

FREE AND FAIR ELECTIONS:  
A QUICK COMPARISON OF ELECTION ADMINISTRATION IN  
FLORIDA AND BOSNIA.

by Edward Still<sup>1</sup>

Former President Jimmy Carter, in discussing the standards the Carter Center used in selecting countries for its election observation teams, said, "If the basic rules in those countries for holding elections were the same as those that prevailed in the United States—in particular, Florida—we would not even go into those counties to try to ascertain if the election was fair or not."<sup>2</sup>

Was Florida's election system in 2000 as bad as President Carter implies?<sup>3</sup> To test his evaluation, this Article makes a quick comparison of election administration in Florida in 2000 and Bosnia in 1996. Bosnia was emerging from a civil war at the time of the elections in 1996 and 1997, so it is typical of the kind of place where international observers would monitor an election.<sup>4</sup> It provides a good test case for comparison with Florida.<sup>5</sup> This Article examines the way the election was supposed to be run, as opposed to the way it was actually run. This is the

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<sup>2</sup> Myriam Marquez, *Florida's Chernobyl Shakeout*, ORLANDO SENTINEL, 12 January 2001, 2001 WL 9158478.

<sup>3</sup> In the interests of full disclosure, I should reveal that I was counsel for the plaintiffs in two suits against Florida regarding its election practices. When the suits were filed, I was director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law. I withdrew from those cases (each of which is still pending) when I left the Lawyers' Committee in early 2001. The suits are *Thomas Johnson v. Jeb Bush*, No. 00-3542-Civ-King (S.D. Fla.) (attacking the disfranchisement of ex-felons), and *NAACP v. Katherine Harris*, No. 01-120-Civ-Gold (S.D. Fla.) (attacking a variety of election practices and occurrences in the 2000 General Election). Copies of the complaint in each suit are available at <http://www.lawyerscommittee.org>.

<sup>4</sup> The Carter Center did not send election observers to Bosnia according to its website, <http://www.cartercenter.org>.

<sup>5</sup> Despite the different time periods involved, this Article has been written in the present tense.

view an organization would have had before the election, when it was deciding whether to send election observers to the country or state.

I. Management of elections.

A. Florida.

The secretary of state is the chief election officer responsible for uniformity in the application, operation, and interpretation of election laws.<sup>6</sup> Within each of Florida's 67 counties, there is supervisor of elections who is in charge of registration of voters, conduct of elections, and counting the votes.<sup>7</sup>

There are two bodies important in the tabulation of results. The county canvassing board is composed of the county supervisor of elections, a county court judge, and the chair of the board of county commissioners. A substitute is appointed for any of these officials who is a candidate with opposition in the election or is an active participant in the election campaign for any candidate with opposition.<sup>8</sup> The state Elections Canvassing Commission is composed of the governor, the secretary of state, and the director of the division of elections.<sup>9</sup> Of these six officials, only the elections director is not elected (but is appointed by the secretary of state).

B. Bosnia.

Under the General Framework Agreement for Peace in Bosnia and Herzegovina ("GFAP") signed in Dayton, Ohio, on 21 November 1995, elections for several offices and bodies in Bosnia and its subsidiary entities were to be conducted under the supervision of the Provisional

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<sup>6</sup> FLA. STAT. § 97.012, available at <http://www.leg.state.fl.us/statutes/index.cfm?StatuteYear=2000&Tab=statutes&Submenu=1> (last visited 27 January 2002). All citations to the Florida Election Code will be to the code in effect at the time of the 2000 General Election.

<sup>7</sup> FLA. STAT. §§ 98.015, 102.012.

<sup>8</sup> FLA. STAT. § 102.141.

<sup>9</sup> FLA. STAT. § 102.111.

Election Commission (“PEC”).<sup>10</sup> Bosnia was divided into two ethnic areas: the Federation of Bosnia and Herzegovina contained the Bosnian Muslims (also called “Bosniacs”) and the Bosnian Croats; the Republika Srpska contained the Bosnian Serbs.<sup>11</sup> The PEC consisted of seven members: the head of the Organization for Security and Cooperation in Europe (hereafter “OSCE”) Mission to Bosnia, three other representatives from OSCE countries, and one representative each from the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia.<sup>12</sup>

The local government authority in each of the 112 municipalities appoints the members of a local Election Commission who are responsible to the PEC.<sup>13</sup> Each Election Commission is to be composed of present and former judges of Bosnian courts (or lawyers and “other persons of high professional standing” if there are not enough judges).<sup>14</sup> Several categories of persons may not serve on Election Commissions: persons ineligible for office under the GFAP, those seeking an elected office, those holding a politically appointed office, those holding or seeking a leadership position in a political party, or others who are not impartial.<sup>15</sup>

The Election Commission appoints the staff for the registration process, absentee polling stations, counting centers, and the members of the polling station committees.<sup>16</sup>

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<sup>10</sup> GFAP, Annex 3, Article III, available at <http://www.yale.edu/lawweb/avalon/intdip/bosnia/day01.htm> (last visited 27 January 2002).

<sup>11</sup> <http://www.state.gov/r/pa/bgn/2868.htm> (last visited 27 January 2002).

<sup>12</sup> GFAP, Annex 3, Article III, Paragraph 3.

<sup>13</sup> OSCE Mission to Bosnia and Herzegovina, Provisional Election Commission, Rules and Regulations, Art. 18 (July 16, 1996) (hereafter “PEC Rules”); OSCE ELECTION ASSESSMENT TEAM MISSION TO BOSNIA-HERZEGOVINA, FINAL REPORT 14 (30 January 1996).

<sup>14</sup> PEC Rules, Art. 20.

<sup>15</sup> PEC Rules, Art. 21.

<sup>16</sup> PEC Rules, Art. 30.

## II. Registration of voters.

### A. Florida.

Florida allows registration in several locations. A person at least 18 years old may register at the office of the county supervisor of elections using a uniform statewide voter registration application.<sup>17</sup> In addition, the Department of Highway Safety and Motor Vehicles and “voter registration agencies” must make the voter registration applications available to their clients.<sup>18</sup> Finally, private citizens and groups may distribute voter registration forms to the public; in such cases, the applicant may mail the form to the supervisor of elections or allow the group running the voter registration drive to deliver it.<sup>19</sup> The registration books are closed on the twenty-ninth day before each election.<sup>20</sup>

The county supervisor of elections issues a registration identification card to each voter. A voter may receive a replacement card upon signed request of the voter.<sup>21</sup>

Because of the large number of voters in each county, the supervisor and the county governing body (the board of county commissioners) create precincts and assign voters living within each precinct to the polling place for that precinct.<sup>22</sup> Voters must vote in the precinct in which they are registered.<sup>23</sup>

There were 8.75 million voters registered in the state in 2000.<sup>24</sup>

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<sup>17</sup> FLA. CONST., Art. VI, § 1 (1998); FLA. STAT. § 97.053 (2000).

<sup>18</sup> FLA. STAT. §§ 97.057, 97.058. The term “voter registration agency” is defined as “any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.” FLA. STAT. § 97.021(28).

<sup>19</sup> FLA. STAT. §§ 97.052, 97.053.

<sup>20</sup> FLA. STAT. § 97.055.

<sup>21</sup> FLA. STAT. § 97.071.

<sup>22</sup> FLA. STAT. §§ 101.001, 101.71.

<sup>23</sup> FLA. STAT. § 101.045.

<sup>24</sup> <http://election.dos.state.fl.us/pdf/2000voterreg/2000genparty.pdf> (last visited 27 January 2002).

B. Bosnia.

Any citizen of Bosnia at least 18 and whose name appears on the 1991 census may vote.<sup>25</sup> The Provisional Election Commission published a Provisional Voters' List based on the 1991 Census taking into account those who had turned 18 since 1991, those who had died, and those who had changed their names. Citizens had six weeks to check their names on the List and make application for changes.<sup>26</sup>

A voter omitted from the list or whose name has changed may go to the local Election Commission and prove her identity and show documentary evidence supporting the name change. Identity must be shown by one of the following documents issued by Bosnian or former Yugoslavian authorities: an ID card, citizenship certificate, passport, birth certificate, resident certification, driving license, military booklet, health booklet, or certification of change of name. Those without such identification may complete a declaration in the presence of a magistrate, religious authority, municipal authority, or two persons on the Provisional Voters' List.<sup>27</sup>

Citizens are expected to remain registered where they were counted in the 1991 census. Those who have moved to another place of residence may change their registration to the new residence.<sup>28</sup>

The total number of voters in the 14 September 1996 election was 2,423,420 out of an estimated 3.2 million eligible voters.<sup>29</sup>

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<sup>25</sup> PEC Rules, Art. 5.

<sup>26</sup> PEC Rules, Art. 6.

<sup>27</sup> PEC Rules, Arts. 16, 17.

<sup>28</sup> PEC Rules, Arts. 7-12.

<sup>29</sup> <http://www.oscebih.org/elections/eng/elections.htm> (last visited 27 January 2002); HANS SCHMEETS AND JEANET EXEL, THE 1996 BOSNIA-HERZEGOVINA ELECTIONS: AN ANALYSIS OF THE OBSERVATIONS 11 (Kluwer Academic Publishers 1997).

### III. Forming political parties and obtaining a place for candidates on the ballot.

#### A. Florida.

The method of qualifying for office has several permutations. Persons wishing to qualify as major party or independent candidates for federal, state, or multi-county office must file qualification papers 116 to 120 days before the election; those seeking county office file 46 to 50 days before the election.<sup>30</sup> A minor party's executive committee files a list of its official candidates by the third day of the qualification period, and its candidates qualify during the same period as other candidates.<sup>31</sup>

The candidate for a major party's nomination must pay three fees based on a percentage of the annual salary of the position sought: a filing fee (3%), an election assessment (1%), and a party assessment (2%).<sup>32</sup> If the candidate does not want to pay the fees, she may file a petition with the signatures of at least one percent of the registered voters in the district to be represented.<sup>33</sup> Independent candidates do not have to pay the party assessment.<sup>34</sup> A minor political party may set its own assessment fee.<sup>35</sup>

The Department of State remits 85 percent of the filing fees and 95 percent of the party assessment fees of the candidates of a particular party to the state executive committee of that party.<sup>36</sup>

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<sup>30</sup> FLA. STAT. § 99.061.

<sup>31</sup> FLA. STAT. § 99.096. A minor party is one with less than five percent of the registered voters in the state. FLA. STAT. § 97.021(13).

<sup>32</sup> FLA. STAT. § 99.092.

<sup>33</sup> FLA. STAT. §§ 99.092, 99.095.

<sup>34</sup> FLA. STAT. § 99.0955.

<sup>35</sup> FLA. STAT. § 99.096.

<sup>36</sup> FLA. STAT. § 99.103. The party must elect at least three-quarters of its state executive committee in order to receive the filing fees.

If a candidate has submitted a petition, the Department of State or the local supervisor of elections verifies the signatures by comparison with the voter registration records.<sup>37</sup>

Formerly, there were restrictions on the formation of new parties, but that ended in 1998 when the people of Florida amended the state constitution to forbid any difference in qualification requirements between major and minor parties and independent candidates.<sup>38</sup>

There were 18 parties in existence in Florida in November 2000. The largest were the Democratic (3.80 million registrants) and Republican (3.43 million)—out of 8.75 million registered in the state. Those with “no party affiliation” numbered 1.35 million.<sup>39</sup>

#### B. Bosnia.

The election system in Bosnia is much more party-centered than in Florida. There are no primaries to choose party candidates. While the three presidents of the nation are chosen in first-past-the-post elections, the legislative bodies of the nation, the Federation, and the Republika Srpska are chosen by proportional representation using party lists. For a particular legislative body, the voter casts one vote for a party list or independent candidate; each party (or independent candidate) receives seats proportional to its share of the votes.<sup>40</sup>

Political parties may register by filing a petition with the PEC with the required number of signatures.<sup>41</sup> Parties nominating candidates for the House of Representatives of Bosnia and Herzegovina, the House of Representatives of the Federation, or the National Assembly of the Republika Srpska need 10,000 signatures. Those nominating for the cantonal legislatures need 1,500 signatures. Only 200 signatures are needed for nominating municipal assemblies.

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<sup>37</sup> FLA. STAT. § 99.097.

<sup>38</sup> FLA. CONST., Art. VI, § 1 (1998).

<sup>39</sup> <http://election.dos.state.fl.us/pdf/2000voterreg/2000genparty.pdf> (last visited 27 January 2002).

<sup>40</sup> PEC Rules, Arts. 90-94.

<sup>41</sup> PEC Rules, Arts. 41, 47.

Parties registered at one level need not file a separate petition for the lower levels of government.<sup>42</sup> Independent candidates for legislative bodies file an application for registration accompanied by a petition signed by one-half the number of voters required for political parties.<sup>43</sup> An independent candidate may run for only one office.<sup>44</sup>

Each party must submit its list of candidates by 4 July for national and entity legislatures and by 8 July for local bodies.<sup>45</sup> The election is set for 14 September 1996.<sup>46</sup> A separate list for each legislative body must be submitted, and no candidate can run for two bodies.<sup>47</sup>

Two or more political parties may form a coalition by submitting a notice to the PEC. Copies of the parties' petitions and a list of the coalition's candidates shall accompany the notice.<sup>48</sup>

Forty-seven parties participated in the 1996 election—27 from the Federation and 20 from Republika Srpska. Many of these parties formed coalitions with joint lists of candidates.<sup>49</sup>

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<sup>42</sup> PEC Rules, Arts. 39-42.

<sup>43</sup> PEC Rules, Art. 54.

<sup>44</sup> PEC Rules, Art. 57.

<sup>45</sup> PEC Rules, Art. 43.

<sup>46</sup> PEC Rules, Art. 3.

<sup>47</sup> PEC Rules, Art. 44.

<sup>48</sup> PEC Rules, Art. 49.

<sup>49</sup> <http://call.army.mil/products/newsletters/98-18/98-18apb.htm> (last visited 27 January 2002).



#### IV. Arranging the polling place and ballot.

##### A. Florida.

All polling places are to be open from 7:00 a.m. to 7:00 p.m. of the same day.<sup>50</sup> There are several methods of voting: paper ballots (one county), mechanical voting machines (one county), punch card ballots (24 counties), and optical scan ballots (41 counties).<sup>51</sup>

The supervisor of elections prepares an official ballot for each precinct listing the titles of the offices to be filled and names of the candidates for each office. There is also a place for a write-in vote.<sup>52</sup>

##### B. Bosnia.

Each municipal Election Commission will provide for sufficient polling stations to accommodate about 600 to 800 voters in each.<sup>53</sup> Polling stations should not be located in buildings with government offices, offices associated with political parties, or places where liquor is sold or served.<sup>54</sup>

Each polling place is open from 7:00 a.m. until 7:00 p.m. If there is a disturbance requiring the polling place to be closed for a period of time, the closing time will be adjusted so that there is a total of 12 hours of voting.<sup>55</sup>

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<sup>50</sup> FLA. STAT. § 100.011.

<sup>51</sup> <http://election.dos.state.fl.us/votemeth/table.shtml> (last visited 20 January 2002).

<sup>52</sup> FLA. STAT. § 101.251.

<sup>53</sup> PEC Rules, Arts. 70-72. There were 2,300 polling stations in the 1997 municipal elections. OSCE MISSION TO BOSNIA AND HERZEGOVINA, POLLING AND COUNTING MANUAL 7 (August 1997) (hereafter "OSCE MANUAL").

<sup>54</sup> PEC Rules, Art. 74.

<sup>55</sup> PEC Rules, Arts. 80, 82, 86, 87.

V. Polling place procedures.

A. Florida.

Each political party and each candidate may have one watcher in the polling room during the election. The watcher must be a registered voter in the county in which he or she serves. The party or candidate must designate the watchers in writing two weeks before the election. The supervisor has one week to approve the list and then furnishes the list to the polling officials in the appropriate precinct.<sup>56</sup>

Each voter must identify herself by presenting identification and by signing her name on the precinct register next to her name, on an identification slip, or on a stub of the ballot (which is detached before voting). The election officials compare the signature on the poll book or ballot stub with the signature on the voter's proffered identification or with the signature on the registration records; if the two match and the voter is on the voter list, she is allowed to vote.<sup>57</sup>

If the signatures do not match to the satisfaction of the election official, he gives the voter an affidavit by which the voter identifies herself by name, age, place of birth, and address at the time of registration, and swears that she is still qualified to vote. Once the voter has completed the affidavit, the polling official then allows her to vote.<sup>58</sup> If the voter does not produce identification, she may still vote after completing the affidavit.<sup>59</sup>

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<sup>56</sup> FLA. STAT. § 101.131.

<sup>57</sup> FLA. STAT. §§ 101.22 (paper ballots; signature on ballot stub compared to signature on registration form); 101.47 (mechanical voting machine; signature on identification slip compared to signature on registration form); 101.5608 (punch card or optical scan; signature on precinct register or identification slip compared to voter's identification). Voter identification can be "a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State." FLA. STAT. § 98.461.

<sup>58</sup> FLA. STAT. § 101.49.

<sup>59</sup> FLA. STAT. § 98.471.

If the voter is not listed on the precinct register, she can still vote at that precinct under two situations. First, apparently if she produces a registration identification card, she should be allowed to vote.<sup>60</sup> Second, if she recently moved within the same county or changed her name, she is allowed to complete an affirmation form concerning her change of address or name change.<sup>61</sup>

The watcher is not allowed to interfere with the election, but is allowed to be as close to the officials' table and the voting booths as necessary to observe and hear the proceedings. Officials must call out the names of each voter.<sup>62</sup>

A watcher or other voter may challenge the right of a person to vote. Both the challenger and the challenged voter complete affidavits. The election officials then compare the information on the voter's affidavit and decide by majority vote whether the voter may vote.<sup>63</sup>

Within the polling place, any voting booths shall be arranged so voters may vote without being observed while marking the ballot.<sup>64</sup> When voting machines are used, they shall be arranged so that the face of the machine is visible to watchers and officials when not in use.<sup>65</sup> Each voter is allowed to occupy a booth or machine for no longer than 5 minutes unless she shows a "sufficient reason" to the election officials.<sup>66</sup>

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<sup>60</sup> This is the implication of FLA. STAT. § 101.045(3): "When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration card . . ." However, the complaint in *NAACP v. Harris* alleges that at least one plaintiff was denied the right to vote even though he possessed a registration identification card.

<sup>61</sup> FLA. STAT. § 101.045.

<sup>62</sup> FLA. STAT. § 101.131.

<sup>63</sup> FLA. STAT. § 101.111.

<sup>64</sup> FLA. STAT. § 101.72.

<sup>65</sup> FLA. STAT. § 101.37.

<sup>66</sup> FLA. STAT. § 101.51.

Voters who are blind, have a disability, or are unable to read or write may request assistance from a person of the voter's choice or from two election officials. The assisting person cannot be the voter's employer, agent of the employer, or agent or officer of the voter's labor union. One assistant is to read the names of the offices and candidates to the voter without a suggestion as to how the vote shall be cast. The assistant or assistants may go into the voting booth with the voter.<sup>67</sup>

The only persons allowed in the polling place are the election officials, watchers, persons voting and assisting voters, and law enforcement or emergency personnel as needed. No one may solicit voters within 50 feet of the entrance to the polling place (with a few exceptions).<sup>68</sup>

B. Bosnia.

Each party and independent candidate may propose representatives to observe in each polling station and counting center. There can be one representative per party or candidate in the polling station and as many as the counting center manager allows.<sup>69</sup> The representatives may observe all parts of the voting process except marking the ballot.<sup>70</sup>

When a voter enters the polling station, she is first checked with an ultraviolet light to see if her right index finger has been marked with invisible ink.<sup>71</sup> A voter must produce acceptable identification to the polling station committee member before receiving a ballot.<sup>72</sup>

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<sup>67</sup> FLA. STAT. § 101.051.

<sup>68</sup> FLA. STAT. § 102.031.

<sup>69</sup> PEC Rules, Arts. 65-68.

<sup>70</sup> PEC Rules, Art. 95; OSCE MANUAL 14-16.

<sup>71</sup> PEC Rules, Art. 98.

<sup>72</sup> PEC Rules, Art. 103.

The polling station committee member checks the name against the voter list. A person not on the voter list is not allowed to vote.<sup>73</sup>

Balloting is by paper ballots, each of which has a numbered stub to be detached by the polling station official.<sup>74</sup> There is a separate color-coded ballot for each office. The voter marks the ballot papers behind a voting screen, folds each in half, and places each ballot into a ballot box corresponding in color to that of the ballot.<sup>75</sup> A member of the polling station committee applies ultraviolet ink to the voter's finger before she leaves.<sup>76</sup>

Voters who are blind, illiterate, or physically incapacitated may select another person to assist in marking the ballots.<sup>77</sup>

Persons in line at the closing hour for the polls are allowed to vote.<sup>78</sup>

No election campaign material is allowed inside the polling station or within 50 meters of the main entrance to the polling station. No campaign information may be broadcast on any device inside the polling station or from outside so that it may be heard within the polling station.<sup>79</sup>

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<sup>73</sup> This is in contrast to the 1997 municipal election in which such voters could cast a “tendered ballot” which would be accepted but sealed in a special envelope for counting later by the Central Counting Center in Sarajevo if the voter is actually registered. OSCE MANUAL 46-47.

<sup>74</sup> PEC Rules, Art. 96; OSCE MANUAL 40.

<sup>75</sup> PEC Rules, Arts. 97, 103.

<sup>76</sup> PEC Rules, Art. 98; OSCE MANUAL 40.

<sup>77</sup> PEC Rules, Art. 106.

<sup>78</sup> PEC Rules, Art. 108.

<sup>79</sup> PEC Rules, Art. 81.

## VI. Absentee ballots.

### A. Florida.

Voters may request an absentee ballot without stating a reason for the request or may vote early in person.<sup>80</sup> Absentee ballots must be received by the supervisor of elections by 7 p.m. on election day.<sup>81</sup>

### B. Bosnia.

Citizens who have been involuntarily displaced by the war may request an absentee ballot.<sup>82</sup> Absentee voting is conducted at sites within Bosnia on the same day as the election.<sup>83</sup> Absentee voting before the election day was carried out in 23 countries.<sup>84</sup>

## VII. Counting the votes.

### A. Florida.

The supervisor of elections may require punch card or optical scan ballots to be counted in the precinct or transported to a regional counting site.<sup>85</sup> In 22 counties, the ballots are tabulated in the precincts where cast; in the other 45, ballots are transported to central sites for tabulation.<sup>86</sup> The in-precinct tabulation rules vary for each type and vendor of election equipment.

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<sup>80</sup> FLA. STAT. §§ 101.62, 101.657.

<sup>81</sup> FLA. STAT. § 101.67. Ballots received from overseas voters are counted if they are received within 10 days after the election. FLA. ADMIN. CODE § 1S-2.013, available at <http://fac.dos.state.fl.us/fac/>.

<sup>82</sup> PEC Rules, Arts. 7-9, 101.

<sup>83</sup> PEC Rules, Arts. 101, 113.

<sup>84</sup> Preliminary Statement of the Co-ordinator for International Monitoring, no page numbering (17 September 1996).

<sup>85</sup> FLA. STAT. § 101.5614.

<sup>86</sup> <http://election.dos.state.fl.us/votemeth/table.shtml> and <http://election.dos.state.fl.us/votemeth/cvs.shtml> (last visited 20 January 2002). In counties with punch cards or optical scan ballots, the election supervisor may provide for ballots to be tabulated

After the close of the polls, the election officials may count the ballots, tabulate the votes for each candidate, or prepare the ballots for transportation to the central tabulating site, depending on the type of voting system uses. The public may observe the counting procedure.<sup>87</sup>

Where paper ballots are used, the polling officials open the ballot box and count ballots to assure that the number does not exceed the number of persons who were marked on the poll list. Paper ballots are counted by tally call or by sorting them into a pile for each candidate.<sup>88</sup>

Where mechanical voting machines are used, the polling officials announce the number of votes shown on each counter and record the votes on the canvass forms. If the machine also produces a printed record of the vote totals, the record may be filed as the official canvass for the precinct.<sup>89</sup>

The returns from each precinct shall be presented to the county canvassing board composed of the county supervisor of elections, a county court judge, and the chair of the board of county commissioners.<sup>90</sup> The county canvassing board sends county totals for state and federal candidates to the state Elections Canvassing Commission composed of the governor, the secretary of state, and the director of the division of elections.<sup>91</sup>

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at each precinct or transported to a central or regional location within the county for tabulation. There may be no more than three regional locations within a county. FLA. STAT. § 101.5614.

<sup>87</sup> FLA. STAT. § 101.54 (voting machines, count observed by “the watchers and all other persons who may be lawfully within the polling place”); § 102.061 (paper ballots, count “in the presence of the public desiring to witness the canvass”).

<sup>88</sup> FLA. STAT. § 102.061.

<sup>89</sup> FLA. STAT. §§ 101.54, 101.55.

<sup>90</sup> FLA. STAT. § 102.141.

<sup>91</sup> FLA. STAT. § 102.111.

## B. Bosnia.

At the close of the polls, the chairman of the polling station committee counts the number of voters who received ballots (by comparing the beginning and ending numbers of the used ballot stubs) and records the number in the poll book and on “official forms.”<sup>92</sup> The ballot boxes, the voters’ list, the used ballot stubs, the unused ballots, and any written protests raised by observers are then transported to a counting center as quickly as possible.<sup>93</sup> Absentee ballots are taken to special sites designated by the PEC to be sorted by municipality; the absentee and regular ballots are mixed before counting in each municipality.<sup>94</sup>

## VIII. Analysis.

The similarities in election administration between Florida and Bosnia are larger than the differences. The principal differences are the bias or impartiality of the election managers and the registration of voters.

Florida’s elections are managed at the county and state level by persons who are politicians—in fact, Secretary of State Katherine Harris was the co-chair of George W. Bush’s presidential campaign in Florida.<sup>95</sup> In contrast, the members of the PEC were an international group, and the local Election Commissions were primarily sitting or former judges.<sup>96</sup> No member of the Election Commission could be an official of a political party, a candidate, or even associated with a campaign.

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<sup>92</sup> PEC Rules, Art. 110.

<sup>93</sup> PEC Rules, Art. 111.

<sup>94</sup> PEC Rules, Art. 114.

<sup>95</sup> JAKE TAPPER, *DOWN AND DIRTY: THE PLOT TO STEAL THE PRESIDENCY* 55 (Little, Brown and Company 2001).

<sup>96</sup> Judges in Yugoslavia had been appointed by the federal parliament; at some point after Bosnia declared its independence, mayors of the municipalities began to control the appointment process. Zoran Pajic, *The Re-establishment of the Rule of Law in the Former Yugoslavia* (transcript of a lecture, 18 January 2001), <http://www.bih.org/events/fyr.htm> (last visited 31 January 2002).



In Bosnia, the Provisional Voters' List was compiled from an official census, and voters were allowed an opportunity to correct any omissions on the List. In contrast, Florida—like nearly all of the United States—places the burden of registration on individual. Even with the myriad ways of registering, the would-be voter still had to take the first step.

The basis for President Carter's criticism is well-founded.

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