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October 27, 2004
VIA FACSIMILE TRANSMISSION

Brenda Snipes, Supervisor of Elections
Gisela Salas, Deputy Supervisor of Elections
Broward County
115 South Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

954-357-7070 (fax)

Re: voting in person when voter previously requested an absentee ballot

Dear Supervisor Snipes and Deputy Supervisor Salas:

An October 27, 2004, Reuters news article (“Postal Experts Hunt for Missing Ballots in Florida” – copy attached) reports that:

Salas said the missing absentee ballot forms did not yet represent a major election problem because people had the option of voting early before next Tuesday ...

Poll workers will be able to cross-check through lap top computers hooked up to a central database whether voters had already sent in absentee ballots. On election day itself, those who requested absentee ballots will only be able to vote in person if they bring the blank absentee forms with them.

“A lot of people are very concerned because they think that just because they requested an absentee ballot, now they’re stuck in a limbo situation where they don’t have their ballot and they can’t vote,” Salas said.

“So most definitely we want to get the message out that yes they can go to an early voting site and cast their ballot and that’s what we would encourage them to do,” she said.

Certainly we applaud your efforts to get this message out. However, the story implies that your office will not permit an individual, who requested an absentee ballot, to vote on election day unless he brings the absentee ballot with him. We hope that this implication is just an error in reporting.

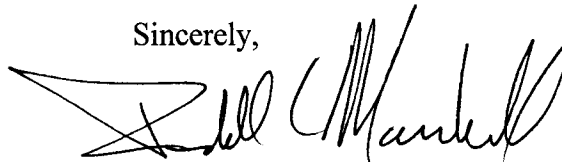
Fla. Stat. §101.69 makes it clear that a voter must be permitted to vote on election day so long as a legal absentee ballot has not already been received by the Supervisor of Elections. If the voter does not have the absentee ballot, election officials must determine whether the ballot has been

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received. If it has not, the voter is entitled to vote in person on election day. *See* §101.69(2). If it cannot be determined whether the ballot has been received, the voter is entitled to cast a provisional ballot. *See* §101.69(2). *See also* Polling Place Procedures Manual, Fla. Admin. Code 1S-2.034, at p. 9.

If you believe this analysis is incorrect, we ask that your office contact us immediately. Otherwise, we urge your office to get this message out too.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall C. Marshall". The signature is written in a cursive style with a large, sweeping initial "R" and "M".

Randall C. Marshall

Attachment

cc: Richard A. Perez, General Counsel
Dawn K. Roberts, Director of Elections
via facsimile transmission: (850) 245-6127



 Print this article

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Postal Experts Hunt for Missing Ballots in Florida

Wed Oct 27, 2004 12:18 PM ET

By Michael Christie

MIAMI (Reuters) - U.S. Postal Service investigators on Wednesday were trying to find thousands of absentee ballots that should have been delivered to voters in one of Florida's most populous counties, officials said.

The issue evoked memories of the polling problems that bedeviled the Florida election in 2000 and which the state has been trying to address before next Tuesday's presidential election, which is again expected to be a very tight race.

Broward deputy supervisor of elections Gisela Salas said 60,000 absentee ballots, accounting for just over 5 percent of the electorate in the county north of Miami, were sent out between Oct. 7 and Oct. 8 to voters who would not be in town on election day.

While some had begun to be delivered, her office had been inundated with calls from anxious voters who still had not received their ballots.

"It's really inexplicable at this point in time and the matter is under investigation by law enforcement," Salas told Reuters.

"It was basically our first major drop of the absentee ballots," Salas said. She said postal service officials had assured Broward elections supervisor Brenda Snipes that the ballots had moved out of the post office to which they had been taken by the elections office.

U.S. Postal Service Inspector Del Alvarez, whose federal agency is independent from the U.S. Postal Service, said it had yet to be determined if the ballots reached the post office.

"It's highly unlikely that 58,000 pieces of mail just disappeared," he said. "We're looking for it, we're trying to find it if in fact it was ever delivered to the postal service."

In 2000 the race in Florida, on which the national presidential contest ultimately depended, was so close it prompted five weeks of lawsuits and recounts.

The U.S. Supreme Court eventually halted the recounts, handing President Bush a 537-vote victory in Florida and the White House, and infuriating Democrats who insist their candidate Al Gore won the popular vote in the state.

The punch card ballots that were at the heart of the disputed 2000 election have been replaced by touchscreen voting machines in 15 of Florida's 67 counties, and just over half the state electorate will use them. The other counties will use optical scanning machines to read paper ballots.

But poll watchers still fear another legal maelstrom if the race in Florida, or any other critical swing state, is close and there are suspicions that some voters were denied a ballot.

Salas said the missing absentee ballot forms did not yet represent a major election problem because people had

the option of voting early before next Tuesday, when Bush is being challenged by Democratic Sen. John Kerry.

Poll workers will be able to cross-check through lap top computers hooked up to a central database whether voters had already sent in absentee ballots. On election day itself, those who requested absentee ballots will only be able to vote in person if they bring the blank absentee forms with them.

"A lot of people are very concerned because they think that just because they requested an absentee ballot, now they're stuck in a limbo situation where they don't have their ballot and they can't vote," Salas said.

"So most definitely we want to get the message out that yes they can go to an early voting site and cast their ballot and that's what we would encourage them to do," she said.

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