



April 13, 2020

Governor Ron DeSantis
 State of Florida
 The Capitol
 400 S. Monroe St.
 Tallahassee, FL 32399-0001
ron.desantis@myflorida.com

Secretary of State, Laurel M. Lee
 Department of State
 R.A. Gray Building
 500 South Bronough Street
 Tallahassee, Florida 32399-0250
laurel.lee@dos.myflorida.com

Cc: Supervisors of Elections, Senate President Bill Galvano, and members of the Florida Senate, House Speaker Jose’ Oliva and members of the Florida House of Representatives

Dear Governor Desantis and Secretary Lee:

The undersigned organizations write to you to impress the importance and urgency of swiftly adapting our elections process in response to the current Coronavirus disease (COVID-19) pandemic in this critical election year. We are committed to ensuring that every eligible person is able to safely and conveniently register to vote, cast their ballot, and have their vote counted during the upcoming Primary and General Elections while protecting the health and safety of voters and elections personnel alike. Our organizations urge you and other election officials to make all plans necessary to complete the primary election by August 18th, as planned, and the presidential election by November 3rd, in accordance with federal law. Indeed, the very purpose of this letter is to provide guidance on how our state can administer elections without disenfranchising any of our fellow citizens. Given the limited time, we have prepared a number of recommendations that we urge you to consider and adopt swiftly to ensure that voting remains fair, accessible and safe. The attached addendum contains further explanation and a number of additional recommendations.

Voter Registration

COVID-19 may severely disrupt both Floridians' ability to register to vote and elections officials' ability to process registration applications.

- To ensure that voters are able to register, the State must immediately assess, fix, and bolster the online voter registration (OVR) system to ensure it can accommodate a surge in web traffic and is fully accessible to all voters. The state should monitor the system closely throughout the fall so that any problems are quickly addressed. This will be the safest method by which citizens may register to vote.
- Florida should encourage Supervisor of Elections to send applicants a physical hardcopy of a PDF fill-in form for signature.

Voting-By-Mail

The necessity of social distancing makes vote-by-mail an attractive option for more voters. Vote-by-mail may help alleviate the number of Early Voting and Election Day voters at the polls if modified, and delivered in methods that are accessible to all voters, including voters with disabilities. Specifically, Supervisors of Elections (SOEs) should:

- Send eligible voters - active and inactive - Notice of Election material for each election summarizing what the Elections office is doing to protect them during COVID-19 in the 2020 election cycle including Vote-by-Mail Request form requests with links to a printable voter registration form to update signatures and other educational materials that may be developed to facilitate voting this election cycle or a method to request the linked material to be sent by mail. This Notice of Elections should be forwardable.
- All Vote-By-Mail return envelopes ballots should include pre-paid postage.
- An accessible system, certified by the Elections Assistance Commission, that can mark and print ballots online before submission in paper form should be established to allow voters with disabilities to vote privately and independently by mail.
- Requests for Vote-By-Mail Ballots after the mailing date, especially Election Day emergency requests, should be quickly processed for those who are ill or need a designee and fear of COVID-19 should be accepted as an emergency.
- Establish a multi-step signature verification process, incorporating signature verification software, to reduce the opportunity for unnecessary rejections.
- Returned ballots should be accepted if postmarked by or on Election day, and received within ten days after the election; in line with the timeline for military and overseas vote-by-mail federal ballots.
- The period to cure a Vote-by-Mail ballot should be extended to the 10th day after the election to provide voters who are unfamiliar with this voting method sufficient time to make corrections.

Early In-Person Voting

Increasing the availability of Early Voting can help Florida maintain safe, in-person options and limit crowding on Election Day. These Early Voting options should be available at more locations and during nontraditional business hours, such as evenings and both weekend days. Voters should be encouraged to

vote in advance of Election Day to minimize crowding of polling places.

- Counties should provide the maximum allowable number of days, and hours per day, of Early In-Person voting to reduce long lines, maintain social distancing, and lessen administrative stress on Election Day. In addition, the Governor should take steps to expand the number of days of early voting allowed as requested by Supervisors of Elections.

Voting on Election Day

- Counties must follow public health guidelines while continuing to provide voting services at polling places. In-person voting is essential given that many people do not have access to mail voting.
- Curbside voting options should be made available, especially for voters with disabilities or illnesses who may not be able to leave their vehicles, but under the circumstances should be available to any voter who feels that voting inside poses a risk to their health. Curbside voting, however, is not a legal cure to inaccessible polling locations.
- Supervisors of Elections should plan to recruit additional poll workers to account for potential absences due to sickness or fear of COVID-19. Plans may include recruiting workers who were displaced or laid off due to the effects of COVID-19 and nonessential federal, state and local workers, expanding student and bilingual poll worker programs, and using temporary staffing agencies appropriately trained.

Voter Education and Combating Misinformation

- Florida's state and local election officials must undertake aggressive voter education campaigns as they make changes to their policies and practices, to ensure voters are informed and to counter any disinformation.
- Counties should provide information about the changes to election procedures and voting locations in all required languages, and offer language assistance remotely in an accessible manner.

Funding

- We recommend that Florida use the CARE Act funds to ensure elections run well in this new environment, including covering costs of expanded remote registration, voting by mail, and expanded early voting opportunities ahead of Election Day; and be prepared to fill gaps that the federal funds do not.

Our organizations share a commitment to ensuring that our voting systems are able to be adapted and accessible at all times. We realize these are unprecedented times, but COVID-19 has created a unique opportunity to work together swiftly and innovatively to better prepare for our upcoming elections. We welcome the opportunity to partner with you and Supervisors of Elections to educate voters and ensure they exercise their right to vote during this presidential election cycle. We are available to meet by conference call and would love the opportunity to work with you on a plan to achieve the central needs for holding successful elections this year. Contact information can be provided for any of the specific

organizations below. Please, feel free to send us your written response at brad@allvotingislocal.org and I will distribute that to all of the undersigned organizations.

Sincerely,

All Voting Is Local Florida
ACLU of Florida
Alianza for Progress
Asian American Federation of Florida
Boricua Vota
Campaign Legal Center
Common Cause Florida
Disability Rights Florida
Engage Miami
Fair Elections Center
Faith In Public Life
Florida AFL-CIO
Florida Asian Services
Florida Asian Women Alliance
Florida Center for Fiscal & Economic Policy
Florida People's Advocacy Center
Florida Student Power Network
For Our Future Florida Action Fund
Iniciativa Acción Puertorriqueña
League of Women Voters of Florida
Miami Freedom Project
Mi Familia Vota
NAACP Florida State Conference
National Congress of Black Women, Florida Chapter
New Florida Majority
Organization of Chinese Americans - South Florida Chapter
Progress Florida Education Institute
Southern Poverty Law Center Action Fund
The Common Ground Project
The Florida Civic Engagement Table
The Lawyers' Committee for Civil Rights Under Law
The Voting Rights Lab
Vamos4PuertoRico

COVID-19 RECOMMENDATIONS FOR FLORIDA ELECTION OFFICIALS

Voter Registration

COVID-19 may severely disrupt both Floridians' ability to register to vote and elections officials' ability to process registration applications. This is especially troubling as most applications for voter registration are received in the weeks prior to an upcoming election; a peak time for election administrators.

If Floridians are to follow guidelines from The Centers for Disease Control and Prevention (CDC) as well as state and local government orders regarding quarantines and social distancing, then those same efforts need to apply to all aspects of voting, starting with access to government offices that provide voter registration services. This will also mean less access to public resources, such as libraries, municipalities, regional offices of elected officials, and other government offices that enable Floridians to register online or print voter registration applications. In addition, those without printers, postage, a Florida-issued driver's license or identification card, or are without a means of transportation or language assistance, will have the most difficulty registering. The State must anticipate such decreased access as well as potential delays in postal services, and take proactive steps to ensure that people do not have to choose between their physical safety and their fundamental right to vote.

To ensure that voters are able to register, elections officials should take the following steps:

- The State must assess and bolster the online voter registration (OVR) system now to ensure it can accommodate a surge in web traffic and is fully accessible to all voters. This will be the safest method by which citizens may register to vote.
- Supervisors of Elections should establish bilingual voter-assistance hotlines for those who cannot register online to email, call, or text election officials to request postage-paid voter registration forms so they are able to register by mail. This will be an important component of this year's voter education efforts, broadly publicized through various communication outlets and languages.
- Florida should expand its online registration process to allow eligible voters without a driver license or social security number to complete the necessary forms online, and enable the Supervisor of Elections to send a mailing to obtain the voter's physical hardcopy signature via a direct mailing or an electronic signature via email, scanned PDF forms, or digital signatures on DocuSign and other authenticated digital signature platforms.
- The State should allow supervisors of election to accept supplemental information for

voters who file incomplete registration forms through Election Day and cast a provisional ballot.

- Florida must extend voter registration deadlines in light of likely curtailment of government services, potential online breakdowns, and out of acknowledgement that not everyone has access to the internet to register online or the time to do so during this emergency. To that end, messaging about voter registration deadlines need to start much earlier in the election cycle.

Voting by Mail

The necessity of social distancing makes vote-by-mail an attractive option for voters when combined with early voting. Vote-by-mail has become increasingly popular in Florida with each election cycle, and may help alleviate the number of Election Day voters at the polls if expanded, and delivered in methods that are accessible to all voters, including voters with disabilities, as required by Chapter 101 Voting Methods and Procedures, section 101.662 f.s..

Florida should remove barriers to requesting, returning, and processing vote-by-mail ballots by taking the following steps:

- Send all eligible voters - active and inactive - Notice of Election material for each election summarizing what the Elections office is doing to protect them during COVID-19 in the 2020 election cycle including Vote-by-Mail Request forms with links to a printable voter registration form to update signatures and other educational materials that may be developed to facilitate voting this election cycle or a method to request the linked material to be sent by mail. This Notice of Elections should be forwardable.
- All Vote-By-Mail return envelopes ballots should include pre-paid postage.
- An accessible system, certified by the Elections Assistance Commission, that can print and mark ballots online before submission in paper form should be established to allow voters with disabilities to vote privately and independently by mail. Safe, in-person voting options should remain available and visits by elections staff to institutional facilities and senior residential facilities, that formerly were polling places prior to COVID-19, should be expanded with proper health and safety protocols to ensure their residents can vote securely without interference and coercion.
- Counties should provide information about the changes to election procedures in all required languages, and offer language assistance remotely in an accessible manner. In addition, all jurisdictions should provide information about the changes to election procedures and voting support in American Sign Language, Braille, and other forms of communication required by the Americans with Disabilities Act.
- Requests for Vote-By-Mail Ballots after the mailing date, especially Election Day emergency requests, should be quickly processed for those who are ill or need a designee

due to fear of COVID-19 should be accepted as an emergency.

- Deadlines for Vote-by-Mail ballots to be requested and returned should be adjusted to allow additional time for the voter and election officials.
- Voters must be able to get assistance completing and returning the ballots, including the ability to drop-off ballots in designated “dropboxes” and allowing community organizations to deliver sealed ballots to the post office or local Elections office.
- Keep safe, in-person voting options available for voters facing challenges with Vote-by-Mail.

Make Sure Every Eligible Mail Ballot is Properly Counted:

- Returned ballots should be accepted if postmarked by or on Election Day, and received within ten days after the election; in line with the timeline for military and overseas vote-by-mail federal ballots.
- The period to cure a Vote-by-Mail ballot should be extended to the 10th day after the election to provide voters who are not as familiar with this voting method sufficient time to make corrections.
- Election canvassing, certification, and recount deadlines should be extended to account for delays in receiving and processing Vote-By-Mail ballots. In addition, ballots should be mailed out as early as possible, Supervisors of Elections should process ballots on an ongoing basis, and they should be allotted additional time for ballot processing.
- Systems for Supervisors and voters to easily track ballots at each stage of the process must be improved for security and for voters to have the assurance that their ballot is counted.
- Supervisors of Elections should be required to uniformly track the number and reasons for Vote-by-Mail application request rejections, as well as rejections of Vote-By-Mail ballots cast, so that we can continue to make substantive improvements to the system.
- Expand Vote-By-Mail ballot processing and administrative capacity.
- Ensure that a verifiable, paper-based voting system remains in place for election security.

Early In-Person Voting

Increasing the availability of Early Voting can help the State maintain safe, in-person options and limit crowding on Election Day. These Early Voting options should be available at more locations and during nontraditional business hours, such as evenings and weekends. Voters should be encouraged to vote in advance of Election Day to minimize crowding of polling places.

- Florida should expand Early Voting options, including the types of facilities allowed for use, total days offered, operating hours required per day, and maximum hours allowed per day.
- Counties should provide the maximum allowable number of days, and hours per day, of

Early In-Person voting to reduce long lines, maintain social distancing, and lessen administrative stress on Election Day

- Florida should consider expanding the Early Voting period to three weeks in order to minimize the number of voters at voting sites on election day.
- Supervisors of Elections must aggressively educate the public about these options and urge voters to exercise their right to vote early.
- Early Voting locations should be spread across each county ensuring that all areas are evenly serviced (including areas with fewer regular voting centers given new work-from-home environments) to prevent congestion on Election Day.
- The use of Vote-By-Mail drop-boxes should be expanded as an alternative to in-person ballot return option.
- There must be a documented, verifiable transfer of custody process to ensure that ballots deposited in drop boxes are safely logged, transported and received at the central Elections office for processing. Ideally, completed Vote-By-Mail ballots are logged in as received at the Early Voting location and later verified at the Elections Office.
- There should be additional accessible locations with security measures such as government offices already equipped with secure video cameras with a live monitored feed or other steps developed by other election jurisdictions, to assure that every ballot is safely returned to the Election office.
- Counties moving to primarily mail elections must maintain adequate in-person voting opportunities, Early-Voting and Election Day voting, as required by existing law.
- Accessible polling locations should be maintained on college and university campuses for early voting and election day to ensure that residents, students, and essential staff have access to the ballot.

Voting on Election Day

To the extent permissible under public health mandates, jurisdictions that offer in-person Voting on Election Day must continue to do so; and in a safe, hygienic way. Many voters may not wish to, know how to, or have the ability to use mail voting. ADA-accessible voting locations are also critical for the operation of real-time address updates, and provisional balloting for certain individuals.

- Counties must follow public health guidelines while continuing to provide voting services at polling places. In-person voting is essential given that many people do not have access to mail voting.
- Polling places must be adequately sanitized to prevent transmission of the virus, and should follow guidance issued by the Centers for Disease Control and Prevention (including requiring sick poll workers to stay home, regularly cleaning frequently touched

surfaces, disinfecting potentially contaminated surfaces, such as voting machines and other equipment, and frequent hand washing and sanitizing). Special care must be taken to ensure that sanitizing procedures do not impair the ability of machines to process ballots. If possible, voting pens should be sanitized in between uses, or discarded after each use.

- Polling places should be reconfigured in order to adhere to “social distancing” protocol, creating additional space between voting booths, poll workers, and voters standing in line.
- State and local officials must make any necessary modifications regarding polling place site determinations and administration of those locations. When considering such modifications, especially any changes that might reduce access by offering fewer voting locations, election administration officials must identify locations that both protect vulnerable communities and ensure that Black, Latino, Asian, and Native American, language minority voters, voters with disabilities, and students have safe and convenient access to cast their vote.
- Polling places should be moved out of senior care facilities or other residential sites housing populations at an elevated risk of contracting COVID-19 well in advance of Election Day to ensure voters are properly notified. Plans should be implemented to ensure that the residents of those facilities are able to cast a ballot.
- In determining modifications to polling location plans, election administration officials must assess the impact of voting changes on vulnerable communities and ensure that polling place location changes do not limit accessibility for racial and language minority voters as well as students and voters with disabilities.
- Curbside voting options should be made available, especially for voters with disabilities or illnesses who may not be able to leave their vehicles, but under the circumstances should be available to any voter who feels that voting inside poses a risk to their health. Curbside voting, however, is not a legal cure to inaccessible polling locations.
- Election officials should enact stronger protections for ADA voters and provide funding to promote the remote ballot marking system for disabled voters.
- Adequate polling place resources, including voting machines, ballots, poll workers, and parking accommodations should be provided to minimize lines, since crowds and exposure time are key determinants of the likelihood of contracting viruses, and since long lines are in part a function of inadequate resources. Where there is a shortage of regular poll workers, counties should redeploy local government employees to meet needs.
- Jurisdictions should prepare for a surge in provisional voting due to delays in the processing of voter registration applications, voter confusion resulting from polling place closures and consolidations, and unfamiliarity with mail voting. Poll workers must receive

additional training on procedures, election officials should stock extra envelopes, affidavits and other materials.

- Restrictions disqualifying ballots from counting if cast in the wrong precinct should be suspended. Ballots should be counted for any race for which the voter was eligible to cast a ballot.

Poll Workers

Supervisors of Elections should plan to recruit additional poll workers to account for potential absences due to sickness or fear of COVID-19. Plans may include recruiting workers who were displaced or laid off due to the effects of COVID-19 and nonessential federal, state and local workers, expanding student and bilingual poll worker programs, and using temporary staffing agencies appropriately trained.

To recruit and retain poll workers SOEs should consider additional strategies such as:

- Increasing poll worker pay; Funding should be provided to increase incentive compensation for poll workers and to pay overtime to poll workers working to process lines that remain after poll closing hours.
- Working with local unemployment agencies to create additional poll worker recruitment opportunities.
- Allowing senior citizen poll workers to work split shifts, when it is safe for them to do so.
- Working with school boards to create a public service requirement for high school seniors in American government, and allow serving as a poll worker to fulfill such a requirement.
- The use of vote centers as an emergency response to shortfalls in poll worker turnout may make sense in some counties as an addition to precincts if implemented with proactive voter education efforts on Election Day.
- Regardless of whether vote centers are used, all precinct voting locations should be prepared to accommodate voters registered elsewhere throughout the county or the state who have been temporarily or permanently displaced due to COVID-19.

Voter Education and Combating Misinformation:

Florida's state and local election officials must undertake aggressive voter education campaigns as they make changes to their policies and practices, to ensure voters are informed and to counter any disinformation. To do this:

- State and county officials must share information about changes to voting rules, procedures and voting locations in a timely manner, and via multi-faceted approach. This includes individual notifications to affected voters for all changes made up until 5 days prior to Election Day.

- Important educational messaging should be posted online on Election websites, social media channels, and resort to non-traditional government communication methods such as text messages, emails, and telephone calls, as well as the online voter information resource center.
- Information regarding changes to polling places on election day must be placed on the home landing page of Supervisors of Elections sites in each county.
- Officials must advertise changes in multiple languages and in appropriate ethnic media relevant to their community to ensure that all voters understand changes to voting rules and options.
- State and local election websites and telephone lines should be made fully accessible to voters with disabilities.
- Election officials should plan to combat disinformation about voting rules changes.
- The state and counties should improve tools for voter information such as polling place lookup sites.

Emergency Preparedness

To ensure that Florida has election contingency plans in place and is prepared for future emergencies, officials must:

- Allocate emergency funding for supplies and provisions to SOEs in case of emergencies.
- Develop, fund, and implement alternative communication methods with voters-- including texts, phone calls, and emails.
- Develop stronger contingency plans, including how officials declare states of emergency. Any such plans need to have a way to ensure transparency, with checks and balances, but also flexibility to allow for immediate action; and ensuring these actions do not directly or indirectly adversely affect any group of voters.
- Election officials should develop rapid response plans that include back-up election administration plans for pandemics, natural disasters, power outages, and other potential deterrents.
- Thoroughly examine and implement laws and/or directives required to allow Florida's elections to go forward during a pandemic or other emergency.

Funding

- We recommend that Florida use the CARE Act funds to ensure elections run well in this new environment, including covering costs of expanded online registration, voting by mail, and expanded early voting opportunities ahead of Election Day; and be prepared to fill gaps that the federal funds do not.
- Funding these critical changes to our election infrastructure will cost just a fraction of the

response this pandemic requires. State and local officials should support Congressional funding for elections as part of future economic stimulus packages.