



The Florida Senate

Interim Report 2011-118

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Committee on Ethics and Elections

THE EFFECT OF EARLY VOTING ON VOTER TURNOUT IN FLORIDA ELECTIONS; 2010 UPDATE

Issue Description

In 2004, the Florida Legislature amended s. 101.657, F.S., and introduced a standardized and mandatory process for in-person early voting in Florida elections. In doing so, the Legislature provided Florida voters with the opportunity to cast a ballot up to fifteen days before an election. Election officials and voting rights advocates have traditionally argued that early voting has a positive impact on voter turnout. Interim Project Report 2008-124, *The Effect of Early Voting on Voter Turnout in Florida Elections*, concluded early voting did not have a significant impact on voter turnout in Florida during the 2004 and 2006 general elections. This report is an update of that previous report, examining whether early voting had an impact on voter turnout during the 2008 general election.

Background

History of Early Voting

While early voting is relatively new in Florida, the idea of an elector casting a ballot in person prior to Election Day is not a new concept. Currently, thirty-one states provide electors with the opportunity to vote in person without an excuse prior to Election Day.¹ In 1998, the Legislature provided an opportunity for persons casting absentee ballots to do so in person at the supervisor of elections office. This form of early voting was discretionary for each supervisor of elections.² Early voting, as we know it today, did not exist until 2004 when the Legislature amended s. 101.657, F.S., and introduced a standardized and mandatory process for early voting. This statute took effect on July 1, 2004.³ Section 101.657, F.S., allows a Florida elector to vote early at the main office of the supervisor of elections or at a branch office if the supervisor's branch office has been a full-service facility for at least one year prior to the election. A Florida elector may also vote early at a public library or city hall that has been designated as an early voting site by the supervisor.⁴

Currently, early voting begins on the fifteenth day prior to an election and ends the second day before an election. Electors are given eight hours each week day and a total of eight hours each weekend to vote early. The eight hours for early voting on these days must fall between the hours of 7 a.m. and 7 p.m.⁵ Persons in line at closing of an early voting site are allowed to vote.⁶

Benefits of Early Voting

According to a 2004 voting study, 28% of early voters identified convenience as their primary reason for casting an early ballot, while 30% said they wanted to avoid the rush on Election Day.⁷ Early voting gives busy people or

¹NATHAN CEMENKA, ET AL., REPORT ON THE 1972-2008 EARLY AND ABSENTEE VOTING DATASET 7 (December 14, 2009), available at < http://www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Initiatives/MVW/Non-Precinct_Laws_1972-2008.pdf> (Site accessed on 17 Sept., 2010).

² § 101.657, F.S., (1998).

³ § 101.657, F.S., (2004).

⁴ § 101.657(1)(a), F.S.

⁵ § 101.657(1)(d), F.S.; Special election early voting begins on the 8th day before an election.

⁶ § 101.657(1)(c), F.S.

⁷ DR. MARK S. PRITCHETT AND DR. SUSAN A. MACMANUS, *Florida Voters Rate the 2004 Election*, FLA. DEP'T OF STATE-DIV. OF ELECTIONS, PowerPoint Presentation, slide 14, Jan. 13, 2005, available at <<http://election.dos.state.fl.us/reports/VotersRateElection04.asp>> (Site accessed on 17 Sept., 2010).

those with special needs a more convenient opportunity to vote. Many Florida election officials and voting rights advocates have long believed that early voting has a positive impact on voter turnout.⁸ Persons with weekday time limitations, such as long-distance commuters, and hourly wage earners can use the weekend during the early voting period to cast a ballot. Early voting also provides those with disabilities an opportunity to cast a ballot when time and crowds are less of a factor. Further, early voting increases procedural integrity resulting in more accurate ballot counts.⁹

Early Voting Participation in 2004 General Election

In 2004, Florida had 10,301,290 registered voters.¹⁰ More than seven and a half million Floridians voted in the general election. Over 18% of those casting ballots did so by early voting. The number of voters utilizing early voting differed significantly from county to county. For instance, in Miami-Dade County, 31.3% of electors who voted in the general election cast their ballot early, while only 9.1% of electors who voted in Palm Beach utilized early voting. In Bay County, 24.7% of electors who voted in the general election cast their ballot early, whereas 28% of Indian River County electors voted early.¹¹ Exit poll data gathered in Miami-Dade County concluded that early voters are generally older electors and that women were more likely to vote early than men. The exit-poll study attributed the age and gender findings to the fact that early voting provides more opportunities and available times to cast a ballot.¹²

Early Voting Participation in 2006 General Election

In 2006, Florida had over 130,000 more registered voters than 2004.¹³ However, only 47% of registered electors voted in the 2006 general election. This represented a substantial drop from the 74% that participated in the 2004 general election.¹⁴ This difference in turnout can historically be linked to the fact that 2004 was a presidential election year. Over 16% of electors who voted in the 2006 general election voted early.¹⁵ While early voters still comprised a significant percentage of the total vote, these numbers again varied from county to county similar to the 2004 election. For example, only 16% of Miami-Dade electors voted early in the 2006 general election. This was significantly lower than the 31.3% that voted early in the 2004 general election and is likely because 2004 was a presidential election year. However, the percentage of early voters increased in Palm Beach County from 9.1% in the 2004 general election to 16% in the 2006 general election. In Bay County, 27.7% of electors cast early ballots in the 2006 general election, a slight increase from the 2004 general election. In Indian River County, 23.9% of electors utilized early voting which was a slight decrease from the 2004 general election.¹⁶

Early Voting Participation in 2008 General Election

In 2008, Florida had 11,247,634 registered voters. This figure represents an additional 946,344 registered voters for the 2008 general election as compared to the 2004 general election.¹⁷ Of those registered voters, 8,351,358 or

⁸ PAUL GRONKE, ET. AL., *Early Voting in Florida, 2004*, REED COLLEGE EARLY VOTING INFO. CTR. Sept. 1, 2005, pg. 2 available at <<http://people.reed.edu/~gronkep/docs/GronkeBishinStevensGalanes-Rosenbaum.APSA.2005.pdf>> (Site accessed on 17 Sept., 2010).

⁹ PAUL GRONKE AND EVA GALANES-ROSENBAUM, *THE GROWTH OF EARLY AND NON-PRECINCT PLACE BALLOTING: WHEN, WHY, AND PROSPECTS FOR THE FUTURE*, 13, 15 (2008) available at <<http://earlyvoting.net/research/>>, originally published in *AMERICA VOTES! A GUIDE TO ELECTION LAW AND VOTING RIGHTS*, CHAPTER 4, 261-280 (Ben Griffith ed.), American Bar Association.

¹⁰ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *COUNTY VOTER REGISTRATION BY PARTY* (October 4, 2004), available at <<http://election.dos.state.fl.us/voter-registration/statistics/pdf/2004/2004genParty.pdf>> (Site accessed on 17 Sept., 2010).

¹¹ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *NOVEMBER 2004 GENERAL ELECTION BALLOTS CAST* (Feb. 18, 2005), available at <<http://election.dos.state.fl.us/reports/pdf/BallotsCast04.pdf>> (Site accessed 17 Sept., 2010).

¹² Gronke, *supra*, note 8. pgs. 12-13.

¹³ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *COUNTY VOTER REGISTRATION BY PARTY* (October 10, 2006), available at <<http://election.dos.state.fl.us/voter-registration/statistics/pdf/2006/2006GenParty.pdf>> (Site accessed on 17 Sept., 2010).

¹⁴ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *VOTER TURNOUT STATISTICS*, available at <<http://election.dos.state.fl.us/voting/voter-turnout.shtml>> (Site accessed on 17 Sept., 2010).

¹⁵ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *NOVEMBER 2006 GENERAL ELECTION BALLOTS CAST BY COUNTY*, available at <<http://election.dos.state.fl.us/reports/pdf/2006BallotsCast.pdf>> (Site accessed on 17 Sept., 2010).

¹⁶ *Id.*

¹⁷ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *COUNTY VOTER REGISTRATION BY PARTY* (October 6, 2008), available at <<http://election.dos.state.fl.us/voter-registration/statistics/pdf/2008/2008genParty.pdf>> (Site accessed on July 19, 2010).

74% of those registered to vote cast ballots in the general election.¹⁸ Overall, the 2008 general election did not experience a greater turnout in Florida than in 2004. However, 32% of those who cast ballots utilized early voting. This is almost double the percentage of voters who voted early in the 2004 general election.¹⁹ Thus, early voting has increased in popularity among electors since it was first introduced in 2004. This trend continued at the county level. For example, in Miami-Dade, 37.5% voted early in the general election. This is a slight increase from the 31.3% that voted early in the 2004 election. In Palm Beach County, 24.4% voted early. This is a significant increase from the 2004 election in which 9.1% voted early. In Bay County, 37.3% voted early. This is over a 10% increase from the 2004 general election. As for Indian River County, almost 40% of those who cast ballots utilized early voting. This was a 12% increase from those who voted early in the 2004 election.²⁰ In looking at these four counties during the past three election cycles, both Palm Beach and Bay counties saw an increase in early voting each election cycle, while Miami-Dade and Indian River showed an increase from 2004 to 2008, but showed a mid-term election slump in early voting in 2006.

Who Voted Early in 2006?

Forty-one percent (41%) of those who voted early in the 2006 general election were registered Republicans and 43.6% were registered Democrats. Electors with either a minor party affiliation or no party affiliation made up the difference with over 15% voting early. Voters casting absentee ballots during the 2006 general election were predominantly Republican with 55.5% voting absentee while only 33.3% of Democrats voted absentee. Electors with either a minor party affiliation or no party affiliation made up the difference with 15.2% voting by absentee ballot. Thus, slightly more Democrats took advantage of early voting, while a more significant number of Republicans took advantage of absentee voting.²¹

Examining the nine counties with the largest populations in Florida, (Brevard, Broward, Dade, Duval, Hillsborough, Lee, Orange, Palm Beach, and Pinellas), this trend continued, with more Democrats utilizing early voting and more Republicans utilizing absentee voting. However, in all other counties with smaller populations, more Republicans utilized both early and absentee voting.²²

While attempting to reconcile these differences in the election numbers described above, it should be noted that, in 2006, statewide there were more registered Democrats in Florida than any other party registration. Furthermore, the nine largest counties collectively had more registered Democrats than any other party. In contrast, however, smaller counties collectively had more registered Republicans than any other party registration.²³

Who Voted Early in 2008?

Thirty percent (30%) of those who voted early in the 2008 general election were registered Republicans, while 52% were registered Democrats. Forty-seven percent of those who voted absentee were Republicans, while 36% were Democrats. The trend noted above in 2006 continued in the 2008 general election — overall more Democrats took advantage of early voting, while more Republicans took advantage of absentee voting.²⁴

Examining seven of the nine counties listed above (Brevard, Dade, Duval, Hillsborough, Lee, Orange, and Pinellas), the same trend identified in 2006 continued, with more Democrats opting to vote early compared to Republicans, and more Republicans opting to vote absentee compared to Democrats. However, in Broward and Palm Beach, more Democrats utilized both early voting and the absentee ballot process. With regard to other

¹⁸ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, NOVEMBER 2008 GENERAL ELECTION BALLOTS CAST BY COUNTY, *available at* <<http://election.dos.state.fl.us/reports/pdf/2008BallotsCast.pdf>> (Site accessed on 17 Sept., 2010). The Department of State reports that turnout for the 2008 general election was 75%. *See supra*, note 14.

¹⁹ *Id.* Fifty-four percent (54%) of voters cast ballots prior to election day in 2008 by utilizing either early voting or the absentee ballot process.

²⁰ *Id.*

²¹ FLA. DEP'T OF STATE-DIV. OF ELECTIONS; AMENDED REPORT ON STATEWIDE VOTER REGISTRATION DATABASE PURSUANT TO § 98.071, F.S., (MARCH 14, 2007); [ELECTRONIC DATA FILE; TABULATED BY LEGISLATIVE STAFF].

²² *Id.*

²³ *Id.*

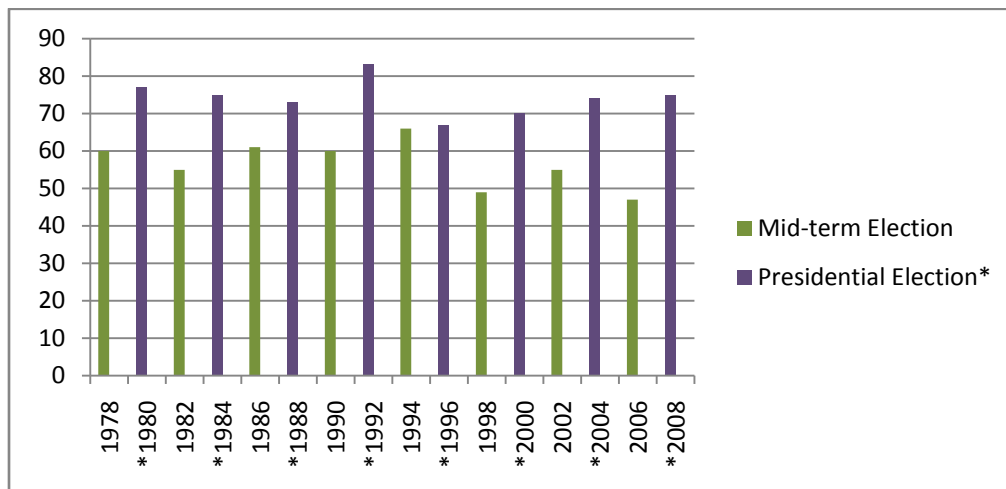
²⁴ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, 2008 ELECTION RECAP (JAN. 1, 2009); [ELECTRONIC DATA FILE, TABULATED BY COMMITTEE STAFF].

counties, Democrats utilized early voting more than Republicans on average. However, in fourteen counties — Bay, Charlotte, Citrus, Clay, Collier, Indian River, Martin, Nassau, Okaloosa, St. Johns, Santa Rosa, Sarasota, Sumter, and Walton — more Republicans utilized early voting. In 32 counties,²⁵ more Democrats cast absentee ballots than Republicans, while in the other 35 counties, more Republicans cast absentee ballots.²⁶ In observing individual counties, the trends identified in 2006 were not as definitive in 2008. A possible explanation for the difference could relate to the fact that 2008 was a presidential election year that generated a 27% higher turnout rate than in the 2006 general election.

Findings

Early Voting's Effect on Voter Turnout

The average Election Day turnout in Florida among registered voters in a presidential general election from 1954 to 2002, prior to the mandatory availability of early voting, is 74.6%; the average Election Day turnout for a mid-term election year is 54.4%.²⁷ In the 2004 general election, 74% of all registered electors voted, while 47% of registered electors voted in the 2006 general election. In 2008, voter turnout reached 75%, according to the Florida Division of Elections.²⁸ The graph below illustrates voter turnout percentages for the 2004, 2006, and 2008 general elections as compared to general election turnout in Florida from 1978 to 2002.



Source: FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *supra*, note 14.

As the graph indicates, there is no significant difference in turnout for the 2004 and 2008 general elections when compared historically with other general elections held in previous presidential election years. A similar statement can be made regarding the 2006 general election in comparison to turnout for other midterm election years. Since there is no appreciable historical difference in turnout for these general elections when compared to similar historical elections, it is apparent that early voting has not facially had a significant impact on overall voter turnout.

National academic studies posit differing opinions with regard to early voting's effect upon voter turnout. One study on early voting's effect on voter turnout examined and compared the various forms of early voting (vote by mail, no-excuse absentee voting, and in-person early voting) and concluded that, in presidential election years, only vote by mail actually increased voter turnout.²⁹ The report also found that early voting had only a small

²⁵ Those counties are Bay, Brevard, Charlotte, Citrus, Clay, Collier, Miami-Dade, Duval, Escambia, Flagler, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Marion, Martin, Monroe, Nassau, Okaloosa, Orange, Osceola, Pasco, Pinellas, Polk, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Volusia, and Walton.

²⁶ *Id.* note 24.

²⁷ FLA. DEP'T OF STATE-DIV. OF ELECTIONS, *supra*, note 14.

²⁸ *Id.* While the Department of State, Division of Elections site quotes 75% turnout in 2008, calculations by committee staff show a 74% participation rate for the 2008 general election.

²⁹ Paul Gronke, Eva Galanes-Rosenbaum, Peter A. Miller, *Early Voting and Turnout*, PS: POLITICAL SCIENCE & POLITICS OCT. 2007, VOL. XL, NUM. 4, 639-645.

impact on voter turnout, explained as the result of the novelty effect accompanying this voting option that historically weakens with the passage of time.³⁰ In conducting its study analyzing national data from 1980 to 2004, the report concluded early in-person voting (Florida's current system) actually decreased voter turnout.³¹ The study concluded that while early voting has positive attributes, such as more accurate ballot counting, increased voter satisfaction, and convenience, early voting does not increase voter turnout.³²

A national study by the Committee for the Study of the American Electorate also determined early voting resulted in a reduction in aggregate turnout. In its 2004 study, the Committee compared aggregate turnout percentages between states that utilized early voting, and states that did not. In the presidential election years of 1996 and 2000, states employing early voting methods experienced a 2.6% aggregate increase in voter turnout, contrasted with a 2.8% increase in voter turnout in states without early voting. The study also examined presidential elections from 1988 to 2000 and found that states utilizing early voting throughout this period saw a 1% decline in overall voter turnout, while non-early voting states experienced a 1.4% increase in voter turnout. As a result of this data, the study concluded that from 1988 to 2000 early voting actually lowered voter turnout instead of enhancing voter participation in elections.³³ However, the same group reported the states that employed early voting in the 2004 presidential election experienced a minimal 1% increase in turnout when compared with states that did not offer early voting.³⁴

Additional national research of the 2008 general election suggests that early voting does not increase voter turnout and may actually decrease turnout.³⁵ Another study found that in-person early voting reforms have a negative impact on turnout when observed alone. In tandem with no-excuse absentee balloting, in-person early voting showed only a slightly positive impact on voter turnout. Overall, the study surmised that it had no discernable effect on voter turnout.³⁶

One national study attempted to isolate the effect of early voting on voter turnout. The study, conducted in 2009, found that early voting did not increase voter turnout in states that had adopted early voting reforms as compared to states that did not adopt early voting reforms. However, the study went a step further by taking into account other variables known to decrease or increase voter turnout such as age, income, and education, along with election administration rules and the presence of a close election. By considering these other variables, the study estimated that no-excuse early voting increased voter turnout by 2.8% for a state that adopted early voting reforms as compared to a state that did not adopt the reforms.³⁷

In sum, while one study determined that early voting increased voter turnout (based on estimations for other variables known to effect turnout) other national studies have concluded that early voting either has no effect on turnout, may actually decrease turnout, or may only have a minimal positive effect on voter turnout. After reviewing and comparing Florida's early voting experience with Florida's voting turnout history, along with

³⁰ *Id.* at 642.

³¹ *Id.* at 642-643.

³² *Id.* at 642, 644.

³³ COMMITTEE FOR THE STUDY OF THE AMERICAN ELECTORATE, MAKING IT EASIER DOESN'T WORK: NO EXCUSE ABSENTEE AND EARLY VOTING HURT VOTER TURNOUT; CREATE OTHER PROBLEMS 3 (Sept. 13, 2004) *available at* <http://www1.american.edu/ia/cfer/research/csae_09132004.pdf> (Site accessed on 19, Sept., 2010).

³⁴ COMMITTEE FOR THE STUDY OF THE AMERICAN ELECTORATE, TURNOUT EXCEEDS OPTIMISTIC PREDICTIONS; MORE THAN 122 MILLION VOTE; HIGHEST TURNOUT IN 38 YEARS 5 (Jan. 14, 2005) *available at* <<http://www1.american.edu/ia/cdem/csae/pdfs/csae050114.pdf>> (Site accessed on 19, Sept., 2010).

³⁵ Curtis Gans, *Much-hyped Turnout Record Fails to Materialize; Convenience Voting Fails to Boost Balloting*, American University News, November 6, 2008, at 2. *See also* Curtis Gans, *African-Americans, Anger, Fear, and Youth Propel Turnout to Highest Level Since 1960*, American University News, December 17, 2008, at 4. Both available at <<http://www1.american.edu/ia/cdem/csae/#electionstudies>> (Site accessed on 19, Sept., 2010).

³⁶ PAUL GRONKE, EVA GALANES-ROSENBAUM AND PETER A. MILLER, FROM BALLOT BOX TO MAIL BOX: EARLY VOTING AND TURNOUT 12,17,27(2008) *available at* <<http://earlyvoting.net/research>>, originally published in DEMOCRACY IN THE STATES: EXPERIMENTS IN ELECTION REFORM, CHAPTER 5, (Cain, Tolbert, and Donovan, eds.) Brookings Institute Press.

³⁷ JAN E. LEIGHLEY AND JONATHAN NAGLER, THE EFFECT OF NON-PRECINCT VOTING REFORMS ON TURNOUT, 1972-2008 13-14 (January 15, 2009) *available at* <<http://www.electiononline.org>> (Site accessed on 17, Sept., 2010).

studies on early voting's effect on voter turnout, the same conclusion is present that was reached in the previous report — that early voting has not had any impact on voter turnout in Florida.

Early Voting in 2010

While the 2004, 2006, and 2008 general elections have shown that early voting has gained popularity, the current economic climate has impacted early voting in the primaries for the 2010 election cycle. Some supervisors have had to cut the number of early voting sites due to budget limitations.³⁸ Given these changes, it is possible that Florida's current economic climate will be a factor to consider in any future study of early voting when examining the 2010 general election.

Recommendations

Given that the 2008 general election results provide further evidence that early voting does not appear to have any discernible effect on increasing voter turnout overall, and taking this in context with the current economic climate, changes to the early voting scheme are not recommended at this time.

³⁸ Anthony Man, *Want to Vote Early? Wait May be Longer; County Cuts Number of Locations to Eight for Upcoming Primary*, South Florida Sun-Sentinel, August 3, 2010.