



Dear Supervisor of Elections:

In 2022, we sent each county supervisor of elections in Florida a copy of our report¹ on the problem of excessive overvoting in Florida's presidential and gubernatorial races—a problem that has persisted since the ES&S DS200s were first used in Florida, for reasons explained in our report.

Accompanying our report was a list of simple recommendations to avoid losing votes to this common voter error—recommendations that are repeated at the end of this letter. As you know, an undervote can be a legitimate voter choice, but an overvote is not a legitimate choice. Overvotes are failed attempts by voters to indicate their selections. In other words, overvotes are lost votes, and there are specific steps a county can take to minimize these lost votes.

We would like to congratulate you, as well as other Florida county supervisors, on having reduced the overvote rate dramatically in 2022. For the first time in 15 years, the overvote rate declined significantly across the state in the gubernatorial contest, *from 23,299 overvotes statewide in 2018 to 3,220 overvotes in 2022*. A chart showing the high number of overvotes in the governor's race for each election since 2014, extracted from the state's 2022 Overvote/Undervote report, can be found at the end of this letter and shows the dramatic reduction of overvotes in 2022.

At the end of this letter you will find the following:

1. Recommendations for minimizing overvotes (lost votes) in the 2026 General Election
2. A chart from the state's 2022 Overvote/Undervote Report showing the dramatic reduction in overvotes in 2022 compared to previous years in the gubernatorial contest
3. A table with county-by-county overvote totals for 2018 and 2022 in the gubernatorial contest.
4. A sample Notice that you could post in each voting booth to avoid voter confusion
5. A sample Notice that you could post at the voting tabulator during Early Voting and on Election Day to minimize overvotes.

We hope our 2022 report and recommendations were helpful to you. A variety of election-specific factors can influence overvoting, including ballot design, staff and poll worker training, changes in machine settings and programming, polling place signage, voter demographics, and other factors. We hope you will take a moment at this very busy time to let us know what you did to make such a huge difference in your county's overvote rate in the 2022 gubernatorial contest. Please check all that apply and add any comments you think would be helpful:

_____ We had a better ballot design, based on proven best practices for reducing voter confusion and errors.

¹ Florida's Overvote Problem, 2022, <http://www.ffec.org/wp-content/uploads/2022/10/10.25.22-Florida-Overvote-Report-final.pdf>

_____ We changed the placement and/or wording of the instructions on the ballot.

_____ We made changes to staff and/or poll worker training to explain how problems with overvoting should be handled.

_____ We provided each polling place with signs that alerted voters to the potential of losing their vote through overvoting. We made it clear that voters should ask for another ballot if they made a mistake instead of trying to correct it.

_____ We made changes to the settings and programming of the tabulator to make it more difficult for the voter to lose his or her vote to accidental overvoting.

Please explain: _____

_____ We changed some overvotes to undervotes.

_____ We don't know what caused the reduction in overvotes between 2018 and 2022.

_____ Other. Please explain: _____

For those of you who have been converting overvotes to undervotes, it's important to note that the resulting totals of overvotes and undervotes are invalid for reporting purposes and violate the intent of Florida Statute 101.595. This statute requires that overvote totals and undervote totals be accurately reported by each SOE to Florida Department of State, for the purpose of looking at possible voting system problems or ballot design problems. Undervotes and overvotes have different causes, consequently, analysis can only be effective if overvotes and undervotes are accurately reported as two separate categories. Furthermore, there is no statute or regulation that allows a true overvote to be duplicated (i.e. converted) to an undervote.

We hope that you will repeat in 2026 whatever constructive measures you took to reduce the number of overvotes in 2022. At the end of this letter is a list of our recommendations, historical overvote data, and notices that can be placed in polling booths and over the tabulators to minimize overvotes. Thank you for making Florida's elections more voter-friendly!

Sincerely,
Susan Pynchon
Mary K. Garber
Florida Fair Elections Coalition
www.ffec.org

For questions or more information, please contact:
Susan Pynchon, susanpynchon@gmail.com, 386-804-3131

Here is a link to our 2022 report, "Florida's Overvote Problem" that explains the history and causes of excessive overvotes in Florida:
<https://www.ffec.org/wp-content/uploads/2022/10/10.25.22-Florida-Overvote-Report-final.pdf>

On the next four pages, please see the following:

1. Recommendations for reducing overvotes
2. Chart from the State's 2022 Overvote/Undervote Report showing dramatic reduction in overvotes in 2022.
3. County-by-county table showing overvote reduction between 2018 and 2022, by county
4. Sample Notice to place in each voting booth
5. Sample Notice to place above each voting tabulator

RECOMMENDATIONS TO MINIMIZE OVERVOTES IN THE 2026 GENERAL ELECTION

➤ THE MOST IMPORTANT RECOMMENDATION FOR SUPERVISORS OF ELECTIONS WHO HAVE ES&S VOTING SYSTEMS:

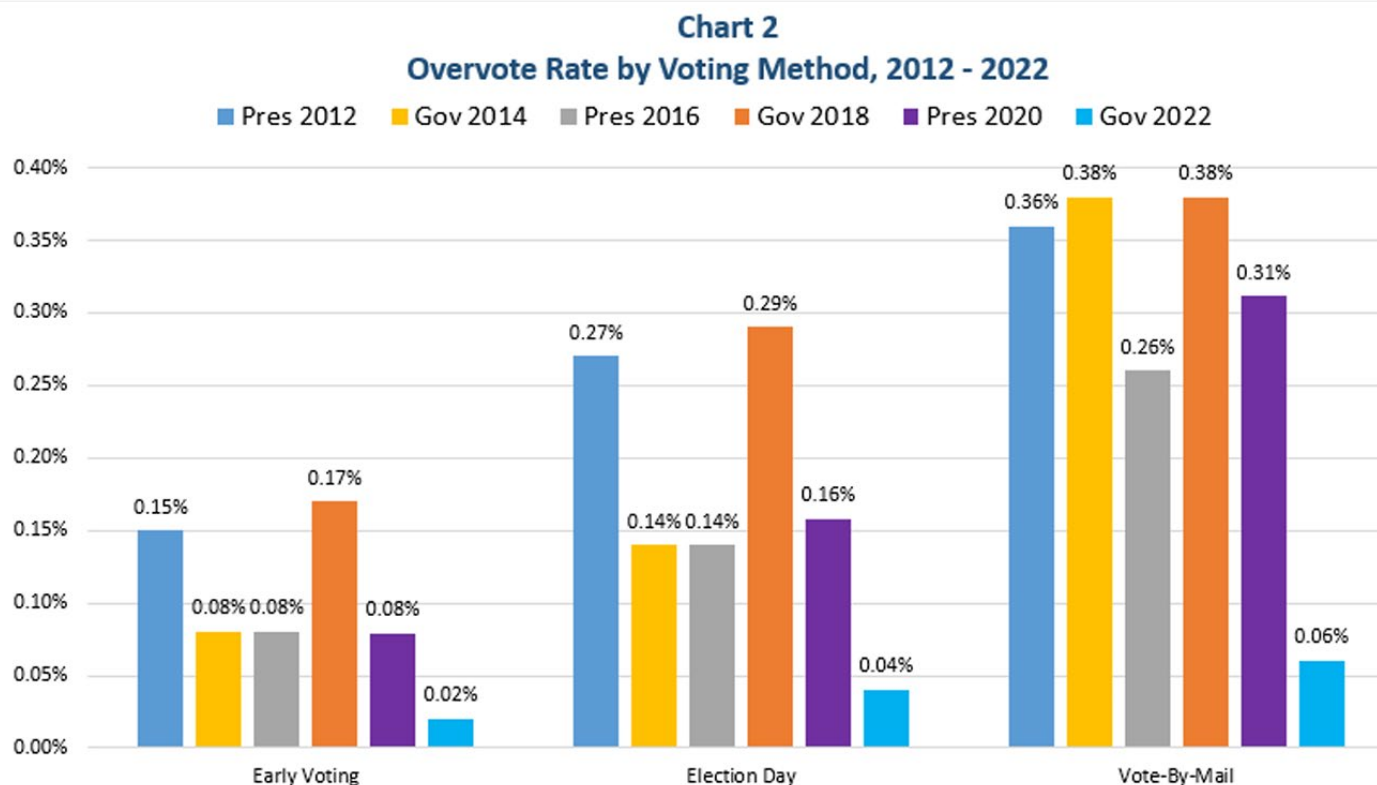
- ❖ Notify voting-machine attendants stationed at the DS200 that they need to be attentive and be aware when a voter overvotes. The attendant needs to tell the voter who has overvoted that they ***are about to lose their vote*** if they hit the ACCEPT or CAST button without correcting their ballot. Our research has shown that just this simple intervention can make a huge difference in preventing votes from being lost accidentally. Notifying or telling a voter that he/she has overvoted **IS NOT ENOUGH** because most voters have no idea what an overvote is or any idea they will lose their vote if they don't correct their ballot.

➤ OTHER POSSIBLE INTERVENTIONS:

- ❖ Post a notice in voting booths that voters should only fill in ONE oval in the Governor's race or notify voters at the ballot table when they sign in.
- ❖ Post a notice at the DS200 that, in case of an overvote notification, a voter should summon a poll worker to explain the problem. The notice should clearly state that the voter will LOSE THEIR VOTE if they hit the "ACCEPT" or "CAST" button without correcting their ballot.

THE FOCUS SHOULD BE ON ELECTION DAY WHEN THE GREATEST NUMBER OF OVERVOTES OCCUR FOR IN-PERSON VOTING.

OVERVOTE CHART FROM THE 2022 STATE OVERVOTE REPORT. You can see that 2022 (the turquoise bar) had the lowest overvote rates by far for each voting category – Early Voting, Election Day, and Vote-by-mail. This chart can be found on page 7 of the state’s 2022 Overvote/Undervote Report at https://files.floridados.gov/media/706301/2022-general_over-undervote-and-audit-report-final-20230215-1-access-ckd.pdf



County-by-County: 2-page Table showing dramatic reduction in overvotes between 2018 and 2022 in the Governor's Contest for Florida's larger counties, in descending order of 2018 overvote percentages (extracted from state Overvote/Undervote data).

<u>County</u>	<u>2018 OV Total</u>	<u>2022 OV Total</u>	<u>2018 OV tot%</u>	<u>2022 OV tot%</u>
Palm Beach	4565	173	0.77%	0.03%
Miami-Dade	4290	444	0.53%	0.06%
Pasco	1011	82	0.47%	0.04%
Bay	261	17	0.41%	0.03%
Charlotte	332	25	0.38%	0.03%
Flagler	200	52	0.38%	0.09%
Lee	1083	34	0.37%	0.01%
Broward	2404	261	0.34%	0.04%
Martin	262	34	0.33%	0.04%
Polk	789	115	0.32%	0.05%
Okaloosa	253	10	0.30%	0.01%
Osceola	322	60	0.28%	0.06%
Highlands	110	12	0.27%	0.03%
Marion	421	45	0.27%	0.03%
Suwannee	41	1	0.26%	0.01%
St. Lucie	308	57	0.25%	0.05%
Walton	74	13	0.24%	0.04%
Sarasota	515	45	0.24%	0.02%
Okeechobee	27	5	0.24%	0.05%
Hernando	193	17	0.24%	0.02%
Santa Rosa	180	40	0.24%	0.05%
Indian River	177	19	0.24%	0.02%

<u>County</u>	<u>2018 OV Total</u>	<u>2022 OV Total</u>	<u>2018 OV tot%</u>	<u>2022 OV tot%</u>
Sumter	176	15	0.23%	0.02%
Jackson	35	6	0.22%	0.04%
Brevard	550	830	0.19%	0.31%
Levy	33	4	0.19%	0.02%
Monroe	69	2	0.19%	0.01%
Pinellas	826	143	0.19%	0.03%
Lake	279	46	0.18%	0.03%
Volusia	404	44	0.17%	0.02%
Clay	162	31	0.17%	0.03%
Putnam	45	4	0.16%	0.02%
Collier	237	47	0.15%	0.03%
Manatee	248	36	0.15%	0.02%
Citrus	107	31	0.15%	0.04%
Escambia	191	26	0.15%	0.02%
Hillsborough	771	148	0.15%	0.03%
Orange	641	99	0.13%	0.02%
Columbia	28	-	0.11%	
Alachua	108	9	0.09%	0.01%
Seminole	162	40	0.08%	0.02%
Nassau	28	10	0.06%	0.02%
St. Johns	62	21	0.05%	0.01%
Leon	51	17	0.04%	0.01%
Duval	2	-	0.00%	0.00%