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VOTER EDUCATION: THE KEY TO ELECTION REFORM SUCCESS LESSONS FROM FLORIDA

Susan A. MacManus*

Over a dozen national task forces and commissions have analyzed the 2000 presidential election and concluded that electoral system reforms are imperative not just in Florida, but nationwide. Among the common recommendations are elimination of punch card ballots, enhancement of registration procedures and outreach, provision of more accurate voter lists, clear delineation of appeals processes, establishment of voter rights and responsibilities, clarification of recount rules and procedures, securing of accessible polling places, better facilitation of voting and proper counting of absentee ballots, and ensuring provisional ballots available at each precinct. For these reforms to be most effective, the reports say, better voter education is needed, and elections officials and poll workers must receive better training.

Florida has passed laws mandating better voter education, along with many other electoral reforms, in both the 2001 and 2002 legislative sessions. The sweeping Florida Election Reform Act of 2001 requires all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Florida Department of State in order to qualify for state funds. (The Act appropriated nearly \$6 million for voter education in fiscal year 2001–2002 in addition to \$24 million for purchase of new voting equipment, fiscal years 2001–2003.) Laws passed in the 2002 session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms with the Americans with Disabilities Act of 1990.

This Article details the content and thrust of Florida's voter education efforts and examines the creative educational efforts underway at the local level that other states' communities would do well to follow, lest they become the objects of major litigation, the sites of political furor, and the objects of unwanted national attention.

INTRODUCTION

After the embarrassments of Election 2000—the butterfly ballot, chads of all descriptions (hanging, dimpled, pregnant, and otherwise), and re-counting fiascos, the Palm Beach Board of County

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Commissioners voted to spend \$14.4 million to purchase 4,000 touch screen voting machines.¹ Everyone had high hopes that the new system would eliminate the errors of the old punch card system. However, when the system was used for the first time in 15 municipal elections in 2002, problems abounded.² Voter and poll worker error rates resurfaced, and the County Supervisor of Elections, Theresa LePore, was called before the County Commission to explain what happened.³ Shortly thereafter, similar situations made the news in several other Florida counties as new voting systems “put on trial” in various municipal elections were judged to be less than perfect.⁴

1. Stebbins Jefferson, *No Chads, Just Glitches*, PALM BEACH POST, March 3, 2002, available at http://www.gopbi.com/partners/pbpost/epaper/editions/today/opinion_31865701172a1850060 (on file with the University of Michigan Journal of Law Reform).

2. See George Bennett, *New Voting System a Touchy Subject*, PALM BEACH POST, Apr. 3, 2002, at 5B [hereinafter Bennett, *New Voting System*]. The error rate (voters not recording a vote for either candidate in a runoff election) in one small municipality, Wellington, was 3.1%. *Id.* Commissioner Tony Masilotti said, “There seems to be as high a rate of error as there was with the old chad system.” *Id.* Other problems included poll workers not collecting cartridges from unused voting machines. Kellie Patrick, *Cartridge Problem Casts Pall on Palm Beach County’s New Voting Machines*, S. FLA. SUN-SENTINEL, Mar. 14, 2002, at 1A; see also Eliot Kleinberg, *Poll Workers to be Reprimanded for Election’s Human Goofs*, PALM BEACH POST, March 14, 2002, available at http://www.gopbi.com/partners/pbpost/epaper/editions/Thursday/local_news_c309649f202930 (on file with the University of Michigan Journal of Law Reform). Across the county, 2.8% of the 1,957 absentee ballots cast in the March 12 municipal elections were spoiled (not cast properly). Absentee balloting in Florida was done using a new optical-scan balloting system that replaced the old punch card system. George Bennett, *Ballot Arrows Point Out Problems*, PALM BEACH POST, Mar. 31, 2002, at 1A.

3. Palm Beach County Commissioners disagreed about “whether to blame election difficulties on the machines, voter education efforts, poll worker training or some combination of all these elements.” Bennett, *New Voting System*, *supra* note 2, at 5B; see also Jennifer Peltz, *County Examines Vote Machines*, S. FLA. SUN-SENTINEL, Apr. 3, 2002, at 3B; Jennifer Peltz, *County Seeks Advice on Voting Machines*, S. FLA. SUN-SENTINEL, Apr. 24, 2002, at 1A.

4. Many of these problems were equipment-oriented and may have been caused by technician errors. For example, in Plant City (Hillsborough County), technicians were unable to transmit election results by computer from Plant City to the Brandon election service center. There were also incidents of remote sites being unable to read touch screen voting system cartridges. Yvette C. Hammett, *New Machines Touch Voters’ Fancy*, TAMPA TRIBUNE, April 3, 2003, available at <http://info.tbo.com/printversion.cgi?yrl=http%3A//www.tampatrib.com/MGA602POKZC.html>; Bill Varian, *Glitch Mars Touch Screen Debut*, ST. PETERSBURG TIMES, available at http://www.sptimes.com/2002/04/03/news_pf/Hillsborough/Glitch_mars_touch_acr.shtml (on file with the University of Michigan Journal of Law Reform). In the town of Medley (in Miami-Dade County), software, which was used to combine 45 absentee votes with ballots cast at City Hall, changed the order of the candidates’ names and caused election officials to announce the wrong winner. Tere Figueras & Tanya Wragg, *Medley’s Touch-Screen Vote Ends With Mix-Up*, MIAMI HERALD, April 3, 2003 available at www.miami.com/mld/miamiherald/2002/04/03/news/local/2986522.htm?template=cont. A programming error by a software technician created the problem. Oscar Corral, *Technician’s Error, Not Machines, to Blame in Dade Election Mix-Up*, MIAMI HERALD, April 4, 2002 available at <http://www.miami.com/mld/miamiherald/news/local/2993042.htm?template=contentModules>.

Post-election analyses of the early trials of touch screen voting machines in Florida merely validated what numerous national commission and task force reports had already concluded: first, there is never an error-free election,⁵ and second, without better voter education, new technology and revamped statutes, rules, and regulations have far less of an impact.⁶

As Deborah Phillips of the Voter Integrity Project states: “[T]here actually is no such thing as a ‘perfect’ voting system.”⁷ An article in the League of Women Voters’ magazine, *The National Voter*, concludes: “[T]here’s no such thing as an error-free election.”⁸ The same article affirms: “voter education—always an important component [of reform]—becomes even more critical when adopting new voting technologies.”⁹

A widely cited GAO report cautions reformers against assuming that technology alone will be a cure-all:

5. Numerous studies acknowledge the impossibility of an error-free election (for a variety of reasons, including a highly decentralized election system). See, e.g., UNITED STATES GENERAL ACCOUNTING OFFICE, GAO-02-90, ELECTIONS: A FRAMEWORK FOR EVALUATING REFORM PROPOSALS (Oct. 2001) [hereinafter GAO-02-90]; NATIONAL COMMISSION ON ELECTION REFORM, TO ASSURE PRIDE AND CONFIDENCE IN THE ELECTORAL PROCESS (THE CARTER-FORD COMMISSION), (The Miller Center of Public Affairs, Univ. of Va., The Century Foundation, Aug. 2001); NATIONAL TASK FORCE ON ELECTION REFORM, ELECTION 2000: REVIEW AND RECOMMENDATIONS BY THE NATION’S ELECTIONS ADMINISTRATORS 10 (The Election Center, July 2001); THE CALTECH/MIT VOTING TECHNOLOGY PROJECT, RESIDUAL VOTES ATTRIBUTED TO TECHNOLOGY 18 (Mar. 30, 2001). Some studies acknowledge a 2% error, or residual vote, as average; other studies find that error rate tolerable, but not optimal. The National Commission on Election Reform concludes: “[R]esidual vote rates at or below 1% should be considered good. Residual vote rates between 1 and 2% can be viewed as adequate, but citizens should consider local circumstances and decide what is possible. Rates between 2 and 3% should be viewed as worrying. Rates higher than 3% should be considered unacceptable.” NATIONAL COMMISSION ON ELECTION REFORM, *supra*, at 54. A report on election errors in the fifty states in 2000, prepared for Rep. John Conyers, Jr. by the Democratic investigative staff of the House Judiciary Committee states: “Statisticians have estimated that as many as 2% of all ballots cast for the office of President nationwide were discarded because of machine errors and voter errors.” STAFF OF HOUSE COMM. ON THE JUDICIARY, 107TH CONG., HOW TO MAKE OVER ONE MILLION VOTES DISAPPEAR: ELECTORAL SLEIGHT OF HAND IN THE 2000 PRESIDENTIAL ELECTION 14 (Aug. 20, 2001).

6. The National Task Force on Election Reform report that analyzed the causes of problems in Election 2000 concludes: “[O]nly a small percentage of the problems were directly related to any failure by vote tally devices themselves. The problems were created by people, not machines, and any reform of substance will deal with what people do or don’t do, rather than focusing on a machine that can only do what it is designed to do.” NATIONAL TASK FORCE ON ELECTION REFORM, ELECTION 2000, *supra* note 5, at 8.

7. Deborah M. Phillips, *Setting The Standard for Election Integrity*, Jan. 16, 2001, at 1 (on file with The Voting Integrity Project).

8. Kathy Koch, *Can High Tech Save ‘Lost’ Votes?*, THE NATIONAL VOTER, at 19 (Mar./Apr. 2002).

9. *Id.*

Introducing new technology alone may not necessarily reduce voter error. In fact, switching equipment actually may introduce new opportunities for voter error unless the jurisdiction deals with the people aspects of successfully fielding new voting technology and offers voter education on how to use the new equipment effectively.¹⁰

Teaching voters how to use new voting equipment is but one element of voter education. Voters must also be better informed on a wide range of issues—from absentee voting to their rights and responsibilities—to improve the electoral process. To do this, election office personnel and poll workers must receive better training and enlist the help of other institutions, such as schools, families, churches, businesses, civic groups, and community organizations, in voter education efforts.

This Article examines the voter education efforts by the State of Florida and its counties as potential models for other states to follow. The article looks at Florida's electoral reform statutes and the Florida Department of State's minimum standards for nonpartisan voter education, as well as the creative educational efforts on the county level during each phase of the election cycle. It focuses on techniques being used to reach special-need populations—the young, the elderly, the disabled, minorities, new and inexperienced voters, recently relocated voters, and those with reading difficulties. It also looks at marketing and media-based outreach tools that are being used to reach specific segments of the electorate, and to recruit and train poll workers.

II. STRONG OPINIONS ABOUT REFORM

Virtually every recent national election reform task force and commission report has concluded that better voter education is needed.¹¹ The Florida Governor's Select Task Force on Election

10. GAO-02-90, *supra* note 5, at 51.

11. See, e.g., GAO-02-90, *supra* note 5; U.S. COMMISSION ON CIVIL RIGHTS, ELECTION REFORM: AN ANALYSIS OF PROPOSALS AND THE COMMISSION'S RECOMMENDATIONS FOR IMPROVING AMERICA'S ELECTION SYSTEM (Nov. 2001); NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS, FEDERAL ELECTION RECOMMENDATIONS (Aug. 15, 2001); NATIONAL COMMISSION ON ELECTION REFORM, *supra* note 5; THE CONSTITUTION PROJECT'S FORUM ON ELECTION REFORM, BUILDING CONSENSUS ON ELECTION REFORM (Aug. 2001); NATIONAL CONFERENCE OF STATE LEGISLATURES, VOTING IN AMERICA: FINAL REPORT OF THE NCSL ELECTIONS REFORM TASK FORCE (Aug. 2001); NAACP, ELECTIONS REFORM AND VOTING

Procedures, Standards, and Technology placed voter education at the top of its recommendations for addressing the shortcomings evident in Election 2000.¹² The Select Task Force, created by Executive Order of Governor Jeb Bush and staffed by The Collins Center for Public Policy, Inc., put the issue in perspective:

We can easily get lost in debates about which voting technology is best or what law should control recounts. But, ultimately, elections are not primarily about technology or legal procedures. They are about people, their belief in democracy, and their faith in free and open elections as a reliable way to make their choices known. The interests and skills of people—citizens, voters, poll workers, candidates, and officials—can make or break any voting system. It is essential to put people first and to invest in their abilities to do their jobs well.¹³

Post-election hearings and surveys in Florida in early 2001 asked citizens to identify what went wrong in Election 2000 and what should be done to remedy the problems. While respondents were quick to point out technology-oriented causes, they also noted problems stemming from educational deficiencies of voters, election officials, and poll workers.¹⁴ Generally, African Americans, non-Cuban Hispanics, and Democrats predominately cited government-related shortcomings (ballot design, voting machine inaccuracies and malfunctions, poll workers, and government

RIGHTS (July 24, 2001); NATIONAL ASSOCIATION OF SECRETARIES OF STATE, RESOLUTION ON REFORM POLICIES AND THE FEDERAL GOVERNMENT (July 2001); NATIONAL TASK FORCE ON ELECTION REFORM, *supra* note 5; NATIONAL ASSOCIATION OF COUNTIES/NATIONAL COMMISSION ON ELECTION STANDARDS AND REFORMS, REPORT AND RECOMMENDATIONS TO IMPROVE AMERICA'S ELECTION SYSTEM (May 2001); UNITED STATES HOUSE DEMOCRATIC SPECIAL COMMITTEE ON ELECTION REFORM, REVITALIZING OUR NATION'S ELECTION SYSTEM (Apr. 2001).

12. GOVERNOR'S SELECT TASK FORCE ON ELECTION PROCEDURES, STANDARDS, AND TECHNOLOGY, REVITALIZING DEMOCRACY IN FLORIDA (Mar. 1, 2001).

13. *Id.* at 16. Prior to writing the report, the Task Force held hearings throughout the state. Several of these hearings were broadcast nationally over C-SPAN and other cable networks.

14. See U.S. COMMISSION ON CIVIL RIGHTS, VOTING IRREGULARITIES IN FLORIDA DURING THE 2000 PRESIDENTIAL ELECTION (June 2001); Susan A. MacManus, *Floridians Look Back at Election 2000 and Look Forward to Major Reforms*, J. JAMES MADISON INST. (Summer 2001) (on file with author) [hereinafter MacManus, *Floridians Look Back*]; Susan A. MacManus et al., *Floridians Want Reform Of The Election System . . . Now!*, The Collins Center for Pub. Pol'y, Inc. and The James Madison Inst., Apr. 16, 2001 (on file with author) [hereinafter MacManus et al.]. A poll of six hundred adult Floridians was conducted April 3–8, 2001, via telephone by Schroth and Associates, Washington, D.C. MacManus et al., *supra*. The margin of error for the survey is +/- 4%.

officials), whereas whites, Cuban-Americans, and Republicans more often pointed to individual voter-based reasons (carelessness, lack of experience using voting equipment, reading, and language deficiencies).¹⁵ What they *could* agree on was the need to revamp the state's election system. Three-fourths said it was "very important" for the Florida Legislature to reform the system *before* Election 2002.¹⁶

Naturally, standardization and uniformity of voting machines, ballot layout and design, re-counting rules, and uniform poll closing times were at the top of Floridians' reform wish list. But 91% also favored better voter education for new registrants, 86% supported the idea of creating a statewide voter registration list to help reduce fraudulent voting by ineligible persons, 81% saw the need for better training of poll workers, and 79% preferred a better registration system.¹⁷

Improving voter education was heavily supported by 18-to-34 year-olds (96%), non-Cuban Hispanics (98%), African Americans (95%), southwest Florida residents (96%), and non-registered voters (96%).¹⁸ This finding is consistent with the conclusions of a number of other studies and newspaper accounts on the need for more voter education. Surveys of Florida's younger adults show that younger Floridians learn little about the mechanics of voting in their high school government or civics classes.¹⁹ In addition, spokespersons for minority groups have acknowledged that the voters' mistakes from those communities are indicative of the need to better educate newly registered voters.²⁰ The high percentage of non-registered voters who cite this need is yet another indication that some fail to register because they are somewhat intimidated by a process about which they know very little.

The most mobile residents are the most likely to favor creating a statewide voter registration list to help reduce fraudulent voting by ineligible persons. These residents are 18-to-34-year-olds (95%),

15. MacManus, *Floridians Look Back*, *supra* note 14, at 5.

16. MacManus et al., *supra* note 14.

17. *Id.* at 11.

18. *Id.*

19. Susan A. MacManus, *What Florida's College Students Say They Didn't Learn in Their High School Government Class*, J. JAMES MADISON INST. (May/June 1999), at 4-10, 28; Susan A. MacManus, *Why Should the Young Desire a Career in Government or Consider Running For Office?*, in EDUCATION FOR CIVIC ENGAGEMENT IN DEMOCRACY: SERVICE LEARNING AND OTHER PROMISING PRACTICES 117-30 (Sheilah Mann & John J. Patrick eds., 2000) [hereinafter MacManus, *Why Should the Young Desire a Career in Government or Consider Running For Office?*].

20. See, e.g., Jounice L. Nealy, *Black Voter Drive Begins Anew*, ST. PETERSBURG TIMES, Jan. 15, 2001, at A4.

persons who have lived in Florida five years or less (93%), and those not registered to vote (93%), who are most often young.²¹ This finding confirms what other research has shown, namely that young people say they have little knowledge of how to move their voter registration from one place to another.²² Among those who are registered, some worry that they may be registered in more than one place because they do not know for sure that their name has been removed from the voter roll at their former residence.

Young persons, African Americans, Hispanics (Cuban and non-Cuban), Independents, and South Florida residents are the groups which most strongly support better poll worker training. This finding is consistent with testimony that was given at various hearings across the state,²³ especially in South Florida where ballot format problems were most intense in 2000, and news coverage of poll worker-related problems was heaviest.²⁴

III. FLORIDA ELECTION REFORMS: 2001 & 2002

Both the 2001 and 2002 Florida legislative sessions passed electoral reform laws that make Florida's efforts the most comprehensive of any state. Voter education is an integral part of each.

A. *The 2001 Act*

On May 4, 2001, the Florida legislature passed a sweeping election reform bill, the Election Reform Act of 2001, which was signed

21. MacManus et al., *supra* note 14, at 11.

22. See MacManus, *Why Should the Young Desire a Career in Government or Consider Running for Office?*, *supra* note 19.

23. Both the Governor's Select Task Force on Election Procedures, Standards and Technology and the U.S. Civil Rights Commission held hearings around Florida designed to generate testimony from citizens and voter advocacy groups. These public comments were, in turn, incorporated into the final reports of these two groups. GOVERNOR'S SELECT TASK FORCE ON ELECTION PROCEDURES, STANDARDS, AND TECHNOLOGY, *supra* note 12; U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 14.

24. See generally MARTIN MERZER & THE MIAMI HERALD STAFF, THE MIAMI HERALD REPORT: DEMOCRACY HELD HOSTAGE (2001); CORRESPONDENTS OF THE NEW YORK TIMES, 36 DAYS: THE COMPLETE CHRONICLE OF THE 2000 PRESIDENTIAL ELECTION CRISIS (2001); THE POLITICAL STAFF OF THE WASHINGTON POST, DEADLOCK: THE INSIDE STORY OF AMERICA'S CLOSEST ELECTION (2001).

by the Governor on May 10.²⁵ The portions of the Act specifically addressing the need for better voter education assigned responsibility to the Department of State (in which the Division of Elections is housed)²⁶ and the county supervisors of elections.²⁷

The 2001 Election Reform Act set deadlines for the Department of State's development of voter education standards and for county elections supervisors' design and implementation of nonpartisan voter education. The legislation delineated a wide array of topics to be addressed by the state and its counties, such as a statewide voter registration list, better training of poll workers, voter rights and responsibilities, absentee voting, and provisional ballots.

The 2001 Act also established a procedure for measuring the effectiveness of the voter education programs. By December 15 of each general election year, each supervisor of elections must submit a detailed description of the voter education programs implemented by her county to the Department of State. The Department of State, in turn, is required to prepare a public report on the overall effectiveness of voter education programs and to submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election. The Department of State is also charged with using information from the counties to adopt modified rules that incorporate successful voter education programs and techniques.

B. Appropriations

The 2001 General Appropriations Act gave the Division of Elections of the Florida Department of State \$5,949,375 for fiscal year 2001–2002 to distribute to counties to implement their voter edu-

25. 2001 FLA. LAWS ch. 40 (The Election Reform Act). There was strong bipartisan support for the legislation. The final vote in the Florida Senate was 38-2 in favor of the legislation. The vote was unanimous in the Florida House of Representatives.

26. The Department of State was required to adopt rules prescribing minimum standards for nonpartisan voter education by March 1, 2002. These standards were to, at a minimum, address voter registration, balloting procedures, absentee and polling place standards, voter rights and responsibilities, distribution of sample ballots, and public service announcements. The Department of State was also required to review the existing voter education program in each of the state's sixty-seven counties.

27. Each county's supervisor of elections is required to implement the Department of State's minimum voter education standards and to conduct additional nonpartisan voter education.

ation plans.²⁸ The Election Reform Act of 2001 established the distribution formula, effective July 1, 2001—a per capita registered voter figure calculated by dividing the total dollar appropriation by the number of registered voters in Election 2000. Each county was eligible to receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for Election 2000.²⁹ This method yielded larger amounts for larger counties (with more diverse populations). Table 1 below summarizes these appropriations by county.

Each county’s receipt of funds was contingent upon the filing of a comprehensive voter education program for the 2002 election cycle with the Department of State. Specifically, counties were required to submit a detailed description of how they planned to educate citizens and recruit and train poll workers.³⁰

TABLE 1
VOTER EDUCATION, POLL WORKER TRAINING
AND RECRUITMENT FUNDING

COUNTY	TOTAL REG VOTERS	EDUCATION FUNDING
Alachua	120,867	\$ 82,155.42
Baker	12,352	\$ 8,395.87
Bay	92,749	\$ 63,043.12
Bradford	13,547	\$ 9,208.13
Brevard	283,680	\$ 192,822.26
Broward	887,764	\$ 603,428.73
Calhoun	7,234	\$ 4,917.08

28. General Appropriations Act, 2001 FLA. LAWS ch. 253 (Specific Appropriation 2898B).

29. The Election Reform Act, 2001 FLA. LAWS ch. 40 § 74 (2001).

30. The Election Reform Act addressed the need for educating poll workers by creating chapter 102.014. FLA. STAT. ch. 102.014 (2002). County elections supervisors are responsible for conducting training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election. The law requires minimum training requirements:

The minimum training requirements for clerks are a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year. Inspectors must have a minimum of three hours of training during a general election year, at least one hour of which must occur after June 1 of that year.

Id.

The Act authorizes payment to inspectors, election clerks, and deputy sheriffs to attend required poll worker training sessions.

COUNTY	TOTAL REG VOTERS	EDUCATION FUNDING
Charlotte	98,898	\$ 67,222.70
Citrus	81,378	\$ 55,314.05
Clay	86,861	\$ 59,040.94
Collier	123,572	\$ 83,994.05
Columbia	31,131	\$ 21,160.29
Desoto	15,731	\$ 10,692.64
Dixie	10,511	\$ 7,144.51
Duval	423,967	\$ 288,177.79
Escambia	171,004	\$ 116,234.41
Flagler	33,466	\$ 22,747.43
Franklin	7,578	\$ 5,150.90
Gadsden	26,253	\$ 17,844.62
Gilchrist	6,878	\$ 4,675.10
Glades	6,326	\$ 4,299.89
Gulf	9,923	\$ 6,744.84
Hamilton	6,939	\$ 4,716.56
Hardee	10,886	\$ 7,399.40
Hendry	16,268	\$ 11,057.64
Hernando	95,549	\$ 64,946.33
Highlands	52,941	\$ 35,984.92
Hillsborough	499,427	\$ 339,469.27
Holmes	10,317	\$ 7,012.65
Indian River	71,420	\$ 48,545.42
Jackson	23,973	\$ 16,294.87
Jefferson	8,161	\$ 5,547.17
Lafayette	4,036	\$ 2,743.34
Lake	131,031	\$ 89,064.06
Lee	252,918	\$ 171,912.79
Leon	146,417	\$ 99,522.20
Levy	18,671	\$ 12,691.01
Liberty	3,752	\$ 2,550.30
Madison	10,378	\$ 7,054.11
Manatee	170,578	\$ 115,944.85
Marion	147,707	\$ 100,399.03
Martin	86,514	\$ 58,805.08
Miami-Dade	896,912	\$ 609,646.78
Monroe	48,409	\$ 32,904.44
Nassau	35,170	\$ 23,905.66
Okaloosa	111,320	\$ 75,666.15
Okeechobee	17,448	\$ 11,859.71
Orange	404,779	\$ 275,135.37
Osceola	92,196	\$ 62,667.23
Palm Beach	656,694	\$ 446,366.40
Pasco	221,671	\$ 150,673.66

COUNTY	TOTAL REG VOTERS	EDUCATION FUNDING
Pinellas	574,961	\$ 390,811.05
Polk	247,807	\$ 168,438.75
Putnam	40,396	\$ 27,457.87
Santa Rosa	77,778	\$ 52,867.07
Sarasota	221,945	\$ 150,859.90
Seminole	190,704	\$ 129,624.85
St. Johns	89,511	\$ 60,842.19
St. Lucie	117,785	\$ 80,060.53
Sumter	31,549	\$ 21,444.41
Suwannee	20,617	\$ 14,013.74
Taylor	12,304	\$ 8,363.24
Union	6,752	\$ 4,589.45
Volusia	260,572	\$ 177,115.35
Wakulla	13,382	\$ 9,095.98
Walton	28,144	\$ 19,129.97
Washington	14,358	\$ 9,759.38
Total	8,752,717	\$ 5,949,374.92

C. Minimum Standards for Nonpartisan Voter Education

Most counties filed their voter education plans shortly after the Act became law to take advantage of the funding and to provide the input needed by the Department of State to formulate its minimum standards rule. The rule is an expansive one and incorporates many of the recommended approaches from various task forces and commissions.³¹

31. Under the Administrative Procedure Act, chapter 120.54 of the Florida Code, the rule-making process is as follows: An agency files a notice of workshop for a rule at least fourteen days prior to the workshop in the Florida Administrative Weekly (FAW). After the workshop, the proposed rule is filed. A hearing on the proposed rule is held no earlier than twenty-one days after the rule is filed. If the rule is revised by the agency, it is then noticed in the FAW. If there are no further comments or changes, it is published in its revised format in the FAW. After twenty-eight days, the proposed rule can formally be moved for adoption. The new rule is effective twenty days later. The Department of State's Notice of Proposed Rule Development was published in the FAW on May 18, 2001. The workshop for the proposed minimum standards for voter education was held in Tallahassee in June 2001. The rule was noticed on March 1, 2002; the hearing was held on April 12, 2002. The rule, FLA. ADMIN. CODE ANN. r. 1S-2.033 (2002), was adopted on May 10, 2002, and took effect on May 30, 2002. The law requires covered jurisdictions that are proposing changes in election laws or procedures to submit the proposed changes to the U.S. Attorney General for administrative review or via a lawsuit before the U.S. District Court for the District of Columbia prior to their implementation. *See* The Voting Rights Act of 1965 § 5 (codified as amended at 42 U.S.C. §§ 1971, 1973-1973bb-1 (1994)). The changes may not take place before

The rule requires county supervisors to create a Voter Guide.

The Voter Guide shall include the following information: how to register to Vote; where registration applications are available; how to register by mail, dates for upcoming elections, registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address, or party affiliation; information on how to obtain, vote and return an absentee ballot; voters' rights and responsibilities pursuant to section 101.031 of the Florida Statutes; polling information including what times the polls are open, what to bring to the polls, a list of acceptable IDs, what to expect at the polls; instructions on the county's particular voting system; supervisor contact information; and any other information the supervisor deems important.³²

County election supervisors are required to provide the Voter Guide "at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor's office; public libraries; community centers; post offices; centers for independent living; County governmental offices; and at all registration drives conducted by the supervisor of elections."³³ Voters' rights and responsibilities must be posted at each supervisor's office.³⁴

The rule also includes parameters for voter education online. "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."³⁵ Supervisors with websites must also post notice of all changes of polling places and precincts on the site.³⁶

pre-clearance has been obtained. *Id.* The proposed rule herein was pre-cleared by the U.S. Department of Justice on August 9, 2002.

32. DIVISION OF ELECTIONS, FLORIDA DEPARTMENT OF STATE, Standards for Nonpartisan Voter Education, FLA. ADMIN. CODE ANN. r. 1S-2.033 (2002), *available at* <http://election.dos.state.fl.us/laws/proposedrules/index.shtml> (on file with the University of Michigan Journal of Law Reform).

33. *Id.* at § (1)(b).

34. FLA. STAT. ch. 101.031 (2002).

35. DIVISION OF ELECTIONS, FLORIDA DEPARTMENT OF STATE, Standards for Nonpartisan Voter Education, *supra* note 32, at § 2.

36. *Id.* at § 9.

The rule expressly targets young voters in both high school and college, although, as will be discussed later, many supervisors voluntarily include elementary and middle schools:

At least once a year in each public high school [and on each college campus] in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students.³⁷

The supervisors are charged with other types of outreach as well, including targeting senior citizens and minorities. For example, the supervisors are required to “conduct demonstrations of the county’s voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups.”³⁸ Supervisors utilize both general and minority media outlets (radio, television and print programs and interviews) in publicizing voting information. County supervisors must provide voter registration workshops for individuals and organizations sponsoring voter registration drives “upon reasonable request and notice.”³⁹

Finally, there are strict requirements for voter notification—subject, format, and placement:

Supervisors of elections shall provide notice of changes of polling places and precincts to all affected registered voters. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor’s office to obtain polling place information.⁴⁰

37. *Id.* at § 3.

38. *Id.* at § 7.

39. *Id.* at § 6.

40. *Id.* at § 9.

D. 2002 Election Reforms

Floridians continued to push for more and better voter education, even after passage of the Election Reform Act of 2001. A survey conducted in March 2002 (during the legislative session) revealed that nearly two-thirds of Floridians polled believed the state should do more to teach voters about the voting process.⁴¹ Consequently, the legislature adopted more election reforms during its 2002 session. The primary intent of these reforms was to better inform, protect, and engage citizens in the electoral process.

The overall impact of the 2002 legislation will be to broaden the scope of voter education responsibilities and to more definitively spell out voter rights, especially for the disabled.

House Bill 493, entitled "Voter Registration," authorizes private individuals and groups interested in registering voters to reproduce voter registration applications.⁴² It requires that the Department of Highway Safety and Motor Vehicles ("DHSMV") and other voter registration agencies forward unsigned or incomplete voter registration applications to the appropriate supervisor of elections within five days.⁴³ This requirement is designed to allow the supervisors to contact the potential registrant and help her complete the registration application. The bill permits voters to change their addresses via telephone or e-mail, if the voter provides her date of birth.⁴⁴

Convicted felons and persons adjudicated mentally incompetent, when notified by certified mail that they are potentially ineligible to vote, must now be told that they can request a hearing before the supervisor to show cause why they should not be removed from voter rolls.⁴⁵ Under the "Voter Education" bill,

41. Lynda Lee Kaid, COLLEGE OF JOURNALISM AND COMMUNICATIONS, UNIVERSITY OF FLORIDA, SURVEY: VOTER TRAINING WANTED, (Mar. 2002) (telephone survey of 523 Floridians) at <http://www.tallahassee.com/mld/tallahassee/news/local/3031760htm?template=contentModul> (on file with the University of Michigan Journal of Law Reform).

42. Enacted as 2002 FLA LAWS ch. 189, amending FLA. STAT. ch. 97.052, allowing for reproduction if the application is in the same format as that prescribed by the Department of State.

43. FLA. STAT. ch. 97.057 § (b)(4) (2002). The previous law was silent on the DHSMV duties relative to the maintenance of unsigned applications. It simply required that the agency retain declined applications for two years.

44. FLA. STAT. ch. 97.1031 (2002).

45. FLA. STAT. ch. 98.0977 (2002). The original process, part of the maintenance of the statewide voter registration database, instructed the county supervisor to request that the individual fill out forms to keep her name from being dropped from the voter roll. The new process gives the voter an alternative. She "may attend a hearing at a time and place speci-

information on how to update voter signatures must also be published at least once each general election year.

The major thrust of a recent election-related bill⁴⁶ is to ensure that Florida's electoral system conforms with the Americans with Disabilities Act of 1990.⁴⁷ The "Elections" law abolishes limitations on the length of time (five minutes) a voter is allowed to occupy a voting booth.⁴⁸ It delineates the specific forms of communication and information that must be used to reach hearing, visually, and physically impaired voters.⁴⁹ Candidates, political parties, and political committees "must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by," them.⁵⁰ Voting machinery must also be physically, visually, and audibly accessible. The law delineates specific accessibility requirements, ranging from minimum height for voting booths, minimum decibels, color combinations, and font size, to strength requirements.⁵¹

fied in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls." *Id.* at § 3. The process provides for an appeal to the circuit court (Florida's state trial courts) if the elector is dissatisfied with the supervisor's decision at the hearing. FLA. STAT. ch. 98.075 (2002).

46. S. 1350, 2002 Leg., Reg. Sess. (Fla. 2002) (2002 FLA. LAWS ch. 281).

47. 42 U.S.C. §§ 12101 (2000). Increasingly, advocacy groups such as the American Association of People With Disabilities (AAPD) closely monitor state and local elections officials to ensure that election laws are in conformity with the ADA. For example, some of the stated goals of AAPD's Disability Vote Project are to "push for meaningful election reform, continue efforts to get out the disability vote [voter education],[and] focus on polling place and voting system access." AAPD, *Disability Vote Project*, available at <http://www.aapd-dc.org/dvpmain/dvpindex.html> (on file with the University of Michigan Journal of Law Reform).

48. S. 1350, 2002 Leg., Reg. Sess. (2002 FLA. LAWS ch. 281) (amending FLA. STAT. ch. 101.51).

49. FLA. STAT. chs. 97.021, 97.026, 98.122, 101.56062 (2002).

50. FLA. STAT. ch. 98.122 (2002). If they do not, they are required to "file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission." *Id.*

51. FLA. STAT. ch. 101.56062 (2002) (Standards for Accessible Voting Systems). For example, machines must have the capability to set the font size from a minimum of 14 points to a maximum of 24 points. The voting system must use black text or graphics, or both, on a white background, or vice versa unless the Secretary of State approves another high contrast color combination that does not require color perception. Machines with audio capabilities must "provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain." FLA. STAT. ch. 101.56062(h) (2002)). Voting booths must have "voting controls at a minimum height of 36 inches above the finished floor with a

The law also dictates that certified voting systems must inform voters of an undervote or overvote. An “undervote” occurs when a voter “has failed to vote in a race or has failed to vote the number of allowable candidates in any race.”⁵² An “overvote” occurs when a voter registers more than the allowable number of choices for a particular office or issue on the ballot. The law specifies accessibility and signage requirements at polling places (parking spaces, accessible paths of travel).⁵³ Finally, it also requires the Department of State to “develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability.”⁵⁴

Another “Elections” bill revises the Voter’s Bill of Rights and Responsibilities⁵⁵ and specifically informs the voter that failure to perform any of the responsibilities does not prohibit a person from voting.⁵⁶ It requires poll workers to give direct voting instructions instead of referring voters to a voting instruction model.⁵⁷

To protect the integrity of the ballot, the bill requires those who are given provisional ballots to sign a statement acknowledging

minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep” or be designed to allow its use on the top of a table. *Id.* at (m).

52. *Id.* at (n)(7).

53. FLA. STAT. ch. 101.715 (2002).

54. FLA. STAT. ch. 102.014(7) (2002). The program on etiquette and sensitivity to voters with disabilities is to last approximately one hour:

The program must be conducted locally by each supervisor of elections, who shall periodically certify to the Department of State whether each poll worker has completed the program. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

Id.

55. FLA. STAT. ch. 101.031(2) (2002).

56. *Id.*

57. Chapter 101.5611(1) of the Florida Code states:

The supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. In instructing voters, no precinct official may favor any political party, candidate, or issue. Such instruction shall show the arrangement of candidates and questions to be voted on. Additionally, the supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.

their awareness of the penalties of voting fraud.⁵⁸ The attention to fraud in Florida is understandable, given the massive voter fraud in a 1997 Miami mayoral election involving absentee ballots cast. In that contest, the initial victor's election was invalidated and the runner-up declared the winner following a ruling by the Third District Court of Appeals of Florida that all absentee ballots should be invalidated due to massive absentee voter fraud.⁵⁹ Extensive coverage of this situation by *The Miami Herald* and other newspapers prompted the Florida legislature during its 1998 session to pass election reforms tightening rules on absentee voting and increasing penalties for election fraud from misdemeanors to felonies.⁶⁰

IV. CREATIVE, TARGETED EFFORTS: FLORIDA COUNTIES

The remainder of this Article focuses on some of the most imaginative approaches for promoting voter education designed to date.

A. *The Need to Target*

The need to use varying communication techniques is a well-established fact in the world of politics, especially as the electorate becomes more socio-economically and politically diverse. *Campaigns and Elections* magazine is filled with ads touting the ability of

58. The recipient of the provisional ballot's signed statement, which must be signed by the person receiving the provisional ballot, includes this language: "I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years." FLA. STAT. ch. 101.048(3) (2002). Previously, there was a requirement that such information be prominently posted at each precinct.

59. The dispute resulted in a Florida Supreme Court ruling on the matter, *In re Protest of Election Returns & Absentee Ballots in the November 4, 1997 Election for the City of Miami, Florida*, 707 So. 2d 1170 (Fla. 1998).

60. *The Miami Herald* won a Pulitzer Prize in 1999 for its exposure of the election fraud. See *Dubious Tactics Tilted Mayoral Votes*, THE MIAMI HERALD, Feb. 8, 1998, available at www.pulitzer.org/year/1999/investigative-reporting/works/980208_dubious_tactics.html (on file with the University of Michigan Journal of Law Reform). The state legislature's subsequent efforts to revamp absentee voting rules got national attention. See, e.g., Warren Richey, *Florida Makes a Move to Rein in Voter Fraud*, THE CHRISTIAN SCIENCE MONITOR, May 4, 1998, available at www.csmoinitor.com/durable/1998/05/04/p4s1.htm. The state legislature passed an election bill which became law on May 22, 1998. 1998 FLA. LAWS ch. 129; S. 1402, 1998 Leg., Reg. Sess. (Fla. 1998).

political consulting firms to reach different types of voters via audio, video, and print. Thus, it is not surprising that The National Task Force on Election Reform report recommends that “. . . information be presented creatively to meet the needs of different demographics”⁶¹ Likewise, the National Association of County Information Officers (“NACIO”) “Checklist For Voter Education Initiatives” recommends that thought be given “to which groups, if any, need special attention in the crafting of a voter education program.”⁶² The groups identified as possibly having “special educational/information needs” include absentee and early voters, citizens living abroad (other than military voters), disabled persons, ex-felons, first time voters (including new citizens and older, previous nonvoters), home- and hospital-bound individuals, members of the Armed Forces, minorities, voters in remote areas, and young voters.⁶³ Attention must also be paid to the special needs of illiterate individuals and those for whom English is not the primary language.

B. Demographic, Socioeconomic, and Political Diversity

Florida is a demographically, socio-economically, and politically diverse state. Its sixty-seven counties vary considerably in their population size, growth rate, age profile, racial/ethnic composition, wealth, educational level, and partisan make-up.⁶⁴ The state is divided into ten television media markets.⁶⁵ By necessity, each county supervisor of elections must design voter education efforts differently while covering the requisites laid down by state law requirements.

61. NATIONAL TASK FORCE ON ELECTION REFORM, *supra* note 5, at 20.

62. NATIONAL ASSOCIATION OF COUNTY INFORMATION OFFICERS, A GUIDE FOR VOTER EDUCATION: A CHECKLIST FOR VOTER EDUCATION INITIATIVES 16–17, available at <http://www.nacio.org/voterguide/educationinitiatives.html> (on file with the University of Michigan Journal of Law Reform).

63. *Id.*

64. See BUREAU OF ECONOMIC AND BUSINESS RESEARCH, UNIVERSITY OF FLORIDA, FLORIDA COUNTY RANKINGS 2001 (Dec. 2001) [hereinafter FLORIDA COUNTY RANKINGS 2001]. See generally DAVID R. COLBURN & LANCE DEHAVEN-SMITH, FLORIDA'S MEGATRENDS (2002).

65. Nielsen Media Research has identified and ranked 210 television markets (Designated Market Areas) in the U.S. operating in the 2002–2003 television season. These DMAs are determined by the number of television households served in each area. See Nielsen Media Research, *Nielsen Media Research Local Universe Estimates (US)*, at <http://www.nielsenmedia.com/DMAs.html> (last visited Jan. 18, 2003).

The old adage “necessity is the mother of invention” has proven true. Florida’s county supervisors of election have been quite creative in this process. Some voter education efforts were already in place prior to new state mandates to expand voter education;⁶⁶ others have been launched in the 2002 election cycle in response to the new requirements. Many involve election office partnerships with local businesses, schools, other local governments, nonprofit agencies, civic associations, and citizen advocacy groups.

C. Targeting Young Voters

The declining participation rate of younger voters has been of concern to civic educators for some time,⁶⁷ which explains why young people are the focus of many voter education programs. National surveys of high school seniors have found that “one-third of high school seniors lack a basic grasp of the principles of American government and three-fourths are not proficient in civics.”⁶⁸ Not surprisingly, turnout among 18-to-24-year-olds was at a record low

66. They were identified in “Current Operations” portions of county voter education plans filed with the Department of State to enable counties to receive voter education funds from the State. See generally FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *infra* note 72.

67. See, e.g., LAKE, SNELL, PERRY & ASSOCIATES, THE TARRANCE GROUP, INC., SHORT TERM IMPACTS, LONG TERM OPPORTUNITIES: THE POLITICAL AND CIVIC ENGAGEMENT OF YOUNG ADULTS IN AMERICA (The Center for Information and Research in Civic Learning & Engagement, The Center for Democracy & Citizenship, and The Partnership for Trust in Government at the Council for Excellence in Government, March 2002); DONALD GREEN & ALAN GERBER, GETTING OUT THE YOUTH VOTE: RESULTS FROM RANDOMIZED FIELD EXPERIMENTS (Interim Report for The Pew Charitable Trusts, June 2001); SUZANNE SOULE, WILL THEY ENGAGE? POLITICAL KNOWLEDGE, PARTICIPATION AND ATTITUDES OF GENERATIONS X AND Y (Center for Civic Education, 2001); RUSS FREYMAN & BRENT MCGOLDRICK, THEY PRETEND TO TALK TO US, WE PRETEND TO VOTE: CANDIDATES AND YOUNG ADULTS IN CAMPAIGN 2000 AND BEYOND (The Third Millennium, 2000); LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS, UNIVERSITY OF TEXAS, THE CIVIC EDUCATION OF AMERICAN YOUTH: FROM STATE POLICIES TO SCHOOL DISTRICT PRACTICES (Policy Research Report No. 133, 1999); NATIONAL ASSOCIATION OF SECRETARIES OF STATE, NEW MILLENNIUM YOUNG VOTERS PROJECT—PART I: AMERICAN YOUTH ATTITUDES ON POLITICS, CITIZENSHIP, GOVERNMENT, AND VOTING (1999); NATIONAL COMMISSION ON CIVIC RENEWAL, A NATION OF SPECTATORS—HOW CIVIC DISENGAGEMENT WEAKENS AMERICA AND WHAT WE CAN DO ABOUT IT (1998); RICHARD NIEMI & JAN JUNN, CIVIC EDUCATION: WHAT MAKES STUDENTS LEARN (1998); SUSAN A. MACMANUS, YOUNG V. OLD: GENERATIONAL COMBAT IN THE 21ST CENTURY (1996); Robert Putnam, *Bowling Alone: America’s Declining Social Capital*, 6 J. DEMOCRACY 65–78 (1995).

68. THE SYLVIA MAGERS YOUNG VOTER OUTREACH PROGRAM, THE VOTING INTEGRITY PROJECT, PREPARING THE NEXT GENERATION: TEN PRINCIPLES FOR AN ENGAGED ELECTORATE, at <http://www.voting-integrity.org/projects/youngvoter> (on file with the University of Michigan Journal of Law Reform).

in Election 2000 (32.3%).⁶⁹ A survey of that age group found that more than half (55%) “say schools don’t do a very good job of giving young people the information and basic skills they need to vote.”⁷⁰

Many efforts have sprung up nationally to reverse this trend. High profile examples include get-out-the-vote efforts by MTV’s Rock the Vote voter registration and voter education program, Kids Voting USA (a program allowing students to join their parents as they vote at their precincts), the National Student/Parent Mock Election program that culminates in a simulated nationwide election, and Project Vote Smart’s Vote Smart Classroom, which uses lesson plans to inform students about the voting process and how to evaluate candidates and elected officials.⁷¹ Naturally, many of the approaches that Florida counties use to reach elementary-age children differ from those aimed at middle or high school students.⁷²

Materials aimed at Florida’s elementary students include everything from brochures, and activity and comic books, to election simulation kits.⁷³ Some counties decided to ask students to create posters that would persuade people to vote. The posters, in turn, would be displayed at local supermarkets, convenience stores, malls, and government offices several weeks prior to an election. Other counties chose to tailor field trips through the elections office that would allow students to use the election equipment.⁷⁴

Often, voter education efforts focused on elementary school children recognize the opportunity to involve their parents (and

69. Richard Morin, *A Record Low—and No One’s Cheering*, WASH. POST, Jan. 20, 2002, at A14.

70. NATIONAL ASSOCIATION OF SECRETARIES OF STATE, *supra* note 67, at 34.

71. ALLIANCE FOR BETTER CAMPAIGNS, ISSUE BRIEF: YOUTH AND POLITICS, at <http://www.bettercampaigns.org/issuebriefs/display.php?BriefID=10> (on file with the University of Michigan Journal of Law Reform).

72. All Florida examples are from my analysis of the sixty-seven individual county voter education plans filed with the Division of Elections in 2001. FLORIDA COUNTY VOTER EDUCATION PLANS 2001 (on file with the Division of Elections in the Florida Department of State and with the University of Michigan Journal of Law Reform). Note that these examples reflect what the counties planned; records of what they actually implemented were not available at this writing.

73. Orange County, for example, has planned a coloring contest for elementary school children. The winner’s picture would be issued to local television stations, including Orange TV (the government channel), for airing, and the artwork would be used on election office posters, brochures, and training manual covers. *Id.* at Orange County. Monroe County produced a comic book that illustrates the AccuVote tabulation system, provides captions regarding the importance of voting, and shares information relative to regarding upcoming elections. *Id.* at Monroe County.

74. *See id.* at Santa Rosa County, Sumter County.

grandparents) as well.⁷⁵ In some counties, for example, elections supervisors have chosen to send coloring books on voting home with the children, along with a letter for the students to give to their parents reminding them of the importance of registering and voting.⁷⁶

Mock elections, more sophisticated activity books, field trips featuring hands-on voting experiences and expansion of the Kids Vote, Too curriculum are popular plans for reaching middle schoolers. Because middle schools frequently have their own school television channels, certain county supervisors plan to develop videos to broadcast on such channels.⁷⁷

Personal contact is another popular plan for reaching high schoolers. Some counties decided to send a letter to all seniors,⁷⁸ along with a voter registration application and other informational materials, such as how to vote absentee.⁷⁹ Under Florida's new minimum voter education standards, all county election supervisors must go into the high schools to conduct voter registration and education programs.⁸⁰ Additionally, advertising election information on high school television channels, in school flyers, newsletters, yearbooks, and at school sporting events is widespread. So, too, is the use of web sites.⁸¹

75. The National Association of Secretaries of State survey concluded: "The single factor that most determines whether a young person will vote is whether his or her parents vote." NATIONAL ASSOCIATION OF SECRETARIES OF STATE, *New Millennium Survey: New Millennium Fact Sheet*, at <http://www.stateofthevote.org/factsheet.html>.

76. See generally FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *supra* note 72.

77. Citrus County's supervisor has proposed developing such a video and creating a Junior Election Board—a select group of middle school students who would work with the elections office and learn firsthand about the process. *Id.* at Citrus County.

78. Some target letters to graduates or send birthday greetings on a student's eighteenth birthday.

79. See, e.g., *id.* at Pasco County. Manatee and Putnam counties had similar plans, except that they would enclose a return mail card in such mail-outs to graduates to make it easier for college-bound students and military enlistees to change their addresses and request absentee ballots. *Id.* at Manatee County, Putnam County. Sarasota County chose to target special education students by working with high school teachers to include voter registration cards in the Individual Educational Plan of each student. *Id.* at Sarasota County.

80. Competition is always a big motivator at the high school level. Columbia County proposed holding a contest to see which high school could create the best voting slogan. *Id.* at Columbia County. Polk County considered three kinds of contests for high schools: a voter registration contest, art contests to choose election logos, and a contest to develop the best election video. *Id.* at Polk County.

81. Florida is one of twenty-two states that has online resources for youth voting and civic learning, according to the National Association of Secretaries of State. See http://www.nass.org/Issues/issues_NMvoting®.html. Hillsborough County proposed developing online voting system demonstrations for students, as well as information about the election process, a question and answer section, and web animation. Florida County Voter Education Plans 2001, *supra* note 72, at Hillsborough County. Orange County offered

Reflective of a growing trend across the United States, several counties planned to recruit students to be poll workers on election day,⁸² to serve as volunteers in voter registration drives and get-out-the-vote efforts,⁸³ and to demonstrate voting equipment (at community centers, nursing homes, and assisted living facilities). Some counties propose “Vote for a Vet” programs.⁸⁴ Such activities pair students with a veteran to impart the notion that voting is a civic duty and an act of patriotism.

Finally, college students are another audience targeted for better voter education. Several counties planned to recruit college students as poll workers or interns in the election office. Proposals include forming alliances with college student government associations to develop registration networks and poll worker recruitment drives.⁸⁵

D. Targeting Senior and Disabled Voters

Florida is the nation’s “grayest” state, with 17.6% of its population age 65 and older.⁸⁶ Some Florida counties have considerably

its web page as a place for high schools to display sample ballots for their student council elections. *Id.* at Orange County. Nearly every county now allows student council elections to be conducted on county voting equipment. *See generally id.*

82. *See id.* at Broward County, Putnam County, & Sarasota County. Putnam County’s proposal calls for high school honors students to be recruited to work at the polls. The money they earn will be donated to their school’s club or organization. *Id.* at Putnam County. According to the NASS, there is “‘a lot of support’” among the elections community for youth poll worker training programs. Aron Goetzl, *Program Seeks to Put More Students in the Polling Place for 2002 and Beyond*, ELECTIONLINE WEEKLY, Apr. 25, 2002, available at http://www.electionline.org/article.jsp?id=freedom_s_answer_story&p=1 (quoting Doug Bailey). Thirty-nine state chief elections officers have endorsed the creation of a national Youth Voter Corps. *Id.*

83. *See* FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *supra* note 72, at Volusia County.

84. *See id.* at Duval County, Marion County, Nassau County, Okaloosa County, St. Johns County.

85. Hillsborough County’s proposal, for example, involves coordination with University Lecture Series guest appearances, campus newspapers, and campus radio stations. *Id.* at Hillsborough County. Volusia County planned a voter registration drive for all entering freshmen at Bethune Cookman College and the creation of student election ambassadors at all area colleges to assist in planning a voter registration day at their schools. *Id.* at Volusia County.

86. U.S. CENSUS BUREAU, CENSUS 2000, available at <http://quickfacts.census.gov/qfd/states/12000.html>.

larger senior populations than others.⁸⁷ Unlike younger age groups who are short on basic information, older residents are very interested in politics and are quite informed. Their special voter education needs relate more to their physical limitations—reduced or changed sight, hearing, and mobility, and lack of experience with computers, although that is changing rapidly.

Information provided to seniors must often use different types of print, paper, fonts, drawings, photographs, colors, and sounds.⁸⁸ Mobility limitations may necessitate voting via absentee ballots. Florida's county supervisors of elections have been sensitive to these special needs for some time. The famous "butterfly ballot" was actually an effort by the Palm Beach County supervisor to use larger fonts to reach her county's sizable older population.⁸⁹ The good news is that seniors are generally quite eager to know everything there is to know about registering and voting.⁹⁰ Furthermore, it is easy to go to places where seniors are clustered—senior community centers, assisted living facilities, nursing homes, and condo communities—to demonstrate new voting equipment, discuss absentee ballots, and provide other information.

Many counties send teams of poll workers or election office staff to visit nursing homes and assisted living facilities ("ALFs") to distribute information, such as sample ballots or absentee ballot requests, and to answer questions. It is common for election office staff to return to these facilities to help the residents complete their absentee ballots.⁹¹ One county decided to post information on its website for nursing home and ALF staff so that they could stay up to date on election developments and could download various forms and handouts they regularly use in assisting their residents.⁹² In order to reach seniors who are home-bound, certain

87. The percentage of the population 65 and older ranges from a low of 7.5% in Union County to a high of 34.7% in Charlotte County. FLORIDA COUNTY RANKINGS 2001, *supra* note 67, at tbl. 1.3.

88. SUSAN A. MACMANUS, TARGETING SENIOR VOTERS: CAMPAIGN OUTREACH TO ELDERLY AND OTHERS WITH SPECIAL NEEDS 180–81 (2000) [hereinafter MACMANUS, TARGETING SENIOR VOTERS].

89. See THE POLITICAL STAFF OF THE WASHINGTON POST, *supra* note 24, at 66; CORRESPONDENTS OF THE NEW YORK TIMES, *supra* note 24, at 10.

90. MACMANUS, TARGETING SENIOR VOTERS, *supra* note 88, at 72.

91. This is particularly important in light of the potential for fraud in the absentee ballot process, especially with regard to the elderly who may not physically be able to complete a ballot themselves.

92. St. Johns County decided to provide forms for nursing home and ALF administrators updating their list of residents to send back to the election office. FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *supra* note 72, at St. Johns County.

counties plan to work more closely with agencies that commonly serve seniors, such as Meals on Wheels and services for the blind.⁹³

E. Targeting Minority Voters

Florida is one of the nation's most racially & ethnically diverse states. The 2000 Census reports that 22% of the state's population is non-white. The two largest non-white groups are African Americans (14.6%) and Asians (1.7%). Hispanics or Latinos (of any race) make up 16.8% of the population.⁹⁴ Naturally, the state's counties vary considerably in their racial and ethnic composition, with the largest concentrations of non-whites in metropolitan areas.

In general, minority populations are younger, which makes it imperative to design intergenerational voter education programs that begin with the schools. In some counties, materials must be culturally sensitive and prepared in multiple languages.⁹⁵ For school-aged children, one proposed school program was to send letters home in the student's native language informing parents of critical registration deadlines, election dates, and contact information.

Some approaches to better educate minorities about registration and voting are focused internally, such as expanding election office staffs to include those with multicultural backgrounds and bilingual skills,⁹⁶ assigning staff to work directly with specific minority groups, and engaging in aggressive recruiting of bilingual and minority poll workers.

Other approaches are focused externally, such as advertising on cable television and in minority newspapers and magazines, establishing links to the Supervisor of Elections website from targeted

93. Volusia County, for example, proposed to send absentee ballot request forms with its Meals on Wheels volunteers. *Id.* at Volusia County. Citrus County investigated a web site program that is accessible to disabled citizens. *Id.* at Citrus County.

94. See U.S. Census Bureau, Census 2000, *supra* note 86. The remaining nonwhite racial breakdowns are: American Indian and Alaska Native, 0.3%, and Native Hawaiian and Other Pacific Islander, 0.1%. Another 3% describe themselves as "some other race", and 2.4% are of "two or more races." *Id.*

95. For example, materials would be in Spanish and Creole in Broward, Palm Beach, and Leon counties. Materials in Orange County, however, would be Creole, Korean, and Vietnamese.

96. Broward County is recruiting a Creole speaking telephone staff to assist voters seeking information, particularly those from the growing Haitian community. Florida County Voter Education Plans 2001, *supra* note 72, at Broward County.

minority websites that have local interest, and creating public service announcements specifically designed to target a county's minority populations.⁹⁷

Some approaches involve community outreach, such as participating in naturalization programs and ceremonies to reach new citizens, working with local NAACP chapters and churches with large minority memberships, and appearing at multicultural festivals.⁹⁸ Many of these approaches incorporate multiple languages in publishing voter information, in creating web pages, and in programming automated phone systems with information on registering and voting.⁹⁹

F. Targeting Voters with Reading and Comprehension Deficiencies

Because registration and voting require a basic level of literacy, persons with low literacy skills present an obstacle in voter education efforts. Most of these efforts focus on making materials easy to read and understand. Many counties have recruited the assistance of professionals in developing and editing such materials.¹⁰⁰

G. Targeting Mobile and New Voters

Florida is often described as a state whose population and politics have been imported from everywhere—inside and outside the United States. The state's population has grown dramatically over the past four decades and is continuing to grow at a faster pace than most states. The state grew by 2.6% between 2000 and 2001 alone.¹⁰¹

97. See *id.* at Duval County.

98. Hillsborough County, for example, commemorates Latin Fest and Asia Fest. *Id.* at Hillsborough County. Leon County celebrates Unity Day. *Id.* at Leon County.

99. St. Lucie County, for example, proposed a Voter Information Hotline that would provide recorded information in English and Spanish. *Id.* at St. Lucie County.

100. Clay County, for example, decided to recruit English as a second-language teachers to help develop brochures for this targeted population. *Id.* at Clay County. In St. Johns County, representatives from the "Learn to Read" program would assist county elections officials with editing printed material for simplicity and clarity. This information, in turn, would be shared with the "Learn to Read" program participants to encourage them to register and vote. *Id.* at St. Johns County.

101. See U.S. Census Bureau, Census 2000, *supra* note 86. Eight counties grew faster than the state average, with the greatest growth occurring in Flagler County (+10.3%). *Id.*

The major thrust of voter education for newcomers is often to inform them of how Florida's electoral process works. Voting in Florida may be different from voting in the state or nation where they once lived. In particular, newcomers need to learn about such things as voter registration (Florida has a book closing deadline),¹⁰² the primary election system (Florida has a closed primary unless only one party fields candidates, in which case it has a universal primary),¹⁰³ voting equipment (Florida has touch screens and precinct-based optical scan voting systems),¹⁰⁴ and absentee balloting rules.¹⁰⁵

Although many newcomers register to vote when they apply for their new Florida driver's license through the National Voter Registration Act of 1993 (the "Motor Voter" Act),¹⁰⁶ they do not necessarily gain an in-depth knowledge of election process specifics. The same is true for new, young voters registering to vote at driver's license bureaus.

1. Prior to Election Day—Cooperation between the public and private sectors is needed to reach newcomers and first-time voters. Examples of approaches that are apparently successful in reaching newcomers are partnerships with local title companies, realtors, moving companies, apartment and condo complexes, schools, recreation centers, and the Florida Chamber of Commerce.¹⁰⁷

Counties have also been imaginative in designing materials and methods to reach first-time voters. Three counties offer good examples. Orange County introduced a voter orientation program/seminar that rotated through its county commission districts.¹⁰⁸ Sarasota County produced an informational video on its government access television channel.¹⁰⁹ Osceola County is developing videos and PowerPoint presentations that can be shown at

102. See FLORIDA DEP'T OF STATE—DIVISION OF ELECTIONS 2002 ELECTION DATES TO REMEMBER, at <http://election.dos.state.fl.us/publications/pdf/DatestoRemWeb.pdf>.

103. For information on the law governing Florida's primary elections, see generally FLA. STAT. chs. 100.061, 100.081, 100.091, 100.096, 100.101, 100.102 (2002).

104. For a county-by-county map of current voting systems, see <http://election.dos.state.fl.us/votemeth/systems/countysys.shtml>.

105. For an excellent fifty state comparison of the various features of election systems, see GAO-02-90, *supra* note 5.

106. 42 U.S.C. § 1973 (2000).

107. Citrus County proposes a partnership with the Florida Greeting Service. Voter registration and election information (voter guides, brochures) are inserted into welcome packets. FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *supra* note 72, at Citrus County.

108. *Id.* at Orange County.

109. *Id.* at Sarasota County.

all public agencies and specially mandated sites, such as driver's license offices and public assistance agencies.¹¹⁰

When registration deadlines loom, some counties proposed "Midnight Madness" events to encourage people to register before the book closing deadline.¹¹¹ Many election supervisors display voter registration and election messages on business and movie theatre billboards, highway billboards, convenience store monitors, and public access television.

Counties that have switched to the new touch screen voting machines take the equipment to malls, home shows, fairs, festivals, and other community events to allow a diverse group of citizens, especially non-voters, to test it and overcome any technology or anxiety based fears.¹¹²

2. *On Election Day*—Counties have devised a number of ways to assist new and inexperienced voters at the polling place through personal attention, practice ballots, audio-visuals, and computer laptops.¹¹³ "High tech" voter assistance could help those who may be embarrassed to ask for assistance.¹¹⁴ Laptops and cell phones are replacing regular telephone landlines at polling places as the preferred means of contacting the central election office. This development helps voters avoid long waits when their registration status needs verification and helps poll workers who need to report other voting snafus. A number of Florida counties also load their precinct-based laptops with the poll worker procedural manual for easy reference.¹¹⁵

110. *Id.* at Osceola County.

111. *See id.* at Orange County, Pinellas County. Hillsborough County planned a week-long voter registration drive utilizing public and private locations and celebrities. *Id.* at Hillsborough County.

112. *See generally id.*

113. Polk County decided to identify newcomers and first-time voters on voter rolls to alert poll workers that the voter might need special assistance. *Id.* at Polk County. Other counties chose to place an identified "customer service" facilitator at each polling place to explain the voting process, answer questions, and demonstrate voting equipment. *See id.* Madison, Putnam, and Taylor counties planned to use optical scan voting systems that either require blackening an oval or connecting the head and tail of an arrow. To make sure voters know how to properly cast a ballot, each registrant would blacken or connect an example printed on the voter roll when she signs in to vote. *Id.* at Madison County, Putnam County, Taylor County.

114. St. Lucie County planned to equip polling places with television sets at polling places tuned to the public access channel, which would continuously broadcast voting instructions from 7:00 AM to 7:00 PM on election day. *Id.* at St. Lucie County. In Sarasota County, every precinct would have TVs and VCRs with continuous-feed tapes demonstrating how to use the touch screen equipment. *Id.* at Sarasota County.

115. *See generally id.*

V. BETTER TRAINING FOR POLL WORKERS IS CRITICAL

Florida's counties are dramatically restructuring their poll worker training programs and expanding the responsibilities of poll workers. By law, as previously reported, the number of hours of training has been increased.¹¹⁶ Many counties require attendance at several training sessions, instead of just one, and have reduced the size of their training classes.¹¹⁷

Several counties have planned to implement testing programs.¹¹⁸ Counties also disseminate information to poll workers through required workshops and small groups, online, and on videos and CDs, which can be checked out and taken home.¹¹⁹ In some places, election office staff members have received specific responsibility for developing and implementing new poll worker training materials and workshops.¹²⁰ These new materials contain special instructions on how to interact with disabled, older, and angry voters,¹²¹ how to inform voters of their rights and responsibilities, and how to handle emergencies (including power failures with touch screen voting machines). Many counties have included conflict resolution as a special topic or training session.¹²²

116. See *supra* note 30.

117. See generally FLORIDA COUNTY VOTER EDUCATION PLANS 2001, *supra* note 72.

118. In Pasco and Volusia counties, trainees would take a quiz after orientation to determine their ability to perform requisite tasks at the polling place. *Id.* at Pasco County, Volusia County. Jackson County would require clerks to be tested and to receive a passing score before being employed in that capacity. *Id.* at Jackson County. Duval County planned a four-hour interactive training program, with a pre-test and a post-test. The training would emphasize the legal standards, the new optical scan technology, conflict resolution, diversity, and customer service. *Id.* at Duval County. Orange County planned a "telecourse" for poll workers on Orange County Government Television that would reinforce classroom instruction. Poll workers would complete and return a quiz based on the program. The same program would be offered via interactive video in CD format for clerks who have access to a computer. *Id.* at Orange County. Flagler and Santa Rosa counties proposed establishing certification programs for clerks and poll workers. *Id.* at Flagler County, Santa Rosa County.

119. For example, St. Lucie County proposed an Internet-based training program and testing program for poll workers. *Id.* at St. Lucie County. Putnam County came up with the idea of a training video to discuss the importance of assisting a voter, provide instructions on how to open and close the polls, give information on rules governing solicitation at the polls by candidates and political parties, and discuss what to do if a voter is not on the precinct roll. *Id.* at Putnam County. Manatee County planned to make CDs available for use by the election office staff, poll workers, schools, and the public through all branches of the public library. *Id.* at Manatee County.

120. See generally *id.*

121. Jackson County proposed contracting with its local community college to provide training in sensitivity for people with special needs. *Id.* at Jackson County.

122. See, e.g., *id.* at Collier County.

In counties with sizable minority populations, the poll worker training materials are multilingual, and visuals, such as actual photographs of specific polling places and equipment, are becoming an integral part of PowerPoint training for poll workers.¹²³

Poll worker education is increasingly perceived as a year-round effort. Election offices publish newsletters to keep poll workers informed of changes in election laws and to notify them of election calendars and future training sessions. Web sites and e-mail are also integral parts of plans for year-round poll worker training.¹²⁴

Florida's county supervisors of elections have adopted many ideas from market researchers and media specialists about how to grab the public's attention. New technologies make many of these ideas viable and affordable. It will be interesting to see which ones are the most effective.

VI. POST-ELECTION EVALUATIONS

In line with the recommendations of various task forces at the state and national levels, several counties have planned ways to solicit recommendations for improvements from poll workers and voters, including a formal process for reviewing comment cards from precinct workers and voters.¹²⁵ Other counties propose asking their clerks to give a written report on any significant events during Election Day and an evaluation of their polling places,¹²⁶ whereas others propose querying all poll workers (not just clerks).¹²⁷

CONCLUSION

The voting problems of Election 2000 have brought increased scrutiny to voter registration and balloting. The reports from

123. Monroe County has adapted its training manuals accordingly. *Id.* at Monroe County. Duval County proposed establishing an Education Advisory Committee with representation from minority, disabled, non-English speaking, and elderly communities to redesign education programs for poll workers as well as voters. *Id.* at Duval County.

124. *See generally id.*

125. *See, e.g., id.* at Collier County.

126. *See, e.g., id.* at Putnam County.

127. Volusia County, for example, proposes to expand its post-election survey to include feedback from all poll workers. Volusia County would also employ poll workers to periodically inspect polling places to ensure handicap accessibility and the functionality of phone lines for uploading election results. *Id.* at Volusia County.

post-election 2000 task forces and commissions on election reform have all come to virtually the same conclusion—voter education is the key to successful implementation of reforms at each stage of the election process (before, on, and after Election Day).

The Florida legislature, which has passed the most sweeping election reforms of any state, has made voter education a high priority. It has mandated that county election supervisors develop and implement better, more effective voter education programs aimed not only at individual voters but also at the poll workers who instruct voters.

The Florida Election Reform Act of 2001 assigns responsibility for voter education to the Department of State and county supervisors of elections. The Act sets deadlines, includes a wide array of topics to be addressed, establishes a procedure for measuring the effectiveness of the programs, and grants rule-making authoring to the Department of State. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms with the Americans with Disabilities Act of 1990. The dynamic nature of election reform further elevates the importance of voter education at both the state and local levels.

The demographic, socioeconomic, and political diversity of Florida's 67 counties create different voter education needs and affect the types of interface and outreach strategies that are adopted. Voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches designed to capture the attention of Floridians and to inform them about registration and voting. County elections supervisors have worked proactively to reduce the levels of voter error and confusion that existed during the 2000 election cycle.

Other states and communities have much to learn from Florida's example. Voter education is serious business in Florida, and it ought to be so everywhere.