

EXHIBIT B

From: ROBERTS.DAWN
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Cc: EDWARDS.ERIC; FOX.JONATHAN; CARLTON.DAN; GOSNEY.PATRICIA.S36
Subject: Florida State Association of Supervisors of Elections
Date: Tuesday, April 19, 2011 3:23:20 PM
Attachments: [2011041915060174_00001.PDF](#)
Importance: High

Good Afternoon –

I have attached a memorandum from the Supervisors outlining some of their issues with CS/CS/SB 2086 that they verbally addressed with you after the Rules Committee meeting. The first page of the memorandum basically outlines the Association's preference for certain language in the House bill (1355). You will note two additional issues on the second page that they are expressing concern with – Section 20 dealing with moving the date of the primary (my recommendation would be a one-time change for 2012 regardless of the date chosen) and Section 35 dealing with early voting. Please advise whether you are comfortable with moving to the House position on their issues. Staff is working on the early voting research project and hopefully will have some information compiled by the end of the week.

Also, CS/CS/SB 2086 is likely to be put on the Budget Committee agenda for Monday/Tuesday of next week. My understanding is that Eric has been working with House staff on the differences in the two bills currently. The House bill is on the Special Order Calendar for tomorrow. We have set up a meeting with Eric for 10:30 tomorrow morning. Eric – If you haven't already, it would be helpful for you to coordinate with Chairman DLP prior to our meeting in the morning so that everyone is on the same page as we begin preparing for next week. If amendment(s) are to be filed on CS/CS/SB 2086 for Monday or Tuesday, Friday is our deadline.

I will be out of the office on Friday but available by phone.

Dawn K. Roberts, Esq.

Staff Director

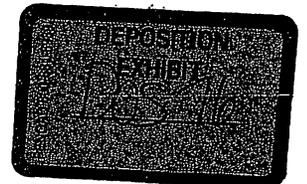
Committee on Governmental Oversight & Accountability

Rules Subcommittee on Ethics & Elections

Florida Senate

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From: GlobalScan.Admin@leg.state.fl.us [mailto:GlobalScan.Admin@leg.state.fl.us]
Sent: Tuesday, April 19, 2011 3:07 PM
To: ROBERTS.DAWN
Subject:





FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS

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MEMORANDUM

**Executive Committee
2010-2011**

President
Gwen Chandler
President-Elect
David Stafford
Vice President
Vicki Davis
Secretary
Lori Edwards
Treasurer
Jerry Holland
Past-President
Mark Andersen

TO: Senator Miguel Diaz de la Portilla
Dawn Roberts, Staff Director
Senate Rules Subcommittee on Ethics and
Elections

FROM: Ronald A. Labasky

DATE: April 18, 2011

RE: CS/Senate Bill 2086

**Board of Directors
2010-2011**

Ann Bodenstein
Margie Laramore
Lana Morgan
Connie Sanchez
Chris Chambless
Ann McFall
Brian Corley
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Attached is a summary of principal issues that the Florida State Association of Supervisors of Elections has with the current version of Committee Substitute for Senate Bill 2086. There are a number of technical or procedural issues as well. A number of the issues specified have been addressed in CS/CS/HB 1355. The House modifications to these issues are as follows:

Section 1. The House bill has provided that any directions or opinions will be written.

Section 4. The House bill requires that the Division maintain a database of the third-party voter registration organizations and supervisors of elections will provide information concerning voter registration forms that are distributed, but the supervisor of elections is not required to maintain a database of the organizations.

General Counsel

Ronald Labasky, Esq.

Section 10. The \$50 per day personal fine imposed on the supervisor of elections has been removed. However, the requirement that reports be provided following the primary election, remain in the bill and this is a significant issue.

Executive Assistant

Nanci Watkins

Section 24. House Bill 1355 has been amended to provide that individuals may change their address at the polling place provided they are within the same county; however, change of address outside the county will require the use of a provisional ballot. This will result in thousands of additional provisional ballots, which will need to be canvassed in a short period of time.

Section 33. The House bill provides that non-overseas absentee ballots will be mailed between the 35th and 28th day prior to the election and that rather than 48 hours thereafter, the ballots be mailed within two business days.

FSASE issues re CS/SB 2086

April 18, 2011

Section 1. Specifies that it is the responsibility of the Secretary of State to provide direction and opinions to supervisors of elections in the performance of their official duties. This is totally unnecessary. The Department of State, like any other state agency, has the ability to adopt rules, provide declaratory statements and issue binding advisory opinions concerning the Florida Election Code and its rules. In addition, the Department has the authority, under Section 97.012(14), F.S., to enforce the performance of duties of supervisors of elections by filing a legal action and receive an immediate hearing, if such as required. Prior to filing an action, the supervisor and the Department are to meet, confer and make a good faith effort to resolve the issues. Therefore, this authority is unnecessary and unwarranted.

Section 4. This section (§ 97.0575(2)) requires that the Division and supervisors of elections to maintain a database of third-party registration organizations and voter registration forms. The section is unclear as to its objectives and implementation. It appears unnecessary for the supervisor of elections to maintain a database in light of the fact that third-party voter registration organizations register with the State. While information concerning voter registration forms distributed can be provided to the Department, maintenance of a separate database by the supervisor appears to be an unnecessary and creating an unknown cost.

Section 10. This revises the voter history and precinct level results information required to be reported to the Department of State. This codifies many of the rule provisions concerning information that must be provided. In light of the fact that rule provisions can be more easily modified based upon changes that may become necessary between legislative sessions, this is unnecessary. A \$50 a day personal fine imposed on the supervisor is punitive and inappropriate, as there appears to be no other elected or constitutional officer who have fines imposed based upon submission of reports. As mentioned above, the Department already has the authority to enforce performance of duties, which would include the filing of these reports. There is concern that the level of detail of information required to be reported may create the possibility that an individual's right to a secret ballot could be compromised. Requiring the reports following a primary election will interfere and disrupt voting and election administration of the general election process.

Section 20. Requires the 2010 Primary to be held the day after Labor Day, which creates major issues with poll workers and locations. The House moves two weeks forward.

Section 24. This removes the ability of a voter to change their address or name at the polling place. This will result in tens of thousands of additional provisional ballots, which are required to be canvassed by noon on the 3rd (primary) or 4th (general) day after the election, and significant delays at the polls. There are no reports of widespread abuse or double voting. This will significantly delay election results.

Section 33. This amendment requires that non-oversees absentee ballots begin being mailed between the 35th and 30th day before the election. This will delay the mailing of absentee ballots to voters. In addition, the amendment provides that the supervisor of election mail an absentee ballot within 48 hours after receiving a request. In the event the request is received at the end of the day on Friday or over the weekend, it would be impossible to meet this specification. The House Bill has provided for two business days, rather than 48 hours.

Section 35. This requires that early voting begin seven days before the election, rather than 15. While this may be workable with respect to primary elections, not having the 15-day timeframe for the General Election could result in crowding and confusion at early voting sites and on Election Day at the precincts. Maintaining 15 days for the General Election is imperative to a smooth General Election in the state. Flexibility in choosing early voting locations is critical.