, despite new choices for voters, the outcome of the 2012 primary resembled what we might expect from a primary election where virtually no crossover voting occurred.[14]

Conclusion

On balance, the first test of these important reforms suggests that limited change has taken place so far. The reforms have

encouraged higher turnover in the state's political delegation and more fresh faces on the ballot, and that has contributed to a higher number of competitive outcomes.

But incumbents and other candidates connected to the major parties—who were key targets of the reforms—have been quite successful so far, and the vote shares were broadly in line with what we might have expected under the old primary system. The reforms have also made it significantly more difficult for minor parties to get on the fall ballot.

In short, the reforms have yet to produce a significant shift in the electoral status quo, and in some ways have reinforced it. Even the flow of campaign money, at least for the primaries, has not increased dramatically. And it remains to be seen whether the small shifts that have occurred will alter the way that representatives actually govern when serving in office. But change in any political system is slow and incremental. We will likely have many years to watch these reforms unfold, and the June 2012 primary election may prove to be the first small step toward a larger transformation.

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NOTES

1. These are only the most recent in a long line of efforts to reform elections in California. Efforts to implement a commission for redistricting date as early as the 1920s, and were especially active in the 1980s and 2000s (Vlad Kogan and Eric McGhee, "Redistricting California: An Evaluation of the Citizens Commission Final Plans," California Journal of Politics and Policy 4, no. 1 [2012]). The state also employed an open "blanket" primary in 1998 and 2000 that strongly resembled the top-two primary in a number of ways. It was struck down by the courts in 2000, and the state used the semi-closed system from 2002 until this year. Most analyses suggest the blanket primary elected a slightly larger number of moderate representatives, especially to the state Assembly. See R. M. Alvarez and B. Sinclair, "Electoral Institutions and Legislative Behavior: The Effects of Primary Processes," *American*

Politics Research (forthcoming); Bullock and Clinton, "More a Molehill Than a Mountain: The Effects of the Blanket Primary on Elected Officials' Behavior from California," *Journal of Politics* 73, no. 3 (2011): 915–30; McGhee, "Technical Appendix," *Open Primaries* (San Francisco: Public Policy Institute of California, 2011), www.ppic.org/content/pubs/other/210EMAI_appendix.pdf.

2. In order to compare the 2012 primary election results with previous primary elections, we ranked the vote totals of all candidates for a single seat in previous elections as if they competed together in a single race regardless of party.
3. We define a candidate as the incumbent if they were indicated as such by the Secretary of State. The only exception is the two congressional races where two sitting members of Congress face each other; in those cases, the Secretary of State labeled only one candidate the incumbent, but we considered both candidates incumbents for the sake of our analysis.
4. This compares with an average of 30 open seats for the Assembly, 10 for the Senate, and 3 for the House over the last decade.
5. Specifically, we calculate the share of all registrants (including independents and minor-party adherents) who are Democrats and the share who are Republicans and take the difference between these two numbers. If this difference falls between 5 points Republican and 10 points Democratic, we consider the seat competitive. The asymmetry of this range reflects the comparatively uneven turnout among Democrats and their greater likelihood to cross party lines. While this definition is not perfect, it does capture the general range within which competitive seats tend to fall.
6. This map was created in ArcMAP with an add-on utility that creates Density Equalizing Cartograms using the methodology developed by Mark Newman and Michael Gastner at the University of Michigan (Newman and Gastner, "Diffusion-based Method for Producing Density-Equalizing Maps," PNAS 101, no. 20 [2004]: 7499–7504). Density Equalizing Cartograms change the shape of map polygons so that their size is based upon another attribute such as population. The size and shape of the polygons are changed, sometimes dramatically, but their original neighbors remain neighbors, and no new neighbors or new gaps are added.
7. One might argue that the redistricting produced the increase in same-party competition for incumbents. However, the change was much more modest for incumbents running in competitive seats (21% this year compared to 15% over the last decade) and incumbents whose districts changed a great deal were not notably more likely to face competition than those whose seats had changed very little. Thus, the new primary system is a more likely cause.
8. Idiosyncratic conditions may have played into this result. Two Republicans competed with four Democrats, and the top Democratic finisher was only 2.2 percent behind the second-place Republican.
9. This excludes "soft" money spent by parties on campaign activities with a close nexus to traditional party building. This can include slate mailers to party members, get-out-the-vote drives, and even consultant salaries. There are ways to estimate the total amount of soft money in an election, but identifying the portion of national party money spent on California congressional races would be difficult. By the same token, committees that run issue advertisements which do not expressly advocate for or against the election of a candidate are difficult to connect to specific races, so we have omitted their totals as well.
10. It does not appear that the increase in congressional races is driven by outliers. The patterns over time are very similar if the top 10 percent of candidates in terms of money are removed from each chamber in each year.

11. This money includes all direct donations to candidates as well as any independent expenditures either for or against. We were only able to obtain electronic filing reports from the Secretary of State for the 2012 election by the time of this report; the numbers from earlier years come from the National Institute on Money in State Politics, which includes all candidates. Electronic filing is required when a candidate raises or spends more than $25,000, or when an independent expenditure committee spends more than $50,000, so electronic filers include all the most active and competitive candidates and organizations. For the sake of the calculations here, we assumed that all non-electronic filers in 2012 raised and spent no money. When we limited the earlier numbers to electronic filers alone, it did not change the substantive conclusions.
12. Since we are now using money as a measure of competitive advantage, rather than a general measure of outside influence, we exclude independent expenditures against candidates from this calculation. The numbers are very similar if this money is included.
13. This analysis is best at telling us whether any crossover voting that occurred mattered to election results; it is far less effective at telling us exactly how much crossover voting occurred. For example, in a race where every new Democratic crossover voter was matched with a Republican crossover voter, the overall outcome would be identical to a race where there had been no crossover voting at all. Similarly, in uncompetitive districts crossover voting by members of the minority party could be quite high without having much impact on the result, simply because there are not many minority party members in the first place.
14. To obtain these estimates, we first calculated a two-party vote share for each district: the proportion of all Democratic and Republican votes that went to Democratic candidates. We then regressed the primary party vote on the Democratic and Republican shares of registered voters for 2002 through 2008, limiting the analysis to districts with at least one candidate from each major party on the ballot in the primary. Next, we generated out-of-sample predictions from this model for 2012, and regressed the actual outcome in each year on these predicted values. The numbers reported in the text are the adjusted R2 and root mean squared error for this regression. For comparison, we also predicted the outcome for 2010 with the same model. Not surprisingly, the fit is better, accounting for 97 percent of the variance and missing the actual result by about three percentage points. The coefficients and model fit for the regressions are available from the authors upon request.

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PRESS RELEASE

California Electoral Reforms Shake Up Status Quo—But Have Yet to Change It