



PRINCIPLES **for** RESTORING TRUST **in** ELECTIONS

The 2000 presidential election came down to the results in Florida. Al Gore and George W. Bush each needed Florida's electoral votes to win a majority in the Electoral College and secure the presidency. The election night results showed Bush ahead of Gore by less than 1,800 votes in an election where a total of nearly six million votes had been cast. Over the weeks that followed, legal and political battles culminated in the Supreme Court's ruling in *Bush v. Gore*, a ruling that continues to be debated.

The controversies over the 2000 presidential election stemmed in part from several ambiguous and outdated provisions of Florida's election code. The code allowed the use of antiquated voting systems, contained a vague and underspecified standard for determining the validity of ballots, and provided little guidance concerning ballot design. The use of absentee ballot was heavily restricted, and provisional ballots had not yet been authorized. These and other deficiencies together contributed to one of the closest, mostly hotly contested and heavily scrutinized presidential elections in American history. The 2000 election brought unprecedented national scrutiny to virtually every aspect of the state's election laws, casting their problems into stark relief.

Over the next two decades, the state legislature overhauled Florida's election code, adopting a variety of fundamental reforms to make the voting process more accessible and reliable; enhance protections against mistake, irregularity, confusion, and fraud; and bolster public confidence in the process. These reforms gave Florida one of the most robust, successful electoral systems in the nation. In contrast to the chaos accompanying *Bush v. Gore*, Florida was able to accommodate and efficiently conduct three statewide recounts during the 2018 election cycle, as well as a safe, smooth, successful

presidential election in 2020 despite the unprecedented challenges presented by COVID-19.

Florida's electoral system has not only been made more accessible, but also more secure and easily administrable. Elements of Florida's Election Code can serve as a model for other states as they seek to make it easy to vote and hard to cheat.

Adhering to the following principles can help guide state policymakers, regardless of political philosophy, as they seek to navigate reforms.

PRINCIPLE 1 Equipment

Adopt reliable voting machines that generate a voter-verifiable paper audit trail, so voters can confirm that their choices are being recorded accurately, and election officials can audit the machine's tallies.

PRINCIPLE 2 Ballot Design

Ensure that ballots are organized logically and clearly, so that voters can easily cast their votes for their desired candidates.

PRINCIPLE 3 Voter Registration Database

Require entities that have information relevant to voters' identities, eligibility, and residence to automatically provide such data on a frequent, ongoing basis to identify duplicative, outdated, or fraudulent records. States should also join the Electronic Registration Information Center to identify duplicative registrations and cross-reference records with available federal immigration data sources.



 **PRINCIPLE 4**
Avenues for Voting

Adopt reasonably accessible opportunities to cast ballots other than in-person on Election Day that are secure from interference or fraud and operated in a manner that bolsters public confidence in the system.

 **PRINCIPLE 5**
Provisional Ballots

Make provisional ballots more broadly available to avoid the complementary risks of either turning away potentially eligible voters from polling places or allowing ineligible individuals to cast votes on ordinary voting machines that cannot later be identified and set aside.

 **PRINCIPLE 6**
Precanvassing

Begin prec canvassing absentee or vote-by-mail ballots 2-3 weeks before Election Day.

 **PRINCIPLE 7**
Transparency

Post as much information as possible on the Internet concerning the number of absentee ballots distributed, received, and counted. In addition, post information from each early voting site about the number of votes cast on each voting machine at the beginning and end of each day, as well as the total number of voters who signed into each location to vote. Candidates and political parties should be guaranteed the right to have enough poll watchers at each election location to meaningfully monitor activities. Rather than being relegated to distant areas, they should be assured the right to see the content of papers being reviewed by election officials, including voters' identification cards; signatures on absentee ballots, voter certificates, and cure affidavits (as well as the voter's signature on file being used for

comparison purposes); the duplication of damaged ballots; and determinations of voter intent during manual canvasses or recounts, depending on the jurisdiction.

 **PRINCIPLE 8**
Canvassing.

State law should clearly set forth the extent of canvassers' duties, powers, and discretion.

 **PRINCIPLE 9**
Special Populations of Voters

Ensure compliance with federal statutes protecting the rights of military, overseas, and disabled voters, and maximize their opportunities to vote by removing unnecessary barriers.

 **PRINCIPLE 10**
Photo Identification

Voters must have ready access to photo identification without charge from the state. The state should require reasonable, secure forms of current and valid photo identification to confirm voters' identity at polling places and early voting sites.

 **PRINCIPLE 11**
Rule Promulgation

The Secretary of State should have authority to develop regulations to construe vague or ambiguous provisions of state election law, ensure that county and local officials interpret and apply election law consistently and uniformly, and ensure that elections are run consistently with all federal laws.

