

MIAMI-DADE ELECTION REFORM COALITION
4500 Biscayne Boulevard, Suite 340
Miami, Florida 33137

December 6, 2002

Via Hand Delivery

Ed Griffith, Legal Assistant
Office of the State Attorney
Eleventh Judicial Circuit of Florida
E.R. Graham Building
1350 N.W. 12th Avenue
Miami, FL 33136-2111

**Re: Executive Order Number: 02-292 Creating the 2002 Select Task Force
on Election Procedures, Standards and Technology**

Dear Mr. Griffith:

On behalf of the Miami-Dade Election Reform Coalition (the "Coalition"), I wish to thank you for the opportunity to meet with you in regard to the above-referenced Task Force. Below is a summary of the issues that we would urge the Honorable Katherine Fernandez-Rundle to raise at the Task Force meetings scheduled to begin on December 9, 2002.

Provisional Balloting.

Under Florida Statutes §101.048, a voter claiming to be properly registered in a Florida county and who alleges to be eligible to vote, but whose eligibility cannot be determined, is entitled to vote a provisional ballot. However, Florida Statutes §101.048 clearly states that such a vote will only be counted if the voter voted at his or her properly designated precinct.

The Coalition recommends that the Florida legislature remove the requirement that the voter be in the correct precinct in order for his provisional ballot to count. If the voter is in the wrong precinct, only the races and/or questions on which the voter is eligible to vote should be counted. Therefore, the Coalition recommends that Section 101.048 be amended in the manner attached hereto as Exhibit "A."

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Maintaining Accurate Voter Roles.

The Coalition recommends that the State obtain the list of erroneously purged voters from the November 2000 elections and ensure that all County Supervisors of Elections reinstate those voters to the roles. The State should also direct the Supervisors of Elections to mail a letter to those voters letting them know that they have been reinstated. Returned/undelivered letters should be kept for future records.

This recommendation goes hand-in-hand with the Coalition's demand that the State follow through on the requirements of Florida Statutes §98.0977, which requires the State to develop and maintain a statewide voter registration database. See Exhibit "B" which sets forth Statewide Voter Registration Systems.

Ending Felony Disenfranchisement.

The Coalition recommends that the Florida legislature place on a statewide ballot an amendment to the Florida Constitution providing for automatic restoration of voting rights for ex-felons after release from supervision, thus ending the continued disenfranchisement of more than half a million citizens in our state. In lieu of legislation, the governor and the Board of Executive Clemency should amend the rules of Executive Clemency to remove the "disqualifying factors" that prevent individuals from proceeding through the restoration process without a hearing. For your information, attached as Exhibit "C" is a list of disenfranchised felons by state. The list provides telling statistics about the fact that the State of Florida leads the nation in the number of disenfranchised felons. Attached as Exhibit "D" is a chart setting forth the number of restorations of civil rights in the State of Florida for each year starting in 1986.

Establishment of Election Checklist.

In its report entitled "*Election Reform: An Analysis of Proposals and the Commission's Recommendations for Improving America's Elections System*", the United States Commission on civil rights recommended that state election officials work with the federal government to develop minimum requirements for a standard checklist that would be tailored by states to accommodate local needs, for every function that should be completed before, during and after an election. The Coalition recommends that the Task Force push for the implementation of such a practice in the State of Florida. We are enclosing a copy of the Civil Rights Commission's Report as Exhibit "E" hereto. The checklist would include all tasks that must be performed by state and local elections officials, including supervisors of elections and precinct workers. The list is designed to be an accountability tool requiring specific designation of duties to individuals and signatures that certify the accomplishment of each task.

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Standardization of Practices Statewide.

The Coalition believes that in many counties throughout the State of Florida there have been innovative and helpful practices which have been implemented. These include the mailing out of sample ballots and a list of frequently asked questions, as was done by Miami-Dade County before the November 2002 election. They also include standardized procedures for training civilians as poll workers. Also, they include innovative early voting practices as opening early voting polling places before and after working hours as well as on weekends and locating early voting polling places in the most acceptable locations. All of these practices should be systematized throughout the state in the creation of statewide elections guidelines and procedures.

The Coalition emphasizes that the use of civilians to run and take part in elections is one of the healthiest processes in American democracy. Enclosed is Exhibit "F" as a chart of the Nationwide Practices Relating to Election Day Workers. This chart demonstrates that throughout the country, great emphasis is placed on civilian-run-elections.

Language.

The Coalition recommends that the State use Voting Rights Act guidelines to determine jurisdiction in which voting materials should be provided in languages other than English. The State should require that counties containing such jurisdiction provide all voting materials in those languages in addition to English. The Coalition recommends that state elections officials modify voter registration cards to provide for a category for primary language. This would aid both the state and the county in determining whether under the Voting Rights Act they need to have areas designated as language minority jurisdictions. In creating standardized statewide guidelines, the state elections officials should include guidelines regarding assignment of poll workers who are dedicated to providing language assistance in any precinct designated as having a significant non-English speaking population.

Technology.

As demonstrated by the chart attached hereto as Exhibit "G", Florida is lagging behind in the development of strict and comprehensive guidelines and procedures to regulate the voting technology used in Florida's counties. Therefore, the Coalition recommends that the Task Force create a committee to draft such guidelines and the guidelines be implemented as soon as possible.

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In conjunction with the technology, the Coalition recommends that the legislature adapt a law requiring all counties with touch-screen-voting systems to adapt a system of back-up paper balloting for use in the case of machine malfunction.

Increase Voter Turnout-Early Voting/Same Day Registration.

With the advent of early voting, studies have shown that voter turnout decreases. Therefore, it is incumbent on the State to create uniform statewide rules for increasing voter turnout. The Coalition recommends that the State study the feasibility of election day registration, which as set forth in Exhibit "G", it is practiced in six states in the United States.

The Coalition also recommends that the State of Florida consider shortening its voter registration deadline. As set forth in Exhibit "H", Florida has one of the longer registration deadlines in the country.

Lastly, as per our discussion, enclosed please find a copy of the Caltech/MIT Voting Technology Project's 2001 Report which I am enclosing as Exhibit "I." Exhibit "J" lists for you the various links and websites to the Caltech information.

Again, the Coalition appreciates the opportunity to meet with you. We are very pleased with your receptiveness and the commitment demonstrated by the State Attorney. Please do not hesitate to contact us if there is any additional information that we can provide you to. Again, we look forward to a continued productive working relationship to improve elections in Florida both for the voters and for the whole of the democracy.

Very truly yours,

Lida Rodriguez-Taseff
President, American Civil Liberties Union
Greater Miami Chapter
on behalf of the Miami-Dade Election Reform Coalition

LRT:mv
Enclosures

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