



March 13, 2020

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Re: Ensuring Ballot Access for Florida Voters Due to Coronavirus-Related Issues

Dear Governor DeSantis, Secretary Lee, Director Matthews,
Attorney General Moody and Counsel McVay,

We are writing on behalf of the Election Protection program in Florida. Election Protection is the largest non-partisan voter assistance program in the nation and consists of over 100 national and state based non-partisan organizations. The Election Protection program in Florida is co-led by Common Cause Florida and the Lawyers' Committee for Civil Rights Under Law. Election Protection provides assistance to voters 365 days a year through the Election Protection hotline, 1-866-Our-Vote, and through a network of local partners, including All Voting is Local Florida, and volunteers on the ground in the states during election cycles. Our goal is to ensure that every eligible voter who wishes to cast a ballot is able to do so and that their ballot will count as a vote.

We are writing to you to request that, in light of the challenges posed by the recent outbreak of coronavirus, the State of Florida and County Supervisors of Election take additional steps to protect ballot access and voter health during the March 17, 2020 primary election. Specifically, we request you (1) expand early voting in all counties through Monday, March 16, 2020; (2) extend the hours for

early voting in all counties; and (3) open additional vote centers in all counties on Election Day, where registered voters can vote outside of their assigned polling locations. These measures will provide registered voters with more options for casting their ballots outside of their assigned polling locations and without having to endure long lines. We are particularly concerned about the very real danger that registered voters will not appear to vote at their assigned polling places on Election Day due to the numerous recent changes in locations of polling places, including those in assisted living facilities, resulting from concerns about the spread of the coronavirus.

While we understand that there are six counties where municipal contests are also on the ballot, the voting machines in those counties are already programmed to accept ballots with votes cast for presidential primary candidates as well as for the candidates in the municipal elections. As a result, the early voting site voting machines will continue to print the correct ballot styles through Election Day. If vote centers are added on Election Day, a solution would be to print ballots on demand for registered voters in the municipalities with candidates on the ballot or offer emergency paper write in ballots that would permit registered voters in those municipalities to write in their choice of their candidates. Since Bay and Gulf Counties are using vote centers again this election cycle, the template for vote centers is already in place and could easily be expanded for the presidential preference primary, including in those jurisdictions with municipal candidates on the ballot.

We are also urging you to consider extending the deadline for vote-by-mail ballots and to count all ballots postmarked by Election Day as long as they are received within 10 days of the election to match the overseas vote-by-mail ballot timeline.

Additionally, the state should allocate emergency funds to Supervisors of Elections for advertising and direct voter communication about poll place changes as well as to defray the cost of implementing any of these new processes to ensure that all of Florida's registered voters have confidence that they have a means of voting without risking their health and safety.

As indicated in our March 12, 2020 email to Ms. Matthews and Mr. McVay, we also request that you provide clarification about Secretary Lee's March 10, 2020 [Tweet](#) on the use of Vote-By-Mail ballots which linked to the Division of Election page on Vote-By-Mail. We note that on Election Day, an additional form, the Election Day Vote-by-Mail Ballot Delivery Affidavit (DS-DE 136 - [English PDF](#)/ [Español PDF](#)) is needed. A voter must affirm that an emergency exists that keeps the voter from being able to vote at his or her assigned polling place. We ask that you please confirm that Supervisors of Elections and their staff are prepared to accept concerns over the COVID-19 as an emergency on Election Day to allow them to receive a Vote-By-Mail Ballot in person or on behalf of another.

The Governor has already taken several preventive measures to protect health during this emergency. These include prohibiting individuals who recently travelled abroad from visiting assisted care facilities and discouraging public gatherings. These actions are in line with the counsel of health experts that "social distancing" is an essential measure to prevent further spread of the virus.

An additional concern has, however, arisen that polls may be severely understaffed, or not open at all, as a result of the coronavirus pandemic. This concern is based on reports that large numbers of poll workers may no longer be willing to serve in that capacity in the presidential preference primary out of understandable concern for their own health and well-being as well as for the safety of their loved ones.

To that end, the State and counties can and should take further steps to prevent the formation of long lines, in which voters, forced to wait in close quarters, are more likely to be exposed to the coronavirus and may be dissuaded from even attempting to vote. The measures outlined above will, in addition to ensuring that voters can cast their ballots without undue fear for their health, help alleviate stress on local counties while they are preparing poll sites in the midst of a pandemic.

Very truly yours,



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¹ Admitted to practice law only in California, New Hampshire, Massachusetts, District of Columbia and Illinois (registered as voluntarily inactive in Illinois).

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