



October 9, 2018

The Honorable Ken Detzner, Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

As Hurricane Michael threatens to strike Florida, we the undersigned organizations write to request that the Florida Department of State extend the voter registration deadline to October 16, 2018, so that every eligible voter has the opportunity to register without burden.

On October 8, 2018, Governor Rick Scott declared a state of emergency in preparation for Hurricane Michael, a Category 3 hurricane expected to hit Florida. In a press conference, Governor Scott stated that “Hurricane Michael is forecast to be the most destructive storm to hit the Florida Panhandle in decades.” In response to the threat posed by the hurricane, on October 8, 2018, your office issued Directive 2018-03, authorizing Supervisors of Elections whose offices are closed to accept paper voter registration forms when they reopen.

We respectfully request that you expand your directive extending the book closing deadline to cover the entire state of Florida, and to include the opportunity to register to vote online until that date. We further request that you extend the book closing deadline to October 16, 2018, consistent with the one-week extension ordered to address the impacts of Hurricane Matthew, which hit the state in 2016.

The effects of a Category 3 hurricane can be devastating to residents, communities, travelers, and public utilities. These effects impact the residents of the hurricane zone and other Floridians that may suffer a loss of services and serious travel delays. As residents attempt to flee from the storm, serious traffic problems are likely to affect anyone traveling to, from, or through the hurricane zone. Many residents are likely to be without electrical power. Other residents will be unable to contact public agencies and other service providers that are impacted by the hurricane.

Mandatory evacuations began across Florida yesterday, on October 8, 2018. Eligible voters who are displaced by the storm will be separated from documentation needed to register to vote.

On October 12, 2016, a federal court ordered the Department of State to extend the voter registration deadline, statewide, by one week. As Judge Walker noted in that case, extending the registration deadline “is about the right of aspiring eligible voters to register and to have their votes counted. Nothing could be more fundamental to our democracy.”<sup>1</sup> Further, Judge Walker wrote, the effects of a hurricane are “not circumscribed to one region of the state. It affect[s] jobs, families, and more across the state. It would be grossly inappropriate, for example, to hold that aspiring eligible voters in Jacksonville could register later than those in Pensacola.” Indeed, following a court order earlier this month, South Carolina’s registration deadline was extended statewide to October 17, 2018, to address the impacts of Hurricane Florence.

The impacts on voter access by refusing to extend the deadline today, across the State of Florida, in light of Hurricane Michael cannot be overstated. During the additional week the voter registration deadline was extended in Florida in 2016, 108,000 Floridians registered to vote across the state.

In addition to the impacts of Hurricane Michael, our organizations have received credible reports that Florida’s Online Voter Registration (“OVR”) system has been plagued by troubles in the final days before book closing, akin to what voters experienced in advance of the August primary voter registration deadline. Voters throughout Florida have been reporting since at least Monday, October 8, 2018 that they are receiving error messages when attempting to register to vote online.

Florida saw problems with the OVR system earlier this year, shortly before the book closing deadline for the August primary, when voters were unable to register due to an error in the coding of the site. As you are aware, OVR systems are frequently plagued by unanticipated problems when they are first adopted. In 2016, Virginia’s new OVR system crashed on the day of the registration deadline, [prompting a federal lawsuit and court-ordered extension of the deadline](#).<sup>2</sup>

Since last year, Access Democracy, one of the undersigned organizations, has made repeated public records requests for information pertaining to the security and stability of the OVR system. Your office has not granted these requests. And just last week, All Voting is Local and Access Democracy wrote a letter to the Secretary of State [warning that high traffic to the website](#)

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<sup>1</sup> *Florida Democratic Party v. Scott*, 215 F.Supp.3d 1250 (N.D. Fla 2016).

<sup>2</sup> [Federal lawsuit filed in Virginia”, Oct. 19, 2016, https://www.cnn.com/2016/10/19/politics/federal-lawsuit-filed-in-virginia-on-voter-registration-system-crash/index.html](https://www.cnn.com/2016/10/19/politics/federal-lawsuit-filed-in-virginia-on-voter-registration-system-crash/index.html)

[could burden voters](#)<sup>3</sup> and the state should consider extending the registration deadline should problems arise.

Because of the dual challenges facing voters due to Hurricane Michael and the problems with the OVR system, we respectfully request that your office immediately take the following steps:

- 1) Extend the book closing deadline to 11:59 p.m. on October 16, 2018 in all 67 Florida counties, permitting voters to submit registration applications online and on paper, including at Supervisors of Elections offices, driver license offices, all NVRA agencies, and any other site that offers voter registration services.
- 2) Extend the days and hours that your office's technical support hotline for voters remains open, to 11:59 p.m. on October 16, 2018, so that voters may obtain assistance with submitting a registration application or updating their registration online. Hotline operators should be available to answer questions from voters in both English and Spanish.
- 3) Provide Supervisors of Elections offices in the 35 counties under a state of emergency with additional resources -- including funding for temporary workers -- to process paper voter registration applications. This will ensure that voter registration lists are fully up-to-date in time for the start of early voting on October 22, 2018.
- 4) Communicate to voters through social media, television and radio public service announcements (PSA's), the press, and other channels about their right to register to vote until October 16, 2018 at any public office that offers voter registration services, including those that are not in their home county. This outreach should be conducted in English and in Spanish.

Florida's voters deserve to have their voices heard this election and they deserve a smooth registration process to ensure they can cast a ballot. As Hurricane Michael gains strength, residents must prioritize preparing for the storm. To ensure their safety and that they can be certain they have a voice on Election Day, it is imperative that your office give voters across the state more time to register to vote, no matter where they live, ensuring voters in all counties have fair and equitable access to the ballot.

Sincerely,

Access Democracy, A Project of The Leadership Conference Education Fund  
Advancement Project  
African American Ministers In Action  
American Civil Liberties Union  
ACLU of Florida

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<sup>3</sup> <https://allvotingislocal.org/wp-content/uploads/2018/10/FL-OVR-Letter-FINAL.pdf>

All Voting is Local - Florida  
American Constitution Society  
Asian Americans Advancing Justice - AAJC  
Campus Vote Project  
Color Of Change  
Common Cause  
Common Cause Florida  
Engage Florida  
Fair Elections Center  
Florida AFL-CIO  
Florida Immigrant Coalition  
Lawyers' Committee for Civil Rights Under Law  
NAACP Legal Defense and Educational Fund, Inc.  
New Florida Majority  
People For the American Way Foundation  
Rock the Vote  
Service Employees International Union (SEIU)  
United Church of Christ, Justice and Witness Ministries

cc: Mr. Paul Lux, President, Florida State Association of Supervisors of Elections  
Ms. Maria Matthews, Division Director, Elections, Florida Department of State  
Mr. Brad McVay, Interim General Counsel, Florida Department of State