



14 April 2020

Hon. Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Dear Governor DeSantis,

RE: Provisional Support for FSE 7 April 2020 COVID-19-Related Requests for Executive Orders

Verified Voting writes to lend our provisional support to the Florida Supervisors of Election's (FSE's) 7 April 2020 letter (attached) requesting you order several provisions, **as soon as possible**, to assist FSE members to address the extraordinary conditions they face to conduct the remaining 2020 elections.

We thank FSE members, their staffs and volunteers, as well as you, your staff, and all those at the Department of State who must scramble, sometimes in hazardous conditions, to conduct elections on schedule during this unprecedented COVID-19 pandemic.

We support FSE's request that you make Supervisors "a priority for the acquisition of supplies like hand sanitizer and other resources to ensure in-person voting is in accordance with CDC and FDOH guidelines." Elections workers are indeed part of Essential Services, per EO-20-91 ESSENTIAL SERVICES LIST, making such prioritization both appropriate and essential.

It is also essential to fundamental American democracy to keep elections on schedule even during periods when it is extremely challenging to do so. There is a great body of precedent for that principle, perhaps most famously when President Lincoln refused to postpone the 1864 Presidential election in the midst of The Civil War, saying, *"We cannot have free government without elections; and if the rebellion could force us to forego, or postpone a national election, it might fairly claim to have already conquered and ruined us."*

With that principle in mind, we support FSE's request for greater flexibility at the county level. Our 67 counties have unique characteristics meaning, at this extraordinary time, one set of means and methods may not fit all, even while an equal opportunity to cast a ballot must remain the standard for all.

FSE requests you reference EO-19-262 and order similar remedies today in response to COVID-19, as you did then in response to the impacts of Hurricane Michael. We agree with one important caveat.

FSE requests at bullets one, two and three that you:

- “suspend applications of provisions of Section 101.657(1)(a) and (b), Florida Statutes, and allow each county Supervisor of Elections to designate additional or alternative Early Voting site locations.” and;
- “Allow counties the option of beginning Early Voting up to 22 days prior to the August and November 2020 elections, notwithstanding the provisions of Section 101.657(1)(d), Florida Statutes, and allow Early Voting to continue, at the chosen locations, through 7:00 p.m. on Election Day.”
- “concerning relocation or consolidation of polling places, suspend the provisions of sections 101.001 and 101. 71 (1), Florida Statutes, which require there to be one polling place in each precinct. This will allow the Supervisor the option to relocate or consolidate polling places with Early Voting sites.”

We respectfully request that in any order addressing the FSE’s concerns, you include explicit language effectively the same as that used in EO-19-262, namely: **“so as to provide all voters ... an equal opportunity to cast a ballot, insofar as is practicable”** and make that applicable to both state and county authority over elections, to preserve equal protection under the law. We submit that it is valuable to make clear and unequivocal, the preservation of the fundamental principle of equal protection even while providing temporary accommodations to address this extraordinary condition.

Thank you for your consideration and don’t hesitate to contact us if we can answer questions further to this letter of support for FSE’s requests.

Very truly yours,



Dan McCrea, Florida Director, Verified Voting



Marian K. Schneider, President, Verified Voting



FLORIDA SUPERVISORS OF ELECTIONS

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April 7, 2020

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Governor Ron DeSantis
Plaza Level 05, The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Recommendations Concerning Election Related Issues Caused by
COVID-19

Dear Governor DeSantis:

All 67 Florida counties successfully completed the March 17, 2020 Presidential Preference Primary. However, due to the COVID-19 situation and concerns of the public, Supervisors of Elections encountered significant challenges with polling places becoming unavailable, difficulty in acquiring hand sanitizer and other supplies, and substantial numbers of poll workers deciding not to work, many at the last minute.

In anticipation that these challenges will continue and likely will impact the August 2020 Primary Election and the November 2020 General Election, Florida's Supervisors of Elections request your assistance through the issuance of an Executive Order modifying current Florida statutory procedures. These changes would give each county the flexibility to best administer the election in their county, based on their specific needs. As counties are preparing and making staffing and logistics decisions now, the flexibility and authority provided **as soon as possible** would be of great benefit.

We anticipate a significant statewide shortage of poll workers for the 2020 elections. While we anticipate that some level of in-person voting will continue, we believe that based on our March 17, 2020 election, alternatives or additional voting methods must be available to counties. We must also advise you that Florida is not in a position, at this time, to conduct an all-mail ballot election this year. Supervisors of Elections must be made a priority for the acquisition of supplies like hand sanitizer and other resources to ensure in-person voting is in accordance with CDC and FDOH guidelines.

For these reasons, we respectfully request modifications to existing statutory provisions and allow or provide for the following:

- As provided in your Executive Order Number 19-262 (for Bay and Gulf Counties), suspend applications of provisions of Section 101.657(1)(a) and (b), Florida Statutes, and allow each county Supervisor of Elections to designate additional or alternative Early Voting site locations.

- Allow counties the option of beginning Early Voting up to 22 days prior to the August and November 2020 elections, notwithstanding the provisions of Section 101.657(1)(d), Florida Statutes, and allow Early Voting to continue, at the chosen locations, through 7:00 p.m. on Election Day.
- Consistent with Executive Order 19-262, concerning relocation or consolidation of polling places, suspend the provisions of sections 101.001 and 101.71(1), Florida Statutes, which require there to be one polling place in each precinct. This will allow the Supervisor the option to relocate or consolidate polling places with Early Voting sites.
- Suspend the provisions of section 101.62(4)(b), Florida Statutes and allow the county Supervisors to mail any requested Vote-By-Mail ballots between the 45th and 25th days before the Primary and General Election. Suspend the requirement that the Supervisor mail vote by mail ballots within 2 business days after receipt of a request and allow for 3 business days to mail.
- Allow counties to begin canvassing and tabulating Vote-By-Mail ballots upon completion of public test in section 101.5612(2), Florida Statutes.

While there may be additional changes necessary for the August and November elections, which will come to our attention and need your assistance, authorizing these provisions at this time will allow us to prepare for more efficient and safe elections. Thank you for your consideration. Please contact me for any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Tammy Jones". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Tammy Jones
President of Florida Supervisors of Elections

cc: Secretary of State Laurel Lee