



**United States Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights  
Field Hearing on Election Laws, Tampa, Florida – January 27, 2012  
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Chairman Durbin, Senators,

First, I want to thank you for the opportunity to present to this committee. I think the timing of this committee meeting is of note, as well as the location. Every four years Florida is the epicenter of the elections world, and 2012 will be no different. Listed as the largest swing state in the country by most pundits, and with the Interstate-4 corridor – the several-county stretch of road from here in Hillsborough, through Polk, Osceola, Orange and Seminole Counties, ending in Volusia County – being the most fought-after battleground in the state, it is not hyperbole to state that these several counties will truly be the voters who decide the next leader of the free world.

Thus, our elections system will be scrutinized. I am not here to defend our system in Florida as perfect and without room for improvement. In fact if I were an editor with a red pen, there would be several improvements I'd like to see.

Scrutiny, debate and disagreement are fine, but I hope we can have this rational discussion about Florida's elections process without scare tactics, partisan machinations or the ghosts of years-old jokes dominating the discussion.

As Americans we deserve better than to allow fear-mongering profiteers to dominate rational discourse at the expense of our national pride in the most efficiently run, voter-focused elections process in the history of the world. Because if voters have been scared into thinking their ballot will not count, then no matter how fair the election, no matter how efficiently run the process, no matter the winner or loser, the voter will have doubt on the outcome.

Today I want to rationally discuss the three issues that seem at the heart of these hearings (Voter Registration, Early Voting and Eligibility Verification) and let you know how we have implemented the new laws in our county.

### **Voter Registration**

You may have heard of the high school teachers in Florida who have been caught in a bind because the new laws failed to exempt high schools from the third party voter registration rules. In Seminole County, we found a legal and effective way to comply with the laws, yet keep our high school students registering to vote at their schools. I personally named every high school principal in Seminole County a "Deputy Supervisor of Elections" with the very limited authority of registering the students who attend the schools at which they are the principals to vote. Problem solved. I hope future legislation will exempt high schools principals from the third party voter registration rules and continue to allow statewide registration of our high school students.



You have also heard that the League of Women Voters of Florida has suspended conducting voter registration drives. Even before this law was put into effect, I sent the president of the Florida League of Women Voters and other local groups an email begging them to not cancel their registration drives. To that end, I even offered the services of our office to attend any and every registration drive they wanted to conduct. We would stand side-by-side with them and collect the registration forms directly from the voter at their registration drive. The citizen who wished to be registered to vote would have their forms directly in the hands of the office responsible for processing their registration. Not ten days later. Not 48 hours later. Immediately. We offered instant service to alleviate their fears, build voter confidence and most importantly, keep the League of Women Voters and other groups registering people to vote. The Florida League never responded. I have submitted a copy of those emails from May, 2011 for the record.

### **Early Voting**

Florida is one of the most active states in the nation relating to early voting. Did you know that according to the National Conference of State Legislatures data, Florida is one of only twelve states that even offer statewide early voting on the weekends? And yes, we have been one of the few counties in Florida that have offered it for years.

Speaking of Sundays. Some have stated they believe the new laws will negatively affect blacks, Hispanics, and hard-working single mothers because they all love Sunday early voting. While we don't have real statistics on the voting habits of hard-working single mothers, I pulled the real data for the black and Hispanic community from the only statewide election conducted under the new law – the current election. Based on my data from this very election, Sunday is actually the *least* likely day that a black voter will cast their ballot, and the *second least* likely day that a Hispanic voter will cast their ballot. Of all the black voters who have cast an early voting ballot in the first five days of this election, only seven percent did so on Sunday. Of the Hispanic voters who cast an early voting ballot in the first five days of this election, only 16.95 percent did so on Sunday.

### **Eligibility Verification**

Earlier testimony alluded to students and others who wait until Election Day to tell us where they live. To be very clear: failure to update your address with the elections office until the last minute does not invalidate your right to vote, but it does mean your information will be verified before your ballot is counted. And contrary to what you may have been told, voters who cast a provisional ballot are not required to come into the elections office to prove their eligibility to cast a ballot. We can, and do, verify nearly every provisional ballot without the voter having to come into our office. If you are qualified to cast a ballot in that precinct, that day, your vote will count. Those who are telling you otherwise are trying to scare you into thinking Florida law relating to eligibility verification puts the onus on the voter. It clearly does not. In Florida your provisional ballot is presumed eligible unless the facts dictate otherwise.

As I've said before, I'm not naïve enough to believe that stating the facts will cause those who profit – either personally, professionally or politically – from election chaos to amputate fear-mongering from their body of rhetoric.



### **Personal appeal to voters:**

So to Florida's voters watching this today I simply ask: please don't be misled into believing your local elections officials don't want you to vote. Next time someone tries to scare you into not voting or believing your vote will not count, I hope you will do your own research by contacting your local elections office for the facts. Florida elections administrators want you to register to vote, learn about the candidates and issues, and cast a ballot that reflects your choices. Don't let anyone scare you into thinking otherwise.

### **If I have time, please allow me to close with a short anecdote.**

A few months into my first term as Supervisor, we conducted an election for one of our cities. On the ballot was one race (mayor), with two candidates. A sailor who lived in the city had a standing request for an absentee ballot, and it was our job to get him the ballot. Yet, it turns out that at the time of the election, he was on a submarine. Sending an absentee ballot to a submarine is quite difficult, since the post office doesn't have its own delivery subs. But the sailor had a standing request, so we were going to get him his single ballot, for one race, two choices. We tried contacting his unit's voting assistance officer to see if we could fax the ballot, but he told us we couldn't. We had to get the sailor his ballot. We then tried to email the ballot, but the sailor couldn't get email attachments on the sub. We had to get the sailor the ballot! I then called navy headquarters in Washington D.C. and again called the unit's voting assistance officer. In the middle of this big election, I was spending a great deal of my time trying to get this sailor whom I'd never met his ballot. I would stay up for hours late at night in the office trying to figure out a way to ensure this sailor had the opportunity to vote.

Finally, we were able to get the unit's leaders to allow us to fax the ballot at a very specified time. I convened a special public meeting of our canvassing board late at night our time to send the faxed ballot at the precise time the unit said we could fax it. We all stood over the fax machine with sweaty palms and smiling faces, as the fax went through! We did it! After hours of work, brainstorming and communication, we got the sailor his ballot!

He didn't vote.

A few weeks later, when he got to a phone line, he called me in absolute amazement at the amount of effort we put in to get him his ballot. But, he said, he didn't vote because he didn't know the candidates or their positions on the issues. He wasn't going to vote simply because he had the opportunity, he knew he had the responsibility to cast an informed vote.

That, I believe, is the moral of this entire set of hearings. As elections administrators, we have the obligation to ensure opportunity. As voters, we have the obligation to ensure that we take this most precious gift from our Constitution and use it responsibly.

Thank you.