

Testimony of Maria Matthews,
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Thank you Chairman DeGregorio and members of the commission for the opportunity to speak on behalf of the Florida Division of Elections Director, Dawn Roberts, who, due to a prior engagement, could not be here today. I am going to speak on ballot design and polling place signage.

Ballot Design

If you have to hail back to an event which kick-started our most recent election reform cycle, the 2000 Presidential Election is a good place to start. It was no surprise when a number of legislative proposals were filed in 2001 by the Florida Legislature including a bill with the simply stated legislative intent of enacting a uniform ballot law.

Chapter law 2001-40, Law of Florida was the first major piece of election law reform after the 2000 Presidential Election. The law implemented many of the recommendations from the *Governor's Select Task Force on Election Procedures, Standards and Technology* and the Senate Committee on Ethics and Elections project report entitled, Florida Senate, *Review of the Voting Irregularities of the 2000 Presidential Election* (Report Number 2001-201). To paraphrase only slightly a line from that report, "the ability of a voting system to accurately reflect the voter's intent is inextricably tied to ballot design.'

Up until then, ballot design was largely a matter within the discretion of local supervisors of elections. No formal process existed for review or approval of a ballot design although a supervisor was required to publish a sample ballot in the local newspaper or mail one to registered voters prior to the election. Without delving too much into the painful details of the past, Florida became known as the home of the butterfly ballot, the caterpillar ballot, and even the so-called Monica ballot. I will not go into the specifics as much has been written by more qualified persons on these matters.

Nevertheless, the Florida Legislature took deliberative but swift action. For example, the punchcard voting system was to vanish much in the way of the Dodo Bird. In addition to a number of other changes, the Legislature also focused on revising a section of law pertaining to ballots. So that it was even more clear that the Florida Legislature intended to provide uniformity and clarity in primary and general election ballot instructions, design and formats, the Legislature retitled the section 101.151, Florida Statutes, "Specifications for Ballots" and directed the Department of State to adopt by rule "graphic depictions of sample uniform primary and general election ballot forms for each certified voting system" in the state."

Rule 1S-2.031, Florida Administrative Code, entitled the Uniform Primary and General Election Ballot, further implemented the law and was first adopted in 2002. The rule underwent an extensive rulemaking development process which allows for workshops, publications, and public hearings to obtain input from the private and public sector. The rule emphasizes such things as that a voter can only vote for one candidate per office,

specifies the marking space for a voter's choice, prohibits any single race from appearing in more than one column on an optical scan ballot or on more than one screen of a touch screen ballot, specifies the minimum font size of 10 points and consistent font size for each category, requires the Division of Elections to approve any deviation from the rule, and provides uniform sample ballots and instructions for use with each of the primary types of certified voting systems in the state.

The goal was to provide more standardization of the ballots and ballot instructions and to make them more "voter-friendly." We think the State of Florida has done that as evidenced by the record in years since. Obviously, the rules are always subject to review and revision and as new voting systems come on line and are certified, the rules may have to be changed.

Polling Place Signage

On this topic, I will be very brief. The truth of the matter is that the mantra is "keep it simple." The Department of State produces for the supervisors of elections two major signs that are posted in polling places: The Voter's Bill of Rights and Voter Responsibilities, and Instructions to Voters. There is nothing fancy in its production or layout. It simply states what it has to say in bold black print on a white poster. Given the limited amount of space on the walls at the polling place sometimes due to the required posting of constitutional amendment proposals, some suggestion has been made to change the manner of display from a wall poster to a floor display. The display would consist of a very tall fabric covered floor stand that could be placed at the entrance to the polling room which the voter would see before entering the polling room.

In accordance with section 101.031, Florida Statutes, the Florida Department of State is required to produce the instructions for voters to use in voting. The instructions include at a minimum: the operating hours, the requirement that a photo ID with signature must be provided or else a voter will have to vote a provisional ballot, the brief specifics on how to cast the ballot if using an optical scan or a touch screen voting system, and the notice that the poll workers have full authority to maintain order in the polling area.

As a part of the 2001 election law changes, the Florida Legislature also required the supervisors of elections to post at all the polling places, The Voter's Bill of Rights and Voter Responsibilities. The law spells out exactly what is to be contained therein. In addition to rights, the voter has certain responsibilities including familiarizing himself or herself with the candidates and issues, maintaining a current address with the supervisor of elections' office, knowing the location of his polling place and hours, bringing proper id, familiarizing himself or herself with the operation of the voting equipment, treating precinct workers with courtesy, respecting the privacy of other voters, reporting any problems or violations to the supervisors of elections and making sure that his or her completed ballot is correct before leaving the polling station.

In sum, simplicity. Thank you once again for the opportunity to be here.