

April 16, 2013

Members of the Florida Senate:

We are writing on behalf of multiple civic engagement organizations committed to ensuring that every eligible voter in Florida has a full and equal opportunity to participate in the electoral process. We have previously written to members of the Community Affairs subcommittee to express our concerns with the election reform legislation currently moving through your chamber, known as SB600, by Senator Jack Latvala.

While many of our concerns expressed in the previous letter remain, we write today to bring your attention to four areas of the bill that we feel are most concerning as you begin greater floor debate. Accordingly, we ask that you consider amending SB600 from its current form to address the following:

1. Opportunities for Early Voting Should Be Increased

Lawmakers should strengthen current language in SB 600 by mandating 14 days of early voting with 12 hours per-day. Many voters work long hours or multiple jobs during the traditional workweek. Furthermore, voting during the week is often impractical or impossible for them, while weekend early voting opens an opportunity for them to exercise their rights. To ensure all populations within Florida have an opportunity to vote early, two full weekends should be included as mandatory early voting days.

While the current language of SB 600 adds several new options for early voting locations with one extra location of a Supervisor of Elections' choosing, it falls short of providing Supervisors with the flexibility needed. Supervisors of Elections are in the best position to determine the feasibility of an early voting location. Their experience and expertise in conducting elections in their county gives them an unmatched ability to determine whether a proposed early voting location will be adequate to meet the demands of a high turnout election. Lawmakers should give supervisors of elections full flexibility to select early voting locations.

2. Remove the Witness Signature Requirement for Absentee Voters

As we have previously addressed to the Community Affairs committee, the current language of SB 600 does not adequately prevent fraud and could lead to legitimate votes going uncounted. The debate surrounding this bill has included testimony of the negative effect this legislation could have on military and overseas voters who would have no time to correct a defective ballot. When combined with the unclear language establishing the standard of review for these ballots, the likely negative ramifications outweigh any possible positive effect this requirement may have. As it does nothing to ensure the legitimacy of absentee ballots cast and stands to disenfranchise legitimate votes, we request that you remove this requirement from the bill.

3. Remove Recently Added Language That Would Limit Voter Assistance

Following uncorroborated testimony by one partisan individual, an amendment to Florida Statute §§ 97.061 and 101.051 was recently added to SB600 that would greatly restrict the ability of voters to receive assistance they may require at the polling place. The voters who require assistance due to blindness, disability, or the inability to read or write are protected through Section 208 of the Voting Rights Act, 42 U.S.C. § 1973aa-6, which specifically allows these voters to be given assistance by a person of their choice, other than their employer, agent of their employer, or officer or agent of their union. The current language of SB600 would violate Section 208 of the Voting Rights Act by requiring voters to know the person offering assistance prior to Election Day. As it is in clear violation of federal law, we ask you to remove this language.

Additionally, the current language would prohibit any citizen from assisting more than 10 voters in any election. This provision could have a profound affect on the ability of elderly and language minority voters to exercise their right to vote. This provision would prohibit those who work at assisted living facilities from assisting the entirety of their facility if there are more than 10 voters, or force them to choose which voters to assist and which requests for assistance they may legally be obligated to refuse. Language minority voters, including Florida's large Creole speaking population, are often unable to be assisted by election officials due to the lack of election workers who speak their language. By removing the ability of community groups to offer much needed assistance to these voters, SB600 could leave voters across the state with the inability to effectively cast a ballot, leading to delays and confusion.

4. Restore Registration Portability

Prior to the passage of HB 1355 in 2011, voters in Florida could update their address on Election Day by simply filling out a form and then proceed to vote a regular ballot. Due to the 2011 change in law, voters who move to a new county and need to update their address are now forced to vote by provisional ballot, which may or may not be counted. This makes little sense since voters are able to update their address on Election Day by email or telephone and vote a regular ballot. While the lack of current reporting standards have made it impossible to report the exact number of voters affected in 2012, we are aware of over 9,000 provisional ballots being cast for this reason. Provisional ballots delay both the voting and tabulation of votes. Shifting these voters back to regular ballots will cut down on lines and tabulation time and restore a process that worked well prior to 2011.

We thank you for your consideration of our concerns regarding SB600 and are available to discuss any questions you may have regarding our position.

Sincerely,

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