

ACLU Florida: Report on Vote-by-Mail Ballots in the 2018 General Election

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Summary

This report examines the rates of rejected vote-by-mail (VBM) ballots cast in Florida's 2018 General Election. It provides statewide VBM rejection rates cast by age cohorts, racial and ethnic groups, overseas (military and civilian) voters, domestic military voters, and first-time voters. It compares these rates across Florida's 67 counties. We find that younger voters, first-time voters, and voters from racial and ethnic minorities are much more likely to cast VBM ballots that are rejected by county Canvassing Boards. A high rate of overseas voters also have their VBM ballots rejected, particularly military voters stationed overseas, but also those stationed in the U.S. There exists substantial variation across the state's 67 counties in the rejection rates of VBM ballots, indicating a non-uniformity in the way VBM ballots are verified by SOEs and county Canvassing Boards. The report also finds continued problems with the processing of VBM ballots initially deemed invalid by SOEs due to a mismatched or missing signature on voter's certificate on the return envelope, but highlights the best practices employed by Pinellas County to allow voters to cure these ballots that are initially "rejected as illegal."

Principal Findings

- In the 2018 general election, as in past elections, Florida voters were much more likely to have their vote tabulated and validated if they cast their ballot in person at an Early Voting site or at their assigned Election Day precinct than if they cast a mail ballot (commonly referred to as "Vote by Mail" (VBM) ballot or absentee ballot);
- Younger, first-time, and racial and ethnic minority voters, as well as overseas and military voters, who cast VBM ballots are all at least twice as likely as older and white voters to have their VBM ballot rejected in the 2018 general election;
- Despite changes in the ability of voters to 'cure' their rejected VBM ballots, the likelihood of younger and minority voters casting a mail ballot that was rejected increased in 2018 compared to 2016, while the rejection rate of VBM ballots cast by white voters decreased from 2016;
- There is continued variation in the rejection rates of VBM ballots cast across the state's 67 counties.

Policy Recommendations

To ensure that all eligible voters have an equal access to the voting process and to have their VBM ballot processed, tabulated, and accepted as valid:

- There should be greater statewide uniformity and simplicity in the design of return VBM envelopes;
- There should be greater uniformity in the procedures and training of Supervisors of Elections (SOEs), their staff, and Canvassing Boards when processing, validating and, if necessary, allowing voters to cure their rejected VBM ballots;
- The Florida Secretary of State should provide a memorandum to SOEs with standardized procedures that county election officials must follow when notifying voters of a rejected VBM ballot and the cure process for missing and mismatched signatures;
- The Florida statewide voter history file (the FVRS database) should include information about why a voter's mail ballot was rejected, including whether it was rejected because it lacked a signature or the voter's signature was mismatched, and if the voter attempted to cure the VBM ballot if it was flagged as invalid, and if that cure was successful;
- The Florida Division of Elections should provide "best practices" guidelines, drawing on the procedures of counties with the lowest rejection and highest cure rates of VBM ballots.

Voting by Mail in the Sunshine State

Vote-by-mail (VBM) ballots, also known as mail ballots and absentee ballots, have become a staple of Florida elections. Over 2.67 million Floridians, or 31.9% of all ballots cast in the 2018 general election, were VBM ballots. Yet, when compared to the rejection rates of ballots cast early in-person and on Election Day, voters who vote by mail in the Sunshine State are disproportionately more likely to have their ballot rejected by a county Canvassing Board. As this report documents, there is considerable heterogeneity in the rejection rate of VBM ballots in Florida, not only across the state's 67 counties, but equally importantly, within a counties across age groups, across racial and ethnic groups, among military and civilian overseas voters, and among first-time voters.

Compared to previous general elections, the statewide rejection rate of VBM ballots cast in Florida in 2018 was even higher than in the 2012 and 2016 presidential elections. In both the 2012 and 2016 presidential elections, the VBM rejection rate was roughly the same—1 percent of all VBM ballots cast were rejected. Despite changes in Florida law allowing voters to have more opportunities to “cure” their VBM ballots if they have a problem with the signature on the return envelope, the overall statewide rejection rate of the 2.67 million VBM ballots cast in the 2018 general election was 1.2 percent. This rejection rate excludes mail ballots that were received by local election officials after the 7:00pm Election Day cutoff time that domestic VBM ballots must arrive in the Supervisor's office.

Notwithstanding opportunities for voters to “cure” a missing or mismatched signature on a VBM return envelope in the 2018 general election, more than 1/100 VBM ballots cast in the 2018 contest were ultimately rejected by local elections officials, amounting to some 32,176 ballots that did not count in the election. Recall that incumbent U.S. Senator Bill Nelson lost to challenger, then Governor Rick Scott, by roughly 10,000 votes in the 2018 U.S. Senate race.

As in previous general elections the rejection rate of mail ballots differs considerably across age cohorts and racial and ethnic groups, as well as for military and civilian voters overseas and first-time voters. The rejection rate of VBM ballots also differs substantially across the state's 67 counties. Younger voters, first-time voters, as well as racial and ethnic minorities in Florida, are disproportionately more likely to cast VBM ballots that are “rejected as illegal” by county Canvassing Boards—but the rates are considerably higher in some counties than in others.

In addition, there is considerable variation from county to county in the process of allowing voters to correct rejected VBM ballots with a “Vote-by-Mail Ballot Cure” Affidavit. Without question, voters casting a VBM ballot that has a signature issue should be held accountable for their rejected VBM ballot. Voters who cast ballots by mail assume responsibility to follow instructions when filling out their ballots and returning their envelopes, just as county officials assume responsibility to make sure every valid VBM ballot is counted. Eligible voters should be responsible to make sure they cast a valid ballot, taking care to update their signature on file with their local election official and to follow instructions on how to complete the voter's certificate on the return envelope to avoid mistakes that might spoil their ballot. At the same time, county election officials who are entrusted with processing and validating VBM ballots have considerable discretion in processing and validating absentee ballots. As such, local election officials, need to be held accountable for ensuring that all voters have equal access to cast a mail ballot, have that mail ballot tabulated fairly, and foster a transparent process to make sure the validation (and possible curing) of mail ballots is fairly administered for all eligible voters.

When significant variation occurs across counties in the rate of rejected VBM ballots, especially among different groups of voters (for example, within categories of age, race/ethnicity, military, and overseas), it is important to investigate whether all county election officials are providing clear instructions on how to return a VBM ballot, and to ensure that VBM return envelopes are easy to complete. SOEs should also provide the necessary time and equal opportunity for voters to cure their VBM ballot if their signature on the return VBM envelope is missing or appears to be mismatched.

In this report, drawing on data from publicly available files, we document the rejection rates of VBM ballots in the 2018 general election, as well as the cure rates across counties.

Why Might Rejection Rates of VBM Ballots Differ?

Why might validation rates of VBM ballots differ across age cohorts and racial/ethnic groups? It is a given that some voters will fail to follow instructions when filling out their ballot and return envelope. When mailing back their VBM ballots, some voters may fail to sign their name on the back of the official mailing envelope as it appears in the county's official voter registry. Absentee voters may disregard an affidavit or date that is required, or simply sign the return envelope incorrectly. Some VBM voters may neglect to sign the vote by mail ballot envelope at all.

It is certainly possible that the differential rates of rejected VBM ballots cast across demographic groups may be related to how SOEs process mail ballots, or how the state's 67 county canvassing boards interpret the voter's certificate signature and other information on VBM return envelopes. Regardless of whether the cause of rejected VBM ballots is voter error or less than adequate procedures established by local election administrators, in theory, the rate of rejected VBM ballots across demographic groups (e.g., age cohorts and racial/ethnic minorities, or first-time voters) should not differ substantially across counties. Even if there are correlations with age and race and ethnicity (such as education) that might lead to higher rates of rejected VBM ballots for some demographic groups, VBM rejection rates across demographic groups should be consistent across counties; that is, if equal standards are being applied by SOEs, their staff, and Canvassing Boards.

Furthermore, there should be comparable VBM cure rates across counties of ballots cast across age cohorts, racial and ethnic groups, and other groups of voters who have their VBM ballot initially rejected by a SOE or a Canvassing Board. In the 2018 general election, voters who neglected to sign the voter's certificate on the VBM envelope, or who signed the voter's certificate on the envelope but their signature did not match their signature in the registration books, all had an opportunity to cure their invalid ballot. Yet the rejection rates of VBM ballots were worse in 2018 than in 2016 or 2012.

Rates of Rejected VBM Ballots Cast in the 2018 General Election by Age Cohort

In the 2018 general election, a total of nearly 2.6 million Florida voters cast valid and invalid ballots. As Table 1 shows, however, compared to the 2012 and 2016 presidential elections (as shown in Table 2 and Table 3), a higher percentage of VBM ballots were rejected in the 2018 midterm election, despite the ability of voters to “cure” their VBM ballot if it was initially flagged as invalid by a county SOE. Based on calculations derived from statewide voter files following each election, in the 2012 and 2016 presidential elections, 1 percent of all VBM ballots were rejected by county Canvassing Boards. In 2018, the rate increased to 1.2 percent. More than 32,400 VBM ballots were rejected in 2018—more than in either of the previous two presidential elections, when roughly 27,700 (2016) and 23,900 (2012) VBM ballots were rejected, respectively.

The rejection rates of VBM ballots in all three general elections vary considerably across six age cohorts (18-21, 22-25, 26-29, 30-44, 45-64, 65-105), but in all three elections, younger voters were disproportionately more likely to have their mailed ballot rejected. In the 2018 general election, as Table 1 shows, the rate of rejected VBM ballots cast by the youngest cohort, 18-21 year-olds, was 5.4 percent, more than eight-times greater than that of the oldest cohort. Although 18-29 year-olds comprised only 2.1 percent of all voters who cast a VBM ballot in Florida in 2018, they accounted for 9.2 percent of all rejected VBM ballots in the midterm election.

It should be noted that the rejection rate among the state’s youngest voters (18-21 year-olds) in the 2018 election was even higher than in the 2012 or 2016 elections, where 4.2 and 4.0 percent of ballots were not counted, respectively. Even amongst the oldest cohort, rejection was higher in 2018 at 0.64% of ballots “rejected as illegal,” compared to only the 0.5 percent rejected in the 2016 and 2012 elections.

Among the approximately 133,000 first-time voters, 4,137 did not have their ballots counted, a rejection rate of 3.1 percent. First time voters accounted for 4.98 percent of the electorate in 2018, yet they accounted for 12.7 percent of the rejected ballots.

Table 1
Vote-by-Mail Ballots and Age, 2018 General Election

Age	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
18-21	52,597	2,978	55,575	5.4
22-25	63,794	2,727	66,521	4.1
26-29	70,736	2,494	73,230	3.4
30-44	313,441	6,708	320,149	2.1
45-64	850,765	9,249	860,014	1.1
65-104	1,288,220	8,277	1,296,497	0.6
Total	2,639,553	32,433	2,671,986	1.2

Table 2
Vote-by-Mail Ballots and Age, 2016 General Election

Age	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
18-21	71,374	2,984	74,358	4.0
22-25	82,667	2,980	85,647	3.5
26-29	93,736	2,883	96,619	2.8
30-44	312,904	5,030	317,934	1.7
45-64	793,996	5,897	799,893	0.8
65-104	1,015,405	5,088	1,020,493	0.5
Total	2,713,053	27,707	2,740,760	1.0

Table 3
Vote-by-Mail Ballots and Age, 2012 General Election

Age	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
18-21	67,491	2,941	70,432	4.2
22-25	57,903	2,094	59,997	3.5
26-29	93,736	2,883	96,619	3.0
30-44	312,904	5,030	317,934	1.6
45-64	793,996	5,897	799,893	0.7
65-104	1,015,405	5,088	1,020,493	0.5
Total	2,341,435	23,933	2,365,368	1.0

Rejected VBM Ballots by Racial and Ethnic Groups

The differential patterns of rejected VBM ballots by age groups are as glaring as the rates of rejected mail ballots cast by racial and ethnic minorities. In the 2018 general election, roughly 0.9 percent of all VBM ballots cast by white voters were “rejected as illegal” by local Canvassing Boards. In contrast, 1.96 percent of VBM ballots cast by Black voters did not count; 2.05 percent of VBM ballots cast by Hispanics were rejected; and 2.06 percent of VBM ballots cast by voters of other racial or ethnic identities were “rejected as illegal.”

In the 2018 election, the more than 240,000 Black voters who voted with mail ballots accounted for nearly 9.0 percent of all VBM ballots cast, but they made up 14.5 percent of all the VBM ballots that were rejected. Over 356,000 Hispanics cast absentee mail ballots in the election, roughly 13.4 percent of all VBM ballots cast statewide, but Hispanic mail ballot voters accounted for 22.6 percent of all the VBM ballots that were not counted. Voters of other racial and ethnic groups accounted for only 5.6 percent of all absentee mail ballots cast in the election, but they cast 9.4 percent of all the rejected ballots. In contrast, in the 2018 general election, white voters cast nearly 1.9 million VBM ballots, 72.1 percent of all absentee mail ballots; yet, they were responsible for only 53.5 percent of those that were rejected by county canvassing boards.

Relatively speaking, VBM ballots cast by Black, Hispanic, and other racial and ethnic minorities were more than twice as likely to be rejected as VBM ballots cast by white absentee mail voters in 2018. As Table 4 and Table 6 display, the rejection rates of VBM ballots cast by racial and ethnic minorities cast in the 2018 general election were even higher than in the 2016 and 2012 General Elections.

Table 4
Vote-by-Mail Ballots by Race and Ethnicity, 2018 General Election

Race/Ethnicity	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
Black	235,541	4,713	240,254	1.9
Hispanic	349,592	7,325	356,917	2.1
White	1,909,279	17,340	1,926,619	0.9
Other	145,141	3,055	148,196	2.1
Total	2,639,553	32,433	2,671,986	1.2

Table 5
Vote-by-Mail Ballots by Race and Ethnicity, 2016 General Election

Race/Ethnicity	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
Black	240,094	4,683	244,777	1.9
Hispanic	375,345	6,696	382,041	1.8
White	1,950,770	13,558	1,964,328	0.7
Other	146,844	2,770	149,614	1.8
Total	2,713,053	27,707	2,740,760	1.0

Table 6
Vote-by-Mail Ballots by Race and Ethnicity, 2012 General Election

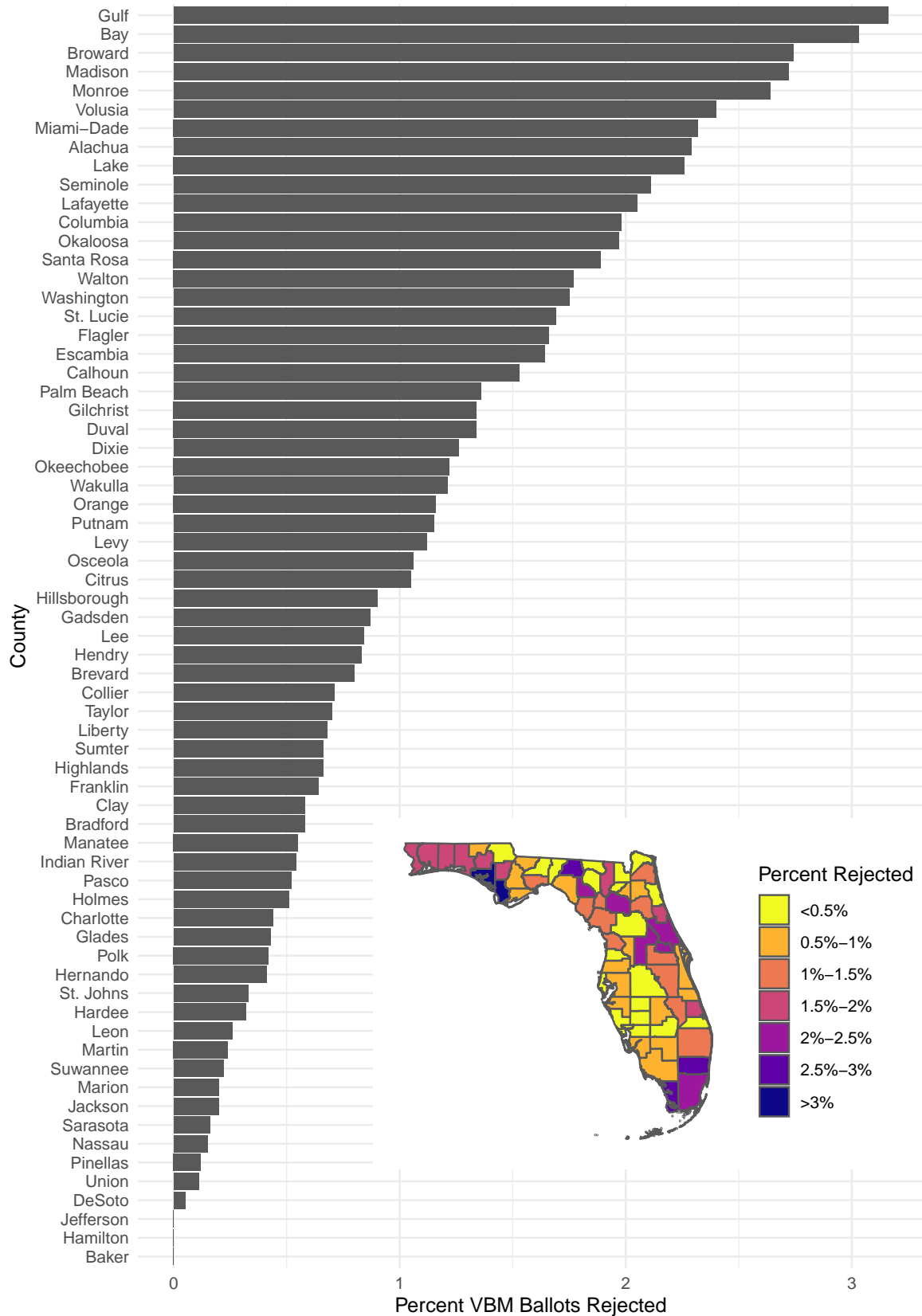
Race/Ethnicity	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
Black	219,325	3,358	222,683	1.5
Hispanic	250,750	3,310	254,060	1.3
White	1,761,034	15,204	1,776,238	0.9
Other	110,326	2,061	112,387	1.8
Total	2,341,435	23,933	2,365,368	1.0

Rejected VBM Ballots by County

The rejection rates of VBM ballots cast in the 2018 general election, as in the 2016 and 2012 general elections, varied considerably across the state's 67 counties. There are several possibilities for variable rejection rates of absentee ballots across local election administration jurisdictions. First, the design of the mail ballots themselves, or their return envelopes (including their physical layout and instructions), differ across counties. Second, Supervisors of Elections, their staff, and county Canvassing Boards may have different processes in place when processing and validating the VBM ballots they receive. Third, it is possible that voters across counties differ in their capacity to properly fill out and return their VBM ballots.

As noted above, in the 2018 general election, 1.21 percent of the more than 2.6 million VBM ballots cast—the votes of over 32,000 Floridians—were rejected as illegal. However, the percentage of rejected VBM ballots across the 67 counties ranges from three counties with no rejected VBM ballots (Baker, Hamilton, and Jefferson), to 10 counties that rejected more than 2 percent of all VBM ballots (Alachua, Bay, Broward, Miami-Dade, Gulf, Madison, Marion, Seminole, and Volusia). Figure 6 displays the percent of rejected VBM ballots in the 2018 general election across counties, with the inset map of Florida showing the geographic distribution of these rejected VBM ballots.

Figure 1
VBM Ballot Rejection Rate by County (2018)



County Rejected VBM Ballot Rates by Racial and Ethnic Groups

As the previous section reveals, there is considerable variation in the rejection rates of VBM ballots across the state's 67 counties. When it comes to the casting of invalid VBM ballots, however, there is arguably even greater variation within counties when we break down rejected VBM ballots along racial and ethnic groups. Although only 0.9 percent of all VBM ballots cast by white voters were rejected in the 2018 election, 1.96 percent of VBM ballots cast by Black voters were rejected, and 2.05 percent of VBM ballots cast by Hispanic voters were rejected. Figure 2 reports the percentage of VBM ballots cast by Black voters that were rejected in the 2018 general election and Figure 3 reports the same for rejected VBM ballots cast by Hispanics in the mid-term election in those counties that had at least 10 rejected VBM ballots cast by Black and Hispanic voters, respectively.

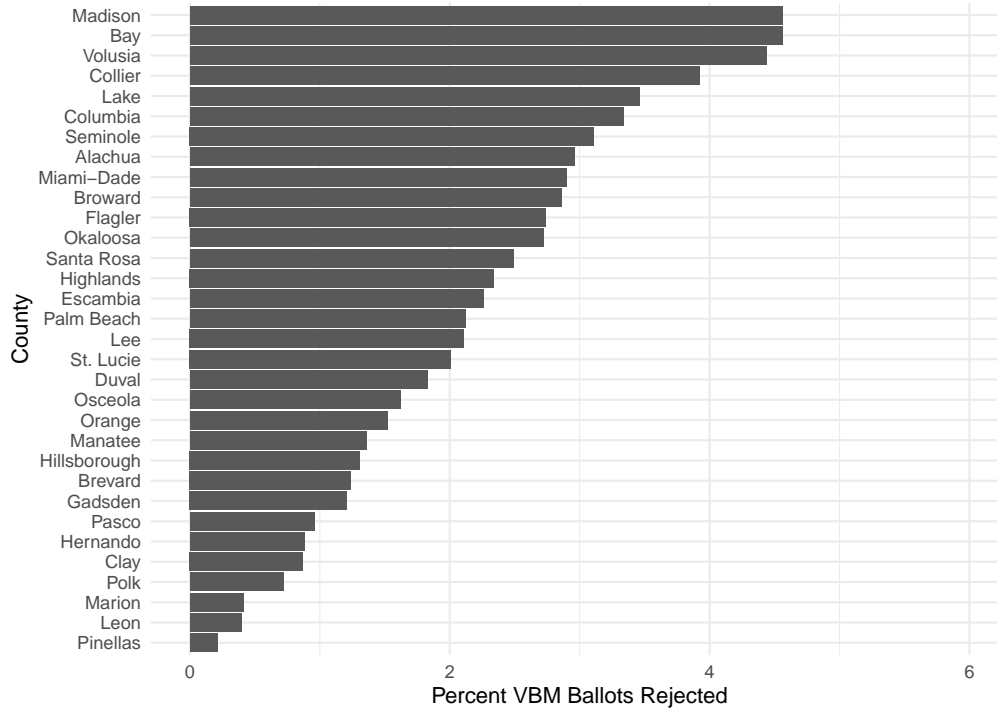
Across that state's 67 counties, the VBM ballot rejection rates for Black voters range from highs of 4.6 percent in Bay and Madison counties, to 2.1 percent in Palm Beach county, to a low of 0.2 percent in Pinellas County, as shown in Figure 2. There was a similar wide range across the counties of rejected VBM rates for Hispanics casting a mail ballot, as depicted in Figure 3. In Volusia County, 5 percent of VBM ballots cast by Hispanic voters were rejected, followed by Bay County at 4.9 percent. Among the other counties that had at least 10 rejected VBM ballots cast by Hispanic voters, Pinellas again had the lowest rejection VBM ballot rate, just 0.2 percent.

In order to more easily visualize the sizeable disparity in the rates of rejected VBM ballots cast by Black and Hispanic voters across Florida's counties, Figure 4 and Figure 5 display the percentage of rejected VBM ballots cast by Black and Hispanic voters in a county, respectively, compared to the percentage of rejected VBM ballots cast by White voters in the county. In both plots, if the VBM ballot rejection rates were the same for White and Black (or Hispanic) voters, all the counties would fall along the diagonal 45 degree dashed lines. In both plots, the horizontal (x-axis) is the rejection rate of VBM ballots (from 0 percent to 5 percent) cast by White voters in a county. Along the vertical (y-axis) is the rejection rate of VBM ballots cast by Black voters (Figure 4) or Hispanic voters (Figure 5) in each county, respectively.

It is clear from both plots that the nearly every county falls above the 45 degree line, indicating that the VBM rejection rates for racial and ethnic minorities greatly exceeds that of White voters across Florida's counties. Among counties with at least 10 rejected VBM ballots cast by Black voters, the VBM rejection rate for Black voters ranges from a high of 4.6 percent in Bay County, to 2.9 percent in Miami-Dade County and 1.8 percent in Duval County, to a low of 0.2 percent in Pinellas County. There is a similar range of county rejection rates for Hispanic mail ballot voters, as shown in Figure 3. In Volusia County, for example, 5.0 percent of VBM ballots cast by Hispanic voters were rejected, followed by Bay County at 4.9 percent. Among the other counties that had at least 10 rejected VBM ballots cast by Hispanic voters, Pinellas again had the lowest rejection rate—only 0.2 percent of VBM ballots were rejected.

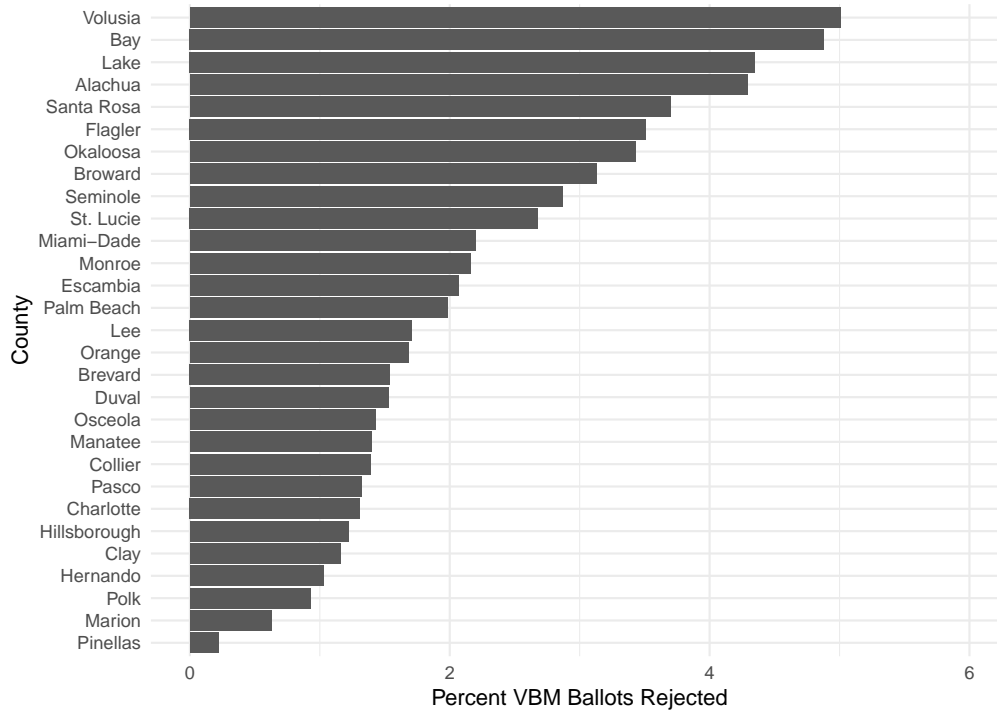
The persistent variance in the rate of rejected absentee mail ballots across Florida's 67 counties suggests at a minimum that the VBM ballot envelope design, the civic education efforts by SOEs, or evaluation standards used by county SOEs and their Canvassing Boards are not uniform across the state.

Figure 2
VBM Rejection Rate of Black Voters by County (2018)



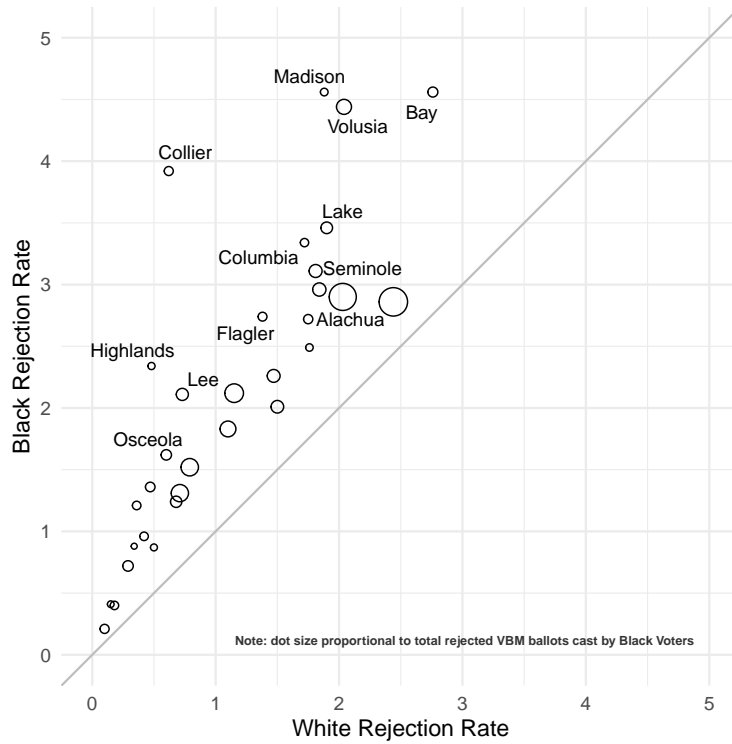
Note: Excludes counties with less than 10 rejected VBM ballots cast by Black voters.

Figure 3
VBM Rejection Rate of Hispanic Voters by County (2018)



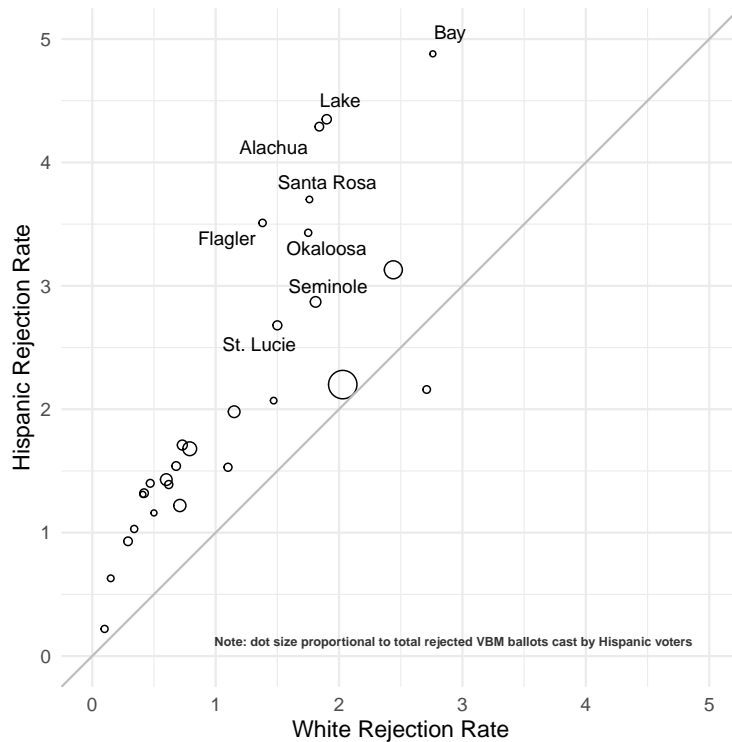
Note: Excludes counties with less than 10 rejected VBM ballots cast by Hispanic voters.

Figure 4
 Percent of Rejected VBM Ballots Cast by White and Black Voters, by County (2018)



Note: Excludes counties with less than 10 rejected VBM ballots cast by Black voters.

Figure 5
 Percent of Rejected VBM Ballots Cast by White and Hispanic Voters, by County (2018)



Note: Excludes counties with less than 10 rejected VBM ballots cast by Hispanic voters.

County Rejected VBM Ballot Rates by Age

Similar patterns of VBM rejection rates exist across counties in the when broken down by age cohorts. Although the statewide VBM rejection rate among 18-21 year-olds was over 5 percent in the 2018 general election—five times the statewide rate of all rejected mail ballots cast—in a dozen mainly smaller counties (Baker, DeSoto, Gadsden, Glades, Hamilton, Hardee, Jackson, Jefferson, Marion, Nassau, Suwannee, and Union) every VBM ballot cast by a voter in the youngest age cohort was accepted as valid.

In stark contrast, in Broward County, over 11 percent of VBM ballots cast by the youngest cohort of voters in the 2018 election were rejected as invalid by the Canvassing Board, amounting to more than 500 mail ballots that did not count in the election. In Miami-Dade County, over 9 percent of ballots cast by 18-21 year-olds, nearly 600 mail ballots, were rejected. Alachua County, home to Florida's flagship university, had VBM rejection rates of about 8 percent for the 18-21 age cohort, more than 3 times higher than the county's overall rejection rate of 2.3 percent. However, 43 other counties had even higher ratios of the youngest cohort rejection rate to the overall VBM rejection rate, including Liberty, Hendry, Indian River, and Highlands counties.

Figure 6 provides a breakdown of rejected VBM ballots across the five age categories. Again, it is important to put the raw number of rejected VBM ballots across the 67 counties in perspective. Overall in 2018, voters in the three youngest age cohorts accounted for a fraction of all the absentee ballots cast in the state. Of the more than 2.6 million VBM ballots cast statewide, voters in the three youngest age cohorts cast only 2.1 percent of all VBM ballots; yet, they accounted for 9.2 percent of all rejected VBM ballots cast statewide. In several counties, the proportion of all rejected VBM ballots was even higher for these youngest voters.

To better visualize the difference in the rejection rates of VBM ballots cast by younger and older voters, Figure 7 plots VBM ballot rejection rates by those under and over the age of 30 in a 45 degree plot. If VBM ballot rejection rates were equal for voters under 30 years old and 30 years-old and older, all 67 counties would align along the 45 degree dashed line in Figure 6. Along the horizontal (x-axis) is the rejection rate of VBM ballots (from 0 percent to 12.5 percent) cast by voters 30 and older in each county. Along the vertical (y-axis) is the rejection rate for the same range of VBM ballots cast by voters younger than 30 years old in each county. If absentee ballot rejection rates were the same in a county, all 67 counties would fall along the diagonal 45 degree.

As Figure 7 displays, however, there is an obvious pattern: younger voters in nearly every county have a considerably higher likelihood of having their VBM ballot rejected by a county's SOE and Canvassing Board in the 2018 general election than those 30 and older. In several counties, the VBM rejection rate of young voters is more than three times as great compared to older voters. In Broward County, for example, roughly 7 percent of mail ballots cast by voters under 30 were rejected, compared to less than 2.5 percent of those cast by voters 30 and over. The disparity is even higher in Lafayette, Monroe, Santa Rosa, Volusia, and Walton counties.

Figure 6
VBM Rejection Rate by County, by Age (2018)

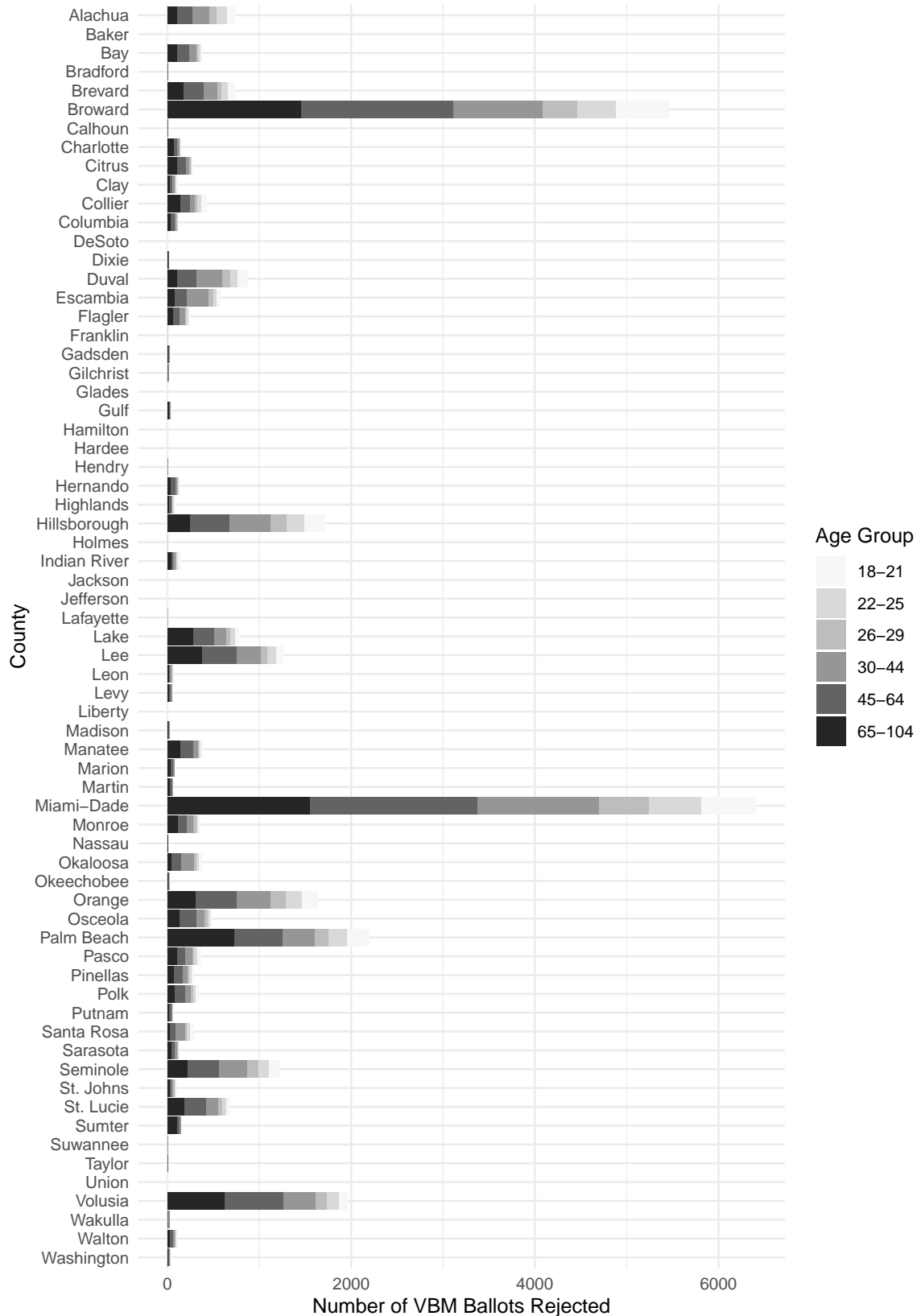
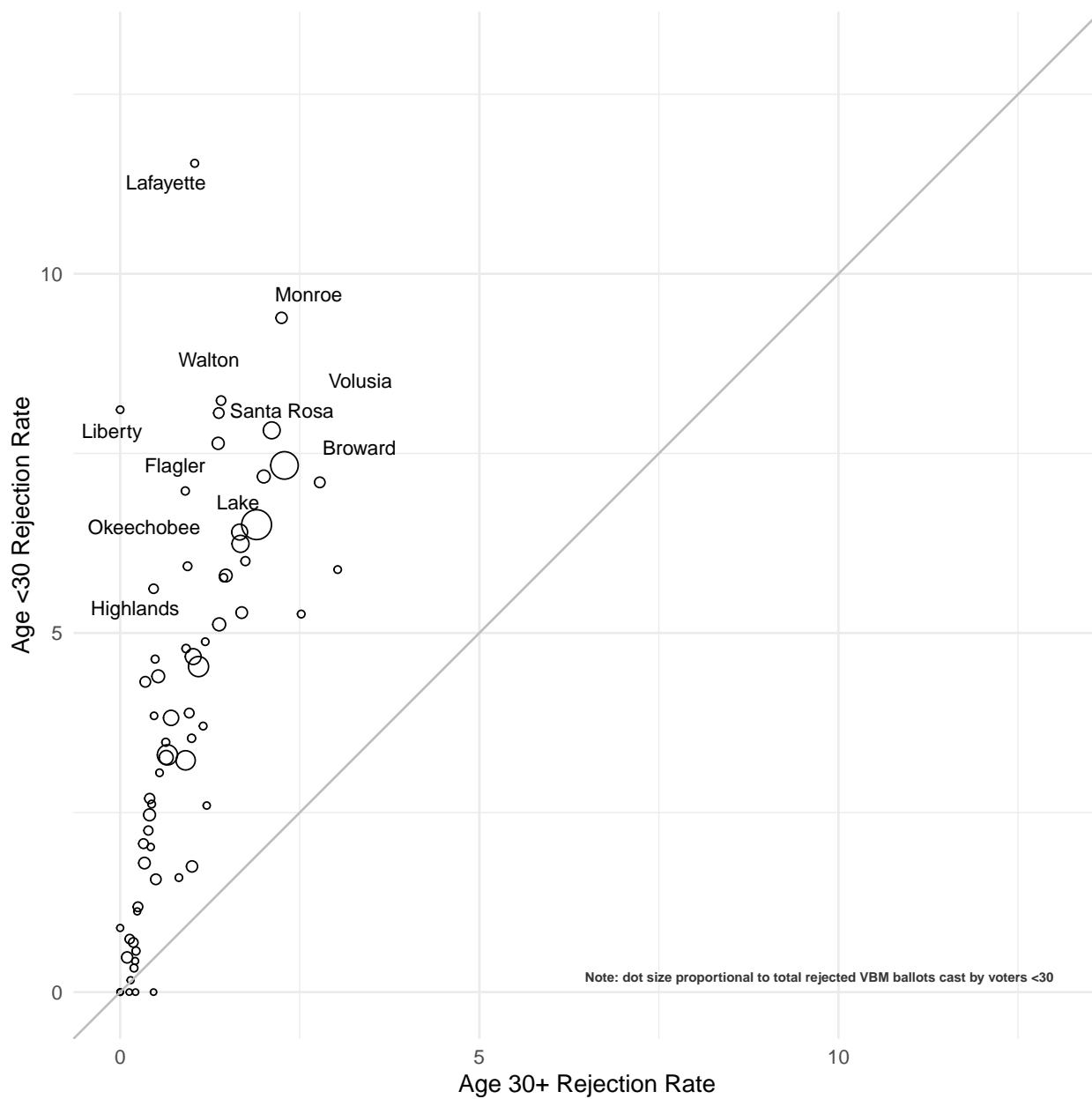


Figure 7
VBM Rejection Rates by County, by Age (2018)



Rejected VBM Ballots for Uniformed and Overseas Civilians

The differential patterns of rejected VBM ballots are perhaps the most blatant when it comes to mail ballots cast by civilian overseas and military personnel. The Uniformed and Overseas Civilian Absentee Voting Act (UOCAVA) of 1986 provides ballot protections for civilian overseas, members of the uniformed service in active duty, and their dependents, allowing them to cast absentee ballots. According to Federal Voting Assistance Program, if active service members live outside their voting jurisdictions, they can vote absentee in all federal elections. In 2009, Congress passed the Military and Overseas Voter Empowerment Act (MOVE) to additionally require election offices to mail ballot to UOCAVA voters no later than 45 days before each federal election. Florida Statute 101.62 (4)(b) mandates that each SOE mail VBM ballots to voters who have requested a ballot within two business days of receiving the request. Given the laws governing absentee ballot mailing, we can safely assume that UOCAVA voters who submitted an absentee ballot request before the 47th day prior to an election should be sent a ballot 45 days before the election.

Using VBM data uploaded by SOEs on November 21, 2018, it appears that only 63.2 percent of UOCAVA voters with absentee ballot requests actually had their ballots delivered before September 22, 2018, 45 days before Election Day. Unlike other citizens who vote by mail, under federal law, UOCAVA voters are permitted up to 10 days after the election to have their VBM ballot received and processed by a local election office. As shown in Figure 8, between 3 and 12 percent of UOCAVA VBM ballots SOEs delivered 10 or fewer days before election day were rejected. As would be expected, UOCAVA ballot rejection rates are lower the further out from Election Day they were delivered to voters.

Given the various protections in place for overseas and uniformed personnel under UOCAVA, it is especially surprising that mail ballots returned by these voters are rejected at a rate higher than for voters overall in Florida. Roughly 3.2 percent of mail ballots cast by military and overseas voters—those covered under UOCAVA—were rejected by county Canvassing Boards, compared to 1.2 percent of mail ballots cast in 2018. The ballot rejection rate is higher regardless of civilian or military status. All overseas voters, civilian and uniformed, had 1.7 percent of their ballot rejected. This rejection rate is consistent whether or not the voter is a uniformed personnel or simply an overseas civilian.

Domestic military voters, however, have the highest rate of rejection of VBM ballots. As Table 7 shows, at 4.2 percent, the rejection rate in the 2018 election for VBM ballots cast by domestic military voters was higher than any rejection rate broken down by race or ethnicity. It is possible that some of these voters are not covered under UOCAVA, which only applies to voters who are members of the uniformed services on active duty, and because of their membership in the service, are absent from their voting jurisdiction. Even if the voters marked as members of the military are not in active service and therefore not protected under UOCAVA, this group's abnormally high ballot rejection rate is cause for concern.

Figure 8
 UOCAVA VBM Rejection by Ballot Delivery (2018)

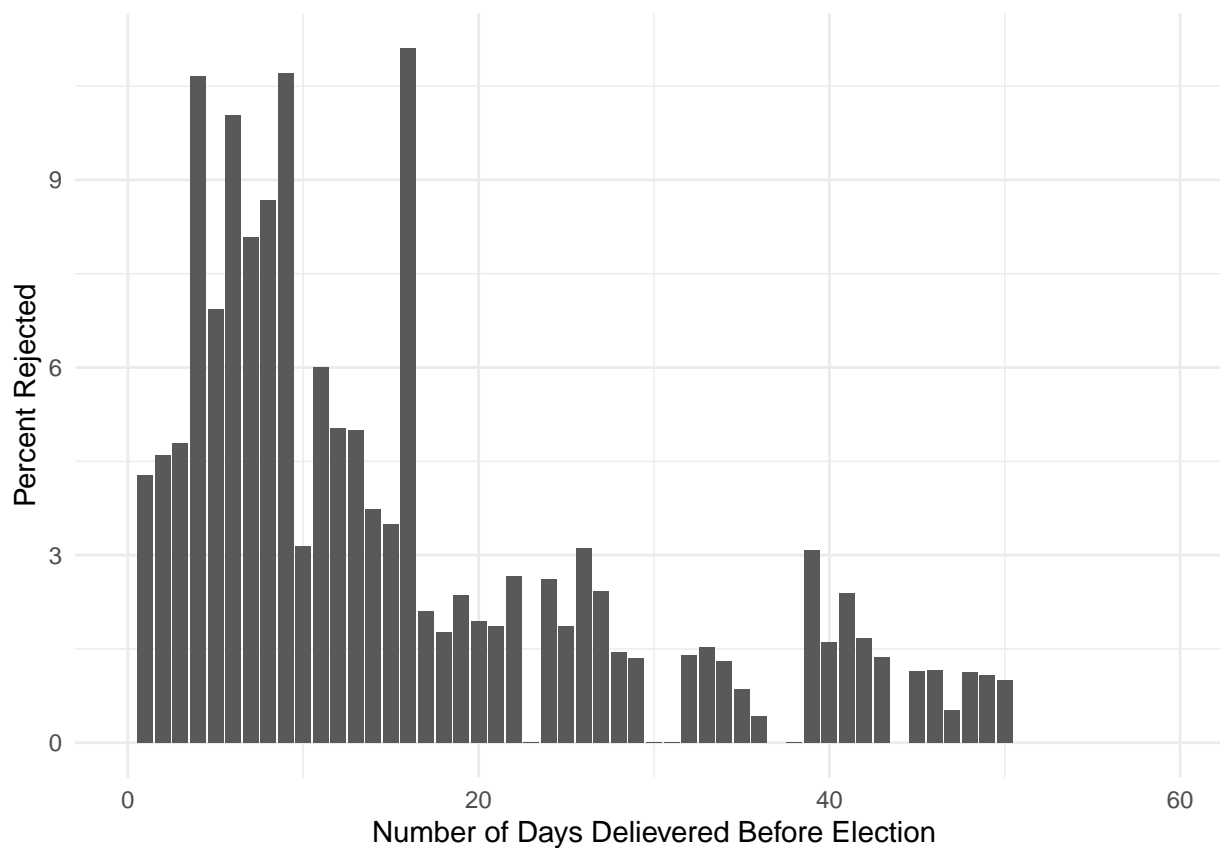


Table 7
 Military/Overseas Vote-by-Mail Rejection, 2018 General Election

Group	Accepted VBM	Rejected VBM	Total VBM	VBM Rejection Rate
All Overseas	22,015	378	22,393	1.7
Military Overseas	3,443	61	3,504	1.7
Civilian Overseas	18,572	317	18,889	1.7
Domestic Military	35,540	1,545	37,085	4.2
Military or Overseas	57,555	1,923	59,478	3.2

Curing Rejected “Missing” and “Mismatched” VBM Ballots

Although it offers information on voters casting VBM ballots deemed by county canvassing boards to be rejected as illegal, Florida’s statewide voter file and vote history files do not detail *why* a VBM ballot is rejected. The data provided to the public from the FVRS does not provide any information about whether a VBM ballot was returned with no signature or a mismatched signature, or whether a voter casting a problematic VBM ballot tried—and was eventually successful—at curing a VBM ballot initially flagged as invalid.

In order to get a sense of how well the VBM cure process works, it is important to examine the procedures SOEs put in place in the 2016 general election to handle VBM ballots with mismatched signatures. Unfortunately, there is no standalone record on how each of the 67 SOEs attempted to contact voters who cast VBM ballots prior to Election Day that were initially flagged as having a missing or mismatched signature on the envelope. Furthermore, there is no statewide database on how many voters who cast VBM ballots that had signature problems were actually contacted by SOEs, much less how many of these mail voters replied with an affidavit and proof of identification to cure their ballot. There is also no statewide database on the number of absentee mail voters who had their absentee ballot flagged for a signature problem who successfully cured their VBM ballot.

Due to the lack of a statewide protocols for cataloguing the processing of rejected VBM ballots in Florida, it is extremely difficult to obtain, much less systematically assess, how many voters cast VBM ballots that were initially flagged as having a missing or mismatched signature were ultimately rejected in the 2018 General Election, much less how many voters casting VBM ballots were able to cure their initially rejected VBM ballot. Despite public records requests, only 21 of the state’s 67 SOEs responded to requests for data on the number of rejected and cured VBM ballots cast in the 2018 general election and the number of successful affidavits to cure a problematic VBM. It should be noted, too, that the data that were provided by the 21 counties had significantly varying details.

The analysis that follows examines the cure rates of VBM ballots initially rejected due to mismatched signatures in Pinellas County. Pinellas County, under Supervisor of Elections Deborah Clark, has led the way on processing VBM ballots. The detailed records that her office provided on the VBM ballots it received in the 2018 general election, including VBM ballots her staff initially flagged as having a mismatched voter’s certificate on the envelope, as well as mismatched VBM ballots that were successfully cured by voters, offers a window into the “best practices” that other SOEs could follow to help remedy problematic VBM ballots.

Curing Vote-by-Mail Ballots: Best Practices of Pinellas County

Pinellas County, led by SOE Deborah Clark, is the state’s undisputed leader in voting by mail. Of those Pinellas County voters whose age on Election Day (according to the statewide voter file) was between 18 and 104 years old, slightly more than 241,000 voters cast VBM ballots in 2018. The county’s Canvassing Board rejected only 288 of all VBM ballots, just 0.12 percent of the total, which was by far the lowest rejection rate of all counties with medium or large populations. Besides a simple VBM return envelope design, one of the reasons for Pinellas County’s low rejection rate was the high cure rate of VBM ballots with signatures that were initially flagged as mismatched.

Ms. Clark's office initially identified roughly 600 VBM ballots that had signatures that appeared not to match those on file. Of those, 200 voters (33.4 percent) successfully cured their signatures by submitting proper ID and a signed affidavit. In addition, the county Canvassing Board accepted 338 VBM ballots (56.5 percent) that had initially questionable signatures without requiring the voter to submit an affidavit. The Canvassing Board rejected 60 of the VBM ballots initially screened by staff to have a mismatched signature (10.0 percent).

In the county, 340 voters returned a VBM ballot with no signature at all, as initially screened by staff. 178, or 52.3 percent of these, cured their ballot via an affidavit. It appears that the Canvassing Board accepted 35 VBM ballots (10.3 percent) that initially had no signature, although there is no record that it required the voters to submit an affidavit. The Pinellas County Canvassing Board rejected only 36.7 percent, or 128 ballots, of the VBM ballots initially screened by staff that had no signature on the return envelope.

The likelihood of having a ballot cured does depend on race. As Table 8 shows, White voters returned affidavits and had their vote-by-mail ballots accepted 44.6 percent of the time; in contrast, only 30.7 percent and 30.5 percent of Black and Hispanic voters, respectively, had their VBM ballots validated after initially being flagged. The cure rate is the lowest for people identifying with another race or ethnicity, at only 24.1 percent. Table 9 provides the breakdown of cure rate by age cohorts in Pinellas County.

Figure 9 reveals the relationship between the date on which the Pinellas County election office mails an affidavit to a voter with a problematic VBM ballot, and the number of affidavits returned. When affidavits are mailed further from the election, more are returned than not. When an affidavit is mailed out closer than a week to the election, more are not returned. The rate of affidavits being returned but not accepted again is very small, regardless of time of mailing.

Conclusion

In Florida, when it comes to voting a VBM ballot, voters—particularly those younger and those persons of color—have a much greater likelihood of having their absentee ballot rejected compared with older voters or White voters. Overseas and military voters are also more prone to having their VBM ballot rejected. If the rejection rates of VBM ballots were consistent across the state's 67 counties, one might chalk these disparities in VBM rejection rates up to the failings of younger voters and people of color to cast their absentee ballot properly. But the great disparities across the counties suggests that the onus of responsibility for absentee ballots to be validated in the Sunshine State also falls on county Supervisors of Elections and county Canvassing Boards.

It is well past time for uniform standards to be put into place in Florida, not only for the return envelope design of VBM ballots, but also for the processing of VBM ballots by SOEs and their staff, and the validating of signatures by the 67 Canvassing Boards. The cure process for VBM ballots with problematic signatures is now in place, but the standards by which counties are to issue and verify affidavits remains much to be desired.

Figure 9
VBM Affidavit Status, Pinellas (2018)

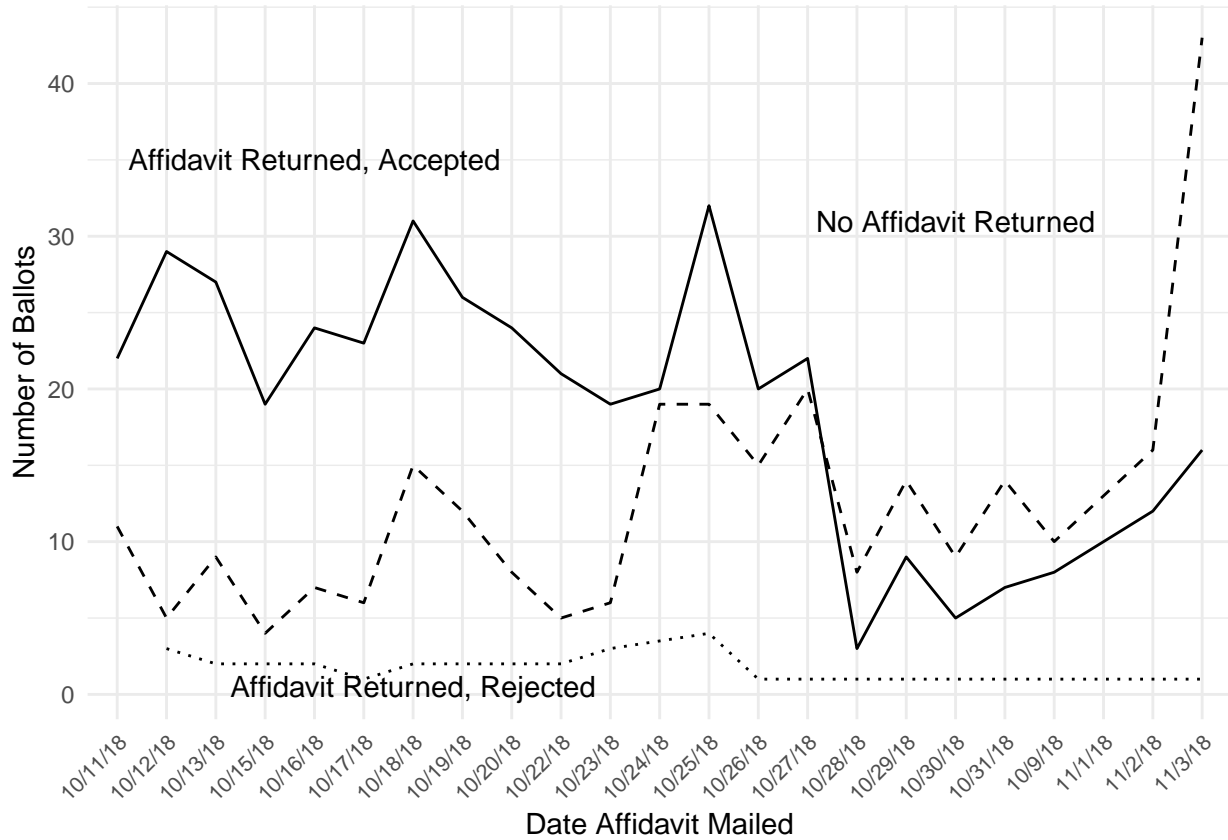


Table 8
Pinellas Vote-by-Mail Ballot Cures by Race and Ethnicity (2018)

Age	Number Flagged	Cured	Cure Rate
Black	31	101	30.69
Hispanic	18	59	30.51
White	312	699	44.64
Other	21	87	24.14
Total	946	382	40.38

Table 9
Pinellas Vote-by-Mail Ballot Cures by Age (2018)

Age	Number Flagged	Cured	Cure Rate
18-21	21	66	31.82
22-25	14	78	17.95
26-29	25	69	36.23
30-44	63	188	33.51
45-64	137	286	47.90
65-104	122	259	47.10
Total	946	382	40.38