Vote-by-Mail/Early Voting

State Certification Program — FCEP I

Florida State Association of Supervisors of Elections
FSASE

and

Florida Institute of Government
The Florida State University

Instructor: Kevin Turner
Collier County, FL
Florida State Association of Supervisors of Elections
Florida Certified Elections Professional

The FSASE’s certification program is a statewide collaborative effort with the Florida Institute of Government at Florida State University (FSU) that has produced a comprehensive, multi-level program for state certification for Supervisors of Elections and their staff. During FSASE’s strategic planning process in August 2005, both the need and initial commitment for such a program were expressed.

The FCEP Program has been honored with the 2015 Guardian Award by the Election Center and the 2016 Eagle Award by IACREOT, now IGO.

Designed to address statewide conformity, consistency of practices, and voter confidence, the Florida Certified Elections Professional Program (FCEP) was initially coordinated through the Florida Institute of Government at Florida Gulf Coast University. Each of the 67 counties was contacted and included during the research phase in one or more of the following methodologies: focus groups, telephone interviews and an online survey. All resulting recommendations were channeled through FSASE’s Education and Certification Committee.

The program consists of a three-tiered system to professional certification (Florida Certified Elections Professional I, II, and III) comprised of classroom content, participant workbooks, application activities, shared best practices, and end-of-course assessments. In addition, three strands of specialization guided the selection of courses into the curriculum: Election Process and Law; Administrative Skills, Research and Technology; and Human Resource Relations (Talent Management). Course content is based on real-life, practical experience for Florida elections. There are a total of 33 courses.

An overarching set of core values directs all course content. The values are as follows:

1. Apply the highest ethical standards, integrity, competencies and professionalism
2. Seek to continuously improve the election experience in Florida
3. Maintain transparency in relationships with citizens, colleagues, staff and other agencies
4. Communicate openly and honestly, inviting the free expression of ideas
5. Collaborate as a team acknowledging diverse roles and expertise
6. Strive for personal excellence and professional development through purposeful and continual learning

Participants who have successfully completed all coursework achieve the Master Florida Certified Elections Professional (MFCEP) designation, are recognized at a formal FSASE event, and awarded a plaque. At the conclusion of the May 2017 classes, 109 have graduated and achieved the highest level of certification.
Meet Your Instructor: Kevin Turner

Vote-by-Mail / Early Voting

FSASE — FCEP I

Kevin Turner has served as the Training Office for the Collier County Elections office for the past 11 years. He is responsible for the early voting process and the performance of the election workers. Prior to working in the elections world, Kevin spent time in the private sector as a training director for a business development firm and in the Collier County Parks and Recreation Department. He has a B.S. in Business Administration, a B.A. in Sports Management and is currently finishing his Masters in Public Administration at Florida Gulf Coast University.

With a 15-year training and development background in both the private and public sectors, Kevin has presented at various elections and training conferences and workshops. In 2009, he received the CERA designation from the Elections Center and completed his MFCEP in 2016.

Originally from Northeastern Ohio, Kevin moved to Florida in 2002 to be closer to his now wife, a native Floridian, and to subconsciously fulfill his calling to elections administration. His dream is that one day his son and daughter may follow in his election footsteps of only working one day every four years!
Vote-by-Mail / Early Voting

Agenda

I. Overview and Introductions

II. History of Vote-by-Mail & Early Voting in the U.S.

III. Evolution of Vote-by-Mail & Early Voting in Florida

IV. Vote-by-Mail and Early Voting in Practice

V. Group Challenge

VI. Course Quiz & Evaluation

FCEP LEVEL I

Learner Objective

- Identify key historical events in the development of vote-by-mail and early voting in the U.S. and Florida.

- Analyze local and statewide vote-by-mail and early voting trends.

- Evaluate vote-by-mail and early voting administrative procedures.
Early History

In ______ Massachusetts Bay Colony enacted a law granting towns:

“Liberty stay soe many of their freeman att home for the safety of their towne as they judge needful, and that the said freeman that are approymented by the towne to stay att home shall have the liberty for this court to send their voices by proxy.”

Pennsylvania had one of the first military absentee voting laws prior to the Civil War.

Passed in 1813, the law allowed soldiers stationed more than ______ miles away from home to vote absentee.

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Oregon drafted their Constitution in 1857 and included a provision to allow men who were out of town on Election Day to vote.

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1864 presidential election created a debate in state legislatures over allowing soldiers stationed away from home to vote in their home states.

The legislative activity provoked legal disputes and state supreme courts struck down a number of absentee laws. Resulting in states having to amend their constitutions.
1800s – Civil War

States had to figure out how soldiers would vote.

Mailing proxy votes, ballots or tally sheets were part of the 1864 absentee voting procedures for Connecticut, New York, Ohio, Pennsylvania, and West Virginia.


1800s – Civil War

Eventually, ______ out of 25 Union states passed some form of absentee voting.

7 out of 11 states in the southern confederacy.

1800s – Civil War

An estimated ______ ballots were cast away from the traditional polling place in the 1864 presidential election.


1800s

In 1896, Vermont became the first state to pass laws expanding absentee voting privileges to civilians.

Retrieved from https://www.sec.state.vt.us/kids/firsts.html

Early 1900s

After the Civil War most state absentee laws were repealed or left to expire.

In 1915, by some accounts only ______ states had absentee voting laws on the books for military and civilians.

Early 1900s

This drastically changed after WWI and as voting reforms progressed in the early 1900s.

Absentee eligibility was expanded beyond the military voters to the sick, business travelers, and people who could provide a valid reason for being out of state.

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1900s - WWII

During World War II, laws were enacted to promote overseas military voting.

The Soldier Voting Act of 1942 (enacted in 1944)

Federal law experimented with a federal ballot for overseas soldiers, removed barriers and created longer lead times for voters to request, receive and cast their ballots.

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Mid 1900s


Recommended but did not guarantee, absentee registration and voting for military, federal employees outside the U.S., and members of civilian services organizations.

Amended in 1968 to include U.S. citizens temporarily residing outside of the U.S.
Mid 1900s

1960s and early 1970s saw state laws that broadened the use of absentee voting.

• If the increasingly mobile population did not meet the residency requirements of their new state, they would often turn to voting by absentee in their former state.

For example: AL, MS, SC had a ___ month residency requirement.


Late 1900s


• Allowed overseas voters without legal domicile in the U.S. to vote absentee.


• Created Federal Voting Assistance Program (FVAP), eased requirements and expanded options. 45 day UOCAVA mailing requirement.

Late 1900s

In 1978 California adopted a “no-excuse” absentee ballot law.

States also began to drop the rule requiring witnesses and the use of a notary public. By 1991, only 8 states required a notary.

By 2004, ___ states offered “no-excuse” absentee voting.

**Late 1900s – Mail Voting**

Oregon
1981 – Oregon approved testing of voting by mail
1987 – Expanded use to candidate races
1993 – First statewide mail election
1998 – Referendum to use in all future elections

Washington
1990s – Allowed all voters to apply for permanent absentee status.

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**Early Voting**

Pre-2000 History
1980s – Texas tests in select elections and counties
1991 – Oklahoma adopted (sort of)
1993 – Texas adopted statewide
1994 – Tennessee, New Mexico and Nevada

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**Agenda**

I. History of Vote-by-Mail & Early Voting in the U.S.
II. Evolution & Trends in Florida
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**Florida Absentee / VBM Laws**

Chapter 7380, Acts of 1917
Provides for absent voting in any other county in the State when the elector is unavoidably absent from the polling place.

Chapter 11824, Acts of 1927
Provides for the elector to vote in his home county on certain days before the day of the election for like reasons.

**Boardman v. Esteva - 1976**

The Supreme Court of Florida established that:

"Substantial compliance with absentee voting laws is all that is required to give validity to the ballot."

The court suggested factors to determine the validity of absentee ballots cast.
DOE Opinions – Absentee / VBM

DE 83-06
"The delivery of a marked absentee ballot to the supervisor of elections by 7 p.m. of the election day is a requirement essential to the validity of the ballot."

DE 84-16
"Pretrial detainees or persons convicted of misdemeanors who are otherwise qualified to vote who are in county jail are entitled to vote by absentee ballot."

Changes in Florida Absentee / VBM Laws

<table>
<thead>
<tr>
<th>Year</th>
<th>Excuse Needed</th>
<th>Witness Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>Sworn statement: “I am unable to attend the polls on election day.”</td>
<td>Yes. The witness had to be 18 or older.</td>
</tr>
<tr>
<td>1998</td>
<td>Seven reasons were provided to justify voting absentee.</td>
<td>Yes. Either a notary or a registered voter who had not already witnessed more than 5 ballots in the election.</td>
</tr>
<tr>
<td>2001</td>
<td>An excuse no longer needed to vote absentee.</td>
<td>Yes. The witness had to be 18 or older.</td>
</tr>
<tr>
<td>2004</td>
<td>Same as above.</td>
<td>The witness requirement was dropped.</td>
</tr>
</tbody>
</table>


DOE Opinions – Absentee / VBM

DE 12-02
"The signature of the elector on an absentee ballot return envelope must be in close proximity to the designated signature line on the Voter’s Certificate in order for the signature to be valid…"

DE 13-07
Absentee ballots cannot be returned to polling place for drop-off or scanning,…SOE can use automated signature verification technology.
Vote-by-Mail & The Cure

2013 - VBM voter has opportunity to cure unsigned returned VBM ballot before it is canvassed (s. 101.68(4)(b), F.S.).

- DS-DI 139 – Omitted Signature Affidavit for Vote-by-Mail

2016 - "Absentee" official changed to "Vote-by-Mail."

2017 - Expanded the cure to include VBM with mismatched signatures as compared to the signature in registration record precinct register (CS/HB 105).

Florida Early Voting Laws

1998 – Legislature provided an opportunity for persons casting absentee ballots to do so in person at the supervisor of elections office.

2004 – The first standardized and mandatory process for early voting was created when the Legislature amended s. 101.657, F.S.

- Locations: Main/branch offices, libraries and city halls
- Day: 15 days prior to an election and ends the day before election
- Time: 8 hrs/day; 8 hrs total on weekend, between 7am and 7 pm.

2005 – Legislature amended s. 101.657, F.S.

- Day: 15th day prior ends the 2nd day before election (14 days)

2008 – Gov. executive order to extend early voting

- Time: 12 hours per day

2011 – Legislature amended s. 101.657, F.S.

- Day: 10th day prior ends the 3rd day before election (8 days)
- Time: No less than 6 hrs./ No more than 12 hrs.
Florida Early Voting Laws

2013 – Legislature amended s. 101.657, F.S.
- Day: 10th day prior ends the 3rd day before election (mandatory)
- Day: 15th to 11th or 2nd day prior to election (optional)
- Time: 8 hours per day (mandatory)
- Time: Up to 12 hours per day (optional)
- Locations: In addition to main/branch offices, supervisor can designate any city hall, permanent public library, facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center.

PLUS: Select one early voting site per election in an area of county that does not have any of the eligible early voting locations.

Florida Early Voting Sites – General Elections

<table>
<thead>
<tr>
<th>Counties</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2-3</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>4-5</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>6-7</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>8-9</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>10-14</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>15-20</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>21+</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Number of EV Sites
Florida Turnout – General Elections

Presidential Elections

Mid-Term Elections
Florida Turnout – County Examples

Presidential Elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Election Day</th>
<th>Vote-by-Mail</th>
<th>Early Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>44.36%</td>
<td>21.47%</td>
<td>32.69%</td>
</tr>
<tr>
<td>2008</td>
<td>34.16%</td>
<td>24.01%</td>
<td>32.62%</td>
</tr>
<tr>
<td>2012</td>
<td>36.91%</td>
<td>32.62%</td>
<td>34.64%</td>
</tr>
<tr>
<td>2016</td>
<td>42.87%</td>
<td>24.42%</td>
<td>32.70%</td>
</tr>
</tbody>
</table>

Florida Turnout – County Examples

Mid-Term Elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Election Day</th>
<th>Vote-by-Mail</th>
<th>Early Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>54.81%</td>
<td>20.00%</td>
<td>27.24%</td>
</tr>
<tr>
<td>2010</td>
<td>44.79%</td>
<td>27.21%</td>
<td>35.19%</td>
</tr>
<tr>
<td>2014</td>
<td>27.99%</td>
<td>27.99%</td>
<td>35.19%</td>
</tr>
</tbody>
</table>

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I. History of Vote-by-Mail & Early Voting in the U.S.
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   IV. Group Challenge
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Administering VBM

- VBM Requests
- Delivery of VBM
- Supervised Voting
- Election Day Emergency Delivery
- Returned VBM - Deadlines
- Returned VBM – Canvas & Cures

Administering Early Voting

- Locations
- Selection of Days / Hours
- Staffing & Scheduling
- Equipment
- Ballot Accounting
- Special Considerations

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Group Challenge

Instructions:
Develop an argument supporting or opposing a statewide law/rule change for your topic. Provide reasons for why your model is the best option compared to the alternative.

Create assumptions and justifications based on your experiences and realistic conditions. Remember to discuss how challenges or issues would be addressed and point out deficiencies with the other side's reasoning.

- 3 – 5 minute presentation
- Use flipcharts and multiple speakers, as appropriate
- Class will judge which side makes the best case

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Quiz & Evaluation