

Regarding the ACLU report “Vote-by-Mail Ballots Cast in Florida”, dated September 19, 2018

On Thursday, September 13, 2018 our office was first made aware of a pending report commissioned by the ACLU regarding vote by mail ballots cast in Florida, specifically in the 2016 General Election. The report noted an extremely high vote by mail rejection rate (nearly 4%) in Orange County. This rate is well above the next highest county and stands in contrast to an overall statewide rejection rate of approximately 1%. The purported Orange County 2016 General Election rejection rate is also a marked deviation from the 1% rejection rate noted for Orange County and for the State in the 2012 General Election. A review of the chart for the 2012 General Election places Orange County squarely in the center average for all Florida counties.

In the course of several emails with the author of the report, Dr. Dan Smith, our office determined that Dr. Smith obtained his data from the file provided by the state in January 2017. Our research determined that this data file contained undeliverable vote by mail figures in the rejected totals. Undeliverable vote by mail ballots are not actually rejected, and should not have been reported to the Division of Elections as an attempt to vote for purposes of voting history. Orange County has submitted an updated voting history file to the Division of Elections for the 2016 General Election.

The inclusion of undeliverable vote by mail totals, which were not included in the 2012 General Election figures, was immediately brought to Dr. Smith’s attention. He acknowledged, in an email dated September 18, 2018, that the numbers in his report were reflective of the 7,558 ballots designated as undeliverable. Dr. Smith was also appreciative of the fact that undeliverable totals will no longer be included in the Voter History Code B (Not Counted) section of the data Orange County submits to the state to aid his ability to compare “apples to apples” for future statistical compilations.

Concurrently, our office was in contact with Kirk Bailey, Political Director, ACLU of Florida. In an email dated September 17, 2018, we apprised Mr. Bailey of the incorrect statistic being used that portrayed the unusually high number of rejects Dr. Smith noted in the ACLU report. Mr. Bailey expressed his hope that our office was getting our questions answered by Dr. Smith and asked to be contacted if he could be of additional assistance. We responded that we simply wanted to ensure the information disseminated was accurate. In an email sent on September 18, 2018, Mr. Bailey concurred and stated, “We definitely have a mutual interest in presenting accurate information to the public.”

Notwithstanding these representations, the report the ACLU produced today failed to modify or even annotate the incorrect data contained in the “rejection” total for Orange County Vote-by-Mail ballots cast in Florida in the 2016 General Election. It is the hope of the Orange County Supervisor and his dedicated staff that the ACLU will contact Dr. Smith to obtain an amended report, and that they will issue a properly compiled report indicating that Orange County’s rate for Vote-by-Mail ballot rejection remains within the statistical norm of similarly situated Florida counties. Our office looks forward to assisting Mr. Bailey and Dr. Smith toward the presentation of accurate information to the public regarding these important electoral issues.

Bill Cowles, Orange County Supervisor of Elections
September 19, 2018

Amended September 20, 2018