Exhibit 6

Submission 2006-5753
Mr. Tanner:

Please find attached a letter (with attachments) requesting expedited review and pre-clearance of emergency management actions taken and being taken that affect voting/election activities in selection jurisdictions in Florida in response to Tropical Storm Ernesto. This storm is expected to pass through most of south and central Florida and has already prompted the closing of county governmental offices in several counties.

Additionally, as you requested, we have included a list of minority contact information for the pre-clearance counties that are affected.

A hard copy of this pre-clearance package will be mailed to you.

Thank you again for your prompt attention to this matter. Please acknowledge receipt. If there is difficulty reading the file, I can fax the package. If you have any questions, please do not hesitate to contact me.

Respectfully,

Maria Matthews
Assistant General Counsel
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, Florida 32399
850.245.6520.
29 August 2006
Via E-mail and U.S. Mail

Mr. John Tanner
Chief, Voting Section
Civil Rights Division
Department of Justice
PO Box 66128
Washington, D.C. 20035-1693

Re: Florida/Request for Emergency Pre-clearance

Dear Mr. Tanner:

The Florida Department of State requests an expedited review of certain actions taken by the State of Florida and select jurisdictions as may implicate Section 5 of the Voting Rights Act. In response to Tropical Storm/Hurricane Ernesto which is forecasted to pass through or affect certain counties in Florida, the Governor has issued two executive orders pertaining to emergency management and elections.

In Executive Order 06-200, the Governor declared that a state of emergency exists in Florida. Counties in the affected areas began making plans to close government offices as necessary for public safety and storm preparation. Although early voting is ongoing through September 3, it became apparent that some counties would need to interrupt early voting due to the threat of the hurricane which could also potentially affect the September 5 Primary Election.

Therefore, pursuant to Executive Order 06-201, issued on August 28, 2006, the Governor vested in the Secretary of State, upon the request of any supervisor of elections in the 12 potentially affected counties, the authority to suspend early voting in the affected county as of the time that the county government closes local government offices. The Governor’s Executive Order 06-201 also directs the Supervisors to resume early voting as soon as possible after emergency management officials determine it is safe for residents to leave their homes and shelters.

Three of the 12 potentially affected counties (Collier, Hendry, and Monroe) are designated “pre-clearance counties.” Based on current weather conditions and projections, Collier County does not anticipate closure of its Elections’ offices including early voting sites. However, pursuant to their authority as constitutionally elected officers and in conjunction with the Executive Orders and official government office closures in their respective counties, the Supervisors of Elections for Hendry and Monroe Counties began yesterday to suspend early voting activities as set forth in section 101.567, Florida Statutes (see attached), and have closed their offices for today,
Mr. John Tanner  
August 29, 2006  
Page 2 of 2

Tuesday, August 29, 2006. The Supervisors of Elections for these local jurisdictions have been asked to keep the Secretary of State apprised of plans for resuming early voting, redeployment of voting equipment, the security of voting equipment, and the change or location of voting precincts.

Due to the unpredictable nature of the storm/hurricane, it is possible that the county list may change or expand which would be addressed in a supplemental order issued by the state coordinating officer. We have most recently received notice that county governmental offices for Hardee County (another preclearance county) will close tomorrow, Wednesday, August 30, 2006. Therefore, early voting will also be suspended in that county.

These changes in voting activities are undertaken without the intent or effect of discriminating on the basis of race or membership in a language minority group. Therefore, these changes should receive pre-clearance. We have also attached as requested contact information for Collier, Hardee, Hendry and Monroe Counties regarding local minority interests.

We will continue to provide your office information as you request or need. Thank you in advance for your efforts to work with us to address pre-clearance of these matters. If you have any questions, please do not hesitate to contact us.

Respectfully,

[Signature]
Maria F. Matthews  
Assistant General Counsel

Attachments: Executive Orders 06-200, 06-201, and 06-202 (correction)  
Rule 1S-9.005,  
Section 101.657, Florida Statutes,  
Minority Interest/Group Contact List

cc:  Dawn K. Roberts, Division of Elections Director (letter only)  
Heidi Hughes, Chief of Staff/General Counsel (letter only)  
George Waas, Special Counsel for the Attorney General's Office (letter and attachments)
EXECUTIVE ORDER NUMBER 06-200

(Emergency Management/Hurricane Ernesto)

WHEREAS, on August 24, 2006, the fifth tropical depression of the 2006 Hurricane season formed near the Windward Islands; and

WHEREAS, on August 25, 2006, the National Hurricane Center advised that Tropical Depression Five strengthened to Tropical Storm Ernesto; and

WHEREAS, on August 27, 2006, as Tropical Storm Ernesto moved west-northwest through the Caribbean Sea it became more organized and strengthened to a Category One hurricane with sustained surface winds of 75 miles per hour; and

WHEREAS, Hurricane Ernesto continues to move west-northwest and is expected to increase in hurricane strength; and
WHEREAS, the current storm models brings Hurricane Ernesto’s eye to within 90 miles of Key West on Tuesday night and then into the Tampa Bay/Nature Coast region at Category 2 or 3 strength on Thursday afternoon; and

WHEREAS, hurricane-force or tropical storm conditions are forecast to impact southern Florida and along the Florida western coastline during the week in areas struck during the past two years by a record-breaking number of storms with devastating consequences; and

WHEREAS, Hurricane Ernesto is likely to produce heavy rainfall, storm surge, life-threatening flash floods, and lightening over a widespread portion of the State; and WHEREAS, special equipment, personnel and other resources may be needed to prepare the threatened communities for severe weather caused by Hurricane Ernesto; and

WHEREAS, central coordination and direction of such resources are needed to ensure that timely precautions are taken to protect the threatened communities; and

WHEREAS, other precautions may be needed such as evacuations to protect the lives and property of the people in the threatened communities and the general welfare of the State of Florida;

NOW, THEREFORE, I, JEB BUSH, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. Based on the foregoing, I find that the State of Florida may be threatened with a major disaster, and I hereby declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Ernesto.

Section 2. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes (2005), I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise subject to the limitations of Section 252.33, Florida Statutes (2005), as needed to meet this emergency:

8/28/2006
A. The authority to activate the Comprehensive Emergency Management Plan;
B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;

C. The authority to invoke and administer the Emergency Management Assistance Compact ("EMAC") and other compacts and agreements existing between the State of Florida and other States, and the further authority to coordinate the allocation of resources from such other states that are made available to the State of Florida under such compacts and agreements so as best to meet this emergency;

D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;

E. The authority to distribute any and all supplies stockpiled to meet the emergency;
F. The authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;

G. The authority to suspend the effect of any statute or rule governing the conduct of state business, and the further authority to suspend the effect of any order or rule of any governmental entity, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, procurement, and the conditions of employment and the compensation of employees; provided, however, that the State Coordinating Officer shall have authority to suspend the effect of any statute, rule or order only to the extent necessary to ensure the timely performance of vital emergency response functions;

H. The authority to relieve any and all state agencies responsible for processing applications or petitions for any order, rule, or other final action subject to the Administrative Procedure Act, as amended, from the deadlines specified in that Act and in other applicable laws for the duration of this emergency, if the State Coordinating Officer finds that such deadlines cannot be met because of this emergency;

I. The authority to direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command of the State Coordinating Officer to meet this emergency. In doing so, the State Coordinating Officer shall utilize the services of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and resources to the State Coordinating Officer, to the extent necessary to meet this emergency;

J. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;

K. The authority to order evacuation, and the authority to direct the sequence of evacuation in which such evacuations shall be carried out, and the further authority to regulate the movement of persons and traffic to, from, or within the affected counties to the extent needed to cope with this emergency;

L. The authority to regulate the return of the evacuees to their home communities;
M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating
Officer may deem necessary to cope with the emergency; and

N. The authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the direction of the State Coordinating Officer for the duration of this emergency.

Section 4. I hereby direct each county to activate its Emergency Operations Center and its County Emergency Management Plan ("CEMP") to ensure an immediate state of operational readiness, and I further direct all counties in the State of Florida, at the discretion of the State Coordinating Officer, to prepare to activate all shelters to accommodate the evacuees.

Section 5. I hereby direct all state, regional and local agencies to place any and all available resources under the direction of the State Coordinating Officer as needed to meet this emergency.

Section 6. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all Community Colleges, and all State Universities, at the discretion of the State Coordinating Officer for use as shelters to ensure the proper reception and care of all evacuees.

Section 7. I also find that the special duties and responsibilities resting upon some state, regional and local agencies and other governmental bodies in responding to the emergency may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with section(s) 120.54(4) and 252.46(2), Florida Statutes (2005), to the extent that such actions are needed to cope with this emergency. Without limiting the generality of the foregoing, I hereby order the following:

A. I hereby give all agencies whose employees are certified by the American Red Cross, as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, the authority to release any such employees for such service as requested by the American Red Cross as needed to meet the emergency;

B. I hereby authorize the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to facilitate the evacuation of the affected counties; to close any and all highways and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties which the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of hours of service requirements, the International Fuel Tax Agreement, and the International Registration Plan for vehicles with a valid registration from their home jurisdictions, while transporting emergency equipment, services, or supplies for the duration of the emergency; and to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency; to the extent such waivers are needed to meet this emergency;

C. At the request of the Director of Emergency Management of any county, I hereby direct the Department of Health to take over the operation of all shelters in that county that are intended for use by those evacuees with special personal, medical or psychological needs, and to station licensed medical
professional and paraprofessional personnel at those shelters as needed to provide appropriate reception and care for such evacuees;

D. I hereby give the Department of Environmental Protection the authority to close state parks and other state recreational facilities under its jurisdiction in those counties of the State affected by the emergency, as needed to meet the emergency;

E. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local government entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, ordinances, or orders which affect budgeting, printing, purchasing, leasing and the condition of employment and the compensation of employees, but any statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions as directed by the State Coordinating Officer;

F. I hereby give all agencies of the State the authority to allow overnight stays by employees of the State who travel a distance of less than fifty (50) miles for the performance of official duties in connection with the emergency, and the authority to allow employees of the State reimbursement for the cost of meals during Class C travel incurred in connection with this emergency;

G. I hereby give all agencies of the State responsible for the use of state buildings and facilities the authority to close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency; and

H. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are hereby suspended and tolled to the extent needed to meet this emergency.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by States other than the State of Florida may render such services in the State of Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Department of Health.

Section 9. I hereby find that the demands placed upon funds appropriated to the agencies of the State of Florida and to local agencies may be inadequate to pay the costs of this disaster. In accordance with section 252.37(2), Florida Statutes (2005), to the extent that funds appropriated to the agencies of the State and to local agencies may be inadequate to defray the costs of this disaster, I hereby direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund. As directed by the State Coordinating Officer, agencies of the State and local agencies receiving these funds shall timely seek reimbursement for the State as provided under section 252.929, Florida Statutes (2005), the EMAC, and other compacts, agreements, and laws.

Section 10. In accordance with section(s) 501.160(2) and 501.160(3), Florida Statutes (2005), I hereby place all persons on notice that it is unlawful for any person in the State of Florida to rent or sell, or offer to rent or sell at an unconscionable price, any essential equipment, services, or supplies, the
consumption or use of which is necessary because of this emergency. Such services shall include, without limiting the generality of the foregoing, any rental of hotel, motel, or other transient lodging facilities, and any rental of storage facilities. In accordance with section 501.160(1)(b), Florida Statutes (2005), any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of the Executive Order shall create a presumption that the price is unconscionable unless such increases is caused by actual costs incurred in connection with such essential equipment, services, supplies, or is caused by national or international economic trends.

Section 11. All state agencies that enter emergency final orders or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 12. This Executive Order shall be deemed to have taken effect on August 27, 2006, and all actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 27th day of August 2006.

ATTEST:

SECRETARY OF STATE

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8/28/2006
STATE OF FLORIDA
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 06-201
(Emergency Management/Elections)

WHEREAS, on August 27, 2006, I issued Executive Order 06-200, declaring a state of emergency as a result of the threat posed to the State of Florida as a result of storm conditions forecast as a result of Hurricane Ernesto; and

WHEREAS, subsequent to the issuance of Executive Order 06-200, Hurricane Ernesto was downgraded to a tropical storm, but has thereafter defied accurate predictions as to direction and intensity; and

WHEREAS, current storm models bring the storm’s eye to pass through or near the Upper Keys and South Florida, potentially affecting the counties of Broward, Collier, Glades, Hendry, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, St. Lucie and Palm Beach (“Affected Counties”) on Tuesday, August 29, 2006, and Wednesday, August 30, 2006; and

WHEREAS, statewide early voting for the primary elections scheduled on September 5, 2006, commenced on August 21, 2006, and is scheduled to continue through September 3, 2006; and

WHEREAS, storm conditions in one or more of these areas will make it unsafe for voters to travel to early voting polling locations and may require a number of county officials and employees involved in assisting in the conduct of the early voting to divert their attentions to local emergency management duties; and
WHEREAS, the Board of County Commissioners in Monroe County announced
the closure of county buildings effective August 28, 2006, at 2 p.m.; and

WHEREAS, I have consulted with the Secretary of State, who has advised that
elections supervisors in the Affected Counties have requested guidance with regard to the
suspension of early voting as a result of the storm conditions;

NOW THEREFORE, I, JEB BUSH, as Governor of the State of Florida, by virtue
of the power vested in me by Article IV, Section 1(a) of the Florida Constitution, the
Florida Emergency Management Act, as amended, and the Florida Elections Emergency
Act, Sections 101.731-101.74, Florida Statutes, and all other applicable laws, do hereby
promulgate the following Executive Order, to take immediate effect:

Section 1. Based on the foregoing, I find that there is an existing and
continuing possibility of an emergency occurring before or during a regularly scheduled
election. In order to ensure maximum citizen participation in the electoral process and
provide a safe and orderly procedure for persons seeking to exercise their right to vote, to
minimize area residents' exposure to danger during this emergency, and to protect the
integrity of the electoral process, I hereby declare that an elections emergency exists in
the Affected Counties.

Section 2. I hereby authorize the Secretary of State to activate the
"Comprehensive Emergency Suspension Plan" contained in 18-9.005, Florida
Administrative Code, to assist all of the Affected Counties in determining what
procedures to use to meet any and all logistical difficulties caused by the storm and to
continue, suspend or resume early voting and to ensure the conduct of the State Primary
Election scheduled on September 5, 2006.
Section 3. I hereby direct the supervisors of elections in the Affected Counties, to the extent they have not already done so, immediately to provide the following information to the Secretary of State:

A. A plan for securing the voting equipment, provisional ballots and ballot boxes on site at early voting sites; and/or

B. A contingency plan for removing voting equipment, provisional ballots and ballot boxes from early voting sites; and

C. A plan for returning any equipment, provisional ballots and ballot boxes to the early voting sites as soon as possible as provided in Section 3 of this Executive Order.

Section 4. I hereby authorize the Secretary of State, upon the request of any supervisor of elections in the Affected Counties, to suspend early voting in an Affected County as of the time that a county government in such Affected County closes local government offices and to resume early voting as soon as possible after emergency management officials advise that it is safe for local residents to leave their homes and shelters in the respective Affected Counties. I shall remain in consultation with the Secretary of State to determine whether any additional counties should be designated Affected Counties and to determine the date on which early voting may resume in the Affected Counties.

Section 5. I hereby direct the supervisors of elections in the Affected Counties to report to the Secretary of State on the condition of the early voting sites and
voting equipment as soon as possible after storm warnings in their respective counties are lifted.

Section 6. I further direct supervisors of elections in the Affected Counties to provide the Secretary of State with a contingency plan for staffing, supplying and re-opening the early voting sites in their respective counties, including the identification of alternative emergency early voting sites in the event one or more existing early voting sites is destroyed or damaged and unavailable for voting. In their reports to the Secretary of State, the supervisors of elections in the Affected Counties shall identify any additional logistical support they may require from the State or others in order to resume early voting.

Section 7. I hereby direct the Secretary of State and the Department of Environmental Protection to begin work immediately with Florida Power & Light and other power providers in the Affected Counties to identify the electricity grids that supply power to the early voting sites and contingency sites identified by the supervisors of elections in the Affected Counties and to develop a plan for restoring electricity to these early voting sites on a priority basis so that, if early voting is suspended in a particular county, voting can resume as soon as possible after conditions permit.

Section 8. I hereby direct the State Coordinating Officer and the Secretary of State to consult on the acquisition and deployment of all necessary resources, including but not limited to generators, tents, and other materials that may be required in any Affected County for the resumption of early voting or to conduct the State Primary Election on September 5, 2006.
Section 9. I hereby vest in the Secretary of State the authority to modify, amend or suspend any deadlines pursuant to Chapters 97–106, Florida Statutes, to the extent such deadlines cannot be complied with in the Affected Counties due to the emergency declared in Executive Order 06-200. The authority to modify, amend or suspend such deadlines shall be (a) limited to persons in the Affected Counties or to any person(s) required to, or who have volunteered to, assist in storm relief efforts for this emergency; and (b) shall expire on September 15, 2006. In addition, I grant the Secretary of State the authority to waive any statutory requirements for the provision of absentee ballots to members of the Florida National Guard, applying the standards set forth in Section 101.697, Florida Statutes and Rule 1S-2.030, Florida Administrative Code, as modified in order to address the exigency of the situation. By no later than Friday, September 1, 2006, the Secretary of State shall deliver to each supervisor of elections in an Affected County a written list of deadlines postponed and, if applicable, the date of any new deadlines established by the Secretary of State.

Section 10. All executive agencies are directed, and all other state agencies are requested, to render such aid and assistance as needed by the Secretary of State and the supervisors of elections in the Affected Counties to the end that the purposes of this Executive Order may be accomplished.

Section 11. This Executive Order shall be deemed to have taken effect on August 28, 2006, and all actions taken by the Secretary of State with respect to this
elections emergency before issuance of this Executive Order are hereby ratified. This
Executive Order shall expire ten (10) days from the state hereof unless extended.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and caused the Great Seal of the State of
Florida to be affixed, at Tallahassee, the Capitol,
this 28 day of August, 2006.

[Signature]
GOVERNOR

ATTEST:

[Signature]
SECRETARY OF STATE
Matthews, Maria I.

From: Woodward, Amy
Sent: Tuesday, August 29, 2006 3:26 PM
To:

Subject: Executive Order # 06-202

Below is the Executive Order (Correction) issued by Governor Bush.

Sincerely,

Dawn Kimmel Roberts
Director of the Division of Elections
Florida Department of State
(850) 245-6200

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 06-202
(Emergency Management/Elections)
Correction

WHEREAS, on August 28, 2006, I issued Executive Order 06-201 declaring and elections emergency; and

WHEREAS, Executive Order 06-201 contained a scrivener's error in Section 2;

NOW THEREFORE, I, JRB BUSH, as Governor of the State of Florida by virtue of the power vested in me by Article IV, Section I(a) of the Florida Constitution, the Florida Emergency Management Act, as amended, and the Florida Elections Emergency Act, Sections 101.731-101.74, Florida Statutes, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1 Effective immediately, Paragraph C of Section 3 of Executive Order 06-201 is corrected to read as follows:
C. A plan for returning any equipment, provisional ballots and ballot boxes to the early voting sites as soon as possible as provided in Section 4 of this Executive Order.

Section 2 Except as amended herein, Executive Order No. 06-201 is ratified and reaffirmed and remains in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 29th day of August, 2006.

__________________________
GOVERNOR

__________________________
ATTEST:

__________________________
SECRETARY OF STATE

8/29/2006
18-9.005 Comprehensive Emergency Suspension of Election Plan.

(1) Notification.

(a) After an election has been suspended or delayed, the supervisor of elections from an affected county or the municipal clerk from an affected municipality must ensure that the public receives prompt notification of the suspension or delay of an election.

(b) Such notification must be through public service announcements in the print and electronic media and any other means available.

(2) Conduct of rescheduled election.

(a) As soon as possible after an election has been suspended or delayed, the supervisor of elections from an affected county or the municipal clerk from an affected municipality must identify the number of previously established polling sites that are functional; the number of previously established polling sites that can be repaired; and the number of previously established polling sites that have been destroyed.

(b) A supervisor of elections from an affected county or the municipal clerk from an affected municipality must, in coordination with federal, state, and local emergency management agency officials, determine the safety and ability to utilize existing polling sites and availability of new polling sites.

(c) When the supervisor of elections from an affected county or the municipal clerk from an affected municipality determines that new polling sites are required as a result of an emergency, new polling sites shall be established by the supervisor.

(d) The supervisor of elections from an affected county or the municipal clerk from an affected municipality should coordinate efforts with federal, state, and local emergency management agencies to permit the orderly establishment of new polling sites.

(e) Tents or other temporary structures may be utilized as new polling sites and staffed by any elector in the state. The supervisor of elections from an affected county or the municipal clerk from an affected municipality will appoint all poll workers for purposes of this provision.

(f) Where possible, adequate lighting must be provided at all polling sites.

(g) The suspended or delayed election must be rescheduled by the Governor, upon consultation with the Secretary of State, to be held within 10 days after the date of the suspended or delayed election or as soon as practicable.

(h) The orderly conduct of a rescheduled election by the supervisor of elections from an affected county or the municipal clerk from an affected municipality must be coordinated with the members of the governing body holding the election, where applicable.

(i) The supervisor of elections from an affected county or the municipal clerk from an affected municipality may recruit and train as poll workers for a rescheduled election any elector in the State of Florida.

(j) The supervisor of elections from an affected county or the municipal clerk from an affected municipality must train all poll workers except where municipal clerks from affected municipalities are authorized to train poll workers pursuant to municipal charter or municipal ordinance.

(k) The supervisor of elections from an affected county or the municipal clerk from an affected municipality will determine the appropriate credential for identifying poll workers who will assist in the rescheduled election process, with the local emergency management agency providing support and technical assistance as appropriate in both a pre- and post-disaster situation.

(3) Absentee ballots.

(a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality may establish temporary absentee ballot sites in the affected area or at any place in the county or city, and, if established, must publicize those sites through public service announcements in the print and electronic media and any other means.

(b) Any elector residing in the affected area, or any elector of the state who is in the affected area providing emergency assistance, may vote by absentee ballot.

(c) All absentee ballot sites shall be supervised and under the direct control of the supervisor of elections or the municipal clerk.

(d) All absentee ballots shall be distributed and collected at such sites under the supervision and direct control of the supervisor of elections or the municipal clerk.

(4) Voting and tabulation equipment.

(a) Supervisors of elections from affected counties or municipal clerks from affected municipalities may borrow or lease certified voting and tabulation equipment or voting systems which have been certified pursuant to s. 101.015(1), F.S., and rule Chapter 18-5, for use in the rescheduled election. Where a central or regional counting center cannot be established within the area affected by the disaster, ballots may be tabulated in other counties.

(b) Notices relating to offices or issues which will appear on the ballot that have been published prior to the suspension or delay of an election need not be republished, even if those notices are date specific. However, canvassing board meetings; logic and accuracy tests conducted pursuant to s. 101.5612(1), F.S.; and tabulating equipment tests conducted pursuant to s. 101.5612, F.S., which have been previously noticed but are affected by the suspension or delay of an election must be renoticed through public service announcements in the print and electronic media and any other means available to provide the public reasonable notice of any meetings or tests.

(c) The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall conduct a logic and accuracy test pursuant to s. 101.5612(1), F.S., or a pre-election test pursuant to s. 101.35, F.S., on the tabulation
equipment which will be used in the election. Notification of such testing must be publicized through public service announcements in the print and electronic media and any other means available.

(d) The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall comply with the filing requirements of s. 101.5607(1)(b), F.S., and Rule 1S-2.015(5)(i), FAC., which are otherwise applicable to elections conducted utilizing the voting systems being used.

(5) Safety of existing polling places. The supervisor of elections from an affected county or the municipal clerk from the affected municipality should coordinate with the county and city police and the National Guard in an effort to provide security for existing polling sites, including securing salvageable voting equipment from destroyed or damaged polling sites to prevent them from further damage and looting and providing security for voting equipment at existing, destroyed, and newly established polling sites.

(6) Release and certification of election returns.

(a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality must ensure the security of all ballots.

(b) Law enforcement officers, the National Guard, and poll workers may be utilized by the affected supervisor of elections or municipal clerk to transport or secure ballots.

(c) Where a central or regional counting center cannot be established within the area affected by the disaster, an affected supervisor of elections or municipal clerk may, in coordination with law enforcement officers or the National Guard, deliver ballots to other counties for tabulation. However, any ballot transportation or tabulation must be done under the supervision and control of the affected supervisor of elections or municipal clerk who shall at all times have the responsibility to ensure the safety and safekeeping of the ballots and election results.

(d) Where a multicounty or statewide election is suspended or delayed pursuant to s. 101.733, F.S., all supervisors of elections must withhold returns for affected races until the supervisors of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Division. The Division will notify the supervisors of elections when returns are to be delayed and when returns shall be certified to the Division.

(e) Where a county or municipal election, or any part of a county or municipal election, is suspended, no results from an affected race may be released by the supervisor of elections or municipal clerk until after the polls have closed in those jurisdictions with delayed elections.

(f) Where a supervisor of elections or municipal clerk is required to either withhold or certify previously withheld returns, a logic and accuracy test shall be conducted pursuant to s. 101.5612(1), F.S., or a pre-election test pursuant to s. 101.35, F.S., if parameters used within the voting system to define the tabulation and reporting instructions are changed in any way as a result of the requirement to withhold returns. Notification of such testing must be publicized through public service announcements in the print and electronic media and any other means available. The supervisor of elections or municipal clerk shall comply with the filing requirements of s. 101.5607(1)(b), F.S., and Rule 1S-2.015(5)(i), FAC.

Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History-New 3-13-94.
10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Note.—Former s. 101.05.

101.655 Supervised voting by absent electors in certain facilities.—

(1) The supervisor of elections of a county shall provide supervised voting for absent electors residing in any assisted living facility, as defined in s. 400.402, or nursing home facility, as defined in s. 400.021, within that county at the request of any administrator of such a facility. Such request for supervised voting in the facility shall be made by submitting a written request to the supervisor of elections no later than 21 days prior to the election for which such request is submitted. The request shall specify the name and address of the facility and the name of the elector who wishes to vote absentee in that election. If the request contains the names of fewer than five voters, the supervisor of elections is not required to provide supervised voting.

(2) The supervisor of elections may, in the absence of a request from the administrator of a facility, provide for supervised voting in the facility for those persons who have requested absentee ballots. The supervisor of elections shall notify the administrator of the facility that supervised voting will occur.

(3) The supervisor of elections shall, in cooperation with the administrator of the facility, select a date and time when the supervised voting will occur.

(4) The supervisor of elections shall designate supervised voting teams to provide the services prescribed by this section. Each supervised voting team shall include at least two persons. Each supervised voting team must include representatives of more than one political party; however, in any primary election to nominate party nominees in which only one party has candidates appearing on the ballot, all supervised voting team members may be of that party. No candidate may provide supervised voting services.

(5) The supervised voting team shall deliver the ballots to the respective absent electors, and each member of the team shall jointly supervise the voting of the ballots. If any elector requests assistance in voting, the oath prescribed in s. 101.021 shall be completed and the elector may receive the assistance of two members of the supervised voting team or some other person of the elector's choice to assist the elector in casting the elector's ballot.

(6) Before providing assistance, the supervised voting team shall disclose to the elector that the ballot may be retained to vote at a later time and that the elector has the right to seek assistance in voting from some other person of the elector's choice without the presence of the supervised voting team.

(7) If any elector declines to vote a ballot or is unable to vote a ballot, the supervised voting team shall mark the ballot "refused to vote" or "unable to vote."

(8) After the ballots have been voted or marked in accordance with the provisions of this section, the supervised voting team shall deliver the ballots to the supervisor of elections, who shall retain them pursuant to s. 101.67.

History.—s. 6, ch. 68-57.

101.657 Early voting.—

(1)(a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall or permanent public library facility as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results of tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

(b) The supervisor shall designate each early voting site by no later than the 30th day prior to an election and shall designate an early voting area, as defined in s. 97.021, at each early voting site.

(c) All early voting sites in a county shall be open on the same days for the same amount of time and shall allow any person in line at the closing of an early voting site to vote.

(d) Early voting shall begin on the 15th day before an election and end on the 2nd day before an election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for 8 hours per weekday and 8 hours in the aggregate each weekend at each site during the applicable periods. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.

(e) Notwithstanding the requirements of s. 100.3605, municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections. If a municipality provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (e)-(f). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(f) Notwithstanding the requirements of s. 189.405, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (e)-(f). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.
(2) During any early voting period, each supervisor of elections shall make available the total number of voters casting a ballot at each early voting location during the previous day. Each supervisor shall prepare an electronic data file listing the individual voters who cast a ballot during the early voting period. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day and shall be contemporaneously provided to the division.

(3) The ballot of each elector voting early shall be counted even if the elector dies on or before election day.

(4)(a) The elector must provide identification and must complete an Early Voting Voter Certificate in substantially the following form:

**EARLY VOTING VOTER CERTIFICATE**

I, _____, am a qualified elector in this election and registered voter of County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration roll of County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate invalidates my ballot.

__________
(Voter's Signature)

__________
(Address)

__________
(City/State)

(b) Any elector may challenge an elector seeking to vote early under the provisions of s. 101.111. Any challenged voter must vote a provisional ballot. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.661.

101.661 Voting absentee ballots.—All electors must personally mark or designate their choices on the absentee ballot, except:

1. Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector’s choice, other than the elector’s employer, an agent of the employer, or an officer or agent of the elector’s union, mark the elector’s choices or assist the elector in marking his or her choices on the ballot.

2. As otherwise provided in s. 101.051 or s. 101.655.

101.662 Accessibility of absentee ballots.—It is the intent of the Legislature that voting by absentee ballot be by methods that are fully accessible to all voters, including voters having a disability. The Department of State shall work with the supervisors of elections and the disability community to develop and implement procedures and technologies, as possible, which will include procedures for providing absentee ballots, upon request, in alternative formats that will allow all voters to cast a secret, independent, and verifiable absentee ballot without the assistance of another person.

History.—s. 14, ch. 2002-231.

101.663 Electors; change of residence to another state.—An elector registered in this state who moves his or her permanent residence to another state after the registration books in that state have closed shall be permitted to vote absentee in the county of his or her former residence for the offices of President and Vice President of the United States.

History.—s. 1, chs. 99-158, 2011; s. 11, ch. 88-205; s. 4, ch. 73-167; s. 91, ch. 73-333; s. 3, ch. 77-179; s. 1, ch. 79-363; s. 22, ch. 94-524; s. 1392, ch. 96-147; s. 46, ch. 2004-377; s. 40, ch. 2003-276.

Note.—Former s. 67.102.

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by an commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections, or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

History.—s. 5, ch. 29504, 1985; s. 46, ch. 85-360; s. 4, ch. 72-53; s. 3, ch. 77-179; s. 17, ch. 94-324; s. 19, ch. 96-129.

Note.—Former s. 101.665; s. 97.386.

101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots.—(1) The supervisor of elections shall safely keep in his or her office any envelopes received containing marked ballots of absent electors, and he or she shall, before the canvassing of the election returns, deliver the envelopes to the county canvassing board along with his or her file or list kept regarding said ballots.

(2) All marked absent electors’ ballots to be counted must be received by the supervisor by 7 p.m. of the day of the election. All ballots received thereafter shall be marked with the time and date of receipt and filed in the supervisor’s office.

History.—s. 5, ch. 11824, 1927; CGL 450; s. 1, ch. 23253, 1949; s. 6, ch. 28870, 1951; s. 24, ch. 28883, 1955; s. 54, ch. 87-1; s. 36, ch. 95-800; s. 5, ch. 71-149; s. 23, ch. 77-179; s. 36, ch. 96-147.

Note.—Former s. 101.67.

101.68 Canvassing of absentee ballots.—(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which
Minority Contact Information for Following Preclearance Counties:

Collier County
African - American:
Naples, FL 34113

Hispanic:
Naples, Florida 34108

Naples, FL 34104

Naples, FL 34112

Hardee County (African American)

Hendry County (Hispanic)
LaBelle, FL 33934-5015

Monroe County (Hispanic)
Tavernier, FL 33070
Mr. Joe Murray:

Please find attached pursuant to your request for supplemental information and clarification the following:

1. Excerpted portion of Article IV, Section 1, Fla. Constitution (for basis of authority for Governor’s Actions)
2. Section 101.731-101.74, Fla. Stat., Elections Emergency Act (for basis of authority for Governor’s Actions)
3. Section 101.697, Fla. Stat. regarding election transmission of absentee ballots, as pertains to the issue in section 9 of Executive Order 06-201
4. Rule 15S-2.030 Electronic Transmission of Absentee Ballots, as pertains to the issue in section 9 of Executive Order 06-201

As I noted to you, the Florida National Guard was activated for emergency activities pursuant to Executive Order 06-200. Section 9 of Executive Order 06-201, required a special provision to deal with absentee ballot requirements that would otherwise negatively affect the voting rights of members of the Florida National Guard.

Additionally, the early voting provision is section 101.657, Fla. Stat., (not 101.567, Fla. Stat.). Section 101.657, Fla. Stat. was copied and made available to you as a part of the original package.

I am also enclosing a supplemental order very recently issued pursuant to authority under the Executive Order 06-201, which designates Volusia, Brevard, Highlands, Hardee, and Indian River counties as additional counties deemed “affected” by the storm. Orange and Osceola counties will be added shortly to that list.

Finally, to date, the Secretary of State has not revised or implemented any deadlines that are otherwise set forth in statute. Although none are anticipated given the current status of the Tropical Storm Ernesto, the Secretary of State could still do so until September 1, 2006, Friday, if circumstances dictate.
If you have further questions, please do not hesitate to contact me.

Respectfully,

Maria Matthews  
Assistant General Counsel  
Florida Department of State  
R.A. Gray Building  
500 S. Bronough St.  
Tallahassee, Florida 32399  
850.245.6520

From: Matthews, Maria I.  
Sent: Tuesday, August 29, 2006 5:19 PM  
To: 'vot1973c@usdoj.gov'  
Cc: Cobb, Sue; Roberts, Dawn K.; Hughes, Heidi; Larson, Sharon  
Subject: Florida's Request for Emergency Preclearance of Voting Activities

Mr. Tanner:

Please find attached a letter (with attachments) requesting expedited review and pre-clearance of emergency management actions taken and being taken that affect voting/election activities in selected jurisdictions in Florida in response to Tropical Storm Ernesto. This storm is expected to pass through most of south and central Florida and has already prompted the closing of county governmental offices in several counties.

Additionally, as you requested, we have included a list of minority contact information for the pre-clearance counties that are affected.

A hard copy of this pre-clearance package will be mailed to you.

Thank you again for your prompt attention to this matter. Please acknowledge receipt. If there is difficulty reading the file, I can fax the package. If you have any questions, please do not hesitate to contact me.
Respectfully,

Maria Matthews  
Assistant General Counsel  
Florida Department of State  
R.A. Gray Building  
500 S. Bronough St.  
Tallahassee, Florida 32399  
850.245.6520.
The Florida Constitution

CONSTITUTION
OF THE
STATE OF FLORIDA
AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24-July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

ARTICLE I  DECLARATION OF RIGHTS
ARTICLE II  GENERAL PROVISIONS
ARTICLE III  LEGISLATURE
ARTICLE IV  EXECUTIVE
ARTICLE V  JUDICIARY
ARTICLE VI  SUFFRAGE AND ELECTIONS
ARTICLE VII  FINANCE AND TAXATION
ARTICLE VIII  LOCAL GOVERNMENT
ARTICLE IX  EDUCATION
ARTICLE X  MISCELLANEOUS
ARTICLE XI  AMENDMENTS
ARTICLE XII  SCHEDULE

ARTICLE I  DECLARATION OF RIGHTS

SECTION 1. Political power.
SECTION 2. Basic rights.
ARTICLE IV
EXECUTIVE

SECTION 1. Governor.
SECTION 2. Lieutenant governor.
SECTION 3. Succession to office of governor; acting governor.
SECTION 4. Cabinet.
SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.
SECTION 6. Executive departments.
SECTION 7. Suspensions; filling office during suspensions.
SECTION 8. Clemency.
SECTION 9. Fish and wildlife conservation commission.
SECTION 10. Attorney General.
SECTION 11. Department of Veterans Affairs.
SECTION 12. Department of Elderly Affairs.
SECTION 13. Revenue Shortfalls.

SECTION 1. Governor.--

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

History.--Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statu... 8/30/2006
101.731 Short title.—Sections 101.731-101.74 may be cited as the "Elections Emergency Act."  
History.—s. 1, ch. 92-16.

101.732 Definitions relating to Elections Emergency Act.—As used in ss. 101.731-101.74:
(1) "Department" means the Department of State.
(2) "Division" means the Division of Elections of the Department of State.
(3) "Emergency" means any occurrence, or threat thereof, whether accidental, natural, or caused by human beings, in war or in peace, that results or may result in substantial injury or harm to the population or substantial damage to or loss of property to the extent it will prohibit an election officer's ability to conduct a safe and orderly election.  
History.—s. 2, ch. 92-16; s. 805, ch. 86-147.

101.733 Election emergency; purpose; elections emergency contingency plan.—Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.
(1) The Governor may, upon issuance of an executive order declaring a state of emergency or Impeding emergency, suspend or delay any election. The Governor may take such action independently or at the request of the Secretary of State, a supervisor of elections from a county affected by the emergency circumstances, or a municipal clerk from a municipality affected by the emergency circumstances.
(2) The Governor, upon consultation with the Secretary of State, shall reschedule any election suspended or delayed due to an emergency. The election shall be held within 10 days after the date of the suspended or delayed election or as soon thereafter as is practicable. Notice of the election shall be published at least once in a newspaper of general circulation in the affected area and, where practicable, broadcast as a public service announcement on radio and television stations at least 1 week prior to the date the election is to be held.
(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:
(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.
(b) Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.
(c) Providing a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled under the provisions of ss. 101.731-101.74.  
History.—s. 3, ch. 92-16.
101.74 Temporary change of polling place in case of emergency.—In case of an emergency existing in any precinct at the time of the holding of any election, the supervisor of elections may establish, at any safe and convenient point outside such precinct, an additional polling place for the electors of that precinct, in which place the qualified electors may vote. The registration books of the affected precinct shall be applicable to, and shall be used at, the polling place so established.

101.75 Municipal elections; change of dates for cause.—
(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.
(2) The date of the municipal election shall be set by the municipality by ordinance.

History.—s. 39, ch. 3979, 1899; RS 103; s. 70, ch. 4923, 1899; GS 254; RGS 294; CGL 374; s. 5, ch. 26070, 1951; s. 44, ch. 65-380; s. 28, ch. 77-178; s. 2, ch. 83-834; s. 4, ch. 98-16.

Note.—Former s. 59.55.
date of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

History.—s. 45, ch. 2001-40.

101.6952 Absentee ballots for overseas voters.—
(1) If an overseas voter’s request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballot via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.

(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

History.—s. 104, ch. 2001-142; s. 8, ch. 2004-333.

101.697 Electronic transmission of election materials.—The Department of State shall determine whether secure electronic means can be established for receiving ballots from overseas voters. If such security can be established, the department shall adopt rules to authorize a supervisor of elections to accept an absentee ballot, without the signature of the voter, by secure facsimile machine transmission or other secure electronic means. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, and each ballot received must be recorded.

History.—s. 96, ch. 2001-40; s. 81, ch. 2005-277.

101.698 Absentee voting in emergency situations. If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

History.—s. 51, ch. 2001-40.

101.71 Polling place.—
(1) There shall be in each precinct in each county one polling place which shall be accessible to the public on election day and is managed by a board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except Inspectors shall be allowed to speak to the elector while casting his or her vote; and no inspector shall speak to or interfere with the elector concerning his or her voting, except to perform the duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his or her vote.

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding an election at a polling place designated for any precinct in the county are unavailable, are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of s. 101.715, the supervisor shall, not less than 30 days prior to the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on the election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the general precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to the election, to each registered elector or to each household in which there is a registered elector.

(3) In cases of emergency and when time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.

(4) Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. Such sign shall be large enough to be clearly visible to occupants of passing vehicular traffic on roadway contiguous to the polling place, with letters not smaller than 3 inches high, and shall be displayed at all times while the polls are open on any election day.

(5) Public, tax-supported buildings shall be made available for use as polling places upon the request of the supervisor of elections.

History.—s. 22, ch. 3373, 1935; R0 176; s. 26, ch. 3359, 1919; s. 1, ch. 4069, 1895; 1925; 1966; 1933; 1999; s. 32, ch. 2999, 1947; s. 4, ch. 75359, 1995; s. 1, ch. 79-269; s. 22, ch. 79-293; s. 1, ch. 80581, 1983; s. 9, ch. 80-581; s. 23, ch. 77-175; s. 4, ch. 78-185; s. 2, ch. 93-189; s. 12, ch. 93-292; s. 1, ch. 86-89; s. 693, ch. 86-147; s. 5, ch. 2001-40; s. 18, ch. 2002-351.

Note.—Former s. 98.08.

101.715 Accessibility of polling places for people having a disability.—

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(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in Section 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

(a) The name of the voter requesting the ballot.
(b) The voter's county of legal residence in Florida.
(c) The voter's date of birth.
(d) One of the following:
   1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.
   2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.
   3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.
(e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in subsection (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the facsimile number provided by the supervisor of elections or to a number provided by Federal Voting Assistance Program of the Department of Defense. In order for the ballot to be counted it must be received by the supervisor of elections no later than 7:00 p.m. on election day.

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmission envelope for mailing. The ballot transmission envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be substantially as follows:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ____________________________, do solemnly swear or affirm that I am a qualified and registered voter of __________ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

I further swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reestablished; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

________________________________________
Date
Voter’s Signature

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7:00 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to “Vote for One” candidate and you vote for more than one candidate, your vote in that race will not be counted.

(d) In order for your ballot to be counted, you must complete the Voter’s Certificate, which must include your signature. You must also include the date you signed the Voter’s Certificate or your ballot may not be counted.

(e) You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

(f) You may fax your ballot and the Voter’s Certificate to the supervisor of elections at (fax phone number) or you may fax your ballot to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot to a number provided by the Federal Voting Assistance Program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7:00 p.m. election day. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

(g) To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter’s Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter’s Certificate in another envelope for mailing. Do not seal the Voter’s Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope “Absentee Ballot Enclosed”.

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

(h) FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter’s Certificate is enclosed in the mailing envelope. If the Voter’s Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked “Rejected as Illegal.” If the Voter’s Certificate is enclosed, the supervisor of elections shall verify the overseas voter’s eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter’s Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter’s Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(16) The supervisor of elections and the supervisor’s staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.


18-2.031 Recount Procedures.

(1) General application provisions.

(a) All procedures relating to machine and manual recounts shall be open to the public.

(b) At least two members of the county canvassing board shall be present during all times a machine or manual recount is being conducted.

(c) All recounts are to be ordered by the respective county canvassing board or canvassing commission responsible for certifying the results of the race or races being recounted.
SUPPLEMENTAL ORDER

(Emergency Management/Tropical Storm Ernesto; Elections: Adding Affected Counties)

Pursuant to Executive Order 06-201, issued on August 28, 2006, the Governor vested in the Secretary of State, upon the request of any supervisor of elections in an affected county, the authority to suspend early voting in the affected county as of the time that the county government closes local government offices. As State Coordinating Officer, in consultation with the Secretary of State, I hereby designate the following additional counties as affected counties pursuant to Executive Order 06-201 due to county office closures: Volusia, Brevard, Highlands, Hardee, and Indian River. The supervisors of elections of these affected counties are directed to comply with all provisions of Executive Order 06-201 and to resume early voting as soon as possible after emergency management officials advise that it is safe for residents to leave their homes and shelters.

Requesting Agency: Department of State

Approved:

[Signature]

State Coordinating Officer

[Signature]

Legal Counsel

8/29/2006

Date

8/29/06

Date

EM Tracker No. ____
August 30, 2006

Ms. Maria Matthews  
Assistant Attorney General  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Ms. Matthews:

This refers to the Executive Order No. 06-201 (2006) declaring an election emergency and providing for the continuation, suspension, or resumption of early voting in certain storm affected counties, for the State of Florida, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 29, 2006; supplemental information was received on August 30, 2006.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Sincerely,

John Tanner  
Chief, Voting Section
Memorandum of Telephonic Communication

Date: 8/30/06  Attorney/Analyst: JEM  File No.: 2006-5753

Other Party: Maria Matthews  Race: Tel. No.: (850) 245-6520

Title/Organization: Assistant Attorney General

Jurisdiction: State of Florida

Subject: Executive Order No. 06-201 insofar as it provides for the continuation, suspension, or resumption of early voting in Affected Counties impacted by Tropical Storm Ernesto

I asked Ms. Matthews about 101.567 of the Florida Statutes, and she indicated this reference was a scriveners error that it should read 101.657 of the Florida Statutes. She believes the order is limited to the suspension and resumption of early voting in those 12 counties listed as Affected Counties in the order due to the impact of Tropical Storm Ernesto and the election emergency declared in the order. She will review the order and confirm whether the state is also submitting the provision that pertains to authorizing the Secretary of State to affect absentee voting by FL National Guard members.

Ms. Matthews called back to advise that the Executive Order did provide for the suspension of absentee balloting for FL National Guard members because the Governor had activated elements of the Guard. She will email copies of the benchmark and change for inclusion in the review. She also noted that the Affected Counties are expected to resume early voting as soon as local conditions permit. The early voting period will not be continued beyond September 3, 2006, its scheduled completion date but she anticipates its resumption by September 1, 2006, barring any extenuating local circumstances i.e. localized flooding. The Secretary of State has not issued new deadlines for the resumption of early voting in Affected Counties.